



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 13, 2006**

Roll Call:	Ken Braman	Also Present:
	Tom Jones	Mayor Joseph Kernan
	Dennis McGlone (Excused)	Claude Collins
	Bill Mowery	Jeanne Zerga
	Scott Pelot	Jeff Pritchard
	James Price	Mike Lyons
	Mike Zita	Karla Richards

The Regular Council Meeting convened for a meeting on Monday, February 13, 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. Jones inquired about Res. #18-2006 and if this was considered an emergency? Mr. Zita stated that we would be waiving the second and third readings, but it is not an emergency.

Mr. Price moved to add Ord. #23-2006 to the agenda, seconded by Mr. Jones. Mr. Price explained that this ordinance is included in the council packet, it was just not listed on the agenda for tonight.

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

Motion passed 6-0.

Mr. Zita stated that we have the final response from Cingular, and Mr. Collins indicated that he could discuss this later on this evening. Mr. Zita discussed Res. #16-2006-Charter Review Commission. Mr. Zita stated that we originally had selected seven members and one member (Mr. Moneypenny) recently removed his name because he does not have the time to dedicate to serve so his name was taken out of the legislation. Mr. Zita discussed Ord. #1-2006 stating that since he is a member of this church, he would be abstaining from the vote on this.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of January 23, 2006-Approved as written

Minutes of the Workshop Session of February 4, 2006-Mr. Jones stated that in the minutes of January 9, 2006 (page #2) he stated that he could not attend. Mr. Jones stated he would like this changed to "excused", not absent. Also the time the meeting began was 9:08 AM not PM. Minutes were approved as corrected.

Minutes of the Committee of the Whole February 6, 2006-Approved as written

COMMUNICATION FROM THE PUBLIC:

Mr. George Tomko a Norton resident, thanked those who contacted him with their concerns since he had not been attending meetings lately. Mr. Tomko stated that he is feeling better. Mr. Tomko stated he has difficulty hearing the meetings. Mr. Tomko discussed Ord. #22-2006 Clean Air, and the fact that our rights are being taken away every day. Mr. Tomko stated that in regards to places of employment, it's not your business, it's not Council's business or anyone else to tell the people they are hiring that there is no smoking in the plant. Let the people take care of it themselves. Mr. Tomko stated that Luigi's Restaurant in Akron has handled this very well. Mr. Tomko stated he could understand this for city property but not in places of employment. Mr. Tomko spoke regarding the non-enforcement regarding the sign ordinances, he has come to council six times about the same issue, the signs are still out there. Mr. Tomko spoke regarding all the different zip codes in Green. Mr. Tomko wondered if Mayor Kernan has discussed our similar situation with Mayor Crogan. Mr. Tomko discussed the trash along Cleveland Massillon Road; it has been there over a month along some places. Mr. Tomko inquired as to whom was enforcing the C & D tipping fees? Mrs. Zerga replied that we are receiving monthly payments. Mrs. Zerga stated that for 2005 we received \$9,008.00 but this was not for a full year. Mr. Tomko stated he felt the city might not be getting their fair amount. Mr. Tomko stated that we are not getting enough money from the cell tower contract. Mr. Tomko inquired if Mayor Kernan or anyone on Council supports Summit County ¼ % sales tax increase.

PUBLIC HEARINGS:

Mr. Zita convened the Public Hearing for the resolution to approve the application to continue the placement of farmland located at 4379 Greenwich Road, Norton in an agricultural district. Mr. Zita asked the Clerk of Council to certify the legal notice. The Clerk of Council certified that a legal notice was published in the Barberton Herald on February 2, 2006, and that a notice was mailed to the applicant by certified mail on January 23, 2006.

Mr. Zita called for anyone in favor of the application, the applicant Mr. Beddow was present and came forward. Mr. Beddow thanked the Clerk of Council for being most helpful when dealing with her office. Mr. Beddow asked Council to approve this; he has been farming this area for 15-20 years.

Mr. Lino, a Norton resident came forward and spoke in favor of this. Mr. Lino discussed a story his father told him about farming. Mr. Lino's father (is from Romania) said that years ago small farmers maintained the land in Romania, and then the government came in and farmed it for them. The farmers were told that at the end of the year they would all share in the harvest. After the harvest time was over the farmers were told they could now go into their fields and pick up the grains that the thrashers missed. Mr. Lino discussed the eminent domain laws now in effect, taxes, etc. Mr. Lino said that he is all for anything that will preserve farmland.

Mr. Zita called twice more for anyone else in favor, no one came forward.

Mr. Zita called three times for anyone against this application to come forward, no one came forward.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Mr. Greg Bachman, Summit County Engineer gave a power point presentation regarding storm water management, bridges, traffic control, and recreation. (See exhibit A attached).

INTRODUCTION OF NEW LEGISLATION:

ORD. #15-2006

Mr. Pelot offered Ord. #15-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO RECLASSIFY PROPERTIES LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF JOHN STREET AND COLUMBIA AVENUE (PERMANENT PARCEL NUMBERS "PPN" 4602315 AND 4602317) FROM R-1 RESIDENTIAL DISTRICT TO B-2 NEIGHBORHOOD BUSINESS DISTRICT.

First reading only.

RES #16-2006

Mr. Pelot offered Res. #16-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO CONFIRM THE APPOINTMENT OF GENE BECKER, CHRISTOPHER JUDGE, SUE RINGKOR, BARBARA VIMONT, MEGAN BOOTH, _____, AND ROBERT DAYMUT AS THE MEMBERS OF THE 2006 CHARTER REVIEW COMMISSION AND TO DECLARE AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Price.

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

Motion passed 6-0.

Mr. Pelot moved to adopt Res. #16-2006, seconded by Mr. Price.

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

Motion passed 6-0.

RES #17-2006

Mr. Pelot offered Res. #17-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF ANGELA AUSTIN TO HER FIRST FULL SIX (6) YEAR TERM ON THE CITY OF NORTON CIVIL SERVICE COMMISSION, COMMENCING ON OCTOBER 13, 2005 AND EXPIRING ON OCTOBER 12, 2011, AND DECLARING AN EMERGENCY.

RES #17-2006 Continued:

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Braman.

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

Motion passed 6-0.

Mr. Pelot moved to adopt Res. #17-2006, seconded by Mr. Braman.

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

Motion passed 6-0. Mr. Mowery inquired if these appointees were present tonight. Mr. Zita introduced the ones that were present, adding that they would be sworn in by Mayor Kernan following the meeting.

RES #18-2006

Mr. Pelot offered Res. #18-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR NORTON CIVIL SERVICE COMMISSION MEMBER KATHY HOGSTON.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Jones.

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

Motion passed 6-0.

Mr. Pelot moved to adopt Res. #18-2006, seconded by Mr. Jones. Mr. Pelot thanked Kathy for her service.

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

Motion passed 6-0.

ORD #19-2006

Mr. Price offered Ord. #19-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH BOB BENNETT CONSTRUCTION COMPANY TO ABANDON THE CITY'S ADMINISTRATION AND COMMUNITY CENTER SEPTIC SYSTEM, TO INSTALL A SANITARY SEWER PUMP STATION AND CONNECT TO THE EXISTING PUBLIC SEWER SYSTEM, AND TO DECLARE AN EMERGENCY.

ORD #19-2006 continued:

Mr. Price moved to waive the second and third readings, seconded by Mr. Pelot.

Mr. Price stated this has emergency language because we have a failed septic system here and we need to get moving on this.

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

Motion passed 6-0.

Mr. Price moved to adopt Ord. #19-2006, seconded by Mr. Pelot.

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

Motion passed 6-0.

RES #20-2006

Mr. Price offered Res. #20-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION IN SUPPORT OF NORTON ENERGY STORAGE'S (NES) REQUEST FOR A THIRTY-MONTH EXTENSION FROM THE OHIO POWER SITING BOARD OF THEIR CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED, AND DECLARING AN EMERGENCY.

Mr. Price moved to waive the second and third readings, seconded by Mr. Braman. Mr. Price stated that NES is moving along with this project, and they need Council's resolution in order to seek the approval of the Ohio Power Siting Board.

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

Motion passed 6-0.

Mr. Price moved to adopt Res. #20-2006, seconded by Mr. Braman.

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

Motion passed 6-0.

ORD #21-2006

Mr. Price offered Ord. #21-2006 for its first reading, and asked the Clerk to read it:

ORD #21-2006 Continued:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO ADVERTISE, TAKE BIDS, AND EXECUTE A CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR SERVICE DEPARTMENT MATERIALS FOR THE MAINTENANCE OF ROADS FOR THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Price moved to waive the second and third readings, seconded by Mr. Jones. Mr. Price stated that this is for materials for maintenance and is done every year.

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

Motion passed 6-0.

Mr. Price moved to adopt Ord. #21-2006, seconded by Mr. Jones.

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

Motion passed 6-0.

ORD #22-2006

Mr. Mowery offered Ord. #22-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO REGULATE SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT BY ADOPTING CHAPTER 662 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, TITLED *CLEAN INDOOR AIR*, TO REPEAL THE CURRENT SECTION 660.13 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, TITLED *SMOKING IN PLACES OF PUBLIC ASSEMBLY*, AND TO DECLARE AN EMERGENCY.

First reading only. Mr. Mowery stated that it was discussed to waive the third reading at the next Council meeting. Mr. Mowery stated that Summit County has stepped forward with their version, and the State has not taken any steps to do so. Mr. Mowery stated this legislation would give the city home rule advantage, and would override Summit County's ordinance. Mayor Kernan stated that it was intended to keep the status quo in the city. Mayor Kernan stated the he does not want to change what has been enforced previously. He does not want the city to be bound by what the County adopts. Mayor Kernan stated that he agreed with Mr. Tomko's comments and let the businesses work this out themselves. Mayor Kernan stated that it could be a ballot issue to ban smoking statewide in the future.

ORD #23-2006 (added during Committee of the Whole)

Mr. Price offered Ord. #23-2006 for its first reading, and asked the Clerk to read it:

ORD #23-2006 Continued:

AN ORDINANCE AUTHORIZING THE PURCHASE OF TWO (2) NEW VEHICLES FROM GANLEY FORD FOR USE BY THE POLICE DEPARTMENT AND DECLARING AN EMERGENCY.

Mr. Price moved to waive the second and third readings, seconded by Mr. Jones. Mr. Price stated that the vehicles are ready for purchase.

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

Motion passed 6-0.

Mr. Price moved to adopt Ord. #23-2006, seconded by Mr. Jones.

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

Motion passed 6-0.

II. INTRODUCTION OF PRIOR LEGISLATION

RES #4-2006

Mr. Price offered Res. #4-2006 for its second reading, and asked the Clerk to read it:

AN RESOLUTION TO AUTHORIZE THE ADMINISTRATIVE OFFICER AND CHIEF OF POLICE TO ACCEPT A JUSTICE ADMINISTRATION GRANT FROM THE OHIO OFFICE OF CRIMINAL JUSTICE SERVICES TO BE USED TOWARD THE PURCHASE OF AN ENHANCED EMERGENCY 9-1-1 COMMUNICATIONS SYSTEM.

Second reading only.

ORD #5-2006

Mr. Price offered Ord. #5-2006 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE PURCHASE AND/OR LEASE 911 SYSTEM EMERGENCY CALL EQUIPMENT FROM SBC CAPITAL SERVICES FOR USE BY THE NORTON POLICE DEPARTMENT.

Second reading only.

ORD #8-2006

AN ORDINANCE TO APPROVE AN AGREEMENT BETWEEN THE CITY OF NORTON AND THE AFSCME SERVICE WORKERS OF THE CITY OF NORTON

Mr. Price moved to postpone indefinitely Ord. #8-2006, seconded by Mr. Jones. Mr. Collins stated that this Ord. #8-2006 along with Ord #9-2006 needs to be rescinded because the AFSCME agreements have fizzled out.

ORD #8-2006 Continued:

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

Motion passed 6-0.

ORD #9-2006

AN ORDINANCE TO APPROVE AN AGREEMENT BETWEEN THE CITY OF NORTON AND THE AFSCME OFFICE AND CLERICAL WORKERS OF THE CITY OF NORTON.

Mr. Price moved to postpone indefinitely Ord #9-2006, seconded by Mr. Jones.

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

Motion passed 6-0.

ORD #11-2006

Mr. Price offered Ord. #11-2006 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 URS ENGINEERING COMPANY TO PREPARE PLANS AND SPECIFICATIONS FOR THE REPLACEMENT OF WATER LINES ALONG HARTZELL DRIVE, LONG DRIVE, THE EAST SIDE OF THE CREEK ALONG PARKWAY BOULEVARD, AND WILBUR AVENUE IN THE CITY OF NORTON, AND FURTHER KNOWN AS GARDNER BOULEVARD AREA PHASE III.

Second reading only.

RES #12-2006

Mr. Price offered Res. #12-2006 for its second reading, and asked the Clerk to read it:

A RESOLUTION DECLARING IT A NECESSITY TO REPLACE WATER LINES ALONG HARTZELL DRIVE, LONG DRIVE, THE EAST SIDE OF THE CREEK ALONG PARKWAY BOULEVARD, AND WILBUR AVENUE IN THE CITY OF NORTON, AND FURTHER KNOWN AS GARDNER BOULEVARD AREA PHASE III, AND TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO SUBMIT AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION (OPWC) TO HELP FUND THIS PROJECT AND EXECUTE ANY CONTRACTS WITH THE (OPWC) TO OBTAIN AVAILABLE FUNDING.

Second reading only.

RES #13-2006

Mr. Pelot offered Res. #13-2006 for its second reading, and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE APPLICATION TO CONTINUE THE PLACEMENT OF FARMLAND LOCATED AT 4379 GREENWICH ROAD, NORTON, OHIO IN AN AGRICULTURAL DISTRICT.

Second reading only.

ORD #1-2006

Mr. Pelot offered Ord. #1-2006 for its third 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.

Mr. Pelot moved to adopt Ord. #1-2006, seconded by Mr. Price. Mr. Pelot stated that they have supplied the Preliminary Plat to Administration and has been approved. Once Council approves this, they would be able to move forward with the filing of the improvement plans for the project.

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

Motion passed 5-0-1.

ORD #2-2006

Mr. Price offered Ord. #2-2006 for its third 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.

Mr. Price moved to adopt Ord. #2-2006, seconded by Mr. Braman. Mrs. Zerga stated that the notes would be due this Friday. The city would be reducing the current note and rolling it for \$185,000.00 for one year. Mrs. Zerga stated that she received the interest rates from the banks today, and will process this with Bank One (JP Morgan Chase) at the interest rate of 4.48%.

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

Motion passed 6-0.

ORD #3-2006

Mr. Price offered Ord. #3-2006 for its third 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.

Mr. Price moved to adopt Ord. #3-2006, seconded by Mr. Jones.

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

Motion passed 6-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Kernan thanked Kathy Hogston for her service on the Civil Service Commission, and thanked all of the new members appointed tonight. Mayor Kernan announced Clean Up Norton Day would be held on Earth Day this year which is April 22, 2006. Mayor Kernan stated that he would be submitting his appointments for the Parks & Recreation Board, there were about fifteen residents that applied.

Mr. Pritchard stated that the city has received the Preliminary Plat for the Summit Ridge Project. Mr. Pritchard stated that he requested a roundabout, as Mr. Bachman discussed earlier tonight, in this particular project. Mr. Pritchard stated that during the last flooding incident it was the City of Norton that contacted the Summit County Emergency Management Agency and the Summit County Engineers, and Congressman Browns office to try to resolve the storm water flooding issues. We are looking into resolving this with other communities, as this is a countywide problem, not just Norton. Mr. Pritchard stated that on February 25, 2006 from 9:00 AM to 1:00 PM there would be a Planning Session for the working group for the Comprehensive Plan. This meeting is open to the public.

OLD BUSINESS:

Mr. Zita discussed the offer we received from Cingular today. He discussed this with Mr. McGlone and they both felt this was no deal. Mr. Jones stated that he would rather hold off until Mr. McGlone is present. Mr. Jones inquired as to where does this revenue go? Mrs. Zerga stated that it goes into the General Fund. Mr. Jones stated that he would like to set this money aside to be used for something other than paying bills. Mayor Kernan stated that we could take a look at doing this, just like we did with the Time Warner Franchise fees. Mr. Jones stated that if it goes into the General Fund it gets lost. Mrs. Zerga clarified that it does not get lost, it is accounted for by a separate account within the General Fund. Mr. Jones stated that he would like to see it used for something specific. Mr. Collins explained that he was told by Cingular that they would not be giving the city any more money, just moving it around within the contract. Mr. Pelot suggested we discuss it again at the next work session and decide if we want to negotiate it again.

NEW BUSINESS:

None

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Pelot announced the Night at the Races for Norton 21 School will be this Saturday night, and will be held at the VFW on Wadsworth Rd., (Houston Hall) at either 6:00 or 6:30 PM.

Mr. Jones reminded everyone about Valentines Day tomorrow.

Mr. Price thanked those who will be serving on the various Boards and Commissions. This is a great opportunity to see that residents do care and want to see a change in the community they live in.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:38 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 February 13, 2006

Karla D. Richards, Clerk of Council

Date approved, February 27, 2006

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