



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JANUARY 10, 2011**

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

Also Present:  
Mayor David Koontz  
Rick Ryland  
John Moss  
Pete Kostoff-Excused  
Justin Markey-Atty. Roetzel & Address  
Karla Richards  
Ann Campbell

The Regular Council Meeting convened on Monday, January 10, 2011 at 7:04 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

Mayor Koontz gave recognition to retiring Norton Police Officer Tom Braman for his 40 plus years of service to the community. Chief Hete stated that Officer Braman has been not only an officer but also a friend to him for over 30 years and wished him well and hoped he would come back maybe on a part-time basis in the future. Mayor Koontz asked Councilman Braman if he would like to comment since Officers Tom Braman and Bill Braman are his nephews. Councilman Braman stated that he was very proud of Officer Tom Braman and that he is the oldest of his nephews and nieces. He is also very proud of him as all of his relatives are and wished him well in the coming years. Officer Tom Braman stated that it has been a good journey over the last 40 years, and he has been glad to serve the people of Norton.

Mr. Pelot offered prayers for Congresswoman Giffords and her family and for the others that lost their lives in the recent senseless Arizona shooting, and asked everyone to remember them in their thoughts and prayers.

**COMMITTEE OF THE WHOLE:**

Mr. Bergstrom moved to add Ord. #6-2011 to the agenda, seconded by Mr. Zita. Mr. Bergstrom stated this relates to adjustments for a recent special assessment relating to the Cleveland-Massillon waterline project and we would be waiving the second and third reading on that.

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

Motion passed 6-0.

**COMMUNICATIONS FROM THE PUBLIC:**

There was no one signed up to speak this evening.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of December 6, 2010 were approved as submitted.

Minutes of the Organizational Meeting of January 3, 2011 were approved as submitted.

Minutes of the Committee Work Session of January 3, 2011 were approved as submitted.

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

Mr. Ryland commented on the full time Fire Dept. labor arbitration and that he expected to have a full report in the next 30 days. Mr. Ryland stated we are in the punch list stage at the new fire station and he expects to receive the keys by the end of this month, we are still on schedule and still on budget. Mr. Moss commented on Ord. #5-2011-Administration impound fees, and that now we actually have one vehicle stored in the impound lot.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #1-2011**

Mr. Nicolard offered Ord. #1-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE ADVANCES FROM THE GENERAL FUND INTO VARIOUS FUNDS AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #1-2011, seconded by Mr. Zita.

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

Motion passed 6-0

**ORD #2-2011**

Mr. Nicolard offered Ord. #2-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE TRANSFERS FROM THE GENERAL FUND AND THE FIRE/EMS 2007 LEVY CAPITAL FUND INTO VARIOUS FUNDS AND DECLARING AN EMERGENCY.

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

**ORD. #2-2011 Continued:**

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #2-2011, seconded by Mr. Zita.

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

Motion passed 6-0

**ORD #3-2011**

Mr. Bergstrom offered Ord. 3-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE AWARDING A CONTRACT TO J & J REFUSE INC., TO ESTABLISH A CITY-WIDE SINGLE RESIDENTIAL TRASH HAULER SYSTEM.

First reading only. Mr. Johnson, the General Manager of J & J Refuse was present for any questions. Mr. Zita asked about senior citizens and if they would qualify for a reduced rate and Mr. Johnson replied he was not clear of what was within the bid specs however, most residents in their situation would be best to get the bag service. Mr. Nicolard asked if there was anything in the unlimited service that you would not pick up and Mr. Johnson replied maybe a full hot water tank. Mayor Koontz asked about some seniors that are snowbirds for the winter; could we suspend their service while away? Mr. Johnson replied yes. Mr. Braman asked if that also would apply for vacant or foreclosed properties, and Mr. Johnson replied yes. Mr. Ryland asked if you have unlimited service would they pick up lager items like toilets, bathtubs, stoves, and Mr. Johnson replied yes. The only exception would be anything with freon, it must be emptied first by a certified company and properly tagged, then they would pick it up.

First reading only.

**ORD #4-2011**

Mr. Braman offered Ord. #4-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO EXTEND 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 waive the second and third readings, seconded by Mr. Bergstrom.

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

**Ord #4-2011 Continued:**

Motion passed 6-0. Mr. Braman moved to adopt Ord. #4-2011, seconded by Mr. Bergstrom. Mr. Bergstrom asked Mr. Markey about the Summit County's issues and Mr. Markey stated that the litigation that everyone is waiting for was decided and is in favor of Summit County. Mr. Markey stated that the legislation before you now is to wait for any potential appeals. Mr. Pelot stated he spoke with Mr. Kostoff and asked him based on the ruling from the Courts if we could move forward. Mr. Kostoff indicated we should move forward with the extension of our moratorium. Mr. Michael Moneypenney, a Norton resident stated that Summit County's ruling does not affect the City of Norton. There are people out there waiting to rent these facilities. He has people waiting to lease the equipment and the facilities. Mr. Moneypenney stated he knows all about these businesses and how their machines operate and offered his expertise to work with the City and check these locations to determine if they are legal or not. Mr. Moneypenney claimed he has been authorized by the Attorney General to do so. Mr. Moneypenney asked Council to consider this legislation very carefully. Mr. Markey stated that Summit County has jurisdiction over the townships and that legislation was challenged whether or not it was constitutional. Mr. Markey stated that there is still an appeal process, which is currently pending. Mr. Pelot stated that if no appeal is filed within 30 days from the decision, then we could move ahead and set up final legislation in our city. We just need to be cautious here and save our city from any future lawsuits. Mr. Bob Copen, a Norton resident, spoke questioning the enforcement action, stating there is no training and not enough manpower to enforce it in the first place. Mr. Copen questioned if the ones that we currently do have operating in the city are even paying taxes, as they should. Mr. Copen stated it would be nice to have businesses in these vacant storefronts and not have to lay off any more employees.

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

Motion passed 6-0

**ORD #5-2011**

Mr. Nicolard offered Ord. #5-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO ADD SECTION 404.07 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

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

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

Motion passed 6-0.

Mr. Nicolard moved to adopt Ord. #5-2011, seconded by Mr. Braman.

**ORD #5-2011 Continued:**

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

Motion passed 6-0.

**Added During Committee of the Whole**

**ORD #6-2011**

Mr. Bergstrom offered Ord. #6-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE DEFERRING COLLECTION FROM CERTAIN PARCELS LOCATED WITHIN AN AGRICULTURAL DISTRICT IN THE CITY OF SPECIAL ASSESSMENTS LEVIED FOR THE CLEVELAND-MASSILLON ROAD WATER IMPROVEMENT PROJECT; AND DECLARING AN EMERGENCY.

Mr. Bergstrom moved to waive the second and third readings, seconded by Mr. Zita. Mr. Markey stated that in a recent waterline project there were two (2) parcels that were assessed for the improvements. These parcels are also in an agricultural district and under State law they cannot be assessed. They are deferred until they connect, or the parcels are sold and taken out of the agricultural district. The County has asked for the City to send something over asking for these parcels to be deferred and this legislation backs that up and is properly authorized. The urgency in this matter is that the tax bills are about to go out now and would get corrected beforehand. Mr. Bergstrom asked who pays the costs now, and Mr. Moss indicated the City would pay for this, and someday the city would get the funds reimbursed. Mr. Bergstrom asked how much money are we talking about here, and Mr. Markey replied its approximately \$26,000.00.

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

Motion passed 6-0.

Mr. Bergstrom moved to adopt Ord. #6-2011, seconded by Mr. Zita. Mr. Bergstrom asked Attorney Markey to explain the details on this legislation.

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

Motion passed 6-0.

**INTRODUCTION OF PRIOR LEGISLATION:**

None

**UNFINISHED BUSINESS:**

Mr. Pelot discussed the approval of Council Rules for 2011 and asked if there were any changes, there were none. Mr. Pelot moved to approve the Council Rules for 2011, seconded by Mr. Zita.

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

Motion passed 6-0.

Mr. Bergstrom inquired about the STAG Grants the City had applied for last year and received no funds, did we ever receive any follow up letter or anything on that? Mr. Ryland stated that nothing was ever received. Mr. Pelot stated he would like to reconsider Ord. #94-2010 at the next Committee Work Session, as this involves pay raises for the non-bargaining and longevity for the police dept. Mr. Pelot stated that we need to do something to halt that. Mr. Ryland stated that it was his understanding that Council is considering a wage and hire freeze and if that is the case it would take care of that. Mr. Nicolard stated that he thought Ord. #94-2010 gave Mr. Ryland the discretion to act accordingly with respect to raises and Mr. Pelot stated that is the reason he want to discuss it because no where in Ord. #94-2010 does it state that within the language.

**NEW BUSINESS:**

Mr. Pelot stated that this year we need to appoint a Council representative for the Norton Health Advisory Board and if no one will volunteer he would have to appoint someone. Mr. Bergstrom nominated Mr. Nicolard but he declined. Mr. Nicolard suggested if they meet 10 times a year, maybe each Councilperson could take a month. Mr. Nicolard stated that some members could take two meetings, the Health Board would still have representation by Council. Mr. Nicolard nominated Mrs. Hlas, seconded by Mr. Bergstrom. Mr. Pelot appointed Mrs. Hlas as the representative for 2011 and asked everyone to help her out if she cannot attend any of the meetings.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Koontz repeated the CCA taxpayer assistance (see attached).

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:52 PM.

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Scott Pelot, 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 January 24, 2011.

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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.