



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, DECEMBER 8, 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, December 8, 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:**

Mrs. Hlas stated Mr. Moss has brought forward decreases to the 2008 Budget and moved to add Ord. #110-2008 to the agenda, waiving the second and third readings as an emergency, seconded by Mr. McGlone.

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

Nays: None

Motion passed 7-0.

Mr. Jones questioned Mr. Kostoff about Ord. #102-2008 and asked Mr. Kostoff to read Section 1. Mr. Jones stated that he did not recall having a report as it states this is on file and incorporated herein. Mr. Kostoff indicated the complete file is on record with the Administrative Officer, and he prepared the legislation accordingly. There is no legal requirement for the report to be an attachment, or for the report to be incorporated into the legislation. Mayor Koontz stated that the report was part of the December 1, 2008 Committee packet, all of Council had the report, and we spent about a half-hour discussing this. Mr. Ryland stated it was titled as the renewable exhibit.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of November 24, 2008; Mr. Jones noted a correction to page #6, in the second sentence the word today should be stricken. The minutes were approved as corrected.

Minutes of the Committee Work Session of December 1, 2008; Mr. Jones asked the Clerk of Council to read the corrections on page #3 about half way down; *Mr. Moss stated the cost for 2009 is \$65,000.00. Mr. Moss indicated that Mr. Oberdorfer, the Interim Planning Director, provided this figure. Mr. Oberdorfer had been asked what do we need to spend in order to attract someone for that position.*

Mrs. Richards read another addition to the minutes on this same page a little farther down, which read: *Mrs. Hlas stated that you have to have employees in order to move the city forward. Mr. Moss concurred, adding that the cost of a full time employee does include health care costs and other benefits. Before you put a full time employee in place you do get a benefit back from it. We are re-evaluating what is going on in both of those areas.* Mrs. Richards indicated she verified the audio recording and this is exactly what was stated. Mrs. Hlas raised the issue of Mr. Jones stating in the minutes that he excused himself at 8:15, she does not recall this being stated, he just got up and walked out, she wanted this statement removed. Mr. Jones stated he informed Mr. Zita prior to the meeting that he needed to be excused at some point during the meeting, and Mr. Zita concurred. Mrs. Hlas stated her correction was that during the meeting he did not excuse himself from the meeting. The minutes were approved as corrected.

**COMMUNICATION FROM THE PUBLIC:**

Mr. Don Weigand, a Norton resident, spoke stating all of you have the best interests of the city at heart and he really respects each and every one of you. Mr. Weigand commented about the police issue, and consolidating. This is a done deal and he doesn't see it coming back anytime soon, the people spoke and we accept it. Mr. Weigand stated the people do have the right to make changes, not the lawyers or judges. They don't make the laws, they are supposed to interpret them. Mr. Weigand stated he is sick and tired of hearing about Issue 26 being unconstitutional or not. Mr. Weigand discussed the Ohio Constitution and the rights of the people to alter or reform government. The Norton residents have said they want changes. Mr. Weigand asked who is to represent the people, what will the costs be \$3,000.00 or more? Mr. Weigand stated that if he were one of those involved he would have resigned. Mr. Weigand stated sixty-eight (68) percent of the residents have given you the pink slip, we have too many Council members for this size of a community.

Charlotte Whipkey, a Norton resident, addressed statements made in Council chambers and in the press. She, unlike some people, does not have a problem with a recall; it is an important tool for the residents. She expressed concerns with a statement made about the requirement of 1500 signatures for a recall petition for any one of the seats elected to office this past fall. The reality is it takes 1092 signatures. In the case of Issue #26 recall was not an option, the seats would have remained opened and someone would have been appointed to them and the people would not have had any say on it. Ms. Whipkey stated that according to ORC 705.92, when a recall is made and the incumbent retains their seat, they are entitled to be reimbursed up to 50% of their election expenses from the municipality. Ms. Whipkey stated she saw no one rushing to the incumbent informing him of this law, and she wondered if it would have been different if someone else were involved. Ms. Whipkey discussed the hiring of an outside Attorney for \$175.00 per hour, and stated it was not clear if he would be defending Issue 26 or aiding the Administration's Attorney's arguments against it as the voters approved it. Ms. Whipkey stated the fate of Issue 26 would impact every city in the State of Ohio that has a Charter. The precedence set for it will either be for or against the people's rights concerning home rule and their ability to change their government. Ms. Whipkey stated to the best of her knowledge this appointed Attorney has not contacted any of the three members of Council who supported this or her on this issue. Ms. Whipkey stated the people will be represented, there has been an Attorney retained and sometime tomorrow a Motion for Intervention and a Motion for Dismissal will be filed on the people's behalf.

**PUBLIC HEARINGS-None**

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #102-2008**

Mrs. Hlas offered Ord. #102-2008 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE RENEWAL OF A CONTRACT WITH PAN AMERICAN FOR EMPLOYEE HEALTH, DENTAL, VISION AND RELATED BENEFITS FOR THE PLAN YEAR JANUARY 1, 2009 THROUGH 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, Braman, Jones, Mowery, Zita, Pelot  
Nays: None

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord #102-2008, seconded by Mr. McGlone.

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

Motion passed 6-1.

**ORD #103-2008**

Mrs. Hlas offered Ord. #103-2008 for its first reading and asked the Clerk to read it:  
THE ANNUAL APPROPRIATION ORDINANCE FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #103-2008, seconded by Mr. McGlone.

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

Motion passed 7-0.

**ORD #104-2008**

Mrs. Hlas offered Ord. #104-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO REPEAL ORDINANCE #98-2008, CREDITING VARIOUS FUNDS INCOME TAX REVENUE FOR THE FISCAL YEAR 2008 AND THEREAFTER, AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #104-2008, seconded by Mr. McGlone.

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

Motion passed 7-0.

**ORD #105-2008**

Mrs. Hlas offered Ord. #105-2008 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO ELIMINATE AUTHORIZED TRANSFERS, AUTHORIZE A TRANSFER, AMEND THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2008, AND TO DECLARE AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #105-2008, seconded by Mr. McGlone.

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

Motion passed 6-1.

**ORD #106-2008**

Mrs. Hlas offered Ord. #106-2008 for its first reading, asked the Clerk to read it:

AN ORDINANCE TO CLASSIFY PORTIONS OF SAID TRANSFERS AS MOVEMENT OF NET INCOME TAX REVENUE AND TO DECLARE AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #106-2008, seconded by Mr. McGlone.

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

Motion passed 6-1.

**ORD #107-2008**

Mrs. Hlas offered Ord. #107-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE ADVANCES FROM THE GENERAL FUND INTO THE WADSWORTH, BERRY, MCGOWAN FUND APPROPRIATING SAID FUNDS IN THE 2008 BUDGET, AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #105-2008, seconded by Mr. McGlone.

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

Motion passed 7-0.

**ORD #108-2008**

Mrs. Hlas offered Ord. #108-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF \$102,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF CONSTRUCTING, EQUIPPING AND OTHERWISE IMPROVING BALL FIELD IMPROVEMENTS, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #108-2008, seconded by Mr. McGlone.

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

Motion passed 7-0.

**ORD #109-2008**

Mrs. Hlas offered Ord. #109-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF \$50,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PURCHASING EQUIPMENT FOR THE CITY'S DEPARTMENT OF PUBLIC SERVICES, AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #109-2008, seconded by Mr. McGlone.

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

Motion passed 7-0.

**ORD #110-2008**

Mrs. Hlas offered Ord. #110-02008 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE APPROPRIATIONS AND REVENUES FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2008, AND DECLARING AN EMERGENCY

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. McGlone.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #110-2008, seconded by Mr. McGlone.

Roll Call: Yeas: Hlas, McGlone, Braman, Jones, 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 third 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.

Mr. Zita moved to adopt Amended Ord. #93-2008, seconded by Mrs. Hlas.

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

Motion passed 6-1.

**AMENDED**  
**ORD #94-2008**

Mr. Zita offered Amended Ord. #94-2008 for its third 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.

Mr. Zita moved to adopt Amended Ord. #94-2008, seconded by Mrs. Hlas.

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

Motion passed 6-1.

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

Mayor Koontz, Mr. Ryland, Mr. Moss and Mr. Kostoff had no reports to offer.

**UNFINISHED BUSINESS:**

Mr. Jones directed his comments to the press; last week he did not just get up and walk out of the meeting, he also walked into the meeting, noting that Mayor Koontz also left the meeting early. Mr. Jones discussed the status of the house fire on Carl Drive, and the previous one on Clubside Drive. Mr. Jones asked if we could do something to secure that area, there is a car leaning on its side and another one sitting there. Mr. Jones was concerned with it being dangerous with children around. Mrs. Hlas stated she has spoken with the resident on Clubside Drive and the reason her property looks the way it does is because the insurance company has not settled the case. Mrs. Hlas stated this homeowner is very upset that Mr. Jones keeps discussing this on Council floor and would like any concerns to be

directed to her personally. Mrs. Hlas stated if we are so concerned about burned houses still standing, there is a house that burned on Hillcrest nearly twenty (20) years ago and still has a hole in the roof.

Mr. Pelot inquired about our current road salt situation. Mr. Ryland replied we are in excellent shape, we recently received another 1800 tons of salt this week. However, we have used more salt early on in this season than history shows.

**NEW BUSINESS:**

Mr. Jones wished everyone a Merry Christmas and a Happy New Year.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Koontz made several announcements, (see attached).

Mr. Pelot stated the next meeting would be the Organizational Meeting on Friday, January 2, 2009 at 7:00 PM. Mr. Jones commented on the Clerks Who Care Food Drive, adding that Mrs. Richards has a really good thing going here with all of the donations received so far. Mrs. Richards stated she has received over \$500.00 in monetary donations so far in addition to what is in the lobby.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:43 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 January 12, 2009.

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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.