



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JANUARY 25, 2010**

Roll Call: Todd Bergstrom
Don Nicolard
Brenda Hlas
Bill Mowery-Excused
Ken Braman
Scott Pelot
Mike Zita

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

The Regular Council Meeting convened on Monday, January 25, 2010 at 7:02 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 moved to amend Ord. #110-2010, #111-2010 and #113-2010, there was a typo and it should be #10-2010, #11-2010 and #12-2010, seconded by Mr. Pelot.

Roll Call: Yeas: Hlas, Pelot, Bergstrom, Nicolard, Braman, Zita
Nays: None

Motion passed 6-0.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Keith Hetrick, a Norton resident, discussed his recent water bill and the new monthly surcharge fee. Mr. Hetrick asked the Mayor why no one in his allotment was told about this new fee before hand? Mr. Hetrick stated that if the residents are going to be billed for something, we should have been told how much before being gouged up front.

Mr. Tony Discenza, the Public Sector Rep for Waste Management, spoke about the proposed city wide trash hauler. Mr. Discenza stated he was willing to offer any tips, suggestions or guidance to Council and the Administration on this subject. Mr. Discenza stated he has some experience in this area, adding that several communities have already done this such as Kirtland and Willoughby Hills. Mr. Discenza stated one community (Chardon) attempted to do this but felt so much push back from the public, they tabled it. Mr. Discenza asked to be kept informed as to when the next meeting would take place so he could attend. Mr. Discenza stated he had spoken with Mrs. Campbell and she had asked how many trucks and how often is Waste Management in Norton. Mr. Discenza stated he checked and was told they have two (2) trucks and are in Norton on Mondays.

Mrs. Elaine Tompkins, a Norton resident, offered her personal thanks to everyone for all of their many condolences and concerns for the recent loss of her husband. Mrs. Tompkins discussed the attendance of the elected officials and a recent publication this past December stating the records of various officials. Mrs. Tompkins suggested that this should become a Charter amendment with an enforcement clause to it stating that if you were absent more than three (3) meetings you would have a deduction in your paychecks. Mrs. Tompkins reminded everyone that you accepted these positions and we want our moneys worth for the chairs you occupy.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of January 11, 2010 were approved as submitted.
Minutes of the Committee Work Session of January 19, 2010 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz stated he felt the residents get more than their moneys worth regardless of his attendance rate at the Council meetings. Mayor Koontz stated he is not a part of Council, he is merely an observer and carries no votes on Council. Mayor Koontz stated his position as Mayor is very involved throughout the week besides Monday evenings; Mayor Koontz offered no apologies for his attendance rate. Mayor Koontz felt the residents are getting quite a bargain for their \$11,250.00 he receives each year.

Mr. Ryland, Mr. Moss and Mr. Kostoff had no reports to offer.

PUBLIC HEARINGS:-None

INTRODUCTION OF NEW LEGISLATION:

RES #6-2010

Mr. Pelot offered Res. #6-2010 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF DON WELCH TO AN UNEXPIRED TERM AS A REPRESENTATIVE ON THE BOARD OF ZONING & APPEALS OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

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

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0.

Mr. Pelot moved to adopt Res. #6-2010, seconded by Mr. Nicolard. Mr. Pelot stated Mr. Welch will be serving the balance of Mr. Bergstrom's term and thanked him for serving.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0

RES #7-2010

Mr. Pelot offered Res. #7-2010 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF NANCY DELNAY TO HER SECOND FULL TERM AS A REPRESENTATIVE ON THE CITY OF NORTON HEALTH ADVISORY BOARD AND DECLARING AN EMERGENCY.

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

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0.

Mr. Pelot moved to adopt Res. #7-2010, seconded by Mr. Nicolard. Mr. Pelot thanked Mrs. Delnay for her commitment to the health and safety of the Norton residents. Mr. Pelot stated as a recent representative on this Board, he has a new appreciation for what all is involved and what the members do.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0.

RES #8-2010

Mr. Pelot offered Res. #8-2010 for its first reading and asked the clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF TODD BERGSTROM FOR HIS SERVICE ON THE BOARD OF ZONING AND APPEALS AND TO CONGRATULATE TODD BERGSTROM ON HIS RECENT ELECTION TO THE CITY OF NORTON COUNCIL, WARD 1.

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

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0.

Mr. Pelot moved to adopt Res. #8-2010, seconded by Mr. Nicolard. Mr. Pelot thanked Mr. Bergstrom for his time served on the BZA, and congratulated him on his seat to Council. Mayor Koontz also thanked Mr. Bergstrom for serving and for stepping up to serve when requested.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0.

ORD #9-2010

Mr. Pelot offered Ord. #9-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AND DELIVER A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORTON AND THE AFSCME OFFICE AND CLERICAL WORKERS OF THE CITY, AND DECLARING AN EMERGENCY.

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

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #9-2010, seconded by Mr. Nicolard. Mr. Pelot thanked Mr. Ryland for the time put in on these negotiations. Mr. Pelot asked if there was a dental plan in place of all of these workers now? Mr. Ryland replied yes. Mr. Pelot asked if there are employees within the city that are not covered at this point in time? Mr. Ryland replied no, even though we have not completed the contract negotiations with the full time Fire Fighters; there is an existing clause stating their coverage would be equal to that of the OPBA. Mr. Ryland stated that all persons are covered with the dental plan now, we have to sign the contracts yet but everything is in place. Mr. Pelot asked if this applied to the non-union employees as well and Mr. Ryland replied yes.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #9-2010, seconded by Mr. Nicolard.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0.

ORD #10-2010

Mr. Pelot offered Ord. #10-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AND DELIVER A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORTON AND THE AFSCME SERVICE WORKERS OF THE CITY, AND DECLARING AN EMERGENCY.

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

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #10-2010, seconded by Mr. Nicolard.

Roll Call: Yeas: Pelot, Nicolard, Bergstrom, Hlas, Braman, Zita
Nays: None

Motion passed 6-0.

ORD #11-2010

Mrs. Hlas offered Ord. #11-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$190,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF ACQUIRING REAL PROPERTY FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

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

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Braman, Pelot, Zita
Nays: None

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #11-2010, seconded by Mr. Bergstrom. Mrs. Hlas indicated this goes with the prior legislation on purchasing this property, now we need to get the note together.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Braman, Pelot, Zita
Nays: None

Motion passed 6-0.

ORD #12-2010

Mrs. Hlas offered Ord. #12-1010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH A FUND TO PROPERLY ACCOUNT FOR REVENUE AND EXPENSES ASSOCIATED WITH HIGHWAY PLANNING AND CONSTRUCTION GRANTS.

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

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Braman, Pelot, Zita
Nays: None

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #12-2010, seconded by Mr. Bergstrom. Mrs. Hlas indicated this fund needs to be established to receive the grant money we expect later on this year.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Braman, Pelot, Zita
Nays: None

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #2-2010

Mr. Braman offered Ord. #2-2010 for its second reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE AND DELIVER A CONTRACT FOR ENGINEERING SERVICES IN CONNECTION WITH THE RESURFACING OF PARKWAY BOULEVARD.

Second reading only.

ORD #4-2010

Mrs. Hlas offered Ord. #4-2010 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE ADVANCES FROM THE GENERAL FUND INTO THE BARBER DEBT SERVICE FUND.

Second reading only.

ORD #117-2009

Mrs. Hlas offered Ord. #117-2009 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND/OR ADMINISTRATIVE OFFICER TO INCREASE THE AMOUNT OF THE ORIGINAL CONTRACT WITH ARCHITECT, THOMAS KLINGENSMITH, IN THE AMOUNT OF \$45,000.00 TO DESIGN A NEW FIRE STATION AND DECLARING AN EMERGENCY.

Mrs. Hlas stated that this would be a third reading only, we are not taking any votes as we are waiting for further information.

UNFINISHED BUSINESS:

Mr. Bergstrom discussed the status of Ord. #117-2009 and that Council is still looking to receive the additional information we requested. We are trying to satisfy our curiosity as to what exactly the scope of services were, to justify the additional expense and request for payment. Mr. Moss indicated that he thought the contract was distributed to everyone. Mr. Pelot stated the contract was received, we are still asking to see what justifies the additional \$45,000.00. Mr. Moss stated the contract states the scope of services, which is rather broad and includes another five (5) months of work that has not been done yet. It is a percentage calculation and the total amount that can be billed is capped by that calculation. There was discussion as to the total project cost of the project, the change in design of the building, and what the bids recently came in at. Mr. Nicolard asked Mr. Moss if we are going to receive an invoice for this or was it part of the initial contract? Mr. Moss indicated that he would not issue any payment without an invoice, and expects to receive one. Mr. Bergstrom stated that he met with the architect last Thursday, and at first glance it passed his initial gut check. However, after looking at the contract today it does not compare with the fact that he was told construction management was covered in the scope of services. Mr. Bergstrom indicated there was a chart of what his services included and what they don't include in the back part of the contract.

Mr. Bergstrom stated that in addition there was some issues that are unclear and not written out such as the extra expenses with switching site locations and design. Mr. Bergstrom also noted that his 7.5% fee was based on value and that the contract says based on construction cost and the work estimate is not in there. Mr. Bergstrom stated that because of these issues and some of the vagueness within the contract, it is even more important for the architect to spell out clearly what efforts he put into this if he wants to get paid. Mr. Ryland stated that GPD Group completed all of the site work, which was approximately \$22,000.00. Mr. Ryland indicated that all of that site work is yet to be completed. Mr. Zita suggested we continue this discussion until next Work Session until we get what's requested to review. Mrs. Hlas stated that right now we don't even know what the construction costs are until we award the bid, and Mr. Ryland concurred.

NEW BUSINESS:

None

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz repeated the CCA Taxpayer assistance dates, and the US Census Bureau and you can go to www.2010censusjobs.gov for the details, (see attached). Mr. Bergstrom announced his next Town Meeting on Feb 18, 2010 at 7:00 PM.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:38 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 February 8, 2010.

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.