



NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, NOVEMBER 8, 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 8, 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 welcomed Kristen Combs, a student from Akron University; she is working on a paper for class and decided to attend one of our Council Meetings.

Mr. Mowery indicated that we need more discussions on Ordinance #120-2004-Mosquito Control Ordinance, and made a motion to table it, seconded by Mr. Price.

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

Motion passed 6-0 to table Ordinance #120-2004.

Mr. Mowery briefly discussed the issue with the group home. Mr. Mowery indicated that he has been informed by Ms. Connie Humble of Children's Services Board that they have already removed two children and are in the process of removing five more. Ms. Humble indicated that their agency will no longer place any children at the Bridgeway Group Home, but cautioned that this does not mean that other agencies in other counties will do the same. Mr. Mowery indicated that there are meetings in Copley and Sharon Twp. this Tuesday and Wednesday, which he would attend and report to Council on the discussions.

**CONSIDERATION OF MINUTES:**

Minutes of the Regular Council Meeting of October 25, 2004-Accepted as written  
Minutes of the Committee of the Whole Meeting of November 1, 2004-Accepted as written

**COMMUNICATIONS FROM THE PUBLIC:**

Mrs. Elaine Tompkins, a Norton resident spoke regarding the 81% of the electorate, and wanted Council to address this. Mrs. Tompkins stated that she would like to see more public information on our web site, such as the minutes of Board of Control, Planning Commission, and Board of Building & Zoning Appeals. Mrs. Tompkins also spoke about lack of disclosure when it comes to notifying the public about rezoning issues, and that small map of the detailed area would benefit the residents.

**COMMUNICATIONS FROM THE PUBLIC CONTINUED:**

Mrs. Maggie Abbott, Treasurer of Citizens for Norton's Future, spoke about Issue #40, and thanked everyone who worked so hard on this, as well as the 3,357 Norton residents that votes yes for this increase.

Mr. Conklin temporarily recessed the Regular Council meeting for a short recess, in order to begin the Public Hearings promptly at 7:15 PM.

**PUBLIC HEARINGS:**

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

#1. AN ORDINANCE TO AMEND SECTION 1250.04 OF THE CITY OF NORTON ZONING CODE TO ADD WHEELCHAIR ACCESSIBILITY RAMP TO THE DEFINITIONS.

The Clerk of Council certified that a notice for this public hearing was published in the Barberton Herald on October 14, 2004. Mr. Conklin called for anyone for the application to come forward, the applicant being the City of Norton and Mr. Pritchard explained the need for changing this zoning code to make it easier. Mr. George Tomko, a Norton resident came forward in favor of this, and stated that this is a good thing to be doing. Mr. Conklin called twice more for anyone in favor, there was no response. Mr. Conklin called three times for anyone against this, and there was no response. Mr. Conklin closed the public hearing for the wheelchair ramp.

#2. AN ORDINANCE RECLASSIFYING PARCEL #4605953 FROM B-1 ONE-FAMILY RESIDENTIAL DISTRICT TO R-4 MULTIFAMILY RESIDENTIAL DISTRICT.

Mr. Conklin declared this public hearing open, and the Clerk of Council certified that a notice for this public hearing was published in the Barberton Herald on October 14, 2004. Mr. Conklin called for anyone for the application to come forward, the applicant was present, but did not comment. Mrs. Hlas stated that she drove to the proposed location and was concerned about the driveway access for the current tenants. Mr. Pritchard indicated that there would be sufficient parking room for the cars when the structure is built. Mr. Conklin called twice more for anyone in favor, there was no response. Mr. Conklin called three times for anyone against this, and there was no response. Mr. Conklin closed the public hearing for this rezoning.

#3. AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF THE MAJOR SUBDIVISION PROPOSED BY PANTHER PROPERTIES LIMITED LLC, KNOWN AS BAUGHMAN RESIDENTIAL SUBDIVISION, PPN 46-02342. Mr. Conklin declared this public hearing open, and the Clerk of Council certified that a notice for this public hearing was published in the Barberton Herald on October 21, 2004. Mr. Conklin called for anyone for the application to come forward, and David Lewis-Engineer for the project came forward and briefly explained that this rezoning is to create six buildable lots with an average of 1.5 acres for each lot. Mr. Conklin called twice more for anyone for the application to come forward, there was no response. Mr. Conklin called for anyone against this application to come forward. Ms. Nancy Jenkins of Laurie Lane, Norton came forward against this application. Ms. Jenkins complained about the lack of information on the notification she received from the Planning Commission, she did not realize this was in her back yard. Ms. Jenkins was concerned about her driveway and concrete apron, which was in the right of way, and was there when she bought the property. Ms. Jenkins also commented on the parcel address and size, it appears that 22.44 acres is what is being divided, when in reality it's more like 8.75. Mr. Pritchard stated that the address for this parcel is Reimer Road, and that the driveway issue is a realtor and previous owner situation where she may have been misinformed.

**PUBLIC HEARINGS CONTINUED:**

Mr. Pritchard stated that he was surprised that the apron was built in the city's right of way in the first place. Mr. Joe Krunich of Laurie Lane stated his concerns about water runoff, and that there is a ¾ acre lake on his property directly adjacent to the storm water basin. Mr. Krunich stated that his property value is substantially based on this lake, and had concerns that the development would dry this lake up. Mr. Krunich also had concerns regarding septic systems, in this area because of the very hard soil. Mr. Pritchard stated that the reports he has indicated that there is no stream or wetlands on this property. Mr. Pritchard stated that Mr. Ed Wood of the Barberton Health District has reviewed the site evaluations and has approved septic systems for each site. Ms. Angela Anders, a Norton resident stated that this area really does not affect her, however she felt the right of way and entrance off of Laurie Lane was poorly planned. The entrance should be off of Reimer Road instead. Mr. Pritchard stated that a culdesac is what is currently planned, however in the future this could be extended out to Reimer Road in the next phase. Mrs. Elaine Tompkins, a Norton resident stated that she is for the development, however suggested that in the future the city should send maps along with the notice for the hearings. Ms. Tompkins commented on the fact that not one resident from Flesher Acres was present, and had they known about this they might have attended earlier meetings. Ms. Tompkins stated that there should be better disclosure on these developments in the future. Mr. Conklin called twice more for anyone against the application to come forward; there was no response.

At 7:54 PM Mr. Conklin declared the Public Hearings closed, and reconvened the Regular Council meeting back to order.

**CONSIDERATION OF NEW LEGISLATION**

**ORD #132-2004**

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

AN ORDINANCE TO AUTHORIZE THE MAYOR AND/OR CITY ADMINISTRATOR TO ENTER INTO A LICENSE AGREEMENT WITH THE OWNER OF LOT NUMBERS 36, 37, 38 AND 39 IN STONEYWYCK PHASE 1 TO PERMIT CONSTRUCTION AND MAINTENANCE OF A PRIVATE FORCE MAIN ON PROPERTY OWNED BY THE CITY OF NORTON.

First reading only.

**CONSIDERATION OF PRIOR LEGISLATION:**

**ORD. #118-2004**

Mr. Pelot offered Ordinance #118-2004 for its third reading, and asked the Clerk to read it:

AN ORDINANCE RECLASSIFYING PARCEL #4605953 FROM B-1 ONE-FAMILY RESIDENTIAL DISTRICT TO R-4 MULTIFAMILY RESIDENTIAL DISTRICT. Mr. Hlas expressed her concerns regarding the space for parking, and Mr. Pritchard indicated that there would be enough space for the tenants to park.

Mr. Pelot moved to adopt Ordinance #118-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

**CONSIDERATION OF PRIOR LEGISLATION CONTINUED:**

**ORD #124-2004**

Mr. Pelot offered Ordinance #124-2004 for its second reading, and asked the Clerk to read it:

AN ORDINANCE APPROVING THE MAJOR SUBDIVISION FINAL PLAT OF STONEWYCK NO. I, PHASE I, PPN 46-08582.

Mr. Pelot moved suspend the third reading of Ordinance #124-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ordinance #124-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

**ORD #125-2004**

Mr. Pelot offered Ordinance #125-2004 for its second 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.

Second reading only.

**ORD #131-2004**

Mr. Price offered Ordinance #131-2004 for its second 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.

Second reading only.

**REPORTS FROM OFFICERS, BOARDS & COMMISSIONS:**

Mayor Kernan thanked the employees of the Police, Finance, Administration, Clerical, Council, Norton residents Karen Miller and Maggie Abbott for all of their efforts in getting the word out to the community on the income tax issue. Mayor Kernan also thanked the residents for supporting the school levy and the S Corporations continued taxation.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mrs. Hlas reminded everyone about the Night at the Races this Friday; tickets are \$12.00 or \$15.00 to sponsor a horse. This is at the Barberton Moose on Cleve-Massillon Road, and sponsored by the Panther Parents Sports Boosters. They have spent over \$150,000.00 on uniforms and equipment over the last two years. Mayor Kernan announced that there would be a Spaghetti Dinner on November 2004 at the Community Center, sponsored by the Music Boosters.

**ADJOURN:**

There being no further business to come before it, Council adjourned the meeting at 8:04 PM.

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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, November 12, 2004.

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Karla D. Richards, Clerk of Council

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