



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 11, 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
Karla Richards

The Regular Council Meeting convened on Monday, December 11, 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 November 27, 2006 were accepted as written
Minutes of the Committee Work Session-Budget Discussions of December 4, 2006 were accepted as written
Minutes of the Committee Work Session of December 4, 2006 were accepted as written

COMMUNICATION FROM THE PUBLIC:

Mr. Ralph Beddow, a Norton resident, stated that the Bible says to take care of the widows and the elderly, and that Council should be ashamed of what they are not doing for the residents of Weber Drive. Mr. Beddow discussed a recent letter in the Akron Beacon Journal written by Charlotte Whipkey and hoped that everyone had a chance to read her comments. Mr. Beddow thanked Mr. Jones for focusing on the cost issue of the Summit County Sheriff and the Norton Police Dept. Mr. Beddow stated that he had nothing but good things to say about our Police department. Mr. Beddow stated that it is the Council and Administrations job to maintain services at reasonable costs. Mr. Beddow reminded Council that to run from this or be intimidated so that you run from that job does not reflect kindly. Mr. Beddow reminded Council that they represent all of the citizens, not just a few.

Mr. Don Weigand, a Norton resident, spoke regarding the Summit County Sheriff's proposal, and asked why not listen to them? Mr. Weigand stated that it is normal to be afraid of a potential change. Mr. Weigand stated that he is neither for it or against it, he just wants to know what is in the proposal. Mr. Weigand stated that Council should let the voters get the information and let us decide and put it to a vote. Mr. Weigand stated that the Summit County Sheriff Dept. has very good employees, just like we do here in Norton. Mr. Weigand discussed the issue with the Weber Drive residents about the sewer connections and stated that if he lived in this area, he also would down here complaining too. Mr. Weigand stated that Council should be concerned with the numbers and the dollars and sense issues, not personal feelings. Mr. Weigand discussed regionalization for our services. Mr. Weigand stated that we couldn't continue to provide our residents with the current level of services without raising their taxes, which no one wants. Mr. Weigand stated that we should at least listen to the proposal and then make up our minds on what to do.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Ms. Megan Booth, a Norton resident, spoke regarding the Summit County Sheriff proposal and read a statement, (see attached).

Ms. Vivian Durbin, a Norton resident, spoke regarding the Weber Drive sewer connection issue. Ms. Durbin stated that she has lived here for 14 years and if the residents don't get some type of grants or funding, she would not be able to stay here. Mr. Durbin stated that she hoped the members of Council would do something to help these residents. Ms. Durbin stated that right now we are just talking about sewer connections, how would we handle the water connections when they come our way?

Mr. Bob Damut, a Norton, resident, spoke regarding the Summit County Sheriff proposal and stated that he wants hear what the potential savings could be. Mr. Damut stated that he sat here and listened to Council nit pick at the 2007 Budget, \$10,000 here, \$1,000 there. When you have the opportunity to possibly save hundreds of thousands of dollars, please don't turn down the opportunity to listen to the proposal, and he would like to have the opportunity to review this.

Mr. Greg Carris, Chief of Police, spoke and thanked all of the residents of this community for their support. Chief Carris stated that he and his employees take the opportunity to serve the residents very seriously.

Ms. Charlotte Whipkey, a Norton resident, stated that she didn't speak out about the Sheriff's Dept. proposal because she was waiting to hear their proposal and get the info first. That never happened. Ms. Whipkey asked how did you listen and understand what the group of residents had to say at the last few meetings? Ms. Whipkey stated that this was nothing more than a glorified union meeting, and that the residents were denied this information intentionally. Ms. Whipkey discussed the Mayors residency issue once again, and the fact the Council President did not step up and take over as Mayor. Ms. Whipkey stated that our Law Director had advised Mayor Kernan that this was ok to leave, citing that it has been done before in the State of Ohio. That may be fine and dandy with that city, but I care about my city. Ms. Whipkey stated that our Charter is being weakened and ignored. Ms. Whipkey stated that Council needs to worry about the whole Charter not by bits and pieces.

Ms. Violet Carr, a Norton resident, spoke about Ord. #93-2006. Ms. Carr stated that some of Council think that this would damage businesses, quite the contrary. If this is not done, it will impact the residents who live here; it's their home and their life. The homeowners are going to lose their homes, their traditions. Ms. Carr stated that they (the Millers) are already in Norton, and will just be moving up the road, and they will be making a profit. Ms. Carr suggested that the Millers are well connected they are with some members of Council. Ms. Carr asked Council who they represent-special interests? Do any of you care, is ok with you what is being done to us? Ms. Carr stated that as the Bible states, "as you do unto us-you do unto me" is this what you want?

INTRODUCTION OF NEW LEGISLATION:

ORD #99-2006

Mr. McGlone offered Ord. #99-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE RENEWAL OF A CONTRACT WITH PAN AMERICAN FOR EMPLOYEE HEALTH, DENTAL, VISION, AND RELATED BENEFITS FOR THE PLAN YEAR OF JANUARY 1, 2007 THROUGH DECEMBER 31, 2007, AND DECLARING AN EMERGENCY.

Ord #99-2006 CONTINUED:

Mr. McGlone moved to suspend the second and third readings, seconded by Mr. Price. Mr. McGlone explained that the reason for suspending the readings is because the current contract for employee healthcare benefits expires on December 31, 2006. Mr. Jones asked Mr. McGlone if employees would be contributing to this plan? Mr. McGlone replied no. Mr. Jones asked what is the plan going to cost the taxpayers? Mr. Collins stated that the liability risk is going up 5.95% and the actual monthly cost is going up 3.9% for each employee. Mr. Jones asked Mr. Collins for the total pay out for the entire year, and Mr. Moss replied that he has the estimate figure of \$194,282.74 for premiums. Mr. Collins added that it could be more if we have a bad health year.

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

Motion passed 6-1.

Mr. McGlone moved to adopt Ord. #99-2006, seconded by Mr. Price.

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

Motion passed 6-1.

RES #100-2006

Mr. Pelot offered Res. #100-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO CONFIRM THE RE-APPOINTMENT OF DAN KARANT TO A SECOND FOUR-YEAR TERM ON THE HEALTH ADVISORY BOARD OF THE CITY OF NORTON AND TO DECLARE AN EMERGENCY.

Mr. Pelot moved to suspend the second and third readings, seconded by Mr. Braman. Mr. Pelot stated that Mr. Karant has done a fine job serving on this Board and has done an excellent job representing our city.

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

Motion passed 7-0.

Mr. Pelot moved to adopt Res. #100-2006, seconded by Mr. Braman.

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

Motion passed 7-0.

ORD #101-2006

Mr. McGlone offered Ord.#101-2006 for its first reading, and asked the Clerk to read it:

THE ANNUAL APPROPRIATION ORDINANCE FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2007.

Mr. McGlone moved to suspend the second and third readings, seconded by Mr. Price. Mr. McGlone stated that the reason for the suspension is to have the budget in place before January 1, 2006. Mr. Jones asked Mr. Moss about the Police Dept.'s budgeted amount of \$30,000 set aside for retirement and asked if we have officers due to retire next year? Mr. Moss stated that we have three (3) officers that are eligible for full retirement and two of the officers have talked about retiring next year. The \$30,000 is just a rough estimate to retire one of those two officers. Mr. Jones stated that it appears that the \$30,000 may not be sufficient, and Mr. Moss stated that if you have multiple officers retiring next year, this may not be enough. Mr. Jones asked Mr. Moss if he had any idea where it would be for each officer? Mr. Moss stated that the figure could vary with each employee, if they have accrued benefits pending at the time of retirement, and other factors. Mr. Jones asked if all three (3) officers were to retire next year, what would that cost? Mr. Moss stated that he would guess between \$60,000-\$100,000. Mr. Jones stated that he believed that we had a similar situation in the Fire Department with an estimated cost of approximately \$51,000. Mr. Jones stated that the proposed 2007 Budget for the Police Department is \$2,463,072.62 and this could be more. Mr. Moss stated that it could go lower if no one retires, it could be more if someone does retire. Mr. Jones discussed the fuel costs, and Mr. Moss indicated that this was estimated high because of the rising costs of gas.

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

Motion passed 6-1.

Mr. McGlone moved to adopt Ord. #101-2006, seconded by Mr. Price. Mr. Jones stated that he is not against the Budget overall, and that Mr. Moss has done a fine job with it. Mr. Jones stated that he couldn't support the Police Dept. Budget because of what he sees as savings for this community. Mr. Jones stated that he would like the residents to please come forward and his phone number is available in the phone book.

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

Motion passed 6-1.

ORD #102-2006

Mr. Price offered Ord. #102-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO DEFER THE SCHEDULED 2007 INCREASE IN ACCESS CHARGES FOR CONNECTIONS TO THE CITY'S SEWER SYSTEM BY MODIFYING THE CHART OF ACCESS CHARGE INCREASES IN CODIFIED SECTION 1040.02 (C) AND DECLARING AN EMERGENCY.

Mr. Price moved to suspend the second and third readings, seconded by Mr. Braman. Mr. Price stated that this freeze is for one year only. Mr. Braman stated that he hoped this would be the first step of redoing the whole sewer and water fee schedule.

Ord #102-2006 Continued:

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

Motion passed 7-0.

Mr. Price moved to adopt Ord. #102-2006, seconded by Mr. Braman.

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

Motion passed 7-0.

ORD #103-2006

Mr. Price offered Ord. #103-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO DEFER THE SCHEDULED 2007 INCREASE IN ACCESS CHARGES FOR NEW CONNECTIONS TO THE CITY'S WATER SYSTEM BY MODIFYING THE CHART OF ACCESS CHARGE INCREASES IN CODIFIED ORDINANCE SECTION 1040.02(C), AND DECLARING AN EMERGENCY.

Mr. Price moved to suspend the second and third readings, seconded by Mr. Braman.

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

Motion passed 7-0.

Mr. Price moved to adopt Ord. #102-2006, seconded by Mr. Braman.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION:

ORD #-95-2006

Mr. Price offered Ord. #95-2006 for its first second reading, and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND SECTIONS 6.05 AND 6.06 OF THE CHARTER OF THE CITY OF NORTON TO MERGE THE NOW SEPARATE PARK AND RECREATION BOARD AND CEMETERY BOARD INTO A SINGLE PARK AND CEMETERY BOARD.

Second reading only.

ORD #98-2006

Mr. Price offered Ord. #98-2006 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE MAYOR AND/OR ADMINISTRATIVE OFFICER TO SOLICIT AND OBTAIN PROPOSALS FOR PROFESSIONAL ENGINEERING AND PLANNING SERVICES IN THE DEVELOPMENT OF A UTILITY FEASIBILITY PLAN.

Mr. Pelot discussed waiving the third reading so that the Administration could get moving tonight. Mr. Collins indicated that he was not geared up and ready to go on this. Mr. Price asked Mr. Moss about the budget and asked if we have the money now to move forward on this? Mr. Moss stated that it is funded in the 2007 Budget, which will not take effect until January 1, 2007. Mr. Moss stated that if Council passed this tonight, and once the 2007 Budget was in place, we could start this process. Pelot stated that he thought that by starting this in January it would save a couple of weeks.

Mr. Price moved to suspend the third reading, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mr. Price moved to adopt Ord. #98-2006, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #92-2006

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

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

Mr. Pelot moved to adopt Ordinance #92-2006, seconded by Mr. Braman.

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

Motion passed 7-0.

ORD #93-2006

Mr. Price offered Ord. #93-2006 for its third 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.

Mr. Price moved to send Ord. #93-2006 back to committee for further discussion, seconded by Mr. Braman. Mr. Price stated that he has spent a lot of time on this legislation and would like to have voted on it tonight. However, he does not think this is a wise idea, and that by sending it back to Committee, it would come back more favorable. Mr. Price stated that we are waiting on the feasibility study as well as the budget from Summit County to see if they are going to put in a new sewer plant here in Norton. Mr. Price stated that if he tabled this, it would have killed this legislation and that was not what he intended. Mr. Price stated that he would like to have voted on this and let the residents enjoy their Christmas knowing they would still be in their homes, but he did not have the votes to pass this tonight. Mr. Jones stated that he was disappointed in this, and is concerned what he hears going around. Mr. Jones asked Mr. Lyons if this were to pass tonight, would this be additional costs on the developer? Mr. Lyons replied yes because it would require laterals be constructed. Mr. Lyons stated that it is possible it would apply to the Miller's project, however it was unclear as to where the approval process lies at this point. Mr. Lyons stated that he understood it had not been approved yet, and theoretically if this were to pass it would be applicable because the project has not yet received approval. Mr. Jones suggested using the money in the sewer fund for the city to pay for the laterals and not asking the developer to pay for this. Mr. Lyons stated that this is a policy issue that Council would have to make, as well as a budget issue. There was discussion of the balance in this fund, and Mr. Jones stated that he thought this should be growing every month, and the current balance was \$468,000. Mr. Jones asked what the cost per resident is for installing a lateral, and Mr. Collins stated that would be approximately \$6,000 to \$7,000. Mr. Collins reminded Mr. Jones that this is not a city sewer line project, this is a Summit County sewer line. Mr. Jones stated inquired about how many homes this lateral issue would effect and Mr. Pelot stated that there are approximately 22 homes or approximately \$77,000.00. Mr. Jones stated that we are not talking about a large amount of money here to come out of the sewer fund if we were to make some type of an agreement with the County. Mr. Collins stated that this involves more than the County, there is a private developer here. Mr. Jones stated that he would like to send a letter to the Ohio EPA and Summit County Dept. of Environmental Services, asking them to hold off on their approval until we get this resolved. Mr. McGlone stated that he was hoping to get this approved tonight, however he thought that maybe the Administration could work a little harder on this. Mr. McGlone stated that no one has discussed getting grants for this and asked Mr. Pritchard for his input. Mr. Pritchard stated there are no grants for this because it is new construction. Mr. Pritchard stated that the only other way to get grant money is for areas ordered to connect to sanitary sewer due to failed septic systems and this would involve the Barberton Health Department to make that call. Mr. McGlone discussed the varied fees for each property if they are on either the short side of the street or the long side, and felt everyone should pay the same fee. Mr. McGlone stated that by doing the laterals now rather than later would eliminate this issue. Mr. Price stated that he would propose the worse case scenario was the residents pay 1/3, the city pay 1/3, and the developer pay 1/3 and would bring this up at future discussions. Mr. Zita discussed the boring under the road instead of open cutting when Gardner Blvd. waterline is being done and do this now that the road is already being ripped up. Mr. Collins stated that the Gardner Blvd. project has already begun and they had to open cut this and could not be bored under. Mr. Zita stated it would be nice with the road program coming into play, that we could open up the road now, put the laterals in and then do the road repairs.

ORD. #93-2006 Continued:

Mr. Collins stated that this maybe something for Council to consider if they want to take on this burden to make this happen. Mr. Braman agreed to pass this, but if we reconsider this now we would all be better off.

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

Motion passed 5-2 to send Ord. #93-2006 back to Committee for further discussions, and remains as a second reading.

ORD #94-2006

Mr. Price offered Ord. #94-2006 for its third 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.

Mr. Price moved to adopt Ordinance #94-2006, seconded by Mr. Braman.

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

Motion passed 7-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Collins announced the ground breaking for the digestive wellness center on December 15, 2006 at 3:00 PM at 3939 S. Cleveland Massillon Road.

Ms. Barbara Vimont-Chair of the Charter Review Commission spoke about a letter the Commission sent to Council asking to have all Charter resolutions appear on the November 2007 ballot instead of the May primary. Ms. Vimont stated that the Commission felt that there would be a better voter turnout for the General Election so that all the residents can vote on the changes.

OLD BUSINESS:

Mr. Jones stated that out of the twenty-seven (27) full time, part time and dispatchers, we have only eight (8) that live in this community. Summit County Sheriff has thirteen (13) officers living in this community. Mr. Jones stated that Chief Carris stated in one of his letters that he (Mr. Jones) has a personal vendetta against the Norton Police Dept. Mr. Jones stated that was not so, he hardly knows any of these new officers. The personal part of this is between him and Chief Carris, and it goes back fifteen years or so. Mr. Jones asked Mr. Moss what was the total combined pay for the top two positions in the Police Dept. for 2005? Mr. Moss indicated that he did not have those figures with him. Mr. Jones stated that he has those figures and it is over \$150,000 and that one is \$73,000 plus and the other is \$81,000.

NEW BUSINESS:

Mr. Jones thanked the Clerk of Council for all of her time this past year. Mr. Jones stated that if he caused her any problems over the past few months he apologized for this. Mr. Jones wished everyone a Merry Christmas and a Happy New Year.

NEW BUSINESS CONTINUED:

Mr. Price thanked Mr. McGlone and Mr. Moss for their work on the 2007 Budget, a job well done.

Mr. Zita wished everyone a Merry Christmas and a Happy New Year.

PUBLIC SERVICE ANNOUNCEMENTS:

None

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:18 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 December 11, 2006

Karla Richards, CMC-Clerk of Council

Date approved: January 8, 2007

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