



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JUNE 23, 2008**

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

Also Present:  
Mayor David Koontz  
Rick Ryland  
John Moss  
Pete Kostoff  
Jeff Pritchard  
Karla Richards - Excused  
Ann Campbell – Deputy Clerk

The Regular Council Meeting convened on Monday, June 23, 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:**

Mrs. Hlas motioned to amend Ordinance #58-2008, to add the words “or his designee” after the words “An ordinance authorizing the Mayor...” to give notice of the City’s intention. Mr. Zita seconded. Mr. Pelot stated that the addition of the words “or his designee” is appropriate in case the Mayor is unavailable, Mr. Ryland would be authorized to act on the Mayor’s behalf. Motion to amend passed 5-0

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of June 9, 2008, were accepted as written.

Minutes of the Committee Work Session of June 16, 2008; Mr. Pelot indicated that the wording in the first paragraph on page 9 would need to be reviewed for accuracy. Mr. Pelot stated that due to this reason, he would not offer the meeting minutes up for approval at this meeting.

**COMMUNICATION FROM THE PUBLIC:**

Mr. Andrew Lehner, a Norton resident, voiced his concerns about personal attacks made during public meetings and that everyone needs to act professional and follow Council Rules. Mr. Lehner voiced his concerns on the status of the burned house at 3289 Easton. Mr. Ryland was given authorization to respond, stating that the said house was inspected last week by the Norton Fire Department, himself and the Barberton Health Department. The Barberton Health Department has given orders to demolish and the next of kin are being sought to be notified.

Mr. Don Weigand, a Norton resident, voiced his concerns on the pavement conditions of Maco Dr. Mr. Weigand ended by stating that the public should be aware that the Recall Election of July 10, 2008 is on a Thursday, not a Tuesday.

Mrs. Elaine Tompkins, a Norton resident, read from a prepared statement, see attached.

**COMMUNICATION FROM THE PUBLIC CONTINUED:**

Ms. Megan Booth, a Norton resident, came to the podium with statements towards Council. Ms. Booth wanted it stated for the record that at the June 16, 2008 Committee Meeting she was speaking at the podium, and was interrupted and threatened by a member of Council. Ms. Booth stated that this Councilperson came out of their seat toward her in a menacing fashion. That same Councilperson previously had called for the resignation of another Council member who had wagged a finger at another citizen, stating that Council members should not threaten citizens. Ms. Booth stated that she was certain that there would be a letter of resignation from this Council member since they implied that they have more integrity. Ms. Booth commented about rules and laws and the enforcement of these rules and laws. Ms. Booth reminded the residents of Ward 1 to get out and vote on July 10, 2008.

Ms. Charlotte Whipkey, a Norton resident, stated that she was confused regarding the intent of Ord. #58-2008, stating that she thought it should be a Resolution towards seeking other possibilities for the renewal of the Barberton Health Department contract, but the ordinance states that it is to terminate the contract. She feels that the Ordinance sounds pretty final. She also stated that she continues to wait for a response from Administration towards her Public Records Request of May 30<sup>th</sup>. Ms. Whipkey reminded the Administration about House Bill 9, the Sunshine Law and the Freedom of Information Act. Ms. Whipkey stated that she agreed with the statements Ms. Booth made regarding behaving in a professional manner and that Council members are to conduct themselves within a higher standard, which has not been the case. Ms. Whipkey stated that she would prefer that Council would offer their rebuttals while the public is at the podium instead of at the end of the meeting so that we have a chance to respond back. Mr. Pelot stated that this part is called "Communications from the Public" it is not a question and answer type of format, and that is why sometimes someone addresses an item at the end of the evening.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #56-2008**

Mr. McGlone offered Ord. #56-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

Mr. McGlone motioned to suspend the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Ord. 56-2008, seconded by Mr. Mowery. Mr. McGlone stated that the reason for suspension of the 2<sup>nd</sup> and 3<sup>rd</sup> readings was due to a time issue that he would explain further.

Roll Call: Yeas: McGlone, Mowery, Hlas, Zita, Pelot  
Nays: none

Motion passed: 5-0

Mr. McGlone motioned to adopt Ord. 56-2008, seconded by Mr. Mowery. Mr. McGlone stated that this is an ODOT project to proceed with the necessary installation of center guardrails down I-76/224 from the County line to the City Corp line.

Roll Call: Yeas: McGlone, Mowery, Hlas, Zita, Pelot  
Nays: none  
Motion passed: 5-0

**ORD #57-2008**

Mr. McGlone offered Ord. #57-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AN OHIO PUBLIC WORKS GRANT APPLICATION AND ASSOCIATED DOCUMENTS, WITH THE COUNTY OF SUMMIT AS A CO-APPLICANT, FOR THE REPLACEMENT OF THE CLEVELAND-MASSILLON ROAD BRIDGE OVER VAN HYNING RUN, LOCATED IN THE CITY OF NORTON, AT A COST TO THE CITY NOT TO EXCEED \$14,600.00, AND DECLARING AN EMERGENCY.

Mr. McGlone motioned to suspend the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Ord. 57-2008, seconded by Mr. Mowery. Mr. McGlone stated that the reason for suspension of the 2<sup>nd</sup> and 3<sup>rd</sup> readings was due to a time issue that he would explain further.

Roll Call: Yeas: McGlone, Mowery, Hlas, Zita, Pelot  
Nays: none

Motion passed: 5-0

Mr. McGlone motioned to adopt Ord. 57-2008, seconded by Mr. Mowery. Mr. McGlone stated that this is a public needs project to replace the bridge over Van Hyning Run by the Middle School. Our portion of the cost is \$14,600, where the remainder of the project is \$292,400.

Roll Call: Yeas: McGlone, Mowery, Hlas, Zita, Pelot  
Nays: none

Motion passed: 5-0

**ORD #58-2008** *(amended)*

Mrs. Hlas offered amended Ord. #58-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO GIVE NOTICE OF THE CITY OF NORTON'S INTENTION TO TERMINATE THE CONTRACT FOR PUBLIC HEALTH SERVICE BETWEEN THE CITY OF BARBERTON AND THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

First reading only.

**RES #59-2008**

Mr. McGlone offered Res. #59-2008 for its first reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION FOR FUNDING FOR THE NEWPARK DRIVE ROAD PROJECT IN THE CITY OF NORTON, AND COMMITTING TO PROVIDE FUNDING FOR THE LOCAL SHARE OF SUCH PROJECT, AND DECLARING AN EMERGENCY.

Mr. McGlone motioned to suspend the 2<sup>nd</sup> and 3<sup>rd</sup> readings of Res. 59-2008, seconded by Mr. Mowery. Mr. McGlone stated that the reason for suspension of the 2<sup>nd</sup> and 3<sup>rd</sup> readings was due to a time issue that he would explain further.

Roll Call: Yeas: McGlone, Mowery, Hlas, Zita, Pelot  
Nays: none

Motion passed: 5-0

Mr. McGlone motioned to adopt Res. 59-2008, seconded by Mr. Mowery. Mr. McGlone stated that this is a Resolution to reconstruct Newpark Road for stormwater maintenance purposes and we want to seek some funding from OPWC for the project. 50% of the cost of the project would then be assessed against the properties.

Roll Call: Yeas: McGlone, Mowery, Hlas, Zita, Pelot  
Nays: none

Motion passed: 5-0

**INTRODUCTION OF PRIOR LEGISLATION**

**RES #52-2008**

Mrs. Hlas offered Res. #52-2008 for its second reading, and asked the Clerk to read it:

A RESOLUTION SUPPORTING THE RENEWAL OF THE CLEAN OHIO FUND BOND.

Second reading only.

**RES #48-2008**

Mr. McGlone offered Res. #48-2008 for its third 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 STATE OF OHIO.

Mr. McGlone moved to adopt Res. #48-2008, seconded by Mr. Mowery. Mr. McGlone stated that a gentleman came to Council a few weeks ago stating that he would like Council to support this deposit on bottles and cans because they are just laying around as trash outside.

**RES #48-2008 continued:**

This is in support of this idea and send on to the State. Mr. Pelot echoed that these items are being thrown out as trash alongside our streets. If there is a deposit, people will begin to pick up the bottles and take them back to the store for money.

Roll Call: Yeas: McGlone, Mowery, Hlas, Zita, Pelot  
Nays: none

Motion passed: 5-0.

**RES #49-2008**

Mr. McGlone offered Res. #49-2008 for its third 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. McGlone moved to adopt Res. #49-2008, seconded by Mr. Mowery. Mr. McGlone stated that this is to get this waterline project going, this is long overdue.

Roll Call: Yeas: McGlone, Mowery, Hlas, Zita, Pelot  
None:

Motion passed: 5-0.

**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:**

Mr. Ryland stated that as a matter of clarification, because it seemed as if we were repeating ourselves on the Ordinances tonight due to a timing issue, the State of Ohio had two rounds of Issue 1 money this year. Although they made a second round, they did not change the application date, which was June 30<sup>th</sup>. He thanked Council for their quick support on these issues. Mr. Ryland went on to state that the two injured city employees that he reported on last week are not doing well; they are both in dire condition. Please keep them in your prayers. Mr. Pelot asked Mr. Ryland to clarify what the City's intent on the Barberton Health Department Ordinance. Mr. Ryland stated that this Ordinance is notice to terminate as per the contract language, which states a nine-month termination clause. This will give us time to see if there is another solution. Should we not find another option, we may decide to continue the contract. This termination clause does not stop that contract permanently. We are just doing this to meet the required termination time limits if we choose to move in another direction. Mr. Moss, Mr. Pritchard, and Mr. Kostoff, had no reports to offer. Mr. Binic from the Barberton Health District was not present to offer a report.

**UNFINISHED BUSINESS:**

Mr. Pelot observed that Mr. Stewart and Mr. Kyer were not present to speak on the MAD District. Council had sent a letter to Mr. Harrison asking him if the two gentlemen were going to be here to give us a report. Mr. Don Weigand mentioned that Mr. Kyer had suffered a heart attack over the weekend. Mr. Pelot stated that we would follow up to see if Mr. Stewart could make an upcoming meeting to make a presentation.

**NEW BUSINESS:**

Mr. Pelot stated that at the next Committee meeting, to be held on July 7<sup>th</sup>, Council will decide if a resident will be able to show a privately made presentation regarding the existing Fire Station.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Koontz made mention of several events occurring, (see attached). Mr. Pelot stated that there is NO meeting next week, June 30<sup>th</sup>, as it is a fifth Monday. The next Committee of the Whole meeting will be held on July 7<sup>th</sup>, 2008 at 7:00 PM.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:34 PM

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Scott Pelot, President of Council

I, Ann Campbell, Deputy 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 14, 2008.

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Ann Campbell, Deputy 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.