



NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JULY 12, 2004

Roll Call:	John Conklin-Excused	Also Present:	Mayor Joseph 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 on Monday, July 12, 2004 at 7:03 PM in the Council Chambers of the Safety Administration Building. The meeting was called to order by Brenda Hlas, Vice 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 that he has had more input from the real estate agents regarding the mowing of vacant property as discussed earlier. Mr. Mowery stated that the property on Driftwood, which has been a problem in that area, has been sold. Mr. Mowery stated that the Skate Park is still on hold due to funding issues. Mr. Mowery briefly discussed the Grenfall Road-Cancer Cluster Study and indicated he needs to get together with Mr. Lyons to discuss some issues and questions that have come up. Mr. Mowery moved to add Ordinance #95-2004 (S. Hametown Road Sewer) to tonight's Council agenda, seconded by Mr. Zita.

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

Motion passed 5-0.

Mr. Price moved to add Ordinance #94-2004 (Sale of confiscated vehicle) to tonight's Council agenda, seconded by Mr. Pelot.

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

Motion passed 5-0.

Mr. Price moved to add Ordinance #96-2004 (Gardner Blvd, additional costs) to tonight's Council agenda, seconded by Mr. Pelot.

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

Motion passed 5-0.

Committee of the Whole:

Mrs. Hlas discussed the fact that there were two items, which the Committee of the Whole did not get to on their agenda earlier this evening, and would like to address them now. Mrs. Hlas discussed the Resolution of Support for the Waterski Championship at Emerald Lake, which is the old Flesher gravel pit. The VanDevere family purchased this property and built a lake with a Waterski course on it. There will be a pro Waterski show coming to this lake on August 13-15, 2004. August 13, 2004 will be the qualifying, the main event will take place on Saturday & Sunday. There will be a \$5.00 cover charge. They have asked the city to help promote this and get behind the event. Mrs. Hlas stated that she has been told it is already being advertised on the radio, and some stations are even giving away family passes to this event. Mrs. Hlas stated she and Mrs. Ann Campbell have meet with the VanDevers to discuss their promotional ideas to support this event. They were told to expect 3,000-5,000 people for the entire event, and intend to make it an annual event. Mr. Mowery moved to add Resolution #97-2004 to tonight's Council agenda, seconded by Mr. Price.

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

Motion passed 5-0.

Mr. Price opened discussion on the Appropriation Ordinance, and asked the Finance Director to explain this legislation. Mrs. Zerga stated that she is requesting that the 2004 Budget be modified. When the Budget is prepared, it is an estimate of what you expect the expenses to be up to the end of the year. When preparing our 2004 Budget, there were several unknowns as to actual expenses this may be due to unavailable history of accounts. One example would be in the utilities. We are now currently posting all utility bills to the proper account and the proper funds, so in the future we will have a good history of our expenses. Mrs. Zerga is also requesting that these appropriations be modified so that we can update our expense reports so at the end of the month when the budgets are forwarded to the various departments, they would have a clearer picture of the balances in their accounts. This would also provide a more accurate year end cash balance in order for the Alternative Tax Budget, which needs to be prepared and submitted to the County by July 20, 2004. Mrs. Zerga stated that right now this is her best estimate for the current year-2004, and she also felt this might be modified at least one more time before the end of the year. There was discussion on the Rainy Day Fund and the amounts appropriated now and what needs to be adjusted. Mr. Pelot asked how these adjustments would affect the overall budget? Mrs. Zerga stated there is increasing and decreasing according to the various funds, the General Fund will still be in balance. The Service Department will still have a negative fund balance, along with the Community Center and the Historical property. Mrs. Elaine Tompkins commented on the \$300,000.00 deficit at the start up and we are asking to increase the budget to \$500,000.00 and we only have \$304,000.00 to offset from the ENR Fund. This would still have us in a deficit. Mrs. Zerga explained that the \$304,000.00 shortage is in the General Fund. This total of \$500,000.00 is for all of the funds. According to the General Fund and through all of the accounts, the increase adjustment is \$83,000.00. There was more discussion on this matter and Mr. Price moved to add Ordinance #93-2004 on tonight's Council agenda, seconded by Mr. Pelot.

Roll Cal: Yeas: Price, Pelot, Mowery, Zita, Hlas
 Nays: None

Motion passed 5-0.

COMMUNICATIONS FROM THE PUBLIC:

Mr. George Tomko, 2525 Reimer Road Ext., Norton, asked for Mrs. Zerga to explain what General Government Fund is. Mrs. Zerga stated that in your General Government Fund it is basically expenses of running your administration, such as the maintenance, repairs and expenses of the building. Mr. Tomko questioned the \$650.00 in uniform allowance. Mrs. Zerga explained that we have one grounds keeper/laborer employee, and this is part of their union contract. Mr. Tomko discussed the Clark Auto Group on Barber Road, and on July 15, 2004 a \$995,000.00 project is going to open. If you want to see stupidity in action, look through your Storm Water Management and the rules of what they require. This is nearly a million-dollar project, and right out in front of the road you gave a retention pond. Where does this catch basin go--right into the storm sewer. There is standing water in here, collecting mosquitoes, etc. When are we going to do away with some of this stupidity that people have to put up with? You need to go down and take a look at this property.

Mrs. Elaine Tompkins, 3848, Cleve-Mass. Rd., Norton spoke regarding the ½% tax credit roll back issue, (see attached).

Ms. Kathy Dean, 219 Kenwood Drive, Akron, spoke regarding the use of emergency language. Ms. Dean asked why is everything an emergency, and why doesn't the city plan ahead for things? Ms. Dean asked about the ordinance for the confiscated vehicle, and if we can do this for one vehicle, can't you do this for future vehicles, as there may be more in the future. Mrs. Hlas stated that we couldn't do them ahead of time because we do not have the vehicle or a court order authorizing the city to do so. Mr. Zita responded to the question on emergency language stating that when this is used the legislation would go into effect immediately upon the Mayor's signature. Mr. Zita also explained that if emergency language is not used, it would go all three readings which could take 60-90 days before the legislation would take effect. Ms. Dean stated that it is a bypass of the second and third readings, and not letting anyone find out about it. Mayor Kernan explained this is not what emergency language does. Mayor Kernan stated that you have two separate issues here. You can suspend second and third readings, or you can have emergency language, which is something separate. The emergency language allows it to go into effect upon the signature of the Mayor. You can have three full readings and still use emergency language. Or you can suspension of readings and not have emergency language. Mayor Kernan stated that emergency language has nothing to do with the number of readings. Ms. Kathy Dean questioned the sealed bid process, and expressed her concerns about a city official opening the bids. Mr. Collins stated that all bids are opened in front of who ever wants to come to watch, and if she submitted her address he would see that she gets a notice to attend. Ms. Dean inquired about the storm sewer on Barber Road, and who is responsible to notify a property owner to clean up the mess. Mayor Kernan indicated that the Barberton Health District would have jurisdiction over this issue.

CONSIDERATION OF MINUTES:

Minutes of the Regular Council Meeting of June 28, 2004
The minutes are accepted as corrected and written

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION

ORD #93-2004

Mr. Price offered Ordinance #93-2004 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO MODIFY THE ANNUAL APPROPRIATION ORDINANCE FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2004 AND DECLARE AN EMERGENCY.

Mr. Price moved to suspend the second and third readings of Ordinance #93-2004, seconded by Mr. Pelot.

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

Motion passed 5-0.

Mr. Price moved to adopt Ordinance #93-2004, seconded by Mr. Pelot

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

Motion passed 5-0.

ORD #94-2004

Mr. Price offered Ordinance #94-2004 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE SALE OF A CONFISCATED VEHICLE NOT NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

Mr. Price moved to suspend the second and third readings, of Ordinance #94-2004, seconded by Mr. Pelot

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

Motion passed 5-0.

Mr. Price moved to adopt Ordinance #94-2004, seconded by Mr. Pelot. Mr. Price stated that the Norton Police Department has a clear and free title, and he wanted to get this moving.

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

Motion passed 5-0.

INTRODUCTION OF NEW LEGISLATION CONTINUED:

ORD #95-2004

Mr. Mowery offered Ordinance #95-2004 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO AN AGREEMENT FOR DISTRIBUTION OF TAP-IN FEES TO THE JOINT VENTURE GROUP WHO INSTALLED AND FINANCED THE SANITARY SEWER LINE EXTENSION IN THE AREA OF THE INTERSECTION OF EASTERN ROAD AND SOUTH HAMETOWN ROAD.

Mr. Mowery moved to suspend the second and third reading of Ordinance #95-2004, second by Mr. Zita.

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

Motion passed 5-0.

Mr. Mowery moved to adopt Ordinance #95-2004, second by Mr. Zita.

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

Motion passed 5-0.

ORD #96-2004

Mr. Price offered Ordinance #96-2004 for its first reading, and asked the Clerk to read it.

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO ENTER INTO AN ADDENDUM TO THE CITY'S SERVICES AGREEMENT WITH URS CORPORATION FOR PROFESSIONAL ENGINEERING SERVICES FOR THE GARDNER BOULEVARD PHASE II WATER LINE REPLACEMENT PROJECT AND DECLARING AN EMERGENCY.

Mr. Price moved to suspend the second and third readings, of Ordinance #96-2004, seconded by Mr. Pelot. Mr. Price stated that after reading this over in its entirety, you realize this is not a cost overrun, it is an additional street. Mr. Zita clarified that since Beech Row was added to Phase II, when we get to Phase III there would be one less street.

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

Motion passed 5-0.

Mr. Price moved to adopt Ordinance #96-2004, seconded by Mr. Pelot. Mr. Price stated that the Norton Police Department has a clear and free title, and he wanted to get this moving.

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

Motion passed 5-0.

INTRODUCTION OF NEW LEGISLATION CONTINUED;

RES #97-2004

Mr. Mowery offered Resolution #97-2004 for its first reading, and asked the Clerk to read it:

A RESOLUTION IN SUPPORT OF THE MASTERCRAFT PRO WATER SKI CHAMPIONSHIP.

Mr. Mowery moved to adopt Resolution #97-2004, seconded by Mr. Zita.

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

Motion passed 5-0.

CONSIDERATION OF PRIOR LEGISLATION

ORD #88-2004

Mr. Pelot offered Ordinance #88-2004 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND CHAPTER 1024 OF THE NORTON CODIFIED ORDINANCES TO REGULATE SIDEWALK CONSTRUCTION STANDARDS.

Mr. Pelot moved to adopt Ordinance #88-2004, seconded by Mr. Price. Mr. Zita questioned if there is a vacant lot with a single home being built; would they be required to install a sidewalk? Mr. Collins stated that basically yes, this would be a call by our Municipal Engineer. Mr. Mowery added that as far as an Engineer's point of view, there is always a best side of the street to install sidewalks. Mr. Collins clarified that this ordinance deals with single family dwellings, not subdivisions or allotments. His does not make those people on either side put in sidewalks; it applies only to that person building a new house.

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

Motion passed 4-1.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mr. Collins indicated that Ohio Department of Transportation (ODOT) started repairs to SR 585. Mr. Lyons reported that he did call the representative of the owner of the cider mill in regards to the radio tower. They have not given him an affirmative response at this point. Mr. Lyons stated that there was an appeal filed on a signage usage for the denial of a variance. The Court has ruled that the City of Norton is required to permit this sign to go up. There is a decision pending on the City filing an appeal; tentatively the City has decided not to appeal this decision.

OLD BUSINESS

Mrs. Hlas discussed a letter she received from Mrs. Tomaso of Tomaso's Restaurant in regards to the sewer connection fees, and Mrs. Tomaso was present. Mrs. Hlas stated that she felt it was not the intention of Council to place any business in a hardship because of these fees.

OLD BUSINESS CONTINUED:

Mrs. Hlas has been reviewing the Finkbinder Report on this and believes we should concentrate on charging a one time connection fee instead of a fee based on a per benefit calculation. Mrs. Hlas felt it would be best for Council to re-write the legislation. Mrs. Hlas stated that she would like to get a feel from Administration and Council as to how they feel about this. Mr. Pelot stated that he liked the idea previously discussed of assessing over 20 years if someone has 3 or more benefits, which would reduce a hardship for the business owner. Mr. Mowery commented on the fact that both Mayors have been in discussion on this issue, and inquired on the status of their meetings. Mr. Mowery was under the impression that both cities were going to try to have one set fee that would satisfy Norton and Barberton. Mr. Mowery stated that this may be jumping the gun on this, but inquired from Mayor Kernan the discussion in these meetings. Mayor Kernan stated that he has met with Mayor Hart and Mr. Harrison several times and discussed these issues. We are trying to come up with one fee to correct this problem. Mrs. Hlas stated that again, it was not our intent to place anyone in a hardship, it was to create an account for water and sewer improvements. Mr. Collins stated that he has never liked the per benefit formula used because only the Engineer can calculate this. Mayor Kernan stated that we are not here to put a business out of business, we are working on keeping them here. Mayor Kernan stated that we need to keep in mind whatever we decide it would be city wide, not just for the Barber Road area. Mrs. Hlas stated that she saw Mr. Harrison of the Barberton Health District over the weekend and he was agreeable to this possibility. Mrs. Hlas questioned if it was fair to wait until the next Committee Meeting on August 16, 2004 to discuss this again. Mayor Kernan stated that this will take several weeks to work this out, and that he felt it could be ready for discussion for that meeting on August 16, 2004. Mrs. Hlas asked to be informed of the outcome of any further discussions before the August 16, 2004 meeting. Mayor Kernan stated he would advise her of their discussions.

NEW BUSINESS

None

PUBLIC SERVICE ANNOUNCEMENTS

Mrs. Hlas thanked the residents who attended her informal tax meeting last week. The next one would be on August 12, 2004 at 7 PM here in Council Chambers. Mrs. Hlas thanked Mrs. Zerga, Mrs. Campbell, Mayor Kernan, and Jeff Pritchard for being there and participating. The focus is why we need this increase. Mrs. Hlas stated that the school levy will be on the ballot for August 3, 2004 and is for 8.3 mills, and was lowered from 9.9 because all the school personnel took a wage freeze. This saved the school district \$600,000.00. Mrs. Hlas discussed the ski show at Emerald Lake on August 13-15, 2004. Mrs. Hlas stated she saw an opportunity to promote the City of Norton here and she is working on an advertising booklet to be distributed at this event. Mrs. Hlas has handed out about 40 letters today to area business. Any profits above the costs of the booklet would be donated to the Cider Festival Committee. Mrs. Hlas stated that on June 14, 2004 she asked the Administration to get a letter to the Cider Festival Committee regarding their intent. The Committee will be meeting this Wednesday July 14, 2004 and they have not received any information so far. Mayor Kernan stated that he is going to this meeting. Mrs. Hlas stated that this meeting will be at the Community Center at 6:30 PM, and they would prefer any commitments from the City to be in writing. Mrs. Hlas stated that the Cider Festival Committee would be holding their Annual Golf Outing this Saturday at Brookside Country Club at 11:00 AM, and she would be golfing. Mrs. Hlas reminded everyone that this is our last Council meeting before summer recess. Our next meeting will be a Committee of the Whole on August 16, 2004 at 7:00 PM.

ADJOURN

There being no further business to come before it, Council adjourned the meeting at 7:58 PM.

Brenda Hlas, Vice 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, August 23, 2004.

Karla D. Richards, Clerk of Council

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