



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 25, 2006**

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

The Regular Council Meeting convened on Monday, September 25, 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:

No discussion or reports

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of September 11, 2006 were accepted as written. Minutes of the Committee Work Session of September 18, 2006, Mr. Jones noted three corrections. Page #8, second sentence should be 2008 not 2007; Topics for Next Work Session, should be Next; Under Topics for Next Work Session, 4th line down it should be 2007 instead of 2006. Mr. Jones also noted that Consideration of Minutes on the agenda should read Committee Work Session instead of Committee of the Whole. The minutes were accepted as corrected.

COMMUNICATION FROM THE PUBLIC:

Mr. George Tomko, a Norton resident, spoke regarding all of the charges on his water and sewer bill from Barberton Utilities Dept. Mr. Tomko explained that no water was even used, however he is being billed \$27.82 for all kinds of charges and adjustments. Mr. Tomko wondered how many residents actually read their utility bills? Mr. Tomko thanked those concerned with the listening devices. Mr. Tomko stated that we need teamwork here, urging everyone to lean into the microphones and speak clearly. Mr. Tomko stated that he read in the last minutes that the wiring for sound was no done properly. Why should the city pay more money for consultants to correct the problem? Mr. Tomko stated that there is no sense in spending the money for the listening devices unless Council enforces everyone to use the microphones properly. Mr. Tomko briefly discussed an issue of dumping at property on Wadsworth Road, adding that he would provide the address to the Administration. Mr. Tomko discussed that issue of the Mayors salary, adding that he can't see this much of an increase, and that the position still remains part time. Mr. Tomko discussed the ballfields at Columbia Woods and again asked how much did these two fields really cost the city? Mr. Tomko recalled that the bond for \$250,000.00 was supposed to be enough to cover all of the expenses, how much more have we spent?

Mr. Paul Cipar, a Norton resident, spoke against the franchise fee increase. Mr. Cipar stated that he felt this was discriminatory because a lot of residents do not have Time Warner Cable.

Communications from the Public Continued:

Mr. Jim Lino, a Norton resident, spoke regarding the process for public presentations, and was not sure if the residents in the audience are permitted to ask the presenter questions. Mr. Lino stated that if they are permitted to come up to the podium and ask their question, then the presenter must step aside. Mr. Lino stated that he felt there should be a better way of doing this, so that we are not pushing each other out of the way of the microphone in order to speak.

Ms. Brenda Anderson, a Norton resident, spoke regarding how the citizens of Norton are being treated or mistreated by city officials. Ms. Anderson discussed how Ms. Sargent the owner of Molly's Custard Stand was treated with her sewer situation. Ms. Anderson stated that she had contacted Mayor Kernan in the past regarding an issue she had, and that Mayor Kernan never returned her call. Ms. Anderson recalled a prior visit from a lady on the Planning Board member. This woman indicated that had her neighborhood was old, built in 1950's, the homes were small and do not meet the newer criteria of 1500 feet minimum. Ms. Anderson stated that after 10-15 minutes of discussion she walked the lady to the corner and pointed out to her a portable outhouse that stood about five (5) feet from Cleveland-Massillon Road. Ms. Anderson stated that it's not our modest homes that embarrass our community it's the outhouse along Cleveland-Massillon Road that bares a city permit. Ms. Anderson described the treatment as a circus.

Ms. Elaine Tompkins, a Norton resident, commented on Ms. Anderson's sobering dissertation and hoped that this could be rendered and that something nice could be said and everyone would feel better. Ms. Tompkins read her comments in support of the franchise fee legislation and her concerns regarding the Comprehensive Annual Financial Report (CAFR), (see attached).

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #79-2006

Mr. Braman offered Ord. #79-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE STREET DESIGN AND CONSTRUCTION STANDARDS AS SET FORTH IN SECTION 1022.01 OF THE CODIFIED ORDINANCES IF THE CITY OF NORTON.

Mr. Braman moved to suspend the second and third readings, seconded by Mr. McGlone. Mr. Braman stated that we need to waive this because the cold weather is fast approaching and Summit Ridge would like to use these new standards for their streets. Mr. Pritchard indicated that we do have road specifications already in place, this is just adding an additional alternate for our road specifications.

Mr. Jones stated that he understood that there is no road program for 2006, and asked if this would benefit our road program? Mr. Collins stated that this is for new construction and not the road programs.

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

Motion passed 6-0.

Introduction of New Legislation Continued:

Mr. Braman moved to adopt Ord. #79-2006, seconded by Mr. McGlone.

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

Motion passed 6-0.

ORD. #80-2006

Mr. Braman offered Ord. #80-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE FIRE LANE CONSTRUCTION AND MAINTENANCE STANDARD AND CLARIFY THE ENFORCEMENT PROVISION AS SET FORTH IN SECTION 1640.08 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON.

First reading only

ORD #81-2006

Mr. Braman offered Ord. #81-2006 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 6.03(A) OF THE CHARTER OF THE CITY OF NORTON TO ADD AN ALTERNATE AT LARGE MEMBER TO THE BOARD OF ZONING AND BUILDING APPEALS TO PARTICIPATE AS A VOTING MEMBER ONLY IN THE ABSENCE OF ONE OF THE FIVE REGULAR MEMBERS.

First reading only.

ORD #82-2006

Mr. Braman offered Ord. #82-2006 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 6.02(B) OF THE CHARTER OF THE CITY OF NORTON TO AUTHORIZE THE MUNICIPALITY TO INCORPORATE A COMPREHENSIVE GENERAL PLAN TO BE MAINTAINED AND PERIODICALLY REVISED BY THE PLANNING COMMISSION, AND SUBMITTED TO COUNCIL.

First reading only.

ORD #83-2006

Mr. Braman offered Ord. #83-2006 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 5.04 OF THE CHARTER OF THE CITY OF NORTON TO SIMPLIFY THE LANGUAGE THAT DEFINES THE QUALIFICATIONS AND DUTIES OF THE SOLICITOR AS THE HEAD OF THE DEPARTMENT OF LAW.

First reading only.

Introduction of New Legislation Continued:

ORD #84-2006

Mr. Jones offered Ord. #84-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE LIST OF CITY PARKS AS SET FORTH IN SECTION 1066.01 TO INCLUDE ADDITIONAL PARK LAND.

First reading only.

ORD #85-2006

Mr. McGlone offered Ord. #85-2006 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH THE COMPENSATION OF THE MAYOR 1ST READING ONLY

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

ORD #67-2006

Mr. Braman offered Ord. #67-2006 for its third reading, and asked the Clerk to read it:

AN ORDINANCE RECLASSIFYING PROPERTY LOCATED ON THE SOUTH SIDE OF EASTERN ROAD, ACROSS FROM 33RD STREET, FROM R-1 ONE FAMILY RESIDENTIAL DISTRICT TO R-3 ONE FAMILY RESIDENTIAL DISTRICT.

Mr. Braman moved to adopt Ord. #67-206, seconded by Mr. McGlone. Mr. Zita discussed this project in detail and the fact that only fifteen (15) lots are actually located in the City of Norton, the remainder of 108 lots are situated in the City of New Franklin. Mr. Zita stated that there is one way in and out, which is on Eastern Road also in the City of Norton limits. Our city would experience all of the traffic flow and road maintenance issues. Mr. Zita stated that the city would only receive income tax from the (fifteen) 15 households, while the Norton School District would have the impact of the entire development. Mr. Zita stated that the City of Norton would benefit very little from this, it is not in the best interest of the city and he would not support this. Mr. Jones echoed Mr. Zita's comments, adding that he also could not support this. Mr. Jones stated that it was discussed during the Public Hearing that there are concerns from residents about the water problems in this area. Mayor Kernan clarified that all of the housing would generate tax revenue for the school district, and that the City of Norton would only receive tax revenue from the fifteen homes (15). Mr. McGlone inquired if the Planning Commission had discussed these issues when they approved their resolution? Mr. Pritchard stated that this was discussed, and that typically these issues are flushed out when you get passed the rezoning stage.

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

Motion failed 0-6.

ORD #68-2006

Mr. McGlone offered Ord. #68-2006 for its third reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH ORIANA HOUSE, INC.

Introduction of Prior Legislation Continued:

Mr. McGlone moved to adopt Ord. #68-2006, seconded by Mr. Jones.

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

Motion passed 6-0.

ORD #70-2006

Mr. Price offered Ord. 370-2006 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO INCREASE THE WARNER-CABLE FRANCHISE FEE FROM 3% OF GROSS REVENUES TO 5% OF GROSS REVENUES.

Mr. Price moved to adopt Ord. #70-2006, seconded by Mr. McGlone. Mr. Price stated that he had asked for a third reading in order to give the residents more time, and that he was happy with that adding that he can now support this. Mr. Price stated that he understood that the ballfields at Columbia Woods took up all of the money and we no longer have funds available for maintenance and other things for the remaining parks and playgrounds. Mr. Price stated that although it may seem like somewhat of a tax for the residents, they do have a choice and could cancel Time Warner. Mr. Jones questioned Mr. Moss on the timing of this if this passed tonight. Mr. Moss stated that by going to all three readings, it pushes it back by two (2) weeks, not necessarily a whole month. Mr. Zita explained that the last quarterly franchise payment received on August 22, 2006 was for \$16,304.68 and we had 3,110 subscribers at that time. If we had collecting the full five (5) % instead of the three (3)% the city would have received \$27,174.00, which is a difference of \$10,869.47 per quarter. Mr. Moss indicated that if this passes tonight it takes effect in thirty (30) days or around October 25, 2006. If you give notice to Time Warner on October 25, 2006, sixty (6) days from that notice would be December 24, 2006 and is sufficient notification. If this were not adopted tonight, it would not meet that time frame to be effective on January 1, 2007. Mr. Jones stated that in essence by waiting two (2) more weeks and giving it a third reading, it did not matter. Mr. Jones asked Mr. Moss if he knew the percentage of Norton residents who are paying into Time Warner? Mr. Moss stated that the number of homes that have Time Warner Cable is approximately 3,110.00 out of 4,300 homes, which calculates to about 75%. Mr. Jones stated that if adopted this would generate some money for the parks. Mr. Jones stated that the subscribers are already paying into the parks, and that the city is not putting one penny out of the General Fund into the parks. Mr. Moss indicated that there is grand money, but nothing else. Mayor Kernan stated that this is nothing but semantics here, if we had not passed an ordinance setting aside the franchise fees for city parks, then the city would be funding the parks, so it is city money that is funding the parks. Mr. Jones stated that his point was that there is no money coming from the General Fund for the parks. Mr. Jones suggested that the city come up with the 2% increase from the General Fund instead of the current subscribers, this way everybody pays. Mr. Moss stated that this would be approximately \$40,000.00 out of the General Fund and that would be a Council decision. Mr. Jones stated that he has talked to numerous residents that have Time Warner Cable and have problems with their service day in and day out. Mr. Jones asked all residents watching Channel 15 to contact Ann Campbell at City Hall (330) 825-7815 Ext. 14 with your service complaints. Don't call Time Warner, they do not track complaint calls, or where they come from. Mr. Jones stated that just because other cities collect five (5)% does not mean this city has to do it. Mr. Jones stated tat \$40,000.00 is not a whole lot of money from the General Fund. Mr. Jones stated that he is not in favor of this at all. Mayor Kernan stated that earlier this year when we discussed what we wanted to do for the parks this year, the Administration suggested doing only one ball field at Columbia Woods Park. Council chose to do two ball fields instead. Now we are faced with the situation that we cannot do anything else to the parks, we cannot go out for grants because we do not have the matching funds.

Introduction of Prior Legislation Continued:

Mayor Kernan stated that the 75% of the residents who subscribe to Time Warner would be improving our parks and playground areas, and make the standards of living better for all residents, all for the cost of approximately \$20.00 per year. Mayor Kernan stated that he understands no one likes to pay extra fees, and we have choices, you don't have to have Time Warner. Mayor Kernan stated that if Council does not like it, they can repeal the ordinance that set this money aside for the parks, and then they could decide how much to take out of the General Fund. Mayor Kernan asked that Council approve this tonight so that we can put some money back into the parks, so that we can serve the citizens better. Mr. Jones stated he supports these parks, however when he looks at the parks as a whole, our parks are more like sports complexes rather than parks. There are very few benches, but all kinds of sports complexes rather than benches. Mr. Price stated that if he had his way we would have two new baseball fields with lights, we would be sponsoring tournaments and would be bringing in all kinds of people into the city. We could have concession stands and would collect money to support this. Mr. Price stated that he likes the idea of having his kids stay around town after the graduate and grow up, and that as a city you have to have services to offer the residents to entice them to come here and remain here. Mr. Price stated that it's just televisions, and who has the time to watch that much television anyway, you need to focus on the big picture. Mr. Price stated that we have other parks here in Norton and we need to maintain these parks. Mr. Jones stated that we have overextended ourselves, we really should have only built one baseball field, and now we have to bite the bullet here, and we are all guilty of that. Mr. Jones stated that we don't even have a road program set up for this year, oh...but we will have parks. We may not have any roads to drive to the parks because the roads are in such terrible shape.

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

Motion passed 4-2.

ORD #78-2006

Mr. Braman offered Ord. #78-2006 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO APPROVE THE MAJOR SUBDIVISION FINAL PLAT OF THE STONEWYCK RESIDENTIAL SUBDIVISION PHASE II, A MAJOR SUBDIVISION OF 16.5425 ACRES LOCATED AT 3560 CLARK MILL ROAD (PERMANENT PARCEL NO. "PPN" 4608582), INTO THIRTY-EIGHT BUILDABLE LOTS.

Second reading only.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Kernan stated that the city is still accepting applications for the position of Building & Zoning Inspector, and that information is available on the city's website at www.cityofnorton.org. Mayor Kernan reminded everyone that the Loyal Oak Cider Festival is this weekend, and encouraged everyone to attend. Mayor Kernan discussed Ms. Anderson's previous statement that he never returned her phone call. Mayor Kernan stated that he does recall talking to a resident in the Weber Drive area and at the time, and this may or may not have been Ms. Anderson. Mayor Kernan stated that he discussed the issue and had suggested the residents in this area form a neighborhood meeting and he never received any further follow up. Mayor Kernan stated that he does return his phone messages as quickly as he possibly can.

Mr. Pritchard announced there is a Comprehensive Plan public forum on October 12, 2006 at 6:30 at the Community Center.

OLD BUSINESS:

Mr. Jones stated that he was sorry to have placed Ann Campbell on the spot earlier regarding Time Warner, and asked her to keep track of the complaint calls that come in. Mr. Jones discussed the letters Mr. Collins sent out to the residents in the Frashure Park area. Mr. Jones stated that Mr. Braman had suggested giving these residents until June of 2007 instead of December 31, 2006. Mr. Jones asked the Administration to work with these residents if they are not removed by December 31, 2006. Mayor Kernan indicated that if they are showing an effort to remove them, consideration could be given to grant them more time. Mr. Jones thanked the Street Department for their quick response to address the road issues on Summit Road west of McCoy Road.

NEW BUSINESS:

Mr. Jones discussed a recent letter Council received from a resident about her concerns with J & J Refuse. Mr. Jones indicated that this resident was totally unsatisfied with their service.

PUBLIC SERVICE ANNOUNCEMENTS:

None

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:00 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 October 10, 2006.

Karla D. Richards, CMC-Clerk of Council

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