



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

Roll Call: Ken Braman
Tom Jones
Dennis McGlone
Bill Mowery
Scott Pelot
James Price
Mike Zita

Also Present:
Mayor Joseph Kernan
John Moss
Jeff Pritchard
Mike Lyons
Karla Richards

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

COMMITTEE OF THE WHOLE:

Mr. Jones moved to amend Ord. #19-2007, seconded by Mr. Zita. Mr. Jones stated that he wanted to insert Director of Finance where it states Administrative Officer since we currently do not have an Administrative Officer.

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

Motion passed 7-0.

Mr. Jones briefly discussed Res. #10-2007 and asked Mr. Lyons to clarify the vote; if a yes vote means no, or if a no vote means yes. Mr. Lyons stated that the statute indicates that if there is a rejection for an application, you must clearly state the reasons for the objections within the legislation. If Council votes yes, then you are approving the rejection. Mr. Lyons stated that he did not have a clear indication from Council as to their intent, so he took the lead from the Planning Commissions resolution, which was a rejection. Mr. Lyons stated that if Council took no action at all, it would be deemed as approved. Mr. Lyons stated that although it may be confusing, the language is very clear in the legislation; it is written to reject the application. Mr. Lyons clarified that if Council does not agree with the legislation and they want to approve the application, then they would need to vote no.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of February 27, 2007; Mr. Jones noted one correction on page #1-Mr. Price is listed as voting twice. The correct roll call should be: Jones, Mowery, Braman, Pelot, Zita, McGlone, Price. The minutes were accepted as corrected.

Minutes of the Committee Work Session of March 5, 2007 were accepted as written.

COMMUNICATION FROM THE PUBLIC:

Mr. Price asked Council if there were any objections to having Mr. Harrison of the Barberton-Norton Mosquito Abatement (MAD) Board speak first, there were no objections. Mr. Harrison explained the recent error on the tax assessment bills, and that this occurred while uploading the figures to the County. Mr. Harrison stated that he has been working with Mr. Donofrio at Summit County and there would be some adjustments made on the second half billings. Mr. Harrison stated that Norton has two residents (Mrs. Sandy Chrisant, and Mrs. Karen Miller) serving as voting members on the MAD Board and both of them have been involved in the recent meetings.

Communications From The Public Continued:

Mr. Harrison indicated that the MAD Secretary, (Jill Easterling) will be sure that the Norton Clerk of Council receives all agendas and meeting minutes in the future via email so that Norton City Council is advised. Mr. George Tomko, a Norton resident, questioned the method of setting the assessments. Mr. Tomko stated that just because one neighbor has a more expensive house does not mean he has more mosquitoes. Mr. Tomko stated that if mistakes are made, then they need to admit this, and it is not fair for the residents to have to pay the costs involved with correcting the mistakes. Mr. Tomko stated that what is being done is not fair.

Mr. Steve Kyer, also from the Barberton-Norton-MAD Board explained the process for the assessments, and the fact that a lot of work gets done during the winter months, such as setting up traps for mosquito's. Mr. Kyer stated the State of Ohio sets the method of assessment and there is no other way to do this, unless the State legislature changes the laws. Mr. McGlone inquired about the annual operating budget, and Mr. Harrison replied that \$181,000 was budgeted for 2006 and for 2007. Mr. Harrison stated that the budget does include the purchase of four (4) new trucks, which are replacement vehicles. Mr. McGlone inquired about what would happen to the equipment if the MAD Board failed and dissolved, and Mr. Harrison indicated they would go to auction. Mr. Price asked if there is a cap on the amount of increases allowed? Mr. Kyer indicated that if they want an increase, they have to go to the Common Pleas Court for a ruling, and that there would be a public hearing and public notification. Mr. Pelot asked if it was true that the Ohio Department of Health is considering stopping the testing for West Nile Virus (WNV)? Mr. Harrison and Mr. Kyer both stated that they were not aware of this. Mrs. Elaine Tompkins, a Norton resident, inquired about the public notification process, and stated that at that time Norton was already receiving spraying under the contract with Barberton Health District. Mrs. Tompkins asked what kind of credit did Norton receive for this? Mrs. Tompkins stated that based on this fiasco on this assessment issue, how anyone could be sure that his or her total tax bill is correct? Mr. Harrison stated that Norton received a \$12,000 discount off of their contract with the Barberton Health District. Mr. Harrison stated that he has been working with Mr. Donifrio's office and there will be a procedure in place where a hard disk CD-file will be prepared and we are to verify those assessments and sign off on the figures. Then the County will use that CD to upload to their records, there will no longer be electronic uploading in the future. Mr. Zita clarified that now Norton is paying approximately \$78,000 annually for the Barberton Health District contract. Mr. Pelot asked what was the split in the \$181,000 between each community? Mr. Harrison answered that Barberton and 25 % pay approximately 75 % by Norton because the property values are higher. Mr. Stavarz, a Norton resident, stated that the mosquitoes are not different at his house today than they were prior to the Health District coming. Mr. Stavarz stated that he resents the way the tax was imposed on the residents and wants Council to move in a direction to do something about this whole situation overall.

Mr. Price asked for Mr. Ed Binic, of the Barberton Health District to come forward now because he may have to leave our meeting earlier than planned. Mr. Binic gave an update on the two C & D landfill sites in Norton. Mr. Binic stated that the Summit-McCoy site is planning to move into Phase II sometime this summer. Mr. Binic indicated that as part of the Health Department's requirements they are currently digging fifteen (15) test pits to profile the soil and they are installing five (5) ground-monitoring wells. Mr. Binic stated that the Eshlich C & D has appealed the recent decision from the Barberton Health District, which is set for a hearing later this month or early next month, and thanked My Lyons for his assistance in this process. Mr. Binic discussed the food protection program and that we had a five (5) day audit by the Department of Agriculture for the first time. Mr. Binic stated that we had very few minor issues, and the preliminary verbal report was very commendable. Mr. Pelot questioned the emergency procedures in case of an emergency at the C & D facilities for contamination. Mr. Binic stated that we have ground monitoring wells in place and the Ohio EPA would be called in for a full assessment made if an incident were to occur.

Communications From The Public Continued:

Mr. Jones questioned of the Health Dept. monitors any of the mud or debris that comes out onto the highway. Mr. Binic stated that the Health Dept. had some significant issues earlier this summer with the Eshlich C & D facility in which they were cited for violations, and they did make some corrections. Mr. Jones stated that he discussed mud and debris issue with the city crews and they are trying to help out. Mr. Jones stated that on several occasions there was mud at least $\frac{3}{4}$ of an inch thick on the highway. Mr. Jones stated that he has received complaints from some of the residents, and would like the Health Dept. to continue to monitor that situation.

Mr. Don Weigand, a Norton resident, spoke and thanked the road crew for patching Cleveland-Massillon Road on the north side, it's a good start and we have more roads to repair. Mr. Weigand read a statement, (see attached). Mr. Weigand stated that if we can save a few dollars by consolidating our services, then we would have more matching funds for roads, sidewalks, schools, etc. Council should at least let the residents listen, and we would know once and for all where we stand.

Mr. Norman Kendall, a Norton resident, spoke regarding Res. #10-2007 adding that he had talked with each of the Council members individually regarding his application. Mr. Kendall stated that it's only right for Council to approve this. Mr. Kendall stated that this Council is collectively one of the best in years if not the best ever.

Mr. Jim Lino, a Norton resident, spoke regarding the proposed Mayors salary at \$25,000, not saying that he doesn't deserve this, its just too much of an increase, and questioned if this was really thought out. Mr. Lino discussed the Comprehensive Plan and stated he was not sure what this is all about. Mr. Lino wondered what is planned for his neighborhood, maybe a Wal-Mart some day. Mr. Lino stated that this week in Wadsworth is declared Public Power Week and they are giving away free pine trees to customers at city hall. Mr. Lino suggested that Norton should be giving away pine trees too.

Ms. Megan Booth, a Norton resident, discussed the Charter section change in Ord. #8-2007. Ms. Booth stated that she was not sure who wrote this, however "eliminating" is not correct. Ms. Booth stated that she would rather see the whole proposed amendment so the residents would not to analyze it in order to make the proper decision.

Mr. George Tomko, a Norton resident, spoke about life not being fair, and that any time he made mistakes he always owned up to them, why is it that others don't have to. Mr. Tomko discussed a library tax he is paying on an empty lot he owns and he is paying an annual tax of \$217.30. Mr. Tomko discussed the Mayors salary and stated that this position is still part time leave, it as it is. Mr. Tomko discussed the executive session, and how many years does it take to get it right? Mr. Tomko stated that he wants to see English language the official language for the entire city, not just in city hall. Mr. Tomko referred to an article about the English language in today's Beacon Journal. Mr. Tomko discussed the moratorium on skilled games Ord. #16-2007, and that he had a problem with this. Mr. Tomko stated that four (4) years he fought illegal gambling and it was finally stopped. Tomko stated Council should cut out all of the game rooms.

Ms. Barb Vimont, a Norton resident and Chair of the Charter Review Commission, spoke regarding the various Charter issues. Ms. Vimont agreed with Ms. Booth's comments regarding the word eliminating in Ord. #8-2007, and it is misleading to the public. Ms. Vimont stated that all of the information is not getting out, we are not eliminating the requirement for continuous residents, and it is already accounted for another sentence later on in the resolution. Ms. Vimont explained Ord. #9-2007 and that it does remove Councils approval, and that is what the Commission intended.

Communications From The Public Continued:

Ms. Vimont stated that they want Council's suggestions and input, however the Charter is the people's Charter and it should go to them for approval regardless what Council approves or does not. Ms. Vimont discussed the memo from Mayor Kernan to her as the Chair of the Commission, which gave her guidance and spelled out their duties, and suggested wrapping up our work. It came to her attention that some residents are going to the press and saying that the Mayor is trying to shut down the Charter Review Commission. That is not how she understood the Mayor's memo. Ms. Vimont stated that yes, there are going to be several issues on the ballot, but we feel it's important to get these on the ballot. Ms. Vimont discussed the memo from Mr. Collins reflecting the breakdown of job duties for when he resigns. Ms. Vimont explained the definition of power, and clarified that Mayor Kernan agreed with this memo and he is only delegating some of the duties to others in Administration. This is typical in most business environments and that the Mayor still holds the power, and she does not see it as a violation of the Charter.

Mr. Pete Underation, a Norton resident, spoke about the Mayor's salary increase, and that if you do the math that is a 122% increase. Most residents in Norton who do get a raise only get 3% to 5% a year after going through a performance evaluation. Mr. Underation stated that several residents are really upset about this potential increase.

Mr. Stavarz, a Norton resident, spoke against the proposed Mayor's salary increase. Mr. Stavarz stated that we are not a rich and prosperous city and considering our financial situation and there is no way this needs to be raised to \$25,000. Mr. Stavarz stated that a substantial raise may be in order, but an increase to \$25,000.00 is more than substantial. Mr. Stavarz discussed the Barberton-Norton Mosquito Abatement District (MAD) and that it came up rather quickly after the Barberton Health District's budget was severely cut, Mr. Harrison knew how to get around that and knew how to pursue this. Mr. Stavarz stated that it's a tragic thing that a petition with barely 500 signatures can impose a tax on almost 40,000 residents without their vote on it. Mr. Price asked Mr. Stavarz what he thought was a fair salary for the Mayor, and Mr. Stavarz stated that \$18,000.00 would be fair. Mr. Price also asked Mr. Underation the same question. Mr. Underation asked how long has it been since he has received a raise, what has he done to improve the city and does he deserve it? Mr. Pelot reminded Mr. Underation that this is not for the current Mayor. Mr. Underation stated that he knew this, and whoever gets elected should start out at the current salary and that Council needs to evaluate the Mayor and see if he deserves a 3% or 5% increase. Mr. Price stated that the press interviewed him and that he was looking at the direction of \$25,000 and that it depends on the residents. Mr. Underation stated that public servants are to serve the public not to make money.

Ms. Charlotte Whipkey, a Norton resident, spoke again asking Council to turn down Ord #7, 2007, Ord. #8-2008. Ms. Whipkey suggested getting the actual reading of the proposed changes. Ms. Whipkey stated she wants to see Ord. #8-2007 sent back to the Charter review because she has a problem with losing 10% of the voters in certain wards. Ms. Whipkey disagreed with the Commission's decision on Ord #9-2007. The residents have a right to come up here and ask Council to send it back and revise things when we don't agree. Ms. Whipkey stated she would like Mr. Kendall to receive approval for his agricultural district, he was here first, and he should have it. Ms. Whipkey wanted Council to turn down the Comprehensive Plan. Ms. Whipkey stated that she was also opposed to the Mayor's salary increase.

Mrs. Elaine Tompkins, a Norton resident, read a statement to Council, (see attached).

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #16-2007

Mr. Braman offered Ord. #16-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE DECLARING A MORATORIUM ON THE ESTABLISHMENT, OPERATION, PERMITTING OR APPROVAL OF AMUSEMENT ARCADE, AMUSEMENT DEVICE OR SKILL-BASED AMUSEMENT MACHINE BUSINESSES WITHIN THE CITY OF NORTON AND DECLARING AN EMERGENCY.

First reading only.

ORD #17-2007

Mr. Jones offered Ord. #17-2007 for its first reading only.

A ORDINANCE TO IMPOSE AN EXCISE TAX ON CERTAIN TRANSACTIONS FROM THE OPERATION OF HOTELS AND MOTELS; FIXING THE AMOUNT, PROVIDING FOR THE COLLECTION THEREOF AND PRESCRIBING PENALTIES FOR VIOLATIONS.

First reading only

ORD #18-2007

Mr. Jones offered Ord. #18-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE NOMINAL EXPENDITURES FOR REFRESHMENTS OR MEALS TO BE SERVED AT VARIOUS EVENTS, AND TO DECLARE AN EMERGENCY.

First reading only.

AMENDED ORD #19-2007

Mr. Jones offered Amended Ord. #19-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A SPRAY INJECTION ROAD PATCHING MACHINE WITHIN THE STATE BID CONTRACT LIMITATIONS FROM THE LEADER MACHINERY COMPANY, LTD. FOR USE BY THE SERVICE DEPARTMENT AND DECLARING AN EMERGENCY.

Mr. Jones moved to suspend the second and third readings, seconded by Mr. Pelot. Mr. Jones stated that there was an increase in the amount from what was agreed to at the last Committee meeting. Mr. Moss explained that the difference is for the cost of the liquid inside the machine, and it comes fully loaded with the liquid material.

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

Motion passed 7-0.

Mr. Jones moved to adopt Amended Ord. #19-2007, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #20-2007

Mr. Braman offered Ord #20-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE CITY OF NORTON CODIFIED ORDINANCES BY ADDING CHAPTER 1476 TO ESTABLISH ILLICIT DISCHARGE AND ILLEGAL STORM WATER CONNECTION CONTROLS.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

ORD #12-2007

Mr. Jones offered Ord. #12-2007 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO APPROVE THE RENEWAL OF AN AGREEMENT WITH LIFE FORCE MANAGEMENT, INC. FOR EMS BILLING AND COLLECTION SERVICES.

Second reading only.

RES #13-2007

Mr. Braman offered Res. #13-2007 for its second reading, and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF FARMLAND LOCATED AT 3459 CLEVELAND-MASSILLON ROAD IN AN AGRICULTURAL DISTRICT.

Second reading only.

ORD #6-2007

Mr. McGlone offered Ord. #6-2007 for its third reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE SCHEDULE OF POSITION TITLES, STATUS, STRENGTH NUMBER, SALARY RATES AND WAGES FOR 2007.

Mr. McGlone moved to adopt Ord. #6-2007, seconded by Mr. Pelot. Mr. McGlone stated that this only to change the mechanics from one (1) to two (2).

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

Motion passed 7-0.

ORD #7-2007

Mr. McGlone offered Ord. #7-2007 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 ARTICLE III OF THE CHARTER OF THE CITY OF NORTON TO AUTHORIZE COUNCIL TO HOLD EXECUTIVE SESSIONS IN ACCORDANCE WITH THE LAWS OF THE STATE OF OHIO.

Mr. McGlone moved to adopt Ord. #7-2007, seconded by Mr. Zita. Mr. Pelot stated that he understood the resident's fears, however the residents have elected the representatives to these positions.

ORD #7-2007 Continued:

Mr. Pelot stated that at times executive sessions would be necessary, such as union negotiations, if a representative is in the audience and if items are discussed its like showing an open hand of cards to the opponent. These are your elected officials, and if you can't trust them, then they should not be in that position, therefore he will support this. Mr. Jones stated that executive sessions were brought to the residents and voted down over the years. Mr. Jones stated that this has been abused over the years, not that this current council would abuse it. Mr. Jones stated that if this were to go to the residents he believed that it would be voted down again. Mr. Jones stated that he thought this ordinance was to list the three (3) or four (4) reasons to go into executive sessions. Mr. Jones stated that now it just refers to Ohio Revised Code Section 121.22, has anyone every looked at this section to see how involved it is? Mr. Jones discussed recent personnel issue where a Fire Dept. employee was let go and Council didn't know anything about it until a court case came up and they had to settle. Mr. Jones stated that they do it behind our backs, and that is why he cannot support it. Mr. Zita stated that the word executive sessions basically scares, people and it shouldn't. Mr. Zita stated that had executive sessions been in place what that situation when the Fire Dept. employee came up, we would be more in tune and aware of what is going on. Mr. Zita discussed the Sunshine Laws, and it's no different than after a meeting when several Council members go out for coffee to discussing what took place at the meeting. We are putting too much emphasis on executive session, and he would be supporting this.

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

Motion failed 4-3, an affirmative vote of 5-2 is required for adoption.

ORD #8-2007

Mr. McGlone offered Ord. #8-2007 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 ARTICLES I AND III OF THE CHARTER OF THE CITY OF NORTON TO MAKE GENERAL MODIFICATIONS TO THE FORM OF GOVERNMENT IN ARTICLE I AND TO ELIMINATE THE REFERENCE TO "CONTINUOUS RESIDENCY" IN SECTION 3.03.

Mr. McGlone moved to adopt Ord. #8-2007, seconded by Mr. Zita. Mr. Jones stated that Ms. Whipkey has voiced her concerns with the changes for Ward 1 and Ward 4 if this were to pass. Ms. Vimont stated that 20% is what the State of Ohio allows, and that she did not agree with Ms. Whipkey's concerns. Ms. Vimont indicated that Council could modify this and change it back to the 10% without having to send it back to the Charter Review Commission. Mr. Jones indicated that he would support that change to 10%. Mr. Jones discussed the new language changes in bold type and items removed stricken out. Mr. Jones stated that Section 3.03 does not have "or shifted from one ward to another" is not in bold, is this a typo? Ms. Vimont indicated that it was. Ms. Vimont stated that we don't make changes based just on what the State does, we look at if it is appropriate for our community, as well as looking at other communities, and base our decisions on those facts. Mr. Jones discussed some discrepancies in how the resolutions were submitted and what the legislation shows. Mr. Pelot questioned the 10% and 20% difference, and that he was not sure where this affects anything. The city collectively as a whole gets to vote on issues and he was not sure where this matters. Mr. Jones ask why even bother changing this when we have lived with this for over twenty (20) years.

ORD #8-2007 Continued:

Ms. Vimont stated that this is a growing community and that by changing this now it would keep things in balance for now and for the future. Mr. Price stated that changing this just because the State changes it may not be better, he was not sure about this. Mr. McGlone moved to adopt Ord. #8-2007, seconded by Mr. Zita.

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

Motion failed 4-3, an affirmative vote of 5-2 is required for adoption.

ORD #9-2007

Mr. McGlone offered Ord #9-2007 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 ARTICLES VII AND X OF THE CHARTER OF THE CITY OF NORTON TO CLARIFY THE MISSION OF THE CHARTER REVIEW COMMISSION, TO MAKE IT MANDATORY UPON COUNCIL TO SUBMIT THE CHARTER REVIEW COMMISSION'S RECOMMENDED CHARTER CHANGES TO THE VOTERS, TO COMBINE ARTICLES VII AND X, AND STREAMLINE SOME OF THE LANGUAGE OF THOSE SECTIONS.

Mr. McGlone moved to adopt Ord. 39-2007, seconded by Mr. Zita. Mr. Jones stated that if this is approved, you are letting the Charter Review Commission, which is a recommending body, to put this on to the voters. From here on out if you pass this they are merely going to come to us whenever there is a Charter change. We are elected officials and the Commission is only appointed. Do we want to allow appointed officials to tell Council this is what you are going to do whether you like it or not? Mr. McGlone stated that it's the vote of the people if they don't want it then they would turn it down. Mr. Jones questioned what if the people do vote in a Charter change? Mr. McGlone stated that it must be what they wanted. Mayor Kernan stated that this is one issue he does not agree with the Charter Review Commission on. He agreed with Mr. Jones and that Council should retain that authority. Mayor Kernan stated that there is another vehicle for the residents to place a Charter amendment on the ballot without Councils approval, and that is called an initiative petition. Mayor Kernan urged Council to be real careful here with this one. Ms. Vimont stated that if you look at the language as written, Council shall submit to the voters by a vote 2/3 of Council, any proposed amendment. Council still has to have the 2/3 vote of the members. Mayor Kernan stated that it seems to him that this leaves no room for you to vote no, you must vote to put this on the ballot, therefore you would have to vote yes. You have no choice but to put this on the ballot. Mr. Zita clarified that shall means must, and Mayor Kernan concurred. Ms. Vimont stated that is what the Commission intended, we want the people to have a vote. Ms. Vimont stated that Ms. Whipkey's comment that it prevents it from going back to Charter Review was incorrect. At the first or second reading, Council could send something back to the Commission if they feel it is something inappropriate. Mr. Price stated that he could not support this or the others because if its confusing to him he felt it would be confusing to the voters. Mr. Mowery, Mr. McGlone, Mr. Pelot all agreed with Mr. Price and Mr. Jones concerns. Mr. Price asked Mr. Lyons for clarification, if you vote yes on this ordinance then you are voting to place this on the ballot. If the majority vote no, the motion fails and it is not placed on the ballot. Mr. Jones asked if this kills the opportunity for the Commission to come back with this? Mr. Lyons stated they could however, Council is not required to put this in a form of an ordinance. Mr. Jones discussed whether this should be in the form of an ordinance or a resolution. Mr. Lyons stated that it is immaterial, this has an impact of a long term and permanent change and an ordinance is proper.

ORD #9-2007 Continued:

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

Motion failed 0-7.

RES #10-2007

Mr. Braman offered Res. #10-2007 for its third reading, and asked the Clerk to read it:

A RESOLUTION TO REJECT THE APPLICATION FOR PLACEMENT OF FARMLAND LOCATED AT 3734 CLARK MILL ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Braman moved to adopt Res. #10-2007, seconded by Mr. Jones. Mr. Braman reminded everyone that a no means yes and a yes means no. Mr. Braman stated that this is a farm in his view. Mr. Lyons stated that this is a motion to reject this application, and if you want to accept the application for Mr. Kendall you need to vote no.

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

Motion failed 4-3, application is approved.

RES #11-2007

Mr. Braman offered Res. #11-2007 for its third reading, and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE CITY OF NORTON COMPREHENSIVE PLAN DATED NOVEMBER 2006.

Mr. Braman moved to table Res. #11-2007, seconded by Mr. Jones. Mr. Braman stated that most of Council feels that they would like to have the final decision as they see fit. Mr. Pelot stated that this is nothing more than supporting this plan or guide and it mandates nothing. It is nothing more than a plan or guideline to direct the city's future. Mr. Pritchard concurred adding that no laws are changing with adopting this Resolution, this is to be used as a tool or a plan with recommendations. Mr. Braman stated that we would be using it as a tool regardless. Mr. Braman stated that our Council representative for the Citizens Committee is also against adopting this. Mr. Pelot stated that it does not make any sense, we spent the resident's money to have a comprehensive plan designed. If you check other communities they have such plans in place. You don't build a house without blueprints or a plan, how do you expect to move a city forward without a plan or clear vision for the future? To table this is a mistake and a waste of the taxpayer's money. Mr. Jones stated that we spent \$75,000 on this. Mr. Jones stated that he had a real big problem with this because no minutes were taken and we cannot relate to what was discussed. Mr. Jones stated that even if we don't adopt this we still have the book, we have already paid for it. Mr. Jones stated that until we put water and sewer in this community, we are not going anywhere, and we don't have the money for that. Mr. Jones stated that this mirrors the Master Plan of twenty (20) years ago which the people fought, and we were without any zoning for six (6) months and he cannot support this. Mr. Zita stated that what Mr. Jones is saying does not make any sense. You are saying you will not support this but you will use it, you paid for it.

Res. #11-2007 Continued:

Mr. Jones stated that if we support this then the Planning Commission could come to us and say they will do this or that with it. Mr. Zita disagreed, if the Planning Commission makes a recommendation Council still has to make a decision on that. Mr. Zita stated that to table this makes no sense. Mr. Price asked if tabling kills this, and Mayor Kernan stated that this would kill it. Mayor Kernan stated that it does not impose anything new, and you will never have a document that everyone will like it in its entirety. Mr. Price stated that it's not right to have twenty-six (26) residents to set the direction for the city. Mr. Mowery stated that this is just a guideline, nothing is etched in concrete here and that this city does need guidance. Mr. Price stated that this is a game plan, and questioned if the Planning Commission still would have to bring their recommendations to Council and Mr. Pritchard stated yes. Mr. Pritchard stated that Council is not losing control or power here, no action will occur without coming to Council for approval.

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

Motion to table Res. #11-2007 failed 2-5.

Mr. Braman moved to adopt Res. #11-2007, seconded by Mr. Pelot. Mr. Braman stated that the mood has changed, he felt this is still a good plan. Mr. Jones commented on the work on this plan from D. B. Hartt, and that they did nothing but use our minutes from previous discussions, and he cannot support this. Ms. Booth, a Norton resident, stated that she wanted to see this plan published on the city web site, and the four (4) ward locations, council office, city hall, for the residents to review. Mr. Pritchard stated that it has not been published to the web site yet because it has been adopted or supported by Council yet. Mr. Alex Stavarz, a Norton resident, spoke against this plan, adding that the Comprehensive Plan Citizens Work Group was flawed, and was maneuvered by Mr. Hartt and the Planning Director. Mr. Stavarz discussed the issue of zoning at Cleveland-Massillon and I-76, and the mistakes need to be corrected. Mr. Stavarz stated that the only good thing that came out of this was that it revealed the intensity for the need of sewer and water in the city.

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

Motion passed 6-1.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Kernan thanked Council for supporting the Comprehensive Plan. Mayor Kernan announced that a Norton Eagle Scout Billy Anderson, announced his Eagle Scout Project to plant a garden and alumni walk in front of the Norton High School. He is looking for support and donations from the community and is selling bricks that can be engraved. Mr. Anderson can be contacted at 330-825-9808 for details. Mayor Kernan stated that Ohio Public Works Grant for the Gardner Blvd. Phase III, Berry & McGowan Roads, and was approved for \$600,000. Mayor Kernan announced that Clean up Norton Day is April 21, 2007 from 8:00 AM to 10:00 AM and encouraged community and civic groups to get involved. Mayor Kernan recognized Norton Police Officer-Jason Sams for his role in a two (2) year investigation involving stolen property, trafficking in food stamps, money laundering. Officer Sams did an excellent job on this, resulting in the arrests of over a dozen people and involved millions of dollars. Mayor Kernan reminded everyone about CCA Taxpayer assistance, Thursday March 22, 2007 from 1:00 PM to 5:30 PM, Saturday, April 2, 2007 from 9:00 AM to 3:00 PM, and Friday April 13, 2007 from 10:00 to 7:00 PM.

Reports form Officers, Boards & Commissions Continued:

Mr. Moss asked for Council to consider amending the Hotel/Motel tax ordinance to change the start date. Mr. Moss indicated that he has reviewed this and wants to suggest an alternative date.

Mr. Pritchard stated that he should have the contract from URS Engineering for the feasibility study to Council next week. Mr. Pritchard stated that he has talked with Scott Vera of Osborn Engineering regarding the road program. We need to re-bid the road project and he as requested Mr. Vera or someone from Osborn attend the next work session to explain the details in further. Mr. Pritchard stated that our costs have increased for this project. Mr. Price asked Mr. Pritchard the status of Ord. #93-2006, which was sent back to Committee. Mr. Pritchard stated that the situation has been discussed at the county level and he is working with other communities to try and pin down the appropriate process to address the timing for the connections, in order to soften the blow to the residents. This is still in development stages and will take some more time to complete.

UNFINISHED BUSINESS

AMENDED ORD #85-2006

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

AN ORDINANCE TO ESTABLISH THE COMPENSATION OF THE MAYOR.

Second reading only.

Mr. Jones discussed his earlier request to the Mayor for documents relating to the Fire Chief, and Council only received a copy of Section 242.01 Fire Chief Section G & H which stated he must be a resident, and asked if this was all there is? Mayor Kernan stated that this was all that was in the file. Mr. Jones asked Mayor Kernan if Chief Calco signed anything relating to the residency requirement, and Mayor Kernan stated that it was discussed, but nothing was signed. Mr. Jones discussed the current law and asked the Law Director to prepare a legal opinion regarding the distinction from the Fire Chief and Fire Fighters. Mr. Lyons indicated that he did not believe that he could based on the distinction. Mr. Jones asked Mr. Lyons to read Charter Section D that states: *The Fire and Emergency Medical Services Division shall consist of the Fire Chief and such other officers fire fighters and personnel, as Council shall provide by ordinance.* Mr. Jones questioned if there was ever an ordinance to hire this man; he was appointed but not hired. Mr. Lyons stated that this does not require Councils action on the hiring of Chief Calco. There are some specific positions that do require Councils approval and it is clear in the Charter; this does not appear in this section. Mr. Jones asked if this means the Mayor can come in and hire this person without Councils approval, and Mr. Lyons stated yes. Mr. Jones discussed a memo Mr. Lyons prepared back on December 20, 2006 and Council didn't get this until February 25, 2007, some two months later. Mr. Lyons stated that Mr. Collins requested advice and he replied to Mr. Collins, he did not receive the request from Council, which is why he did not copy Council. Mr. Lyons stated that it was Mr. Collins' decision to provide Council with a copy of the memo. Mayor Kernan stated that Chief Calco stated he is looking for housing in the city.

Mr. Pelot discussed the request from the Service Dept. to purchase a new salt truck, and that the original thought was to hold off on this until we complete the purchase of the service garage. However, after having discussions with Mr. Moss and Mr. Weinsheimer, this may have been a hasty decision. Mr. Pelot stated he did agree with this thought, but that the money may be there to pay cash for the service garage and purchase this vehicle now.

Unfinished Business continued:

Mr. Pelot stated that he would like to bring this discussion back out at the next meeting as the Chair of the Service Committee. Mr. Jones stated that it's not that we don't want to buy it, it's just deferred for now. Mr. Jones stated that he had asked Mr. Moss what would he do or where would the money come from if a few of Police Officers were to retire out this year all at once, and that Mr. Moss replied that he did not know.

NEW BUSINESS:

Mr. Zita discussed the memo Mr. Price sent to Mayor Kernan regarding Mr. Ryland's appointment and the ninety (90) day probationary period. Mr. Price clarified that the first memo stated that it was Councils intention, however it was not, it was his intention. Mr. Price stated that he corrected that statement with a new memo. Mayor Kernan suggested Council hold off on this discussion until he has had time to review this memo.

Mr. Lyons stated that he recently looked over the lease agreement for the current service garage and that purchase date is set for January 31, 2008, and that Council needs to keep this in mind.

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Jones asked the Clerk to read a press release, (see attached). Mr. Jones indicated that Capt. Dick Roach of the Summit County Sheriff's office would be conducting a presentation. Mr. Jones stated that Capt. Roach is a resident of Norton along with about thirteen (13) others from the Sheriff's Office. Mr. Jones stated that he spent most of last Thursday with Capt. Roach touring the training center in North Canton, and the Akron Canton Airport. He also spoke with several officers with the Bomb Squad, toured parts of Green. Mr. Jones stated this is nothing more than a presentation to allow the residents to know what the Sheriff's office can do for our community. Mayor Kernan asked if Sheriff Alexander approved of or knows of this meeting, and Mr. Jones replied yes. Mr. Jones reminded everyone that this is a Sheriff's **office** and not a department. Mr. Jones stated that James McCarthy governs the Summit County Sheriff's office, financially only.

Mr. Price apologized for the late evening, there was a lot of material to go over, and he wanted to provide everyone an opportunity to speak.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 9:45 PM

James Price, 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 March 26, 2007.

Karla D. Richards, CMC-Clerk of Council

Date approved: _____

THESE MINUTES ARE NOT VERBATIM