



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 12, 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, December 12, 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:

Mrs. Hlas asked Council to consider placing an additional \$7,500.00 out of the General Fund into the Road Program Fund for an even balance of \$200,000.00. There was brief discussion on this and Mrs. Hlas stated that she would need a motion to amend the 2006 Budget in order to do this. Mr. Pelot moved, seconded by Mr. Zita.

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

Motion passed 7-0.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of November 28, 2005-Accepted as written
Minutes of the Committee of the Whole Meeting on December 5, 2005-Accepted as written

COMMUNICATION FROM THE PUBLIC:

Ms. Susan McCall, a 17 year City of Norton employee spoke regarding Ord #100-2005. Ms. McCall stated that she has submitted a letter to council asking them to reconsider acting on Ord. #100-2005. Ms. McCall stated that in this ordinance Section #3 has a big impact, and felt there may be some information that Council was not made aware of. Ms. McCall felt that this issue needed to be looked into a little further before voting on it. Ms. McCall discussed the Committee of the Whole minutes of December 5, 2005 referring to Mr. Pelot's comments. Mr. Pelot's discussion led Council to believe he approached the non-bargaining employees. Mr. Pelot stated that he did not speak to all of them. Ms. McCall asked Mr. Pelot how many employees did he talk to, and he replied 2-3 maximum. Ms. McCall stated try two. She spoke with these employees and she knew whom Mr. Pelot spoke to and whom he did not. Mrs. McCall stated this was not fair, we count on you as Council members to present the facts fairly, weigh the facts, and vote accordingly. Ms. McCall stated that this is not fair to the employees, or to the residents of Norton. Ms. McCall discussed an article where Social Security is giving a 4% costs of living raise and felt this should be considered in negotiations. Ms. McCall thanked Mr. Conklin and Mrs. Hlas for all their hard work on Council. Ms. McCall stated that she knew how much they care about the employees and the citizens. Ms. McCall welcomed Mr. Braman and Mr. Jones, and congratulated Mr. Mowery on his re-election.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Mr. Lou Maholic, AFSCME Clerical Union Representative, was present and spoke regarding Ord. #100-2005. Mr. Maholic stated that the Clerical Union has a very good relationship with the city, very little problems, and no grievances because you have a very dedicated work force here. Mr. Maholic stated that the current employees could actually be working elsewhere making more money. They chose to work here. They treat the public with respect. The service workers are out there all hours of the day and night to salt your roads, etc. Mr. Maholic stated that because of these facts, he feels they have earned special consideration from Council on this issue. Mr. Maholic stated that the proposed ordinance talks about raising the costs of health care for the employees of the city. It does this in three areas; one is to have the employees begin contributing to the costs. Another area is to increase the deductible amounts and a new provision for spousal coverage so that if they are employed elsewhere the spouse must obtain coverage through their employer, thereby removing them from the city's roles. Mr. Maholic stated that Mr. Lamm had commented earlier that our decreased expenses for the city's health care. Mr. Maholic stated that for 2003 it was \$880.66, in 2004 it was \$762.25 and so far for this year (10 months) it's \$718.25. Mr. Maholic discussed the composite rate increasing to 6.8%, which comes out to \$16.20 per employee. The city has about 54 employees so this would be an increase of approximately \$874.80. Mr. Maholic stated that when you look at the liability risk decrease, a potential saving of \$23,965.00 which is a big offset. Mr. Maholic stated that the city employees are not opposed to working with the city to do whatever they can to make the city fiscally sound. Mr. Maholic stated that what we need to see is a real need, not just a trend. We have all heard about other people's spouse's insurance plans, however the fact of the matter is that there is about 20% of the working people here in Ohio that don't contribute to their health care. These workers have other tradeoffs, such as salaries, co-pays, etc. Mr. Maholic urged Council to please consider this in your decision making.

Mr. Tom Jones, a Norton resident and new Council Member elect spoke briefly regarding the health care, the 2006 Budget. Mr. Jones stated that he would rather wait to get into this until he begins on Council in January to massage it over. Mr. Jones stated that he felt the employees are entitled to get what they can from their communities or businesses to offset their pay raises or something of that nature. Mr. Jones discussed the Building Dept. Membership seminars for \$10,000.00 and was concerned about this figure. Mr. Jones also discussed his calculations of 19% increase in the Finance Directors budget. Mr. Jones discussed the Income Tax Dept., back in 2003 was somewhere around \$33,000.00 and for 2006 you are proposing \$354,000.00? Mrs. Hlas stated that this is an estimated amount based on 3%. Mr. Jones discussed the number of employees in Administration and that he was not sure of the total number, but suggested that we may be too heavy from where we were six years ago. Mr. Jones commented stated that he saw no real change with Council, the Mayors office, or the Law Dept. Mr. Jones discussed the \$6,000 in Special Events fund, but questioned where the money would be coming from. Mr. Jones stated that he was glad to see Council setting aside money for a road program. Mrs. Hlas stated that we have not had a road program for two years. Mr. Jones stated that he was surprised to see Council addressing Ord. #100-2005. Mr. Jones wished everyone a Merry Christmas and Happy New Year, and a healthy New Year. Mrs. Hlas stated that Council worked on the 2006 Budget for at least three meetings. Mrs. Hlas stated that it would have been nice if Mr. Jones attended these so we could go over and explain things, and maybe some of his questions could have been answered.

PUBLIC HEARINGS: None

INTRODUCTION OF NEW LEGISLATION:

ORD #89-2005

Mr. Pelot offered Ordinance #89-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE DEDICATION TO THE CITY OF NORTON, OHIO, OF THE STREET KNOWN AS BROOKHAVEN DRIVE IN THE MAJOR SUBDIVISION KNOWN AS THE KNOLLBROOK SUBDIVISION, FOR USE AND MAINTENANCE BY THE CITY AND THE PUBLIC.

First reading only.

ORD #90-2005

Mr. Zita offered Ord. #90-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE A CONTRACT WITH PAN AMERICAN FOR EMPLOYEE HEALTH, DENTAL, VISION AND RELATED BENEFITS FOR THE PLAN YEAR JANUARY 1, 2006 THROUGH DECEMBER 31, 2006, AND DECLARING AN EMERGENCY.

Mr. Zita moved to suspend 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 Ord. #90-2005, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #91-2005

Mr. Conklin offered Ord. #91-2005 for its first reading:

AN ORDINANCE TO MODIFY THE ANNUAL APPROPRIATION ORDINANCE 136-2004 FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2005.

Mr. Conklin moved to waive the second and third readings, seconded by Mr. McGlone. Mrs. Hlas asked Mr. Lyons to explain the additional language pertaining to the Finance Director in this legislation. Mr. Lyons stated that this is an additional requirement that the Finance Director is further directed to report to Council.

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

Motion passed 7-0.

Ord. #91-2005 Continued:

Mr. Conklin moved to adopt Ord. #91-2005, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #92-2005

Mr. Conklin offered Ord. #92-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO A CONTRACT WITH THE OSBORN ENGINEERING COMPANY TO PREPARE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SAID IMPROVEMENTS TO REPLACE APPROXIMATELY 1880 FEET OF WATER LINES ALONG WADSWORTH ROAD AND APPROXIMATELY 4300 FEET OF WATER LINES ALONG BERRY ROAD AND MCGOWAN ROAD IN THE CITY OF NORTON.

First reading only.

INTRODUCTION OF NEW LEGISLATION CONTINUED:

RES #93-2005

Mr. Conklin offered Res. #93-2005 for its first reading, and asked the clerk to read it:

A RESOLUTION DECLARING IT A NECESSITY TO REPLACE APPROXIMATELY 1880 FEET OF WATER LINES ALONG WADSWORTH ROAD AND APPROXIMATELY 4300 FEET OF WATER LINES ALONG BERRY ROAD AND MCGOWAN ROAD IN THE CITY OF NORTON, AND TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (POWC) TO HELP FUND THIS PROJECT AND EXECUTE ANY CONTRACTS WITH THE OPWC TO OBTAIN AVAILABLE FUNDING.

First reading only.

ORD #94-2005

Mr. Conklin offered Ord. #94-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCE SECTION 1066.01 TO INCLUDE THE FORMER RAILROAD LINE BETWEEN SUMMIT ROAD AND AKRON-WADSWORTH ROAD AS PART OF THE CITY'S PARK SYSTEM TO BE KNOWN AS THE WOLF CREEK/PIGEON CREEK GREENWAY.

First reading only

RES #95-2005

Mr. Zita offered Res. #95-2005 for its first reading, and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF NANCY DELNAY TO HER FIRST FULL FOUR-YEAR TERM ON THE HEALTH ADVISORY BOARD OF THE CITY OF NORTON AND TO DECLARE AN EMERGENCY.

RES. #95-2005 Continued:

Mr. Zita moved to suspend the second and third readings, seconded by Mr. McGlone. Mr. Zita stated that he has worked on the Norton Health Advisory Board with Ms. Delnay. Mr. Zita stated that Ms. Delnay has been serving an unexpired term and she has agreed to serve her first full four-year term. Mr. Zita stated that she has done an excellent job for the city and looked forward to her being on board.

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

Motion passed 7-0.

Mr. Zita moved to adopt Res. #95-2005, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #96-2005

Mr. Zita offered Ord. #96-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCE CHAPTER 240 – *DIVISION OF POLICE*, TO MAKE BENEFITS AND SALARY CONSISTENT WITH THE MASTER PERSONNEL ORDINANCE, ELIMINATE ARCHAIC PROVISIONS AND GENERALLY UPDATE AND CLARIFY THE LANGUAGE, AND DECLARING AN EMERGENCY.

First reading only

ORD #97-2005

Mr. Zita offered Ord. #97-2005 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCE CHAPTER 242 – *DIVISION OF FIRE AND EMERGENCY MEDICAL SERVICES*, TO CLARIFY THE CRITERIA FOR THE POSITION OF FIRE CHIEF, MAKE BENEFITS AND SALARY CONSISTENT WITH THE MASTER PERSONNEL ORDINANCE, AND ELIMINATE THE CLOTHING ALLOWANCE SECTION WHICH IS GOVERNED BY A COLLECTIVE BARGAINING AGREEMENT, AND DECLARING AN EMERGENCY

First reading only

ORD #98-2005

Mr. Zita offered Ord. #98-2005 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCE CHAPTER 258 – *EMPLOYEES GENERALLY*, TO MAKE THE GENERAL PROVISIONS APPLICABLE TO NON-BARGAINING UNIT EMPLOYEES MORE CONSISTENT WITH BARGAINING UNIT EMPLOYEES, TO MAKE THE LANGUAGE CONSISTENT WITH CURRENT POLICIES AND TO OTHERWISE CLARIFY EMPLOYMENT TERMS.

First reading only.

ORD #99-2005

Mr. Mowery offered Ord. #99-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCE CHAPTER 406 – *TRAFFIC CONTROL*, TO BRING THE CHAPTER MORE IN LINE WITH THE DUTIES OF THE SAFETY DIRECTOR AS SET FORTH IN THE OHIO REVISED CODE.

First reading only.

Mrs. Hlas called for a five-minute recess so that she and all of Council can read over the letters submitted by some of the Administration employees.

ORD #100-2005

Mr. Zita moved to table Ord. #100-2005, seconded by Mr. Pelot.

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

Motion passed 7-0 to table Ord. #100-2005.

RES #101-2005

Mr. Conklin offered Res. #101-2005 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO SET FORTH COUNCIL'S INTENT REGARDING THE ALLOCATION OF ANTICIPATED NET INCOME TAX REVENUES IN 2006.

Mr. Conklin moved to suspend the second and third readings, seconded by Mr. Pelot. Mrs. Hlas stated that this Resolution is for the income tax revenue for 2006. Mrs. Hlas stated that any revenue above the \$3,398,000.00 of net income tax collected would go directly into the Road Program Fund.

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

Motion passed 7-0.

Mr. Conklin moved to adopt Res. #101-2005, seconded by Mr. Pelot.

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

Motion passed 7-0.

RES #102-2005

Mr. Zita offered Res. #102-2005 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR NORTON CITY COUNCIL MEMBER BRENDA HLAS.

Mr. Zita moved to suspend the second and third readings of Res. #102-2005, seconded by Mr. McGlone.

Res. #102-2005 Continued:

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

Motion passed 7-0.

Mr. Zita moved to adopt Res. #102-2005, seconded by Mr. McGlone. Mr. Pelot thanked Mrs. Hlas for all of her efforts; she has done a lot for this city and was sad to see her leaving.

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

Motion passed 7-0.

RES #103-2005

Mr. Zita offered Res. #103-2005 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR NORTON CITY COUNCIL MEMBER JOHN CONKLIN.

Mr. Zita moved to suspend the second and third readings of Res. #103-2005, seconded by McGlone.

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

Motion passed 7-0.

Mr. Zita moved to adopt Res. #103-2005, seconded by Mr. McGlone. Mr. Pelot thanked Mr. Conklin for all of his efforts and the work he has done, and was sorry to see him leaving. Mrs. Hlas thanked Mr. Conklin for his hard work these last four years, and she has learned a lot from him.

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

Motion passed 7-0.

ORD 104-2005:

Mr. Zita offered Ord. #104-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATING TO THE CONSTRUCTION OF WATER MAINS, HYDRANTS, AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE GARDNER BOULEVARD PHASE II WATERLINE PROJECT, AND DECLARING AN EMERGENCY.

First reading only. Mrs. Hlas reminded Council to insert the date of the hearing before adopting the legislation. Mr. Zita stated that we are still working on scheduling this date with all of the Board Members.

II. INTRODUCTION OF PRIOR LEGISLATION

ORD #85-2005

Mr. Zita offered Ord. #85-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE PROVIDING FOR EXPENSES INCURRED BY MEMBERS OF THE PLANNING COMMISSION, CIVIL SERVICE COMMISSION, BOARD OF ZONING AND BUILDING APPEALS, CEMETERY BOARD, PARK AND RECREATION BOARD, HEALTH ADVISORY BOARD, AND REPEALING ALL OTHER FORMS OF COMPENSATION.

Mr. Zita moved to suspend the third reading, 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 Ord. #85-2005, seconded by Mr. McGlone. Mrs. Hlas stated that this would go into effect in 2006 so it does need to pass tonight. Mrs. Hlas stated that the members would still be paid, it would now be a reimbursement check instead of a payroll check.

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

Motion passed 7-0.

AMENDED ORD #87-2005

Mr. Pelot offered Amended Ord. #87-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO ADVERTISE AND TAKE BIDS FOR THE CONSTRUCTION OF BASEBALL FIELDS IN COLUMBIA WOODS PARK.

Second reading only.

Mrs. Hlas stated she would like to have a motion made to waive the third reading because she and Mr. Conklin worked very hard on getting this and would like to have this passed tonight. Mr. Pelot moved to suspend the third reading, seconded by Mr. Conklin. Mrs. Hlas stated that she believed Mr. Conklin was on the Parks Commission when the grant came through for the purchase of the 8.9 acres, and she was on the Baseball Board pushing to purchase this property. At that time we were in jeopardy of losing that grant and she helped to push it through.

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

Motion passed 7-0.

Mr. Pelot moved to adopt Amended Ord #87-2005, seconded by Mr. Conklin. Mr. Pelot stated that this money is already set aside specifically for the ball fields and cannot be touched for anything else. Mr. Pelot stated that some may think if things are tight, why are we spending money on this now. Mr. Pelot indicated that this money was set aside years ago.

AMENDED ORD #87-2005 Continued:

Mrs. Hlas stated we borrowed \$250,000.00 in bond money in 2003, and the payment is being made from the Time Warner Cable Franchise Fee account, which can only be used for parks improvements. This is your Time Warner Cable money at work for you. Mrs. Hlas stated that the amended portion was to have one bid with lights and one bid without lights.

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

Motion passed 7-0.

AMENDED ORD #88-2005

Mr. Conklin offered Amended Ord. #88-2005 for its second reading, and asked the Clerk to read it:

THE ANNUAL APPROPRIATION ORDINANCE FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2006.

Mr. Conklin moved to suspend the third reading, seconded by Mr. Price. Mrs. Hlas stated that we added the \$7,500.00 to this earlier tonight.

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

Motion passed 7-0.

Mr. Conklin moved to adopt Amended Ordinance #88-2005, seconded by Mr. Price.

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

Motion passed 7-0.

ORD #81-2005

Mr. Pelot offered Ord. #81-2005 for its third 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.

Mr. Pelot moved to adopt Ord. #81-2005, seconded by Mr. Zita. Mr. Pelot stated that this ordinance would bring the fire code up to date, which is about 10 years old.

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

Motion passed 7-0

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Kernan thanked and recognized Mrs. Hlas and Mr. Conklin for their hard work on behalf of the residents of Norton. Mayor Kernan stated that we may have had some rocky times where we did not agree, but he always found Mrs. Hlas and Mr. Conklin to be professional, dedicated and hard working. Mayor Kernan gave both of them with a key to the city.

Mr. Collins also applauded Mrs. Hlas and Mr. Conklin adding that those of us in the know, know exactly what both of you have done for this city. Mr. Collins wished everyone a Merry Christmas and a Happy New Year.

Mrs. Zerga also thanked Mrs. Hlas and Mr. Conklin and for helping to make her first years here very easy for her, and she appreciated working with both of them.

Mr. Pritchard echoed the previous statements. Mr. Pritchard reported that the city would be advertising for the Comprehensive Plan citizens work group. This group would consist of 25 members, all residents of various backgrounds. Mr. Pritchard stated that he would like to have this up and running around February 2006. Mr. Pritchard discussed the Nature Works Grant application for playground equipment for Columbia Woods Park which is due by February 1, 2006.

Mr. Lyons stated that he appreciated the diligence and thoughtfulness from Mrs. Hlas and Mr. Conklin in their work for this city.

Mr. Ed Binic of the Barberton Health District gave a report on the Eslich C & D Landfill. Mr. Binic stated that the remedial actions set in place earlier this year are mostly completed. There is a leachate storage containment system now on site instead of holding ponds. The stored leachate will be periodically trucked off of the property and treated at a facility. Mr. Binic stated that the detailed report of the investigation would be left with Mr. Pritchard if anyone was interested in reviewing it. Mr. Binic discussed the Bennett-Summit –McCoy C & D and that Phase I is near completion. Mr. Binic stated that in 2006 a landfill area of 10.4 acres will begin, and they are working on securing a contract for the ground water monitoring system. Mr. Binic stated that Mr. Kendall has complied with the orders from the Barberton Health District and has tied into the sewer and properly decommissioned the illegal system. Mr. Binic said his heartfelt good-byes to Mrs. Hlas and Mr. Conklin, you have been an inspiration and the city is very fortunate to have citizens like yourselves. Mrs. Hlas questioned Mr. Binic about the Eslich C & D, and if they need to renew their license, and would this 1-million dollar project be completed by that time? Mr. Binic stated that their license is up for renewal in January 2006, and this would not be completed by that time, most likely in the spring. Mrs. Hlas inquired about the Bennett C & D, stating that that do have over 83 acres of land there and if they are ready for Phase III would this have to come before Council for rezoning? Mr. Pritchard stated that he was not clear on this and would need to look into this. Mr. Pritchard questioned of there are Ohio EPA Guidelines in place that requires these facilities to be a specific distance from any municipal water supply. Mr. Binic stated that he assumed this was addressed when they began and was a part of the negotiations for the underground monitoring systems that went into place. Mr. Conklin discussed the issue of out of state C & D materials and the progress in Columbus. Mr. Binic stated that this is a hot topic in Columbus now and it is still pending and would advise Council on the outcome on this. Mr. Pritchard stated that this is called Interstate Commerce and this is very hard to regulate, and the only thing that may be done is to increase the tipping fees. Mrs. Hlas stated that one community near Youngstown spent \$2.1 million on railroad improvements in order to take the out of state materials because the state has such lax regulations.

OLD BUSINESS:

None

NEW BUSINESS:

Mr. Pelot asked Mayor Kernan if he would set a policy during Reports from Officers, Boards and Commissions give a brief update of maybe 2-3 items they are currently working on at each meeting. This information would give the public and Council and idea on what is going on at city hall at any given time.

Mrs. Hlas stated that the request for reduction in the contract rates for the Cingular cell tower behind city hall would be addressed in January.

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Pelot stated that J & J Refuse issued a memo that they would be working on Monday December 26, 2005 and Monday, January 1, 2006. There would be no interruptions during the holidays.

Mrs. Hlas gave a closing speech on her goals and accomplishments, and thanked members of the current Council. Mrs. Hlas welcomed the new elected members. (See Exhibit A attached).

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:19 PM

Michael Zita, 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 January 9, 2006

Karla D. Richards, Clerk of Council

Date approved: January 9, 2006

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