



NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 22, 2004

Roll Call:	John Conklin	Also Present:	Mayor 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, November 22, 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:

Mrs. Hlas indicated that when we get to Ordinance #133-2004, she would like to discuss this.

Mr. Mowery commented on the Bridgeway home, stating that he has no factual reports at this time. Mr. Mowery indicated that there has been a lot of commitments made over the phone, but until he has it in writing, there really is nothing official to report. We are waiting for a letter, which has been drafted as of last week. Mr. Mowery indicated that the Summit County Children Services Board has made a decision to remove all of the children they placed there, however, they did request that we give them time to place the children elsewhere. Mr. Mowery briefly discussed the Mosquito Control District, adding that Mayor Kernan; Mrs. Hlas, Mr. Zita, Mr. Pritchard, and himself attended the Health Board Meeting last Wednesday. The topic was the license inspection fees and the mosquito district issue. Mr. Mowery stated he felt that any additional funding we might have would be better spent somewhere else, not on controlling mosquito's.

CONSIDERATION OF MINUTES:

Minutes of the Regular Council Meeting of November 8, 2004-Accepted as written

Minutes of the Committee of the Whole Meeting of November 15, 2004-Accepted as written

COMMUNICATIONS FROM THE PUBLIC:

Mr. Easterling, a Norton resident discussed the fact that he is very happy to see all of the new development within the city, however he stated that the zoning code is so outdated and ambiguous even the courts cannot decide or agree on what it says. Mr. Easterling urged Council and the Administration to readdress the zoning code as soon as possible. Mrs. Hlas indicated that Mr. Easterling contacted her regarding the issues with some of the lots in Columbia Heights that have paper streets they are being approved for housing to be built, and asked if the Administration has anything to bring to Council so that we can improve on the zoning code. Pritchard stated that they attempted to revamp the zoning code, which failed, and that we need to decide if we should redo it as a whole or piece by piece. Mr. Pritchard stated that this has been an ongoing debate as to when, where, and how to bring the zoning code back out. There was discussion as to the several critical areas that were hot topics or controversial issues, such as the non-conforming area.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Mrs. Hlas stated that if this is what is holding it up, she would remove those items and pass it again. Mayor Kernan talked about the controversial issues, and the fact that it may be easier to pass one item at a time, and he would like to address it after January 2005. Mrs. Hlas disagreed, and felt that with the removal of the controversial issues, the rest would probably pass. Once the main part passes, we could go back and work on the controversial issues one at a time. Mr. Pritchard stated that we do have a lot of changes occurring, but we need to be very careful with piecemealing the zoning code, because it is a very inter connected document and could become very dicey at times if we do that. Mr. Pritchard stated that as far as the non-conforming issue goes, you still have the Ohio Revised Code to comply with, we were less restrictive than what is spelled out in the Ohio Revised Code. If the individuals want to comply with the Ohio Revised Code, it may not be in the zoning code, however we have to follow the Ohio Revised Code. Mrs. Hlas stated that she added up about twelve hundred new homes coming into Norton within the next ten years, and felt we need to fix things now before they get worse. There was more discussion on paper streets, and non-improved streets, and Mr. Pritchard indicated that maybe this could be addressed the next time we do a road program.

CONSIDERATION OF NEW LEGISLATION:

ORD #133-2004

Mr. Pelot offered Ordinance #133-2004 for its first reading and asked the Clerk to read it:

AN ORDINANCE RECLASSIFYING APPROXIMATELY 62.13 ACRES OF PROPERTY LOCATED ON THE EAST SIDE OF CLEVELAND-MASSILLON ROAD, NORTH OF EASTERN ROAD AND SOUTH OF 31ST STREET, KNOWN AS PARCEL NUMBERS 46-07362 AND 46-07360, FROM C-REC AND R-1 ONE-FAMILY RESIDENTIAL DISTRICT TO R-3 WITH AN OVERLAY OF R-PC PLANNED CLUSTER RESIDENCE DISTRICT.

First reading only.

Mrs. Hlas expressed her concerns about the concept plan, and the fact that the lots have 60-65ft. of frontage and 30 ft. setbacks. Our code says they are to be 75-80ft. of frontage with 50ft setbacks. The residential lots are not up to code, not to mention the one street that backs up into the Lasko Development, where you will have cluster homes, and then going into 1/3-acre lots, and how this will look. Mr. Pritchard stated that he has a letter from the developer stating that he will meet all of the requirements, and that he is comfortable with the general concept plans. Mr. Pritchard stated that during the preliminary plat process, Mrs. Hlas' concerns would be addressed. Mrs. Hlas stated that Mr. Lyons indicated to her that we are approving the rezoning and the concept plan at the same time. Mr. Pritchard stated that if Council is concerned they could do a conditional approval now, and Mr. Lyons indicated that he would prefer their layout show compliance with the R3 subject to Councils conditions. Mr. Conklin inquired from Mr. Lyons if we could break up the RPC, and Mr. Lyons indicated that it could be done this way, however it can become complicated. Mr. Pritchard asked the applicant who was present, if he would be willing to update the concept plan to show the RPC overlay and the applicant agreed. It was agreed that the developer would have a revised concept plan prior to Council's approval. There was discussion as to if this would need to have all three readings, and Mr. Lyons indicated that Council could waive the 3rd reading, providing they have fulfilled the legal requirement for the Public Hearing at the second reading.

RES #134-2004

Mr. Mowery offered Resolution #134-2004 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO REQUEST THE BARBERTON BOARD OF HEALTH TO RECONSIDER ITS APPROVAL OF AN EXPERIMENTAL WISCONSIN MOUND SEPTIC SYSTEM IN THE CITY OF NORTON, TO REVERSE ITS APPROVAL AND TABLE THE APPLICATION UNTIL SUCH TIME AS THE HEALTH DEPARTMENT STAFF ESTABLISHES GUIDELINES AND MONITORING PROTOCOLS FOR SUCH EXPERIMENTAL SYSTEMS, AND PLACE A MORATORIUM ON THE APPROVAL OF ANY OTHER EXPERIMENTAL SEPTIC SYSTEMS IN THE CITY OF NORTON UNLESS AND UNTIL THE HEALTH DEPARTMENT STAFF ESTABLISHES GUIDELINES AND MONITORING PROTOCOLS FOR SUCH EXPERIMENTAL SYSTEMS.

Mr. Mowery discussed the resolution with Mr. Pritchard, and it was clarified that Norton City Council was not involved in the decision by the Barberton Board of Health. Mr. Pritchard also stated that the City of Norton Health Advisory Board did not have the opportunity to come to a conclusion prior to the Barberton Board of Health approving the permit for the Rector property. There was discussion as to the time line for filing an appeal, which would expire on December 10, 2004. Mr. Pritchard stated that the Administration intends to request Mr. Harrison to ask the Board to hold a Special Meeting prior to their regularly scheduled meeting on December 15, 2004. Mr. Conklin asked Mr. Mowery what he intends to do if the Board does not reverse their decision? Mr. Mowery indicated that we should do an ordinance prohibiting them from allowing these types of systems within our city. Mr. Lyons indicated that Norton City Council has no authority to do an ordinance directing them not to permit this. Mr. Zita discussed the fees for permits, and Mr. Lyons indicated that Norton does not set the fees, this is done by the Barberton Health District. The effective way is to present the evidence and the reasons that this won't work in the City of Norton. Mr. Pritchard stated that we might have another option with NEFCO and the Clean Water Plan. Mr. Pritchard indicated that we may be able to add language in Section 201 restricting these types of systems, Bath Township did this successfully, and we could look at this for an option. Mr. Pritchard cautioned that if the decision is not reversed, it would set a precedent for other property owners to do the same.

CONSIDERATION OF PRIOR LEGISLATION CONTINUED:

ORD #120-2004

AN ORDINANCE TO PETITION THE COURT OF COMMON PLEAS TO ORGANIZE A SANITARY DISTRICT FOR THE REDUCTION OF MOSQUITO POPULATIONS AND DECLARE AN EMERGENCY.

Mr. Mowery discussed this ordinance to approve a joint Mosquito District with Barberton and moved to remove this from the table and add to the agenda for a vote, 2nd by Mr. Zita.

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

Motion failed 3-3 to remove Ordinance #120-2004 from being tabled.

ORD #125-2004

Mr. Pelot offered Ordinance #125-2004 for its third reading, and asked the Clerk to read it:

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF THE MAJOR SUBDIVISION PROPOSED BY PANTHER PROPERTIES LIMITED LLC, KNOWN AS BAUGHMAN RESIDENTIAL SUBDIVISION, PPN 46-02342.

Mrs. Hlas discussed her concerns regarding the driveway issue with Mrs. Jenkins, and wondered how will Mrs. Jenkins driveway access to her property? Mr. Pritchard stated that the developer is willing to work with Mrs. Jenkins, and this would be addressed during the improvement stage later on. Mr. Collins stated that it is not the city's responsibility, it's the property owner's responsibility to put in the driveway, culvert pipe.

Mr. Pelot moved to adopt Ordinance #125-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

ORD #131-2004

Mr. Price offered Ordinance #131-2004 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH SUMMIT COUNTY FOR THE PROVISION OF ANIMAL CONTROL SERVICE.

Mr. Price moved to adopt Ordinance #131-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

ORD #132-2004

Mrs. Hlas offered Ordinance #132-2004 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND OR CITY ADMINISTRATOR TO ENTER INTO AN LICENSE AGREEMENT WITH THE OWNER OF LOT NUMBERS 36, 37, 38, AND 39 IN STONEYWYCK PHASE I TO PERMIT CONSTRUCTION AND MAINTENANCE OF A PRIVATE FORCE MAIL ON PROPERTY OWNED BY THE CITY OF NORTON.

Second reading only.

REPORTS FROM OFFICERS, BOARDS & COMMISSIONS:

Mr. Binic of the Barberton Health District gave a report about the Pander property, which recently sold. The \$6800.00 lien has already been satisfied and Norton should be receiving a check any day for \$800.00. Mr. Binic discussed the landfill clean up project on Barber Road, and that there has been heavy equipment there lately removing large buried tires that were used in big equipment.

OLD BUSINESS:

Mrs. Hlas discussed the issue with the Mosquito Control District, and she had spoke with Mr. Suboticki from Barberton Council about this issue. Mrs. Hlas stated that she felt we have beat this to death, and feels Norton would be getting the better end of the deal 40% of the costs while Barberton would be paying 60%. and the fact that we have 23 square miles to their 9 square miles. Mr. Conklin briefly commented on this subject, wondering if this is a lost effort here. Whether we like it or not these two communities have to start somewhere. Mr. Price commented about the residents placing their trust in us with the passage of the ½% income tax increase, and that Barberton is not the only city with a mosquito truck. Mr. Price stated that we should look elsewhere for these services, it took us 30 years to get a ½% income tax increase, lets not blow it now.

NEW BUSINESS:

None

PUBLIC SERVICE ANNOUNCEMENTS:

None

ADJOURN:

There being no further business to come before it, Council adjourned the meeting at 8:29 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, December 12, 2004.

Karla D. Richards, Clerk of Council

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