



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, NOVEMBER 14, 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 Monday, November 14, 2005 at 7:02 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:**

Mr. Conklin discussed Ord # 84-2005 800 MHz ordinance, stating that there are some changes to this, which were highlighted in yellow. Mr. Lyons stated that in addition to those changes, he noticed another are needing modified; Section 2, fifth sentence down, we need to add “through the County Cooperative Purchasing Program” Mr. Conklin moved to amend Ord #84-2005 to include the noted changes, seconded by Mr. McGlone.

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

Motion passed 7-0.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Committee of the Whole Meeting of October 17, 2005-Accepted as written  
Minutes of the Regular Council Meeting of October 24, 2005-Accepted as written  
Minutes of the Committee of the Whole Meeting on November 7, 2005-Accepted as written

**COMMUNICATION FROM THE PUBLIC:**

Mr. Harry Stark from the Cuyahoga County Health Department gave a brief power point presentation on the Storm Water Management Program. Mr. Stark stated that all types of data has been collected from our area and put into a database and mapped out. Mr. Stark stated that the Storm Water Phase II program is a five-year plan to deal with storm water issues, public education and public involvement. Mr. Stark discussed the municipal storm systems and identified 184 outfalls in Norton, with 20 sampled and tested positive for high levels of bacteria, (over 2-million ppm) Mr. Stark stated that the EPA says anything over 5,000 (ppm) is a problem. Mrs. Hlas inquired if it was the city’s job to find out why and how these areas failed? Mr. Pritchard indicated that the city would need to investigate to find the source, possible do some additional testing and come up with a plan for the solution and would be working in conjunction with the Barberton Health District. Mr. Pelot raised his concerns regarding the positive testing sites and inquired on a projected time frame as to when this would be addressed. Mr. Pritchard stated that we would need to work on a program to address this. Mrs. Hlas called for a temporary recess in order to begin the Public Hearing.

**PUBLIC HEARING:**

At 7:19 PM Mrs. Hlas convened the Public Hearing for Ord #74-2005.

**Ordinance #74-2005:** To consider Planning Commission Resolution #16-2005 to reclassify properties located at 5225 Cleveland Massillon Road (Permanent Parcel No. (“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

Mrs. Hlas asked the Clerk to certify the notice for the Public Hearing. The Clerk certified that a notice for the Public Hearing was published in the Barberton Herald on Thursday, October 13, 2005.

Mrs. Hlas called three times for anyone in favor of this rezoning to come forward, no one came forward. Mrs. Hlas called three times for anyone against this rezoning to come forward, no one came forward. Mrs. Hlas declared the Public Hearing closed, and reconvened the Regular Council Meeting.

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #80-2005**

Mr. Zita offered Ord. #80-2005 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 waive the second and third readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mr. Zita moved to adopt Ordinance #80-2005, seconded by Mr. McGlone.

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

Motion passed 7-0.

**ORD #81-2005**

Mr. Pelot offered Ord. #81-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 1630.01 OF THE NORTON CODIFIED ORDINANCES TO ADOPT THE CURRENT VERSION OF THE OHIO FIRE CODE TO BE USED IN THE CITY OF NORTON TO SAFEGUARD LIFE AND PROPERTY FROM THE HAZARDS OF FIRE AND EXPLOSION WITHIN THE CITY.

First reading only.

**ORD #82-2005**

Mr. Conklin offered Ord. #82-2005 for its first reading:

AN ORDINANCE TO AMEND THE CITY OF NORTON EARNED INCOME TAX CODE, CHAPTER 880 – *EARNED INCOME TAX* TO RAISE THE DOLLAR AMOUNT BELOW WHICH TAXES SHALL NOT BE REFUNDED OR COLLECTED TO FIVE DOLLARS.

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

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

Motion passed 7-0.

Mr. Conklin moved to adopt Ord. #82-2005, seconded by Mr. Price. Mr. Pelot stated that last week he had inquired from Mrs. Zerga what it costs to process a tax return and was told the standard is \$5.00, which is why he would be supporting this ordinance.

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

Motion passed 7-0.

**ORD #83-2005**

Mr. Conklin offered Ord. #83-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH A ROAD PROGRAM FUND FOR THE DEPOSIT OF MOTOR VEHICLE LICENSE TAXES RECEIVED BY THE CITY OF NORTON PURSUANT TO OHIO REVISED CODE SECTION 4504.172, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Conklin moved to adopt Ord. #83-2005, seconded by Mr. Price. Mr. Conklin stated that this ordinance would generate a line item in the budget that would keep track of the additional \$5.00 that is being collected on license plate renewals. Mrs. Hlas added that these additional moneys would be deposited into a Road Program Fund.

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

Motion passed 7-0.

**AMENDED ORD # 84-2005**

Mr. Conklin stated it was originally intended to waive the second and third readings and vote on this tonight, however due to additional questions by Council as to the total number of radios needed and total amount of vehicles. Mr. Conklin stated that this ordinance will only be a first reading tonight. Mr. Conklin offered Amended Ord. #84-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO ACCEPT A GRANT FROM SUMMIT COUNTY FOR THE PURCHASE OF RADIOS FOR THE SUMMIT COUNTY REGIONAL RADIO SYSTEM, TO AUTHORIZE THE PURCHASE OF RADIOS AND OTHER COMMUNICATIONS EQUIPMENT FOR THE CITY OF NORTON DISPATCH, FIRE, EMS, POLICE, SERVICE AND ADMINISTRATION EMPLOYEES AND VEHICLES, AND TO DECLARE AN EMERGENCY.

First reading only.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #76-2005**

Mr. Pelot offered Ordinance #76-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CHARGES AND PROCEDURES APPLICABLE TO THOSE PROPERTIES ELIGIBLE TO CONNECT TO THE WOOSTER ROAD SANITARY SEWER.

Second reading only.

**ORD #77-2005**

Mr. Zita offered Ordinance #77-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO ADOPT REGULATIONS FOR THE PLANTING, TRIMMING AND CARE OF TREES AND PLANTS ON PUBLIC PROPERTY AND FOR THE ABATEMENT OF PUBLIC NUISANCES CAUSED BY TREES AND PLANTS ON PRIVATE PROPERTY.

Second reading only.

**ORD #79-2005**

Mr. Mowery offered Ordinance #79-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON ADMINISTRATIVE CODE DRIVEWAY REGULATIONS, SECTION 1026.07, TO REQUIRE DRIVEWAYS AND DRIVEWAY APPROACHES BE CONSTRUCTED AT LEAST FOUR FEET AWAY FROM FIRE HYDRANTS AND/OR UTILITY INSTALLATIONS.

Second reading only

**ORD #74-2005**

Mr. Pelot offered Ord. #74-2005 for its third 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.

Mr. Pelot moved to adopt Ord. #74-2005, seconded by Mr. Conklin.

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

Motion passed 7-0.

**ORD #75-2005**

Mr. Pelot offered Ord. #75-2005 for its third 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” 4602342), 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

Mr. Pelot moved to adopt Ord. #75-2005, seconded by Mr. Conklin.

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

Motion passed 7-0.

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

Mayor Kernan congratulated those who won their office in the last election and wished them well. Mayor Kernan stated that Council should have received a report regarding the 800 MHz radio equipment, and the Clerk of Courts overtime issues. Mayor Kernan stated that if there were any questions on either of these items, they should be directed to his office. Mr. Pritchard informed Council that if anyone is interested in reviewing the data that the Cuyahoga County Health Dept. provided earlier, to contact him. Mr. Pelot questioned the detention and retention ponds, specifically whose job is it to follow up on these to see that they are operating efficiently. Mr. Pritchard answered that it is the developer or the homeowner’s association’s responsibility. Mr. Pritchard stated that the way the legislation is written, the City of Norton has the authority under an emergency situation to go in and do our own inspections. Mr. Pritchard indicated that these two types of ponds are so new, that we have not had any problems so far. Mr. Pelot inquired on the time line for the developers to correct any problems.

**Reports from Officers, Boards & Commissions Continued**

Mr. Pritchard stated that some of the subdivisions were built before our storm water management programs were implemented. Mr. Pritchard stated that with a major subdivision with 100 homes, it would fall under the homeowners association. Mr. Pritchard stated that if they would fail to correct any issues, the city could come in and make the necessary corrections, and we would then assess the property owner for the repairs.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Kernan discussed the Norton Pride Initiative, which has begun the Norton Community Theatre Project. Their first performance, "The Folly of Life" will be December 1-3, 2005, which is Thursday, Friday and Saturday starting at 7:00 PM at Houston Hall, 3069 Houston Road. Tickets are \$8.00 at the door and presale tickets are \$7.00 and are available at Norton City Hall & Charlie's Restaurant. Tickets may be purchased by mailing a check to Norton Pride Initiative, PO Box 8136, Norton, Ohio, or [www.nortonct.org](http://www.nortonct.org), or contact 330-825-658-8008.

Mrs. Hlas stated that the Norton Police Dept is selling raffle tickets for the Shop with a Cop program, tickets are 6 for \$5.00 or \$1.00 each. Prizes are a flat screen TV, a mini IPOD, portable DVD player and \$100.00 cash. Tickets can be purchased from any Norton Police Officer, North Akron Savings and Loan, City Administration Building and the Norton Police Dept. The drawing will take place on December 21, 2005. Mrs. Hlas stated that Norton Women's Club will be holding their annual Quilt Raffle, tickets are \$1.00 each or 6 for \$5.00. This drawing will be at the Christmas in the Park on December 3, 2005. Mrs. Hlas stated that she has tickets available, or contact any member of the Norton Women's Club.

Mr. Price thanked all of the Veterans in honor of Veterans Day, which was November 11, 2005.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:53 PM

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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 November 14, 2005.

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Karla D. Richards, Clerk of Council

*Date approved: November 28, 2005*

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