



**COMMITTEE OF THE WHOLE MEETING  
MARCH 20, 2006**

Committee Members Present: Ken Braman  
Tom Jones  
Dennis McGlone  
Bill Mowery  
Scott Pelot  
James Price (Excused)  
Mike Zita

Also Present: Mayor Joseph Kernan  
Claude Collins  
John Moss  
Jeff Pritchard  
Karla Richards

The Committee of the Whole convened for a meeting on Monday, March 20, 2006 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Michael Zita.

**Committee of the Whole General Discussion:**

**Ord #37-2006 Property Maintenance Code:**

Mr. Pelot stated that he re-read the entire legislation and addressed most of the issues and concerns raised at the last meeting and made the suggested changes:

Section 1498.01 #4-Unlawful structure, this entire section has been removed.

Section 1498.02 B & C-The words “clean” have been removed.

Section 1498.02 D-The last four lines relating to “corrosion etc”. have been removed.

Section 1498.02 F-Foundation Walls, remove “plumb and free from open cracks” and insert “ in a secured manner to maintain the support of the structure”.

Section 1498.02 Inserted “Exterior” in front of “Electrical System Hazards”, delete the words “insufficient receptacle and lighting outlets”.

Section 1298.04 A Demolition; add the requirement of two other signatures from Administration, such as Director of Planning & Development and Mayor or Administrative Officer.

Section 1298.05A-Notice and Orders; insert a specific time frame of ninety (90) days.

Mr. Pelot explained that the residents should not have to see their property values fall because their neighbors cannot or will not fix up their property. Mr. Pelot stated that this is to protect the rights of all homeowners. Mr. McGlone stated that he understood this entire legislation was for exterior maintenance; not to confuse it with interior. Mr. Collins confirmed that this was designed to address the exterior issues only. Mr. Pelot explained that Mr. Arters and Ms. Conley were not able to attend tonight due to prior commitments, however he wanted to address the residents concerns. Mr. Jones stated that he could appreciate the time Mr. Pelot spent making the changes to Ord. #37-2006. Mr. Jones stated that he did some driving around the city recently and found some areas of concern. Mr. Jones stated that Council has in front of them some photos of some city property, specifically the old city garage, (see attached Exhibit A). Mr. Jones stated that if you want to pass Ord. #37-2006 onto the residents, we should start with city property first.

**Ord. #37-2006 Continued:**

Mr. Pelot stated that this legislation would apply to all city property as well, it is not meant to single anyone out. Mr. Jones stated that all in all, you stated that the County would come in and help some of these citizens. Mr. Jones stated that the city's finances are in a poor condition. Do you think the County would help the city? Mr. Jones and Mr. Pelot both stated they did not think the County would help the city. Mr. Jones stated that he felt we should start at home before we start outside. Mr. Jones asked each member of council what their feelings were on this ordinance, is it a yea or a nay tonight? Mr. Zita stated that we are not here to vote on this tonight, this is for discussion. Mr. Jones then asked just to have the opinion. Mr. Zita stated the opinion does not matter at this point. Mr. Jones stated that the ordinance states "according to the Superintendent's opinion". Mr. Jones stated that it's job security for one individual as he has stated before. Mayor Kernan stated that anytime you have government and people who are trying to live in a civilized community, you are going to have a staff that makes judgement calls, that's just the way it is. Mayor Kernan stated that a resident's concern regarding a property on Cleveland-Massillon Road in part generated this legislation, and we have no authority to address this situation without legislation in place. Mayor Kernan stated that he just heard the language being removed regarding the walls and foundation, and that was one of the complaints of this property. We still would have no authority to ask the owner to fix it. Mayor Kernan stated that we are not trying to bring a heavy hammer down on people. Mr. Pelot explained that we have speeding laws in place, and when you get pulled over the officer has to make a judgement call here. He must determine if a ticket is necessary or a verbal warning. Mr. Pelot stated that this ordinance would protect your property value as well as others. Mr. Jones stated that the residents do not want to see this, and if we are going to do something for the people, we don't want the city getting into their pockets any more than they are into them today. Mayor Kernan stated that there is nothing in this legislation that imposes a tax or a fee to anything, we are just asking the residents to maintain their property. Mr. Jones stated that there are penalties, but they are not described. Mayor Kernan stated they are described, it's a minor misdemeanor of the 4<sup>th</sup> degree, and maximum penalty is \$100.00. Mr. Jones stated that some residents couldn't afford a \$100.00 fine. Mr. Pelot stated we are not asking for the residents to be fined, we are just asking that they take care of their property. Mr. Pelot stated if they fail to maintain their property, they are in their neighbors pockets because their property values have depreciated, maybe even by \$10,000.00--is that fair? Mayor Kernan stated he felt bad for some of the residents in the Alberta Road area, some cannot sell their houses because of what is going on.

Mr. Hetrick, a Norton resident, spoke against Ord. #37-2006, the main thing is that this takes his rights. The Federal Government as well as local is taking more and more of the individual rights away. Mr. Hetrick stated that if he wants to paint his house orange, it's none of your business. If it's falling down you have the Barberton Health Dept., you have safety dept. to take care of these problems. Mr. Zita questioned the rights of the people who live next door? Mr. Hetrick suggested the neighbor could possibly take up a petition to get this addressed. Mr. Hetrick stated that to have someone knocking on my door and telling me that my trim needs painted is not right. Mr. Pelot stated that this language was already removed. Mayor Kernan discussed the laws regarding the tall grass on residential property; we have laws in place to address this.

Mr. Kenny Kruger, a Norton resident, asked if we already have laws to govern what is now being discussed? Mr. Pelot stated that there is no maintenance code on our books whatsoever. Mr. Kruger also mentioned the Pander property on Hametown Road. Mr. Pritchard stated that the Pander property was a solid waste issue, and is something the Barberton Health Dept. assisted on. Mr. Kruger stated that some of the mess was also within the home as well as outside. Mr. Pritchard stated this true, but typically the Barberton Health Department will not enter a residence to evaluate the structure of your home. Mr. Kruger was concerned that the city or Health Dept. would come into his house and inspect it. Mr. Pritchard stated the Barberton Health Department would not do this, they can only handle and take care of a solid waste issue. Mr. Kruger stated that there are a lot of new developments in Norton, mostly in Ward 4. Mr. Kruger stated that he has seen elderly ladies with high grass trying to keep their property mowed. Mr. Kruger stated he would rather see the city concentrate on something like a Habitat for Humanity program to help the residents.

**Ord. #37-2006 Continued:**

Mr. Kruger stated he felt we have enough laws on the books right now to deal with the problems that you are looking at.

Mr. Jim Lino, a Norton resident, spoke regarding Ord. #37-2006 and wondered about the common sense of the person who wrote this up. Mr. Lino discussed the Constitution, the Bill of Rights and freedom of speech, and it was his opinion that the people would always have common sense. As we can see freedom of speech with the ACLU, now permits all kinds of trash and filth you have on TV and radio. When you have a law, someone can misinterpret it. Mr. Lino questioned if these people would have the power to come and knock on my door and ask to come in and inspect, but as long as this is not in the legislation and taken out he was ok with it. Mr. Lino stated that Mr. Arters should come out and see just what he lives next to. Mr. Lino stated that noise from stereos and motorcycles is what bangs up a neighborhood more than houses needing painted.

Mr. Ralph Beddow, a Norton resident, spoke regarding Ord. #37-2006 and thanked Mr. Pelot for making the changes, however Mr. Beddow made the observation that it's pretty scary had the residents not brought this to your attention. Mr. Beddow stated that he thought it could have passed in its entirety. Mr. Beddow stated that all of these residents should be thanked, and he felt this was a poor piece of legislation. Mr. Beddow discussed the idea of "trust me" is pretty nice, except if your not trustworthy. Mr. Beddow indicated that he was not here for himself, but the residents. Mr. Beddow discussed a neighbor who has half of his house sided; he is doing the best he can. Mr. Beddow discussed understanding the plights of fellow citizens who may not have as much as others. Mr. Beddow stated that he was surprised by the Mayors comments regarding high grass. Mr. Beddow stated that what bothers him is that we don't have a road program, or sewer or water program. If Council and the Mayor insist on continuing to do this, no wonder you cannot take time to do the things that really are important for this city. Mr. Beddow discussed Mr. Pelot's earlier comment about money being available through the County, and most people who need the money are not resourceful enough to apply. Mr. Beddow asked what has the city done to bring this to the attention of the residents that might need this assistance? Mr. Beddow stated that he does not know any programs here in Norton that addresses storm window replacements, but Akron has one. Mr. Pelot stated that the programs that are run by Summit County include the City of Norton. Mr. Pelot stated that Mr. Arters would be working with these homeowners, setting them up and showing them how to go about getting this money. We want to help the residents, and Mr. Arters brought this to the planning stage and needs this tool to be able to help the residents. Mr. Beddow stated that he didn't need a tool to help others. Mr. Beddow stated that we could help the residents without clubbing them. Mr. Pelot stated that everyone doesn't necessarily want help. We only want to clean up this city so everyone has a nice place to live; don't you want to live in a decent looking city? Mr. Pelot stated that this is a great city, but what's wrong with asking your neighbor to fix his building that is falling down? This gives the city the recourse to take care of this if the neighbor doesn't fix it. Mr. Beddow stated that this is just a huge smoke screen, and did not feel this is needed. Of all the needs of this community, and the other things you gentlemen should be doing, why are we spending time with this? Mr. Beddow discussed the septic line at city hall, and asked why are you running across the back 40 to connect? You are not hooking up the Historical Center or the motel next door. Mr. Beddow stated that a friend of his lives next to this motel and he cannot even sit outside in the summertime, the stench is so bad. Mr. Beddow stated that he made these recommendations to Mr. Collins and Mr. Pritchard to include these two properties. Mr. Beddow stated that we still have the sewer problems and thanks to our budget woes, we have no road problem. Mr. McGlone stated that Mr. Beddow complained that we are not extending water or sewer lines. Mr. McGlone discussed a new waterline project along Cleveland-Massillon Road near Strickland's and that it would go all the way down to Norton Middle School. This project would then abandon the Brentwood Water Plant. We are doing things, and we are trying to extend water where there is a problem area. Mr. Pelot stated that we have a Comprehensive Plan that is in effect right now, we are looking at the water and sewer requirements to get this throughout the entire city. Mr. Pelot stated this has been a problem for 30-40 years.

**Ord. #37-2006 continued:**

Mr. Pelot stated that at one point, Council turned money down from the government for an 80/20 split for water improvements, and the city said no. We have to make up for that mistake. Mr. Beddow stated that we cannot continue to beat a dead horse here, we have to move on, and commended the city about the new waterline. He would not commend the city for not extending the sewer line to the Historical House and the motel. Mr. McGlone stated that he spoke with Mr. Dave Minor the housing rehab specialist from Summit County today. Mr. Minor indicated to him that the County is looking for homes in need in Norton, they are running out of homes to fix up. Mr. McGlone stated that one Norton resident did fix his home with this program, and afterwards two or three more homes on that same street did the same. Mr. McGlone stated that residents who live in Akron, Barberton, Cuyahoga Falls are not eligible for this assistance. Mr. McGlone stated he has all the information and will leave this with the Clerk of Council if anyone is interested. Mr. McGlone stated that this assistance program offers 0% interest loans. Mr. Pritchard stated that this information is also available on the city's web site.

Mr. Danko, a Norton resident, spoke in favor of Ord #37-2006. Mr. Danko discussed Section 1498.04 Demolition and the requirements. Mr. Danko discussed a property in his neighborhood at the corner of Shellhart and Cleveland-Massillon. Mr. Danko stated that he has been complaining about the stench for over ten years now. It's time you all get this cleaned up. Mr. Danko stated that for the past ten years he was given the run around. Mr. Danko stated that the Fire Chief told him that there is no legislation that would allow him to condemn the property. Mr. Danko stated the City of Barberton went there, they also cannot do anything about it. There are rats running in and out. Mr. Danko stated that he understands this legislation would help the city go around and clean up all of these eyesores and junk properties. Mr. Danko invited anyone interested to come to his residence when the weather gets warm and rainy and see what he is talking about.

Mr. Hrubik, a Norton resident, spoke regarding Ord. #37-2006, and was pleased that Mr. Pelot addressed this with some changes. Mr. Hrubik discussed Section 1498.01(2) Unsafe Equipment, and that junk cars sitting around and rusting would be included. Mr. Hrubik stated that if anything; this legislation needs tightened up. Mr. Hrubik stated that he is a professional state certified appraiser and he knows a lot about values and opinion, that is his business. Mr. Hrubik stated that values are very fragile things and perceptions are in the mind. Mr. Hrubik stated that there are lots of types of value such as market, resale, investment, and emotional. Mr. Hrubik stated that on the top of any appraisal form it states "Property Rights Appraised". Mr. Hrubik stated that as long as you have rights to property you have rights to value. Mr. Hrubik stated that Council needs to be very careful here with rights, and that Council does not need to address what the residents should be addressing themselves. Mr. Hrubik stated that his rights stop at his property line, it's not up to the city—it's up to the neighbors. Mr. Hrubik suggested a provision that the only person that can file a complaint must be the adjacent property owner not a city official and the complainant is liable to 50% of the repairs. Mr. Hrubik stated that we really do not need this, it is not doing the residents a service.

Ms. Charlotte Whipkey, a Norton resident, spoke regarding Ord. #37-2006 and thanked Council for some of the changes, however she felt there was a bunch of items that were missed at the beginning. Ms. Whipkey stated that in Section 1498.01 (b)(1) Unsafe Structure where it states not providing minimum safeguards to protect or warn occupants in the event of fire, you are still coming into my home. How would you know whether or not we have fire detectors, and what business is it of yours? This should be between the homeowner and the insurance company. Ms. Whipkey stated that also in paragraph #2 again it states within the structure, "again you are back in my house telling me my toaster is no good". Ms. Whipkey discussed paragraph #3; *or because the location of the structure constitutes a hazard to the occupants of the structure or to the public* no one has been able to tell me exactly what that means. Ms. Whipkey asked if this referred to the dump, or I-76, or RT 21, or the coal mines we live next to and now all of the sudden it's a hazard? Ms. Whipkey stated that we don't want this and we don't need it.

**Ord. #37-2006 continued:**

Ms. Whipkey stated that we can take care of ourselves; we will go to our neighbors ourselves and discuss it with them. Ms. Whipkey stated that you are supposed to work for us, we are supposed to be able to trust you. Those little words used here are very big words in our life, get out of our house, get out of our business and take care of the city and then you would be taking care us, listen to us.

Ms. Sue Kedrowski, a Norton resident, spoke regarding Ord. #37-2006, and stated that it's funny when you keep talking about property values, what do you think you did to us with the dump? Ms. Kedrowski stated the Council just welcomed Eslich with open arms. What happens if your well water goes bad? I have asked for answers on this, and don't have any. Ms. Kedrowski stated that being a single person she might not even qualify for this financial assistance because she makes too much money on unemployment.

Mr. Michael Clementi, a Norton resident since 2002, spoke regarding Ord. #37-2006. Mr. Clementi stated that he owns his own business and has tried to expand, but was posted with notices to put plates on his vehicles. Mr. Clementi stated he received another notice telling him he cannot have a commercial vehicle on his property. What if this is my only means of supporting my family? Now I have to find another place to park my commercial vehicle (a 15-ton dump truck) at my expense. Now you want to pass this, what ever happened to minding your own business and helping somebody out if you can? Mr. Clementi stated that he did not believe in the taking away of his rights, and that he does not need more laws and ordinances. Mr. Clementi stated that we just want our freedom, stop with all of your restrictions. Mr. Clementi discussed the ½% tax increase and wondered how did this happen, it's just terrible. Mr. Clementi stated that with all the new development coming in, you need more taxes? We put the trust in the city government, lets keep things simple and mind your own business.

Mr. Joe Maxon, a Norton resident, spoke regarding Ord. #37-2006, stating that the last time he was here was four years ago to discuss the eminent domain issues. We just got rid of the Pander mess, and the Lyons property. Mr. Maxon stated that you get the rules on the books and then you start to single people out. It seems that the laws worked for the Pander and Lyons property, the rules were there then. Mr. Maxon stated we have rules for junk vehicles, tall weeds and grass and one resident has a bill on his taxes for the city mowing his property. How did you get in there and mow his grass if you didn't have rules on the books. Mr. Maxon stated that building permits require cash flow, and some people may not have it. Mr. Maxon discussed a building permit he had for his garage since 1985 that was extended and over extended and this was discussed with Don Bolender at the time. Mr. Maxon discussed the ordinances regarding racecars being under tarps, on a trailer, now this not acceptable. Mr. Maxon discussed the situations with storage buildings and sheds and now he is getting fired upon because he has an access building and must be torn down. Mr. Maxon stated that he had to file a variance on it in order to keep the building. Mr. Maxon stated that he sees this as piggyback laws and the people should not fear the government.

Ms. Melanie Craddock, a Norton resident and lives in the Loyal Oak Country Store, spoke regarding Ord. #37-2006, stated that she has problems with page #1, the title should state exterior, and again in Section #1 Chapter 14098 and Chapter 1498.01. Ms. Craddock stated that on page #2 Illumination and heating facilities, these are inside, not outside, unless you are taking about a back yard fire pit, which is not permitted in the city limits. Ms. Craddock discussed the location of her building being very close to the edge of the road. Ms. Craddock stated that her building was there first, the road came later. Ms. Craddock felt she should be grandfathered into this location since she cannot move her building, but the road did not have to come so close. Ms. Craddock discussed Exterior Walls on page #4 and the requirement states all exterior walls must be free from holes. Her building was built in 1823 and she's got holes. Some holes are intentional for installing blown insulation. Ms. Craddock stated that she has tried to maintain and replace it, but there is no way with the age of this building that she can keep it weather resistant and water tight all over, it's not possible.

**Ord. #37-2006 continued:**

Ms. Craddock discussed foundation walls, and parts of her foundation walls are sandstone. She has maintained it the best she can. Ms. Craddock stated that this is a very old building, it used to be a stagecoach stop. Ms. Craddock discussed the safe structure for porches; she recently replaced part of her front porch, so this structure is sound, but in whose mind is it sound? Ms. Craddock stated that she had one of the concrete steps to the porch replaced recently and it was very expensive. Things are moving forward, but at her financial expense, it's a huge building and it cannot be done all at once. Just because her house is big does not mean that her pocket book is. Ms. Craddock stated that her heating bill for last March was \$2,000.00 for one month. Ms. Craddock stated that the words in this legislation are too vague, it really should truly apply and reflect what you want it to say. It's too much judgement call and common sense, one persons judgement is not the same as the next. Ms. Craddock discussed her field of work in foreclosures and she has processed over 300 so far this year. Ms. Craddock stated that the economy is not good and the residents do not have the money to do all of these repairs like you suggest. Ms. Craddock stated that you are not allowing a time frame here to work it out and come to terms. Ms. Craddock discussed the transfer of ownership issues and stated that in Cleveland they have a point of sale violation list, you elude to it here but you are not actually helping yourself because it's too broad. Ms. Craddock stated that there is no shame in putting something off and repairing, it would be better to take the 20/20 hindsight that you have been offered now. Ms. Craddock stated that you are looking into a crystal ball with the viewpoint from the many residents of Norton. Don't just do this to get it passed, take the time to make sure that this is really what you want to have done.

Mr. Kruger spoke again and stated that the city claims to not have a lot of money and no official road program. Mr. Kruger asked if the city is paying for Mr. Arters and Ms. Conley's education and does it have anything to do directly with their jobs here. Mayor Kernan stated that there is a tuition reimbursement program in Norton that we are required to reimburse the employee. Mr. Kruger discussed the hazardous waste issue with the Lyons property, and we did this mostly ourselves.

Mr. Jones stated that he has certainly enjoyed hearing all nine of the residents, and what they had to say. However, all in all you brought up some good ideas and Council should take a good hard look at what they are proposing. Mr. Jones stated that he is opposed to this. Mr. Jones stated that he took the pictures of the old city garage, and they want to pass something like this on us-you citizens? Mr. Jones stated that election year is coming up next year; there are three Council-At-Large seats including the Mayors seat. If I were those people, I would take a good hard look at what they are proposing to do. Mr. Jones stated that if this passes, he would help because he would be at mid term. Mayor Kernan reminded Mr. Jones that he was on Council for twelve years before, why didn't he do something to fix the old service garage up? Mr. Jones stated that he argued this point many times and tried to get us into the building that we are presently in. Mayor Kernan stated he was not talking about equipment. Mr. Jones stated that he fought like crazy back in the 90's to get those trucks. Mayor Kernan stated that we did that, but you were on Council during this. Mr. Jones agreed and stated that you can ask the employees at the garage, he supports those boys because they are the ones out there doing the work. Mayor Kernan stated that as soon as Council wants to give us money to fix this building, we are there, start looking through the budget. Mr. Jones suggested that we tear down the old service garage and sell the property and put the money towards purchasing the garage they are in today. Mayor Kernan asked where do you think we would store salt? Mr. Jones said we could build a salt dome with the money from the property sale, it does have some value to it. Mr. Zita stated that you cannot do that, this is rental property and you cannot build a salt dome on it. Mr. Jones stated that we are making payments on this and are supposedly going to buy it. Mr. Zita stated that we don't know that for sure, it depends if the money is there or not. Mr. Jones asked if we are going to put them back in the old building if we don't buy it?

Ms. Mary Kruger, a Norton resident spoke regarding her ongoing problem with skunks, raccoons, and stray dogs in her neighborhood. She contacted Summit County and the Barberton Health Department and was told they could not help; however they would loan traps to her to catch them. Mrs. Kruger asked then what do you do when you catch them?

**Ord. #37-2006 continued:**

Ms. Kruger stated that this is important to her and we should have something on the books for someone to come in and take care of this. Mrs. Kruger discussed property values and stated that when we were asked to accept the power lines with NES nobody bothered to go over this with us or help us with it.

Mr. Mike Leach, a Norton resident, spoke regarding Ord. #37-2006, stating that this ordinance was not needed. Mr. Leach stated that he regularly watches the meetings on Channel #15 and is bothered by the comments made a lot during discussions. He is hearing it said, "what do other cities do?" He does not care what other cities do; he lives here in Norton. Mr. Leach stated that he wanted to see less government intervention and does not want to be bothered by the government.

Mr. Pelot stated that there are still issues needing to be discussed and wanted to hold this over until Mr. Arters and Ms. Conley can attend. Mr. Jones moved to table this ordinance until Mr. Arters and Ms. Conley could attend the meeting, seconded by Mr. Mowery. Mr. Zita stated that meeting would occur on April 3, 2006. Mr. Jones thanked the residents for coming and speaking tonight, and invited them to come to the April 3, 2006 meeting.

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

Motion passed 6-0.

Mr. Beddow stated that during the discussions the city finance came up. Mr. Beddow was concerned that the city is always crying poor mouth and he assumed that Council received the 2006 budget and reviewed it. Mr. Beddow volunteered to go over the budget with Mr. Moss. Mr. Beddow stated that there could be some things in the budget that would permit a road program. Mr. Beddow commended Council if they are battling for a road program.

**Bank Deposit Ordinance:**

Mr. McGlone discussed the name change for Bank One to JP Morgan Chase Bank, and turned this discussion over to Mr. Moss. Mr. Moss stated that Ohio Law states that you cannot invest or deposit money in any institution that has not met certain requirements. These institutions will have met those requirements when we pass this ordinance, and can extend for five years. Mr. Moss stated that he felt there may be other banks in the community that may want to be on this list, and additional names may be added later. Mr. Moss stated this does not mean that we would use all of these banks, it just means that it is legal to do so. Mr. Zita was concerned with the date of March 24, 2006 and this legislation would not be in effect prior to this. Mr. Moss stated that we would not be moving any money around, we will use what is currently in place. Mr. Moss stated that it is not his intention to change anything at this point. Mr. Jones stated that he had no problem with this. He has already discussed this with Mr. Moss, and felt that Mr. Moss was right on top of things. Mr. McGlone moved to add this to Council's next agenda, waiving the second and third readings with emergency language, seconded by Mr. Pelot.

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

Motion passed 6-0

**PC Resolution 6-2006 Preliminary Plat-Pride One:**

Mr. Pelot stated that this resolution is for Pride One subdivision, and asked Mr. Pritchard if his issues with this have been addressed? Mr. Pritchard stated that the Ohio Rapid Assessment Scoring sheets regarding the wetlands has been received. Mr. Pritchard stated that at a meeting held this morning he has confirmed the moving of the gas lines and it would be listed on the plat. Mr. Pritchard stated that also in this meeting it was determined that there is no longer a need for the variances on the seven lots as indicated. Mr. Pritchard stated that the only thing he needs to secure at this point is the traffic impact study. Mr. Pritchard introduced Ms. Patricia Rakoci, agent for the development. Ms. Rakoci gave a brief background of the project. Ms. Rakoci stated that originally there were 519 lots, it has been reduced to 516 lots. They have added 2 ½ miles of nature trails, and rather extensive landscape throughout the development. Ms. Rakoci stated that Oxbow Engineering is doing the traffic study and she expects to have this in 2-3 weeks. Mr. Jones inquired if this project has been in the works for a while and inquired as to the exact location. Ms. Rakoci stated that about a year ago the Lucas property was rezoned. She came back with the comprehensive plans with Mr. Pritchard and his staff's help. Ms. Rakoci came before the Planning Commission and Council back in September of 2005 and that it became official in December of 2005. Ms. Rakoci clarified the location, which fronts Cleveland-Massillon Road, and adjoins Eastern and Fairland Roads. Mr. Jim Lino questioned where all the tax money goes with all of these quarter million dollar homes being built. Mr. Jones stated that its on your tax duplicate, basically the schools get 67%, Summit County gets a good portion and the city gets about 9%. Mr. Danko discussed a recent piece of legislation charging \$800.00 or something for topography fees for new development and wondered where does all this go? Mr. Pritchard stated that is processed through the Building Dept, and he was not clear of the figure or where it goes. Mr. Stavarz stated that he was surprised that no one in this room knows? Mr. Stavarz asked if this was passed by legislation? Mr. Collins stated that about a year and half-ago council passed this engineering fee, and he could not recall the exact details. Mr. Braman indicated that the city would receive a lot of income tax money during the construction phase. Mr. Pritchard stated that the contractors are required to register with the city if they are here for a specific time. Mr. Pritchard stated that this project is about a five-year build out or more. Mr. Pelot moved to place this on Councils next agenda, seconded by Mr. Braman.

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

Motion passed 6-0.

**Charter Review Suggestions:**

Mr. Zita stated that Council has received his memo of items he would like to see the Charter Review Commission address, and asked if there were any other suggestions. Mr. Zita stated that the Charter Review Commission's next meeting is April 3, 2006 and would like to have all suggestions received before this date. Mrs. Elaine Tompkins asked Mr. Zita to read his suggestions to the audience. Mr. Zita read the following suggestions:

#1. Executive Sessions for the 7 reasons permitted under the Ohio Open Records Act

#2. Section 3:13 Special Meetings. Since the Council Rules were modified regarding the notification process. Mr. Zita stated he believes that the Charter should be consistent.

#3. Section 5:02(B) Duties of the Director of Finance. Disbursement of moneys as it relates to the President of Council. Mr. Zita stated that he believes this needs clarification. It should read the Director of Finance, the Mayor or President of Council, or who ever else is required.

**Charter Review Suggestions continued:**

#4. Section 3:12 Regular Meetings. Charter states Council shall hold at least one meeting per month, Rules states not more than two per month. Mr. Zita stated that he believes that the Charter should be consistent.

#5. Section 5:03(B) Board of Control limit. There is no maximum amount set in the Charter. Mr. Zita stated that he thought the Charter should clearly state this should not to exceed the statutory limit as defined by the Ohio Revised Code Section 735.05. This maximum currently is set at \$25,000.00.

Mr. Zita stated he added #6 5:03 (A) Board of Control, it currently consists of the Mayor, Finance Director, City Administrator, President and Vice President of Council. Mr. Zita stated he would like to add the Chair of the Finance Committee to the list of members because these discussions relate to finance matters. Mr. Jones stated that usually the President of Council is most likely the chair of the Finance Committee. Mr. Zita and some members of Council disagreed, it is not always the case. Mr. Zita stated that if at any given time the President or the Vice President is the chairperson that's fine, however case in point is this year Mr. McGlone is the current chair of Finance. Mr. Jones questioned the limit they can spend is approximately \$25,000.00. Mr. Zita stated it's not approximately, it is not to exceed \$25,000.00. Mr. Jones asked if there was a chance of something being \$40,000.00 that they could pass something for \$20,000.00 and come along and pass \$20,000.00 again later on? Mayor Kernan stated that if it is one vendor for the same project, then you cannot split it up over two purchase orders, you have to approve the whole thing for one single vendor.

**2006 Budget Review:**

Mr. McGlone stated that he was concerned with the budget because we have three union contracts out there and we have set no money aside for pay raises this year. Mr. McGlone stated that it's hard for Council to pass any of these agreements without knowing where the money is. Mr. McGlone stated he was concerned and we had better decide now, and wanted Mr. Moss to go through the budget and be ready for this. Mr. Pelot stated that one area could have available funds is in the road salt area. We had a mild winter and probably did not use as much salt this year, and overtime for the employees. Mayor Kernan reminded everyone we have no choice with the Police Dept. because once it goes to binding arbitration a decision is made and that's it. Mr. Jones stated he had previously asked the Mayor for a breakdown from the Summit County Sheriff Dept. Mr. Jones stated that we do have an option. Mayor Kernan stated that he is not convinced this is the best way to go and is still struggling with it. Mr. Jones stated he understood the Mayors concern, but at least it's an option. Mr. McGlone stated that you get what you pay for, and he felt we have a good police force now and he feels safe in this city. Mr. McGlone questioned what it would be like bringing the Sheriff in. Mayor Kernan stated that this is also his concern, we may save money but are the dollars worth the safety factor. Mr. Jones stated that out of 31 municipalities, 13 are cities and 9 are villages. The City of Norton ranks 5<sup>th</sup> for the highest paid in the county. Mr. Jones stated it would be worth looking at this. Mr. McGlone stated that 5 communities are using the Summit County Sheriffs now, and one of them is Green. Mr. McGlone stated that it was reported in the Summit County CAFR that 4.5 million was spent on these 5 communities, however he was concerned about the response time to our citizens if we went with the Sheriff. Mr. Stavarz asked Mr. McGlone if he had a need to call on the Norton Police Dept., and did they respond quickly? Mr. McGlone stated that he has called for them and they responded quickly and were professional. Mr. Stavarz stated that he disagreed, and that he and other residents don't feel this way. Mr. Stavarz stated that we are spending 1.9 million here and the 4.5 million is split up over 5 communities. Mr. Beddow questioned isn't it your job to compare these costs? Mr. Beddow hoped that Council and the Administration does a very thorough job looking into this.

**2006 Budget Review continued:**

Mr. Moss reminded everyone to keep in mind that if we have a seasonal savings such as may be the case with the road salt, this should not be used to fund any long term funds or permanent funds. Mr. McGlone stated that all Council wants is to have more figures available to them when the unions come back to us.

**Old Business:**

None

**New Business:**

None

**Topics for next Work Session:**

Ord. #37-2006 for review.

**Public Service Announcements:**

None

**Adjourn:**

There being no other business to come before the Committee of the Whole, the meeting was adjourned at 9:08 PM.

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Michael Zita, President of Council

*Date approved: March 27, 2006*

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