



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MAY 12, 2008**

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

Also Present:
Mayor David Koontz
Rick Ryland
John Moss
Mike Lyons
Jeff Pritchard
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Monday, May 12, 2008 at 7:01 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, Vice President of Council, followed by the Pledge of Allegiance and a moment of silent prayer. Mr. Zita announced that this is Mike Lyons' last night with us and we will be having a light reception after the meeting and everyone is welcome to join us.

COMMITTEE OF THE WHOLE:

Mr. Braman stated that he and Mr. Ryland met with PPG officials last week and discussed the purchase of Lake Dorothy adding that Mr. Ryland would be offering more details in his report later on in the meeting.

Mr. Jones discussed Res. #46-2008 and that in our discussions back on May 5, 2008 our paperwork showed the assessed costs were \$88,000.00 and the cost per linear foot was \$34.15. Now the legislation packet has a higher figure of \$135,000.00 and \$52.00 per liner foot, and he was concerned about this. Mr. Jones stated that he has spoken to two residents about this and one said the water lines are continually breaking. Another resident stated that she received a letter from Mr. Collins back in 2005 informing her of the project and she has tried to reach someone at city hall ever since. Mr. Jones stated that he wanted to wait until next Monday to get clarification on the costs because the spreadsheet does not show both roads, it lists Akron and Barberton. Mr. Jones stated that in Section #3 it states that URS is the Engineering firm, and he wanted to know the name of this person, if we are paying extra for this and wanted to know the cost breakdown? Mr. Jones stated that he discussed this with Mr. McGlone because it is in his ward and when he saw the discrepancies he thought he better do some checking. Mr. McGlone stated that this is a resolution and he would like to move forward on this, and thought we should wait and see what the residents have to say when the residents get their letters. Mr. McGlone stated that he hates to see a delay in the project, the residents need these lines fixed. Mr. Jones stated that he can agree with Mr. McGlone, however it's been three years and two months since this lady received her letter without even a price on it. Mr. Jones stated that one gentleman has a side yard of 300 ft and it shows from last Monday a cost of \$10,246.00 and the one from tonight shows \$15,585.00. It is unclear if they are including the other 60 feet of frontage and if you add that it would be a total of \$18,702.00 for this gentleman. Mr. Jones stated that he was not sure where we are going with this tonight, and asked Mayor Koontz for an explanation.

Mayor Koontz stated that the city hires an engineering consultant for every project and that is who designs this, not our in-house engineer. Mr. Jones asked if we are paying extra for this and Mayor Koontz stated that the contractor couldn't install the lines without engineered plans and EPA approval. Mayor Koontz asked the Clerk for the date on the first set of plans. Mrs. Richards stated that the date the plans that were submitted in the Committee packet was April 21, 2008. Since then the engineering firm has recalculated the costs and resubmitted the current spreadsheet, which is attached to the legislation. Mrs. Richards stated that Council did not have this information last Monday when this was discussed. Mr. Jones stated that this is what caught his eye and there were a lot of discrepancies that caught his eye, and he felt the residents should be informed. Mrs. Richards stated that the residents never received any estimated costs. Mr. Jones questioned if the extra burden would be on the shoulders of the residents or the city? Mr. Ryland stated that the assessments falls to the residents for the 50 percent cost. Mr. Jones stated that is what he thought because of the delay for whatever reason, which is why some of the residents are upset. Mr. Jones stated that he felt the residents should have been informed with the additional costs being put on to them because with the way things are today, money is tight. Mr. Ryland stated that we couldn't tell them about additional costs because we never informed them of the costs in the first place. Mr. Jones stated that he did because he looked at the first spread sheet from last Monday and the one he received Friday and most people would not feel comfortable with that. Mr. Ryland stated that the Wadsworth Road project from the beginning of January to the end of January there is an increase of \$200,000.00 due to the cost of materials based on fuel. Mr. Jones stated that he agrees however this is not fault of the residents. Mayor Koontz stated that this is still based on estimates. Mr. Jones stated that he could agree with that however he stated that there was an error by the engineering firm on the Berry, McGowan and Wadsworth Road project of approximately from \$16,871.00, to \$6,017.00 and he felt this is something the people need to know. Mr. Ryland stated that this is just for one individual. Mr. Jones stated that he does not want to hold up the water line, they all need it. Mr. Zita discussed the error on the Berry & McGowan project, and the fact that they included the parcel next door by mistake. Mr. Ryland stated that was correct. Mr. Jones asked why was there an increase of \$17.80 from \$35.15 to \$52.95 per linear foot on the Hazelwood and Connect project? Mr. Ryland stated that he was not sure and that he would look into this, but that is the price now. Mr. Pritchard stated that this is not an unusually high price for this size of line. Mrs. Hlas stated that it was her understanding that when we do these types of projects we estimate at a higher rate rather than lower because we cannot charge more once the letters to the residents go out. Mr. Ryland stated that all the amounts are in the letters that go out are estimates. Mrs. Hlas stated that once the letters go out we cannot charge a higher amount, right? Mr. Ryland stated that your law director should answer this question, however he believed the letters could be changed because they are estimates and construction costs can change. Mr. Jones stated that there was a meeting held with the residents on Berry and McGowan Roads, and Mr. Ryland answered yes, and Mayor Koontz stated that with the passage of the resolution on the Hazelwood & Connect project that a meeting would be the next step. Mr. Ryland stated that the purpose of the meeting is to inform the residents. Mr. Ryland stated that when the residents receive their certified letters they have a right to appeal the assessments and go before the Assessment Equalization Board.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of April 28, 2008 were approved as written. Minutes of the Committee Work Session of May 5, 2008; Mr. Jones stated there was a typographical error on page #3 which he brought to the Clerks attention to check, the minutes were approved as written.

COMMUNICATION FROM THE PUBLIC:

Mrs. Elaine Tompkins, a Norton resident, discussed the disparity in the written minutes of May 5, 2008 and the spreadsheet presented within Res. #46-2008. Mrs. Tompkins questioned the assessment and if the city would own the waterlines after the assessment. Mrs. Tompkins questioned the reason for the delay from 2005 and that the costs should be absorbed by the city not the residents. Mrs. Tompkins discussed the NES project and asked for a status on the project. Does the city own the property; and do we have any liability insurance on it? Mrs. Tompkins discussed an article in the May 11, 2008 Norton Post newspaper relating to the conversion of the community center into the fire station and questioned why this is being circulated when the site has not been finalized? Mrs. Tompkins suggested that all members of the Administration refrain from public discussion until the final site has been approved.

Ms. Charlotte Whipkey, a Norton resident, agreed with Mrs. Tompkins comments about the Norton Post concerning what the senior center people were told. Some people took it upon themselves to tell them that this is the way its going to be, these people may have been lead down the garden path thinking it's a done deal, when its not a done deal at all. Ms. Whipkey discussed the purchase of Lake Dorothy property and the discrepancy in the Norton Post stating that it's a 256-acre privately owned park. However, at a regular Council Meeting on April 14, 2008, we were told it is a 252 acre lake and a total of 330 acres. What happened to the other 70 acres, are we getting the whole lake and the park that is currently there or just the park just left to the wild. This is something we all need to know because in the end who will be paying for it?

Ms. Megan Booth, a Norton resident, stated that last week she had asked about the costs of the \$8,000,000.00 lawsuit and still has no answer. Ms. Booth stated that she is concerned about this because this was held back from Council, what else was hidden? Ms. Booth stated that she contacted our Norton Prosecutor and she stated that she was not aware of this law suit until she read about it in the newspaper, and questioned what else don't the residents know about? Ms. Booth stated that she is concerned because this is a lot of money. Ms. Booth stated that this is money that could be used for infrastructure. Ms. Booth stated that when we do the widening of Cleveland-Massillon Road is when you want build your infrastructure and install your water and sewer lines. Ms. Booth quoted William Shakespeare "Oh what a tangled web we weave, when first we practiced to deceive". Mrs. Hlas stated that it is too early to comment on the lawsuit because there is not even a court date set in the court, and we have the city's insurance carrier that covers this. Mrs. Hlas stated that even it this goes to court and the city lost, we have an insurance policy that would cover this and the maximum cost to the city is \$25,000.00 and then the insurance kicks in. Mrs. Hlas commented on the articles about Lake Dorothy and stated that just because it is printed in ink does not make it a fact. What is stated by the city's Administrative Officer is what is fact and the total property is a little over 300 acres for all of it, and the details are still being worked out, which is also still too early to be discussed.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #43-2008

Mr. Zita offered Ord. #43-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE DIRECTING THE SUMMIT COUNTY BOARD OF ELECTIONS TO ESTABLISH A SPECIAL RECALL ELECTION IN WARD 1 OF THE CITY OF NORTON ON JULY 10, 2008, TO PLACE ON THE BALLOT THE QUESTION OF WHETHER TO REMOVE WARD 1 COUNCILMAN TOM JONES FROM OFFICE, AND DECLARING AN EMERGENCY.

Mr. Zita moved to waive the second and third readings, seconded by Mrs. Hlas.

Roll Call: Yeas: Zita, Hlas, Braman, McGlone, Mowery
Abstain: Jones

Motion passed 5-1.

Mr. Zita moved to adopt Ord. #43-2008, seconded by Mrs. Hlas. Mr. Jones stated that this ordinance is all about him, it's been in the newspapers, on TV and as far as he is concerned it is in his favor. It has been said that one of the reasons this has come about was because he supported the Summit County Sheriff taking over our police forces to save the city over \$1,000,000.00. Mr. Jones said to those residents out there in TV land come July 10, 2008, the vote will be yes to keep him. Mrs. Richards clarified the ballot language would be to keep him would be a yes vote and Mr. Jones stated that he approved. Mr. Mowery stated that he has been on Council since 2000 and some of the Administration was there at the time and can remember the recall of former Mayor Amy Addis. They can remember the embarrassment and the expense to the city at that time and he voted no for this. Mr. Mowery reflected to the mistakes of the past and how we need to move on and that he cannot support spending the citizen's money in this way. Mr. Mowery stated that everyone has a right to voice their opinions, but we need to put things behind us and move forward.

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

Motion passed 4-1-1.

ORD #44-2008

Mr. Braman offered Ord. #44-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS, PURSUANT TO SECTION 4929.26, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A CONSULTING

ORD #44-2008 Continued

AGREEMENT WITH INDEPENDENT ENERGY CONSULTANTS, INC., AND AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLY AGREEMENT(S) WITH A CERTIFIED SUPPLIER(S) TO CONTINUE A NATURAL GAS AGGREGATION PROGRAM BEYOND OCTOBER 2008 WHEN THE CURRENT SUPPLY AGREEMENT ENDS.

Mr. Braman moved to waive the second and third readings, seconded by Mr. Jones.

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

Motion passed 6-0.

Mr. Braman moved to adopt Ord. #44-2008, seconded by Mr. Jones. Mr. Braman stated that our current contract runs out in October and we need to move quickly on this.

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

Motion passed 6-0.

ORD 45-2008

Mr. Braman offered Ord. #45-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO SUPPORT THE CONTINUATION OF A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS, PURSUANT TO SECTION 4928.20, OHIO REVISED CODE, DIRECTING THE MAYOR TO EXECUTE A CONSULTING AGREEMENT WITH INDEPENDENT ENERGY CONSULTANTS, INC., AND AUTHORIZING THE MAYOR TO ENTER INTO A SUPPLY AGREEMENT(S) WITH A CERTIFIED SUPPLIER(S) TO CONTINUE AN ELECTRIC AGGREGATION PROGRAM BEYOND JULY 2008 WHEN THE CURRENT SUPPLY AGREEMENT ENDS.

Mr. Braman moved to waive the second and third readings, seconded and by Mr. Jones. Mr. Braman stated that this is the same as the previous Ordinance, however this one runs out in July instead of October and we need to get moving on it also.

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

Motion passed 6-0.

ORD #45-2008 Continued:

Mr. Braman moved to adopt Ord. #45-2008, seconded by Mr. Jones.

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

Motion passed 6-0.

RES #46-2008

Mr. Braman offered Res. #46-2008 for its first reading and asked the clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE HAZELWOOD AVENUE AND CONNECT ROAD BY INSTALLATION OF NEW WATER LINES, AND DECLARING AN EMERGENCY.

Mr. Braman moved to waive the second and third readings, seconded by Hlas. Mr. Braman stated that this is time related and we need to get moving on this.

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

Motion passed 6-0.

Mr. Braman moved to adopt Res. #46-2008, seconded by Mrs. Hlas. Mr. Jones stated that he would like to have a breakdown of all the costs associated for the next Council meeting. Mr. Ryland asked Mr. Jones to be more specific and Mr. Jones referred to Section #4 in the legislation. Mr. Jones stated that he would like to know the name of who our consulting engineer is and Mr. Ryland answered it is Sonja Crooks.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

RES #39-2008

Mr. Zita offered Res. #39-2008 for its second reading, and asked the Clerk to read it:

A RESOLUTION TO SUPPORT THE ESTABLISHMENT OF A PILOT PROGRAM FOR A JOINT DISPATCH CENTER.

Second reading only.

ORD #42-2008

Mr. Zita offered Ord. #42-2008 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE LEGAL SERVICES FOR THE CITY OF NORTON AND CONFIRMING THE APPOINTMENT OF PETER M. KOSTOFF AS SOLICITOR, AND DECLARING AN EMERGENCY.

ORD #42-2008 Continued:

Mr. Zita moved to waive the third reading, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Mr. Zita moved to adopt Ord. #42-2008, seconded by Mrs. Hlas. Mr. Zita stated that Mr. Kostoff was present and welcomed him aboard. Mr. Mowery stated that he had not met Mr. Kostoff, however he had spoken to some people at a Republican Party meeting recently. They all had nothing but fine words to say about him and he welcomed him and also said that Mr. Lyons had done a fine job.

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

Motion passed 6-0.

ORD #38-2008

Mr. Zita offered Ord. #38-2008 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO APPROVE AN AGREEMENT BETWEEN THE CITY OF NORTON AND THE PART TIME FIREFIGHTERS' UNION, THE INTERNATIONAL ASSOCIATION OF EMTS AND PARAMEDICS R7-26.

Mr. Zita moved to adopt Ord. #38-2008, seconded by Mrs. Hlas.

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

Motion passed 6-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Ryland clarified that the city is looking at buying all of the property at Lake Dorothy, which totals 328 acres including the lake and property surrounding the lake. Mr. Ryland stated that the meeting did go very well with the PPG officials and we are still working out the details. Mr. Moss requested to discuss the Fire and EMS funds on the next Committee meeting agenda and the Fire Dept. Budget needs to be discussed as well. Mr. Pritchard reported that the recycling containers have been placed in Columbia Woods Park. The check has been received by Ohio Dept. of Natural Resources for the reimbursement of the playground equipment for \$29,277.00. Mr. Lyons echoed on the comments made by Mrs. Hlas regarding the lawsuit, it does relate to a juvenile and the Barberton Prosecutor is not involved in these types of cases which is why she would not have been made aware of this. Mr. Lyons indicated that he has reviewed all pending matters with Mr. Kostoff and everything is in good shape as far as that is concerned. Mr. Lyons stated that he has served this city for approximately 8 years, Mr. Jones and Mayor Koontz were on Council when he started.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS CONTINUED:

Mr. Lyons stated that he has enjoyed his time here, it's been interesting and hoped that he has brought something positive during his time here. Mr. Binic was present, and had no report.

UNFINISHED BUSINESS:

Mr. Jones asked Mr. Binic why the Summit C & D was closed and Mr. Binic replied that they are closed for about a month to make some mandated repairs. Mr. Jones discussed the PPG property and if this includes the pavilions, ballfields, maintenance house, etc. and Mr. Ryland replied yes, and in the agreement it would be licensed back to PPG. Mr. Jones asked if the residents could use that? Mr. Ryland replied no, the city would own it, but it would be licensed back to PPG. Mr. Jones asked for how long, and Mr. Ryland replied that is yet to be determined, it is a benefit to the PPG employees. Mr. Jones asked if we pay taxes or maintenance, and Mr. Ryland replied no. Mr. Jones stated that he had asked last week about the gazebo at Columbia Woods Mr. Ryland stated that we are still working on the plans and details, we are not sure about using floating footers or pylons.

NEW BUSINESS:

Mr. Jones stated that a resident brought to his attention that the city was doing some brush hog work along St. Rt. 261 down by the old Town Crier and he asked Mr. Ryland about this. Mr. Ryland stated that we are doing some work along the ditches with the boom mowers in this area and along Medina Line Road in order to increase the visibility for traffic.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz announced the J & J Refuse customers appliance and scrap metal round up on May 17. Mayor Koontz announced the Twin Brooks Garden Plant Sale on Sat. May 17 at Café 4111 from 9 AM to 12:00 Noon. Mayor Koontz announced the 2008 Summer Recreation Program (see attached). Mayor Koontz read the Proclamations (see attached). Mr. Jones commented about Mr. Lyons always having a smile whenever he was asked a legal question on Council floor.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:58 PM

Mike Zita, Vice 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 May 27, 2008

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.