



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JUNE 12, 2006**

Roll Call: Ken Braman
Tom Jones
Dennis McGlone
Bill Mowery
Scott Pelot
James Price
Mike Zita

Also Present:
Mayor Joseph Kernan
Claude Collins (Excused)
John Moss
Jeff Pritchard
Mike Lyons
Karla Richards

The Regular Council Meeting on Monday, June 12, 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. Braman mentioned two typographical errors on the agenda; Ord #54-2006 and Ord #55-2006 should be resolutions and not ordinances. Mr. Braman stated that Resolution #54-2006 should have emergency language with waiving the second and third readings. Mr. Braman discussed an issue with an additional \$95,000.00 available for the 2006 road program and asked Mr. Moss to comment. Mr. Moss clarified that a memo was circulated and this figure was correct. Mr. Moss stated that there is a current balance in the Road Program Fund of \$95,000.00 that is not appropriated. Mr. Moss stated that if you stay with the \$200,000.00 that is already appropriated and the additional \$275,000.00 for a total of \$475,000.00 you would have a balance remaining of \$95,000.00 non-spent. These dollars are restricted and cannot be moved for some other purpose-it must be spent on roads. Mr. Moss stated that in the general sense, you do not want to spend your last dollar, let's look at how well we can live within the \$475,000.00. Mr. Moss stated that we are not guaranteed that we will have the \$95,000.00 balance at year end, we still have the \$5.00 license tax that is not coming in quite on track and we could come up a little bit short, which could reduce some of the \$95,000.00 carryover. Mr. Braman mentioned a typographical error on Ord #53-2006, Section 2; the date should be 2006 not 2002. Mr. Jones stated that Ord #51-2006 is on the agenda for a first reading only. Mr. Jones moved to amended this and waive the second and third readings, seconded by Mr. Pelot. Mr. Jones stated that this legislation is retroactive to January 1, 2006 and Mrs. Richards has waited long enough.

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

Motion passed 7-0.

Mr. McGlone stated that Ord #52-2006 which includes the additional funding for the road program, should also have the second and third reading waived. Mayor Kernan stated that this ordinance transfers the monies for the various accounts, and if Council was comfortable with this, he preferred that Council waive these readings. Mr. McGlone moved to suspend the second and third readings, seconded by Mr. Price.

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

Motion passed 7-0.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of May 22, 2006 were approved as written.
Minutes of the Committee of the Whole of June 5, 2006 were approved as written.

COMMUNICATION FROM THE PUBLIC:

Ms. Charlotte Whipkey, a Norton resident, spoke regarding the tuition fees paid for Ms. Colene Conley's education. Ms. Whipkey wanted to know if the city would be reimbursed since Ms. Conley has resigned. Mayor Kernan stated that the city would be reimbursed. Ms. Whipkey discussed the park projects and the potential use of the windfall money to install the baseball fields. Ms. Whipkey stated that she felt the parks and fields are a good idea, however she did not think this was something we should be spending money on. We should be taking care of things like the roads. Ms. Whipkey stated that the city should be using the Warner Cable money to improve the parks. Ms. Whipkey stated that the city should wait for all of the new housing developments to be built and they would help take care of some of this instead of letting us take care of all of it. Ms. Whipkey discussed the recent Comprehensive Plan meeting, which she attended. Ms. Whipkey stated that she was very disappointed in this meeting, and she felt she did not come away from it with knowing anything more than when she went into this meeting. Ms. Whipkey stated that this last meeting actually confused her more than anything. Ms. Whipkey stated that this meeting was not long enough, nor was there enough input for us to make decisions on this. Ms. Whipkey stated that we need another meeting with more time and better explanations as to how they plan on making these improvements. Ms. Whipkey stated that there were projections displayed on the wall and the residents did not have any handouts for this, and nothing matched up with the documents that they did have. We should have had the same information so that we could follow along and understand the discussions.

PUBLIC HEARINGS:-None

INTRODUCTION OF NEW LEGISLATION:

ORD #51-2006

Mr. Pelot offered Ord. ##51-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE INCREASING THE SALARY OF THE CLERK OF COUNCIL, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to suspend the second and third readings, seconded by Mr. Jones

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ordinance #51-2006, seconded by Mr. Jones.

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

Motion passed 7-0.

ORD #52-2006

Mr. McGlone offered Ord. #52-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH A FUND TRANSFER ACCOUNT IN THE GENERAL FUND TO APPROPRIATE AND TRANSFER UNENCUMBERED FUNDS, AND TO AMEND THE ANNUAL APPROPRIATION ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2006.

Mr. McGlone moved to suspend the second and third readings, seconded by Mr. Price. Mr. McGlone stated that the city received a windfall of inheritance tax totaling \$425,267.54. Council had agreed to place \$275,000.00 into the 2006 road program, \$125,000.00 towards purchasing the Service Garage facility, and \$25,000.00 for sidewalks. Mr. Jones stated that he agreed with the splits for the roads and the Service Garage, however, he felt that maybe we should take the \$25,000.00 from sidewalks and add this toward the Service Garage instead. Mayor Kernan stated that the only reason we did not do this was because we are asking businesses to install sidewalks, and the city needs to take the lead and do this as well. Mayor Kernan stated that the \$25,000.00 would not make a big difference on the purchase price of the Service Garage. Mr. Jones asked if we put the additional \$200,000.00 into purchasing the Service Garage, we still have about a year and a half to pay on this. Mr. Moss stated that the option to purchase this facility is due in January of 2008. Mr. Jones stated he felt this \$25,000.00 would do better here instead of sidewalks. Mayor Kernan clarified that the sidewalks would be in front of the Fire Station from Bacher Funeral Home towards the plaza and at Williams Park. Mr. Jones asked about the setback of the sidewalks at Williams Park, and Mayor Kernan stated that they would not be affected by the widening of Cleveland-Massillon Road. Mr. Jones stated that he read in the minutes of June 5, 2006 that Mr. Danko brought this issue up as well. Mr. Zita stated that the sidewalk installation would be done in conjunction with the new sign going in at Williams Park.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Ordinance #52-2006, seconded by Mr. Price.

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

Motion passed 7-0.

ORD #53-2006

Mr. Braman offered Ord #53-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO PREPARE PLANS AND BID SPECIFICATIONS, ADVERTISE FOR BIDS AND ENTER INTO CONTRACT(S) TO IMPROVE CERTAIN CITY STREETS AND/OR PORTIONS THEREOF, THE 2006 STREETS PROJECT, AND DECLARING AN EMERGENCY.

Mr. Braman moved to suspend the second and third readings, seconded by McGlone. Mr. Jones stated that he would like to have the Mayor carry out his following request since Mr. Collins is not present; in Ward One he would like to see Rush Road, Hillier Road and Clubside addressed in the 2006 Road Program.

Ord. #53-2006 Continued:

Mr. Jones stated that he has other roads in mind, but would not go there now. Mayor Kernan stated that this is duly noted. Mr. Braman stated that it is obvious why we need to use emergency language on this, time is running out and we are already behind schedule.

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

Motion passed 7-0.

Mr. Braman moved to adopt Ordinance #53-2006, seconded by Mr. McGlone.

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

Motion passed 7-0.

RES #54-2006

Mr. Braman offered Res. #54-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO CERTIFY TO THE CITY OF NORTON THE TOTAL CURRENT TAX VALUATION OF THE CITY AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY 4.5 MILLS, AND DECLARING AN EMERGENCY.

Mr. Braman moved to suspend the second and third readings, seconded by Mr. Pelot. Mr. Braman stated that the reason for the emergency language is the same, so that we can get moving ahead with the 2006 Road Program. Mr. Lyons stated that this is part of the proposal to place a road levy on the ballot in November, and is a two step process. The first step is to request the Summit County Auditor to certify this information, and the statute requires we do this to consider a levy. Mr. Jones inquired if this relates to the city or to the dwellings? Mr. Lyons stated that the 4.5 mills is the level of taxation that would be imposed on all real property within the city, residential and commercial. Mr. Jones asked what it would cost a \$100,000.00 value homeowner? Mr. Lyons stated that he believed it would be \$450.00 annually, Mayor Kernan corrected Mr. Lyons that the correct number is approximately \$120.00 per year.

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

Motion passed 7-0.

Mr. Braman moved to adopt Res. #54-2006, seconded by Mr. Pelot.

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

Motion passed 7-0.

RES #55-2006

Mr. Braman offered Res. #55-2006 for its first reading, and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATAION, AND TO PLACE ON THE BALLOT IN THE NOVEMBER ELECTION AN ADDITIONAL REAL PROPERTY TAX LEVY AT THE RATE OF 4.5 MILLS FOR A PERIOD OF SEVEN YEARS FOR GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, AND REPAIR OF STREETS, ROADS, AND BRIDGES IN THE CITY OF NORTON.

First reading only.

ORD #56-2006

Mr. Pelot offered Ord. #56-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND SECTION 5.03(b) OF THE CHARTER OF THE CITY OF NORTON TO MODIFY THE DOLLAR AMOUNT ABOVE WHICH A CONTRACT WOULD REQUIRE THE APPROVAL OF THE BOARD OF CONTROL, AND DECLARING AN EMERGENCY.

First reading only.

ORD #57-2006

Mr. Pelot offered Ord. #57-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND SECTION 5.02(B)(C)(D) OF THE CHARTER OF THE CITY OF NORTON, TO MODIFY THE AUTHORITY AND DUTIES OF THE DIRECTOR OF FINANCE, AND DECLARING AN EMERGENCY.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION:

RES #50-2006

Mr. Price offered Res. #50-2006 for its second reading, and asked the Clerk to read it:

A RESOLUTION ADOPTING THE CITY OF NORTON'S NATURAL GAS AGGREGATION PROGRAM PLAN OF OPERATION AND GOVERNANCE PURSUANT TO SECTION 4929.26 OF THE OHIO REVISED CODE.

Second reading only.

ORD #49-2006

Mr. McGlone offered Ord #49-2006 for its third 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.

Ord. #49-2006 Continued:

Mr. McGlone moved to adopt Ord. #49-2006, seconded by Mr. Price. Mr. McGlone stated that this ordinance is to provide for additional funds, which was authorized by Ord. #11-2006 for the engineering costs in the Gardner Phase III Waterline project and the additional costs related to the 800 MHZ radios.

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

Motion passed 7-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Kernan addressed Ms. Whipkey's concerns about the windfall money. Mayor Kernan assured her that the money for the baseball fields at Columbia Woods Park would be coming from the Time Warner account and not from the windfall funds received. Mayor Kernan stated that the Barberton Health Department has issued a Boil Alert for the residents in the Summit Road area due to a water main break. Mayor Kernan stated that today Darryl Sizemore announced his retirement at the end of the month. Mayor Kernan stated that Mr. Sizemore has worked 30 years for the city, and is a very fine employee. Mayor Kernan stated that the city would sorely miss Mr. Sizemore, he did a fantastic job for a long time for this city and he wished him well.

Mr. Moss stated that he has noticed the city has no legislation on the books for hotel/motel tax, which can generate quite a bit of extra revenue. Mr. Moss stated that the State allows municipalities to collect up to 3% and although the city may not have the use for this tax right now, it may be a matter of time, and now is the time to implement this. Mr. Moss stated that he would like to have this issue discussed at the next Committee of the Whole meeting.

Mr. Pritchard discussed the Boil Alert and that Barberton Health Department would be mailing information to the residents affected regarding proper clean up of flood damage or wet basements.

Ms. Barbara Vimont, Chair of the Charter Review Commission, gave a brief status report of their progress. Ms. Vimont informed everyone that these two pieces are just the beginning, and this was done to test the waters. Ms. Vimont stated that the Charter Review Commission would continue on with additional resolutions in the next year.

OLD BUSINESS:

Mr. Jones discussed the memo Mr. Collins sent to Richard & Jill Wooley's in Frashure allotment regarding the storage sheds on park property. Mr. Jones inquired if the agreement has been prepared, and Mayor Kernan stated that Mr. Lyons is working on a draft and he hoped to have something to Council very soon. Mr. Jones discussed the windfall money recently acquired totaling \$425,267.54 and inquired if all of this money went into the General Fund? Mr. Moss stated yes, all of this was deposited into the General Fund, and since we are not moving this it will remain in the General Fund.

Mr. Pelot discussed the \$95,000.00 extra in the Road Program Fund, and inquired if we could use this money to buy our own resurfacing equipment? Mr. Pelot felt that the city puts out a lot of bids for repairs because we don't have the proper equipment. Mr. Pelot stated that the city would be able to make more repairs at a lesser cost because it could be done internally by city employees instead of outsourcing. Mayor Kernan answered no; the legislation set money aside only for a road program not to purchase equipment.

Old Business continued:

Mr. Moss agreed adding that he did not expect equipment would be in the legislation, however we would need to go back and take a look at the ordinance and review this, which Mr. Moss indicated he would address. Mr. Pelot stated he felt the city should become more self sufficient, and if we have money to buy equipment, the residents would be better off. Mr. Zita stated that even with the pending road levy issue, we would need to submit bids for this because this is more of a major road improvement. Mr. Zita stated that we still have everyday maintenance and care that needs to be taken by our Street Dept., such as cold patch, etc. Mayor Kernan agreed, adding that the minor road repairs are already budgeted for this year. Mayor Kernan stated that this \$95,000.00 could be used this year to expand the 2006 Road Program, or take a look at Mr. Pelot's suggestion to buy equipment, or this could carry over into the 2007 Road Program.

Mr. Price thanked the Street Dept., for the recent repairs made on his road, Clubside Drive. Mr. Price indicated that this was a two (2) day job and he was pleased that he no longer has to dodge the potholes.

NEW BUSINESS:

Mr. Jones asked Mayor Kernan for a memo regarding the tall weeds at the off ramps at St. Rt. 261 and St. Rt. 21. Mr. Jones indicated that the weeds are so tall that you cannot see over the guardrail. Mayor Kernan stated that he would inform Mr. Collins of this issue. Mr. Jones discussed the part-time Municipal Engineer and questioned his salary. Mayor Kernan stated he would have to take a look and see what we pay in the contract, it may not necessarily be a set salary. Mayor Kernan stated that we pay a fee to that company for their engineering services to us. Mr. Jones asked if the Municipal Engineer is also an employee with the City of Barberton? Mayor Kernan stated that he was not. Mr. Jones reminded everyone that next Sunday is Fathers Day.

Mr. Price inquired if the city was going to do something special for Mr. Sizemore's retirement, and Mayor Kernan indicated that we just received the notice today, we have no plans just yet. Mr. Price stated that as an employee with 30 years of service, he would like to see something done. Mr. Jones stated that he has known Mr. Sizemore for many years, and when you ask to have something done he was right on top of it. Mr. Jones stated that in the late 90's Mr. Sizemore came to him about city vehicles. Mr. Jones stated that he worked with Mr. Sizemore to get the city vehicles up to standards and felt this was now in pretty good shape today. Mayor Kernan agreed, adding that he recalled when he was on Council with Mr. Jones, Mr. Jones was pushing to get a lot of equipment purchased. Mr. Jones thanked Mr. Sizemore for his time served.

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 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 June 26, 2006.

Karla Richards, Clerk of Council

Date approved: June 26, 2006

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