



NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JANUARY 22, 2007

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

The Regular Council Meeting convened on Monday, January 22, 2007 at 7:01 PM in the Council Chambers of the Safety Administration Building. The meeting was called to order by James Price, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

COMMITTEE OF THE WHOLE

Mr. Jones stated that in Ord. #1-2007 and Ord #2-2007 the dollar amounts have been corrected from what was previously submitted in the packets. Mr. Jones stated that both of these are to pay down the notes for various items. Mr. Moss concurred that Mr. Jones was correct.

Mr. McGlone stated that he needs to amend Ord. #81-2006, #82-2006 and #83-2006, all three had originally stated the Primary Election in May, which has been amended for the General Election in November.

Mr. McGlone moved to amend Ord. #81-2007, seconded by Mr. Jones.

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

Motion passed 7-0.

Mr. McGlone moved to amend Ord #82-2007, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mr. McGlone moved to amend Ord #83-2007, seconded by Mr. Pelot. Mr. Jones inquired about the deadline for filing with the Board of Elections for the November ballot. The Clerk of Council stated that it is 75 days prior to the election date.

Ord. #83-2006 Continued:

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

Motion passed 7-0.

CONSIDERATION OF MINUTES:

Minutes of the Regular Council Meeting of January 8, 2007-Accepted as written.
Minutes of the Committee Work Session of January 16, 2007-Accepted as written.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Ed Binic of the Barberton Health District introduced Ms. Paulette Kline as the new Health Commissioner. Ms. Kline gave a brief history of her background. Ms. Kline stated that she was formerly from New York State with a population of 220,000 residents. Ms. Kline stated that she has an advanced degree in public health as well as an under graduate degree in nursing. Ms. Kline stated that she offered her support and open to holding town meetings to educate the residents about public health issues.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Mr. Andrew Lehner, a Norton resident, spoke about the city looking into doing some type of fundraiser to support the city's parks and recreations. Mr. Lehner stated that we need to do something to attract more residents to come here. Mr. Lehner commented that Cuyahoga Falls is always doing something on the weekends like festivals.

Mrs. Elaine Tompkins, a Norton resident, spoke regarding some unfinished business from 2006 such as the purchase of three (3) police cruisers. Mrs. Tompkins stated that in the past the city agreed to buy only two (2) new cruisers each year until 2008. Mrs. Tompkins also expressed her concerns with the Council not looking at the expenses of the Police Department and the potential cost savings of contracting elsewhere. Mrs. Tompkins stated asked how can you make decisions without all of the facts? Mrs. Tompkins discussed Ord. #83-2006 and stated that this needs to be looked at some more. Mrs. Tompkins stated that the Law Director position appeared to be over simplified, adding that at times Council has asked for legal opinions in writing and sometimes they don't get them. This Charter amendment would take this out all together.

Mr. Ralph Beddow, a Norton resident, welcomed everyone back to a New Year. Mr. Beddow reminded Council to address the sewer fees for the citizens. This issue is extremely expensive for those looking to get sewers.

Charlotte Whipkey, a Norton resident, asked Council to please turn down Ord #82-2006 and #83-2006 and to keep these from going to ballot in November. Ms. Whipkey discussed the tuition reimbursement issue from former employee Colene Conley. Ms. Whipkey stated that the city paid for her to go to school and that shortly after she graduated, she dropped us like a hot potato and took another job elsewhere. Ms. Whipkey stated that now Ms. Conley is permitted to make monthly payments to the city and wondered who authorized this? Ms. Whipkey stated that the city paid for the tuition up front in one payment, and it is not fair for our own residents connecting to sewers to make one lump payment. Why should she be allowed to make payments when our residents can't make payments for sewer or water connections?

Barbara Vimont, Chairperson for the Charter Review Commission, spoke regarding Ord. #83-2006. Ms. Vimont stated that she wanted Council to vote this down and sent it back to the Commission to be re-worked. Ms. Vimont stated that based on some comments that have been made since this came into effect, the Commission would like to re-work this. Ms. Vimont asked to have more clarification to help the Commission to be sure they are doing things appropriately. Ms. Vimont stated that with large corporations when job descriptions are done, the boss usually does them and the HR Director approves it. The Mayor and Council write Job descriptions in the City of Norton with input from the Administrator, however that job description would be available to the citizens for their input as well. Ms. Vimont stated that ultimately the citizens are the bosses of all of the employees. Ms. Vimont asked to have some clarification on this issue later in the evening during Reports from the Mayor, Officers and Boards & Commissions section. Mr. Jones asked about Ord #82-2006 the Comprehensive Plan, and asked Ms. Vimont to comment. Ms. Vimont stated that she has not heard any objections to this one, and could not comment on it.

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION

ORD #1-2007

Mr. Jones offered Ord. #1-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF \$35,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF WATER LINE IMPROVEMENTS (JOHNSON ROAD), AND DECLARING AN EMERGENCY.

Mr. Jones moved to waive the second and third readings, seconded by Mr. Braman. Mr. Moss explained that we are proposing to pay off \$50,000 and leaving \$35,000. If we can arrange to do this, we are paying off the note from four (4) years remaining to two (2) years.

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

Motion passed 7-0.

Mr. Jones moved to adopt Ord #1-2007, seconded by Mr. Braman.

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

Motion passed 7-0.

ORD #2-2007

Mr. Jones offered Ord. #2-2007 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF \$75,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PURCHASING EQUIPMENT FOR THE CITY'S DEPARTMENT OF PUBLIC SERVICES, AND DECLARING AN EMERGENCY.

ORD #2-2007 continued:

Mr. Jones moved to waive the second and third readings, seconded by Mr. Braman. Mr. Jones stated this just like Ord #1-2007 and again we are paying down the debt from 2003 a little earlier.

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

Motion passed 7-0.

Mr. Jones moved to adopt Ord. #2-2007, seconded by Mr. Braman.

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

Motion passed 7-0.

RES #3-2007

Mr. McGlone offered Res. #3-2007 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR MR. CLAUDE COLLINS FOR HIS DEDICATED SERVICE AS A PART-TIME POLICE OFFICER, SUPERINTENDENT OF PUBLIC SERVICE, AND THE ADMINISTRATIVE OFFICER OF THE CITY OF NORTON FROM MAY 30, 1998 TO FEBRUARY 23, 2007.

Mr. McGlone moved to waive the second and third readings, seconded by Mr. Pelot. Mr. McGlone stated that he has enjoyed working with Mr. Collins these last five (5) years. Mr. McGlone stated that with everything he has asked for Mr. Collins was always quick to reply, and appreciated everything he has done. Mr. Pelot stated that it has been a pleasure working with Mr. Collins and wished him good luck.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Res. #3-2007, seconded by Mr. Zita.

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

Motion passed 7-0.

ORD #4-2007

Mr. Pelot offered Ord. #4-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO ADVERTISE, TAKE BIDS, AND EXECUTE A CONTRACT OR CONTRACTS, ACCORDING TO LAW, FOR SERVICE DEPARTMENT MATERIALS FOR THE MAINTENANCE OF ROADS FOR THE CITY OF NORTON.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Jones. Mr. Pelot stated this is more of a formality and something that we do every year. Mr. Pelot stated that by waiving the second and third readings, we can get moving on this sooner.

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #4-2007, seconded by Mr. Jones.

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

Motion passed 7-0.

ORD #5-2007

Mr. Pelot offered Ord. #5-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A BOOM MOWER AND ATTACHMENTS FROM AKRON TRACTOR FOR USE BY THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Jones. Mr. Pelot stated that this equipment allows the tractor to be on one side of the ditch, with the mower attachment extending out over into the ditch. This is not only more convenient but is also safer to our employees. Mr. Pelot stated that Mr. Weinsheimer had originally budgeted \$100,000 for this item, but was able to secure a demo model priced at \$86,194.00, saving the city approximately \$13,000. This is a State bid item and is not required to go out for a public bid. Mr. Pelot stated that other cities are also looking at this item and by moving quickly on this we would be able to purchase it right away.

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #5-2007, seconded by Mr. Jones.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

AMENDED ORD #81-2006

Mr. McGlone offered Ord. #81-2006 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 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.

Mr. McGlone moved to adopt Ord. #81-2006, seconded by Mr. Pelot.

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

Motion passed 7-0.

AMENDED ORD #82-2006

Mr. McGlone stated that there was discussion at the beginning of this meeting to table this and send it back to the Charter Review Commission. Mr. Jones stated that he would like to send it back for further consideration. Mr. Jones stated that at the top of the ordinance it refers to the Comprehensive Plan, however further on down it states Master Plan. Is it a Comprehensive Plan or a Master Plan? Mr. Jones stated that it states in Section 2, that *“Shall Section 6.02(B) of the Charter of the City of Norton be amended to authorize the Municipality to incorporate a Comprehensive General Plan, to be maintained and periodically revised by the Planning Commission, and submitted to Council”*. Mr. Jones asked if this was the case, would this book as prepared by D. B. Hartt be part of Ord. #82-2007? Mr. Jones stated that he was unclear about this and expressed his concerns with several items within the book. Mr. Jones stated that he spoke with one of the members of the Charter Review about this and they did agree with him. Mr. Jones stated that with this going to the ballot in November, we would have plenty of time to re-work it. There was discussion as to the proper motion, and Mr. Lyons suggested that if you want to completely remove this from Councils agenda, you would need a motion to table it indefinitely, which more or less kills this legislation. Mr. Lyons suggested the motion include Councils desire to send this issue back to the Charter Review Commission for further review. Mr. McGlone moved to table Amended Ord. #82-2006 indefinitely and to refer this back to the Charter Review Commission, seconded by Mr. Jones. Mr. Pelot asked if anyone has submitted a list of issues to the Charter Review Commission? Mr. Jones indicated that he would work with the Clerk of Council and submit a memo with the areas of concerns to the Commission. Mayor Kernan stated that he did not believe the amended ordinance or the proposed Charter change adopts this Master Plan. Mr. Jones stated that in Section 2 states *“incorporate the Comprehensive General Plan”* and asked doesn't that incorporate this book? Mayor Kernan answered no, it states *“to authorize the municipality to incorporate a Comprehensive General Plan”*. Mayor Kernan stated that it does not mean it is incorporating this particular plan. Mayor Kernan stated that later on if Council wishes to officially adopt this plan, they could do so by an ordinance. Mr. Pritchard stated that this is a periodic review or an update of the plan. Mr. Jones stated that city paid approximately \$75,000 for D. B. Hartt to prepare this.

Amended Ord #82-2006 continued:

Mayor Kernan stated the next step if this passes is for Council to adopt a Master Plan in this form or some other form. Mr. Lyons concurred, adding that the Charter simply provides a procedure for doing that. It gives Council the authority and directs that the process is followed, it does not adopt this plan. Mr. Pritchard stated that he felt the intent here was to have a periodic plan, and that the updates are to be incorporated into the Master Plan.

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

Motion passed 7-0.

AMENDED ORD #83-2006

Mr. McGlone moved to table Amended Ord. #83-2006 indefinitely and to refer this back to the Charter Review Commission, seconded by Mr. Jones.

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

Motion passed 7-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Kernan announced that Government Finance Officers Association (GFOA) has issued a certificate of achievement for excellence in financial reporting, the CAFR for the fiscal year of December 31, 2005 and this plaque would be sent to Mr. Moss. This is just another recognition that Mr. Moss is doing an excellent job for the City of Norton. Mayor Kernan stated that CCA Income Tax would be holding taxpayer assistance meetings for the residents at the Community Center. The dates are as follows: March 8, 2007 from 1:00 PM to 4:00 PM, March 22, 2007 from 1:00 PM to 5:30 PM, April 7, 2007 from 9:00 AM to 3:00 PM, and April 13, 2007 from 10:00 AM to 7:00 PM. Mr. Pelot asked to have this placed on the website and a recorded phone message when residents call into city hall. Mayor Kernan stated that this would be taken care of.

Mr. Collins stated that he sent out Requests for Proposals (RFP's) today for the feasibility study for the public drinking water, wastewater treatment and the viable options available to the city. Mr. Collins indicated these should come back in a few weeks, and would be sent to Council.

Mr. Moss stated that his department has been very busy wrapping up the end of year reports, and had nothing more to report.

Mr. Pritchard stated that the city has received the copy of the feasibility study for the Wolf Creek/Pigeon Creek corridor. Mr. Pritchard stated that the plan identifies the trail, the Greenway and the costs associated with this. Mr. Pritchard stated that hopefully this is a first step in securing additional funding sources if we move forward with this project.

Mr. Lyons stated that since the last meeting, there was a lawsuit filed by Mr. Virgil Cochran who has recently passed away. Mr. Lyons indicated that the attorney for the city's insurance is preparing to file a motion to dismiss this case.

UNFINISHED BUSINESS

None

NEW BUSINESS

Mr. Jones discussed Mrs. Tompkins earlier comments regarding the purchasing of police cruisers. Mr. Jones stated that he believed the city has set aside \$75,000 to purchase three (3) new cruisers for this year. Mr. Jones commented on an article in the papers this weekend, which stated the City of Wadsworth has purchased three (3) cruisers for around \$62,000, and wondered if they were completely outfitted. Mr. Moss indicated that they would have additional costs for equipment and upgrades. Mr. Collins indicated that this price of \$62,000 is most like just the price of the vehicles from the dealer. Mr. Collins stated that both communities use the State Bid Purchase Program for police cars. Mr. Collins stated that our city set aside the maximum amount of \$75,000 and the actual costs would be less than this. Mr. Moss stated that something the press did not indicate is the fact that the City of Wadsworth did commit to purchase those vehicles last year in order to lock in the price. Mr. Jones stated that Mr. Art Johnson, a Norton resident could not attend the meeting but wanted to thank Mr. Weinsheimer and the Service Dept., for addressing his culvert issue. Mr. Pelot discussed the police cruisers and stated that he thought one of the cruisers was to replace one that was totaled in an accident. Mr. Collins clarified this issue, the totaled vehicle was replaced last year, and that typically the Police Dept. gets two (2) new cruisers each year, however two years ago they purchased none, so essentially they are still playing catching up.

PUBLIC SERVICE ANNOUNCEMENTS

None

ADJOURN:

There being no further business to come before it, Council adjourned the meeting at 7:46 PM.

James Price, President of Council

I, Karla Richards, CMC-Clerk of Council of the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Meeting of Council, held on Monday, February 12, 2007.

Karla Richards, CMC-Clerk of Council

*****THESE MINUTES ARE NOT VERBATIM *****