



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JULY 13, 2009**

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

The Regular Council Meeting convened on Monday, July 13, 2009 at 7:00 PM, in 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:**

Mr. Jones stated that we spoke on this in early June about the executive session Ordinance #61-2009, and moved to add the wording of executive session in the title, which would allow the people to know what they are voting for. Mr. Jones stated he believed that Mr. Kostoff had previously indicated that we could do that. Mr. Jones stated the only other time it's mentioned is toward the bottom and he was concerned with how the Board of Elections would word this on the ballot. Mr. Kostoff stated he did not know what the ballot language would be, however he assumed that we would be asking them to put all of the exceptions in there. Mr. Kostoff stated we would like to have the people to vote with full knowledge of what is intended, Mr. Braman seconded the motion. Mr. Pelot asked for clarification on the additional language and Mr. Kostoff provided the following amendment to Ord. #61-2009: *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 EXECUTIVE SESSION IN COMPLIANCE WITH SECTION 121.22 OF THE OHIO REVISED CODE.*

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

Motion passed 6-0.

Mrs. Hlas stated that we now have the Summit County Engineers contract and agreement attached to Ord. #73-2009 and moved to add that to the agenda, waiving second and third readings, seconded by Mr. Pelot. Mr. Jones stated he discussed this with Mrs. Richards earlier and had questioned if the Summit County Council still has to approve this? Mrs. Hlas stated that it just gets passed on to Mr. Russ Pry's office for approval. Mr. Pelot stated this should not have to go to Summit County Council for their approval.

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

Motion passed 6-0.

Mrs. Hlas stated that the Fire Dept. has received a \$3,000.00 grant for the fire equipment we discussed last Monday and moved to add Ord. #74-2009 to tonight's agenda, waiving the second and third readings, seconded readings, seconded by Mr. Jones.

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

Motion passed 6-0.

Mr. Pelot moved to amend Ord. #68-2009, in Section 3 the word *that* needs to be removed, seconded by Mr. Jones.

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

Motion passed 6-0.

Mr. Zita stated that after Council returns from summer recess, we will need to set up an Assessment Equalization Board for the Gardner Blvd. Phase III Waterline Project, due to the fact that letters of objection have started to come into the Clerk of Councils office. Mr. Zita stated that there would be a Special Council Meeting on August 17, 2009 immediately following the Committee Work Session to discuss the referendum petitions on the income tax credit.

**COMMUNICATIONS FROM THE PUBLIC:**

Mrs. Elaine Tompkins, a Norton resident, clarified her statements made last week regarding her first figures of February statements for Roetzel and Andress added up to \$84,000.00 when in fact it was actually \$71,281.10. Mrs. Tompkins discussed the omission of the Cleveland Massillon Road change order from the agenda tonight and hoped to have a sufficient explanation for this later on tonight. Mrs. Tompkins stated she still felt there were many things that were mishandled by Council as a whole.

Ms. Charlotte Whipkey, a Norton resident, commented on Ord. #61-2009-Executive Session and that she would rather not see this out there because we will most likely turn this down. Ms. Whipkey asked why do we even have to mention 121.22, cant you just say Ohio Revised Coded instead since we don't have other numbers mentioned in our Charter? Ms. Whipkey stated that there was a problem with the Akron-Wadsworth project, it's just an excellent example as to why we don't need executive sessions. This was all done without the Chair of the Utilities Committee knowing anything about it until it was placed on the agenda. Ms. Whipkey stated you already know how she feels about Ord. #68-2009-Public Records Policy, its already posted out there, we pay \$1.00 for the packets.

There is no harm in saying your first ten (10) copies are free without having to make this into a law. Ms. Whipkey asked why the referendum petitions have not been turned into the Board of Elections for validation? Ms. Whipkey stated she had a problem with the June 22, 2009 minutes and the response from the Solicitor. "*Mr. Kostoff stated he does not usually respond at this point*" Ms. Whipkey stated she wanted this corrected to say he does not usually respond to YOU (meaning me) at this point.

#### **CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council meeting of June 22, 2009; Mr. Jones stated that he believed in page #2 during that same conversation where Mr. Kostoff addressed Ms. Whipkey, he did not bother to ask Council if he could. Mr. Jones stated that he had to call a point of order twice and that's when Mr. Pelot gaveled the meeting back to order. Mr. Jones stated that Mr. Kostoff was out of control the way he saw it, and he thought that's the way other members saw it as well. Mrs. Hlas stated she did not feel Mr. Kostoff was out of order and she took offense to Mr. Jones stating that other members of Council felt the same way, when you do not know that for sure. The minutes were approved as submitted.

Minutes of the Committee Work Session of July 6, 2009; Mr. Jones stated that he went over these with Mrs. Richards, and she found a correction on page #2-line #14 with regard to Ms. Whipkey, instead of they it should be *the*. Page #5-line #12 at the top under Mayor Koontz the word *he* needs inserted. Line #18 from the bottom where Mayor Koontz is talking about the school, it should be *that* instead of *there*. On page #6 under ODOT, line #11 it should be *but* instead of *buy*. The minutes were approved as corrected.

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

Mr. Ryland expressed his displeasure in the comments made last week in his absence about Mr. Jones being totally caught by surprise about the change order on the Cleveland-Massillon Road Waterline Project. On June 2, 2008 we discussed this in committee and we were looking at extending this at that time and it was Mr. Jones who made the motion with the possibility of adding 1,000 feet if we had the money. You were all well aware that we were looking at possibly extending this project. It was brought to you for discussion in open meetings, and the inference that the Administration was doing something or hiding something is nonsensical. Mr. Ryland stated that we have brought this to you previously and we are bringing it out for discussion again. Mr. Jones stated that Mr. Ryland was correct, it was discussed, but only to bring it out to Wadsworth Road and no further. Mr. Ryland agreed. Mr. Jones took issue with the date it was originally discussed, June 2, 2008 was a Tuesday, and it must have been June 1, 2008. Mr. Ryland stated that his copy of the minutes clearly reflect the date of June 2, 2008. Mr. Ryland stated that at that time it was not discussed to go any further than the main intersection. However, after recently talking with the engineers, they pointed out very clearly that stopping a project in the middle of an intersection is a foolish way to handle it. Every time you extend that waterline north, south, east, or west, you are digging up that entire intersection. Mr. Ryland stated that had he been here at this last meeting he would have brought this discussion forward. It becomes tiresome that the Administration hears these accusations that we are doing things under the covers or shady, its just nonsense, its what we discussed doing. Mr. Zita added that it was June of 2008 that this was discussed and it was a Monday. Mr. Jones stated this was not presented in the bid packet to Lockhart Construction.

Mr. Ryland agreed it was not in the original bids, but it was discussed. The reason it was not in the plans is because we had already made the application with Ohio Public Works Commission for the grant to take it to the school. It has always been talked about as a possible change order to the original project. There is nothing shady here; it was not part of the original bid or the original grant.

Mr. Moss stated that for the August 17, 2009 he would like Council to consider discussion on an ordinance accepting the amounts and rates from the County. Mr. Moss indicated there is a deadline for October 1, 2009 and in order to meet this deadline we need to start discussion at that time. Mr. Moss stated this is also a good point to hold discussion on general 2009 Budget changes, and he would be working on this over the break.

Mr. Kostoff stated that on August 5, 2009 there is an Issue of Necessity hearing for the Beldick eminent domain case. Mr. Kostoff stated the trial date of October 1, 2009, if there is discussions between the parties and they prove fruitful, then that August 5, 2009 hearing may go away and we continue with the October 1, 2009 trial date unless we reach settlement prior to that. Mr. Kostoff discussed Ord. #61-2009-Executive Session and it does list the six (6) exceptions that Council could go into executive session, and that is what would be presented to the voters if passed by Council tonight.

**PUBLIC HEARINGS: None**

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #70-2009**

Mrs. Hlas offered Ord. #70-2009 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO APPLY AND FILE FOR A COMMUNITY DEVELOPMENT BLOCK GRANT WITH THE COUNTY OF SUMMIT AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #70-2009, seconded by Mr. Pelot.

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

Motion passed 6-0.

**RES #71-2009**

Mrs. Hlas offered Res. #71-2009 for its first reading, and asked the Clerk to read it:

A RESOLUTION SUPPORTING AN APPLICATION FOR COMMUNITY BLOCK GRANT FUNDING.

Mrs. Hlas moved to adopt Res. #71-2009, seconded by

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

Motion passed 6-0.

**ORD #72-2009**

Mr. Mowery offered Ord. #72-2009 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Braman. Mr. Jones stated that this only reads Greenwich Road, and he had asked the Mayor if it also included Norton Avenue and Mayor Koontz had replied that it did. Mr. Jones stated his only concern was six (6) months from now or whenever this is awarded would Norton Avenue be part of it? Mr. Jones also mentioned having a right turn lane heading east, which we do not have and the water damage in front of McDonald's and Arby's, asking if these areas would be addressed? Mr. Jones stated that he did ask about the berms and that Mayor Koontz indicated they would be addressed. Mr. Jones stated the way this legislation reads; it does not mention Norton Avenue. Mr. Ryland stated that the right hand turn lane is not part of this project, however Norton Avenue is included in the overall project. Mr. Ryland stated the water problems in front of McDonald's and Arby's would be a separate storm water issue and during this project they will attempt to get a better leveling off in this area, but it will not correct the problem. Mr. Ryland stated that Norton Avenue would not be getting a complete re-grinding and resurfacing like Greenwich, but there is some repair work. Mr. Jones clarified the scope of the project would be from the main intersection to Medina Line Road, and Mr. Ryland concurred. Mr. Ryland indicated that ODOT came out a few weeks ago and inspected Norton Avenue and found a seal crack down the center where the turn lane is and they will be addressing this issue.

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

Motion passed 6-0.

Mr. Mowery moved to adopt Ord. #72-2009, seconded by Mr. Braman.

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

Motion passed 6-0.

**ORD #73-2009**

Mrs. Hlas offered Ord. #73-2009 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO CONFIRM THE MAYOR'S APPOINTMENT OF THE SUMMIT COUNTY ENGINEERS OFFICE AS THE MUNICIPAL ENGINEER, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #73-2009, seconded by Mr. Pelot.

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

Motion passed 6-0.

**ADDED TO THE AGENDA**

**ORD #74-2009**

Mrs. Hlas offered Ord. #74-2009 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009 TO REFLECT THE ACCEPTANCE OF FUNDS AWARDED TO THE CITY OF NORTON UNDER A TRAINING AND EQUIPMENT GRANT FROM THE OHIO DEPARTMENT OF PUBLIC SAFETY; AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #74-2009, seconded by Mr. Pelot.

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

Motion passed 6-0.

**INTRODUCTION OF PRIOR LEGISLATION**

**AMENDED**

**ORD #68-2009**

Mr. Pelot offered Amended Ord. #68-2009 for its second 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.

Mr. Pelot stated that unless there were objections from Council, in order to clear everything off of our plate before recess, he moved to waive the third reading, seconded by Mrs. Hlas. Mr. Jones stated that there was discussion last week, and we were going to hold off on this, Mr. Pelot stated he was good with this and Mrs. Hlas reminded Mr. Jones there is a motion and a second on the table. Mr. Pelot stated he felt the only thing we needed to discuss was correcting the verbiage. Mr. Jones referred to page #3 of the minutes of July 6, 2009 under Public Records Retention Policy. Mr. Pelot replied that conversation is not for this legislation, it relates to a packet that all of Council should have received in your mail this week. Mr. Pelot indicated that item has not even been discussed yet and is not in here at all. Mr. Kostoff stated that this was something that came out of the audit and was a recommendation that the auditor's office encouraged the city to adopt, there is nothing mysterious about it, and its something we need to be in conformance with.

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #68-2009, seconded by Mrs. Hlas

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

Motion passed 6-0.

**ORD #60-2009**

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

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

Mr. Braman moved to adopt Ord. #60-2009, seconded by Mr. Pelot. Mr. Jones questioned Ord. #82-2003 passed on October 14, 2003 and asked what are the changes made here? Mr. Jones commented on the several sections where it states "*where otherwise permitted by law*" and "*when lawfully used under a zoning permit or a conditional zoning permit*". Mr. Jones stated that in November of 1988 until April of 1989 we were without zoning.

Mr. Jones asked if this is directed for any certain reason as to why we are changing to another ordinance? Mr. Braman stated that this legislation changes the notification process mostly on unlicensed vehicles. Mrs. Hlas asked Mr. Jones if you mean to tell me that we are here for the third reading, we've discussed this in Committee, we've had three (3) readings and, now all of the sudden at the twelfth hour you are going to make a big deal about this? Mr. Jones replied yes, that's right. Mrs. Hlas asked Mr. Jones where was he at the other two (2) readings because that is when you should have raised your concerns, not at the third and final readings. Mr. Jones stated he is just asking questions, and it does not say anything about those that are grandfathered in. Mr. Kostoff replied these revisions were done as a result of the Zoning Inspector recommending them to him. Mr. Kostoff indicated that they may have also gone to the Planning Commission, and he drafted the legislation from that point. Mr. Jones asked Mr. Kostoff to comment on Item 4 on the second page where it states "where lawfully used under a zoning permit or conditional zoning permit" Mr. Zita called for a five (5) minute recess for Mr. Kostoff to review the legislation. Mr. Zita reconvened the meeting back to order at approximately 7:50 PM. Mr. Kostoff read from a section of the June 1, 2009 Committee of the Whole meeting: "Mr. Braman noted the few changes for Code 660.07 storage and disposal of motor vehicles; it changes land to property, changes registered or certified mail to certified mail, it removes publication in the newspaper, and it adds posting on the property, and registered mail after an impound is now required. Mr. Braman stated it is basically the same other than these changes. Mr. Braman stated he would rather just do three readings on this one. Mr. Jones discussed item 4 on page 2 "when lawfully used under a zoning permit or conditional zoning permit" and asked if this was added? Mr. Arters replied yes, this would be like for Bills Towing I-1 District under a conditional use." Mr. Kostoff stated that this echoed before what he stated that the Zoning Inspector was making changes to the notice provision and his intention was to be more active in a comprehensive fashion. Mr. Kostoff stated he felt this is a good thing for the community, and certainly where there are violations of the law. Mr. Jones asked Mr. Kostoff if he was aware that there was no zoning from November of 1988 to April of 1989, and Mr. Kostoff replied that he is generally aware of that. Mr. Jones asked Mr. Kostoff if something like that should be part of this ordinance? Mr. Kostoff stated he saw no reason for it, and what is or isn't grandfathered is an issue of fact and if there is a dispute it could be potential litigation. Mr. Kostoff stated there are various changes that would make the Zoning Inspectors job more effective and that is why he proposed them.

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

Motion passed 5-1.

**AMENDED**  
**ORD #61-2009**

Mr. Pelot offered Amended Ord. #61-2009 for its third 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 EXECUTIVE SESSION IN COMPLIANCE WITH SECTION 121.22 OF THE REVISED CODE.

Mr. Pelot moved to adopt Amended Ord. #61-2009, seconded by Mr. Braman. Mr. Mowery stated that as long as he has been on Council, he has always been voting for open council meetings and not to close the door to the public. Mr. Mowery stated this has nothing to do with the Administration or anything, he felt that the public should be involved in anything that goes on within the city. Mr. Mowery stated he could not support this tonight, nor has he done so in the past. Mr. Pelot stated that executive session could be extremely valuable to the city especially when dealing with real estate transactions or disciplinary actions. There are just certain things you should not discuss in a public forum like buying property. Why tell everyone out there what you are willing to offer, it just makes the price go up. Mr. Pelot stated that as Mr. Kostoff explained there are only six (6) reasons under Ohio Law that you can go into executive sessions. Mr. Pelot stated that as a benefit this would allow the Administration to keep Council more informed, and as a result the constituents are more informed. Mrs. Hlas stated that as a Councilperson, she would love to have more information when it comes time to discuss union negotiations, and to be able to discuss this freely. Mrs. Hlas stated that currently we can't, and we have limited information unless we come in and discuss the issues with Administration one on one. Mrs. Hlas stated that she felt it would be better if Council could meet in executive session so that we could discuss all options freely and at the same time, and its something we desperately need. Mr. Kostoff stated that he had asked Council to consider this legislation, and as a professional and a lawyer he is asking you to allow the public to have the chance to vote on this. Mr. Kostoff stated that he does support full discussion and full debate at open meetings, however there is one very clear example for the purchase of property where this would benefit the city in their negotiations. Mr. Kostoff stated that if we are concerned about saving the taxpayer money, this is clearly a reason the legislature has provided the ability to use that provision within the law. Mr. Kostoff cited another example would be for personnel, or criminal investigations going on. Mr. Kostoff stated that as a lawyer he would like to brief you more and found it difficult at times and involved him having to meet with his client one on one. Mr. Kostoff stated that he did not feel that he could effectively represent you in a number of areas where he thinks you would be of benefit and hearing your frank opinion on various issues. Mr. Kostoff indicated that most of these kinds of issues do not come up very often, and most of our business is done in the light of the public. Mr. Kostoff stated that is the reason the Ohio Legislature has provided communities with this opportunity. This is not unique to Norton; the prevailing majority of the municipalities throughout Ohio have this provision. Obviously your legal counsel would not allow you to go into executive session unless it meets all of the statues, and if its not he is going to tell you. Mr. Kostoff stated that if you attempted to go into executive sessions, he would not sit here and allow you to do it. Mr. Moss stated as the Finance Director, he watches over the money for this city. There are many times where information is not shared with Council. It would be appropriate in executive session but not in an open meeting. One example is with the purchase of property, and that the public does not need to be involved in what you are willing to pay. Another example is contract negotiations, it does not make sense to put into daylight what your position is because it lets the other side know how far they can go to get money out of the city.

Lastly is the situation of lawsuits and he recalled the questions that came up with the Amanda Martin lawsuit about how could this happen with Council not knowing about. Reality is things happen every day, and the possibility for lawsuits have become very great in this litigious society. So, should we come to you every time someone has a possibility for a lawsuit? That would just invite lawsuits, and losses for the community overall. Mr. Moss stated that having executive sessions would protect the city and the best interests of the residents.

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

Motion failed 4-2 (Majority vote of 5 yeas is required for passage)

**ORD #62-2009**

Mr. Pelot offered Ord. #62-2009 for its third 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.

Mr. Pelot moved to adopt Ord. #62-2009, seconded by Mrs. Hlas. Mr. Pelot stated this gives the city more ability to look at the way we dispose of property, and it still comes back to Council for a final say, Administration cannot just take it upon themselves. Mr. Kostoff stated if the residents are kind enough to adopt this it would result in considerable savings of tax dollars to the community over time.

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

Motion passed 5-1.

**UNFINISHED BUSINESS:**

Mr. Jones thanked Mrs. Richards for thoughts and efforts put forward during the last week, and that she agreed with him on the Cleveland-Massillon Road Waterline Phase II, going up to Rosebay. Mr. Jones commented about not going with the flow, which a lot of people say he doesn't. If you go with the flow, the only thing that goes with the flow is dead fish.

Mr. Kostoff commented on that issue, and he independently drafted that legislation and at the bottom of all legislation there is a statement that says "*approved as to legal form*".

Mr. Kostoff stated that if he does not believe that something cannot meet the constitutional muster, he will not prepare the legislation, and he is well aware of Mr. Jones' comments or concerns. The basic issue as to why legislation could not be drawn for Phase II was because we had an assessment process. That process is already underway, after the fact you cannot jeopardize that process. Mr. Jones stated that although Mayor Koontz had previously stated that if we had to go out for bid for Phase II it would be higher than the price we received from Lockhart, he believed it would actually be lower.

Mr. Jones stated he wanted to see all of the bids that were submitted and if it was submitted in those packages. Mr. Kostoff stated that you cannot have an assessed project and an un-assessed project, he is not going to discuss the change order because he is stopped at the first legal issue. Mr. Kostoff stated the Administrations interest was to continue this project and being beneficial to the community. Mr. Jones stated that it wasn't legal right, and Mr. Kostoff stated his examination does not go past that.

**NEW BUSINESS:**

Mr. Kostoff indicated that Mrs. Richards has asked for clarification on the vote of Ord. #61-2009-Executive Session. Mr. Kostoff stated this measure did fail the vote was 4-2 and the requirement of the Charter is 5 affirmative votes to place a matter before the people. This does not go on the ballot. Mrs. Hlas clarified it is a 2/3 vote of all members present and Mr. Kostoff concurred.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Moss reminded everyone of the continued concerts in the park every Thursday, and on July 30, 2009 is a special concert for the younger audience. We will have some additional features in the park, Touch a Truck, where we will have large city vehicles available for the kids to get safely familiar with.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:16 PM.

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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 August 24, 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.