



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MARCH 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
John Moss
Jeff Pritchard
Mike Lyons
Karla Richards

The Regular Council Meeting convened for a meeting on Monday, March 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:

There was no discussion at this time.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of March 13, 2006 were approved as written.

Minutes of the Committee of the Whole of March 20, 2006 were approved as written.

COMMUNICATION FROM THE PUBLIC:

Mr. Andrew Lehner, a Norton resident, spoke regarding fire hydrants in his neighborhood along Easton Road. Mr. Zita stated that in order to get hydrants we have to have water to that area first. Mr. Zita stated that Mr. Pritchard would address this at the end of the meeting.

PUBLIC HEARINGS:-None

INTRODUCTION OF NEW LEGISLATION:

ORD #40-2006 First Reading:

Mr. McGlone offered Ord. #40-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH SKY BANK, FIFTH THIRD BANK, FIRST MERIT BANK AND J.P. MORGAN CHASE BANK AS DEPOSITORIES FOR CITY FUNDS FOR THE TERM BEGINNING MARCH 24, 2006 AND ENDING MARCH 23, 2011, AND TO DECLARE AN EMERGENCY.

Mr. McGlone moved to waive the second and third readings, seconded by Mr. Price. Mr. Moss stated that once every five years the city is required under State law to consider which banks are to be authorized as depositories for the city. Mr. Moss stated that North Akron Savings is not on the list at this time. Mr. Moss stated that the ordinance specifies what banks he is authorized to use. Mr. Moss stated that he noted in the minutes that it stated deposits and investments, actually investments are governed by different rules and are not subject to the depository requirements.

Ord #40-2006 Continued:

Mr. Moss stated that we currently use First Merit for payroll and general checking accounts. Mr. Moss stated that this ordinance re-authorizes these banks as depositories for the city, which he can deposit city funds as necessary.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Ord. #40-2006, seconded by Mr. Price.

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

Motion passed 7-0.

ORD #41-2006

Mr. Pelot offered Ord. #41-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF THE MAJOR SUBDIVISION PROPOSED BY PRIDE ONE NORTON LLC, LOCATED ON CLEVELAND MASSILLON, EASTERN AND FAIRLAND ROADS, PERMANENT PARCEL NUMBERS 4601076, 4602628, 4602907, 4607360, 4607362, AND 4608579.

First reading only.

Mr. Pelot reminded everyone that there would be a public hearing at the second reading on April 10, 2006.

INTRODUCTION OF PRIOR LEGISLATION:

ORD #38-2006

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

Mr. Pelot moved to adopt Ord. #38-2006, seconded by Mr. Braman. Mr. Pelot stated that Rosemont Drive was identified on the listing as an improved street when in fact it is an unimproved right of way.

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 city has received a copy of the Ohio Power Siting Boards approval of the time limitations for NES. This approval has been granted through November 21, 2008. Mayor Kernan stated that NES has not announced anything new recently, we had been told that they are working on their engineering. Mayor Kernan stated that in February NES had requested that Council and Administration support their request for an extension, which we did approve. Mayor Kernan stated that NES must begin construction within 30 months after May 26, 2006 as stated in the approval from the Ohio Power Siting Board. Mayor Kernan stated that there is a change in the date for Clean Up Norton day, it is now April 29, 2006 instead of April 22, 2006. The time is from 9:00 AM to 12:00 Noon, and interested persons should gather at the Columbia Woods Park pavilion where they would be provided coffee, juice and doughnuts. Hot dogs and pop would be provided after the clean up. Mayor Kernan stated that any interested party, civic group or community group should contact Joan Kernan at 330-658-0882, or the city Administration Building at 330-825-7815 Ext. #14. Mayor Kernan stated that the road condition survey was designed by the Road TAC to gather information from the residents. Residents are asked to provide their answers either online at www.cityofnorton.org, or if you prefer a paper copy contact 330-825-7815 Ext. #14. Mayor Kernan noted there is one question that needs to be corrected and it would be address shortly. Mayor Kernan stated that the Norton Idol would be held again this year on April 21, 2006 and April 22, 2006 at the Norton High School gym. The focus this year is singing, dancing and comedy, age groups are 9-11, 12-14, 15-18 and adult. Mayor Kernan stated that the final contest for the title of Norton Idol would take place on Sunday, October 1, 2006 Loyal Oak Cider Festival. Mayor Kernan announced the Royalty Court interviews and tryouts would be Saturday, April 22, 2006 at the Norton High School gym. Mayor Kernan stated the next date for income tax assistance with CCA is April 8, 2006 from 9:00 AM to 3:00 PM at the Community Center, and the last one would be on April 13, 2006 from 10:00 AM to 7:00 PM in the Council Chambers.

Mr. Moss announced the 2005 Audit is currently underway with Zupka and Associates. The auditors are presently testing the internal controls and cash reports. Mr. Moss stated that Council and various city officials would be receiving an interested party letter from the auditors. Mr. Moss stated these letters are required, and it also provides these members with the opportunity to raise any questions or concerns you might have. Mr. Moss stated that if Council chose to, they could have a pre-audit conference to discuss any matters related to the audit, and Council would have to request this. Mr. Moss discussed the time line for the budget schedule, and that this must be filed with the County by July 15, 2006. In order to meet this requirement we need to adopt the tax budget by the June 12, 2006 Council meeting. Mr. Moss suggested the Committee of the Whole could discuss this no later than May 1st, 2006, then Council could hold a first reading on May 8, 2006 and go all three readings from there. Mr. Moss stated that he would be out of state next week and would not be able to attend the Committee of the Whole meeting, and to contact him before he leaves if anyone has any questions or concerns.

Mr. Pritchard stated that the Akron section of the American Planning Association has scheduled a 2006 Planning & Zoning training workshop on April 7, 2006 from 8:00 AM to 3:45 PM at the Greystone building Akron. Mr. Pritchard stated that Mr. Houser from the Norton Planning Commission would be a speaker at this event.

OLD BUSINESS:

Mr. Jones discussed a recent editorial in the Akron Beacon Journal regarding the City of Green and their use of the Summit County Sheriff. Mr. Jones indicated that the Clerk of Council provided him with a breakdown on different departments and what they pay (see Exhibit A).

Old Business continued:

Mr. Jones read the different breakdowns and noted that the City of Green's budget is a little under \$3,000,000.00 for three years, however if you look at the City of Norton's budget for the same three years it is close to \$6,000,000.00. Mr. Jones stated he has a copy of the City of Green's contract with the Summit County Sheriff. Mr. Jones discussed the old city garage and the terms of the current rental agreement as stated in Ord #9-2003. Mr. Jones stated that the lease is for four years for a total of \$192,000.00. Mr. Jones stated that in January of 2008, we have the option to purchase it for \$475,000.00. Mr. Jones asked Mr. Moss to clarify that we are currently paying rent for this facility. Mr. Moss stated this is correct, we are currently paying \$3,300.00 per month in rent. Mr. Jones stated that as the Chair of the Property Committee he wants to have this sent to the committee for further discussions. Mr. Jones stated he wants to discuss if we need to continue maintaining the old facility or if we should sell it, tear it down, etc. Mr. Jones discussed salt storage domes, and the potential estimated cost of \$300,000.00 to build a dome. Mr. Collins agreed that this figure is in the ballpark. Mr. Jones stated he was more interested in some type of a pole building instead of a dome. Mr. Collins stated that about a year ago, someone wanted to purchase the old service garage property. We investigated it at that time and to replace what we have would cost over \$100,000.00 for a pole building. Mr. Collins stated that a pole building does not meet our needs, we need a dome to store more salt and buy it in bulk. Mr. Jones discussed the March 13, 2006 Council Meeting and the discussions regarding Mr. Moss and the benefit package. Mr. Jones stated that Mayor Kernan had stated Mrs. Zerga and Mr. Lyons both had declined the benefit package in order to help the city financially. Mr. Jones asked if Mr. Lyons is compensated in lieu of the health care package. Mayor Kernan stated that he misstated the facts earlier. Mayor Kernan stated that Mrs. Zerga and Mr. Lyons did not decline the entire benefit package, they chose to decline the health care portion. Mayor Kernan stated that there was still PERS and things of that nature. Mr. Collins stated that they did not receive additional compensation for this. Mayor Kernan stated that they had a contract for a certain amount of salary and they could take or leave the benefits. Mr. Jones inquired about longevity pay, and Mayor Kernan stated that they receive a salary, and Mrs. Zerga did not receive additional money because she did not take the health care insurance. Mr. Jones stated that he could not believe someone would not take more money in lieu of a benefit. Mr. Jones discussed the cell tower issue and stated that we have been sitting on this for sometime, wondering if we need to respond. Mayor Kernan stated that it was his view that if they are continuing to pay us the rent, we should take it. Mr. Collins stated that they were responded to, they gave us a deadline and they listed us as a no response category to their offer. They were supposed to it send back internally to their department to make a decision where to go from there. Mr. Jones discussed his earlier request to send the old service garage property discussions to the property committee. Mr. Zita stated that this needs to be handled at a Committee of the Whole meeting. Mr. Jones stated that he could agree with this, however there are things that come before us that we have no prior knowledge of because either Administration or other departments come and tell us what they are proposing. Mr. Jones stated that at times the committees sit and listen about the negotiations already discussed. Mr. Zita stated that the Committee of the Whole format was decided and voted on several years ago. Separate committees are no longer needed or required. Mr. Jones stated that a case in point was the night we voted on Mr. Moss's appointment, he was not aware the benefit package was included until that night. Mr. Collins stated that all any Council member needs to do is pick up the phone and ask questions. Mr. Collins stated that he is the Personnel Director and he would have explained it. Mayor Kernan agreed that we need to do something with the old service garage and suggested we put this on a Committee of the Whole agenda.

Old Business continued:

Mayor Kernan stated that Council would be given the past history on the Administrations research and possibly discuss cost sharing with other communities to build a regional salt dome. Mr. Zita stated that this item is already on the Committee of the Whole agenda for next week, as Mr. Jones had requested in his memo.

NEW BUSINESS:

Mr. Jones stated that at our last meeting the topographical (topo) fees were mentioned in reference to Ord #41-2006 the new development for Pride One. Mr. Jones asked Mr. Pritchard to explain. Mr. Pritchard stated that once again there is misinformation being given. Mr. Pritchard stated that the topo review goes through our Engineering Dept. and the fee is \$200.00 not \$800.00 as previously stated. Mr. Pritchard stated that the issue here is to make sure that there is proper drainage, grading, elevations, etc. for the property. Mr. Pritchard stated that this is part of the review process and something the city unfortunately has not done in the past. Mr. Pritchard indicated that the city does have full time inspections on any new project, any construction project and any major development project. Mr. Jones stated that this \$200.00 fee is what the city charges, and Mr. Pritchard concurred. Mr. Jones asked about other surveyors and other engineers, and if there was an addition charge on top of the \$200.00? Mr. Pritchard stated that typically the developer already has their own team that does topo's at 1-ft intervals for each lot, and this cost is figured into the price of the lot. Mr. Jones stated that developers are telling him a different story here. Mr. Pritchard stated that he does not know who Mr. Jones has been talking to but it's unfortunate that they are telling a different story. Mr. Pritchard stated again that the city fee is \$200.00, and Mr. Jones stated that he agreed with him the way the ordinance reads. Mr. Jones stated that he disagrees with what it is costing the developer over and above, and the developer has to pass this on to the buyer. Mr. Pritchard stated that this is a necessary item we have to have and if it costs the developer more, its part of doing business. Mr. Jones stated the reason he brought this was because he felt that Ms. Rakoci of Pride One was not aware of this fee when we discussed this last week. Mr. Pritchard stated that Pride One is well aware of this \$200.00 fee and that she may have been caught off guard when someone misstated this fee was \$800.00. Mr. Jones inquired about the revised maps Council received from Pride One and wondered if Council approves this, would it be in phases or as a whole? Mr. Pritchard stated that with Ord. #41-2006, you are approving the entire concept plans. A preliminary plat is just that it's preliminary and shows what the entire project would look like overall. Mr. Pritchard stated that once this is approved the developer would come back and present the project to Council in different phases one at a time. Mr. Pritchard stated that the entire project build out should take about five years.

PUBLIC SERVICE ANNOUNCEMENTS:

None

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:40 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 April 10, 2006

Karla D. Richards, Clerk of Council
Date approved: April 10, 2006

These minutes are not verbatim. The audio tape will be archived in the clerk of council's office.