



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 12, 2007**

Roll Call: Ken Braman
Brenda Hlas
Tom Jones-Excused
Dennis McGlone
Bill Mowery
Scott Pelot
Mike Zita

Also Present:
Mayor James A. Price
Rick Ryland
John Moss
Mike Lyons
Jeff Pritchard
Karla Richards
Ann Campbell-Excused

The Regular Council Meeting convened on Monday, November 12, 2007 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Dennis McGlone, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mr. Pelot stated that there has been some issues raised on Ord #77-2007 regarding the purchase of a gazebo and he would propose to send this item back to Committee for further discussion. Mr. Pelot stated that this money was to be transferred from the Inheritance Fund for the costs of a gazebo. Mr. Pelot moved to send Ord #77-2007 back to Committee, seconded by Mrs. Hlas.

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

Motion passed 6-0.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of October 22, 2007, were approved as written.
Minutes of the Committee Work Session of November 5, 2007, were approved as written.

COMMUNICATION FROM THE PUBLIC:

Mrs. Elaine Tompkins, a Norton resident, read a statement regarding her post election comments, the road program, and the Mosquito Abatement District (MAD) (see attached).

Mr. Charlie Lemon, a Norton resident, spoke regarding the election and congratulated those who won and offered his condolences to those who lost. Mr. Lemon stated that he now hopes this city can move forward. Mr. Lemon discussed the close ties with the people regarding Issue #45, and suggested that the Police Dept. Union should file a suit to recoup all of their money they spent during the campaign. Mr. Lemon stated that the petitioners lied in order to get the residents to sign their petitions. Mr. Lemon urged Council to bring a suit to recover their expenses. Mr. Lemon stated that these employees were doing their jobs and that they place their lives on the line every day.

COMMUNICATION FROM THE PUBLIC CONTINUED:

Mr. Mike Meden, a Norton resident, read a quote from a book by Mr. Elmer Davis titled "Freedom and Courage" (see attached). Mr. Meden briefly discussed Issue #45, stating that he hoped this issue is now finally dead, it went down in Council twice and the voters have now spoken. Mr. Meden stated that he was disappointed with some of the negative statements in the news, and that because of that it drove a wedge within the entire community. Mr. Meden stated that this would take a long time for this to heal. Mr. Meden stated that he now hoped we can have clear minds that will prevail, and it is time to move on.

PUBLIC HEARINGS:

ORD #69-2007

An ordinance amending Chapters 1250, 1258, 1274, and 1298 of the Norton Codified Ordinances to allow skill-based amusement arcades as a conditionally permitted use in the B-2 and B-3 Business Districts.

Mr. McGlone temporarily recessed the Regular Council meeting in order to convene the Public Hearing for Ord. #69-2007 at 7:15 PM. Mr. McGlone asked the Clerk of Council to certify the legal notice for the hearing. The Clerk of Council certified that a legal notice for this Public Hearing was published in the Barborton Herald on October 18, 2007. Mr. McGlone called three (3) times for anyone in favor or against the rezoning to come forward, no one came forward. Mr. McGlone closed the Public Hearing and reconvened the Regular Council Meeting.

COMMUNICATION FROM THE PUBLIC CONTINUED:

Megan Booth, a Norton resident, stated that she agreed with Mr. Meden's and Mr. Lemon's statements, adding that we need to be unified as a city and work toward achieving that. Ms. Booth stated that she understood the last meeting did not record, and since she also attends and records the meetings, offered her copy of the meeting for Ms. Campbell to help keep the citizens informed. Ms. Booth offered her congratulations to all that won and stated that she is looking forward to good things for the city and positive outcome for the future of Norton.

Charlotte Whipkey, a Norton resident, congratulated the Norton voters and the number of voters that turned out. Despite everything that was said, they made their choices loud and clear. The residents made big steps in many directions and they should all be very proud. Ms. Whipkey stated that she received a copy of the first draft Charter at the Charter Review Commission meeting, and asked about the letterhead not being up to date. Mrs. Hlas replied that this was a draft and it was scrap paper. Ms. Whipkey stated that the city web page is not up to date with the Cemetery Board, adding that Ms. Violet Carr is a present member on the Cemetery Board and it would be nice to see this listed on the web page before that Board is removed.

Kathy Cunningham, a Norton resident, quoted Ralph Waldo Emerson from 1816 "The instinct of the people is right". Ms. Cunningham thanked the citizens of Norton for their strong and proper representation. Ms. Cunningham thanked the Norton Police Department for the way they conducted themselves throughout the entire process. Ms. Cunningham spoke of the challenges ahead for the new Mayor Elect.

COMMUNICATION FROM THE PUBLIC CONTINUED:

Ms. Cunningham stated that she was disappointed that her Councilman was not present tonight to hear her comments. Ms. Cunningham discussed issue #45, which was defeated by 69 percent of the vote. We now have a positive momentum through out the city, and for the first time since she can remember we also have a Council that is working cohesively together, except for one member. Ms. Cunningham discussed the conduct of her Councilman such as; the public threats on Council floor directed toward the Council members running for election; for publicly stating that he had a vendetta with the Chief of Police; and for the refusal to answer specific questions posed by the citizens of Norton raised at this podium, from Council members and from the press. Ms. Cunningham stated that in her opinion this action is inappropriate and unprofessional. Ms. Cunningham stated that in his mayoral run there was only eighteen (18) percent of the electorate that supported him. Ms. Cunningham stated that it is clear this person can no longer sit on Council and represent the citizens of Norton. Ms. Cunningham went on record to ask this Councilman to look at the reality, search his conscience and put the needs of the residents first and asked for him to resign his Council seat effective immediately.

INTRODUCTION OF NEW LEGISLATION:

ORD #75-2007

Mr. Zita offered Ord. #75-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AND DIRECTING THE ADMINISTRATIVE OFFICER AND/OR MAYOR TO TAKE ANY AND ALL NECESSARY STEPS TO EFFECTUATE THE PURCHASE OF THE PREMISES AT 3355 DOROTHY COURT, PPN #4608128, AS PROVIDED IN THE LEASE OF SAID PROPERTY DATED FEBRUARY 1, 2003.

First reading only.

ORD #76-2007

Mrs. Hlas offered Ord. #76-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2007.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION:

ORD #72-2007

Second Reading:

Mr. Zita offered Ord. #72-2007 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 7.01 OF THE CHARTER OF THE CITY OF NORTON TO LIMIT THE CHARTER REVIEW COMMISSION'S TERM TO NO MORE THAN 12 MONTHS FROM THE DATE OF ITS FIRST MEETING.

Second reading only. Mr. Zita stated that this amendment is slated for 11-04-08 General Election.

INTRODUCTION OF PRIOR LEGISLATION CONTINUED:

ORD #73-2007

Mr. Zita offered Ord. #73-2007 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 10.01(A) OF THE CHARTER OF THE CITY OF NORTON TO ESTABLISH THE NUMBER OF SIGNATURES REQUIRED ON A PETITION TO PLACE A CHARTER AMENDMENT ON THE BALLOT TO BE IN CONFORMANCE WITH THE CONSTITUTION AND LAWS OF THE STATE OF OHIO.

Second reading only. Mr. Zita stated that this amendment is slated for 11-04-08 General Election.

ORD #74-2007

Mr. Braman offered Ord. #74-2007 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO MODIFY THE FIRE DISTRICT LOCATED AT 3672 WADSWORTH ROAD TO ALLOW AN INCREASE IN BULK STORAGE CAPACITY FROM 125,000 GALLONS TO 221,000 GALLONS.

Second reading only.

ORD #67-2007

Mr. Mowery offered Ord. #67-2007 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO APPROVE A MUTUAL AID AGREEMENT BY AND BETWEEN THE CITIES OF NORTON AND FAIRLAWN, THE VILLAGE OF RICHFIELD, THE TOWNSHIPS OF COPLEY AND BATH, AND THE VALLEY FIRE DISTRICT FOR THE SHARING AND EXCHANGE OF APPARATUS AND/OR EQUIPMENT BY THE FIRE DEPARTMENTS OF THE RESPECTIVE SUBDIVISIONS IN EMERGENCY SITUATIONS.

Mr. Mowery moved to adopt Ord. #67-2007, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #68-2007

Mr. Braman offered Ord. #68-2007 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCES BY ADDING CHAPTER 856 TO ESTABLISH REGULATIONS TO MINIMIZE AND CONTROL THE NEGATIVE EFFECTS OF SKILL-BASED AMUSEMENT DEVICES WITHIN THE CITY OF NORTON.

INTRODUCTION OF PRIOR LEGISLATION CONTINUED:

Mr. Braman moved to adopt Ord. #68-2007, second by Mr. Zita. Mr. Pelot questioned the new State law that recently went into effect and asked Mr. Lyons to elaborate. Mr. Lyons indicated that the new law limits the pay outs and the intention is to basically eliminate slot machines, and that by Council passing this legislation, it would not conflict with the new law. Mr. Lyons stated that it is best to move forward with this legislation, and if the new State law holds, some charges or fees may become unnecessary.

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

Motion passed 6-0.

ORD #69-2007

Mr. Braman offered Ord. #69-2007 for its third reading, and asked the Clerk to read it:

AN ORDINANCE AMENDING CHAPTERS 1250, 1258, 1274, AND 1298 OF THE NORTON CODIFIED ORDINANCES TO ALLOW SKILL-BASED AMUSEMENT ARCADES AS A CONDITIONALLY PERMITTED USE IN THE B-2 AND B-3 BUSINESS DISTRICTS.

Mr. Braman moved to adopt Ord. #69-2007, seconded by Mr. Zita.

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

Motion passed 6-0.

ORD #70-2007

Mrs. Hlas offered Ord. #70-2007 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH OSBORN ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES FOR THE NEWPARK DRIVE ROAD RECONSTRUCTION AND STORM WATER MANAGEMENT PROJECT, TO APPROPRIATE FUNDS FOR SAID AGREEMENT AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to adopt Ord. #70-2007, seconded by Mr. Braman. Mr. McGlone asked Mr. Ryland for the status of the potential acquisition of the Revlis property. Mr. Ryland stated that at this time there is no purchase agreement for this property.

ORD #70-2007 Continued:

Mr. Ryland indicated that part of the overall engineering is to evaluate the entire property for the placement of the retention pond. Mr. Ryland stated that it would be premature for the city to act on this until we know that this is the right location for a retention pond.

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

Motion passed 6-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Price commented on the election, stating this involved many elected positions, many issues and many concerns. Mayor Price stated that as a result of this election we have some direction for this city and good people to lead us. Mayor Price congratulated all of the winners. Mayor Price thanked all of the residents of Norton who involved themselves with the election process. Your concerns for Norton and the passion expressed were and are a part of what makes Norton a great community.

Mr. Ryland stated that the city is releasing payment to Carvo Paving in the amount of \$686,000.00 for the 2007 Road Program. Mr. Ryland stated that this year Summit, Hillsdale, Tallwood and Cleveland-Massillon Roads were listed on the 2007 Road Program. Mr. Ryland stated that the project is complete with the exception of a separation problem on Summit Road, which will require better temperatures to make the repairs. The project is still well below the \$750,000.00 that we budgeted for, however there is \$6,200.00 that we are in disagreements with. When we have the final figure we will bring that final figure forward. Mr. Ryland stated that Carvo Paving Company was extremely easy to work with, very responsive and looked forward to having future opportunities to work with them. Mr. Ryland stated that he would be attending the Mosquito Abatement District (MAD) meeting this Wednesday to request \$8,000.00 for the draining of the swamp that sits on Hametown & Johnson Roads. Mr. Ryland stated that in the past this area was not a swamp, however due to construction and filling in of some of the ditches, this is now a swamp. Mr. Ryland stated that this area is taking up large areas of neighborhood property as well as lying on top of several septic systems. Mr. Ryland stated that we are paying \$40,000.000 annually to the MAD District and he is not shy about going to them and asking for this money to come back to our community.

Mr. Moss requested to have the 2008 Budget discussion on the next Work Session agenda.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mr. Pelot stated that he was talking with Mr. Ryland about the identity of the City of Norton and that most residents identify the center of town as the main focus. Mr. Pelot indicated that he would like to start to enhance that area. Mr. Pelot stated that he would like to see new sidewalks, we have new ones in some areas, and would like to see this continued throughout. Mr. Pelot stated that he felt this would probably end up being some type of an assessment for the businesses, however working with them and putting some type of program to support the businesses. We need to continue to support the businesses that we do have while promoting new growth. Mr. Pelot stated that by doing this it starts to ascetically improve the area while defining the town square. Mr. Pelot expressed his concerns for the children since there are no cross walks at Greenwich or Cleveland-Massillon Road. Mr. Pelot stated that he would like to see Mr. Pritchard work on this and have some type of legislation in place to have sidewalks at the entire main intersection as one spot that defines the town square.

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Braman stated that on behalf of all Norton Veterans, he thanked the Norton High School students and faculty that conducted this year's Veterans Day Breakfast and program. Mr. Braman stated that they showed a lot of respect for our Veterans, many of them served in World War II and now in their mid eighties (80's). Mr. Braman stated that we are very proud of the Norton High School student body and our future is in good hands

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:39PM

Dennis McGlone, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on November 26, 2007.

Karla Richards, CMC-Clerk of Council

****NOTE: THESE MINUTES ARE NOT VERBATIM****

All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted. If you do not have access to Time-Warner Channel #15, you may request to view a copy of any VHS recorded meeting in Council Chambers. Please contact Ann Campbell in the Administration office to make the necessary arrangements at (330) 825-7815 ext. 14.