



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 10, 2006**

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

Also Present:
Mayor Joseph Kernan-Excused
Claude Collins
John Moss
Jeff Pritchard
Mike Lyons-Excused
Karla Richards

The Regular Council Meeting convened on Tuesday, October 10, 2006 at 7:01 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. Price moved to table Ord #81-2006 until the January 8, 2007 Council Meeting, seconded by Mr. Pelot. Mr. Price stated that this was necessary in order to avoid the expense of having to do a Special Election for these Charter changes.

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

Motion passed 7-0.

Mr. Price moved to table Ord #82-2006 until the January 8, 2007 Council Meeting, seconded by Mr. Pelot. Mr. Price stated that the reason for this is the same as Ord. #81-2006.

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

Motion passed 7-0.

Mr. Price moved to table Ord #83-2006 until the January 8, 2007 Council Meeting, seconded by Mr. Pelot. Mr. Price stated that the reason for this is the same as Ord. #81-2006 and Ord. #82-2006.

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

Motion passed 7-0.

Mr. McGlone moved to add Ord. #88-2006 to the agenda, seconded by Mr. Price. Mr. McGlone stated that this Ordinance is for Mr. Tscholl to represent the city in the negotiations with the part time and full time Fire Fighters. Mr. Collins added that the contracts expire on December 31, 2006.

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

Motion passed 7-0.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of September 25, 2006 were accepted as written.
Minutes of the Committee Work Session of October 2, 2006, were accepted as written.

COMMUNICATION FROM THE PUBLIC:

Mr. Ralph Beddow, a Norton resident, spoke regarding the disposal of the trees at Columbia Woods Park, Mr. Beddow stated he thought the city should have researched this issue further, and these trees were valuable. Mr. Beddow discussed the future service garage facility at Cleveland-Massillon Road and Weber Drive. Mr. Beddow stated that he is not opposed to the project, he was more concerned with the extensive costs to the residents in this area for tap in fees. Mr. Beddow stated that some of these residents simply cannot afford this and may have to claim bankruptcy in order to connect. Mr. Beddow discussed the Rainy Day Fund and suggested using some of this money to loan out to the residents. Mr. Beddow stated that it was reported to him there was in excess of \$300,000.00 sitting in this fund. Mr. Beddow stated that the city needs to show some compassion to the residents. Mr. Beddow stated that Council needs to put themselves in this same position and see how they would feel if they were faced with this. Mr. Beddow suggested Council explore how other cities do it and help the residents. Mr. Beddow discussed the proposed increase in the Mayors salary, he felt this was not a good idea, and questioned good judgement here, and asked Council to think about this.

Ms. Mary Ellen Sargent, a Norton resident spoke regarding the ongoing sewer fee discussions, and asked if there was a set time line on this issue? Mr. Zita stated that we have a meeting for November 20, 2006 and a speaker from the Floyd Browne Group will be present. Ms. Sargent stated that she is trying to sell her property and cannot sell it without some firm idea on what the connections are going to cost. Ms. Sargent implied that those who connect now may be paying more than those who wait for the city to do something, this leaves residents dangling on this issue. Ms. Sargent asked if she should take her business off the market now and wait this out, or move ahead? Ms. Sargent stated that people's lives are affected here, and she is not alone. Mr. Zita stated that this is something Council will continue to look at, however he could not offer any type of a time line. Ms. Sargent discussed the construction fees, and one contractor she talked to told her that he has never seen the property owners being forced to pay for the city's infrastructure. Ms. Sargent agreed with Mr. Beddow's suggestion of looking at what other communities do. Ms. Sargent suggested that for those residents currently affected, the city needs to talk to Summit County Engineers about getting some relief. Ms. Sargent stated that she has to hire someone to do the city's portion of the job, and someone else to do her job of connecting the meter. Ms. Sargent stated that this contractor was not interested in doing the city's portion of the job. Mr. Moss inquired as to whom this contractor was, and Ms. Sargent stated it was Superior Plumbing. Ms. Sargent stated she might have her problem solved because there is a lateral to the sewer main that comes on her side of the road and in the right of way. This contractor indicated she should be able to connect her line into that line in the right of way. Ms. Sargent stated she still does not understand why you have to go under the road, when you could connect to several laterals? Ms. Sargent stated that this impacts a lot of the residents and Council needs to address this and do what you can do to serve the public, this is not doing it.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #86-2006 **First Reading:**

Mr. McGlone offered Ord. #86-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH A FUND TRANSFER ACCOUNT IN THE GENERAL FUND, AND THE RAINY DAY FUND, TO APPROPRIATE AND TRANSFER UNENCUMBERED FUNDS, AND DECLARING AN EMERGENCY.

First reading only.

ORD #87-2006

Mr. Braman offered Ord. #87-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO ADVERTISE, TAKE BIDS, AND EXECUTE A CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR A SALT SHED/SHELTER IN ACCORDANCE WITH SPECIFICATIONS NOW ON FILE WITH THE ADMINISTRATIVE OFFICER AND DECLARING AN EMERGENCY.

Mr. Braman moved to suspend the second and third readings, seconded by Mr. Jones. Mr. Braman explained the reason for waiving readings was because winter is coming, and it would be nice to have this up and ready for any new deliveries of salt to be stored in there instead of at the old facility. Mr. Jones stated the reason he supports this is because he was told if we construct this storage facility, we would be selling the old service garage. Mr. Jones stated that he believed the idea was to use the salt out of that older facility, and any new salt would be delivered to the new structure. Mr. Collins concurred, adding that as soon as the salt was emptied from the old facility, it would be sold. Mr. Pelot questioned why the city would continue to lease a property we don't own at the same time of selling property. Mr. Collins stated that the current facility is being leased from Mr. Bernard for a five year with an option to purchase after the five years, and we have about a year and a half to go. Mr. Collins stated that at the end of the five years, we would be pursuing the purchase of this facility. Mr. Jones stated that on the other hand, he didn't want to move the employees back over to the old facility.

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

Motion passed 7-0.

Mr. Braman moved to adopt Ord. #87-2006, seconded by Mr. Jones.

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

Motion passed 7-0.

ORD #88-2006

Mr. McGlone offered Ord. #88-2006 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO RETAIN THE SERVICES OF ATTORNEY ROBERT TSCHOLL AND ASSOCIATES TO NEGOTIATE THE COLLECTIVE BARGAINING AGREEMENTS WITH THE FULL-TIME AND PART-TIME FIREFIGHTERS UNIONS WHICH EXPIRE DECEMBER 31, 2006.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

ORD. #80-2006

Mr. Pelot offered Ord. #80-2006 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE FIRE LANE CONSTRUCTION AND MAINTENANCE STANDARD AND CLARIFY THE ENFORCEMENT PROVISION AS SET FORTH IN SECTION 1640.08 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON.

Second reading only.

Tabled until 1-8-07

ORD #81-2006 **Second Reading** *An ordinance submitting to the electors of the City of Norton a proposal to amend Section 6.03(a) of the Charter of the City of Norton to add an alternate At Large member to the Board of Zoning and Building Appeals to participate as a voting member only in the absence of one of the five regular members. (Price-Vice President) 2nd reading only.*

Tabled until 1-8-07

ORD #82-2006 **Second Reading** *An ordinance submitting to the electors of the City of Norton a proposal to amend Section 6.02(b) of the Charter of the City of Norton to authorize the municipality to incorporate a Comprehensive General Plan to be maintained and periodically revised by the Planning Commission, and submitted to Council. (Price-Vice-President) 2nd reading only.*

Tabled until 1-8-07

ORD #83-2006 **Second Reading:** *An ordinance submitting to the electors of the City of Norton a proposal to amend Section 5.04 of the Charter of the City of Norton to simplify the language that defines the qualifications and duties of the Solicitor as the head of the Department of Law. (Price-Vice-President) 2ⁿd reading only.*

ORD #84-2006

Mr. Jones offered Ord. #84-2006 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE LIST OF CITY PARKS AS SET FORTH IN SECTION 1066.01 TO INCLUDE ADDITIONAL PARK LAND.

Second reading only.

ORD #85-2006

Mr. McGlone offered Ord. #85-2006 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH THE COMPENSATION OF THE MAYOR.

Second reading only.

ORD #78-2006

Mr. Pelot offered Ord. #78-2006 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO APPROVE THE MAJOR SUBDIVISION FINAL PLAT OF THE STONEYCK RESIDENTIAL SUBDIVISION PHASE II, A MAJOR SUBDIVISION OF 16.5425 ACRES LOCATED AT 3560 CLARK MILL ROAD (PERMANENT PARCEL NO. "PPN" 4608582), INTO THIRTY-EIGHT BUILDABLE LOTS.

Introduction of Prior Legislation Continued:

ORD #78-2006 Continued:

Mr. Pelot moved to adopt Ordinance #78-2006, seconded by Mr. Jones. Mr. Pelot stated that this is for the final plat, the developer has complied with all of our codes and the Municipal Engineer has signed off on it. Mr. Jones inquired as to how many dwellings do we expect in this allotment? Mr. Pritchard stated that Phase II is 38 for a total of 91 homes.

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

Motion passed 7-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Moss discussed the annual resolution needed to accept the amounts and rates from the County Budget Commission. Mr. Moss stated the County Budget Commission reviews it to see if the taxes that we have in place are necessary. Mr. Moss indicated that they can roll back or eliminate it if they feel the city is receiving an excessive amount of money, which they did not do, there have been no adjustments. Mr. Moss stated that the ordinance does look different this year, we are now permitted to generate our own format instead of using the County format. Mr. Moss asked to have discussion at the next meeting and consider passing it at the next Council meeting in order to have it passed by November 6, 2006. This would then be certified and applied to the 2006 tax duplicates. Mr. Moss stated that we are proceeding with the 2007 Budget process, spreadsheets have been circulated and the estimates submitted would be reviewed and decisions made with the final 2007 Budget being brought to Council in the near future.

Mr. Pritchard announced there is a Comprehensive Plan public forum on October 12, 2006 at 6:30 at the Community Center.

OLD BUSINESS:

Mr. Jones discussed Ord. #86-2006 and his concerns as to how much revenue from rentals does the city receive? Mr. Moss he did not have the figure in front of him, however it is thousands of dollars. Mr. Jones stated that we are looking at taking money from the General Fund as well as the Rainy Day Fund for a total of \$38,200.00. Mr. Moss gave a ball park estimate of approximately \$12,000.00 in rental received annually. Mr. Jones stated that we are also considering Ord. #85-2005 Mayors Salary. Mr. Jones stated that Mr. Beddow discussed this raise, but this ordinance also includes benefits. Mr. Jones asked what are the costs for the benefit package for this position? Mr. Moss stated it is between \$11,000.00 and \$12,000.00 annually. Mr. Moss stated that the goal is to keep that amount fixed so that it does not go down or up. Mr. Jones stated that the idea in mind is for a salary of \$25,000.00 plus the benefit package. Mr. Jones stated that this is excessive and believed that anyone taking this position has a choice on the benefit package and could take the money instead. Mr. Moss stated that this is not an option, and Mr. McGlone agreed adding that no other employee has this option either. Mr. Moss clarified that if this Mayors salary increase issue was to pass, it would not affect the current Mayor, it takes effect with the next Mayor that would take office in 2008. Mr. Pelot stated that in the minutes of October 2, 2006 Mr. Moss stated that the income for the Community Center was \$9,400.00 for 2005. Mr. Price briefly discussed the sewer fees and he wants this item to remain on Matters Referred. Mr. Price stated that he wants to come to a conclusion to help the residents out somehow. Mr. Price stated he was disgusted that we cant act like a real city and get this done. Mr. Price stated that he does not feel the residents were educated about their options of connecting now versus connecting later. Mr. Price stated that he does not want to see any residents claim bankruptcy or go belly-up because of the tap-in fees.

OLD BUSINESS CONTINUED:

Mr. McGlone stated that he wants to see all the residents paying the same amounts and to force laterals with any new sewer line installations. Mr. Pelot stated that perhaps we could incorporate this into our zoning codes.

NEW BUSINESS:

Mr. Zita thanked Ann Campbell and Karla for their hard work in getting Council prepared for the Cider Festival Parade, with making signs, loaner car, candy, t-shirts, etc.

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Zita reminded everyone about the Norton Fire Dept. Pancake Breakfast on Sat. October 21, 2006 from 7:00 AM to 12:00 Noon.

Mr. Pelot reminded the residents to attend the Comprehensive Plan Workshop on Thursday, October 12, 2006 at 6:30 PM. Mr. Pelot urged all of the residents to attend and have a stay in your city's future.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:43 PM

Michael Zita, President of Council

I, Karla D. Richards, CMC-Clerk of Council of the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on October 23, 2006.

Karla D. Richards, CMC-Clerk of Council

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