



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 23, 2009**

Roll Call:	Ken Braman	Also Present:
	Brenda Hlas	Mayor David Koontz
	Tom Jones-Excused	Rick Ryland
	Dennis McGlone	John Moss
	Bill Mowery	Pete Kostoff
	Scott Pelot	Karla Richards
	Mike Zita	Ann Campbell

The Regular Council Meeting convened on Monday, November 23, 2009 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mrs. Hlas stated that Mr. Moss has requested Council add two items to tonight's agenda for action. Mrs. Hlas moved to add Ord. #110-2009 to decrease the 2009 Budget by \$63,000.00 to tonight's agenda, and waiving the readings, seconded by Mr. McGlone.

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

Motion passed 6-0.

Mrs. Hlas moved to add Ord #111-2009 for transferring various funds to tonight's agenda and waiving readings, seconded by Mr. McGlone.

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

Motion passed 6-0.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Mike Ertle, a Norton resident, commented about the tax credit and understood this was to generate money for the sewers and that we do need sewers and that the city has very limited funds for the sewers. Mr. Ertle stated that decreasing the tax credit focuses on a select group of residents. Mr. Ertle suggested that instead if the tax credit the city should just increase the city income tax to 2.5%, this way you get it from everyone. Mr. Ertle asked Council to figure something out and put this on the ballot, as he expected you would be getting many phone calls in January from residents when trying to calculate their taxes.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of November 9, 2009 were approved as submitted. Mr. Kostoff commented on the minutes where Mrs. Tompkins had submitted her statements, in particular Item #3 of page 1 where she discussed legal matters. Mrs. Tompkins had stated “the city attorney was awarded another \$1 K per month starting in July of 2009 for his firms work”. Mr. Kostoff wanted the record to reflect that prior to that time, he approached Mayor Koontz and Mr. Ryland and based on budget issues and unexpected litigation fees, he relinquished that increase. Mr. Kostoff stated he has not received an increase for this year, nor would he accept one, and this statement by Mrs. Tompkins is not correct.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Ryland reported the paving for Cleveland-Massillon is now done with the exception of a few minor issues and appears to be on or below budget. Mr. Ryland reported the Cleveland-Massillon Waterline Project is also complete except for punch list items. The school was hooked up this past Saturday to the system and Brentwood was changed over today. Mr. Ryland stated that Fred Martin Motors has donated another D.A.R.E. vehicle to the Norton Police Dept. and he wished to thank them. Mr. Zita asked Mr. Kostoff to prepare a Resolution of Appreciation for Fred Martin Motors for the next agenda. Mr. Pelot asked Mr. Ryland how many residents have connected to the new waterline and Mr. Ryland replied he had no idea at this point. Mr. Pelot asked about the contractors that are authorized to do this type of work and Mr. Ryland replied there is a list of contractors available at the front counter. Mr. Moss discussed the tax credit/increase issues raised earlier. Mr. Moss stated that the State limits our ability to tax the residents, although the City of Akron is at 2.5% and that is the maximum and .25% goes to their schools, not the city. We are at the 2% max and the only place we can make other changes is to modify the tax credit from 2% to 1.5%. Mr. Moss stated that if there are any further questions either from Council or the Community, they are welcome to contact him directly. Mr. Moss indicated he is working on getting more information set up on the city’s web site in addition to holding a seminar for tax preparer’s to inform them of the changes. Mr. Kostoff stated that Mr. Pelot had asked him to look into whether or not Council could list on their legislation how each particular Council member voted. He has reviewed the Ohio Revised Code and the city’s Charter and there is no procedural requirement to be met. Mr. Kostoff recommended that in order to give your Clerk of Council clear direction, you adopt a rule that requires her to record that information. Mr. Kostoff suggested when Council as a whole reviews the Council Rules in January and if this is agreed upon, he would be willing to address that and other issues.

PUBLIC HEARINGS:-None

INTRODUCTION OF NEW LEGISLATION:

ORD #110-2009 First Reading:

Mrs. Hlas offered Ord. #110-2009 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, 2009, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #110-2009, seconded by Mr. McGlone.

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

Motion passed 6-0.

ORD #111-2009 First Reading:

Mrs. Hlas offered Ord. #111-2009 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE A TRANSFER AND REDUCE OR ELIMINATE
AUTHORIZED TRANSFERS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009
AND DECLARING AN EMERGENCY

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #111-2009, seconded by Mr. McGlone.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION:

RES #106-2009 Second Reading:

Mrs. Hlas offered Res. #106-2009 for its second reading, and asked the Clerk to read it:

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES
FROM THE TAX YEAR 2009 COLLECTIONS PAYABLE IN 2010 PURSUANT TO
SECTION 321.34 OF THE OHIO REVISED CODE.

Second reading only.

ORD #107-2009 Second Reading:

Mrs. Hlas offered Ord. #107-2009 for its 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.

Second reading only.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mr. Zita asked Mr. Ryland to elaborate on his letter to ODOT relating to a bill for \$16,605.93. Mr. Ryland stated this is for a change order on the St. Rt. 261 paving project and ODOT is requesting the city pay that amount for extending the driveway elevations and aprons. Mr. Ryland indicated when he received this billing he made contact with ODOT-Michael Flesh (Contract Coordinator) asking to see the change order. We have a specific contract with ODOT that calls for all change orders to be ok'd by the city prior to the work being done. When he made that call, he was told no one from the City had authorized that change order. The letter that Council has a copy is asking for a meeting with ODOT because he did not feel the city is liable for that billing. Mr. Zita asked if a date for this meeting has been set, and Mr. Ryland replied no. Mrs. Hlas asked if Mr. Ryland found out who made that change order, and Mr. Ryland replied he was told it was initiated by Mr. Jones. Mr. Pelot asked if Mr. Jones had his driveway approach changed and Mr. Ryland replied no it was not. Mr. Zita asked what if we find out that it was Mr. Jones that authorized this, and Mr. Ryland made it clear they have no signature from Mr. Jones ordering this change order to go forward, but they were very clear that it was initiated by Mr. Jones. Mr. Pelot asked if anyone has spoken to Mr. Jones about this, and Mr. Ryland replied no. Mr. Zita asked Mr. Ryland to continue to look into this and keep Council apprised, and to see if Mr. Jones has any intention on paying for this change order he implemented. Mr. Zita stated that it's obvious we are already making budget cuts and we do not have the extra money to be paying for this.

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Zita stated Christmas in the Park is December 5, 2009. Mr. Pelot stated the Swine Flu shots are being given at the Norton High School at 4:00 PM for those residents in the high risk group.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:30 PM.

Mike Zita, 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 14, 2009.

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.