



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MAY 11, 2009**

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

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

The Regular Council Meeting convened on Monday, May 11, 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:

Mr. Jones moved to add Ord. #58-2009 to tonight's agenda, seconded by Mr. Braman. Mr. Jones stated he was not sure where this fell short or why it was not addressed last week during the Committee Work Session. Mr. McGlone asked Mr. Ryland if we have someone that is supposed to be watching this? Mr. Ryland indicated that he is the one that dropped the ball, he supposedly received an email on April 21, 2009 telling him of the deadline. He does not recall getting this email and cannot locate it. Mr. Ryland indicated that last week he sent this to legal counsel for review and just last Friday he received notification that this must be approved by Council by May 13, 2009 for it to become effective. Mr. Jones noted that for the third time this year Mr. Irving Sugerma has prepared legislation, and asked what seems to be the problem with our Law Director, is this a conflict with their law firm? Mr. Ryland replied yes, FirstEnergy is a client of Roetzel and Andress and it was advised to take it outside their firm to make sure the interests of the city was protected.

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

Motion passed 7-0.

Mr. Pelot discussed Council Rules Ord. #45-2009 and that the current version in the packet needs to be amended to include clarification that came up during last week's discussion. Mr. Pelot discussed one change on the front cover page to remove the reference of two-thirds (2/3) changing this back as it was to majority. Mr. Pelot explained the changes as follows: RULE 503: Videotaping of Council Meetings. **Should Council choose to** Videotaping of Council Meetings, **it** shall be under the direction of Council without any form of censorship, excepting the deletion of profanity, obscenity, or any matter unacceptable under FCC

regulations. RULE 504: Archiving of audio/video tapes: All audio and videotapes (**if available**) shall be archived until the hard copy of the minutes have been approved and signed by the President of Council and the Clerk of Council. Mr. Pelot moved to amend the Rules to reflect these changes, seconded by Mrs. Hlas.

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

Motion passed 6-1.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Todd Bergstrom, a Norton resident and Chair of the Norton BZA, spoke in support of Ord #48-2009. Mr. Bergstrom stated he has lived here for the past 16 ½ years and came from Stow, which had a lot of growth at that time. Mr. Bergstrom stated he is an Engineer with URS Engineering and has been in the engineering field for the past 25 years. Mr. Bergstrom stated he can see and understand what leveraging money is all about. Mr. Bergstrom stated the city needs funds and the only way to generate the funding is with a change in our tax credit. Mr. Bergstrom stated that just to maintain our current state as it is now, (our roads, water systems, etc.) we don't even have the money now. This totally impacts the values of our homes, our overall community. We are not even talking about the city's growth potential. Bergstrom stated that if we don't do this now, we would never get out of what seems to be a snowball that we have been living with in regards to our infrastructure.

Mr. Paul Tousley, a Norton resident, spoke against Ord. #48-2008, stating that he did not plan on attending tonight until he read the Mayors comments in the Norton Post. Mr. Tousley stated he found Mayor Koontz's comments very offensive about residents finding "excuses" such as "I already have sewer and water, my septic system is just fine, I have a new septic system, and this should go before the voters, or why do this now when the economy is so bad". Mr. Tousley stated this offends him to no end that the Mayor thinks his income or those around him is an excuse, people here are suffering. Mr. Tousley took issue with the previous debate and discussion about the mosquito spraying, the money spent and that this should be brought to the voters. That's \$10.00 a year. With this tax credit adjustment we are talking about hundreds of dollars a year, shouldn't this go to the voters and let the free society vote on it? Mr. Tousley stated that he believes in a free society, and doesn't feel you have the right to decide for all of us. Mr. Tousley stated that he is against this although it won't even affect him, he works in Rittman and their tax in 1.5%. Mr. Tousley urged Council to please consider putting this before the voters.

Mr. Chuck Thompson, a Norton resident, stated he has only been a Norton resident for a few years, and he understands the importance of sewers and waterlines and is not opposed to them. Mr. Thompson stated that he works in Akron and for him it would be a 2 ¾ % of city income tax. Mr. Thompson stated that this is a bad time of year to be adding a tax to the residents. Mr. Thompson stated that if this is something that is to benefit all of the residents then it should be paid by all of them, and all of the residents should get to vote on it. Rather than taking the ½% and adding this to his taxes that he is already paying, why can't we do ¼ % for everybody. That way it's not such a big bite for all of us. Mr. Thompson stated that he has nothing against the retired citizens, he is basically retired himself.

Charlotte Whipkey, a Norton resident, spoke about Ord. #48-2009, and clarified that this does not involve roads, it is for sewer and water. The only roads that would be repaired out of this money are the ones torn up during that process. Ms. Whipkey discussed Ord. #45-2009-Council Rules and stated again this does not need to be done by a law. Out of 40 years, two (2) Council groups saw fit to put them into our ordinances, 38 years they were not. Its nothing more than just another way to muzzle us and you, we are already half way through the year. We could be looking at a whole new bunch next year that may be saying different things; it doesn't need to be curtailed now. Ms. Whipkey stated she has been aware that Council has been brought up to date on all of the stimulus money the city has applied for. Ms Whipkey stated she believes we have all been paying extra taxes for the last two years on the fire levy that was supposed to build a new fire station. Now we come to find out that the city has asked for stimulus funds to pay for the new fire station. We passed a levy supporting our Fire Dept. and our city saying that we wanted this. The first thing we heard was that you were going to take away our community center to do it. Now we find out you are asking for new funding from the Federal Government to pay for it. What were you planning on doing with the money you have been collecting and would continue to collect from the people?

Mr. Dan Karant, a Norton resident and Chair of the Norton Health Advisory Board, spoke in favor of Ord. #48-2009, and read his comments (see attached).

Mr. Jeff Case, a Norton resident, spoke against Ord. #48-2009, stating that you spent too much time last week talking about mosquitoes, let's spend more time on this issue. It would take more money out of his pocket than the M.A.D. Mr. Case stated he is the Production Manager for the company he works for and if things don't pick up real soon, they will be closing before summer is over. Wright Tool is closing down for the whole month of July. Mr. Case stated he did not know of any new businesses coming into Norton anytime soon. Mr. Case stated all he could do is ask Council not to do this or at least put this to a vote of the people. Mr. Case stated the only thing he can do is vote and he would never step foot in another business in Norton.

Mrs. Elaine Tompkins, a Norton resident, spoke about Ord. #53-2009 and the title reference to "certain other parcels" stating that she did not like to see open contracts or payments that could go on and on. Mrs. Tompkins stated that she would like to have better clarification on this before the vote. Mrs. Tompkins discussed the bonding issue and the city's law firm is an independent contractor for the city. Mrs. Tompkins asked if this could be identified as a conflict of interest in the future. Mrs. Tompkins reminded everyone that we had the independent contractor prior to hiring Roetzel and Andress, she just happened to be a former employee of Squire, Sanders and Dempsey out of Cleveland. She came to work as a Bond Attorney for Roetzel and Andress and we picked her up back in 2003 when we did our initial bonding. Mrs. Tompkins discussed Ord. #52-2009 and the requested budget increase amount of \$2,486,000.00 and notes and bonds written for \$1,400,000.00. Mrs. Tompkins stated this is hardly an emergency and should not be voted on until it is discussed further. Mrs. Tompkins mentioned the comments made earlier about the fire station and use of the stimulus money, and that she has talked with Ms. Sutton's office. Mrs. Tompkins stated she hoped that Ms. Sutton's office red lines this item that was requested, and works on Norton's actual needs.

Mrs. Tompkins stated another payment went out to the fire stations architect for \$17,500.00-Mr. Klingensmith. Mrs. Tompkins asked to have a status report at the next meeting on the payment/assessment of the Johnson Methodist Church for the Johnson Meadows project. The city borrowed \$500,000.00 back in 2003 and she asked if the city has received any payments on the project costs of the borrowing? Mrs. Tompkins stated that the same bonding attorney assured the city at that time “to borrow the money for the project would cost the city nothing”. This is not quite the fact of record.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of April 27, 2009 were approved as submitted. Minutes of the Committee Work Session of May 4, 2009; Mr. Jones noted that Mrs. Richards caught some of the minor typo’s as did he. The minutes were approved as submitted with the exception of the few minor typo’s.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz read the attached proclamation supporting National Police Week, and presented it to Officer Bill Braman. Mr. Moss commented about Mrs. Tompkins statements relating to Bond Counsel, adding that it is a requirement that all Bond Counsel attorneys are independent contractors. Mr. Moss stated that as matter of fact, all of our legal services are obtained by independent counsel. Mr. Kostoff announced the date of June 17, 2009 at 11:00 AM has been set for oral arguments in the election case and will be held at the State office building in downtown Akron. Mr. Jones inquired if this was in regards to Issue #26, and Mr. Kostoff replied, for the third time yes. Mr. Jones stated we have some new people here in the audience here tonight.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #51-2009

Mr. Mowery offered Ord. #51-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A MUTUAL/AUTO AID AGREEMENT FOR FIRE PROTECTION TO THE CITY OF BARBERTON, CITY OF NEW FRANKLIN, CITY OF WADSWORTH, TOWNSHIP OF CHIPPEWA, TOWNSHIP OF SHARON, AND VILLAGE OF CLINTON, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Mowery moved to adopt Ord. #51-2009, seconded by Mr. Jones.

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

Motion passed 7-0.

ORD #52-2009

Mrs. Hlas offered Ord. #52-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH A FUND AND AMEND THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009 AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third reading, 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. #52-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #53-2009

Mrs. Hlas offered Ord. #53-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,400,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS AND THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS TO PAY COSTS OF THE IMPROVEMENT OF CLEVELAND-MASSILLON ROAD, GREENRIDGE ROAD, DURHAM ROAD, DRIFTWOOD ROAD AND CERTAIN OTHER PARCELS BY CONSTRUCTING AND INSTALLING WATER LINES, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO COMPRISING THE CLEVELAND-MASSILLON ROAD WATER IMPROVEMENT PROJECT, 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. #53-2009, seconded by Mr. McGlone. Mr. Jones asked Mr. Ryland how Driftwood Road fits into this project, are we going to attach to the Brentwood plant later on? Mr. Ryland replied the Engineers design has a 20 ft. waterline extension going into Driftwood with a fire hydrant on it. There is a possibility to put Brentwood Estates on a central water system, however in reality it is not part of this project. Mayor Koontz stated that if this were to take place in the future, the current well system in Brentwood would be abandoned at that time. Mr. Ryland clarified it is just the ability to do so later if we chose. Mr. McGlone asked for clarification on the language of "certain other parcels" and Mr. Ryland replied it is boilerplate language in case we miss something. Mr. Kostoff stated that you have one parcel on one street, and one on another, and they have all been on record and advertised as such since the beginning of this project. Mr. Kostoff stated that there are some that would have preferred he created this legislation in a different manner, however the point is if you adopt this ordinance it has the face of the law behind it.

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

Motion passed 7-0.

ORD #54-2009

Mrs. Hlas offered Ord. #54-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR AND DIRECTOR OF FINANCE TO ENTER INTO AGREEMENTS FOR THE DEPOSIT OF PUBLIC FUNDS WITH CHARTER ONE BANK 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. #54-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #55-2009 **First Reading:**

Mrs. Hlas offered Ord. #55-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AN ADVANCE FOR FISCAL YEAR 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. #55-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #56-2009

Mrs. Hlas offered Ord. #56-2009 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 reading, 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. #56-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #57-2009

Mrs. Hlas offered Ord. #57-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE A TRANSFER FOR FISCAL YEAR 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. #57-2009, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD. #58-2009-Added to the Agenda

Mr. Jones offered Ord. #58-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH FIRST ENERGY SOLUTIONS CORPORATION TO PROVIDE ELECTRIC POWER FOR THE CITY'S ELECTRICITY AGGREGATION PROGRAM, 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. #58-2009, seconded by Mr. Braman. Mr. Jones stated that although he supports this legislation, he would be voting no because of the person who prepared it. Mr. Pelot asked if this years rate is any different than last years and Mr. Ryland replied, yes it is slightly lower.

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

Motion passed 5-1-1.

INTRODUCTION OF PRIOR LEGISLATION:
AMENDED ORD #45-2009

Mr. Pelot offered Amended Ord. #45-2009 for its third reading and asked the Clerk to read it:

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

Mr. Pelot moved to adopt Amended Ord. #45-2009, seconded by Mrs. Hlas. Mr. Jones stated he couldn't support this. The residents in this community have a right to speak. He has said it before and he will say it again, he is not about to muzzle anyone from speaking, whether they use his name or anyone else's and whether it is for or against something. They are the ones paying the tax bill and they have a right to speak out, and he cannot support this.

Mr. Mowery stated he has been on Council for ten (10) years and has always supported not limiting the people's right to speak, on what they want to say, to whom they want to say it to, etc. Mr. Mowery stated that for the few good people that want to come to Council and speak, we should not limit them. Mr. McGlone stated he has been on Council for seven (7) years and he has never seen Council Rules become such a long and drawn out process. Mr. McGlone stated it's been a waste of time. He is against the Public Comment limit to thirty (30) minutes; it is limiting their right to speak. He stated he was also against the mandatory requirement to attend meetings, it does not spell out the discipline, and he cannot support this.

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

Motion failed 3-4.

ORD #46-2009

Mr. Braman offered Ord. #46-2009 for its third 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.

Mr. Braman moved to adopt Ord. #46-2009, seconded by Mr. Pelot. Mr. Braman stated this is a requirement for new private streets to be constructed the same as new public streets.

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

Motion passed 7-0.

ORD #48-2009

Mrs. Hlas offered Ord. #48-2009 for its third 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.

Mrs. Hlas moved to adopt Ord. #48-2009, seconded by Mr. Pelot. Mr. Jones stated he received several calls, even from residents in other wards to discuss this. Mr. Jones stated that all in all it is probably a good idea, however the timing is terrible. He understands the need for sewer, and he has heard that if we don't do something the city would be fined. Mr. Jones asked Mayor Koontz what that fine might be? Mayor Koontz replied the fine has not been stated yet, however Akron is facing hundreds of millions of dollars. Mayor Koontz stated the fines are generally waived so that you put the money toward the construction instead. Mr. Jones stated that the Mayor held a good town meeting on March 30, 2009, and had no fault with that.

Now we see almost \$2.40 a gallon for gas and some people are just getting by here. Mr. Jones stated he knows we need sewers, but he just can't support this. Mr. McGlone stated he is against this too, it should be voted on by the people. Mr. McGlone stated he opened the papers last week after the election to see Ravenna, Streetsboro, and Brunswick all voting in city income tax increases and they all passed. Mr. McGlone stated that is how it should be done, he was not elected to tell the residents how much more they should spend. Mr. McGlone stated he also had a problem with the July 1 date, and that a lot of people have already done their budgets for the year, it should have been January 1. Mr. McGlone stated the economy is bad, there are cuts in jobs, and hours. Mr. McGlone stated he thought that at the January 20, 2009 meeting we were going to discuss giving the residents a break on the surcharges and access fees, and wondered why that discussion went nowhere. Mr. Mowery stated this is controversial issue if nothing else and he can see both sides to this. Mr. Mowery stated that he agreed with Mr. Jones and Mr. McGlone and we have to realize that everyone is on thin ice at this time, and we need to vote this down. Mr. Mowery stated he understands we do need sewer and water in this city to continue to thrive, we needed it ten (10) years ago but you have to understand we need people here too. How many times do you go to the well, will this be the last time, will we go to the people again for school levies? This might be the straw that could break the camel's back if this passes. Is this really stunting the growth of Norton? He did not think so and it sure would help those residents that are struggling if we don't pass this. Mrs. Hlas thanked and commended Mayor Koontz for taking the initiative and doing this. We have been a city for over forty (40) and for forty (40) years everyone has been waiting for the right time to do it. Mrs. Hlas stated there is no right time. If we don't do it now, she does not want to wait for the EPA to come in with the daily mandates and we will have to come up with the money. We will have to borrow the money in order to do it. Mrs. Hlas stated she did not think we want to be in the situation to have someone breathing down our necks and mandating things to us and not having the time to research our options. Mrs. Hlas stated this discussion about adjusting the surcharges is premature because we don't want to do anything yet until we see how the revenue looks from the tax credit. Mrs. Hlas stated she supports getting rid of the surcharges because of the tax credit roll back. We listened to the residents when they spoke, we set a twenty-five (25) year time line and it is a restrictive use of this money, specific for sewer and water and nothing else. Mrs. Hlas stated she supports this and the Administration and the Mayor have been actively going after any State or Federal funds that are available. The money will be used wisely and Council will still have the vote on what will be done and how it will be spent. Mr. Pelot concurred with Mrs. Hlas' comments, the residents spoke out, we listened and we addressed your concerns with this legislation on how this money would be spent. The intent behind this is to bring new business, we have be stagnant for over forty (40) years, look at how little growth we have had, we are still roughly 12,000 residents. Your taxes continue to go up year after year with no end in sight because nobody makes a plan to change anything. They say the definition of insanity is doing the same thing over and over again but expecting a different result. Well, that's what we have been doing in this city for these last forty (40) years. We have to get this additional income to be able to leverage our money against free Federal money. At one point in the past this city actually turned down Federal or State money for infrastructure, and that has been a huge impact on the city over the years. Water and sewer only increases your home values, and we are way over due for this. You elected us to make these tough decisions, to do what is right for the future of the city and the residents.

Mr. Pelot stated he works in the City of Akron and his wife works outside the city as well and this will impact him too. Mayor Koontz stated this was something he has been looking at ever since he became Mayor. This is the proposal he came up with, he held a town meeting, and we had three (3) or four (4) meetings on this. Mayor Koontz stated we have made some adjustments to it after listening to some of the concerns from the residents. No one had any other alternatives; nothing else has been proposed to accomplish this. Mayor Koontz apologized to anyone who may have felt they were insulted by his comments in the paper, he did not intend to offend anyone. Mayor Koontz stated this is vitally important to the city, something we must do to clean up our water, to protect our health. Mayor Koontz stated it also would keep residents from losing their homes because they are unable to connect to a sewer, and don't have enough land to build a new septic system. Mayor Koontz stated we have had three (3) homes already that cannot build a new septic system because the lots are too small and there is no sewer available to them. Mayor Koontz stated he does not want these people to lose their homes or anyone else in this city. Mr. Zita stated that approximately six (6) to eight (8) weeks ago the Mayor came to Council and asked for our input. At that time all seven (7) of us said it was worth time to pursue and to have the Mayor and Administration look into it. Mr. Zita stated so now here we are (8) weeks later and now we are not really sure what we want to do. We have already promised residents that we won't raise taxes and so forth, and now we are hesitant on what we decided a few weeks ago. Mr. Zita stated it would have been nice that if we didn't have the support eight (8) weeks ago, we would not have wasted the Mayor's and Administration's time preparing the information. Mr. Mowery stated he did not think it was a waste of time, the Administration did a good job in presenting what they wanted and how they wanted it done, it just didn't coordinate with what some of the Council members thought would be best for the residents.

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

Motion passed 4-3. Emergency language failed, needed an affirmative vote of two-thirds of Council (5-2). Mayor Koontz asked Mr. Kostoff to explain the 4-3 vote and this did pass. Mr. Kostoff stated that it would not go into by emergency measure, which means as soon as the Mayor signs it. It would take effect thirty (30) days from when the Mayor signs it. You are on the third reading. The only issue on the suspension previously deals with is if you wish dispense with three (3) full readings you act by a majority. It has received three (3) full readings, you acted by a majority vote here tonight. The only thing it does not impact is that it does not go into effect for thirty (30) days. Mr. Jones referred to Section 3.17, which states: "No by-law, ordinance or resolution of a general or permanent nature, or granting a franchise, or creating a right or involving the expenditure of money or the levying of a tax, other than a resolution providing for an election on the question of issuing bonds or levying a tax, or for the purchase, lease, sale or transfer of property, shall be passed unless it has been read on three different days, and with respect to any such by-law, ordinance or resolution, there shall be no authority to dispense with this rule except by the affirmative vote of two-thirds of the members of Council taken by yes's and no's on each by-law, ordinance or resolution and entered upon the journal. All readings shall be by title only, unless otherwise voted by a majority of the members of Council". *Mr. Jones discussed the reference to a levying of a tax and if it takes an affirmative vote of two-thirds to pass this? Mr. Kostoff replied no, it states "there shall be no authority to dispense with this rule except by the*

affirmative vote of two-thirds of the members of Council". *Mr. Kostoff stated that means to suspend the rules. Mr. Jones clarified that they have thirty (30) days before this becomes a law and Mr. Kostoff concurred. Mr. Mowery stated he is not questioning Councils decision, its over and done with, he wanted to clarify this is a 1/2% increase for 25 years, and Mr. Pelot stated it is not an increase, it is a decrease of the tax credit.*

UNFINISHED BUSINESS:

Mr. Jones discussed the entrance at the C & D dump on Wadsworth Road and asked if they pulled a driveway permit? Mr. Ryland stated he did not believe so, but he would check that out. Mr. Jones stated he is still waiting on the count for the employees at Comunale. Mr. Jones stated he wants to know how many employees are actually working in Norton and paying Norton taxes. Mr. Jones mentioned a few large holes on Wadsworth Road that need addressed. Mr. Ryland replied we actually drive Wadsworth Road on a daily basis, looking at the potholes and determine at 35 MPH how dangerous the holes are. Construction is supposed to start in about two (2) weeks and we have dropped 213 tons of patch this spring throughout the city. Mr. Jones stated he spoke with the Project Engineer (Tony) at ODOT Tony did not believe they would be starting at the end of the month. Mr. Ryland stated that he could produce the notes from the pre-construction meeting held with ODOT where they stated construction would begin the week before Memorial Day. Mr. Jones stated that he is being told differently and he is waiting to see the plans and drawings being sent to him by ODOT. Mr. Jones stated ODOT has no idea there is concrete under the pavement on the stretch of roadway in front of his home. Mr. Ryland stated that ODOT surveyed that area last year, there is no way they can't know about it.

NEW BUSINESS:

None

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Jones stated go Cav's tonight!

Mayor Koontz read the attached announcements (see attached).

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:13 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 May 26, 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.