



NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MARCH 8, 2004

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 for a meeting on Monday, March 8, 2004 at 7:06 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. Pelot wanted the residents to know we are working on the volume issue on Channel #15 with Time Warner. Mr. Mowery indicated that he has items to discuss, but he would need more time. Mr. Conklin stated that we could come back to him during Committee of the Whole, after the Public Hearing section

CONSIDERATION OF MINUTES:

Minutes of the Regular Council Meeting of February 23, 2004

Mrs. Hlas stated that in the minutes of February 23, 2004, page #5 of 10, Ordinance #21, Mr. McGlone moved to suspend the 2nd and 3rd readings. On page #7 of 10, Ordinance #26, it is written as a Resolution and it should be an Ordinance. Mr. Price stated that on page #9 under Prior Legislation, on the roll call it has Mrs. Hlas as voting twice, both for the motion to suspend and the motion to adopt. The clerk noted the changes, and the minutes were accepted as written.

Minutes of the Committee of the Whole Meeting-March 1, 2004

The minutes are accepted as written.

Minutes of the Special Council Meeting of March 1, 2004

The minutes are accepted as written.

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

Mr. Conklin reconvened the Regular Council Meeting to order at 7:15 PM beginning with the Public Hearing portion.

PUBLIC HEARINGS:

Agricultural District Application for 5040 Fairland Road, Owner: Edward & Mary Soltis.

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF FARMLAND LOCATED AT 5040 FAIRLAND ROAD IN AN AGRICULTURAL DISTRICT

Mr. Conklin convened the Public Hearing for Ordinance #38-2004. Mr. Conklin asked the clerk to certify the legal notice for the Public Hearing. The Clerk certified that the legal notice was published in the Barberton Herald on February 26, 2004, and a notice was mailed to the applicant by certified mail on February 24, 2004.

Mr. Conklin asked for anyone in favor of the application to come forward, and that the applicant has the right to speak first. The applicant was present, but did not come forward. Mr. Louis Lasko, 4968 Fairland Road, Norton spoke in favor of this application and stated that Mr. Soltis is one heck of a farmer. Mr. Conklin called two more times for anyone in favor, and no one came forward. Mr. Conklin called three times for anyone against the application, and no one came forward. Mr. Conklin declared the Public Hearing closed.

Mr. Conklin re-convened the Regular Council Meeting back to session, returning to the Committee of the Whole and with Mr. Mowery's comments.

Committee of the Whole continued:

Mr. Mowery stated that the 3% increase in the Brentwood fees it is still a small increase of \$1.50 out of the residents pockets. Mr. Mowery indicated that he tried to schedule a meeting with Dr. Callinger over potential safety issues, it was set for today but was cancelled. Mr. Mowery stated that he would like someone on Council to attend with him, and Mrs. Hlas may be attending the next meeting, which could be tomorrow. Mr. Mowery discussed the bussing issue, and indicated that they are not even considering cutting this from their budget. Mr. Mowery stated that he is looking at Administration, not the teachers or anyone else, as to why this levy failed. Mr. Mowery indicated that he intends to find out what the Administration is proposing to do about it. Mr. Mowery discussed the concerns on Greenridge Road, and the ruts in the roadway. Mr. Mowery stated he did contact someone at the Service Garage and he was told that this is an engineering issue. Mr. Mowery questioned how many engineers it takes to fix this problem. Mr. Mowery stated that he has a similar situation on Driftwood, with erosion and their back yards falling in. We need to address this along with the drainage issues on Grenfall Road. Mr. Mowery discussed the skateboard issue, which was sent to Administration has now been forwarded to the Parks & Recreation Board. Mr. Mowery indicated that he would like to see Mr. Pritchard get involved on this project. Mr. Mowery stated that there may be some who believe he has a personal rift with Mr. Pritchard. Mr. Mowery indicated that there was an attempt to schedule a meeting last week with Mr. Conklin and the Mayor to discuss the issues. Mr. Mowery stated he has no issues with Mr. Pritchard, he has issues with the Planning Developer and how he intends to develop this city. Any issues or problems he has would be addressed in front of the public. Mr. Mowery stated that it seems when it comes to issues with the residents, all we ever tell them it's their problem, but there never seems to be a problem when it comes to pay issues.

Mr. Mowery stated that any kind of an increase in this city's budget, he would probably never ever vote on it in the concurrent year unless the economy picks up. Mrs. Hlas asked Mr. Mowery to explain his comments about the residents on Driftwood. Mr. Mowery stated that there are at least three residents with serious erosion in their back yards, one resident has lost 6-7 inches. Mr. Mowery stated this should have been addressed long ago, it appears we will wait until it reaches their back porch before we do anything about it. Mr. Collins disagreed with Mr. Mowery indicating that this is a private property issue. These residents have a creek that runs through their back yard, which is causing the erosion. It is their responsibility, but the residents think it's the City's problem and they want us to come in and build a wall to stop the creek from eroding. Mr. Collins stated this was addressed about three years ago with residents. Mr. Mowery stated he felt we could go one step farther with this, such as we could do the homework for them and find out what can be done to correct it. There is always something we can do. Mr. Pelot offered more details on the Greenridge Road issue. Our Supt. of Public Service, Mr. Ted Weinsheimer indicated to him that there is no quick fix. Due to improper drainage there, water builds up underneath the road, and when it freezes it pushes up on the pavement. They are looking at running new drainage pipes from that point down to the intersection and repair that area.

Mr. Conklin stated that the Clerk has advised him there was a printer error in the packets and Resolutions #44, 45, 46 and Ord #47 printed incorrectly, and corrected copies can be obtained from the Clerk.

Mrs. Hlas wanted to continue her discussions from this evening's previous Committee of the Whole where we were discussing the language in Ordinance #47. Mr. Lyons has already made the changes stating it should say "Barberton customers". Mr. Lyons stated the change in the language was necessary to match the calculations properly. There was more discussion and Mr. Collins indicated that some Norton customers that are also Barberton customers. Mr. Lyons stated this is a good and valid point, and that we should leave it as Barberton residents. Mrs. Hlas moved to place these two surcharge ordinances on Councils next agenda with the corrected changes. Mr. Pelot seconded the motion.

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

Motion passed 7-0.

INTRODUCTION OF NEW LEGISLATION

RES #28-2004

Mr. Zita offered Resolution #28-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION TO RESTATE AND CLARIFY THE CONTINUED EXCLUSIONS OF FIRE DEPARTMENT EMPLOYEE PICK-UP CONTRIBUTIONS TO OHIO POLICE AND FIRE PENSION FUND FROM GROSS INCOME FOR TAX REPORTING PURPOSES AND TO DECLARE AN EMERGENCY.

INTRODUCTION OF NEW LEGISLATION CONTINUED:

RES #28-2004 Continued:

Mr. Zita moved to adopt Resolution #28-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

RES #29-2004

Mr. Zita offered Resolution #29-2004 for its first reading and asked the Clerk to read it.

A RESOLUTION TO RESTATE AND CLARIFY THE CONTINUED EXCLUSIONS OF POLICE DEPARTMENT EMPLOYEE PICK-UP CONTRIBUTIONS TO OHIO POLICE AND FIRE PENSION FUND FROM GROSS INCOME FOR TAX REPORTING PURPOSES AND TO DECLARE AN EMERGENCY.

Mr. Zita moved to adopt Resolution #29-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #30-2004

Mr. Zita offered Ordinance #30-2004 for its first reading, and asked the Clerk to read it.

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

Mr. Zita moved to suspend the 2nd and 3rd readings of Ordinance #30-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mr. Zita moved to adopt Ordinance #30-2004, seconded by Mr. McGlone.

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

Motion passed 7-0.

RES #31-2004

Mr. Pelot offered Resolution #31-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION TO REJECT THE APPLICATION FOR PLACEMENT OF FARMLAND LOCATED AT 3734 CLARK MILL ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Pelot moved to adopt Resolution #31-2004, seconded by Mrs. Hlas. Mr. Conklin clarified that a yes vote by a Council Member would mean they affirm the rejection by the Planning Commission, to which Mr. Lyons agreed was correct. Mr. Mowery wanted the residents to know why this is being rejected. Mr. Pritchard stated that there are several parcels attached to this application. One lies within the City of Barberton, which is also a single-family unit which cannot be considered. Two of the parcels are not owned by the applicant, and the third parcel has building and zoning issues related to it. Mr. Pritchard felt this would not be in our best interests to approve these at this time. Mr. Mowery questioned if there is any farming being done here. Mr. Pritchard stated that he does have cattle on one of these parcels. Mr. Pritchard indicated that this does not preclude the applicant or the owner from applying for a CAUV, which is where the tax break is. Mr. Pritchard stated the purpose for an agricultural district is to delay the property owner from an assessment project. Mr. Mowery stated he felt the zoning and building issues really has nothing to do with the resolution. Mr. Pritchard stated that this correct, an agricultural district is not a zoning issue.

Roll Call: Yeas: Pelot, Hlas, McGlone, Price, Zita, Conklin
Nays: Mowery

Motion passed 6-1.

RES #32-2004

Mr. Pelot offered Resolution #32-2004 for its first reading and asked the Clerk to read it.

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF FARMLAND LOCATED AT 2392 WADSWORTH ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Pelot moved to adopt Resolution #32-2004, seconded by Mrs. Hlas.

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

Motion passed 7-0.

RES #33-2004

Mr. Pelot offered Resolution #33-2004 for its first reading and asked the Clerk to read it.

A RESOLUTION TO MODIFY THE APPLICATION OF DALE ADAMS TO PLACE THE FARMLAND LOCATED AT 4359 JOHNSON ROAD AND 4065 SWAIN ROAD IN AN AGRICULTURAL DISTRICT BY ELIMINATING THE PROPERTY LOCATED AT 4065 SWAIN DRIVE AND APPROVING THE APPLICATION AS MODIFIED.

RES #33-2004 continued:

Mr. Pelot moved to adopt Resolution #33-2004, seconded by Mrs. Hlas. Mrs. Hlas indicated that this is the one where we are accepting one of the parcels and turning down the other parcel.

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

Motion passed 7-0.

RES #34-2004

Mr. Pelot offered Resolution #34-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION TO MODIFY THE APPLICATION OF DALE ADAMS TO PLACE THE FARMLAND LOCATED AT 4359 JOHNSON ROAD AND 4065 SWAIN ROAD IN AN AGRICULTURAL DISTRICT BY ELIMINATING THE PROPERTY LOCATED AT 4065 SWAIN DRIVE AND APPROVING THE APPLICATION AS MODIFIED.

Mr. Pelot moved to adopt Resolution #34-2004, seconded by Mrs. Hlas.

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

Motion passed 7-0.

RES #35-2004

Mr. Pelot offered Resolution #35-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 3856 GREENWICH ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Pelot moved to adopt Resolution #35-2004, seconded by Mrs. Hlas.

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

Motion passed 7-0.

RES #36-2004

Mr. Pelot offered Resolution #36-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 3296 CLUBSIDE DRIVE IN AN AGRICULTURAL DISTRICT.

Mr. Pelot moved to adopt Resolution #36-2004, seconded by Mrs. Hlas.

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

Motion passed 7-0.

RES #37-2004

Mr. Pelot offered Resolution #37-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 4903 HAMETOWN ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Pelot moved to adopt Resolution #37-2004, seconded by Mrs. Hlas.

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

Motion passed 7-0.

RES #38-2004

Mr. Pelot offered Resolution #38-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF FARMLAND LOCATED AT 5040 FAIRLAND ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Pelot moved to adopt Resolution #38-2004, seconded by Mrs. Hlas.

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

Motion passed 7-0.

RES #39-2004

Mr. Zita offered Resolution #39-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF DR. ROBERT LITTLEJOHN TO A FOUR-YEAR TERM ON THE HEALTH ADVISORY BOARD OF THE CITY OF NORTON AND TO DECLARING AN EMERGENCY.

RES #39-2004 Continued:

Mr. Zita moved to adopt Resolution #39-2004, seconded by Mr. McGlone. Mr. Mowery stated that Dr. Littlejohn has done an incredible job while serving on this Board, and wanted to thank him. Mr. Mowery commented on being a member of the Health Advisory Board, and that they were thinking of doing away with the Health Advisory Board because the Board has no vote. Mr. Mowery indicated that Mr. Harrison from Barberton was considering combining Norton and Barberton into a group Health Board. Mr. Mowery was not sure if this would be by population or what. If it was to be by population, our vote may not be as strong since we are a smaller community. Mrs. Hlas questioned the term limits, and Mayor Kernan stated this is the only Board with four-year terms, which are staggered. Mrs. Hlas added that currently the City of Norton has no vote on the Barberton Health Board, and that a joint Board would give the City of Norton a vote.

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

Motion passed 7-0.

RES #40-2004

Mr. Zita offered Resolution #40-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION OF APPRECIATION FOR NORTON BOARD OF ZONING AND BUILDING APPEALS MEMBER DENNIS STOFFER.

Mr. Zita moved to adopt Resolution #40-2004, seconded by Mr. McGlone.

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

Motion passed 7-0

RES #41-2004

Mr. Zita offered Resolution #41-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION OF APPRECIATION FOR NORTON CEMETERY BOARD MEMBER JAMES SNYDER.

Mr. Zita moved to adopt Resolution #41-2004, seconded by Mr. McGlone. Mr. Conklin recognized Mr. Snyder in the audience and thanked him for his service to the City of Norton.

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

Motion passed 7-0.

RES #42-2004

Mr. Zita offered Resolution #42-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION OF APPRECIATION FOR NORTON CEMETERY BOARD MEMBER LYNN SMART.

Mr. Zita moved to adopt Resolution #42-2004, seconded by Mr. McGlone. Mr. Conklin recognized Mr. Smart in the audience and thanked him for his service to the City of Norton.

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

Motion passed 7-0.

RES #43-2004

Mr. Zita offered Resolution #43-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION CONFIRMING THE APPOINTMENT OF TERRENCE JUDGE TO A THREE-YEAR TERM ON THE BOARD OF ZONING AND BUILDING APPEALS OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Zita moved to adopt Resolution #43-2004, seconded by Mr. McGlone. Mrs. Hlas stated that originally she was concerned about this appointment since Mr. Judge was involved in the PAC committee formed against our zoning codes. Mrs. Hlas indicated that she has discussed her concerns with Mr. Judge and he is very well qualified and was on Barberton's BZA. Mrs. Hlas stated she is looking at this from the point that now Mr. Judge will have to deal with the zoning codes that are so bad in the City of Norton. Mr. Judge indicated to Mrs. Hlas that he really was against the sign code, and will be giving her reasons he was against the sign code. The Clerk would be providing Mr. Judge with an updated copy of the zoning codes.

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

Motion passed 7-0.

RES #44-2004

Mr. Zita offered resolution #44-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF LINDA WEIGAND TO A SIX (6) YEAR TERM ON THE CIVIL SERVICE COMMISSION THAT EXPIRES ON OCTOBER 12, 2009, AND DECLARING AN EMERGENCY.

Mr. Zita moved to adopt Resolution #44-2004, seconded by Mr. McGlone. Mr. Conklin indicated that he has worked with Mrs. Weigand in the past, adding that this is an excellent re-appointment to the Civil Service Commission.

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

Motion passed 7-0.

RES #45-2004

Mr. Zita offered Resolution #45-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION CONFIRMING THE APPOINTMENT OF MICHEALINE YOUNG TO A THREE-YEAR TERM ON THE CEMETERY BOARD OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Zita moved to adopt Resolution #45-2004, seconded by Mr. McGlone. Mr. Conklin recognized Ms. Young in the audience and congratulated her on the appointment.

RES #45-2004 Continued:

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

Motion passed 7-0.

RES #46-2004

Mr. Zita offered Resolution #46-2004 for its first reading, and asked the Clerk to read it.

A RESOLUTION CONFIRMING THE APPOINTMENT OF DARLENA WISE TO A THREE-YEAR TERM ON THE CEMETERY BOARD OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Zita moved to adopt Resolution #46-2004, seconded by Mr. McGlone. Mr. Conklin recognized Ms. Wise in the audience and congratulated her on the appointment.

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

Motion passed 7-0.

ORD #47-2004

Mr. Price offered Ordinance #47-2004 for its first reading, and asked the Clerk to read it.

AN ORDINANCE TO RATIFY THE ACTION OF THE CITY ADMINISTRATOR WHEN HE DETERMINED A REAL AND PRESENT EMERGENCY EXISTED TO WARRANT HIRING LOCKHART CONSTRUCTION FOR THE WILLIG TIRE SEWER REPAIR PROJECT WITHOUT BIDDING, TO AUTHORIZE PAYMENT TO LOCKHART CONSTRUCTION, AND DECLARING AN EMERGENCY.

Mr. Price moved to suspend the 2nd and 3rd readings, seconded by Mr. Zita. Mrs. Hlas indicated she would rather not suspend the readings, and would rather have something in writing from Mr. Lyons on how we are to pursue this, and if he feels we have a chance to collect this money. Mrs. Hlas indicated she did want a letter from the insurance company, however Mr. Collins indicated that the insurance company does not want to give us one. There was discussion on the details of how this expense occurred and the nature of the emergency repairs. Mr. Lyons indicated that he would begin with a letter to Willig Tire, the contractor and the insurance company, indicating our plan of action to recover the city's expenses, because of their negligence. They would have a brief time to respond to that, and if no response, he would file a lawsuit. Mr. Willig and his contractors are separate issue, and that Council is being asked to approve the payment to Lockhart for the emergency repairs that they provided. Mr. Price indicated that in the future he would like to have a memo from Mr. Collins prior to making this type of decision, just so that Council is informed before it gets to this point. Mr. Collins indicated that the original bill from Lockhart was \$35,169.69, they have lowered this to \$32,000.00, split into two payments of \$16,000.00, one now and the remainder within 30 days. There was further discussion as to the permit requirements, and the certificate of insurance issues. Mayor Kernan stated that this is not a matter of no insurance, and the fact is the insurance company simply does not want to pay it.

ORD #47-2004 Continued:

Mr. Mowery questioned as to who approved the final inspection, and Mr. Collins stated this project was periodically inspected all along, you cannot oversee the entire project from beginning to end. There was no final inspection for Mr. Willig's contractor, because they never completed the job. Barberton and Norton would have done the final inspection together. The final inspection on Lockhart's work was done, once completed. Mr. Mowery asked Mr. Lyons about how much a civil law suit would cost the city. Mr. Lyons responded that it is hard to set an exact figure, because until you get into the issue of the discovery process, which is where most of the expense occurs, it is hard to calculate. Mr. Lyons added that we would also be asking for recovery of the attorney fees the City incurred on this case. Mr. Lyons indicated that he could give us a ball park figure within the next few weeks. Mr. Pelot added that we contracted with Lockhart, and they have agreed to reduce the bill by about 10%, we are responsible to pay this in full and in a timely manner.

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

Motion passed 7-0.

Mr. Price moved to adopt Resolution #47-2004, seconded by Mr. Zita.

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

Motion passed 7-0.

CONSIDERATION OF PRIOR LEGISLATION:

ORD #20-2004

Mr. Price offered Ordinance #20-2004 for its second reading, and asked the Clerk to read it.

AN ORDINANCE TO AMEND THE CITY OF NORTON ADMINISTRATIVE CODE TO INCLUDE RENTS AND PROCEEDS FROM LOTTERIES, GAMING, WAGERING OR SCHEMES OF CHANCE AS INCOME TAXABLE BY THE CITY OF NORTON AND TO DECLARE AN EMERGENCY.

Mr. Price moved to suspend the 3rd reading, seconded by Mrs. Hlas.

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

Motion passed 7-0.

Mr. Price moved to adopt Ordinance #20-2004, seconded by Mrs. Hlas. Mr. Price indicated that to his knowledge no one has hit the lottery so we should be good.

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

Motion passed 7-0.

Reports from Officers, Boards & Commissions:

Mr. Conklin stated that in all of his years on Council, he does not recall seeing an agenda go all the way to item "T".

Mayor Kernan stated that in all of his six years on Council he also as never seen such a large agenda. This was a marathon session tonight. Mayor Kernan thanked all of those who served on Boards & Commissions for their service in the past, their service is really what makes this community go. Mayor Kernan also thanked the new members for accepting their positions, and he would be swearing them in this evening, after the Council meeting. Mayor Kernan thanked all of those who did apply, they were all good applicants. Mayor Kernan thanked Council for adopting the Resolution for Tallwood, and he is glad to see this continue to move forward. Mayor Kernan thanked Council for passing the legislation to authorize payment to Lockhart for their bill. If we expect contractors to cooperate with us in the future, we need to make good on the bills we incur. Mayor Kernan mentioned that we would be holding meetings for Clean Up Norton Day, and that Mrs. Hlas has been involved with this in the past. Mrs. Hlas stated that the date for this is May 1, 2004.

Mayor Kernan spoke about a program for kids called Absolutely Incredible Kid Day, which is May 18, 2004. This is put together by Campfire of America. It is an opportunity for people to recognize children in their lives. Mayor Kernan stated the fact that we have a lot of good kids in our community, and wanted to recognized them.

Mr. Collins stated that Ms. Neva Gibson's previous safety concerns have not gone unnoticed. The Police Dept. had been monitoring that area very heavily. Today Chief Carris gave Mr. Collins a response that there has been nothing flagrant seen by the officers. They have issued a few warnings for speeding, and arrested another individual on an unrelated charge. They will continue to monitor this area.

Mr. Pritchard stated that the City is currently working on the Storm Water Phase II Annual Report, which is due on March 19, 2004. Mr. Pritchard added that if Norton has it's Clean Up Day on May 1, 2004, we need to document that for next year.

Mr. Ed Binic of the Barberton Health District, spoke and congratulated Dr. Littlejohn and look forward to working with him again. Mr. Binic gave an update on the Pander case, which received a nice write up in the Barberton Herald. On February 13, 2004, Mr. Pander was found guilty of violating his probation, and his outright disrespect of Judge Cosgrove. Mr. Pander was fined \$10,000.00 to \$25,000.00 and two to four years in prison. Mr. Pander was taken immediately off to jail. Mr. Binic indicated that they have completed and submitted the application for funds to clean up this property. They also appeared before a Solid Waste Authority Review Board, and accompanied them to the property for an inspection. They intend to have the clean up of this property underway sometime this spring. While Mr. Binic stated that they are not proud of what has transpired regarding this case. However they are very proud their work, and in particular Mr. Mike Muesel for his hard work. Mr. Binic gave a brief update on the Duffield case, and the septic system issues. Mr. Binic stated that at the Deposition Hearing held on February 24, 2004, Mr. Duffield's attorney proposed to an agreement. We are currently reviewing this and will have a recommendation to the Board of Health for their meeting on March 24, 2004.

Old Business:

None

Public Service Announcements:

None

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, March 22, 2004.

Karla D. Richards, Clerk of Council

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