



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, AUGUST 23, 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, August 23, 2010 at 7:03 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. Bergstrom stated that he has been working on the trash bid proposal document and he is about 90% finished with his notes. Mr. Bergstrom stated he would be emailing Council with his final comments by tomorrow evening for them to watch for it. Mr. Bergstrom stated he has a proposed edit to Ord. #91-2010, page 7 where it states “*for those legal services that firm shall be paid a reasonable fee*”. Mr. Bergstrom stated he felt this seemed to be an open ended phrase and wanted it to state “*paid in accordance to.... or as approved by...*”. Mr. Ryland stated that we have set rates with Roetzel and Andress and as far as knowing the exact number of hours it should take, it’s undetermined for each project. Mr. Kostoff stated that ultimately the Client is the one who is approving the contracts, and it depends on a number of factors, such as the size of the deal, the complexity of the project. Mr. Kostoff stated the language could be worded to state “*shall be paid a reasonable fee as approved by the client*” if that would satisfy Mr. Bergstrom. Mr. Kostoff stated that you would find this exact language in most communities, its pretty much standard. Mr. Bergstrom moved to amend Ord. #91-2010 to reflect “*shall be paid a reasonable fee as approved by the Director of Finance*”, seconded by Mr. Pelot. Mr. Nicolard asked who prepared this and Mr. Kostoff replied his office. Mr. Nicolard asked how many pieces of legislation that are similar to this has his office prepared so far this year, and Mr. Kostoff replied several. Mrs. Hlas stated we are Council members, we do not write legislation and if the law department draws up legislation and they have been doing so for a number of years, then she is fine with it. Mayor Koontz reminded everyone this is not for hiring anyone as bond counsel; it’s for issuing notes.

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

Motion failed 3-4.

Mr. Bergstrom proposed an edit to Ord. #92-2010 in the title where it states “*advertise for bids*” and in Section II where it states “*to submit bids*”. Mr. Bergstrom stated we discussed this last week at the Work Session. Mr. Bergstrom moved to change the language to state: “*advertise for technical proposals and select a qualified professional engineer and then negotiate a contract for the engineering services*”. In section II, “*submit technical proposals*”. Mr. Bergstrom stated it still goes through the process, its just spelled out more clearly within the legislation. Mr. Ryland asked Mr. Bergstrom didn’t we agree to these terms at the Committee meeting last week, and why didn’t you make a phone call to city hall and suggest these changes so that we could have time to review them before coming to the floor tonight? Mr. Bergstrom stated he did not see the legislation until he got his packet on Friday, and if we already agreed to do it why not put it in the legislation? Mayor Koontz stated as a consulting engineer, we don’t advertise for bids and in this particular case we are not going to advertise for bids. Mayor Koontz stated we are not going to take bids and then go with the lowest bid, in actuality maybe we should change it. Mr. Pelot seconded Mr. Bergstrom’s motion. There was more discussion of the technical language, and Mrs. Hlas stated she would rather take it off the agenda completely and work on perfecting the language, there are just too many changes on the floor tonight. Mr. Nicolard stated he would not support suspending the second and third readings on this legislation if the motion passes. Mr. Kostoff commented on Mayor Koontz’s concerns and explained the body of the legislation really is fine the way it is, it’s the title that needs worked on. Mr. Kostoff suggested the following title to clarify what all of Council is wanting:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND/OR CITY ADMINISTRATOR TO SOLICIT TECHNICAL PROPOSALS FOR AND TO EXECUTE AND DELIVER A CONTRACT FOR ENGINEERING SERVICES IN CONNECTION WITH THE IMPROVEMENT OF NASH HEIGHTS; AND DECLARING AN EMERGENCY.

Mr. Kostoff stated that by doing so Council is empowering the Administration to interview and select an engineer, and the Board of Control can award the contract. Mr. Bergstrom agreed with this, however he still wanted his change reflected in Section II from bids to technical proposals. Mr. Bergstrom removed his original motion, and Mr. Pelot removed his original second. Mr. Bergstrom moved to accept Mr. Kostoff’s suggestion for the title, and to Section II to replace bids with technical proposals, seconded by Mr. Pelot. Mr. Nicolard stated he does not like amending items on the floor and is not prepared to vote on amended language tonight. Mr. Pelot agreed with all of the comments on that, but in order to move forward to get this project underway he would encourage Council votes. Mr. Kostoff apologized for the confusion.

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

Motion passed 6-1.

Mr. Zita called for a five (5) minute recess for Mrs. Richards to make the edit changes to Ord. #92-2010 before moving on.

**COMMUNICATIONS FROM THE PUBLIC:**

Cory Williams, from Field Of Dreams LLC, approached Council asking for letters of support and from Council and the residents on their current energy savings on natural gas for the community. Mr. Williams stated their program is unique and would provide a return in savings of 10% to the residents. Mr. Williams quoted a price of \$6.36 per CFM and Mr. Moss asked for further details. Mr. Williams stated a true market variable rate is different from a variable rate. Mr. Ryland asked what the difference was? Mr. Williams stated that a true market variable rate is set by the IMEX and some company executive sets a variable rate. Mr. Ryland asked what would happen to the market if another Katrina hits and the rates go up to 13% or even higher? Mr. Williams explained we would have budget billing in place and we have no contract. Mr. Moss asked how his company differs from Dominion or Volunteer Energy? Mr. Williams replied that no one else in the United States could give you your money back into the investment of the energy. This is based on the percentage of what this community uses and it is put right back into this community. Our program has been copyrighted and trademarked and no one else in the United States can use that unless they pay us the royalty. No one else can give you money back off of the energy your city uses but our company.

Ms. Charlotte Whipkey, a Norton resident, stated she felt it was a great thing when a Council person takes the time to ask questions and ask for changes to the legislation before it gets to a second or third reading. This should be welcomed; this person is just doing their job. Ms. Whipkey discussed Ord. #88-2010 for buying the property on Barber Road for \$110,000.00. Ms. Whipkey wanted justification for why we are buying this when we have no real intended purpose for it. Mr. Whipkey stated she heard there was a problem at the construction site of our new fire station with something to do with the gutters and hoped that the taxpayers would not be the ones footing the bill for fixing this.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of July 12, 2010; Mr. Braman noted a correction on page #7, the roll call and vote for the adoption of Ord. #89-2010 was omitted, and Mrs. Richards has already made this correction. The minutes were approved as corrected.

Minutes of the Special Council Meeting of July 15, 2010 were approved as submitted.

Minutes of the Utilities Committee Meeting of July 29, 2010 were approved as submitted.

Minutes of the Committee Work Session of August 16, 2010; Mr. Bergstrom noted a correction to page #5, fifth line from the bottom where it states contractor, it should be engineer. Mr. Pelot asked if this is what was actually stated? Mrs. Richards stated she would need to review the audio record to concur and if so this would be corrected. The Minutes were approved as submitted pending this further review-editing.

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

Mr. Ryland indicated the he and Mr. Moss recently completed the required NIMS training for the City on Sections 300 and 400. Mr. Ryland responded to Ms. Whipkey's earlier comments relating to the construction issue with the driveway gutters at the new fire station. Mr. Ryland stated the issue there was that the concrete contractor was taking too long to get their part of the project done. Mr. Moss asked Council to please consider suspending the readings on Ordinances #90-2010 and #91-2010.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #90-2010**

Mrs. Hlas offered Ord. #90-2010 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 AGENDA.

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. #90-2010, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

**ORD #91-2010**

Mrs. Hlas offered Ord. #91-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$332,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF CONSTRUCTING AND INSTALLING WATER LINES, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO COMPRISING THE GREENWICH ROAD WATER EXTENSION, PHASE I PROJECT, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-1.

Mrs. Hlas moved to adopt Ord. #91-2010, seconded by Mr. Bergstrom.

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

Motion passed 6-1.

**ORD #92-2010**

Mrs. Hlas offered Ord. #92-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND/OR CITY ADMINISTRATOR TO SOLICIT TECHNICAL PROPOSALS FOR AND TO EXECUTE AND DELIVER A CONTRACT FOR ENGINEERING SERVICES IN CONNECTION WITH THE IMPROVEMENT OF NASH HEIGHTS; AND DECLARING AN EMERGENCY.

First reading only.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #83-2010**

Mr. Bergstrom offered Ord. #83-2010 for its second 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.

Mr. Bergstrom waived the third reading, seconded by Mrs. Hlas.

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

Motion passed 7-0.

Mr. Bergstrom moved to adopt Ord. #83-2010, seconded by Mrs. Hlas.

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

Motion passed 7-0.

**ORD #88-2010**

Mrs. Hlas offered Ord. #88-2010 for its second 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.

Mrs. Hlas moved to waive the third reading, 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. #88-2010, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

**UNFINISHED BUSINESS:**

Mr. Mowery briefly discussed the status of the Parkway Drive issue and that he has talked with the Administration and members of Council and he understands that the Administration is prepared to move ahead with their plans. Mr. Mowery stated he has been recently made aware that some residents on Parkway Drive are circulating their own petition for the city to take action. Mr. Zita discussed a recent letter the city received from J & J Refuse outlining the cost for trash pick-up for the various City owned properties (see attached). Mr. Pelot questioned if all of these individual pick-up sites were truly necessary and Mr. Ryland replied that we could consolidate some. However, we would still have the need in the park for Cider Festival, Norton Clean Up Day, and any other activities throughout the year as needed. Mr. Pelot suggested the Administration make some phone calls to other companies and compare some prices, and see what that can bring forward for future discussions.

**NEW BUSINESS:**

None.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Koontz read several announcements (see attached). Mr. Zita stated that a Norton Eagle Scout-Evan Littlejohn has completed a service project of erecting the old liberty bell on the property at the former Lindeman on the west side of the property. This will now be the home of the Biery House and Museum-Home of the Norton Historical Society.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:06 PM.

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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 September 13, 2010.

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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.