



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

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

The Regular Council Meeting convened for a meeting on Monday, July 11, 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, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mr. Pelot moved to amend Ordinance #55-2005, Stonewyck dedication to include additional language regarding the Supplemental Development Agreement, seconded by Mr. Price.

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

Motion passed 5-0.

Mr. Mowery discussed the Bridgeway Group Home and the fact that there are currently three children at the Shellhart home. Mr. Mowery indicated that there have been no violations or disturbances at either of the homes. Mr. Mowery stated that he would be leading the oversight board adding that there would be some tough rules to comply with.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of June 13, 2005-Approved as written.
Minutes of the Committee of the Whole meeting of July 5, 2005-Approved as written

COMMUNICATION FROM THE PUBLIC:

Mrs. Marie VanDevere spoke regarding the Chippewa Ski Team performing free waterski shows at Emerald Lake on Clark Mill Road every Wednesday at 7:00 PM. Mrs. VanDevere stated that they will have a dinner before the shows on July 24, 2005 and July 27, 2005 and tickets are available in advance. Mrs. VanDevere invited the public to attend and offered two free tickets to each councilperson if they were interested to let the Clerk know.

Mr. Ralph Beddow, a Norton resident spoke regarding doing a better job for the city, we have no road program due to lack of money, however there was money for employee salaries. Mr. Beddow suggested outsourcing for some departments, and to take a good look at how you are spending the money. Mr. Beddow stated that we have no overall sewer program and suggested we hook up to the Barberton Plant and run sewer lines down Greenwich Road and not behind city property. Mr. Beddow discussed the preoccupation with a master plan is bizarre, suggesting we focus on spending money for roads, water and sewer projects instead. Mr. Beddow stated that he might have voted for some of the members of council in the past, however he was disappointed in their leadership.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Mrs. Violet Carr, a Norton resident spoke regarding her requests for public records regarding rezoning issues that were brought up and passed and wished to see the response listing the ordinance number, content and who settled them. Mrs. Carr spoke regarding the requests for proposals (RFP's) for the comprehensive plan, inquiring who submitted bids, amounts, etc. Mrs. Carr indicated that there should be Norton residents involved on a board or committee. Mr. Pritchard addressed her concerns, stating the requests were received last week and he is working on a response that he intends to issue tomorrow. Mr. Pritchard indicated that the public could get involved at any of the Planning Commission or Council meetings, as they are always open to the public. Mr. Pritchard indicated that the contract bid would most likely be awarded after Council returns from summer recess. Mr. Pritchard stated that he would like to see a steering committee formed of maybe 15-25 residents for their participation and involvement.

Mrs. Elaine Tompkins, a Norton resident spoke regarding the city finances and questions regarding the 2004 Audit and the contract status with Zupka CPA since this is the last year of the 4-year contract with them. Mrs. Tompkins discussed the CAFR indicating that there was a partial payment for this. Mrs. Tompkins discussed budget comparison programs available with software from IBM and HP using Excel, which all city computers have. These are programs that can be used that would not jeopardize our current contract, and suggested Mrs. Zerga assign someone in her office to input the data. Mrs. Tompkins discussed the Mosquito Abatement District (MAD) and questioned who authorized Norton to be included in this district and when, adding that it sounded like a prearranged marriage to her. Mrs. Tompkins stated that she objects to the court decision without the taxpayers input, something can be done to get out of this, there is always an escape clause somewhere.

Mr. Norman Kendall, a Norton resident spoke regarding weeds in ditches and the fact that for years the city crews mowed this and now all of the sudden they no longer do it, he was told it's his ditch and he needs to mow it. Mr. Kendall spoke about city finances and so far there was no indication of looking into eliminating the Police and Fire Departments, also questioned why we even need Mr. Pritchard. Mr. Kendall stated that so far all Mr. Pritchard has discussed was trash, road materials, and road programs. Mr. Kendall suggested the city downsize several positions, adding that if you are getting paid for an 8-hour day, then do the work.

INTRODUCTION OF NEW LEGISLATION:

ORD #57-2005

Mr. Pelot offered Ord. #57-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND CHAPTER 1402 OF THE NORTON CODIFIED ORDINANCES TO MODIFY THE GENERAL BUILDING CODE TO BE USED IN THE CITY OF NORTON.

1st reading only.

ORD #58-2005

Mr. Pelot offered Ord. #58-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 1404.01 OF THE NORTON CODIFIED ORDINANCES TO ADOPT THE CURRENT VERSION OF THE OHIO BUILDING OFFICIALS ASSOCIATION CODE TO BE USED IN THE CITY OF NORTON TO REGULATE THE CONSTRUCTION OF ONE, TWO AND THREE FAMILY DWELLINGS.

1st reading only.

INTRODUCTION OF NEW LEGISLATION CONTINUED:

RES #59-2005

Mr. Zita offered Res. #59-2005 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO APPOINT JOHN CONKLIN AS THE CITY OF NORTON'S REPRESENTATIVE TO THE ADVISORY COUNCIL OF THE BARBERTON-NORTON MOSQUITO ABATEMENT DISTRICT PURSUANT TO SECTION 6115.102 OF THE OHIO REVISED CODE.

Mr. Zita moved to suspend the second and third readings, seconded by Mr. Pelot. Mr. Mowery spoke regarding the costs to the residents for the MAD, clarifying that a home valued at \$100,000.00 would be forever paying around \$10.92 per year for spraying 3 or 4 months in the summer. Mr. Mowery stated that this would not do anything for us, this council tabled it, and we didn't want it. Mr. Mowery stated that it all adds up, and questioning when does it stop. Mr. Mowery stated that it just makes sense to keep the money in Norton and suggested we buy our own trucks and chemicals and do it our selves. Mr. Pelot stated that we never said that Norton wanted this and even Barberton Council voted it down. Mr. Pelot explained that Ordinance #59-2005 is for whom we want to represent the City of Norton, this is a court order we must comply with. If we don't appoint someone we will have no representation.

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

Motion to suspend second and third readings failed by 3-2 vote, Res. #59-2005 remains a first reading only.

INTRODUCITON OF PRIOR LEGISLATION:

RES #54-2005

Mr. Mowery offered Resolution #54-2005 for its second reading, and asked the Clerk to read it:

A RESOLUTION TO DESIGNATE ENGLISH AS THE OFFICIAL LANGUAGE OF THE GOVERNMENT OF THE CITY OF NORTON.

Mr. Mowery moved to suspend the third reading, seconded by Mr. Price

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

Motion to suspend the third reading failed by 4-1 vote, Res. #54-2005 remains a second reading only.

AMENDED ORD #55-2005

Mr. Pelot offered Amended Ordinance #55-2005 for its second reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE DEDICATION TO THE CITY OF NORTON, OHIO, OF THE STREETS AND CERTAIN PUBLIC IMPROVEMENTS IN THE MAJOR SUBDIVISION KNOWN AS STONEYCK PHASE I, FOR USE AND MAINTENANCE BY THE CITY AND THE PUBLIC, APPROVING A SUPPLEMENTAL DEVELOPMENT AGREEMENT, AND DECLARING AN EMERGENCY.

Amended Ord. #55-2005 Continued:

Mr. Pelot moved to suspend the third reading, seconded by Mr. Zita.

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

Motion passed 5-0.

Mr. Pelot moved to adopt Amended Ordinance #55-2005, seconded by Mr. Zita. Mr. Price and Mr. Mowery had concerns about what was remaining to be completed. Mr. Pelot asked if most of the remaining items have been addressed? Mr. Pritchard stated that yes; most items are now done and are completed to the Engineers satisfaction.

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

Motion passed 5-0.

ORD #50-2005

Mr. Pelot offered Ordinance #50-2005 for its third 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.

Mr. Pelot moved to adopt Ordinance #50-2005, seconded by Mr. Zita.

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

Motion passed 5-0.

ORD #51-2005

Mr. Price offered Ordinance #51-2005 for its third 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.

Mr. Price moved to adopt Ordinance #51-2005, seconded by Mr. Pelot

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

Motion passed 5-0.

ORD #52-2005

Mr. Price offered Ordinance #52-2005 for its third 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.

Mr. Price moved to adopt Ord. #52-2005, seconded by Mr. Pelot.

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

Motion passed 5-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Kernan stated we have received the first payments from the Barberton Health District for the C & D Tipping fees--\$691.56 for April, \$1261.80 for May and thanked Mrs. Hlas for this legislation. Mayor Kernan discussed the zoning changes adding that we are listing to the residents when they said they did not want all the changes at once. Mayor Kernan stated they we are doing them a few at a time and breaking it down, we are not trying to slip anything by the residents as indicated earlier. Mayor Kernan stated he was dismayed that Council failed to appoint Mr. Conklin to the MAD, and that now our city will have no representation on this board, and wondered why this happened. Mayor Kernan stated that there is still time to call for a Special Council Meeting and pass this before the Judges deadline.

Mr. Lyons discussed the potential of filing an appeal to the court and has spent a considerable amount of time looking into this. Mr. Lyons indicated that he felt it would be very questionable if it would be a successful appeal. The only area he found error with was the legal notice process and this would be merely a technicality and only delay the inevitable process. Even if a new hearing was held, what are the grounds for an objection? Mr. Lyons indicated that the Board must come up with a plan and this plan is up for public scrutiny and we could possibly raise some issues then. Mr. Price asked Mr. Lyons why he didn't stand up for our dislike at the Public Hearing level, and why did they pick us to join the district? Mr. Lyons indicated that he was not directed to attend the Public Hearing and oppose it, adding that just to say you don't want it is not sufficient reason to oppose it, nor is the fact that it did not go to the voters. Mr. Lyons reminded everyone that the State Laws allow for this type of mechanism for the Barberton Health District to use in order to from the district, and this district would still exist no matter what happens to the Barberton Health District in the future. Mr. Pelot asked Mr. Lyons to continue to look into any other ways possible where the City of Norton can remove themselves from the District. Mr. Lyons indicated that plan the Board has to develop must show a cost comparison and that maybe a case could be made then and possibly the Judge could reject the plan. Mr. Lyons cited Ohio Revised Code 6115.16 Official Plan which must be approved by the Ohio EPA and reminded everyone that all objections to the plan must be filed not more than 10 days after the notice for the Public Hearing and it must be in writing.

Mr. Binic of the Barberton Health District gave a brief update on the Barber Road Dump/Landfill, and that the clean up is ongoing at the owners expense. Mr. Binic indicated that after EPA inspections they still have lingering concerns, which require further testing and investigation for air and ground water and soil issues. Mr. Binic also indicated that Wolf Creek watershed is another area of concern.

OLD BUSINESS:

Mrs. Hlas discussed the Trash Haulers bids and the spreadsheets prepared, see the Clerk of Council if you need a copy or you give her your email address and a copy would be forwarded to you. Mrs. Hlas discussed the sign code and wondered when it would be coming to Council. Mr. Pritchard indicated that Ms. Conley is finishing this up and should have it to the Planning Commission very soon.

NEW BUSINESS:

Mrs. Hlas indicated that the Electric Code, Contractor Registration and Trash Bids would be discussed at the August 15, 2005 Committee work session.

Mr. Price was concerned about having Mr. Lyons continue to look into the error with the legal notice for the public hearing for the MAD, and if this falls in to his normal range of duties or the additional \$80.00/hour rate. Mr. Lyons indicated that this would fall under the normal duties. Mr. Lyons indicated the issue with the legal notice is that it was required to be published 3 weeks in a row in a paper of general circulation and it only ran one time, and the Akron Legal News is a general circulation paper. Mr. Lyons indicated that even with the error presented to the Judge, it might not change her decision, it could only delay the process. Mr. Lyons stated that he is not comfortable pursuing this on a council level and that citizens should show rejection to the Court.

PUBLIC SERVICE ANNOUNCEMENTS:

Mrs. Hlas indicated that all Council were offered two free adult tickets, and two free children's to the Akron Zoo and if anyone is not going to use them, they could leave their tickets at the rail for the public. Mrs. Hlas indicated that she is still working on the over the counter drug sales legislation and that Summit County Council will be discussing this at their July 25, 2005 meeting. 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. Mrs. Hlas announced the Grace United Church of Loyal Oak is having a free concert of Freedom Brass Band on Sunday July 17, 2005 at 7:00 PM, bring your lawn chairs. There will be free cake and ice cream served during intermission.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:30 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 August 22, 2005.

Karla D. Richards, Clerk of Council

Date approved: August 22, 2005

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