



NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JANUARY 12, 2004

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

The Regular Council Meeting convened for a meeting on Monday, January 12, 2004 at 7:00 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. Zita moved to add Ordinance #6-2004 for the appointment of three members to the Equalization Board, waiving second and 3rd readings, as an emergency. Mr. Pelot seconded the motion.

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

Motion passed 6-0.

Mr. Mowery stated there was a water problem, which closed the Norton Middle School the last couple of days. There will be a report from Mr. Binic of the Barberton Health Department towards the end of our meeting. Mr. Mowery stated there is a new concealed weapons act that was passed, and there should be some more information coming forward on this issue. Mr. Mowery stated that he would like to address the School Levy issue at our next Committee of the Whole meeting, and some new ideas he has been hearing about. Mr. Mowery stated he would be attending a MADD Committee Meeting in Hudson. We are getting a presentation set up at the Norton Schools at no cost, and he has been working with Mrs. Tiddle on the arrangements. Mr. Mowery stated there will be a Skate Board/BMX Park Board Committee coming together soon to get all of the good ideas together and discuss potential locations, funding, etc.

Mrs. Hlas stated that whatever Council decides to do on the School Levy, there is a Task Force formed and that Council members should attend these meetings. Mrs. Hlas stated that the Board has talked about getting a newsletter out, and they are discussing other ideas on how to get the levy passed. Mrs. Hlas stated that she was also going to put this issue on the next Committee of the Whole agenda.

Mr. Conklin stated that we are still working on the agenda for Saturday's Workshop, and it will be completed soon.

Consideration of Minutes:

Minutes of the Utilities Committee-December 15, 2003
Minutes of the Finance Committee-December 15, 2003, December 9, 2003
Minutes of the Planning Committee-December 10, 2003,
Minutes of the Committee of the Whole Meeting-January 5, 2004

Mrs. Hlas stated that on the Planning minutes of December 10, 2003, she is listed as a member, it should be Mr. Conklin. Mrs. Hlas stated that on the Finance minutes of December 15, 2003, it should only address the 3 members on the Committee and the others should be listed as Other Members Present.

Minutes of the Regular Council Meeting of December 8, 2003
Minutes of the Special Council Meeting of December 9, 2003
Minutes of the Special Council Meeting of December 29, 2003
Minutes of the Organization Meeting of January 2, 2004

Mrs. Hlas stated that on the Regular Council Meeting of December 8, 2003, we had gone into a Personnel/Rules meeting and the yeas should only be the three members of the committee, not all Council Members.

The minutes of the Regular Council Meeting will be accepted as written and corrected.

Communications from the Public:

Mr. James Cook, 3608 Reimer Road, Norton. Mr. Cook stated that there are times when things come down at a Council meeting are considered gospel, unless they are challenged. Mr. Cook was referring to a Council Member's previous statement that the Richfield Mayor made \$36,000.00 annually, when in fact he does not have a high priced City Administrator to help him.

Mr. George Tomko, 2525 Reimer Road Extension, Norton. Mr. Tomko spoke in regards to Ordinance 3-2004, and said hooray, hooray, hooray! This is the way to do things. All the time and money spent in trying to pass a zoning law that the people did not want, this is the way to do it. Keep doing things this way, and you will get along just fine. Mr. Tomko also spoke about a tape he has of Guy Lombardo, referring to "happy days are here again".

Introduction of New Legislation:

Resolution #1-2004

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

A RESOLUTION CONFIRMING THE APPOINTMENT OF JANET JACOBS TO FILL THE UNEXPIRED THREE-YEAR TERM OF SCOTT PELOT ON THE PLANNING COMMISSION OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Zita moved to adopt Resolution #1-2004, Mr. Pelot seconded the motion.

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

Motion passed 6-0.

Introduction of New Legislation continued:

Ordinance #2-2004

Mr. Pelot offered Ordinance #2-2004 for its first reading, and asked the Clerk to read it.

AN ORDINANCE TO AMEND THE SUBDIVISION REGULATIONS OF THE PLANNING AND ZONING CODE OF THE CITY OF NORTON.

First reading only.

Ordinance #3-2004

Mr. Pelot offered Ordinance #3-2004 for its first reading and asked the Clerk to read it.

AN ORDINANCE TO AMEND NORTON CODIFIED ORDINANCES TO DESIGNATE USED AUTO SALES AS A CONDITIONALLY PERMITTED USE IN THE B-3 DISTRICT.

First reading only.

Ordinance #4-2004

Mr. Pelot offered Ordinance #4-2004 for its first reading and asked the Clerk to read it.

AN ORDINANCE TENTATIVELY APPROVING THE PRELIMINARY PLAT OF THE MAJOR SUBDIVISION PROPOSED BY MESSRS. LITTLE KNOWN AS STONEWYCK, PHASES I AND II, PPN# 46-07368, AND LOCATED GENERALLY WEST OF CLARK MILL ROAD AND NORTH OF NORTON AVENUE.

First reading only.

Ordinance #5-2004

Mr. Pelot offered Ordinance #5-2004 for its first reading and asked the Clerk to read it.

AN ORDINANCE TENTATIVELY APPROVING THE PRELIMINARY PLAT OF THE MAJOR SUBDIVISION PROPOSED BY MESSRS. LITTLE KNOWN AS STONEWYCK, PHASE III, PPN# 46-05731, AN EXTENSION OF PROPOSED STONEWYCK PHASES I AND II TO THE NORTH, AND LOCATED GENERALLY WEST OF CLARK MILL ROAD AND NORTH OF NORTON AVENUE.

Introduction of New Legislation Continued:

Ordinance #5-2004 continued:

First reading only.

Mr. Conklin temporarily recessed the Regular Council Meeting at 7:15 PM in order to convene the Public Hearing.

Public Hearing:

Mr. Conklin convened the Public Hearing at 7:15 PM for Ordinance # ORD # 109-2003. An Ordinance reclassifying property known as Lot #31, parcel #4608200 east of Medina Line Road from RU1 to R1 One Family Residential District.

Mr. Conklin asked the Clerk to certify the notice was published for the Public Hearing. The Clerk certified that a notice for this public hearing was published in the Barberton Herald on December 24, 2003.

Mr. Conklin called for anyone wishing to speak for the said application, and stated that the Applicant was present and does have the right to speak first. Mr. Conklin called three times for anyone wishing to speak for the application, and no one came forward.

Mr. Conklin called for anyone wishing to speak against the said application. Mr. Conklin called three times for anyone wishing to speak against the application, and no one came forward.

Mr. Tom Jones, questioned the difference between R1 and RU1, and Mr. Pritchard stated the difference is the frontage requirements. Mr. Jones stated that he was in favor of this application. There was discussion on the similarities, and their uses.

At 7:19 PM Mr. Conklin closed the Public Hearing and reconvened the Regular Council Meeting.

Introduction of New Legislation continued:

Ordinance #6-2004

Mr. Zita offered Ordinance #6-2004 for its first reading, and asked the Clerk to read it.

AN ORDINANCE APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATING TO 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.

Mr. Zita moved to waive the second and third readings, as an emergency, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Mr. Zita moved to adopt Ordinance #6-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Introduction of Prior Legislation:

Ordinance #109-2003

Mr. Mowery offered Ordinance #109-2003 for its second reading, and asked the Clerk to read it.

AN ORDINANCE RECLASSIFYING PROPERTY KNOWN AS LOT 31 EAST OF MEDINA LINE ROAD FROM RU-1 RURAL RESIDENTIAL DISTRICT TO R-1 ONE-FAMILY RESIDENTIAL DISTRICT.

Mr. Mowery stated that the applicant was present earlier tonight, and wanted to know if there was urgency in passing this tonight. Mr. Mowery felt this should go all three readings. The applicant had left and was unable to let Council know if there was an urgency in passing this tonight.

Reports from Officers, Boards & Commissions:

Mayor Kernan stated that after this meeting he would be swearing in Janet Jacobs and Mark Spisak, and invited everyone to attend.

Mr. Collins stated that he recently held a public auction for several used vehicles and received a net amount of \$26,183.77. There were over 20 sealed bids for 5 vehicles, and he expected to get \$18,000.00 to \$20,000.00 for them.

Mrs. Zerga stated that the financial reports for year-end as of December 31, 2003 have been completed and distributed to everyone for review.

Mr. Ed Binic had many updates to present. On the Norton Middle School water, there was a pipe or a valve that broke last Wednesday. They attempted to make the repairs that day, but were unsuccessful. They decided to close the school on Friday. They replaced a valve and flushed the lines, and all samples tested o.k. on Saturday. More samples will be drawn tomorrow. There have been some complaints from the some parents about cloudy water and lack of pressure. After contacting the school, the Health Department was told they have never had pressure this good. Mr. Binic stated that his department recently completed their requirement of educating the public with a community presentation on how to maintain a healthy septic system. This presentation was held here in Council Chambers on December 10, 2003, and thanked Council for the use of the facility. Mr. Binic discussed the Barber Road dumpsite, stating that EPA has notified the Health Department and the property owner that there were violations with the contractor hired to clean it up. They did not follow Local, State and Federal procedures in the clean up process. The violations appear to be technical in nature. They do not believe there was any contamination or threat to the environment because of those violations. Mr. Binic stated that the EPA is currently investigating possible charges and they are pursuing legal action. Mr. Binic stated that in the Virgil Cochran case, Mr. Cochran had filed a civil suit against the Barberton Municipal Court Judges Weigand & McNulty, the Mayor, City Manager, a Norton Police Officer, City Commissioner, and a Health Department Staff member. This was dismissed in US District Court on December 11, 2003. Mr. Cochran has now filed an appeal with the 9th District Appellate Court. Mr. Binic gave an update on the Pander case, reminding everyone that Judge Cosgrove convicted Mr. Pander in June of 2002. The Barberton Health Department has informed his Probation Officer that he has not complied with his conditions of his probation in cleaning up the property.

Reports from Officers, Boards & Commissions, Continued:

Mr. Binic-Barberton Health District, continued:

Mr. Binic stated that the Probation officer has informed them there is a Probation Violation hearing set for January 23, 2004 with Judge Cosgrove. If convicted of this, Mr. Pander would face a fine of \$10,000.00 to \$25,000.00 and 2-4 years in jail. Mr. Binic stated that they were given permission several months ago to apply for funding to help get this cleared up, and his department is in that process now. Mr. Binic gave a brief update of the Eshlich C & D site on Wadsworth Road. Mr. Binic stated that about two weeks ago the Copley Run Creek crested its banks and overflowed with all of the heavy rains. The overflow was at the temporary berm separating the landfill site from the stream at the landfill. When the waters receded, they did observe contaminated water flowing back into the stream. They consider this a gross contamination of the surface waters in the State of Ohio, and informed the EPA and the site operator. The operator proceeded to pack the temporary berm heavy clay and began pumping out the leachate. Mr. Binic stated his office is preparing a Notice of Violation (NOV) to the facility. This facility is currently up for license renewal and will be addressing this issue with them. They will be required to complete more testing such as hydro study, test boring, capping part of the areas that have reached their capacity. Mr. Binic gave an update on the Duffield case, stating that the Health Board had denied his request for septic and he appealed. The ruling has now been sent to the Summit County Common Pleas-Judge Murphy for review. There has been a 60 day extension granted to review the case in detail, and to try and find a solution. Mr. Binic stated there is a new case the Health Board is taking against Sherwin & Janet Matney at 3242 Houston Street, Norton. This deals with accumulation of solid waste, junk vehicles, and open dumping. They had a final cleanup date set by the Prosecutor for January 8, 2004, and there has been no compliance. They intend to file charges, which could result in a conviction of a 1st degree felony.

There was some discussion as to the definition of gross contamination, and Mr. Binic stated that it is not drinkable at this level. Mr. Pritchard stated there may be a separate pump station in that vicinity and they may be required to connect into this. Mr. Binic stated that it is very costly for removal and trucking debris out, and long term a tap in would be better.

Adjourn:

There being no further business to come before it, Council adjourned the meeting at 7:42 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, January 26, 2004.

Karla D. Richards, Clerk of Council

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