



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 22, 2010**

Roll Call: Todd Bergstrom
 Don Nicolard
 Brenda Hlas-Excused
 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, February 22, 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.

Mayor Koontz presented retiring Norton Police Sgt. Harvey Bechtel with a certificate of appreciation for his 32 years of service to the community. Sgt. Bechtel thanked the Mayor and employees and the community for the time he served here. Chief Hete and former Chief Carris were present and offered their congratulations and both stated he was great to work with, had a wealth of knowledge and would be greatly missed. Chief Hete hoped he would stay on as the instructor at our gun range.

COMMITTEE OF THE WHOLE:

Mr. Bergstrom reported on the city's continued efforts to develop sanitary sewers and that we recently applied for a Federal STAG grant for \$12,000,000, and asked Mr. Ryland to explain the details. Mr. Ryland stated this is just preliminary but if awarded the city would be responsible for financing 45% of the project. Mr. Ryland stated that the application is due by April 1, 2010 with award notification by the end of this year.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Andy Melchioris, a Norton resident, stated the Mayor should have been a little more involved with the people about their increases in their water bills. Something should have been done about this before now.

Mr. Ron Hatcher, a Norton resident, Mr. Hatcher stated that there is an allotment off of Hemphill Road and a lot of traffic is going through his area on Maco Drive, and is pot hole damage. Mr. Hatcher stated the potholes are absolutely huge and there are so many now, some he actually measured were 6 ft x 3 ft in diameter. Mr. Hatcher asked if his road could ever get paved if not just turn it into a cul-de-sac. Mr. Hatcher pleaded with the Administration and Council to please have someone at least patch the potholes.

Mr. Larry McCallum, a Norton resident, complained about the water fees in Brentwood and his loss of water pressure is a real problem since the change over. Mr. McCallum discussed the various rates between what the Barberton and Norton residents pay for water, the new meter fee of \$275.00 and all of the extra costs involved. Mr. McCallum stated all of this is ridiculous and it is not warranted; our water rates now are 43% higher than the Barberton rates. Mr. Zita temporarily recessed the regular Council Meeting at 7:19 to convene the Public hearing.

PUBLIC HEARINGS

Res. # 15-2010- A resolution to approve the placement of farmland located at 3580 South Hametown Road, in an Agricultural District.

Mr. Zita called once for anyone in favor of the application to come forward. Mr. Blankenship, the applicant came forward and stated that all along his family thought their land was already filed as an agricultural district and they just recently learned it was not. Mr. Zita called twice more for anyone in favor to come forward. Mr. Jim Lino, a Norton resident, came forward and stated he was in favor of the application. Mr. Zita called three times for anyone against the application to come forward; there was no response. Mr. Zita declared the Public Hearing closed at 7:21 and reconvened the Regular Council Meeting back to session picking up with the remainder of Communications from the Public.

COMMUNICATIONS FROM THE PUBLIC CONTINUED:

Mrs. Elaine Tompkins, a Norton resident, commented about the Brentwood water fees, meters, financing issues for the new fire station, in addition to various Budget items, (See attached).

CONSIDERATION OF THE MINUTES:

Minutes of the Special Committee Work Session of February 4, 2010; Mr. Bergstrom made a correction to page #1 in the middle of the page after \$30,000.00, and read the following: *“with the hiring of one construction manager looking over one general contractor instead of a construction manager looking over four (4) primes. It makes going with one general contractor even more attractive.”* The minutes were approved as corrected.

Minutes of the Regular Council Meeting of February 8, 2010 were approved as submitted.
Minutes of the Committee Work Session of February 16, 2010 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz reported that he would be issuing a letter to those residents in Brentwood to provide information later in the week. Mayor Koontz read an apology letter he is mailing out this week, (see attached).

INTRODUCTION OF NEW LEGISLATION:

RES #22-2010

Mr. Pelot offered Res. #22-2010 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF DANNY GREYER TO HIS FIRST FULL THREE-YEAR TERM AS THE WARD 2 REPRESENTATIVE ON THE BOARD OF ZONING AND BUILDING 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, Mowery, Braman, Zita
Nays: None

Motion passed 6-0.

Mr. Pelot moved to adopt Res. #22-2010, seconded by Mr. Nicolard.

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

Motion passed 6-0.

RES #23-2010

Mr. Pelot offered Res. #23-2010 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MIKE DROPPLEMAN FOR HIS SERVICE ON THE BOARD OF ZONING AND APPEALS TO THE CITY OF NORTON, WARD 2.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Res. #23-2010, seconded by Mr. Nicolard.

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

Motion passed 6-0.

ORD #24-2010

Mr. Pelot offered Ord. #24-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE ADDING SECTION 220.06 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Res. #24-2010, seconded by Mr. Nicolard.

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

Motion passed 6-0.

ORD #25-2010

Mr. Nicolard offered Ord. #25-2010 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR THE CITY ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE COUNTY OF SUMMIT ENGINEER'S OFFICE FOR PAVING THE PORTION OF ROADWAY FROM ROUTE 261 NORTH TO ROUTE 162 FOR AN AMOUNT NOT TO EXCEED FIVE THOUSAND DOLLARS AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #25-2010, seconded by Mr. Pelot.

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

Motion passed 6-0.

ORD #26-2010

Mr. Bergstrom offered Ord. #26-2010 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.

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

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

Motion passed 6-0.

Mr. Bergstrom moved to adopt Ord. #26-2010, seconded by Mr. Nicolard.

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

Motion passed 6-0.

ORD #27-2010

Mr. Bergstrom offered Ord. #27-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE TRANSFERS FROM THE GENERAL FUND INTO VARIOUS FUNDS AND DECLARING AN EMERGENCY.

Mr. Bergstrom moved to waive the second and third readings, seconded by Mr. Nicolard.
Mr. Mowery stated that he wanted to see this legislation take three (3) full readings.

Roll Call: Yeas: Bergstrom, Nicolard, Braman, Pelot, Zita
Nays: Mowery

Motion passed 5-1.

Mr. Bergstrom moved to adopt Ord. #27-2010, seconded by Mr. Nicolard.

Roll Call: Yeas: Bergstrom, Nicolard, Braman, Pelot, Zita
Nays: Mowery

Motion passed 5-1.

ORD #28-2010

Mr. Bergstrom offered Ord. #28-2010 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,500,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY COSTS OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A FIRE STATION, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Mr. Bergstrom moved to waive the second and third readings, seconded by Mr. Nicolard.
Mr. Bergstrom stated that in addition to Mrs. Tompkins comments earlier tonight, he also had issues with Section 2 and 3 and asked Mr. Moss for clarification.

Mr. Moss indicated that the legislation is drafted properly within the legal limitations, although it may not be specific to the actual discussions. Mr. Kostoff added that if we had prepared this and inserted 1% and this interest rate goes up; we cannot sell it and we would have to come back to Council with new legislation. This gives us room up to 4.25% and is drafted by our Bond Counsel, which is well respected in this industry. Mr. Moss stated he would work closely with Bond Council on getting the best interest rate as discussed.

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

Motion passed 6-0.

Mr. Bergstrom moved to adopt Ord. #28-2010, seconded by Mr. Nicolard.

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

Motion passed 6-0.

ORD #29-2010

Mr. Bergstrom offered Ord. #29-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AWARDING A CONTRACT TO SEITZ BROTHERS, INC. FOR THE CONSTRUCTION OF A MUNICIPAL FIRE STATION AND APPROVING AND AUTHORIZING RELATED MATTERS, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Bergstrom moved to adopt Ord. #29-2010, seconded by Mr. Nicolard.

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

Motion passed 6-0.

RES #30-2010

Mr. Nicolard offered Res. #30-2010 for its first reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE ADMINISTRATION TO FILE THE NECESSARY APPLICATION TO THE UNITED STATES POSTAL SERVICE REQUESTING THE ESTABLISHMENT OF THE CITY OF NORTON'S OWN ZIP CODE AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Res. #30-2010, seconded by Mr. Pelot.

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

Motion passed 6-0

ORD #31-2010

Mr. Bergstrom offered Ord. #31-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE USE OF THEN AND NOW CERTIFICATE IN EXCESS OF \$3,000 PURSUANT TO OHIO REVISED CODE SECTION 5705.41(D) AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Bergstrom moved to adopt Ord. #31-2010, seconded by Mr. Nicolard.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION:

RES # 15-2010

Mr. Braman offered Res. #15-2010 for its second reading and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE PLACEMENT OF FARMLAND LOCATED AT 3580 SOUTH HAMETOWN ROAD, IN AN AGRICULTURAL DISTRICT.

Second reading only.

RECONSIDERATION OF PRIOR LEGISLATION
ORD #117-2009

Mr. Bergstrom stated that Council had requested several times to have information justifying and documenting the increase in fees requested by Mr. Klingensmith, and we have not received anything. There was discussion as to how Council wished to address this issue and Mr. Bergstrom moved to remove Ord. #117-2009 from the table and add it to the agenda for its fourth reading tonight, seconded by Mr. Nicolard.

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

Motion passed 6-0.

Mr. Bergstrom offered Ord. #117-2009 for its fourth 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.

Mr. Bergstrom moved to adopt Ord. #117-2009, seconded by Mr. Nicolard.

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

Motion failed 0-6.

UNFINISHED BUSINESS:

Mr. Mowery questioned Mayor Koontz on the letters going out to the Brentwood residents, and although he can appreciate his apology, this does nothing to pay their water bills. Mr. Mowery stated he felt these letters should have at the very least come to the Utilities Committee of Council first before going out to the residents. Mayor Koontz agreed that they probably should have. Mr. Mowery stated that we are talking about over 200 homes with inflated rates not to mention the issues with the meters and additional fees. Mr. Mowery asked if these residents would be getting any type of reimbursement? Mr. Mowery said that's what they want, not letters after the fact. Mayor Koontz stated these residents are now paying the same water bills just like all other Norton residents who are Barberton water customers. Mr. Mowery stated this is a perfect time for Norton to be in negotiations with Barberton about these rates, to bring in some normalcy to the rates and prices. Mayor Koontz stated that is why he wants to issue a second letter with more detailed information because you and the residents do not have the whole story right now. Mr. Mowery stated he felt that the residents here have really been blindsided on this issue and maybe this would be a landmark issued on how the residents are treated and informed. Mr. Mowery complained about not enough information to Council or the residents. Mr. Ryland interjected, stated that this project first was presented to Council back in April of 2006.

Its been talked about for nearly four year, in addition to the 1997 and 2006 Comprehensive Plans. This is not a blindsiding operation; the rates are what everybody else in Norton that has water have been paying all along. These rates are equal to what was negotiated in the JEDD agreement between Barberton and Norton long before any of us were at the table. Mr. Mowery stated there is nothing written in stone that can't be changed, he is trying to defend the people of Norton and that are paying these inflated water bills. Mr. Ryland stated this is a rate that has been in effect since 1997. If you want to get technical about this the Brentwood residents have had a deal over the last 30-40 years because they were not paying enough to pay for the maintenance to the wells in Brentwood. Those costs were paid from the city's general fund; we did not bill these residents for those repairs. Mr. Ryland stated whoever set those rates in the JEDD agreement, set them wrong. There was no capitalization costs, or accounting if repairs needed to be made. Mr. Mowery stated whatever is wrong now needs to be made right. Mr. Ryland stated that Council would need to order us to look into us becoming our own water utility system and put it in place. Mr. Mowery stated the people are in control of our own destiny not the Administration. Mr. Mowery stated these residents need more information on what is going on. Mr. Ryland stated our Comprehensive Plan dictates that Brentwood has to convert to Barberton water so you can get water to your western boundary. Mr. Ryland reminded Mr. Mowery that this Comprehensive Plan has been on the books and was approved by Council. Mr. Mowery stated that plan is a pie in the sky plan. Mr. Ryland stated that a Comprehensive Plan is an economic outlook to the very future of this city, you have to have a means to get utilities to the western boundaries of the city. Mr. Mowery stated the lifeblood of the city for utilities, schools, fire levies, etc is the people and they need to be informed. Mr. Nicolard questioned the letters being restricted to the Brentwood residents, when everyone involved with Barberton water will be required to install these new meters. Mr. Mowery complained about Council not being involved in the discussions and negotiations with Barberton, and Mr. Ryland stated that Council had been made aware of the discussions in the past. Mr. Zita stated that these meetings are administrative functions, not Councils and if you wanted to get involved you need pick up the phone and find out when they are meeting with Barberton. Mr. Mowery disagreed, if we would have had a schedule of when the two cities were meeting we would know what is going on. Mayor Koontz stated there never was a set number of meetings, we did meet to discuss how we could get these tap in fees waived. Those monthly water rates were already established in 1997 by the JEDD agreement. Mr. Pelot stated the prices we pay due to that 1997 JEDD agreement are not going to change anytime soon. Mr. Pelot stated anytime another city supplies you with water that city is going to charge you an up charge for that service, and it's not the same rate their citizen's pay. Mr. Mowery questioned what did we ever get out of that Brentwood deal? Mr. Ryland answered we got over \$400,000.00 in access fees waived for that area. Mr. Mowery questioned whether or not these residents were ever made aware of those savings? Mr. Ryland replied he would have to think so, its been discussed multiple times here on Council floor. You as Council voted on that boundary change based on this information. Mr. Ryland stated there is a meeting with DOES next Wednesday and he expects Mr. Mowery and any other Council members interested to be here at 1:00 PM. We will be talking about sanitary sewers. Mr. Zita stated that before we talk about abandoning our source of water, we better have another source of water in place first. Mr. Bergstrom stated as far as trying to inform the public, since elected he tries to make it a point to be at city hall every Thursday to meet with Rick and other Department Heads and get to know what is going on at city hall.

Mr. Bergstrom stated that he recently sat in on a meeting with Summit County officials about grant applications and was extremely impressed with the dialogue that took place and was excited about our possibilities. Mr. Bergstrom stated he also has held town meetings with an open door policy. All we can do is gather our own information and try and facilitate that to our residents. Mr. Bergstrom stated in the short time he has been here, he would never know these things if he were not here at city hall periodically or did not call Rick and ask questions. Mr. Nicolard stated this is almost a perfect storm. We made an agreement with Barberton for almost \$420,000.00 and we would get better city services for our Brentwood residents. As soon as we did that Barberton decided this was a great opportunity to start our metering program at the cost of \$275.00, in addition they decide to raise their water rates just two (2) weeks later. These are things that are totally out of the control of this Administration and Council. Mr. Nicolard stated he has lived here since 1960 and he has always heard the residents say they cant wait until someday when we get sewer and water. Mr. Nicolard stated that now we are getting it and the residents are saying they really don't want it. We live in a city and its growing, and it is going to cost us all money, it will not be free.

NEW BUSINESS:

Mr. Mowery stated that residents along Easton Road were asking him if the city was looking at running utility lines in the future. Mr. Ryland stated that the city is discussing with Floyd Brown to look at the Greenwich Road sewer extension to extend the sewer lines to Easton, Higgins, Ranglely, and Croydon. Mr. Mowery asked how long this has been going on or discussed? Mr. Ryland stated the discussions are just getting started. Mr. Mowery stated he couldn't figure out how the residents can already know about this before Council members do. Mr. Ryland stated how about the fact that we just sold a lot to the resident that was at Summit County last week and they asked if the city was looking at extending the sewer line, so he came to city hall to ask us about that. That just happened last Friday, which is probably how that all got started. Mr. Mowery asked if this extension would help the city grow, and Mayor Koontz replied yes, and it will be healthier for the residents. Mr. Mowery encouraged any negotiations and timing the residents would be made aware of, including Council. Mr. Ryland added that this all has to come to Council because Council must approve all funding first.

Mr. Nicolard stated he would like Mr. Kostoff to look into Res. #92-1990 which is a "Buy Norton First" resolution, which apparently was not very well written. Mr. Nicolard stated that as Council, we owe it to Norton businesses, we need to be more fair and equitable towards them. Mr. Pelot asked if we should discuss first before passing along to Mr. Kostoff to see what we want it to say. Mr. Nicolard stated the intent was quite clear but the resolution has no teeth in it and would like to have more teeth in it. Mr. Pelot stated it was discussed a few weeks ago about getting our own professional grant writers and Mr. Ryland stated it is still on the grease board to look into. Mr. Ryland stated he understands that some of the grants the way they are written can actually pay for the grant writer. Mr. Bergstrom commented about Rush Road at the Copley/Norton boundary and questioned with all of the snow, who was responsible for this detail. Mr. Bergstrom questioned if there are other areas like this that should be looked at.

Mr. Ryland indicated that our Service Director should contact Copley's Service Director and between the two of them, they could maybe work out a mutual aid agreement or something.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz read several announcements, (see attached)

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:30 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 March 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.