



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, FEBRUARY 25, 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  
Mike Lyons  
Jeff Pritchard  
Karla Richards  
Ann Campbell

The Regular Council Meeting convened on Monday, February 25, 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 moved to add Ord. #28-2008 to the agenda, seconded by Mr. Zita. Mrs. Hlas indicated that this goes along with Ord. #18-2008, which is the agreement for the architect for the fire/safety building. Mr. McGlone questioned Mr. Ryland if this is what the architect is getting, and Mr. Ryland replied yes. Mr. Ryland stated that this represents seven and a half (7.5) percent of the estimated project cost, which is \$1,600,000.00. Mr. McGlone asked if the architect fees could be more as the project goes along and Mr. Ryland answered no, \$120,000.00 is the fee to design the new Fire Station.

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

Motion passed 5-0 to add Ord. #28-2008 to the agenda.

Mr. Jones stated that last Tuesday we had a presentation from a METRO-SCAT representative and we voted 6-1 to place a resolution of support on tonight's agenda. Mr. Jones stated that since then he has changed his mind on this issue and will not be supporting Issue #17 for the simple fact that he has talked to several dozen people and only one new about Issue 8. The other residents said they would vote no, when he informed them that this was a continuous one-quarter (.25%) sales tax increase.

Mr. Zita moved to remove the Mayors appointment of Mr. Bill Courson to the Building & Zoning Appeals from Ord #27-2008, seconded by Mr. Jones.

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

Motion passed 7-0.

**COMMITTEE OF THE WHOLE CONTINUED:**

Mr. Zita announced that he is working with Mr. Pelot on a Town Meeting to discuss ideas for a new Community Center, and a tentative date is Saturday, March 8, 2008 at 3:30 PM at the Community Center. Mr. Zita stated that the Mayor, Mr. Ryland, Mr. Moss would be there as well. Mr. Pelot indicated that a Press Release would be issued to the papers in the future.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of February 11, 2008 were approved as written.  
Minutes of the Committee Work Session of February 19, 2008 were approved as written.

**COMMUNICATION FROM THE PUBLIC:**

Ms. Charlotte Whipkey, a Norton resident, asked if the minutes have been corrected at all? Ms. Whipkey stated that she has a problem with last week's minutes because the conduct of one of our Council members was not put into the minutes. Ms. Whipkey stated that she had no idea why this was omitted, it should be in the minutes because the people have a right to know how some people behave even though they are supposed to be held to a higher standard. Ms. Whipkey stated that it is our right to know these things so that we can know better in the future whom they want to support and why. Ms. Whipkey stated that she had approached Council President several weeks ago about a form the residents could fill out when they have a complaint of misconduct by a Council member. Ms. Whipkey stated that the way she understands it, it is only the Council members that can balk at their behavior. Ms. Whipkey stated that she felt the people should have this opportunity for this form and it should be part of their files. Ms. Whipkey stated that after you have had so many complaints there should be some kind of a penalty. Ms. Whipkey stated that the residents to behave when you don't, is just wrong. Ms. Whipkey discussed the Community Center ideas and that people voted to support their Fire and EMS. We were told if we did not support them, we would not have a Fire Dept. Ms. Whipkey stated that 30% of the levy money was supposed to be used to build or refurbish the existing Fire Station. Last week we learned differently, that you want not only want to stick the Police and Fire Depts., in our Community Center and that these talks were going on even before this went to the voters. Ms. Whipkey stated that is a form of misleading the public and is lies. That was not in the deal at all to move everyone up to the Community Center. Ms. Whipkey stated that we are now being told how bad our Community Center is in, and that this building is no longer adequate. We have been told the same about the Fire Station. Ms. Whipkey stated that the new maintenance code is being put forth which is obviously for the people and not the City. Ms. Whipkey stated that she does not even know if the City has it's own maintenance code that applies on city buildings. Ms. Whipkey asked why can this be allowed for so long that these buildings are in such disrepair to the point that it is said they are inadequate and one needs refurbished to take care of the Fire Dept., and the Police Dept? Ms. Whipkey stated that this is not what the people voter for and not what they supported. Ms. Whipkey stated that of all of the groups and people that have used the Community Center not one of them has come here asking the City to make repairs, or complained about the facility. Why were these buildings allowed to fall in such disrepair so that now they are no longer functional for the City? Now you are going to get a loan for new buildings and you are going to authorize paying \$120,000.00 for an architectural plan. Ms. Whipkey stated that even if the residents say they don't like it, too bad because we have already spent this money for the plans, just like you did with the expenses for the Master Plan and the Zoning Code. Ms.

**COMMUNICATION FROM THE PUBLIC continued:**

Whipkey stated that this was all done with no prior knowledge to the public, and some of you knew about this before the elections, adding that this is wrong, it is all wrong.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #13-2008**

Mr. Zita offered Ord. #13-2008 for it's first reading and asked the Clerk to read it:

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Zita moved to adopt Ord. #13-2008, seconded by Mrs. Hlas. Mr. Zita indicated this is to finalize the new legislation that was voted on and passed during the previous year.

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

Motion passed 7-0.

**RES #14-2008**

Mr. McGlone offered Res. #14-1008 for it's first reading, and asked the Clerk to read it:

A RESOLUTION ALLOWING THE MAYOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM (STP) FUNDS PROGRAMMED BY THE AKRON METROPOLITAN AREA TRANSPORTATION STUDY (AMATS) TO IMPROVE CLEVELAND-MASSILLON ROAD, PHASE I, AND PHASE II, ADVERTISE FOR PROFESSIONAL ENGINEERING SERVICES AND DECLARING AN EMERGENCY.

Mr. McGlone moved to waive the second and third readings, seconded by Mr. Jones. Mr. McGlone indicated that he wanted to waive the readings so the Administration can go out and secure grant funding for Cleveland-Massillon Road.

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**RES #14-2008 Continued:**

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

Motion passed 7-0.

Mr. McGlone moved to adopt Res. # 14-2008, seconded by Mr. Jones. Mr. Pelot asked Mr. Ryland to explain the costs of this project. Mr. Ryland stated that this is nearly a \$9,000,000.00 project and the City's share could be as low as \$600,000.00 for the widening and improvements made to Cleveland-Massillon Road. Mr. Jones indicated that this project was long overdue.

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

Motion passed 7-0.

**RES #15-2008**

Mr. Braman offered Res. #15-2008 for it's first reading, and asked the Clerk to read it:

A RESOLUTION TO AUTHORIZE THE MAYOR AND OR THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE, ON BEHALF OF THE CITY OF NORTON, AN APPLICATION WITH THE SUMMIT/AKRON SOLID WASTE MANAGEMENT AUTHORITY (THE "AUTHORITY") FOR A COMMUNITY RECYCLING ACCESS GRANT AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Braman moved to adopt Res. #15-2008, seconded by Mr. Jones.

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

Motion passed 7-0.

**ORD #16-2008**

Mr. Braman offered Ord. #16-2008 for it's first reading and asked the Clerk to read it:

AN ORDINANCE TO ACCEPT A TWENTY FOOT EASEMENT FOR THE INSTALLATION OF SANITARY SEWER LINES ON PROPERTY KNOWN AS 5085, 5111 AND 5129 WOOSTER ROAD WEST (PERMANENT PARCEL NUMBERS 4606250, 4606120 AND 4607048) AND DECLARING AN EMERGENCY.

First reading only.

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**RES #17-2008**

Mr. Jones offered Res. #17-2008 for it's first reading and asked the Clerk to read it:

A RESOLUTION TO SUPPORT ISSUE 8, A ONE-QUARTER PERCENT (¼%) INCREASE IN SALES TAX TO FUND THE OPERATIONS OF THE METRO REGIONAL TRANSIT AUTHORITY (RTA) AND METRO SCAT.

Mr. Jones moved to waive the second and third readings, seconded by Mr. Braman. Mr. Jones asked Mr. Lyons about the resolution and the fact that the resolution does not reflect whether this is a continuous or permanent tax. Mr. Lyons replied that this is only a resolution of support, and in no attempt to cover that detail, it merely expresses support to place this on the ballot. Mr. Jones stated he felt this was an important aspect.

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

Motion passed by 5-2.

Mr. Jones moved to adopt Res. #17-2008, seconded by Mr. Braman. Mr. McGlone stated that he would be voting no on this issue. Mr. McGlone stated that he is not against public transportation and recognized the agency needs the money. However, the \$18,000,000.00 additional revenue is a great deal of money for operating in a \$1,400,000.00 shortfall. The METRO's budget is \$29,000,000,00 and this would jump it up by sixty-two (62) percent. Mr. McGlone stated that he would like to have seen this as a five (5) year tax. Mr. Pelot agreed with Mr. McGlone's comments, however he would be supporting this tonight. Mr. Pelot stated that the residents lives depend on this transportation to get to work, hospitals, grocery stores, etc. Mr. Pelot indicated that METRO did a poor job of presenting their plan to their spending plans to the public.

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

Motion passed by 4-3.

**ORD #18-2008**

Mr. Zita offered Ord. #18-2008 for it's first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND/OR ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH ARCHITECT THOMAS KLINGENSMITH, IN AN AMOUNT NOT TO EXCEED \$120,000.00, TO DESIGN A NEW FIRE STATION ON THE SITE OF THE EXISTING COMMUNITY CENTER.

First reading only.

Mr. Zita offered Res. #19-2008 through Res. #26-2008 as a group for their first readings and asked the Clerk to read them:

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**RES #19-2008**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MR. RICHARD EASTERLING AS A MEMBER OF THE NORTON BOARD OF BUILDING AND ZONING APPEALS.

**RES #20-2008**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MRS. MARGUERITE ABBOTT AS A MEMBER OF THE NORTON PLANNING COMMISSION

**RES #21-2008**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MS. AUDREY TOLAND AS A MEMBER OF THE NORTON PARK AND RECREATION BOARD

**RES #22-2008**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MS. GAIL HICKEY AS A MEMBER OF THE NORTON HEALTH ADVISORY BOARD.

**RES #23-2008**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MR. DAN GREASER AS A MEMBER OF THE NORTON CIVIL SERVICE COMMISSION.

**RES #24-2008**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MS. LISA MERRICK AS A MEMBER OF THE NORTON CEMETERY BOARD.

**RES #25-2008**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MS. DARLENA WISE AS A MEMBER OF THE NORTON CEMETERY BOARD.

**RES #26-2008**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MS. VIOLET CARR AS A MEMBER OF THE NORTON CEMETERY BOARD.

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

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

Motion passed 7-0.

Mr. Zita moved to adopt Res. #19-2008 through Res. #26-2008, seconded by Mr. Jones.

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

Motion passed 7-0.

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**RES #27-2008**

Mr. Zita offered Res. #27-2008 for it's first reading, and asked the Clerk to read it:

A RESOLUTION TO CONFIRM MAYOR KOONTZ'S APPOINTMENTS TO THE CITY OF NORTON'S BOARDS AND COMMISSIONS AND DECLARING AN EMERGENCY.

Mr. Zita moved to waive the second and third readings, seconded by Mr. Jones. Mr. Zita stated the reason for waiving the readings is to allow the appointees to begin serving right away.

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

Motion passed 7-0.

Mr. Zita moved to adopt Res. #27-2008, seconded by Mr. Jones. Mr. Zita announced the various appointments as follows:

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Neva Gibson	Park & Cemetery Board
Lisa Merrick	Parks and Cemetery Board
Nick Genis	Building and Zoning Appeals Board
Angle Wells	Building and Zoning Appeals Board
Todd Houser	Planning Commission
Ralph Dowling	Planning Commission, Ward 3
Michael Safron	Health Advisory Board
Judy Dynia	Civil Service Commission

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

Motion passed 7-0

**ORD #28-2008**

Mrs. Hlas offered Ord. #28-2008 for it's 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, 2008.

**INTRODUCTION OF NEW LEGISLATION CONTINUED:**

**ORD #28-2008 Continued:**

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. Zita. Mr. McGlone stated that at the last meeting we discussed going three (3) full readings and questioned the waiving of readings. Mrs. Hlas stated that this legislation is just to establish a fund. Mr. McGlone stated that he understood that however it's ironic that Mr. Klingensmith is getting \$120,000.00. Mr. Moss stated this was correct, you could authorize to spend the money but if you don't put it in the fund, then the authorization means nothing. Mr. McGlone stated that we have not made an agreement as to eliminating the Community Center. Mr. McGlone stated that if we are doing three (3) full readings on Ord #18-2008 what does it matter if we do three (3) readings on this one? Mr. Moss stated that was a good point, it is up to Council. Mr. Ryland stated that this \$120,000.000 needs to be budgeted for whoever the architect is, and it is based on seven and one half (7.5) percent of the total project cost. Mr. McGlone stated that he wanted to wait until the Town Meeting on March 8, 2008 and see what the public says. Mr. Jones stated that he agreed with Mr. McGlone and going three (3) full readings. Mr. Jones stated that looking at doing away with the Community Center for the senior citizens, Boy Scouts, Girl Scouts and whatever, he recalled the discussions about the salt dome and doing away with the old service garage. Now we are keeping it for storage instead of selling it. Mr. Jones stated that if we do away with the Community Center, he does not look for the City to get another one. Mr. Jones stated that if you want to break ground for a new Community Center prior to doing the renovations to the existing Community Center, he would support that. Mr. Jones stated that we should wait for the Town Meeting and see what the people have to say, and it is only a few more weeks. Mr. Zita stated that all we are doing is establishing a fund for this. Mr. Jones stated that he understood this, however once you put that money into the fund they will spend it and we just don't have it to do right now. Mr. Moss assured Council that we would not hire an architect without Council's authorization, and Mr. Jones stated that he has heard that story before too. Mr. Moss stated that it is a legal requirement to have Council's authorization.

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

Motion passed 5-2.

Mrs. Hlas moved to adopt Ord. #28-2008, seconded by Mr. Zita. Mrs. Hlas stated that this is just to create a fund for an architect, and Mr. Pelot stated that there is no payment, it only establishes a fund. Mr. McGlone stated that the legislation should not have stated "on the site of the existing Community Center"

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

Motion passed 5-2.

## **INTRODUCTION OF PRIOR LEGISLATION**

### **RES #7-2008      Third Reading:**

Mrs. Hlas offered Res. #7-2008 for it's third reading, and asked the Clerk to read it:

A RESOLUTION ESTABLISHING A NEW CAPITALIZATION THRESHOLD FOR CITY FINANCIAL REPORTING.

Mrs. Hlas moved to adopt Res. #7-2008, seconded by Mr. McGlone.

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

Motion passed 7-0.

### **ORD #8-2008**

Mr. Zita offered Ord #8-2008 for it's second reading, and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE VIII OF THE CHARTER OF THE CITY OF NORTON TO ESTABLISH NON-PARTISAN ELECTIONS.

Second reading only.

### **ORD #10-2008**

Mrs. Hlas offered Ord #10-2008 for it's second reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE NOMINAL EXPENDITURES FOR REFRESHMENTS OR MEALS TO BE SERVED AT VARIOUS EVENTS, AND TO DECLARE AN EMERGENCY.

Second reading only. Mrs. Hlas clarified that this legislation is not for Council to have refreshments at every meeting. Mrs. Hlas stated that a resident about this approached her because there was an article in the papers that alluded to this. This legislation is that if we have meetings with other communities or Administration has meetings, it would help out with the food expenses for those meetings.

### **RES #11-2008**

Mr. Braman offered Res. #11-2008 for its second reading and asked the Clerk to read it:

A RESOLUTION TO AUTHORIZE PARTICIPATION IN THE SUMMIT COUNTY COUNTYWIDE STORM WATER MANAGEMENT PROGRAM.

Second reading only.

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

Mayor Koontz announced Matthew Hiscock's resignation from the Norton Mayors Court Prosecutor. Mr. Hiscock has taken the position of Safety Director for the City of Wadsworth. Mayor Koontz stated that the Assistant Law Director, Holly Reese has been recommended. Mayor Koontz stated that Ms. Reese worked for the Mayors Court with Mr. Hiscock tonight and she comes very highly recommended. Mayor Koontz stated that Ms. Reese is willing to fill in until full approval from Council in the transition. Mayor Koontz thanked the Norton Kiwanis for the Chili Cook off last Saturday, there were approximately one hundred (100) people there. Mayor Koontz thanked those that had served on the various Boards and Commissions, and the new ones that will be serving. Mayor Koontz indicated that he would be swearing in the new members tonight after the meeting.

Mr. Ryland, Mr. Moss, Mr. Pritchard, Mr. Lyons and Mr. Binic of the Barberton Health District were all present, however they had no reports.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

Mrs. Hlas stated that there is a State Law now that whenever you enter into a contract they must fill out a form regarding whether or not that have funded elected official's campaigns. Mr. Moss stated that State Law requires that you cannot contribute more than \$500.00 to the campaign of anyone who is part of the decision making process regarding a contract. Mr. Moss stated that it does not state they must fill out a form, although it is a good way to document that. Mr. Moss stated that we do check your financial reports to see if there are any contributions over \$500.00 that would have that influence. Mrs. Hlas asked if we are at least checking and documenting this and Mr. Moss replied, yes. Mr. Pelot placed the appointment of Ms. Holly Reese on the next Committee agenda. Mr. Jones asked how long Ms. Reese has been with the City of Barberton and Mayor Koontz indicated she is a new appointment. Mr. Jones asked Mayor Koontz if he was aware of this Wadsworth position at the time of his interview, and Mayor Koontz stated no.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Pelot stated that if there is something in a particular meeting that residents wish to see in the official minutes, they could contact their local Council person and request that their Council person bring it up. Mr. Pelot indicated that Council members have a vote to accept or approve the minutes.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:41PM

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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 March 10, 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.

