



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JULY 11, 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
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Monday, July 11, 2011 at 7:02 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. Braman commented on the recent Cruise In at Columbia Woods Park and that there were approximately 70 cars there. The oldest was a 1914 Model "T". We also had a 1922 Packard and a 1930 Chevrolet that was supposed to be in the movie "It's a Wonderful Life" with Jimmy Stewart. Mr. Braman thanked the area sponsors; Rick Freeman-Rick's Auto Body, Summit Powder Coating, and Summit Racing. Mr. Braman also thanked Ann Campbell, Mr. Moss, Ted Weinsheimer, Joe Sferro, Jerry Macko, Ron Vargo, and to his wife Joann for all of their help. Mr. Pelot announced after the Public Services Announcements later on the agenda we would going into an Executive Session to discuss the purchase of property and so moved, seconded by Mr. Zita.

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

Motion passed 7-0.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Dan Grether, a Norton resident, spoke regarding his concerns on Ord #62-2011 Ward Boundary Adjustments. Mr. Grether mentioned that this was based on population and that may not be best because children may have been counted in the census and the actual results of registered voters would be more in line. He would rather like to see voter turnout by ward. There are two wards being adjusted by 200-300 residents, and now someone they may not have elected into office would represent these residents. Mr. Grether stated he would rather hold off on this until 2012. Mr. Grether discussed the rezoning ordinance, and that the repair shop appearance goes along with the zoning restrictions. Mr. Grether discussed all of the empty storefronts we have in town.

Ms. Charlotte Whipkey, a Norton resident, discussed several of the Charter amendment ordinances. Ms. Whipkey stated Ord #53-2011-Board of Control is not required and is unnecessary and that Council should turn this down, it's a waste of time. Ms. Whipkey discussed the issue with term limits for the Boards & Commissions and asked how many times has anyone been denied a second term because she cant find any? Ms. Whipkey discussed Ord #57-2011 Nominations and that we have not held a primary for the last two elections, and very well may not see one again. Ms. Whipkey complained that she still has not heard back from the Law Director on this issue. Ms. Whipkey discussed the conflicting stories relating to the purchase of the Barber Road property. First we were told that we bought it to keep out future adult video stores, nothing was ever mentioned about needing it for sewer improvements. Ms. Whipkey asked for a signed copy of the contract with the City and ODOT, and from what she has read so far it looks like the City is liable if we default and we would lose the full \$9,500.00 we put down on it.

Mr. Kostoff clarified the statements Mr. Grether made referencing the Ward Boundaries done by Akron University. Mr. Kostoff indicated that this was a Constitutional measure and is totally based on population not registered voters. Mr. Kostoff commented on Ms. Whipkey's concerns with the proposed Charter changes. The section regarding the nominations came from the Ohio General Assembly and concerns with overseas ballots and people in the military, which is the principal reason here. Mr. Kostoff noted that most other communities in Summit County have already addressed this, the impact here is miniscule. As for the Boards & Commissions term limits, his observation is that it's difficult enough to get volunteers to serve and fill these positions. In theory there could be a new Council line up this fall and we will have a new Mayor. The opportunity to interact with past experience is extremely helpful to the community. They may be constrained by potential changes to Mayors and Council in the future.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of June 13, 2011 were approved as submitted.
Minutes of the Committee Work Session of June 20, 2011 were approved as submitted.
Minutes of the Regular Council Meeting of June 27, 2011 were approved as submitted.
Minutes of the Committee Work Session of July 5, 2011 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

There were no reports.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #64-2011

Mr. Zita offered Ord. #64-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PREPARE PLANS, SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE CONSTRUCTION OF BASKETBALL COURTS; AND DECLARING AN EMERGENCY.

Mr. Zita moved to waive the second and third readings, seconded by Mrs. Hlas. Mr. Zita stated the reason he would like to suspend the rules is because after this meeting Council is on recess and this would allow time for the bids, pricing and we would like to have this project done before the snow flies.

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

Motion passed 7-0.

Mr. Zita moved to adopt Ord. #64-2011, seconded by Mrs. Hlas.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #62-2011

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

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

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

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

Motion passed 7-0.

Mr. Braman moved to adopt Ord. #62-2011, seconded by Mrs. Hlas.

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

Motion passed 7-0.

ORD #50-2011

Mr. Braman offered Ord. #50-2011 for its third 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. (BRAMAN-PLANNING) VOTE.

Mr. Braman moved to adopt Ord. #50-2011, seconded by Mrs. Hlas. Mr. Nicolard stated that he is pro business and a business owner himself, however he is sensitive to this zoning because it is right in the heart of downtown and certain things he is opposed to.

Mr. Bergstrom stated he is also opposed to this, it's not the type of business itself, it's the zoning and the potential impacts in 2012 with the widening of Cleveland-Massillon Road. Mr. Bergstrom stated that zoning needs to be properly in place to and we need to hold off on any changes. We also need to get our Comprehensive Plan up to date. Mr. Braman noted that we had two (2) public hearings on this issue and not one person spoke out against this rezoning, other than Council. Mr. Mowery stated that its our responsibility to monitor businesses and make sure it works the right ways. Mr. Bergstrom agreed, adding that once we rezone this there is no turning back from it. Mr. Zita stated that if we open up the door now to B3 we lose control from here on out. Mr. Zita expressed concen with changing the zoning now and if this business closes later on we are stuck with B3. Mayor Koontz stated he has concerns on this as well and is opposed to it. Mr. Pelot suggested maybe we need to change the Zoning Code to allow auto garages in B1 or B2 areas and not B3 in the future. Mayor Koontz stated the Planning Commission would have to address this. Mr. Zita stated this came to us as a B3 and this is just another case of spot zoning. Mr. Pelot asked what do we really want our center of town to look like in the future because he struggles with this issue as well. We do have service garages located downtown and he does not see this as spot zoning, we need to go forward with it. Mr. Mowery noted that the Planning Commission voted unanimously to approve this application.

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

Motion passed 4-3.

Note: Legislation Vetoed by Mayor Koontz-To be reconsidered by Council on 8-22-11.

ORD #51-2011

Mr. Braman offered Ord. #51-2011 for its third 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.

Mr. Braman moved to adopt Ord. #51-2011, seconded by Mrs. Hlas.

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

Motion passed 7-0.

ORD #52-2011

Mr. Braman offered Ord. #52-2011 for its third 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.

Mr. Braman moved to adopt Ord. #52-2011, seconded by Mrs. Hlas.

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

Motion passed 7-0.

ORD #53-2011

Mr. Braman offered Ord. #53-2011 for its third 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.

Mr. Braman moved to adopt Ord. #53-2011, seconded by Mrs. Hlas.

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

Motion passed 7-0

ORD #54-2011

Mr. Braman offered Ord. #54-2011 for its third 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.

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

Motion passed 7-0. Mr. Pelot noted that for this legislation and the other Boards and Commissions, these volunteers that give up their time to serve should be able to serve longer if they wish.

ORD #55-2011

Mr. Braman offered Ord. #55-2011 for its third 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.

Mr. Braman moved to adopt Ord. #55-2011, seconded by Mrs. Hlas.

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

Motion passed 7-0.

ORD #56-2011

Mr. Braman offered Ord. #56-2011 for its third 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.

Mr. Braman moved to adopt Ord. #56-2011, seconded by Mrs. Hlas.

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

Motion passed 7-0.

ORD #57-2011

Mr. Braman offered Ord. #57-2011 for its third 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.

Mr. Braman moved to adopt Ord. #57-2011, seconded by Mrs. Hlas. Mr. Zita noted that we are only one of two cities in Summit County-Tallmadge is the other community that still has not made this change to their Charter to address this. Mr. Nicolard stated that it also takes the burdon away to certify petitions with the Board of Elections.

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

Motion passed 7-0.

RES #58-2011

Mr. Nicolard offered Res. #58-2011 for its third 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.

Mr. Nicolard moved to adopt Res. #58-2011, seconded by Mr. Braman. Mr. Nicolard stated that the voters do get the final word here.

Mr. Mowery stated that he felt we need to work with what we have but he is also glad to see this go to the voters and let them decide. Mr. Pelot stated he was also glad the voters get to decide the level of service they want adding that this has absolutely nothing to do with the new fire station.

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

Motion passed 7-0.

RES #59-2011

Mr. Nicolard offered Res. #59-2011 for its third 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.

Mr. Nicolard moved to adopt Res. #59-2011, seconded by Mr. Braman. Mr. Nicolard made it very clear that if this Resoulution and Res. #58-2011 do not pass your level of services will definitely drop to what they were back in 1996. There would be no one maning the fire station after midnight, and response times would be dropping. Mr. Nicolard stated our citizens deserve the best possible response times and hopes that they would support both of these levies.

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

Motion passed 7-0.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz read several press releases (see attached). At 7:58 PM Mr. Pelot moved to temporarily recess the Regular Council Meeting to go into Executive Sessions under Ohio Revised Code Section 121.22 G Section 3.12 for the purpose of purchase or sale of municipal property, seconded by Mr. Nicolard. Mr. Pelot stated that when Council returns it would be only to adjourn the meeting, no legislative action would take place. Mr. Pelot invited Mr. Kostoff, Mr. Ryland, Mayor Koontz and Mr. Moss to attend the Executive Session. Mr. Dave Spice, a report from the Beacon Journal asked permission to also attend, and was declined by Mr. Pelot.

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

Nays: None

Motion passed 7-0.

At 8:29 PM Council and Administration members returned from Executive session. Mr. Pelot moved to adjourn the Executive Session meeting, seconded by Mr. Nicolard.

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

Nays: None

Motion passed 7-0.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:30 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 August 22, 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.