



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, APRIL 28, 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, April 28, 2008 at 7:01 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. Jones amended the agenda by removing Resolution #36-2008 due to the fact that this legislation was adopted on April 14, 2008. Mr. Jones stated that there was talk at our last meeting to continue CCA discussions to the June 18, 2008 meeting, and there is no meeting on June 18, 2008, it is June 16, 2008. Mr. Jones stated that with that being said he would like to move this to Monday May 5, 2007 because he was concerned with the time line to notify CCA if we were to do this in house. Mr. Moss stated that there is a fixed date to cancel the contract and this is June 30, 2008. Mr. Jones stated that he wants to discuss this on May 5, 2008 because it has been said there are problems and complaints with CCA. Mr. Jones also stated that he would like to have a price quote from RITA by then. Mr. McGlone questioned if we would have enough time given the fact of holding three readings and time to address this. Mr. Jones discussed changes to Council Rules being discussed this evening and asked the Clerk of Council to read Council Rule 202 which states: *“Regular Council Meetings: Any individual who wishes to address Council at a Regular Council Meeting is required to sign-in on the public comment form, prior to the Communications from the Public portion of the meeting. The individual shall approach the podium when recognized and state their full name and address for the record. Public comment is not limited to agenda items, but public comments shall be limited to five (5) minutes. The answering of questions directed to the speaker by members of Council, shall not be considered part of the five (5) minute rule”*. Mr. Jones asked the Clerk of Council to read Rule 602, which states: *These rules may be suspended, for the time being, at any meeting of Council, by concurrent vote of two-thirds (2/3rds) of all its members present at the meeting wherein the motion was made to suspend these rules*. Mr. Jones stated that as a member of the Rules Committee he was upset that he did not receive prior notice about these changes until this afternoon. Mr. Jones stated that he understood there was telephone conversations regarding these changes last Friday. Mr. Jones stated that we should leave the Council Rules as they are, or we have to take a vote on Rule 602. Mrs. Hlas stated that we are not making any changes to the Rules. Mr. Jones stated that we are applying rules that he felt Council should take a vote on. Mr. Pelot indicated that we are not changing Council Rules, only the way the meetings run.

COMMITTEE OF THE WHOLE continued:

Mr. Jones stated that one of the rules being changed is that you will no longer have the camera on the public podium. Mr. Pelot indicated that is in Council rules. Mr. Pelot stated that the podium will remain in place and the people will still be allowed to speak. Mr. McGlone discussed Ord. #34-2008 and asked for Council to table this and bring it back to the Committee Work Session. Mr. McGlone stated that after thinking about this, he felt this should be three separate pieces of legislation. Mr. McGlone stated that we are voting on a raise for Mr. Moss, Ms. Campbell and we are getting rid of a union position. Mr. McGlone stated that if you feel two are ok but one is not, you have to either vote for all or none, and he felt this still violates the union contract. Mr. McGlone moved to table this and send it back to Committee, seconded by Mr. Jones. Mr. Zita stated that the first time this was discussed was on March 3, 2008 and nine weeks have passed and now you have issues? Mr. Zita stated that if we send it back you would be delaying this a total of fifteen weeks before it gets adopted. Mr. Zita indicated that the Dep. Director of Finance is not a union position and there is no violation of a union contract. Mr. Ryland stated that he met with the union last week and this was discussed. Mr. Ryland stated that the prior statement that this was a replacement was not correct, this position is a new position. Mr. Ryland indicated that the union was in full agreement that this does not violate the contract and that it is a new non-union position. There was further discussion and Mrs. Hlas called for the question, there is a motion and a second on the table. Mr. Jones and Mr. McGlone wished to continue the discussion and Mrs. Hlas called a point of order and again called for the question. Mr. Pelot asked the Clerk to call the roll.

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

Motion to table Ord #34-2008 failed 2-5.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of April 14, 2008 were approved as written.
Minutes of the Committee Work Session of April 21, 2008 were approved as written

COMMUNICATION FROM THE PUBLIC:

Mr. Pelot read a statement regarding the Communications from the Public (see attached).

Mr. Andrew Lehner, a Norton resident, reminded everyone that summer is approaching and kids would be out of school soon, and to drive safely. Mr. Lehner discussed the Council Rules adding that he felt the rules are good and for the safety of all of us.

Ms. Maggie Abbott, a Norton resident, reminded everyone about the Kiwanis Annual Prayer Breakfast on May 1, 2008 at the Johnson United Methodist Church. Tickets are \$7.00 and the speaker this year is Dr. Roger Chaffee.

Ms. Charlotte Whipkey, a Norton resident, stated that she was thankful for removing the camera from the podium, she really didn't like seeing herself on television. Ms. Whipkey discussed the content of comments asked that we are not permitted to say bad things about the Administration or Council and asked if this pertains to criticism? Mr. Pelot replied no, this is strictly the personal attacks that have taken place lately.

COMMUNICATION FROM THE PUBLIC continued:

Ms. Whipkey asked if we have a problem with the way things have been done, or the way someone conducts themselves, then we are at liberty to bring that to the floor? Mr. Pelot replied yes.

Mrs. Kathy Cunningham, a Norton resident, spoke about the article in the Barberton Herald about closing down the public podium. Mrs. Cunningham indicated that this subject was discussed before and was concerned that some might think this was just pulled out of a hat. Mrs. Cunningham stated that a number of residents have expressed their concerns about how things were going at the podium. This was not meant to be vindictive and she hopes this changes things. Mrs. Cunningham discussed the comments about the Business Task Force and that she felt this is a great idea to have the input of business owners. Mrs. Cunningham stated that we need this feedback to help us keep the businesses that we do have. Mrs. Cunningham stated that she doesn't understand the reference made by some residents that this is some type of a secret society and they want to get involved with this. These people are residents, they do not own any businesses in Norton. Mrs. Cunningham discussed the recent filing of the recall petitions, and comments that residents were lied to. Mrs. Cunningham stated that this is a recall petition and it is clearly stated on the face of the petition. Mrs. Cunningham stated that no one was lied to, the residents are more intellectually equipped for that. Mrs. Cunningham stated that she does not condone these types of tactics, and that is not the way it was presented. Mrs. Cunningham commented about statements made about people socializing at Adams House Restaurant after the meetings, and the last time she checked we still have freedom of speech. People can talk about whatever that want and they can socialize wherever they want. Mrs. Cunningham stated that there are some people who want to micromanage this Council and the Administration, and she does not want to see this happen. Mrs. Cunningham stated that all of you are intelligent people and you all do a great job. We need to focus on bigger issues like getting our new fire station built. Mrs. Cunningham suggested that if people want to get involved, then join service organizations such as Cider Festival Committee, Norton Women's Club, Lions Club, etc. Get involved and do it in a positive way.

Ms. Megan Booth, a Norton resident, agreed that the meetings need to be more productive, however she did not want them to go so fast that time is not taken for proper consideration. Ms. Booth stated that as a Councilperson had mentioned earlier that he had time to think about an issue and has some concerns. Ms. Booth stated we need to be able to speak and glad to know the podium will remain. Ms. Booth discussed the Business Task Force and that from its inception it was a committee and then it became a task force just so you keep from holding public meetings. Ms. Booth questioned what was being hidden and don't you want the meetings to be open so people can bring ideas? Ms. Booth stated that if someone has fears for their safety from the public, perhaps they should reconsider their public service job. Ms. Booth discussed the comment about micromanaging and questioned a recent lawsuit against the City that the public should be aware of. Ms. Booth stated that she understood that Council did not even know about this lawsuit, and questioned what else is being hidden?

COMMUNICATION FROM THE PUBLIC continued:

Mr. Don Cunningham, a Norton resident, thanked Council and the Administration for everything they do, and wished that everyone would leave them alone and let them do the jobs they were elected and appointed to do. Mr. Cunningham stated that he would like to talk to someone about our zoning and the cleaning up around this community. We have a lot of debris around that needs cleaned up.

Mr. Randy Cole, a Republican candidate of House of Representatives in the 41st District, introduced himself and stated that he is here to listen to the issues. Mr. Cole indicated that he will be going door to door in Norton and would be happy to extend a courtesy to inform Council when he would be in their wards. Mr. Cole stated that he would also provide Council feedback when he receives it from residents.

Ms. Gayle Brenner, a Norton resident, stated that she was happy to see the changes regarding the public podium and that we are able to keep it. Ms. Brenner stated that she did like the idea of closing public comments until after recess to calm everyone down and Council can get their job done and not get side tracked.

Mr. Tom Bellish, of Buckeye Energy Brokers, thanked Council and the Administration for working with his company in the past for aggregation programs. Mr. Bellish indicated that he has worked with the city for the past eight years, and hoped the city would continue considering their company in the future.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

RES #39-2008

Mr. Zita offered Res. #39-2008 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO SUPPORT THE ESTABLISHMENT OF A PILOT PROGRAM FOR A JOINT DISPATCH CENTER.

First reading only.

ORD #40-2008

Mrs. Hlas offered Ord #40-2008 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE MAYOR TO ENTER INTO A CONTRACT WITH ORIANA HOUSE, INC. 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.

ORD #40-2008 Continued:

Mrs. Hlas moved to adopt Ord. #40-2008, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #41-2008

Mrs. Hlas offered Ord. 41-2008 for its 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.

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

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

Motion passed 6-1.

Mrs. Hlas moved to adopt Ord. #41-2008, seconded by Mr. McGlone.

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

Motion passed 6-1.

ORD #42-2008

Mr. Zita offered Ord. #42-2008 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE LEGAL SERVICES FOR THE CITY OF NORTON AND CONFIRMING THE APPOINTMENT OF PETER M. KOSTOFF AS SOLICITOR, AND DECLARING AN EMERGENCY.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION:

ORD #38-2008

Mr. Zita offered Ord #38-2008 for its second 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

Second reading only.

ORD #34-2008

Mr. Zita offered Ord. #34-2008 for its third 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.

Mr. Zita moved to adopt Ord #34-2008, seconded by Mrs. Hlas. Mr. Jones stated that he would like to support this without the Deputy Director of Finance position in it, and if it cannot be removed he cannot support this. Mr. Zita explained that the reason for establishing the MPO legislation a few years ago was to keep from having to do this as three separate pieces of legislation. Mr. Zita added that by breaking them out separately would defeat the whole purpose of the MPO, and he does support this legislation. Mr. Pelot reminded everyone that as Mr. Ryland indicated earlier, this does not replace a union position, and he would support this legislation.

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

Motion passed 5-2.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

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

Mr. Lyons reported that there was mention of a lawsuit being filed, and it appears that he did not file a report to Council and will do so within the next week. Mr. Pelot asked Mr. Lyons if he has any updates on the status of the MAD court hearing and Mr. Lyons replied that there is no ruling yet.

UNFINISHED BUSINESS:

Mr. Jones stated that he would like to put CCA on the agenda for Monday to discuss this and the deadline of June 30, 2008. Mr. Pelot questioned if this was enough time to prepare something to discuss, and Mr. Moss indicated that he would have some basic figures, he was unsure on how much detail he could provide. Mrs. Hlas reflected to her notes on this discussion from March 9, 2004 and CCA collections were around 3%, and RITA was 3.88 %to 4.38% and that is why we chose CCA. Mr. McGlone stated that he does agree with that, however the percentages do change and it would not hurt to listen to them. Mr. McGlone discussed the MAD and the article in the Barberton Herald about terminating the Barberton Health District. Mrs. Hlas stated that she spoke with Mr. Binic about this and he indicated that if the MAD did not contract with the Barberton Health District, they would be hiring their own employees. Mr. McGlone discussed the aggregation program and he tried to opt in today and found out that he cannot. Mr. McGlone asked Mr. Ryland to look into removing this from the city web site. Mr. Ryland stated that he would like to add this discussion to the agenda for Monday to discuss. Mr. Jones asked what the rate could go up to and Mr. Ryland indicated that \$10.96 was the fixed rate. Mr. Ryland stated that the current rate is close to \$12.95. Mr. Braman commented on Barberton Health District's ordinance for scrap tires and this would affect the City of Norton.

UNFINISHED BUSINESS CONTINUED:

Mr. Braman stated that there is a public hearing in Barberton this Thursday. Mr. Jones discussed the repaving project for St. Rt. 261 and that it would not be sold until this fall and that we are looking at the spring of 2009. Mr. Ryland stated that prices have gone up \$200,000.00 since we began the discussions with ODOT. Mr. Ryland stated that we are now looking at \$450,000.00 for this project and that is the city's share. Mr. Ryland stated that in our budget this year we set aside \$240,000.00 and we would like to reserve this money for partial payment for the costs next year. Mr. Ryland indicated that no action is needed at this time. Mr. Jones discussed a recent traffic accident this past weekend. Mr. Ryland confirmed that there was a 4 car accident with no fatalities which tied up the expressway for several hours. Mr. Ryland indicated that we closed down I-76 to westbound traffic. Mr. Jones questioned Mr. Lyons about a previous statement he made about the C & D facility being grandfathered in. Mr. Lyons explained that this dispute occurred 7-8 years ago and it was the Environmental Review Committee that the facility was in operation prior to the EPA rules taking effect. Mr. Lyons stated that he did not make the ruling that they are grandfathered in. Mr. Jones questioned if this had anything to do with the lapse in our zoning code that happened a while back? Mr. Lyons stated that this has nothing to do with zoning issues. Mr. Jones questioned Mr. Lyons about the recent lawsuit and the amount, and Mr. Lyons replied that he was not aware of the specific dollar amount. Mr. Jones asked Mr. Lyons how long has he known about this lawsuit and Mr. Lyons replied a couple of months ago. And that the city's insurance company is handling this. Mr. Jones asked why no one on Council knew about this and Mr. Lyons stated that this was his fault for not informing Council, however there has been nothing new on this since it was filed, and that the basis for this claim is another matter.

NEW BUSINESS:

None.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz thanked all of the residents who helped with the Norton Clean Up day, we collected 86 bags of trash and 10 scrap tires. Mayor Koontz stated that dogs are now allowed in city parks, however they must be on a leash of no more than 6 feet and you must also clean up after your pets.

Mr. Pelot announced the traveling Vietnam Memorial Wall that will be in Wadsworth from May 30, 2008 to June 2, 2008. This is the only location in Ohio this year. Beginning with opening ceremonies at 10:00 AM on Friday, May 30, 2008 the wall will be open 24 hours a day. It is a half scale replica of the original wall on display in Washington DC, with all of the 58,249 names of those killed or missing in action.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:56 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 May 12, 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.