



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JANUARY 9, 2006**

Roll Call: Ken Braman  
Tom Jones  
Dennis McGlone  
Bill Mowery  
Scott Pelot  
James Price  
Mike Zita

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, January 9, 2006 at 7:02 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Michael Zita, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE:**

Mr. Braman thanked the residents of Ward 4 for voting for him. Mr. Braman thanked the Clerk of Council for the refreshments at the swearing in ceremony last week.

Mr. Jones question Ordinance #100-2005 which was tabled at the December 12, 2005 Council Meeting. Mr. Jones stated he discussed this with the Clerk of Council and felt this should be on the backside of your agenda so we can keep track of it and everyone would be aware that it is tabled. Mr. Jones inquired as to how the rest of the council members felt about this. There was no reply. Mr. Jones stated that when he was on Council the last 12 years, it was always on the backside of the agenda, along with other ones that may have been tabled as well. Mr. Zita stated that this Council knows that it is tabled. Mr. Jones referred to Ordinance #94-2005 and wished to pass this on to Mr. McGlone, Vice-Chair of the Property Committee. Mr. Jones stated that he was a former employee of that railroad.

Mr. Pelot moved to amend Ordinance #104-2005 to add the date of the Public Hearing which will take place on January 26, 2006 at 6:00 PM. Motion was seconded by Mr. Price. Mr. Zita stated that this a meeting of the Equalization Board and is not a requirement of Council. Mr. Zita explained that the residents contesting this assessment come before the Equalization Board and state their case. The Board will review this and file a report with Council for their action at another time.

Roll Call: Yeas: Pelot, Price, Braman, Jones, McGlone, Mowery Zita  
Nays: None

Motion passed 7-0.

**Committee of the Whole Continued:**

Mr. Zita discussed the Annual Workshop date of Saturday, February 4, 2006 from 9:00 AM to 1:00 PM., and urged everyone to attend. Mr. Jones stated that he couldn't attend this because Saturdays are full with regards to helping out on different things. Mr. McGlone suggested we invite the Road TAC Committee. Mr. Zita stated that now that we have the date set, we would invite them to attend. Mr. Zita moved to approve the 2006 Council/Committee Schedule, seconded by Mr. McGlone. Mr. Jones clarified that Council would be on vacation for a period of time from July to August. Mr. Zita stated this was correct.

Roll Call: Yeas: Zita, McGlone, Braman, Jones, Mowery, Pelot, Price  
Nays: None

Motion passed 7-0.

Mr. Zita discussed a change in the Mine Committee appointment. Mr. Zita appointed Mr. Braman as the Chair, and Mr. Jones as the Vice-Chair. Mr. Zita discussed the statement regarding five vehicles being down at once at the Service Department. Mr. Zita stated that he did inquire about this and at no time was there ever five vehicles down at once. Mr. Zita stated that the Service Department rotates vehicle when one is out of service. Mr. Zita stated that he had received memos confirming this from Mr. Schultz, the Service Dept. Mechanic, and from Mr. Weinsheimer. Mr. Zita stated that he wanted to set the record straight. Mr. Zita asked Mr. Jones to consider being the Council representative for the Comprehensive Plan Committee since he switched him from being the Chair of the Mine Committee.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of December 12, 2005. Mr. Jones questioned Mr. Lyons on the Exhibit A attached to the minutes and if this is the official record of the minutes. Mr. Lyons stated that it is referred to in the minutes and yes it is part of the official minutes. The minutes are approved as written.

Minutes of the Organizational Meeting of January 2, 2006. Mr. Jones stated there were some changes in regards to the roll call for the nominations for President of Council. Mr. Price made the nomination, and the roll call should be Price, Braman, and Jones. Mr. Jones stated that with regards to the nomination for Mr. Price for Vice- President, Mr. Jones made the nomination, and the roll call should be Jones, Braman, McGlone, Price. Mr. Jones stated that he discussed this with the Clerk earlier. Minutes are approved as corrected.

Minutes of the Committee of the Whole Meeting of January 2, 2006-Approved as written

**COMMUNICATION FROM THE PUBLIC:**

Mr. Rodney Starcher, 3949 Dorothy Road, Norton spoke regarding the ongoing problems with ATV's. Mr. Starcher stated that in November-December 2005 the power company came out and graded the right of ways which has now caused an increase in activity. Mr. Starcher stated that he would like to see the city do something about this. We already have laws on the books prohibiting this. The power company is not willing to do anything about this. Mr. Starcher suggested that the Service Department take the tree branches and dump them along this area instead of chipping them to keep the ATV's from accessing this area.

**Communications from the Public Continued:**

Mr. Starcher stated that every day ATV's are entering this area right off of Hametown Road in either direction. Mr. Starcher stated that he calls the Police Dept., and they do come out and respond, but they don't like to. Mr. Starcher stated he wants to be notified if Council decides to do something about this and he is willing to participate in any way possible. Mr. Starcher stated that if Council wants him to go out there and pound in stakes, he would do so with Councils approval. Mr. Starcher stated he is willing to meet with anyone who wishes to come out here and take a look at the area. Mr. Starcher submitted photos of the areas discussed, (see Exhibit A attached).

Mr. Jim Lino, 5058 Grove Avenue, Norton, spoke regarding the citizens group for the Comprehensive Plan and the fact we paid \$75,000.00 for a consultant. Shouldn't the consultant we hire do the work? Mr. Lino discussed Ord. #1-2006 the approval of the Preliminary Plat for the Johnson Meadows project and inquired if this would be a conflict of what they are planning and want to do? Mr. Lino discussed the traffic in Wadsworth, Montrose and Belden Village and hoped the future growth of Norton does not end up like these areas. Mr. Lino echoed Mr. Starcher's concerns with the ATV's and the noise from some that modify their mufflers. He would like to see something being done about this ongoing problem too. Mayor Kernan explained the need of the citizens group and the hiring of a consultant, which are two different things. The hiring of a consultant is necessary because this is a job you need professionals to do. It is not something that he could do, nor anyone sitting in this room is qualified to do on their own. One of the reasons Montrose is the way it is, is because they had poor planning or no planning, all of the sudden it just grew up. One reason to have a comprehensive plan is to prevent a Montrose or Great Oaks in Wadsworth from happening to Norton. It's not that we don't want to grow, we just need to have controlled growth. Mayor Kernan stated that we need the residents to tell the consultant what you want the city to be like and how they feel it should grow.

Mr. Pelot commented on Mr. Lino's concerns regarding Ord. #1-2006. Mr. Pelot stated that this has been through the Planning Commission and they have approved this and Mr. Pritchard has contacted the consultant to make sure they are on the same page and aware of this development.

**PUBLIC HEARINGS:** None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #1-2006**

Mr. Pelot offered Ordinance #1-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF THE MAJOR SUBDIVISION PROPOSED BY JOHNSON UNITED METHODIST CHURCH THROUGH ITS AGENT, MR. ED SAUS, KNOWN AS 3409 JOHNSON ROAD, PERMANENT PARCEL NUMBERS 4603677 AND 4608199.

First reading only.

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**ORD #2-2006**

Mr. McGlone offered Ordinance #2-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF \$85,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF WATER LINE IMPROVEMENTS (JOHNSON ROAD), AND DECLARING AN EMERGENCY.

First reading only.

**ORD #3-2006**

Mr. McGlone offered Ordinance #3-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF \$100,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PURCHASING EQUIPMENT FOR THE CITY'S DEPARTMENT OF PUBLIC SERVICES, AND DECLARING AN EMERGENCY.

First reading only.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #89-2005**

Mr. Pelot offered Ordinance #89-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE DEDICATION TO THE CITY OF NORTON, OHIO, OF THE STREET KNOWN AS BROOKHAVEN DRIVE IN THE MAJOR SUBDIVISION KNOWN AS THE KNOLLBROOK SUBDIVISION, FOR USE AND MAINTENANCE BY THE CITY AND THE PUBLIC.

Second reading only.

**ORD #92-2005**

Mr. McGlone offered ordinance #92-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO A CONTRACT WITH THE OSBORN ENGINEERING COMPANY TO PREPARE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SAID IMPROVEMENTS TO REPLACE APPROXIMATELY 1880 FEET OF WATER LINES ALONG WADSWORTH ROAD AND APPROXIMATELY 4300 FEET OF WATER LINES ALONG BERRY ROAD AND McGOWAN ROAD IN THE CITY OF NORTON.

Second reading only.

**INTRODUCTION OF PRIOR LEGISLATION CONTINUED:**

**RES #93-2005**

Mr. McGlone offered Resolution #93-2005 for its second reading and asked the Clerk to read it:

A RESOLUTION DECLARING IT A NECESSITY TO REPLACE APPROXIMATELY 1880 FEET OF WATER LINES ALONG WADSWORTH ROAD AND APPROXIMATELY 4300 FEET OF WATER LINES ALONG BERRY ROAD AND MCGOWAN ROAD IN THE CITY OF NORTON, AND TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (POWC) TO HELP FUND THIS PROJECT AND EXECUTE ANY CONTRACTS WITH THE OPWC TO OBTAIN AVAILABLE FUNDING.

Second reading only.

**ORD #94-2005**

Mr. McGlone offered Ordinance #94-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCE SECTION 1066.01 TO INCLUDE THE FORMER RAILROAD LINE BETWEEN SUMMIT ROAD AND AKRON-WADSWORTH ROAD AS PART OF THE CITY'S PARK SYSTEM TO BE KNOWN AS THE WOLF CREEK/PIGEON CREEK GREENWAY.

Second reading only.

**ORD #96-2005**

Mr. Pelot offered Ordinance #96-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCE CHAPTER 240 – *DIVISION OF POLICE*, TO MAKE BENEFITS AND SALARY CONSISTENT WITH THE MASTER PERSONNEL ORDINANCE, ELIMINATE ARCHAIC PROVISIONS AND GENERALLY UPDATE AND CLARIFY THE LANGUAGE, AND DECLARING AN EMERGENCY.

Second reading only.

**ORD #97-2005**

Mr. Pelot offered Ordinance #97-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCE CHAPTER 242 – *DIVISION OF FIRE AND EMERGENCY MEDICAL SERVICES*, TO CLARIFY THE CRITERIA FOR THE POSITION OF FIRE CHIEF, MAKE BENEFITS AND SALARY CONSISTENT WITH THE MASTER PERSONNEL ORDINANCE, AND ELIMINATE THE CLOTHING ALLOWANCE SECTION WHICH IS GOVERNED BY A COLLECTIVE BARGAINING AGREEMENT, AND DECLARING AN EMERGENCY.

Second reading only.

**INTRODUCTION OF PRIOR LEGISLATION CONTINUED:**

**ORD #98-2005**

Mr. Pelot offered Ordinance #98-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCE CHAPTER 258 – *EMPLOYEES GENERALLY*, TO MAKE THE GENERAL PROVISIONS APPLICABLE TO NON-BARGAINING UNIT EMPLOYEES MORE CONSISTENT WITH BARGAINING UNIT EMPLOYEES, TO MAKE THE LANGUAGE CONSISTENT WITH CURRENT POLICIES AND TO OTHERWISE CLARIFY EMPLOYMENT TERMS.

Second reading only.

**ORD #99-2005**

Mr. Mowery offered Ordinance #99-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCE CHAPTER 406 – *TRAFFIC CONTROL*, TO BRING THE CHAPTER MORE IN LINE WITH THE DUTIES OF THE SAFETY DIRECTOR AS SET FORTH IN THE OHIO REVISED CODE.

Second reading only.

**AMENDED ORD 104-2005**

Mr. Pelot offered Amended Ordinance #104-2005 for its second reading, and asked the Clerk to read it:

AN ORDINANCE APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATING TO THE CONSTRUCTION OF WATER MAINS, HYDRANTS, AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE GARDNER BOULEVARD PHASE II WATERLINE PROJECT, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to suspend the third reading, seconded by Mr. Jones. Mr. Pelot discussed the need to pass this tonight because this needs to be in place by the time the Public Hearing is held.

Roll Call: Yeas: Pelot, Jones, Braman, McGlone, Mowery, Price, Zita  
Nays: None

Motion passed 7-0.

Mr. Pelot moved to adopt Amended Ordinance #104-2005, seconded by Mr. Jones.

Roll Call: Yeas: Pelot, Jones, Braman, McGlone, Mowery, Price, Zita  
Nays: None

Motion passed 7-0.

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

Mayor Kernan read a Press Release regarding the open position for the Norton Board of Zoning Appeals (BZA). A candidate is needed from Ward 3 for a three-year term. This Board meets on the 3<sup>rd</sup> Tuesday of each month from 6:00-8:00 PM. Mayor Kernan stated that the city is also looking for interested citizens to serve on the Norton Parks and Recreation Board. This position is also a three year term, and meets on the 1<sup>st</sup> Monday of every month from 6:00-7:00 PM. Mayor Kernan stated that all applicants must be Norton residents, and they would be compensated \$30.00 per meeting attended. Mayor Kernan stated that the city is seeking 20 interested and qualified citizens to serve on the City of Norton Comprehensive Plan Citizens Working Group. Candidates must be a business owner or resident of the city. All interested parties may contact City Hall at 825-7815 Ext. #14 or email at [annc@cityofnorton.org](mailto:annc@cityofnorton.org). Mayor Kernan stated the city has received a Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association (GFOA) for the CAFR and thanked Mrs. Zerga for her hard work in preparing the CAFR. Mrs. Zerga received applause from the Mayor, Council and the audience.

Mr. Collins stated that he has been negotiating with four unions these past several months. Last Thursday the AFSCME Clerical and Service workers have reached a tentative agreement. Mr. Collins stated he would be preparing the results to present to Council to discuss at the next Committee of the Whole meeting. Mr. Collins stated this agreement is very good for the city and for the employees as well.

Mr. Pritchard stated that this Wednesday the city will hold a meeting here in Council Chambers with the Greenway/Trail group at 2:00 PM. We will discuss possible and potential links to the Ohio Erie Canal Corridor and Greenway being developed within the city. Mr. Pritchard stated that we have two concept plans presented with over 170 homes to be constructed. There will be some commercial development and one project has 15 acres set aside for an elementary school. Mr. Pritchard stated that Mr. Lino is more than welcome to come in and see him at his office if he has any further questions on planning, he has an open door policy.

Mr. Binic, Barberton Board of Health was present, however, he had no report.

**OLD BUSINESS:**

Mr. Jones inquired about the Cingular Cell Tower negotiations, adding that North Canton was in the papers this week about this. Mr. Zita stated this will be on the agenda for Tuesdays Committee of the Whole meeting. Mr. Collins stated that a few months ago Council addressed their request and this is a second offer or request to negotiate.

Mr. Jones stated that he went to the Service Dept. today and apologized to Mr. Schultz, and Mr. Weinsheimer for the misunderstanding about the vehicles. Mr. Jones stated that Mr. Collins' memo was "Mr. Jones your statement was false and misleading". Mr. Jones stated that he could accept misleading, but false he has a problem with. False would mean that you are intentionally calling me an untrue liar. Mr. Collins stated he did not use the word liar, you are using that word. Mr. Collins stated the information you used was false that is a fact. Mr. Jones said it was not false, we do have some equipment down in need of repairs. Mr. Collins stated there was never five, Mr. Jones agreed with this. Mr. Jones stated that he was just doing his job by bringing this to Council's attention. Mr. Collins suggested Mr. Jones provide accurate information next time.

**Old Business Continued:**

Mr. Jones discussed a memo from a constituent on Reimer Road regarding free newspapers being thrown onto driveways and ditches. Mr. Jones felt this is not just a Ward 1 problem, it is citywide. Mayor Kernan agreed and had responded to this resident via email just today. Mr. Jones wondered how to address this problem. Mayor Kernan stated that he is working on a solution. Mayor Kernan stated that maybe a solution is to have the company delivering these free papers provide the residents with a receptacle to put them in. Mr. Jones inquired if Mayor Kernan had received his memo regarding the updating of the city roster. Mayor Kernan stated that he did receive it and has asked Ann to work on updating this. Mayor Kernan stated that until we get the Civil Service Commission and a couple others that will be confirmed fairly quickly, it will be done hopefully in the next few weeks. Mr. Jones discussed receiving a paycheck this past Friday for the pay period ending December 30, 2005, was this correct? Mrs. Zerga stated that it is correct, we are paid by weekly and this is how Council paycheck comes up. All of Council is paid 26 times a year, but you are paid for a 12-month period. Take what your earnings are for a year, divide this by 26 pays and this is what you actually receive. Mr. Jones inquired as to what the current annually salary is for Council, and Mrs. Zerga said it is \$7,500.00. Mr. Jones stated that he was not aware of that, he thought it was still \$6,000.00. Mayor Kernan stated that Mr. Jones was still on Council when it was increased. Mr. Jones stated no; they passed it since he left.

Mr. Jones discussed a resident who stopped by his home the other evening. This resident received a letter from the collections department from CCA in Cleveland, stating that he did not pay his taxes. This resident has his cancelled check, deposited to the City of Cleveland, City Treasurer. Mr. Jones inquired if we do an audit on this company and do we watch what they do. Mrs. Zerga explained that if this was for the quarterly taxes that were due and Mr. Jones indicated that it was. Mrs. Zerga stated that for anyone who may have received this notice or has a question she could explain what happened. Mrs. Zerga stated that a certain amount of residents came to the city to pay their taxes and we forwarded all payments to CCA. These payments were coded with an account of #55. Everyone else who paid directly to CCA was coded with an account of #57. When CCA ran the quarterly reports the programmer did not merge both codes. Mrs. Zerga stated that there were about 100 accounts that were effected. Mrs. Zerga stated that if any of those residents has a concern, the money has been received and is accounted for and they should just continue to make the quarterly payments. Mr. Jones asked Mrs. Zerga to address this resident and follow up with him, Mrs. Zerga stated she would be more than happy to call this resident and discuss it with him. Mr. Jones stated that he has two interested parties for the Charter Review, and asked how this would be addressed. Mayor Kernan stated that his office would contact these people and ask them to come in for an interview.

Mr. Jones stated that he was advised to never pick on the press, however he addressed Mr. Morehead's comments of New/Old in the last paper, adding that he is not the oldest one on Council. Mr. Jones corrected Ms. DeMillier of the West Side Leader that Mayor Kernan did not swear in the newly elected; it was Judge Michael Weigand.

**NEW BUSINESS:**

Mr. Jones commented on a memo from Ted Weinsheimer regarding all of things that his employees do on a daily basis, upkeep on equipment, buildings, parks, etc. Mr. Jones commented on Mr. Frank Wrobel's interest in selling the city some land for a park. Mayor Kernan stated that he did receive the memo, and would address it as soon as we can find the money. Mr. Jones stated that he felt that the city doesn't need another park. Mr. Jones inquired about the liquor license request for the Holland Oil at 3985 Eastern Road, asking if this had been addressed. The Clerk replied that she is waiting for a response from the Chief of Police.

**New Business Continued:**

Mr. Jones inquired if Council Rules need to be adopted, or do we look at them. Mr. Zita stated that unless something needs changed we do not need to approve them. The Clerk stated that Council Rules were amended and adopted in 2004 and they stand as is until there is a change. Mr. Jones stated that he believed they were amended in November of 2004, he looked all through it and cannot find where the amendment was. Mayor Kernan stated this was a major overhaul of the rules and there were many changes. The Clerk indicated that it was discussed and revised 5 or 6 times before the final adoption.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Price stated that Monday is a holiday and city hall will be closed, the Committee meeting will take place on TUESDAY, January 17, 2006.

Mr. Zita stated the Mosquito Abatement District (MAD) will have a Board Meeting on Thursday, January 26, 2006 at 6:00 PM at Lake Anna Hall in the San Marco room in the lower lever. The public and committee members are urged to attend.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:52 PM

Michael Zita, 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 January 23, 2006

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Karla D. Richards, Clerk of Council

*Date approved: January 23, 2006*

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