



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JUNE 11, 2007**

Roll Call:	Ken Braman	Also Present:
	Brenda Hlas	Mayor James A. Price
	Tom Jones	Rick Ryland
	Bill Mowery	John Moss
	Mike Zita	Mike Lyons
	Scott Pelot	Jeff Pritchard
	Dennis McGlone	Karla Richards
		Ann Campbell

The Regular Council Meeting convened on Monday, June 11, 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. Braman indicated that Ms. Paulette Kline-Barberton Health Commissioner was present tonight and would be addressing council later under Reports from Officers, Boards and Commissions.

Mr. Mowery moved to add Ord. #49-2007 to the agenda, seconded by Mr. Pelot. Mr. Mowery indicated that the need for this legislation is to have the County Auditors certify the amount of money a 3 mill levy would generate, which needs to be done before we pass the legislation for the levy.

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

Motion passed 7-0.

Mr. Pelot briefly discussed Ord. #47-2007 and that he wanted this to clarify that the runoff election would pertain to Mayoral candidates, it should be clearly stated in the title. Mr. Pelot moved to amend Ord. #47-2007, seconded by Mr. Zita. Mr. Jones added that this would not apply to the Mayor election this fall, it would apply to the next term of office.

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

Motion passed 7-0.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of May 29, 2007; Mr. Jones noted that Mr. Ryland was not listed in attendance on the front page, he was present. Mr. Jones added his following comment to page #7, 10 lines up from the bottom "*Mr. Jones questioned the \$500,000.00 in overages, that's a lot of money*". The minutes were accepted as corrected.

Consideration of the Minutes continued:

Minutes of the Committee Work Session of June 4, 2007; Mr. Pelot noted that on page # 8, 8 lines up from the bottom, remove the extra .00. Mr. Jones added his following comment to page #4, 8 lines down "*Mr. Jones stated that he did not feel adding more responsibility on the Law Director is a problem, we are paying him a handsome salary for his services*". The minutes were accepted as corrected.

COMMUNICATION FROM THE PUBLIC:

Mrs. Elaine Tompkins, a Norton resident, spoke regarding her continued efforts to sort out the numbers for the SCSO/NPD contract, (see attached).

Mr. Keith Hetrick, a Norton resident, spoke regarding the Fire/EMS levy and his concerns with the actual numbers in 2004, which were \$293,321.00, and for 2007 the Budget is for \$696,488.00. Mr. Hetrick stated that this is a \$403,167.00 increase or 130%, and asked where did all of the money go? Mr. Hetrick stated that he understood an increase for the part-time union, however, not that much. Mr. Hetrick stated that this increase does not even include a new building or equipment. Mr. Hetrick asked if Council really knew that there would be this kind of an increase with the changes that were made? Mr. Hetrick pointed out that this has nothing to do with the 3 mill levy, it is not a put down for the levy. We really need this for our new firehouse and for new trucks.

Mr. George Tomko, a Norton resident, asked what is going on at city hall? He has never read an agenda quite like this one before. Mr. Tomko stated that he tried to get the agenda on Friday, but it was not ready because an ordinance was not ready. Is it that tough to do? Mr. Tomko discussed Stonewyck Phase II and his concerns with the amount of new homes. We cannot take care of the people we have here now, since about 12% of the residents pay income taxes to the city, and that approximately three fourths (3/4) goes towards the school. Mr. Tomko stated that we couldn't afford any more homes in the city unless Council changes the tax credit and collects at least 1% income tax from every resident that lives in Norton. Mr. Tomko inquired about the \$2500.00 connection fee required for everyone to connect to sewers, and would like to see a report from day one as to the revenue the city has received, in addition to the \$1,000.00 fee to hook up to water. Mr. Tomko stated that it seems that Mrs. Hlas and Mr. Jones are the only ones on Council who really know what is going on. They read their agenda, they go over their notes and they talk about issues and things going on. Mr. Tomko discussed the baseball diamonds and asked how long does it take to get them done. Mr. Tomko stated that he would like to see Council President appoint two (2) members to address the idea of English as the official language. Mr. Tomko stated that he hoped the Mayor would not veto this legislation. Mr. Tomko stated that if you cannot speak English in this country, then you need to get out. Mr. Tomko discussed the recycle legislation and thought that this is a requirement of all trash haulers throughout the city to provide recycle bins. Mr. Tomko discussed the current situation with the Johnson Meadows Project, and that he understood that they were paying the interest fees all along. Now he has discovered that they have not paid anything, and that we will bill them for it. Mrs. Hlas addressed Mr. Tomko's concern with the revenue in the Utilities fund, and stated that we have a total of \$655,000.00 in both the sewer and water fund as of May 31, 2007. Mrs. Hlas explained that the city is not using any of our money for the recycle bins, we received a grant for money, and it can only be used for recycling. The money was sitting in this fund, however it was never appropriated so it can be spent for this purchase.

Mr. Norman Kendall, a Norton resident, spoke about Ord. #47-2007 and asked Council why are they wasting their time and money on this Charter change? Mr. Kendall stated that he has watched Council put forward ordinances and resolutions that are wasteful. Mr. Kendall stated that he felt Council could get out of their meetings within about a half hour. Mr. Kendall stated that it is unconscionable to change the Charter for something that has worked for this city for so many years. Why sponsor resolutions and ordinances that are not necessary?

Communications from the Public continued:

Mr. Don Weigand, a Norton resident, thanked the Administration and those associated for allowing him to see what is going on. Mr. Weigand stated that the accounting system the city is using is a real challenge for him, and it doesn't seem to give Council what they need. Mr. Weigand stated that when Council asks about the cost for something, at best it would be a guess, there are real numbers but they seem to be so intertwined. Mr. Weigand stated that several years ago he addressed the income tax credit issue, and had suggested that it gets rectified at the State level. Mr. Weigand stated that Council told him at that time, that if he wanted anything done at the State level then he should be the one to do it. Mr. Weigand took exception to that and added that if Council wants one percent (1%) from the people that work outside of the city, then Council needs to get off their duffs and they should be the one going to the State. Mr. Weigand stated that for someone to pay city income tax at three percent (3%) to six percent (6%) of their income along with every other tax in this state, this is not right. This is what drives people to retire to places like Florida and other states where there is no city income or State tax. Mr. Weigand stated that there was discussion about reverting back to a township status so we could get some help from the county to pay our bills. Apparently we do not have enough land to do this and maybe we need to appropriate that, if the people want some help from Summit County to pay their bill, maybe we need to take another look at that issue. Mr. Weigand agreed with Mr. Tomko's comments about Mrs. Hlas and Mr. Jones being the only ones on Council that really knows what is going on in the city. Mr. Weigand discussed the Summit County Sheriff proposal with the potential savings of \$1,400,000.00 and if you won't look at this number, how can we trust you to look at any number whether it is right or wrong. Mr. Weigand stated that you are all credible and you may have had your reasons for not wanting to listen to the Sheriff's proposal. Mr. Weigand stated that it should be looked at closely and if it can save the city money we ought to consider it or do something to keep the present Police Dept. costs in line. Mr. Weigand stated that he had no problem getting enough signatures on petitions when Council tried to pass the income tax without the vote of the people. People want to have a vote on any income tax changes in this city. Mr. Weigand stated that there is a right way and a wrong way to do things, and so far this year he has been really disappointed.

Ms. Charlotte Whipkey, a Norton resident, discussed Res. #44-2007, and asked if it was written correctly. Ms. Whipkey discussed Section 1 where it states "*at a rate not exceeding 3 mills for each one dollar of valuation, which amounts to \$3.00 for each one hundred dollars of valuation*" Ms. Whipkey stated that would mean \$30.00 per \$1,000.00 of valuation and for a \$70,000.00 home this would be \$2,100.00 a year. Mr. Lyons stated that we would be asking for the exact amounts from the Auditors offices and that amount would be inserted into the ordinance. Mr. Lyons stated that he would be double-checking on the \$3.00 for each \$100.00 figure, it should not be that high, it might be \$3.00 per \$1,000.00 instead.

Mr. Dave Killian, a Norton resident, discussed the Gardner Blvd. waterline project, and the installation of the new eight (8) inch line. Mr. Killian stated that he has a new driveway and now has a two and a half (2 ½) foot culvert in his front yard, which can trap a car and it's impossible to mow. Mr. Ryland stated that due to water run off problems with this area, we had to make the ditches match the depth of the culverts. Mr. Ryland indicated that we had to use larger diameter of pipe and they can be filled at the homeowner's expense. Mr. Ryland suggested that Mr. Killian applies for the permit and the Service Dept. would follow up and complete this issue.

Mayor Price introduced Ms. Jenny Gipson, with the National Network of Career Nursing Assistance. Ms. Gipson stated that this week begins a weeklong recognition for Nursing Assistants. Ms. Gipson stated that Nursing Assistants provide approximately 90% of long term care and are involved with hospice and nursing assistance in some form or another.

Communications from the Public Continued:

Ms. Gipson urged everyone to reach out to these Nursing Assistants and personally thank them for the work that they do, and the care they provide to their patients. Ms. Gipson was given a Proclamation from Mayor Price on behalf of all Nursing Assistants, (see attached).

Mr. Ryland introduced Mr. Nick Codrea to present the fact finders report regarding the Norton Full Time Fire Fighters. Mr. Codrea stated that this was just received yesterday and it must be acted on within seven (7) days. Mr. Codrea stated that in order to reject this report, Council must vote at least 5-2. Mr. Codrea discussed several issues within the report adding that this report is extremely anti-city. Mr. Codrea referenced page #9 of the report where it states there is no Saturday or Sunday workdays. Mr. Codrea stated that these employees are safety forces, they are not bankers. This department operates 24/7, 365 days a year, not when it's convenient for them to come to work. Mr. Codrea stated that the city submitted a labor market analysis that showed even with no wage increase in 2006, the City of Norton Full Time Fire Fighters are fifth (5th) out of eleven (11) jurisdiction as far as total compensation. Mr. Codrea stated that Ms. Marczely chose to ignore this fact as well as the Union's reference to the General Fund. Mr. Codrea stated that the Fire/EMS is funded by levies not the General Fund. Mr. Codrea stated that he couldn't see the city supporting a 5%, 3% and 3% wage increase, while also trying to pass a levy. Mr. Codrea stated that Ms. Marczely referenced bogus figures on the expenditures for part-time Vs full-time. Mr. Codrea stated that this report is full of errors, and suggested that Council turn this report down tonight. Mr. Codrea stated that the next step would be conciliation. Mr. Jones asked if court action would follow, and Mr. Codrea replied not necessarily. Mr. Codrea discussed the Zizer Decision (Police Union Conciliation Decision) and that in that decision the question was asked if anyone had been laid off? Ms. Marczely states that she never saw this report, however Mr. Codrea distinctly recalls showing her this report with this statement underlined. Mr. Codrea stated that when the cost of labor cannot be funded, there are several things that you can do; layoffs, contract services out, or you get out of the business. You cannot guarantee employment, and Mr. Jones agreed, adding that jobs are not forever these days. Mr. Codrea recommended a hard fought battle with this. Mr. Codrea stated that Ms. Marczely commented that the city had approved a resolution that there should be parity with the Police and Fire, which is wrong. Mr. Ryland stated that he concurred with Mr. Codrea and referenced to page #29 in the report, and the fact that Ms. Marczely referenced many times to an Appendix B, which there is no Appendix B in this report. Mr. Ryland also recommended that Council reject this report. Mr. Jones moved to reject this fact finders report, and go for Conciliation, seconded by Mrs. Hlas.

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

Motion passed 7-0.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #43-2007

Mr. Jones offered Ord. #43-2007 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.

First reading only. Mr. Jones clarified for Mr. Tomko that this is grant money being used to pay for the recycle bins. This unit would be placed at Columbia Woods Park for people having picnics at the pavilion, people using the tennis courts, to put their recyclable trash items in.

RES #44-2007

Mr. Mowery offered Res. #44-2007 for its first reading, and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION, AND TO PLACE ON THE BALLOT IN THE NOVEMBER ELECTION AN ADDITIONAL REAL PROPERTY TAX LEVY AT THE RATE OF 3 MILLS FOR A CONTINUING PERIOD TO PROVIDE FIRE AND EMERGENCY MEDICAL SERVICES APPARATUS, FACILITIES AND OPERATIONS AS SET FORTH IN § 5705.19(I) OF THE OHIO REVISED CODE.

First reading only.

ORD #45-2007

Mr. Braman offered Ord. #45-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE DRIVEWAY DESIGN, LOCATION AND CONSTRUCTION STANDARDS AS SET FORTH IN SECTION 1026 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON.

First reading only.

RES #46-2007

Mrs. Hlas offered Res. #46-2007 for its first reading, and asked the Clerk to read it:

A RESOLUTION DECLARING IT A NECESSITY TO INSTALL WATER LINES ALONG CLEVELAND-MASSILLON ROAD, AND TO AUTHORIZE THE SUBMISSION OF AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR FUNDING FOR THE CLEVELAND-MASSILLON ROAD WATER LINE PROJECT IN THE CITY OF NORTON, AND COMMITTING TO PROVIDE FUNDING FOR THE LOCAL SHARE FOR SUCH PROJECT, AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. Braman. Mrs. Hlas stated that we need to suspend the readings in order to apply for the grant on time.

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

Motion passed 7-0.

INTRODUCTION OF NEW LEGISLATION CONTINUED:

RES #46-2007

Mrs. Hlas moved to adopt Res. #46-2007, seconded by Mr. Braman.

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

Motion passed 7-0.

ORD #47-2007

Mr. Zita offered Ord. #47-2007 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 2.01 OF THE CHARTER OF THE CITY OF NORTON TO REQUIRE A RUN-OFF ELECTION IN THE EVENT NO CANDIDATE RECEIVES MORE THAN FIFTY PERCENT (50%) OF THE VOTE AT THE GENERAL ELECTION.

First reading only.

ORD #48-2007

Mr. Zita offered Ord. #48-2007 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 5.04 OF THE CHARTER OF THE CITY OF NORTON TO IMPOSE A TIME LIMIT ON PROVIDING RESPONSES TO REQUESTS FOR LEGAL OPINIONS AND TO EXPAND THE SOLICITOR'S AUTHORITY TO CLARIFY THE CHARTER.

First reading only.

RES #49-2007

Mr. Mowery offered Res. #49-2007 for its first reading, and asked the Clerk to read it:

A RESOLUTION REQUESTING THE COUNTY AUDITORS CERTIFY TO THE CITY OF NORTON THE TOTAL CURRENT TAX VALUATION OF THE CITY, AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY 3.0 MILLS, AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Mowery explained the need to suspend readings is because the County Auditors need to certify the amounts the city would receive if the voters approved a 3 mill levy.

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

Motion passed 7-0.

Mr. Mowery moved to adopt Res. #49-2007, seconded by Mr. Pelot.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #40-2007

Mr. Zita offered Ord. #40-2007 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 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.

Mr. Zita moved to adopt Ord #40-2007, seconded by Mr. Pelot.

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

Motion passed 7-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Price thanked Council for rejecting the fact finders report.

Mr. Ryland indicated that we are continuing to work on the cost evaluation for the Summit County Sheriff's and the Norton Police Dept. and trying to determine some of the soft costs involved. Mr. Ryland indicated that he hopes to have something ready for Council next Monday.

Mr. Moss thanked Mrs. Tompkins for her support and contributing to the whole discussion regarding the Sheriff's Office versus the Norton Police Dept.

Mr. Pritchard stated at Mr. Braman's request, he has been working on a document to discuss the connection fees and surcharge fees and utilities issues. Mr. Pritchard indicated that he would have this document in time for next Monday so that Council will have time to review this.

Ms. Paulette Kline, Barberton Health Commissioner, discussed the recent meeting held with the Cider Festival Committee and that under ORC 3717.24 Uniform Food Safety Code there were some issues that needed to be addressed. Ms. Kline indicated that her main goal is to prevent any type of an outbreak of food or water borne diseases. Ms. Kline discussed the strict requirements for food preparation and proper temperatures for food storage. Ms. Kline indicated that she is working on a manual to explain all of the requirements in detail. Ms. Kline gave a brief update on the Summit C & D facility and that she is working with the Ohio EPA in order to address the eleven (11) items needing to be addressed, which were appealed by the owner. Ms. Kline indicated that the parties involved would need to come to terms before issuing any permits. Mr. Jones discussed the large amounts of road dust the residents have to deal with in that area. Ms. Kline stated that this was brought to their attention and the Health Dept. has already looked into it. Mr. Jones discussed a second driveway near the entrance to the east, and Ms. Kline stated that she was unaware of this and would look into it. Ms. Kline briefly discussed the regulations for home septic systems. Ms. Kline stated that public health has lobbied very strongly for this law. We feel that if this is not passed we would be going back about thirty (30) years. We would not be able to utilize the best technology that is out there and we would have to review on a case by case basis.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS continued:

Mr. Pelot discussed the recent boil alert and that the City of Norton was not properly notified. Mr. Ryland clarified that the Norton Dispatch center was properly notified, however he did not receive a phone call in a timely manner. Mr. Ryland stated that he has addressed this and he is now listed as a contact person on the list for Barberton to notify. Mr. Pelot stated that he had previously asked for a copy of the SOP (Standard Operations Procedure) from Mr. Binic and Ms. Kline indicated that she would see that Council receives this.

UNFINISHED BUSINESS:

Mrs. Hlas stated that she had concerns with Ord. #31-2007-Qualifications of the Mayor and, #48-2007-Law Director and his power to change the charter. Mrs. Hlas indicated that she and Mr. Lyons had attended the Charter Review Commissions meeting last Wednesday and that Mr. Lyons also raised concerns with those two issues. Mrs. Hlas stated that she wanted all of Council to understand and be aware exactly how Ord. #31-2007 reads. Mrs. Hlas stated that this was a vote of 6-1 and is supposed to go to the voters. Mr. Jones called a point of order, this was a vote of 5-1, he was on vacation. Mrs. Hlas stated that she stood corrected, the vote was 5-1. Mrs. Hlas stated that if the voters approve this as it is proposed, the Mayor cannot just pass power over to Council President, if he does not meet those exact qualifications, he is disqualified as Mayor. Mrs. Hlas stated she was not sure if Council wanted to rescind Ord #31-2007. Mrs. Hlas discussed her concerns with #48-2007 and the last paragraph, which Mr. Lyons was also concerned with. Mrs. Hlas stated that she understood that the Law Director does not have the authority to physically change the Charter just to make it consistent with another section, this can only be done by a vote of the people. Mr. Lyons commented on this and stated that it is inappropriate for any Law Director to change the inconsistencies, and suggested that Council eliminate that section of the language. There was discussion to leave this proposed Charter amendment as it was originally intended and to remove the questionable language. Mr. Lyons stated that it is up to Council to consider this and decide what they want and how it should read. Mr. Lyons stated that the Ohio Revised Code is full of inconsistencies and if your Charter has inconsistencies you have to learn how to live with them. Mr. Lyons indicated that there are rules of interpretation that teach you how to deal with inconsistencies. Mrs. Hlas asked if Mr. Lyons could attend the Committee Work Session next Monday, and Mr. Lyons indicated that he would be able to attend. Mr. Pelot stated that the Charter states any changes must go to the public for a vote, and Mr. Lyons stated that he felt this is slipping in those changes. Mrs. Hlas stated that since Ord. #48-2007 has a few changes, she would like Mr. Lyons to have the proposed changes ready prior to Monday for Council to look at. Mrs. Hlas stated that Ord. #31-2007 is just for discussion on Monday. Mrs. Hlas inquired if the Charter Review Commission was officially finished, since they had their last meeting on Wednesday, and that they discussed getting together sometime in September to educate the public. Mayor Price indicated that he would have to get back to Council on this, he thought they were done before. Ms. Megan Booth, of the Charter Review Commission, stated that she understood they were allowed to promote some of the amendments, we are not meeting to make any further amendments. We would just hold meetings to educate the residents and have a question and answer session. Mrs. Hlas rephrased her question and asked if the Commission was done with making recommendations, and Ms. Booth stated yes.

NEW BUSINESS:

Mr. Jones reminded everyone that Fathers Day is this Sunday.

PUBLIC SERVICE ANNOUNCEMENTS:

Mrs. Hlas stated that a few meetings ago she had presented her spreadsheet finals for the Summit County Sheriff versus the Norton Police Dept. , and thanked the West Side Leader for reporting this, as they were the only paper that mentioned this.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:29 PM

Dennis McGlone, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on June 25, 2007.

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.