



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, APRIL 9, 2007**

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

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

The Regular Council Meeting convened on Monday, April 9, 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:

There were no reports

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of March 26, 2007 Mr. Jones made a correction to page #8 last sentence before roll call the correct number should be nine (9) not nineteen (19). Mr. Jones corrected the roll call on page #11 it should be 4-2 not 4-3. Mr. Jones inserted the following sentence on page #11 approximately seven (7) lines down "*Mrs. Campbell stated yes*". Mr. Jones stated that he was asking the Mayor about this, not Mrs. Campbell. The minutes were accepted as corrected.

Minutes of the Committee Work Session of April 2, 2007; Mr. Jones made a correction to the last line on page #5 it should be Dennis McGlone as Council President, not Mr. Price. The minutes were accepted as corrected.

COMMUNICATION FROM THE PUBLIC:

Mr. McGlone announced that Mr. Ken Noon of the Ohio Vietnam Veterans Memorial Association was present to give a presentation to Council and the community. Mr. Noon stated that the Ohio Vietnam Memorial Park is being built in Clinton, and provided a short movie of the proposed park and the various types of memorials being offered. Mr. Noon stated that he has already received several orders for the granite benches from some of the surrounding communities. Mr. Noon provided a handout of the information discussed (see attached).

Ms. Barbara Vimont, Chair of the Charter Review Commission, spoke regarding Ord. #31-2007 and discussed the need for the change in the residency requirement. Ms. Vimont stated that the Commission felt that the language needed to be strengthened with the physical residence requirement. If nothing else it provides public awareness of what we expect through the Charter.

Ms. Charlotte Whipkey, a Norton resident, thanked Mayor Price, Mr. Pelot, and Ann Campbell for putting the nice links to the legislation on the website so that residents can see them.

Mr. Keith Hetrick, a Norton resident, spoke regarding the vacancy on Council. Mr. Hetrick cautioned Council to carefully think about this choice. This person needs to have the desire for the whole city, not for something personal. This is an important position to be filled and this person has to represent the whole city, and to do it for the citizens of the city.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #31-2007

Mr. Pelot offered Ord #31-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND SECTION 2.02 OF THE CHARTER OF THE CITY OF NORTON TO MODIFY THE LANGUAGE THAT DEFINES THE QUALIFICATIONS OF THE MAYOR.

First reading only

RES #32-2007

Mr. Zita offered Res. #32-2007 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO CONFIRM THE APPOINTMENT OF VIOLET CARR TO A THREE-YEAR TERM ON THE CEMETERY BOARD OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Zita moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Zita stated that we have two seats on two different committees. These committees have meetings coming up very soon and these seats need to be filled as soon as possible in order to be in place for the next meeting.

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

Motion passed 6-0.

Mr. Zita moved to adopt Res. #32-2007, seconded by Mr. Pelot. Mr. McGlone stated that Mayor Price was pleased to have Ms. Carr serve on this board.

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

Motion passed 6-0.

RES #33-2007

Mr. Zita offered Res. #33-2007 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO CONFIRM THE APPOINTMENT OF GAIL HICKEY TO FULFILL AN UNEXPIRED FOUR-YEAR TERM ON THE HEALTH ADVISORY BOARD OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Zita moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Zita stated that the reasons for waiving the readings are the same as the last appointment. Mr. McGlone stated that Mayor Price interviewed Ms. Hickey, she is the manager for the new Atlas Physical Therapy center in Norton and Mayor Price had indicated that Ms. Hickey would be a great addition to the Health Advisory Board.

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

Res. #33-2007 Continued:

Motion passed 6-0.

Mr. Zita moved to adopt Res. #33-2007, seconded by Mr. Pelot.

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

Motion passed 6-0.

RES #34-2007

Mr. Zita offered Res. #34-2007 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MICHAELINE YOUNG AS A MEMBER OF THE NORTON CEMETERY BOARD.

Mr. Zita moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Zita stated that Ms. Young served from March of 2004 to February of 2007 and thanked her for the work that she did on the Board.

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

Motion passed 6-0.

Mr. Zita moved to adopt Res. #34-2007, seconded by Mr. Pelot.

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

Motion passed 6-0.

RES #35-2007

Mr. Zita offered Res. #35-2007 for its first reading, and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF DR. ROBERT LITTLEJOHN, M.D., AS A MEMBER OF THE NORTON HEALTH ADVISORY BOARD.

Mr. Zita moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Zita stated that Dr. Littlejohn served from May of 2000 to January of 2007 and thanked him for his time served, he would be missed.

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

Motion passed 6-0.

Mr. Zita moved to adopt Res. #35-2007, seconded by Mr. Pelot.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #16-2007

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

Mr. Pelot asked Mr. Lyons to clarify the legality, as he understands there is a case in the Ohio Supreme Court regarding moratoriums on skill based machines. Mr. Lyons stated that there are conflicting reports and cases from different Courts of Common Pleas throughout the State regarding the legality of this type of machine, as there are a number of different types of machines. Mr. Lyons stated that this legislation is to grant a period of time where permits would not be granted, assuming the machines are legal. It does not address whether or not the machines are legal. It simply gives the Planning Commission time to become familiar with the issue and make any recommendations to Council for you to decide. Mr. Pelot asked if this affects any current businesses, and Mr. Lyons answered no. Mr. Jones discussed the third whereas clause that states the Planning Commission would conduct hearings on this. Mr. Lyons indicated that is correct, this is a type of business that is not clearly addressed in the zoning code. Mr. Lyons stated that other communities are also looking at this issue, adding that Tallmadge has adopted legislation. Mr. Jones inquired if this has anything to do with the Comprehensive Plan, and Mr. Pritchard stated no. Mr. Jones asked if the Planning Commission were to come to Council with a recommendation, would this affect any of the establishments in town today? Mr. Lyons stated most likely not as a zoning regulation. The zoning regulations cannot be applied retroactively as a general manner. Mr. Lyons indicated that if council were to adopt any new zoning regulations they would be applicable from this point forward. There was further discussion on the legality of the various types of machines and their use, and the difficulty in determining what is legal. Mr. Lyons stated that Tallmadge was also struggling with this issue and instead of trying to figure out what is legal, they decided to license them and charge a fee per machine. Mr. Jones discussed charging a fee per machine and the extra revenue that would come in to the community. Mr. Jones and Mr. Lyons clarified that by passing this, it does not disallow existing business to continue to operate.

Mr. Braman moved to adopt Ord. #16-2007, seconded by Mr. Zita.

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

Motion passed 6-0.

AMENDED ORD #-17-2007

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

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.

Mr. Jones moved to adopt Amended Ord. #17-2007, seconded by Mr. Braman. Mr. Moss elaborated on the need for this legislation. Mr. Moss stated that Ohio law allows for this additional revenue, and the reason for the amendment was to change the effective date to July 1, 2007. Mr. Moss indicated that this would be easier to calculate the additional revenues.

Amended Ord. #17-2007 Continued:

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

Motion passed 6-0.

ORD #18-2007

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

Mr. Jones moved to adopt Ord. #18-2007, seconded by Mr. Pelot. Mr. Jones stated that this is something that has been on the books. Mr. Moss stated that was correct. Mr. Moss stated that there are some situations where costs are not addressed and this ordinance provides for the authorization. This is not enough to purchase meals for people; it is merely for light refreshments or snacks, coffee, etc. Mr. Jones stated that the amount is not to exceed \$2.00 per person.

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

Motion passed 6-0.

ORD #20-2007

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

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

Mr. Braman moved to adopt Ord. #20-2007, seconded by Mr. Zita. Mr. Braman stated that it is mandated by the Ohio EPA that we come up with a process to handle the storm water runoffs. Mr. Pritchard added that the US EPA also requires this. Mr. Pritchard stated that this is one of six requirements that we have to abide by. Mr. Pritchard stated that this is a requirement that needs to be accomplished within the fifth year, and we are in our fifth year now. Mr. Pritchard indicated that we would soon have an audit period regarding the requirements. Mr. Jones stated that on page #6 under Section 1476.10 Enforcement, it does not detail the cost of the violation and asked Mr. Lyons to clarify. Mr. Lyons stated that it does not list a cost, the remedy is to go to the Common Pleas Court to enforce the requirement. Mr. Jones stated that there would be a cost factor involved, and Mr. Lyons stated that the Planning Commission would have requirements at no cost. Mr. Lyons indicated that the costs at the Common Pleas Court level depends on how resistant they are to comply. Mr. Jones asked who would enforce this? Mr. Lyons stated it would be the Zoning Dept, of the City of Norton. Mr. Pritchard stated that it could also be enforced by the local Health Dept.,

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

Motion passed 6-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Moss mentioned that Ms. McCall a Finance Dept., employee has been ill and he wished her a speedy return to work, and that we all miss her. Mr. Moss stated that the State and Independent Auditors have been working with the city and is proceeding as scheduled.

Mr. Pritchard stated that the road project would be advertised April 19, 2007, a pre-bid meeting, on April 26, 2007, and a bid opening on April 23, 2007.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mr. McGlone announced that the April 16, 2007 Work Session would begin at 6:00 PM instead of 7:00 PM. Mr. McGlone stated that all vacancy candidates would be interviewed with a Special Council Meeting immediately following to take a vote.

PUBLIC SERVICE ANNOUNCEMENTS:

None

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:49 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 23, 2007.

Karla Richards, CMC-Clerk of Council

THESE MINUTES ARE NOT VERBATIM