



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 14, 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-Excused  
Mike Lyons  
Jeff Pritchard  
Karla Richards  
Ann Campbell

The Regular Council Meeting convened on Monday, April 14, 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 stated that apparently at the March 5, 2008 Committee meeting he caught some Council members off guard and offered his clarifications as to what had taken place at previous discussions (see attached).

Mr. Pelot announced the following members from Boy Scout Troop #132 from Trinity Lutheran Church, James Zolak, Alex Simpson, Marty Clee, Nathan Armbruster, as being in the audience this evening for their Communications badge. Mr. Pelot welcomed the Troop to the Council Meeting.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of March 24, 2008; Mr. Jones noted a correction to page one, fourth line from the bottom, Mr. Ryland needs to be removed because he was excused from this meeting. The minutes were approved as corrected.

Minutes of the Annual Council and Administration Workshop, approved as written.

Minutes of the Committee Work Session of April 7, 2008, approved as written.

**COMMUNICATION FROM THE PUBLIC:**

Mrs. Elaine Tompkins, a Norton resident, read her comments regarding various topics of discussion, (see attached).

Mr. Andrew Lehner, a Norton resident, spoke about last weeks meeting, which he was not able to attend adding that he had read the minutes and he was appalled. Mr. Lehner stated that for one thing we are not misinforming the residents of the city. Mr. Lehner stated that we come here to complain or have issues or concerns that would move the city forward. Mr. Lehner stated that the comments last week made by Mr. Williams and Mr. Meden were like a slap in his face and he is not happy about it. Mr. Lehner stated that we are not here to waste anyone's time, and we should have rules set out again about public comment and using names.

**COMMUNICATION FROM THE PUBLIC CONTINUED:**

Mr. Lehner discussed an incident he witnessed last week where a lady was on her cell phone actually pumping gas into her car. Mr. Lehner called for Council to pass legislation to make it a law to prohibit this. They are putting everyone in danger of a fire or explosion.

Ms. Charlotte Whipkey, a Norton resident, spoke about a hand out she just received prior to the meeting tonight. Ms. Whipkey stated that she assumed it meant the minutes were not adjusted as she had requested. Ms. Whipkey stated that the information she received stated that “minutes should contain mainly a record of what was done at the meeting, not what was said by the members”, and this referenced the Ohio Municipal Clerks Manual and not the Ohio Revised Code. Ms. Whipkey stated that here we are back to semantics and interpretation. If it is something that is pertinent it very well should be in the minutes. Ms. Whipkey was referring to the previous Committee Work Session meeting when a gentleman came in prior to adjournment and was aloud to speak. It was put into the minutes as if he had come and signed in as regular. Ms. Whipkey stated that she would like it stated in the minutes that he was aloud to speak after there was discussion among Council and they had no opposition to that. Ms. Whipkey stated that this is not usual and it needs to be out there where other people could have the same opportunity to do so. Ms. Whipkey stated that she did not have a problem with others signing someone else up to speak even though they were not present. However, she does have a problem with allowing someone to speak just before adjournment, when others in the audience had their hand up waiting to speak and were denied. Ms. Whipkey stated that last weeks meeting was a real fiasco, what went on, what was said, etc. A lot of derogatory remarks were made that regular speakers were being negative. Ms. Whipkey stated that if coming up here and giving out the other side of the story and giving information is negative, then by God she is negative, she is proud of it and she will wear it as a billboard. Ms. Whipkey discussed the people who came here and spoke for their friend, she wished she could say that was admirable, but she cannot. They did a disservice to their friend, there were no names mentioned in the Views Line in the paper. The majority of the people who read that article had no idea who this referred to, but now they can thank their friends who put a name and a face to that article. Ms. Whipkey stated that there were a lot people that spoke last week and three (3) of them want to take the podium away from us and want this to be in a community center meeting. Community meetings are not recorded by minutes or by tape. The last community meeting was a fluke that it got recorded. The public would have no idea about what is going on, if it wasn't for some of us taking the time to come up here and speak. It was said that we were misinformed, most of her information comes right out of city hall. Ms. Whipkey suggested that some of these other people who are suggesting that we do not know what we are talking about go and get their information the same way, get it in black and white and not just jaw music. We have been accused of perverting the podium into a soapbox, and the soap opera that went on last week was not due to the few that come up here every week. Ms. Whipkey stated that another resident mentioned that the meetings were a joke, adding that she wished that were true. The scary part of what we bring to the podium is that a lot of it is true and the public would not know unless we are told. Ms. Whipkey discussed previous comments that the voters should not get to vote about the community center because we don't know all of the facts. Ms. Whipkey stated that we sure didn't have all of the facts about the fire levy to make a decision. Those facts came out after the election, there was no police dept. involved at that time, nor was there any talk about the community center.

**COMMUNICATIONS FROM THE PUBLIC CONTINUED:**

Ms. Whipkey stated that if the new fire station is being held up it's due to the Administration putting the community center and police dept. into the equation. Ms. Whipkey discussed the final speaker being given the permission to speak and he stated that he had a problem with the comments being made, he didn't like the regular speakers, and he also didn't want things going to the ballot. Ms. Whipkey discussed the comments made about money being made. If you are contracting or in service for parties, you would indeed stand to make money by fulfilling the needs of the people who come to rent the hall. Ms. Whipkey stated that if anyone does not like what she has to say, she is not the one that opened that can of worms.

Mr. Dale Nelson, a Norton resident, stated that he was also upset last week about some of the off the wall comments that were made by the three (3) residents. Mr. Nelson stated that the problem is that the voters approved a new fire station and if you want to piece meal a new community center like Mr. Ryland is trying to do, we don't need that, leave it up to the farmers. We need a new fire station and that is what was voted on. Mr. Nelson stated that when the new Mayor was elected he indicated that he would "hit the ground running" and Mr. Nelson felt that the Mayor is running in the wrong direction. The Mayor needs to come down here and run business day to day, don't run out for photo opportunities. Mr. Nelson stated that since the Mayor was a former Council member, you need to go back and look at what he has done. Mr. Nelson stated that on March 13, 2006, Mr. Jones had asked a question. Mr. Pelot reminded Mr. Nelson to please refrain from using specific names, Mr. Nelson again stated that on March 13, 2006 Mr. Jones, and once again Mr. Pelot cautioned Mr. Nelson on the rules, and if you cannot follow the rules you would be asked to sit down. Mr. Nelson then rephrased his comments stating that on March 13, 2006 the Ward 1 Councilman had asked if Mr. Moss was offered any additional money rather than taking the city benefit package. Mayor Kernan at that time indicated it was discussed at one point. Mr. Nelson noted that Mr. Jones was interrupted by the Council President at that time, and the question to date still has not been answered, and that he would like to have an answer. Mr. Nelson stated that \$11,000.00 is a lot of money, is it in his pocket, or where is it at?

Mr. George Tomko, a Norton resident, stated that he reads the minutes and that they are words of wisdom from both sides. Mr. Tomko discussed the comments from Mr. Williams and that he was no longer doing business in Norton because of the constraints that were put on him. Mr. Tomko stated that he has heard this all over the city and expected that others have also heard this stated. Mr. Tomko discussed Ms. Whipkey's comments about the fire station and that she did want to see a new station, but not at the expense of the community center. Mr. Tomko stated that it would be a mistake to tear the community center down and if you do, don't expect another levy to pass. Mr. Tomko discussed employee health care and asked when would the city start requiring the employees paying a portion of their health care? Mr. Tomko asked where are all of the new trash bins we paid so much for? Mr. Tomko stated that it was said that it's always the same people speaking at every meeting. Mr. Tomko stated that for the past 26 years he has been speaking fairly regularly and now he realized that they were saying shut up. Mr. Tomko stated that he has received many compliments over the years for doing what he has done, and now it is time for someone else to take over.

**COMMUNICATIONS FROM THE PUBLIC CONTINUED:**

Mr. Tomko stated that when it comes to money, don't worry about money in the City of Norton. We have a windfall coming if the city would enforce the ordinances they have passed. Mr. Tomko discussed the Norton Post newspaper article, page #24, and the Mayors comments about waterlines on Cleveland-Massillon Road. Mr. Tomko asked the city to make the ordinances regarding the connections for sewer and water available to the press, television and whoever you can get it to. We just need the ordinances to be enforced with respect to water and sewer.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #37-2008**

Mr. Zita offered Ord. #37-2008 for it's first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT FOR PROPERTY AND CASUALTY INSURANCE, FOR THE PLAN YEAR APRIL 28, 2008 THROUGH APRIL 28, 2009, 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, McGlone, Mowery, Pelot  
Nays: None

Motion passed 7-0.

Mr. Zita moved to adopt Ord. #37-2008, seconded by Mrs. Hlas.

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

Motion passed 7-0.

**ORD #38-2008**

Mr. Zita offered Ord. #38-2008 for it's first reading, and asked the Clerk to read it:

AN ORDINANCE TO APPROVE AN AGREEMENT BETWEEN THE CITY OF NORTON AND THE PART TIME FIREFIGHTERS' UNION, THE INTERNATIONAL ASSOCIATION OF EMTS AND PARAMEDICS R7-26.

First reading only.

**INTRODUCTION OF PRIOR LEGISLATION :**

**ORD #34-2008**

Mr. Zita offered Ord #34-2008 for it's second reading, and asked the Clerk to **read it:**

AN ORDINANCE TO AMEND THE SCHEDULE OF POSITION TITLES, STATUS, STRENGTH NUMBER, SALARY RATES AND WAGES, AND TO APPROVE THE MODIFICATION OF THE ANNUAL SALARIES OF INDIVIDUALS IN CERTAIN POSITIONS FOR 2008.

Second reading only.

**INTRODUCTION OF PRIOR LEGISLATION CONTINUED :**

**RES #36-2008**

Mr. Jones offered Res. #36-2008 for it's second reading, and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE BERRY, MCGOWAN AND WADSWORTH ROADS BY INSTALLATION OF NEW WATER LINES, AND DECLARING AN EMERGENCY.

Second reading only. Mr. Ryland asked that Council consider waiving the third reading tonight and adopting this because we are burning daylight. Mr. Jones questioned if the residents in the areas are aware of this project? Mr. Ryland replied yes, and that several weeks ago he held a public meeting for all of the residents and approximately 45 residents attended.

Mr. Jones moved to waive the third reading, seconded by Mrs. Hlas.

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

Motion passed 7-0.

Mr. Jones moved to adopt Res. #36-2008, seconded by Mr. Braman.

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

Motion passed 7-0.

**ORD #31-2008**

Mr. Jones offered Ord. #31-2008 for it's third reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND/OR ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT WITH RAFTELIS FINANCIAL CONSULTANTS FOR PROFESSIONAL FINANCIAL SERVICES TO EVALUATE THE CITY OF NORTON'S SEWER AND WATER ACCESS FEES.

**ORD #31-2008 CONTINEUD:**

Mr. Jones moved to adopt Ord. #31-2008, seconded by Mr. Braman. Mr. Ryland indicated that this relates to the Finkbinder Report, which calls for a review of the fees every five (5) years.

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

Motion passed 7-0.

**ORD #32-2008**

Mrs. Hlas offered Ord. #32-2008 for its third 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.

Mrs. Hlas moved to adopt Ord. #32-2008, seconded by Mr. McGlone. Mrs. Hlas stated that this appropriation is for the Fire Dept. to spend a \$5,000.00 grant they received to purchase equipment.

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

Motion passed 7-0.

**ORD #35-2008**

Mr. Jones offered Ord #35-2008 for it's third reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND CHAPTER 1060 OF THE CITY OF NORTON'S CODIFIED ORDINANCES TO ESTABLISH AS A CONDITION OF A WASTE HAULER'S LICENSE, A LIMIT ON THE TIME DURING WHICH RECYCLABLES, REFUSE AND WASTE MATERIALS OF ANY KIND MAY BE PICKED UP WITHIN THE CITY.

Mr. Jones moved to adopt Ord. #35-2008, seconded by Mr. Braman. Mr. Jones asked that all of the city wide trash haulers receive a copy of this legislation. Mr. Ryland indicated that all of the nine (9) registered trash haulers would receive a copy of the adopted legislation.

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

Motion passed 7-0.

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

Mayor Koontz stated that the first meeting of the Business Advisory Task Force is this Thursday at 7:00 PM. Mayor Koontz announced that today the ODOT website under local projects, they have listed the Cleveland-Massillon Road widening project and request for letters of interest. Mayor Koontz stated that we have already received some calls about this project today.

Mr. Ryland indicated that PPG is asking the city to make an offer for the purchase of Lake Dorothy. Mr. Ryland stated that this area is a 252 acre lake and 330 total acres. Mr. Jones questioned the value of this property and Mr. Ryland replied that the city had requested an appraisal, which came back at \$1,400,000.00. Mrs. Hlas asked if there was any grant money available to help purchase and Mr. Ryland replied that there might be some types of conservation grants available. Mr. Ryland asked for Council to consider a price to offer to PPG. Mr. Jones asked for an update on repairs to the dam and Mr. Ryland indicated that the last repairs were done in 1995 and the dam is in good shape, as a Class 1 dam. Mrs. Hlas stated that she did not think this is an opportunity the city should pass up. Mr. Ryland indicated that he would not be at the next Committee Work Session.

Mr. Pritchard addressed the concerns Mr. Tomko raised about the trash bins at the parks. Mr. Pritchard indicated that these bins are for recycling not for trash and as soon as the Service Dept. gets caught up with road repairs they would be set out at the various parks. Mrs. Hlas reminded everyone that these recycle bins were purchased with grant money which could only be used for that purpose.

Mr. Lyons indicated that the hearings for the MAD district was held recently and that last Friday was the deadline for the filing of any arguments. Mr. Lyons stated that he expected to have the Judges answer by the next Council meeting. Mr. Lyons discussed the license renewal issued with the Summit C & D facility. Mr. Lyons indicated that the Barberton Health District was very close on coming to terms with this. Mr. Lyons indicated that the Barberton Health District has expanded their terms for leachate extraction and that both parties have agreed to this. Since that time the Ohio EPA has decided to step in and are looking at taking additional enforcement issues. Mr. Lyons stated that it is unclear where this will end up due to the fact that this site has been grandfathered in. Mr. Jones questioned the time left at the facility and Mrs. Hlas replied that the last time she checked it was 5-7 years left.

Mr. Binic, of the Barberton Health District, was present and explained that due to budget cutbacks he may not be able to attend all of our meetings.

**UNFINISHED BUSINESS:**

Mr. Jones stated that he spoke with Mr. Mowery, Mr. McGlone and Mr. Braman about each of the ward members submitting a listing of streets in need of repair in their wards. Mr. Jones indicated that he would like to see the money for the 2008 road program be divided between the wards. Mr. Jones stated that he believed Mr. Mowery, Mr. McGlone agreed with this. Mr. Jones stated that if it takes an act of God or an ordinance, he wants to place this on the agenda for the next workshop.

**UNFINISHED BUSINESS CONTINUED:**

Mr. McGlone stated that he agreed only to discuss this issue. Mrs. Hlas suggested we hold off on this since Mr. Ryland would not be present for the discussion. Mr. Ryland stated that to some extent all of the wards would be touched by some road work and that some of the worse roads are in Mr. Braman's ward. Mr. Ryland stated that he would not advise splitting the funds between the wards. Mr. Pelot stated that we could add this to the next agenda and the Administration should continue to move forward with their road program.

**NEW BUSINESS:**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Koontz announced the annual Norton Clean Up date of this Saturday, April 19, 2008, (see details attached). Mayor Koontz reminded everyone that the grass mowing season is upon us and that we do have legislation in place requiring owners to keep their grass mowed. Mayor Koontz announced the Community Prayer Breakfast on May 1, 2008 (see details attached). Mayor Koontz announced the Twinbrooks Garden Club is having a plant sale at Café 4111, on May 17, 2008 from 1:00 PM to 3:00 PM.

Mrs. Hlas stated that she would like to have Communications from the Public discussed at the next work Session.

Mr. Pelot thanked the Norton Fireman's Association for their donation of our new squad vehicle.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:05 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 April 28, 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. 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.