



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, APRIL 27, 2009**

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
Pete Kostoff
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Monday, April 27, 2009 at 7:01 PM, in 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:

There was no discussion or dialogue from the members of Council.

Mayor Koontz introduced a Proclamation to Jo Ann's Professional Touch, Ohio's founding Cleaning for a Reason Foundation member, (see attached).

COMMUNICATIONS FROM THE PUBLIC:

Ms. Charlotte Whipkey, a Norton resident, spoke regarding Ord #45-2009-Council Rules stating that this is censoring our right to speak. Ms. Whipkey discussed the reference to the only code section mentioned, 648.05 and it's only mentioned twice. Ms. Whipkey stated that she was just informed prior to the meeting that there might not be any more tapes made after tonight. Ms. Whipkey stated that she was under the impression and its even in your own Council Rules that the Council meetings would be taped. Ms. Whipkey indicated this was not removed from the Council Rules. Ms. Whipkey discussed last week's discussion on the Cleveland-Massillon Road project, and that we did not have the money in the General Fund for this. Ms. Whipkey stated in the memo it referenced contacting Bond Counsel. Ms. Whipkey took issue with our Bond Counsel, Amanda Gordon, who is also employed by the same firm as Mr. Kostoff. Ms. Whipkey asked what happens when we have a problem with this, do we go to another attorney like we have already done twice this year already because of a conflict of interest? Isn't this a conflict of interest? Ms. Whipkey discussed the various bonds out there and that they are all adding up, we need to think about this, and how our legal things are all tied into the same organization. Mr. Kostoff explained that Ms. Whipkey's reference to bonds was a very broad term. In relation to contractors, they are required to post bonds, and those do not come from Roetzel and Andress, they come from the contractors insurance company. Mr. Kostoff discussed his contract, which provides for his firm to be able to do various functions and for him as the Law Director to be able to use various people within his firm as specialists in certain areas of the law.

Mr. Kostoff stated if you did not use specialists in these areas, you would hire a variety of different lawyers, which is why he felt this Council and Administration chose to hire a firm with broad areas. Mr. Kostoff also discussed Ms. Whipkey's statements of it being unnecessary to adopt the Council Rules with legislation; clarifying that the Clerk could pull out the various pieces of adopted legislation. Mr. Kostoff stated these are your rules, modifications and amendments. He is asking that Council give the Rules the enforcement of the law. Mr. Kostoff stated that apparently this was not a new idea and someone other than himself had the crazy notion to adopt them with legislation and Mr. Kostoff wanted the record to be corrected.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of April 13, 2009 were approved as submitted.
Minutes of the Committee Work Session of April 20, 2009 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz announced that last week AMATS did approve the Federal Stimulus money for the repaving of the Greenwich and Norton Avenue. Mayor Koontz stated the total was \$515,456.00 and is scheduled to be paved in 2010. Mayor Koontz discussed the results from the Norton Clean Up Day, we had 45 kids and 45 adults last Saturday, it was a great turnout and beautiful weather. We had one large dumpster donated by J & J Refuse that was filled up, and Mayor Koontz thanked everyone who came out to help.

Mr. Ryland stated there was a joint meeting with the Summit County Health Dept. and the Barberton Health Dept. this week to discuss the transition. Mr. Ryland indicated that everyone agreed on the date of June 1, 2009 for a smooth transition for the transfer of records and communications. Both agencies will be working very closely with each other throughout the month of May to see that everything goes smoothly on June 1, 2009. Mr. Ryland stated that a Board of Control meeting was held today to approve a new roof for the Service Garage at a cost of \$22,800.00. Mr. Ryland discussed the recent building activity at the tennis building at Columbia Woods Park. This is part of the contract with the Norton City Schools and is paid for by the schools.

Mr. Moss indicated that he had a few items for the next work session. Mr. Moss stated that since Council recently approved legislation for the Alternative Tax Budget, he has submitted this to the County. Mr. Moss reported that the city has submitted all of the information for the GAP process to get underway, which is ahead of schedule.

Mr. Kostoff discussed the Beldick case, advising that the owner has filed a request with the court asking for an extension of time to file his answer, which was filed pro se (by himself-no attorney). Mr. Kostoff stated that the court most likely would grant the additional request of twenty-one (21) days to respond.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #49-2009

Mrs. Hlas offered Ord. #49-2009 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH GLAUS, PYLE, SCHOMER, BURNS AND DEHAVEN, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE WIDENING OF COUNTY ROAD 17, TO APPROPRIATE FUNDS FOR SAID AGREEMENT, AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone. Mrs. Hlas stated we held off on this for two (2) weeks already and this is something the Administration is waiting on.

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

Motion passed 5-1.

Mrs. Hlas moved to adopt Ord. #49-2009, seconded by Mr. McGlone. Mr. Jones stated he is not opposed to the widening project, it's a good deal, it's the person who proposed and drew up this ordinance that he is against, and that is the reason he is voting no.

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

Motion passed 5-1.

ORD #50-2009

Mrs. Hlas offered Ord. #50-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT FOR PROPERTY AND CASUALTY INSURANCE, FOR THE PLAN YEAR APRIL 28, 2009 THROUGH APRIL 28, 2010, 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, Zita
Nays: None

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #50-2009, seconded by Mr. McGlone. Mrs. Hlas stated that all of Council should have received the documents in their mailboxes and this does go into effect today. Mr. Ryland noted one correction on the occurrence liability from \$4,000,000.00 to \$10,000,000.00 which is an additional \$5,000.00 to the premium.

Mr. Ryland stated even with this additional cost, it is still a substantial reduction from last year's premium of \$104,000.00.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #45-2009

Mr. Jones offered Ord. #45-2009 for its second reading and asked the Clerk to read it, however he stated he is opposed to Council changing the Rules at this time:

AN ORDINANCE ADDING SECTION 220.06 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #46-2009

Mr. Braman offered Ord. #46-2009 for its second reading, and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1236.08 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #48-2009

Mrs. Hlas offered Ord. #48-2009 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 880.15 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO TO REDUCE THE TAX CREDIT PERMITTED ON MUNICIPAL INCOME TAXES PAID BY RESIDENTS TO ANOTHER MUNICIPALITY FOR A TWENTY-FIVE YEAR PERIOD COMMENCING JULY 1, 2009, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #41-2009

Mr. Mowery offered Ord #41-2009 for its third 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.

Mr. Mowery moved to adopt Ord. #41-2009, seconded by Mr. Jones.

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

Motion passed 6-0.

UNFINISHED BUSINESS:

Mr. Jones discussed the road patching being done this month, and called to Mr. Ryland's attention a large hole on Wadsworth Road, east of 3520. Mr. Jones stated if someone was to hit this hole, we could be in serious trouble. Mr. Ryland indicated he would look into this. Mr. Jones stated that back in April, he had asked Mr. Ryland about the actual number of employees working at Comunale that are paying Norton taxes, and he is still waiting for that figure. Mr. Jones stated that as he understands it, they do not have 200 employees. Mr. Ryland stated he would be meeting with Comunale soon and would ask for exact numbers.

NEW BUSINESS:

Mr. Zita responded to Ms. Whipkey's concerns about turning in tapes for recording. Mr. Zita stated that our Audio Visual Intern has now completed her required hours and is finished with her schooling and she is ready to graduate. Mr. Zita stated that we did talk about this a while back to allow her to continue to tape our meetings so she would get her credit hours, and now her assistance is no longer needed. Mr. Zita stated the equipment we have might not be in the best working condition, however it is there if we need it. As far as the Audio Tech, it is usually a senior that we hire and the school year is nearly over anyway. Mrs. Campbell suggested we ask her to attend the next meeting so we can thank her personally.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz read the attached announcements (see attached). Mayor Koontz stated that for Arbor Day he planted an Autumn Blaze Maple tree at Columbia Woods Park this past Saturday.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:31 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 February 23, 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.