



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 12, 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, September 12, 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. Mowery discussed the Bridgeway Homes, adding that the owners are here to speak. Mr. Mowery wanted to honor former Mayor Fred Dueber who recently passed away, and thought about doing a resolution or something for the family.

Mr. Conklin discussed Ord.#65-2005, which is on for a second reading tonight needs amended to change the language for one full payment instead of two payments. Mr. Conklin moved to amend Ord #65-2005, seconded by Mr. Price. Mr. Conklin stated that we need to waive the third reading so that Mr. Lyons can settle this matter and pay this in full.

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

Motion passed 7-0

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of August 22, 2005-Approved as written.
Minutes of the Committee of the Whole of September 6, 2005-Approved as written.

COMMUNICATION FROM THE PUBLIC:

Mr. Pelot introduced Mr. Hartt, of D.B. Hartt Inc., to discuss their proposal for the city's Comprehensive Plan. Mr. Hartt distributed information about his company (See Exhibit A). Mr. Hartt spoke regarding the four basic points of interest. #1-Strictly planning for communities by implementing a Master Plan, #2-Zoning services to help amend the current/out of date codes in order to work together with the Master Plan, #3-Built communities, they work to revitalize and renovate existing neighborhoods, #4-Provide services to area developers. Mr. Hartt also discussed the Citizens Action Committee (CAC) and that he would like to see 25 members on this committee. This committee would consist of one Council member, one member from Administration, and the remainder would be area residents. Mr. Hartt discussed the time frame of approximately ten months from start to finish to accomplish this, adding that this is "your plan as a community" not his company's and that citizen involvement is crucial to its success. Mr. Price inquired as to where Mr. Hartt thought our best resources are and Mr. Hartt did not wish to make a presumptive or specific answer. Mr. Price stated that we have several interstates, land and people as our best resources.

COMMUNICATION FROM THE PUBLIC CONTINUED:

Mr. Conklin inquired if most cities have a Comprehensive Plan in place and Mr. Hartt stated that yes, most cities do have this plan, and more and more communities are doing this because they realize they are suffering if they don't have a plan. Mr. Hartt stated that there are some risks in not having a plan just as there are some risks when you do have a plan. Mr. Hartt stated that when you don't have a plan, you have no guidance to say no, and if you do have it you will have limitations. If you have a comprehensive plan, does it give license or evidence to the private sector to use it against the city? Absolutely, because they can come to you and say in your plan we are supposed to have this so now give it to us. There was further discussion on this subject and Mr. Pelot thanked Mr. Hartt for his presentation.

Mr. Keith Hetrick, a Norton resident spoke regarding the English language Ord #54-2005. Mr. Hetrick asked where would we be today as a country if our forefathers had been politically correct while they wrote the United States Constitution? How many different languages would they have to work with? The only reason this resolution was brought up was to conduct City of Norton business in one language. Mr. Hetrick stated that he did not think that being politically correct would be at this level of government. Mr. Hetrick stated that he felt Mayor Kernan has been more involved with this than with tax cuts, MAD. This resolution does not belittle anyone or make reference to someone being a second class citizen because they speak a foreign language. Regardless of what the liberal wacko's say, this resolution is not evil.

Mr. George Tomko, a Norton resident asked for clarification on the difference between D.B. Hart discussions and what we went through with Northstar. It seems like de-javu it sounds like buying a bushel of apples to sort out enough good apples to make one pie. Mr. Tomko addressed some members of Council and Administration who were not in favor of the English language in various languages and those in support of this in English. Mr. Tomko thanked members for trying to show respect for this great United States who were put off track by Mayor Kernan. Mr. Tomko suggested that Council do something with this sound system before we spend any more money.

Mrs. Shirley Weese from Bridgeway homes read from a report, (see Exhibit B). about their group home and the many changes and improvements.

Mrs. Elaine Tompkins, a Norton resident spoke about the English language stating that all of you are correct, she liked the way the legislation is worded, she understood why the three voted no and liked the Mayors comments, along with various newspapers. We all have some discontent with non-English speaking immigrants in this country. Immigration should start with education and new citizens should be required to learn speak English. Mrs. Tompkins suggested Norton could have a gold star instead of a presumed black eye for starting this and that leadership starts at the local level of government, not at the top. Mrs. Tompkins suggested that Council amend the legislation and start the ball moving forward with the education departments. Mrs. Tompkins stated that she has been reviewing the 2004 Comprehensive Annual Financial Report (CAFR). There are many items she found interesting to finance oriented people as well as to Council. Mrs. Tompkins strongly urged Council to read what happened in 2004 before you begin this year's budget process. Mrs. Tompkins stated that some of the information appears to be distilled, however it's still the best CAFR she has seen out of the last three years that were put out by the city. Mrs. Tompkins suggested that there should be some sampling or checking of the numbers involved. Mrs. Tompkins stated that the 2004 Audit has not been released, however these two documents need to be read together, and suggested Council read the notes at least for now since they don't have the official 2004 Audit. Mrs. Tompkins discussed notes reflecting to the fact that Norton could be subject to a fine from FDIC, because it had \$3,064,000.00 in uninsured accounts.

COMMUNICATIONS FROM THE PUBLIC continued:

Mrs. Tompkins stated the notes also indicated that the city had \$345,000,000.00 in someone else's name and not the City of Norton in 2004, and was listed as "the city's counterpart" how did this happen?

INTRODUCTION OF NEW LEGISLATION:

ORD #56-2005

Mr. Pelot offered Ord. #56-2005 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND CHAPTER 1428 – *REGISTRATION OF CONTRACTORS*, OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, TO ESTABLISH NEW REQUIREMENTS, PROCEDURES AND GUIDELINES FOR THE REGISTRATION OF CONTRACTORS IN THE CITY OF NORTON.

First reading only

ORD #66-2005

Mr. Conklin offered Ord. #66-2005 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$536,000 OF NOTES OF CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS AND THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS TO PAY THE COST OF CONSTRUCTING, GRADING, CURBING AND PAVING MEADOWS LANE IN THE CITY AND CONSTRUCTING SANITARY SEWERS, WATER LINES, HYDRANTS, STORM SEWERS, UTILITIES AND ALL OTHER NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

First reading only.

ORD #67-2005

Mr. Pelot offered Ord #67-2005 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 1406.01 OF THE NORTON CODIFIED ORDINANCES TO ADOPT THE CURRENT VERSION OF THE NATIONAL ELECTRIC CODE TO BE USED IN THE CITY OF NORTON TO REGULATE THE USE OF ELECTRICITY IN THE CONSTRUCTION OF ALL BUILDINGS, STRUCTURES AND OCCUPANCIES IN THE CITY.

First reading only.

ORD #68-2005

Mr. Pelot offered Ord. #68-2005 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO MODIFY THE CODIFIED ORDINANCES OF THE CITY OF NORTON BY ADDING CHAPTER 1289–*SIGNS* TO REGULATE SIGNS, ADDING SECTION 1290.06 TO ADDRESS NON-CONFORMING SIGNS, AND REMOVING EXISTING SIGN REGULATIONS IN THE B-1, B-2, B-3, I-1 AND C-REC. DISTRICTS.

First reading only.

INTRODUCTION OF NEW LEGISLATION Continued:

ORD #69-2005

Mr. Pelot offered Ord. #69-2005 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF NORTON BY ADDING CHAPTER 1437-*RAPID ACCESS KEY BOX* TO REQUIRE THE INSTALLATION OF RAPID ACCESS KEY BOXES UNDER SELECT CIRCUMSTANCES AND TO DEFINE THE MANNER IN WHICH THIS REQUIREMENT WILL BE IMPLEMENTED, AND TO AMEND CODIFIED ORDINANCE SECTION 1426.17 TO REQUIRE COMPLIANCE WITH THIS AND OTHER ADMINISTRATIVE REGULATIONS PRIOR TO THE ISSUANCE OF PERMITS.

First reading only.

ORD #70-2005

Mr. Pelot offered Ord. #70-2005 for its first reading and asked the Clerk to read it:

AN ORDINANCE PETITIONING SUMMIT COUNTY COUNCIL TO CHANGE THE BOUNDARY LINES OF FRANKLIN TOWNSHIP TO CONFORM WITH THE CURRENT CORPORATE LIMITS OF THE CITY OF NORTON, PURSUANT TO R.C. §503.07 AND DECLARING AN EMERGENCY.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

ORD #64-2005

Mr. Pelot offered Ord. 64-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE ADMINISTRATIVE OFFICER AND THE FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH D. B. HARTT CONSULTANTS FOR PROFESSIONAL PLANNING SERVICES IN THE DEVELOPMENT OF A COMPREHENSIVE LAND USE PLAN.

Second reading only.

Amended ORD #65-2005

Mr. Conklin offered Amended Ord. #65-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO ENTER INTO AN AGREEMENT TO SETTLE THE PENDING LITIGATION KNOWN AS *SHELLY & SANDS, INC., V. CITY OF NORTON* (CASE NO. CV-2005-03-1753) AND TO AUTHORIZE PAYMENT.

Mr. Conklin moved to suspend the third reading, seconded by Mr. Price. There was discussion as to the reason for the suspension and Mr. Lyons indicated that he wanted to settle this as soon as possible.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION Continued:

Amended ORD. #65-2005 Continued:

Mr. Conklin moved to adopt Amended Ord. #65-2005, seconded by Mr. Price.

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

Motion passed 7-0.

ORD #57-2005

Mr. Pelot offered Ord. #57-2005 for its third 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.

Mr. Pelot moved to adopt Ord. #57-2005, seconded by Mr. Conklin.

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

Motion passed 7-0.

ORD #58-2005

Mr. Pelot offered Ord. #58-2005 for its third 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.

Mr. Pelot moved to adopt Ord. #58-2005, seconded by Mr. Conklin.

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

Motion passed 7-0.

UNFINISHED BUSINESS:

Mayors veto of Res. #54-2005:

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

Mr. Mowery stated that this resolution did pass 4-3 by Council and even without the Mayors signature would have become a law in 10 days. However, Mayor Kernan took a stand and vetoed this resolution, that it was a black eye for the community, unnecessary, and a waste of time and resources. Mr. Mowery offered Mayor Kernan the opportunity to rescind his veto and Mayor Kernan stated no thank you. Mr. Mowery stated its common sense that the Mayor is caving in to political fan fare. Mr. Mowery stated that this is a simple piece of legislation there is nothing slandering here, it honors many and incites patriotism, gives awareness and is a landmark decision.

UNFINISHED BUSINESS Continued:

Mr. Mowery stated that he is very proud to be born, raised and educated here in Norton, and speaks the English language. Mr. Mowery asked again for Council comments, before the roll call. Mr. McGlone stated its clear and simple-do we have the staff to read in other languages? No we don't.

Mr. Zita echoed Mr. McGlone's comments and that this is simply to conduct city business in English. Mr. Price stated that if the residents need help at city hall reading documents, they would get the help. Mr. Price asked for clarification on what a yes or no vote means. Mrs. Hlas stated that in order for Council to override the Mayor's veto we need at least 5 yes votes. Mr. Mowery moved to reconsider Resolution #54-2005, seconded by Mr. Price.

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

Motion failed by a vote of 4-3, Mayors veto stands.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Kernan stated he received a press release from Rep. Brown's office regarding residential safety warnings and hazards. Mayor stated that booklets are being prepared and will be available to the residents. Contact Rep. Brown's office at 1-800-234-6413 or www.house.gov/sherrodbrown. Mayor Kernan stated that we have exceeded our goal on fireworks money, and thanked all who contributed. Mayor Kernan reminded everyone about the Primary Election tomorrow and urged everyone to get out and vote. Mayor Kernan commented about his veto and respects everyone's opinion on this. He also respect's Mr. Tomko and Mr. Hetrick, and their comments, however he does disagree with some and he is allowed to disagree.

Mr. Collins stated that Buckeye Energy Brokers has struck a Natural Gas price on the city's behalf for \$13.83 mcf, which is considerably more than what we paid for Dec-April, and that a press release should be out on this any day. Mrs. Hlas informed the residents that she was listing to talk radio today and that Direct Energy had the best price. Keep in mind that if you are with a current carrier with a lower rate, you can stay with them. If you choose to go with the city's program at it's locked in price, you can still get out of Norton's program at no cost later on. There is no cost to switch, this was set up as part of our program. Mrs. Hlas suggested residents take the \$13.83 for now, and switch later if you find something cheaper. Mr. McGlone stated that he contacted Mr. Bellish two weeks ago asking him what was he doing since that rate at that time was around \$10.50. He really did not get much of an answer and feels the city is not getting very good representation for our residents in this program. Mr. McGlone stated that Direct Energy's price today is \$11.99, why are we paying higher rates if we are in a program?

Mrs. Zerga stated that she would contact Mrs. Tompkins tomorrow regarding her concerns and report back to Council.

Mr. Pritchard discussed the North Star Planning & Design and the D. B. Hartt Inc. issues raised by Mr. Tomko. Mr. Pritchard stated that North Star worked on the zoning code update as well as the subdivision regulations. The subdivision regulations dictated what the city requires for the submission of plans for our review. The zoning code is the enforcement side to insure that the code is enforced, and legally defendable. However this zoning code was defeated by a referendum and we are still struggling with our original zoning code. The Comprehensive Plan is the idea, concept, future and goal of where citizens want the city to be in 20-25 years from now. It establishes the recreational uses, public service areas, commercial, residential and industrial areas, etc.

OLD BUSINESS:

None

NEW BUSINESS:

Mr. Price stated that he was disappointed with the vote on the English language and felt that now we have given the city two black eyes. Mr. Mowery agreed with Mr. Price, adding that this gave awareness as to what is going on, and what type of individuals the residents have representing them.

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Zita stated that there is a Barberton Health Board Meeting scheduled for September 21, 2005 at 7:00 PM here in council chambers, this was rescheduled from September 28, 2005.

PUBLIC SERVICE ANNOUNCEMENTS Continued:

Mr. Pelot discussed the Hurricane Katrina relief effort underway with a drop off point at Grace Brethren Church and urged residents to get out and donate or volunteer your time to help. Mr. Pelot gave special thanks to Cheryl Mitchell for donating her time and efforts by making a sign to notify the residents. They have three 18-wheelers that will be traveling to Baton Rouge, LA with the donations at the end of this month.

Mr. Mowery thanked Steven & Shirley Weese of Bridgeway Homes for their miraculous job of turning around a very critical councilman. Mr. Mowery stated that he has made his own two surprise visits to the home; once Mr. Weese was there and everything was under control, and another time he stopped there were three kids playing Monopoly and Mrs. Weese was there. They are doing their very best to right whatever was wrong, and they are on the right track to correct these issues.

Mrs. Hlas indicated that Mr. Binic called earlier today and is unable to attend tonight's meeting, however he wanted to report two new positive West Nile Virus pools. There is another one on Frashure in the same spot and one in Columbia Woods Park. They have stepped up the spraying in those areas.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:22 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 September 26, 2005.

Karla D. Richards, Clerk of Council

Date approved: September 26, 2005

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