



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MARCH 8, 2010**

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

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

The Regular Council Meeting convened on Monday, March 8, 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:

Mr. Nicolard moved to amend Ord. #35-2010, Exhibit A, page #8; striking lines E, F, adding onto Line I- "*Upon separation or retirement of the incumbent*", also adding line Q- Mayors Court Magistrate. Mrs. Hlas seconded the motion.

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

Mr. Mowery commented on Ord #37-2010, Parking fines and Ord. #38-2010 relating to the striping of fire lanes, both of these will be a first reading only tonight.

Mr. Zita noted that in the absence of Mr. Kostoff, we have Attorney Justin Markey from Mr. Kostoff's law firm present tonight.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Chuck Breitenstine, a Norton resident, thanked the Council members for serving as a public servant. Mr. Breitenstine commented on all of the public's unrest with their elected officials not listening to what the public wants. Mr. Breitenstine cited one example, the tax credit issue, you should have let us make our own decision, give us the information and let us decide. Mr. Breitenstine commented on the proposed widening of Cleve-Mass Road, and that he thought this was a done deal, now he is hearing things that it's not. Mr. Breitenstine spoke about the Norton Schools proposing to move closer to the Wadsworth boundary, if this happens we will lose a lot of revenue. We need to keep the schools close to town. Mr. Breitenstine spoke about the city potentially buying the school property in order to work on developing it and getting a more downtown look.

Mr. Breitenstine stated that downtown's don't work, just take a look at Barberton, Kenmore and Wadsworth downtown areas. its just not a good idea.

Mr. Zita announced to everyone that we would now be using the five (5) minute timer that Council had been discussing. Mrs. Richards will be setting the timer when the public speaks and she will signal to you when you are down to one (1) minute. When that timer goes off, your five minutes will be up.

Mr. Isaac Matthews, a Norton resident, stated he lives in the Flesher allotment and was originally opposed to the one trash hauler. Mr. Matthews stated lately he has been noticing the trash haulers coming into his allotment, and understands there are eleven (11) licensed in the city. There are five (5) of six (6) coming into his allotment, two (2) and three(3) times a week, and that is a lot of wear and tear on our roads. He supports Council providing a single trash hauler.

Mr. Don Harbert, a Norton resident, spoke regarding the water issues and surcharge fees and feels like we are being double charged. We have these surcharge fees plus you reduced the income tax credits. Mr. Harbert stated that is \$250.00 more a quarter than what he paid last year. Mr. Harbert stated when doing his bills each month, he feels like he is being taxed twice, and asked for Council to consider redoing this because its not right.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of February 22, 2010 were approved as submitted.
Minutes of the Committee Work Session of March 1, 2010 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz read a memo relating to the appointments of Rick Ryland, John Moss, Mike Zita, Adam Huff and Dan Karant as Board of Directors to the CIC (Community Improvement Corporation). Mayor Koontz stated he looked forward to getting the CIC up and running.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #32-2010

Mr. Nicolard offered Ord. #32-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #32-2010, seconded by Mrs. Hlas.

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

Motion passed 6-0.

ORD #33-2010

Mrs. Hlas offered Ord. #33-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CONTRACTS WITH LEGAL DEFENDERS OFFICE OF SUMMIT COUNTY, OHIO, INC., 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, Zita
Nays: None

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #33-2010, seconded by Mr. Bergstrom. Mrs. Hlas noted that this is an annual contract we do with Summit County.

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

Motion passed 6-0.

ORD #34-2010

Mrs. Hlas offered Ord. #34-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE MAYOR TO ENTER INTO A CONTRACT WITH ORIANA HOUSE, INC. 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, Zita
Nays: None

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #34-2010, seconded by Mr. Bergstrom. Mrs. Hlas noted that this is also an annual contract we have with Oriana House Inc.

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

Motion passed 6-0.

ORD #35-2010

Mr. Nicolard offered Ord. #35-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADOPTION OF CIVIL SERVICE RULES FOR USE BY THE CITY OF NORTON CIVIL SERVICE COMMISSION AND DECLARING AN EMERGENCY.

First reading only.

ORD #36-2010

Mr. Nicolard offered Ord #36-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATING TO THE CONSTRUCTION OF THE OAK STREET SANITARY SEWER IMPROVEMENT, AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE OAK STREET SANITARY SEWER PROJECT, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #36-2010, seconded by Mrs. Hlas. Mr. Nicolard stated the Equalization Board is set to meet on March 17, 2010 to hear the objections.

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

Motion passed 6-0.

ORD #37-2010

Mr. Mowery offered Ord. #37-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE ADDING SECTION 408.04 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

First reading only.

ORD #38-2010

Mr. Mowery offered Ord. #38-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE ADDING CHAPTER 454 TO THE CODIFIED ORDINANCES AND REPEALING SECTION 1640.08 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

First reading only.

ORD #39-2010

Mr. Nicolard offered Ord. #39-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 288.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #39-2009, seconded by Mrs. Hlas.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

RES # 15-2010

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

Mr. Braman moved to adopt Res. #15-2010, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

UNFINISHED BUSINESS:

Mrs. Hlas asked Mayor Koontz to address the comment made by Mr. Breitenstine relating to the widening of Cleve-Mass Road.

Mayor Koontz advised this is still in the study process and that the engineers have selected about eight (8) alternates, which were submitted to ODOT. We have selected the best two (2), and the funding has been all set up and is in place. Mayor Koontz stated that ODOT would be conducting an open public meeting to discuss the plans on March 20, 2010 in the evening at the Community Center (*Note: this was later corrected to April 21, 2010 from 5-7 PM*). Mr. Bergstrom stated from what he understood the widening was totally independent of the situation with the schools. Mr. Moss stated that the widening does present a challenge for the Cornerstone School and the football stadium because it would take that right to the doorstep. Mr. Nicolard stated that in 1988 we as a city were all set to do this and for whatever reason the Administration at that time decided not to move forward or accept the funding. Mr. Mowery asked Mayor Koontz about the negotiations for the Brentwood residents. Mayor Koontz stated these ongoing negotiations are not just for the Brentwood residents, it's for all Norton residents. Mayor Koontz stated he would be meeting with Mayor Genet next week and Russ Pry-Summit county Executive the following week. Mr. Mowery asked how would the public know the outcome of these negotiations? Mayor Koontz stated he would report to Council and perhaps we could have a public meeting on that. Mr. Mowery asked if this would also apply to the meter issue and Mayor Koontz replied no, and that maybe Barberton rules are that they require a fee for their meter. Mr. Bergstrom commented on the JEDD agreement and what controls the surcharges. Mayor Koontz stated that JEDD controls Barberton's rate of surcharge. The Norton surcharge is not controlled by the JEDD. Mr. Nicolard commented that prior to the JEDD agreement and that we were paying a higher surcharge. Mayor Koontz concurred, adding that actually we were paying one hundred (100) percent Mayor Koontz stated that immediately after we signed the JEDD agreement, that fee went down fifty (50) percent, and it reduced incrementally over time due to the time or amount of water Norton used. Mr. Zita discussed the water meters in Brentwood and reminded everyone that all the residents in the City of Norton are getting water and are being charged that water meter rate. Mr. Zita stated if we were to do something in Brentwood about the cost of their meters, we would also have to take a look at anyone else that already paid for their meters and for future meters. Mr. Braman asked Mayor Koontz if he had any new information relating to the mine project. Mayor Koontz stated he has not heard of anything new, last he knew was that First Energy was to start taking possession soon.

NEW BUSINESS:

None

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 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 March 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.