



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 8, 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, February 8, 2010 at 7:01 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:

Mr. Braman moved to amend Ord #2-2010 changing the word of resurfacing to restructuring in the title, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mrs. Hlas moved to table Ord #117-2009 because we are still waiting for information, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mrs. Hlas indicated we have a purchase agreement presented this evening to purchase the vacant land at 3829 Easton Road and turned this over to Mr. Moss. Mr. Moss stated this was part of the discussion with the Lindeman family who had agreed to sell the city their property adjacent to the city's existing property for the new fire station and driveway. Mr. Moss indicated they would like to build a new home in Norton and would like to buy this parcel on Easton Road.

The city did have this parcel professionally appraised for \$25,000.00, and the Lindeman's have offered the full appraisal price of \$25,000.00. Mrs. Hlas inquired as to the parcel number, and Mr. Moss indicated the appraisal indicates it is #46-02128 and would be inserted into the agreement. Mrs. Hlas moved to add Ord. #20-2010 to tonight's agenda with emergency clause and waiving 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.

Mr. Pelot moved to add Ord. #21-2010 for authorizing the Administration to execute and deliver a collective bargaining unit-the Norton Police OPBA to tonight's agenda, with emergency language and waiving the seconded and third readings, seconded by Mrs. Hlas.

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

Motion passed 7-0.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Don Harbert, a Norton resident, commented about the five (5) page letter from Barberton Utilities that all of the Brentwood residents received regarding to an increase in their water rates. Mr. Harbert stated he calculated this increase as being nearly three hundred (300) percent. Mr. Harbert discussed all of the surcharges and fees charged between the cities of Barberton and Norton, and who fixes the lines. Mr. Harbert discussed the new meter cost of \$275.00 and the extra costs for a plumber to be present when the connection goes in. Mr. Harbert asked when is enough--enough? Mr. Harbert stated that because of these increases he would have to adjust his whole family budget to adjust for this.

Mrs. Elaine Tompkins, a Norton resident, stated she was glad to see Council table Ord. #117-2009 without having the proper documentation. Mrs. Tompkins discussed recent legislative changes on the way with MAD (Mosquito Abatement Districts) and that it came out of Committee in Columbus with a vote of 11-0. Mrs. Tompkins stated that today she was advised it would now move to the floor tomorrow for full approval, supposedly. Mrs. Tompkins stated if this law changes in the State of Ohio, it says we can put forth petitions of the residents of Norton with 500 signatures and send it to the MAD Board of Directors. They will then have to file it with the courts and advise the Clerk of Courts to certify it and put on the ballot to let the Norton voters decide if they want to keep this program. Mrs. Tompkins stated this is a duplicate charge. Mrs. Tompkins stated she hoped this Administration would back all of the petitions. Mrs. Tompkins stated that she double-checked her facts with the Law Director about this legislation and he did concur.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of January 25, 2010 were approved as submitted.
Minutes of the Committee Work Session of February 1, 2010 were approved as submitted.

Minutes of the Special Council Meeting of February 1, 2010 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz thanked and commended our snow plow drivers for this past weekend, we had quite a challenge to deal with. Mayor Koontz reminded everyone that the city owns five (5) snow plow trucks and we cover over 280 lane miles. In addition we also are responsible for St. Rt. 21 and at one point we had three (3) trucks out on St. Rt. 21 alone. Mayor Koontz apologized to some of those residents that did not get plowed out until Sunday morning. We would like to do better if possible, and thanked the residents for their patience. Mayor Koontz addressed the issues raised earlier by Mr. Harbert; Norton does have a surcharge, which is the only income we get from the water billing. Norton is also responsible for the maintenance of those lines. We own the water lines and if anything goes wrong we are responsible to make those repairs. You may see a Barberton truck out there making those repairs because that's who we have contracted with because Norton does not have their own water repair crews. Barberton takes care of it and they bill Norton for those repairs. The surcharges and tax credit was created to build up our own water fund, however this is something we could look at as far as how much the fees should be. Mayor Koontz reviewed the letter the Brentwood residents received from Barberton, and noted we need to get our own letter out to these residents on city letterhead explaining things to them. Mayor Koontz stated most of the information in this letter does not apply to these residents, its too much information. Mayor Koontz was disappointed at the \$275.00 cost for the meters and the additional cost for a plumber to be there. Mayor Koontz indicated he would work on getting this letter out sometime this week. Mayor Koontz stated in reality only page #1 and page #3 applies to these residents.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

RES # 15-2010

Mr. Braman offered Res. #15-2010 for its first 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.

First reading only.

ORD #16-2010

Mr. Braman offered Ord. #16-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE DESIGNATING THE COMMUNITY IMPROVEMENT CORPORATION OF NORTON, OHIO AS THE AGENCY FOR THE INDUSTRIAL, COMMERCIAL, DISTRIBUTION AND RESEARCH DEVELOPMENT IN THE CITY.

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

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

Motion passed 7-0.

Mr. Braman moved to adopt Ord. #16-2010, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #17-2010

Mrs. Hlas offered Ord. #17-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$346,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY, IN ANTICIPATION OF THE LEVY AND COLLECTION OF ASSESSMENTS, COSTS OF IMPROVING PARKWAY DRIVE (EAST SIDE ONLY) FROM GARDNER BLVD., TO NORTON AVENUE, HARTZELL DRIVE FROM GARDNER BLVD., TO NORTON AVENUE, LONG DRIVE FROM GARDNER BLVD., TO NORTON AVENUE, AND WILBUR AVENUE FROM GARDNER BLVD., TO TALLWOOD DRIVE BY CONSTRUCTING AND INSTALLING A NEW 8 INCH WATERLINE, WHICH WILL REPLACE 5,100-FEET OF 2-INCH WATERLINE, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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. #17-2010, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

ORD #18-2010

Mr. Braman offered Ord. #18-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO APPLY FOR FEDERAL SURFACE TRANSPORTATION PROGRAM AND CONGESTION MITIGATION/AIR QUALITY FUNDS PROGRAMMED BY THE

AKRON METROPOLITAN AREA TRANSPORTATION STUDY FOR CERTAIN PROJECTS IN THE CITY, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Braman moved to adopt Ord. #18, 2010, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #19-2010

Mr. Pelot offered Ord. #19-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE CERTAIN CITY OFFICIALS TO USE CITY ISSUED CELLULAR PHONES FOR INCIDENTAL PERSONAL USE.

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

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #19-2010, seconded by Mr. Nicolard.

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

Motion passed 7-0.

ORD #20-2010

Mrs. Hlas offered Ord. #20-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE DECLARING THAT CERTAIN CITY OWNED PROPERTY IS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE ADMINISTRATIVE OFFICER TO SELL AND DISPOSE OF SUCH PROPERTY IN THE MANNER DETERMINED BY COUNCIL, AND DECLARING AN EMERGENCY

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

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #20-2010, seconded by Mr. Pelot.

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

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

Motion passed 7-0.

ORD #21-2010

Mr. Pelot offered Ord. #21-2010 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 NORTON OPBA (OHIO POLICE BENEVOLENT ASSOCIATION) SERGEANTS, POLICE OFFICERS AND DISPATCHERS 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, Mowery, Braman, Zita
Nays: None

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #21-2010, seconded by Mr. Nicolard. Mr. Pelot asked Mr. Ryland to explain the details before roll call on the vote. Mr. Ryland indicated this is a two (2) year contract with a two (2) percent salary increase in 2010; a one (1) percent the first half of 2011; and a one (1) percent the second half of 2011. There was a slight adjustment in the uniform allowance this time, and it also includes the \$100.00 monthly contribution from the employee towards the health care plan. Mr. Pelot asked if this included all of the Police Dept. personnel and Mr. Ryland replied, yes all except the part-timers.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

AMENDED
ORD #2-2010

Mr. Braman offered Amended Ord. #2-2010 for its third 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.

Mr. Braman moved to adopt Amended Ord. #2-2010, seconded by Mr. Mr. Pelot. Mr. Bergstrom asked since we changed the term of restructuring and this is a more detailed project, do we have the defined scope of the project? Mr. Ryland replied yes, we have that. Mr. Nicolard questioned when the 8” waterline project in that area would be installed; either before or after this project, and Mr. Ryland replied it would be done first, then the restructuring of the roadway.

ORD #4-2010

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

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

Mrs. Hlas moved to adopt Ord. #4-2010, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

ORD #117-2009-Tabled during Committee of the Whole

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mayor Koontz announced two vacancies; one for the BZA due to Mr. Droppleman not serving another term, and one on the Civil Service Commission. Mayor Koontz indicated he would be bringing more information to Council on this soon.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz read several announcements, (see attached).

Mrs. Hlas announced that the Norton Boys Basketball team beat Kent last Friday night, which is something they have not done in a long time. Mr. Nicolard commented about the Norton Women’s Club Scotch Doubles at Charger Lanes and it’s really a great time if you have never attended you really should try to attend.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:49 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 22, 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.