



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 11, 2005**

Roll Call:	John Conklin	Also Present:	Mayor Joseph Kernan
	Dennis McGlone		Claude Collins
	Bill Mowery		Jeanne Zerga
	Scott Pelot		Jeff Pritchard (Arrived at 7:40 PM)
	James Price (Excused)		Mike Lyons
	Mike Zita		Karla Richards
	Brenda Hlas		

The Committee of the Whole convened for a meeting on Monday, April 11, 2005 at 7:01 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Brenda Hlas, President of Council.

**COMMITTEE OF THE WHOLE:**

Mr. Zita commented on Colene Conley, (the City's Zoning Inspector) for being the recipient of an Association for Leadership Diploma, and thanked her for her efforts.

Mr. Mowery commented on a great job by the Norton Fire Department Paramedics recently. They had responded promptly with a call for his mother-in-law when she recently suffered a heart attack. Mr. Mowery also had transported a Norton resident to the station for a head injury and was quickly treated. Mr. Mowery said this is money well spent within our city and thanked the employees. Mr. Mowery stated that there would be an open house for the Bridgeway Group Home tomorrow evening, and left copies of the invitations at the podium. Mr. Mowery stated that there have been no incidents at the Bridgeway Group Home since they were placed on probation. The Bridgeway Group Home would like to establish an Oversight Board consisting of two members selected by Norton City Council, two area Clergy, a citizen volunteer and one licensed Social Worker. Mr. Mowery stated that if anyone in Ward 3 is interested to let him know. Mr. Mowery stated that he has discussed the safety issues at City Hall with Mr. Collins and believed a solution has been worked out. Mr. Mowery stated he received three complaints from residents about their neighbors and open burning. These residents wished to remain anonymous and asked Mr. Mowery to handle it for them. Mr. Mowery stated these incidents were addressed quite easily with no further problems. Mr. Mowery stated two property owners contacted him about the recent notice regarding the weed ordinance. He was informed they would make sure their property is maintained and the city would have no further problems from them.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council meeting of March 28, 2005-Approved as written.  
Minutes of the Committee of the Whole of April 4, 2005-Approved as written.

**PUBLIC HEARING:**

None

**COMMUNICATION FROM THE PUBLIC:**

Ms. Maggie Abbott spoke regarding the Kiwanis Club Day Prayer Breakfast, which coincides with the National Day of Prayer on May 5, 2005. The breakfast will be Grace Church at 7:00 AM; Bishop Anthony Pilla of Cleveland will be the guest speaker. Ms. Abbott stated that the tickets are \$7.00 and to contact her if interested.

**COMMUNICATIONS FROM THE PUBLIC CONTINUED:**

Mr. Gilbert Chaney, a Norton resident spoke regarding the trash haulers proposal. Mr. Chaney stated that very few residents are actually for this, so why go there. Mr. Chaney stated that members of Council work for the residents, we elected you to serve the public and we pay your wages.

Mr. Alex Stavarz, a Norton resident spoke against the \$5.00 license tax ordinance. Mr. Stavarz stated that he has about twenty vehicles most of which are trailers, and felt this tax may cause businesses to register elsewhere, and you may loose all the fees. Mr. Stavarz stated that the money this would generate would not adequately pave a parking lot, let alone assist with a road program. Mr. Stavarz stated what is really needed is a discount of the income tax credit to generate serious money for the city.

Ms. Brenda Anderson, a Weber Drive resident spoke against the rezoning of Weber Drive and Cleveland-Massillon Road. Ms. Anderson stated she spoke with Mr. Arters and thanked him for his cooperation and respect with her issues and concerns. Ms. Anderson displayed the area showing all of the homes that would be affected by this rezoning. Ms. Anderson discussed the McCoy Map and the fact that Planning Commission approved it as a tool. It is not a law or an ordinance nor is it in the Charter, nor are you obligated to follow it. Ms. Anderson recited the Oath of Office that Council Members took and cautioned them to think about the terms faithfully, honestly and impartially. Ms. Anderson stated that we have no master plan and no direction to grow, and we want Norton to grow with organized planning and thoughts.

Ms. Violet Carr, a Weber Drive resident spoke about discussions she had recently with a group of city planners in the southern United States who is in the Top 10 of the US, and they had specific questions for Mr. Pritchard. Is this a pressure system or sewer and waterlines with the property owners having to pay \$20,000.00 to \$25,000.00. What about the entrance-- is it on Weber Drive or Cleveland-Massillon Road? Mr. Pritchard previously indicated he would like for it to be on Weber Drive. We need definite answers. After review of the City of Norton maps, the "elite" city planners wanted to know what happened to the area behind the shopping center on Woodbine and Weber? These planners indicated that obviously that area should be prime business if they are going down the road as shown, and urged her to find out because they felt the City of Norton is not telling everything here. Ms. Carr also wants to know what is going on next to the funeral home? Ms. Carr also questioned how would the residents pay for it if it turns into a private water/sewer line, and what our options are. Mrs. Hlas indicated that we would provide Mr. Pritchard with her questions, and she would have a response by the next meeting.

Mr. Pete Kozak, a Weber Drive resident spoke about the weed ordinance, asking if there are any exceptions to this. Mr. Collins indicated there were no exceptions, adding that it is possible for farmlands to be partially exempt. Mr. Kozak spoke against the rezoning on Weber Drive, questioning the revised plans and the potential for residents required to tap into sewer and water and if anyone can estimate how much the residents would have to pay? Mrs. Hlas indicated this is only a rezoning issue, these plans are not final. Mayor Kernan stated that it was his understanding that if there is sewer and water, the residents are not required to tie in unless their systems fail. Mr. Kozak argued this was not true because Mr. Pritchard told him they would have six months. Mr. Collins disputed this comment, adding that if you have a residence your are not required to unless the Health Department inspects this and informs you that you have a failed system. Mrs. Hlas added that she believed Mr. Pritchard previously stated at the Planning Commission meeting that the Ohio State Health Board has ultimate authority and can override the City of Norton and/or the County on this issue.

**COMMUNICATIONS FROM THE PUBLIC CONTINUED:**

Ms. Diane Caudill, a Weber Drive resident spoke about her concerns on this rezoning and that she realizes that no business can pick their clientele. Ms. Caudill was concerned for the children being dropped off and waiting for the bus and needs to be considered. Ms. Caudill stated that they moved from Doylestown and before they moved here, the State did condemn their septic system because of the smell and the leaching and she believes Weber Drive would be condemned.

Mr. Chuck Model, a Weber Drive resident wanted to state for the record that he is totally against "spot zoning". Mr. Model reflected to a comment made at the last meeting to please do what the majority of the residents want--not to listen to these few residents. Mr. Model stated that he trusts that you will do what the majority of the people who voted for you to do. We did elect you and we will also not re-elect you if you do not do what we want you to do.

Amy Addis, former Mayor spoke regarding a previous press release issued by Mayor Kernan retaliating against her comments published in the local paper. (See attached statement). Ms. Addis also discussed her concerns regarding Councils activity on resolutions and that they have been treated differently from ordinances in the past. (See attached statement)

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #29-2005**

Mr. Conklin offered Ordinance #29-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF TALLWOOD DRIVE IN THE CITY BY CONSTRUCTING WATER LINES, HYDRANTS AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE GARDNER BOULEVARD PHASE I PROJECT, AND DECLARING AN EMERGENCY.

First reading only.

**ORD #30-2005**

Mr. Conklin offered Ordinance #30-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$54,833 AGGREGATE PRINCIPAL AMOUNT OF BONDS OF THE CITY OF NORTON, TO PAY THE PROPERTY OWNERS' PORTION, IN ANTICIPATION OF THE COLLECTION OF SPECIAL ASSESSMENTS HERETOFORE LEVIED, OF THE COSTS OF IMPROVING TALLWOOD DRIVE IN THE CITY BY CONSTRUCTING WATER LINES, HYDRANTS AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE GARDNER BOULEVARD PHASE I PROJECT, AND DECLARING AN EMERGENCY.

1<sup>st</sup> reading only

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**ORD #31-2005**

Mr. Conklin offered Ordinance #31-2005 for its first reading, and asked the Clerk to read it:

An ordinance establishing a tap-in charge in accordance with the proceedings related to the IMPROVEMENT OF TALLWOOD DRIVE IN THE CITY BY CONSTRUCTING WATER LINES, HYDRANTS AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE GARDNER BOULEVARD PHASE I PROJECT, AND DECLARING AN EMERGENCY.

1<sup>st</sup> reading only.

**RES #32-2005**

Mr. Pelot offered Resolution #32-2005 for its first reading, and asked the Clerk to read it:

A RESOLUTION IN SUPPORT OF APPLYING FOR A GRANT FROM THE OHIO & ERIE CANAL CORRIDOR COALITION TO DEVELOP A FEASIBILITY STUDY FOR THE WOLF CREEK/PIGEON CREEK TRAIL AND GREENWAY.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Resolution #32-2005, seconded by Mr. Conklin.

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

Motion passed 6-0.

**ORD #33-2005**

Mr. Pelot offered Ordinance #33-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE RECLASSIFYING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SOUTH CLEVELAND MASSILLON ROAD AND WEBER DRIVE, PERMANENT PARCEL NUMBERS 4600425, 4600430 AND 4606190, FROM R-3 ONE-FAMILY RESIDENTIAL DISTRICT TO B-3 HIGHWAY BUSINESS DISTRICT

1<sup>st</sup> reading only.

**INTRODUCTION OF NEW LEGISLATION CONTINUED**

**RES #34-2005**

Mr. Zita offered Resolution #34-2005 for its first reading, and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF NICHOLAS GENIS TO HIS FIRST THREE-YEAR TERM ON THE BOARD OF ZONING AND BUILDING APPEALS OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Zita moved to suspend the second and third readings, seconded by Mr. McGlone.

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

Motion passed 6-0.

Mr. Zita moved to adopt Resolution #34-2005, seconded by Mr. Conklin.

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

Motion passed 6-0.

**RES #35-2005**

Mr. Zita offered Resolution #35-2005 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF BOB ADAMS AS A MEMBER OF THE NORTON BOARD OF BUILDING AND ZONING APPEALS.

Mr. Zita thanked Mr. Adams for his service on the Board and moved to suspend the second and third readings of Resolution #35-2005, seconded by Mr. McGlone.

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

Motion passed 6-0.

Mr. Zita moved to adopt Resolution #35-2005, seconded by Mr. McGlone.

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

**ORD #36-2005**

Mr. McGlone offered Ordinance #36-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 1060.01 OF THE CITY OF NORTON'S CODIFIED ORDINANCES TO ALLOW THE CITY TO ENTER INTO AN EXCLUSIVE CONTRACT FOR THE COLLECTION AND REMOVAL OF *RESIDENTIAL* RECYCLABLES, REFUSE AND WASTE MATERIALS OF ANY KIND WITHIN THE CITY.

1<sup>st</sup> reading only

**INTRODUCTION OF PRIOR LEGISLATION:**

**ORD. #27-2005**

Mr. Conklin offered Ordinance #27-2005 as amended for its first reading, and asked the Clerk to read it:

AN ORDINANCE T ADOPT A FIVE DOLLAR PER MOTOR VEHICLE LICENSE TAX, PURSUANT TO OHIO REVISED CODE SECTION 4504.172.

Second reading only.

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

No reports from the Mayor or Administration

Mr. Ed Binic, Barberton Health District discussed the Summit C & D land fill and the spillage that took place in July of 2004. Mr. Binic stated there is a permanent containment system approved and work will begin this June. Mr. Binic discussed House Bill 432, which takes effect on April 15, 2005, and thanked Mrs. Hlas for all of her efforts and for testifying in Columbus. Mr. Binic discussed the action regarding the Mosquito Control District and that the Health Board has strongly ordered to form this district. Mr. Binic stated that we need 500 signatures to take to the Courts and request that a Mosquito Control District be established. Mr. Binic indicated that he has the petitions with him and that any Barberton or Norton landowner can sign them. Mr. Pelot questioned Mr. Binic on the requirements of trucking companies transporting leachate from the C & D facilities. Mr. Binic indicated that these trucks must display a special emblem indicating that they are transporting this product.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Mr. Pelot discussed the situation with the Mosquito Control District and the fact the now the Health District is going around Barberton and Norton Councils and not to the voters. Mr. Pelot stated that with our current contract, we already have this service for our residents, so why are they trying to do this, it's almost a double charge. Mr. Pelot stated that we need to be pro-active here and start discussions with Summit County now and we need to keep our options open.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Kernan stated that Norton Clean Up Day is May 7, 2005 at 9 AM at the Columbia Woods Pavilion.

Mrs. Hlas discussed the litter on SR #585, and she wanted to do an Adopt-A-Highway, but since Norton maintains this section of roadway we do not fit their criteria to qualify. Mrs. Hlas indicated she still wants to do something here and would be working on getting information for a similar type of clean up program. This program could involve community and civic groups helping out. Mr. Pelot discussed the potential of having community service workers from the Mayors Court working here. Mr. Collins added that this is not feasible because you still have to have someone out there supervising them.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:04 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 April 25, 2005.

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Karla D. Richards, Clerk of Council

*Date approved: April 25, 2005*

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