



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JUNE 25, 2007**

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

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

The Regular Council Meeting convened on Monday, June 25, 2007 at 7:01 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 asked Mr. Moss where we are with the Johnson Meadows Project as far as getting any money back? Mr. Moss replied that it is not the proper time to begin collecting. At the conclusion of five (5) years we will have to assess for what has been spent so far. Mr. Jones asked when this five-(5) year ends, and Mr. Moss stated he was unsure, however we are within the last year. Mr. McGlone asked Mr. Moss to provide Council with the answers at the next meeting.

Mr. Pelot moved to amend Ord #48-2007, seconded by Mr. Jones. Mr. Pelot stated that Council decided they wanted to remove the section relating to the Law Director making changes to the Charter.

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

Motion passed 6-0.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of the Regular Council meeting of June 11, 2007; Mr. Jones stated he wanted the following comments inserted on page #8 under Unfinished Business; *"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 disagreed, adding that the minutes are not to be exact, they are not verbatim.

Consideration of the Minutes:

Mrs. Hlas recalled previous discussions with Mrs. Richards after she attended classes to get her certification and she was told that she is too lengthy in her minutes, and needs to work on shortening them. Mrs. Hlas stated that Mrs. Richards does her best to see that everyone is at least stated in the minutes, which is not required. Mrs. Hlas stated that since she has been back on Council, there has not been a meeting when Mr. Jones did not correct the minutes. Hlas stated that she has also attended Ohio Municipal League Seminars where minutes were discussed and as long as the minutes contain discussion that explains the thought and intent that is sufficient. Mrs. Hlas stated that she would not approve the corrections, she would approve them as submitted. Mr. Jones stated that he felt this was something, it was not just discussion it related to an ordinance. Mrs. Hlas stated that this did not change the intent of the meeting or have impact on the outcome of the discussion. Mr. McGlone stated that minutes are approved as corrected. Mrs. Hlas asked for a roll call vote, there was no roll call taken. Mr. McGlone stated that this issue is something that needs discussed in a Work Session and this would be on the agenda to discuss when we return from recess.

Minutes of the Committee Work Session of June 18, 2007; Mr. Jones stated he wanted the following comment inserted on page #7: *“Mr. McGlone stated that he believed that he requested this item to be on the agenda at last Monday’s Council meeting. Mrs. Richards indicated that we received the memo from Mr. Ryland on Wednesday, which was in time for the packet”*. Mrs. Hlas stated that she would approve the minutes as submitted, but not corrected. The minutes were approved as corrected.

COMMUNICATION FROM THE PUBLIC:

Mr. Helmick, a Norton resident, spoke about the Norton Fire/EMS situation and stated that he was very concerned how we have lost so much money. Mr. Helmick stated that he has served on Council several times and the Fire/EMS and Norton Police Dept. have been our pride and joy. Mr. Helmick stated that he was concerned as to how we lost money so rapidly in the past few years. Mr. Helmick stated that Mr. Hetrick has asked the same question as to what did happen, and to date Mr. Hetrick has not received an answer. Mr. Helmick stated that Mr. Hetrick and the residents deserve an answer. Mr. Helmick discussed how Committees worked in the past and that they would discuss issues like this and bring them to full Council to be discussed. Mr. Helmick suggested Council take the time to sit down with each other along with the Mayor to make sure this does not happen again to any of our departments.

Ms. Vimont, a Norton resident, addressed her concerns about trusting elected officials. Ms. Vimont stated that the whole issue with the SCSO/NPD has affected her ability to trust those people who are in charge. Ms. Vimont stated that she does agree with those who say that it was mishandled in the development of the presentation initially, and that Chief Carris should have been involved from the beginning regardless of how the presenter felt about it.

Communication from the Public:

Ms. Vimont stated that from personal experience if she would have done something without getting the key people involved, her neck would have been on the line. It is very important to get the key people involved. Ms. Vimont stated that the ultimate goal here is to save money, and is a goal worthy of pursuit. I understand we are now looking around for some things that may help with that. Why wasn't this done before? Ms. Vimont stated that as a voting citizen, she is asking anyone running for Mayor or Council at Large, do we or do we not trust you to run our city? Ms. Vimont stated that she wants to be able to trust that you are doing what is best for the citizens.

Ms. Booth, a Norton resident, discussed Mr. Ryland's previous statement that he was biased toward the Norton Police Dept. Ms. Booth explained the definition of biased "*meaning unwilling or unable to form a fair or objective opinion about something or somebody*". Ms. Booth questioned if Mr. Ryland is the correct person to be handling this issue for the City of Norton. The citizens deserve a fair and unbiased look at this financially. Ms. Booth suggested we hire an independent firm to report back, it seems like this is all emotional instead of dollars and cents. Ms. Booth questioned if there are other issues that Mr. Ryland is biased towards, should this be a concern? Bias has no place in city government, whether it is for special interest, current or previous employers. What should be of paramount importance is the future of the city and the best interests of the citizens as a whole. Ms. Booth discussed background and fitness test that would be required by the Sheriff's Office and that Mr. Ryland expressed his concerns for our Norton Police Officers. Ms. Booth stated that with the current events in North Canton, maybe every community needs to take a hard look at this. Ms. Booth discussed having financial control, and that there is no financial control if a budget has increased every year for the last seven years. A contract has controls built in, everyone signs and agrees to it. Ms. Booth stated that the Summit County Sheriff's Office has never sued a city for which they provide a service to. Ms. Booth stated that since five (5) of our Council members will not talk about this, it appears the citizens don't know what the truth is. Ms. Booth stated that there is a way to save money, but Council doesn't want to talk about it because it will take time away from talking about raising taxes in Norton. Ms. Booth mentioned the fact that Council approved raising the Mayors salary by more than double, knowing that the city is in financial trouble. Ms. Booth noted that out of the five (5) of you that voted in favor of this, and three (3) of you are running for election, so we will see what the citizens want.

Mr. Tomko, a Norton resident, gave Mrs. Richards four (4) stars for her minutes, they are not too lengthy and a lot of people rely on reading these. Mr. Tomko stated that he felt it is very important to put in as much as you can. Mr. Tomko discussed the confusion he has with the costs of the recycle bins for the parks. Mr. Tomko stated that we don't need these, and questioned who is going to recycle the products, and asked if the city will get the money?

Communication from the Public continued:

Mr. Tomko discussed the Johnson Meadows project, and that when it was presented the target date to move in was June of 2004. Mr. Tomko stated that all along he thought they were making payments to the city for the interest, now he finds out this was not the case. Mr. Tomko asked if we are responsible for this, then who is enforcing this. Mr. Tomko discussed a recent complaint he filed for tall weeds with the city and that it was addressed right away and believed Ms. Cindy Hughes was the one to thank for getting this addressed. Mr. Tomko reminded Council that he had asked Council President to appoint a committee or someone to look into English language again, but not for the Government of the City of Norton as was presented before, he wanted English language the official language for the City of Norton.

Ms. Whipkey, a Norton resident, agreed with Mr. Tomko about the minutes, and liked to have all of the information she can get. Ms. Whipkey stated that she does not mind it that Council corrects the minutes in front of the public, she felt this was a good thing. Ms. Whipkey stated that she wanted some of the residents to be allowed to have their own input on this. Ms. Whipkey stated that Council is making a mistake if they think they are putting this Sheriff's issue to bed, you are not putting it to bed. Ms. Whipkey reminded Council that the Norton Police Dept. contract is up next year, we are going to go through this over, and over, and over again. Let the people decide and then you can truly say let's put this to bed. Ms. Whipkey complained about not being recognized to speak at committee meetings. Ms. Whipkey stated that she has had to storm up to the podium at the last few meetings in order to be recognized. You have to look at us in order to recognize us, and would appreciate it if you would show us the respect we deserve.

Mr. Robert Copen, Norton Fireman's Association, discussed a recent article in the Norton Post (see attached). Mr. Copen asked why the city has nothing to do with this, no one wants to get involved, and no one wants to write any letters. Mr. Copen stated that every Council member and the Mayor should be writing letters to the Attorney General in support of all of the vehicles and equipment the city has received from the Norton Fireman's Association. Mr. Copen discussed the vehicle, which has recently broken down with a blown engine; the city has not even looked into how much it would cost to repair this. Mr. Copen stated that if we don't win with at the Attorney Generals office, the city won't be getting any more money or support for the Norton Fire Dept. Mr. Copen discussed Mr. Helmick's concerns with where the money went in the Fire Dept. Mr. Copen stated that when he was on the Norton Fire Dept. several years ago, the station was manned from 8:00 AM to 6:00 PM. The rest of the day there was no one at that station. Now you have people here during the evening and overnight, and this costs money. Mr. Copen stated that we lived within the budget as long as we could; now it is time for the city to ask for another levy.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #50-2007

Mr. Mowery offered Ord. #50-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND CHAPTER 660, SECTION 660.14 – *NOXIOUS WEEDS* OF THE GENERAL OFFENSES CODE OF THE NORTON CODIFIED ORDINANCES TO MODIFY REGULATIONS TO CONTROL NOXIOUS WEEDS.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Mowery explained the reason for this is to shorten the notification process in order to get in and mow the properties sooner.

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

Motion passed 6-0.

Mr. Mowery moved to adopt Ord. #50-2007, seconded by Mr. Pelot.

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

Motion passed 6-0.

ORD #51-2007

Mrs. Hlas offered Ord. #51-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH CAVANAUGH CONSTRUCTION COMPANY TO REPLACE A COLLAPSED CULVERT UNDER SUMMIT ROAD, AND TO DECLARE AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. Braman. Mrs. Hlas indicated that this needs to be done before the road repairs can begin.

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #51-2007, seconded by Mr. Braman. Mrs. Hlas stated that the amount is not to exceed \$39,000.00.

ORD #51-2007 Continued

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

Motion passed 6-0.

ORD #52-2007

Mr. Pelot offered Ord. #52-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO GIVE THE CITY OF NORTON'S CONSENT TO THE OHIO DIRECTOR OF TRANSPORTATION TO COMPLETE A ROAD REPAIR PROJECT WITHIN THE MUNICIPAL CORPORATION LIMITS, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Jones. Mr. Pelot stated that ODOT needs to get moving on this project. Mr. Pelot indicated that the left turn lanes on St. Rt. 21 are being made wider and longer to give more visibility. Mr. Jones stated that this location is at Eastern Road and St. Rt. 21 and would be paid by ODOT.

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #52-2007, seconded by Mr. Jones.

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

Motion passed 6-0.

ORD #53-2007

Mr. Jones offered Ord. #53-2007 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTIONS 886.01 AND 886.08 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON TO CORRECT A CROSS REFERENCE TO THE DEFINITION OF HOTEL AND TO CLARIFY THE PURPOSE FOR WHICH THE PROCEEDS OF THE EXCISE TAX ON CERTAIN TRANSACTIONS FROM THE OPERATION OF HOTELS AND MOTELS MAY BE USED, AND DECLARING AN EMERGENCY.

ORD #53-2007 Continued:

Mr. Jones moved to waive the second and third readings, seconded by Mr. Braman. Mr. Moss explained that he noticed some inconsistencies with the original legislation and revisions were prepared to address this.

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

Motion passed 6-0.

Mr. Jones moved to adopt Ord. #53-2007, seconded by Mrs. Hlas.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #43-2007

Mr. Jones offered Ord. #43-2007 for it's second 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.

Second reading only.

RES #44-2007

Mr. Mowery offered Res. #44-2007 for it's second 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.

Second reading only. Mr. Mowery stated that if residents have any questions or concerns about this should contact him or Mr. Ryland, and advised that we will have one more reading on this legislation. Mr. Jones reminded Mr. Lyons about the language in Section #1, and Mr. Lyons stated that this has been addressed in the final version.

RES #44-2007 Continued:

Mr. Moss indicated that we have received the revenue figures from Summit County, which were certified at \$806,000.00 and we estimated \$817,000.00, which was very close.

ORD #45-2007

Mr. Braman offered Ord. #45-2007 for it's second 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.

Second reading only.

ORD #47-2007

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

Second reading only.

ORD #48-2007

Mr. Pelot offered Amended Ord. #48-2007 for it's 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 5.04 OF THE CHARTER OF THE CITY OF NORTON TO IMPOSE A TIME LIMIT ON PROVIDING RESPONSES TO REQUESTS FOR LEGAL OPINIONS.

Second reading only.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Price had no report other than to state that Mr. Ryland was excused for vacation. Mr. McGlone asked for Mayor Price to explain the vacation issue because residents have concerns. Mayor Price indicated that this was discussed during the interview process and that the vacation had already been planned. Mayor Price indicated that they had a verbal agreement that this vacation time was permitted as planned. Mr. Jones asked if this was a paid vacation and Mayor Price stated that this is not a paid vacation.

Reports from Officers, Boards and Commissions continued:

Mr. Jones stated that Council should have been made aware of this vacation, and Mayor Price stated it slipped his mind. Mayor Price stated that we do have coverage in his absence, he is now the Administrator again in his absence. Mr. Jones asked if Mr. Ryland was still on his probationary period and Mayor Price indicated no. There was a written "at-will" clause signed by Mr. Ryland which stated that at anytime the Mayor felt Mr. Ryland was not doing his job he would be asked to leave, and there would be no law suit. Mayor Price indicated that Mr. Ryland has done a bang up job so far and he was completely happy with Mr. Ryland. Mr. Jones asked for Council to have a copy of the "at-will" agreement, and Mr. Lyons stated that this is a matter of public record and is more of a statement of understanding between the two. Mrs. Hlas reminded Council that according to the Charter, Mr. Ryland could ask Council to vote to keep him even if he is an at will employee. Council has the final decision on any removal process, and Mr. Jones agreed. Mr. Braman recalled having a copy of this agreement in the past.

Mr. Moss stated that tomorrow he would be meeting to review the documents for the culvert replacement. Mr. Moss indicated that the Norton Full Time Fire Fighters Union has asked to have a meeting with Mr. Ryland, which is scheduled for Monday, July 2, 2007.

Mr. Pritchard stated that the city would be submitting paperwork for the Issue I Ohio Public Works Grant for the Cleveland-Massillon Road waterline project this Thursday. Mr. Pritchard indicated that the city has received the signed agreement for the Nature Works Grant with Ohio Dept., of Natural Resources (ODNR). Mr. Pritchard stated that a meeting has been scheduled with the Johnson Meadows Project to discuss the status of the project.

Mr. Pelot stated that he contacted Mr. Binic earlier today and they discussed the issue with the boil alert and their operating procedures. Mr. Binic indicated that there are no operating procedures, however there is a contact list. Mr. Pelot stated that he has asked Mr. Binic for his help in setting up a standard operation procedures (SOP) with both cities so there would be no breakdowns of communication.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mr. Jones discussed the English language and that when he contacted his doctor last week, he was told to press #1 for English. Mr. Jones stated that this was before Council a few years ago and the Mayor vetoed it. Mr. Mowery indicated that Council passed it 4-3, Mayor Kernan vetoed it. Mr. Jones stated that if citizens wanted to address this, he was willing to look at it.

New Business continued:

Mr. Jones stated that he was not sure how other Council members felt, however he would like Mr. Lyons to draw up legislation and discuss this at the next work session. Mr. McGlone asked if there were any objection, and Mrs. Hlas stated that she has a problem with this, she turned it down before. Mrs. Hlas stated that she felt this should not be at the local level, it is something that should be addressed at the State and/or Federal level. Mr. McGlone indicated that this would be on the next work session to be discussed.

Mrs. Hlas asked Mayor Price about the resident complaint regarding the noise at the Barberton Speedway, and asked for a copy of the response. Mr. Pelot indicated that he discussed this with Mr. Ryland and he did address this complaint.

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. McGlone reminded everyone about Councils summer recess, and the dates for the next meetings.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:01PM

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 July 2, 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.