



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JUNE 14, 2010**

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

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

The Regular Council Meeting convened on Monday, June 14, 2010 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Mike Zita, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mr. Bergstrom discussed the survey on the city wide trash hauler, which is scheduled to go out to the residents on Wednesday June 16, 2010. Mr. Bergstrom stated that the overall time frame to get these results would be about eight (8) weeks, and because of this he would like to send the legislation back to the Committee until that time, and so moved, seconded by Mr. Pelot.

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

Mr. Mowery discussed the letter Administration prepared that would be going out to the residents on Parkway Blvd. and he would get the results back quickly. Mr. Mowery discussed a water issue along Driftwood Road and there appears to be some flooding problems there. Mr. Mowery has asked the Administration to prepare a similar letter for these residents explaining what is being done. Mr. Mowery stated it appears there is water cascading under the road, which is causing the problem. Mr. Braman moved to add Ord. #64-2010 relating to a moratorium on entertainment arcades to the agenda, seconded by Mr. Pelot stating that he was against this.

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

Motion passed 6-1.

Mr. Braman stated that he spoke with Mr. Kostoff regarding the status of the First Energy Project at the old limestone mines, and there is nothing happening and Mr. Kostoff expects nothing happening for approximately a year or so. Mrs. Hlas stated this was discussed in Committee recently and she would like to add the donation of landscape items Ord #65-2010 to tonight's agenda with emergency language, and waiving the second and third readings, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mr. Zita stated a Norton resident submitted a letter, and he opted to provide a copy to all Council members and it will be submitted into the official record.

COMMUNICATIONS FROM THE PUBLIC:

Mr. Dan Grether, a Norton resident, read a statement regarding various city issues (see attached).

Mr. Bob Copen, a Norton resident, spoke regarding the presentation by Dr. Cox recently and he stated the Census does include children. Mr. Copen stated that we should think voters and not population when looking at our wards. Mr. Copen stated it's the Board of Election that figures out the number of voters in the wards and children do not get to vote anyhow. Mr. Copen stated he was not sure its legal to use the Board of Elections to decide your wards. Mr. Copen discussed the proposed Charter Amendment; this is another example of the Council ignoring the voters. Issue #26 said to go down to one Council at Large. Mr. Copen discussed the supposed need for seven (7) was to have a majority, well a majority of five (5) Council members would be three (3) so you still would have a majority. You just need to change the wording on the legislation to make it work. Mr. Copen stated he is not in favor of recalls, if they make a mistake don't put them back in. Mr. Copen suggested the recall people make a Charter change to reduce the term limits from four (4) years to two (2) instead of wasting the money on a recall.

Mr. Richard Easterling, a Norton resident, commented on how elected officials should answer to their constituents. According to the current Charter, the majority of Council does not answer to me or the constituents, only when I go and vote on election day. That is when I get to vote for two (2) of you; the At Large and my Ward Council person, Mr. Easterling stated he was not even sure this was constitutional that the majority of the people on Council he can't even vote for. Mr. Easterling suggested a better Charter amendment would be to make all of the Council be At Large because all of your decisions affect the entire city, not just one ward or another.

Ms. Charlotte Whipkey, a Norton resident, thanked those on Council for holding off on this legislation and sending it back to Committee. Ms. Whipkey asked why are we having an outside entity to tell how many residents are living in our city.

We are spending up to \$14,000,000.00 on the Census for that information; there is no reason for this estimate by Mr. Cox. Ms. Whipkey stated Charter Section 1.03 states every ten years we should be looking at redistricting our wards and that is not until 2011. There is no proof that this city has grown. Ms Whipkey stated she believes the Administration is doing this now because the plain and simple fact is the Administration does not want to lose two (2) yes votes.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of May 24, 2010 were approved as submitted. Minutes of the Committee Work Session of June 7, 2010 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mr. Ryland, Mr. Moss and Mr. Kostoff had no reports to offer this evening.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

Mr. Braman offered Ord. #57-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO ADD CHAPTER 1498 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

First reading, only. A public hearing will occur on July 12, 2010 at 7:15 PM.

ORD #58-2010

Mr. Pelot offered Ord. #58-2010 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 IX SECTION 9.03 OF THE CHARTER OF THE CITY PROVIDING FOR RECALL ELECTIONS.

First reading only.

ORD #59-2010

Mr. Pelot offered Ord. #59-2010 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 3.12 OF THE CHARTER OF THE CITY PROVIDING FOR OPEN REGULAR MEETINGS OF COUNCIL IN COMPLIANCE WITH SECTION 121.22 OF THE OHIO REVISED CODE.

ORD #60-2010

Mrs. Hlas offered Ord. #60-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE COMMUNITY IMPROVEMENT CORPORATION OF NORTON, OHIO AS THE AGENCY FOR THE INDUSTRIAL, COMMERCIAL, DISTRIBUTION AND RESEARCH DEVELOPMENT IN THE CITY; AND DECLARING AN EMERGENCY.

Mrs. Hlas moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Mowery asked Mr. Zita who the members of the CIC are? Mr. Zita replied Mr. Moss, Mr. Ryland, Mr. Karant, Mr. Huff and himself. Mr. Mowery noted that two (2) of these members are also Norton business owners, which concerns him because they could show some favoritism with their decisions. Mr. Mowery stated we are making them officials of the city and he is not ready to farm out his duties as council here. Mr. Ryland reminded Mr. Mowery that Council is still in full control when it comes to the CIC, the CIC does not act independently from Council. Mr. Ryland asked who would be better to look out for the business interests of this city than a local business owner? This issue has been on the table and discussed for well over a year, its time to take the next logical step in the process, this is the next progressive move. Mr. Mowery expressed concern with the proceeds from the old fire station property and that money should be used to pay down the debt on the new fire station. Mr. Ryland stated that is solely up for Council to decide, and you are putting the cart way before the horse here. Mr. Ryland stated proceeds from the sale all belongs to the residents and the City of Norton and it comes back to the City of Norton, and is used appropriately. There is no hidden agenda here, this is merely a tool and the CIC cannot make a single move without coming to Council first. Mr. Zita stated that we have three (3) parcels of land to sell and it either goes out to auction or sell them through the CIC. Mr. Moss reminded everyone that the CIC has no authority or control on how money is receipted or how it is budgeted. Mr. Moss stated last year when we talked about all of this we discussed using the proceeds from the sale of the old fire station property going into the General Fund to pay off various debts. You cannot use that money to pay off any debt related to our new fire station because that is associated with a levy debt. That property was preceding the levy for the construction of new fire station. Mr. Kostoff stated what is most important here is all of the proceeds from any sale of property would come back into the General Fund and Council controls the purse strings in this city and they decide what debt gets paid or how to spend that money. Mr. Kostoff discussed the original memos in the packet from 2009 and the process of a CIC and how they work. Mr. Kostoff noted that a resident had commented about how some other communities have CIC's and they are not very effective, and the reason they are not is because they passed the legislation for it but never followed through with the process. Mr. Kostoff noted that all CIC meetings are open to the public, notices are posted in the ward locations, just like the Council notices are and Council and the public is encouraged to attend these meetings. Mr. Bergstrom asked about the time frame and Mr. Kostoff stated you must adopt the agreement before you can declare the property no longer needed or convey the parcels.

Mr. Mowery thanked Mr. Ryland for the time to explain this and even though it may be against his better judgement he will vote for this to see how this process will play out.

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord #60-2010, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #61-2010

Mrs. Hlas offered Ord. #61-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE DECLARING CERTAIN CITY PROPERTY AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord #61-2010, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #62-2010

Mrs. Hlas offered Ord. #62-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY TO CONVEY CERTAIN CITY PROPERTY NO LONGER NEEDED FOR MUNICIPAL PURPOSES TO THE COMMUNITY IMPROVEMENT CORPORATION PURSUANT TO AGREEMENT AND DECLARING AN EMERGENCY.

First reading only.

ORD #63-2010

Mr. Pelot offered Ord #63-2010 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 3.02 OF THE CHARTER OF THE CITY PROVIDING FOR THE COMPOSITION OF COUNCIL.

First reading only.

Added to the Agenda

ORD #64-2010

Mr. Braman offered Ord. #64-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE DECLARING A MORATORIUM ON THE ESTABLISHMENT, OPERATION, PERMITTING OR APPROVAL OF NEW ENTERTAINMENT DEVICE ARCADES WITHIN THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

First reading only.

Added to the Agenda

ORD #65-2010

Mrs. Hlas offered Ord. #65-2010 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GOODS AND SERVICES DONATED BY EDENSCAPE L.L.C. AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mrs. Hlas moved to adopt Ord. #65-2010, seconded by Mr. Pelot.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #52-2010

Mr. Mowery offered Ord. #52-2010 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO ADD CHAPTER 674 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #53-2010

Mr. Nicolard offered Ord. #53-2010 for its third reading and asked the Clerk to read it:

AN ORDINANCE ADDING SECTION 208.06 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

Second reading only.

ORD #55-2010

Mr. Nicolard offered Ord. #55-2010 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 440.01 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #56-2010

Mrs. Hlas offered Ord. #56-2010 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,400,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS AND THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS TO PAY COSTS OF THE IMPROVEMENT OF CLEVELAND-MASSILLON ROAD, GREENRIDGE ROAD, DURHAM ROAD, DRIFTWOOD ROAD AND CERTAIN OTHER PARCELS BY CONSTRUCTING AND INSTALLING WATER LINES, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO COMPRISING THE CLEVELAND-MASSILLON ROAD WATER IMPROVEMENT PROJECT, AND DECLARING AN EMERGENCY.

Second reading only.

UNFINISHED BUSINESS:

Mr. Pelot asked Mr. Moss if there were any new developments with the assessment stages on the Johnson Meadows project? Mr. Moss indicated that the new figures have been sent to the church council, and a set date to pay that off has been established. If that does not occur, it will be sent to the County to assess on the property taxes this year. Mr. Zita stated that we had several readings this evening such as Ord #53-2010 and #55-2010 and we are doing this to show parity with the Ohio Revised Code. Mr. Zita discussed Ohio Revised Code Section 705.52 as it relates to the number of Council members in relation to the size of a community, which states: *705.52 Size of Council: The number of Councilmen of a municipal corporation organized under Sections 705.51 to 705.60, inclusive of the Revised Code, shall be in proportion to the population of the municipal corporation as determined by the last preceding federal census as follows, more than ten thousand and not more than*

twenty-five thousand inhabitants; seven (7). Mr. Zita stated that even the Ohio Revised Code shows that a city of our size states we need seven (7) council members. Mr. Mowery asked Mr. Moss the total debt the city carries to date, just a ball park figure, and Mr. Moss replied he would have to get back to him with a memo on that. Mr. Mowery stated he would like to get together with Mr. Moss to sit down and go over some finance issues.

NEW BUSINESS:

None

PUBLIC SERVICE ANNOUNCEMENTS:

Mr. Ryland and Mr. Zita made some announcements (see attached)

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:08 PM.

Mike Zita, 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 June 28, 2010.

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.