



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JULY 12, 2010**

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

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

The Regular Council Meeting convened on Monday, July 12, 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.

**COMMITTEE OF THE WHOLE:**

Mr. Mowery announced the funeral for Norton resident, Myron Clark who recently passed away, noting that he was a foster child at Bridgeway Homes. Mr. Mowery stated he had the opportunity to meet Mr. Clark and that he had gone through quite a lot in his short life. Mr. Mowery stated that the Bridgeway owners, Mr. & Mrs. Weese have really done a lot of improvements over the years at Bridgeway and with the foster children there. Mr. Mowery stated the calling hours are at the Cox Funeral Home on Norton Avenue, tomorrow. Mr. Braman moved to add Ord. #89-2010 to authorize the Administration to bid for the Newpark Drive project, seconded by Mr. Pelot. Mr. Braman indicated this does have emergency language and he would be waiving the readings to move this along.

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

Motion passed 6-0.

**COMMUNICATIONS FROM THE PUBLIC:**

Mr. Dan Grether, a Norton resident, spoke regarding the elected positions and that some of Council seemed to be content with the way it is. Mr. Grether stated that in 1963 the voters increased the number of Council when we changed from a village to a city. Mr. Grether stated he was not willing to give this new change a chance, we cannot afford to at this point. Mr. Grether discussed the comments from some Council that by sending this back, it's like telling the voters they made a mistake, and he agreed. They made a mistake and that thousands may have wished they had a chance to fix this mistake, when they were promised change from others. Mr. Grether discussed the recall provision and the amount of signatures required for a recall. It's only fair to the voters to increase this to the number of registered voters.

Mr. Grether stated that relying on half of a voter turn out should have no bearing on the fact that there are 8,000 voters in this community. This community has grown and we have increased with the new developments. These new residents have needs and interests, and they need full representation of Council.

Mrs. Elaine Tompkins, a Norton resident, spoke regarding the MAD comments and submitted her comments in writing, (see attached).

Mr. Ray Jacksits, a Norton resident, spoke regarding the special assessments on Hawthorne Drive. Mr. Jacksits stated that he felt the letter was misleading, the payment is now due in a few weeks, and we just got the letter at the beginning of July. If we don't pay this in full by July 28, 2010 then it goes onto our taxes, but no information was provided for how long or what the interest rate is. Mr. Jacksits stated Council should take the responsibility to rewrite this and send out better letters and provide more than two weeks to pay it. Mr. Jacksits asked Council if they approved or saw the letters that were mailed out? Mr. Zita reminded Mr. Jacksits this portion is called communications from the public and is not a question and answer session. Mr. Zita stated he was aware the letters were sent out.

Ms. Charlotte Whipkey, a Norton resident, spoke regarding Ord. #88-2010, the purchase of Barber Road property for \$110,000.00. Ms. Whipkey complained that we can't fix our roads but yet we have money to buy property. Ms. Whipkey asked how can you justify spending this money for property that the city has no use for or any plans for it? Ms. Whipkey stated she spent time talking to people regarding Ord #63-2010 Composition of Council. It shouldn't be on the ballot, the people knew exactly what they were doing when they voted for it. Ms. Whipkey stated we would not be affecting the Charter, we would still be within the Charter, just change the ordinances to make it fit. Ms. Whipkey stated that we don't need three (3) special interest Council members. It's not going to slow anything down, it just means before you pass anything you will need to know more about the legislation. Ms. Whipkey discussed Ord. #58-2010-the recall provision, stating that we have 8,000 registered voters. Ms. Whipkey stated that we have already heard this year how the people's voice was not being heard through Issue #26 because we wanted to dissolve two seats. Ms. Whipkey stated this is the same thing only it's backwards. Ms. Whipkey stated that for those who don't like recalls, they should try going out and getting one petition and put some time into it. Not just get fifteen (15) names, go out and talk to several hundred residents and maybe you would have a new regard and respect for the petition process. Ms. Whipkey discussed Ord. #59-2010-executive sessions, we don't need them. You all have your emails and phone calls and you talk with each other. Ms. Whipkey stated this is not a private business, this is a public business, and there is nothing you need to do behind closed doors that we shouldn't be aware of.

Mr. Zita called for a temporary recess in order to convene the Public Hearings at 7:15

**PUBLIC HEARINGS:**

**Ord #57-2010 An ordinance to add Chapter 1498 to the Codified Ordinances of the City of Norton, Ohio, and declaring an emergency.**

Mr. Zita asked the Clerk to certify the legal notice for this Public Hearing. Ms. Campbell certified that a legal notice for this hearing was published in the Barberton Herald on June 17, 2010.

Mr. Zita called three (3) times for anyone in favor of the amendment to come forward. Mrs. Tompkins stated she supported having a standard building code in the city for everybody. There were no other responses.

Mr. Zita called for anyone against the amendment to come forward. Mr. Jim Lino, a Norton resident stated you tried to ram stuff through on the last one and he thought this was all settled at the last round. The last time it was utterly ridiculous, and this version has some items he does not care for. Mr. Zita called twice more for anyone against the amendment to come forward; there were no other responses.

**Ord #66-2010 An ordinance rezoning property located at 3225 and 3211 Cleveland-Massillon Road from b-2 Neighborhood Business District to B-3 Highway Business District.**

Mr. Zita asked the Clerk to certify the legal notice for this Public Hearing. Ms. Campbell certified that a legal notice for this hearing was published in the Barberton Herald on June 17, 2010.

Mr. Zita called for anyone in favor of the amendment to come forward, and the applicant has the right to speak first. Mr. Rick Freeman, the applicant, thanked Council for the opportunity to bring a business to Norton. Mr. Mowery discussed some of the issues raised by Mr. Mike Meden-Meden Glass, which near this location. Mr. Freeman indicated that he has spoken with Mr. Meden and his issues and concerns were addressed and all is resolved, which was mostly parking issues. Mr. Zita called again for anyone in favor, and Mr. Lino stated it's always good to have businesses come into the City. In the past he has seen many projects come forward and get approval, only to see them close up later, he hoped this one goes through. Mrs. Elaine Tompkins stated believes new businesses are welcome and we should be supportive of them. Mrs. Tompkins stated that she agreed with Mr. Lino in that we like to see a standardized look for all businesses so that it would appear like we planned for this all along. Mr. Kostoff commented about the original filing listed this as two (2) separate parcels, and questioned how the City handled this issue in the past? Mr. Kostoff raised the issued that these lots should be consolidated into one. Mr. Freeman stated one parcel has just the septic system on it, and he is not opposed to combining this. Mr. Kostoff deferred this decision to Council to require the applicant to combine the parcels as a condition on this ordinance or forward to the Planning Commission for review. Mr. Braman stated he would like to at least see the applicant get started with his plans. Mr. Braman suggested maybe the Planning Commission could address this when the go over his site plan review. Mr. Mowery asked about the utility benefits being available, and Mr. Ryland replied there are none available from the City. Mr. Nicolard stated that when Mr. Bower originally built the old hardware, he inherited the family home on that property, and the septic system separates the one lot from the next lot. Mr. Bergstrom stated that normally with a zoning change you don't have a business to consider. Mr. Bergstrom stated we developed a Comprehensive Plan that paints a different picture for what is being proposed.

Mr. Bergstrom commented about how are we going to protect the look you want in this area in the next twenty (20) years and keep it consistent. Mr. Bergstrom stated he was concerned with locking something in for twenty (20) or thirty (30) years with a B3 zoning that we really cant to anything to change it. Mr. Freeman discussed his plans on parking and storing towed vehicles, and is willing to work with the community to address this. Mr. Zita temporarily recessed the Public Hearing for Council to discuss with Mr. Kostoff the possibly amending Ord. #66-2010.

Mr. Zita reconvened the Public Hearing for Ord. # 66-2010. Mr. Zita called three (3) times for anyone against the proposed zoning amendment, there was no response.

Mr. Zita closed the Public Hearings and reconvened the Regular Council Meeting back to session.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council meeting of June 28, 2010 were approved as submitted.  
Minutes of the Committee Work Session of July 6, 2010 were approved as submitted.

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

Mr. Kostoff reported on receiving the Stipulation of Dismissal on the Eastside Development LLC Vs the City of Norton. This is in regarding to the adult sign issue, which was taken down by our order. They appealed this action to the BZA and the BZA denied their appeal. Subsequently they filed an appeal to the Common Pleas Court and that court dismissed their appeal. We had one round earlier and decided not to pursue this any further and they dismissed their appeal.

**INTRODUCTION OF NEW LEGISLATION:**

ORD #81-2010

Mr. Nicolard offered Ord. #81-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #81-2010, seconded by Mr. Bergstrom.

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

Motion passed 6-0

**RES #82-2010**

Mr. Bergstrom offered Res. #82-2010 for its first reading and asked the Clerk to read it:

A RESOLUTION ACCEPTING DISTRICT 8 PUBLIC WORKS INTEGRATING COMMITTEE'S AWARD FOR THE CITY OF NORTON'S NEWPARK DRIVE RECONSTRUCTION PROJECT.

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 Res. #82-2010, seconded by Mr. Nicolard.

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

Motion passed 6-0.

**ORD #83-2010**

Mr. Bergstrom offered Ord. #83-2010 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.

First reading only.

**ORD #84-2010**

Mr. Pelot offered Ord. #84-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE ESTABLISHING A UNIFORM ALLOWANCE FOR PART-TIME PATROLMEN OF THE DIVISION OF POLICE AND AUTHORIZING THE PAYMENT OF UNIFORM ALLOWANCES FOR THE YEAR 2010; 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 Ord. #84-2010, seconded by Mr. Nicolard.

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

Motion passed 6-0.

**ORD #85-2010**

Mr. Nicolard offered Ord. #85-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATION TO ADVERTISE FOR BIDS AND ENTER INTO CONTRACTS TO IMPROVE CLUBSIDE DRIVE AND/OR PORTIONS THEREOF, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #85-2010, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

**ORD #86-2010**

Mr. Nicolard offered Ord. #86-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF BARBICAS CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED \$183,680, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #86-2010, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

**ORD #87-2010**

Mr. Nicolard offered Ord. #87-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF LYTLE CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED \$43,993.50, AND DECLARING AN EMERGENCY.

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

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

Nays: None

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #87-2010, seconded by Mr. Bergstrom.

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

Nays: None

Motion passed 6-0.

**ORD #88-2010**

Mr. Mowery offered Ord. #88-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR AND /OR CITY ADMINISTRATOR TO ENTER INTO A CONTRACT OF PURCHASE WITH THE OHIO DEPARTMENT OF TRANSPORTATION DEEMED TO BE IN THE CITY'S INTEREST, AND DECLARING AN EMERGENCY.

First reading only.

**Added to the Agenda**

**ORD #89-2010**

Mr. Braman offered Ord. #89-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATION TO ADVERTISE FOR BIDS TO IMPROVE NEWPARK DRIVE AND/OR PORTIONS THEREOF, AND DECLARING AN EMERGENCY.

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

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

Nays: None

Motion passed 6-0.

Mr. Braman moved to adopt Ord. #89-2010, seconded by Mr. Pelot

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

Nays: None

Motion passed 6-0.

**INTRODUCTION OF PRIOR LEGISLATION:**

**ORD #66-2010**

After further review and recommendations from Mr. Kostoff, Mr. Braman moved to amend Ord. #66-2010 to add: *The proponent is required to consolidate the attached parcels into one parcel for the purposes of this rezoning and provide the Zoning Superintendent proof of compliance with this condition*, seconded by Mr. Pelot.

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

Motion passed 6-0.

Mr. Braman offered Amended Ord. #66-2010 for its first second reading and asked the Clerk to read it:

AN ORDINANCE REZONING PROPERTY LOCATED AT 3225 AND 3211 CLEVELAND-MASSILLON ROAD FROM B-2 NEIGHBORHOOD BUSINESS DISTRICT TO B-3 HIGHWAY BUSINESS DISTRICT.

Mr. Braman moved to waive the third reading, seconded by Mr. Pelot. Mr. Bergstrom expressed his concerns with not having an updated Comprehensive Plan in place before we rezone this or any other parcels. Mr. Nicolard noted that the Planning Commission has approved this rezoning and as a recommending body in place we as Council should follow their recommendation. Mr. Mowery agreed with Mr. Bergstrom's statements, adding that we need to stick to our Comprehensive Plan and not deviate from that.

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

Motion passed 4-2.

Mr. Braman moved to adopt Amended Ord. #66-2010, seconded by Mr. Pelot

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

Motion passed 5-1.

**ORD #57-2010**

Mr. Braman offered Ord. #57-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO ADD CHAPTER 1498 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Ord. #57-2010, seconded by Pelot. Mr. Braman indicated this is to update the Maintenance Code.

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

Motion passed 6-0.

**ORD #58-2010**

Mr. Pelot offered Ord. #58-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE IX SECTION 9.03 OF THE CHARTER OF THE CITY PROVIDING FOR RECALL ELECTIONS.

Third reading only.

**ORD #59-2010**

Mr. Pelot offered Ord. #59-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE III SECTION 3.12 OF THE CHARTER OF THE CITY PROVIDING FOR OPEN REGULAR MEETINGS OF COUNCIL IN COMPLIANCE WITH SECTION 121.22 OF THE OHIO REVISED CODE.

Third reading only.

**ORD #62-2010**

Mr. Mowery offered Ord. #62-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY TO CONVEY CERTAIN CITY PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES TO THE COMMUNITY IMPROVEMENT CORPORATION PURSUANT TO AGREEMENT AND DECLARING AN EMERGENCY.

Mr. Mowery moved to adopt Ord. #62-2010, seconded by Mr. Pelot.

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

Motion passed 5-1.

**ORD #63-2010**

Mr. Pelot offered Ord. #63-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE III, SECTION 3.02 OF THE CHARTER OF THE CITY PROVIDING FOR THE COMPOSITION OF COUNCIL.

Third reading only.

**ORD #64-2010**

Mr. Braman offered Ord. #64-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE DECLARING A MORATORIUM ON THE ESTABLISHMENT, OPERATION, PERMITTING OR APPROVAL OF NEW ENTERTAINMENT DEVICE ARCADES WITHIN THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Ord. #64-2010, seconded by Mr. Pelot. Mr. Braman stated this moratorium for a maximum of six months. Mr. Pelot stated he was originally against this ordinance, however with the pending lawsuits in other cities, he has had time to reconsider this. Mr. Nicolard noted again that the Planning Commission has recommended this and we should follow their advice.

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

Motion passed 6-0.

**UNFINISHED BUSINESS:**

Mr. Mowery asked Mr. Pelot to explain to everyone why we are having just a third reading on the three (3) Charter amendments and not voting and why we are holding the Special Council meeting this Thursday. Mr. Pelot indicated that these are very special pieces and we want to make sure that all Council members have a vote and that the language is right. Mr. Pelot stated that this needed to be addressed before our summer recess.

**NEW BUSINESS:**

Mr. Mowery stated he has met with residents on Hawthorne Drive and Gardner Blvd. regarding their assessment letters, and he contacted Mr. Moss for him to address their concerns. Mr. Mowery commented on the Business Development Task Force and asked if there is a Chair and a Vice Chair. Mr. Nicolard replied the Chairman is Dan Karant. Mr. Mowery discussed an ugly situation that occurred at the Norton Plaza regarding a potential business coming in. Mr. Ryland stated that although he was not aware of the incident, the BDTF (Business Development Task Force) does not have any authority to issue any licenses or permits. Mr. Ryland suggested the business owner contact him regarding his issues.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Ryland reminded everyone of the concert in the park next week, with Kerosene playing. Mr. Zita announced that Mr. Bill Roemer-Summit County Council candidate was present in the audience this evening, and Mr. Roemer spoke regarding his personal/political

background. Mr. Zita reminded everyone that Council will be on summer recess until August 16, 2010 and there would be a Special Council meeting this Thursday, July 15, 2010 at 6:30 for the Charter amendments. Mr. Nicolard thanked Ms. Campbell for all her hard work in the concert series; she is doing a stellar job.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:25 PM.

---

Mike Zita, President of Council

I, Ann M. Campbell, Deputy Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on August 23, 2010.

---

Ann M. Campbell, Deputy 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.