



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

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

Also Present:
Mayor David Koontz
Rick Ryland (Arrived at 7:50 PM)
John Moss
Pete Kostoff
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Monday, March 28, 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 reflection. Mayor Koontz presented Norton Lady Panthers Basketball Coach Brian Miller and Assistant Coach Randy Forrest, and the entire team with certificates of recognition for winning the Northeast District Division II Championship. Coach Miller thanked the Mayor and Council for recognizing them and the team.

COMMITTEE OF THE WHOLE:

Mr. Bergstrom stated that Ord. #37-2011 the Transmission agreement with Summit County still needs some further review and moved to table this until the next Council meeting, seconded by Mr. Zita. Mr. Bergstrom stated he would like to continue this discussion at the next Committee meeting next week.

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

Motion to table Ord. #37-2011 passed 6-0.

Mr. Mowery commented about doing some work near the Barberton/Norton border close to some vacant property and asked Mayor Koontz if the City of Norton is doing anything to secure these vacant properties. Mayor Koontz replied he was not aware that we are. Mr. Mowery stated an elderly resident had contacted him about getting her heavy 90-gallon bin to the curb. Ms. Campbell explained that any resident with a disability or medical condition wishing to have back door pick up needs to have their doctor submit a letter to the city and we will forward that to J & J and arrangements will be made.

At 7:15 PM Mr. Pelot temporarily recessed the Regular Council meeting to convene the Public Hearing. Mr. Pelot asked the Clerk to certify the notice for the Public Hearing.

Mrs. Richards certified that the notice for this Public Hearing was published in the Barberton Herald on Thursday, March 17, 2011.

PUBLIC HEARING:

Ord #36-2011 AN ORDINANCE DETERMINING TO TERMINATE THE MORATORIUM ON THE ESTABLISHMENT, OPERATION, PERMITTING OR APPROVAL OF NEW ENTERTAINMENT DEVICE ARCADES WITHIN THE CITY OF NORTON, AND ADDING CHAPTER 858 TO THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Mr. Pelot called for anyone in favor of this legislation to come forward. Attorney Don Malarcik representing his client (Tropical Winds at 3051 Barber Road) stated he has reviewed the legislation. Attorney Malarcik indicated he was involved with Summit County and worked with both sides toward achieving the final agreements. Attorney Malarcik stated one of the issues with Summit County was the hours of operation. Attorney Malarcik indicated his client has hired armed guards from 4:30 to closing to ensure public safety, in addition to surveillance systems on site. Attorney Malarcik asked Council to consider amending the hours permitting the businesses to remain open until 2:30 AM for those that do have security in place. Attorney Malarcik added that his client has never had any issues of violence and not one call has been placed for police. Mr. Kostoff asked Attorney Malarcik if the rest of the legislation was acceptable to him other than the hours, and Attorney Malarcik replied yes. Mr. Pelot called twice more for anyone in favor to come forward and no one came forward. Mr. Pelot called for anyone against the legislation to come forward. Mr. Joe Sferro, a Norton resident stated he just got in from Florida and found out about this. These places are nothing but problems for the people and for the police and that he personally doesn't want them in Norton. Ms. Alice Wagner, a Norton resident commented about all of the problems with other establishments like Desiree's Night Club. If we only have a few we shouldn't have any problems. If we start having problems with them we should close them down. Ms. Wagner stated we should also look at their books to make sure they are legitimate. Mr. Robert Copen, a Norton resident discussed the provision in Section 858.07 relating to failure to pay income tax. Mr. Copen stated he is not really for them or against them. Mr. Copen also discussed what he perceived as a typographical error in the reference to Section 858.05 (a) 1,000 ft, and (b) 500 ft., and that these conflict with each other. Mr. Copen discussed the provision stating the business records must be kept on site 24/7, when some business owners store their information at another office location. Mr. Copen suggested this be changed to state at the request it could be transferred to a CD. Mr. Paul Tousley, Norton resident, stated he really wasn't here to speak on this but any business that needs to hire an armed guard, is not neighborhood friendly. Mr. Dan Grether, a Norton resident, stated he is neither for nor against this however he would like to see section 858 remain as it is. Mr. Grether stated he also is not happy with a business having to have an armed guard on premises, but on the other hand he wants to see more businesses in Norton. Mr. Kostoff gave a brief overview of the history of the County's issues, their legislation and legal challenges. Mr. Kostoff stated this legislation is a licensing issue and we can set the number of how many we will allow, which is now set at seven (7). To have none is a costly legal challenge that we don't need.

Mr. Kostoff stated this proposes reasonable amounts of regulations and hours of operations, which was distributed to both Police and Fire Chiefs for their consideration. Mr. Kostoff stated that the Attorney General of Ohio is looking into this as a statewide issue, the question is how long will this take? Mr. Kostoff stated that to leave the City of Norton completely without any legislation and exposed would not be prudent. Mr. Pelot called twice more for anyone against the legislation to come forward, no one came forward. Mr. Pelot closed the Public Hearing at 7:34 PM and reconvened the Regular Council Meeting back to session.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Dan Grether, a Norton resident spoke about the great turn out for the open house at the new fire station. He liked seeing the residents at the open house taking a look around. Mr. Grether stated that we need to be good stewards of the city's money and that this building may have been the keystone that this city has been missing all along.

Mr. Joe Danko, a Norton resident, stated that the comments from Mr. Grether could not have been stated any better. That new fire station is super. Mr. Danko talked about the new trash service and questioned if the rates would go up anytime soon? Mrs. Hlas responded that we are set for five (5) years for pricing. Mr. Danko discussed property maintenance for buildings and yards, adding that he knows of three (3) buildings that are practically falling down between here and I-76. Mr. Danko stated that we used to have staff in Administration that would go around looking at property. Mr. Danko asked how much does a roof have to sag before it falls down?

Mr. Paul Tousley, a Norton resident, discussed the new law about dumpster bins and questioned who is going to enforce this? Mr. Tousley asked about fines and was there a mandate for doing this or an uprise of complaints? Mr. Tousley stated he felt some Council members are working in their own best interests and doesn't understand how this is supposed to promote new business. Mr. Tousley discussed the previous references to the dumpsters being a "trophy" and maybe that's the case because at least that business is open and maybe making money. Mr. Tousley stated he doesn't own a business in Norton, however he feels this will only hurt. Mr. Tousley briefly commented on the trash program and stated it has stolen his freedom by forcing him to buy it, questioning if it was even constitutional.

Mr. Joe Sferro, a Norton resident, discussed the J & J contract, adding that he doesn't want it period, and he will not pay for it period. Mr. Sferro stated that he called J & J Refuse and told them exactly that. Mr. Pelot stated this ordinance is a law and it was passed for everyone to have the one (1) trash hauler service, although he was not in favor of it, he did want the smaller bag service. Mr. Sferro questioned all of the empty homes in Norton, are you going to deliver a bin there and whom are you going to bill for that? Mr. Sferro stated this is wrong and he is going to see what can legally be done about it. Mr. Mowery stated this issue was brought up several years ago, and he has always been against it. Mr. Mowery stated this is a dictatorship and questioned what's next?

Mr. Bill Roemer, Summit County Council at Large-Elect, spoke about keeping his election promises, which was to get to all thirty-one (31) communities personally. Mr. Roemer stated another campaign promise was that if the County could not balance their budget, he would not accept any of the payroll benefits such as health care, PERS, etc, and he still has not accepted that.

CONSIDERATION OF THE MINUTES:

Minutes of the Utilities Committee Meeting of March 10, 2011 were approved as submitted.
Minutes of the Regular Council Meeting of March 14, 2011 were approved as submitted.
Minutes of the Committee Work Session of March 21, 2011 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz commented about the trash dumpster legislation and that this did come through the Planning Commission and is for the betterment of the community. Mr. Moss stated that he is working on the cell tower proposal with three other companies and if Council is aware of others that may be interested to send the inquiries his way.

INTRODUCTION OF NEW LEGISLATION:

RES # 38-2011

Mr. Bergstrom offered Res. #38-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE AND THE ADMINISTRATIVE OFFICER TO NEGOTIATE A CELL TOWER EASEMENT AGREEMENT; AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Bergstrom moved to adopt Res. #38-2011, seconded by Mr. Zita.

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

Motion passed 5-1

ORD #39-2011

Mrs. Hlas offered Ord. #39-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011 TO REFLECT AN INCREASE IN THE GENERAL FUND BUDGETED EXPENSES; AND DECLARING AN EMERGENCY.

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

ORD #39-2011 Continued:

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

Motion passed 5-1.

Mrs. Hlas moved to adopt Ord. #39-2011, seconded by Mr. Zita.

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

Motion passed 5-1.

ORD #40-2011

Mrs. Hlas offered Ord. #40-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE MAYOR TO ENTER INTO A CONTRACT WITH ORIANA HOUSE, INC., AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mrs. Hlas moved to adopt Ord. #40-2011, seconded by Mr. Zita.

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

Motion passed 6-0.

INTRODUCTION OF PRIOR LEGISLATION:

ORD #35-2011

Mr. Braman offered Ord. #35-2011 for its second reading and asked the Clerk to read it:
AN ORDINANCE ADDING SECTION 642.18 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

Second reading only.

ORD #36-2011

Mr. Braman offered Ord. #36-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO TERMINATE THE MORATORIUM ON THE ESTABLISHMENT, OPERATION, PERMITTING OR APPROVAL OF NEW ENTERTAINMENT DEVICE ARCADES WITHIN THE CITY OF NORTON AND

ADDING CHAPTER 858 TO THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Second reading only. Mr. Braman indicated this would be discussed again at next week at the Committee Work Session and there would also be a Special Council Meeting immediately following to take a vote on this legislation.

ORD #31-2011

Mr. Mowery offered Ord. #31-2011 for its third 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.

Mr. Mowery moved to adopt Ord. #31-2011, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

ORD #32-2011 **Third Reading:**

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

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

Mr. Braman moved to adopt Ord. #32-2011, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

ORD #33-2011

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

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

Mr. Braman moved to adopt Ord. #33-2011, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

UNFINISHED BUSINESS:

Mr. Bergstrom asked Mr. Ryland about the status of the Nash Heights Sanitary Sewer Project and Mr. Ryland replied that we have asked to have a new construction cost breakdown and we will have this ready for next Monday.

Mr. Braman briefly discussed Ord. #36-2011 (Moratorium on the Entertainment Arcades) adding that he does support this the way it is currently written.

Mr. Kostoff discussed Ord. #37-2011(Transmission agreement with Summit County) adding that we thought that everything was in order. Apparently and to the Mayors credit, he had asked a lot of questions about the calculations, so now we will be meeting with Summit County tomorrow to address those issues. We will be taking another look at everything and without the Mayors expertise as an Engineer and Mr. Bergstrom's question as well; we may not have caught this. Mr. Kostoff indicated that this legislation would not move forward until everything is clarified.

NEW BUSINESS:

Mr. Pelot instructed all Council members that when something is on the agenda for a third reading, please provide the audience with a brief background on the subject matter other than the title appearing on the agenda.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz read several announcements (see attached).

Mr. Zita announced a reverse raffle fundraiser for the Norton Cider Festival on April 16, 2011 at the Slovene Center. There are about twenty (20) tickets left, and are available after the meeting. Mrs. Hlas announced a fundraiser for the Norton High School After Prom (see attached)

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:11 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 April 11, 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.