



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 8, 2014**

Roll Call: Scott Pelot
Dennis McGlone-Excused
Danny Grether
Dennis Pierson
Paul Tousley
Charlotte Whipkey
Rick Rodgers

Also Present:
Mayor Mike Zita
Valerie Wax Carr
Ron Messner
Justin Markey
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Monday, September 8, 2014 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick Rodgers, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mr. Pelot commented about the recent newspaper article a week or so back about road salt prices going through the roof this year. Our current supply at our salt dome is about two thirds of the way full for this year and we already have contracts in place for next year. Next year we will be hit with about a 22% price increase. This is one of the largest expenditures for the Service Department, other than road repairs. Right now we are paying about \$50.00 per ton for road salt, and we generally use about 5,000 tons each year. \$250,000.00 in salt alone is quite a bit to be dumping onto our roads. Mr. Pelot mentioned that he has been in discussions with Mrs. Carr as far as other avenues we should be looking at, like adding calcium brining or something along that line.

Mr. Rodgers acknowledged the August Budget reports were received. Mr. Rodgers wished Mr. Messner a very Happy Birthday.

Mr. Rodgers stated we are still waiting for the design work details on the sewers and are still in talks with other entities to determine who will be the provider of that service, adding that this is still a work in progress.

COMMUNICATIONS FROM THE PUBLIC:

No one had signed in to speak this evening.

CONSIDERATION OF THE MINUTES:

Minutes of the Committee Work Session of August 18, 2014-Deferred to September 22, 2014
Minutes of the Regular Council meeting of August 25, 2014-Deferred to September 22, 2014
Minutes of the Committee Work Session of September 2, 2014-Deferred to September 22, 2014

Mr. Rodgers offered an amendment to Ord. #77-2014 and asked the Clerk to read the amendment. Mrs. Richards stated the amendment under Section 2 last sentence after Exhibit A will now state: *provided that the Administrative Officer shall not execute and deliver the agreement until the City of Barberton and the Township of Copley have approved and provided funding for the Agreement.* Mr. Rodgers moved to amend Ord. #77-2014, seconded by Ms. Whipkey. Mr. Rodgers stated the reason is at this time Barberton & Copley have not yet committed however intend to do so. Mr. Rodgers wants to pass our legislation tonight to get this moving and off of our books. Mr. Rodgers indicated that Barberton and Copley intend to get on board with us and he would like to pass our legislation this evening. Mrs. Carr stated both communities have indicated they intend to sign a letter of intent and is more of a budget issue for 2015 for all the communities. Mrs. Carr noted we have also had discussions with the Army Corp. of Engineers, and this is something reimbursable if we go for grant funding so there is a possibility we will all get our money back.

Roll Call: Yeas: Rodgers, Whipkey, Pelot, Grether, Pierson, Tousley
Nays: None

Motion passed 6-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

There were no reports.

INTRODUCTION OF NEW LEGISLATION:

RES #87-2014

Mr. Tousley offered Res. #87-2014 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF LISA MERRICK FOR HER SERVICE AS A REPRESENTATIVE OF THE CITY OF NORTON PARKS AND CEMETERY BOARD, AND DECLARING AN EMERGENCY.

First reading only.

RES #88-2014

Mr. Tousley offered Res #88-2014 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF PAM DIXON FOR HER SERVICE AS A REPRESENTATIVE OF THE CITY OF NORTON PARKS AND CEMETERY BOARD, AND DECLARING AN EMERGENCY.

First reading only.

RES #89-2014

Mr. Tousley offered Res. #89-2014 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF TRACY RANIER TO AN UNEXPIRED THREE-YEAR TERM AS A REPRESENTATIVE ON THE CITY OF

NORTON PARKS AND CEMETERY BOARD, AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive the second and third readings, seconded by Ms. Whipkey.

Roll Call: Yeas: Tousley, Whipkey, Pelot, Grether, Pierson, Rodgers
Nays: None

Motion passed 6-0.

Mr. Tousley moved to adopt Res. #89-2014, seconded by Ms. Whipkey.

Roll Call: Yeas: Tousley, Whipkey, Pelot, Grether, Pierson, Rodgers
Nays: None

Motion passed 6-0.

RES #90-2014

Mr. Tousley offered Res. #90-2014 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF ADA WALTZ TO AN UNEXPIRED THREE-YEAR TERM AS A REPRESENTATIVE ON THE CITY OF NORTON PARKS AND CEMETERY BOARD, AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive the second and third readings, seconded by Ms. Whipkey.

Roll Call: Yeas: Tousley, Whipkey, Pelot, Grether, Pierson, Rodgers
Nays: None

Motion passed 6-0.

Mr. Tousley moved to adopt Res. #90-2014, seconded by Ms. Whipkey.

Roll Call: Yeas: Tousley, Whipkey, Pelot, Grether, Pierson, Rodgers
Nays: None

Motion passed 6-0.

ORD #91-2014

Mr. Grether offered Ord. #91-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO EXTEND THE MORATORIUM ON THE ENFORCEMENT OF SECTION 1296.0 7(A) OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON UNTIL DECEMBER 31, 2014, AND DECLARING AN EMERGENCY.

First reading only.

PUBLIC HEARINGS

At 7:15 PM Mr. Rodgers temporarily adjourned the Regular Council meeting and convened the Public Hearings for the following:

ORD #79-2014 An ordinance to add Chapter 1296.21 to the Codified Ordinances of the City of Norton, Ohio, and declaring an emergency.

ORD #81-2014 An ordinance rezoning certain property owned by the Summit Metro Parks from various zoning classifications to a Public Recreation District.

ORD #82-2014 An ordinance rezoning property located at 1872 Wadsworth Road from an I-1 district to a B-3 district.

ORD #83-2014 An ordinance permitting a Special Planned Development for property located at 3744 Wadsworth Road.

Mr. Rodgers called for anyone in favor of the applications to come forward and state the Ordinance they are addressing. Mr. Leonard Panyanzski-Agent for the rezoning for Ord. #82-2014 for a used car dealership. Mr. Panyanzski stated his step-father owns the property. At the beginning there will be 3-5 cars on the lot at a time. He will be the sole employee at the beginning and all vehicles will be contained on the lot and nothing in the roadway and is not in conflict with any other car businesses. In fact this could generate some business for the auto repair businesses in that area. Ms. Whipkey asked if the lot is paved and Mr. Panyanzski replied it is currently gravel for now it's required that 3600 square feet be gravel. Ms. Whipkey asked if he plans on having the lot paved and Mr. Panyanzski stated he will see how the business goes.

Mr. Mark Zimmerman-Park Planner of Summit County Metro Parks, was present for any questions. Mr. Jim Lino stated he only saw one article in the paper about this and he did not understand why it needs special zoning; he wanted clarification as to what the plan was for it such as environment, wildlife, or if it was to be developed. His only objection was if it impacted the wildlife or those living near there. Mr. Rodgers stated this property is newly purchased by the Metro Parks and is not properly zoned as park land. Mr. Zimmerman stated we own over 900 acres and it is zoned under all different types of zoning and we want to get it all under the same zoning according to the City of Norton zoning codes. Mr. Zimmerman added they planned on keeping it public recreation and in its natural state. Ms. Whipkey suggested this could also protect the park from any future changes. Mr. Zimmerman noted if we were to sell this the new owner would have to rezone it. Mr. Grether noted that this request is to properly rezone all of the land owned by Metro Parks, not just the recent purchase of land.

Mr. Brian Messner, 3744 Wadsworth Road, Agent for the Creekside Animal Clinic, spoke about Ord. #83-2014. Mr. Messner stated they have a need to bring in a kennel and they hope to bring in 10-15 more employees in order to do so. Mr. Pelot asked if this is like a standard boarding kennel and Mr. Messner replied yes, mostly for our clients and it will open up to everyone eventually.

Mr. Messner stated it's an indoor kennel and the dogs would be exercised on the outside property near the expressway side, not near the residential area and none would be left out overnight. Mr. Tousley asked about the capacity and Mr. Messner noted possibly 65-70 total animals.

Mr. Jack Gainer discussed the Metro Parks rezoning and stated he was curious to the amount of land they purchased and the tax amount that has now been eliminated since the Metro Parks will not be paying taxes on it. Mr. Gainer stated he would be against this if this would be taking away any of the taxes owed to the community. Mr. Pierson asked about the 900 acres being rezoned and in the development stages, would they still have to comply with our codes? Mr. Markey stated that going forward any new owner would need to comply and right now it could be non-conforming in some areas. Mr. Neil Hess-Summit County Metro Parks, addressed the tax issue adding that he could provide a copy of a recent report indicating the impact on Summit County, not specifically Norton. He felt looking at lost income tax revenue does not tell the full story and there are a lot of ancillary benefits such as tourism, etc. Mr. Grether clarified with Mr. Hess that the Metro Parks currently owns all of the property in question and the tax benefits were irrelevant tonight regardless of the re-zoning, and Mr. Hess concurred.

Mr. Rodgers called three (3) times for anyone opposed to any of the rezoning requests to come forward, no one came forward. Mr. Rodgers closed the Public Hearings at 7:28 and reconvened the Regular Council Meeting into session.

Mr. Rodgers allowed Mayor Zita to take a moment to swear the new Parks and Cemetery Board Members-Mrs. Ranier and Mrs. Waltz into office.

INTRODUCTION OF PRIOR LEGISLATION:

ORD #81-2014

Mr. Grether offered Ord. #81-2014 for its second reading and asked the Clerk to read it:

AN ORDINANCE REZONING CERTAIN PROPERTY OWNED BY THE SUMMIT METRO PARKS FROM VARIOUS ZONING CLASSIFICATIONS TO A PUBLIC RECREATION DISTRICT.

Second reading only.

ORD #82-2014

Mr. Grether offered Ord. #82-2014 for its second reading and asked the Clerk to read it:

AN ORDINANCE REZONING PROPERTY LOCATED AT 1872 WADSWORTH ROAD FROM AN I-1 DISTRICT TO A B-3 DISTRICT.

Second reading only. Ms. Whipkey had questions on this legislation and seems to be some conflict due to our codes. Ms. Whipkey asked if there are any changes to the codes we need to make to this as we have other code that specifically says used car lots are prohibited? Ms. Whipkey pointed out 1296.12. Mr. Grether stated 1298.02 is the conditional use zoning and the Used Car Lots does fall into the proper code.

Mr. Markey stated without looking into the codes he cannot truly address this on the floor. Ms. Whipkey stated 1278.02(g) also states used car lots are not permitted and she is wondering if some changes need to be addressed in the Code.

ORD #83-2014

Mr. Grether offered Ord. #83-2014 for its second reading and asked the Clerk to read it:

AN ORDINANCE PERMITTING A SPECIAL PLANNED DEVELOPMENT FOR PROPERTY LOCATED AT 3744 WADSWORTH ROAD.

Second reading only.

ORD #79-2014

Mr. Grether offered Ord. #79-2014 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO ADD CHAPTER 1296.21 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Grether moved to adopt Ord. #79-2014, seconded by Mr. Pierson. Mr. Grether stated this is for the portable storage units, which was brought to Council by Mr. Pierson via a resident's complaint. Ms. Whipkey stated we have several ordinances before us like the one for the campers and here we are creating another piece of legislation that we would have to enforce basically because of a neighborhood dispute again; she did not believe we should be making laws to fall under these types of things and she cannot support this.

Roll Call: Yeas: Grether, Pierson,
Nays: Pelot, Tousley, Whipkey, Rodgers.

Motion failed 2-4.

AMENDED ORD #77-2014

Mr. Rodgers offered Amended Ord. #77-2014 for its fourth reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH ENVIRONMENTAL DESIGN GROUP FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE PROPOSED RESTORATION OF WETLANDS ALONG WOLF CREEK AND PIGEON CREEK, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to adopt Amended Ord. #77-2014, seconded by Mr. Pelot. Mr. Tousley clarified that we are under the understanding these other communities are going to commit and we will be sharing the costs three (3) ways.

Roll Call: Yeas: Rodgers, Pelot, Grether, Pierson, Tousley, Whipkey
Nays: None

Motion passed 6-0.

UNFINISHED BUSINESS:

Ms. Whipkey asked Mayor Zita about the status of the Watershed District? Mayor Zita stated he was talking with Mayor Judge last week and there are meetings coming up in the next several weeks and there should be some information coming forward. Ms. Whipkey asked if the city Councils and Trustees would be involved and Mayor Zita replied yes. Mr. Rodgers discussed the recent article in the Norton Post where the Mayor was interviewed and there may be some confusion in the article. Mr. Rodgers explained that some people are confusing our actions with Barberton and Copley relating to the Little Farms and the activity of the bigger Watershed Conservancy District. Mr. Rodgers stated that as far as the Watershed Conservancy District there is no action on this yet. However to address the more immediate flooding needs for the residents on Wadsworth and Barber Roads, we are working on a plan with Barberton and Copley. We are also working with the Army Corp. of Engineer's, and the EPA on this project. We do hope to have a plan completed before the end of this year, and we will continue to work on that project. Mayor Zita stated as far as the Army Corp. we met as late as last week on that project.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita announced several,-Trick or Treat for October 25th from 5-7 PM, (see attached) and we are also working in coordination with the City of Barberton, the 2014 Southern Summit Citizens Police Academy and first class is this coming Thursday. Re-Works document shredding at the Barberton Sports Complex on September 13 from 9 AM till noon. Project Learn of Summit County is offering free English Classes, Norton Boy Scout Troop #-132 Pancake Breakfast-Cider Festival on Saturday, October 4, 2014 from 7 AM to Noon at the Norton Primary, The Kiwanis Rose Day-Saturday October 22, 2014-order deadline is October 14, 2014. The 26th Annual Norton Cider Festival is October 3-5, 2014. Friday 5:00 PM - 10:00 PM; Saturday 11:00 AM - 10:00 PM, and Sunday 12:00 PM - 6:00 PM. The Good Deeds Program with Judge McKenney is this Tuesday and Wednesday at the Community Center from 4-10 PM to review their property deeds.

PUBLIC UPDATES:

None

NEW BUSINESS:

At 7:47 PM, Mr. Rodgers moved to temporarily adjourn the Regular Council Meeting to convene into Executive Session to consider the employment of a public employee as defined under ORC 121.22(G) (1) and Section 3.12 of the City Charter, seconded by Mr. Tousley.

Mr. Rodgers invited Mayor Zita, Mr. Markey, and Mrs. Carr. Mr. Rodgers noted there would be no legislative action resulting from this meeting and Council would return to adjourn the Regular Council Meeting.

Roll Call: Yeas: Rodgers, Tousley, Pelot, Grether, Pierson, Whipkey.
Nays: None

Motion passed 6-0.

At 7:47 PM, Council adjourned from Executive Session and reconvened the Regular Council meeting.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 9:28 PM.

Rick Rodgers, 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, 2014.

Karla Richards, CMC-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.