



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MARCH 23, 2009**

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

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

The Regular Council Meeting convened on Monday, March 23, 2009 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, Vice President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mr. Pelot reminded everyone about the public hearing at 7:15 and that we would take a temporary recess during the meeting to start the public hearing on time.

COMMUNICATIONS FROM THE PUBLIC:

Ms. Whipkey, a Norton resident, commented on Res. #30-2009 (CIC) and Ord. #31-2009 (Land reutilization program) stating that she would prefer Council hold off on adopting these tonight and have more discussion on these issues. Ms. Whipkey urged Council to fully understand what it is they are proposing to adopt. Ms. Whipkey stated we need to have stipulations in place before we turn the CIC loose in the city. Ms. Whipkey stated the people that recommended this are not from Norton, the majority of the business people on this Board are also in the area that wants the flooding taken care of. Ms. Whipkey stated one of them is not even a resident of this city, he is a Wadsworth Council member. Ms. Whipkey stated she finds it hard to very well, it would always be a conflict. Ms. Whipkey discussed placing stipulations as to who believe that someone can represent both cities at the same time and represent either of them can purchase property, and prohibiting any member of the CIC or any members of the Business Advisory Task Force or members of their family. Ms. Whipkey suggested this could be a very exclusive little bunch that could be looking to get these properties. Ms. Whipkey stated it was brought to her attention that the reimbursement for a Councilperson is not going to be issued because somehow it has been construed that ORC Section 705.92 does not pertain to our city. Ms. Whipkey pointed out the fact that laws seem to only be upheld in Norton when they are laws that you seem to like. When Ohio Revised Code is something that is for the people, all of the sudden it doesn't seem to pertain. Mr. Pelot reminded Ms. Whipkey that this issue is slated for discussion at the next Council Committee Work Session on April 6, 2009.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of March 9, 2009 were approved as submitted.
Minutes of the Committee Work Session of March 16, 2009 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz commented that Mr. Ryland has returned from his vacation and that Mr. Moss did a good job as the Acting Administrative Officer in his place and thanked him.

Mr. Ryland indicated we had nine (9) Firefighters that have advanced to the 240 status, and their education was paid for by a grant from the State of Ohio. This 240 status means that additional training that is required in order to respond to a fire. A minimum of 120 hours, is required, which everyone has, however nine (9) have exceeded that and advanced to the 240 status. Mr. Ryland stated that he was reading the minutes from last week relating to the Newpark Drive flooding and he has contacted Ms. Sutton's office earlier today and discussed these concerns. Mr. Ryland discussed attempting to revitalize an older project with the Army Corp. of Engineers for a flood plain study to see if they can assist us. In addition he has made contact with the Summit County Engineers to see if they would take a look at the drainage ditches that are at the back of the properties that we do not have access to because we do not have a track hoe. They will be giving the city a proposal to clean those areas out in the near future. This is all in an effort to let the business owners, Council members, and the community, understand that we are not turning our backs on this area. We fully realize this area is vital to this city and we are doing everything we can to address it and improve the situation.

Mr. Moss stressed the need for waiving the readings on Ord. #43-2009 and #44-2009 because the project is ready to go forward and he has all the paperwork ready to go.

Mr. Kostoff discussed the status of the Beldick Motel issue and advised that service was obtained on the property owner. He has twenty-eight (28) days to respond, if he files an answer we will proceed to a trial and a pre-trial. Mr. Kostoff reported that the appellants filed their reply brief in the case of the City of Norton vs Karla Richards, *et al*, known as Issue #26. This is the end of all written pleadings filed with the court. Mr. Kostoff stated that it was his understanding the next step would be the court would set a date for oral arguments. Mr. Kostoff indicated he would advise everyone as soon as he was made aware of this date.

INTRODUCTION OF NEW LEGISLATION:

ORD #41-2009

Mr. Mowery offered Ord. #41-2009 for its first reading, and asked the Clerk to read it:

AN ORDINANCE ADDING SECTION 660.18 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

First reading only.

ORD #43-2009

Mrs. Hlas offered Ord. #43-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AN ADVANCE FROM THE GENERAL FUND INTO THE CONNECT ROAD FUND 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.

Nays: None

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #43-2009, seconded by Mr. McGlone. Mrs. Hlas indicated this was a 90/10 split and we are temporarily moving funds until we get the funds from the State of Ohio. Mayor Koontz corrected the figures stated by Mrs. Hlas, this grant is a 50/50 split.

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

Motion passed 6-0.

ORD #44-2009

Mrs. Hlas offered Ord. #44-2009 for its first 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, 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
Nays: None

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #44-2009, seconded by Mr. McGlone.

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

Motion passed 6-0.

PUBLIC HEARINGS:

Mr. Pelot temporarily recessed the Regular Council Meeting to convene the Public Hearing at 7:15. Mr. Pelot asked the Clerk to certify the legal notice for the Public Hearing. Mrs. Richards certified that a legal notice for this Public Hearing was published in the Barberton Herald on March 9, 2009 and a notice was mailed to the property owner by certified mail.

Mr. Pelot called for anyone in favor of this application to come forward. Mr. Don Bessemer of Bessemer Farms, 1456 St. Michael's Avenue, Akron, OH 44320 came forward. Mr. Bessemer indicated their family has been farming this property and has been feeding Norton and the surrounding areas for over 100 years. With this passing, it would help to keep us doing what we have been doing all along. Ms. Whipkey, stated she was in favor of this application. Mr. Pelot called twice more for anyone in favor, there was no response. Mr. Pelot called three times for anyone against this application to come forward, there was no response.

Mr. Pelot closed the Public Hearing at 7:19 and reconvened the Regular Council Meeting back to session.

RES #42-2009

Mr. Braman offered Res. #42-2009 for its first reading and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF FARMLAND LOCATED AT 4044 SUMMIT ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Braman moved to waive the second and third readings, seconded by Mrs. Hlas. Mr. Braman stated these resolutions for the Agricultural Districts are all time sensitive and he is requesting to waive all readings for them tonight.

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

Motion passed 6-0.

Mr. Braman moved to adopt Res. #42-2009, seconded by Mrs. Hlas.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION:

RES #30-2009

Mr. Braman offered Res. #30-2009 for its third reading and asked the Clerk to read it:

A RESOLUTION DETERMINING TO ORGANIZE A COMMUNITY IMPROVEMENT CORPORATION.

Mr. Braman moved to adopt Res. #30-2009, seconded by Mrs. Hlas. Mr. Jones discussed the CIC and the Business Development Task Force and stated he hoped to have residents from the community sit on this Board. Mr. Jones stated he had a listing of approximately twenty-three (23) people for the Task Force and asked how many people would be sitting on the CIC? Mayor Koontz explained the CIC is something completely separate from the Business Development Task Force, their duty was to come up with ideas to help promote business within the city. This idea of forming a CIC was one of their suggestions and they will not be a part of the CIC. Mr. Jones asked if the public was invited to attend any of the Task Force meetings? Mayor Koontz stated he thought we were discussing the CIC legislation, however the Task Force meet on their own schedule and its not a public meeting per se, they don't spend or recommend spending any money, they are just a recommending Board. Mr. McGlone asked if the CIC makes a decision on something they would like to do, doesn't this have to come to Council? Mayor Koontz stated their recommendation must come to Council for their approval. Mr. Braman stated this legislation tonight is just to organize a CIC. Mr. Kostoff concurred, adding that his memo to all of Council several weeks ago pretty much laid it all out. Mr. Kostoff stated after the CIC is established there would be an economic development agreement, which outlines a whole variety of issues which must come before Council, and you can place stipulations within that agreement. The CIC would have the option of whether or not they would accept your stipulations in that agreement.

Mr. Kostoff reminded everyone that there is the requirement that at least two fifths of the members will be public office holders of the community, so there is also oversight in that regard Mr. Pelot reminded everyone that the CIC is also governed under the Ohio Revised Code, which covers what the CIC can and cannot do.

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

Motion passed 5-1.

ORD #31-2009

Mr. Braman offered Ord. #31-2009 for its third reading and asked the clerk to read it:

AN ORDINANCE ADOPTING AND IMPLEMENTING THE PROCEDURES UNDER CHAPTER 5722 OF THE OHIO REVISED CODE TO FACILITATE REUTILIZATION OF NONPRODUCTIVE LAND WITHIN THE CITY.

Mr. Braman moved to adopt Ord. #31-2009, seconded by Mrs. Hlas.

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

Motion passed 5-1. Mr. Kostoff stated although he did not comment on Councils position on the CIC, he is strongly in favor of this legislation. Mr. Kostoff stated if everyone here is so sensitive about the costs in this city, this is one area that is fundamental with that respect. Mr. Kostoff explained that with this legislation in place the city would be able to recover all of the costs associated to the demolition of the Easton Road property. If you are interested in saving money while at the same time cleaning up some of the areas in your community, this is the best way to do that.

RES #33-2009

Mr. Braman offered Res. #33-2009 for its second reading, and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 4117 GREENWICH ROAD IN AN AGRICULTURAL DISTRICT.

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

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

Motion passed 6-0.

Mr. Braman moved to adopt Res. #33-2009, seconded by Mrs. Hlas.

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

Motion passed 6-0.

RES #34-2009

Mr. Braman offered Res. #34-2009 for its second reading and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 4492 CLEVELAND MASSILLON ROAD IN AN AGRICULTURAL DISTRICT.

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

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

Motion passed 6-0.

Mr. Braman moved to adopt Res. #34-2009, seconded by Mrs. Hlas.

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

Motion passed 6-0.

RES #35-2009

Mr. Braman offered Res. #35-2009 for its second reading, and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE PLACEMENT OF FARMLAND LOCATED AT 4492 CLEVELAND MASSILLON ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Braman moved to waive the third reading of Res. #35-2009, seconded by Mrs. Hlas.

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

Motion passed 6-0.

Mr. Braman moved to adopt Res. #35-2009, seconded by Mrs. Hlas.

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

Motion passed 6-0.

RES #36-2009

Mr. Braman offered Res. #36-2009 for its second reading and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 2392 WADSWORTH ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Braman moved to waive the third reading of Res. #36-2009, seconded by Mrs. Hlas.

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

Nays: None

Motion passed 6-0.

Mr. Braman moved to adopt Res. #36-2009, seconded by Mrs. Hlas.

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

Motion passed 6-0.

ORD #39-2009

Mrs. Hlas offered Ord. #39-2009 for its second reading and asked the Clerk to read it:

AN ORDINANCE ADOPTING THE ALTERNATIVE TAX BUDGET FOR THE CITY OF NORTON FOR THE FISCAL YEAR 2010 AND DECLARING AN EMERGENCY.

Second reading only.

ORD #40-2009

Mrs. Hlas offered Ord. #40-2009 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE MAYOR TO ENTER INTO A CONTRACT WITH ORIANA HOUSE, INC. AND DECLARING AN EMERGENCY

Second reading only.

UNFINISHED BUSINESS:

Mr. Jones stated that Council now has copies of his conversations with Mr. Moss relating to his reimbursements. Mr. Jones stated after speaking with his attorney he has been advised that he is entitled to the full amount of \$495.65. Mrs. Hlas indicated that we have this information and this will be on the next work session agenda for April 6, 2009. Mr. Pelot inquired if Mr. Jones' attorney had ever provided him with a written legal opinion to that effect and Mr. Jones stated he would rather not discuss it right now. Mr. Pelot suggested that this opinion could be provided by the next work session. Mr. Jones indicated this might be addressed at the next work session. Mr. Jones asked Mrs. Hlas if she had met with Mr. Moss to discuss concerns raised by Mrs. Tompkins on January 5, 2009 relating to expenses? Mrs. Hlas indicated she has met a couple of times with Mr. Moss and she would get something to Council on that soon. Mr. McGlone discussed the comments relating to possible funding for Newpark Drive, and Mr. Moss elaborated on that previous discussion. Mr. McGlone stated that he when he voted on that his intention was to set money aside for expansion of water and sewer. Mr. McGlone expressed his concerns that if we were to ever access these funds, that there is full discussion with Council and Administration before anything is set in place. Mr. Moss stressed that he was only dealing with this on a legal standpoint because it was brought up in discussion, and Councils decision puts a limit on everything.

NEW BUSINESS:

Mr. Jones asked Mr. Ryland if he would get with Joann at ODOT about the construction for the re-paving on St. Rt. 261. Mr. Ryland replied that construction is slated to begin at the end of May and a pre-construction meeting has already taken place.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz had several announcements, (see attached).

Mr. Jones asked Mayor Koontz about the Eshlich C & D dump and if they are planning on installing a sewer line along Wadsworth Road? Mayor Koontz deferred this issue to Mr. Ryland for the details. Mr. Ryland replied the Barberton Health Dept. held some discussions with the owner and the owner has realized that there is a beneficial cost saving to having a sewer line installed.

Mr. Pelot reminded everyone there was no Council or Committee meeting on Monday, however there is the Town Meeting at the Community Center at 6:00 PM to discuss the income tax credit.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:43 PM.

Scott Pelot, 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 April 13, 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.