



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, FEBRUARY 27, 2006**

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

Also Present:  
Mayor Joseph Kernan  
Claude Collins  
Jeanne Zerga (Excused)  
Jeff Pritchard  
Karla Richards

The Regular Council Meeting convened for a meeting on Monday, February 27, 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. Zita reminded everyone about the Public Hearing at 7:15 PM this evening.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of February 13, 2006: Mr. Jones noted a correction on page #10, the date should read February 25, 2006 not February 26<sup>th</sup>. The minutes were approved as corrected.

Minutes of the Special Council Meeting of February 16, 2006: Mr. Jones noted a correction on page #1 first sentence, it should read the Special Council Meeting not Regular Meeting. The minutes were approved as corrected.

Minutes of the Committee of the Whole of February 21, 2006: Mr. Jones noted a correction on page #7 last few sentences, it should read Mr. Hrubik not Rubic, and the address is 2526 Reimer Road Extension. The minutes were approved as corrected.

**COMMUNICATION FROM THE PUBLIC:**

Ms. Nancy Delnay, a Nurse Practitioner and member of the Norton Health Advisory Board came forward regarding the Clean Indoor Air legislation. Ms. Delnay stated that she felt this was her duty to be here to represent the 80% of non-smokers in this city. Ms. Delnay urged Council to think clearly on this issue and the impact of your votes. Ms. Delnay discussed the fact that costs play a big role with absenteeism due to illness of staff, including those exposed to second hand smoke. Ms. Delnay stated that smokers still have a right to smoke, just take it outdoors. Ms. Delnay stated that as a nurse she knows that there is not one place in your body that is not affected or unaltered by smoke and second hand smoke. Ms. Delnay reminded Council that the Norton Health Advisory Board passed a resolution #1-2006, opposed to smoking in all places of public assembly.

Mr. Dale Nelson, a Norton resident spoke regarding the building & zoning issues or lack of enforcement regarding Mr. Crawford's cider mill property. Mr. Nelson mentioned an article in the Barberton Herald of July 25, 2002, which stated the requirements necessary to obtain a building permit for commercial property. Step #1. A licensed architect must draw up plans. Step #2. The applicant must go before the Building & Zoning for approval. Step #3. A permit is issued. Mr. Nelson stated that he has two building permits and over thirty pages on this very issue.

**COMMUNICATION FROM THE PUBLIC CONTINUED:**

Mr. Nelson stated that Mr. Arters illegally issued a building permit on August 22, 2002 and another one on June 24, 2005 for Mr. Crawford's property Mr. Nelson stated that something is not right. Council took an oath and is elected to work for us, not Mr. Arters or Mr. Collins. Mr. Nelson stated that these permits were issued without the proper documentation. Mr. Nelson discussed the so-called restricted areas and some areas on the west end of town that are a disgrace. Mr. Nelson stated that there are trailers, pontoon boats, etc., parked in yards. Mr. Nelson stated that one resident on Rockcut Drive was given permission to park his tractor trailer rig on his residential property, why? Mr. Nelson stated that he wanted an answer and he wanted it in writing. Mr. Nelson stated that he contacted Mr. Jones about this and was told that there was nothing he could do to help because he had no backing on Council. Mr. Nelson stated that Council has all the power and runs this city not Mr. Collins. Mr. Nelson stated that he would see to it that something gets done.

Mr. Zita temporarily closed the Regular Council Meeting in order to proceed with the Public Hearing at 7:15 PM.

**PUBLIC HEARINGS:**

Ord. #15-2006 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.

Mr. Zita declared the Public Hearing open at 7:15 PM and asked the Clerk to certify the legal notice. The Clerk of Council certified the legal notice for this public hearing was published in the Barberton Herald on February 9, 2006 and notices were mailed to the adjacent property owners on February 7, 2006.

Mr. Zita called for anyone in favor of this rezoning to come forward, the applicant having the right to speak first. Mr. Terry Hanson of Zumpano & Hanson Building & Development Company spoke regarding the need for this rezoning. Mr. Hanson stated that their clients (two physicians) need this rezoning in order to build a single story medical office building, with an ambulatory surgery center. Mr. Hanson stated that this building would be roughly 12,000 square feet. Mr. Hanson stated that this rezoning would provide for consistent zoning in the area. Mr. Hanson stated that this would create a stronger site development for the project and for the City of Norton. Mr. Dale Nelson stated that at the last meeting there was a lady resident concerned about some parcels being land locked and wanted to know if this issue has been addressed? Mr. Pritchard stated that this area applies to two parcels and there is no intention on vacating any of the right of ways in this area. Mr. Zita called twice more for anyone else in favor; no one else came forward.

Mr. Zita called three times for anyone opposed to this rezoning to come forward, and no one came forward.

Mr. Zita declared the Public Hearing closed at 7:20 PM and reconvened the Regular Council Meeting back to session.

**COMMUNICATIONS FROM THE PUBLIC CONTINUED:**

Mrs. Brenda Hlas, former Councilwoman, came forward and asked to have more than the five minutes and asked if there were any objections. Mr. Zita inquired on the topics Mrs. Hlas wished to discuss since the form she turned in only indicated "stuff". Mrs. Hlas stated, police cruisers, cell towers, tipping fees and parkland. Mr. Zita stated these items are not on tonight's agenda. Mrs. Hlas stated that they don't have to be.

**COMMUNICATIONS FROM THE PUBLIC CONTINUED:**

Mr. Zita stated that they do need to be on the agenda in order to be discussed. Mr. Zita invited Mrs. Hlas to return to the Committee of the Whole next Monday, March 6, 2006 to address these issues. Mrs. Hlas stated that Council must have changed their rules because during a Regular Council meeting under the Committee of the Whole section is where the general public is allowed to come and discuss their concerns. Mr. Zita disagreed and again extended the offer to attend next week. Mrs. Hlas stated that Mr. Zita was wrong, and that Mr. Nelson was permitted to speak and his topic was not on the agenda. Mr. Zita stated that Mr. Nelsons issue did pertain to an agenda item.

**INTRODUCTION OF NEW LEGISLATION:**

Mr. Pelot moved to suspend the second and third readings only for Resolutions #24-2006 through #34-2006 in an effort to save time since these are all confirmations, seconded by Mr. Braman. Mr. Jones stated that he had no problem with this motion, however he felt it should have been done under Committee of the Whole instead. Mr. Jones noticed an error on Res. #29-2006; the term should be March 1, 2006 through February 28, 2009. Mr. Jones also noticed an error on Res. #30-2006, same thing under Section 1- March 1, 2006 through February 28, 2009. The Clerk of Council noted the corrections.

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

Motion passed 7-0

**RES #24-2006**

Mr. Pelot offered Res. #24-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF BILL HELMICK TO HIS FIRST THREE-YEAR TERM AS THE WARD 3 REPRESENTATIVE ON THE BOARD OF ZONING AND BUILDING APPEALS OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Pelot moved to adopt Res. #24-2006, seconded by Mr. Braman.

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

Motion passed 6-1.

**RES #25-2006**

Mr. Pelot offered Res. #25-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF TODD BERGSTROM TO HIS FIRST THREE-YEAR TERM AS THE WARD 1 REPRESENTATIVE ON THE BOARD OF ZONING AND BUILDING APPEALS OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Pelot moved to adopt Res. #25-2006, seconded by Mr. Braman.

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

Motion passed 7-0.

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**RES #26-2006**

Mr. Pelot offered Res. #26-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO CONFIRM THE APPOINTMENT OF JOHN CONKLIN TO HIS FIRST FULL THREE-YEAR TERM ON THE CITY OF NORTON PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

Mr. Pelot moved to adopt Res. #26-2006, seconded by Mr. Braman.

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

Motion passed 6-1.

**RES #27-2006**

Mr. Pelot offered Res. #27-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO CONFIRM THE APPOINTMENT OF FRANK LAURY III TO HIS SECOND FULL THREE-YEAR TERM ON THE CITY OF NORTON PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

Mr. Pelot moved to adopt Res. #27-2006, seconded by Mr. Braman.

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

Motion passed 7-0

**RES #28-2006**

Mr. Pelot offered Res. #28-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO CONFIRM THE APPOINTMENT OF SCOTT TESTA TO HIS FIRST FULL THREE-YEAR TERM ON THE CITY OF NORTON PARKS AND RECREATION BOARD AND DECLARING AN EMERGENCY.

Mr. Pelot moved to adopt Res. #28-2006, seconded by Mr. Braman.

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

Motion passed 7-0

**RES #29-2006**

Mr. Pelot offered revised Res. #29-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF JANET JACOBS TO HER FIRST FULL TERM AS THE WARD 2 REPRESENTATIVE ON THE PLANNING COMMISSION OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**Res. #29-2006 continued:**

Mr. Pelot moved to adopt revised Res. #29-2006, seconded by Mr. Braman.

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

Motion passed 7-0

**RES #30-2006**

Mr. Pelot offered revised Res. #30-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF MARK SPISAK TO HIS FIRST FULL TERM AS THE WARD 4 REPRESENTATIVE ON THE PLANNING COMMISSION OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Pelot moved to adopt revised Res. #30-2006, seconded by Mr. Braman.

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

Motion passed 7-0

**RES #31-2006**

Mr. Pelot offered Res. #31-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO CONFIRM THE APPOINTMENT OF CHARLES CAMPBELL AS THE SEVENTH MEMBER OF THE 2006 CHARTER REVIEW COMMISSION AND TO DECLARE AN EMERGENCY.

Mr. Pelot moved to adopt Res. #31-2006, seconded by Mr. Braman.

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

Motion passed 7-0.

**RES #32-2006**

Mr. Pelot offered Res. #32-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF JOHN CAMPBELL AS A MEMBER OF THE NORTON BOARD OF BUILDING AND ZONING APPEALS.

Mr. Pelot moved to adopt Res. #32-2006, seconded by Mr. Braman.

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

Motion passed 7-0

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**RES #33-2006**

Mr. Pelot offered Res. #33-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF PAUL NASRALLAH AS A MEMBER OF THE NORTON PARKS AND RECREATION BOARD.

Mr. Pelot moved to adopt Res. #33-2006, seconded by Mr. Braman.

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

Motion passed 7-0

**RES #34-2006**

Mr. Pelot offered Res. #34-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF JOHN CORP AS A MEMBER OF THE NORTON PARKS AND RECREATION BOARD.

Mr. Pelot moved to adopt Res. #34-2006, seconded by Mr. Braman.

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

Motion passed 7-0

**RES #35-2006**

Mr. Price offered Res. #35-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF WATER MAINS, HYDRANTS AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE GARDNER BOULEVARD PHASE II PROJECT, AND DECLARING AN EMERGENCY.

Mr. Price moved to waive the second and third readings, seconded by Mr. McGlone. Mr. Price stated that this is just to approve the report of the Board at this time.

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

Motion passed 7-0.

Mr. Price moved to adopt Res. #35-2006, seconded by Mr. McGlone.

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

Motion passed 7-0.

**INTRODUCTION OF NEW LEGISLATION CONTINUED**

**ORD #36-2006**

Mr. Price offered Ord #36-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO PROCEED WITH THE CONSTRUCTION OF WATER MAINS, HYDRANTS AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE GARDNER BOULEVARD PHASE II PROJECT, AND DECLARING AN EMERGENCY

Mr. Price moved to waive the second and third readings, seconded by Mr. McGlone. Mr. Jones noticed an error in Section 8; it should be an Ordinance not Resolution. The Clerk of Council also noticed the same error in Section 9 as well, and noted the corrections.

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

Motion passed 7-0.

Mr. Price moved to adopt revised Ord. #36-2006, seconded by Mr. McGlone.

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

Motion passed 7-0.

**ORD #37-2006**

Mr. Pelot offered Ord. #37-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO ADOPT A NEW CHAPTER UNDER THE BUILDING AND HOUSING CODE OF THE CODIFIED ORDINANCES TO REGULATE THE MAINTENANCE OF PROPERTIES AND STRUCTURES IN THE CITY OF NORTON.

First reading only.

**ORD #38-2006**

Mr. Pelot offered Ord. #38-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO MODIFY THE INDEX OF APPROVED STREETS, PRIVATE STREETS, UNIMPROVED RIGHT-OF-WAYS AND VACATED STREETS WITHIN THE CITY OF NORTON AS SET FORTH IN CHAPTER 250 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON.

First reading only.

## **INTRODUCTION OF PRIOR LEGISLATION**

### **RES #4-2006**

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

A 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.

Mr. McGlone moved to adopt Res. #4-2006, seconded by Mr. Jones. Mr. McGlone stated that this is for the Police Dept. to purchase the equipment with a \$20,000.00 grant. Mr. Jones asked Mr. Collins to elaborate on this item and asked if this is part of cell phone systems. Mr. Collins stated that the current system in the Police Dept. is not capable of determining where cell phone calls are coming from. This new enhanced system would do just that. Mr. Jones stated that you may or may not know it, but if you have a cell phone there already is a fee on your cell phone bill for this service.

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

Motion passed 7-0.

### **ORD #5-2006**

Mr. McGlone offered Ord. #5-2006 for its third 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.

Mr. McGlone moved to adopt Ord. #5-2006, seconded by Mr. Price. Mr. McGlone stated that the total costs should not exceed \$42,000.00.

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

Motion passed 7-0.

### **ORD #11-2006**

Mr. McGlone offered Ord. #11-2006 for its third 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.

Mr. McGlone moved to adopt Ord. #11-2006, seconded by Mr. Price. Mr. McGlone stated that this is to replace old water lines and the costs should not exceed \$39,800.00 for the engineering.

**ORD. #11-2006 Continued:**

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

Motion passed 7-0.

**RES #12-2006**

Mr. McGlone offered Res. #12-2006 for its third 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.

Mr. McGlone moved to adopt Res. #12-2006, seconded by Mr. Price. Mr. McGlone stated that the total costs for this project is estimated at \$375,000.00 and 50% would be assessed to the homeowners.

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

Motion passed 7-0.

**RES #13-2006**

Mr. Pelot offered Res. #13-2006 for its third 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.

Mr. Pelot moved to adopt Res. #13-2006, seconded by Mr. Braman. Mr. Pelot stated that every five years these must be renewed.

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

Motion passed 7-0.

**ORD #15-2006**

Mr. Pelot offered Ord #15-2006 for its second 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.

Second reading only.

**INTRODUCTION OF PRIOR LEGISLATION CONTINUED:**

**ORD #22-2006**

Mr. Mowery offered Ord #22-2005 for its second 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.

Mr. Mowery moved to waive the third reading, seconded by Mr. Jones.

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

Motion passed 7-0.

Mr. Mowery moved to adopt Ord. #22-2006, seconded by Mr. Jones. Mr. Mowery stated that Summit County is wrestling with this and referred this to Mr. Lyons as it relates to Home Rule. Mr. Mowery stated that he believed 80% of Norton residents are no-smokers. Mr. Lyons explained the relationship between the City and the County legislation. Mr. Lyons stated that Norton has an ordinance that dealt with places of public assembly, but not places of employment. The County ordinance does address places of employment. Mr. Lyons stated that in order for Home Rule to take effect the city's legislation needed to include places of employment. It was Councils desire to have its own regulation in relation to places of employment. Once this is in effect, Home Rule would apply and take precedence over the County's legislation. Mr. Lyons stated that Akron and Cuyahoga Falls have taken the position that the County regulations would not apply because they already have these regulations in place. Mr. Jones stated that more or less it's a mirror image of these two cities. Mr. Jones stated he spoke to a County official today and was told the County would not delay the effective date of their legislation. They did make some exceptions such as bowling alleys, racetracks, etc, however it does not apply to private clubs. Mr. Pelot stated that this smoking ordinance is infringing on a private individuals establishment, they own the business and they should have the right to decide if their establishment is smoking or non-smoking. The government should not be able to dictate this. Mr. Pelot questioned what's next, if you have a visitor in your home and if you are a smoker then you cannot smoke in your own home? Mr. Pelot stated that this takes peoples rights away, and it's not right. Mr. McGlone stated he felt we are not asking them not to smoke, just do it in your own home or outside, adding that he would be voting no on this tonight.

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

Motion passed 6-1.

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

Mayor Kernan thanked Council for approving the various appointments to the Boards & Commissions and thanked those residents that served on these Boards in the past.

Mr. Pritchard stated that this past Saturday we held a Planning Workshop from 9:00 AM to 1:00 PM and that about 34 people attended this. Mr. Pritchard stated that this was a good turnout and is the precursor to the Comprehensive Plan group.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Mr. Jones directed a few of his concerns to Mayor Kernan. Mr. Jones stated that he felt the over time in the Police Department is unbelievably out of control, that department spent an excess of \$49,000.00 in the last two months of 2005. Mr. Jones also discussed Ord #37-2006 (Property Maintenance Code) and that this could allow for additional hiring of employees to cruise the city and search and nit pick at violations. Mr. Arters stated previously that there would be no additional employees, however the ordinance clearly allows the hiring of additional employees. Mr. Jones stated that he felt we are already too heavy on employees in Administration and has been for the past six years. Mr. Jones stated that these are costly factors, added to this is the fact that we have had no road programs for the past two years. Mr. Jones asked who is minding the store? Where is the accountability? Who is leading our city? Mr. Jones stated that he felt the property maintenance code (Ord #37-2006) may cause residents to turn on each other within the city. Mr. Jones stated that four members on Council live in allotments and they know their situation. Mr. Jones stated that he felt one individual in the Building Dept. needed to be looked at, and looked at very hard. This person was hired some time ago illegally and put into a position, just to give her a job. Mr. Jones stated that he was opposed to this. Mr. Jones discussed the ongoing negotiations with the Police Dept., unions, and that he felt it was high time we look into going with the Summit County Sheriff's Department. Mr. Jones stated don't quote him on this, however he felt that this could save the city nearly one million dollars a year.

Mayor Kernan stated that he would make some general responses now and give a better report during the next Committee of the Whole. Mayor Kernan stated that Chief Carris is one of the most careful department heads with regards to overtime. Chief Carris always reviews the request for overtime, and assured Council that overtime is not handed out freely. It is necessary when it is authorized. Mayor Kernan discussed the number of employees in the city, adding that he believed the city is down four or five employees since he took office as Mayor. This has happened mainly through attrition. One in Administration, two in the Police Dept., and one in the Service Dept., so we are trying to keep personnel costs down. Mayor discussed the property maintenance code (Ord #37-2006) and the fact that he cannot spend money that Council does not give him. If the money is not in the budget to hire someone in that department, it's not going to happen. Council ultimately holds the ability as to whether or not we hire employees. Mayor Kernan discussed the fact that we have not had a road program for the past two years, why? Because the city had too much debt to pay off from previous road programs, we had to get our financial house in order, and thankfully this is actually happening. We are putting together a road program and there is money in the budget for this, and hopefully we can add to that with grants and other sources. Mayor Kernan stated that he is not ignoring his requests, and would take a look at them and get back to him. Mr. Jones discussed the \$200,000.00 in the road program, and the impact of the negotiations with the Police Dept. Mr. Jones was concerned that the raises would swallow up all the money in the road program. Mr. Pelot stated that we cannot take out loans for a road program as the city has done in the past, this is no way to pay for a road program. This is why the city is still in debt, because we are still paying off the debt for previous road programs. Mr. Pelot stated that this is an in-house fully funded road program that we are trying to put together now. Mr. Jones discussed Mr. Pelot's previous comments about taking the rights away from the residents, and he related to the property maintenance code (Ord 37-2006) and felt this also takes the rights away, where does it go from here, what's next? Mr. Jones stated that Council needs to take a good look at it.

**NEW BUSINESS CONTINUED:**

Mr. John Campbell, current Building & Zoning Appeals Board member reminded everyone that we are right on the verge of really moving this city forward and there will be major changes going on. Mr. Campbell urged Council to keep pursuing the changes in the zoning code with a forward looking view, and thanked Mr. Pritchard & Mr. Lyons for all of their help in the past on issues.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Kernan stated that Clean Up Norton Day is April 22, 2006.

Mr. Braman announced that on Sunday March 12, 2006 from 12:00 PM to 4:00 PM there is a Bone Marrow Drive at the Copley High School. This is a simple blood test, and the fee is \$25.00 for anyone 18-61 years old and in good health. Sponsorship is also available for those who cannot afford this fee. This particular drive is for his 15 year old Granddaughter, Lauren Braman who has leukemia. Mr. Zita stated that if you do not meet the requirements for the blood test, you could donate money to sponsor someone that does qualify and cannot afford the fee.

Mr. Pelot reminded everyone to keep Jeanne Zerga and her family in their thoughts and prayers, as her father passed away this week.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:15 PM

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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 March 13, 2006

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Karla D. Richards, Clerk of Council

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