



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MAY 10, 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, May 10, 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 retiring Sgt. Michelle Toris with a Certificate of Appreciation for her 21 years of service. Chief Hete commented on working with the city's first female Sgt. and that they have been through a lot together throughout all of the years. Chief Hete stated Sgt. Toris has always maintained her professionalism and has a heart as big as this room. Sgt. Toris thanked everyone for the opportunity to serve and work in this community. Cubmaster David Walton of Troop # 132 announced the Norton Boy Scouts Troop # 132 were in the audience this evening and announced that they had won Unit of the Year on April 30, 2010, and were awarded the Lakes District Cup.

COMMITTEE OF THE WHOLE:

Mr. Bergstrom reminded the members of the Utilities Committee that he is still waiting to hear from them regarding their potential dates for future meetings. Mr. Bergstrom stated that based on our discussions we held last week the legislation for the trash hauler as prepared in Ord. #51-2010 is not what he expected to see on the agenda tonight. Mr. Bergstrom stated that he understood that we are not looking for a bid package yet, just that we are establishing a single city wide trash hauler. Mr. Kostoff explained that he has discussed this with Mr. Ryland in detail and the process is to lead up to a bid spec and that Council would need to eventually sign off on that. There has to be a formal process in place and Mr. Kostoff indicated he would be carefully reviewing that bid proposal before it goes out for advertising. Mr. Kostoff indicated that until we come back to you with an ordinance for that bid proposal with the full exhibit you could take a position on anything you wish. Mr. Bergstrom stated that he could appreciate Mr. Kostoff's comments, however he wants to stand his ground here. Mrs. Hlas stated she is still ok with this legislation as prepared, we can still have the first reading tonight, and this would give the Administration the time to continue working on the bid proposal document. Mr. Nicolard agreed, his concerns with the bid document have been worked out. Mr. Kostoff stated that until Council takes action with enforcement by legislation you really have nothing to go forward with. There was further discussion and Mr. Bergstrom moved to remove this item from tonight's agenda, there was no second to his motion and it remained on the agenda.

Mr. Mowery briefly discussed concerns he received from three (3) residents along Parkway Blvd regarding the paving and street design and changing this into a dead end street. Mr. Mowery stated that he understands there is no funding to repave this road after the waterline construction is complete. Mayor Koontz concurred. Mr. Ryland noted that in the past Council had approved funding for over \$30,000.00 for engineering for reconstructing Parkway Blvd., however nothing further has been done with that yet. Mr. Ryland recommended that Mr. Mowery get together with these residents and hold a small town meeting when we get to that point to share what information we have with them. Mr. Mowery discussed one resident involved in the Greenwich Road Sewer Project that had prepared a packet of information on an alternative option for septic replacement at a reduced cost to the residents. Mr. Mowery did note that this option is not an approved system in Summit County at this time but is being used in other counties. Mr. Mowery commented on Ord. #50-2010 and due to some questions that were raised he moved to just waive the second reading only. Mr. Nicolard called for a point of order, as Mr. Pelot is the Chair of the Personnel Rules Committee. Mr. Pelot asked about Mr. Mowery's concerns, as the members of the part-time Fire Fighters have already approved and voted on their contract. Mr. Mowery did not elaborate on the exact concerns only that they were not raised by the employees but by a resident. There was no second to Mr. Mowery's motion, and Ord. #50-2010 remained on the agenda as is, waiving the second and third readings.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Jim Lino, a Norton resident, commented about the citywide trash hauler and that although it might be a good idea, we might not have anyone to turn to if we have complaints. Look at all the problems we had with Time Warner Cable and we seemed to get no where with our complaints. Mr. Lino stated that limited bags are a good idea for those residents who don't have much trash, but that won't work if you have large items such as appliances and furniture. Mr. Lino urged Council to weigh these decisions very carefully.

Mr. Andrew Lehner, a Norton resident, also commented on the trash hauler issue adding that he and his father both talked about this and feel it's a bad idea. Mr. Lehner questioned if you do this how many trucks will it take and what will it really cost the residents? Mr. Lehner stated that Cuyahoga Falls has this and the residents love it, but it costs them too much. Mr. Lehner stated that Council should balance the budget, if you don't its just going to turn away residents. Mr. Lehner commented about an issue the residents on Easton have with squealing and peeling tires and the lack of street lights the area, it's become a real safety issue.

Mrs. Elaine Tompkins, a Norton resident, commented on Mr. Ryland's recent golf outing and being a star golfer. Mrs. Tompkins commented about how the City of Norton needs to establish its own Chamber of Commerce like other communities have. Mrs. Tompkins discussed an issue with \$500,000.00 in the FirstMerit sweep account from one month to the next according to the monthly budget reports, in addition to the Mayors salary still being listed more that what is allowed according to the city Charter. Mrs. Tompkins also commented on the billing from the Roetzel and Andress Law Firm and that in the first four (4) months this year we have spent approximately \$59,000.00, even taking the position that January's billing was partially for December and January. Mrs. Tompkins stated it would be nice to have a full explanation on what we are spending that kind of money on for a community of nearly 11,500 residents.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of March 22, 2010 were approved as submitted.
Minutes of the Committee Work Session of April 5, 2010 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz reported that he would be meeting with AMATS next week. The City was awarded the \$515,000.00 in AMATS funding for Greenwich Road Project earlier this year and the bids came in at \$440,000.00. Mayor Koontz stated the City gets to retain the difference for extras, which he will be confirming with AMATS at this meeting. Mayor Koontz indicated we are still waiting for our refund from AMATS of over \$100,000.00 on the St. Rt. 261 repaving project. Mayor Koontz commented on the \$576,000.00 grant from AMATS for the paving project for Eastern-Cleveland Massillon Road area. This project will be bid out soon and is to start this summer, and will require \$140,000.00 local contribution from Norton. Mayor Koontz indicated he drafted a letter about the Brentwood water meters to Mayor Genet and has sent Mr. Mowery a copy for his review and suggestions. Mayor Koontz commented on the trash hauler legislation and that he is confident the bids would come in very favorable. Mayor Koontz commented on Mrs. Tompkins suggestion on having our own Chamber of Commerce and indicated that he would pass that along to the Norton Business Development Task Force for their discussions. Mr. Ryland commented on receiving a potential \$51,000.00 return from the insurance settlement for labor cost relating to the fire station collapse. Mr. Ryland stated we are pretty much on schedule with the construction phase of the new station, however the site work is still behind and he hopes to have a report for the Committee meeting next week. Mr. Moss indicated that he has some notes that are due by the end of June and some others due by the end of September and October and he would have a memo ready for the next Work Session agenda to discuss. Mr. Kostoff explained that after he tells you this next item, he would not be permitted to take any questions or discuss the details. Mr. Kostoff reported that the party who was the tenant of the adult video store on Barber Road where the sign was removed by the City, tried to get an injunction by the court and the court denied it. A hearing was held with the BZA and their request was denied. They have now filed an appeal to the Common Pleas Court and we now have a time limit to file an answer to that appeal along with various other documents.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #50-2010

Mr. Pelot offered Ord. #50-2010 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 INTERNATIONAL ASSOCIATION OF EMT'S AND PARAMEDICS R7-26, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Nicolard. Mayor Koontz commended the Fire Fighters and Administration for working out this agreement and for all they do for our residents and the community.

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

Motion passed 6-1.

Mr. Pelot moved to adopt Ord. #50-2010, seconded by Mr. Nicolard. Mr. Pelot stated he also wanted to thank the Fire Fighters and Administration for working out such an agreement and he was pleased to see the standard moving up to the next level.

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

Motion passed 6-1.

ORD #51-2010

Mr. Bergstrom offered Ord. #51-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO PREPARE PLANS AND SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR THE ESTABLISHMENT OF A CITY-WIDE SINGLE TRASH HAULER SYSTEM.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION:-None

UNFINISHED BUSINESS:

Mr. Mowery offered his congratulations on Ord #50-2010 and what the citizens of Norton and the good rapport they have always had and keep that open. Mr. Mowery stated he felt these questions the citizens have still need to be addressed. Mr. Pelot asked the Administration where we are with hiring a grant writer and Mr. Moss stated we have volunteer and he is in training at this time. Mr. Nicolard stated that this issue is something that the Norton Business Development Task Force has been discussing every week.

NEW BUSINESS:

Mr. Bergstrom stated that as some residents are getting their septic systems evaluated, we are finding out that some of those that are failing are due to faulty air pumps or bad designs in the first place. Mr. Bergstrom stated one question comes to mind is how long do they have to correct them? Mr. Bergstrom suggested for next week's discussion we could add professional service-the overall planning of our sewer systems. Mr. Nicolard commented about a resident in his ward that is going through the process now and real mess he is dealing with all three (3) entities. Mr. Nicolard stated if we handled our own master metering system this resident would not have this hassle to deal with. Mr. Mowery asked about when the former Planning Director-Jeff Pritchard was here, did he ever write and grants? Mr. Ryland replied yes, he wrote many, playground equipment for \$88,000.00. Mrs. Hlas added that he got grants for the recycle bins at the parks, and Mr. Zita recalled some for storm water issues. Mr. Pelot asked Mr. Ryland where we are in the process with the master metering? Mr. Ryland replied we are moving ahead, we have met with Barberton and with Summit County already to see what their rates would be.

Mayor Koontz stated that we have already received a proposed agreement for Oak Street and Greenwich. Mr. Pelot suggested we could insert a clause that if things would change in our city in the future, we could buy it back for \$1.00 or something. Mr. Zita discussed a memo (see attached) from Dr. Cox, Ph.D at the University of Akron-Urban Studies relating to the University conducting a ward boundary study. There was discussion in detail on the need and the estimated cost and Mr. Zita moved to accept the proposal from Dr. Cox, seconded by Mr. Pelot. Mr. Zita noted that if there were to be any adjustments to the wards it must go to the voters for approval.

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

Motion passed 7-0.

Mr. Zita discussed the zip code issue and that in the past the city had hired a consultant to research and recoup any lost money for the city relating to license plate fees and asked if we need to maybe revisit that process? Mr. Ryland stated that he has been advised by the officials in Washington to sit tight on the city's application for a dedicated zip code for right now. Mr. Moss stated that he could contact the representative that did the BMV audits for us in the past and see what it would cost to review this. Mr. Ryland suggested we look into this and report those findings back to Council at a later time.

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 8:10 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 April 26, 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.