



**MEETING NOTICE**

**NORTON CITY COUNCIL  
COMMITTEE WORK SESSION  
MONDAY, APRIL 2, 2018 @ 7:00 PM**

**AGENDA**

**CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF PRAYER**

**ROLL CALL**

**COMMITTEE WORK SESSION-GENERAL TOPICS OF DISCUSSION**

- A. Tax Review Appointment (Tousley-Personnel)
- B. City of Norton vs. Orville Trucking & Grading Company (Pelot-Finance)

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**TOPICS FOR NEXT WORK SESSION – Monday, April 16, 2018**

**PUBLIC COMMENT**

**ADJOURN**

**\*\*NOTE: During a meeting a live video stream can be accessed by going to [www.cityofnorton.org](http://www.cityofnorton.org) and clicking on the icon below for instructions**



*Any person who requires an auxiliary aid or service for effective communication or a modification of policies or procedures to participate in any City or City Council public meeting or event should contact the Clerk of Council at [330-825-7815](tel:330-825-7815) Ext. 322 or [kmacomber@cityofnorton.org](mailto:kmacomber@cityofnorton.org). Any request for an auxiliary aid or other accommodation should be made as soon as possible, but no later than forty-eight hours prior to the event.*

# **CITY OF NORTON**

## **MEMO**

**To: City Council Members**

**From: Mayor Zita**

**Date: March 15, 2018**

**Re: Income Tax Review Board Appointment**

---

After much consideration, I feel it would be best to appoint Justin Markey to the Income Tax Review Board. Mr. Markey has extensive knowledge in Tax Code and would be a valuable asset to serve on this board. Under the statute, I am required one appointment and I wish for him to serve as my appointee.

SPONSORED BY: Mayor Zita  
REFERRED TO: Committee of the Whole  
INTRODUCED BY: Paul Tousley, Personnel Chair

## CITY OF NORTON RESOLUTION NO. \_\_-2018

A RESOLUTION CONFIRMING THE APPOINTMENT OF JUSTIN MARKEY TO A TWO-YEAR TERM AS A REPRESENTATIVE ON THE LOCAL BOARD OF TAX REVIEW OF THE CITY OF NORTON AND DECLARING AN EMERGENCY.

WHEREAS, Mayor Zita has appointed Justin Markey to a two-year term as a representative on the City of Norton Local Board of Tax Review, which term commences on April 1, 2018 and expires March 31, 2020; and

WHEREAS, such appointment must be confirmed by Council.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Norton, Counties of Summit and Wayne, and State of Ohio:

- Section 1. The appointment of Justin Markey as a representative to the City of Norton Local Board of Tax Review for a two-year term commencing April 1, 2018 and expiring March 31, 2020, is hereby confirmed.
- Section 2. All formal actions of this Council related to this Resolution and all deliberations of the Council and of any of its Committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
- Section 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation for the public peace, health and safety of the City of Norton and the inhabitants thereof for the reason that the subject appointment is necessary for the prompt resolution of City affairs, and provided it receives the approval of two-thirds of the members of Council, shall be in full force and effect from and after the earliest period allowed by law.

Emergency vote: \_\_\_\_\_ Yeas \_\_\_\_\_ Nays

Date passed: \_\_\_\_\_

\_\_\_\_\_  
Scott Pelot, President of Council

Date submitted to the Mayor \_\_\_\_\_

Attest: \_\_\_\_\_

Kerry Macomber, Clerk of Council

\_\_\_\_\_  
Mike Zita, Mayor

Date approved by the Mayor \_\_\_\_\_

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Resolution No. \_\_\_\_\_-2018** was duly and regularly passed by the Council of the City of Norton, Summit County, Ohio at a meeting held on \_\_\_\_\_, 2018.

That this legislation was posted according to law on \_\_\_\_\_, 2018 and will become effective on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Kerry Macomber, Clerk of Council

Prepared and approved as to legal form by Justin P. Markey, Solicitor, City of Norton, on March 27, 2018.



Marshal M. Pitchford  
[mpitchford@dpylaw.com](mailto:mpitchford@dpylaw.com)

**PRIVILEGED AND CONFIDENTIAL**

March 28, 2018

**VIA EMAIL ONLY AT: [adminofficer@cityofnorton.org](mailto:adminofficer@cityofnorton.org)**

City of Norton  
Attention: Robert Fowler  
4060 Columbia Woods Drive  
Norton, Ohio 44203

Re: *City of Norton vs. Orville Trucking & Grading Company, et al.*

Dear Mr. Fowler:

Please find attached a proposed Ordinance authorizing the Mayor and/or you to engage our law firm in connection with the October 9, 2017 property damage to Houston Road. I have listed an Exhibit A at the end if you would like to attach the engagement letter. However, the body of the Ordinance as prepared does not specifically call the exhibit out, but I would be happy to make revisions should you so desire.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

DiCaudo, Pitchford & Yoder LLC

Marshal M. Pitchford

Attachment

WWW.DPYLAW.COM

209 SOUTH MAIN STREET, THIRD FLOOR • AKRON, OH 44308

PHONE 330-762-7477 FAX 330-762-8059

SPONSORED BY: Administration  
REFERRED TO: Committee Work Session  
INTRODUCED BY: Scott Pelot, Finance Chair

## CITY OF NORTON ORDINANCE NO. \_\_\_-2018

**AN ORDINANCE AUTHORIZING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE AND DELIVER A CONTRACT FOR LEGAL SERVICES IN CONNECTION WITH LEGAL ACTION RELATED TO PROPERTY DAMAGE ON HOUSTON ROAD, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City has incurred thousands of dollars in property damage to Houston Road in connection with the improper and negligent operation of a cement mixer and tow truck; and,

**WHEREAS**, the City has determined it to be in the community's best interest to file a legal action against those various entities and individuals causing and in connection with the property damage to Houston Road in order to pursue any actionable claims against the entities or individuals; and,

**WHEREAS**, the City has determined to participate in the legal action against Orrville Trucking and other necessary, related entities and individuals, and to engage the law firm of DiCaudo, Pitchford & Yoder as legal counsel for the City in connection with such legal action.

**NOW THEREFORE, BE IT ORDAINED**, by the Council of the City of Norton, Counties of Summit and Wayne, State of Ohio:

**Section 1:** This Council hereby authorizes the Mayor and/or City Administrator to engage DiCaudo, Pitchford & Yoder to act as legal counsel for the City in connection with its legal action against Orrville Trucking and various other entities and individuals for the property damage to Houston Road on or about October 9, 2017.

**Section 2:** That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

**Section 3:** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4:** This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation for the public peace, health, safety, and welfare of this City and its residents, and provided it receives approval of two-thirds of the members of Council, shall be in full force and effect from and after its approval by the Mayor, or otherwise take effect and be in force and effect from and after the earliest period provided by law.

Emergency Vote: \_\_\_\_\_ Yeas                      \_\_\_\_\_ Nays

Date Passed: \_\_\_\_\_

\_\_\_\_\_  
Scott Pelot, President of Council

Date submitted to the Mayor

\_\_\_\_\_

Attest: \_\_\_\_\_  
Kerry Macomber, CMC- Clerk of Council

\_\_\_\_\_  
Mike Zita, Mayor

Date approved by the Mayor

\_\_\_\_\_

I, Kerry Macomber, Clerk of Council for the City of Norton, Summit and Wayne Counties, Ohio do hereby certify that the foregoing **Ordinance No. \_\_\_\_-2018** was duly and regularly passed by the Council of the City of Norton, Summit and Wayne Counties, Ohio at a meeting held on \_\_\_\_\_, 2018.

That this legislation was posted according to law on \_\_\_\_\_, 2018 and will become effective on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Kerry Macomber, CMC- Clerk of Council

Prepared and approved as to legal form by Marshal M. Pitchford, legal counsel for the City of Norton, March \_\_\_\_\_, 2018.



NORTON CITY COUNCIL  
MATTERS REFERRED/PENDING  
MONDAY, MARCH 19, 2018

COMMITTEE	DATE	TOPIC	ACTION
<u>Econ Dev &amp; Plng</u>			
	11-06-17	Zoning Code Update Review	Discussion Cont'd
	02-05-18	Wolf Creek Watershed District Update	Discussion Cont'd
<u>Finance</u>			
	02-26-18	Grant for demolition on Hanes St	3/12/18 Executive Session
<u>Personnel – Rules</u>			
	09-18-17	Establish Board of Tax Review	Discussion cont'd
<u>Property</u>			
<u>Safety</u>			
<u>Service</u>			
<u>Utilities</u>			

New Items to be added:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_