



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
TUESDAY, AUGUST 28, 2012**

Roll Call: Charlotte Whipkey
Dennis McGlone
Scott Pelot-Excused
Bill Mowery
Todd Bergstrom-Excused
Don Nicolard

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

The Regular Council Meeting convened on Tuesday, August 28, 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. Nicolard advised everyone that four (4) members of Council constitutes a quorum in order to hold a meeting and this meeting does satisfy Charter Section 3.12. However we do not have enough of the required five (5) members of Council to suspend the rules, and adopt with emergency language. Therefore there will be no voting on legislation this evening and all legislation will have a first reading only.

CONSIDERATION OF THE MINUTES:

Minutes of the Committee Work Session of July 2, 2012-Deferred to September 10, 2012
Minutes of the Regular Council Meeting of July 9, 2012-Deferred to September 10, 2012
Minutes of the Special Council Meeting of July 11, 2012-Deferred to September 10, 2012
Minutes of the Special Council Meeting of July 30, 2012-Deferred to September 10, 2012
Minutes of the Committee Work Session of August 20, 2012-Deferred to September 10, 2012

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Zita announced that he met with Congressman Jim Renacci and discussed some of our issues within our City.

Mrs. Starosta, Mr. Ryland, Mr. Moss had no reports.

PUBLIC HEARINGS:

Mr. Nicolard stated this has been rescheduled for September 10, 2012 due to the legal publication requirement.

INTRODUCTION OF NEW LEGISLATION:

ORD #60-2012 First Reading:

Mr. McGlone offered Ord. #60-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE REZONING PROPERTY LOCATED AT 4331 CLEVELAND-
MASSILLON ROAD, FROM AN R-1 DISTRICT TO A B-3 DISTRICT, AND DECLARING
AN EMERGENCY.

First reading only.

ORD #61-2012 First Reading:

Mr. Nicolard offered Ord. #61-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT
WITH THE COUNTY OF SUMMIT AND THE SUMMIT COUNTY PROSECUTOR'S
OFFICE FOR THE PURPOSE OF PROVIDING A DIRECT INDICTMENT PROGRAM FOR
OCTOBER 2012 THROUGH 2013, AND TAKING ALL NECESSARY STEPS TO CANCEL
ANY APPLICABLE PREVIOUS AGREEMENTS AND APPLYING ANY DIRECTING
OUTSTANDING PAYMENT BE REFUNDED OR APPLIED TO THE NEW AGREEMENT,
AND DECLARING AN EMERGENCY.

First reading only.

ORD #62-2012

Mr. Nicolard offered Ord. #62-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE AND DIRECT THE MAYOR TO ENTER INTO A
CONTRACT WITH ORIANA HOUSE, INC., AND DECLARING AN EMERGENCY.

First reading only.

RES #63-2012

Mr. Mowery offered Res. #63-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF RICHARD EASTERLING
AS A MEMBER OF THE PLANNING COMMISSION OF THE CITY OF NORTON.

First reading only.

ORD #64-2012

Mr. McGlone offered Ord. #64-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AND
DELIVER AN AMENDMENT TO AN AGREEMENT FOR NATURAL GAS
AGGREGATION SERVICES; AND DECLARING AN EMERGENCY.

First reading only.

ORD #65-2012

Mr. Nicolard offered Ord. #65-2012 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.

ORD #66-2012

Mr. Nicolard offered Ord. #66-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE TRANSFERS FROM THE GENERAL FUND AND THE FIRE/EMS 2007 LEVY CAPITAL FUND INTO VARIOUS FUNDS AND DECLARING AN EMERGENCY.

First reading only.

ORD #67-2012

Mr. Nicolard offered Ord. #67-2012 for its first reading and asked the Clerk to read it:

THE ORDINANCE TO AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012 AND DECLARING AN EMERGENCY.

First reading only.

ORD #68-2012

Mr. Nicolard offered Ord. #68-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE ADOPTING THE ALTERNATIVE TAX BUDGET FOR THE CITY OF NORTON FOR THE FISCAL YEAR 2013 AND DECLARING AN EMERGENCY.

First reading only.

ORD #69-2012

Mr. Nicolard offered Ord. #69-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE USE OF THEN AND NOW CERTIFICATE IN EXCESS OF \$3,000 PURSUANT TO OHIO REVISED CODE SECTION 5705.41(D) AND DECLARING AN EMERGENCY.

First reading only.

ORD #70-2012

Mr. Nicolard offered Ord. #70-2012 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE ADVANCES FROM THE GENERAL FUND INTO VARIOUS FUNDS AND DECLARING AN EMERGENCY.

First reading only.

RES #71-2012

Mr. Mowery offered Res. #71-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF KEN BRAMAN AS NORTON CITY COUNCIL WARD- 4 MEMBER.

First reading only.

ORD #72-2012

Mr. McGlone offered Ord. #72-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND DELIVER A MITIGATION AGREEMENT AND AN ENVIRONMENTAL COVENANT, AND DECLARING AN EMERGENCY.

First reading only.

ORD #73-2012

Mr. Nicolard offered Ord. #73-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE CERTIFYING TO THE SUMMIT COUNTY FISCAL OFFICER THE UNPAID REVISED 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.

INTRODUCTION OF PRIOR LEGISLATION:

None

UNFINISHED BUSINESS:

Mr. Mowery asked the Administration about the sealing on roads for Glenbrook Drive; if we are taking bids now? Mr. Ryland stated the bids came back with costs twenty percent higher than the Engineers estimates and must go out and rebid the project. Mr. Mowery asked if Glenbrook Drive was included in that bid and Mr. Ryland replied no not initially but should be added because there are lateral cracks mostly on the curb towards Driftwood and would be considered. Ms. Whipkey asked if the funds have been received from the refund on the scales. Mrs. Starosta replied it had been received and deposited into the General Fund in the amount of \$19,900.00.

NEW BUSINESS:

Mr. Mowery commented on the new agenda layout for public speaking and understands the Council President has the right to set the agenda. Mr. Mowery stated that as long as he has been on Council this has always been addressed at the beginning of the meetings so the residents do not have to wait upwards of several hours to give their opinion. Mr. Mowery stated he does not agree with this, and many residents are already disturbed with this being moved, and hoped in the future it goes back to the top of the evening. Ms. Whipkey stated she also agreed with Mr. Mowery and she firmly believes the people should have their voices heard at the beginning of the meetings. Ms. Whipkey stated the people should have a voice on anything before it gets voted on and is finalized. The people should have a voice and moving comments to the end of the meeting denies them of this. Mr. McGlone also concurred, since the eight previous years on Council, it has always been at the beginning and would prefer it to go back to that. Mr. Nicolard noted that Council Rule 111 allows him this authority and noted he has been more than generous with allowing for public comments during the Committee of the Whole. That is where all of your comments belong before being placed on the legislative agenda at a Regular Council meeting, and we all welcome your comments. Although most of your comments are positive, it can be a distraction during the business meeting of Council. Mr. Nicolard stated that as authorized by Rule 111, he would control the agenda as long as he is Council President. Mr. Nicolard stated he is not doing this to step on anybody's toes, he is only doing this to run a more efficient meeting.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita gave several announcements, see attached.

Mr. Nicolard noted that the Mayor, Mr. Braman, and himself and other members in the Administration attended the prior Citizens Police Academy and encouraged any resident or elected official to attend, it is a true eye opener. Ms. Whipkey noted the Charter amendment petitions have been returned to the City and hopefully will be addressed next week. Ms. Whipkey congratulated those residents involved with this.

COMMUNICATIONS FROM THE PUBLIC:

Ms. Patricia Reese, 4052 Wadsworth Road, Norton, Ohio stated she was glad to know Mr. Renacci was in the City today. Ms. Reese questioned if Congressman Renacci was asked about grants for sewer projects? Ms. Reese noted that at the 8-20-12 Committee meeting Mr. Moss noting the need for commercial sewer project. Mr. Moss neglected to mention that residential property would be affected and required to hook up. It now appears there will be an amendment to the resolution halting all sewer projects. Ms. Reese asked if Mr. Moss has seen the blueprints for this so called expansion, and if the proposed business will be picking up the costs for this project? Ms. Reese expressed her concerns with the issued Mr. Bergstrom discussed about the gas drilling truck traffic in Greenbrier, and wondered if the City has any liabilities or protections in place to protect our roads from the heavy vehicle traffic. Ms. Reese stated she was upset with the movement of the public comments, and stated the residents are a little upset with our government body. You must listen to us; we are not trying to give you hard time. We need to work together and it appears to most of us that you are not listening.

Council was consulted as to Mr. Del Nelson yielding his speaking time over to Mr. Dennis Pierson, to which Council had no objections. Mr. Dennis Pierson 3793 Easton Road, Norton, Ohio noted that although Mr. Nicolard may have the authority to adjust the arrangement of the agenda, it does not give you the right. This is the people's chamber period; they elected all of you and the Administration works for the people.

Mr. Pierson suggested that you start paying more attention to the people. Mr. Pierson stated that we have some referendums to place on the ballot and stated that they should all be acted upon and placed on the ballot regardless of any possible glitches or minor things. Mr. Pierson stated that if you don't do this it tells the people that signed it that you will stifle any speaking or what their wishes are. Do what you are going to do but there will be consequences for it, be it recall or what ever. Mr. Pierson noted that one person is gone already and maybe he felt the heat, which can happen with others. Mr. Pierson discussed the agenda change up for public speaking and the same method of placing it on the ballot could also be done to change the Charter. The people's opinion is what is important, not yours, your just elected to do it. You seem to forget that you work for us. We will use the money we have raised to prove that point not only this November, but also next November. You need to start paying more attention to the people, have more respect for them or you need to resign.

Danny Grether, 2831 Brookfield Drive, Norton, Ohio, stated he came prepared for the public meeting, and will reserve his comments for the next meeting. As chairman on the BZA he asked where are the studies that were done by B. D. Hart years ago and if the Administration is following them? It seems that all we are doing is flying by the cuff because we do not have a true vision to move forward. We may not have two hundred (200) businesses knocking on our door, but we need me mindful and respectful to the citizens and businesses that we have. Mr. Grether stated that he had taken his vacation time to sit down with D. B. Hart and go over those plans and to this day he does not understand where they ended up. Mr. Grether urged Council to please step in and find out just what status those plans are in and where they are.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:26 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 September 10, 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.