



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MARCH 26, 2007**

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

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

The Regular Council Meeting convened on Monday, March 26, 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. Jones moved to amend Ord. #17-2007, seconded by Mr. Pelot. Mr. Jones stated that the reason for the amendment is because Mr. Moss wished to have the effective date changed to July 1, 2007. Mr. Moss concurred, adding that this date would be easier to implement.

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

Motion passed 6-0.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of March 12, 2007; Mr. Jones noted one correction on page #12 under new Business. Mr. Jones stated that the correct date is January 31, 2008 not January 1, 2008. The minutes were accepted as corrected.

Minutes of the Committee Work Session of March 19, 2007. Mr. Jones noted one correction on page #2-second sentence. It should state would run until the end of term not the end of the year. The minutes were accepted as corrected.

COMMUNICATION FROM THE PUBLIC:

Mr. Don Weigand, a Norton resident, congratulated Mayor Price for accepting the position of Mayor. Mr. Weigand thanked Mr. Jones for the town meeting held yesterday. Mr. Jones discussed the savings potential of 1.3 or 1.4 million dollars. Mr. Weigand stated that the city is blessed to have Mr. Pritchard here to come up with matching funds. Mr. Weigand stated that he had this dream of significant savings for more matching funds to repair Cleveland-Massillon Road. Mr. Weigand stated that this a lot of money and the city could use it in different ways. You could sit on it, another way is for Council to propose to let the people vote on it once we know the facts and everything is laid out, or someone could start a petition. Mr. Weigand suggested the best was to have Council prepare the ordinance and let the voters decide what they want. In the past there has been so much misconception on this until yesterday. Mr. Weigand stated that he would like what was presented in writing, and the employees would have a better idea of where they would stand on their pensions. Mr. Weigand stated that one thing that came up at the town meeting was that Norton is one of the highest paid cities in the county for law enforcement. Mr. Weigand was concerned how a small community with less than 12,000 residents ended up with that number. Mr. Weigand asked Council to take the responsibility of elected officials to please take a look at this. What are you going to do with it, are you just going to sit on it or are you going to let the people go door to door?

Communication from the Public continued:

Ms. Sargent, a Norton property owner, asked Council to please be cognizant of the economic situation that all of northeast Ohio is experiencing. These are the people that you represent, and its not just another number to the residents of Weber Drive. Please be careful and prioritize what the real needs of the residents are.

Mr. George Tomko, a Norton resident, about the town meeting, it was a very good meeting. Mr. Tomko also suggested having the proposal in writing and making it public. Lets give the citizens a chance to see what it really is so we can decide what we want. Mr. Tomko discussed Norton Pride and that he felt Mayor Price does have pride, but we need to do something about it. There are businesses and residents that do something that needs to be recognized. Mr. Tomko recognized Bob Bennett Construction and how they took care of the roads. The city needs to do something whether it's once a month, or weekly. Mr. Tomko also mentioned Tom Dayton and Dayton Nursery; they are also doing a good business here in Norton and have been doing so for a long time. Mr. Tomko discussed Ord. #23-2007 and why don't you put the actual figures in the ordinance, not just the attachment.

Ms. Gail Brenner, a Norton resident, was not as optimistic about the town meeting yesterday. Ms. Brenner stated that she likes her Police and Fire Departments and wanted to know how Mayor Price stands on this issue. Ms. Brenner stated that we have access to all of the services that the Sheriffs Office has anyway. Ms. Brenner stated that she feels it may be something that needs to be looked at, however she doesn't feel this should happen here in Norton. Ms. Brenner stated that she has lived here 48 years, and that some growth is fine and others is not. Norton needs to keep our Police Dept. the way it is now, and that the Sheriffs Office is not the way to go.

Ms. Charlotte Whipkey, a Norton resident, spoke again about the Charter being broken. Ms. Whipkey stated that she is not attacking any one member of Council, it's just that she felt they have been ill advised. Ms. Whipkey discussed the election process for the Council Vice-President and that after April 6, 2007 you will be appointing a new member to Council. Ms. Whipkey related to Charter Section 3.06 which states....*"Council shall elect by a majority vote of the members elected and appointed to Council a new Vice-President from its members"*. Ms. Whipkey stated that she felt the residents did not get a fair shake on that. Ms. Whipkey stated that this person will have full voting powers, and this does not exactly ooze confidence for the person Council is selecting. Ms. Whipkey stated that she also felt the Charter was broken within the very next paragraph which states: *"In the event Council should fail to fill a vacancy on the office of Councilperson, or in the office of President or Vice-President, within thirty days from the date such vacancy occurs, then the power of Council to do so shall lapse and the Mayor shall fill the vacancy"*. Mr. Whipkey stated that she felt Council rushed into this a little quickly. Ms. Whipkey stated that there is a petition she circulated calling for action from Council about upholding the Charter. Yes, the former Mayor is gone, but the Charter is still is broken. Ms. Whipkey stated that the petition is not dead, she is still getting signatures, and that time will show that many people feel this way. Ms. Whipkey stated that the Charter is clear and concise and in black and white. Anyone can pick this up and read it and understand it without a lawyer standing behind them interpreting it. Ms. Whipkey discussed the term of continuous residency and that Mr. Kernan's previous statement that the Comprehensive Plan Working group was not an official arm of the city, and it didn't count. Our Charter clearly states any appointment or office in the municipality. Ms. Whipkey reminded Council of their oaths of office and that they swore to uphold the Charter. Mr. McGlone explained that he did appoint a new Vice-President to Council last week, and that he did get a legal opinion from Mr. Lyons prior to doing so. Mr. McGlone stated that opinion was filed on paper today, which states: *"...and nowhere does this language require Council to fill the vacant Council seat before it chooses a new Vice-President. Therefore it is my opinion that the Charter was not violated when Council chose a Vice-President before the vacant Council seat was filled"*.

Communication from the Public continued:

Mr. McGlone stated that the reason for selecting a new Vice-President now was because it was best for the City and if something were to happen to him or an emergency were to occur, Council has someone fill his position. This is an elected position that the public voted on and he did not feel it would be fair to put someone in the Vice-President seat on Council if he did not act within the thirty (30) days.

Ms. Brenda Anderson, a Norton resident, congratulated Mr. McGlone and Mayor Price on their new positions. Ms. Anderson quoted statements from the February 5, 2007 which states: "*Mr. Pritchard replied that the new requirements are that you have to connect, in our ordinances 1042 it also states you have to connect. Mr. Pritchard stated that what is important for Norton is the clause in the 208 Prescriptions. Mr. Pritchard stated that he was in error.*" Ms. Anderson stated that on page #3 it states that "*Mr. Price asked about a timeline to get the 208 Wastewater Prescription issued corrected? Mr. Pritchard replied approximately three (3) months if all goes well*" Ms. Anderson stated that we are now pushing two months and she has heard nothing. Ms. Anderson stated that she would like to know what has been done, who has been contacted, what letters have been written, and would like to be kept updated.

Ms. Barbara Vimont, Chairperson of the Charter Review Commission, updated Council that the next meeting will be April 11, 2007 at 6:00 PM. Ms. Vimont stated that this meeting would be a summary of what has been done and to finalize four (4) more proposed amendments. Ms. Vimont discussed the accusations that the Charter was broken by a double appointment by appointing a resident to the Charter Review Commission and to the Comprehensive Plan. Ms. Vimont stated that at the time she made her earlier comments she was under the impression that these were both appointments as was meant by the Charter. Ms. Vimont stated that what she later found out was that the appointment was not the same thing. Previous Mayor Kernan did state that he did appoint a resident to the Comprehensive Plan work group, however Ms. Vimont stated that in order for an appointment to become official by virtue of the Charter, the Council would have to action. The members of the Comprehensive Plan workgroup were not appointed by the Council and were not an official appointment, and therefore she did not believe the Charter was broken when this happened. Ms. Vimont stated that Ms. Booth was appointed and approved by Council to the Charter Review Commission, and was placed on the Comprehensive Plan work group and was not appointed, we are talking two different terms here. Ms. Vimont stated that she no longer feels that the Charter was broken.

Mr. Robert Copen, Norton Fireman's Bingo Association, stated that he withdrew \$125,918.39 from the bank and the check will be taken to Alabama this Friday to purchase the rescue squad as planned. Mr. Copen stated that we are buying this vehicle, just not sure that we are allowed to deliver it to Norton. Mr. Copen stated that the next hearing is on April 18, 2007 with the Attorney Generals office.

Ms. Whipkey stated that she would like the Chairperson of the Charter Review Commission to show her in the Charter exactly where it states anything about what an appointment is.

Mr. McGlone reminded the public about comments during Council Meetings. Mr. McGlone stated that in the past we have allowed for public comment as we are going through introduction of new legislation. Mr. McGlone stated that he does not have a problem with that on Workshop meetings, however tonight we have seventeen (17) items on the agenda and to make things easier its important that the residents sign in to speak.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #21-2007

Mr. Braman offered Ord. #21-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO REQUEST CERTIFICATION TO ENFORCE THE RESIDENTIAL BUILDING CODE OF OHIO FOR ONE, TWO, AND THREE-FAMILY DWELLINGS WITHIN THE CITY OF NORTON AND TO AMEND CHAPTER 1404 OF THE NORTON CODIFIED ORDINANCES TO ADOPT THE RESIDENTIAL BUILDING CODE OF OHIO FOR ONE, TWO, AND THREE-FAMILY DWELLINGS AS THE CODE TO BE USED IN THE CITY OF NORTON.

Mr. Braman moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Braman explained that this needs to be in Columbus tomorrow. Mr. Braman stated that this request was received about six (6) weeks ago and we have been too busy to address. Mr. Jones stated that he discussed the details on this with Mr. Arters and the fact that the State of Ohio will be receiving some revenue from this and their intent is to have all communities come together as one, and bring it together. Mr. Lyons indicated that he understood that this is not an optional code, it is State mandated.

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

Motion passed 6-0.

Mr. Braman moved to adopt Ord. #21-2007, seconded by Mr. Pelot.

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

Motion passed 6-0.

RES #22-2007

Mr. Braman offered Res. #22-2007 for its first reading and asked the Clerk to read it:

A RESOLUTION TO AUTHORIZE THE MAYOR AND OR THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE, ON BEHALF OF THE CITY OF NORTON, AN APPLICATION WITH THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY (THE "AUTHORITY") FOR A COMMUNITY RECYCLING ACCESS GRANT AND DECLARING AN EMERGENCY.

Mr. Braman moved to waive the second and third readings, seconded by Mr. Jones. Mr. Braman stated that the time frame is running out and needs addressed. Mr. Jones inquired as to how much money this grant involves, and Mr. Pritchard replied that it is based on the population and is in the neighborhood of \$3,000.00.

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

Motion passed 6-0.

Res. #22-2007 continued:

Mr. Braman moved to adopt Res. #22-2007, seconded by Mr. Jones.

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

Motion passed 6-0.

ORD #23-2007

Mr. Jones offered Ord. #23-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO ACCEPT AND APPROVE THE REPORT OF MEDIATION DATED FEBRUARY 22, 2007 IN THE MATTER OF *CITY OF BARBERTON V. CITY OF NORTON* (CASE NO. 2006-06-3749) AND TO AUTHORIZE PAYMENT IN ACCORDANCE THEREWITH AND DECLARING AN EMERGENCY.

Mr. Jones moved to waive the second and third readings, seconded by Mr. Braman. Mr. Jones stated that this is a time sensitive issue and we are going to pay down \$210,000.00 split into three payments. Mr. Jones stated that this also includes an additional \$95,000.00 on top of that. Mr. Moss concurred that this \$95,000.00 is money already being held by Barberton and they are not obligated to pay us.

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

Motion passed 6-0.

Mr. Jones moved to adopt Ord. #23-2007, seconded by Mr. Braman.

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

Motion passed 6-0.

ORD #24-2007

Mr. Braman offered Ord. #24-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH URS CORPORATION FOR PROFESSIONAL ENGINEERING SERVICES TO PERFORM A UTILITIES FEASIBILITY STUDY FOR THE CITY OF NORTON.

Mr. Braman moved to waive the second and third readings, seconded by Mr. Jones. Mr. Braman stated that this is to get our sewer program moving along, we need to get this study done so we can move the city forward. Mr. Jones stated that the bid from URS Engineering was for \$14,825.00, which was \$10,000.00 less than the other bids received.

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

Motion passed 6-0.

Ord #24-2007 continued:

Mr. Braman moved to adopt Ord. #24-2007, seconded by Mr. Jones.

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

Motion passed 6-0

ORD #25-2007

Mr. Pelot offered Ord. #25-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2007-7400 SERIES INTERNATIONAL FULLY EQUIPPED SNOW PLOW TRUCK WITHIN THE STATE BID CONTRACT LIMITATIONS AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Zita. Mr. Pelot stated that this was put on hold earlier because of concerns that we would not be able to pay cash for both the truck and the purchase for the Service Garage in January 2008. Mr. Pelot indicated that the monies are available to do both without taking out any loans. Mr. Pelot stated the need to suspend readings is to get the price before an increase goes into effect. Mr. Jones stated that he has always supported the boys at the Service Garage, however he felt uncomfortable with this purchase at the time and wanted to defer this. Mr. Jones stated that he is still uncomfortable with the obligation for the garage not to mention what else could come our way as we are only into the first quarter of 2007, and he could not support this.

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

Motion passed 5-1.

Mr. Pelot moved to adopt Ord. #25-2007, seconded by Mr. Zita.

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

Motion passed 5-1.

ORD #26-2007

Mr. Braman offered Ord. #26-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT(S) TO IMPROVE CERTAIN CITY STREETS AND/OR PORTIONS THEREOF, AND DECLARING AN EMERGENCY.

Mr. Braman moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Braman stated that the first bids came back to high and the paving season is approaching. We need to get this re-bid and get moving as soon as possible. Mr. Jones discussed the streets that would be getting the repairs such as Tallwood, Hillsdale, Summit and a portion of Cleveland-Massillon. Mr. Jones asked Mr. Pritchard to clarify if this was just at the off ramps? Mr. Pritchard stated that was correct, it would go from the north side of the bridge to approximately 300 ft.

Ord. #26-2007 Continued:

Mr. Jones asked if this bridge was the city's responsibility or ODOT's, and Mr. Pritchard indicated that it is the city's responsibility. Mr. Jones inquired if other streets would be addressed this year and Mr. Pritchard stated it would be basic maintenance, such as painting and striping, some patching, etc. Mr. Jones clarified that the total in the budget is approximately \$785,000.00, which includes some carryovers from last year, and Mr. Moss concurred. Mr. Jones stated that he read all of the twenty two (22) pages of the information and was matching numbers to numbers. Mr. Jones expressed his concerns about some other roads that are also in very bad shape, such as Maco, Hillier, Harris, Middlehurst Orchard and Rush. Mr. Jones stated that these are the roads he would like to see addressed this summer, and would like to hold up on this, not sure if this is possible.

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

Motion passed 5-1.

Mr. Braman moved to adopt Ord #26-2007, seconded by Mr. Pelot. Mr. Pelot agreed with Mr. Jones' concerns, however at the same time there are other roads that need immediate attention and in order to get the best pricing we need to move forward at this time.

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

Motion passed 5-1

ORD #27-2007

Mr. Jones offered Ord. #27-2007 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.

Mr. Jones moved to waive the second and third readings, seconded by Mr. Braman. Mr. Jones asked Mr. Moss to explain, and Mr. Moss stated that these are all changes in amounts.

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

Motion passed 6-0.

Mr. Jones moved to adopt Ord. #27-2007, seconded by Mr. Braman..

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

Motion passed 6-0.

ORD #28-2007

Mr. Jones offered Ord. #28-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE ADVANCES FROM THE GENERAL FUND INTO VARIOUS FUNDS.

Mr. Jones moved to waive the second and third reading on Ord. #28-2007, seconded by Mr. Braman. Mr. Jones stated that we are moving money over into the Gardner Blvd. Phase II Fund to keep the project moving.

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

Motion passed 6-0.

Mr. Jones moved to adopt Ord. #28-2007, seconded by Mr. Braman.

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

Motion passed 6-0.

ORD #29-2007

Mr. Jones offered Ord. #29-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE TRANSFERS FROM THE GENERAL FUND INTO VARIOUS FUNDS.

Mr. Jones moved to waive the second and third readings, seconded by Mr. Braman.

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

Motion passed 6-0.

ORD #30-2007

Mr. Mowery offered Ord. #30-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO APPROVE A MUTUAL AID AGREEMENT WITH THE SUMMIT COUNTY SHERIFF'S OFFICE AND OTHER POLITICAL SUBDIVISIONS TO PROVIDE FOR MUTUAL ASSISTANCE IN CRASH INVESTIGATIONS AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Jones. Mr. Mowery stated that the reason for waiving the readings is a cost saving by getting the mutual teams involved and Sgt. Nagy of the Norton Police Dept. would be our representative. Mr. Jones stated that there are approximately nine (9) other agencies involved with this agreement.

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

Motion passed 6-0.

Ord. #30-2007 Continued:

Mr. Mowery moved to adopt Ord. #30-2007, seconded by Mr. Jones.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #16-2007

Mr. Braman offered Ord. #16-2007 for its second 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.

Second reading only.

AMENDED

ORD #17-2007

Mr. Jones offered Amended Ord. #17-2007 for its second reading, and asked the Clerk to read it:

AN 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.

Second reading only.

ORD #18-2007

Mr. Jones offered Ord. #18-2007 for its second 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.

Second reading only.

ORD #20-2007

Mr. Braman offered Ord. #20-2007 for its second 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.

Second reading only.

ORD #12-2007

Mr. Jones offered Ord. #12-2007 for its third 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.

ORD #12-2007 Continued:

Mr. Jones moved to adopt Ord. #12-2007, seconded by Mr. Zita. Mr. Zita stated that this is something we have done in the past and allows the city to get reimbursed for ambulance calls when insurance is involved.

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

Motion passed 6-0.

RES #13-2007

Mr. Braman offered Res. #13-2007 for its third 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.

Mr. Braman moved to adopt Res. #13-2007, seconded by Mr. Jones.

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

Motion passed 6-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Price reminded everyone about the CCA Taxpayer Assistance program on the following dates: Saturday, April 7, 2007 from 9:00 AM to 3:00 PM and Friday, April 13, 2007 from 10:00 AM to 7:00 PM at the Community Center. Mayor Price reminded everyone about Norton Clean Up Day, Saturday, April 21, 2007 from 8:00 AM to 10:00 AM at Columbia Woods Park. Mayor Price stated that this is also opening day for Norton Baseball. Mayor Price announced that Ms. Patricia Ryan, the new Zoning Inspector and she was not able to be here tonight, however he would like to have her attend the next meeting to meet Council.

Mr. Moss stated that he recently attended a Fire Fighters Fact Finder union last week. We did present our position on the city's financial situation. The Fact Finder will review all information and provide his final report to the City sometime before the end of April. Mr. Moss indicated that Council has only seven (7) days from the date received to reject it by a three-fifths vote of Council or it becomes our contract.

Mr. Lyons indicated that he has been working with the Barberton Health District on a pre trial hearing on an appeal filed by Eshlich-Summit C & D Landfill. The pre-trial hearing is this coming Thursday in Columbus.

UNFINISHED BUSINESS

AMENDED ORD #85-2006

Mr. Jones moved to send this back to Committee. Mr. Jones stated that there are several reasons, such as the vacancy on Council, and some members of Council and residents felt uncomfortable on this. Mr. Jones cited Mr. McGlone's recent memo to the Mayor and Administration asking to hold off on sending matters to Council until we have a full seven members on board. Mr. McGlone stated that he has a problem with sending it back, lets face it this isn't going to pass whether we have six (6) or seven (7) members on board. Lets just be done with now and vote yes or not, he could not support sending it back to the Committee again, its already been there too long. Mr. Zita seconded Mr. Jones' motion.

Amended Ord. #85-2006 Continued:

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

Motion passed 4-2 to send this back to Committee.

NEW BUSINESS:

Mr. Jones discussed Mayor Prices' announcement of Ms. Patricia Ryan as our new Zoning Inspector and the reason the Mayor mentioned it was because he brought it to his attention last Saturday. Mayor Price stated that he gets a report from all of the Department Heads and she was introduced to the staff. Mr. Jones stated that he was not aware that she was hired because his last communication from former Administrator Mr. Collins dated February 9, 2007. Mr. Jones stated that this memo related to ordering a physical and drug screening which was never signed, and questioned if this person had the required tests. Mrs. Campbell stated yes. Mr. Jones stated that he was asking the Mayor about this, not Mrs. Campbell. Mayor Price stated the he could not say for sure, only that the minutes from a recent staff meeting stated that she was introduced as the new zoning inspector. Mayor Price did not have a copy in hand of this memo. Mr. McGlone stated that it was fair to say that Mayor Price has only been here a short time and may not know this information. Mr. Jones stated that he agreed, and it was the former Mayor who failed to keep Council informed that she was officially hired. Mayor Price stated he has interviewed the two candidates for the Administrative Officers position and that he would be making a decision shortly on that because he did not plan to take ninety (90) days to place this person. Mayor Price stated that per the Charter he does not plan to accept any compensation for doing both jobs. Mr. Jones stated the reason he brought up the issue about the new Zoning Inspector was because one of his constituents complained about getting a citation from a lady in the Building Dept. and Mr. Jones told the resident that we don't have any ladies in that department. As it turned out Patricia Ryan signed it and he did not recall her being officially hired. Mr. Jones asked Mayor Price to keep Council informed in the future. There was discussion as to when Ms. Ryan was officially hired, and Mr. Pritchard stated March 12, 2007 was her first day. Mr. Jones questioned who hired her, and Mr. Pritchard stated that he believed Mr. Collins and former Mayor Kernan hired her. Mr. Jones discussed the situation with the residency requirement of Fire Chief Calco. Mr. Jones stated that Chief Calco should have moved into this community according to our law, not the Supreme Court law. According to our law section 252.01 Fire Chief Section G & H, he is to become a resident. He was hired on April 3, 2006 and has yet to move into this community. Mr. Jones asked the Mayor to immediately remove this man from his duties and send him packing. Mayor Price stated that although the Mayor's position is supposed to be part time; he was here last Friday, Monday, Tuesday and Wednesday and spent six (6) hours here on Tuesday. Mayor Price stated that he met with all of the Department Heads and the staff. Mayor Price stated that he met with Chief Calco and had a forty-five (45) minute discussion on that matter. Mayor Price stated that pending a legal opinion from Mr. Lyons, which he has not been able to meet with him just yet, he would reach a decision and will inform Council of that decision. Mr. Jones stated that our law is our law, and he did not care what the Ohio Revised Code states. Mayor Price stated that he swore to uphold the Charter of Norton, not what's in Columbus. Mayor Price stated he supports Home Rule but last thing we need is a lawsuit or to put the city in jeopardy. Mr. Jones stated that Chief Calco signed no documents or agreements, however he sat down with Former Mayor Kernan and Mr. Collins and accepted the position. Mr. Jones discussed the Charter requirements Section 5.03(d) that the Chief is to be hired by ordinance, and there was never an ordinance. Mr. Lyons stated that this section of the Charter does not speak to Council's confirmation of the appointment, therefore an ordinance is not required to confirm that appointment. Mr. Jones stated that again, the Chief did not sign any documents. Mr. Lyons questioned Mr. Jones' point on this issue and Mr. Jones stated that his point is that Chief Calco has to go, he didn't care what Cleveland is doing or the Supreme Court.

New Business continued:

Mr. Jones stated that even former Mayor Kernan agreed in the past minutes that this could take several years to settle. Mr. Lyons indicated that this issue is up to the Mayor and Administration and it was inappropriate for him to comment any further. Mayor Price stated that he did review the Law Directors written opinion dated December 20, 2006 regarding this issue. Mayor Price stated that our laws state the a Fire Chief must live within 12 mile from the flag pole at city hall, and Chief Calco lives 13.5 miles from the flag pole. Mayor Price stated to him this is a violation, however employees do have rights and he does not want to go backwards. Mr. Mowery concurred that once Mayor Price and Mr. Lyons discuss this issue, Council could expect an answer, and Mayor Price stated yes. Mr. Jones commented on the Town Meeting with the Sheriff's office yesterday, and thanked the one Council member that attended. Mr. Jones stated that most of the residents that attended were mostly for this. Mr. Jones stated that the figure for the savings on a three (3) year contract is \$4,200,000.00, that's how much this community could save on a contract with the Summit County Sheriff's Office, that's \$1,400,000.00 per year for a three year contract. Mr. Jones stated that this is for everything; SWAT Team, Bomb Squad, so on and so forth. If we needed a SWAT Team called in now we would have to pay for this, if we signed a three (3) year contact with the Sheriff's Office, that comes with it. Mr. Jones stated that he was pleased with the turnout and has received several phone calls from residents after the meeting thanking him and they stated that they want to support this. Mr. Jones stated that he wished the residents would come to Council and ask them what would they do with an extra \$1,400,000.00 per year. Mr. Jones stated that he believed that the potential for additional grant money we could receive could be astronomical. Mr. McGlone asked Mr. Moss is he provided this figure and Mr. Moss indicated that the figures for the budget are known and published, and that he did not calculate the other figure. Mr. Jones stated the current budget for our Police Dept. is \$2,463,000.00 and the Sheriff's figure is \$1,400,000.00.

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. McGlone announce that due to the vacancy on Council, the Council office will be accepting letters of intent and applications for this position until Friday, April 6, 2007 at 4:30 PM. Mr. McGlone stated that all candidates must be a registered Democrat, along with other Charter requirements.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:20 PM

Dennis McGlone, 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 Council Meeting held on April 9, 2007.

Karla Richards, CMC-Clerk of Council

THESE MINUTES ARE NOT VERBATIM