



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JUNE 27, 2005**

Roll Call:	John Conklin	Also Present:	Mayor Joseph Kernan
	Dennis McGlone		Claude Collins
	Bill Mowery (Excused)		Jeanne Zerga
	Scott Pelot		Jeff Pritchard
	James Price		Mike Lyons
	Mike Zita		Karla Richards
	Brenda Hlas (Arrived at 7:07 PM)		Colene Conley

The Regular Council Meeting convened for a meeting on Monday, June 27, 2005 at 7:00PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, Vice-President of Council.

COMMITTEE OF THE WHOLE:

Mr. Conklin discussed the amended Exhibit A in Ordinance #43-2005. Mrs. Zerga discussed the changes that Council requested which are indicated in bold type. Mr. Conklin moved to amend Exhibit A, seconded by Mr. Price.

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

Motion passed 6-0.

Mr. McGlone discussed Judge Bond's decision approving the formation of a Mosquito District with Barberton and Norton. Mr. McGlone expressed that he was strongly opposed to this. Mr. McGlone stated that the paper stated if anyone wished to oppose this it must be submitted in writing to the court on or before the court date. Mr. McGlone stated that this is something the public nor himself knew anything about until after the fact. This is something the public should have known about. Mr. Lyons indicated that this is an unusual process and has only occurred twice in the State of Ohio. Mr. Pelot stated that he felt the Health District really circumvented both councils here by going around this without having to take it to the voters. Mr. Pelot inquired if there is anything that can be done now to stop this? Mr. Lyons indicated no, that the according to State Law, there is no provision required to present this issue to the voters. Mr. Pelot inquired about a back out clause and asked Mr. Lyons to look into this. Mrs. Hlas indicated that she thought that we would need to petition the court to withdraw from the district. Mr. McGlone and Mr. Pelot commented on a letter submitted by Mrs. Elaine Tompkins earlier regarding her concerns and both agreed with her statements (See Exhibit A).

Mr. Pelot discussed amending Ordinance #48-2005 again because there was an additional section of language that needed to match the earlier amendment relating to permitting one employee for home occupations. Mr. McGlone commented on the recent activity with all these zoning issues coming forward. Mr. McGlone inquired from Mr. Pritchard if there is a set agenda to re-write the zoning codes? Mr. Pritchard stated that essentially they are reviewing these as they come up, there is no set list. Mr. Pritchard stated that we are trying to bring back some elements of the zoning code that help relieve the city and the residents from excess variances and unnecessary items.

Committee of the Whole Continued:

Mr. Price questioned the Home Occupation legislation. Ms. Conley stated that currently the only types of home occupations the city permits are those within the dwelling. We have many residential businesses that drive larger trucks, operate lawn maintenance and landscape companies, excavating contractors, etc. all throughout the city. Ms. Conley indicated that if we do not enact this legislation, the city would have to ask the business owner to move their businesses elsewhere out of the residential areas. Ms. Conley stated that this enables them to have an application to apply to the Board of Zoning Appeals with their site plan so that that Board of Zoning Appeals can approve their business and the parking of their equipment within their residence. Mrs. Hlas stated that with Type A- only a permit is required and that a Type B business needs a permit and has to comply with Board of Zoning Appeals. Mayor stated that there are a lot more people working from their homes, which is one reason to liberalize the statute to allow for employees in the home. However, you also have to balance this with the neighbors who may not want to have 3-4 people working in the residence.

Mr. Pelot moved to amend Ordinance #48-2005, seconded by Mr. Conklin.

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

Motion passed 6-0.

Mr. Pelot discussed Ordinance #46-2005, and the need to amend this ordinance to include the fee for site plan reviews. Council had previously indicated they wanted these fees set before adopting Ordinance #50-2005-Establishing the procedure for site plan reviews. Mr. Pelot indicated that it was better suited to list this fee within Ordinance #46-2005 with the rest of the subdivision fees instead of Ordinance #50-2005. Mr. Pelot moved to amend Ordinance #46-2005 to include these fees, seconded by Mr. Conklin. Mrs. Hlas inquired if this also would change the title, and Mr. Lyons indicated that it does change the title and the Clerk of Council has that corrected title change.

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

Motion passed 6-0.

Mr. Pelot discussed adding Ordinance #55-2005 to the agenda for tonight. This ordinance is for accepting the streets and public improvements in Stonewyck Phase I. Mrs. Hlas temporarily recessed the regular meeting in order to convene the Public Hearings at 7:15 PM.

PUBLIC HEARINGS:

Mrs. Hlas convened the Public Hearings at 7:15 PM, and the Clerk of Council certified that a legal notice for these three public hearings combined was published in the Barberton Herald on June 9, 2005. Mrs. Hlas called for anyone in favor of the said zoning amendments

#1-Ordinance #47-2005: An ordinance to amend Chapter 1296 of the Norton Codified Ordinances to modify the maximum height of accessory buildings from 18ft to 21ft, and to modify required street access and establish setback requirements for the construction of decks.

PUBLIC HEARINGS CONTINUED:

#2-Ordinance #48-2005: An ordinance to amend Chapter 1298 of the Norton Codified Ordinances to designate Home Occupations as conditionally permitted uses on lots on which a dwelling is the principal use and to amend Chapter 1250 of the Norton Codified Ordinances to add the definition of Type A and Type B Home Occupations.

#3-Ordinance #50-2005: An ordinance to amend the Planning & Zoning Code Part Twelve of the Codified Ordinances of the City of Norton to establish requirements, procedures, and guidelines for the review of Site Plans.

Mr. Jim Lino, a Norton resident discussed Ordinance #50, wished this was in place 10-15 years ago. Mr. Lino discussed a mulch company next to him, which is zoned commercial and asked if this ordinance changes anything? Mr. Lino was mostly concerned with environmental issues, and that we need to protect residents once a business is established. Mr. Pritchard stated that this would be addressed. Ms. Conley stated that there is a provision in it that covers new construction, substantial renovations, or expansions of a building, structure, or other site improvements. Ms. Conley clarified that if a neighbor goes to improve that site, they will have to submit their plans, maps and go before the Planning Commission for approval.

Mrs. Hlas called twice more for anyone in favor of the zoning amendments, no one else came forward.

Mrs. Hlas called for anyone against the zoning amendments to come forward.

Ms. Charlotte Whipkey, a Norton resident came forward and spoke against Ordinance #48-2005. Ms. Whipkey stated that she would rather see this read that one customer making two trips is considered one client not two, maybe in parentheses. Ms. Whipkey addressed the text, which stated that after 9:00 PM you could not have visitors. Ms. Whipkey stated that the way it reads, no one can come to your home after 9:00 PM. Mrs. Hlas stated this text refers to business visitors. Ms. Whipkey disagreed, that is not what the text reads; it should be corrected to read as "business visitors".

Mrs. Hlas called twice more for anyone else against the zoning amendments, no one else came forward.

Mrs. Hlas declared the Public Hearings for Ordinance #47-2005, #48-2005 and #50-2005 closed and reconvened the Regular Council Meeting.

COMMITTEE OF THE WHOLE CONTINUED:

Ord #55-2005:

Mr. Pelot questioned if this will need to be added to Ordinance #44-2005 Streets listing? Mr. Pritchard indicated that it is not necessary at this time because our Engineer has not accepted the roads yet. Mr. McGlone inquired about the fact that we have legislation to accept the dedication when it is not complete. Mr. Pritchard stated that this is merely a matter of timing since Council will be going on summer recess shortly. Mr. Pritchard indicated that their punch list should be completed this week, and they are about 98% complete at this point. We still need a letter from the Engineer accepting the work and improvements, and Council will need to accept the improvements of the project. For the work that is not complete to date, there is a performance/maintenance bond on hold until this is completed.

COMMITTEE OF THE WHOLE CONTINUED:

Mr. McGlone inquired if the developer can sell off lots without the dedication and acceptance of the streets and improvements? Mr. Pritchard stated that this is correct, they were permitted to build one model home that's all. Mr. McGlone stated that he would like to have a listing provided to Council before the vote of what still needs to be completed. Mr. Pritchard indicated that this would be provided to Council. There was discussion about amending the legislation to include a section addressing all unfinished issues. Mr. Collins assured Council that if we don't have the Engineers approval before the vote, Council would be informed. Mr. Pelot inquired if the warrant time is two years for road repairs. Mr. Pritchard indicated that this is dependent upon our Engineer, who may require a three-year warranty in some areas and a two-year warrant in others. Mr. Pritchard reminded Council that this project actually began when the old road specs were in place. Mr. McGlone raised the issue of the concrete being poured during temperatures nearing zero and was concerned. Mr. Pritchard indicated that nothing was done without ODOT approval for the weather conditions. Mr. Rich Costin, a Developer with Lemon and Lemon was present and addressed this issue. Mr. Costin indicated that was correct, and the city's Engineer required a third independent testing agency to be present. They monitor nothing other than temperatures and product temperatures, and nothing was poured improperly and there were inspectors on site for the entire process. Mr. Pritchard added that the roads were properly stabilized as well. Mr. Pelot moved to add this to tonight's agenda for its first reading, seconded by Mr. Zita

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

Motion passed 6-0.

Mr. Zita indicated that in the absence of Mr. Mowery, he would be introducing Resolution #54-2005 for the English Language on his behalf.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of June 13, 2005-Approved as written.

COMMUNICATION FROM THE PUBLIC:

Mr. Dale Nelson, a Norton resident spoke regarding the inconsistency and lack of enforcement of the building codes in regards to the Cider Mill property. Mr. Crawford was issued a notice to repair the building, and nothing has been done. Mr. Nelson stated that this has been an ongoing process for over three years. Mr. Arters had assured him the buildings were condemned, what happened to procedures here? Mr. Nelson stated that it is time the elected and appointed officials step up and do their jobs, and Council should call for a special investigation on this. Mayor Kernan stated that he visited the property and although he is not a building expert, he felt the front portion (white building) of the Cider Mill appeared to be all right. Mayor Kernan stated that the back portion (red building) was in need of serious repairs or taken down completely. Mrs. Hlas stated that she couldn't get the city officials to properly secure the building and read a definition of properly securing, and that a padlock does not mean properly secured. Mayor Kernan stated that the problem becomes the enforcement issue. Mrs. Hlas stated that the city gives Mr. Crawford a time line and a deadline, then the city backs off, why? We have codes to enforce, so lets enforce the codes. Mrs. Hlas suggested the city secure the building and bill the owner for the materials, and asked Mr. Lyons if the City can do this, and Mr. Lyons stated that the City could do this. There was discussion as to whether or not a lock is considered secure verses boarding up the entrance. Mr. Lyons stated that Mr. Arters felt a lock is sufficient. Mr. Lyons indicated that what the City is trying to achieve is to prevent access to the building, which a lock would do.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

There was further discussion on how to secure the building. Mrs. Hlas stated again that all she wanted to do is have the City make a decision and stick with it and enforce it. Mr. Lyons indicated that the City has made their decision, however some may not agree or approve of that decision by Mr. Arters. Mrs. Hlas inquired about the cracks in the foundation blocks and what can be done about this. Mr. Lyons indicated the City could secure the building and bill the owner for the materials; condemn the property, which is expensive; or get a court order forcing Mr. Crawford to comply, which also has costs associated. There was discussion regarding a temporary occupancy permit being issued again this year for the Cider Festival. Mayor Kernan indicated that nothing has changed and a permit would likely be issued if requested.

George Tomko, a Norton resident spoke regarding the English Language Ordinance #50-2005, and that the main reason for this was to get America back to what it was, when everyone had to learn the English language. Mr. Tomko discussed the Cider Mill property, and that he was forced to tear down two old buildings on his property years ago, suggesting selective enforcement. Mr. Tomko stated that there was too much discussion on this and nothing gets done, what happened to common sense? Mr. Tomko discussed the C & D facilities and that we have got to have tight enforcement here.

Ms. Charlotte Whipkey, a Norton resident questioned Mr. Pelot on the process of how ideas are brought to Council. Mr. Pritchard explained that Administration sends items to Council for review. Mr. Pritchard stated that with the amount of variances, etc. it can hinder the public and the Administration in getting issues accomplished.

Mr. Jim Lino, a Norton resident spoke regarding the English Language and agreed with Mr. Tomko's statements. Mr. Lino briefly discussed the Mosquito Control District and the fact that with so little rain the mosquito's are not as bad this year.

INTRODUCTION OF NEW LEGISLATION:

ORD #50-2005

Mr. Pelot offered Ordinance #50-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE PLANNING AND ZONING CODE, PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, TO ESTABLISH REQUIREMENTS, PROCEDURES AND GUIDELINES FOR THE REVIEW OF SITE PLANS.

Second reading only.

ORD #51-2005

Mr. Conklin offered Ordinance #51-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON ADMINISTRATIVE CODE SECTION 1064.02 TO REVISE THE USES TOWARD WHICH COMMUNITY CENTER FEES MAY BE APPLIED.

Second reading only.

INTRODUCTION OF NEW LEGISLATION CONTINUED:

ORD #52-2005

Mr. Conklin offered Ordinance #52-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE ANNUAL APPROPRIATION ORDINANCE 136-2004, TO ESTABLISH NEW ACCOUNTS AND AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2005.

Second reading only.

INTRODUCTION OF PRIOR LEGISLATION:

AMENDED ORD #43-2005

Mr. Conklin offered Ordinance #43-2005 for its third reading including the amended Exhibit A, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE ANNUAL APPROPRIATION ORDINANCE 136-2004, TO ESTABLISH NEW ACCOUNTS AND AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2005.

Mr. Conklin moved to adopt amended Ordinance #43-2005, seconded by Mr. Price.

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

Motion passed 6-0.

ORD #44-2005

Mr. Pelot offered Ordinance #44-2005 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH CHAPTER 250 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON TO DEFINE THE TYPES OF STREETS AND HIGHWAYS WITHIN THE CITY OF NORTON, TO ESTABLISH GENERAL GUIDELINES REGARDING THE CITY'S RESPONSIBILITY FOR THE CONSTRUCTION AND MAINTENANCE OF EXISTING STREETS AND RIGHT-OF-WAYS, AND TO ESTABLISH AN INDEX OF APPROVED STREETS, PRIVATE STREETS, UNIMPROVED RIGHT-OF-WAYS AND VACATED STREETS WITHIN THE CITY OF NORTON.

Mr. Pelot moved to adopt Ordinance #44-2005, seconded by Mr. Conklin.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION CONTINUED;

ORD #45-2005

Mr. Pelot offered Ordinance #45-2005 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND NORTON CODIFIED ORDINANCE SECTION 1028.08 BY ADDING A PROVISION TO AUTHORIZE THE DIRECTOR OF PUBLIC SERVICE TO REPLACE DRIVEWAY CULVERTS WITHOUT NOTICE TO THE PROPERTY OWNERS WHERE A CLEAR AND PRESENT EMERGENCY EXISTS.

Mr. Pelot moved to adopt Ordinance #45-2005, seconded by Mr. Conklin.

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

Motion passed 6-0.

AMENDED ORD #46-2005

Mr. Pelot offered amended Ordinance #46-2005 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO ENACT CHAPTER 212 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON FOR THE ESTABLISHMENT OF FEES, DEPOSITS AND GUARANTEES RELATED TO VARIOUS ADMINISTRATIVE FUNCTIONS OF THE CITY OF NORTON, AND IN PARTICULAR FEES, DEPOSITS AND GUARANTEES FOR THE PROCESSING OF SUBDIVISION APPLICATIONS AND SITE PLAN REVIEW APPLICATIONS.

Mr. Pelot moved to adopt amended Ordinance #46-2005, seconded by Mr. Conklin

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

Motion passed 6-0.

ORD #47-2005

Mr. Pelot offered Ordinance #47-2005 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND CHAPTER 1296 OF THE NORTON CODIFIED ORDINANCES TO MODIFY THE MAXIMUM HEIGHT OF ACCESSORY BUILDINGS FROM EIGHTEEN FEET TO TWENTY-ONE FEET, MODIFY REQUIRED STREET ACCESS AND ESTABLISH SETBACK REQUIREMENTS FOR THE CONSTRUCTION OF DECKS.

Mr. Pelot moved to adopt Ordinance #47-2005, seconded by Mr. Zita.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION CONTINUED:

AMENDED ORD #48-2005:

Mr. Pelot offered Ordinance #48-2005 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND CHAPTER 1298 OF THE NORTON CODIFIED ORDINANCES TO DESIGNATE "HOME OCCUPATIONS" AS CONDITIONALLY PERMITTED USES ON LOTS ON WHICH A DWELLING IS THE PRINCIPAL USE, AND TO AMEND CHAPTER 1250 OF THE NORTON CODIFIED ORDINANCES TO ADD THE DEFINITION OF TYPE A AND TYPE B TO HOME OCCUPATIONS.

Mr. Pelot moved to adopt amended Ordinance #48-2005, seconded by Mr. Conklin.

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

Motion passed 6-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Kernan thanked Council for adopting the three zoning code ordinances. Mayor Kernan stated that we would continue to work on other codes and would bring those to Council in the future.

Mr. Collins indicated that he was notified that the bills for Barberton water customers in Norton and in Barberton would be increasing 6% effective in the July billing.

OLD BUSINESS:

None

NEW BUSINESS:

Mrs. Hlas discussed the activity of all the meth labs in our communities and believed that Summit County Council was working on legislation. Mrs. Hlas indicated that she would like Council to address this as well and may have more information to discuss at the next Committee of the Whole meeting. Mrs. Hlas stated that she is still working on the Adopt-a-Highway and is preparing a letter to send to all of the local civic groups. Mrs. Hlas indicated that the Administration has received one response so far for a proposal on the Comprehensive Plan. Mrs. Hlas indicated that Mr. Price, Mr. Conklin, Mr. Pelot and herself are on board to help in the selection, and would like to have the selection completed before the end of July. Mr. Pritchard indicated that he would like to have a start of this in September, and three members of the Planning Commission and Mayor Kernan would also be on board to see this through.

PUBLIC SERVICE ANNOUNCEMENTS:

Mrs. Hlas stated that August 12, 2005 is Norton Baseball's Night at the Races at the Barberton Moose. Dinner is at 6:30, race begins at 7:30. Tickets are \$10.00 for the dinner, \$20.00 for dinner and a horse. You can also sponsor a race for \$25.00, place a full-page ad for \$50.00 or a half-page ad for \$30.00. Contact Barb Bakita at 330-825-0475 for ticket information.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:37 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 July 11, 2005.

Karla D. Richards, Clerk of Council

Date approved: July 11, 2005

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