



**COMMITTEE OF THE WHOLE MEETING
SEPTEMBER 7, 2004**

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

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

The Committee of the Whole convened for a meeting on Tuesday, September 7, 2004 at 7:00 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.

Committee of the Whole General Discussion:

Mr. Zita discussed the Mayors request for a resolution of support for Mrs. Darci Houser's service on the Planning Commission. Mayor Kernan announced that we also just received a letter of resignation from Mr. Ron Clawson who is the Ward 1 representative serving on the BZA. Mr. Clawson feels it necessary to resign from this position due to being out of town for work more often. Mayor Kernan asked Council to also do a resolution of support for Mr. Clawson. Mr. Zita moved to have legislation prepared for Mrs. Houser and Mr. Clawson, and placed on Council's agenda for September 13, 2004, seconded by Mr. McGlone. Mrs. Hlas requested that in the future she would like Council to be notified by a memo when someone resigns from a Board or Commission. Mayor Kernan stated that it had not been done in the past, however, he would look into doing this in the future. Mayor Kernan stated that an ad will be placed in the Barberton Herald for this position, or resumes could be forward to Ann Campbell.

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

Motion passed 7-0.

Mr. Mowery briefly mentioned the Quarantine Policy, which is on the agenda for tonight.

Mrs. Hlas mentioned the Unpaid Water & Sewer Accounts, which Mr. Collins asked to have addressed tonight. Mrs. Hlas indicated that we need to make sure we have the time to discuss this tonight.

Mr. Pelot mentioned the Wheelchair Ramp item on the agenda, and asked Mr. Collins if anyone has filed a variance in order to get a ramp installed. Mr. Pelot was concerned that residents are paying a fee for the variance process, while this sits in committee. Mr. Collins indicated that there are no variances on file as of now, however, he would appreciate Council taking action on this tonight.

New Business:

PC Resolution # 30-2004-Lasko Preliminary Plat

Mr. Pelot spoke regarding this application and turned the discussion over to Mr. Pritchard for details. Mr. Pritchard stated that this is to tentatively approve the preliminary plat. Mr. Pritchard stated that the suggested modifications by the Planning Commission have been completed and Mr. Winebrenner has submitted new drawings to indicate these changes. Mr. Pritchard recommended that Council move forward with this approval process. Mr. Pritchard added that there is one more item, which will apply to all of our major sub divisions and that is the fact that our road specs need to be improved. Our Engineer is currently working on improving the cross sections for our roads. The Planning Commission has made a recommendation that the applicant schedule a meeting with our Engineer to see that the road specs are handled appropriately. Mr. Pelot moved to place this item on tonight's Special Council agenda for its first reading, seconded by Mr. Price.

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

Motion passed 7-0.

PC Resolution #31-2004

Mr. Pelot discussed this application, adding that it is pretty much the same as the previous one. Mr. Pritchard agreed, and stated that he recommends Council move forward on this one as well. Mr. Pritchard stated that somewhere along the way, the developer may ask Council to table this in order to work out the time frame for certain deadlines. Mr. Pritchard stated that we normally required grading on a preliminary plat, however, being that this is such a huge project, it may be best to have this shown at the time the improvement plans are submitted. This is such an enormous task for them to prepare for the preliminary plat, and to take this under consideration for now. There was discussion as to the timing of the 1st, 2nd and 3rd readings, and public hearings. Mr. Pelot moved to place this item on tonight's Special Council agenda for its first reading, seconded by Mr. Price.

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

Nays: None

Motion passed 7-0.

Unpaid Water & Sewer Accounts:

Mrs. Hlas opened the discussions and turned this topic over to Mr. Collins for details. Mr. Collins indicated that from time to time there might be a few residents who do not pay their bills to the City of Barberton Utilities. Barberton cannot pursue the residents who do not pay their bill; this is something Norton will have to do. Mr. Collins stated that there are two pieces of legislation; one authorizing to collect for unpaid sewer bills, and authorizing to collect for unpaid water bills. This would allow Mr. Collins to place a lien on their property on their tax duplicate. Mr. Conklin asked what would happen if they move? Mr. Collins stated he felt it is the property owner's responsibility. Mrs. Hlas moved to have the legislation prepared for Councils next meeting on September 13, 2004, seconded by Mr. Zita.

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

Motion passed 7-0.

Health Department Quarantine:

Mr. Mowery discussed this request from the Barberton Health Department. Mr. Mowery indicated that this resolution would give the Barberton Health District the power to quarantine when they feel it is necessary. Mr. Mowery indicated that we have sample legislation from Barberton City Council and a copy of the regulation from the Barberton Health District. Mr. Mowery moved to have legislation prepared for Councils next meeting on September 13, 2004, seconded by Mr. Zita.

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

Motion passed 7-0.

PC Resolution #26-2004 Wheelchair Ramp:

Mr. Pelot discussed this resolution and the fact that it has been on our agenda several times and we need to address this tonight. Mr. Pelot explained that with this ordinance in place a resident would no longer be required to go through the expense of a \$350.00 filing fee, and delay for a variance process just to add a ramp to their home. Mr. Collins agreed and said this would also allow the Zoning Inspector to waive the setback requirement. There was discussion that since this is a change in the zoning, a public hearing would be required at either the second or third reading. Mrs. Hlas felt this needs to go all three readings, and there was discussion to have the Public Hearing at the same time we hold the third reading. It was decided the first reading would be on September 13, 2004, the second reading September 27, 2004, and the third reading and Public

Hearing on October 11, 2004. Mr. Pelot moved to have legislation prepared for Councils next meeting on September 13, 2004, seconded by Mr. Price.

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

Motion passed 7-0.

Park Rules:

Mr. Zita stated that this request dates back to March of this year, and we currently do not have an ordinance which allows the Police Department to enforce laws in the different parks throughout the city. Mr. Collins stated this is correct, adding that we need some structure for regulating the parks with the appropriate fines attached to it. Mrs. Hlas discussed some issues with the terms and language such as skiffs, coping, etc. Mr. Collins stated that he drafted this with samples from several other cities, not from one specific city. There was general discussion on dogs in the parks. Mr. Conklin stated that he thought we already have an ordinance regarding dogs in city parks. Mr. Collins stated that we have no parks ordinances, we may have ordinances against dogs, but that would apply to anywhere within the city. This ordinance we are discussion pertains specifically to parks. Mr. Pritchard stated he recalls there is something somewhere that prohibits dogs in city parks. Mr. Collins stated that he would review this and advise Council accordingly. Mr. Conklin suggested this go for three full readings, which would allow Mr. Collins the time to look into this and if it needed to be corrected it could still be done. Mrs. Zita moved to have legislation prepared for Councils next meeting on September 13, 2004, seconded by Mrs. Hlas.

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

Motion passed 7-0.

Committee of the Whole Format:

Mr. Zita discussed the fact that six months ago Council decided to try the Committee of the Whole format versus the old way of standing committees. Mr. Zita stated that it is now time for us to decide if we want to continue this format or go back to the old way. Mr. Conklin stated that he felt the current format is more productive, and would like to continue with it. Mrs. Hlas, Mr. Zita, and Mr. McGlone also agreed with this. Mr. McGlone added that he felt sometimes we had a heavy agenda and felt that we may have rushed through the last few items, pushing legislation through. Mr. Mowery stated that he liked the current format and agreed with Mr. McGlone, and the fact that all seven members are here at once for discussions. There was discussion about Council Rules and Mrs. Hlas mentioned her suggested changes/additions. Mrs. Hlas stated that if any member of Council was not comfortable with an item, or felt that it was being rushed, they need to make it known during discussions. Mr. Conklin stated that if we feel we need to slow down, we have the control to do so. Mrs. Hlas stated that she felt Council Rules is something that needs the proper time to address, and if we need to formally

change the Committee of the Whole format in Council Rules, we could do it then. Mrs. Hlas stated that we should take a look at Council Rules a few items at a time until we get through it. Mr. Carris Sr., of 3268 Longwood Drive, Norton spoke and stated that our TV audience appreciates the Committee of the Whole format, and thought we should continue with it. Mr. Pelot agreed with Mr. Carris, Sr., and that it also is better for the residents who attend regularly and it is more convenient to have meetings every Monday. This way you still have the rest of the week to attend other functions. Mr. Pelot suggested we take the same approach with the Rules as was done with the Subdivision Regulations. When they were reviewing this, we decided to look at a set number of pages each time we met until all pages were covered. Mrs. Hlas stated she would like to see all of the comments from Council members in writing when we are reviewing this, this way it is all out in front of us for discussion. Mr. Conklin suggested that we look at Sections I and II at our first discussion and finish with Section III at the following meeting.

Old Business:

None

Adjourn:

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 7:48 PM.

John Conklin-President of Council

Date approved: September 16, 2004

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