



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

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

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

The Regular Council Meeting convened on Monday, October 25, 2010 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.

Mayor Koontz presented the Norton Lady Panthers Soccer Team and the Norton High School Panthers Soccer Team with a Certificate of Congratulations for winning the Portage Trail Conference Metro Division Championship Title and becoming the Kent District I, and the Brunswick District Division II Sectional Finalists. Mayor Koontz also presented Coach Leslie Tabor-Neice and Coach Jason Genis a Certificate of Congratulations for winning Coach of the Year in Division I and Division II of the Portage Trail Conference Metro Division and the Greater Akron Scholastic Soccer Coaches Association.

**COMMITTEE OF THE WHOLE:**

Mr. Bergstrom stated at the last meeting he had made some editing changes to Ord. #102-2010 and discussed the copy (see attached). Mr. Bergstrom indicated that the word certain is not what he had intended to see in the legislation and wanted to see the word all instead. Mr. Bergstrom stated he was fine with the additional wording of residential being added, and asked Mr. Kostoff for a clarification. Mr. Kostoff indicated the reason he used certain in preparing the legislation was because from what he understood not all parcels are subject to the assessment for these projects. By using the word certain this means it would only apply to those parcels being assessed. Mr. Kostoff stated that he has checked the definition of the word all in the Webster's Dictionary and it states "everything, complete, entirely" and if that's the case then this would be in conflict. Mr. Bergstrom stated that as long as everyone is clear that anyone being assessed within these two (2) projects can connect and their fees would be waived for the first year. Mr. Kostoff stated that is correct, with the way the legislation is currently drafted. Mr. Braman stated that at the last meeting he had mentioned he would be making a motion to modify Ord. #100-2010 to include some title changes to that chapter. Mr. Braman stated that after further review by the Law Director that is no longer necessary, as new legislation would be prepared.

Mr. Kostoff explained after discussions with Ms. Ryan, he felt it was better to prepare legislation to address that separately and he would have something prepared for the next Work Session to cover that.

**PUBLIC HEARING FOR ORD. #100-2010**

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.

Mr. Zita temporarily recessed the Regular Council Meeting AT 7:16 in order to convene the Public Hearing on Ord. #100-2010-Adult Business Regulations. Mr. Zita asked the Clerk of Council to certify the legal ad for this hearing. Mrs. Richards certified the legal ad for this public hearing was published in the Barberton Herald on October 14, 2010. Mr. Zita called three times for anyone in favor of this zoning amendment, no one came forward. Mr. Zita called three times for anyone against this zoning amendment, no one came forward. At 7:18 PM Mr. Zita closed the public hearing and reconvened the Regular Council meeting back to session.

**COMMUNICATIONS FROM THE PUBLIC:**

Mr. Blake Miller, Chairman of the 2010 Norton Cider Festival Committee, thanked Mayor Koontz, Council and the Administration and staff for their donation of time and efforts this year to make it such a great success.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of October 12, 2010; Mr. Bergstrom called for two (2) corrections. Page 1 under Committee of the Whole, 4<sup>th</sup> line down, remove the word certain. Page #2 last two sentences where Mr. Nelson commented he would like that in quotation marks because that is not what Mr. Bergstrom had stated. The minutes were approved as amended. Minutes of the Committee Work Session of October 18, 2010 were approved as submitted. Minutes of the Special Council Meeting of October 19, 2010 were approved as submitted.

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

Mayor Koontz announced that the subcontractor on the Greenridge Road repaving project is now done and has turned the remainder of the project over to the main contractor. Mayor Koontz indicated that after careful review with Mr. Kostoff, the trash haulers bid document is ready to go out for bids. Mr. Ryland announced that Greenwich Road should be opened up later on this week, and that the finish work would continue. Mr. Ryland discussed the recent memo Council received from Dave White, (Municipal Engineer) relating to the stop sign at Greenwich & Hametown Roads. Mr. Ryland indicated that new stop sign should be installed by November 7, 2010. Mr. Ryland indicated the new fire station is still on schedule and the walls and ceilings are being primed this week. Mr. Kostoff echoed Mayor Koontz's' comments on the trash bid, adding that he had offered the Administration a number of suggestions and recommendations in order to be able to stand up to any challenges. Mr. Kostoff updated Mr. Nicolard regarding his inquiry last week regarding 18 year olds being permitted into an Internet café.

Mr. Kostoff stated that the pending legislation relates to adult businesses, this really is not an issue with this legislation, Mr. Kostoff advised Council that he is currently working with the Administration on several issues and he would be bringing those to Council in the near future. Mr. Kostoff encouraged the residents for their support of the two (2) Charter changes as they relate to the procedural function issues. Mr. Kostoff briefly explained the critical need for these to be approved in order to continue for the city to be fiscally responsible and save the residents money. Mr. Kostoff reminded everyone that these two items emanated from his office as Law Director and he encouraged everyone's support.

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #104-2010**

Mr. Braman offered Ord. #104-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING CHAPTER 1290 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 11-8-2010 at 7:15 PM.

**ORD #105-2010**

Mrs. Hlas offered Ord. #105-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO ESTABLISH A FUND TO PROPERLY ACCOUNT FOR MONEY TO BE RECEIVED FOR THE NEWPARK DRIVE RECONSTRUCTION PROJECT – PHASE I PROJECT 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, Zita  
Nays: None

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #105-2010, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

**RES #106-2010**

Mrs. Hlas offered Res. #106-2010 for its first reading and asked the Clerk to read it:

A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF NORTON ON BEHALF OF THE STATE OF OHIO

(THE BORROWER) TO REIMBURSE ITS NEWPARK DRIVE RECONSTRUCTION – PHASE I FUND FOR THE NEWPARK DRIVE RECONSTRUCTION – PHASE I PROJECT CH14N WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO.

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

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Res. #106-2010, seconded by Mr. Bergstrom.

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

Motion passed 7-0

**ORD #107-2010**

Mrs. Hlas offered Ord. #107-2010 for its first reading and asked the Clerk to read it:

THE ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010 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, Zita  
Nays: None

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #107-2010, seconded by Mr. Bergstrom.

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

Motion passed 7-0

**ORD #108-2010**

Mrs. Hlas offered Ord. #108-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE A TRANSFER FROM THE FIRE/EMS 2007 LEVY CAPITAL FUND INTO THE DEBT SERVICE FUND 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, Zita  
Nays: None

Motion passed 7-0.

Mrs. Hlas moved to adopt Res. #108-2010, seconded by Mr. Bergstrom.

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

Motion passed 7-0

**ORD #109-2010**

Mr. Braman offered Ord. #109-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1454.07(A) OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

First reading only.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #100-2010**

Mr. Braman offered Ord. 100-2010 for its second 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.

Second reading only.

**ORD #102-2010**

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

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ALLOW CERTAIN RESIDENTIAL PARCELS TO CONNECT TO CERTAIN 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.

Second reading only.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Koontz made several announcements, (see attached). Mr. Braman announced that the Norton Marines would be gathering on November 10, 2010 at Amato's restaurant to celebrate the 235<sup>th</sup> Anniversary of the Marines. Mr. Braman announced that on November 11, 2010 from the Norton High School would be serving all Veterans breakfast in addition to a celebration program from 9:30 AM to 11:00 AM.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:36 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 November 8, 2010.

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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.