



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 11, 2005**

Roll Call: John Conklin
Dennis McGlone
Bill Mowery
Scott Pelot
James Price
Mike Zita
Brenda Hlas

Also Present:
Mayor Joseph Kernan
Claude Collins
Jeanne Zerga
Jeff Pritchard
Mike Lyons
Karla Richards

The Regular Council Meeting convened for a meeting on Tuesday, October 11, 2005 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Brenda Hlas-President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

No discussions

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of September 26, 2005-Approved as written.

Minutes of the Committee of the Whole of October 3, 2005-Approved as written.

COMMUNICATION FROM THE PUBLIC:

Ms. Jill Boxler a representative from MRDD was present, and she discussed an operating levy that will be on the November ballot. Ms. Boxler stated that this is Issue 6, and this revenue would cover 3,000 residents they serve that have mental retardation. Issue 6 is not a renewal it is a .85 mill levy and would cost the \$100,000.00 valued homeowner an additional \$3.60 monthly for a total monthly cost of \$11.60.

Mr. George Tomko, a Norton resident discussed the sign ordinance adding the he has found loopholes in this legislation. Mr. Tomko stated that he discussed his concerns with Mr. Collins and agreed not to pursue it now, he would wait until Council adopts this and would address changes later. Mr. Tomko discussed selective enforcement of the sign ordinances among other issues. Mr. Tomko stated that he had yard sale signs removed by city employees. His daughter did call the police and filed a report. The Police Dept. did come out and gave her a sheet with the regulations. Mr. Tomko stated the city workers did return the signs. Mr. Tomko discussed the fact that there are some red and white political signs in the right of way along Rt. 261 near Easton, and questioned why these are still standing.

Mrs. Elaine Tompkins, a Norton resident spoke regarding Ord. #66-2005 Johnson Meadows Note ordinance. Mrs. Tompkins reminded everyone that this was started back in 2003 and was the first thing introduced after the bonding process was done. At that time it was presented as a \$200,000 note to install 1030 feet of road, which was to be completed in five years and they it to be paid off in three years. Mrs. Tompkins stated the only real development here is a new sign. Mrs. Tompkins stated that we have set a precedent whereby the city borrows money for a private project. Mrs. Tompkins suggested that if you do roll this note over that there is an addendum added the requirement for the project to start shortly or the city recovers its money and is paid back to the bank.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Mrs. Tompkins stated that the developer should repay the city all of the interest incurred during that time, and this would reduce the city's debt. Mrs. Tompkins stated that the city's debt which is now approximately 5,000,000.00. The city's debt was 3,500,000.00 million in 2002, and in 2003 it was 4,900,000.00 million, and at the end of 2004 it was 5,411,000.00 with the only thing paid back was the \$73,000.00 for outstanding bonds.

INTRODUCTION OF NEW LEGISLATION:

ORD #74-2005

Mr. Pelot offered Ord. #74-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO RECLASSIFY PROPERTIES LOCATED AT 5225 CLEVELAND MASSILLON ROAD ("PPN" 4601076), 5040 FAIRLAND ROAD (PPN 4602907), 2831 EASTERN ROAD (PPN 4602628) AND LOT #97 EASTERN ROAD (PPN 4608579) FROM R-1 RESIDENTIAL DISTRICT AND I-1 LIGHT INDUSTRIAL DISTRICT TO R-3 ONE-FAMILY RESIDENTIAL DISTRICT AND TO APPLY THE CLASSIFICATION OF R-PC PLANNED CLUSTER RESIDENCE DISTRICT AS AN OVERLAY TO THE R-3 ONE-FAMILY RESIDENTIAL DISTRICT.

First reading only. Mrs. Hlas stated that the Public Hearing would be held during the third reading, which would take place on November 14, 2005.

ORD #75-2005

Mr. Pelot offered Ord. #75-2005 for its first reading, and asked the Clerk to read it.

AN ORDINANCE TO APPROVE THE MAJOR SUBDIVISION FINAL PLAT OF THE BAUGHMAN RESIDENTIAL SUBDIVISION, A MAJOR SUBDIVISION OF 22.390 ACRES LOCATED EAST OF LAURIE LANE AND NORTH OF REIMER ROAD, KNOWN AS 4219 REIMER ROAD ("PPN" 462342), INTO SEVEN LOTS AND TO DEVELOP SIX OF THE SEVEN LOTS INTO A RESIDENTIAL SUBDIVISION THROUGH THE EXTENSION OF FLESHER DRIVE EAST OFF OF LAURIE LANE

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

ORD #66-2005

Mr. Conklin offered Ord. #66-2005 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$536,000 OF NOTES OF CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS AND THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS TO PAY THE COST OF CONSTRUCTING, GRADING, CURBING AND PAVING MEADOWS LANE IN THE CITY AND CONSTRUCTING SANITARY SEWERS, WATER LINES, HYDRANTS, STORM SEWERS, UTILITIES AND ALL OTHER NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

ORD #66-2005 CONTINUED:

Mr. Conklin moved to adopt Ord. #66-2005, seconded by Mr. Price. Mr. Mowery questioned the time line for this, and Mr. Pritchard indicated that they have been requested to completely resubmit preliminary plat. Mr. Pritchard indicated that some property easements needed to be secured and that basically they would be starting from scratch. Mr. Pritchard indicated that he expects to receive the preliminary plat sometime later this week. Mr. Pritchard stated that the original preliminary plat was insufficient which is why they have encountered so many problems along the way. Mr. Pelot questioned if the church would be responsible for the additional costs and interests for the borrowed money? Mrs. Zerga stated that yes they would be responsible for the costs, not the city. Mrs. Zerga stated that you could roll a note-take out a loan for 5 years before you are required to start paying it down. Mrs. Zerga stated to the developer that the city would probably assess their property taxes starting next year (2006) if they fail to move forward on their development. Mrs. Zerga stated that up to now the loan and all interest would be paid back by the project. Mr. Pelot clarified that if this was placed on the 2006 property tax duplicate, the city would not actually collect until 2007 and Mrs. Zerga stated this is correct.

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

Motion passed 5-1-1.

ORD #67-2005

Mr. Pelot offered Ord #67-2005 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 1406.01 OF THE NORTON CODIFIED ORDINANCES TO ADOPT THE CURRENT VERSION OF THE NATIONAL ELECTRIC CODE TO BE USED IN THE CITY OF NORTON TO REGULATE THE USE OF ELECTRICITY IN THE CONSTRUCTION OF ALL BUILDINGS, STRUCTURES AND OCCUPANCIES IN THE CITY.

Mr. Pelot moved to adopt Ord. #67-2005, seconded by Mr. Conklin.

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

Motion passed 7-0.

ORD #68-2005

Mr. Pelot offered Ord. #68-2005 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO MODIFY THE CODIFIED ORDINANCES OF THE CITY OF NORTON BY ADDING CHAPTER 1289-SIGNS TO REGULATE SIGNS, ADDING SECTION 1290.06 TO ADDRESS NON-CONFORMING SIGNS, AND REMOVING EXISTING SIGN REGULATIONS IN THE B-1, B-2, B-3, I-1 AND C-REC. DISTRICTS.

Mr. Pelot moved to adopt Ord. #68-2005, seconded by Mr. Conklin.

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

Motion passed 7-0.

ORD #69-2005

Mr. Pelot offered Ord. #69-2005 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF NORTON BY ADDING CHAPTER 1437-*RAPID ACCESS KEY BOX* TO REQUIRE THE INSTALLATION OF RAPID ACCESS KEY BOXES UNDER SELECT CIRCUMSTANCES AND TO DEFINE THE MANNER IN WHICH THIS REQUIREMENT WILL BE IMPLEMENTED, AND TO AMEND CODIFIED ORDINANCE SECTION 1426.17 TO REQUIRE COMPLIANCE WITH THIS AND OTHER ADMINISTRATIVE REGULATIONS PRIOR TO THE ISSUANCE OF PERMITS.

Mr. Pelot moved to adopt Ord. #69-2005, seconded by Mr. Zita. Mr. Pelot stated that the purpose for this legislation is for the emergency personnel have what they need to get into a business. This would have required a high security vault they can access that holds the building keys/blueprints, etc.

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

Motion passed 7-0

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Kernan stated that he is still looking for qualified citizens particularly in Ward One and Ward Three to serve on the Charter Review Commission. Mayor Kernan stated interviews for those that have already applied will be next Monday and he would forward a list of the candidates to Council by the following Monday. Mrs. Hlas asked Mayor Kernan to clarify what their duties would entail. Mayor Kernan stated the Charter Review Commission is set up to take a look at the current Charter and see if there are areas requiring changes. Mayor Kernan stated that it is really driven by the Commission itself. The Commission takes suggestions from Council, Mayor, Administration and residents. Mayor Kernan stated that he hoped this process would take six months and they would probably need to meet once or twice a month. Mayor Kernan stated that Congressman Sherrod Brown would hold a meeting on October 13, 2005 at 1:30 at the James Alpeter Apts. to explain the Medicare Prescription Drug Program. Congressman Brown also holds public outreach meetings on the third Thursday of each month, this month's meeting would be held at Barberton Senior Center, 571 W. Tuscarawas Ave., and the topic is lowering the costs of home heating. Mayor Kernan announced that Halloween would be observed citywide on Sat. October 29, 2005 from 5:00-7:00 PM and asked all neighborhoods to observe this date and time. Mayor Kernan announced the Norton Fire Dept. annual pancake breakfast would be this Sat. October 15, 2005 from 7:00 AM to 12:00 Noon, at Station #1, 3232 Greenwich Road. Tickets are \$5.00 for adults, ages 5-12 are \$3.00, under 5 are free. Mayor Kernan stated that the Barberton Health District is conducting the Flu Shot Clinic October 28, 2005 at the Norton Community Center from 9:00 AM to 12:00 Noon, open to the general public. Residents of Norton and Barberton will pay \$17.00 and non-residents are \$21.00. Mayor Kernan stated that the Trading Post newspaper is now available at City Hall for those residents who may not receive one. Mayor Kernan stated that Cider Festival t-shirts are still available for \$4.00.

Mr. Collins stated that he recently attended an informational meeting this past Thursday for the residents of the Gardner Blvd. Phase II Water Line Project. There were approximately 30 residents attending this meeting. Mrs. Hlas stated that there would need to be an Equalization Board set up because the Clerk has received letters contesting this. Mr. Collins indicated that Mrs. Hlas was correct. Mrs. Hlas indicated that we would need three residents to serve on the Board.

REPORTS BY OFFICERS, BOARDS, AND COMMISSIONS CONTINUED:

Mr. Pritchard indicated they should be sending out notices for participants to work on the Comprehensive Plan group, and would like to get started before the end of the year.

Mrs. Hlas stated that Mr. Binic had called earlier indicated that he could not attend this meeting, however he had nothing new to report.

OLD BUSINESS:

Mr. Zita inquired about the status of the trash haulers, and Mr. Pritchard stated that it takes effect on January 1, 2006 and the contract has just been signed. Mr. Collins stated that they are working on a mailing to all the residents, so they should begin receiving notices in the next few weeks. Mr. Pritchard stated that he has received approximately 25 calls and they have all been positive and glad to see this program come to the city.

NEW BUSINESS:

Mrs. Hlas inquired if they would be interested in doing a Resolution in support of MRDD and would have this ready for the next Committee of the Whole, there were no objections stated.

PUBLIC SERVICE ANNOUNCEMENTS:

Mrs. Hlas reminded everyone about the Panther Parents Athletic Booster Club presents "A night at the Races" on Saturday November 12, 2005; doors open at 6:00 PM. To sponsor a horse tickets are \$15.00 dinner tickets are \$12.00, which includes dinner, beverages and snacks. If you wish to sponsor a race or buy a horse, contact her for further details.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:33 PM

Brenda K. Hlas-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 Council Meeting held on September 26, 2005.

Karla D. Richards, Clerk of Council

Date approved: October 11, 2005

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