



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
TUESDAY, OCTOBER 12, 2010**

Roll Call: Todd Bergstrom
Don Nicolard
Brenda Hlas
Bill Mowery
Ken Braman
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 Tuesday, October 12, 2010 at 7:04 PM, in the 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. Bergstrom discussed the proposed Ord. #102-2010 regarding the possible waiving of tap in fees for sanitary sewers to residents and suggested some edits to the language. Mr. Bergstrom discussed the Whereas clause where it states certain property owners and felt that it should state all residential property owners. Mr. Kostoff indicated that it should relate to residential only and not to both commercial and residential. Mr. Kostoff indicated he would not have an issue if Council chose to insert "residential" here. Mr. Bergstrom discussed the reference to Access Charges on page #2 and felt it should state Norton Access Charges. Mr. Kostoff stated we cannot waive the fees of another community, it really should remain as it is. Mr. Bergstrom stated that he was ok with having the emergency clause, but was not in favor of waiving the second and third readings and was in favor of adding this to Councils next agenda, second by Mr. Braman. Mrs. Hlas asked if Mr. Bergstrom meant to add it to tonight's agenda and Mr. Bergstrom asked Mr. Kostoff if we could do that and Mr. Kostoff replied yes, if Council so desired. Mr. Bergstrom and Mr. Braman modified their motions to add Ord. #102-2010 to tonight's agenda for a first reading only.

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

Motion passed 6-0 to add Ord. #102-2010 to the agenda.

Mr. Mowery thanked Mr. Ryland for his letter to Norton resident Mr. Harbert relating to his driveway issue. Mr. Mowery asked Mayor Koontz if he had gone out and even looked at this situation, and felt this was a poor decision on his part. Mr. Mowery asked how much more can these residents take; we still have no resolve on the Brentwood water meter issue of nearly \$300.00. Mayor Koontz responded that we had an extremely hot summer, which caused bleed through with the asphalt in some areas, and that Mr. Mowery was entitled to his opinion.

COMMUNICATIONS FROM THE PUBLIC:

Mr. David Krege, a Norton resident, complained about his neighbor's backfill and land grading project that abuts his property. Mr. Krege discussed the city's riparian setback ordinance and that this project is in violation of the ordinance, and that he wanted to see this fill removed. Mr. Krege submitted photos of the area and additional documentation for Council to review (see attached). Mr. Ryland commented briefly that the city is aware of this situation and there was talk of installing a retaining wall along the property. Mr. Ryland indicated that the city would continue to look into this situation.

Mr. Don Harbert, a Norton resident, discussed the letter Mr. Mowery commented on earlier. Mr. Harbert discussed the city's Durapatch Equipment and how earlier this year the city was promoting how great this equipment was. Mr. Harbert stated his road in front of his driveway was patched with that equipment and the mess is so bad that kids playing wiffle ball actually get their ball stuck in the tar, and now its all the way up his driveway into his garage. Mr. Harbert stated he just wants his road fixed properly, he will clean up his driveway and garage himself, even though it's the city's mess. Mr. Harbert asked how could we prevent this from happening in the future? Maybe not use that equipment when it's 93 degrees outside. It's a real slap in the face to get a letter like that when all we asked for was to fix our street in the first place.

Mr. Ari Aviram, a Norton resident, stated that as a newer Norton resident he has noticed that the roads in Norton are not pedestrian or biker friendly. Mr. Aviram stated that we need to have berms dedicated for pedestrian and or bike traffic on both sides of the street. Mr. Aviram urged Council and the Administration to do a feasibility study and seek whatever grant funding might be available.

Mr. Dale Nelson, a Norton resident, complained about his neighbor's (Mike Cunningham) trailer being parked out in front of his house all summer. Mr. Cunningham has his sitting out in front hooked up to electric, while he has to keep his parked out back and he has to follow the laws. Mr. Nelson stated he discussed this with Mr. Ryland, Mr. Arters and Ms. Paulette Kline of the Barberton Health District. He was told the Cunningham's were issued warning letters. Mr. Nelson stated there are approximately twenty (20) houses in the Rosebay neighborhood, and the Cunningham's own seven (7) of them. Mr. Nelson stated that there seems to be a different standard for the Cunningham family. Mr. Nelson stated he was upset with this because he is doing what he is supposed to be doing with his trailer. Mr. Nelson discussed another issue with Eric Cunningham shining spotlights right into his home. It's so bad they cannot open the curtains in the living room for over a year. Mr. Nelson stated that he has addressed this with Mr. Ryland and Mr. Arters and Ms. Paulette Kline, and Mr. Ryland told him there are no ordinances relating to that issue, but Mr. Nelson stated it is a hazard. Mr. Nelson stated that he has asked Mr. Bergstrom to come by and experience this first hand and he drove down his road and looked up Monterey and the light blinded him. If there is a kid on a bike who does not stop and comes down onto Rosebay you could kill him. Mr. Nelson stated he discussed this with Eric Cunningham's brother Kevin and explained the situation with the spotlights and asked them to change the direction of the lights and Kevin said he would do that. Mr. Nelson stated that in the past he had issues with Eric Cunningham pulling wheelies on his motorcycle, and he had stopped him for doing that. Mr. Nelson asked Mr. Kostoff "why does someone that owns a house can use that to blind people coming down the road, this is a nuisance, and Mr. Bergstrom stated it is a hazard".

Mr. Nelson asked why does the Cunningham family not have to follow the rules? Mr. Nelson discussed an issue with his trash hauler and leaving messes on his property.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of September 27, 2010 were approved as submitted.
Minutes of the Committee Work Session of October 4, 2010 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz thanked Council for adding Ord. #102-2010 to the agenda adding that this would save these residents approximately \$1500.00 in tap in fees. Mr. Ryland reported that the Fire Station has been dry walled and is moving along right on schedule and on budget. Mr. Ryland replied that the Greenwich Road Sanitary Sewer project is slightly behind schedule about one week. Mr. Ryland stated that Barberton has begun work on the water main along Summit Road and it should take the remainder of this fall to complete. Mr. Ryland discussed Mr. Nelson's complaints about the spotlights and that he was correct there is no legislation and that Council would have to address that. Mr. Ryland stated he has been to Mr. Nelsons home more than once to check on those trailers and unfortunately when he gets there they are not there. The trailers are either gone or behind the house where they are supposed to be stored. Mr. Arters has issued warning letters and he moves it and it just begins a process all over again. Mr. Ryland discussed the spotlight issue, and he did not believe this was a hazard. Mr. Ryland addressed Mr. Aviram's comments about a pedestrian and bike trail and with Federal funded roads these are to be considered. In addition the city is looking into a bike path going east to west. Mr. Kostoff discussed Ord. #101-2010 and commented that the Fire Chief and Mr. Ryland have worked tirelessly along with his office to achieve this agreement. Mr. Kostoff stated this is an excellent example to regional cooperation between these communities and urged Council to support this.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

RES #98-2010

Mrs. Hlas offered Res. #98-2010 for its first reading and asked the Clerk to read it:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE SUMMIT COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Res. #98-2010, seconded by Mr. Bergstrom.

Roll Call: Yeas: Hlas, Bergstrom, Nicolard, Mowery, Braman, Pelot.

Nays: None

Motion passed 6-0.

ORD #99-2010

Mrs. Hlas offered Ord. #99-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SUMMIT AND THE SUMMIT COUNTY PROSECUTOR'S OFFICE FOR THE PURPOSE OF PROVIDING A DIRECT INDICTMENT PROGRAM FOR OCTOBER 2010 THROUGH 2011, AND TAKING ALL NECESSARY STEPS TO CANCEL ANY APPLICABLE PREVIOUS AGREEMENTS AND APPLYING ANY DIRECTING OUTSTANDING PAYMENT BE REFUNDED OR APPLIED TO THE NEW AGREEMENT.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #99-2010, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

ORD #100-2010

Mr. Braman offered Ord. #100-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING CHAPTER 1292 OF TITLE SIX OF PART TWELVE OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO; AND DECLARING AN EMERGENCY.

First reading only. A Public Hearing will occur on 10-25-10 at or about 7:15 PM.

ORD #101-2010

Mr. Mowery offered Ord. #101-2010 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 CITY OF FAIRLAWN AND TOWNSHIPS OF BATH AND COPLEY RELATIVE TO THE 2009 ASSISTANCE TO FIREFIGHTERS GRANT.

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

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

Motion passed 7-0.

Mr. Mowery moved to adopt Ord. #101-2010, seconded by M. Nicolard.

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

Motion passed 7-0.

ORD #102-2010

Mr. Bergstrom offered Ord. #102-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ALLOW CERTAIN RESIDENTIAL PARCELS TO CONNECT TO SANITARY SEWER IMPROVEMENTS WITHOUT THE PAYMENT OF THE SANITARY SEWER ACCESS CHARGES REQUIRED BY SECTION 1042.05 OF THE CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION:

None

UNFINISHED BUSINESS:

Mr. Bergstrom asked about the status on the Nash Heights Sanitary Sewer Project and Mr. Ryland indicated this is still under review at this time.

NEW BUSINESS:

None

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz made several announcements, (see attached).

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:46 PM.

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 October 25, 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.