



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, NOVEMBER 13, 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 Monday, November 13, 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:**

There were no reports

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of October 23, 2006; Mr. Pelot discussed one typographical error which he already brought to the Clerk of Councils attention. The minutes are accepted as corrected.

Minutes of the Committee Work Session of November 6, 2006 were corrected as written

**COMMUNICATION FROM THE PUBLIC:**

Ms. Jean Seay, a Norton resident, spoke against Ord. #93-2006. Ms. Seay stated that Norton needs more small businesses. The tax base is not big enough as it is for the residents to support it, and the small businesses cannot afford to foot the bill for everything that comes down the pike. Residents are going to have step up to the plate. The businesses cannot be expected to pay for all of the tap in fees, it's simply too much to ask a small business owner to do. It may be different for a large corporation that is coming in like Walmart & Target in Wadsworth. Small business owners have to endure months and months of planning and public hearings, pleading and begging from Council to get zoning approved. Just when you are ready to get started on a project, you have one (1) or two (2) residents who probably are not even registered to vote, put up roadblocks in the way which causes the project to fall behind

Mrs. Karen Miller, a Norton resident, spoke regarding Ord. #93-2006, asking Council to really think about this legislation. Mrs. Miller stated that she has some reservations regarding this ordinance. Mrs. Miller who was on the Comprehensive Plan Committee, stated that their Committee worked very extensively on how we felt the future of the city needs to be addressed. We discussed the Cleveland-Massillon corridor, and Mrs. Miller stated that if we want to encourage businesses to come to our city, we cannot require them to pay for lateral sewer lines, it is too much of a burden on small business owners. Mrs. Miller stated that this could stop any new small development in the city. Mrs. Miller stated that we all know we need sewers in the city, and that Norton is in a difficult situation because we don't have the finances to help the residents install sewer lines at this time. Mrs. Miller suggested that maybe with some guidance from Summit County we could eventually get to this point. Mrs. Miller stated that maybe Norton could go out there on their own and try and strike out and take care of sewer projects themselves, that would be commendable.

**Communications from the Public Continued:**

Mrs. Miller clarified statements made by Mrs. Anderson at the last meeting where she stated that the cost for the Millers sewer line was \$45,000. This is incorrect; the figure will be well above \$100,000 and does not include what the tap-in fees will cost them. Mrs. Miller stated that the sanitary sewer line would run from Gardner Blvd., down Parkway to the south side of Weber Drive where their property is. Mrs. Miller stated that she spoke to Ms. Joanna Nelson of the Summit County Department of Development regarding loan programs. Ms. Nelson had indicated that there are low cost loans available to any Summit County resident for sanitary sewer connections. Ms. Nelson stated that the income range could provide loans with interest rates anywhere from 0% up to 4%. Mrs. Miller stated that this is a very important ordinance, and hoped that Council comes to a good conclusion on this.

Ms. Charlotte Whipkey, a Norton resident, spoke regarding the article on the Beacon Journal about Mayor Kernan's residency issue. Ms. Whipkey stated that she does not approve of it, but can understand his situation. Ms. Whipkey stated that she has a problem with Mr. Lyons telling the Mayor that this was perfectly legal for him to do so. This is a blatant disregard for the Charter of our city, which is for the people-not for the Council or the Mayor. Ms. Whipkey stated that she hates to agree with most of what Mrs. Hlas has to say, however she does agree with her on this issue-it is simply black and white. Ms. Whipkey stated that the Charter is our contract, it is for the people. Ms. Whipkey quoted Charter Section 5.04.... "shall in no event affect the construction, meaning, substance, or intent of the Charter as adopted and amended by the people". Ms. Whipkey stated that she wants to see something done about this, Mr. Lyons has too much say over what goes on in our city, and we listen to it. Ms. Whipkey stated that she spoke out against Ord. #37-2006-Property Maintenance Code, contending that it was not a legal document. However, we had four (4) good council members that said no to it for us. Ms. Whipkey stated she wants something done about this, it should not just be ignored.

**PUBLIC HEARINGS: None**

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #92-2006**

Mr. Pelot offered Ord. #92-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO RECLASSIFY PROPERTY KNOWN AS LOT 66, LOCATED ON 31<sup>ST</sup> STREET (PERMANENT PARCEL NUMBER 4601024) FROM R-1 RESIDENTIAL DISTRICT TO B-1 CENTRAL BUSINESS DISTRICT.

First reading only. Mr. Pelot stated that the Public Hearing would be on 11-27-06.

**ORD #93-2006**

Mr. Price offered Ord. #93-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON ADMINISTRATIVE CODE UTILITIES REGULATIONS BY ADDING SECTION 1042.08 TO ESTABLISH SEWER CONSTRUCTION REQUIREMENTS.

First reading only.

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**ORD #94-2006**

Mr. Price offered Ord. #94-2006 for its first reading, and asked the Clerk to read it.

AN ORDINANCE TO APPROVE A CONTRACT WITH GRACE BRETHERN CHURCH OF NORTON, INC. CONCERNING REIMBURSEMENT FOR TAP-INS TO A PRIVATELY CONSTRUCTED WATER LINE.

First reading only.

**II. INTRODUCTION OF PRIOR LEGISLATION**

**ORD #86-2006**

Mr. McGlone offered Ord. #86-2006 for its third 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.

Mr. McGlone moved to adopt Ord. #86-2006, seconded by Mr. Price. Mr. McGlone stated that this is to move \$20,000 from the General Fund to the Community Center Fund, \$18,300 from the Rainy Day Fund to the Community Center Fund, and \$1,400 from the General Fund to the Historical Fund.

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

Motion passed 7-0.

**ORD #88-2006**

Mr. McGlone offered Ord. #88-2006 for its third 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.

Mr. McGlone moved to adopt Ord. #88-2006, seconded by Mr. Price. Mr. Jones asked when would the hourly rate start? Mr. Collins stated that it has already been in effect for a long time. This will cover us during the prolonged negotiations. Mr. Collins added that this typically comes under the Professional Services section in the budget. Mr. Collins stated that the process has already started, we have had one meeting so far and another meeting is scheduled for next week. Mr. Zita questioned what exactly are we approving here tonight with this ordinance? Mr. Collins stated that you are approving is the overall use of Mr. Tscholl and Associates in excess of the current Charter provisions of the Board of Control. Mr. Collins stated that this was just approved at the ballot, now anything over that amount is approved so in essence if we were to spend that much, it is already authorized and approved by Council in this ordinance. Mr. Collins stated that Mr. Lyons suggested that we do this every time in preparation for the negotiation process. Mr. Jones asked Mr. Lyons to further explain this. Mr. Lyons stated that Mr. Tscholl has been used for negotiations for a long time and this was established by a historical relationship. Mr. Lyons stated that he felt it was proper to go to Council with this rather than relying on the past procedures. This is a specific set of negotiations, and we are bringing Council in to the decision making process, and this is a better way to handle this. Mr. Jones asked if the \$125.00 per hour was an increase from previous years?

**Ord #88-2006 Continued:**

Mr. Collins stated no, that this has been the same rate for the last seven (7) years. Mr. Collins also added that this figure is dirt cheap, you will not find any lower than this. Typically the hourly rate is \$150.00 to \$250.00 for those services, we are getting a very good bargain with this fee.

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

Motion passed 7-0.

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

Mayor Kernan announced the annual Shop with a Cop program; raffle tickets are \$1.00 each of six (6) tickets for \$5.00. Contact Ptl. Steve Davis for details at 330-825-2491 or see Ann Campbell after the meeting for tickets. Mayor Kernan announced the annual tree lighting at Williams Park on Sat. December 2, 2006 at 6:00 PM, which is again sponsored by the Norton Women's Club. Mayor Kernan announced that the Norton Women's Club would be holding the annual Craft Fair Extravaganza at the Middle School on November 18, 2006 from 10:00 AM to 4:00 PM. Mayor Kernan announced the Norton Community Theater's play a Thurbur Carnival on November 17, 2006 and November 18, 2006 at 7:00 PM at Houston Hall. The tickets are \$12.00 and includes hors' d'oeuvres at intermission.

Mr. Moss stated that he continues to work on the 2007 Budget, focusing on resources and making sure that all of the transfers are properly accounted for. Mr. Moss stated that he hopes to have this ready for next Monday. Mr. Moss stated that if anyone has questions or concerns to please contact him.

**OLD BUSINESS:**

Mr. Zita reminded everyone that Ord. #81-2006, Ord #82-2006, and Ord. #83-2006 are still tabled until January 8, 2007.

Mr. Pelot asked if we know what the exact costs of a lateral connection would be? Mr. Pelot stated that we should be able to obtain a ball park figure for this. Mr. Pelot asked what would it cost to replace a septic system on a residential property, including collapsing or crushing the old system? Mr. Pelot stated his goal is to get a comparison on replacing an existing septic system with connecting to the sewer lines. There have been figures of \$20,000 to tap into the sewer lines, and a septic system replacement costs \$13,000 then the real difference could be \$7,000. Mr. Pelot asked for either Mr. Pritchard or Mr. Collins to obtain these figures.

Mr. Price stated that on November 9, 2006 the Citizens Advisory Committee for the Comprehensive Plan completed their study. Mr. Price stated that the subject of sewers came up several times during discussions. Mr. Price stated that the Committee has decided to do a feasibility study and estimated the costs at \$25,000 and a three (3) month time frame. Mr. Price stated that Norton needs to either get into the sewer business or get out of it by going with Summit County. If we consider going with Summit County as far as installing new sewer lines, this would cut out having three (3) different entities to deal with. Mr. Price stated that he has nothing against small business, we need to encourage business to build a better tax base around here. Mr. Price added that right now it seems to be the residents against the businesses, and this is not his intention at all. His intention is that when you tear up a street, lets do it right and do it once and put in laterals. The big question is who is going to pay for it? Mr. Price stated that when he and Mayor Kernan met with the officials at Summit County, they gave a deadline of twenty (20) days to decide what to do about this issue.

**OLD BUSINESS CONTINUED:**

Mr. Price stated that also during their meeting, the issue of a feasibility study came up and that this is a first priority. Mr. Price asked Mr. Moss if we have the money to do this study? Mr. Moss stated yes, and he presumed we would do both water and sewer and split the cost between the two (2) funds. Mr. Moss estimated this costs to be \$25,000 to \$30,000. Mr. Price asked Mr. Pritchard to get started on this in January 2007. Mr. Collins stated that we already put this in the 2007 Budget request, however it was originally going to be addressed in 2008. Mr. Price stated that he would like to add this discussion to a Committee Workshop agenda to see that it continues to move along.

**NEW BUSINESS:** None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Pelot asked Mrs. Miller to provide Mrs. Campbell in Administration with the contact information for Ms. Nelson at Summit County regarding the loan programs for sewer connections. Mr. Collins stated that he submitted this same information to Council regarding this approximately two weeks ago. Mr. Pelot stated that this way if residents call into the Administration then the information is right there and available to the staff.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:40 PM

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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 November 27, 2006.

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Karla D. Richards, CMC-Clerk of Council

Date approved: \_\_\_\_\_

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