



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, AUGUST 22, 2011**

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

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

The Regular Council Meeting convened on Monday, August 22, 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 reflection.

COMMITTEE OF THE WHOLE:

Mr. Nicolard commented on a recent email received by the city relating to a road rage incident (see attached). Mr. Nicolard commended Officer Sams who was briefly present in the audience, adding that Officer Sams does a lot of community policing and he happened to be in the right place at the right time. Mr. Pelot added that this suspect was apprehended and he was cited.

COMMUNICATIONS FROM THE PUBLIC:

Ms. Charlotte Whipkey, a Norton resident spoke regarding the proposed position of Director of Economic Development and that this has sat vacant for several years. Ms. Whipkey urged the city that before we hire anyone for that position you need to call back someone that was laid off to get the minutes caught up. Ms. Whipkey stated that the various Boards & Commissions cannot even approve their own minutes because they don't exist. Ms. Whipkey stated this is lawsuit time, and that the Law Director didn't even know there was a problem with the minutes, he should have known better than this, that's his job. Ms. Whipkey alluded to a previous lawsuit with the Village of Mogadore when Mr. Kostoff was Law Director there, and it was over this very issue. Ms. Whipkey stated that two women sued for copies of the minutes from 3-4 years back. Mr. Kostoff responded to Ms. Whipkey's comments and separated fact from fiction. Mr. Kostoff indicated that he is not required to attend those other Boards & Commissions meetings. Mr. Kostoff stated once he was aware of the situation with the minutes, he immediately took action and set action into place. As of today his office has filed with the city all backlogged minutes, they have all been transcribed and prepared in less than one week. Mr. Kostoff questioned if someone wasn't dragging their feet in getting these prepared. Mr. Kostoff indicated he has asked Mr. Arters to review the drafts and fill in any minor changes necessary and he will have them submitted to all Boards & Commissions for their final approval. Mr. Kostoff indicated he would be working with Mr. Ryland on how to address this in the future. Mr. Kostoff questioned the rational of having a full time employee doing part time tasks. Mr. Kostoff stated that as soon as he became aware of this situation he took full charge of it.

Mr. Kostoff stated that in fact, at the last meeting Mr. Nelson, a Norton resident was provided with an MP3 audio file of all of those minutes, to which Ms. Whipkey witnessed. Mr. Kostoff indicated that once the Boards & Commissions approve the backlog of minutes, they would be supplied to Mr. Nelson.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of July 11, 2011 were approved as submitted.
Minutes of the Economic Development Committee of August 4, 2011 were approved as submitted.
Minutes of the Committee Work Session of August 15, 2011 were approved as submitted.
Minutes of the Special Council Meeting of August 15, 2011 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Dan Karant, Norton Representative on the Summit County Health District, gave a brief report about the status of MAD and Ohio Senate Bill #166 (see attached). Mr. Karant added that we do have leverage with the MAD and to not just throw chemicals into the air, but to focus on the standing water issues. Mr. Karant stated that we need to look into possibilities for other areas of funding than assessing the residents on their taxes. Mr. Karant stated indicated that he was authorized by Mr. Nixon-Executive Director of the Summit County Health District; to inform the City of Norton that there would be no increase in fees for 2012 or 2013 for their services. Mr. Kostoff stated that he was involved in the discussions with Mayor Koontz, Mayor Genet, and Senator LaRose regarding Senate Bill #166. Mr. Kostoff stated he found it interesting that Mr. Harrison could manage to find the funding to hire a lobbyist to fight this effort. Mr. Kostoff stated that for now everything is on the table, it was noting more than lip service before. Mr. Kostoff indicated that Mr. Ryland and Mayor Koontz have spent countless hours on this issue and calling attention to our legislators. Mr. Kostoff commended Senator LaRose for addressing our concerns.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #65-2011

Mr. Nicolard offered Ord. #65-2011 for its first reading, and asked the Clerk to read it:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF GREENWICH ROAD AND CERTAIN OTHER PARCELS BY CONSTRUCTING AND INSTALLING SANITARY SEWER LINES, TOGETHER WITH NECESSARY APPURTENANCES THERETO, COMPRISING THE GREENWICH ROAD SANITARY SEWER PHASE I PROJECT, AND DECLARING AN EMERGENCY.

First reading only.

ORD #66-2011

Mr. Nicolard offered Ord. #66-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE IMPROVEMENT OF OAK STREET AND COLUMBIA AVENUE BY CONSTRUCTING AND INSTALLING SANITARY SEWER LINES, MANHOLES AND LATERALS, TOGETHER WITH NECESSARY APPURTENANCES THERETO COMPRISING THE OAK STREET SANITARY SEWER PROJECT, AND DECLARING AN EMERGENCY.

First reading only.

ORD #67-2011

Mr. Nicolard offered Ord. #67-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION OF WATER MAINS, HYDRANTS AND RELATED IMPROVEMENTS AND ALL OTHER NECESSARY APPURTENANCES THERETO, COMPRISING THE GARDNER BOULEVARD PHASE III PROJECT, AND DECLARING AN EMERGENCY.

First reading only.

ORD #73-2011

Mr. Mowery offered Ord. #73-2011 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third reading, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

Mr. Mowery moved to adopt Ord. #73-2011, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

ORD #74-2011

Mr. Nicolard offered Ord. #74-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION FOR THE YEAR 2011 BUDGET OF THE CITY OF NORTON FROM UNANTICIPATED AND UNAPPROPRIATED BALANCE OF VARIOUS FUNDS, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

ORD #74-2011 Continued:

Mr. Nicolard moved to adopt Ord. #74-2011, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

ORD #75-2011

Mr. Braman offered Ord. #75-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE APPOINTING AN ASSESSMENT EQUALIZATION BOARD TO HEAR OBJECTIONS RELATING TO IMPROVEMENT OF 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. Braman moved to waive the second and third readings, seconded by Mr. Bergstrom. Mr. Braman stated that the Public Hearing would be on Wednesday, September 7, 2011 at 6:00 PM to hear the objections. Mr. Braman stated that the alternate member has now been determined, it will be Ron Schaffer. Mr. Kostoff indicated that the legislation would need amended to reflect that. Mr. Braman moved to amend the legislation-Section #2 to add Mr. Schaffer as the alternate member, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

The previous motion to suspend the second and third reading was still on the table and stands.

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

Motion passed 6-0.

Mr. Braman moved to adopt Amended Ord. #75-2011, seconded by Mr. Bergstrom. Ms. Whipkey called to question this appointment because Mr. Schaffer is currently serving on the Charter Review Commission until next year, as this is a violation of the Charter. Mr. Braman stated we called this to the Law Department's attention earlier and they reviewed this and had no issue with it. Ms. Whipkey stated that perhaps the Law Director needs to look at the Charter better. Mr. Kostoff replied that Ms. Whipkey's statements are not relevant or germane to the issue.

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

Motion passed 6-0. Mr. Pelot cautioned Ms. Whipkey to keep the snide comments to herself; she should simply state her comments.

INTRODUCTION OF PRIOR LEGISLATION

None

RECONSIDERATION OF PRIOR LEGISLATION

A. Reconsideration of Mayor's Veto of Ordinance #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. Braman stated that according to the rules, we are required to reconsider the Mayor's veto and 5 yeas are necessary to override the veto. Mayor Koontz commented about his veto and that by rezoning this to B3- it would allow for many other uses and that does not fit the city's character. Mr. Pelot asked that in the future we have the Administration work with the Zoning Dept. to work on the conditional uses. Mr. Nicolard commented that if we had an Economic Development Director that would have been addressed. Mr. Nicolard indicated that he has asked the Mayor to consider appointing someone to this position ASAP. Mr. Bergstrom stated that he hopes the Mayor would venture out and look for others interested in this position. Mr. Bergstrom stated that timing is also a concern since we will have a new Mayor in office in January, he just wants to see the right person in the right seat. Mr. Pelot stressed the fact that we need to act sooner rather than later. We continue to always wait on things, while other cities are always growing. Mr. Nicolard added that just because Mayor Koontz has decided not to run, he still has to fulfill his duties until December 31, 2011. Mr. Zita stated he and Mayor Koontz have discussed this position, and the Mayor knows where he stands on this issue, and he also feels the sooner we fill this position the better.

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

Motion failed 3-3. Required 5 affirmative votes to override the Mayor's veto.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz made several announcements, (see attached). Mr. Nicolard stated that a new Citizens Police Academy is forming and he was on the last one, it was a real eye opener. Mr. Nicolard encouraged citizens to get involved with this form of community policing.

The more you know, the better you can serve your community. Mr. Pelot stated that appointments are limited and it's a first come first serve basis and this is a 12-week commitment.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:55 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 September 12, 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.