



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, OCTOBER 26, 2009**

Roll Call:	Ken Braman	Also Present:
	Brenda Hlas	Mayor David Koontz
	Tom Jones	Rick Ryland
	Dennis McGlone	John Moss
	Bill Mowery	Pete Kostoff
	Scott Pelot	Karla Richards
	Mike Zita	Ann Campbell

The Regular Council Meeting convened on Monday, October 26, 2009 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mr. Jones stated we will need to add Ord. #99-2009 to the agenda tonight, it's in regards to the waterline project on Hartzel, Gardner, Wilber, etc. Mr. Jones stated that it goes along with Ord #97-2009. Mr. Zita reminded everyone that with Ord. #97-2009 passing, we need to adopt Ord. #99-2009 and we will need to waive readings with emergency language. Mr. Jones moved to add Ord. #99-2009 to tonight's agenda waiving the second and third readings, with emergency language, seconded by Mrs. Hlas.

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

Motion passed 7-0.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Dan Karant, of the Norton Business Development Task Force, read aloud a Resolution of Support for the Norton School levy (see attached) Mr. Karant also read aloud his comments mostly regarding Issue #26 (see attached).

Mrs. Elaine Tompkins, a Norton resident, read aloud an addendum to her comments made at the October 19, 2009 meeting, (see attached).

Ms. Charlotte Whipkey, a Norton resident, spoke stating there would be no apology or attempts to remove her appeal of Issue #26 from where it sits. Ms. Whipkey stated she totally believes in what she has done and she is doing nothing more than supporting the people who also wanted this done. Ms. Whipkey discussed the comment of losing \$14,000.00 we would have gained, it's actually its \$15,000.00 and it would continue until the people changed it. Ms. Whipkey noticed a lot of empty space in the room tonight. Ms. Whipkey stated she did not recall any discussions in Council Chambers about the Lahr House being sacrificed for the Fire Dept.

Ms. Whipkey asked who has the power to decide we are just getting rid of a building without having to come to Council first? Ms. Whipkey noted all of the lumber that was cut down and the questioned what is happening with all of that lumber, is the city benefiting from that?

Mr. Allen Arkett, a Norton resident, asked if the city has a specific timetable of demolishing the Lahr house? Mr. Arkett asked if the city has a plan to find a new residence for the Norton Historical Society? Mr. Zita informed Mr. Arkett that someone would provide answers later on in the meeting.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of October 13, 2009 were approved as submitted.
Minutes of the Committee Work Session of October 19, 2009 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz reported that the resurfacing of Cleveland-Massillon Road would begin this Thursday, October 29, 2009, and it's scheduled to be completed by November 12, 2009. Mayor Koontz indicated the waterline project is going well along Greenridge Road and we have about two (2) days before they make the connections into Mt. Vernon. Mr. Pelot asked Mayor Koontz for more details on the resurfacing, how far north and Mayor Koontz stated it would be from I-76 north to the corporation line. Mr. Ryland stated the waterline project is going along nicely and they will be flow charging the school this Saturday. Mr. Ryland stated that Lockhart has done a fantastic job of staying on schedule. Mr. Ryland stated we would be closing a section of Greenridge Road between Luray and Cleveland Massillon. The posting is for 15 days and we hope it does not take that long. Mayor Koontz stated this does affect the plaza as well. Mr. Moss was present and had no report. Mr. Jones asked Mr. Ryland about moving the hydrants back along Cleveland Massillon Road, inquiring if there were any cost to the city? Mr. Ryland replied yes there were costs involved. Mr. Jones asked if this was because of an engineering error? Mr. Ryland replied no, the engineering was done correctly. It was due to the fact that because of the sidewalk criteria we felt they were just to close to the roadway. Mr. Ryland stated this was a change order of \$1,400.00 per hydrant and there were a total of six (6) hydrants moved. Mr. Kostoff reported we did receive the final judgement entry on the Beldick property and the deed has been filed with the Finance Director and placed in the city safe. Mr. Kostoff reported that on October 21, 2009 he filed our response on Issue #26, which has been taken to the Ohio Supreme Court. We will be waiting to hear on whether or not the Ohio Supreme Court will take the case.

PUBLIC HEARINGS:-None

INTRODUCTION OF NEW LEGISLATION:

ORD #95-2009

Mrs. Hlas offered Ord. #95-2009 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO REDUCE OR ELIMINATE AUTHORIZED TRANSFERS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009 AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #95-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

RES #96-2009

Mrs. Hlas offered Res. #96-2009 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO APPROVE AN AGREEMENT BY AND BETWEEN THE AUDITOR OF THE STATE OF OHIO AND THE CITY OF NORTON TO PERFORM ACCOUNTING SERVICES FOR THE CITY OF NORTON FOR THE FISCAL YEARS 2009 THROUGH 2010, AND DECLARING AN EMERGENCY.

First reading only.

RES #97-2009 **First Reading:**

Mr. Jones offered Res. #97-2009 for its first reading, and asked the Clerk to read it:

A RESOLUTION APPROVING THE REPORT OF THE ASSESSMENT EQUALIZATION BOARD ON OBJECTIONS CONCERNING THE ESTIMATED SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF PARKWAY DRIVE (EAST SIDE ONLY) FROM GARDNER BLVD. TO NORTON AVENUE, HARTZELL DRIVE FROM GARDNER BLVD. TO NORTON AVENUE, LONG DRIVE FROM GARDNER BLVD. TO NORTON AVENUE, AND WILBUR AVENUE FROM GARDNER BLVD. TO TALLWOOD DRIVE BY CONSTRUCTING AND INSTALLING A NEW 8 INCH WATERLINE, WHICH WILL REPLACE 5,100-FEET OF 2-INCH WATERLINE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Jones moved to waive the second and third readings, seconded by Mr. Braman. Mr. Jones stated that on Oct. 5, 2009 we discussed adding the Thomas parcel to this, and now he understands we cannot do that, and Mr. Kostoff concurred. Mr. Kostoff stated that the Administration has agreements he has prepared for the various property owners, if the Administration is successful in reaching such agreements this would come back to Council for approval. The ordinances have also been prepared in case that is accomplished.

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

Motion passed 7-0.

Mr. Jones moved to adopt Res. #97-2009, seconded by Mr. Braman.

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

Motion passed 7-0.

RES. #98-2009 **First Reading:**

Mr. Pelot offered Res. #98-2009 for its first reading and asked the Clerk to read it:

A RESOLUTION IN SUPPORT OF NORTON ISSUE #50, A 6.9 MILL CAPITAL IMPROVEMENT LEVY FOR THE NORTON CITY SCHOOLS.

Mr. Pelot moved to waive the second and third readings, seconded by Mrs. Hlas. Mr. Pelot stated the reason we are waiving the readings is to get this adopted before the elections next Tuesday.

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

Motion passed 7-0.

Mr. Pelot moved to adopt Res. #98-2009, seconded by Mrs. Hlas. Mr. Pelot stated that there isn't anyone in this civilized world that does not understand that the economy is pretty bad right now, and this may not be the best time to come forward with a bond issue to build new schools. However, he felt we cannot afford not to pass this now, we are getting \$23,000,000.00 from the State of Ohio plus we are looking at getting an addition \$3,200,000.00 in Federal Stimulus Funding and its in the best interest of the citizens to pass this. Mr. Jones stated that Mr. Dunn (Superintendent of Norton City Schools) called his house and spoke with his wife about this issue, he was unable to reach him. Mr. Jones stated he understands that if the issue was not passed, the Federal Stimulus money would not come to the school for repairs, and Mr. Pelot concurred and that money is only available this year. Mr. Jones stated he has a grandchild in school now and is torn between this issue, he and his wife are undecided on what to do, so he would abstain on this tonight.

Mr. Jones stated he could say he is going to vote for it and then next Tuesday when he goes into the polls vote against it, and he is not going to put himself out there. Mrs. Hlas stated this is an opportunity that Norton City Schools does not have a chance to pass up. The Stimulus money is there and will be divided up this November and whoever is successful in passing their levy will get their fair share of this money. Currently its \$3,100,000.00 and it could be higher, depending on who passes their levy. Mrs. Hlas stated that the tobacco funding may not be there after this year, its her understanding they have spent all of their funds and the only way to get that back is the State would have to put this into their budget. It would also free up all of the prime business property the schools currently sits on for other businesses. Mrs. Hlas added that we recently rezoned many other parcels along Greenwich and Croydon to commercial, which would help to bring in more businesses that we so desperately need for our tax base. Mrs. Hlas stated if anyone is undecided this is the time to decide, we are sitting in prime time for more than the Stimulus money, and she will be supporting this. Mr. Zita asked Mrs. Richards if an abstention vote counts with the majority vote, and Mrs. Richards and Mr. Kostoff both replied yes, that was correct. Mr. Zita stated that in other words Mr. Jones, you would just be passing this along with the rest of us, your just not going to come out in the forefront and say you will pass it in fear of maybe retaliation on the political poles. Mr. Jones stated no I'm not saying that, and Mr. Zita stated that's your doing Mr. Jones. Mr. Jones replied no, my vote is private. Mr. Jones asked Mrs. Hlas how many acres are involved with the present school property and Mrs. Hlas replied she had no idea. Mr. Ryland replied there are two parcels, and roughly twenty-six (26) each for about fifty-two (52) acres.

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

Motion passed 6-1.

ORD #99-2009-Added to the Agenda:

Mr. Jones offered Ord. #99-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO PROCEED WITH THE IMPROVEMENT OF PARKWAY DRIVE (EAST SIDE ONLY) FROM GARDNER BLVD. TO NORTON AVENUE, HARTZELL DRIVE FROM GARDNER BLVD. TO NORTON AVENUE, LONG DRIVE FROM GARDNER BLVD. TO NORTON AVENUE, AND WILBUR AVENUE FROM GARDNER BLVD. TO TALLWOOD DRIVE BY CONSTRUCTING AND INSTALLING A NEW 8 INCH WATERLINE, WHICH WILL REPLACE 5,100- FEET OF 2-INCH WATERLINE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Jones moved to adopt Ord. #99-2009, seconded by Mr. Braman. Mr. Jones stated this allows Mr. Ryland to get this project under way.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #84-2009

Mr. Braman offered Ord. #84-2009 for its third reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1298.02 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Ord. #84-2009, seconded by Mr. Pelot. Mr. Braman stated this relates to outdoor wood burning furnaces and wind turbines.

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

Motion passed 7-0.

ORD #85-2009

Mr. Braman offered Ord. #85-2009 for its first reading, and asked the Clerk to read it:

AN ORDINANCE ADDING CHAPTER 1297 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Ord. #85-2009, seconded by Mr. Pelot.

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

Motion passed 7-0

ORD #86-2009

Mr. Braman offered Ord. #86-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1298.08 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Ord. #86-2009, seconded by Mr. Pelot.

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

Motion passed 7-0

UNFINISHED BUSINESS:

Mr. Pelot stated that earlier today Mr. Ryland had given him an estimate from Floyd Brown Engineers on the sewer project for Oak Street as we discussed adding Pleasant and Manila. It appears that we now have that figure from the engineers and felt we needed discussion at the next work session. Mr. Ryland stated that this cost falls within the Board of Control restrictions and really does not need Council approval. Mr. Pelot stated he realized it did not require it, however he wanted to see where Council stood and that we were all in agreement. Mr. Zita asked about the total costs, and Mr. Pelot replied it was \$13, 525.00 for engineering extending from Oak Street to Manila Avenue approximately 500 ft. to Pleasant Street. Then east-west along Pleasant Street approximately 1,000 ft. to serve the existing homes in that area. There were no objections from Council and Mr. Pelot stated this does not need to be on the next work session agenda. Mr. Zita asked Mr. Ryland to address the comments made earlier by Mr. Arkett. Mr. Ryland stated that if anyone came to the “secret meeting” last Tuesday night, they would have been informed that the Lindeman property and the destruction of the Lahr house is our intention, subject to the approval of Council. Mr. Ryland indicated we have plans to purchase the Lindeman property and bring that contract to Council and if Council approves that purchase, and the destruction of the Lahr house; then the Historical Society will move into the Lindeman house. Mr. Ryland stated that the Lindeman house is a historical house and will soon be celebrating its 100th birthday and is very well maintained and very energy efficient. Mr. Ryland stated he did approach the Historical Society and they assured him that although the Lahr house has been very efficient for them to use, it is an old house and has no historical value to them. They are very excited about the fact if Council approves the Lindeman purchase, and moving the Historical Society there, they would even have the space for a museum. Mr. Ryland indicated a schedule of early November; we would empty the Lahr house and store the contents in a temperature-controlled environment. We would then take down the Lahr house in addition to the other buildings necessary to build the fire station sometime in November. Mr. Zita stated for the record that on Friday, October 16, 2009 we all received a notice for the Special Planning Commission meeting to be held on October 20, 2009, which gave the agenda for that meeting. They are required to give at least a 24-hour notice and we received notice 3-4 days ahead of time.

NEW BUSINESS:

Mr. Jones stated he had not been down to city hall since Saturday morning, and came down for the paper grinding. Mr. Jones stated when he pulled into the drive, he was totally taken by surprise, and he was devastated by the trees being cut down by the Lahr house. It didn't bother him too much around the Beldick property. But he was coming down here to let them grind up paperwork as well as several hundred other residents, and on the side of the trucks it says “put your grindings here and save a tree”. He looked around and stated heck there are no trees.

Mr. Jones asked if anyone on Council gave authority to Mr. Ryland to cut those trees down? Mrs. Hlas stated she believed that when Council passed legislation to build a new fire station over there, you couldn't build it with those trees standing. Mr. Jones stated he was asking the question did anyone on Council know about these trees being cut down? Mrs. Hlas stated we kind of assumed they would be cut down. Mr. Jones stated well "assumed", it never came up in committee and you are Chair of the Property Committee. Mr. Zita stated no; he was the Chair of the Property Committee. Mr. Jones stated he was under the impression that Mrs. Hlas was. Mr. Jones stated he asked Mr. Mowery and they were both up at the Lahr house earlier this morning. They met with some of the people and yes they are pleased about going over to the Lindeman house, and the Lahr house needs some work, its 170 years old. It was built in 1840 and was moved here in 1920 from the south side of the gulf course area. Mr. Jones stated he did not know who gave Mr. Ryland authority to cut these trees down. Dave you were here watching them weren't you? Mayor Koontz replied no. Mr. Jones stated he understood Dave was out here watching them the other day, and again Mayor Koontz stated he was not here. Mayor Koontz added that it is within the Administrations authority to progress with the construction of the new fire station. Mr. Jones stated he was not under the impression they would be cutting down the trees at the Lahr house at the present time. Mr. Zita stated when we were in the discussions as far as building the new fire department, he believed the orders that Council gave the Administration was to do whatever they had to do without touching the community center. Mr. Zita stated it was his privilege to announce that the community center is still standing. Mr. Jones stated that obviously the Lahr house has been under attack for some time, even when Jeff Pritchard was here, and that was how long ago, a year and a half ago. Mr. Jones stated there have been many meetings with the people at the historical house and Mr. Conklin even said he was surprised to see the proceedings on the trees so soon, and that was last Tuesday. Mr. Ryland stated that in following the directions of Council to proceed with the construction without disturbing the community center; the trees were cleared because we have to be able to receive 57 acres of storm water. There will be retention ponds and detention areas prepared, and we cannot do this with all of the trees in the way, they had to come down for that purpose. Mr. Ryland stated it has been 2 years since the community passed this levy, clearing the trees is the first step in this process. Mr. Jones replied to Mr. Ryland that he could understand your concern in that direction about the Beldick property, he was taken by surprise about the ones around the Lahr house and that is what got his attention. Mr. Jones stated with that in mind, with some of the old trees and leaves around the Beldick, you will have to remove a lot of that soil out of there, correct? Mr. Ryland concurred that there will be some scraping of the topsoil. Mr. Zita added that he wanted the record to reflect that Mr. Jones was unaware of what was going on in the city. Mr. Zita stated that since Mr. Jones is not employed, if he would spend a little bit of time down here talking with the Administration you might have a little bit better idea of what is going on here. Mr. Zita stated that might be a matter of opinion, and Mr. Jones stated he should keep that to himself. Mrs. Hlas stated as Council members, we took an oath of office. One of those was to follow the ordinances and laws of the City of Norton. Mrs. Hlas stated she believed that Mr. Jones was given until October 15, 2009 to remove his junk cars, and she drove by this evening and low and behold they are still there. Mrs. Hlas stated she was just curious as to when Mr. Jones decides to abide by the laws? Mr. Jones asked Mrs. Richards to prepare that conversation word for word and give it to him. Mrs. Richards asked verbatim and Mr. Jones

replied yes, thank you. Mrs. Hlas stated so I take it as you are not going to answer that this evening, and Mr. Jones stated that is a stupid question. Mrs. Hlas stated no it's not a stupid question, as Council members we are sworn to uphold the oath of office. Mrs. Hlas requested it be put down that Mr. Jones refused to respond. Mr. Mowery stated that while visiting in the local neighborhoods a lot of the residents have been asking about the Bridgeway Home. Mr. Mowery stated that he will have a report at the next Council meeting, he will be meeting with Mr. Weese and the Norton Police Dept. and for the most part everything has been quiet.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz commented on the natural gas aggregation, and trick-or-treat, (see attached). Mr. Kostoff commented on the Charter amendment, Issue #28 and if this passes by the residents, Council will be able to establish the method of sale and disposal of city property. Mr. Kostoff added this would be a cost saving to the city and asked the residents to kindly take a good look at this issue. Mr. Ryland commented on the paper shredding day this past Saturday that Mr. Jones referred to; we had 18,900 pounds of paper that was shredded from 9 AM to 12:00 Noon. Mr. Ryland stated the line of traffic at city hall was incredible; it was steady all day long. Mr. Pelot explained more on Mr. Kostoff's comments on Issue #28 and the legal requirements for advertising in the papers and stated the cost is about \$500.00 and ads must run consecutive, the costs add up so please keep that in mind. Mr. Kostoff added that it's not to say we will comply with what other communities are doing, it's that the amount of times we have to run these ads, do add up.

ADJOURN:

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

Mike Zita, 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 November 9, 2009.

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.