

City of
NORTON

**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 23, 2023**

The Regular Council Meeting was convened on Monday, October 23, 2023 at 7:00 p.m. by Paul Tousley, President of Council. The Pledge of Allegiance was recited followed by a moment of silent reflection.

ROLL CALL

Jamie Lukens
Don Harbert
Joe Kernan
Scott Pelot
Charlotte Whipkey
Doug DeHarpert (excused)
Paul Tousley

Also Present:
Mayor Zita
Philip Turske
Pamela Keener
Justin Markey
Kerry Macomber

COMMUNICATIONS FROM THE PUBLIC

State Representative Bill Roemer (31st District) – State Representative Roemer recognized Morgan Hallett, a Norton High School Senior, as a four-time State Discus Championship. She has also won two Shotput State Championships. He presented her with a Resolution that was voted on and approved by the Ohio House of Representatives, signed by Representative Roemer, the Speaker and the Secretary of the House. Mayor Zita also presented Ms. Hallett a Proclamation from the City of Norton. Mr. Lukens said that he was also involved in Field and Track and noted that she has accomplished so much and they will be keeping track of her career. Her talent and academics are impressive and he said the City is all proud of her and wishing her luck in college and beyond.

Gary Foster, 3623 White Oak Dr, Norton – Mr. Foster said he backs up to the new development that is being proposed. He noted that the Planning Commission approved the preliminary site plan on October 10, 2023 and asked if this preliminary site plan before Council will have the three readings and if the final site plan will then go before the Planning Commission and Council. Mr. Tousley said that it will go through three readings. Mr. Markey said because it is zoned correctly, the site plan will not be approved by Council but a final plat will be approved by Council and further explained that the Planning Commission has the ability to approve the site plan, which is the detailed drawings, but not the final under our zoning and the final plat is the layout of the lots and the roads and it will be approved by Council. Mr. Foster said one of his concerns is the storm water drainage because the lot behind him is higher than his property. When homes are built and basements dug the grade usually goes up slightly. In his area, all the houses have gutters and downspouts that get piped out to the street and catch basins. He wants to know how the storm water will be contained and not added to his property. He wants to know if the water will be piped out to the city streets and then to the catch basins. He is concerned about the size of the ponds because they appear to be small. He is worried about potential flooding and if the ponds will add to it. He asked if the new development will need a lift station for the sewage and if so, where will it be located and what protections will be in place to protect his

property. He is unsure as to if the sewage is a Barberton problem or not. His last concern is the connection of Cynwood because the drawing shows it will be a public road and asked if there will be parking allowed on Cynwood. He questioned if there is enough room for firetrucks and safety equipment to turn around in a 60-foot radius.

COMMITTEE OF THE WHOLE

Planning Commission Resolution SPR 8-2023 – Ms. Whipkey explained this is the Hahn Development at the property located at 3727 Cleveland-Massillon Road. There is no emergency language and it will go through three readings. There are 20 single-family homes ranging from 1800 to 2400 square feet. The sale price will start at \$425,000. Ms. Whipkey asked about the confusion of how Council is reviewing this now and not earlier. She questioned the site plans and the plats and said we should have had this earlier. She said that the sidewalk issue had come up at the Planning Commission and she is wondering if it was decided if they would be put in at site development or upon ownership of the homes.

Keenan Hahn, 4482 Swan Lake Dr, Copley and William Liber, 2386 Ratford St NW, North Canton OH – Mr. Hahn said that nothing has been decided on the sidewalks, but they are happy to put in them in on at least one side of the road. Usually the way it happens is anywhere that wouldn't end up being owned by an individual homeowner we will put in when we put in the road and all the improvements. For individual lots, they will put in the sidewalks when they put the driveway in; otherwise the heavy equipment will break it up. Ms. Whipkey said the confusion between the plat or site plan should be answered by the Administration or attorney. She asked about lawn care and snow removal as she had discussed it with them. Mr. Hahn said in this proposal, the road is a public road and in order to keep the HOA fee as low as possible they dropped it. He is open to looking into it, especially with the demographics there it would be a good thing to offer, but he feels with only 20 homes they won't be receiving a large discount over an individual home owner. Ms. Whipkey stated she had been asked several times by residents interested in the site. Mr. Hahn acknowledged that her idea of combining developments and/or the commercial property could get a better rate for homeowners so there was more to explore there. Mr. Hahn addressed the storm water ponds and stated they are just conceptual at this point. The City Engineer will review for a 100-year storm and make sure the pond is large enough. The home gutters will drain directly into the storm sewer underground and into the pond. There will not be a lift station in the neighborhood. Half of the homes on the west side will have their own sewer pump system and that will pump up to the gravity system. He does not anticipate the system backing up or failing. The turning radius for the cul-de-sac is a standard of 60' as he understood and the City Engineer will verify. Mr. Hahn said the parking will be the same for all of Cynwood and White Oak as determined by City ordinances. Ms. Whipkey asked if there are basements and Mr. Hahn answered affirmatively that for now the plan was for full basements in all of them and some would have walk out basements. Mr. Lukens said this is in his ward and neighborhood. It is important to many of the residents. He said residents are concerned about keeping trees and water runoff issues. Mr. Lukens asked if there is the possibility of having an access road during construction to keep residents and children safe. He asked if a temporary road could be possible. Mr. Hahn said it could be possible for some of it, but an access road would have to be significant because of the large trucks and the wetlands could be troublesome. Mr. Pelot asked about timeline to break ground and Mr. Hahn said next summer.

Mr. Liber read a statement regarding the background of their development plan that they are calling Willow Run (copy attached herewith). In summary, Willow Run will be a community of excellent quality, visually appealing and attuned to the natural environment. They want to create and maintain a natural buffer of evergreens and dedicating a minimum of 2.5 acres of forest between the new homes and existing properties. The site plans include two storm water ponds with fountains to address longstanding drainage issues and proactively mitigate future concerns. The establishment of the HOA will be responsible for property maintenance of the storm water ponds and the common areas. They believe the project will enhance the City of Norton and stand as a testimony of their dedication to the community's needs and environmental sustainability. Mr. Hahn added their goal was to make the neighborhood a somewhat hidden gem within the City. Mr. Hahn asked Mr. Markey if the preliminary site plan needs to be voted on and approved. Mr. Markey said this is the preliminary plat that is to be approved by Council and the next step is detailed drawings, detailed engineering, and all of the things required under the code that will be approved by the engineer, Fire Department and all of the related parties. Once the detailed drawings are done, it will go before the Planning Commission. Council will get a final plat once the preliminary stage is done. Mr. Markey acknowledged there was confusion between preliminary site plan versus preliminary site plat and will send out an email to Council explaining that R3 Zoning does not require a site plan review approval by Council. Mr. Tousley referenced Mr. Foster's question regarding whether the plan will come back before Council and said that it would and the process usually takes six weeks. Ms. Whipkey asked if we had six weeks and Mr. Tousley confirmed with Mr. Markey that the deadline for Council to approve is December 15, 2023. Mr. Tousley noted that Council's last meeting is December 11, 2023 and that will allow for the required readings.

Ms. Whipkey moved to add Ord. No. 62-2023 to tonight's agenda for a first reading; seconded by Mr. Lukens. Ms. Whipkey asked if we need to explain the difference in the language of the ordinance and Mr. Tousley explained that the wording of the ordinance reads that Council is approving a plat and the Planning Commission Resolution reads the approval of a preliminary site plan, which was an oversight. Mr. Tousley said the Planning Commission will address that tomorrow at the Planning Commission meeting.

Roll Call: Yes: Whipkey, Lukens, Harbert, Kernan, Pelot, Tousley
No: None

Motion passed: 6 - 0

CONSIDERATION OF MINUTES

Minutes of Regular Council Meeting of October 16, 2023 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita announced that the base paving material is in place for Kungle Road Bridge and the paving, guard rail and striping will be coming along soon.

PUBLIC HEARING: None

INTRODUCTION OF NEW LEGISLATION

Ord. No. 62-2023

Ms. Whipkey introduced Ord. No. 62-2023 for its first reading and asked the Clerk to read it:

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF THE MAJOR SUBDIVISION PROPOSED OF PROPERTY LOCATED AT 3837 S CLEVELAND-MASSILLON ROAD.

First reading only.

INTRODUCTION OF PREVIOUS LEGISLATION

Ord. No. 60-2023

Mr. Tousley offered Ord. No. 60-2023 for its second reading and asked the Clerk to read it:

AN ORDINANCE PROVIDING CONSENT TO THE OHIO DEPARTMENT OF TRANSPORTATION REGARDING THE PROJECT DESIGNATED AS PID 116080; AND DECLARING AN EMERGENCY.

Mr. Tousley said this is for crack sealing on SR 585 and 21, which ODOT is paying for in full so he does not see any reason to delay it and moved to waive readings; Ms. Whipkey seconded.

Roll Call: Yes: Tousley, Whipkey, Lukens, Harbert, Kernan, Pelot
No: None

Motion passed: 6 – 0

Mr. Tousley moved to adopt Ord. No. 60-2023; seconded by Ms. Whipkey.

Roll Call: Yes: Tousley, Whipkey, Lukens, Harbert, Kernan, Pelot
No: None

Motion passed: 6 – 0

Ord. No. 61-2023

Mr. Tousley offered Ord. No. 61-2023 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF ROAD SALT FROM CARGILL, INCORPORATED IN AN AMOUNT NOT TO EXCEED \$110,672.

Second reading only.

NON-AGENDA ITEMS

Mr. Lukens noticed that there is a heavy bump that is causing people to bottom out on Norton Avenue similar to the one that was on Reimer and Mr. Turske said he will look into it. Mr. Lukens noted that he will touch base with Mr. Turske regarding Akron’s Finest Mulch and a noise disturbance issue.

Mr. Harbert asked if there is any development on the slope issue of Golf Course Drive and Mr. Turske said they are progressing.

Ms. Whipkey said she had sent out some emails and is waiting to get something back on it. She has questions regarding the Joint Economic Development District (JEDD). She asked what the specific districts are currently and referenced the maps of the district that she has. She asked exactly which businesses on Greenwich Road and Cleveland-Massillon are in the JEDD as they were listed and now aren't. She also wants clarification on the Industrial Park being in or out of the JEDD. She has a map of Fairland and Eastern Road being in it, but thought she had asked about that before and was told no. Ms. Whipkey asked why Council wasn't notified when Barberton approved the extension of the agreement. She referenced this to the cell tower lease agreements. This could be a considerable amount of money. Ms. Whipkey noted that according to the maps, Norton's biggest employers are in these areas and at one point we had 100% coming to Norton in some of those areas and then it went down to 80%. Now, the agreement is 60/40%. She asked why do we specifically have an agreement where we give a percentage on the 1 1/2 % of our tax dollars to Barberton. She questioned why Council was not made aware and said that she believes that Barberton passed this May 10, 2021. She does not recall anytime, outside of when we did the Sewer/Water agreement, questions on the JEDD or percentages of taxes came to Council or where there was a voice offered to say we didn't want to do this. She questioned why the businesses along Cleveland-Massillon Roads are no longer mentioned. She said that we have changed the notification requirements on rezoning applications, but she wants to look at a Charter change under the BZA 6.03C. Because it specifically says that if there are more than 20 property owners, a public hearing notice shall not be required. It does not say "may"; it says "shall not" and that is overriding any legislation we made. She is concerned about this and kept in mind as it should be on the May ballot because it can undermine what we are trying to do. Ms. Whipkey asked about the Clarkmill property and Mr. Turske stated that the property has plywood to board up everything and they are working to put up a fence. So they are working on it.

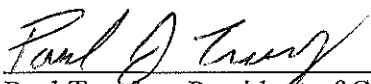
PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita announced the Fireman's Pancake Breakfast Saturday, October 28, 2023 from 7 – 11 AM and he thanked ACME for supporting this event. The Trick or Treat will also be Saturday from 5 – 7 PM.

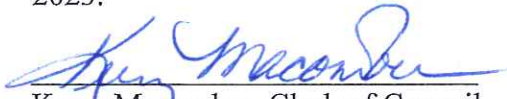
Mr. Tousley noted that there will be no meeting next Monday, October 30, 2023 because it is the fifth Monday of the month. The next meeting will be a Committee Work Session on Monday, November 6, 2023.

ADJOURN

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:44 PM.


Paul Tousley, 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 13, 2023.


Kerry Macomber, Clerk of Council

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



RE: Planning Commission Resolution SPR 8-2023

10.23.23

We are here tonight to humbly request the approval of our site plan for the development of Willow Run, a neighborhood project we have undertaken with great care and enthusiasm.

The primary objective behind this endeavor is to create a community of excellent quality, one that is not only visually appealing but also attuned to the natural environment. Our vision for Willow Run is to establish an enclave that coexists with nature and local wildlife. In order to protect the privacy of the current neighboring communities, we are committed to creating and maintaining a natural buffer between the new homes and the surrounding properties. This will be achieved by planting evergreen trees where existing buffers do not exist and dedicating a minimum of 2.5 acres of forest on the eastern side of the property. Furthermore, we are dedicated to preserving existing tree lines along property boundaries wherever it is feasible.

In addition to these efforts to maintain greenspace and protect wildlife, our engineered site plan includes two stormwater ponds adorned with fountains. These innovative features are designed to address longstanding drainage issues and proactively mitigate any potential future concerns.

Our approach to property management within Willow Run includes the establishment of a Homeowners' Association (HOA) that will only be responsible for the maintenance of the stormwater ponds and open spaces. This approach empowers homeowners to make their own decisions about their property maintenance, such as lawncare and snow removal, while maintaining annual HOA fees at a minimum.

In terms of the complexion of housing, we aim to construct ranch-style or single-floor living residences, ranging from 1,800 to 2,600 square feet in size. These homes will consist of a minimum of three bedrooms, two bathrooms, and two-car garages. Walkout basements will be incorporated wherever possible, subject to homeowner requests and lot compatibility. We anticipate offering homes at competitive prices, with costs expected to start in the low \$400s ranging up to the \$500s, catering to those residents who wish to remain in Norton and seek a high-quality, downsizable home.


We embarked on this journey last winter, and our commitment to a collaborative approach with the community is unwavering. When we first arrived at this podium before city council we were strangers, but this process has afforded us the opportunity to begin to find our place as members of the community through building relationships. In the late Spring/Early Summer of 2023, we voluntarily withdrew our previous plan from Council's consideration. We did this to ensure that our development plan genuinely encapsulates the wants and needs of the city of Norton.


So tonight, we humbly request your thoughtful consideration and approval of the Willow Run site plan. We believe this project will not only enhance the city of Norton but also stand as a testament to our dedication to the community's needs and environmental sustainability.

Sincerely,


Keenan Hahn, President

William Liber, Jr., Vice President

 www.hahnhomes.com

 info@hahnhomes.com



 330.969.2622