



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, MARCH 14, 2011**

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

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

The Regular Council Meeting convened on Monday, March 14, 2011 at 7:10 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Scott Pelot, President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

COMMITTEE OF THE WHOLE:

Mr. Bergstrom reported on the status of his Utilities Committee of March 10, 2011 and that two (2) items were discussed. The first issue discussed was the Nash Heights additional engineering efforts including Wadsworth Road, I-76 and a trunk line at Lake Dorothy. The second item that was discussed was an opportunity to venture with the City of Barberton in an Ohio Public Works Commission (OPWC) grant for a sewer line from Norton Avenue south to Shannon Avenue. Mr. Bergstrom also discussed the letters sent out to the residents by J & J Refuse regarding their trash service, which he would discuss in full detail later on. Mr. Zita discussed a recent request from the Administration to dispose of city property no longer needed for municipal purposes, two (2) Ford Crown Victoria's. Mr. Zita moved to place this discussion under New Business on tonight's agenda, seconded by Mr. Nicolard.

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

Motion passed 7-0.

At 7:15 PM Mr. Pelot temporarily recessed the Regular Council meeting to convene the Public hearings for Ord. #32-2011 and Ord. #33-2011.

PUBLIC HEARINGS:

ORD #32-2011 An ordinance adding Section 1296.20 to the Codified Ordinances of the City of Norton, Ohio.

Mr. Pelot called three times for anyone in favor of the zoning change to come forward, no one came forward. Mr. Pelot called three times for anyone against this zoning change to come forward, no one came forward.

ORD #33-2011 An ordinance amending Section 1257.04 of the Codified Ordinances of the City of Norton, Ohio.

Mr. Pelot called three times for anyone in favor of the zoning text amendment to come forward, no one came forward. Mr. Pelot called three times for anyone against this zoning change to come forward, no one came forward.

At 7:22 PM Mr. Pelot closed the Public Hearings and reconvened the Regular Council meeting back to session.

COMMUNICATIONS FROM THE PUBLIC:

Mrs. Elaine Tompkins, a Norton resident, read her statement concerning the recent Council/Administration Work Shop and other comments (see attached). Mrs. Tompkins stated that it was reported at the Utilities Committee meeting that the fees for Greenwich Road were discussed.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council meeting of February 14, 2011 were approved as submitted.
Minutes of the Committee Work Session of February 22, 2011 were approved as submitted.
Minutes of the Annual Workshop of March 5, 2011 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Koontz reported that the engineering plans for the improvements to Newpark Drive and the bid specification documents are now completed. Mayor Koontz stated he hoped to have this advertised sometime next week.

Mr. Ryland reported on the recent floods issues and that there is interest with FEMA and Summit County Emergency Management. Mr. Ryland reminded all residents that if you experienced any flooding in your home or basement you need to contact the city immediately. We must compile all information and submit a report to FEMA by next Thursday. Mr. Ryland noted that due to the very heavy rainfall and thawing this has caused excessive weight on many culverts causing them to collapse from the extra weight. Mr. Ryland briefly touched on the 2011 Road Program and that the final drawings are now in for Parkway Blvd. Parkway looks like a substantial project and he is looking for a bid document for approximately 10,000 feet of roadway. Mr. Ryland stated he would also like to address Maco Drive for 2011. Mr. Ryland stated the ODOT schedule for 2012 actually begins this July, which does seem early. Mr. Ryland stated since the J & J letters have gone out, the city has received a large volume of calls, some good, and some not so good.

Mr. Kostoff discussed Ord. #36-2011-Entertainment device arcades, and that he had made an honest effort to incorporate all of the required changes Council had asked for. Mr. Kostoff indicated that tonight will be a first reading only and encouraged Council to please take the time to review this in detail now before the next reading, in case anything was missed. Mr. Kostoff suggested Council forward any comments or concerns to Mr. Braman. Mr. Kostoff indicated that he would have the proposed transmission agreement with Summit County for the next Committee Work Session.

INTRODUCTION OF NEW LEGISLATION:

ORD #35-2011

Mr. Bergstrom offered Ord. #35-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE ADDING SECTION 642.18 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

First reading only. Mr. Zita added for clarification that this residential enforcement goes along with Ord #32-2011 and Ord #33-2011.

ORD #36-2011

Mr. Braman offered Ord. #36-2011 for its first reading and asked the Clerk to read it:

AN ORDINANCE DETERMINING TO TERMINATE THE MORATORIUM ON THE ESTABLISHMENT, OPERATION, PERMITTING OR APPROVAL OF NEW ENTERTAINMENT DEVICE ARCADES WITHIN THE CITY OF NORTON AND ADDING CHAPTER 858 TO THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

First reading only.

INTRODUCTION OF PRIOR LEGISLATION

ORD #31-2011

Mr. Mowery offered Ord. #31-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 250.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON TO UPDATE THE INDEX OF APPROVED STREETS.

Second reading only.

ORD #32-2011

Mr. Braman offered Ord. #32-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE ADDING SECTION 1296.20 TO THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

Second reading only. Public Hearing to occur on March 14, 2011.

ORD #33-2011

Mr. Braman offered Ord. #33-2011 for its second reading and asked the Clerk to read it:

AN ORDINANCE AMENDING SECTION 1257.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

Second reading only. Public Hearing to occur on March 14, 2011.

ORD #17-2011

Mr. Braman offered Ord. #17-2011 for its third reading and asked the Clerk to read it:

AN ORDINANCE REPEALING ORDINANCE NO. 75-2000; AND DECLARING AN EMERGENCY.

Mr. Braman moved to adopt Ord #17-2011, seconded by Mr. Zita.

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

Motion passed 7-0.

ORD #18-2011

Mr. Braman offered Ord #18-2011 for it's third reading and asked the Clerk to read it:

AN ORDINANCE APPROVING A SPECIAL PLANNED DEVELOPMENT ON CERTAIN REAL PROPERTY IN THE CITY OF NORTON.

Mr. Braman moved to adopt Ord. #18-2011, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

ORD#19-2011

Mr. Braman offered Ord. #19-2011 for its third 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.

Mr. Braman moved to adopt Ord. #19-201, seconded by Mrs. Hlas

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

Motion passed 7-0.

** Please note-A clerical error occurred with Ord. #19-2011 being listed on the agenda for a third reading, as this Ordinances was previously adopted at the March 14, 2011 Council Meeting.*

UNFINISHED BUSINESS

Mr. Bergstrom asked Mr. Ryland if he could prepare a formal statement of the details on how one can opt out of the residential trash service if they are a Norton business owner so he knows exactly what to say to them. Mr. Pelot asked to have a contact name added to that as well.

Mr. Nicolard responded to the earlier comments from Mrs. Tompkins about the Norton Business Development Task Force (NBDTF). Mr. Nicolard stated that he is a member and they meet once a month for about two (2) hours and he does attend these meetings. Mr. Nicolard stated that these members serve selflessly of their time and energy to focus on bringing new businesses to the City of Norton.

Mr. Mowery stated that there has not been too much movement on the water meter issues in Brentwood Estates. Mr. Mowery discussed a memo from the Barberton Utilities, which states that the residents in Norton Acres pay quite a bit more than Brentwood residents. Mr. Mowery stated he would like to leave this door open to Barberton to do what's right with the JEDD Agreement. Mr. Pelot stated he feels they are perfectly legal to charge for the meters. Mr. Pelot questioned Mr. Mowery on what part of the JEDD Agreement is he referring to that Barberton is not complying with? Mr. Mowery replied that we don't own the meters, Barberton does. The only way we would own the meters is if we were to become a wholesaler, which we are not. Mr. Mowery stated he estimated that the Brentwood residents received an approximate \$10.00 waiver for tap in fee. Mr. Mowery stated he was sure they would rather pay that \$10.00 fee instead of the \$270.00 fee for the meters. Mr. Bergstrom stated the JEDD Agreement refers to Rules & Regulations and that Norton must be charged the same rate as Barberton. Mr. Bergstrom indicated that he has been working with the Council Clerk on getting a current copy of those Rules & Regulations. Mr. Mowery stated that he is not happy with the memo stating some residents are paying way more than others. Mr. Mowery questioned why one area of the city is getting overcharged? Mayor Koontz stated that Mr. Mowery is continually raising the same questions that don't make any sense. Mayor Koontz assured Mr. Mowery that all residents are paying the same uniform rate for water by Barberton. Mayor Koontz stated that the tap in fees were more than the \$10.00 fee as mentioned by Mr. Mowery. Mr. Mowery replied it was the Mayor's own words that the tap in fees for Brentwood residents was waived. Mr. Pelot stated that those tap in fees for all of the Brentwood Estates was a total of \$234,000.00 and if there are 170 homes that would figure out to be approximately \$1,365.00 per resident, not \$10.00. Mr. Mowery claimed that Mayor Koontz has been spinning his wheels for too long on this issue. Mayor Koontz stated he still does not see the problem here, the residents got new meters. Mrs. Hlas stated she owns property in Barberton and she had to pay for a meter that was frozen and broke. The residents in Brentwood can have that \$270.00 meter fee pro-rated over several billing cycles, they just need to contact the Barberton Utilities Dept. Mr. Pelot indicated the Council Clerk is working on getting those details for the public. Mr. Pelot stated that if Mr. Mowery can find somewhere in the JEDD Agreement where it states these residents don't have to pay for the meter, give it to us because no one can find it. Mr. Mowery stated he is not convinced that this practice needs to continue. Mr. Bergstrom stated the JEDD Agreement page #17 basically refers to the Rules and Regulations and he believes that is what is being followed.

UNFINISHED BUSINESS CONTINUED:

Mr. Mowery stated this agreement can be changed with the consent of Barberton and Norton, Norton has the right to propose any changes. Mr. Mowery stated he has repeatedly asked how many residents have been hooked up with the new meters. Mayor Koontz replied that it's a fact of life these residents will have new meters, they will have better water pressure, softer water, more hydrants. Mr. Ryland stated he is still confused as to what exactly it is that Mr. Mowery is looking for here. Mr. Mowery stated that it's a fact that the water rates are all over the place throughout the city. Mr. Zita and Mr. Ryland both replied that was totally not true. Mr. Mowery stated he wants the residents that have already had their meter installed to be reimbursed and for those that are yet to get them there would be no charge. Mr. Ryland asked what makes you think they are entitled to reimbursement, and Mr. Mowery stated he goes back to the JEDD Agreement. Mr. Ryland stated Barberton owns the meters. There was further discussion on the water rates and again it was clarified that all of the citizens getting Barberton water are paying the same rate. Mr. Mowery again reflected to the memo from the Barberton Utilities states differently. Mrs. Richards clarified the so-called memo that Mr. Mowery kept referring to. Mrs. Richards stated there is no memo, what Mr. Mowery is referring to is her own notes from a telephone conversation with a Barberton Clerk in the Utilities Department. The Clerk from Barberton did not state the Norton Acres residents are paying more, she stated that they paid more for tap in and connection fees than the Brentwood residents. Mr. Pelot stated that would make sense because we traded property to Barberton for the waiver of tap in fees for the 170 Brentwood Estates residents. Mr. Mowery stated the figures are mixed and the issues are mixed and he feels they need to be straightened out.

NEW BUSINESS

Mr. Zita discussed the two older police cruisers that are no longer in use. One vehicle is just sitting down at the service garage and the other one is sitting here at city hall. Both of these vehicles are high in mileage and need to be disposed of. Mr. Zita stated the Police Dept. has been offered a 2004 vehicle from Fred Martin Motors that comes mostly equipped with all of the extras we need, and has only 45,000 miles on it. Mr. Zita stated that a trade in allowance is requested by the sale of these two vehicles. Mr. Zita cited Charter Section 5.10, which provides for the legal disposal of city property no longer needed for municipal purposes. Mr. Zita moved to dispose of these two (2) older cruisers, as they are no longer needed for municipal purposes, seconded by Mrs. Hlas. There was question as to if legislation was necessary for either the disposal or the trade in and Mr. Kostoff stated this was not required.

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

Motion passed 7-0.

Mr. Zita moved to take the two cars and use these as a trade in value for the 2004 Crown Victoria at Fred Martin Motors, seconded by Mrs. Hlas.

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

Motion passed 7-0.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Koontz read several announcements, (see attached).

Mrs. Hlas announced that the Norton Girls Basketball team made it to the District finals and went to the Sectionals. They did loose the Sectionals to Hathaway Brown, who will probably be the next champs.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:05 PM.

Scott Pelot, 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 March 28, 2011.

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.