



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MARCH 26, 2012**

Roll Call: Charlotte Whipkey
Dennis McGlone-Excused
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, March 26, 2012 at 7:02 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 gave a brief overview of his recent Service Committee meeting from March 22, 2012, and the discussions on the 2012 Road Program. Mr. Bergstrom noted the total estimated amount is \$400,000.00 and noted the listing of affected streets is not ready for distribution now but will be ready for the next Committee Work Session. Mr. Bergstrom stated he would like to have legislation ready to go out for bids and suggested having the listing as an attachment for the legislation. Mr. Bergstrom reviewed the cost of approximately \$50,000.00 for crack seal, \$69,000.00 for micro surface overlay \$86,000.00 for mill and fill, \$130,000.00 for chip and seal, \$72,000.00 for any full depth replacement. Mr. Bergstrom also noted there would be some joint repairs along St. Rt. 21 and St. Rt. 585. Mr. Braman gave a brief overview of his recent Utilities Committee from March 15, 2012 which discussed the Nash Heights sanitary sewers, and Wooster Road West sewer line. Mr. Braman indicated it was the wishes of this committee to push forward with the main trunk line for the sewers on Greenwich Road and to hold off on the Nash Heights sanitary sewers for now. Mr. Bergstrom expressed his frustration with getting the actual facts out there. It's kind of disturbing when you're trying to do the right thing and the public is not thinking you're doing the right thing. Mr. Bergstrom stated that the Utilities Committee is working on getting answers to questions that residents have and Council has. We're taking it slow and easy on the Nash Heights sewer. We are in the process of asking the EPA to come in and tell us what we can or cannot do. We are also looking at contractors for their input on costs associated with the process. Mr. Bergstrom stated he attended Mr. Mowery's last town hall meeting and is very upset and disturbed with the fact that it wasn't brought up that we're trying to get answers. Instead they started asking for money for costs associated with legal fees and fliers. If people would listen, we're trying to get these answers and they might save themselves some money. Mr. Bergstrom stated that he got upset seeing the residents getting misled by half-truths.

Mr. Bergstrom urged the residents of Nash Heights to pay attention to the Utilities Committee pay attention and make sure you hear us finding out those answers. And then if we're not getting those answers, go to your Councilperson and ask them for your answers and hold us to it, that is our job. Mr. Bergstrom reminded everyone that we gave ourselves a two-month period to try to find those answers and that's exactly what we are trying to do. Mr. Kostoff discussed Res. #27-2012 and the need for this resolution because this is a different case for minor editorials to the Charter. Section 5.04 A does permit the Law Director to make editorial corrections to the Charter. In this case it was the Charter Review Commissions intention to make a name change to the Parks and Cemetery Board. They did not make that name change throughout every section in the Charter. Mr. Nicolard stated the residents did approve to combine these boards, it just was not changed in all sections of the Charter. Ms. Whipkey stated it changes nothing within the Charter, just a name correction. Mr. Pelot asked if this is considered a Charter change and needs to go to the voters? Mr. Kostoff clarified no; it could be corrected by this Resolution because it conforms to what the residents of the community have already approved by a vote.

COMMUNICATIONS FROM THE PUBLIC:

There was no one signed up to speak.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of February 27, 2012 were approved as submitted.
Minutes of the Committee Work Session of March 5, 2012 were approved as submitted.
Minutes of the Regular Council Meeting of March 12, 2012 were approved as submitted
Minutes of the Utilities Committee Meeting of March 15, 2012; Mr. Bergstrom noted these were not included in this weeks packet, will be submitted at the next Council meeting.
Minutes of the Committee Work Session of March 19, 2012; Mrs. Richards noted there were corrections submitted after the packets went out and will be submitted at the next Council meeting.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Zita noted that the basketball courts are mostly completed other than the striping and some pillars need installed. They are ready to be used and are being used now. Mayor Zita announced the DARE graduation at the Norton Middle School this Wednesday at 12:30 PM. Mayor Zita stated the Planning Commission will be discussing the Internet Café's this Wednesday at 6:00 PM. Mayor Zita stated that Columbia Woods pavilion #3 has been removed and we will be erecting a new one with the assistance of the Norton Kiwanis to get this accomplished. Mayor Zita discussed lighting at the tennis courts and parks and asked those that use the park at night to please turn off the lights when you leave (especially at the tennis courts) to help conserve energy. Mr. Pelot asked Mayor Zita if he needed volunteers to help with the construction at the pavilions and Mayor Zita replied sure, it never hurts to turn down a little sweat equity. Mr. Nicolard noted the Planning Commission meeting is next Tuesday, not Wednesday. Mr. Moss advised everyone that the Clerk of Council has submitted the paperwork to ODOT, which included the advance payment for the Eastern Road pavement project.

INTRODUCTION OF NEW LEGISLATION

ORD #27-2012

Mr. Mowery offered Ord. #27-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION CORRECTING THE NAME OF THE PARKS AND CEMETERY BOARD IN ARTICLE VI, SECTION 6.02(A) OF THE CHARTER OF THE CITY OF NORTON, AS APPROVED BY THE ELECTORS OF THE CITY ON NOVEMBER 6, 2007.

First reading only.

ORD #28-2012

Mr. Braman offered Ord. #28-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND/OR CITY ADMINISTRATOR TO ADVERTISE FOR BIDS FOR A DESIGN-BUILD CONTRACT FOR WATERLINE IMPROVEMENTS FOR NORTON AVENUE; AND DECLARING AN EMERGENCY.

Mr. Braman moved to waive the second and third readings, seconded by Mr. Bergstrom. Mr. Braman stated that we need to move ahead with the construction now due to the good weather. Mr. Braman noted that this may or may not end up being an assessment project. We have to wait and see what the proposal entails. Mr. Bergstrom asked if we should wait until we know that before moving ahead. Mr. Bergstrom asked Mr. Moss about the funding possibilities and Mr. Moss replied he was not sure what type of line it would end up being. Ms. Whipkey asked if Mr. Ryland has received the report from Barberton Utilities as to what had to be repaired on the line? Mr. Moss replied he was not sure since Mr. Ryland was absent.

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

Motion passed 6-0.

Mr. Braman moved to adopt Ord. #28-2012, seconded by Mr. Pelot. Ms. Whipkey stated she would be voting yes for the emergency language, not because she approves of emergency language but these people have waited long enough to get this taken care of and its been quite a mess for some time.

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

Motion passed 6-0

INTRODUCTION OF PRIOR LEGISLATION:

ORD #23-2012

Mr. Pelot offered Ord. #23-2012 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012 TO REFLECT AN INCREASE IN THE GENERAL FUND BUDGETED EXPENSES; AND DECLARING AN EMERGENCY.

Second reading only.

ORD #25-2012

Mr. Pelot offered Ord. #25-2012 for its second reading and asked the Clerk to read it.

AN ORDINANCE TO CONFIRM THE APPOINTMENT OF JOHN MOSS AS THE DIRECTOR OF COMMUNITY DEVELOPMENT OF THE CITY, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #26-2012

Mr. Mowery offered Ord. #26-2012 for its second reading and asked the Clerk to read it:

AN ORDINANCE APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; APPROVING, ADOPTING AND ENACTING NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

Second reading only.

UNFINISHED BUSINESS:

Mr. Pelot questioned the Clerk if there was a time line for adopting Ord. #26-2012 and she replied no. Mr. Kostoff explained the faster this passes, the faster the codification company can proceed with its process and the faster you can update your books as well as on line version. This is a procedural process that needs addressed. Mr. Mowery stated he preferred to leave this as a second reading only unless there is an objection from Council, there were no objections.

NEW BUSINESS:

Mr. Mowery stated he was pleased with the turnout at his recent town hall meeting, there were a lot of questions from everyone, and it was very informative for all. Mr. Pelot discussed the storm sewers along Greenridge Road and that they are all starting to crack at just about every location. Mr. Pelot asked if there is any recourse to go back on the contractor for this? Mr. Moss indicated we would have the Engineer look into it.

Mr. Kostoff stated we would need to look at the details of the bid specs, the maintenance bond, performance bonds, and see how long these are held. Mr. Pelot stated that with all future bid projects he would like to make sure we have proper language to protect the resident's money. Mr. Bergstrom agreed, adding this was something we discussed in the Service Committee is to have the proper oversight on paving jobs, that is how we can save money, we really need to have proper inspections. Mr. Nicolard recalled that Fair Oaks was supposedly done the exact same way as Driftwood and they definitely do not look the same, Driftwood got very shoddy job materials.

Ms. Whipkey moved to temporarily adjourn the Regular Council meeting in order to enter into an Executive Session for the purpose to discuss the consideration of the purchase of municipal property as provided by R.C. 121.22 (g) and Section 3.12 of the City of Norton charter, seconded by Mr. Pelot. Ms. Whipkey invited Mayor Zita, Mr. Moss and Mr. Kostoff into the Executive Session. Mr. Dave Spice, reporter from the Akron Beacon Journal asked permission to attend, permission denied by Council President, Mr. Nicolard.

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

Motion passed 6-0. At 8:13 PM Council returned from Executive Session and reconvened the Regular Council meeting back to session.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita made several announcements (see attached), and concurred that Mr. Nicolard was correct, the Planning Commission Meeting is Tuesday, April 10, 2012 at 6:00 PM.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:13 PM.

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 April 9, 2012.

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.