



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

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|------------|----------------|---------------|---------------------|
| 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 on Monday, March 22, 2004 at 7:05 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 stated there would be a meeting next Monday with the Summit County Chapter of MADD. Mr. Mowery indicated that he had another meeting with Dr. Calinger and the School Administration adding that these meetings are going well and progressing in the right direction.

Mrs. Hlas moved to add Ordinance #56-2004 to tonight's agenda, seconded by Mr. Pelot. This is for the Brentwood surcharge ordinance for water. This would be for a first reading only, and will go all three readings and is not an emergency. Mr. Mowery clarified that this is an increase for their water bills, and Mrs. Hlas indicted this is a 3% increase. Mr. Collins added that this facility is and has been running in a deficit.

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

Motion passed 7-0 to add Ordinance #56-2004 to the agenda for this evening.

Mr. McGlone stated that he has received several calls regarding the Greenridge Road area. Mr. McGlone stated our Engineer and Ted Weinsheimer have looked into this and are in the process of obtaining prices for the repairs. Mr. Collins stated that there has been temporary fill in this area. Mr. Pelot added that this is not a quick fix, this is a drainage problem. There will be a new drain line installed from the Greenridge to Luray Drive.

CONSIDERATION OF MINUTES:

Minutes of the Regular Council Meeting of March 8, 2004
Minutes of the Committee of the Whole Meeting of March 8, 2004
Minutes of the Committee of the Whole Meeting of March 15, 2005
The minutes are accepted as written.

COMMUNICATIONS FROM THE PUBLIC:

Mr. George Tomko, 2525 Reimer Road Extension, Norton spoke regarding previous comments about water meters, and his water meter reads in gallons, not in cubic feet. His gas meter reads in cubic feet. Mr. Collins clarified that Mr. Tomko does not live in the Brentwood Water System, their meters do read in cubic feet and not gallons.

Mr. Conklin temporarily recessed the Regular Council Meeting at 7:11 PM in order to proceed at 7:15 with the Public Hearing.

PUBLIC HEARINGS:

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF PROPERTY LOCATED AT 4492 S. CLEVELAND MASSILLON ROAD IN AN AGRICULTURAL DISTRICT
OWNER: SUSAN M. DAYTON

Mr. Conklin declared the public hearing open for this application and the Clerk certified the notice for this public hearing was published in the Akron Beacon Journal on March 14, 2004.

Mr. Conklin asked for anyone in favor of this application to come forward, and that the applicant has the right to speak first. Ms. Susan Dayton was present and came forward. Ms. Dayton spoke about the CAUV program and that they have not received any tax write-off's for participating in that program. She has applied for this program and in the near future she plans on expanding with an additional greenhouse, adding that she is one of the last businesses in this industry to apply for the application. Mr. Mowery commented on the fact that the Dayton family has done more for this community and if anyone is entitled for a tax write-off, it should apply to them. Mr. Conklin called twice more for anyone in favor, and no one came forward. Mr. Conklin called three times for anyone against this application, there was no response. Mr. Pritchard stated that this application is within 300ft of a sanitary sewer to the north and south, and to keep this in mind. Mr. Pritchard also agreed they are very good community oriented business. Mr. Conklin declared the public hearing closed for this application.

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF PROPERTY LOCATED AT 4474, 4486 AND LOT 65 CLEVELAND MASSILLON ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Conklin declared the public hearing open for this application and the Clerk certified the notice for this public hearing was published in the Akron Beacon Journal on March 14, 2004.

Mr. Conklin asked for anyone in favor of this application to come forward, and that the applicant has the right to speak first. Mr. Del Dayton was present, Ms. Susan Dayton came forward and spoke in her fathers behalf. Ms. Dayton stated that we have been here 48 years, and have maintained a good reputation for this area. Ms. Dayton stated that yes, we may be in the donut hole but we cannot help where we are located. Ms. Dayton noted that her mother, Dorothy is also part owner and is listed on the deed. Mr. Mowery reiterated his previous statements, adding that this is a good time to get behind a business in our community with positive comments. Mr. Conklin called twice more for anyone in favor, there was no response. Mr. Conklin called three times for anyone against this application, there was no response. Mr. Conklin closed the public hearing closed for this application.

PUBLIC HEARINGS CONTINUED:

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 4117 GREENWICH ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Conklin declared the public hearing open for this application and the Clerk certified the notice for this public hearing was published in the Barberton Herald on March 11, 2004.

Mr. Conklin asked for anyone in favor of this application to come forward, and that the applicant has the right to speak first. The applicant was not present, and Mr. Conklin indicated that the applicant might be in Florida. Mr. Conklin called twice more for anyone in favor, there was no response. Mr. Conklin called three times for anyone against this application, there was no response. Mr. Mowery commented on the history of the Seiberling farm. Mr. Conklin closed the public hearing closed for this application

Mr. Conklin reconvened the Regular Council Meeting to order at 7:29 PM continuing with the Communications from the Public.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Mr. Joe Danko, 3805 S. Cleve-Mass. Road. Commented on the last Council meeting stating that the Beacon Journal article discussed wages, and we should not be discussing the salaries of the School Board Members, or City officials. Mr. Danko also discussed sidewalks and street lights, and for over 20 years kids have been walking everywhere, and wondered why the city can't put in sidewalks. Mr. Danko discussed the school levy and how the millage system works. The school treasurer informed him that other districts that pass a 3 or 4 mill levy get more money than Norton gets. Mr. Danko also discussed a situation where he tried to get a permit for installing a fence w/electric current. There was discussion about this application and he did not disagree with the code, just thought it should be looked into, adding that in agricultural areas someone might want this type of fencing for their animals.

Mr. Charles Kaufman, of 2838 Shellhart Road, Norton, read a statement discussing the issues with the pending school levy and handed samples of literature which was distributed earlier full of half-truths and lies against the levy. (See Exhibit A).

CONSIDERATION OF NEW LEGISLATION:

ORD #48-2004

Mrs. Hlas offered Ordinance #48-2004 for its first reading and asked the Clerk to read it.

AN ORDINANCE TO AMEND CITY SURCHARGES FOR ANY CUSTOMERS CONNECTED, DIRECTLY OR INDIRECTLY, TO THE CITY'S SANITARY SEWER SYSTEM.

Mrs. Hlas moved to suspend the second and third readings, seconded by Mr. McGlone. Mrs. Hlas stated this ordinance was passed last year, and we needed to change a few words in it. It is not an emergency so it would not go into effect for 30 days.

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

Motion passed 7-0.

INTRODUCTION OF NEW LEGISLATION CONTINUED:

ORD #48-2004 Continued:

Mrs. Hlas moved to adopt Ordinance #48-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #49-2004

Mrs. Hlas offered Ordinance #49-2004 for its first reading, and asked the Clerk to read it.

AN ORDINANCE TO AMEND CITY SURCHARGES FOR CUSTOMERS CONNECTED, DIRECTLY OR INDIRECTLY, TO THE CITY'S WATER SYSTEM.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ordinance #49-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

RES #50-2004

Mr. Pelot offered Resolution #50-2004 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF PROPERTY LOCATED AT 4474, 4486 AND LOT 65 CLEVELAND MASSILLON ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Pelot moved to adopt Resolution #50-2004, seconded by Mrs. Hlas.

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

Motion passed 7-0.

INTRODUCTION OF NEW LEGISLATION CONTINUED

RES #51-2004

Mr. Pelot offered Resolution #51-2004 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF PROPERTY LOCATED AT 4492 S. CLEVELAND MASSILLON ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Pelot moved to adopt Resolution #51-2004, seconded by Mrs. Hlas.

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

Motion passed 7-0.

RES #52-2004

Mr. Pelot offered Resolution #52-2004 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 4117 GREENWICH ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Pelot moved to adopt Resolution #52-2004, seconded by Mrs. Hlas.

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

Motion passed 7-0.

RES #53-2004

Mr. Zita offered Resolution #53-2004 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR NORTON HEALTH ADVISORY BOARD MEMBER DEBORAH L. HANLIN.

Mr. Zita moved to adopt Resolution #53-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

INTRODUCTION OF NEW LEGISLATION CONTINUED

RES #54-2004

Mr. Zita offered Resolution #54-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION CONFIRMING THE APPOINTMENT OF NANCY DELNAY TO FILL THE UNEXPIRED FOUR-YEAR TERM ON THE HEALTH ADVISORY BOARD OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Zita moved to adopt Resolution #54-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #55-2004

Mr. Price offered Ordinance #55-2004 for its first reading, and asked the Clerk to read it.

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH THE LEGAL DEFENDERS OFFICE OF SUMMIT COUNTY, OHIO INC.

First reading only.

ORD #56-2004

Mrs. Hlas offered Ordinance #56-2004 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH WATER USE AND ACCESS CHARGES FOR CUSTOMERS CONNECTED, DIRECTLY OR INDIRECTLY, TO THE CITY'S BRENTWOOD WATER SYSTEM.

First reading only.

CONSIDERATION OF PRIOR LEGISLATION:

None

REPORTS FROM OFFICERS, BOARDS & COMMISSIONS:

Mayor Kernan stated that he would be swearing in Ms. Delnay to the Health Advisory Board, immediately after the Council meeting tonight.

Ms. Zerga stated that she wanted to remind every resident that the city income tax filing is mandatory. The Finance Department has staff available 8:00 to 4:30 Monday to Friday free of charge to assist the residents. On Saturday, April 24, 2004 the Finance Department will be open from 8:00 to 1:00 PM. The deadline for taxes is April 30, 2004.

OLD BUSINESS:

Mrs. Hlas indicated that she went to Willig Tire this past Friday, since he seemed rather upset about the meeting that he was not invited to. Mrs. Hlas stated that she wanted to personally apologize to Mr. Willig for not inviting him to attend and that that meeting mostly discussed the bill the City received from Lockhart Construction. Mrs. Hlas stated his business is very clean and he was quite busy while she was present. Mrs. Hlas asked Mayor Kernan if he has any updates to offer regarding NES or the zip code situation. Mayor Kernan stated he has not had the time just yet to look into these issues. Mayor Kernan stated that former Mayor Addis was looking to the zip code issue, and he will continue this. As far as NES, Mayor Kernan stated that the last he knew they were trying to get this to move forward again. Mrs. Hlas indicated she heard that Rep. Sherrod Brown was in Norton for a tour of the mine at NES. Mayor Kernan stated the he was not aware of this and he seems to always be the last to know.

PUBLIC SERVICE ANNOUNCEMENTS:

Mrs. Hlas stated that her son is friends with Marcus Liotta, a Junior at Norton High School. Marcus is working on his Eagle Scout project, which is to build five bat houses. Mrs. Hlas read a letter from Marcus explaining his project and the need for financial assistance for this project. Mrs. Hlas stated that if anyone is interested in making a donation, please send them to her at the Council office and she would see that Marcus gets it.

ADJOURN:

There being no further business to come before it, Council adjourned the meeting at 8:25 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, April 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*****