



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JULY 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 on Monday, July 10, 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. McGlone moved to amend Amended Ord #62-2006, seconded by Mr. Pelot. Mr. McGlone stated that there were some changes discussed at the last Committee of the Whole meeting, which requires amending the current legislation.

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

Motion passed 7-0.

Mr. Mowery discussed the drastic improvements regarding the complaints from the residents in Ward Three. Mr. Mowery stated that he discussed this with the Chief of Police and Lt. Hete, and they had discussed this with the parties involved. Mr. Mowery stated that he felt this is being addressed and those residents will be glad to see what takes place to resolve this issue.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of June 26, 2006, accepted as written.

Minutes of the Committee of the Whole meeting of July 3, 2006. Mr. Price noted a correction to page #5, seventh line down. Mr. Price stated that “the city is” needs to be removed and replaced with “that in this room alone”. The minutes are accepted as corrected.

**COMMUNICATION FROM THE PUBLIC:**

Mr. Lino, a Norton resident, commended Council for addressing the concerns of the residents along Norton Avenue. Mr. Lino discussed Ord #55-2006, and the excess of the 10 mill limitation and additional 4.5 mills. Mr. Lino stated this language seemed to be confusing, adding that even the Akron Beacon Journal was confused and misreported the information.

Mrs. Elaine Tompkins, a Norton resident spoke regarding finance issues, (see Exhibit A).

**PUBLIC HEARINGS:-None**

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #64-2006**

Mr. Pelot offered Ord. #64-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO ACCEPT FOR PUBLIC DEDICATION THE PUBLIC IMPROVEMENTS OF THE BAUGHMAN RESIDENTIAL SUBDIVISION, A MAJOR SUBDIVISION OF 22.390 ACRES LOCATED EAST OF LAURIE LANE AND NORTH OF REIMER ROAD, KNOWN AS 4219 REIMER ROAD (PERMANENT PARCEL NO. "PPN" 462342) BEING OFFERED FOR DEDICATION FOR USE BY THE PUBLIC, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to suspend the second and third readings, seconded by Mr. Braman. Mr. Pelot stated that we have received the camera report, and that part of this legislation was contingent upon receiving this report. Mr. Pelot stated that since we have this report we could waive the second and third readings, which would give the builder the advantage of moving forward with this project.

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #64-2006, seconded by Mr. Braman. Mr. Pelot stated that basically the developer is signing everything off and dedicating it over to the city. Mr. Pelot stated the only piece he wanted to add was that it is contingent on our Municipal Engineer signing off on the camera report of the storm sewer system. Mr. Pritchard stated that this inspection took place on July 3, 2006 and our Municipal Engineer has not been able to review it prior to our meeting tonight. Mr. Pritchard stated that the report is complete, and the Municipal Engineer would be in tomorrow to review it. Mr. Pritchard indicated that from what he has heard, there are no problems with the storm sewer system itself.

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

Motion passed 7-0.

**ORD #65-2006**

Mr. McGlone offered Ord. #65-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AN AGREEMENT WITH CAVANAUGH BUILDING CORPORATION TO CONSTRUCT TWO BASEBALL FIELDS IN COLUMBIA WOODS PARK, AND DECLARING AN EMERGENCY.

Mr. McGlone moved to suspend the second and third readings, seconded by Mr. Price. Mr. McGlone stated the reason for suspending the readings is to allow the contractor to begin work right away, and because after this meeting Council is on summer recess until late August.

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

Motion passed 7-0.

**ORD #65-2006 Continued:**

Mr. McGlone moved to adopt Ord. #65-2006, seconded by Mr. Price. Mr. Moss reminded Council that we envision having a debt associated with this, and the 2006 Budget would be higher as a result of the additional financing. Mr. Moss indicated that he would be bringing some additional budgetary ordinances to Council in the very near future. Mr. Jones clarified that Time Warner Cable would be contributing to some of these costs. Mr. Moss stated that we have currently budgeted amount was \$62,000.00 for this year. Mr. Moss stated that we receive money from Time Warner in the form of franchise fees, which is a regular source of income, which is funding this park project. Mr. McGlone stated that this income is only a portion, and Mr. Moss added that Mr. Pritchard has secured some grant money that helps pay for other park related costs. Mr. Pelot discussed raising the franchise fee from 3% up to 5%, and asked Mr. Moss to elaborate on this. Mr. Moss indicated that it is perfectly legal to increase up to 5%, and he was not familiar with the procedure required to do this. Mr. Moss stated that we had discussed doing this and taking effect at the beginning of the year. Mr. Moss stated that this increase would generate an additional \$45,000.00 in revenue annually. This would allow us to move forward with other park projects as early as next year. Mr. Pelot indicated he would like to continue this discussion after Council returns from recess.

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

Motion passed 7-0.

**ORD #66-2006**

Mr. Price offered Ord. #66-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AN AGREEMENT WITH DON WARTKO CONSTRUCTION, INC. TO CONSTRUCT THE WATER LINE IMPROVEMENTS KNOWN AS GARDNER BOULEVARD PHASE II, AND AN AGREEMENT WITH JEM INDUSTRIAL MAINTENANCE CORP. TO PROVIDE FIRE HYDRANTS AND RELATED MATERIALS FOR SAID PROJECT, AND DECLARING AN EMERGENCY.

Mr. Price moved to suspend the second and third readings, seconded by Mr. Jones. Mr. Price explained the reason for waiving the readings is so that Council can clear all pending matters before summer recess, and so that the construction can begin.

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

Motion passed 7-0.

Mr. Price moved to adopt Ord #66-2006, seconded by Mr. Jones.

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

Motion passed 7-0.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #58-2006**

Mr. Mowery offered Ord. #58-2006 for its second 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.

Mr. Mowery moved to suspend the third reading, seconded by Mr. Jones. Mr. Mowery stated that the reason for waiving the readings is so that Council can clear all pending matters before summer recess, and also we are letting the area businesses know that the city is working towards being more business friendly by no longer requiring this \$25.00 fee.

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

Motion passed 7-0.

Mr. Mowery moved to adopt Ord #58-2006, seconded by Mr. Jones.

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

Motion passed 7-0.

**ORD #60-2006**

Mr. Price offered Ord. #60-2006 for its second 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.

Mr. Price moved to suspend the third reading, seconded by Mr. McGlone. Mr. Price stated that again the reason for suspension is to clear all pending matters before summer recess.

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

Motion passed 7-0.

Mr. Price moved to adopt Ord. #60-2006, seconded by Mr. McGlone

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

Motion passed 7-0.

**AMENDED ORD #62-2006**

Mr. Pelot offered Amended Ord #62-2006 for its second 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.

Mr. Pelot moved to suspend the third reading, seconded by Mr. Braman.

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #62-2006, seconded by Mr. Braman. Mr. Pelot stated that this ordinance addresses the non-bargaining employees to see that their pay ranges are consistent with the union employees, while also adjusting the pay structure in order to keep the city competitive in the market place. Mr. Pelot stated that by do so, it helps to assure the employees that do such a fine job are willing to continue to stay here. Mr. Jones asked if the Clerk of Court’s overtime would now be eliminated? Mayor Kernan stated that it would not be eliminated at this time. Mr. Jones asked Mr. Collins to clarify. Mr. Collins stated that Mr. Mitchell is a non-exempt employee and nothing would be changing. Mr. Jones understood that Mr. Mitchell would still receive the over time for working the Mayors Court on Mondays, and that the Saturday or Sunday overtime was to be eliminated. Mayor Kernan stated that Mr. Mitchell is currently working weekends to collect unpaid fines, and there is no plan at this point to change that. It appears that the time spent on overtime results in a substantial amount of collections. Mayor Kernan stated that this is something that could be looked at in the future it is not serving the city well. Mayor Kernan stated that the overtime is paid out of a court computer fund and can only be used for the Mayors Court. Mayor Kernan stated that one of the reasons the over time was approved was because this fund was continually building up and it was a place to spend the money on overtime while bringing in uncollected debt.

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

Motion passed 7-0.

**AMENDED RES #55-2006**

Mr. Braman offered Amended Res. #55-2006 for its third 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.

**AMENDED RES. #55-2006 Continued:**

Mr. Braman moved to adopt Amended Res. #55-2006, seconded by Pelot. Mr. Braman stated that this is the first step in getting the levy on the ballot for November. Mr. Braman stated it is 4.5 mills and not 10 mills. Mr. Braman stated that there would be more discussion as we get closer to the election. Mr. Zita asked for clarification from Mr. Moss on the subject. Mr. Moss explained that there are two types of property tax, one is inside millage, which is 10 mills currently, and the other one is outside millage, which reflects the 4.5 mills for the road levy. Mr. Moss stated that it is standard language within the State of Ohio. Mr. Pelot requested that as this gets closer, he would like to see the Akron Beacon Journal follow up with this issue, especially since they misquoted it as a 10 mill tax, causing the residents to become upset. Mr. Pelot stated that it is very hard to change that perception at this point, and we will need to work on this and continue to announce its 4.5 mills not a 10 mill. Mr. Zita read a correction posted in the Beacon Journal on July 4, 2006, (see Exhibit B).

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

Motion passed 7-0.

**AMENDED ORD #56-2006**

Mr. Pelot offered Amended Ord. #55-2006 for its third 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.

Mr. Pelot moved to adopt Amended Ord. #56-2006, seconded by Mr. Jones. Mr. Pelot stated that all Charter amendment must go before the residents to be voted on. Mr. Pelot stated this ordinance has to do with contracts and the dollar limits for the approval of such contracts. Mr. Moss stated that the State of Ohio has a bid limit and the City of Norton has a Board of Control review for anything above a \$5,000.00 threshold. Mr. Moss stated that the times have changed; however the \$5,000.00 threshold has not. Mr. Moss indicated that the bid threshold for the State has increased several times over the years, and the city's threshold has not. Mr. Moss stated that the Charter Review Commission has reviewed and studied this issue, and it is their suggestion that this needs to be changed. Mr. Moss stated that the Charter Review Commission has proposed the city's new threshold be \$10,000.00 less than the bid limit imposed by the State. Mr. Moss indicated that the States current bid limit is \$25,000.00 so everything between \$15,000.00 to \$25,000.00 would continue to be reviewed by the Board of Control.

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

Motion passed 7-0.

**ORD #57-2006**

Mr. Pelot offered Ord. #57-2006 for its third 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.

**ORD #57-2006 Continued:**

Mr. Pelot moved to adopt Ord. #57-2006, seconded by Mr. Jones. Mr. Pelot stated that this ordinance would permit the Finance Director to show payments as they are being made against the funds, and would allow the city to track the spending better. Mr. Pelot stated that it would also provide a better vision of where the money is being spent, rather than waiting until the end of the fiscal year to make those adjustments.

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

Motion passed 7-0.

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

Mayor Kernan thanked Mr. Judge for his service on the Board of Building & Zoning Appeals; Mr. Judge has resigned due to health issues. Mayor Kernan stated that this leaves an opening from Ward Two for this Board. Mayor Kernan stated that he would be issuing a press release on this shortly. Mayor Kernan discussed the recent heavy rains and there is some information from the Summit County Health Department available at the information tower in the lobby. 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. Contact Mike Meden for more information at 330-328-8598. Mayor Kernan reminded everyone that this is one of the major fundraisers for the Cider Festival.

Mr. Moss stated that he was asked by email as to what costs would be associated with implementing the OPBA Conciliation Report. Mr. Moss stated that there were eight (8) issues in this report, and four (4) of which that have a cost factor associated with it. One issue was overtime pay and comp time that is a requirement, and the costs are impossible to calculate this at this time, however it would be increasing our costs. Another issue was compensation at 3%, and Mr. Moss indicated that he estimates \$38,254.00 for each of the three years for the Police Officers and Supervisors. Mr. Moss indicated that the 4% increase for the dispatchers this year would cost approximately \$9,335.00. Mr. Moss stated that these numbers do not take into account any overtime, which would be slightly more. Mr. Moss indicated another increase was for life insurance from \$25,000.00 to \$40,000.00 and the city is in the process of pricing this out and getting a new agreement. Mr. Moss indicated that at this time he does not have any hard numbers on the costs for this increase. Mr. Moss stated there was prescription increase; generic went from \$5.00.00 to \$8.00, and is contributed to the employee, which is a benefit to the city by reducing its costs. Mr. Moss stated that he has no way to estimate the various costs. Mr. Moss indicated that there are some increases in the deductible amounts, which also would benefit the city. Mr. Moss stated that again, he has no way to estimate the various costs. Mr. Moss stated that for the first time there is a \$15.00 co-pay for in network office calls, and \$30.00 for out of the network office calls. Mr. Moss stated that the agreement shall be retroactive to January 1, 2006 and the term is three full years.

Mr. Pritchard stated that the Comprehensive Plan meeting scheduled for July 13, 2006 has been cancelled and rescheduled to August 10, 2006 at 6:30 PM at the Community Center

**OLD BUSINESS:**

Mr. Jones questioned Mr. Moss on the figures regarding the Police Department, and the fact that we seem to come out on the short end of things. Mr. Moss stated that the additional costs far exceed the benefits that the city received in regards to the change in co-pays. Mr. Jones asked Mr. Moss what he thought about Mrs. Tompkins' statements earlier? Mr. Moss stated that he felt Mrs. Tompkins wants to ensure that Council has looked it over very carefully, and considered all of the costs associated with it. Mr. Jones stated that he has brought this issue up several times and several months ago, and that its high time the city looks at another direction here. Mr. Moss discussed outsourcing and the process involved, a lot of issues have to come in to play. Mr. Jones indicated that Mayor Kernan knows where he is going with this. Mayor Kernan stated that our Charter requires that the city have a Police Department. Mr. Jones disagreed, he felt thought the Charter requires the city to have a Police Chief. Mayor Kernan stated that if you carefully read the context and the intent of the Charter you would have a Police Chief because you would have a Police Department. Mr. Jones stated that he disagreed with this statement. Mr. Jones asked Mayor Kernan if he has come up with any kind of agreement with the residents in the Frashure Park area? Mayor Kernan deferred this to Mr. Lyons for comment. Mr. Lyons stated that he circulated a draft of the legislation and has received comments back. Mr. Lyons stated that he was concerned with the terms of the agreement stating that if any of these residents sold their property, they would agree this practice would not continue. Mr. Lyons stated that he is working on a type of a document that we can record to that affect. Mr. Jones asked when could Council expect to see this, possibly when we get back from recess? Mr. Lyons indicated that he would have something ready by that time.

Mr. Jones thanked Mr. Collins for addressing the noxious weeds he mentioned at the last meeting.

Mr. Jones discussed the motel/hotel tax Mr. Moss had brought up, and asked for an update. Mr. Moss stated that he is still working this and would be presented to Council in the near future.

Mr. Jones stated that he received a few phone calls in the last week or so regarding cell phone use in motor vehicles. Mr. Jones mentioned the recent article in the Akron Beacon Journal on this same issue. Mr. Jones discussed how dangerous this is. Mayor Kernan stated that this really is no more dangerous that people driving while putting on make-up, eating, drinking coffee, etc. Mr. Jones stated that he brought this up to sometime ago when Mayor Kernan was still on Council. Mr. Collins suggested writing to the State Legislators. Mr. Jones stated that he thought there were a few communities that have this law. Mr. Pelot suggested setting a stiffer penalty for those drivers actually causing an accident while on their cell phone, instead of punishing everyone by banning use of cell phones in cars. Mr. Pelot stated that he is does a lot driving everyday for his job and that cell phone is his link, where before it was dead time.

Mr. Pelot thanked Mr. Collins for all of his hard work on the AFSCME and other Unions. Mr. Pelot stated that this is a very long and tough procedure to go through. Mr. Pelot thanked Mr. Moss for the spreadsheets for the ballparks and showing the different ways of revenue generated between the 3% and 5%.

**NEW BUSINESS:**

Mr. Price discussed a new program for prescription discount cards sponsored by Summit County. Mr. Price stated that this is not insurance, and it is a free service. Mr. Price indicated that there is some information at the rail on this. Mr. Price stated that he is working on having someone from Summit County Communications Dept. attend a meeting to provide more information to the residents.

**NEW BUSINESS Continued:**

Mr. Jones stated that the next meeting would be a Committee of the Whole on August 21, 2006. Mr. Jones informed Mr. Collins that he would be forwarding a memo to him, the Mayor and Chief Carris regarding resident complaints in the Holiday Heights area.

Mr. Pelot wanted to re-address something that was discussed some time ago regarding the impact fees for new homes. Mr. Pelot asked Mr. Pritchard to look at bringing this back out because as this city continues to grow, we need to make sure we can manage the growth without adversely affecting the city. Mr. Pelot stated that by imposing an impact fee per house to the developers, this could go a long way towards servicing our parks as well as addressing some of the road concerns.

**PUBLIC SERVICE ANNOUNCEMENTS:**

None

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:58 PM

\_\_\_\_\_  
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 August 28, 2006

\_\_\_\_\_  
Karla D. Richards, Clerk of Council

*Date approved: August 28, 2006*

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