



NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 23, 2004

Roll Call:	John Conklin	Also Present:	Mayor Joseph Kernan
	Brenda Hlas		Claude Collins
	Bill Mowery		Jeanne Zerga
	Dennis McGlone		Jeff Pritchard
	Scott Pelot		Mike Lyons
	James Price		Karla Richards
	Mike Zita		

The Regular Council Meeting convened for a meeting on Monday, February 23, 2004 at 7:01 PM in the Council Chambers of the Safety Administration Building. The meeting was called to order by John Conklin, President of Council. Following a salute to the flag and the pledge of allegiance, there was a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mr. Mowery indicated that there has been some talk about the Norton Health Advisory Board being disbanded. The Board is composed of three residents and one Council representative that he was appointed to. The Board is looking into incorporating with Barberton to become one Board. Mr. Mowery wonders what benefit will Norton have out of this. If you go by population, we would be outnumbered by the vote. There are so many things going on now in Norton that we need leverage on, this may not be one of them. Mr. Mowery indicated that he would be meeting with Mr. Harrison from Barberton to get more details on this. Mrs. Hlas stated that she attended one of our Health Advisory Board meetings where this was discussed. The main reasoning to combine the two was so that Norton would have a vote; right now we do not have a vote.

CONSIDERATION OF MINUTES:

Minutes of the Regular Council Meeting of January 26, 2004
The minutes are accepted as written

Minutes of the Committee of the Whole Meeting-February 9, 2004
The Minutes are accepted as written.

Minutes of the Committee of the Whole Meeting-February 17, 2004

Mr. Pelot indicated there is one correction to his comments on page #5 of 8, it should read the "Planning Commission denied the parcel on SWAIN Road".

Mrs. Hlas stated that on Committee of the Whole, page #3 of 8 there is a correction to Mr. Carder's statements. It should read "Mr. Carder stated that he believed that he is the only one on Tallwood Drive that is not on this water line. " Mr. Carder stated he is all for this waterline improvement"

The minutes are accepted as corrected.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Michael Derr from the Akron-Summit County Public Library gave a brief presentation as to the current Issue #22 on the ballot for March 2, 2004, and the services they provide. Because of State budget cuts, and loss of property tax, they have been forced to cut hours, staff, equipment. Mr. Derr encouraged everyone to vote for Issue #22, and keep our libraries operating.

Mr. Art Johnson, 3245 Oser Road, Norton. Mr. Johnson stated his approval for the new towing contract with Bills Towing, adding that he had a bad experience with Barberton Auto Wrecking. He had his daughters car towed and while being towed, her vehicle incurred over \$300.00 in damages, which they refused to pay for. Mr. Johnson stated that during that time, the owner was accepting cash only with no receipt, so the City might want to investigate them for tax evasion purposes.

Mr. Conklin recessed the Regular Council Meeting at 7:15 in order to call the Public Hearings to order.

PUBLIC HEARINGS:

Mr. Conklin convened the Public Hearings 7:15 PM.

#1-Agricultural District Application for 3856 Greenwich Road, Owner: Jan & Ron Louis.

Mr. Conklin asked the Clerk to certify the Public Hearing. The Clerk stated the notice was published in the Barberton Herald on February 12, 2004. Mr. Conklin called for anyone in favor for this application to come forward. The applicant was not present. Mr. George Tomko came forward and stated that he is in favor of this application and all of the following applications. Mr. Conklin called two more times; no one else came forward. Mr. Conklin called three times for anyone against to come forward, and no one did. Mr. Conklin declared the public hearing for this application closed.

#2-Agricultural District Application for 3734 Clark Mill Road, Owner-Norman Kendall.

Mr. Conklin asked the Clerk to certify the Public Hearing. The Clerk stated the notice was published in the Barberton Herald on February 12, 2004. Mr. Conklin called for anyone in favor for this application to come forward. The applicant was not present. Mr. Conklin called two more times; no one else came forward. Mr. Conklin called three times for anyone against to come forward, and no one did. Mr. Conklin declared the public hearing for this application closed.

#3-Agricultural District Application for 3456 S. Hametown Road, Owner-Hugh Quinn.

Mr. Conklin asked the Clerk to certify the Public Hearing. The Clerk stated the notice was published in the Barberton Herald on February 12, 2004. Mr. Conklin called for anyone in favor for this application to come forward. The applicant was not present. Mr. Conklin called two more times; no one else came forward. Mr. Conklin called three times for anyone against to come forward, and no one did. Mr. Conklin declared the public hearing for this application closed.

#4-Agricultural District Application for 4359, Johnson Rd., 4065 Swain Dr. Owner: Dale Adams.

Mr. Conklin asked the Clerk to certify the Public Hearing. The Clerk stated the notice was published in the Barberton Herald on February 12, 2004. Mr. Conklin called for anyone in favor for this application to come forward. The applicant was present. Mr. Adams questioned about the Swain Drive parcel being denied and stated that he does graze 90 to 100 head of sheep at that property, right to the foundation of the house. Mr. Conklin called two more times; no one else came forward. Mr. Conklin called three times for anyone against to come forward, and no one did. Mr. Conklin declared the public hearing for this application closed.

#5-Agricultural District Application for 2392 Wadsworth Road, Owner: David Maxon

Mr. Conklin asked the Clerk to certify the Public Hearing. The Clerk stated the notice was published in the Barberton Herald on February 12, 2004. Mr. Conklin called for anyone in favor for this application to come forward. The applicant was present. Mr. Maxon stated that his property is on three sides of roadway. Mr. Maxon stated that you got me on Barber Road Assessments and he cannot afford to get hit on Wadsworth Road. Mr. Maxon stated that he donates use of this land to various Scouts troops looking for arrowheads and fossils in the fields. Mr. Maxon stated that this land has been in his family since 1887. Mr. Scott Farris of 2405 Wadsworth Road spoke in favor of this, adding this is part of our rural character here in Norton and should remain that way. Mr. Conklin called one more time, no one else came forward. Mr. Conklin called three times for anyone against to come forward, and no one did. Mr. Conklin declared the public hearing for this application closed.

#6-Agricultural District Application for 3296 Clubside Drive, Owner: Oval McKown.

Mr. Conklin asked the Clerk to certify the Public Hearing. The Clerk stated the notice was published in the Barberton Herald on February 12, 2004. Mr. Conklin called for anyone in favor for this application to come forward. The applicant was not present. Mr. Cook, 3608 Reimer Road, spoke in favor of all of these applications. Mr. Cook stated that he has a 55 acres that he farms, and wondered how to do this process. Mr. Pritchard stated he would discuss this with Mr. Cook after the meeting. Mr. Conklin called one more time, no one else came forward. Mr. Conklin called three times for anyone against to come forward, and no one did. Mr. Conklin declared the public hearing for this application closed.

#7-Agricultural District Application for 4903 Hametown Road, Owner: Michael & Rajena Quinn.

Mr. Conklin asked the Clerk to certify the Public Hearing. The Clerk stated the notice was published in the Barberton Herald on February 12, 2004. Mr. Conklin called for anyone in favor for this application to come forward. The applicant was not present. Mr. Conklin called two more times, no one else came forward. Mr. Conklin called three times for anyone against to come forward, and no one did. Mr. Conklin declared the public hearing for this application closed.

At 7:36 PM Mr. Conklin declared the Public Hearings closed.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Mr. George Tomko, 2525 Reimer Road Extension, Norton. Mr. Tomko spoke in regards to Ordinance #20-2004, and discussed his concerns about the language and it covers a lot more than lottery winnings. Mr. Tomko asked who determines what is a bonified charity. If rents were not included in previous ordinance, he would like refunds on all of the taxes he paid for receiving rent for his business property that he leased out. .

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Mr. Tomko stated that we are getting some answers to a lot of tax issues, thanks to Mrs. Zerga, but there a lot of things to go over. Mr. Tomko wanted answers by the next meeting, and strongly urged Council not to vote on this tonight and review it again.

Mrs. Joan Kernan, 3519 Eastern Road, Norton. Mrs. Kernan is representing Norton 4 Kids. Mrs. Kernan thanked Council & Administration for passing a resolution of support for the levy. Mrs. Kernan thanked Mrs. Hlas, Mayor Kernan, and Mr. Zita for allowing their children to participate on our campaign. This is the 5th time this issue appears on the ballot, and it will continue to be placed on the ballot simply because we have no other options. Mrs. Kernan showed a commercial that was put together by Norton High School students Craig Rohner and Chase McGuire with assistance from Adam Bozak. Mrs. Kernan stated Norton business owners donated the funds for this commercial.

Mrs. Neva Gibson, 3301 Higgins Drive, Norton. Ms. Gibson thanked Mrs. Kernan and the Norton 4 Students Task Force for their efforts and made it very clear that there was no school funds used for this commercial. Ms. Gibson spoke about her concerns for the safety of the children at the exit road behind the High School, and read a statement, (see attached).

INTRODUCTION OF NEW LEGISLATION

RES #19-2004

Mrs. Hlas offered Resolution #19-2004 for its 1st. reading, and asked the Clerk to read it.

A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF TALLWOOD DRIVE IN THE CITY BY CONSTRUCTING WATER LINES, HYDRANTS AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE GARDNER BOULEVARD PHASE I PROJECT, AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to adopt Resolution #19-2004, seconded by Mr. Zita. Mr. Mowery discussed the results of the Equalization Board. Mr. Mowery questioned the burden the resident will have in upgrading the lines into their home, and suggested not moving forward on this or any other ordinances until we negotiate with Barberton for better water rates. Mr. Collins stated that we are past our timeline on this and we are at risk of losing the funding for this project. Mrs. Hlas stated this resolution was approving the report from the Equalization Board, and has nothing to do with approving the project or moving forward.

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

Motion passed 6-1.

ORD #20-2004

Mr. Price offered Ordinance #20-2004 for its 1st. reading, and asked the Clerk to read it.

AN ORDINANCE TO AMEND THE CITY OF NORTON ADMINISTRATIVE CODE TO INCLUDE RENTS AND PROCEEDS FROM LOTTERIES, GAMING, WAGERING OR SCHEMES OF CHANCE AS INCOME TAXABLE BY THE CITY OF NORTON AND TO DECLARE AN EMERGENCY.

Mr. Price moved to suspend the 2nd and 3rd reading, seconded by Mrs. Hlas. Mr. Mowery stated that he felt it was not necessary for emergency language on this, given the objections from Mr. Tomko. Mr. McGlone echoed Mr. Mowery's comments, and felt there was no rush. Mayor Kernan stated that the rental issues are covered in the ordinance, it's just a little more clear, and referred to Section 880.01. Mrs. Zerga stated that the section that was added is for a compliance by the owners of rental property to forward a list of their tenants by December 31st of each year, so that we can make sure those residents are on file for income tax purposes. Mr. Tomko stated these ordinances should be written correctly. You should indicate the deleted portion, and insert new text with bold type, you do it in part of it but not the rest. Do it all the way through, not just in bits and pieces. You need to think about this and give the citizens a chance. Mayor Kernan stated that the Administration is not trying to out anything over on anyone, this legislation was brought forward during a Committee of the Whole, and there really is no difference, the rent has always been taxed. The only thing that changed is the lottery. Mayor Kernan stated that if Council was not ready to move forward, there is no need to rush this through, they could just do a first reading only tonight. Mrs. Hlas and Mr. Price both withdrew their motions to suspend; this ordinance remains as a first reading only.

ORD #21-2004:

Mr. McGlone offered Ordinance #21-2004 for its 1st. reading, and asked the Clerk to read it.

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT WITH BILL'S TOWING FOR TOWING AND IMPOUND SERVICES.

Mr. McGlone moved to the 2nd & 3rd readings, seconded by Mr. Pelot. Mr. McGlone stated this was a good to have a Norton business to work with. Mr. Mowery stated this is a prime example of why you can and should suspend the 2nd and 3rd readings. Mrs. Hlas clarified with Mr. Collins that April 17th would be the effective date on the contract.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Ordinance #21-2004, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD # 22-2004

Mr. Zita offered Ordinance #22-2004 for its 1st reading, and asked the Clerk to read it.

AN ORDINANCE TO AMEND THE CITY'S SCHEDULE OF POSITION TITLES, STATUS, STRENGTH NUMBERS, SALARY RATES AND WAGES, AND TO OTHERWISE FIX AND DETERMINE COMPENSATION FOR PERSONNEL OF THE CITY OF NORTON, TO AMEND OR REPEAL OTHER ORDINANCES NOT CONSISTENT, AND DECLARING AN EMERGENCY.

Mr. Zita moved to suspend the 2nd and 3rd readings of Ordinance #22-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mr. Zita moved to adopt Ordinance #22-2004, seconded by Mr. McGlone. Mr. Mowery asked Mr. Collins to explain this ordinance, and Mr. Collins explained this action is just to clean up the ordinance, since there has been changes in salaries for Council President, Council Members, Mayors, the new part-time Firefighters contract has been added, one additional Summer Parks Assistant added, as well as a 3 ½% increase across the board for the ranges. Mr. Pelot asked Mr. Collins to elaborate on the 3-½ % issued to make it more clear. Mr. Collins stated that this does not give anyone a raise, it merely raises the ranges included in the MPO.

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

Motion passed 7-0.

RES #23-2004

Mr. Zita offered Resolution #23-2004 for its 1st reading and asked the Clerk to read it.

A RESOLUTION OF APPRECIATION OF JAMES BENNETT FOR HIS SERVICE TO THE CITY OF NORTON AS A MEMBER OF THE EQUALIZATION BOARD.

Mr. Zita moved to adopt Resolution #23-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

RES #24-2004

Mr. Zita offered Resolution #24-2004 for its 1st reading, and asked the Clerk to read it.

A RESOLUTION OF APPRECIATION OF MARY JO HETRICK FOR HER SERVICE TO THE CITY OF NORTON AS A MEMBER OF THE EQUALIZATION BOARD.

Mr. Zita moved to adopt Resolution #23-2004, seconded by Mr. McGlone. Mrs. Hlas stated that all three members were invited to attend, however they had prior commitments.

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

Motion passed 7-0.

RES #25-2004

Mr. Zita offered Resolution #25-2004 for its 1st reading, and asked the Clerk to read it.

A RESOLUTION OF APPRECIATION OF SANDY CHRISANT FOR HER SERVICE TO THE CITY OF NORTON AS A MEMBER OF THE EQUALIZATION BOARD

Mr. Zita moved to adopt Resolution #25-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #26-2004

Mr. Zita offered Ordinance #26-2004 for its 1st reading, and asked the Clerk to read it.

AN ORDINANCE TO APPROVE THE AMENDMENT OF THE CITY OF NORTON'S AGREEMENT WITH THE SOLICITOR TO INCREASE HIS SALARY AND HIS HOURLY RATE FOR ADDITIONAL SERVICES, AND DECLARING AN EMERGENCY.

Mr. Zita moved to table Ordinance #26-2004 at this time for further clarification from Mayor Kernan regarding the details of the benefits package, seconded by Mrs. Hlas.

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

Motion passed 7-0 to table Ordinance #26-2004.

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ORD #27-2004

Mr. Pelot offered Ordinance #27-2004 for its 1st reading and asked the Clerk to read it.

AN ORDINANCE TO APPROVE THE AGREEMENT BETWEEN THE CITY OF NORTON AND THE NORTON PART-TIME FIRE FIGHTERS ASSOCIATION, AND DECLARING AN EMERGENCY.

Mr. Zita moved to suspend the 2nd & 3rd readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mr. Zita moved to adopt Ordinance #27-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION:

ORD #2-2004

Mr. Pelot moved to remove Ordinance #2-2004 from being tabled, seconded by Mrs. Hlas. Mr. Mowery asked Mr. Conklin to clarify what it would do to this ordinance by removing it from the table. Mr. Conklin indicated that by removing it from being tabled, it has gone as far as it can go, if Council does not act on this tonight, it would be deemed approved with no action taken by Council. Mrs. Hlas stated that this would bring it back so that we can vote on it tonight. Mr. Pelot stated that Council had this document since November to review and it has been discussed several times. Mr. Mowery stated that in his opinion there has not been enough discussion on this. Mr. Mowery stated that this ordinance strips the power of Council, and needs to be voted down. Mr. Mowery stated that to a degree this puts quite a bit of planning in the department of the Planning Director. Mr. Mowery stated that he will not have his power taken away by an ordinance, it would be done by the public only. Mr. Pelot stated that as a previous Planning Commission member, he was part of the Subdivision Regulations, and we did not feel that we taking power away from anyone. Our purpose was to make it easier for the public and operate more smoothly, and they would not have to go through all the committees, etc just to get an ok to build a building. Mr. Hlas asked Mr. Mowery exactly what power are we are supposedly giving up, and Mr. Mowery did not respond.

INTRODUCTION OF PRIOR LEGISLATION CONTINUED:

ORD #2-2004 Continued:

Mr. Pritchard stated the only change as far as procedural actions are within the minor subdivision regarding minor sub lots or lot splits. Those actions only go to the Planning Commission anyway, and in order to streamline the process it would now be processed by the Administrative Staff, which includes himself, the Engineer, and the Building & Zoning Department. Mr. Price questioned Mr. Lyons on this legislation, and Mr. Lyons indicated that this is a good document for the City, and that the facts are before you, and this is merely a clarification or procedural change, and there is no shift in power. Mr. Lyons added that he was not sure if this document was ever modified since its inception years ago. Mr. Lyons stated that the staff has no authority to vary from the code.

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

Motion passed 4-3 to remove from being tabled.

Mr. Pelot moved to adopt Ordinance #2-2004, seconded by Mrs. Hlas.

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

Motion passed 4-3.

Reports from Officers, Boards & Commissions:

Mayor Kernan thanked the Equalization Board Members for serving the City. Mayor Kernan also thanked Council for adopting the report and moving this project forward. Mayor Kernan stated that we need to move forward, otherwise people and developers will stop looking toward this city. If we stop growing, then this community would die. Mayor Kernan stated that we have been a city since 1969 and it about time we start acting like on. Mayor Kernan encouraged everyone to get out and vote for the levy, adding that no one likes to pay taxes, but we need to fully fund the schools.

Mr. Collins thanked Council for adopting the part-time Firefighters contract. Mr. Collins stated that he spent all of last Friday in an arbitration hearing for the full-time Firefighters. We should have a report back in about 30 days.

Old Business:

None

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Public Service Announcements:

Mrs. Hlas echoed Mr. Kernan on supporting the school levy. Mrs. Hlas stated that the schools are the main reason she moved here, and it is important to new residents.

Mr. Zita discussed a concern about the traffic light at Johnson Road and Wooster Road, although this is Barberton's traffic light. Mr. Zita asked Mr. Collins about the status on this. Mr. Collins stated that Barberton is aware of this and he spoke with Mr. Ricks and was told they would step this up a notch.

Mr. Tomko stated that he believes in flowers for the living, not for the dead, and commented on Mrs. Andrews who lives across the street from the Town Crier. She was out recently cleaning up the trash across the street, and hauling the trash back to her home for pickup, and he wanted to thank her and recognize her for her efforts.

Mrs. Hlas stated that Norton Clean Up Day would be the last Saturday in April.

Adjourn:

There being no further business to come before it, Council adjourned the meeting at 9:20 PM.

John Conklin, President of Council

I, Karla D. Richards, Clerk of Council of the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Meeting of Council, held on Monday, March 8, 2004.

Karla D. Richards, Clerk of Council

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