

## **COMMITTEE OF THE WHOLE MEETING JANUARY 5, 2004**

Committee Members Present: Brenda Hlas  
Dennis McGlone-(Excused)  
Bill Mowery  
Scott Pelot  
James Price  
Mike Zita  
John Conklin

Administration Members Present Mayor Joseph Kernan  
Claude Collins  
Jeanne Zerga  
Jeff Pritchard

The Committee of the Whole convened for a meeting on Monday, January 5, 2005 at 6:06 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by John Conklin, President of Council, followed by the pledge of allegiance and a moment of silent prayer.

### **New Business**

Mr. Mowery briefly discussed the Skate Board/BMX Park issue and informed everyone that there would be continued discussions on this. Mr. Mowery stated that the Summit County Chapter of MADD would be conducting awareness programs and seminars at the High Schools and the Middle School to educate our community. Mr. Mowery stated the Summit County Liquor Enforcement Agency is also involved, and they are focusing on Norton since we are at the top of the list as far as arrests for drunk driving in our community.

Mrs. Hlas stated that she would like to discuss doing resolutions for Karen Miller and Scott Pelot for this service on the Planning Commission. Mrs. Hlas stated this did not have to be discussed tonight, but would like this done soon.

Mr. Conklin stated that item #12 has a typo regarding the proper committee, it should be Property, not Planning.

### **General Topics of Discussion:**

#### **Finance**

**Items #1 and #2:** Potential Road Levy-Tax credits, Micro Paver 5-year program

Mr. Conklin briefly discussed items #1-, and #2-. Mrs. Zerga stated that she would be addressing these two issues later, hopefully by the end of January.

Personnel/Rules:

Mr. Zita stated that he does not have enough information on the MPO annual review he would need more time to look this over. Mr. Collins indicated that he would see that Mr. Zita and Mr. Pelot would have all of the background information first thing tomorrow. Mrs. Hlas asked if the request for part time summer parks was on there, and Mr. Collins stated that it is included in the MPO. Mrs. Hlas stated she had concerns about this, and asked if we have resolved the \$300,000.00 budget issue. Mr. Conklin stated it would be inappropriate to continue the MPO discussion until this issue is resolved. Mr. Zita moved to have legislation for the appointment of Janet Jacobs to the Planning Commission ready for the next agenda on January 12, 2004. The Clerk stated this is a resolution, so a waiver of the second and third reading does not apply. Mrs. Hlas seconded the motion.

Roll Call: Yeas: Zita, Hlas, Mowery, Pelot, Price, Conklin  
Nays: None

Motion passed 6-0.

Planning:

Items # 5 & 6-Little Subdivision Preliminary Plats

Mr. Pelot stated this has been on the table for quite a while, and would like to see this move forward on Council to allow Mr. Little to move forward with his project. Mrs. Hlas stated that it has been discussed several times at length, and it has been said that all we are doing is repeating ourselves. Mrs. Hlas agreed with moving forward with a first reading on January 12, 2004 and a Public Hearing at the second reading on January 26, 2004, and possibly pass it then. Mrs. Hlas recommended that there is a stipulation that the profiles would still be required, but at a later date. There was more discussion on this issue. Mr. Pritchard stated that he believed that this is what we wanted to do all along. Mr. Pritchard stated that Mr. Little and his developer would have the approval from the city, acknowledging that we are pleased with his plan. Mrs. Hlas stated that she had sent an email to Mr. Lyons regarding the language in this legislation, and asked the Clerk if Mr. Lyons has completed this request. The Clerk indicated that she has not received anything from Mr. Lyons at this point. Mayor Kernan stated he would also like to see this move forward. Mayor Kernan also stated that it has always been his thought that when the Planning Commission sends something to Council, they should approve the application, unless the Commission indicates an overriding reason for denial. Mr. Conklin addressed a concern about the sewer and water issues that were discussed at our last meeting. Mr. Lemon stated he felt they had agreed to install their own dedicated pumping station for the water. Mr. Lemon stated that for the sewer issue, they really need to know if they have the Council's approval before they go back to Barberton to work out the details, and were waiting for Council's decision before moving ahead here.

Planning:

Items # 5 & 6-Little Subdivision Preliminary Plats continued:

Mayor Kernan stated that he felt this pump station requirement should be written within the legislation if this is a requirement. Mrs. Hlas stated that our Civil Engineer has already told them they need to do this, and that Ms. Lombardi would not sign off on the project until this was completed. Mayor Kernan stated this would be fine, we just need to make sure this is handled properly. Mr. Mowery stated that he has been in favor of this project, and there are still some major questions to address. Mr. Mowery stated the developers have not brought anything more to this meeting than what was presented the last two times. Mr. Mowery stated that the prior Planning Committee members had asked them to comply with the rules. Mr. Mowery discussed doing a resolution in support of this project in the meantime. Mrs. Hlas stated she understood the only holdup here is the profiles, and they cannot get EPA approval for the project without them. Even if we approve this as it is now, they will still have to submit profiles and get approval before moving forward. Mrs. Hlas stated a resolution of support or an ordinance of support is the same thing. Mrs. Hlas moved to place legislation on Council's next agenda, with the stipulation that the profiles are submitted. Mr. Price seconded the motion. There was more discussion as to the profiles and when Council could expect them to be submitted. Mrs. Hlas stated that the profiles would come at the appropriate time, and after the second reading and public hearing take place, we could waive the third reading in order to pass it. Mr. Conklin clarified the motion and that this is a "tentative" approval of the Preliminary Plat, and that the profiles would be submitted and reviewed before further action is taken by council.

Roll Call: Yeas: Hlas, Price, Pelot, Zita, Conklin  
Nays: Mowery

Motion passed 5-1.

Item #7-Zoning Text Amendment:

Mr. Pelot stated that since the Zoning Code failed at the polls, they need to amend the code to permit used car sales, and Mr. Witchey intends to build a 1-Million dollar business on Barber Road. Mrs. Hlas stated this would get some places cleaned up and get Euro Cars and Forrest Motors to become legitimate dealerships. Mr. Pelot moved to place this item on Council's next agenda, Mrs. Hlas seconded the motion. Mr. Conklin stated this would also require a public hearing.

Roll Call: Yeas: Pelot, Hlas, Mowery, Price, Zita, Conklin  
Nays: None

Motion passed 7-0.

Item #8-Subdivision Regulations:

Mr. Pelot discussed this issue and expressed the fact that we are short on the time limits and this needs on Councils next agenda. The Public Hearing and second reading would occur on January 26, 2004 and the final reading on February 9, 2004. Mr. Pelot stated this would give everyone more time to review this. Mr. Pelot asked anyone with questions to contact either him or the Clerk. Mr. Conklin stated there was a mix up on the calendar for a first reading and thought we had more time to review this. Mrs. Hlas stated that everyone has had this request since December 2, 2004. Mr. Pelot moved to place this item on Council's next agenda, Mr. Zita seconded the motion.

Roll Call: Yeas: Pelot, Zita, Hlas, Mowery, Price, Conklin  
Nays: None

Motion passed 6-0.

Item #9-Application S15-2003, lot split

Mr. Pelot discussed this application and the owner wants to split this into four buildable lots. This was originally tabled by the Planning Commission due to an error on the original application. Mrs. Hlas asked where this location is, and Mr. Pelot replied that it is at Reimer Road & Dutt Road. Mr. Pelot moved to place this on Councils next agenda, Mrs. Hlas seconded the motion.

Roll Call: Yeas: Pelot, Hlas, Mowery, Price, Conklin, Zita  
Nays: None

Motion passed 6-0.

***\*\*(After further review by the Clerk and President of Council, it was determined that this application is a minor subdivision, which does not need action by Council, and will not appear on an agenda in the future)***

Safety:

Item # 10: Skate Board & BMX Park-Discussions to continue.

Utilities

Item #11: Summit County Sewer Agreement

Mr. Conklin indicated that Mr. McGlone is excused tonight, and there really is nothing further to discuss. Mrs. Hlas indicated that this was still in discussion at the County and she thought it was sent back to the County Executives and DOES to work on the language of the contract.

Committee of the Whole Meeting

Property:

Item #12: Wrobel Park Property

Mr. Conklin gave the general background on this issue, stating that Mr. Easterling brought this to our attention, and that the Wrobels' may be interested in selling this to the City as dedicated park property. Mr. Conklin contacted Mr. Wrobel and they indeed are very interested. Mr. Conklin stated that we need to pursue grant money to pay for this project. Mrs. Hlas stated that when she was chair of the Property Committee, she sent a letter to Mr. Wrobel to get together and open up discussions on this, the entire family is all for this. Mrs. Hlas suggested to them that they put in a deed restriction so that this can only be used as a park. They will be selling us 10 acres from the back of Durham all the way back to his pond. Mr. Wrobel has a nephew who works for GBC Design, and he is working out the details, selling price, etc. Mrs. Hlas added that Mr. Wrobel was not too pleased to learn that she is no longer on the Planning Committee for 2004, as neither is she. Mr. Price stated that he felt it is in good hands, and asked Mrs. Hlas to turn over whatever she has to him. Mrs. Hlas stated that she has nothing to turn over, and Mr. Wrobel could be reached at the West End Hardware. Mr. Price indicated he would be following up with this and discussions will continue. Mr. Mowery inquired as to the type of use for this park, and maybe this could be used as a skateboard/bmx park as well. Mrs. Hlas stated that the idea right now is that it would be a passive park with walking trails. Mr. Pritchard stated that this is something we need to look into long term, down the road, and that maybe we should have a fund set up for equipment/park property.

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 6:59 PM.

---

John Conklin, President of Council

*Date approved: January 12, 2004*

**\*\* THESE MINUTES ARE NOT VERBATIM. THE AUDIOTAPE WILL BE ARCHIVED IN THE CLERK OF COUNCIL'S OFFICE. \*\***