



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, JUNE 27, 2011**

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

Also Present:  
Mayor David Koontz-Absent  
Rick Ryland  
John Moss  
Pete Kostoff-Absent  
Karla Richards  
Ann Campbell

The Regular Council Meeting convened on Monday, June 27, 2011 at 7:00 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.

**COMMITTEE OF THE WHOLE:**

Mr. Bergstrom moved to amend Ord. #57-2011 in order to remove the emergency clauses in several places, seconded by Mr. Zita.

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

Motion passed 6-0.

Mr. Bergstrom moved to add Res. #61-2011 for Newpark Drive to tonight's agenda, seconded by Mr. Zita.

**COMMUNICATIONS FROM THE PUBLIC:**

Ms. Charlotte Whipkey, a Norton resident spoke against several proposed Charter amendments and provided her written objections (see attached). Mr. Pelot addressed her concerns with the term limits for various Boards & Commission members. Ms. Whipkey stated that with this proposed change you would never get any new blood. Mr. Pelot noted that every three (3) years Council must either reaffirm the current members or approve the Mayors appointment of new members. Ms. Whipkey discussed Section 8.03 Nominations and that last week she had asked if this was mandated by the State and the Solicitor indicated he would get back to her, so far she has not heard anything on that. Ms. Whipkey stated she contacted the Board of Elections and was told its not mandated and it is still up to us what we do with it. Ms. Whipkey stated the Charter is our right and every time you are changing it over to match the State laws, its like taking our rights away because you turn it over to State law.

Mr. Pelot clarified Ord. #57-2011 and that House Bill 48 went into effect on July 2, 2010 under the MOVE act and provides for provisions to overseas military candidates and increased the filing deadline from 75 days to 90 days.

### **CONSIDERATION OF THE MINUTES**

No minutes prepared-Clerk of Council was on vacation.

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

None

### **INTRODUCTION OF NEW LEGISLATION**

#### **RES #61-2011**

Mr. Bergstrom offered Res. #61-2011 for its first reading and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE NEWPARK DRIVE AND CERTAIN OTHER PARCELS BY CONSTRUCTING, IMPROVING, PAVING, GRADING, DRAINING, CONSTRUCTING CURBS AND DRIVEWAY APRONS, CONSTRUCTING AND INSTALLING STORM SEWER IMPROVEMENTS AND CONSTRUCTING STORM WATER RETENTION IMPROVEMENTS, TOGETHER WITH NECESSARY APPURTENANCES THERETO, COMPRISING THE NEWPARK DRIVE PROJECT, AND DECLARING AN EMERGENCY.

Mr. Bergstrom moved to waive the second and third readings, seconded by Mr. Zita. There was discussion that the original bid needed to be officially rejected by all of Council before moving on with Res. #61-2011, and Mr. Pelot called for a five (5) minute recess to review the project details and procedures on this legislation.

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

### **PUBLIC HEARING**

**ORD #50-2011** An ordinance rezoning property located at 1393 and 1395 Gardner Boulevard from B-1 Central Business District to B-3 Highway Business District.

Mr. Pelot called for anyone in favor of this rezoning to come forward, and Mr. Gibson, representing the applicant came forward to give an overview of the application. Mr. Gibson stated this building is over 50 years old it has always been mostly auto related. It is currently zoned as B-1 Light Industrial and the only way it can be used as an auto repair shop is to rezone it to a B-3. This location has 6 exterior parking spaces and room inside for 7 vehicles. Mr. Gipson stated there would be proper disposal of old parts in a dumpster picked up on site, and some tires sold and used ones picked up for recycling. Mr. Gipson stated that used engine oil and other chemicals would also be recycled off site and picked up. Mr. Gipson stated the employees would be the owner who is not a mechanic, a General Manager, 1 Certified Mechanic, 2 Associates for a total of 5 employees and there would be absolutely no body work being done at this location.

Mr. Pelot called again for anyone in favor to come forward. Mr. Robert Copen, a Norton resident stated he was in favor of this, cannot see where this business would be a detriment. Ms. Charlotte Whipkey, a Norton resident, also spoke in favor of this. Ms. Whipkey stated that we are bombarded with statements of how badly we need businesses, she can see no reason not to allow this to happen. Mr. Pelot called for the last time for anyone else in favor to come forward, there was no one else. Mr. Pelot called three times for anyone against this application to come forward, no one came forward. Mr. Pelot closed the Public Hearing at 7:27 PM and reconvened the Regular Council meeting back to session.

**RES. #61-2011 Continued:**

Mr. Bergstrom and Mr. Zita removed their motions to suspend the readings.

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

Motion passed 6-0.

Mr. Bergstrom moved to officially reject the original bids for Newpark Drive reconstruction, seconded by Mr. Zita.

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

Motion passed 6-0.

Now that the bids were officially rejected, Mr. Bergstrom moved to waive the second and third readings, seconded by Mr. Zita.

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

Motion passed 6-0.

Mr. Bergstrom moved to adopt Res. #61-2011, seconded by Mr. Zita.

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

Motion passed 6-0.

**ORD #62-2011**

Mr. Mowery offered Ord. #62-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE ADOPTING NEW WARD BOUNDARIES FOR THE CITY OF NORTON; AND DECLARING AN EMERGENCY.

First reading only. Mr. Pelot noted that due to the fact we do not have the final sets of maps from Dr. Cox, we would hold off on the final vote on this tonight.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #50-2011**

Mr. Bergstrom offered Ord. #50-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE REZONING PROPERTY LOCATED AT 1393 AND 1395 GARDNER BOULEVARD FROM B-1 CENTRAL BUSINESS DISTRICT TO B-3 HIGHWAY BUSINESS DISTRICT.

Second reading only.

**ORD #51-2011**

Mr. Mowery offered Ord #51-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE III SECTION 3.06 OF THE CHARTER OF THE CITY.

Second reading only.

**ORD #52-2011**

Mr. Mowery offered Ord. #52-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE III, SECTION 3.13 OF THE CHARTER OF THE CITY.

Second reading only.

**ORD #53-2011**

Mr. Mowery offered Ord. #53-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE V, SECTION 5.03, SUBSECTION B OF THE CHARTER OF THE CITY.

Second reading only.

**ORD #54-2011**

Mr. Mowery offered Ord. #54-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE VI, SECTION 6.02, SUBSECTION A OF THE CHARTER OF THE CITY.

Second reading only.

**ORD #55-2011**

Mr. Mowery offered Ord. #55-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE VI, SECTION 6.03, SUBSECTION A OF THE CHARTER OF THE CITY.

Second reading.

**ORD #56-2011**

Mr. Mowery offered Ord. #56-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE VI, SECTION 6.05, SUBSECTION A OF THE CHARTER OF THE CITY.

Second reading only.

**ORD #57-2011**

Mr. Mowery offered Ord. #57-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE VIII, SECTION 8.03 OF THE CHARTER OF THE CITY; AND DECALRING AN EMERGENCY.

Second reading only.

**RES #58-2011**

Mr. Nicolard offered res. #58-2011 for its second reading and asked the clerk to read it:

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION OF THE QUESTION OF THE REPLACEMENT OF ADDITIONAL TAX LEVIES IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING AN AMBULANCE SERVICE AND EMERGENCY MEDICAL SERVICES, AND DECLARING AN EMERGENCY.

Second reading only.

**RES #59-2011**

Mr. Nicolard offered Res. #59-2011 for its second reading and asked the Clerk to read it:

A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION OF THE QUESTION OF THE REPLACEMENT OF ADDITIONAL TAX LEVIES IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING MONIES FOR THE OPERATION OF THE FIRE DIVISION, AND DECLARING AN EMERGENCY.

Second reading only.

**ORD #60-2011**

Mr. Mowery offered Ord #60-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE CITY ADMINISTRATOR TO ENTER INTO A CONTRACT WITH LYTLER CONSTRUCTION COMPANY TO IMPROVE CERTAIN CITY STREETS AND/OR PORTIONS THEREOF UNDER THE 2011 STREET REPAIR PROGRAM, AND DECLARING AN EMERGENCY.

Second reading only. Mr. Ryland urged Council to consider suspending the readings in order to get these roads completed before school begins in the fall. Mr. Ryland stated that we are going to do 1,000 ft on Maco Drive, Overlook, Hawthorne, Hillcrest, Parkway, Lakeland, and repair work on Easton Road. There were no objections from Council and Mr. Mowery moved to waive the second and third readings, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

Mr. Mowery moved to adopt Ord. #60-2011, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

**UNFINISHED BUSINESS:**

Mr. Nicolard questioned if we could now appoint members for the Assessment Equalization Board since we have adopted the Newpark Drive Resolution #61-2011. The Clerk advised this would be premature because there is a set process under the Ohio Revised Code that needs to be followed and one of the first steps is that certified letters must be mailed to the owners. Mr. Nicolard discussed the change to Council Rules as previously discussed to add a new Economic Development Committee, and so moved, seconded by Mr. Bergstrom. Mr. Pelot indicated that he would be the Chair, Mike Zita would be Vice Chair and Don Nicolard would be Member. Mr. Pelot noted that we need to do all that we can to work with the existing and new businesses in the City.

**NEW BUSINESS:**

None

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mr. Ryland announced that trash pick up would be delayed one day next week due to the 4<sup>th</sup> of July holiday. Mr. Ryland made several announcements, (see attached).

Mr. Pelot reminded everyone the meeting next week is moved to Tuesday instead of Monday also due to the 4<sup>th</sup> of July holiday.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:45 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 July 11, 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.