



## COMMITTEE WORK SESSION APRIL 2, 2007

**Committee Members Present:** Ken Braman  
Tom Jones  
Bill Mowery-Excused  
Scott Pelot  
Mike Zita  
Dennis McGlone

**Also Present:** Mayor James A. Price  
John Moss-Excused  
Jeff Pritchard  
Karla Richards

The Committee Work Session convened on Monday, April 2, 2007 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Council President, Dennis McGlone. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer.

### **Committee Work Session General Discussion:**

Mr. McGlone stated that Mayor Price would like to introduce one of his employees. Mayor Price introduced Ms. Pat Ryan as the new Building Inspector who started on May 12, 2007. Ms. Ryan stated that she actually started working on March 12, 2007 and has about three weeks in on the job now. Ms. Ryan stated that she is looking forward to getting to working with the residents and businesses and getting to know this community well.

### **Appointments to Boards & Commissions:**

Mr. McGlone turned the discussion over to the Mayor for the details. Mayor Price stated that he has appointed Gail Hickey to the Norton Health Advisory Board, who is replacing Dr. Robert Littlejohn, and Ms Violet Carr to the Cemetery Board who is replacing Ms. Michealine Young. Mr. Braman stated that we all know Ms. Carr and if she brings as much energy to the Cemetery Board as she does to everything else, we will be in good shape. Mayor Price stated that he did interview Ms. Hickey, and that she is the manager of the new Atlas Physical Therapy business, and he also toured the facility at that time. Mayor Price stated that he interviewed Ms. Carr and that she brings a ton of experience to the Cemetery Board.

Mr. McGlone moved to place the appointment of Gail Hickey to the Norton Health Advisory Board, on Councils next agenda, seconded by Mr. Pelot.

**Appointments of Boards & Commissions continued:**

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

Motion passed 5-0.

Mr. McGlone moved to add the appointment of Ms. Carr to the Cemetery Board on Councils next agenda, seconded by Mr. Pelot.

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

Motion passed 5-0.

Mr. Zita moved to place resolutions of appreciation for Dr. Littlejohn and Ms. Michealine Young on Councils next agenda, seconded by Mr. McGlone.

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

Motion passed 5-0

**Charter Amendment Article II-The Mayor:**

Mr. Pelot stated that this affects Charter Section 2.02 and the Mayor' qualifications. Mr. Pelot stated the only changes he noticed is they removed continued to be a continuous resident and a qualified elector and replace that with "*shall continuously and physically reside within the municipality. Notwithstanding vacations, the Mayor is expected to be a visible presence in the municipality*" Mr. Pelot stated that the very last line states "*the Mayor shall forfeit the office*", which changed from the Mayor shall forthwith forfeit the office. Mr. Pelot stated that this basically clarifies the residence issue and removes any kind of loopholes. Mrs. Elaine Tompkins, a Norton resident, stated that in the past the Charter has been silent on whether the Mayor' position is full time or part time, and asked if there are any changes to this now? Mr. Pelot answered no. Mrs. Tompkins suggested this be changed to add that a Mayor could be one or the other so that you are covered in the future? Mr. Pelot asked Ms. Booth of the Charter Review Commission, who was present, to ask the Commission to address this request at their next meeting. Mr. Pelot moved to add this item to Councils next agenda for a first reading, seconded by Mr. Zita.

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

Motion passed 5-0.

**Driveway Ordinance NCO 1026:**

Mr. Braman stated that this draft is remodeled from the 1963 version and is pretty much straight forward. Mr. Braman stated the only problem he has is in 1026.02(d) Hard Surfaces Required. Mr. Pritchard stated an example with driveways on corners; it should be out of the corner or radius due to safety reasons.

**Driveway Ordinance NCO 1026 continued:**

Mr. Pritchard stated that he agreed with Mr. Braman's concerns and suggested this be at least toward the roadway and we could possibly reduce the fifty (50) foot requirement. Mr. Zita asked if we already addressed something like this earlier? Mr. Pritchard replied that this has been sitting on the Matters Referred list for some time and that it just applies to residential. Mr. Jones clarified that in major developments this was already addressed such as with Pride One, and Mr. Pritchard concurred. Mr. Jones questioned the permits required for this and the costs, and Mr. Pritchard stated that although this is not his department, he believed the costs are somewhere around \$50.00 in addition to a bond. Mr. Jones asked if the Administrative Officer could waive the fee due to a hardship? Mr. Pritchard stated that this would be an engineer's call, which is under the Administrative Officer, and they would concur if this were a possibility. Mr. Pritchard stated that applying for a variance in this type of situation might also help. Mr. Braman suggested changing the wording to the right of way in this section. Mr. Alex Stavarz, a Norton resident, questioned if the city provides for some of the paving to the roadway? Mr. Pritchard stated that Section 1028 pertains to the maintenance of driveways, which is the property owner's responsibility. Ms. Violet Carr, a Norton resident, questioned if this would apply to new driveways or if this applies to her? Mr. Braman indicated that this is strictly for new driveways. There was further discussion on the proper language and Mr. Pritchard suggested taking it to the right of way. Mr. Pelot disagreed stating that there could be too many variances, minimal length, etc. Mr. Pritchard stated that typically the line of the right of way falls where the utility pole is. Mr. Stavarz stated that if you only require to the right of way, this is a small area and could be very expensive because most contractors have a minimum materials requirement. Mr. Pritchard explained that the purpose of this is that if you don't have it back to the driveway, there is concern for gravel to spill out from the apron onto the roadway, causing damage. Mr. Jones stated that he would rather have the Municipal Engineer look at this and give us his input at the next meeting. Mr. Pritchard reminded Mr. Jones that Mr. Esdinsky works on Tuesday & Thursdays, and this would require overtime, adding that Council could have a written statement of his suggestions for the next meeting. Mr. Braman agreed that this would stay in Committee pending a report from the Municipal Engineer.

**Unfinished Business:**

None

**New Business:**

None

**Non-Agenda Items:**

Ms. Sargent, a Norton property owner, spoke regarding the sewer connections for her property. Ms. Sargent indicated that she has met with both city officials and Barberton officials have determined that the capacity is efficient, however she needs to obtain engineering input to determine the proper grade. Ms. Sargent stated that she also needs to get an easement from her neighbor, Mr. Willig for access in the right of way because it belongs to him from his house all the way across the road. Barberton indicated that they have no responsibility for any laterals until it reaches the main east/west line. Ms. Sargent stated that she went to Mr. Willig and he stated that he understood his ownership ends at the right of way, and beyond that it was donated to the city and that is their responsibility, and he would consider her request. Ms. Sargent stated that she contacted Norton officials and they agreed with Mr. Willig on this issue.

**Non Agenda Items continued:**

Ms. Sargent suggested both cities need to get together and decide exactly who owns what and who is responsible and come to an agreement on this. Ms. Sargent stated that she felt with the new Ohio Dept. of Health Mandate in effect, Council will need to change their ordinance to be in compliance, the new requirement is now 400 ft. for sewer connections, where it currently states 200 ft., etc. Ms. Sargent stated that the city needs engineering done in order to come up with a plan to address this one (1) mile stretch of roadway, which may have approximately thirty (30) property owners needing to connect. Ms. Sargent suggested that with one manhole on either side of the road, three (3) properties could connect to the laterals. Ms. Sargent discussed the hassle with running around getting permits from three (3) different places, there should be a one stop shopping for this process. The property owner could come to city hall and pay the entire fee and then the city pays out the other fees to Barberton or vice-versa. Ms. Sargent discussed recent articles in the Plain Dealer relating to the Fund for Economic Future and that \$34,000,000.00 is available for causes that this fund favors, (see attached). Ms. Sargent suggested that now is the time to turn around our poisonous relationships that have existed with our neighbors, and that we need to work on re-establishing some level of trust between the two communities. Mr. Jones stated that we need to clarify with Barberton who owns what and to what property line, and suggested the Mayor and Municipal Engineer get together on this. Mayor Price stated that he recently met with Mrs. Sargent, Mr. Esdinsky (Municipal Engineer), Mr. Braman, and Mr. Pritchard about this issue. More information was needed and now that we have this new information from Ms. Sargent, we would get together again and go over this.

Ms. Charlotte Whipkey, a Norton resident, spoke regarding her concerns about the Charter, (see attached).

Mrs. Brenda Anderson, a Norton resident, thanked Ms. Sargent for her comments, adding that she has been saying the same things for over two (2) years. Ms. Anderson stated the residents have asked on two (2) different occasions for a legal opinion of this new State mandate so that all of the citizens can understand it and be prepared for this. Ms. Anderson asked again what has been done about the status of the 208 Prescriptions, and asked for an update. Mr. Braman indicated that he believed that Mr. Pritchard has been attending countywide meetings on this recently. Mr. Pritchard stated that this is correct, and this issue is not just a Norton issue, this is a statewide issue. Mr. Pritchard stated that he has been working with other communities on this issue and that we have state guidelines that we must follow and we have to play with those cards that we are dealt. Mr. Pritchard stated that Ms. Paulette Kline, the new Barberton Health Commissioner is working on getting a meeting or workshop for the residents to attend and ask questions and get the facts, however he does not have a date yet. Mr. Pritchard stated that in terms of modifying the 208 Prescriptions Plan, this is confined in terms of being modified and it should stand as it is written. Our approach should be to work within that guideline in terms of Health Department issues. This is part of the Storm Water Management, which covers all of Summit County, multiple townships, cities, and villages which are all involved in these discussions. Mr. Jones stated that when Mayor Price was still on Council, he had asked for Mr. Pritchard to address this, and at that time Mr. Pritchard indicated the time line could take three (3) months. Mr. Pritchard discussed the details of 201 and 208 Prescription Plans, and the responsibilities involved with the Ohio EPA. Mr. Pritchard stated that while the health codes were approved last summer, the codes were not final and we did not even know if they were going to live until the very last week of December 2006. We didn't have a good feel of what the codes were going to be at that point. We have what we have and that is a State mandate and we all have to live with this.

**Non Agenda Items continued:**

Mayor Price stated that in the past Mr. Pritchard had stated that he would be writing letters and trying to undo what happened, and he asked Mr. Pritchard what has he accomplished since then? Mr. Pritchard made it very clear that when you have sanitary sewers available, even with the old regulations you are required to connect to sanitary sewer lines. Secondly since that time we have been working with the Summit County Storm Water Pipe Committee which is a multi-jurisdictional committee to address this very issue. We have a meeting scheduled on April 5, 2007, and he did not expect to have anything final at that meeting. Mayor Price asked Mr. Pritchard to continue finalizing the details for the workshop in order to keep things going. Mr. Pelot questioned if any other communities are upholding the new regulations and Mr. Pritchard indicated that yes they all have to comply with the new mandate. Mr. Pritchard stated that this a complicated issue and it is not going to please the residents. Mr. Zita stated that trying to bring in new business at the costs or expense of our residents is a catch twenty-two situation. Mr. Pritchard agreed adding that funding levels will need to be enhanced to meet this situation. Local communities will all be looking at the Federal Government for assistance.

**Topics for the next Work Session:**

Mr. McGlone stated that the next Work Session of April 16, 2007 Council will be interviewing the vacancy candidates and we must select a member at that time. Mr. McGlone stated that there would also be a Special Council Meeting immediately following in order to vote and swear in the new member.

Mayor Price stated that he has two more meetings and probably this Wednesday he would make a decision on the Administrative Officer position and have that to Council. Mr. Jones stated that we need full Council for this, and Mr. McGlone asked the Clerk to check with Mr. Lyons on this. Mr. McGlone stated that he would like to hold off on the remaining Matters Referred list until we have a full Council, unless the Mayor brings us his selection for the Administrative Officer.

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:13 PM.

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Dennis McGlone, President of Council

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

All 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.