



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

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

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

The Regular Council Meeting convened on Monday, July 9, 2007 at 7:03 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. Mr. McGlone announced that there are four (4) members from Troop # 759-Barberton Moose in the audience tonight. Mr. McGlone announced the members; Zack Jaber, Michael Landals, Jacob Zelei and Ben Gotthardt, adding that they are here to observe our meeting for a merit badge requirement.

COMMITTEE OF THE WHOLE:

Mr. Mowery stated that Mr. Ryland would have some information to share later on this evening regarding the settlement with the full-time Fire Fighters union.

Mr. Mowery moved to amend the agenda in order to add Item IV-Reconsideration of Legislation Ord #50-2007, seconded by Mr. Pelot. Mr. Jones stated that he had concerns with this procedure since Council had already adopted this. Mr. Jones stated that he had discussed this with Mrs. Richards, and she indicated this is proper procedure according to Roberts Rules of Order as long as it is addressed tonight only. Mr. Lyons concurred, adding that one opportunity to amend legislation that has been adopted is to do so at the very next Council meeting.

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

Motion passed 7-0.

Mr. Mowery moved to remove Ord #50-2007 from Introduction of Prior Legislation, seconded by Mr. Pelot.

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

Motion passed 7-0.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of June 25, 2007 were approved as submitted.

Minutes of the Committee Work Session of July 2, 2007; Mr. Jones noted a correction to page #4, twenty-four (24) lines down, it should be Mrs. Anderson, not Ms. Carr. Mr. Pelot stated that he had found a couple of typographical errors, which he already discussed with the Clerk of Council. The minutes were approved as corrected.

COMMUNICATION FROM THE PUBLIC:

Ms. Gail Thomas, a Norton resident, spoke in support of our Norton Police Dept., Ms. Thomas stated that she is not interested in seeing a rent-a-cop here or blue light specials. Ms. Thomas stated that she has an elderly mother who lives in Norton, and when we need the Police or Fire Dept. to come, they are always there for us. Ms. Thomas stated that she felt the residents could afford \$99.00 a year to do this. Ms. Thomas stated that she did not feel Council should be allowed to take it upon themselves to vote on this issue. The community put you where you are and the community should be allowed to vote on this levy.

Mr. Wayne Thomas, a Norton resident, also spoke in support of keeping the Norton Police Dept. and he supports the Fire Dept. Mr. Thomas stated that three (3) times he had to contact the Norton Fire/EMS Dept. and within a matter of minutes or seconds they arrived. Mr. Thomas stated that he lived in Portage Lakes at one time and it would have taken them a lot longer to respond to his calls for help. Mr. Thomas stated that he wants to maintain the Police and Fire/EMS Depts.

Ms. Violet Carr, a Norton resident, spoke regarding the noxious weed's situation at the corner of Weber Drive and Cleve-Mass. Road. Ms. Carr stated that two (2) or three (3) weeks ago she spoke to Mr. Ryland about this and he indicated that he was unsure about how to address this. Ms. Carr stated that the weeds are now growing and several residents have issues with this. Ms. Carr stated that Mrs. Anderson could not be here to discuss this because the weeds have caused her to have an asthma attack. Ms. Carr stated that another neighbor has issues with and was worried about her dog getting sick and she puts bleach into the water where she can. Ms. Carr stated that she contacted the Barberton Health Dept. and they were out collecting samples. They did find mosquito larva and that due to a dry spell they are not as active. They have put chemicals there, which the next rain should not dilute if its not too heavy. Ms. Carr stated that Ms. Charlotte Brown, a Norton resident contacted the Ward 1 Councilman who is also on the Safety Committee and he indicated that he would do what he could. Ms. Carr stated that she received a letter back on March 28, 2007 from the City and read a section; *"There is additional work that needs to be done at this property, that will be the responsibility of the property owner. The Service Dept. will be advising the owner of their need to do additional work to their property."* Ms. Carr stated that this has been three (3) months now and something needs to be done. Ms. Carr stated that with the elections pending, maybe they would like to please the citizens a little more than usual. Ms. Carr asked why this lot is receiving special attention? Ms. Carr thanked those elected Council members who recognized the need for detailed minutes. Ms. Carr stated that Mrs. Richards did an excellent job with the last set of minutes, they were very detailed.

COMMUNICATION FROM THE PUBLIC CONTINUED:

Ms. Barb Vimont, a Norton resident, discussed the English language issue. Ms. Vimont related to Mr. Tomko's earlier comments on other cities that have such a law. Ms. Vimont stated that she researched Dallas, Texas and they do not have such a law, they had some companies that attempted it, however those companies were found to be in violation of the Constitution and one company was fined \$700,000.00. Ms. Vimont discussed Oak Point, Texas, and they did pass a law that applies only to government documents, and there are many exceptions to this. Ms. Vimont stated that Farmers Branch, Texas also does not have an English only law. They have a law preventing you from renting to illegal aliens and it is currently under suspension because the Federal District Court is looking at it. Ms. Vimont stated that several states asked the General Accounting Office to do a study to see what the impact would be. Ms. Vimont stated that the results from the study indicated that English only does not work, emersion does not work, it can take up to five (5) years for someone to learn the language. Ms. Vimont stated that what does work is bi-lingual education because it helps them understand it better. Ms. Vimont discussed terrorists and that when they come over to this county, they have already learned our English language, and they work at doing things to blend in. Ms. Vimont stated that she grew up in San Antonio, Texas and has no problem with bi-lingual language. Ms. Vimont stated that intolerance, which an English only law leads to, gets us into trouble. English only does not get Norton where we want to go and we do not need to be intolerant.

Ms. Charlotte Whipkey, a Norton resident, also thanked Mrs. Richards for the great minutes. Ms. Whipkey asked about Ord. #42-1007 for the codified updates and asked if these are going to be updated on line anytime soon. Mrs. Richards responded, and stated that the new updates are online already. Ms. Whipkey stated that she wants Council to pass Ord. #47-2007 and Ord. 48-2007. Ms. Whipkey stated that we are likely to have a four (4) way run off with the elections, and it is possible we could have a Mayor that has only twenty-six (26) percent of the vote. Ms. Whipkey stated that this is in the best interest of all of the citizens. Ms. Whipkey stated that she noticed on the minutes that the Assistant to the Clerk of Council, and the Mayor is listed in attendance. Ms. Whipkey asked why this has been added? Ms. Whipkey stated that she has no problem recognizing that this person works hard for Council, Administration and the public. Ms. Whipkey stated that we have a girl working in the video booth who also should be recognized. Ms. Whipkey stated that we have many good citizens who regularly attend and are not paid for attending, and it would be nice for them to be recognized for their willingness to participate. Ms. Whipkey discussed the instructions given to the public at the last meeting about only being allowed to speak one time. Ms. Whipkey stated that this is the only time the public has a chance to give input and ask questions. Ms. Whipkey stated that this was a form of censorship, although she realized this was not the intent. Ms. Whipkey stated that she would like to have spoken on the levy, but she did not because of this misunderstanding. The blame is not on us when you have many people who want to speak, the blame lies on an agenda that has been created which has too many controversial subjects where the public wants to talk.

Mr. Carl Housley, Local Union #4219, came forward to thank the representatives of the city for sitting down with the union and reaching a settlement with them. Mr. Housley stated that they reached an agreement on the contract last Friday. Mr. Housley thanked Mr. Pelot for sitting in on the discussions.

COMMUNICATION FROM THE PUBLIC CONTINUED:

Ms. Megan Booth, a Norton resident discussed Amended Res. #44-2007-Fire levy, and that she felt this was a great idea and supports this. Ms. Booth stated that she has a problem with the amended portion of the legislation that is going to delineate exactly how much goes for certain things, this is really hamstringing Council and the city. Mr. Moss has done an excellent job in detailing this out over the next twenty (20) years. Ms. Booth stated that she felt sorry that there is a need to prove to the residents that you are actually going to do what you were elected to do, which is to provide for the safety and security of the residents with the EMS/Fire Dept. Ms. Booth stated that she felt this thirty-five (35) percent is only going to cause problems down the road. Ms. Booth stated that she does not have an accounting degree, however Mr. Moss does. Ms. Booth stated that the Councilperson who put that forward does not have an accounting degree and has had problems in the past with numbers. Ms. Booth related to the issues with the figures on the spreadsheet prepared for the Summit County Sheriff cost comparisons. Ms. Booth stated that this needs to go back to the way it was and with Mr. Moss's original spreadsheet.

PUBLIC HEARINGS:

None

RECONSIDERATION OF LEGISLATION

ORD #50-2007

Mr. Mowery offered Ord. #50-2007 for reconsideration, 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. Lyons clarified that this is up for reconsideration to make an amendment to the legislation. Mr. Mowery moved to amend Ord. #50-2007, seconded by Mr. Pelot. Mr. Lyons stated that he requested this reconsideration because there were some minor corrections. Mr. Jones added that the Zoning Inspector had noticed some problems with the language and did not have the time to address it because we adopted this rather quickly.

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

Motion passed 7-0.

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

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

Motion passed 7-0.

INTRODUCTION OF NEW LEGISLATION

RES # 54-2007

Mr. Mowery offered Res. #54-2007 for its first reading, and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO APPLY FOR GRANTS FOR THE NORTON POLICE DEPARTMENT FOR THE PURPOSE OF PROVIDING FUNDS FOR THE SALARIES OF CERTIFIED DARE OFFICERS, TEACHING OR PLANNING TO TEACH THE APPROVED DARE CURRICULUM IN LOCAL SCHOOLS AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mr. Mowery moved to adopt Res. #54-2007, seconded by Mr. Pelot. Mr. Jones asked Mr. Ryland who the officer(s) are? Mr. Ryland stated that we have a full-time officer; Steve Davis, and a part-time officer; Bill Braman.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #43-2007

Mr. Jones offered Ord #43-2007 for its third 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.

Mr. Jones moved to adopt Ord. #43-2007, seconded by Mrs. Hlas.

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

Motion passed 7-0.

AMENDED RES #44-2007

Mr. Mowery offered Amended Res. #44-2007 for its third 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 3.00 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.

Mr. Mowery moved to amend Res. #44-2007 to change the percentage from thirty-five (35) percent to thirty (30) percent for capital improvements, seconded by Mr. Pelot. Mr. Mowery stated that the previous figure was not correct. Mr. Lyons clarified that tonight the motion would be to amend to place a restriction for the use of the thirty (30) percent of the funds and is the first time you are amending the legislation. There was never a motion for the first amendment, so tonight is the first amendment. Mr. Jones stated that he spoke with Mr. Moss about this earlier this evening, and Mr. Moss indicated that he was uncomfortable with this. Mr. Moss stated that anytime Council has the opportunity to place restrictions, he would speak in favor of not placing the restrictions. If you put this before the voters you have no choice but to spend that amount of money. Mr. Moss stated if it turns out that you can save money on capital and spend less, then the dollars you have devoted to capital are restricted and you would not be able to spend them. Mr. Moss stated that he did new calculations and submitted the new projected information, (see attached). Mr. Jones asked Mr. Moss if we boxed ourselves in with this legislation? Mr. Moss stated that there are good and bad sides to this; the good side is that you commit specific dollars to pay the capital costs for a new building. The bad side is what do you do after twenty (20) years from now and you have your new building? Mr. Moss indicated that you cannot simply shift it over to use for operational costs, you are restricting yourself. Mr. Jones clarified that you are restricting yourself on the thirty (30) percent and the money could not be used for cost of living salary increases, and Mr. Moss concurred. Mr. Pelot stated that he understood what Mr. Moss was saying, but it is also important for the residents to know they will be getting a new station, trucks, etc. Mr. Pelot stated that this sets money aside for a long period of time perhaps for another building or repairing the station on Johnson Road. Mrs. Hlas stated this was exactly her point, thirty (30) percent is a more accurate amount. The reason for that is that it can only be used for capital and cannot be taken out for other operating expenses. Mrs. Hlas stated that in twenty (20) years from now we decide we need no more equipment, or repairs, we could re-do the levy because that 3.00 mill will not be at 3.00 in twenty (20) years from now. Mrs. Hlas stated that we could maybe replace this current levy with something else at that time. Mrs. Hlas stated that with this levy we could get the station in Ward 4 rebuilt because it is unable to be used as it is. Mr. Mowery stated that way we know where the money goes, and this is a better way to prepare legislation in the future so we don't run out of money and have to go to the people.

AMENDED RES #44-2007 CONTINUED:

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

Motion passed 7-0.

Mr. Mowery moved to adopt Amended Res. #44-2007, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #45-2007

Mr. Braman offered Ord. #45-2007 for its third 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.

Mr. Braman moved to adopt Ord. #45-2007, seconded by Mrs. Hlas.

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

Motion passed 7-0.

AMENDED ORD #47-2007

Mr. Zita offered Amended Ord. #47-2007 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 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.

Mr. Zita moved to adopt Amended Ord #47-2007, seconded by Mr. Pelot. Mrs. Hlas stated that she did some research on this and we would be the only community in Summit County that requires this, other than the Village of Richfield, which is something like forty (40) percent. Mrs. Hlas stated that she felt a majority of the time if we have three (3) or more candidates running we would have a runoff election at the cost of approximately \$3,000.00 to \$6,000.00. Mr. Mowery stated he also did some research and felt this would make us the odd man out. Mr. Mowery stated that the voters vote should stand as it is no matter what the percentage is and he would be voting against this. Mr. Pelot stated that he would be voting in favor of this. The Mayor represents the residents and the city and its important to have support of fifty (50) percent.

AMENDED ORD #47-2007 CONTINUED:

Mr. Pelot stated that in the past there was an uproar with the Presidential election because President Bush did not have fifty (50) percent of the votes. Mr. Braman stated that what we are doing here tonight is just to put it on the ballot, it does not change anything and he would support this. Mr. Jones stated that just for the record, it does not take effect this fall, it is for four (4) years from now, and he supports it.

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

Motion failed 4-3, Charter requires an affirmative vote of 5-2.

AMENDED ORD #48-2007

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

Mr. Zita moved to adopt Amended Ord. #48-2007, seconded by Mr. Pelot.

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

Motion failed 4-3, Charter requires an affirmative vote of 5-2.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Price announced that the new salt dome at the Service Garage is now complete, and will hold sixty (60) percent of our annual salt needs. Mayor Price announced a child finger printing event presented by the Western Southern Financial Group will take place on July 24, 2007 from 12:00 Noon to 5:00 PM at the Community Center and is free to the public.

Mr. Ryland stated that the city reached a tentative agreement with the full-time Firefighters union, and thanked Mr. Housley for his efforts. Mr. Ryland submitted the details of the settlement reached (see attached). Mr. Ryland thanked Mr. Pelot for sitting in on the discussions. There was further discussion on this issue and Mr. Ryland asked Council to give him the authority to enter into an agreement. Mr. Lyons indicated that he needed a little time to review this further, however legislation is not required, only a formal voice vote. Mr. Mowery moved to enter into an agreement, seconded by Mr. McGlone. Mr. Ryland stated that this agreement is less than forty (40) percent over the entire three (3) years and that most of the terms were left intact. Mr. Jones asked Mr. Ryland if he was comfortable with this agreement, and Mr. Ryland stated yes, and that he was extremely pleased with the Fire Fighters for coming forward and reaching an agreement. Mr. Jones asked Mr. Lyons and Mr. Moss if they sat in on the process, and Mr. Lyons stated that he did not, however Mr. Moss stated that he was involved.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS CONTINUED:

Mr. Jones asked Mr. Moss if he was comfortable with the numbers? Mr. Moss stated yes, the agreement is within the original projections that we had. Mr. Ryland stated that because of reaching the agreement, the original 3.00 mill levy that was presented is now intact and we have a levy that will last twenty (20) years as planned. Mr. Pelot stated that it was a pleasure working with the Administration and the Fire Fighters. Mr. Mowery stated that this was quite an accomplishment and commended both parties involved.

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

Motion passed 7-0.

Mr. Ryland briefly discussed Ms. Carr's concerns with the weeds. Mr. Ryland indicated that he was at this property earlier today with Mr. Pritchard and checked on this. Mr. Ryland stated that the weeds do need to be mowed and a lot of dirt moving needs to be addressed. Mr. Ryland indicated that the owner will be contacted and the city will act on this. Mr. Mowery stated that he was also there today, and has been in contact with the owners. The owners indicated the property would be brush hogged sometime next week.

Mr. Jones asked Mr. Ryland to address the property at Whipple Avenue and Wadsworth Road, it is looking very bad. Mr. Ryland stated that he would be looking into this. Mr. Pelot stated that without a property maintenance code in effect, it might be difficult to address properly.

Mr. Moss stated that a question was asked at the last Council meeting about the Johnson Meadows project regarding the costs, and that figure is \$153,000.00. Mr. Moss indicated that there would be additional interest added toward the end of this year, which would be around \$178,000.00. Mr. Moss stated that he researched the time line and our Bond Council stated that the (5) year period ends on December 31, 2008. Mr. Pritchard stated that due to time limits, their preliminary plat has expired and they have to re-file and come back to the Planning Commission. Mr. Pritchard stated that they are about ninety-five (95) percent complete. Mr. Pritchard indicated that it is looking optimistic at this point.

Mr. Binic, Barberton Health District, indicated that he would be willing to work with Mr. Ryland on the Whipple Avenue & Wadsworth Road property.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

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

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Braman announced a meeting with the Barberton Health District at the Norton Library on Wednesday, July 11, 2007 from 2:30 PM to 4:00 PM regarding the Smoke-Free Workplace Law. Mr. Braman stated that this meeting would also be at held at the Barberton Library on Thursday, July 12, 2007 at the same time. Mr. Braman stated that there is information at the rail available for the public, (see attached).

Mr. Pelot discussed a recent newspaper article on homestead tax breaks available to senior citizen residents of Summit County, (see attached). Mr. Pelot stated that on a property value of \$100,000.00 a homeowner could save approximately \$400.00 per year on their property taxes. Mr. Pelot stated that for all other residents there is a 2.5 percent homestead tax reduction available for those who qualify.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:06 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 August 27, 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.