



NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, DECEMBER 13, 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, December 13, 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 amend Ordinance #138-2004 to correct the language to read as Fidelity Securities instead of AIG, seconded by Mr. Pelot.

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

Motion passed 6-0.

Mr. Mowery discussed the recent Barberton Board of Health meeting, which took place last week. Mr. Mowery stated that Mr. Pritchard represented the concerns and interests of the City of Norton very well. Mr. Mowery indicated that it was the decision of the Barberton Board of Health to rescind their approval of the septic permit for Mr. Rector until June 5, 2005. Mr. Mowery mentioned the clean up efforts of the junk cars and refuse at 3720 Alberta Drive. There were seven dump truck loads of debris removed from this property and four vehicles towed away. Mr. Mowery thanked the Administration and the Service Department employees for their combined efforts in cleaning this up. Mr. Mowery again offered free towing of junk vehicles at his expense, which he has not been contacted by any residents so far. Mrs. Hlas mentioned that House Bill #432-C & D Tipping Fees should pass by the House of Representatives tomorrow. Once passed by the House, the City of Norton would also need to adopt legislation to charge tipping fees of .4 ¢ per yard, which could bring about \$15,000.00 to \$20,000.00 annually into our General Fund. Mrs. Hlas indicated that she intends for this money to be used in the Street Department, because this would maintain the streets that these heavy trucks utilize. Mr. Pelot moved to remove Ordinance #108-2004 Wheelchair Accessibility Ramp from being tabled, and added to tonight's agenda for its final reading and a vote, motion seconded by Mrs. Hlas

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

Motion passed 6-0 to add Ord. #108-2004 to the agenda.

Mr. Collins indicated that Mr. Bellish, of Buckeye Energy Brokers had arrived for discussion on extending the electric aggregation program for the City of Norton. Mr. Bellish spoke regarding the details of the program and that during a recent auction at First Energy, for the generation price, the rate came in lower than Ohio Edison Company's. Mr. Bellish explained that there is a 45-day window to act on from December 8, 2004. The current program goes through August of 2006, and the proposal before Council tonight is to go through end of 2008. Mr. Bellish stated that the proposal is for First Energy Solutions at savings of 4% off of the shopping credit rate for Norton customers, which is a saving to the community. There was a break in this discussion in order to convene the Public Hearing on time at 7:15 PM.

Mr. Conklin temporarily recessed the Regular Council Meeting at 7:15 PM.

Mr. Conklin declared the Public Hearing open for Ordinance #133-2004. Mr. Conklin asked the Clerk to certify the legal requirement for the Public Hearing. The Clerk certified that a legal notice for the Public Hearing was published in the Barberton Herald on November 25, 2004. Mr. Conklin called for anyone for this application to come forward. Mr. John Lucas, the applicant was present and came forward to speak. Mr. Lucas explained that he and his wife have owned the present driving range for the past 18 years, and an opportunity has presented itself to them that they decided to take advantage of. Mr. Lucas also stated that in doing so; this would bring sewer and water to this section of town. Mr. Lucas explained the need of the RPC rezoning to allow for the modern living of senior citizens in this area. Mrs. Hlas thanked Mr. Lucas for complying with the request to revise their plans to show the proper frontage of the parcels. Mr. Conklin called again for anyone in favor to come forward. Mr. Gill Travis, 5287 Cleve-Mass., Road, Norton, came forward with his comments regarding the zoning changes, and asked for clarification that it is only these two parcels that will be rezoned. Mr. Pelot stated that he is correct. Mr. Conklin called again for anyone in favor to come forward. Mr. Gula, of 5317 and 5309 Cleve-Massillon Road, Norton, came forward with his concerns regarding the development. Mr. Gula stated that the way he sees the property layout, the biggest development of homes will back right up against his property, and felt that it would be better if these homes were with the other single family homes. Mr. Gula agrees with the general concept, and the need for sewer and water. Mr. Conklin called for anyone against this application to come forward and Mrs. Mary Ann Mitchell, 5400 Cleve-Mass. Road, came forward with her complaints. Mrs. Mitchell stated that she and her husband have lived here since 1948, and they had spent over \$5,000.00 within the last five years for new septic, now all of the sudden they are required to have water and sewer. Mrs. Mitchell stated that she does not think this is fair, and is not happy about having to look at these new cluster homes right across the street from their home. Mrs. Mitchell suggested that each of the homes should have one acre, and no cluster homes. Mr. Conklin called again for anyone against this application to come forward. Mr. Normal Kendall, 3471 Clark Mill Road, Norton, came forward and wanted to inform everyone about the potential of developers pumping water on to your property. Mr. Kendall stated there is no law prohibiting the developer from doing this. The only way you can stop this is to legally go after the developer. Mr. Conklin called for the final time for anyone opposed to come forward. Mr. Gill Travis wanted clarification about the water issue Mr. Kendall spoke about, and the requirement of a spillway as indicated on the map. Mr. Pritchard stated that Norton is part of MS Four which means that the City of Norton has to comply with the Storm Water Phase II Regulations as prepared and overseen by the Ohio EPA. Mr. Pritchard indicated that with any development project over one acre it must be reviewed and approved not only by the City of Norton, but also the Ohio EPA, and the Summit County Soil Water Conservation District.

Mr. Conklin closed the Public Hearing at 7:32 PM and reconvened the Regular Council Meeting back to session to continue the discussion on Electric Aggregation. There was more discussion on the different fees, rates, etc., and the potential savings to the customers. Mr. Bellish stated that the residents would see a savings of 4% through 2008. Mrs. Hlas discussed the opt in/opt out process, and Mr. Bellish indicated the residents will have the opportunity to opt in or out and notices would go out sometime in August of 2006. Mr. Pelot had his concerns regarding the 5 different zip codes and inquired if this would be a problem contacting the residents. Mr. Bellish indicated that the database comes directly from Ohio Edison and is up to date and accurate. Mrs. Hlas moved to add this legislation to tonight's agenda, seconded by Mr. Zita.

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

Motion passed 6-0.

**CONSIDERATION OF MINUTES:**

Minutes of the Regular Council Meeting of November 22, 2004-Accepted as written.

Minutes of the Committee of the Whole Meeting of December 6, 2004-Accepted as written.

**COMMUNICATIONS FROM THE PUBLIC:**

None

**CONSIDERATION OF NEW LEGISLATION:**

**ORD #135-2004:**

Mr. Price offered Ordinance #135-2004 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO CREATE THREE ACCOUNTS AND TO MODIFY THE ANNUAL APPROPRIATION ORDINANCE TO PROVIDE FOR EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2004.

Mr. Price moved to suspend the second and third readings of Ordinance #135-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Mr. Price moved to adopt Ordinance #135-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

**ORD #136-2004**

Mr. Price offered Ordinance #136-2004 for its first reading, and asked the Clerk to read it:

THE ANNUAL APPROPRIATION ORDINANCE FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2005.

Mr. Price moved to suspend the second and third readings, seconded by Mrs. Hlas. Mr. Price asked Mrs. Zerga to give a brief overall of the 2005 Budget. Mrs. Zerga indicated that this is a balanced budget for 2005, which includes the purchase of two new police cruisers. Mrs. Zerga stated that we have added to the budget a codification account. It was previously understood that the purchase of the Folio Views software program for Council included the codification update, which is incorrect. Mrs. Zerga stated that she has added this Codification Account under the General Government. There was also a \$70.00 fee added to Council's budget for a maintenance agreement for the court recorder that Mrs. Richards uses to record and transcribe the minutes. Mrs. Hlas clarified that this 2005 Budget does *not* include any kind of a road program, and Mrs. Zerga concurred.

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

Motion passed 6-0.

Mr. Price moved to adopt Ordinance #136-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

**ORD # 137-2004**

Mrs. Hlas offered Ordinance #137-2004 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE A CONTRACT WITH THE OHIO EDISON COMPANY FOR ELECTRIC SERVICE TO CITY STREET LIGHTS, AND TO DECLARE AN EMERGENCY.

Mrs. Hlas moved to suspend the second and third readings, seconded by Mr. Pelot.

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ordinance #137-2004, seconded by Mr. Pelot.

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

Motion passed 6-0.

**ORD #138-2004**

Mr. Zita offered Ordinance #138-2004 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE A CONTRACT WITH FIDELITY SECURITY FOR EMPLOYEE HEALTH, DENTAL, VISION AND RELATED BENEFITS FOR THE PLAN YEAR JANUARY 1, 2005 THROUGH DECEMBER 31, 2005, AND DECLARING AN EMERGENCY.

Mr. Zita moved to suspend the second and third reading, seconded by Mr. Pelot.

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

Motion passed 6-0.

Mr. Zita moved to adopt Ordinance #138-2004, seconded by Mr. Pelot.

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

Motion passed 6-0.

**ORD #139-2004:**

Mr. Price offered Ordinance #139-2004 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE SALE OF SURPLUS PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES.

First reading only.

**ORD #140-2004**

Mr. Price offered Ordinance #140-2004 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO REITERATE AND CLARIFY COUNCIL'S STATEMENT OF INTENT REGARDING THE ALLOCATION OF ANTICIPATED NET INCOME TAX REVENUES IN 2005.

Mr. Price moved to suspend the second and third readings, seconded by Mrs. Hlas.

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

Motion passed 6-0.

**Ord #140-2004 Continued:**

Mr. Price moved to adopt Ordinance #140-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

**ORD #141-2004:**

Mrs. Hlas offered Ordinance #141-2004 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AN ADDENDUM TO A CONTRACT WITH FIRST ENERGY SOLUTIONS CORPORATION, AS THE ELECTRIC SUPPLIER FOR MEMBERS OF THE CITY OF NORTON ELECTRIC AGGREGATION PROGRAM AND TO DECLARE AN EMERGENCY.

Mrs. Hlas moved to suspend the second and third reading, seconded by Mr. Zita.

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ordinance #141-2004, seconded by Mr. Zita.

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

Motion passed 6-0.

**CONSIDERATION OF PRIOR LEGISLATION:**

**ORD #132-2004**

Mrs. Hlas offered Ordinance #132-2004 for its third 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 MAIN ON PROPERTY OWNED BY THE CITY OF NORTON.

Mrs. Hlas moved to adopt Ordinance #132-2004, seconded by Mr. Zita

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

Motion passed 6-0.

**ORD #133-2004**

Mr. Pelot offered Ordinance #133-2004 for its 2nd 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 31<sup>ST</sup> 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.

Mr. Pelot moved to waive the third reading, 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 #133-2004, seconded by Mrs. Hlas.

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

Motion passed 6-0.

**ORD #108-2004**

Mr. Pelot offered Ordinance #108-2004 for its third reading, and asked the Clerk to read it:

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

Mr. Pelot moved to adopt Ordinance #108-2004, seconded by Mrs. Hlas

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

Motion passed 6-0.

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

Mayor Kernan thanked all of Council and the Administration for their hard work this year and their cooperation in working together. Mayor Kernan thanked Mr. Conklin for his hard work these last two years as Council President. Mayor Kernan wished everyone a Merry Christmas and a Happy New Year.

Mr. Collins discussed the clean up of the property at 3720 Alberta and that there were three vehicles towed from the property. The vehicles are back on the property each with thirty day tags on them. Mr. Collins indicated that the Service Dept. employees removed ten truckloads of junk from this property.

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

Mr. Collins stated that the property owner will be billed for \$1650.00 for related expenses and if not paid within thirty days, it will be applied to his property taxes. Mr. Collins also wished everyone a Merry Christmas and Happy New Year.

Mr. Pritchard expressed his gratitude for the Barberton Board of Health for their decision to postpone the approval of the septic permit for Mr. Rector's property. Mrs. Hlas stated that she wanted to be kept up to date with any developments on this issue. Mr. Pritchard indicated that Mr. Binic would most likely address this during his future reports to Council.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mrs. Hlas reminded all Council Members about Council Rule 208, which we recently passed. Mrs. Hlas mentioned that her Girl Scout Troop #2 is doing a fundraiser at the Lakes Cinema this weekend. They will be earning a percentage of the sales at the concession stand. The hours are Saturday 11:00 AM to 1:00 PM shows, and again on Sunday from 3:00 to 5:00 PM shows. Mrs. Hlas also indicated her Girl Scout Troop would be planting a tree in Columbia Woods Park in honor of our first woman mayor-Amy Addis.

Mr. Pelot inquired about the notice at the Town Square about a group collection donations to send to our soldiers overseas this Christmas. Mrs. Hlas indicated that it is the Cornerstone School that is organizing this event. Mr. Pelot urged everyone to keep the soldiers in mind this holiday season.

Mr. Conklin reflected on his term as President of Council. Mr. Conklin thanked all members of Council and Administration for their support these past two years. Mr. Conklin especially thanked the Clerk of Council for her hard work these past two years. Mr. Conklin stated that a lot of what was accomplished these past two years would not have been possible without her help and cooperation. We adopted 290 pieces of legislation in two years, 119 last year and 141 this year, which is the most pieces passed in the city's history. Mr. Conklin stated that there are other areas we need to focus on: zoning code, major subdivision fees, road programs, Gardner Blvd. Phase II and III, police vehicles, dump trucks for service dept., service garage facility purchase, Charter, ballfields for Columbia Woods, CCA income tax collections, and water and sewer connection fees, master plan.

**ADJOURN:**

There being no further business to come before it, Council adjourned the meeting at 8:07 PM.

John Conklin, President of Council

Regular Council Meeting  
December 13, 2004  
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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 10, 2005.

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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\*\***