



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JUNE 22, 2009**

Roll Call: Ken Braman  
Brenda Hlas  
Tom Jones  
Dennis McGlone  
Bill Mowery  
Scott Pelot  
Mike Zita-Excused

Also Present:  
Mayor David Koontz  
Rick Ryland  
John Moss  
Pete Kostoff  
Karla Richards  
Ann Campbell

The Regular Council Meeting convened on Monday, June 22, 2009 at 7:00 PM, in Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, Vice President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE:**

Mr. Pelot welcomed Boy Scout Mike Fiender from Troop #96 who was present tonight to earn his Civic badge.

**COMMUNICATIONS FROM THE PUBLIC:**

Mr. Blake Miller, Chairman of the Cider Festival Committee, thanked the community for their support of the Community Fair this past week. Mr. Miller stated he felt it portrayed a good image of the city to everyone that came. Mr. Miller thanked Mr. Moss for helping each evening with the parking. Mr. Miller stated they did charge \$1.00 per vehicle for parking and collected a total of \$300.00 to go towards the fireworks for the Cider Festival. Mr. Miller stated he received a lot of positive feedback from people, some residents from Wadsworth commented that it was nicer than their Blue Tip festival. Mr. Pelot stated the only negative feedback he has received is that there was not enough advertising to promote it. Mr. Miller also thanked Mr. Mike Meden for all of the time and effort he put into this.

Mr. Gilbert Chaney, a Norton resident, commented about Mr. Moss being employed by the City of Wadsworth and working for the City of Norton. Mr. Chaney stated that there is a real problem with that, we are in competition for business with each other. Mr. Chaney stated that this is like letting Russia and China come over here and run FBI and the CIA. Mr. Chaney discussed the referendum petition, and that he helped circulate them and he got 119 signatures. Mr. Chaney stated that he was surprised of the responses he received from the residents. As soon as the word Council was mentioned, real cuss words were used. Mr. Chaney talked about his Granddaughter who once had taunted their dog by pulling at his fur, and he eventually bit her. Mr. Chaney stated that with any creature if you keep pulling their hair out, they are going to bite you.

Mr. Andrew Lehner, a Norton resident, stated that he had not been here in a while, but after hearing stuff from his neighbors he felt he needed to come. Mr. Lehner stated he had some concerns about the purchase of the police cruisers, which he discussed with Mr. Moss earlier

today. Mr. Lehner discussed the tax credit and the fact that he works outside the city, and this would kill him on his taxes every year. Mr. Lehner stated he was against the ordinance you passed for the water and sewer. If we put these on the ballot he would vote against them. Mr. Lehner stated that you guys are doing a lousy job, you are spending money left and right and we don't have that kind of money. The economy is so bad we just don't have it, and his Dad just had to pay \$1,000.00 in property taxes and he is retired.

Ms. Charlotte Whipkey, a Norton resident, stated she could not wait to hear the explanation on the Charter violation. Ms. Whipkey discussed Ord. #68-2009 (Public Records Policy) and the fact it was introduced by someone from Finance and questioned why didn't it come from the Rules Committee? Ms. Whipkey asked why we even needed this in the first place? It appears as if this is a way to slow things down, does this follow the Ohio Revised Code? Ms. Whipkey questioned the section of requiring legal review before turning over public records requests. Ms. Whipkey mentioned the court hearing recently held for Issue #26 and that there were three (3) lawyers present from the law firm of Roetzel and Andress. Ms. Whipkey asked if all of them were being paid \$175.00 per hour? Mr. Kostoff stated he does not usually respond at this point, but this question was so obviously....Mr. Jones interrupted by calling a point of order. Mr. Pelot gavelled the meeting back to order and Mr. Kostoff replied no to Ms. Whipkey's initial question.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council meeting of June 8, 2009 were approved as submitted.  
Minutes of the Committee Work Session of June 15, 2009 were approved as submitted.

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

There were no reports.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

Mrs. Hlas indicated that she would be introducing several ordinances tonight because Mr. Jones refuses.

**ORD #68-2009**

Mrs. Hlas offered Ord. #68-2009 for its first reading, and asked the Clerk to read it:

AN ORDINANCE ADOPTING A PUBLIC RECORDS POLICY IN COMPLIANCE WITH OHIO REVISED CODE SECTION 149.43, AND DECLARING AN EMERGENCY.

First reading only. Mr. Jones discussed a typo in Section 3 where it states *which that* ; this doesn't make sense, they are in conflict. Mr. Pelot stated this would be looked into and addressed at the next meeting.

**ORD #69-2009**

Mrs. Hlas offered Ord. #69-2009 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$290,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE COST OF THE ACQUISITION OF AN EVACUATION/RESCUE VEHICLE INCLUDING 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, Jones, Mowery, Braman, Pelot  
Nays: None

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #69-2009, seconded by Mr. McGlone.

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

Motion passed 6-0.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #60-2009**

Mr. Braman offered Ord. #60-2009 for its second reading, and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 660.07 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

Second reading only

**ORD #61-2009**

Mrs. Hlas offered Ord. #61-2009 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 III SECTION 3.12 OF THE CHARTER OF THE CITY PROVIDING FOR OPEN REGULAR MEETINGS OF COUNCIL IN COMPLIANCE WITH SECTION 121.22 OF THE REVISED CODE.

Second reading only.

**ORD #62-2009**

Mrs. Hlas offered Ord. #62-2009 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 V OF THE CHARTER OF THE CITY TO PROVIDE FOR THE PROCESS FOR THE SALE OF MUNICIPAL PROPERTY.

Second reading only.

**UNFINISHED BUSINESS**

Mr. Jones thanked Mr. Ryland for fixing the holes on Wadsworth Road that he had been complaining about for some time. Mr. Jones stated that back on June 8, 2009 Mr. Ryland had indicated that they would begin paving on Wadsworth Road and asked where did they start? Mr. Ryland stated at all of the bridges, they are getting ready for the overlays. Mr. Jones clarified the cost of the road patch materials at \$115.00 per ton, and Mr. Ryland concurred.

Mr. McGlone asked for the report on the Charter violation. Mr. Kostoff distributed a packet of the items he has reviewed relating to this subject (see attached). Mr. Kostoff indicated he has reviewed the ballot language, which set a specific time limit for the Charter Commission to meet, prior to this there was no time limit. It was submitted to the electorate and it was approved. That was the only language that was submitted to the electorate. In Section 1 of Ord #72-2007, it appears that there was a strike through on 1966 to 2009, he was not the Law Director at that time. He did consult with the previous Law Director and to the best of his recollection there was discussion on changing the Charter Review Commission from five (5) years to three (3) and back and forth. Mr. Kostoff stated that ultimately there was nothing done to change that, and the minutes do not reflect any such changes. Mr. Kostoff stated that you couldn't change a provision in the Charter without an amendment in the Charter. Whether or not it was the intention of Council to change this, it has no impact to the Charter provision that was placed in front of the electorate. It was strictly limited to a term of office. Mr. Kostoff stated it was his humble opinion that the language in Section 2 is the only thing that is operable and the remaining language is still functional. If you go to 1966 and every five (5) years thereafter, the next Charter Review Commission would be empanelled in 2011. Mr. Kostoff stated that he would be instructing the Clerk of Council to send a revised copy to the date of 1966 and the 12-month period to the Secretary of State and the Board of Election. Mr. Jones asked how this could have happened, and asked if striking out words and bold typing is generally done by someone in your capacity? Mr. Kostoff stated he did not know if someone took editorial license or in the interest of updating the Charter in their minds, they used 2009. Mr. Kostoff stated that all he knows is that you couldn't change anything within the Charter without a vote of the electorate. Mr. Kostoff stated he could not find anything in the minutes that would indicate what might have happened. Mr. Kostoff noted that regardless, Council voted on this and has the responsibility to review the ordinance. Mr. Pelot stated that the year couldn't be changed because it was never voted on by the people. Mr. Pelot stated that the bottom line here is that the allegations that the Administration or Council was in violation of the Charter are false. Mr. Kostoff indicated he was not going to get into that, he would only answer as to if it is operative and he has answered that.

Mayor Koontz stated he was glad this was resolved and was rather surprised when this whole hullabaloo even came up. Mayor Koontz stated he recalled voting on this last fall and that the only issue then was the limit of 12 months. The net result is the next Charter Review Commission will be seated in 2011.

**NEW BUSINESS**

Mr. Mowery thanked Mr. Weinsheimer, the Street Dept. employees and Mr. Ryland for getting the drainage issues resolved for the resident on Trotter Drive.

**PUBLIC SERVICE ANNOUNCEMENTS**

Mayor Koontz read several announcements (see attached).

Mr. Pelot congratulated all of the Norton High School Graduating Class of 2009

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:37 PM.

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Scott Pelot, Vice 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 July 13, 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.