



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 24, 2008**

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, November 24, 2008 at 7:00 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:

Mr. Zita moved to amend Ord. #93-2008, seconded by Mrs. Hlas. Mr. Ryland noted a correction to the top of page #2 and the reference of one or two candidates; it should read three or less.

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

Motion passed 7-0.

Mr. Zita moved to amend Ord. #94-2008, seconded by Mrs. Hlas. Mr. Zita noted the same correction regarding the three or less would probably apply for Ord. #94-2008 as well.

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

Motion passed 7-0.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of November 10, 2008 were approved as written.
Minutes of the Special Council Meeting of November 17, 2008 were approved as written.
Minutes of the Committee Work Session of November 17, 2008 were approved as written.

COMMUNICATION FROM THE PUBLIC:

Mr. Pelot announced that Mr. Adam Huff, a member of the Norton Business Task Force was present to provide a brief presentation and asked Council if there were any objections to waiving the five (5) minute limit rule for Mr. Huff, there were no objections.

Mr. Huff stated that he and the other members of the Norton Business Task Force were present to provide information to the Mayor and Council and recommended forming a

Community Improvement Committee (CIC). This organization has held many meetings looking for recommendations to make this a better community. Mr. Huff stated that a CIC is formed under Ohio Law under Section 1724.01. Mr. Huff stated that a CIC could acquire or dispose of real estate for the purpose of economic development. The purpose of forming a CIC is to allow the city to use less needed or disposal properties for future developments. Mr. Huff stated that as they understood, currently we must go through a public bidding process and sell to the highest bidder when we wish to divest property. That doesn't leave room for price negotiation on the seller's part. Hence, we probably are not currently as effective on the market as we could be. It would also allow the importance of economic development to take precedence over merely the highest bid. The CIC would allow Norton to sell or not to sell until the price is right or the time is better. Mr. Huff stated it was their understanding that two-fifths of the governing board must be appointed from the existing city administration, and the Board is accountable to City Council. So this becomes a method for Norton to negotiate its own future with more flexibility. Mr. Huff requested that the Mayor gather information on the formation of a CIC and recommended this project to Council for a formation of a CIC. Mr. Huff stated that other communities that have a CIC in place today are Green, Akron, Barberton, Canton, North Canton, Westlake, Euclid, New London, and many others. Mr. Mowery asked if this would take the place of a Community Development Director that we no longer have or if this is just to throw ideas out to the Mayor? Mr. Huff stated that tonight's proposal to the Mayor is that a CIC really needs to be started and any other questions need to be discussed and answered by yourselves. Mr. Jones asked who would serve on this task force? Mr. Huff stated that would be totally up Council, he is only here to present the concept of a CIC. Mr. Zita clarified that a task force has already been established and set up, and that Mr. Jones probably was referring to a CIC. Mr. Jones stated that he was referring to the task force related to the CIC. Mr. Huff clarified that there is no relationship between the two. The CIC would be completely up to this group. Mayor Koontz stated he was grateful for the Business Development Task Force for looking at all of the different needs of this city. This is one of the options of how to get development into our community. Mayor Koontz commented on Barberton's Community Development Corp., which is slightly different than a CIC. They are directly connected in some way to the city, but not like a city department. Mr. Kostoff expounded on Mr. Jones' initial question as to who would be on the CIC. Mr. Kostoff stated according to Ohio Revised Code, two fifths of the composition of the Board must be elected or appointed officials of the community, so there is government representation in this development. Mr. Pelot stated that a CIC would improve our image, our eagerness to be more business friendly and to help the city grow in the proper direction.

Mr. Timothy Eberly, also a member of the Norton Business Development Task Force, was present to provide support or answer any questions. Mr. Eberly stated that we have all worked very hard to come up with ideas to develop the City of Norton. Mr. Eberly stated that he recently chaired the Economic Development Committee in the City of Wadsworth, and he is currently a Councilman for the City of Wadsworth. Mr. Eberly stated that as the owner of Fomo Products, he has been here in Norton for the past sixteen (16) years. Mayor Koontz introduced the other members of the Norton Business Development Task Force that were present; Mr. Dan Karant of the Medicine Shoppe, Pat Mullett of the South Summit Chamber of Commerce, and Susan Welch, former owner of Welch's Custard Stand. Mr. Pelot thanked everyone for their commitment to the development in the community.

Ms. Charlotte Whipkey, a Norton resident, stated as soon as she takes her foot out of her mouth she would comment on Ord. #93-2008 and Ord #94-2008. Ms. Whipkey questioned the connection with Home Rule and Ohio laws. However, looking at these two ordinances it states in paragraph B that *“Such method is intended to be different than the method set forth in Ohio Revised Code Section 124.44 or another statute governing the appointment of Chief of Police”*. Ms. Whipkey stated this also applies to the Fire Chief legislation. Ms. Whipkey stated she finds it odd that when it comes to legislation presented by Administration we can get around the Ohio Revised Code; and asked why is it that when it comes to whatever the people want we are bound to the Ohio Revised Code? Ms. Whipkey stated that in last week’s papers, it was stated by our Solicitor, *“731.01-Members of the legislative authority a newly incorporated city.”* Ms. Whipkey stated we were incorporated forty years ago, not recently. Ms. Whipkey stated that she would like these questions answered and she would like a written answer for these.

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION:
ORD #101-2008

Mr. McGlone offered Ord. #101-2008 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1060.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. McGlone moved to waive the second and third readings, seconded by Mr. Jones. Mr. McGlone stated this legislation is for trash haulers, and it makes certain that all of their vehicles are licensed, whether they are borrowed or owned.

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

Motion passed 7-0.

Mr. McGlone moved to adopt Ord. #101-2008, seconded by Mr. Jones.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

AMENDED
ORD #93-2008

Mr. Zita offered Amended Ord. #93-2008 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 240.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON TO AMEND THE METHODOLOGY FOR THE SELECTION OF

THE CHIEF OF POLICE UPON THE OCCURRENCE OF A VACANCY IN THAT POSITION, AND DECLARING AN EMERGENCY.

Second reading only.

AMENDED
ORD #94-2008

Mr. Zita offered Amended Ord. #94-2008 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 242.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON TO AMEND THE METHODOLOGY FOR THE SELECTION OF THE FIRE CHIEF UPON THE OCCURRENCE OF A VACANCY IN THAT POSITION, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #89-2008

Mr. Braman offered Ord. #89-2008 for its third reading and asked the Clerk to read it:

AN ORDINANCE AMENDING CHAPTER 1460 OF TITLE SIX OF PART FOURTEEN – BUILDING AND HOUSING CODE OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Ord. #89-2008, seconded by Mrs. Hlas.

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

Motion passed 7-0.

ORD #91-2008

Mr. Zita offered Ord. #91-2008 for its third reading and asked the Clerk to read it:

AN ORDINANCE ESTABLISHING AN IDENTITY THEFT POLICY FOR THE CITY OF NORTON AND DECLARING AN EMERGENCY.

Mr. Zita moved to adopt Ord. #91-2008, seconded by Mrs. Hlas.

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

Motion passed 7-0.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz announced he appointed Attorney James Merlitti as Special Counsel for the issues relating to Issue #26. Mr. Merlitti is from the law firm of Burdon and Merlitti in Akron. Mr. Merlitti is the current Law Director for Stow, and he was the former Assistant Prosecutor for the City of Barberton. He still practices in the Barberton Municipal Court and he is not connected in any way with the City of Norton. Mayor Koontz stated that the city

has awarded the bid for the Berry, McGowan and Wadsworth Road waterline project to Buckeye Excavating & Construction from Norwalk. Their bid was for \$423,786.90, and all of the bids were fairly low, with the Engineer's estimate at approximately \$600,000.00. Mayor Koontz stated, as with all bids, they are usually padded to cover the cost for overruns and inflation, which benefits the residents. Mayor Koontz stated that the city did receive a 50% Grant for this project and the estimated assessments would be somewhat lower.

Mr. Ryland informed Council that the city has taken the appropriate actions and papers have been served to the owners of the Beldick Motel regarding the eminent domain process. The inspection and appraisal process has begun. Mr. Ryland discussed the Barberton Health District, and that they are now actively inspecting most businesses and homes. This also applies to the Beldick Motel. They held an Administrative Hearing last week and they are now ordered to begin weekly pumping of their septic tanks. This is required to keep them dry and from overflowing. Mr. Pelot questioned the status of the contract with the Barberton Health District since we served them notice to cancel. Mr. Ryland stated that the city received notice from the Barberton Health District first that they had no intention to renew with the City of Norton. Mr. Ryland stated he has had communications with the other health districts in the area. Mr. Moss added that when it came to the 2009 Budget he used a larger of the two figures and felt confident we could secure a contract for the amount indicated.

Mr. Moss commented about the post audit conference where the Auditors come and discuss the results and their recommendations. Mr. Moss noted that as a result he has a few changes to make to the 2009 Budget presentation and will be providing new pages for replacement. Mr. Pelot asked if the Auditors give the city a grade on the audit? Mr. Moss replied it is more like a pass/fail and they render an opinion as to whether or not you meet the required standards. Mr. Moss stated that in fact we do have that, the language states something to the effect of this fairly represents the financial condition of the city. There is a review by the National GFOA for certificate participation and that review is pending. Mrs. Hlas asked to have all of these mentioned corrections by this Wednesday.

UNFINISHED BUSINESS:

Mr. Jones asked Mr. Ryland about the status of the house fire that occurred on Clubside earlier this summer. Mr. Ryland replied he had no idea, the State Fire Marshal's report indicated they could not find any justification, it did not call it arson or anything of that nature. Mr. Jones stated that the automobiles are still sitting just as they were when the fire was put out, one vehicle is still resting on it's side. Mr. Ryland stated that he thought it was still under investigation and he would look into it. Mr. Jones asked about the status of the old Bishop Motors property, and asked if they are complying with the city in terms of cleaning up that parcel? Mr. Ryland stated yes, other than the sign that is still up, the vehicle in the back is currently licensed and it's permitted to be parked there. Mr. Ryland stated the current owner is in compliance and cleaned this property quite a bit since he took ownership. Mr. Jones questioned the Mayor about the appointment of Mr. Merlitti and if he made this appointment and what is the hourly rate? Mayor Koontz replied that he indeed did make this appointment and is rate is \$175.00 per hour. Mr. Jones asked how many hours would Mr. Merlitti be spending on this, it's the taxpayer's money that we are spending? Mayor Koontz replied that a purchase order has been issued in the amount of \$3,000.00 and the total cost will depend on a number of things, such as if it goes to trial. Mr. Jones asked Mr. Kostoff when he plans on filing the injunction?

Mr. Kostoff stated as he indicated before, he would be filing as soon as its been certified by the Board of Elections. Mr. Jones indicated that it should be tomorrow, and asked if it would be filed on Wednesday because they are closed on Thursday and Friday? Mr. Kostoff replied yes. Mr. Jones asked to have a copy of the filing for all of Council and the costs associated with that. Mr. Moss indicated he would not have any cost at that time, not until the bill comes in. Mr. Kostoff indicated that Council would receive a copy of the filings because they are named as a party in the case.

NEW BUSINESS:

Mr. Pelot urged all of Council to take the time to go over the 2009 Budget material and make sure that you understand all of it. If you do not, or if you have questions, please contact Mr. Moss so that we are ready for discussion on Monday. This is the resident's money we are working with here and we need to pay attention to where their dollars are going.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz made several announcements, (see attached).

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:39 PM.

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 December 8, 2008.

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.