



**NORTON CITY COUNCIL
COMMITTEE WORK SESSION
MONDAY, OCTOBER 18, 2021**

The Committee Work Session was convened on Monday, October 18, 2021 at 7:04 PM by Dennis McGlone, President of Council, followed by the Pledge of Allegiance and a moment of silent reflection.

ROLL CALL: Jack Gainer
Dan Karant (excused)
Paul Tousley
Scott Pelot
Charlotte Whipkey
Joe Kernan
Dennis McGlone

Also Present:
Kerry Macomber

Before the meeting actually commenced with the agenda Mr. Pelot inquired if the camera could be adjusted as Ms. Whipkey was not viewable and Ms. Macomber said it was preset and could not adjust the view. The IT Company that set it up would have to make adjustments.

COMMUNICATIONS FROM THE PUBLIC

1. Tanya Vanderveen, 3004 Union St, Norton OH 44203 – Ms. Vanderveen stated that she has been before Council many times regarding the property behind hers and tonight she began by thanking Mr. Tousley for being instrumental in conversations with Mr. Fowler. As a result, she is glad some of the neighboring area will be considered for a conservancy area. She asked Council to not approve the third reading on the rezoning request for KDA property to become I-1. She stated they have not been good neighbors. Mr. Kernan stated he had spoken with Mr. Fowler and we are looking at making a conservancy behind her house along Union Street. We are looking at what that will be and it will happen.
2. Cathleen Antonucci, 3681 Easton Rd, Norton OH 44203 – Ms. Antonucci discussed the sewer project at her home. She has contracted ABC Drain to hook into the City utility and has been in contact with Mr. Karant, Ward 3 Councilman. She did not realize the total expense of the project and since learned it was \$13,500 to hook up. She had her yard all dug up, learned she needed a grinder pump installed and there was a \$1630 fee to Barberton that she was not aware of. She does not have that kind of money to pay up front and it would cost her almost a total of \$40,000. She would like that it be assessed to her property taxes. She indicated the work started in June and that ABC Drain is waiting on Norton to give permission to go under Easton Road. She asked if there was some kind of program she could apply for. Ms. Antonucci stated she knew her septic was going bad as she could smell it and see it so decided to do the right thing and now she thinks she did the wrong thing. Mr. Kernan asked her to talk with him after the meeting. Ms. Whipkey asked if she has contacted Summit County Health Department and she replied in the negative, but she had talked to Barberton about two years ago. She is all by herself and doesn't understand all this. Judith Lynn Lee (2327 Creekside Dr) asked Council if there was funding available to

assist Ms. Antonucci. Ms. Whipkey said if the County had failed her septic system, she would have possibly qualified for some help. She also stated that the company servicing her system should have filed a report with the County. Mr. Pelot asked Ms. Antonucci to stick around and they could probably figure something out. Mr. Gainer asked about the house in front of hers belonging to Carl Cox. Ms. Antonucci offered he had been interested in it also and now he is thinking of just doing his septic. Mr. Pelot stated he didn't think they would give him a permit for it.

3. Leah Swanson, 2956 Ries Street, Norton OH 44203 – Ms. Swanson said that KDA was built close to her home shortly after she purchased it five years ago. She was not notified. Due to health issues, she keeps to herself. Now, she reports, they are being considered for industrial and she does not want that. She has asthma and COPD so is concerned it will be detrimental to her health as she had been getting worse in the last year. Their area is a mess and she does not want things leaking into her well. She does not want her health to get worse. The children play in the park next to that area and the church and houses are near it. She wants it to stay residential, family friendly, and clean. She encouraged Council to look at the facility and the messy area. She noted she has worked for many large companies and they could not get away with this. She asked Council to deny this request for industrial zoning. Mr. Pelot noted that she may not have been notified of KDA being built because it was happening about the same time she was moving to Norton. He also noted that the EPA and OSHA are the governing bodies on matters of safety and environmental concerns.
4. Robert Stewart, 3001 Ries Street, Norton OH 44203 – Mr. Stewart addressed Council on the concerns that he expressed last week regarding KDA. He said that he has spoken with Mr. Braman, the Zoning Inspector, who visited the KDA site with him. Mr. Stewart said Mr. Braman indicated his hands are tied and he can't do anything. Mr. Stewart wondered why Mr. Braman could do nothing and indicated if his grass was as tall as KDA's, he would be getting a notice or violation. Mr. Stewart reported that after he spoke at last Monday's meeting, on Tuesday the owner of KDA came to his house and verbally confronted his 18-year old son using vulgar language. Mr. Stewart stated it was funny because if you watched the online video of last week's meeting you cannot hear much of what he had stated, but he knew what he had said. Mr. Stewart indicated that his statements were not published so it came from him talking to Council. Mr. Stewart reported that by Wednesday a tree line had been removed and a temporary office building up on blocks is visible from his house. On Thursday more trees are gone. All the other factories have fences and landscaping; they look nice, but not KDA. He told Ms. Whipkey that he will be able to get the fire report that she inquired about at the last meeting. He asked if KDA is building an office building then why does it have to be rezoned Industrial. That does affect the residents in the long run. The industrial zoning may decrease his property value. He believes Norton needs a strong industrial/commercial tax base, but they have to respect us. This man has not done what he was supposed to do for Norton, let alone what he should do for the neighbors. Mr. Tousley noted that he has questioned this, as well since it came up and at this point he could not support it. Mr. Kernan said if it is just an office building, it should not be industrial; he did not understand why it needed rezoned to industrial. Property should be zoned as the most restrictive so we don't lose control and they can do whatever they want to with the property going industrial. We have to give that a lot of thought. Mr. Kernan stated that last week he asked Administration about time limits for reviewing this proposed rezoning and if after 30 days of no action by council, would it be approved by default. He doesn't know if this is

one of them and is waiting for that answer. . McGlone said he would contact Administration to get the answer. Mr. Kernan went on to say that right now he doesn't see a reason for this to go industrial and this is an issue that has come up since Clinton Aluminum was going in. I and Ms. Vanderveen talked about this when I was out to her house about KDA not being the best neighbor. I am always happy for business and industrial development as Mr. Stewart said we need that, but they also need to be good neighbors and Mr. Pelot agreed. What they are doing or not doing on the property has nothing to do with the decision as to whether or not the property should be rezoned; let me separate those two things. The deal is whether they need industrial zoning to put offices in. Until someone tells me a reason why this needs to be industrial, there is no reason for it to be industrial. Mr. Pelot asked as a follow up to being industrial, if they are not being good neighbors, what is that they are not doing to correct the problem and what do we need to do to get it fixed? Ms. Vanderveen (3004 Union St) asked if there is a site plan for the proposed building, could it be put on the website so that people can see the plans. Mr. Kernan stated they applied for rezoning and Council does not have a site plan; he is guessing the trailer is likely on blocks and does not require a plan. Ms. Vanderveen reported that when KDA tied into the sewer behind her house, they left the property in a big mess. Ms. Whipkey said the application stated the rezoning was to increase the size and possible use of the property...how does 2.5 acres that does not seem to abut any of their property is supposed to be for an office building ~~on it~~ fit into that scenario? We need to turn this down until the CRA criteria has indeed been met and the allegations of polluting and buffer zones are reconciled. We need to be taking a hard look at this company. They had come to us back in 2015 and we gave them a 50% reduction on their taxes for bringing I believe 25 employees in and making so much money. I know and I believe it was 2018 that the City was having difficulty getting in contact with them to find out anything. I had stated last week that I wanted to see the reviews on this company to see if they have met the criteria for maintaining their 50% tax abatement. They've supposedly been up and running since March 2016 and I have seen one report. That report has 2017 crossed out with 2018 written in and is dated February 11, 2019. It is not particularly official looking as it is not signed and the signature line is marked On File. They were supposed to have met their criteria in 2018 as is my understanding, but I'm not seeing that and definitely not in the following years has anything been offered. Since this company started out with a CRA on 21 acres, would that mean it would still be getting a 50% abatement on that property regardless of how many buildings he puts up on it...and how would that relate to his meeting the criteria of 25 employees? Now we are hearing all the complaints from the residents; it seems this business has gone out of his way to aggravate his neighbors. I would really like to hear from the Administration on any type of time frame that may allow this to pass without any approval by us and then we need to take a good, hard look at everything else they've been offered and obviously taken advantage of while not upholding their end of the bargain. Mr. Kernan stated he didn't think the time period applied to rezoning, but wanted to be sure.

5. Connie Dean, 3953 Easton Road, Norton OH 44203 – Ms. Dean approached Council regarding proposed Ord. Nos. 97-2021 and 98-2021. She felt that most of Council was all for and noted that these ordinances will be discussed and voted on next week. This will set precedence for all future projects. She asked why you are avoiding this as an assessment. She stated this is not a good idea to put it on a utility for 10 years and 120 payments if by choice or 20 years and 240 payments if forced. If you are not putting it on the taxes, the home owner is losing that benefit and you don't have to be a tax attorney to know that.

When I do my taxes I use my property taxes and mortgage payments. I've done lending mortgages for 25 years and Mr. McGlone you're a realtor. This is a big financial expense for many people and when you go to sell your house, I've never had anyone say I want to negotiate the price because you have an assessment on your property; however if you have a sewer/water line there and go to sell, you have to disclose if the city utility is there. If the septic fails they are looking at say \$15,000 and an additional \$500 every year for possibly a total of \$20,000 or more. If you were selling me your house, I would be renegotiating what I am giving for it. So before you pass this, you have to think about the benefit to the residents and put them first as this will not be a good thing. I would like to know who thought of that. She asked what other city is doing this on utilities as she has talked to many others from other cities including a mayor, members of Council and hasn't found anyone yet that is putting it on utilities. Ms. Dean asked about the Memorandum of Understanding (MOU) with Barberton and the 50% surcharge; who does that apply to specifically. This will be a huge hit. Mr. Tousley stated he believed Ms. Dean had some good points to be considered and after looking over the ordinances, particularly 98, he wants to make sure we are differentiating between mandated and petition-driven projects. A mandated project is 100% different from a petitioned project. Ms. Whipkey stated we are talking about three different types of projects: EPA mandated is Nash Heights; petition-driven project in Loyal Oak was initiated by a business; and a City driven project as is Cleveland-Massillon Road. Ms. Whipkey stated she has been against this from the beginning. She understands what they say about the difference in the money value, but we paid one price for it. She said the \$500 will be captured by the interest charge when they do tie-in. There are a lot of water lines going in along Johnson, Hametown and we are going under Rt. 21. She asked what happens when people's utility bills go up and some are living on a limited income and they cannot pay it so it gets put on as a lien against their property. They will end up paying for the tie in charges, the interest and most likely with the administrative fee added to it also. Is the County going to add an administrative fee also? Then what about Barberton? I have yet to get an answer on whether Barberton is going to be charging something, too. Even though she has friends there, she doesn't see Barberton doing it for nothing out of the kindness of their hearts and they are the ones that will benefit from getting the additional customers as those lines belong to them. I think we are rushing into this and I would like to have definitive answers. She agreed with Ms. Dean and wanted to know who came up with this concept and she will continue saying no. Mr. Tousley stated not to refute anything Ms. Whipkey said but wanted it noted that nobody is required to tie-into water projects. Ms. Whipkey responded that is true, but they will still be seeing the \$500 increase and Mr. Tousley agreed. Ms. Whipkey added no mandated water hookups for today, but we don't know what could happen in the future. Ms. Dean asked about what the interest rate will be. Mr. Pelot responded it will be around 3% depending on the timing and the total project cost; this is separate from the 3% administrative fee. The interest is whatever the City has to pay and tied to the project cost. Mr. Pelot requested Administration be live at next week's meeting.

COMMITTEE OF THE WHOLE

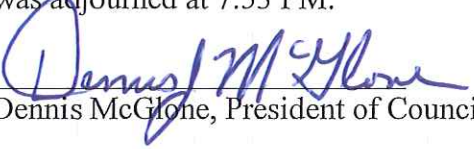
TOPICS FOR NEXT WORK SESSION – Monday, November 1, 2021

- A. Proposed Ord. Nos. 97-2021 and 98-2021;
- B. Assessments/tie-in benefits for Brookside – Ms. Whipkey asked about the Brookside water and sewer lines. She has asked several times about this and has heard nothing. She noted

- that one home is almost completely built and asked when the 2-years begins. She asked who came up with the idea that we give 10 years of the TIF money to the developer.
- C. Parks Master Plan; --Ms. Whipkey would like an update on this since there was a presentation at Finney's on it.
 - D. Nick's/Wolf Creek – Ms. Whipkey would like to see some movement on this as it's been at least three years now that we've been working on this and we still have the same problems.
 - E. Water Issues in neighborhoods –Ms. Whipkey stated that Mr. Gainer has asked continuously on this and we need to see something on the retention ponds or other ideas that have been brought forth.
 - F. Loyal Oak and Lehner's assessment – Nothing more has been said about this.

ADJOURN:

There being no other business to come before the Committee Work Session, the meeting was adjourned at 7:53 PM.


Dennis McGlone, 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 November 8, 2021.


Kerry Macomber, Clerk of Council

****Note: these minutes are not verbatim****
Original signed and approved minutes are on file with Clerk of Council.

