



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, MAY 9, 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, May 9, 2005 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Brenda Hlas, President of Council.

**COMMITTEE OF THE WHOLE:**

Mr. Mowery indicated that he would be on vacation next week. Mr. Mowery asked for comments from the Administration regarding the safety concerns for city employees behind the two front counters at city hall. Mr. Mowery indicated that he would like to hear from the Administration as to what is being done.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council meeting of April 25, 2005-Approved as written.  
Minutes of the Committee of the Whole of May 2, 2005-Approved as written.

**COMMUNICATION FROM THE PUBLIC:**

Mr. George Tomko, a Norton resident spoke regarding Ordinance #36-2005, and the reference in the title to refuse and materials of “*any kind*” . Mr. Tomko felt that this meant you could dispose of chemicals, hazardous materials, and was too vague. Mrs. Hlas stated that this is spelled out in the bid proposal. Mr. Tomko stated that the title should also reflect the same language.

Mr. Charlotte Whipkey, a Norton resident spoke regarding the trash issue. Ms. Whipkey felt that the smaller companies would not be able to compete and that the residents would not see any real savings. Mrs. Hlas stated that the bid proposal is written to allow the small companies would be able to compete because they would be allowed to collect several times a week in different sections, not just on one or two days.

Mr. Norman Kendall, a Norton resident spoke regarding the comments in the Views Line in last week’s edition, and felt this was another black eye for the City of Norton. Mr. Kendall stated the he discussed the TAC for the road program issue with Mayor Kernan recently. Mr. Kendall stated that the city needs to get rid of some of the staff and consolidate some jobs into one and save money. Mr. Kendall stated that if he had a clipboard and a stopwatch he would be able to cut the fat and cut the excessive spending.

Ms. Violet Carr, a Norton resident requested that Council reconsider the minutes and have them redone. Mrs. Carr stated that the minutes Council accepted do not accurately reflect the comments and views of their coalition. Mrs. Carr mentioned the fact that 97 names on the petition are not even mentioned in the minutes.

**Communications from the Public Continued:**

Mrs. Carr stated that the comments and detailed explanation of spot zoning (legal or otherwise) from Mr. Chuck Madal were not list. Mrs. Carr felt that the minutes should make full reference to these comments for use in the future.

Mr. Alex Stavarz, a Norton resident spoke about the rezoning issue. Mr. Stavarz stated that the developments in Wadsworth would generate 8.5 million dollars. Mr. Stavarz stated that with that kind of revenue, there would be more than enough money to support a road program if this kind of development was occurring in Norton. Mr. Stavarz stated that he didn't feel the comprehensive plan is such a big problem, it's the improper zoning map. Realistically this entire area should be zoned business, not residential. Mr. Stavarz stated that the city needs to do more to promote new businesses.

Ms. Megan Booth, a Norton resident spoke regarding notification to residents about meetings, and zoning issues. Ms. Booth stated that she was unaware of many of the issues discussed earlier, and wondered how do you find out about these meetings. Ms. Booth discussed the web page she saw for the city of Wadsworth, and stated that our web page was embarrassing. Ms. Booth stated that Wadsworth promote new business and even has a section of available properties. Ms. Booth stated that we have really missed the boat with the loss of development on Rt. 261, and wondered how much longer will we sit here and do nothing.

Mrs. Brenda Anderson, a Norton resident spoke about the 97 signatures and for Council to not even acknowledge them is a slap in the face to the residents of this community. Mrs. Anderson discussed the lack of a master plan, and implied that this was a cover up for the lack of development, and wondered why didn't we get what Wadsworth is building now. Ms. Anderson stated that Wadsworth cleaned house, got their house in order and began their development. Ms. Anderson stated that development along Cleveland-Massillon Road is in the wrong corridor, it should be Rt. 261. Mrs. Anderson discussed the new master plan Administration is working on, and wondered how much this new plan would cost the taxpayers? Mrs. Anderson stated that no planning, and misleading the public stump future growth. Mr. Price questioned the previous statements regarding the petition with 97 signatures. Mrs. Hlas indicated that Mrs. Anderson provided all of Council with this information in a folder prior to the Public Hearing. The Clerk of Council indicated that she had such a folder of documents, but not a copy of the petition. Mrs. Hlas stated that if something is to become part of the official records, it must be submitted to the Clerk of Council for the files.

Mr. Pete Kozak, a Norton resident spoke regarding the current rezoning process. Mr. Kozak felt this needed to be revamped because it pits neighbor against neighbor and is not conducive. Mr. Kozak discussed the comments made by Mr. Conklin earlier that the residents dive in and dive out on issues that only affect them. Mr. Kozak stated that he interpreted this to mean that if residents don't attend council meetings, they have no standing to object to anything in front of Council, and hoped that he was wrong on his assumption.

Ms. Amy Addis, a Norton resident and former Mayor spoke in favor of the rezoning. Ms. Addis stated that Cleveland-Massillon Road is a major thoroughfare, has been and always will be and will expand no matter what happens with this rezoning. Ms. Addis stated that Wadsworth Township agreed to accept Kohl. There are no utilities there, no water or sewer. There was extensive opposition to this project. This project is less than two miles from our boundary. If Norton were smart we would do something on Rt. 261 to capitalize on what Wadsworth Township is doing. We need a comprehensive plan.

**Communications from the Public Continued:**

Ms. Addis stated that it was discussed thirty years ago, twenty years ago they tried to implement this, but Council refused to adopt it, so now we have Council being accused of spot zoning. Council's decision tonight is given within the Norton City Charter. Council has the authority to make this decision, and that is why Council is elected. The Planning Commission has made their recommendation to Council, and it is Council's job. Ms. Addis stated that we are not a township, we are a city. In order for residents to have any input at this level of a zoning matter under our Charter, our Charter must not exist, so we must be a township. We are not, we are a city. Ms. Addis respectfully begged Council to approve this rezoning request, and to do otherwise is a huge slap in the face to the city, the children of the future. Ms. Addis reflected to the situation with the Holiday Inn that is now in Wadsworth. This rezoning was stopped by the surrounding neighbors, they filled this room, they rejected the idea, and Council listened. We could have had this in Norton, it had nothing to do with the comprehensive plan, and it was the decision that Council made.

Mr. Rollie Caudill, a Norton resident spoke about his concerns for his property. He is unclear if he were to sell his property, should he list this as residential or commercial. Mr. Conklin stated that Mr. Caudill's property is currently zoned residential. Mr. Conklin stated that when he was on the Planning Commission the underlying issue was the different mix of property depths along Cleveland-Massillon Road. Some parcels are 200-300 feet deep, and some are up to 1800 feet deep. The question was do you rezone and encompass the entire lot, or just 300 feet? Mr. Conklin stated that this question has never been answered and is still the biggest hang up. Mr. Caudill stated that he has someone interested in purchasing his property, but only if it is zoned commercial. Mr. Caudill stated that he is not against the Millers, he just wants the same chance to rezone his property. Mrs. Hlas indicated that any resident could come in and file to have their property rezoned.

Mr. Pelot asked Mr. Pritchard to elaborate on the water and sewer issues, and that he understood that if water and sewer were made available, the residents would not be forced to connect unless their septic systems failed. Mr. Pritchard discussed about a pending wastewater prescription plan that has been submitted to NEFCO (Northeast Ohio Four County Regional Planning and Development Organization). The City of Norton is currently in the Ohio River basin and they are still putting this plan together. Mr. Pritchard stated that the Ohio EPA controls your local Health Department. Mr. Pritchard stated that as it stands today, under Section 1042.31C1 residential property must connect within three months after being notified by the health department that their septic system has failed. Mr. Pritchard indicated that the Governor should sign this wastewater prescription plan within the next six months. Mr. Mowery was unclear if Mr. Caudill's concerns were really answered, and what would a real estate agent list this property as. Mr. Mowery stated that he has spoken to nearly a dozen real estate agents and they would be more than happy to provide their opinion regarding the Cleveland-Massillon Road frontage if a business was to go on that corner.

Mr. Conklin commented on Mr. Kozak's earlier remarks about the residents diving in and out on issues that only affect them. Mr. Conklin stated that Council sees the residents coming to the meetings and getting involved on issues that affect them, and once it is done, they don't come back to any other meetings. Mr. Conklin stated that he would like to see more of the residents attending meetings, we could use their input on issues.

Mrs. Hlas agreed with the lack of development in Ward 1. Mrs. Hlas stated that there was a study done in 2003 for bringing water and sewer to his section, and that figure was 6 million. Mrs. Hlas stated that he has always been supportive of area businesses and tries to promote them.

**Communications from the Public Continued:**

Mrs. Hlas stated that in her recent newsletter, she has highlighted Custom Comfort with a discount coupon for services. Mrs. Hlas stated that we are in a catch 22 situation. We need businesses to bring in tax dollars, you need tax dollars to bring in sewer and water. Mrs. Hlas stated that we are doing the best we can with what we are dealt with. This Council works very hard on issues, we work well together and agree on many issues to further the development. Mrs. Hlas stated that the zoning codes were turned down, and we spent two years working on this. We are now focusing on a comprehensive plan and we will bring the zoning codes back a little at a time. Mrs. Hlas mentioned that Austin Rebeck-a Norton Baseball Player recently won \$5,000.00 to help refurbish Edison Field. He is also in the running to win \$20,000.00. You can vote for him via email at [www.briggsdismondintherough.com](http://www.briggsdismondintherough.com) beginning May 6-12, 2005. Mrs. Hlas indicated that there are fliers at the rail with this information.

Mr. McGlone commented on Ord. #33-2005, adding that 77% of the residents in this area are against this, and wondered how he would feel if he lived in this neighborhood. Mr. McGlone stated that he is not against business in Norton. As Council Members, we need to decide if this is the best parcel to place this business on Cleveland-Massillon Road. Mr. McGlone stated that this is not favorable for the residents on Weber Drive. Mr. McGlone stated that he hoped the Administration does not ignore the concerns the residents have such as safety, traffic lights, drainage, etc. Mr. McGlone stated that he would be voting against this rezoning.

Mr. Price stated that he has located his copy of the petition with the 97 signatures, and wanted make sure the Clerk of Council receives a copy and that this is documented in the minutes of this meeting.

Mr. Mowery stated he did not agree with the comments from Ms. Addis. Mr. Mowery stated that we have put citizen against citizen and that Administration needs to correct things. Mr. Mowery stated that the residents need to know they have support from their Mayor, who is on record for voting this down five years ago. Mr. Mowery stated that Mayor Kernan should explain why he is now in favor of this rezoning. There was more discussion on this issue and Mr. Mowery made a motion to put this vote on hold for two weeks to sit down and work together on this, seconded by Mr. Price. Mr. Mowery stated that as far as he was concerned, the Weber Drive rezoning should have been #1 on the Sat. Workshop that was held recently. Mr. Mowery asked why there has been no report from the Mayor or Administration about getting water and sewer to Rt. 261. Mr. Mowery indicated he recently contacted the City of Akron about getting water to Collier Road area, and they wondered what Norton was waiting for. Mayor Kernan stated that we cannot sit back again on moving this city forward. Mayor Kernan stated that we are talking about getting sewer and water near Wadsworth not at the other end at Collier Road. Mayor Kernan stated that all of the concerns would be addressed in proper time, right now all Council is addressing is the rezoning issue. Mayor Kernan encouraged Council to proceed tonight with the vote, and wondered what would be gained by postponing this? Mr. Conklin stated that no matter how this vote goes tonight, you will have some residents going away unhappy, and this is a no win situation for some, and he accepts this burden. Mr. Conklin stated that we cannot sit here and hold back the hands of time. Time will march on, look at what has happened with the doctors office, the hotel, J. R. Wheel expansion, etc. all have failed. Look at the power plant, still nothing there, and now we have news that the Berkshire Golf Course Community is not moving forward. Why? What are we doing wrong here? Mrs. Hlas stated that holding off the vote for another two weeks will not accomplish anything. What do we say--be more business friendly, it will only create more animosity between the residents and Council, and suggested we vote no to hold this off. Mr. Mowery withdrew his motion.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

None

**INTRODUCTION OF PRIOR LEGISLATION:**

**ORD #29-2005**

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

Mr. Conklin moved to adopt Ordinance #29-2005, seconded by Mr. Price.

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

Motion passed 7-0.

**ORD #30-2005**

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

Mr. Conklin moved to adopt Ordinance #30-2005, seconded by Mr. Price.

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

Motion passed 7-0.

**ORD #31-2005**

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

Mr. Conklin moved to adopt Ordinance #31-2005, seconded by Mr. Price.

**INTRODUCTION OF PRIOR LEGISLATION CONTINUED:**

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

Motion passed 7-0.

**ORD #33-2005**

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

Mr. Pelot moved to adopt Ordinance #33-2005, seconded by Mr. Zita.

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

Motion passed 5-2.

**ORD #36-2005**

Mr. McGlone offered Amended Ordinance #36-2005 for its third 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.

Mr. McGlone moved to adopt Ordinance #36-2005, seconded by Mr. Conklin.

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

Motion passed 7-0.

**RES #38-2005**

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

A 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.

Second reading only.

**INTRODUCTION OF PRIOR LEGISLATION CONTINUED:**

**ORD #41-2005**

Mr. Zita offered Ordinance #41-2005 for its second 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.

Second reading only.

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

Mayor Kernan commented on the success of Norton Clean Up Day. Mayor Kernan thanked Dan Karant, Ann Campbell, Ted Weinsheimer, Claude Collins and his wife for their efforts. There were volunteers from the Norton Middle School Band, Cub Scout PAC #3338, Norton Cemetery Board, Norton Troop #132, Mayor Kernan stated that the Service Dept., employees have been working to clean the areas of St. Rt. 585 and St. Rt. 21 and have collected over 500 bags of trash, 20 tires, etc. Mayor Kernan thanked Council for their vote on the rezoning, and assured the residents that their concerns would be addressed during the next phase.

Mr. Pritchard commented about the newest development with the Berkshire Golf Course, adding that due to a lower than expected appraisal from the bank, the developer has declined the second offer. Mr. Pritchard indicated that the developer still wants to proceed with the project and wants to continue negotiations with the property owners. Mr. Pritchard indicated that this project would not be moving forward at this time. Mr. Pritchard stated that we have received a grant for \$2,878.00 for a Community Recycling Program. Mr. Pritchard stated that he has submitted to Council a copy of a RFP (Request for Proposal) for the comprehensive plan, and the dates are subject to change. Mr. Pritchard stated that he is in the process of analyzing and determining which company to go with.

Mr. Ed Binic, Barberton Health District spoke regarding the Duffield Case. Mr. Binic stated that their denial for a septic system has been upheld by the Court of Appeals. Mr. Binic stated that on his way to the meeting tonight, he watched two young gentlemen littering from their car. Mr. Binic stated that the men were confronted and were told to clean up the trash, and Mr. Binic thanked them for doing so.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mrs. Hlas discussed the Mayors comments about the Service Dept. cleanup, and if overtime was used for this. Mayor Kernan stated that he understood this was done under normal working hours. Mr. Collins corrected Mayor Kernan, adding that some overtime was used. Mrs. Zerga stated that there is overtime in their budget. Mrs. Hlas was concerned with this fall/winter, and if there would still be enough overtime to use then. Mrs. Zerga stated that there would be. Mr. Zita voiced his concerns about the overtime, and felt that if there are a few hours of down time before the end of the shift this is fine, but to spend overtime money just because you have it budgeted is wrong. This money could be better used elsewhere if it is left over.

**Public Service Announcements Continued:**

Mr. Pritchard mentioned the costs of the RFP for the comprehensive plan, and the estimated figures involved. Mr. Pritchard requested that if Council is in agreement with this, they could provide him with something in writing that the funding would be allocated. We have some money this year for that, but we will need additional money to fully fund the project. There was discussion and Mayor Kernan stated that Council would need to adopt legislation authorizing the expenditure of the money for this year, but cannot do it for next year. Mr. Collins stated that a RFP does not have to be legislated by Council, it's just a method for providing the costs. There was further discussion on this issue and it was decided that funding would be addressed this fall when we address the 2006 Budget.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:34 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 23, 2005.

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

*Date approved: May 23, 2005*

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