



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 14, 2011**

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

Also Present:
Mayor David Koontz
Rick Ryland
John Moss
Pete Kostoff
Fire Chief Schultz
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Monday, February 14, 2011 at 7:01 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.

COMMITTEE OF THE WHOLE:

Mr. Nicolard read a thank you letter to Chief Schultz for the presentation last week (see attached). Chief Schultz was present and thanked Mr. Nicolard for the letter. Chief Schultz announced that we are officially up and running in our new station as of last Wednesday. Chief Schultz stated that the achievements of this department have been a group effort and he is very proud to be the Chief of this department.

Mr. Mowery stated that he has been repeatedly asking Mayor Koontz about the Brentwood Estates water meters and that he cannot let it go on any longer without information. Mr. Mowery stated that he went to Barberton himself and got the information he had been asking for and found out that nearly half of the residents in Brentwood now have these new meters. Mr. Mowery stated that the way he interpreted the clause in the JEDD agreement with Barberton it states that Barberton is to provide the meters at their own expense. Mr. Mowery asked Mayor Koontz if this was a dead issue as far as he was concerned? Are you going to reimburse these residents? Mayor Koontz replied that the issue of the agreement with Barberton and Summit County is a bigger issue here. Mayor Koontz questioned the terms of the JEDD agreement as Mr. Mowery explained, and that he would look into that if its stated that way in the contract. Mr. Mowery stated that Mayor is in the position to ask for negotiations on this issue. Mr. Mowery stated these meters cost the residents \$270.00 each so that is over \$60,000.00 which could have been spent on the wellheads instead. Mr. Mowery stated that from what he was told by the man who stood there and watched these wellheads put in place these wellheads were to last three (3) lifetimes.

Mayor Koontz reminded Mr. Mowery that Barberton did agree to waive the \$2,100.00 impact fees to these residents. Mayor Koontz stated Brentwood is unique and there are no other water systems to be tied into Barberton.

The Brentwood system was antiquated and needed to be replaced. These residents are being billed at the same rate as all the rest of the citizens, there will not be different water rates for different neighborhoods. Mayor Koontz stated we couldn't expand the Brentwood system to service the entire city. Mr. Mowery stated you can't just put this on the back burner and do nothing, it already affects 217 residents. Mr. Ryland explained to Mr. Mowery the fact that the \$60,000.00 figure may be a big number, however that does not even cover the annual maintenance fees we were paying just to keep this operating. Mr. Ryland stated that \$60,000.00 would have done nothing to improve that situation. Mr. Mowery clarified that Barberton maintained these wells, and Mr. Ryland concurred. Mr. Mowery asked if Barberton is experienced with wellheads, adding that there are a whole lot of other companies that may have been interested in inspecting these wellheads. Mr. Ryland discussed the numerous amounts of Brentwood residents that contacted him prior to the new waterline, to complain about having to replace their hot water tanks prematurely due to the poor quality of their water.

At 7:14 PM Mr. Pelot temporarily recessed the Regular Council meeting in order to convene the Public Hearings at 7:15 PM.

PUBLIC HEARINGS:

#1-At 7:15 PM Mr. Pelot convened the Public Hearing for Ord. #13-2011, the renewal of an agricultural district located at 4379 Greenwich Road-owners Ralph and Linda Beddow. Mr. Zita called three times for anyone in favor of the renewal application to come forward. Ms. Charlotte Whipkey, a Norton resident, came forward in favor, adding that she felt we need to work harder to keep our green space. Mr. Pelot called three times for anyone against the renewal application, no one came forward.

#2-Mr. Pelot convened the Public Hearing for Ord. #14-2011, the placement of farmland located at 3631 Medina Line Road in an agricultural district-owners Eric and Kristin Beddow. Mr. Pelot called three times for anyone in favor of the new application to come forward, no one came forward. Mr. Pelot called three times for anyone against the application, no one came forward.

At 7:18:00 PM Mr. Pelot reconvened the Regular Council meeting back into session.

COMMUNICATIONS FROM THE PUBLIC:

Mrs. Elaine Tompkins, a Norton resident, read her comments relating to local issues (see attached)

Ms. Gayle Brenner, a Norton resident, read her comments relating to the Norton Fire Dept & Police Dept., (see attached)

Ms. Charlotte Whipkey, a Norton resident, discussed Ord. 3-2011 City wide trash hauler. Ms. Whipkey stated that many of us disapprove of this. Ms. Whipkey stated that Council allowed a bad bid contract to be approved and that there are higher costs than intended. Ms. Whipkey discussed new appointments to the Charter Review Commission and that she had attended most of the meetings during the last Charter Review Commission. Ms. Whipkey stated that at the time it was recommended that the next Charter Review Commission meet more than once a month.

Ms. Whipkey questioned as to why there was no one appointed from Ward 1 or Ward 2. Mr. Pelot responded that the city received no interest from anyone in Ward 2. There were two (2) residents from Ward 1 that have applied and are being appointed.

Mr. Ron Hatcher, a Norton resident, commented on his road conditions on Maco Drive. Mr. Hatcher stated that he did come forward last year to speak about this and appreciated the work that was done filling the potholes last year. Mr. Hatcher stated he was told last year that he should come back to Council in the spring to re-address this issue. Mr. Hatcher asked Council to see that their road gets some attention this year, and suggested instead of patching it you might be better to do concrete. Mr. Hatcher stated he loves this city and that Council does its best to take care of the city. Mr. Hatcher stated that he is an ironworker and he would do whatever he could to help with the roads, he would even mesh the road for free.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of January 24, 2011 were approved as submitted.
Minutes of the Committee Work Session of February 7, 2011 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Ryland stated that some of you might have heard some talk in the community about a lawsuit filed by an employee. Mr. Ryland advised that he has been through the union with this issue and it is now pending civil action in the courts.

INTRODUCTION OF NEW LEGISLATION:

RES #15-2011

Mr. Braman offered Res. #15-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION APPOINTING CYNTHIA L. MAZEY TO A ONE-YEAR TERM AS COUNCIL'S REPRESENTATIVE ON THE CITY OF NORTON HEALTH ADVISORY BOARD AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Braman moved to adopt Res. #15-2011, seconded by Mr. Zita.

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

Motion passed 7-0.

RES #16-2011

Mr. Braman offered Res. #16-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF SHANNON BARKER, GAYLE BRENNER, RON CLAWSON, BILL CONTE, MARY ANN DRISCOLL, JIM

PEKAREK, AND RON SHAFFER TO A TERM ON THE CHARTER REVIEW COMMISSION PURSUANT TO SECTION 7.01 OF THE CHARTER OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Braman moved to adopt Res. #16-2011, seconded by Mr. Nicolard

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

Motion passed 7-0.

RES #13-2011

Mr. Braman offered Res. #13-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 4379 GREENWICH ROAD IN AN AGRICULTURAL DISTRICT.

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

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

Motion passed 7-0.

Mr. Braman moved to adopt Res. #13-2011, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

INTRODUCTION OF NEW LEGISLATION CONTINUED

RES #14-2011

Mr. Braman offered Res. #14-2011 for its first reading, and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE PLACEMENT OF FARMLAND LOCATED AT 3631 S. MEDINA LINE ROAD IN AN AGRICULTURAL DISTRICT.

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

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

Motion passed 7-0.

Mr. Braman moved to adopt Res. #14-2011, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

ORD #17-2011

Mr. Braman offered Ord. #17-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE REPEALING ORDINANCE NO. 75-2000; AND DECLARING AN EMERGENCY.

First reading only.

ORD #18-2011

Mr. Braman offered Ord. #18-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE APPROVING A SPECIAL PLANNED DEVELOPMENT ON CERTAIN REAL PROPERTY IN THE CITY OF NORTON.

First reading only. Public Hearing will occur on 2-28-11.

ORD#19-2011

Mr. Braman offered Ord. #19-2011 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.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

ORD #7-2011

Mrs. Hlas offered Ord. #7-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE CLOSEOUT OF SIX CAPITAL PROJECT FUNDS THAT ARE NO LONGER NECESSARY AND APPROVE THE TRANSFER OF ANY REMAINING BALANCES IN ACCORDANCE WITH THE OHIO REVISED CODE.

Second reading only.

ORD #8-2011

Mrs. Hlas offered Ord. #8-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE DEPOSIT OF CABLE FRANCHISE FEES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011 AND DECLARING AN EMERGENCY.

Second reading only.

ORD #3-2011

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

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

Mr. Bergstrom moved to adopt Ord. #3-2011, seconded by Mr. Zita. Mr. Bergstrom reminded everyone that the entire bid packet was reviewed and certified by the city and it was found to be compliant and responsive. This is more than just saving the roads; it's a combination of things. This does save costs, it does eventually save good roads when constructed, it allows for cleaner and safer communities. It allows for a better recycling program in addition to having better control over a service that benefits the overall appearance of Norton. Mr. Zita stated that anytime we can do something to save the residents money, we should get on board and do that. Mr. Nicolard stated the trashcans would be out for two (2) days a week, instead of seven (7). This will be very beneficial to those selling real estate in the city. Mr. Mowery stated that without an opt-out plan for the residents, it's nothing more than a dictatorship. Mr. Mowery commented on the mailer that went out which was very weak and confusing. Mr. Mowery stated he would be voting no on this. Mr. Pelot discussed an email going around that the bid proposal packet stated only 15% had limited service and 60% had unlimited service. If that's the case then the better deal really is with Republic. Mr. Pelot stated he has spoken his mind on this issue and that it's wrong to take the people's choice away. Mr. Bergstrom disagreed with the comments made on the bid process, especially after the fact.

INTRODUCTION OF PRIOR LEGISLATION CONTINUED:

Mr. Bergstrom stated that's not a fair assumption and it leaves the wrong impression with the residents. Mr. Bergstrom stated that there is never a perfect document and that he is very happy with the product. Mr. Zita stated we have heard it said that it's just a start of things to come. Mr. Zita stated that what we are doing with the other utilities is called aggregation. Mr. Nicolard congratulated Mr. Bergstrom for all of his hard work on this issue and with the bid package.

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

Motion passed 5-2.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mr. Mowery asked Mr. Ryland about a possible new fast food restaurant coming into Norton near the football stadium and Mr. Ryland stated this is in the works. Mr. Mowery questioned Mr. Ryland about the old adult bookstore property on Barber Road, and that Fred Martin Motors has been parking their cars on it. Mr. Ryland replied that Fred Martin Motors owns this land, he has purchased it outright.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz read several announcements, (see attached).

Mr. Pelot reminded everyone that Monday February 21, 2011 is Presidents Day and the Committee Work Session is moved to Tuesday February 22, 2011.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:24 PM.

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 February 28, 2011.

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.