



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, FEBRUARY 13, 2012**

Roll Call: Charlotte Whipkey  
Dennis McGlone  
Scott Pelot  
Bill Mowery  
Todd Bergstrom  
Ken Braman  
Don Nicolard

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

The Regular Council Meeting convened on Monday, February 13, 2012 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Don Nicolard, President of Council, followed by the Pledge of Allegiance and a moment of silent reflection.

**COMMITTEE OF THE WHOLE:**

Mr. Bergstrom announced he is holding a Service Committee this Thursday morning at 8:30 AM in Council chambers to discuss the 2012 Road Program.

Mr. Mowery moved to remove Res. #1-2012 from tonight's agenda as this was already adopted at our last meeting, seconded by Mr. Pelot.

Roll Call: Yeas: Mowery, Pelot, McGlone, Whipkey, Bergstrom, Braman, Nicolard.  
Nays: None

Motion passed 7-0.

Mr. Mowery noted we have received a memo from Mayor Zita requesting Council action on re-appointments to various Boards & Commissions and read each appointment (see attached). Mr. Mowery moved to add all of these appointments and the one resolution of appreciation to the next Council meeting, seconded by Mr. Pelot.

Roll Call: Yeas: Mowery, Pelot, McGlone, Whipkey, Bergstrom, Braman, Nicolard.  
Nays: None

Motion passed 7-0.

Mr. Braman moved to add Res. #9-2012 to Councils next agenda, seconded by Mr. Pelot. Mr. Braman stated this resolution was for participating in funding for the joint dispatch center along with Copley and Barberton.

Ms. Whipkey asked if both Copley and Barberton have agreed with this and Mayor Zita replied that was correct and the facility would now be located in Norton at the new fire stations lower level.

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

Motion passed 7-0.

**COMMUNICATIONS FROM THE PUBLIC:**

Ms. Judy Valatka, 3317 Cherrywood Drive, Norton, Ohio, spoke again about her road conditions and that she was irritated with the recent reporting by the Norton Post on Mayor Zita's comments on the roads, she felt Mayor Zita really meant to say streets. Ms. Valatka stated that at a potential road levy was discussed at the January 30, 2012 Workshop, and that the residents will not be happy with that. Some of the roads have already been done its not going to be fair. Ms. Valatka discussed a posting on Ohio.com relating to paving experience in Summit County and grant money being used and questioned if Norton was one of the communities involved with this last year? Ms. Valatka asked if Norton did not participate why didn't we get in on this for 2012?

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council Meeting of January 23, 2012; Ms. Whipkey noted additions to page #1 in the middle of the first paragraph "*Ms. Whipkey suggested we leave this alone and if we have two (2) nominees then we will have the second vote.*" The minutes were approved as amended.

Minutes of the Annual Work Shop of January 30, 2012; Mr. Bergstrom noted corrections to page #1, starting at line #5, it's not what he stated, and on page #2 first paragraph line 9 he thought he stated the long term goal was March 1<sup>st</sup>. There was discussion and these minutes were deferred until the next Council meeting so the Clerk could refer to the audio file for comparison.

Minutes of the Committee Work Session of February 6, 2012; Ms. Whipkey noted additions to page #3 under Economic Director Position starting at line 29 "*to work under Mr. Moss to allow him some more free time to pursue some economic development. Mr. Pelot stated that Mr. Moss did do that for quite a while prior to the Assistant Finance Director leaving the City. Mr. Pelot said let's face it, we don't exactly have business knocking down our doors to come here. We need someone actively promoting the city. We have so much to offer in our city with all of the highway access, we need to make sure that we have sewer and water available to these businesses. We need to make sure someone is out there talking and showcasing to the businesses*", and on page #5, there was nothing for new business and the following should be added: "*Mayor Zita noted there is a meeting regarding the Norton Post Office this Friday afternoon with Congresswoman Betty Sutton. Mayor Zita announced that the e-petition is now available on the city's web page. Mayor Zita noted that we had over 1,000 signatures signed by local residents and businesses on a petition drive that was set up at Acme this past weekend. Mayor Zita stated he met with Summit County Executive-Russ Pry last week on some issues. Mayor Zita stated that we need help in Washington he has*"

*instructed Mr. Ryland to hire a Government Relations Specialist in order to make that happen. Mayor Zita thanked Norton resident Greg Smith for all of his help in the past week with the petition drive for the Save Our Norton Post Office". The Clerk of Council stated she has verified with the audio file and these statements were factual. The minutes were approved as amended.*

**PUBLIC HEARINGS:**

At 7:20 PM Mr. Nicolard temporarily recessed the regular Council meeting to convene the Public Hearing for Res. #6-2012. Mr. Nicolard asked the Clerk to verify the legal notification process. The Clerk certified that a legal notice for this public hearing was published in the Barberton Herald on February 2, 2012 and a notice was mailed to Mr. Dayton by certified mail on February 3, 2012. Mr. Nicolard called three times for anyone in favor of this application to come forward; noting that Mr. Dayton has the right to speak first. Mr. Dayton spoke briefly and respectfully asked Council to approve his renewal. Mr. Pelot asked how long he has been in operation and Mr. Dayton replied since 1973 and at the current location since 1990. Mrs. Elaine Tompkins, 3848 Cleveland-Massillon Road, Norton, stated she hoped that all businesses that come into Norton do such a pleasing job as Mr. Dayton has done. Mr. Nicolard called twice more for anyone else in favor to come forward, no one else came forward. Mr. Nicolard called three times for anyone against the application to come forward, no one came forward. At 7:24 PM, Mr. Nicolard closed this public hearing and reconvened the Regular Council meeting back into session.

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

Mayor Zita, Mr. Moss and Mr. Kostoff had no reports. Mr. Nicolard reported that he and Mayor Zita did meet with Congresswoman Betty Sutton last week about our Save Our Norton Post Office issues, along with three (3) other items. Mr. Nicolard stated that Ms. Sutton was very gracious to us, she had already filed her own letter of concern to the USPS and we have submitted our petitions. Mr. Nicolard stated that Ms. Sutton stated she would do everything that she could to help us.

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #5-2012**

Mr. Mowery offered ORD. #5-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING ORDINANCE #62-2011; THE ORDINANCE ADOPTING NEW WARD BOUNDARIES FOR THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

First reading only.

**RES #6-2012**

Mr. McGlone offered Res. #6-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF FARMLAND LOCATED AT 3459 CLEVELAND-MASSILLON ROAD IN AN AGRICULTURAL DISTRICT

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

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

Motion passed 6-0.

Mr. McGlone moved to adopt Res. #6-2012, seconded by Mr. Bergstrom. Mr. McGlone stated he supports this renewal, adding that the Planning Commission also approved this with a 5-0 vote. Mr. McGlone thanked Mr. Dayton for being in this community and for everything he has done with his business. Mr. Mowery thanked Mr. Dayton for his business and the fine nursery he has here in Norton and would hate to think of him not being here representing us, this is like a real jewel here in Norton. Ms. Whipkey stated she also supports this and it's in our best interest to keep business like Dayton Nursery, it also helps keep our rural character. Mr. Nicolard stated he respects Mr. Dayton and that he has done a great job with his business.

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

Motion passed 6-0.

**ORD #7-2012**

Mr. Bergstrom offered Ord. #7-2012 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. Bergstrom moved to waive the second and third readings, seconded by Mr. Mowery.

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

Motion passed 7-0.

Mr. Bergstrom moved to adopt Ord. #7-2012, seconded by Mr. Mowery. Mr. Bergstrom stated this legislation relates to the herbicidal spraying and generally will not cost the city anything. Mr. Bergstrom discussed the clause in Section #4 adding that if we call ODOT out for additional spraying the city will be obligated. Ms. Whipkey questioned if this is just for weeds and was the product used safe? Mr. Kostoff concurred that as common sense if you are requesting something beyond their normal scope you are required to pay for it. Mayor Zita stated that it will be easier to spray the herbicide along I-76 with the cables that are there rather than trying to mow underneath these cables, it's probably more of a safety concern.

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

Motion passed 7-0.

**RES #8-2012**

Mr. Pelot offered Res. #8-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION DETERMINING CERTAIN EXISTING LEVIES TO BE UNNECESSARY AND SHOULD BE TERMINATED UPON THE CERTIFICATION BY THE SUMMIT COUNTY BOARD OF ELECTIONS OF THE APPROVAL BY THE ELECTORS OF THE CITY OF A 4.6 MILL LEVY FOR PURPOSES SET FORTH IN SECTION 5705.19(I) OF THE REVISED CODE, AND DECLARING AN EMERGENCY.

First reading only.

**ADDED TO THE AGENDA**

**ORD #9-2012**

Mr. Braman offered Ord #9-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE CITY OF NORTON'S PARTICIPATION IN APPLYING TO THE STATE OF OHIO'S LOCAL GOVERNMENT INNOVATION FUND FOR A LOAN FOR THE PURPOSES OF COMBINING DISPATCH OPERATIONS WITH THE CITY OF BARBERTON AND TOWNSHIP OF COPLEY AS PROVIDED HEREIN, AND DECLARING AN EMERGENCY.

Mr. Braman moved to waive the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Braman, Pelot, McGlone, Mowery, Bergstrom, Nicolard  
Nays: Whipkey

Motion passed 6-1.

Mr. Braman moved to adopt Ord. #9-2012, seconded by Mr. Pelot. Mr. Moss stated this is low interest loan money that has recently been made available for us to apply for. Mr. Pelot asked if there is a requirement in order for us to apply for the funding and Mr. Moss replied no. Mr. Braman stated that he understands the Barberton Council will be acting on their legislation also tonight. Mr. Braman asked Mr. Moss when this might be in operation and Mr. Moss replied by the end of this year. Ms. Whipkey stated the legislation states the loan amount is for \$300,000.00, but asked how much to we really need? Mr. Moss replied \$500,000.00. Ms. Whipkey stated she is not happy with getting this at the last minute and being asked to waive the readings and adopt it now. Mayor Zita stated the reason it came to Council tonight with this request is that we only learned last Friday afternoon that Barberton has committed. Ms. Whipkey stated if Barberton is discussing it tonight, we cannot be sure that they are coming on board. Mayor Zita stated our legislation states that they are on board, and we have it verbally that they are. Mr. Bergstrom asked once this is up and running, will it save us any money and how much?

Mr. Moss replied that surely it will be a savings, but that is not our first objective here, it's safety for the citizens, faster call times, overlap of payroll scheduling is also something to be considered here. Mayor Zita stated we have been into a joint dispatching arrangement with Copley for over two (2) years now. Mr. Braman commented that our new fire station has an area set aside just for this purpose. Mr. Moss concurred, adding that this was a big expense when we were building the new facility, and we set aside over \$60,000.00 for that area. Ms. Whipkey questioned what would happen if either one of the communities pulls out? Mr. Moss replied you would no longer have an agreement in place. Mr. Pelot stated that it's really important to apply for low interest loans and grants when they become available, and thanked the Administration for seeking this funding source out. Mr. Nicolard stated he is quite sure this will be a state of the art dispatching center when completed.

Roll Call: Yeas: Braman, Pelot, McGlone, Mowery, Bergstrom, Nicolard  
Nays: Whipkey

Motion passed 6-1.

**INTRODUCTION OF PRIOR LEGISLATION:**

**ORD #2-2012**

Mr. Bergstrom offered Ord. #2-2012 for its third 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. Bergstrom moved to adopt Ord. #2-2012, seconded by Mr. Pelot. Mr. Bergstrom noted this legislation is for mowing.

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

Motion passed 7-0.

**UNFINISHED BUSINESS:**

Ms. Whipkey stated that at the last meeting it was announced the Administration would be hiring a lobbyist and questioned if the purpose was just for keeping our post office or would it be for other areas? Mr. Moss replied the only objective is to retain our post office. Mr. Moss stated if he could get for the same amount of money, more service he would try. Ms. Whipkey asked for a name of the person hired, and Mayor Zita replied Mary Ann Walsh.

**NEW BUSINESS:**

Mr. Mowery stated some residents in the Weber Drive area have received some type of questionnaire relating to the widening of Cleveland-Massillon Road in relation to their septic systems and wells, and he was unaware of this, wondering if anyone in Administration was aware. Mr. Moss stated he was not sure what Mr. Mowery was referring to and would like to see the document. Mr. Nicolard stated he also had a resident, Mr. Becker from Oser contacted him with the same concerns.

Mrs. Tompkins stated she also had received the letter and had her copy with her and copies were made for all of Council and the Administration (see attached). Mr. Moss stated that we are funding this project with Federal and State dollars and all of their requirements must be met and will have to be addressed. Mr. Pelot asked whom should the residents contact if they have any questions, and Mr. Moss stated they could contact the GPD Group or him. Mrs. Tompkins questioned what does this do to Norton's funding with all of the projects out there that may be getting cut? Mr. Moss replied that if the project money to be spent in the next budget is not appropriated by the State, then the State could leave us without the funding to go forward, Mr. Moss stated he did not know what would happen then. Ms. Whipkey stated she forgot to mention under Unfinished Business that she wanted to be certain that Res. #8-2012 rescinding the four (4) older Fire/EMS levies was good, since Mr. Kostoff was here. Mr. Kostoff stated that the first step is this Resolution which is the City's intention and more legislation will be coming should the levy pass. As Council, this is your expression, an intention to retire these older levies. Ms. Whipkey stated she just wanted to delay any fears the public may have in the future.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Zita read several announcements, see attached. Mayor Zita announced after two (2) years that the City of Barberton is raising their sewer and water rates. The minimum billing will be \$24.60 which an increase of \$1.55 monthly effective on March 10, 2012. Mayor Zita stated the full rate sheet is available on the City of Barberton's web site, and at their customer service desk at city hall. Mr. Nicolard reminded everyone we are still collecting used cell phones in the lobby. Mr. Nicolard stated that he was honored to have recently attended a play by the Wolf Creek Players. They did an excellent job and encouraged the residents to support them whenever you can.

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:03 PM.

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Don Nicolard, 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 February 27, 2012.

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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.