



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 10, 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, April 10, 2006 at 7:01 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Michael Zita-President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE:**

Mr. Jones announced that he called for a Property Committee meeting this Wednesday, April 12, 2006 at 6:30 PM to discuss the former city garage property. Mr. Jones stated that he is trying to secure the building so there is no liability to the city. Mr. Jones stated he asked all Council members as well as Administration members to attend. Mr. Jones stated that when he scheduled this meeting, he did not realize this was Holy Week, and inquired who would be attending. Mayor Kernan, Mr. Collins, Mr. Pelot, Mr. Zita, and Mr. Price indicated that they could not attend due to prior commitments. Mr. Jones stated that his committee would make a recommendation and get back to Administration with it.

Mr. Mowery briefly discussed Bridgeway Homes, and a recent Oversight Committee meeting that he attended. Mr. Mowery indicated that Bridgeway Homes have developed new programs, rules and regulations for this facility. Mr. Mowery stated that the age range of children is now 11-17 years old. Mr. Mowery stated that they have developed a new way to educate these children. Mr. Mowery stated that Bridgeway Homes wished to thank Ann Campbell for all of her assistance with Channel #15 and getting information out to the public.

Mr. Pelot mentioned a typographical error on the agenda for Ord. #41-2006; this should be a second reading and not a first reading. Mr. Pelot moved to remove tabled Ord #37-2006 from the table, seconded by Mr. McGlone. Mr. Jones inquired if this motion to remove from the table fails what would happen to it? Mr. Lyons stated that it would die. Mr. Lyons stated that if you want to re-introduce this legislation at a later time, it would have to become a new ordinance. Mr. Lyons stated that there was some question as to whether this was properly tabled to begin with. Mr. Lyons explained that assuming it was properly tabled and you do not bring it back it would have to be re-introduced as new legislation. Mr. Lyons stated that a Parliamentarian might say that technically if a tabled ordinance is not brought back from the table at the next meeting, it dies. Mr. Lyons stated that most cities use tabling of legislation as really setting it aside, as this Council has done in the past. Mr. Lyons stated that it's a procedural issue and does not invalidate the legislation. Mr. Lyons also indicated that we do try and go by Roberts Rules, however failure to follow the rules does not invalidate legislation.

**Committee of the Whole continued:**

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

Motion passed 6-1.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of March 27, 2006 were approved as written.

Minutes of the Committee of the Whole of April 3, 2006; Mr. Jones referred to page #8 under the Former Service Garage discussions; it should read Ord.#37-2006, not 27-2006, and Mr. Jones stated he moved here 39 years ago, not 37. Mr. Jones stated that on page #3 in the comments from Mr. Brian Berry, Mr. Berry had stated that he was aware Mr. Jones had wanted to raise the speed limit on Rt. 261 to 45 MPH. Mr. Jones stated that comment is not in the minutes and he would like it to be added. Minutes were approved as corrected.

**COMMUNICATION FROM THE PUBLIC:**

Mr. Zita called for a two-minute recess in order to convene the Public Hearing at 7:15 PM

**PUBLIC HEARINGS:**

Mr. Zita convened the Public Hearing for Ord. #41-2006:

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.

Mr. Zita asked the Clerk of Council to certify the notice for the Public Hearing. The Clerk of Council certified the legal notice for this Public Hearing was published in the Barberton Herald on March 23, 2006 and that notices were also mailed to the adjacent property owners on March 22, 2006.

Mr. Zita called three times for anyone in favor of this to come forward, the applicant having the right to speak first. No one came forward in favor of this zoning code amendment.

Mr. Zita called for anyone against this zoning code amendment to come forward. Mr. Jim Lino, a Norton resident, came forward stating that he does not live near this development. Mr. Lino stated that when a new development goes in or there are improvements to the area, his taxes go up. Mr. Lino stated that he does not know how much longer he can do this, and felt that he is getting squeezed in all the time. Mr. Lino stated that the first thing to go with new development are the trees. Mr. Lino expressed his concerns with the city parks in the future. Mr. Lino stated that he understands that there are jobs with development, and with growing population we will need more buildings, homes, businesses. Mr. Lino stated that he would like to see that they would utilize all of the land that is being developed first before they do any building elsewhere.

Mr. Zita called once more for anyone else against this zoning code amendment to come forward. Mr. George Tomko, a Norton resident, came forward and spoke stating that he is not against homes being built unless the city changes the income tax credit.

**Public Hearing Continued:**

Mr. Tomko stated that new development means more work for the city for police and fire protection for the residents, road repairs, and the costs go up. Mr. Tomko stated that the residents that live in Norton should pay at least 1% of their income tax to the City of Norton. Mr. Tomko stated that it's time someone does something about this or we will continue to go downhill fast.

Mr. Zita called one last time for anyone else against this zoning code amendment; no one else came forward. Mr. Zita declared the Public Hearing closed and reconvened the Regular Council Meeting back to order starting with Communications from the Public.

**COMMUNICATIONS FROM THE PUBLIC:**

Ms. Charlotte Whipkey, a Norton resident, spoke regarding Ord. #37-2006 stating that Council should turn it down, we don't need it. Ms. Whipkey stated that Section 1498.01A should be changed to only an adjacent property owner could file the complaint. Ms. Whipkey again discussed the unfit structure as it relates to being a hazard. Ms. Whipkey stated that Mr. Arters was supposed to address this, and it appears that he has not, instead be discussed issues inside someone's home. Ms. Whipkey stated that our homes are not just an investment, it's our home and we will fight.

Mr. Danko, a Norton resident, spoke regarding Ord #37-2006 and stated that he attended the last work session where Mr. Jones announced the score for the residents either for or against this ordinance. Mr. Danko stated that if Mr. Jones was still keeping score, he is all for this.

Ms. Sue Kedrowski, a Norton resident, stated that she agrees with the comments made by Ms. Whipkey. Ms. Kedrowski questioned if is proper to vote on this tonight since the amended version presented did not receive three full readings? Mr. Lyons clarified that it is perfectly legal to amend legislation on the floor of Council after it has been introduced. Mr. Lyons stated it is not necessary to take this amended version back to the beginning. Mr. Lyons indicated that Council could vote on it this evening. Ms. Kedrowski stated that she is still against this, especially since no one addressed her concerns about her well. Ms. Kedrowski stated that Council should concentrate on doing something good, pass something prohibiting any more dumps in Norton, she would support that.

Mr. George Tomko, a Norton resident, spoke against Ord. #37-2006 as he had stated previously. Mr. Tomko discussed a copy of a letter the city received from the post office regarding the city's concerns about having their own zip code. Mr. Tomko quoted from that letter " We recognize when problems can arise when businesses, as well as local and state governments try to use ZIP codes for reasons other than postal purposes". Mr. Tomko asked what is the ZIP code for other than for postal services, this does not make sense. Mr. Pelot stated that is explained further in the letter, however it should not be used for anything other than a post office. Mr. Tomko discussed the English language issue once more, stating a recent poll taken in Arizona which 86% of those residents are in favor of this. Mr. Tomko stated that the Arizona House and Senate passed this law but the Governor vetoed it, and most residents disagreed with the Governors actions. Mr. Tomko urged Norton to become #1 or part of a group of leaders, and work on making English the official language for the City of Norton and conduct all business in English. Mr. Tomko suggested taking this to other communities, taking it on to the State level and so on. Mr. Zita stated he received a letter from Mr. John Conklin, a Ward Four resident and former council member regarding Ord. #37-2006, and attempted to read it.

**Communications from the Public Continued:**

Mr. Jones called a Point of Order stating that he objected to this just because Mr. Conklin could not personally attend tonight. Mr. Jones stated that he also had emails and letters from residents that also could not be present. Mr. Jones stated that this was not right. Mr. Jones stated that we have discussed Ord. #37-2006 on several other occasions where Mr. Conklin could have attended, and didn't. Mr. Lyons indicated that this is up to council if they wish to have the letter read into the minutes by a vote. Mr. Pelot stated that we have read formal letters in the past on Council floor, and that Mr. Conklin's status of a former council member has nothing to do with it. Mr. Jones stated that if that's the case, then any resident could email their councilperson and have their comments read. Mr. Lyons stated this is something that could be addressed in the Council Rules, however the Council Rules does not address it at this point. Mr. Zita moved for a vote before council to have the letter read Mr. Pelot seconded the motion.

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

Motion passed 4-3, the email from Mr. Conklin are now part of the minutes as an exhibit.

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #43-2006**

Mr. McGlone offered Ord #43-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO APPRIVE AN AGREEMENT BETWEEN THE CITY OF NORTON AND THE NORTON PROFESSIONAL FIREFIGHTERS LOCAK 4219 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, AND DECLARE AN EMERGENCY.

Mr. McGlone moved to suspend the second and third readings, seconded by Mr. Jones. Mr. Collins explained that there is no big change, it's a continuation of the one-year contract. Mr. Collins stated that there is a "me-too" section that deals with spousal insurance coverage; if the Police unions get this, then the Fire Fighters would also accept it. Mr. Collins stated that this contract would expire on December 31, 2006, and would not cost any additional money.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Ord. #43-2006, seconded by Mr. Jones.

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

Motion passed 7-0.

**INTRODUCTION OF PRIOR LEGISLATION:**

**ORD #41-2006**

Mr. Pelot offered Ord. #41-2006 for its second 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.

Second reading only.

**ORD. #37-2006:**

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

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

Mr. Lyons clarified the fact that the motion to amend should not have been included in the earlier motion to remove this from the table and felt that a separate motion to amended is now required.

Mr. Pelot moved to amend Ord. #37-2006, seconded by Mr. McGlone

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

Motion to amend Ord. #37-2006 passed 6-1.

Mr. Pelot moved to adopt Amended Ord. #37-2006, seconded by Mr. McGlone. Mr. Pelot stated that there has been enough debate about this, it's like beating a dead horse. Mr. Pelot stated that this legislation was brought to Council by the Administration. Mr. Pelot stated that a number of residents have voiced their concerns, we listened and made some changes to this legislation. Mr. Pelot stated that this is essentially asking the residents to take reasonable care of their property, to respect their neighbors, and their property values. Mr. Pelot stated that as a Councilperson, it is our responsibility to make sure we vote and represent all of the residents, not just a select few or a specific ward. Mr. Jones stated that he was taking the count again and stated that Mr. Danko spoke in favor of this tonight, that's 1 out of 3 that spoke.

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

Motion failed 4-3.

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

Mayor Kernan stated that as a follow up to Mr. Mowery's comments about the Bridgeway Home, they have offered to participate with the Norton Clean Up day. Mayor Kernan commended Mr. Mowery for his work that he has done with the Bridgeway Homes. Mayor Kernan thanked the owners of Bridgeway Homes for their willingness to become a part of our community.

**Reports from Officers, Boards and Commissions continued:**

Mayor Kernan reminded everyone that Norton Clean Up days is April 29, 2006 from 9-12:00 noon, and asked everyone attending to wear bright colored clothing. Mayor Kernan stated that 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, the Rain Date is Saturday, May 6, 2006 same time and place. 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 announced the Kiwanis Prayer Breakfast is May 4, 2006 at the Johnson Road United Methodist Church. Mayor Kernan stated that interested parties should contact Dan Karant at the Medicine Shoppe at 330-825-6767. Mayor Kernan reminded everyone about the Royalty Court interviews and tryouts would be Saturday, April 22, 2006 at the Community Center For further information or entry forms, contact 330-745-6751 or 330-825-7815 Ext. #14. Mayor Kernan stated that the tryouts for Norton Idol would be April 21, and April 28, 2006, for further information contact 330-745-6751 or 330-825-7815 Ext. #14.

Mr. Collins stated that last week he met with Mr. Tom Wichert of Wichert Insurance agency regarding the city's property and liability insurance. Mr. Collins stated that this information is necessary in order to approve coverage, which expires on April 31, 2006. Mr. Collins stated that as soon as he receives this information, he would forward it on to Council.

**OLD BUSINESS:**

Mr. Jones discussed the sidewalk issue at Strickland's and inquired from Mayor Kernan, Mr. Collins, or Mr. Pritchard if they knew who told the construction crew to place it there, it was right in front of a utility pole? Mr. Collins stated he was not sure, however it was corrected and the sidewalk was moved the very next day. Mr. Jones stated that he was at this location the other day and took pictures and a construction worker on site told him that he was instructed to move the sidewalk back 6 inches east from the lot line. Mr. Jones stated that now its 6 inches west of the lot line, which means they will be taking up some parking spaces, in addition to the sidewalk now being on private property. Mr. Jones stated that all he wants to know is who told them to install the sidewalk to the east. Mr. Jones stated that he was concerned that there could be some ramifications since this had to be moved. Mr. Jones discussed the insurance liability issue, which is another reason why he wanted to address the former service garage this week. Mr. Jones stated that he was concerned about what the insurance company would think if they saw the old facility as it is now. Mr. Jones inquired from Mr. Lyons procedures for tabling and removing something from the table specifically Ord. #100-2005, which was tabled on December 12, 2005. Mr. Jones stated he asked about this on Jan. 9, 2006 and was not sure if this ordinance died if it is still on the table? Mr. Lyons stated that he would have to go back and look and see what the context was for this, and get back to Council with this. Mr. Jones brought up Council Rules and that tonight we had a Council member voicing his concerns towards another Council member. Mr. Zita stated that this is something that will need to be addressed in Council Rules, there is nothing in the Charter about this either. Mr. Zita stated one issue brought up last week was when someone comes to the podium to express good or bad issues, Council should be addressed as a whole. This needs clarified. Mr. Jones stated that at a Regular Council Meeting, a resident should be allowed to speak. Mr. Lyons stated this is why he feels it is necessary to look at Council Rules in regards to public comment. Mr. Lyons stated that Council is not required to give residents the opportunity to speak, it's their choice as to when and what form to allow public comment that is not limited to the subject matter of the meeting. Mr. Jones stated that on January 9, 2006 he raised the issue of adopting Council Rules and the fact that he and Mr. Braman had no chance to even vote on those rules.

**Old Business Continued:**

Mr. Lyons stated that the Council Rules would be followed until such time as Council determines to change them. Mr. Jones stated that in the past the Council Rules were voted on every year to accept the rules, and he and Mr. Braman did not have that opportunity to do so this year. Mr. Lyons indicated that he has not been asked to conduct any specific overview of the rules per say, just limited discussion on a few issues. Mr. Braman stated that he also expressed his concerns regarding Communications from the Public at the last meeting.

**NEW BUSINESS:**

Mr. Pelot stated that several times issues were raised because something was left out of the minutes. Mr. Pelot stated that it is indicated on the bottom of minutes that they are not verbatim. Mr. Pelot suggested that if someone wants something specifically recorded in the minutes, they should state "for the record" or something to that effect so that the Clerk of Council knows to specifically include something.

Mr. Jones stated that for Ord. #37-2006, the vote was 4 against and 3 in favor. Mr. Jones thanked Mr. Braman, Mr. Mowery and Mr. Price for their votes. Mr. Jones wished everyone a safe and Happy Easter this weekend.

Mr. Mowery inquired if Council would be holding any other committee meetings other than Mondays, or was this Property Committee meeting this week unusual. Mr. Mowery stated that he has always attended meetings on Mondays for years, not other days of the week. Mr. Zita stated that it was brought to his attention to have this extra Property Committee. Mr. Zita stated that there is nothing in the Charter regarding committee meetings, this is under Council Rules and clarified this with Mr. Lyons. Mr. Lyons indicated that the Council Rules indicated that a chairperson of a committee may request a separate meeting, and they would have the freedom to do so.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Zita stated that the Living Hope Church at 3406 S. Hametown Road is conducting a free Soup Kitchen on April 15, 2006 from 11:00 AM to 1:00 PM. They will continue to serve this free lunch on the second Saturdays of each month. Mr. Zita stated that the meals would consist of soup and a salad to soup and sandwiches, depending on donations that they receive.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:03 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 April 24, 2006

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Karla D. Richards, Clerk of Council  
Date approved: April 24, 2006

***These minutes are not verbatim. The audio tape will be archived in the Clerk of Council's office.***