



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JUNE 26, 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 on Monday, June 26, 2006 at 7:02 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 indicated that Res. #55-2006 has been amended by Mr. Lyons and asked him to explain the amendments. Mr. Lyons indicated that the main reason was because the city has received the certified annual revenue amount, which has been inserted into the legislation. Mr. Lyons indicated that he also clarified the language in the second paragraph, making it clear the tax would be collected next year. Mr. Lyons stated that this was included before, however he wanted it to be clearly stated which is why he modified this section.

Mr. Braman welcomed Ethan Singleton, a Norton resident and Boy Scout who is attending our meeting as part of his preparations for his Merit Badge. Mr. Braman stated that he hoped Council would set a good example for him.

Mr. Jones mentioned the costs to the \$100,000.00 valued home and questioned if the \$137.81 was per year or per half a year? Mr. Lyons clarified that this figure is per year. Mr. Jones stated that Mayor Kernan was pretty much in line with his earlier estimated costs.

Mr. Pelot stated that Ord #56-2006 also has been cleaned up by Mr. Lyons in regards to the approval of contracts section, and moved to amend this for tonight's agenda, seconded by Mr. McGlone.

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

Motion passed 6-0.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of June 12, 2006 were accepted as written.  
Minutes of the Committee of the Whole Meeting of June 19, 2006 were accepted as written.

**COMMUNICATION FROM THE PUBLIC:**

Mr. Andrew Lehner, a Norton resident, spoke regarding his concerns of noise along Easton Road. Mr. Lehner stated that he could hear cars driving by around midnight with stereos blaring, which he finds very disturbing. Mr. Lehner expressed his concerns for the safety of residents at the intersections of St. Rt. 21 and St. Rt. 261, and asked Council for some kind of proposal to get a traffic light installed at this intersection.

**COMMUNICATIONS FROM THE PUBLIC CONTINUED:**

Mr. Daniel Grether, a Norton resident, spoke regarding the ongoing vandalism issues in his neighborhood of Overlook Drive, Parkway Drive, Gardner Blvd., Hawthorne Drive, and Hartzel Drive. Mr. Grether stated that there is a recent string of vandalism involving damages to cars, fences, personal property, etc. Mr. Grether stated that there are large gang type groups of 4 or 5 at a time just walking around fist fighting in the streets and using offensive language. Mr. Grether wondered why he is putting up with this after buying a \$160,000.00 home in a such a nice neighborhood, when you could get the same activity in the south end of Barberton for around \$40,000.00 for a home. Mr. Grether stated that he has only been in Norton for about two (2) years, and he wants to stay here in Norton. Mr. Grether submitted some pictures of the damage to fences, landscape, etc. (See Exhibit A). Mr. Grether stated that the Norton Police Dept. has been out there several times and they even asked him and his neighbors to come forth and be the force because they are tired of dealing with this property and the activity at the trailer park on Norton Avenue. Mr. Grether asked what can the neighbors do about this? Mr. Grether stated that one thing they are not doing is putting their houses up for sale and moving elsewhere, they are staying put. Mr. Grether stated that last weekend there was someone chasing an individual wielding a crow bar at them. Mr. Grether stated that the Police Dept., did show up but the officer stated "when they kill each other we will come back". Mr. Grether stated that this was not the response they were looking for. Mr. Grether stated that these sixteen (16) and seventeen (17) years olds need to act like responsible citizens and adults. Mr. Grether stated that he has invested a lot of money in his home and intends to stay here and watch his daughter grow up here, but this behavior is just ridiculous. Mr. Grether asked to step up the patrol in this area, from Mr. Crawford's property on down. Mr. Grether stated that he is not willing to let this type of vandalism continue, and stated that he and his neighbors would do anything they could to help.

Mr. Hank Fodor, a Norton resident, spoke echoing Mr. Grether's concerns. Mr. Fodor stated that he sold Mr. Grether's home to him adding that the previous owner sold because of this very reason. Mr. Fodor stated that there is a rental property with a Cleveland landlord that is directly behind Mr. Grether's home. Mr. Fodor stated that this previous homeowner was threatened with bodily harm, they tore down his fencing, destroyed landscape, etc. Mr. Fodor stated that this previous owner had stated to him that he did call the police three or four times, but the police said don't call us anymore. Mr. Fodor stated that this is a nice neighborhood and the previous tenants at the trailer park were elderly and they were neat and tidy. Mr. Fodor stated that the one home on Norton Avenue has guys out in the front yard lifting weights. Mr. Fodor stated that just last weekend there was a young lady walking from Hawthorne Drive to Gardner Blvd., an was so drunk she was staggering almost like she was crippled. Mr. Fodor stated that these individuals are causing a lot of problems for this neighborhood. Mr. Fodor also mentioned that there are a lot of junk cars and overgrown lawns along Norton Avenue, this is our main route into our city and we need to have a cleaner image. Mr. Fodor stated that he has a business next door to his residence that has a burglar alarm going off a lot recently around 2:00 AM. Mr. Fodor stated that these individuals are trying to break into Sweet Henrys back door with a crow bar. Mr. Fodor stated that he usually grabs his gun, heads over there and by the time he gets there they take off not running but walking through the neighborhood towards the trailer park. Mr. Fodor stated that he would not shoot at anyone, he just has his gun to protect himself. Mr. Fodor stated that the police do arrive but they cannot get there fast enough, and these kids have already walked away.

**PUBLIC HEARINGS:-None**

**INTRODUCTION OF NEW LEGISLATION:**

Mr. Mowery offered Ord. #58-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 804.04 OF THE NORTON CODIFIED ORDINANCES TO ELIMINATE THE ANNUAL FEE FOR ALARM SYSTEM PERMITS.

First reading only.

**ORD #59-2006**

Mr. Pelot offered Ord. #59-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO APPROVE THE AMENDED 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, 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 Ord. #59-2006, seconded by Mr. Jones. Mr. Pelot stated that Pride One had already submitted their preliminary plat, signed off on it, and everything was in order. However, when they began to move dirt they realized there was more solid rock, which they were unable to break through. Mr. Pelot indicated that everything is still in order here and by waiving the extra readings, the developer can continue to move forward. Mr. Jones inquired about the memo received by the Fire Chief, and inquired if his issue was taken care of? Mr. Collins stated that Chief Calco has no problem with this modification.

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

Motion passed 6-1-0.

**ORD #60-2006**

Mr. Price offered Ord. #60-2006 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO APPROVE A CONTRACT WITH IMAGIN DEVELOPMENT, INC. CONCERNING REIMBURSEMENT FOR TAP-INS TO A PRIVATELY CONSTRUCTED WATER LINE.

First reading only.

Mr. Price indicated that Council had some earlier issues in question, and asked Mr. Collins for an update. Mr. Collins indicated that he sent the concerns to Mr. Chuck Altwies of iMAGIN Development to address. Mr. Collins clarified the cash bond issue. Mr. Collins stated that the cash bond was paid to the contractor and was not reimbursed.

**ORD #60-2006 Continued:**

Mr. Collins addressed the other issue of the exact total lineal feet involved, it is 420 feet of line which should have been doubled (840) then divided that into the total of \$60,701.30 which comes out to be \$72.26 per lineal foot. Mr. Collins stated that this is half of what was originally in the agreement, and he and Mr. Altwies worked on rewriting the agreement to correct this issue, which was forwarded on to Council today for clarification. Mr. Price inquired if the ordinance needs to be corrected? Mr. Collins stated that the ordinance states the agreement on file with his office, which has been corrected, is sufficient and the ordinance does not need to be amended.

**RES #61-2006**

Mr. Mowery offered Res. #61-2006 for it's first reading, and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR GRANTS FOR THE NORTON POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING FUNDS FOR THE SALARIES OF CERTIFIED DARE OFFICERS, TEACHING OR PLANNING TO TEACH THE APPROVED DARE CURRICULUM IN LOCAL SCHOOLS AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Jones.

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

Motion passed 7-0.

Mr. Mowery moved to adopt Res. #61-2006, seconded by Mr. Jones.

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

Motion passed 7-0.

**ORD #62-2006**

Mr. Pelot offered Amended Ord. #62-2006, for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND CHAPTER 258, SECTION 258.18 – *MINIMUM AND MAXIMUM RANGE SYSTEM OF COMPENSATION*, SUBSECTION (C) (2) – *MINIMUM AND MAXIMUM RATE*, OF THE NORTON CODIFIED ORDINANCES TO PERMIT THE MAYOR, COUNCIL PRESIDENT OR A DIRECTOR TO APPROVE ANNUAL PAY RAISES FOR NON-BARGAINING EMPLOYEES, TO ADJUST THE MINIMUM AND MAXIMUM RANGES BY THREE PERCENT AND TO AUTHORIZE THE UPGRADES FOR THE CLERK OF COUNCIL, CLERK OF MAYOR'S COURT AND THE ADMINISTRATIVE ASSISTANT.

First reading only.

**ORD #63-2006**

Mr. McGlone offered Ord #63-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE ANNUAL APPROPRIATION ORDINANCE #88-2005, TO ESTABLISH NEW ACCOUNTS AND 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. Braman. Mr. McGlone explained the need to waive the readings was so that the Mayor can retain special legal counsel to assist our Solicitor with regards to the pending litigation initiated by the City of Barberton regarding the JEDD agreement.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Ord. #63-2006, seconded by Mr. Braman

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

Motion passed 7-0.

**INTRODUCTION OF PRIOR LEGISLATION**

**RES #55-2006**

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

A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION, 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 THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING, AND REPAIR OF STREETS, ROADS, AND BRIDGES IN THE CITY OF NORTON.

Second reading only.

**AMENDED**

**ORD #56-2006**

Mr. Pelot offered Amended Ord #56-2006 for its second 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.

Second reading only.

**ORD #57-2006**

Mr. Pelot offered Ord #67-2006 for its second 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.

Second reading only.

**RES #50-2006**

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

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

Mr. Price moved to adopt Res. #50-2006, seconded by Mr. McGlone.

Roll Call: Price, McGlone, Braman, Jones, Mowery, Pelot, Zita.

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

Mayor Kernan stated that he received a letter from Ms. Lisa Merrick, Chair of the Cemetery Board, advising him of all of the hard work the members of the Twinbrooks Garden Club has done in beautifying our city cemeteries. Mayor Kernan read a letter that he has prepared to Ms. Paula Mularcik, (see Exhibit B). Mayor Kernan announced the Barberton Health Districts Mosquito Spraying scheduled for this season, (see Exhibit C). Mayor Kernan reminded everyone that the Loyal Oak Cider Festival is a week later this year, it will be September 30, 2006 and October 1, 2006. Mayor Kernan stated that the main reason for this was to try and avoid conflict with the Mum Festival in Barberton. Mayor Kernan announced the 4<sup>th</sup> Annual Loyal Oak Cider Festival Golf Outing would be Sunday July 23, 2006. Tickets are \$65.00 per person, and include beverages, lunch, and dinner, greens fees and a golf cart. This will be held at the Loyal Oak Golf Course.

Mr. Collins indicated that he may have the Gardner Blvd. Phase II Construction and Fire Hydrant bids to Council by next Monday, and would like to have it on the agenda for discussion.

Mr. Moss stated that a question was raised at the last meeting as to how much money is left in the Cleveland-Massillon Road Fund. Mr. Moss stated that Fund 440-Street Improvement has a balance of \$429,131.01 in that account.

Mr. Pritchard stated that Council should be receiving a letter from the Municipal Engineer indicating the improvements in the Baughman Subdivision are complete and ready for acceptance. Mr. Pritchard indicated that the report might be received in time to have this on the agenda for Monday, July 3, 2006.

Mr. Lyons stated that the Mayor had requested he draft an agreement for the property owners that adjoin Frashure Park, which he has done and submitted to Mayor Kernan and Mr. Collins. Once he receives their comments and input he would forward this to Council.

Mr. Binic-Barberton Health District added to Mayor Kernan's report on the mosquito spraying. Mr. Binic stated that their goal is to target all the areas of standing water for larvicide activities.

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

Mr. Binic stated that residents that notice freshly dead birds should contact the Health District; they would collect these birds and send them out for virus testing. Mr. Binic requested that all residents check their property for any containers that may be holding water, and either empty them or discard them.

**OLD BUSINESS:**

Mr. Jones discussed the memo he received from Mr. Collins regarding his request to board up and secure the old Service Garage. Mr. Jones stated that he has no problem with Mr. Collins' memo, even though the Property Committee had requested this, he would leave this with the Mayor and Administration to handle. Mr. Jones inquired about a retirement party for Darryl Sizemore. Mr. Collins stated that Mr. Sizemore had emphatically requested that the city does nothing special, and the city is honoring his request. Mr. Jones discussed the future waterline by the school. Mr. Jones stated that he was approached about this project and inquired if this could be extended to the Loyal Oak area? Mr. Collins stated that it is possible, however, that grant was designed specifically for Brentwood, and Norton Acres. Mr. Collins stated that realistically he would like to see this waterline go all the way east on Wadsworth Road down to Summit Road and tie into the 30" main coming from the Barberton Water Plant. Mr. Jones asked Mr. Collins for a ballpark cost for the residents, and Mr. Collins declined to provide any type of an estimate of costs. Mr. Collins stated that eventually this is the goal, however it would have to be done in sections a little at a time. Mr. Collins suggested the residents use the Assessment Policy already in place and have a forced assessment for this, which requires 60% of the property owners to participate. Mr. Collins indicated that even if we get this grant, the waterlines would not go in for another two (2) years. Mr. Pritchard stated that we are looking in that direction, however we simply do not have the capital expenditure to do such a large project. Mr. Jones suggested placing this into the Utility Committee to discuss in the future. Mayor Kernan inquired if this was a group of people or one individual that approached Mr. Jones about this? Mr. Jones stated that he was approached by one resident, who apparently represented several other residents within this area that are interested in this. Mr. Jones stated that the former Norton Garden Center, which is now closed, has noxious weeds that needs to be addressed. Mr. Collins indicated that he would see that this is addressed. Mr. Jones stated the same is true for the driveway approach to Engelfield Oil behind the Duke and Duchess Gas Station, and Mr. Collins stated he would address this one as well. Mr. Jones asked Mr. Moss about the Cleveland Massillon Road Fund, and where does the interest money earned on this go? Mr. Moss replied that it goes into the General Fund, unless Council decides to re-distribute the interest. Mr. Jones asked what kind of interest would we draw on this yearly? Mr. Moss stated the interest varies on a daily basis, the average return currently is estimated at 4.8%. Mayor Kernan stated that any income is deposited into the General Fund, and cannot go anywhere else unless Council appropriated that money elsewhere.

Mr. Price stated that last week he had some discussions with Mr. Collins regarding the waterlines at Grace Church. Mr. Price thanked Mr. Collins for the packet of information he provided to him. Mr. Price stated that he has discussed this issue with Grace Church and they may be re-addressing this and thanked Mr. Collins for his future help in advance with this issue.

Mr. Moss briefly discussed the motel/hotel tax; this would require a 3% tax in addition to what ever they charge. Mr. Moss stated this money could be used for general purposes, or however Council sees fit. Mr. Moss stated he is still working on drafting this legislation, and would bring it forward at a later date.

**NEW BUSINESS:**

Mr. Jones discussed the residents concerns in the Gardner Boulevard area and assumed that the Police Dep. are watching this area. Mr. Collins stated this was the first time he has heard of this situation, and he would be asking some questions in the morning. Mr. Jones stated that he was unaware this had been going on to this extreme, and this is out of control. Mr. Jones discussed the various ages of the kids involved and the curfew that is in effect. Mr. McGlone stated that these individuals in question are from the house across the street from Cristo's House of Pasta. Mr. Collins encouraged the residents that came forward to talk to Chief Carris about this. Mr. Zita was presented with a written statement from Cynthia Church, Manager Cristo's House of Pasta, and called for a vote to read the statement aloud.

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

Motion passed 7-0. Mr. Zita read the statement (see Exhibit D).

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Zita announced his absence at the Committee of the Whole meeting on Monday, and that Mr. Price would be conducting the meeting. Mr. Zita stated that his church has organized a trip to New Orleans for Katrina relief efforts. Mr. Zita stated that there are 30 people including Senior High Youth, Mr. Dowling and himself, and they would be there for the entire week.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:53 PM

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Michael Zita, President of Council

I, Karla D. Richards, CMC-Clerk of Council of the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on July 10, 2006

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Karla D. Richards, CMC-Clerk of Council

*Date approved: July 10, 2006*

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