



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MAY 8, 2006**

Roll Call:	Ken Braman	Also Present:
	Tom Jones	Mayor Joseph Kernan (Absent)
	Dennis McGlone (Excused)	Claude Collins
	Bill Mowery	John Moss
	Scott Pelot	Jeff Pritchard
	James Price	Mike Lyons
	Mike Zita	Karla Richards

The Regular Council Meeting on Monday, May 8, 2006 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Michael Zita-President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mr. Pelot stated that on April 24, 2006 Council tabled Ord. #41-2006 for the Pride One development. Mr. Pelot moved to remove Ord #41-2006 from being tabled, seconded by Mr. Jones.

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

Motion passed 6-0. Ordinance #41-2006 will be addressed under Old Business at the end of the meeting.

Mr. Zita read an official public apology to Mrs. Hlas for not allowing her to speak at a previous Council meeting. Mrs. Hlas was present and thanked Mr. Zita for his apology, (see attached).

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of April 24, 2006 were approved as written
Minutes of the Committee of the Whole of May 1, 2006 were approved as written

COMMUNICATION FROM THE PUBLIC:

Mr. George Tomko, a Norton resident, spoke regarding his previous inquiry on how much money the city has spent so far for the 800 MHz radios, and was hoping to have an answer tonight. Mr. Tomko again raised the issue of the English language, especially since it's a hot topic with all of the illegal immigrants and illegal aliens. Mr. Tomko suggested Council forget trying to veto this or anything else. This is something that is very important, especially with what these illegal immigrants want when they don't deserve it.

Mrs. Elaine Tompkins, a Norton resident, spoke regarding Ord. #46-2006 stating that she would still like to see this broken out into three segments; one for water, sewer, widening. Mrs. Tompkins stated that she has also suggested this was poor timing, and suggested this be deferred until the city has completed the comprehensive plan, which we have already committed \$75,000.00 for this. Mrs. Tompkins stated that she has a problem with adding another \$39,000.00 for an additional engineering design until we get that comprehensive plan done. Mrs. Tompkins stated that this comprehensive plan also addresses the needs of sewer and water within the city.

Communications from the Public continued:

Ms. Charlotte Whipkey, a Norton resident, spoke regarding Ord. #46-2006, and discussed the reported \$100,000.00 the school spent to remove the arsenic in the water. Ms. Whipkey stated that she understood the school installed filters and this has resolved the problem. Ms. Whipkey stated that she attended a comprehensive plan meeting, and they discussed placing all of the schools on one campus. Ms. Whipkey questioned the fact that if the water at the school is ok with the EPA and the schools, then why spend the money to send water to the middle school? Ms. Whipkey stated that she had attended a Charter Review Commission meeting and they were going over job descriptions. During those discussions it was mentioned that Mr. Pritchard had written his own job description, was this true? Ms. Whipkey asked if this \$75,000.00 engineering project should be part of his job description--then why are we paying someone else \$75,000.00 to do Mr. Pritchard's job?

PUBLIC HEARINGS:-None

INTRODUCTION OF NEW LEGISLATION:

ORD #47-2006

Mr. Pelot offered Ord. #47-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO APPROVE AN AGREEMENT BETWEEN THE CITY OF NORTON AND THE AFSCME SERVICE WORKERS OF THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Braman.

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #47-2006, seconded by Mr. Braman. Mr. Jones inquired from Mr. Moss if the city has the money for these increases? Mr. Moss answered we really do not have any new money, and that the carry over amounts are very low and less than desired in all accounts. Mr. Moss stated that it's his position that the city finances are very tight, however, yes we do have the money, and we would not starve this year. Mr. Jones asked what about next year? Mr. Moss indicated that the Local Government Fund (LGF) is frozen for next year, however the income tax is slowly growing from the income tax being increased to 2%. Mr. Moss stated that for next year we need to control costs wherever we can. Mr. Price indicated that he and Mr. McGlone have discussed this issue at length and in his absence, Mr. McGlone wanted it stated for the record that he was in support of these ordinances, and Mr. Price indicated he agreed with this as well. Mr. Pelot concurred with Mr. Moss that for this year the changes in salary for the Service Department employees would cost \$9,746.02 and \$8,000.37 for the Clerical employees.

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

Motion passed 6-0.

ORD #48-2006

Mr. Pelot offered Ord. #48-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO APPROVE AN AGREEMENT BETWEEN THE CITY OF NORTON AND THE AFSCME OFFICE AND CLERICAL WORKERS OF THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Braman.

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #48-2006, seconded by Mr. Braman.

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

Motion passed 6-0.

ORD #49-2006

Mr. Price offered Ord. #49-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE 2006 BUDGET BY APPROPRIATING ADDITIONAL FUNDS AND TRANSFERRING UNENCUMBERED FUNDS BETWEEN ACCOUNTS.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

ORD #45-2006

Mr. Pelot offered Ord. #45-2006 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON ADMINISTRATIVE CODE UTILITIES REGULATIONS, SECTION 1040, BY REPEALING SECTION 1040.02.

Second reading only.

ORD #46-2006

Mr. Pelot offered Ord #46-2006 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE A CONTRACT WITH THE FLOYD BROWN GROUP TO PREPARE PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF WATER LINES FROM 3916 CLEVELAND MASSILLON ROAD NORTH TO NORTON MIDDLE SCHOOL, AND FROM THIS LINE WEST TO THE BRENTWOOD WATER PLANT, AND A LOOP CONNECTION ALONG GREENRIDGE ROAD EASTERLY TO DURHAM DRIVE, AND ALONG DURHAM DRIVE TO THE EXISTING WATER MAIN AT BROOKFIELD DRIVE IN THE CITY OF NORTON, AND TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO APPLY FOR AN OHIO PUBLIC WORKS GRANT FOR THIS PROJECT

Second reading only.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Collins had nothing to report; adding that Mayor Kernan sends his regrets for being absent this evening due to prior commitments.

Mr. Moss discussed the chart he prepared regarding the changes for the non-bargaining employees. The chart Mr. Moss prepared shows a net effect change in the total costs over the three years to be \$123, 917.53 and not the \$150,158.00 as previously indicated.

Mr. Binic from the Barberton Health District gave a brief report regarding a favorable ruling from Judge Hunter's court regarding the Mary Rose Haight appeal. Mr. Binic indicated that the Judge actually visited the site on Cleveland Massillon Road today to look at all of the plastic garbage bags filled with leaves. Judge Hunter has ordered that Ms. Haight remove all plastic bags from the property and till the remaining leaves into the soil. No new leaves are permitted to be brought onto the property. Mr. Binic indicated that Judge Hunter has ordered this to be completed by September 30, 2006. Mr. Binic discussed the thirty-eight (38) orders to connect to sanitary sewers that were issued to various residents and business owners. Mr. Binic stated that seven (7) appeals have been filed, and six (6) out of the seven (7) have already been heard. Mr. Binic indicated that most of the parties have been granted time extensions between sixty (60) to ninety (90) days. Mr. Binic stated that no variances were issued and they do not intend to issue any. Mr. Binic stated the he is trying to work with the business owners and the property owners. Mr. Binic indicated that this is a long process, and he would keep Council updated along the way.

OLD BUSINESS:

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

Mr. Pelot discussed the reason Council originally tabled Ord. #41-2006 on April 24, 2006, and asked Mr. Pritchard to expound on the issue with the traffic study. Mr. Pritchard stated that Pride One conducted a traffic impact study, which was forwarded to AMATS. The report from AMATS had a slight conflict. Mr. Pritchard stated that AMATS uses tighter detailed information from ODOT. Mr. Pritchard stated that ODOT has a crash rating in this area of 1.0% per intersection, while AMATS goes to 2%. Mr. Pritchard stated that essentially what came out of this meeting was as the report indicates road improvements and turn lanes are not warranted for this project, even at full build out. Mr. Pritchard stated that we have a potential issue with the intersection of Eastern Road and Cleveland-Massillon Road because it has a crash rating of 1.45%. With that being said, we have other areas within the city with greater crash rating ratios that may need to be addressed in the future. Mr. Pritchard indicated that if there is an issue the developer of this project, Pride One Norton LLC has agreed to contribute 10% of the costs, or not to exceed \$10,000.00. Mr. Pritchard indicated that if it is necessary, the city would seek money from the state to improve this intersection, and if successful this would be a 10%/90% split and we pay 10%. Mr. Pelot indicated that Ms. Patricia Rakoci of Pride One was present if anyone had questions or concerns. Mr. Pelot stated he felt this was a very well thought out and planned development, and a nice attraction for our city.

Mr. Pelot moved to adopt Ord. #41-2006, seconded by Mr. Jones.

Roll Call: Yeas: Pelot, Jones, Mowery, Price, Zita

Nays: None

Abstain: Braman

Motion passed 5-0-1.

Old Business Continued:

Mr. Jones stated that he had previously asked Mr. Lyons the status of tabled Ord. #100-2005 and inquired if Mr. Lyons has reviewed this. Mr. Jones stated that he thought this is now a moot point after tonight's adoptions. Mr. Lyons apologized for not having time to review this, however it was his understanding that it was Council's intent to table this indefinitely. Mr. Moss stated that the issue is really addressed with the "me too" clauses in the union contracts. Mr. Moss indicated that if the Police union Conciliation report says that there will be employee contributions, then Ord. #47-2006 and #48-2006 also adopts that provision. Mr. Lyons stated that Ord. #100-2005 was related to the non-bargaining employees. Mr. Lyons stated that it would be up to Council on how to address the health care insurance with the non-bargaining employees. Mr. Lyons stated that the position then was not to act upon that until the collective bargaining was settled.

NEW BUSINESS:

Mr. Jones discussed a safety issue on ST. Rt. 261 and Hametown Roads. Mr. Jones stated that with the new development in Wadsworth and the additional traffic on St. Rt. 261, Hametown Road has become a real problem there. Mr. Jones asked Mr. Pritchard if we could look into asking the State for a light there. Mr. Jones stated that for anyone there trying to make a right or left turn off heading east or west, it is very difficult. Mr. Pritchard indicated that he would ask them to look into this, adding that he has a traffic study for that area from 2004. Mr. Price stated that last Tuesday he had the same discussions with four (4) residents about that intersection, and agreed with Mr. Jones' request to look into this. Mr. Pritchard indicated that he would get back to Mr. Jones with that information. Mr. Pritchard stated that he has no indication of this area being a problem at this point, however it could change with the new construction. Mr. Pelot suggested that the City of Wadsworth would also have that study from 2004, and Mr. Pritchard stated that he believed they do have a copy of the study. Mr. Pritchard stated that we were contacted by Wadsworth as a courtesy and were informed the city of turn lanes and lights being installed on Medina Line Road. Mr. Pritchard stated that what was done was in accordance with traffic engineers and studies, and should be sufficient in that area for quite some time.

Mr. Jones suggested that the Finance and Personnel Rules Committees look into increasing the salary for the Clerk of Council, Mr. Jones stated that we have been looking at the AFSCME agreements, Police and Fire units, and it's high time we take a look at our Council Clerk. Mr. Jones added that Mr. Carris Sr. also brought this up a few weeks ago and he agrees with him. The Clerk of Council asked to also have the Dep. Clerk of Council position looked at as well. Mr. Price briefly discussed the Clerk of Council salary, stating that several years ago he tried to make this a change of title to a Director or Department Head and it got shot down. Mr. Price stated that we need to revisit this, she does a lot a work and seven (7) bosses, the Mayor and city officials as well as residents to deal with as well as the workload that goes along with this position. Mr. Price stated that the title of Clerk is so out dated and he felt this should be more like a director for the type of work she is doing.

Mr. Pelot asked to have some of the residents concerns mentioned earlier to be addressed. Mr. Pelot asked Mr. Collins about Mr. Pritchard writing his own job description. Mr. Collins indicated that this is not true, he wrote the description with Mr. Pritchard's input. Mr. Pelot discussed the issue with the Middle School, and asked Mr. Collins to elaborate. Mr. Collins stated that yes it was correct they spent \$100,000.00 to correct the arsenic in the water issues, however the school wants to connect to city water lines. Mr. Pelot mentioned Mrs. Tompkins concerns with the engineering for the Cleveland-Massillon waterlines and asked Mr. Collins for his input. Mr. Collins indicated that there is no way to move the city forward without a master plan. Mr. Collins stated that even though Mr. Pritchard is skilled to do the engineering study, he would have to completely drop everything he is doing. Mr. Collins did not feel that this is the way to do it, you don't want one person in house, and that Mr. Pritchard should assist and participate in the process along the way.

PUBLIC SERVICE ANNOUNCEMENTS:

None

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:39 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 May 22, 2006.

Karla D. Richards, Clerk of Council

Date approved: May 22, 2006

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