



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
TUESDAY, OCTOBER 14, 2008**

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

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

The Regular Council Meeting convened on Tuesday, October 14, 2008 at 7:05 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 questioned if we need to table Ord #87-2008 because there may be some amendments to this? Mrs. Richards indicated that this was not necessary. Mrs. Richards indicated that her last discussions with Mrs. Ryan were that the Planning Commission would be meeting tomorrow to amend the map, which was part of the Planning Commissions exhibit to their resolution. Mrs. Richards indicated that it would be coming back to Council for their information only, not for any further action. Mrs. Hlas questioned if our legislation had an exhibit with it and Mrs. Richards indicated that it does not and that what is before Council this evening is accurate. Mr. Jones motioned to remove Res. #68-2008 from the table, seconded by Mr. Braman. Mr. Jones asked Mrs. Richards to clarify if we were in order with this. Mrs. Richards indicated that a legal ad was published in the paper to notify the residents that we could not get mail service on this and we received no written objections, so we are good to move ahead with this legislation.

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

Motion passed 7-0.

Mr. Pelot stated that our presentation from Summit County has been rescheduled to the October 27, 2008 Council meeting due to a conflict with their schedule today.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of September 8, 2008 were approved as written. Minutes of the Committee Work Session of September 15, 2008, Mr. Jones stated that although he was not present for this meeting, on page #3 he was appalled with the minutes. Mr. Jones stated that he understood the rules to be that we do not mention members of Council names directly, it's either Committee or Council as a whole and he opposed these minutes. The minutes were approved as written.

**COMMUNICATION FROM THE PUBLIC:**

Mr. Mike Meden, a Norton resident, spoke about the good feedback he has received about the Cider Festival and the fireworks this year. Mr. Meden stated that a lot of people are due some credit for making this possible. Mr. Meden thanked his crewmembers, there was no labor costs involved and two members came all the way from New Jersey just to help out. Mr. Meden thanked Mr. Weinsheimer who did an incredible job and put in a lot of his own hours to see that everything went as planned. Mr. Meden thanked Mr. Moss who was even here on Sunday morning helping to clean up litter in the parks. Mr. Meden thanked Ann Campbell for all of her great help this year. Mr. Meden stated that the city should be very proud of this year's festival. Mr. Meden stated that next year they will work at the fundraising and asking for donations from businesses to pay for the fireworks instead of the city paying for it.

Ms. Charlotte Whipkey, a Norton resident, spoke about the recent public meeting on the septic system inspections that was held last week. Ms. Whipkey stated that someone in the Administration indicated that they would like the Health Dept. to look at three specific areas and she wanted to know what these areas are. Ms. Whipkey mentioned Issue #26 to downsize Council and that it would save us money on wages and government retirement. Ms. Whipkey stated again that the city has not grown and passed out more information on the census figures (see attached). Ms. Whipkey stated that New Franklin has seven Council members but their population is estimated at 14,963. Ms. Whipkey reminded everyone to go out and vote on November 4, 2008 and that she appreciated everyone's support for the Charter changes.

**INTRODUCTION OF NEW LEGISLATION:**  
**ORD #84-2008**

Mr. Zita offered Ord. #84-2008 for it's first reading and asked the Clerk to read it:

AN ORDINANCE REPEALING SECTION 258.18 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, MINIMUM AND MAXIMUM RANGE SYSTEM OF COMPENSATION IN ITS ENTIRETY, EFFECTIVE DECEMBER 31, 2008.

First reading only.

**ORD #85-2008**

Mr. McGlone offered Ord. #85-2008 for it's 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 moved to waive the second and third readings, seconded by Mr. Jones. Mr. McGlone stated that the reason for the suspension is due to a timing issue.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Ord. #85-2008, seconded by Mr. Jones. Mr. McGlone explained that is was to proceed with a study for the widening for the Cleveland Massillon Road corridor.

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

Motion passed 7-0.

**ORD #86-2008**

Mr. Zita offered Ord. #86-2008 for it's first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATION TO DISPOSE OF PROPERTY NOT NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

Mr. Zita moved to waive the second and third readings, seconded by Mrs. Hlas. Mr. Zita stated that this piece of equipment is a grader that is no longer being used and we would like to scrap it out and get rid of it, no reason to keep it any longer.

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

Motion passed 7-0.

Mr. Zita moved to adopt Ord. #86-2008, seconded by Mrs. Hlas.

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

Motion passed 7-0.

**ORD #87-2008**

Mr. Braman offered Ord. #87-2008 for it's first reading and asked the Clerk to read it:

AN ORDINANCE TO REZONE VARIOUS PROPERTIES IN THE AREAS OF CLEVELAND MASSILLON, GREENWICH ROAD, CROYDON ROAD AND PLEASANT STREET, NORTON, OHIO FROM CURRENT ZONING CLASSIFICATIONS TO B-2 NEIGHBORHOOD BUSINESS DISTRICT.

First reading only.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD # 68-2008**

Mr. Jones offered Ord. #68-2008 for it's third reading, and asked the Clerk to read it:

AN ORDINANCE APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATING TO THE CONSTRUCTION OF WATER MAINS, HYDRANTS AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE PROJECT KNOWN AS

HAZELWOOD & CONNECT ROAD WATERLINES, AND DECLARING AN EMERGENCY.

Mr. Jones moved to adopt Ord. #68-2008, seconded by Mr. Braman.

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

Motion passed 7-0.

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

Mr. Moss indicated that he is working on the 2009 Budget and other budget issues and he would be bringing this to Council shortly. Mr. Kostoff reviewed the discussions at the October 6, 2008 work session and the comments regarding Issue #26. Mr. Kostoff stated his comments have always been directed to Council regarding this and any legislation. Mr. Kostoff indicated that he advised Council regarding their legal responsibility to place this matter on the ballot. Mr. Kostoff stated that he would be derelict in his duties not to advise Council about the legislation, not about the policy merits but legal aspects of it. Mr. Kostoff stated that the residents obviously do not have to consult with him regarding drafting referendums and initiative petitions. Mr. Kostoff stated that this matter is up to the voters to decide, and not the Law Director. Mr. Kostoff indicated that it is his duty as the city's Law Director to inform Council if there is solid ground on a matter that comes before Council and whether it is constitutional or not. Mr. Kostoff stated that the way this was drafted, it does not constitutionally address the matter. Mr. Kostoff stated he has also discussed and consulted with several other Law Directors, one of which could be considered the Dean of Law Directors of Summit County. They all stated that he we would be derelict in his duties as the city's Law Director if he had not advised Council that the manner in which this is being proposed is unconstitutional. Ultimately, if this does pass he would look to Council for their direction on this matter. Mr. Kostoff stated that it is not his function to file lawsuits without the direction from Council and the Administration. Mr. Kostoff stated that it is his duty as Law Director to tell you if in fact there is something that is flawed on a proposal on a legal basis. Mr. Kostoff stated that he did not believe this is fear mongering, and was quite offended by that. Mr. Kostoff stated that he is not interested in being involved in the internal politics of this community; that's not his job, his job is to give legal advice. Mr. Jones asked Mr. Kostoff how he felt about the peoples Charter? Mr. Kostoff replied that the Charter was passed by the people, and he is sworn like you are to follow the Charter. Mr. Pelot added that on behalf the majority of Council he felt that Mr. Kostoff was doing a great job, you were at the top of our list of applicants because you are a straight shooter, and thanked Mr. Kostoff.

**UNFINISHED BUSINESS:**

Mr. Jones stated that in the past he and Mrs. Hlas had discussed a traffic light at Hametown & Greenwich, and thought we were to discuss this after recess. Mr. Jones asked if we should move ahead with activating this light or not? Mr. Pelot stated that it was his understanding that we were going to wait until all of the construction on St. Rt. 21 was completed. Mr. Pelot stated that part of the previous discussion was about increased traffic due to the construction. Mr. Jones stated that is his reason for activating this light. Mrs. Hlas stated some of the discussion was relating to the hill there and that it is hard to activate a light with traffic coming over the hill and seeing a red light. Mr. Jones stated he looked into this and there is no issue with the hill, as soon as you approach the hill you can see the traffic light.

Mr. Jones stated his thought was to put a light at the bridge prior to the intersection to activate with it. Mrs. Hlas recalled discussing the cost to activate this traffic light and Mr. Jones stated he believed it was around \$80,000.00. Mr. Pelot indicated that he had asked Lt. Hete about this and his response was that a light was not necessary. Mr. Zita asked if the city has a traffic study in the past? Mrs. Richards recalled Mr. Ryland's discussion about this and that in the past ODOT conducted a study and it was determined a light was not recommended. Mr. Pelot suggested adding this to next weeks Committee Work Session agenda for discussion and we could ask Mr. Ryland if he can locate that ODOT study. Mr. Jones discussed CCA and that people were fed up with them and we could possibly save money. Mr. Moss indicated that he would work with Mrs. Richards on getting information for the next Committee Work Session. Mr. Jones thanked Mr. Weinsheimer for filling in the holes on Wadsworth and Hametown going north at the intersection. Mr. Jones stated that we still have a problem along Cleve-Mass. Road near Driftwood heading south. Mr. Jones was concerned with winter weather coming and salt getting down into it. Mr. Moss asked Mr. Jones for clarification on what exactly he wanted to have regarding CCA? Mr. Jones asked how much are we paying them? Mr. Moss replied that we pay a percentage of income based on work done. Mr. Jones asked how much we paid them last year, it has to be over \$100,000.00 and that we could hire someone for less than that. Mr. Pelot asked for a rough estimate for software programs, program updates, computers, number of employees just to do income tax filing. Mrs. Hlas stated that we need to keep in mind the collection process, which is a full time job alone. Mr. Moss stated that we need to ask ourselves do we want to build an income tax office that is more service oriented than what we have, or go for the savings? Mr. Pelot stated that he has been discussing this with Mr. Ryland and Mr. Moss in the last several months and since the contract with CCA runs through the end of this year we would wait, but now is good timing.

#### **NEW BUSINESS:**

Mr. Jones discussed an article in the Beacon Journal business section relating to the City of Barberton and he commended Barberton Community Development Corp. They are looking at developing approximately 65 acres along St. Rt. 619. Mr. Jones indicated that he contacted Mr. Tom Anders and he was told that Norton was asked if they wanted to join them with this business development. Mr. Jones stated that maybe we should look into that, it could help us out with taxes. Mr. Jones commented on another article in the Beacon Journal from this past Saturday, October 11, 2008. It was from the Columbus Dispatch relating to deferred retirement plans may cut Chief's candidates. Mr. Jones stated that this is nothing more than the "Drop Program", which is what he was looking at last year to save this city some money. Mr. Jones indicated that he has been talking to several retired officers and one commented on how he wished he was still in it, he would be getting close to \$500,000.00 by now. Mr. Jones stated that was \$431,710 after 8 years, Deputy Chiefs in Columbus making \$126,696.00 annually, that's heavy money. Mr. Jones stated that he supports Issue #6.

#### **PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Pelot thanked Mr. Meden and his crew, the Service Dept. workers, Police and Fire Dept. employees for a great Cider Festival. Mr. Pelot stated that they had invited some friends from another city for the fireworks and they were just blown away by such a local fireworks display, nice job everyone.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:37 PM.

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Scott Pelot, 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 October 27, 2008.

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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. 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.