



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, NOVEMBER 12, 2012**

Roll Call: Dennis McGlone
Charlotte Whipkey
Scott Pelot
Bill Mowery
John Conklin
Todd Bergstrom
Don Nicolard

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

The Regular Council Meeting convened on Monday, November 12, 2012 at 7:00 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.

COMMUNICATIONS FROM THE PUBLIC:

Paul Tousley, 4536 Garrett Drive, Norton, spoke regarding last week's Committee Meeting, that Council stated it was strange the Finance Director did not ask for emergency language, he appreciated the fact that Council did listen to Mrs. Starosta. Mr. Tousley asked about lines being painted along the sides of Easton Road. Mr. Ryland replied Summit County would do this, hopefully within the next week or so. Mr. Tousley discussed a recent comment in a past issue of the Post, claiming the original construction costs for the fire station was 1.7 million and the actual cost is around 2.7 million. Mr. Tousley stated that very same day he received a letter from Mayor Zita that went out stating it was 1 million under budget, and Mr. Ryland stated we actually spent 2.6 million. Mr. Ryland replied the first figure of 1.6 million was used early on as the cost of Wadsworth's Fire Station #2. It was never quoted as being the price for our new station. Mr. Ryland stated that for two years the building plans and costs were displayed here in Council Chambers and the original estimate was for 2.65 million for construction.

Mr. Richard Gardner, 4556 Roop Avenue, Norton, Ohio, discussed the November 10, 2012 statement from Mr. Ryland of how are we going to pay for these Charter changes. Mr. Gardner asked isn't that how the residents felt with the sewers? Mr. Gardner stated that if Council would have been a little bit fairer he does not think some of the amendments would have passed. Mr. Gardner discussed the qualifications needed for a Councilperson and the numbers of signatures required. Mr. Gardner discussed the recent Ward 4 vacancy and the way Council filled that vacancy, which he felt, is another reason for this Charter change.

Jason Sams, 3782 Long Drive, Norton, Ohio, read the attached statement.

COMMITTEE OF THE WHOLE:

Mr. Conklin discussed Ord #90-2012 and #91-2012 and that Barberton and Copley have already passed their legislation regarding the Joint Dispatch Center. Mr. Conklin suggested we waive the second and third readings on these two Ordinances as showing our support of the Joint Dispatch Center.

Ms. Whipkey noted a Norton Health Advisory Board meeting is this Thursday, November 17, 2012 at 7:00 PM. Ms. Whipkey displayed a sample of the new acoustic ceiling product being installed at the Community Center. Mr. Ryland noted this would be completely installed by tomorrow.

Mr. Bergstrom discussed rearranging the Public Service Announcements before Executive Session, moving Item VII ahead of Item VI, to which there were no objections.

CONSIDERATION OF THE MINUTES:

Minutes of the Regular Council Meeting of October 22, 2012 were approved as submitted. Minutes of the Committee Work Session of November 5, 2012 were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Zita stated that even though the Board of Elections has not certified the election results, the Fire Station was open last Wednesday and is now operating at 24-hour service. Mayor Zita commented about the resident's comments on articles in the paper about the Charter Amendments. Mayor Zita noted that there is a cost associated with each one of these Charter changes. Mayor Zita stated he realized these amendments were proposed by the residents and in addition were supported by three of the Council Members.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #88-2012

Mr. Conklin offered Ord. #88-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE ACCEPTING THE BID OF WENGER EXCAVATING INC., IN AN AMOUNT NOT TO EXCEED \$49,729.00, AND DECLARING AN EMERGENCY.

First reading only. Mr. Bergstrom noted that he spoke with Mr. Ryland on this project and he strongly recommended we get all of the information we need before voting on this. Mr. Bergstrom stated that this is not our normal process to go with a design build.

ORD #89-2012

Mr. Conklin offered Ord. #89-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND/OR CITY ADMINISTRATOR TO ADVERTISE FOR BIDS FOR AND TO EXECUTE AND DELIVER A CONTRACT FOR THE CONSTRUCTION OF A SEWER LINE ON CERTAIN PROPERTY OWNED BY THE CITY; AND DECLARING AN EMERGENCY.

First reading only. Mr. Bergstrom asked who did the design for this, and Mr. Ryland replied formerly Floyd Brown Group.

ORD #90-2012

Mr. Pelot offered Ord. # 90-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE APPROVING AN AGREEMENT AND BYLAWS ESTABLISHING THE SOUTHWEST SUMMIT COUNCIL OF GOVERNMENTS; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND DELIVER SUCH AGREEMENT, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to suspend the second and third readings, seconded by Mr. Conklin. Ms. Whipkey stated it is not her responsibility as to what Barberton and Copley does. Ms. Whipkey stated she has a problem with this and this is just another governmental enty, they will do things their way, spend money, in addition to lack our of representation. Mr. Mowery stated it would be a good idea for the Administration to explain just how this Council will work. Mr. Ryland stated that this formation of the Council of Governments will be doing exactly what we all have been doing individually for 3.5 years under the Merorandum of Understanding (MOU). This is nothing more than formalizing what we have been doing for the last 3.5 years. Mr. Mowery asked if this has anything to do with the workings of the City of Norton? Mr. Mowery asked when will all of this take place and Mr. Ryland replied January 1, 2013. Mr. Mowery asked if this was pre-planned before our new fire station was built, and Mr. Ryland replied yes. Mr. McGlone asked if we would be keeping the Copley dispatch center open in case something should happen here in Norton and Mr. Ryland replied yes, that would be the case. Ms. Whipkey stated since this is not set up until January 1, 2013 the group cannot meet until then and there is no need for waiving readings. Mr. Ryland stated these entities will need to meet prior to January to set up their budgets. There was discussion as to the required time lines for achieving this prior to January 1, 2013. Ms. Whipkey asked Mayor Zita if it was possible to allow the public the opportunity to speak at these meetings and if he would support that.? Mayor Zita stated he would be looking at the rules and he would be more than happy to take a look at this issue. Mr. Nicolard commented about regionalization and that this is new and maybe a difficult pill to swallow. More and more communities will be looking at other ways to control their budgets and may be forming more governmental councils like this one. Mr. Ryland stated that we can save money by being more efficient and cannot see any point in waiting 6 more weeks to get this off the ground. Mr. Bergstrom stated this is an improvement to the overall services offered to the residents. Mr. Kostoff briefly discussed the bylaws for this Council of Government is no different than any other public bodies, they will have public meetings, and was confident Mayor Zita would address the public comment section. Mr. Kostoff noted that every two (2) years the State of Ohio Auditors will be reviewing their records, and all transactions. Mr. Kostoff noted there is also a clause that provides for any entity to withdraw after 24 monthsand with a 60 day notice to the other parties.

Roll Call: Yeas: Pelot, Conklin, McGlone, Bergstrom, Nicolard
Nays: Whipkey, Mowery

Motion passed 5-2

Mr. Pelot moved to adopt Ord. #90-2012, seconded by Mr. Conklin.

Roll Call: Yeas: Pelot, Conklin, McGlone, Bergstrom, Nicolard
Nays: Whipkey, Mowery

Motion passed 5-2

ORD #91-2012

Mr. Pelot offered Ord. #91-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND DELIVER A LOAN AGREEMENT FOR A LOCAL GOVERNMENT INNOVATION FUND LOAN, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Conklin. Mr. Mowery asked Mayor Zita if he understand his commitment here on this? Mayor Zita stated yes that he totally understands the contract. Mayor Zita stated that you can sit up there and pound away at this and the vote is still will be 5-2. Mrs. Whipkey stated she will vote yes for the financing, although she cannot support creating yet another government entity.

Roll Call: Yeas: Pelot, Conklin, McGlone, Whipkey, Bergstrom, Nicolard.
Nays: Mowery

Motion passed 6-1.

Mr. Pelot moved to adopt Ord. #91-2012, seconded by Mr. Conklin.

Roll Call: Yeas: Pelot, Conklin, McGlone, Whipkey, Bergstrom, Nicolard
No: Mowery

Motion passed 6-1.

ORD #92-2012

Mr. Pelot offered Ord. #92-2012 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. Pelot moved to waive the second and third readings, seconded by Mr. Bergstrom

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #92-2012, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

RES #93-2012

Mr. Pelot offered Res. #93-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION REQUESTING THE COUNTY AUDITOR TO ADVANCE TAXES FROM THE TAX YEAR 2012 COLLECTIONS PAYABLE IN 2013 PURSUANT TO SECTION 321.34 OF THE OHIO REVISED CODE.

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

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

Motion passed 7-0.

Mr. Pelot moved to adopt Res. #93-2012, seconded by Mr. Conklin.

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

Motion passed 7-0.

RES #94-2012

Mr. Pelot offered Res. #94-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION TO DETERMINE THE AMOUNT TO BE MOVED TO THE 128 FUND (WATER & SEWER IMPROVEMENT FUND) FOR 2012 AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Conklin. Mrs. Starosta stated this is relating to the tax revenue and that Council had previously done this for 2010 and 2011. Ms. Whipkey asked if we have the total amount in this Fund and Mrs. Starosta stated the current balance is \$540,136.00.

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

Motion passed 7-0.

Mr. Pelot moved to adopt Res. #94-2012, seconded by Mr. Conklin.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION-None

UNFINISHED BUSINESS-None

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita made several announcements, (see attached) Mr. Nicolard stated this morning he had the honor to attend the North High School Veterans breakfast, and urged anyone that is a Veteran to attend next year if you can.

NEW BUSINESS:

Mr. Nicolard moved to temporarily adjourn the Regular Council Meeting in order to convene an Executive Session at 7:49 PM, as defined in (O.R.C. § 121.22) (G) (2) & Section 3.12 of the Norton City Charter for the following reasons; 1.) Pending Litigation 2.) Purchase of Property, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

Mr. Nicolard invited Mayor Zita, Mr. Kostoff, Mr. Ryland and Mrs. Starosta to attend the Executive Session. Mr. Spice-Beacon Journal Reporter asked to attend and Mr. Nicolard replied no, the press could not attend. Mr. Nicolard advised everyone that no new legislation would be presented as a result of the Executive Session discussions, and Council would reconvene the Regular Council Meeting only for the purpose to adjourn the meeting. Mr. Nicolard instructed the public and the press to exit Council Chambers until the Executive Session was over. At 8:36 PM, Mr. Nicolard closed the Executive Session and reconvened the Regular Council Meeting to adjourn the meeting.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:36 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 November 19, 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.