



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
TUESDAY, OCTOBER 23, 2006**

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

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

The Regular Council Meeting convened on Tuesday, October 23, 2006 at 7:00 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. McGlone discussed Ord. #85-2006 Mayors Salary and stated that he would like to table this for further discussion until next year before the primary election. Mr. McGlone stated that he felt he did not have enough support to pass this as it is written. Mr. McGlone stated that he was thinking of re-structuring the salary and work with the benefit package. Mr. McGlone moved to table Ord. #85-2006, seconded by Mr. Price. Mr. Jones questioned that if this is tabled now, would this legislation die after a certain time? Mr. Lyons stated that the current Council Rules does not address this and suggested the motion be to refer it back to Committee for further discussions instead. Mr. McGlone modified his motion to send it back to Committee, again seconded by Mr. Price.

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

Motion passed 7-0. Ord. #85-2006 has been sent back to Committee for further discussion in 2007.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of October 10, 2006 were accepted as written. Minutes of the Committee Work Session of October 16 2006; Mr. Zita mentioned one correction on page #3, fifth line from the bottom it should be 2005 not 2006. The minutes were accepted as corrected.

**COMMUNICATION FROM THE PUBLIC:**

Mr. Keith Hetrick, a Norton resident, spoke and thanked Mr. Mowery and Mr. Jones for voting against increasing the franchise fees for Time Warner.

Ms. Mary Ellen Sargent, a Norton resident spoke regarding the ongoing sewer fee discussions. Ms. Sargent provided Council with documents including a copy of an estimate for the installation, a drawing, a letter from the Municipal Engineer, and a copy of Norton Codified Section 1042.01 (see attached). Ms. Sargent stated that she is having difficulty finding contractors who are interested in having to go under the roadway.

**Communication from the Public Continued:**

Ms. Sargent spoke on the various ways to connect to the sewer and the potential easements involved. Ms. Sargent stated she took her drawings to the Municipal Engineer, Mr. Esdinsky, to see what her next steps were since she thought she was ready to move ahead. Mr. Esdinsky told her that he had talked to Mr. Collins and would get back to her in writing. Ms. Sargent stated that there was some confusion in her drawings and there is only one building. The reason given was that each property must have separate connection to the main sewer line. Ms. Sargent stated that the copy of the law she submitted states "except that. Ms. Sargent stated she did not know why the Administration has decided to interpret the word "may" in Section C of the law, and suggested Council correct this to "shall be permitted to". Ms. Sargent stated that in doing so, this would allow people to join together rather than having individual connections underneath the road over and over again. Ms. Sargent stated that her property is still for sale, she has retired and is not going to spend \$18,000.00 to do this project.

Mr. Ralph Dowling, Treasurer for the Political Action Committee (PAC) for the Road Levy spoke and provided Council with a written statement (see attached). Mr. Dowling indicated there would be no yard signs for the levy. Mr. Dowling stated that the community would receive a complementary copy of the Barberton Herald on November 5, 2006, which will provide the facts regarding the levy. Mr. Dowling stated that the PAC is accepting donations to offset the costs for the publication.

Mr. Ralph Beddow, a Norton resident, discussed his concerns on the Weber Drive and Cleveland-Massillon Road sewer connection fees. Mr. Beddow asked Council to consider eliminating Norton fees for this project, and that the Administration request that the City of Barberton and Summit County to do the same. Mr. Beddow stated that it is enough to ask these residents to pay for the installation of the sewer line and then to pay double fees for the service. Mr. Beddow stated that he understood these residents will be asked to pay for this improvement, and the fees are exorbitant. Mr. Beddow stated that he understood these fees collected are placed in a specific account, and he believed the account balance was in the neighborhood of \$300,000.00. Mr. Beddow asked what are we doing with these fees? Mr. Beddow thanked Mr. McGlone for removing the Mayors Salary from the agenda. Mr. Beddow stated that he hoped Council does not give the Mayors position a raise. Mr. Beddow stated that if we were passing road levies and other issues, we would not be able to financially support a Mayor's salary increase without eliminating another position. Mr. Beddow urged Mayor Kernan to write a letter to the Barberton Herald to clarify the issues recently in the Views Line. Mr. Beddow stated that he does not like to see the Views Line knocking the Mayor or any personnel in the city.

Ms. Charlotte Whipkey, a Norton resident, spoke regarding the Comprehensive Plan work group. Ms. Whipkey asked if we were still having these meetings, she had checked the website and there is no agenda posted. Ms. Whipkey asked how people get appointed to some of these Boards & Commissions? Ms. Whipkey stated that she has a problem with this, Mr. Conklin was not re-elected to Ward 4 and now he is serving on a Board. Why was he appointed and being paid when the residents clearly showed they did not want him? Ms. Whipkey discussed the sewer connection issue, and asked why is a meter being installed on our own water wells? Ms. Whipkey stated that we should not have to pay for our own water that is already there.

**PUBLIC HEARINGS**

None

**INTRODUCTION OF NEW LEGISLATION:**

**RES #89-2006**

Mr. Price offered Res. #89-2006 for its first reading, and asked the Clerk to read it:

**A RESOLUTION OF NORTON CITY COUNCIL IN SUPPORT OF ISSUE 20 FOR THE AKRON ZOO.**

Mr. Price moved to suspend the second and third readings, seconded by Mr. McGlone. Mr. Price stated this is to encourage the voters to support this renewal levy on November 7, 2006.

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

Motion passed 7-0.

Mr. Price moved to adopt Res. #89-2006, seconded by Mr. McGlone. Mr. McGlone stated that this is not a new tax and if approved would not raise your taxes.

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

Motion passed 7-0.

**ORD #90-2006**

Mr. McGlone offered Ord. #90-2006 for its first reading, and asked the Clerk to read it:

**AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$560,000 OF NOTES OF THE 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.**

Mr. McGlone moved to waive the second and third readings, seconded by Mr. Price. Mr. Moss stated that this is year four (4) of a five (5) year process to finance the construction for improvements for a special assessment for the Johnson Meadows Project. Mr. Moss stated that this is specifically for a road that comes from the existing street into the start of a larger section of the property, which is a little over 1,000 feet long. Mr. Moss stated that since the start of the original estimate, there has been some expense for utility improvements on the property and a lot of interest. Mr. Moss stated that the total amount of the original financing plus interest comes up to almost \$560,000. Mr. Moss indicated that this legislation authorizes the city to re-issue the notes, paying off the current one (1) year financing and replacing it with a new one (1) year financing.

Roll Call: Yeas: McGlone, Price, Braman, Mowery, Pelot  
Nays: Jones  
Abstain: Zita

Motion passed 5-1-1.

**Introduction of New Legislation Continued:**

Mr. McGlone moved to adopt Ord. #90-2006, seconded by Mr. Price. Mr. Jones stated that it was previously discussed at the last Committee Work Session to find out if the property was worth the money that is presently up front. Mr. Jones stated that he has not received any information on this direction, and asked if any other members of Council have seen this information? Mr. Moss indicated that he expected to go on line and download this information, however he was left with very little time to do that. Mr. Jones stated that he thought that before Council moved ahead on this we should have an appraisal on the value of this property in case they would default. Mr. Moss apologized for not having the time to provide Council with this information. Mr. Jones suggested Council hold off on this until we get this information, until we have some avenue for repayment to the city. Mr. Jones stated that the city has stuck their necks out on this and asked Mr. Moss if this was the case. Mr. Moss stated that some would share this feeling, however the fact of the matter is that the whole amount that is due for a special assessment is closer to \$200,000.00 at this point. Mr. Moss stated that the property does have either water or sewer upgrade which is somewhat of an improved value. Mr. Moss stated that if our secured interest exceeds the value of the property and it were to be sold, the city could take over the property and do what we want with it.

Roll Call:       Yeas:  McGlone, Price, Braman, Mowery, Pelot  
                  Nays:  Jones  
                  Abstain: Zita

Motion passed 5-1-1.

**RES #91-2006**

Mr. McGlone offered Res. #91-2006 for its first reading, and asked the Clerk to read it:  
**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE SUMMIT COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY FISCAL OFFICER.**

Mr. McGlone moved to suspend the second and third readings, seconded by Mr. Price. Mr. McGlone stated that this is done every year with the Summit County Fiscal Office.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Res. #91-2006, seconded by Mr. Price.

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

Motion passed 7-0.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #86-2006**

Mr. McGlone offered Ord. #86-2006 for its second 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.**

Second reading only.

**ORD #88-2006**

Mr. McGlone offered Ord. #88-206 for its second 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.**

**ORD. #80-2006**

Mr. Pelot offered Ord. #80-2006 for its third 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.**

Mr. Pelot moved to adopt Ord. #80-2006, seconded by Mr. Braman. Mr. Pelot explained that this ordinance needed to be re-written. This will permit the Police Dept. to issue citations for people parking illegally in fire lanes. Mr. Pelot stated that one new section added defines the criteria for constructing a fire lane. Mr. Collins stated that this update makes it easier to understand what a fire lane should look like.

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

Motion passed 7-0.

**ORD #84-2006**

Mr. Jones offered Ord. #84-2006 for its third 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.**

Mr. Jones moved to adopt Ord. #84-2006, seconded by Mr. Pelot. Mr. Jones stated that this property has been in existence for 85 years, however Mr. Pritchard recently discovered that this property was not on the listing. Mr. Pritchard stated that he was looking at other properties the city owns and stumbled across this error. Mr. Pelot asked for the exact location and size of the property. Mr. Pritchard stated this is near Lake Dorothy and PPG property on Dorothy Court. Mr. Jones added that this is 5.79 acres.

**ORD #84-2006 Continued:**

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

Motion passed 7-0.

*Note: ORD #85-2006-Mayors Salary was sent back to Committee by motion during the Committee of the Whole discussion at the beginning of this meeting.*

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

Mayor Kernan reminded everyone that an I.D. is now required in order to vote. Mayor Kernan stated this may be a bank statement, utility bill, drivers license, pay check, any government issued document or an Ohio photo I.D. Mayor Kernan stated that you cannot use the notice mailed to you from the Board of Elections. Mayor Kernan reminded everyone that city wide Trick Or Treat is Sunday, October 29, 2006 from 5:00 PM to 7:00 PM. Mayor Kernan stated that the Flu Shot Clinic would be October 30, 2006 from 9:00 AM to 12:00 Noon at the Community Center. The costs are \$17.00 for Norton residents and \$21.50 for non-residents. Mayor Kernan reminded everyone that there is still a job opening for the Building & Zoning Inspector and the details are on the city's web site at [www.cityofnorton.org](http://www.cityofnorton.org).

Mr. Moss stated that he is working on the Budget with each Department Head this week, and intends to have this to Council by the next work session. Mr. Moss stated that his report would be given if not the total 2007 Budget. Mr. Moss stated that on a positive note, there has been a recent savings realized in the Finance Department. Mr. Moss stated that this year the PACE book came due for its yearly renewal of \$1,500, and he asked the staff to find another alternative. Mr. Moss stated that they did and we now contract with the Akron Legal News for \$45.00 a year and have cancelled the PACE book. Mr. Moss stated that we try to do things like this whenever we can, and gave credit to his staff.

Mr. Pritchard stated that Planning Commission would be meeting tomorrow for a Major Site Plan Review process for the Norton Commons Project and the medical center.

**OLD BUSINESS:**

Mr. Jones asked Mayor Kernan if the city has reached any type of an agreement with the City of Barberton regarding the JEDZ lawsuit? Mayor Kernan stated that there is a mediation meeting scheduled for November 27, 2006 and talks have also been scheduled with Barberton in the meantime. Mayor Kernan stated that we are working with them, but no settlement has been made at this point. Mr. Jones asked if there was any type of settlement, how much would the settlement be for? Mayor Kernan replied it is hard to determine because part of the problem we have is defining which businesses we have to pay for. Mayor Kernan stated that in the next few days we will be catching up with payments for those businesses that there is no question about. Mr. Jones inquired on the number of businesses in this area are affected, and Mayor Kernan stated that he didn't have this information with him, but could get that to Council. Mr. Jones questioned Mr. Lyons on the status on the Housley lawsuit and if there has been a payment? Mr. Lyons stated that the insurance Counsel had worked out settlement but this has not been finalized. Mr. Lyons stated until that occurs he would not comment or report on this lawsuit. Mr. Jones inquired as to the reason Ms. Housley was let go from the Fire Dept. Mr. Lyons declined to comment on this, it would not be appropriate to discuss since this is still a pending lawsuit. Mr. Jones asked when this firing occurred? Mr. Collins stated that he recalled this being in June of 2005. Mr. Jones stated

**Old Business Continued:**

that he appreciated the memo he sent to Ted Weinsheimer regarding the speed bumps along St. Rt. 261. Mr. Jones stated that the Service Department has indicated that these need to be addressed and that they get much worse in the winter months but it's not a priority. Mr. Jones stated that he lives in this area and he felt this is a priority for his neighbors as well. Mr. Jones asked if there was anyone from the State that could come out and take a look at this? Mr. Collins stated that he doubted it, because this same area is on the year 2010 repaving schedule. Mr. Collins stated that he would have someone contact the State and inquire about this. Mr. Jones stated that his cable was out again, he had two (2) technicians out Friday and two (2) more out today. Mr. Jones stated that he finally got in touch with Mr. Adams from Time-Warner, and this is being addressed. Mr. Jones asked Mr. Moss to explain the Sanitary Sewer Fund #127. Mr. Jones stated that the account balance he had was roughly \$448,000.00. Mr. Moss stated that balance was as of September 30, 2006. Mr. Jones inquired about Sanitary Sewer Fund #470, and Mr. Moss stated that this is a debt service fund with capital construction project that is reduced to simply paying the debt. Mr. Moss stated that the money there is for payment of debt and not for any new project. Mr. Jones clarified that this is not money coming into the city. Mr. Moss stated that was correct, it is money that has already been spent. Mr. Jones discussed the comments from Mr. Beddow regarding the residents on Cleve-Massillon and Weber Drive. Mr. Jones asked if there is anything we can do with the money in Account #127 to help not only these residents but also others that may find themselves in the same situation? Mr. Jones stated that he understood the sewer line would be constructed next spring, and asked Mr. Collins for clarification on this. Mr. Collins stated that he does not have the schedule because the city is not building this sewer line, the Millers are. This is a Summit County sewer line, not a City of Norton sewer line. Mr. Jones asked if there was something we could do through Summit County to absorb some of the cost? Mayor Kernan stated that there is no five (5) minute answer to this situation. Mayor Kernan stated that he and Mr. Price have been talking with these residents and we are trying to come up with something, and unfortunately all three (3) entities want their fees. Mayor Kernan stated that there are costs to put the lines in and abandon the old septic systems. Mayor Kernan stated that Norton has direct ability to affect only one area, which is the tap in fees. We cannot tell Barberton, Summit County, or a private excavator what to charge. Mayor Kernan stated that if you look at using city funds to alleviate this problem, it could be discussed, but we have to be careful to look at the future and treat everyone the same. Mr. Jones reminded Mayor Kernan that we do have a Committee Work Session on November 20, 2006 regarding this issue. Mr. Jones suggested that the Clerk of Council provide Mr. Price with the contact information for Mr. Dave Koontz. Mr. Jones stated that he would like to have Mr. Koontz attend this meeting, he is a former Council Member and he may be able to shed some light on this meeting. Mrs. Brenda Hlas, a Norton resident stated that she had some information that may be helpful on this subject. Mr. Jones stated that if Council desired to let her speak, he had no problem with it and suggested Council take a vote on it. Mrs. Hlas stated that it was just a suggestion and if Council doesn't want to hear it- that's fine just forget it. Mr. Braman commented on an article in this week's West Side Leader regarding the salt dome. It was stated in the article that the salt dome was going to cost \$220,000.00. Mr. Braman corrected this statement, the actual cost is around \$67,000.00, and a correction should be printed in the next edition.

**NEW BUSINESS:**

Mr. Jones stated that the streetlights are out at Sr. Rt. 21 and St. Rt. 261, and inquired if this is Ohio Edison's issue? Mr. Collins stated that this is their responsibility, and anyone aware of it could contact Ohio Edison directly or the Police Department. Mr. Collins stated that he would have someone check this at night. Mr. Pelot thanked Mr. Dowling and the Road TAC members for their work and presentation.

**New Business Continued:**

Mr. Pelot stated this information is on the website, and reminded everyone that this is a seven (7) year levy. Mr. Pelot stated that this could be renewed after the seven (7) years if the residents feel the city used the money wisely. Mr. Jones stated that Mrs. Sargent brought to our attention her issue with the wording in Section 1042.01. Mrs. Sargent had suggested Council change the wording of "may" in Section C. Mr. Jones asked to have some discussion on this. Mr. Zita stated that this could be discussed at a future Committee Work Session.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Zita also thanked Mr. Dowling and the Road TAC Members for their work. Mr. Zita stated that Panther Parents Athletic Booster Club presenting the Night at the Races on Sat. November 11, 2006 at the Barberton Moose Annex. Doors will open at 6:00 PM and dinner is at 6:30 PM, and races begin at 7:30 PM. Advanced sale dinner tickets are \$12.00, horse sponsor tickets are \$15.00 and winner gets \$50.00. Program sponsors are \$20.00 as a business card size recognition in the program. Contact Cathy Denissoff at 330-807-0511. Tickets are also available at the remaining varsity home games at the apparel booth. Mr. Zita stated that there is no meeting next Monday since this is the fifth (5<sup>th</sup>) Monday. The next Committee Work Session will be on November 6, 2006. Mr. Pelot asked Mr. Pritchard to address Ms. Whipkey's comments about not having information on the website for the Comprehensive Plan. Mr. Pritchard stated that he thought this was posted and would double check with Ann Campbell. Mr. Pritchard stated that we also advertise their meetings in the local papers.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:00 PM



Michael Zita, President of Council

I, Karla 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 November 13, 2006.



Karla Richards, CMC-Clerk of Council

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