



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, FEBRUARY 28, 2011**

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

Also Present:
Mayor David Koontz
Rick Ryland (Arrived at 7:56 PM)
John Moss
Pete Kostoff
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Monday, February 28, 2011 at 7:04 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, Vice President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

There were no comments or reports.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Robert Copen, a Norton resident, spoke regarding the draft legislation for the Internet café's. Mr. Copen referenced an article in the Wadsworth Post, and that it seems the City of Wadsworth wants their business, they have two (2) already. Mr. Copen stated he gets the impression that Norton does not want them at all. Other communities are only charging a \$1,000.00 fee and Norton wants \$5,000.00. Mr. Copen discussed a section on the draft where only township residents have the right to file a complaint; it shouldn't matter who is filing a complaint. Mr. Copen discussed the final decision being made by Administration and who would be tracking all of the necessary documents. Mr. Copen also discussed the limited hours of operation in the draft, where other communities have lesser restrictions. Mr. Copen stated this is just another way of keeping businesses out of Norton. Mr. Copen stated that on October 14, 2010 Ohio Supreme Court Judge O'Connor ruled that this is a valid industry in Ohio. If she determined them to be legal, why is Norton trying to shut them down?

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of February 14, 2011 were approved as submitted.
Minutes of the Committee Work Session of February 22, 2011 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz stated the city has experienced a lot of flooding today, especially the areas of Barber Road, which is where Mr. Ryland is now.

Mayor Koontz also noted that 31st Street was closed at Hudson Run due to flooding. Mayor Koontz stated that FEMA might be able to provide assistance to homeowners with flooded basements.

Mayor Koontz stated if your home was affected by the flooding on Monday, February 28, 2011 please call City Hall at 330-825-7815 Ext. #14 during the office hours of 8:30 AM to 4:30 PM.

At 7:15 PM Mr. Zita temporarily adjourned the Regular Council Meeting in order to convene the Public Hearing.

PUBLIC HEARINGS:

ORD #18-2011 An ordinance approving a Special Planned Development on certain real property in the City of Norton.

Mr. Zita called three times for anyone in favor of the application, noting that the applicant has the right to speak first. Mr. Charlie Shook, the applicant, came forward and explained he wanted this rezoning to expand the front of his business to sell food from 4:00 PM to 10:00 or 11:00 PM. Mr. Shook stated that he eventually plans to obtain a liquor license. Mrs. Hlas asked if the license is obtained, would he be extending the hours? Mr. Shook replied not past 1:00 AM. Mrs. Hlas expressed concern with noise to the neighbors from receptions and parties. Mr. Shook explained that he plans on installing white vinyl fencing panels along the property. Mr. Nicolard questioned if trees wouldn't provide a better noise buffer, and Mr. Shook stated he felt fencing was best. Mr. Mowery stated he hoped his business expansion goes well. Mr. Copen stated that unless we have residents here to oppose or stop this, lets not chase a good business away. Mr. Lee Rabatin, a Norton resident who lives next door, stated he is not opposed to Mr. Shook's concept, and hopes that he does well. However, he just wanted Council to consider the noise issue. Mr. Zita called three times for anyone against this application to come forward, no one came forward.

At 7:22 PM Mr. Zita closed the Public Hearing and reconvened the Regular Council meeting back to session.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS CONTINUED:

Mr. Moss explained that at the last meeting we discussed the estimated costs for the salary increases to the full time firefighters. Mr. Moss handed out a memo with further details and explanation (see attached).

INTRODUCTION OF NEW LEGISLATION:

RES. #20-2011

Mr. Braman offered Res. #20-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF TOM OCEPEK FOR HIS SERVICE ON THE BOARD OF ZONING AND APPEALS, AND DECLARING AN EMERGENCY.

Mr. Braman moved to waive the second and third readings of Res. #20-2011 through Res. #30-2011 in order to save time, seconded by Mr. Nicolard.

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

Motion passed 6-0.

Mr. Braman moved to adopt Res. #20-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0.

RES. #21-2011

Mr. Braman offered Res. #21-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF NICK GENIS FOR HIS SERVICE ON THE BOARD OF ZONING AND APPEALS, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Res. #21-2011, seconded by Mr. Nicolard. Mr. Bergstrom stated that Mr. Genis has done an excellent job on this Board, it's too bad he cannot serve another term.

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

Motion passed 6-0.

RES. #22-2011

Mr. Braman offered Res. #22-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF TODD HOUSER FOR HIS SERVICE ON THE NORTON PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Res. #22-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0.

RES. #23-2011

Mr. Braman offered Res. #23-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF NEVA GIBSON FOR HER SERVICE ON THE NORTON PARKS AND CEMETERY BOARD, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Res. #23-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0

RES. #24-2011

Mr. Braman offered Res. #24-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF ANGIE WELLS TO HER SECOND THREE-YEAR TERM AS AN AT-LARGE REPRESENTATIVE ON THE BOARD OF ZONING APPEALS OF THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Res. #24-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0.

RES. #25-2011

Mr. Braman offered Res. #25-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF RALPH DOWLING TO HIS SECOND THREE-YEAR TERM AS A MEMBER ON THE PLANNING COMMISSION OF THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Res. #25-2011, seconded by Mr. Nicolard. Mr. Mowery stated that Mr. Dowling has done an outstanding job here and he really appreciated his service.

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

Motion passed 6-0.

RES. #26-2011

Mr. Braman offered Res. #26-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF LISA MERRICK TO HER SECOND THREE-YEAR TERM AS A REPRESENTATIVE ON THE PARKS AND CEMETERY BOARD OF THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Res. #26-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0.

RES. #27-2011

Mr. Braman offered Res. #27-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION APPOINTING MARTIN WEST TO A THREE-YEAR TERM AS AN AT-LARGE REPRESENTATIVE ON THE CITY OF NORTON BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Res. #27-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0.

RES. #28-2011

Mr. Braman offered Res. #28-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION APPOINTING WILLIAM COURSON TO A THREE-YEAR TERM AS A WARD 4 REPRESENTATIVE ON THE CITY OF NORTON BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Res. #28-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0.

RES. #29-2011

Mr. Braman offered Res. #29-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION APPOINTING RICHARD EASTERLING TO A THREE-YEAR TERM AS A MEMBER ON THE CITY OF NORTON PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Res. #29-2011, seconded by Mr. Nicolard. Mr. Mowery stated that Mr. Easterling is a very dedicated resident and it would be like a one-two punch having him and Mr. Dowling on the same Board.

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

Motion passed 6-0.

RES. #30-2011

Mr. Braman offered Res. #30-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION APPOINTING KELLY HOLDERBAUM TO A THREE-YEAR TERM AS A REPRESENTATIVE ON THE CITY OF NORTON PARKS AND CEMETERY BOARD, AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Res. #30-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0.

Mayor Koontz took a moment to officially swear in all of the newly appointed Board & Commission members.

ORD #31-2011

Mr. Mowery offered Ord. #31-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 250.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON TO UPDATE THE INDEX OF APPROVED STREETS.

First reading only.

ORD #32-2011

Mr. Braman offered Ord. #32-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE ADDING SECTION 1296.20 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

First reading only. Public Hearing to occur on March 14, 2011.

ORD #33-2011

Mr. Braman offered Ord. #33-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1257.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

First reading only. Public Hearing to occur on March 14, 2011.

ORD #34-2011

Mrs. Hlas offered Ord. #34-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE RESCINDING THE SELF INSURANCE FUND AND APPROVING THE TRANSFER OF THE ACCUMULATED FUND BALANCE IN ACCORDANCE WITH THE OHIO REVISED CODE.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #34-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #17-2011

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

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

Second reading only.

ORD #18-2011

Mr. Braman offered Ord #18-2011 for it's second reading and asked the Clerk to read it:

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

Second reading only.

ORD#19-2011

Mr. Braman offered Ord. #19-2011 for its second 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.

Mr. Braman moved to waive the third reading, seconded by Mr. Nicolard.

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

Motion passed 6-0.

ORD #7-2011

Mrs. Hlas offered Ord. #7-2011 for its third 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.

Mrs. Hlas moved to adopt Ord. #7-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0.

ORD #8-2011

Mrs. Hlas offered Ord, #8-2011 for its third 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.

Mrs. Hlas moved to adopt Ord. #8-2011, seconded by Mr. Nicolard.

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

Motion passed 6-0.

UNFINISHED BUSINESS

Mr. Mowery questioned Mayor Koontz if he would be pursuing the Brentwood water meter issues for the residents. Mayor Koontz replied that he was not looking at Brentwood as a separate issue, however he will continue to work with the City of Barberton on other issues. Mr. Mowery stated these new meters were nothing more than a convenience for Barberton Utilities Dept., to be able to read the meters from their cars. Mayor Koontz disagreed, adding that the reasons the meters were replaced is because Barberton needed to replace these older and outdated meters. Mr. Mowery discussed the different requirements for sewer systems verses septic systems. Mr. Nicolard stated that the new meters for those 217 residents is an additional expense, however we have no subsidies in Norton or Barberton to pay for that. Mr. Nicolard stated that we don't do anything special for those residents that had to upgrade their wells or make repairs either. Mr. Nicolard noted that we did establish a break for residents by waiving the sewer tap in fees if they connect within the first year of completion.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz read several announcements, (see attached).

NEW BUSINESS

Executive Session: At 8:02 PM Mr. Nicolard moved to go into Executive Session for the reasons of discussing the purchase of property according to O.R.C. § 121.22) (G) (2), and pending imminent civil court action according to (O.R.C. § 121.22) (G) (3). Mr. Nicolard stated he wanted the members of Administration to also attend, seconded by Mr. Bergstrom.

Mr. Zita advised the audience that once the Executive Session is over, Council would return for the purpose of adjourning the Regular Council Meeting, no legislative action would be taken on these subjects. Mr. Dave Spice, the Beacon Journal reporter approached the podium and gave the following statement: "My name is Dave Spice, a reporter for the Akron Beacon Journal. I respectfully object to the closing of this meeting to the public. The Ohio Sunshine Law Section 121.22 of the Ohio Revised Code – requires public bodies to conduct all deliberations about official business in open meetings. The law sets out a specific procedure to be followed before a closed meeting is permitted. If a closed meeting is successfully challenged in court, it may result in an injunction, fine, and the award of attorney fees. May I and other members of the news media attend the meeting?" Vice President Mike Zita declined his request, without any objection from fellow Council members.

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

Motion passed 5-1.

At 8:40 Council and Administration returned to the Council Chambers from Executive Session for the purpose to adjourn.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:40 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 March 14, 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.