



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MARCH 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
Jeanne Zerga
Jeff Pritchard
Mike Lyons
Karla Richards

The Regular Council Meeting convened for a meeting on Monday, March 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. Mayor Kernan introduced a mixed group of Girl Scouts who presented the flags followed by the Pledge of Allegiance and a moment of silent prayer. Mayor Kernan presented the Girl Scouts with a Proclamation in honor of the 94th Anniversary of the Girl Scouts organization.

COMMITTEE OF THE WHOLE:

There was no discussion at this time.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of February 27, 2006: Mr. Jones addressed a correction at the bottom of page #11 the minutes stating “Mr. Jones discussed the previous comments”, it should read “Mr. Jones discussed Mr. Pelot’s previous comments”. The minutes were approved as corrected.

Minutes of the Committee of the Whole of March 6, 2006: Mr. Jones addressed a correction on page #4 under Finance Director Position discussion at the bottom. Mr. Jones stated that during this discussion Mr. Moss also stated that his wife was employed at the University of Akron, which included a benefit package. Mr. Jones wanted this statement reflected in the minutes. The minutes were approved as corrected.

COMMUNICATION FROM THE PUBLIC:

Ms. Sue Kedrowski a Norton resident spoke regarding Ord. #37-2006, Property Maintenance Code. Ms. Kedrowski stated that she was against this, stating that some residents are on very limited incomes and wondered what would happen to these residents if this were adopted?. Ms. Kedrowski stated that the city has not fixed a ditch on her property that she has complained about for nearly four years. Ms. Kedrowski stated that this year she owes income tax and thought she should keep her money and fix the ditch herself and call it even.

Mr. James Knight, a Norton resident spoke regarding Ord. #37-2006. Mr. Knight stated that this legislation does not really affect him, however it would affect his elderly neighbors who are on fixed incomes. Mr. Knight stated that he really did not like one or two people in Administration controlling the entire city.

Communications from the Public Continued:

Mr. George Tomko, a Norton resident spoke regarding Ord. #37-2006. Mr. Tomko stated that he felt the people in city hall sit around and think of ways to pick on the residents, citing his concerns on page #2 section #4 and questioned what is the intent here? Mr. Tomko stated that his neighborhood is mostly single houses, and one house has an additional sixteen people living in it. These people were displaced due to hurricane Katrina and needed somewhere to live. What would happen to these people if this legislation were adopted? Mr. Tomko discussed the issue with the placard and who would be responsible if someone other than the property owner removed this? Mr. Tomko discussed the protective treatment requirements and wondered what if he wanted to have the “weathered look” on his home? Mr. Tomko stated that he may agree with some parts of this but why does it have to be so restrictive? Mr. Tomko asked who is the Director of Public Service if we have a Superintendent of Building & Zoning? Mr. Tomko discussed his issues with transfer of ownership; it appears that you cannot sell your property? Mr. Tomko discussed the penalty section as it relates to Section 1422.99, it is referred to, however the language for this section is not included in the legislation.

Ms. Charlotte Whipkey, a Norton resident stated that she is opposed to Ord. #37-2006, and questioned if all of the Council Members actually read this? Ms. Whipkey stated that this may be good for rental property but not individual homeowners. Ms. Whipkey stated that the way this reads you can come into our home for inspection, can you run us out? Ms Whipkey discussed the ongoing problems with the contaminated wells and overflows at the various dumps in town. Ms. Whipkey discussed the electrical system hazard section and asked who are you to come and tell us how many outlets we can have? Ms. Whipkey stated that she did not know where Councils brains are at with this, questioning who allowed this to come this far? Ms. Whipkey asked who was it that put you on Council? It was not the new residents; it's the generations of residents that elected you. Ms. Whipkey complained about her rights to freedom of speech and the 4th Amendment, and the new public forms being used tonight. Ms. Whipkey urged council not to go forward with this legislation.

Mr. Ralph Beddow, a Norton resident spoke against Ord. #37-2006. Mr. Beddow stated that he has been on his best behavior and has stayed away from Council meetings for a while. Mr. Beddow stated that the purpose of government is to assist the residents, it was never meant to be the opposite of it. Mr. Beddow stated that nothing has incensed him more than this piece of legislation. Mr. Beddow stated that he hoped at least four members of Council vote this down. Mr. Beddow stated that he could probably go into all of the Council members homes with his level and square and find all kinds of violations and reasons to condemn them. Mr. Beddow stated that the senior citizens do the best they can to keep up their property. Mr. Beddow stated that they might have been hit this winter with the high gasoline and natural gas prices. Mr. Beddow stated that this legislation is over the top and excessive. Mr. Beddow stated that Akron has a financial assistance plan, however he does not see it in this legislation. Mr. Beddow stated this is an excessive amount of control over our citizens with this legislation. Is this the next step to imminent domain? Mr. Beddow stated that this legislation does not assist anyone, and serves no worthwhile purpose.

Communications from the Public Continued:

Mr. Jim Lino, a Norton resident spoke about Ord. #37-2006, stating that at first he thought this was about fading paint and disrepair, and was not aware of all the other elements involved. Mr. Lino stated that it is unfair that business can get away with doing whatever they want, while the homeowners cannot. Mr. Lino reflected to when a mulch company came into his neighborhood and when he questioned the city, he was told this was a permitted use because the property was already zoned for this. Mr. Lino stated that he felt sorry for our residents who cannot afford paint for their houses. Mr. Lino stated that if a resident has too much junk in their yard they are forced to clean it up, adding that we should go to the Norton Library and look at their junk in their front yard.

Mr. Pelot stated that he understood some of the resident's complaints, and informed everyone that the city does have a financial assistance plan through Summit County. Mr. Pelot stated that he wanted Mr. Pritchard to address some of the residents concerns at this time. Mr. Jones called for a point of order here; you cannot do this without taking a vote now. Mr. Zita stated that we could either take a vote now or have Mr. Pritchard address this later on in the meeting under Reports from Officers, Boards and Commissions. It was decided to not take a vote and address this later.

PUBLIC HEARINGS:-None

INTRODUCTION OF NEW LEGISLATION:

ORD #39-2006

Mr. Pelot offered Ord. #39-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO CONFIRM THE APPOINTMENT OF JOHN MOSS THE DIRECTOR OF FINANCE OF THE CITY OF NORTON, AND TO DECLARE AN EMERGENCY.

Mr. Pelot moved to suspend the second and third readings, seconded by Mr. McGlone. Mr. Jones questioned if Mrs. Zerga had the employee benefit package? Mayor Kernan stated that she did not. Mr. Jones stated that this legislation stated Mr. Moss's starting salary is \$55,000.00 annually with full time employee benefits, and that he has a problem with the full time benefits. Mr. Jones stated that if you look at the AFSCME contract Mediation Report and if you read through it regarding the spousal coverage this is what concerns him. Mr. Jones was mostly concerned with the disparity with the city proposing to the union employees and Ordinance #39-2006. The city is asking the union employees to consider the city as a secondary provider in cases of employed spouses, but the city is providing the new Finance Director with full coverage. Mr. Jones asked how can you ask one entity to concede and not the other, it appears that we are setting a precedence here. Mr. Jones asked how the other Council members felt about this? Mr. Jones stated that he has nothing against Mr. Moss, but this section here bothers him, and is something he cannot support. Mayor Kernan stated that Mrs. Zerga was entitled to the full benefit package and declined it in order to help the city out financially. Mayor Kernan stated that a few months ago the Administration asked Council to pass an ordinance that would require the non-bargaining members to do exactly what Mr. Jones was stating. If there is secondary coverage we accept secondary coverage. Mayor Kernan reminded Mr. Jones that Council is the one that said no to the employees paying. Mayor Kernan stated that at this point we are not offering Mr. Moss anything different than any other employee has in this city. They all have full benefits right now under union contracts that are paid for.

INTRODUCTION OF NEW LEGISLATION CONTINUED:

ORD #39-2006 continued:

Mayor Kernan stated that his full intent is that if the bargaining units change it would also change for the non-bargaining employees as well. Mr. Jones stated that his only question here was that Mr. Moss stated his wife worked at Akron University and has a benefit package. That is not what enticed him to come to Norton, it was more the fact that he did not have to move. Mr. Jones stated that we should start now and not wait. Mayor Kernan stated that there is no reason to treat Mr. Moss differently than any other non-bargaining employee. Mayor Kernan stated that he asked Council to do it for everyone and they would not do it. Mayor Kernan made it clear that Mr. Jones was not on Council when this was voted on. Mr. Jones stated that he did not disagree with this, but we need to start somewhere and show the AFSCME unions that we are trying to work things out. Mayor Kernan stated that this was his intent, and it did not fly. Mr. McGlone stated that he would not single out one employee over another, it's either all or none. Mr. Zita stated that Mr. Moss's package has no bearing on the hiring of Mr. Moss. Mr. Price questioned if Mr. Lyons receives a benefit package? Mayor Kernan stated that Mr. Lyons and Mrs. Zerga both chose not to take the benefit package in an effort to help the city save money. Mr. Pelot agreed with Mr. McGlone's previous comments and he also would not single anyone out. Mr. Jones stated that he could agree with that, but on the other hand Mr. Jones asked if Mr. Moss was offered any additional money rather than taking the benefit package? Mayor Kernan stated that this was discussed at one point. Mr. Pelot asked Mr. Moss to stand in the audience, adding that he felt that city was getting a real find with hiring Mr. Moss, and that he would benefit the city. Mr. Price inquired about the turn over time involved with training with Mrs. Zerga, and if Mr. Moss felt he could step in and take off running? Mr. Moss stated that he has already spent time training with Mrs. Zerga and that he can do the job, however there would be a learning curve.

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

Motion passed 6-1.

Mr. Pelot moved to adopt Ord. #39-2006, seconded by Mr. McGlone.

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

Motion passed 6-1.

INTRODUCTION OF PRIOR LEGISLATION:

ORD #37-2006

Mr. Pelot offered Ord. #37-2006 for its second 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.

Second reading only.

INTRODUCTION OF PRIOR LEGISLATION CONTINUED:

ORD #38-2006

Mr. Pelot offered Ord. #38-2006 for its second 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.

Second reading only.

ORD #15-2006

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

Mr. Pelot moved to adopt Ord. #15-2006, seconded by Mr. Braman. Mr. Pelot stated that this is to create proper space for a potential medical facility. Mr. Pelot indicated that the developers were present if there are any questions from the residents. Mr. Pelot indicated that this would be a nice facility for our city and would help with our tax base.

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

Motion passed 7-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Kernan stated that the Road TAC is in the process of getting their survey information out to the residents. Mayor Kernan stated that it could be accessed from the city’s web page at www.cityofnorton.org. Mayor Kernan reminded everyone about Clean Up Norton Day on April 22, 2006, adding that he is looking for civic groups to help. Mayor Kernan stated that the first session for CCA Tax Assistance program with the residents went very well, the next one will be on March 23, 2006 from 1:00-5:30 at the Community Center. Mayor Kernan stated that the Norton Idol would be held again this year on April 21, April 22, 2006. The focus this year is singing, dancing and comedy. Mayor Kernan announced that the Loyal Oak Cider Festival would be held on September 30, 2006 and October 1, 2006. Mayor Kernan stated that the timing has been changed this year as to not compete with the Barberton Mum Festival. Mayor Kernan presented Mrs. Zerga with a proclamation, and a key to the city. Mrs. Zerga thanked Mayor Kernan and everyone for their support. Mrs. Zerga stated that her accomplishments were not hers alone, and that everyone has worked very hard to improve this city.

Mr. Collins stated that he enjoyed working with Mrs. Zerga, and congratulated Mr. Moss on his confirmation.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS CONTINUED:

Mr. Pritchard commented on Ord. #37-2006 and the fact that Summit County does offer a Financial Assistance program for the residents of Norton that qualify. Mr. Pritchard indicated that the city has already referred many residents to this program and would continue to do so. Mr. Pritchard thanked Mrs. Zerga for all of her hard work and welcomed Mr. Moss.

Mr. Lyons also thanked Mrs. Zerga; she was a real pleasure to work with, and welcomed Mr. Moss.

OLD BUSINESS:

Mr. Jones asked Mayor Kernan if he has looked into getting the figures from the Summit County Sheriff's office? Mayor Kernan stated he has not, and directed Mr. Collins to get a bid from the Sheriff's office.

NEW BUSINESS:

Mr. Price discussed Ord. #37-2006 stating that with all of the residents concerns discussed earlier, he wanted to ask Mr. Pelot to consider sending this back to the table so that we can have more discussion on it. Mr. Pelot stated that he has no problem looking at this if other council members are in agreement. Mr. Pelot stated that as always with any type of legislation there must be some common sense and reasonability behind it. Mr. Pelot stated that other cities and communities have such a code in effect, and this is probably not even close to some. Mr. Pelot stated that if Council wants to send it back, it makes no difference to him. However, if you are going to put an ordinance out there that does not give Mr. Arters or Ms. Conley, or whoever is in this position, the authority to address dilapidated and falling down structures, then why even bother? Mr. Price stated that if we have an unsafe building that is falling down, wouldn't we go through the Barberton Health Department to address this? Mr. Price stated that he has mixed feelings and would like to discuss this further. Mr. Pelot inquired from Mr. Collins if we could ask Mr. Arters and Ms. Conley to attend the next meeting on March 20, 2006? Mr. Collins stated that he would ask that Mr. Arters and Ms. Conley both to attend the meeting. Mr. Price invited the residents to come back for the discussions to get more answers, and would not be restricted to the five-minute time limit.

Mr. Braman discussed some complaints regarding mud on the roadways now that spring has arrived, and wondered if the city would be watching this closely? Mr. Collins stated that we do, and if anyone notices mud on the roads they are to call the Police Dept. and or the city building if it's during the daytime. Mr. Collins stated that we would get someone to check it out. There are rules and it's against the law to bring mud onto the roadway.

Mr. Zita, questioned Mr. Lyons if a motion was required to place Ord #37-2006 on the Committee agenda? Mr. Lyons stated this was not necessary, however if you want to table it you would need a motion and a second in order to do so.

Mr. Jones inquired if Hillier Road is on the list for roads to be repaving, if not maybe some patchwork on it? Mr. Collins stated that short answer is that he would have it patched.

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Pelot and Mr. Zita both wished Mrs. Zerga good luck, and thanked her for her service to the city; they also welcomed Mr. Moss to the city.

PUBLIC SERVICE ANNOUNCEMENTS CONTINUED:

Mr. Zita discussed the current rundown on the mock election with Stewart's Caring Place. Mayor Roth of Fairlawn has taken a slight lead. However, early leader Mayor Kernan is close behind and is in need of your votes, encouraging the citizens to vote as often as they wish.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:09 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 March 27, 2006

Karla D. Richards, Clerk of Council

Date approved: March 27, 2006

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