



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
TUESDAY, MAY 27, 2008**

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

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

The Regular Council Meeting convened on Tuesday May 27, 2008 at 7:01 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mr. Braman announced the Barberton Health Districts scrap tire regulation, which will be enforced for Norton and Barberton. Mr. Braman stated that this is a zero tolerance enforcement that was adopted on April 30, 2008. Mr. Braman stated that this new regulation will fine business and residents \$5.00 per passenger tires and \$15.00 per truck tire and that any unpaid fines would be assessed to the businesses or residences county tax bills. Mrs. Hlas stated that it was discussed looking at replacing the Fire Dept. equipment that has a broken frame with a newer piece of equipment and turned the discussion over to Mr. Moss for the details. Mr. Moss stated that last week we discussed the need to replace the Fire Chief's vehicle and the future need to look at replacing the heavy rescue equipment vehicle because of the broken frame. Mr. Moss stated that is we are looking at adding Ord. #51-2008 now even though the proceeds from the levy are not sufficient to pay for that. We would use the proceeds from the levy to pay off the note. We would need to add that level of spending to Ord. #50-2008 and revise that legislation in that amount. Chief Schultz stated that he has several people looking around for used equipment for us and that a new one has would costs over \$500,000.00 and we located a used one for half of that costs and that our oldest engine was 30 years old. Chief Schultz indicated that this vehicle is located in Michigan and it is a combination fire engine/rescue truck and that Seville Fire Dept. has purchased one of the these vehicles from the Michigan Fire Dept. Chief Schultz stated that this vehicle has 40,000 miles on it. Chief Schultz stated that we send out 3 trucks for every accident and if we replace this vehicle we would only need to send out 2 vehicles. Mr. Ryland indicated that this also raises our ISO insurance rating, and Chief Schultz added that it has a 1500 gallon per minute pump on it with the addition of a foam system. Chief Schultz stated the dealer indicated that if we come to Michigan and looked at and we liked it and were interested in it, they would make arrangements to get it here for the city to look it over. Mr. Jones questioned model, and if there was a warranty with a used vehicle? Chief Schultz replied that it is an E1 Cyclone with a 1 year warranty. Chief Schultz stated that if we decided to purchase it a pump test would be performed and go through the truck front to back before we buy it.

COMMITTEE OF THE WHOLE CONTINUED:

Mr. Pelot questioned how many extractions we do each year, and Chief replied last year the total was 15 and we are at 8 so far for 2008. Mr. Moss commented on the savings of going down from 3 vehicles to 2 and the reduction of staffing, and the 20-year plan and purchasing this vehicle earlier than scheduled. Mr. Moss stated that with this truck in place, it is certified and is a plus and can do more tasks than the older vehicle could handle, for additional savings. Mr. Pelot questioned the interest rate for this equipment and Mr. Moss replied 6%. Mr. Jones discussed the EMS fees asked if we are reimbursed for these fees, and Chief Schultz replied yes, however that is only for transport costs, and Mr. Moss added that our costs go down but our revenue does not change. Mr. Jones questioned the width of the vehicle, and Chief Schultz stated is 12.3". Chief Schultz stated that this is almost a duplicate of the last engine we purchased except this one has a stainless steel body. Mr. Jones asked if we have personnel that can operate this efficiently, and Chief Schulz replied yes. Mr. Pelot questioned on an insurance rating stand point how long the vehicle is good for, and Mr. Moss replied 30 years for this type of vehicle or 26 years in our hands. Mrs. Hlas moved to add Ord. #51-2008 to the agenda, waiving the second and third readings as an emergency, seconded by Mr. Mowery.

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

Motion passed 6-0.

Mrs. Hlas passed out the updated Ord. #50-2008 with the new information regarding the heavy equipment for the fire equipment as Mr. Moss previously discussed. Mrs. Richards questioned this because of her discussion with the Law Director's staff and the concerns of Ms. Gordon who prepared the note legislation because she indicated that by adding this amount of the heavy equipment to Ord. #50-2008 it would violate the single use of the note legislation. Mr. Moss suggested that we go along with Ms. Gordons' suggestion. Mrs. Richards offered two suggestions since separate legislation for this equipment was not prepared; we could discuss this again at the next committee meeting, or hold a Special Council Meeting immediately following the next work session. Mrs. Hlas suggested Council Meeting at the next Committee of the Whole and leave Ord #50-2008 as it appears in the packet, and Mr. Ryland agreed.

Mr. Jones stated that Res. #49-2008 is on the agenda to suspend the second and third readings, and he has discussed this with Mrs. Richards, who has some problems with this. Mr. Jones stated that he has also discussed this with Mr. Braman and Mr. McGlone who are also on his committee as well. Mr. Jones stated that tonight would be a first reading only. Mr. Jones asked Mrs. Richards to comment on this issue. Mrs. Richards stated that she has received some conflicting Exhibit A's from the engineering firm and would like to have more time to work these out. Mr. Jones indicated that Mr. Ryland indicated he had no problem with having a first reading on this. Mr. Ryland indicated that it does not affect the first reading however he is not comfortable with the conflicting numbers. Mr. Ryland indicated that the Resolution of Necessity does not require the numbers be involved but it would provide us some time to look over the numbers.

COMMITTEE OF THE WHOLE CONTINUED:

Mr. Pelot discussed the motion made last week authorizing the Administration to move forward with the architect Mr. Klingensmith, with the designs on the new fire station. Mr. Pelot stated that this basically gives the authorization to move forward and does not require a formal vote to move forward. Mr. Pelot asked Mr. Kostoff to give his opinion on this subject. Mr. Kostoff restated what he had discussed with Mr. Jones and Mrs. Richards regarding this subject. Mr. Kostoff indicated that he had asked Mrs. Richards to forward a copy of Ord #18-2008 which authorizes the Mayor and Administrative Officer to enter into an agreement with Mr. Klingensmith in an amount not to exceed \$120,000.00 to design a new fire station on a site at the existing community center. Mr. Kostoff stated that he also looked at Amended Res. #44-2007, which is the fire levy ballot for his review. Mr. Kostoff indicated that Council has properly authorized the Administration to enter into an agreement for the architect as spelled out in Ord. #18-2008 and in no way shape or form does it obligate any spending for construction. Mr. Kostoff stated that it is the Administrations intentions to come back to Council with a presentation and pricing and Council would have to authorize to go out for bid and then authorize that expenditure. Mr. Kostoff stated that he felt Mr. Zita's motion was more a re-affirmation of what was already passed. Mr. Jones clarified that the only money being spent is the \$120,000.00 for the architect, and Mr. Kostoff concurred.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of May 12, 2008 were accepted as written.
Minutes of the Committee Work Session of May 19, 2008 were accepted as written.

COMMUNICATION FROM THE PUBLIC:

Ms. Kathy Tomko Dean, a Norton resident, stated that 2 weeks ago today her father George Tomko passed away, and mentioned how difficult this has been for her family. Ms. Dean stated that she attended the Memorial Day services at Williams Memorial Park and thought of all of the Veterans who have served. One resident mentioned to her that day that Norton does not have their own Wall of Veterans and asked if this could be looked into. Ms. Dean stated that her father would be watching from above when issues are being voted on. Ms. Dean discussed the Norton Historical Society and the importance of carrying on the history of our community. Ms. Dean discussed the need of English Language and can this be proposed again and voted on? Ms. Dean questioned where would the funding come from if our city had to print all documents in all languages? Ms. Dean stated that those who knew her Dad were blessed, those who never knew him lost an opportunity of a lifetime of his wisdom and his time, and showing the importance of making sure that the job was done right the first time.

Mr. Dennis McGlumphy, a Norton resident, spoke about the dangers of the intersection at Greenwich and Hametown Roads. Mr. McGlumphy suggested turning this flashing light into a stop light from 7:00 AM to 7:00 PM because of the heavy traffic and accidents in this area. Mr. McGlumphy stated that there is a row of trees at this intersection that is causing a sight problem that needs to be addressed. Mr. Pelot stated that we would have someone look into this issue.

COMMUNICATION FROM THE PUBLIC CONTINUED:

Ms. Charlotte Whipkey, a Norton resident, stated that she agreed with Ms. Dean about the English Language being brought back. Ms. Whipkey stated that the Ohio House has passed t House Bill 477 that is looking at making English Language the official language of all government. Ms. Whipkey discussed old Committee Work Sessions minutes where it states that Mr. Ryland discussed over that last several months he met with 3 architectural firms to discuss concepts, locations and types of fire stations, and that he decided to go with Mr. Klingensmith. Ms. Whipkey stated that she would like to know what the others had to say about the community center or the other sites in writing. Ms. Whipkey discussed the minutes of September 24, 2007 where Mr. Ryland announced that Chief Calco resigned last week. However, Ms. Whipkey stated that she took this right off of the tape and Mr. Ryland stated that Chief Calco has decided to pursue other interests in management opportunities and look further into his training expertise. We were all under the assumption that this man willingly left our city, however if you look at the Board of Control meetings, there is a nice letter there that states he resigned by request. Ms. Whipkey stated that she has a problem when we are led down the garden path with one story, and it really makes her wonder what to believe.

Ms. Megan Booth, a Norton resident, stated that it is atrocious in trying to listen to the tapes from Time Warner. Ms. Booth stated that from what Time Warner is reporting it is not them it is here and it we need help here they have experts that can help. Ms. Booth stated that people really need to hear what is going on, or maybe that is the point. Ms. Booth stated that is why she records her own tapes. Ms. Booth discussed the 36 ft. wide driveway at the current Fire Dept. and that this may be the case but there is enough area to put another driveway in. Put a gravel driveway in for the construction company to use, so she isn't buying it. Ms. Booth stated that if we are buying the heavy rescue equipment earlier than planned, then maybe we need to stick closer to the plan for the fire station for 2009 not now and slow down a little bit and make sure we are doing the right thing.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #47-2008

Mr. Mowery offered Ord. #47-2008 for it's first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACT(S) TO IMPROVE CERTAIN CITY STREETS AND/OR PORTIONS THEREOF, AND DECLARING AN EMERGENCY.

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

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

Motion passed 5-1.

ORD #47-2008 CONTINUED:

Mr. Mowery moved to adopt Ord. #47-2008, seconded by Mr. Braman. Mr. Jones discussed the removal of Clark Mill, Cynwood and Durham and asked what are we doing with the extra money from these streets being removed? Mr. Ryland asked what extra money? Mr. Jones stated that is around \$42,229,28. Mr. Ryland stated that the total for all roads was approximately \$328,000.00 and we had only \$274,000.000 in the road budget and he had to take away \$46,000.00 to get it within the budget number. Mr. Jones stated that we have \$274,218.00 in our budget, and you are up to \$328,946.79. Mr. Ryland disagreed because if you remove Clark Mill, Cynwood, and Durham it takes you back down to the \$274,000.00. Mr. Jones stated that still does not come to \$274,000, and Mr. Ryland stated that he is working from memory he does not have the figures in front of him. Mr. Jones questioned the paving of Columbia Woods parking lot and questioned if this is funded by the Park Fund and Mr. Ryland stated that 50 % is coming from the Park Fund. Mr. Jones complained that his ward is only getting 2 streets paved this year and Mr. Ryland stated that Ward 1 had all of the money last year and he is getting all of it next year. Mr. Jones stated that Rt. 261 just so happens to be a State Highway in his ward. Mr. Jones stated that Hillier, Flesher and Clubside and Lakeland need attention really bad. Mr. Ryland asked if Mr. Jones would like for him to appropriate other funds to find a way to address these roads? Mr. Jones asked him to do so. Mr. Zita stated that a couple of the streets that were removed were done because we will be doing water lines later this year and we will address the roads at that time. Mr. Pelot discussed the time line for bids once this passes, and Mr. Ryland stated that we could save some money if we buy the materials ourselves, and just bid out for labor. Mr. Ryland stated that the time line for bidding is 2 weeks and Mayor stated that the whole process can take a month or longer.

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

Motion passed 6-0.

RES #48-2007

Mr. Mowery offered Res. #48-2008 for it's first reading and asked the Clerk to read it:

A RESOLUTION REQUESTING THAT THE OHIO GENERAL ASSEMBLY ADOPT LEGISLATION TO ENACT A DEPOSITORY RECYCLING PROGRAM OTHERWISE KNOWN AS A "BOTTLE BILL" IN THE SATE OF OHIO

First reading only.

RES #49-2008

Mr. Jones offered Res. #49-2008 for it's 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.

First reading only.

ORD #50-2008 **First Reading:**

Mrs. Hlas offered Ord. #50-2008 for it's first reading and asked the Clerk to read it:

AN ORDINANCE PROVIDING FOR A SUPPLEMENTAL APPROPRIATION FROM THE UNAPPROPRIATED BALANCE IN THE 2007 FIRE/EMS LEVY CAPITAL FUND FOR THE YEAR ENDING DECEMBER 31, 2008, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #50-2008, seconded by Mr. Zita. Mr. Jones asked what type of vehicle the Fire Dept. is purchasing, and Chief Schultz replied this is a Ford Expedition from Ganley Ford. Mr. Jones stated that he wished they would advertise that they were in our city. Mr. Pelot asked if there was a way we could go elsewhere if they refuse to advertise Norton? Mrs. Hlas stated that she has asked this same question but they reason they state Barberton is because of the zip code issue. Mr. Jones stated that they are not the only dealership that does this.

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

Motion passed 6-0.

Added to the Agenda

ORD #51-2008

Mrs. Hlas offered Ord. #51-2008 for it's first reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$231,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE COST OF THE ACQUISITION OF AN EVACUATION/RESCUE VEHICLE, INCLUDING ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #51-2008, seconded by Mr. Zita.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

RES #39-2008

Mr. Zita offered Res. #39-2008 for it's third reading and asked the Clerk to read it:

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

Mr. Zita moved to adopt Res. #39-2008, seconded by Mrs. Hlas. Mr. Jones stated that he was under the impression that Barberton wouldn't be joining, was this true because the only representative was from Copley? Mr. Zita stated that this is just for the pilot program. Mr. Ryland stated that Norton and Copley are involved in the kick off of the pilot program and there appears to be some hesitation from Barberton at this point.

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

Motion passed 6-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Ryland stated that the negotiations with PPG for the Lake Dorothy property are ongoing, our first offer was rejected and we are working on our counter to their counter. We are working on the water, silt and fish testing. NES has filed an application of 30 months and we will need to sit down with NES and go over the contract.

Mr. Moss stated the House Bill training relating to public records for elected officials will be in Wadsworth on June 4th.

Mr. Pritchard stated that at the next Committee of the Whole he would discuss the support for the Clean Ohio Fund, which would appear on the November ballot. Mr. Pritchard stated he would provide additional information at that time. Mr. Pritchard stated that as part of the Summit Akron Solid Waste Management Authority Recycling Program, the city received 50 recycling carry tote bags to assist the residents to take their recycle items to the bins behind city hall. These tote bags are available to the first 50 residents at the lobby at city hall. Mr. Pelot questioned when the contract is due to expire with the trash hauler and Mr. Pritchard replied next year sometime and Mr. Zita stated that he believed it is next October.

Mr. Kostoff stated that he met with the staff at city hall this week and found everyone to be very nice, hard working and dedicated employees. Mr. Kostoff stated that he has discussed the Clean Ohio Fund with Mr. Pritchard and will have a draft of the legislation prepared for next week. Mr. Kostoff stated that he has been working at getting caught up on a number of issues for the city.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mr. Jones noted street signs down at Dutt and Reimer Roads, and Norton Avenue and Clark Mill Roads. Mr. Jones noted a large hole in the middle of the ramp at southbound on St. Rt. 21 at St. Rt. 261. Mr. Pelot discussed the Wall of Remembrance for Veterans that Kathy Tomko Dean mentioned earlier and that he would like to address this at the next Committee of the Whole Meeting.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz stated that he also had the thought about the memorial wall at the Memorial Day celebration. Mayor Koontz announced the first annual Norton Music Boosters Flea Market on May 31, 2008 from 8-4:30 at the Norton Bus Garage. Mayor Koontz announced the Summer Recreation Program (see attached). Mayor Koontz stated that for some of the residents that do not use J & J refuse the totes are available to you and the recycle bins are also available to you and are located behind the city building

Mrs. Hlas stated that last month all of Norton Middle School was treated to a day at the Akron Aeros Ball Park and Norton Middle School Teacher Mrs. Gerber received several calls and emails commenting on how well our students behaved and conducted themselves, and Mrs. Gerber wanted the whole community to know how proud she is and the parents need to be commended.

ADJOURN:

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

Scott Pelot, 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 9, 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.