



**NORTON CITY COUNCIL
SPECIAL COUNCIL MEETING
TUESDAY, SEPTEMBER 4, 2012**

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

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

The Special Council Meeting convened on Tuesday, September 4, 2012 at 8:44 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. McGlone discussed Ord. #72-2012 he would like to waive the 3rd reading and we have Mr. Hart here discuss the issue. Mr. Hart stated he works for Levy & Company and they are working on moving a stream and now have an 800-foot project in your city along Barber Road and Summit Road. This work requires a mitigation agreement for us to do the work; we will install the proper materials to keep Wolf Creek from eroding. Their cost will be about \$280,000.00 to prepare the work and maintain it. Mr. Hart urged Council to pass this tonight due to their deadline with the contractors they have secured. Mr. Bergstrom discussed the maintenance issue and Mr. Hart stated that it would be perpetuity, which is a long time. Ms. Whipkey asked if all improvements are environmentally friendly for the natural flora and wildlife? Mr. Hart replied yes adding that all work has been approved by the Ohio EPA. Ms. Whipkey clarified if the EPA comes in every 5 years or so to reevaluate and Mr. Hart agreed.

INTRODUCTIONS OF NEW LEGISLATION:

ORD #60-2012

Mr. McGlone offered Ord. #60-2012 for its second 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.

Second reading only. Public hearing will be held next Monday on September 10, 2012.

ORD #61-2012

Mr. Nicolard offered Ord #61-2012 for its second 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.

Mr. Nicolard moved to waive the third reading, seconded by Mr. Bergstrom

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

Adopted 5-0.

Mr. Nicolard moved to adopt Ord. #61-2012, seconded by Mr. Bergstrom

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

Adopted 5-0.

ORD #62-2012

Mr. Nicolard offered Ord. #62-2012 for its second 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.

Mr. Nicolard moved to waive the third reading, seconded by Mr. Bergstrom.

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

Adopted 5-0.

Mr. Nicolard moved to adopt Ord. #62-2012, seconded by Mr. Bergstrom.

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

Adopted 5-0.

RES #63-2012

Mr. Mowery offered Res. #63-2012 for its second 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.

Second reading only.

ORD #64-2012

Mr. Bergstrom offered Ord. #64-2012 for its second 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.

Mr. Bergstrom moved to waive the third reading, seconded by Ms. Whipkey.

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

Motion passed 5-0.

Mr. Bergstrom moved to adopt Ord #64-2012, seconded by Nicolard.

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

Motion passed 5-0.

ORD #65-2012

Mr. Nicolard offered Ord. #65-2012 for its second 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.

Second reading only.

ORD #66-2012

Mr. Nicolard offered Ord. #66-2012 for its second 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.

Mr. Nicolard moved to waive the third reading, seconded by Ms. Whipkey. Ms Whipkey clarified that this is to make the payment for the Fire Station, and Mrs. Starosta concurred this is from the 2007 Fire levy.

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

Motion passed 5-0.

Mr. Nicolard moved to adopt Ord. #66-2012, seconded by Mr. McGlone.

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

Motion passed 5-0.

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.

Mr. Nicolard moved to waive the third reading, seconded by Mr. Bergstrom.

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

Motion passed 5-0.

Mr. Nicolard moved to adopt Ord. #67-2012, seconded by Mr. Bergstrom.

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

Motion passed 5-0.

ORD #68-2012

Mr. Nicolard offered Ord. #68-2012 for its second 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.

Mr. Nicolard moved to waive the third reading, seconded by Mr. Bergstrom. Mrs. Starosta indicated that she had previously filed for a request for an extension to adopt by August 29, 2012 and file with the County by August 31, 2012. Mrs. Starosta stated that we have gone past that deadline. Mrs. Starosta stated she felt we would still be fine with this, the Auditors may take note when doing the compliance with the Ohio Revised Code.

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

Motion passed 5-0.

Mr. Nicolard moved to adopt Ord. #68-2012, seconded by Mr. Bergstrom.

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

Motion passed 5-0.

Mr. Nicolard offered Ord. #69-2012 for its second 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.

Mr. Nicolard moved to waive the third reading, seconded by Mr. Bergstrom. Mrs. Starosta stated this relates to an invoice from the Barberton Municipal Court, which there was no Purchase Order in place, it now requires Council approval.

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

Motion passed 5-0.

Mr. Nicolard moved to adopt Ord. #69-2012, seconded by Mr. Bergstrom.

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

Motion passed 5-0.

ORD #70-2012

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

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

Mr. Nicolard moved to waive the third reading, seconded by Mr. Bergstrom.

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

Motion passed 5-0.

Mr. Nicolard moved to adopt Ord. #70-2012, seconded by Mr. Bergstrom.

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

Motion passed 5-0.

RES #71-2012

Mr. Mowery offered Res. #71-2012 for its second 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.

Second reading only.

ORD #72-2012

Mr. McGlone offered Ord. #72-2012 for its second 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.

Mr. McGlone moved to waive the third reading, seconded by Mr. Bergstrom

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

Motion passed 5-0.

Mr. McGlone moved to adopt Ord. #72-2012, seconded by Mr. Bergstrom.

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

Motion passed 5-0.

ORD #73-2012

Mr. Nicolard offered Ord. #73-2012 for its second 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.

Mr. Nicolard moved to waive the third reading, seconded by Mr. Bergstrom

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

Motion passed 5-0.

Mr. Nicolard moved to adopt Ord. #73-2012, seconded by Mr. Bergstrom.

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

Motion passed 5-0.

***ITEMS ADDED DURING COMMITTEE OF THE WHOLE MEETING**

ORD #76-2012

Mr. Mowery offered Ord. #76-2012 for its first 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; AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Ms. Whipkey

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

Motion passed 5-0.

Mr. Mowery moved to adopt Ord. #76-2012, seconded by Ms. Whipkey.

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

Motion passed 5-0.

ORD #77-2012

Mr. Mowery offered Ord. #77-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND THE CHARTER OF THE CITY BY ADDING ARTICLE III, SECTION 3.20; AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Ms. Whipkey.

Roll Call: Mowery, Whipkey, McGlone, Bergstrom, Nicolard
Nays: None

Motion passed 5-0.

Mr. Mowery moved to adopt Ord. #77-2012, seconded by Ms. Whipkey.

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

Motion passed 5-0.

ORD #78-2012

Mr. Mowery offered Ord. #78-2012 for its first 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 OF THE CHARTER OF THE CITY; AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Ms. Whipkey.

Roll Call: Mowery, Whipkey, McGlone, Bergstrom, Nicolard
Nays: None

Motion passed 5-0.

Mr. Mowery moved to adopt Ord. #78-2012, seconded by Ms. Whipkey.

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

Motion passed 5-0.

ORD #79-2012

Mr. Mowery offered Ord. #79-2012 for its first 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 5.09 OF THE CHARTER OF THE CITY; AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Ms. Whipkey.

Roll Call: Mowery, Whipkey, McGlone, Bergstrom, Nicolard
Nays: None

Motion passed 5-0.

Mr. Mowery moved to adopt Ord. #79-2012, seconded by Ms. Whipkey.

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

Motion passed 5-0.

ADJOURN:

There being no other business to come before the Special Council Meeting, the meeting was adjourned at 9:08 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 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.