



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 25, 2005**

Roll Call:	John Conklin	Also Present:	Mayor Joseph Kernan
	Dennis McGlone		Claude Collins
	Bill Mowery		Jeanne Zerga
	Scott Pelot		Jeff Pritchard
	James Price		Mike Lyons
	Mike Zita		Karla Richards
	Brenda Hlas		

The Committee of the Whole convened for a meeting on Monday, April 25, 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. Mowery commented on the open house for the Bridgeway Group Home, expressing his disappointment on the fact that the Mayor & Mr. Collins did not attend. Mr. Mowery stated that Mrs. Hlas; Mr. Conklin, Mr. Zita, Chief Carris and himself attended. Mr. Mowery stated the home was very clean, neat and orderly, and that three children are currently there. Mr. Mowery stated that the Norton Health Advisory Board was seeking petitions in front of Acme this past weekend, to form a joint Mosquito District. Mr. Zita corrected Mr. Mowery, indicating that this did not occur, and that new information was provided at the Work Session this past Saturday, which Mr. Mowery failed to attend.

Mr. McGlone discussed the amendment to Ord #36-2005-Trash Bid. Mr. McGlone stated that the legislation was amended to add a provision in the bid for an opt-out. Mr. McGlone to amend Ord. #36-2005, seconded by Mr. Conklin.

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

Motion passed 7-0.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council meeting of April 11, 2005-Approved as written.  
Minutes of the Committee of the Whole of April 18, 2005-Approved as written.

**COMMUNICATION FROM THE PUBLIC:**

Mr. George Tomko, a Norton resident spoke regarding the poor road conditions on Barber Road. Mr. Tomko stated that with recent rains, it is getting worse and asked what is being done about this. Mr. Collins indicated that Mr. Weinsheimer is in the process of getting bids to repair this area and this should be addressed very soon.

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #37-2005**

Mr. McGlone offered Ordinance #37-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO APPROPRIATE A PORTION OF THE FUNDS COLLECTED FROM CONSTRUCTION AND DEMOLITION AND DEBRIS FACILITIES AND/OR SOLID WASTE FACILITIES LOCATED WITHIN THE TERRITORIAL BOUNDARIES OF THE CITY OF NORTON LEVIED IN ACCORDANCE WITH OHIO REVISED CODE SECTION 3714.07(A) AND AUTHORIZED TO BE APPROPRIATED BY MUNICIPALITIES IN ACCORDANCE WITH OHIO REVISED CODE SECTION 3714.07(C), AND DECLARING AN EMERGENCY.

Mr. McGlone moved to suspend the second and third readings, seconded by Mr. Conklin. Mrs. Hlas explained the reason for waiving the second and third readings is because the State Law went into effect on April 15, 2005. We would like to start collecting tipping fees as soon as possible and the legislation states it goes into effect on May 1, 2005. Mrs. Hlas thanked Mr. Tomko for originally asking why we cannot collect tipping fees. Without his inquiry Mrs. Hlas indicated that she might not have thought to look into this. Mrs. Hlas thanked former Mayor-Amy Addis and Mr. Conklin for going to Columbus with her several times. Mrs. Hlas estimated the revenue would be around \$15,000.00 to \$20,000.00 into the General Fund, and can be used by the Street Dept. for road repairs.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Ordinance #37-2005, seconded by Mr. Conklin.

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

Motion passed 7-0.

**PUBLIC HEARING:**

**ORD #33-2005: 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.**

Mrs. Hlas convened the Public Hearing for Ordinance #33-2005 at 7:17 PM, and asked the Clerk to certify the notice of the Public Hearing. The Clerk of Council certified the notice for the Public Hearing was published in the Barberton Herald on April 7, 2005. Mrs. Hlas called for anyone in favor of the application to come forward, the applicant having the right to speak first. Mr. Benya, Architect for the project spoke of the building plans, dimensions. Mr. Benya stated the intended use for this property is for 6-bay automotive service garage, with additional storage and office space. Mr. Cunningham, a Norton resident, came forward and spoke in favor of the rezoning. Mr. Joe Miller, the applicant came forward and spoke about the rezoning. Mr. Miller stated that he has been in business since 1978. Mr. Miller stated he is confident there will be little if any problems to the area. Mr. Miller stated that they have to meet OSHA and Ohio EPA requirements, and want to work with the residents and the city to alleviate any water runoff issues. Mr. Easterling, a Norton resident came forward and spoke in favor of the rezoning, adding that this area is on the main thoroughfare which is where this business belongs. Ms. Rita Benya, a Norton resident spoke in favor of this rezoning, and gave a description of "spot Zoning" and the fact that spot zoning has existed for years.

Mrs. Benya stated that the Zoning Board tried to approve things here in Norton, but thanks to those of you who protested—have made property owners face hardships in permitting rezoning requests. Ms. Benya also stated that everything from that spot to I-76 is already zoned commercial. Mr. Joe Bozak, a Norton resident spoke in favor of the rezoning, adding that he has lived here for 62 years and cannot understand why this area was never zoned residential in the first place. Mr. Bozak stated that we need revenue, and this is an ideal location for this business. Mrs. Lynn Karant, a Norton resident and co-owner of the Medicine Shoppe spoke in favor of the rezoning, citing the fact that the lot is vacant, swamp area which is a breeding ground for mosquitoes, and a health risk for West Nile Virus. Mrs. Karant stated the Millers have a reputation of doing excellent work with fair prices. This is evident in their work ethics and morals. This will help increase more business and more tax revenue for the City of Norton. Mr. Thomas Dillick, a Norton resident spoke in favor of the rezoning, adding that the Millers are quality business owners and felt we couldn't welcome a better class of people. Mr. John Glass, a Norton resident spoke in favor of the rezoning, recalled a recent situation his wife experienced at the Millers current location. Mrs. Glass pulled into the station around closing time with a flat tire. After a long business day, Mr. Miller pulled the tire off, replaced it for her and charged her nothing for the service. This is the kind of business owners and neighbors we are getting here on this parcel. Mr. Eric Rymer a Norton resident and Norton Middle School teacher spoke in favor of this rezoning, adding that it is obvious we need revenue in this community. Mr. Rymer discussed the revenue with the various school levy-7.9 mill would have raised 1.3 million dollars. Copley had a 5.9 levy, which would have raised about 5 million dollars with a lower millage. We need to look towards our future and bring in more business not housing, and Cleve-Mass. Road is the main road in and out of town. Mr. Gary Osborn, a Norton resident and business owner spoke in favor of the rezoning, adding that we need the business in the city, just take a good look at how Wadsworth is expanding and growing. Ms. Jean Seay a Norton resident spoke in favor of the rezoning. Ms. Seay indicated that those residents opposed to this have been misinforming some of the residents and clarified her concerns. Ms. Seay stated that the residents are not required to hook up to water and sewer if this project is approved. Waste oil and other fluids will not be dumped into septic tanks or surrounding land, no contamination of water wells. Property values will not go down as a result. Ms. Seay indicated that the Anderson's have not been residents for 50 years as they had previously stated. Ms. Seay stated that the Anderson's have only lived in Norton for less than two years, and they are not even registered to vote in this city. Ms. Seay also indicated that Mrs. Anderson previously stated this property has been up for rezoning five times, when in fact it has only been up for rezoning twice. Ms. Leslie Oliver, a Norton resident spoke in favor of this rezoning. Ms. Oliver stated she is a resident of Weber for 39 years, and feels it would be better than having a swamp in this location. Ms. Oliver stated that for years some of the area residents have used this as a dumping ground for leaves, and misc. yard debris. Mr. Ron Smith, a Norton resident since 1957 and was in favor of this rezoning, adding that the drawings of the building look to be the finest of what we have so far. Mr. Gene Neely, a Norton resident spoke in favor of this rezoning, adding that they feel the building will look great. Mr. Neely stated he has two children currently getting picked up and dropped off in this area and he does not see this as a problem. Mr. Fabian Donnet, a Norton resident, spoke in favor of this rezoning. Mr. Donnet stated that the building would blend in very well in this area. Mr. Donnet stated that having a garage with good mechanics is like having a good doctor. Mr. Bill Seay, a Norton resident spoke in favor of this rezoning, adding that he has been here for more than 20 years, and the Millers are great people and its important to take care of them. They are a blessing to the people in our neighborhood. Mr. Richard Smith, a Norton resident spoke in favor of the rezoning, adding that the Millers run a quality business and are a true asset to the City of Norton. Mr. Donald Weigand, a Norton resident stated that he was more concerned with the appearances in Norton.

Mr. Weigand stated that all along Cleve-Mass. Road, you have businesses that are mediocre, very good or extremely poor looking. If this business does a good job with landscaping, sound control for the neighbors, and they certainly have a good reputation in their present business, he would be all for this. Mr. Weigand stated that he would like the Millers to set an example or showplace that could be used as a promotional showing others that we want business in Norton. Mr. Weigand stated that the city of Broadview Heights puts out a magazine and they showcase area business to help promote development in their city. Ms. Maggie Abbott, a Norton resident stated that the City of Norton needs new business to generate income to improve our roads, bring in sewer and water. There is no extra money coming from the State, in fact we are losing money from the State. We cannot afford to lose such an asset to the city. Mr. George Tomko, a Norton resident spoke in favor of this rezoning. Mr. Tomko stated he has been here since 1957 and Norton needs business. Mr. Norm Kendall, a Norton resident spoke in favor of this, adding that the opponents should take another look at this, we are talking about the livelihoods of these residents, and see this as a chance to create jobs, let's do it. Mr. Jim Cook, a Norton resident spoke in favor of this rezoning. Mr. Cook reflected back to the 40's and the growth of the Cleve-Mass. Road area, and up until the late 50's Cleve-Mass Road was Rt. #21, and the gateway right to Florida. Mr. Cook suggested rezoning all of Cleve-Mass. Road. Mr. John Carris Sr., a Norton resident spoke in favor of the rezoning, adding that the Millers are one of the best families in our city, you turned them down once on the medical building issue, and urged Council not to repeat that decision. Ms. Sue Dayton, owner of Dayton Nursery, spoke in favor of the rezoning. Ms. Dayton stated that the reputation and track record of the Millers current business speaks for itself. Mr. Alex Stavarz, a Norton resident spoke in favor of the rezoning, adding that it was possible previous building could have brought on the flooding in this area. Mr. Stavarz stated that this rezoning application should not even be here and the administration should consider refunding the applicant. This area and all of Cleve-Mass. Road should be business-commercial and rezoned accordingly. Mr. Stavarz discussed the two possibilities of sewer for this area, and stressed the gravity flow system would best serve the Millers and the city. Mr. Stavarz stated the traffic/accidents issue is not a zoning issue, this is a police matter. Mr. Stavarz also stated that he would bet those residents who are opposing this probably pay very little or nothing at all to the city in the way of income taxes. Mr. Stavarz stated he felt that we have sent enough businesses to Wadsworth, let's not do this again with the Millers. Mrs. Karen Miller, applicant and Weber Drive resident spoke in favor of the rezoning. Ms. Miller indicated that with this rezoning request, they were not required to submit drawings, but wanted to be up front with the residents and let them see what is proposed as a courtesy. Initially there were concerns for safety with the driveway being on Weber, so they had the plans redrawn at their expense to reflect entrance on Cleve-Mass. Road. Mrs. Miller stated that it was never their intention to burden the residents with the expense of sewers. Mrs. Miller commented on the State cuts forthcoming and the need for additional revenue to keep the schools and city afloat. Our residents cannot afford higher taxes, and have no road program because of lack of funds. Ms. Anderson asked if discouraging new business from coming into Norton is a good idea? Only if the residents are prepared to pay higher taxes in order to keep the city going. Ms. Miller commented on the recent effigy that was hung in a tree on their vacant lot. Mrs. Miller stated she was utterly shocked that someone hated her so much as to hang the effigy. What example does this set for our children, and who will make a difference here. Who will plant the dreams of our children? Will they be positive ones or negative ones? Mrs. Miller stated that it is not where you live, but how you live that is a true measure of a man. Mrs. Hlas stated that she had received many letters of support from area residents that could not be present for the hearing and read the letters aloud.

After a short recess at 8:15 PM, Mrs. Hlas called for those opposed to the application to come forward. Ms. Carolyn Gill, a Norton resident stated that she was neither for nor against the rezoning. Ms. Gill stated her concerns are all about the traffic and safety issues. Ms. Gill questioned if the employees would be test driving just around the block because it is easier?

Ms. Gill also suggested that center turn lanes on Cleve-Mass. Road should be considered when discussion future road programs. Ms. Megan Booth, a Norton resident spoke against the rezoning. Ms. Booth stated that she felt this was a sad situation especially with a lack of communication. There does not seem to be enough communication here, and we need to be logical here, and gave a definition of logical. Ms. Booth indicated that she did some research and found out that within a three-mile radius there are 43 repair facilities, and fifteen are in the City of Norton. Ms. Booth stated that one shop alone cannot save this city--take a look at empty buildings like Bishop Motors, we should help and support them. Leann Madal, a Norton resident spoke against the rezoning, adding that she has never dumped or set foot on this property and resented a previous comment to that effect. Mr. Chuck Madal, a Norton resident spoke against the rezoning. Mr. Madal indicated that the hanging of the effigy was immature, improper and disrespectful. Mr. Madal stated neither he nor anyone that he knows did this and the next time someone accuses him of such an act, you better have proof and be ready to hear from his lawyer. Mr. Madal discussed the comments about spot zoning, and the definition. Mr. Madal discussed the contents of a request for public records, and the lack of information provided in response. Mr. Madal stated that you do need a community plan in order to make this rezoning legal. Mr. Madal expressed his disappointment with Mr. Mowery and the fact that Mr. Mowery has not even been to this area to look around. Mr. Madal reminded Mr. Mowery that this is an election year, and the majority of the people of your ward are opposed to this rezoning. Mr. Madal commented on rumors that Mr. Mowery has aspirations on running for Mayor and that nobody wants a Mayor that does not go along with what the residents want. Mr. Madal stated that Mr. Conklin has not mentioned anything about this in the last two meetings. Mr. Madal asked if Mr. Conklin was for this against this. Mr. Conklin stated that he has fourteen points to cover and will address this at the end of the public hearing. Mr. Scott Remenaric a Norton resident spoke against the rezoning, adding that most of the residents here might agree on the fact that the Millers are a nice family, and run a good business. Mr. Remenaric stated that our roads are a real mess, and felt that it seems like previous Council messed this up and now it is up to this Council to fix it. Mr. Remenaric gave another definition of spot zoning. Mr. Remenaric expressed his concerns with the impact of the rezoning, and if they fail or sell the business, what types of other business could go there? Mr. Remenaric was mostly concerned with sexually oriented businesses possibly moving into their neighborhood. Mrs. Hlas clarified that a sexually oriented business could not be located there because it is too close to the Norton Baptist Church. Mr. Mowery added that every city has to make room for this type of business and this type of business is located on Barber Road. Mr. Tom Maynard, a Norton resident spoke against the rezoning adding the issue with the dummy was childish and he had absolutely nothing to do with this. Mr. Maynard stated that the residents who spoke in favor of this would not be affected by this rezoning because they don't live next to it or across the street from it. Mr. Maynard indicated that you need to have harmony in any community, it does not happen by Council alone. Mr. Maynard also stated that he sees this issue going to referendum in November. Mr. Pete Kozak, a Norton resident spoke against the rezoning and stated that Mr. & Mrs. Bloomfield were here earlier to speak against this but had to leave the meeting. Mr. Kozak displayed an area map showing the lots and surrounding neighborhood. Mr. Kozak indicated they did a phone survey and found out that 87% are opposed to the rezoning issue. Mr. Kozak commented on Mrs. Hlas's editorial in the Barborton Herald recently, adding that he did not agree with who ever was responsible for hanging the effigy. Mr. Kozak stated that for anyone to blatantly accuse anyone of committing this offense shows a lack of judgement unbecoming to a city official, let alone a Council President. Mrs. Brenda Anderson, a Norton resident spoke against the rezoning, and presented Council with a folder of information. Mrs. Anderson cited incorrect information regarding the Building & Zoning Staff Report dated February 23, 2005. The measurement of abutting zoning uses should be 709 feet not 150 feet. The Norton Baptist Church is zoned R3 with the exception of a small parking lot to the north. This is one third of a mile not 150 feet without any integration of business. Mrs. Anderson stated that this Council President has publicly and repeatedly expressed her biased opinion on this rezoning.

Mrs. Anderson stated that they do not need nor do they want businesses encroaching. Spot zoning should be decided on community need, not developer profits. Mrs. Anderson asked Mr. Conklin why he has not been able to accomplish a master plan, not even a draft? Mrs. Anderson thanked Council for voting the \$5.00 license tax, like this was a real plan to invite businesses into Norton. Mrs. Anderson stated that the voters of Ward 4 would not allow themselves to be misrepresented at election time again. Mrs. Anderson asked Mr. Mowery of Ward 3 what he has done to encourage growth, and what businesses would want to relocate to Norton knowing that spot zoning could happen to them? Mrs. Anderson commented on the \$20,000.00 estimated cost to the residents for improvements, and asked why there are no grants in the process to off set the costs to the residents? Mrs. Anderson implied that Mr. Mowery's only concerns seem to be with Bridgeway Group Home because it has become personal. Mrs. Anderson stated that real issues need to be addressed and the voters are watching. Mrs. Anderson commented about Mr. Pelot's earlier referral to the master plan and that he has stated there is a master plan. Mrs. Anderson stated that she has two letters stating otherwise; one from Mr. Collins and one from Mr. Pritchard. Mrs. Anderson commented on Mrs. Hlas' statements about a plan that is six months away and being supported by the Time Warner Cable Fund, although Mr. Pritchard seems to deny this? Mrs. Anderson also commented on Mrs. Hlas's previous statement that a meeting was held was this just a party that the taxpayers paid for? You intentionally misled the public about the McCoy map and do not know the meaning of spot zoning. Mrs. Anderson indicated that the City of Norton is being crippled by your lack of leadership, and that you are no longer on a playground where bullies rule. Bullies never accomplish anything and your record proves this. Mrs. Violet Carr, a Norton resident stated that she agreed with Mrs. Anderson, and feels that they have been misled. Mrs. Carr spoke about the flyers Mrs. Hlas distributed to the staff at the schools recently. Mrs. Carr stated that the flyers commented on the failure of updating the zoning codes, and implied that we will bring them back to the voters in small portions. Mrs. Carr stated that in other words, the City of Norton is ignoring the will of the majority of voters by doing so. Mrs. Carr stated that if the city ever does a comprehensive master plan, you need to get the input of the residents, and publicly volunteered to be on such a committee. Mrs. Carr stated the residents want business, we know it is necessary, our schools need funded and our roads need fixed, police and fire need funding. Mrs. Carr indicated the residents want input in this, not the input of the small group on Council or Administration to tell us what we want. Mrs. Carr congratulated Mr. Mowery for his work on the Bridgeway Group Home, adding that he should be as concerned about all the children in this town not just his own. Mrs. Carr that Mr. Mowery should try to make his own decisions if he wants to really be a leader not a follower. Mr. George Craig, a Norton resident commended those who run for Council because it is a thankless job. Mr. Craig stated that it is just that, and that you were elected by the people to represent them. Mr. Craig stated that change is hard and is easy to resist. Mr. Craig stated that we must change or we become stagnant which is not good. Mr. Craig does not agree that this is the way to get businesses to come to Norton. Mr. Craig agreed that the Cleve-Mass. Road corridor should all be commercial, but spot zoning is not the answer. Mr. Craig suggested that Mr. Pritchard get to work and get a real master plan with sewer and water, and work together for all of the residents of Norton. Ms. Mary Patko, a Norton resident spoke against the rezoning, adding if this gets approved there will be flooding on five properties directly behind the proposed building. Ms. Patko discussed the proposed catch basin, and the fact that this will empty into a drainage ditch, which is 175 feet deep, and urged the city to take a hard look at this. Mr. Terry Thomas, a Norton resident spoke against the rezoning, adding that he agreed with everything that has been stated. Mr. Thomas stated that it is not the character of the Millers that is in questions. The bigger picture here is not spot zoning; it should be to create an enterprise zone or an industrial complex. Mr. Thomas discussed the property rights and felt this has been completely ignored by this council. Mr. Thomas recalled his parents trying to get their property in Barberton rezoned many years ago. They were required to go to each property owner affected by this before it was presented to Council. Perhaps the Millers should have done the same; maybe we would not even be here tonight.

Mrs. Charma Baker, a Norton resident spoke against the rezoning, citing her concerns with traffic problems, school buses. Mrs. Baker circulated a diagram indicating the bus stops, proposed property, etc. Mrs. Baker had concerns with tow trucks bringing in vehicles and the amount of space to back in and turn around. Mrs. Baker stated that when the doctors office rezoning was discussed in the past, a traffic light was considered at that time; maybe this should be considered now. Mrs. Baker has concerns about water run off and the drop in their property values, and questioned who would want to buy a home next to a garage. Mr. Glen Williams, a Norton resident spoke as a concerned citizen and that he was not really for or against this rezoning. Mr. Williams indicated that this process has been a real eye opener for him. Mr. Williams stated that it appears that 80% of the residents in this area are against the rezoning. Mr. Williams stated that it is wrong to have pre-conceived ideas on any issues. Mr. Williams questioned if it is right for decisions to be made by 7 members, this does not seem right. Mr. Williams stated that the bottom line here is rezoning, and after all the discussion tonight he is against the rezoning because it directly affects him. He lives across the street from the church, next to the cemetery, and can clearly see this from his home. If this rezoning is permitted, he will see a structure three times the size of his home when he looks out his front window. Mr. Williams wondered if this is right for Norton and this community? Mr. Williams urged Council to seriously listen to the concerns of the residents, and felt that one business cannot save the City of Norton. Ms. Diane Caudill, a Norton resident spoke against the rezoning. Ms. Caudill stated that she had nothing to do with the hanging of the effigy and was glad she was in Florida when all of this took place. Ms. Caudill stated that everything is a two way street, and that both sides should have gone to each other to discuss this. Ms. Caudill stated that she would like the city to leave the zoning as it is or at least until a master plan is done showing where and what will go into this city and the residents finding it acceptable. Ms. Caudill stated that within 2-3 years this area will have six small children going to school and is concerned for their safety. Ms. Caudill was also concerned about the type of clientele this business would attract. Ms. Caudill stated that she does not want to stand on her front porch and see this in her front yard. Mr. Tim Peters, a Norton resident spoke against the rezoning. Mr. Peters stated that it is obvious to look at Council to see who is paying attention and really listening and who cares. Mr. Peters commented on the changing of the rules for public comment. Mrs. Hlas corrected Mr. Peters and stated that the rules for tonight have not changed, normally everyone is limited to five minutes, and she has not limited it to the five-minute rule. Mr. Peters stated that issue here is rezoning, and that it is a privilege not a right to be a leader. To be chosen or elected to lead is a big responsibility. Mr. Peters stated that a democracy dictates that a majority will decide the issue, and reminded all on Council that you took an oath to be "impartial". Mr. Peters stated that by taking such oath, you also have an opinion, which counts as one. By being elected, it does not give you special rights to decided issues for your constituents but with them, but to speak for them not as them, to be impartial not influenced, and to not be self-serving but to represent the opinion of the majority. Mr. Peters asked Council to do what you were elected to do, and explain to the residents exactly how they will arrive at their decision on this matter and any other matter. Mr. Peters asked if the decisions would be yours or the decisions of the people you were elected to represent. Mrs. Hlas called for the final time for anyone else against the rezoning to come forward, no one came forward. Mrs. Hlas declared the public hearing closed at 9:46 PM.

After a 5-minute recess, Mrs. Hlas reconvened the Regular Council Meeting back to session, and asked for comments from any of the Council Members. Mr. Conklin spoke regarding the rezoning. Mr. Conklin stated that this is not the first time this application was before him. The first time was when the medical building was proposed, which would have brought sewer and water to the residents, the garage does not. Mr. Conklin stated that he wants to be open minded, carefully listened to both sides and has taken over 4 pages of notes tonight covering 14 points. Mr. Conklin questioned what should Cleve-Mass. Road be?

Mr. Conklin questioned if the other residents not living in this area feel the same way as those opposing this? Should the residents of Cleve-Mass. & Weber have a bigger voice over the other residents in that same ward which he swore an oath to uphold? Mr. Conklin questioned what should this area be in the next 10-15 years? Mr. Conklin cited Johnson Road out towards Wadsworth as an example and to take a look at what has happened to this area in just 2 years. There are no more vacant farm lands out there now. Now these farms are basements, fire hydrants, curbs and gutters. The rural character of that section is gone, gone within 2 years. Mr. Conklin stated that Cleve-Mass. Road is going to change when it is widened. We know it has to be widened, AMATS is telling us, Summit County is also telling us, and we supposedly have the highest traffic count of a two lane road in Summit County. How can we have this and say that nothing is going to change? Mr. Conklin asked if a lack of the comprehensive master plan creates a misunderstanding between Council, Administration and the residents? Mr. Conklin stated this is a perfect example of it. Mr. Conklin stated that this council has found it to be extremely difficult to educate the residents of this community on matters. People pick their issues, they dive into Council and as soon as their matter is addressed, they disappear. We as Council Members are here every Monday night; we sat here for 4-hours of a workshop this past Saturday discussing important issues. Mr. Conklin stated that the rural character of this community is at risk-why-because we do not have a comprehensive master plan. We don't have one because we cannot agree on the plan, mostly because everyone does not want it in their back yard. It has to be in someone's back yard. Mr. Conklin stated that he has lived on Bliss Drive for 15 years, and there is a 40-acre farm behind him. Mr. Conklin stated that he just discussed this with his wife tonight that he is so thankful for every day to be able to look out his back window and see deer, coyote, and other wildlife. He also accepts the fact that he does not own that property, nor does he control the fate of that property. Mr. Conklin stated that with no comprehensive plan it is an open playing field. Mr. Conklin asked do we put this city in a holding pattern for 2-3 years until a master plan is complete? What if Applebee's wants to locate here, and they can't because we are on hold. Can we afford to do that, and some of you may feel that we should be on hold till that master plan is completed. What if Applebee's comes to your door and offers you \$500,000.00 for your land? Oh--but there is a catch because it has to be rezoned so you come to Council to get it rezoned and we deny it because we have no comprehensive plan. Applebee's walks away from the deal and you are ticked off because you just saw your opportunity to sell off, move to Florida and by a condo evaporate into mid air. Mr. Conklin wondered if this application would be looked at any differently if it were located on Cleve-Mass. Road and some other cross road? Mr. Conklin addressed the school bus issues discussed earlier, stating that as a bus driver if any child was in danger that child would not be let off, and taken back to the bus garage. Mr. Conklin also noted that there has never been an accident or fatality anywhere along this area. Mr. Conklin discussed the water table issues, and shallow wells in that area. Mr. Conklin stated that homeowners are not required to have storm water retention pond, the garage is required to do so, assuring the residents that there is more legislation addressing the storm water runoff in commercial property than there is for residential. Mr. Conklin asked what is a basis for denial and what would hold up in a court of law? Mr. Conklin asked is it a bus stop issue, is it water table or storm water, does it go against the 1993 plan? Mr. Conklin did agree that a lack of a comprehensive plan is a major issue. Mr. Conklin asked what if we brought in someone really expensive to do our master plan? He cannot support the funding for this because we do not have the money. We will do a comprehensive plan with someone that he feels is competent to do it, but it will not be done for \$100,000.00-\$200,000.00. What if we hired an outside planner and they suggest that all of Cleve-Mass. Road become a business zone on both sides, would the residents of Weber & Cleve-Mass. Road agree to this plan or will they oppose the plan no matter who proposes it and what it costs? Mr. Conklin stated that he represents everyone and he is trying to be fair. Mr. Mowery commented on the development he saw growing up as a child, and has seen development in his back yard. Mr. Mowery stated that the City of Norton probably will not have the big restaurants like Applebee's, etc., he envisions the residents driving to Wadsworth, or Montrose for this and then coming back home to Norton.

Mr. Mowery stated that when this was up for vote in 2000 it failed by 5-2. At that time he and Mr. Conklin were the only ones in favor of it. Mr. Mowery stated that maybe we didn't do a very good job of educating the residents, is it Council's fault or Administrations fault? Yes it is be cause it is our responsibility. Mr. Mowery stated that he felt the Millers would be willing to address any of the problems or concerns of the residents. This is a local family willing to invest a lot of money for this proposed development. Mr. Mowery stated that as far as a comprehensive plan, this is Mr. Pritchard's job, and he knows what needs to be done, and needs to work with the residents. Mrs. Hlas stated that she ran for one thing only and that was to move the city forward. Mrs. Hlas stated that she was very active in Norton Youth Baseball, and they tried to build a field in Frashure Park and they were paying to have the field put in. Mrs. Hlas stated she has been on Council for 4 years and has always been an advocate for business. Mrs. Hlas feels that Cleve-Mass. Road should be zoned as business, and some may say she has already made her decision, and she has. There seems to be an issue because of my letter to the editor and notice to School Board Members because of her opinions. Mrs. Hlas stated she worked 8 different times trying to pass a school levy, and constantly was asked what was she doing to move the city forward and get businesses into Norton so we can pass a levy. Mrs. Hlas felt confident that all issues raised tonight for both sides will be address in a correct and timely manner, and abide by all State and Federal requirements. Mrs. Hlas stated that she does a Ward 3 Newsletter twice a year and offers her opinions on how to move the city forward and realizes she will not be able to do what everyone wants. Mrs. Hlas indicated that she will do what she feels is in the best interests of this city and she would be voting yes for this rezoning because she feels that a business should go on Cleve-Mass. Road. It is not going in the middle of Weber, Trotter, or Woodbine; it is going on Cleve-Mass. Road. Mr. Pelot discussed the rezoning and the fact that he was not here for the first time this was attempted. Mr. Pelot commented on statements made by the residents, that we were elected to represent the majority of the residents of the City of Norton. Mr. Pelot stated that he calculated the public comments and there were 27 for the rezoning and 15 against it. If we go with this input here tonight, this is how the vote would go. Mr. Pelot stated he came into this issue impartial and will take everyone's concerns into account. Mr. Pelot stated that his home is on a dead end road with woods behind his property, and he knew and accepted this when he built his home. It is the right of the property owner to develop their land and he accepts that. Mr. Pelot stated that he was on the Planning Commission when we were working on the zoning code. We asked for volunteers, many times, and we got none. At any given meeting we had 5 residents in the audience. We even went door to door and talked to the residents, asking for volunteers, we did not have any, only a small group of residents attended the meetings and gave their input. Mr. Pelot stated that yes we were voted in and elected to do a job, however you have to do what the majority of the residents are asking you to do.

**Communications from the Public Continued:**

Mr. Don Weigand, a Norton resident spoke regarding the trash issue. Mr. Weigand still does not understand why this is not going to the vote of the residents, and why we are even doing this in the first place. Mr. Weigand stated he would be giving up his right to have trash collected on a specific day. Mr. Weigand stated that one thing that stands out is that the City of Norton's trash pick up would be free, and now you are paying several thousand dollars for it. Mr. Zita stated that in fact the residents currently pay for this. Mr. Weigand stated that if this becomes free, now you have freed up money that would have been spent elsewhere, and the costs to be shared by all the residents. Why are you doing this other than to free up money without the vote of the people? Mr. Weigand stated that he contacted the Mayor of City of Broadview Heights and they pay \$6.00 per household and this is paid by the city-its in their budget. Mr. Weigand indicated that he spoke with some residents on Wadsworth Road and they knew nothing about this, perhaps it is not a widely known issue. Mrs. Hlas stated that she started this, and her main and only focus was to give the residents of Norton the best possible price to have their trash picked up.

Mrs. Hlas stated that we have spent 2 years on this already, and if the residents on Wadsworth Road are in Ward 1, they should have received her newsletter that she mails to over 800 residents, and that the last two issues have addressed exactly that issue. Ms. Hlas stated that if the current proposal flies through Council, it would have 3 levels of service; bags, 95-gallon container or unlimited service. We have asked for bids with and opt-out and for bids with no opt-out. The proposal will come back to Council in September for us to decide on the options. Mrs. Hlas will inform her ward residents if she has their email addresses what the prices would be. Mrs. Hlas indicated that she got tired of waiting for this to happen and got the Copley rate because of her mailing address. She was able to save \$5.00 per month and is getting \$12.06 per month for unlimited-her own containers-trash service.

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**RES #38-2005**

Mr. McGlone offered Resolution #38-2005 for its first reading, and asked the Clerk to read it:

AN RESOLUTION AUTHORIZING THE ADMINISTRATIVE OFFICER TO ADVERTISE AND TAKE BIDS FROM WASTE HAULERS FOR AN EXCLUSIVE LICENSE AGREEMENT, WITH AN OPTION FOR A LICENSE THAT ALLOWS INDIVIDUAL CITIZENS TO OPT-OUT OF THE SINGLE WASTE HAULER PROGRAM, FOR THE COLLECTION AND REMOVAL OF *RESIDENTIAL* RECYCLABLES, REFUSE AND WASTE MATERIALS WITHIN THE CITY.

First reading only. Mr. Zita clarified with Mr. Lyons that this legislation does include both options in the proposal. Mr. Lyons indicated this is correct and the bid proposal does include an opt –in and opt-out provision and this was Councils intent.

**RES 39-2005**

Mr. Conklin offered Resolution #39-2005 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO FILE, ON BEHALF OF THE CITY OF NORTON, AN APPLICATION WITH THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY (THE “AUTHORITY”) FOR A COMMUNITY RECYCLING ACCESS GRANT.

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 Resolution #39-2005, seconded by Mr. Price

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

Motion passed 7-0.

**ORD #40-2005**

Mr. Conklin offered Ordinance #40-2005 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT FOR PROPERTY AND CASUALTY INSURANCE, FOR THE PLAN YEAR MAY 1, 2005 THROUGH APRIL 30, 2006, AND DECLARING AN EMERGENCY.

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 Ordinance #40-2005, seconded by Mr. Price.

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

Motion passed 7-0.

**ORD #41-2005**

Mr. Zita offered Ordinance #41-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY'S SCHEDULE OF POSITIONS TITLES, STATUS, STRENGTH NUMBERS, SALARY RATES AND WAGES, AS SET FORTH IN ORDINANCE 22-2004, BY CHANGING THE DATE EMPLOYEES WILL BE ELIGIBLE FOR ANNUAL SALARY INCREASES FROM AN EMPLOYEE'S ANNIVERSARY DATE TO JANUARY 1, AND DECLARING AN EMERGENCY.

First reading only.

**INTRODUCTION OF PRIOR LEGISLATION:**

**ORD #29-2005**

Mr. Conklin offered Ordinance #29-2005 for its second 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.

Second reading only.

**ORD #30-2005**

Mr. Conklin offered Ordinance #30-2005 for its second 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.

Second reading only

**ORD #31-2005**

Mr. Conklin offered Ordinance #31-2005 for its second 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.

Second reading only.

**ORD #33-2005**

Mr. Pelot offered Ordinance #33-2005 for its second 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

Second reading only.

**ORD #36-2005**

Mr. McGlone offered Amended Ordinance #36-2005 for its second reading as amended, 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.

Second reading only

**ORD. #27-2005**

Mr. Conklin offered Ordinance #27-2005 as amended for its third 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.

Mr. Conklin moved to adopt Ordinance #27-2005, seconded by Mr. McGlone. Mr Price indicated that he would not be supporting this legislation, however he is in favor of a road program. Mr. Price indicated that as soon as we can come up with a decent road program he would be supporting it. Mr. Mowery stated that he felt it was the city's responsibility to maintain the roads. You cannot continue to keep chipping away at the residents, \$5.00 here, \$5.00 there, you need to take responsibility for what you do with the money. Mr. Mowery stated he also will not support this and will never support taxing the residents. The residents count on the city to take the proper assessments to take care of the residents. Mrs. Hlas sated that we spent over an hour at our Saturday Workshop trying to figure out some way to get a road program going. Mrs. Hlas stated that at the May 2, 2005 Committee of the Whole meeting we will discuss nothing but this. Mrs. Hlas stated that we have discussed assessing the residents, but the city must come up with the matching money, which we do not have. We discussed a road levy, and a credit of the income tax roll back. We also discussed forming an Technical Advisory Committee and encouraged the residents to come and speak freely and listen to the discussions. The comments from the public would be limited to the 5-minute rule.

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

Motion passed 5-2.

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

Mayor Kernan commented on his lack of attendance for the Bridgeway open house, and that he had a previous engagement that night which is why he could not attend. Mayor Kernan spoke about working together when it comes to budgeting in the city. Mayor Kernan stated that as soon as we get proposals into the Finance Dept. showing us how to make something out of nothing, we would be glad to take a look at that.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Kernan reminded everyone about Norton Clean-Up Day May 7<sup>th</sup> at 9:00 AM at the Columbia Woods Pavilion. Hot beverages and doughnuts would be provided in the morning and hot dogs in the afternoon.

Mrs. Hlas reminded everyone about the open discussion at the May 2, 2005 Committee of the Whole meeting regarding ideas for a road program, and encouraged residents to participate.

**PUBLIC SERVICE ANNOUNCEMENTS CONTINUED:**

Mr. Mowery discussed the rezoning issue and asked if the Mayor or anyone in Administration was in favor of this. Mayor Kernan indicated that if Council passed this, he would sign it. Mr. Mowery stated that if this was approved for the medical center in 2000, just think of the kind of revenue the city would have received since then. Mayor Kernan stated that he has a right to change his mind on this issue since that time.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 10:56 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 May 9, 2005.

\_\_\_\_\_  
Karla D. Richards, Clerk of Council

*Date approved: May 9, 2005*

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