



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
TUESDAY, MAY 29, 2007**

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

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

The Regular Council Meeting convened on Tuesday, May 29, 2007 at 7:02 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. Braman stated that he attended the recent Norton Health Advisory Board meeting, and with the appointment of Ms. Gail Hickey the Board is now at full staff. Mr. Braman stated that Mr. Karant-Chairman of the Norton Health Advisory Board along with the Barberton Health Department had a very productive meeting regarding the Cider Festival Committee pertaining to rules and regulations for food vendors. Mr. Braman stated that everything looks good and they expect no surprises when the festival opens. Mr. Braman discussed a practice drill that was held for assembling an emergency shelter in the event of a tragedy. Mr. Braman stated that the Norton Health Advisory Board is very pleased with Ms. Paulette Kline, the new Barberton Health Commissioner. Mr. Braman indicated that Ms. Kline might be addressing Council later tonight if she can make it, if not she may be at our next meeting.

Mr. Hlas moved to table Ord #93-2006 Sewer Ordinance indefinitely, second by Mr. Pelot. Mr. Jones stated that there was a lot of talk on Ord #93-2006 before she came on. Mr. Jones stated that the reason was that when anyone was putting in a sewer line, we would request laterals to go along with that. Mrs. Hlas stated that the reason for tabling this is because it is not the same as it was originally introduced and that Mr. Pritchard is still working on modifications to it. By the time this comes back it would probably be in August or September and it will come back as a different number because it is totally different. Mr. Pritchard added that it is more comprehensive. Mr. Pelot stated that the issue with laterals would be addressed in the final version.

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

Motion passed 6-1.

Mrs. Hlas stated that she has completed her spreadsheet for the Norton Police versus the Summit County Sheriff, if there are no objections she would be presenting this under Unfinished Business. There were objections.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of April 23, 2007-Mr. Jones mentioned that Mrs. Campbell was our Acting Clerk at the time because Mrs. Richards was excused. The minutes were approved as written.

**Consideration of the Minutes continued:**

Minutes of the Regular Council Meeting of May 14, 2007-Mr. Jones asked why the minutes were not corrected back on May 14, 2007? Mrs. Hlas stated that she has been reviewing the minutes for Mrs. Richards and her computer was down and had asked for more time to help her review the minutes, and there was no objection from council at the last meeting. Mr. Jones stated that may be, however it's not right. Mr. Jones discussed Ord. #38-2007 for the first reading, and asked how can we have two (2) pieces of legislation Ord. #38-2007? Mr. Jones stated that on April 23, 2007 Ord #38-2007 was an appropriations ordinance that was adopted that evening. Mr. Jones stated that now all of the ordinances that are in front of Council tonight are numbered wrong and some have already had a second reading. Mr. Pelot stated that he noticed this earlier this evening and also had concerns with this. Mr. McGlone called for a short recess for Mrs. Richards and Mr. Lyons to review just what took place and how to correct this. Mr. Pelot explained that after further review of the ordinances, the same ordinance #38-2007 simply got used twice. Mr. Pelot stated the best way to correct this is to table the driveway ordinance indefinitely and send it back to Committee and restart it from the beginning and it will have three (3) readings as a new piece of legislation. The minutes of May 14, 2007 were accepted as written. Minutes of the Committee Work Session of May 7, 2007-Mr. Jones stated that on page #2, nine (9) lines down the date should be May **14**, 2007 not May 15, 2007. Mr. Jones discussed the comments about Channel #15, and he had stated that he and Mrs. Campbell have to say that she has a tough job when the minutes are not reflected on a timely manner. The minutes state that we are efficient in getting the minutes out there to the public. Mr. Jones discussed the New Business on page #9 and Mr. Zita's comments about Mayor Kernan's memo dated March 30, 2006. Mr. Jones stated that Mayor Kernan resigned on March 19, 2007 and questioned this. Mr. Zita stated that on March 30, 2006 he was Council President and he did issue that memo so this date is correct as written. The minutes of May 7, 2007 were accepted as corrected. (After review of the audiotape, the requested changes regarding Channel #15 were never stated, therefore there will be no change to the minutes other than the correction to the date of May 14, 2007).

Minutes of the Committee Work Session of May 21, 2007-Mr. Jones discussed the typographical errors on page # 4, it should read **be** instead of me, and on page # 7 third line from the bottom it should state **March 21, 2006** instead of just last March. Mr. Jones stated that another Council member had contacted the Summit County Sheriff's Office. Mr. Jones added the following text to the last paragraph on page #9 just after Ms. Whipkey's comments: *Mr. Jones stated that he mentioned earlier that he was not the only one on Council that went back a year ago last March and asked the Sheriff for a quote for the City of Green as to what they could do for our city. Mr. McGlone stated that he was the one who contacted the Sheriff's office because he wanted to see the same thing Mrs. Hlas has, he wanted to know what was in their contract. Mr. Jones stated that Mr. McGlone also told the Sheriff that 'the residents of Norton are complaining about the Norton Police Department'. Mr. McGlone replied yes, and that he wanted to see the City of Green's contract, and asked what does this has to do with anything?* The minutes were accepted as corrected. (After review of the audiotape, the requested change to March 26, 2006 was never stated, therefore there will be no change to the minutes for that section.)

**COMMUNICATION FROM THE PUBLIC:**

Ms. Megan Booth, a member of the Charter Review Commission, stated that she was glad to see an apples to apples look at the Police & Sheriff issue. Ms. Booth stated that she is a little nervous about the numbers in the spreadsheet because of all of the typos in the minutes, she would rather Mr. Moss be involved with that. Ms. Booth wanted to make sure Council takes into consideration the 3% retroactive raise back to January 1, 2006, this would make last years numbers different.

**Communication from the Public continued:**

Ms. Barbara Vimont, Chair of the Charter Review Commission, spoke regarding her request to rescind Ord. #95-2006. Ms. Vimont stated that it was something they did not think of at the time the amendment was brought forward. Ms. Vimont stated that as with the minutes, errors can be made and things can be forgotten about or missed. If you don't want to rescind this, Council could make changes to the proposed amendment; there are other options here. Ms. Vimont discussed the issue of having all of the proposed amendments on this November's ballot, and it was requested several times. Ms. Vimont stated that it was the Commissions decision to bring each amendment out individually and not repeat the same mistakes as was done in the past. Ms. Vimont stated that she does realize that there is money involved, however it is in the citizens best interests because you would have better voter turnout in November than you would have in May. Ms. Vimont reminded Council that we really don't have that many amendments going on the ballot, we have proposed a larger number, however Council turned some of them down. The actual number would be four (4) or five (5) and six (6) if they are lucky. Ms. Vimont stated that she does understand the expense, however she felt this was a necessary expense.

Charlotte Whipkey, a Norton resident, spoke regarding the Police Dept. settlement cost, and asked how much has this retroactive pay cost the city or will cost the city? Is there any interest involved, and does this include overtime?

Mr. Rich Costin, of Lemmon & Lemmon Developers, spoke regarding the Stonewyck Phase II dedication and that he would be addressing any questions regarding the request.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #41-2007**

Mr. Zita offered Ord. #41-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

Mr. Zita moved to waive the second and third readings, seconded by Mrs. Hlas. Mr. Zita stated this is housekeeping that we do every so often. This also puts our new laws in line with tickets that are issued, it assures that the codes used correspond correctly.

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

Motion passed 7-0.

Mr. Zita moved to adopt Ord. #41-2007, seconded by Mr. Pelot.

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

Motion passed 7-0.

**Introduction of New Legislation continued:**

**ORD #42-2007**

Mr. Braman offered Ord. #42-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO ACCEPT FOR PUBLIC DEDICATION THE PUBLIC IMPROVEMENTS OF THE STONEYWYCK RESIDENTIAL SUBDIVISION PHASE II, A MAJOR SUBDIVISION OF 16.5425 ACRES LOCATED AT 3560 CLARK MILL ROAD (PERMANENT PARCEL NO. "PPN" 4608582) BEING OFFERED FOR DEDICATION FOR USE BY THE PUBLIC.

Mr. Braman moved to waive the second and third readings, seconded by Mr. Zita. Mr. Braman stated that they would like to start building on these lots, and that everything has been approved. Mr. Pritchard concurred, adding that all infrastructure has been installed, lighting, trees, and any other necessary required items. The only exception was the grass needing to be re-seeded around the retention pond area, which was just done today. Mr. Pritchard indicated that if there were any issues related to proper seeding, that issue can be addressed in the Storm Water Phase II regulations already in place. Mr. Pritchard stated that he understood that the developer has eight (8) or nine (9) people waiting to purchase lots. Mr. Pelot questioned if the city has anything in writing to make sure that the grass area would be addressed, and Mr. Pritchard stated this is part of a maintenance issue and the city does have recourse.

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

Motion passed 7-0.

Mr. Braman moved to adopt Ord. #42-2007, seconded by Mr. Zita.

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

Motion passed 7-0.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #38-2007**

Mr. Pelot moved to table indefinitely Ord. #38-2007 Driveway designs, seconded by Mr. Braman.

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

Motion passed 7-0.

**ORD #40-2007**

Mr. Zita offered Ord. #40-2007 for its second reading, and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND SECTION 3.04 OF THE CHARTER OF THE CITY OF NORTON TO MODIFY THE ESTABLISHMENT OF THE TIME AND DAY OF THE ANNUAL ORGANIZATIONAL MEETING OF COUNCIL.

Second reading only.

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**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:**

Mayor Price discussed the 2007 Summer Recreation Program for grades 1-6. Registration is June 11, 2007 and June 12, 2007 from 9:30 AM to 11:30 AM. The fee is \$50.00 for the first child and \$40.00 for each additional child. For more information contact the Administration Building at 330-825-7815 #14.

Mr. Ryland corrected statements made at the last meeting, that Mr. Moss was working with the Summit County Sheriff's Office. Mr. Ryland stated that under instructions of the Mayor, the Administration was hands off with this issue. Mr. Ryland stated that Mr. Moss might have provided answers to various questions from the public, however Mr. Moss is not working with the Sheriff's Office. Mr. Ryland also corrected a previous comment that the city's Police Officers sued the city, this is incorrect, the city initiated the suit regarding their contract. Mr. Ryland informed Council that there was some vandalism regarding city property over the weekend. A man vandalized several cruisers with a ball peen hammer, and broke glass doors at the Administration Building. Mr. Ryland stated that the individual was obviously mentally disturbed, he was tasered and placed in a holding cell pending transport to the St. Thomas Hospital. Mr. Ryland stated that the pond at Columbia Woods is now dry, however there is still some clean up work that needs to be done because of the growth. Mr. Ryland stated that we will be making the pond a little deeper, and reconfigure it a little better and clean the swampy area by the ball fields. Mr. Ryland stated that this work should be completed by late August.

Mr. McGlone discussed the boil alert and asked if this was still in effect? Mr. Ed Binic of the Barberton Health District was present and stated that this is still in effect until Wednesday or Thursday.

Mr. Moss addressed the questions from Ms. Whipkey as to the cost to settle the appeal, and Mr. Moss it was a lump sum of \$5,000.00. Mr. Moss stated that the retro pay would include an increase on all of the overtime, and this would be addressed later this evening. Mr. Moss discussed the information he provided in a spreadsheet regarding the Fire/EMS 20 year Vehicle Plan (see attached).

Mr. Lyons stated that the lawsuit regarding Mr. Virgil Cochran was dismissed and that he did not anticipate that this would be re-filed.

Mr. Ed Binic, of the Barberton Health District, gave an update on the very favorable report received from the Ohio Department of Agriculture survey for their food inspection program. Mr. Binic stated that the 2007 Mosquito spraying program has begun. We have started the larvaciding process, and addressed areas of standing water, piles of tires and roadside ditches. Mr. Binic stated that the evening spraying would begin on July 11, 2007. Mr. Binic stated that they are following the West Nile Virus protocol and they are interested in obtaining dead birds, primarily they are looking for dead adult crows and blue jays. If residents find these birds on their property they should contact 330-861-7164. Mr. Binic thanked Mr. Ryland for the city's work on the pond. Mr. Binic discussed the Summit McCoy C & D site, and that they were given permission to move into their Phase II area. Mr. Binic stated that the Smoke Free Work Place Enforcement has begun and we received sixteen (16) complaints, three (3) were in Norton. Mr. Binic stated that the Barberton Health Department would be personally delivering the enforcement paperwork to these employers. Mr. Binic urged anyone with complaints to contact the State's hotline at 1-866-559-6446. Mr. Binic thanked Mr. Braman for attending and helping with the emergency drill recently. Mr. Pelot questioned the procedure for notifying the residents of a boil alert. Mr. Binic stated that the Utilities Dept. has set

procedures however he did not know the specifics. Mr. Binic stated that the Utilities Dept. uses the media, radio, newspaper, and phone calls are placed to city officials at Norton.

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**Reports from Officers, Boards & Commissions continued:**

Mr. Pelot asked Mayor Price if this is something we can put on the website or if he was aware of the alert? Mayor Price stated the he did not receive a phone call, he had to read about it in the papers. Mr. Binic stated that he would meet with the Utilities Dept. tomorrow and address this. Mr. Pelot asked to have a copy of the Utilities Dept. SOP (Standard Operating Procedures). Mrs. Hlas asked about the status of the Eshlich C & D, and that they had five (5) to ten (10) years left some time ago. Mrs. Hlas stated that she would like to know how many more years they anticipate before they are full. Mr. Binic stated that he would have a report on this at the next meeting.

Mr. Jones discussed a letter from Mr. Binic to Mr. Ryland dated May 16, 2007 regarding the sanitary sewer tie in list. Mr. Jones discussed the Beldick Motel, and inquired as to how they plan on connecting? Mr. Ryland stated that he was not sure, however he would be going to each of the properties on the list tomorrow to discuss this issue with them. Mr. Jones asked if it is true that anyone contiguous within four hundred (400) ft. of a sewer line must hook up? Mr. Binic stated that this is EPA language within the new sewage regulations with the State Health Department, we require two hundred (200) ft. if it is accessible. Mr. Pritchard added that is for existing off lot discharge systems as well. Mr. Jones discussed the situation with Mrs. Sargent's property and the possibility of a tie in connection at Mr. Willig's point and that Mr. Willig agreed to this but the City of Norton would not agreed to this. Mr. Jones stated that Mrs. Sargent is in a situation where her business is closed, and she would not have to comply with this connection, correct? Mr. Binic stated that as long as this business is closed she is not required to connect; however if a new business were to open at that location they would have to connect.

**UNFINISHED BUSINESS:**

Mr. Pelot asked Mr. Pritchard about the Johnson Meadows project, and Mr. Pritchard indicated that they have until the end of this month to submit their information. If this does not occur, then the city will move forward with the next process. Mr. Moss stated that we have no choice but to go for a direct assessment for the related expenses associated with interest charges that have accrued and can be paid off in up to ten (10) years. Mr. Pelot asked for a rough total of the costs, and Mrs. Hlas stated that it's between \$150,000.00 and \$160,000.00. Mr. Pelot asked Mr. Pritchard for a status of the Digestive Wellness building project, and Mr. Pritchard indicated that it appears they are on schedule. Mr. Pritchard stated that the house on the front of the property was recently razed.

Mr. Jones discussed Ord. #95-2006 (Merging Parks & Recreation Board with the Cemetery Board), and asked Council what they wanted to do with the request to rescind it? Mr. Pelot stated that he did not have a problem with sending it back. Mrs. Hlas stated that as she had indicated in her recent email to Council that seven (7) is too many and three (3) is not enough. Mrs. Hlas stated that she was under the understanding that when former Mayor Kernan appointed members to these boards, they were told that depending on the outcome of the amendments, the position may not be there. Mrs. Hlas stated she felt it would be a disservice to the Charter Review if we give it back to them and it comes back to us again and we keep it with five (5) members anyway. Mrs. Hlas stated that she feels five (5) is a good number and should stay where it is. Mr. Pelot questioned if Council could pass some type of a resolution for the natural attrition process dwindling it down to five (5) members? Mr. Lyons stated no, the Charter defines it, and if it says five (5) then it will be five (5). Mr. Pelot agreed with five (5) being the correct number. Mr. Jones stated that if they want the amendment back he did not have a problem with it. Mr. Zita stated that eight (8) members is an even amount and five (5) is an odd amount, and if you have a tie with five (5) members on board that tie would be broken. Mr. Zita stated that he would like it to remain as an odd number. There was further discussion and

Mr. Lyons suggested that Council address this at the next Committee Work Session and if it is Councils desire to rescind this a new piece of legislation is necessary.

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**Unfinished Business continued:**

Mr. Zita expressed his concerns with the time lines for Board of Elections, and Mrs. Richards stated that the legislation for the amendment would make the time line, however Council may need to waive a reading or two. Ms. Vimont stated that June 6, 2007 is their last meeting to wrap things up for any other potential amendments. Ms. Vimont stated that any meetings after this would be to publicize the amendments that were passed, and provide information to the public.

Mr. Jones discussed a memo he received from Council President regarding the proposal from the Summit County Sheriff Office. Mr. Jones corrected Mr. McGlone's reference to the Sheriffs Department, Mr. Jones stated that it's an office not a department. Mr. Jones also referenced Council Rules as stated in the memo it was 3.04 which is a Charter section not a Council Rule. Mr. Jones stated that he reviewed Council Rules 304 and it only pertains to regular Council meetings and he handed out the proposal in a Work Session. Mr. Jones questioned Mrs. Richards if the current rules were ever adopted after being amended? Mrs. Richards stated she would need time to review the minutes, however she thought that Council had approved them since there were no objections to the rules. Mr. Jones implied that the rules were amended but never adopted.

Mrs. Hlas asked Mr. Jones what was the date of her memo to him asking for a copy of the proposal from the Sheriff's Office, and Mr. Jones answered it was April 26, 2007. Mrs. Hlas stated that prior to that date it has been stated several times that we would be saving \$1,400,000.00 if we outsource with the Sheriff's Office. Mrs. Hlas stated that when she asked Mr. Jones what price was he quoted, he replied that he was never quoted a price. Now she is looking at a proposal dated December 14, 2006, so if you had this since then why did it take you a month to get it to me? Mrs. Hlas stated that she was sworn into office on April 16, 2007 and she started working on this spreadsheet on April 17, 2007, (see attached). Mrs. Hlas stated that common sense would tell you there is no way you can save \$1,400,000.00 if we out source. Mrs. Hlas indicated that she got a copy of the budget, and she sat down with Mr. Moss, Mr. Ryland, and Chief Carris and went over all of the figures with them. Mrs. Hlas stated that she has also contacted the Finance Dept. for the City of Green. Mrs. Hlas stated that the bottom line is, it will cost the city \$42,757.00 and that does not include the \$657,300.00 we have to pay for the buy out of sick time and comp time. and it would take us seventy (70) years just to break even, and that is with no increase in costs. Mrs. Hlas stated that she would like to have Mrs. Campbell post this information on the city web site after she cleans it up a little more. Mrs. Hlas stated that she hopes to have this on the city web site by this Friday or possibly Monday. Mr. Jones disagreed with Mrs. Hlas' figures and that the budget for the Norton Police Dept. is \$2,463,000.00. Mrs. Hlas stated that is a budget amount, and that you cannot use that figure, you need to use actual figures. Mr. Pelot stated that when creating a budget you always figure high to account for any overages that come up, and Mr. Jones questioned the \$500,000.00 in overages, that's a lot of money. Mr. Jones stated that no one ever sat down with Capt. Roach to go over the figures, and suggested you sit down with Capt. Roach and go over these before you post something to the web site. Mr. Pelot stated that there have been all kinds of false propaganda around and that we need to sit down and go over this in detail with Mr. Moss, and all the parties involved. Mr. Jones stated that he was only going by that budget he saw last December, and Mr. Pelot reminded him that the budget amount is different from the actual amount spent. Mr. Jones stated that he was the only Council member that has tried to save the city and taxpayers money. Mr. Jones stated that the taxpayers are fed up with it. Mr. Jones stated that he hoped the voters would pass the fire levy. Mr. Jones stated that he is glad that this has come forward, he does not have a problem with it.

**NEW BUSINESS:**

None

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**PUBLIC SERVICE ANNOUNCEMENTS:**

None

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:39 PM.

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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 June 11, 2007.

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Karla Richards, CMC-Clerk of Council

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

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