



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, DECEMBER 10, 2012**

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

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

The Regular Council Meeting convened on Monday, December 10, 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, which was lead by Boy Scout Troop #132, followed by the Pledge of Allegiance and a moment of silent reflection.

**COMMITTEE OF THE WHOLE:**

No reports or comments

**COMMUNICATIONS FROM THE PUBLIC:**

Ms. Pat Reese, 4052 Wadsworth Road suggested Council take the Christmas break to look over the road program. She was under the impression that we never used the money allocated for 2012 so that should be added for next year. Ms. Reese asked to keep in mind the recent school and fire levies and the suggestion from Mr. Bergstrom to pay for the roads with another levy. Ms. Reese stated she would like to see Council sit down and correct your budget and take money away from a department that really does not need it and put that into the road fund.

Danny Grether, 2831 Brookfield Drive, spoke about the road levy and the dollar amounts reported in the paper. It's been 30-45 days since we discussed the technicalities in the 2012 program and that zero roads were taken care of and it was discussed taking the \$400,000.00 from 2012 and roll that into 2013 with additional \$100,000.00 plus for close to \$500,000.00. Mr. Grether expressed his concerns with the roads deteriorating and those on a now plow list. Mr. Grether was concerned with the total dollar amount for 2013 and he also is over taxed and cannot afford more tax increases. Mr. Grether urged Council to consider pulling money from other areas and put into the road program. Mr. Grether stated that the 2013 Road Program is going to be a hot topic in 2013, hotter than sewers.

Ms. Karen Harley, 3432 Harper Ave., discussed #99-2012 and stated that cannot be serious about this with as much financial issues as we have you need money for food. You really need to scrap this and if you want meals you should just bring in a potluck.

Ms. Harley discussed Ord. #100-2012 and Ord #101-2012, and urged you make this in the road fund, which is where we are the shortest.

Mrs. Starosta explained the meal legislation that we adopt annually and it is an Attorney General's opinion. There may be times when our snowplow crews are called off of the road for a safety break. Mrs. Starosta explained the frequency of these events is not very often. Mr. Kostoff added that if we don't adopt this and the Administration approved some expenses, they would be violating the laws. We also need this for the State of Ohio Auditor. Mr. Nicolard stated the voted levy funds couldn't be used for any other use like roads. Mrs. Starosta explained that one for the Fire/EMS is to be used to pay off debt of the building.

Mr. Richard W. Gardner, 4556 Roop Avenue, there has been some rumbling going around that Council thinks we have no money to do the televised meetings and that you are considering going to Court about this. Mr. Gardner stated that would be a mistake. Mr. Gardner stated one way you could pay for that is for Council and Administration to take a pay cut. Mr. Gardner stated he has done some of his own research on web streaming and it can be done very easily. Mr. Gardner stated that he was told this issue was proposed last year and asked if this was true. Mr. Nicolard stated he was not aware of this conversation. Ms. Whipkey had requested that part of Time Warner money should be used to televise meetings. Ms. Whipkey stated that she was told this could not be done, and we could look into web streaming. Mr. Nicolard stated we have made no such move to have it taken to Court and set aside. Mr. Nicolard stated that later this evening he would be appointing an ad hoc Communications Committee to assist the Council and Administration on this matter.

**CONSIDERATION OF THE MINUTES:**

Minutes of the Regular Council meeting of November 26, 2012 were approved as submitted. Minutes of the Committee Work Session of December 3, 2012 were approved as submitted.

**REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:**

Mayor Zita read two commendations for Norton Police Officers, (see attached) Mayor Zita noted that this past Sunday these officers responded to an attempted suicide and this was averted due to their assistance. Mr. Kostoff stated he appreciated Council placing #102-2012 on the agenda and he recommended that Council take 3 readings on this important document and looked forward to continued discussions.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #96-2012**

Mr. Pelot offered Ord #96-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE ESTABLISHING FUND #105 FOR THE COLLECTION OF THE PROCEEDS OF THE FIRE/EMS LEVY APPROVED BY THE VOTERS OF THE CITY ON NOVEMBER 6, 2012 IN ACCORDANCE WITH SECTION 5705.19(I) OF THE REVISED CODE; AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #96-2012, seconded by Mr. Conklin.

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

Motion passed 6-0

**ORD #97-2012**

Mr. Pelot offered Ord. #97-2012 for its first reading and asked the Clerk to read it:

THE ANNUAL APPROPRIATION ORDINANCE FOR CURRENT EXPENSES AND  
OTHER EXPENDITURES OF THE CITY OF NORTON FOR THE FISCAL YEAR  
ENDING DECEMBER 31, 2013, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #97-2012, seconded by Mr. Conklin.

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

Motion passed 6-0

**ORD #98-2012**

Mr. Pelot offered Ord. #98-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 242.14 OF THE CODIFIED ORDINANCES  
OF THE CITY OF NORTON, OHIO; AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #98-2012, seconded by Mr. Conklin. Mr. Pelot stated over the last year there was discussion on costs for ambulance runs.

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

Motion passed 6-0

**ORD #99-2012**

Mr. Pelot offered Ord. #99-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE NOMINAL EXPENDITURES FOR REFRESHMENTS OR MEALS TO BE SERVED AT VARIOUS EVENTS, AND DECLARING AN EMERGENCY.

First reading only.

**ORD #100-2012**

Mr. Pelot offered Ord. #100-2012 for its first 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 FOR CALENDAR YEAR 2013 INTO VARIOUS FUNDS AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #100-2012, seconded by Mr. Conklin.

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

Motion passed 6-0.

**ORD #101-2012**

Mr. Pelot offered Ord #101-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE ADVANCES FOR CALENDAR YEAR 2013 FROM THE GENERAL FUND INTO VARIOUS FUNDS AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #101-2012, seconded by Mr. Conklin.

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

Motion passed 6-0.

**ORD #102-2012**

Mr. Conklin offered Ord. #102-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A MEMORANDUM OF UNDERSTANDING WITH SUMMIT COUNTY FOR THE PURCHASE OF THE NORTON SEWER SYSTEM, AND DECLARING AN EMERGENCY.

First reading only.

**ORD #103-2012**

Mr. Pelot offered Ord. #103-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CONTRACTS WITH LEGAL DEFENDERS OFFICE OF SUMMIT COUNTY, OHIO, INC., AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #103-2012, seconded by Mr. Conklin.

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

Motion passed 6-0.

**RES#104-2012**

Mr. Mowery offered Res. #104-2012 for its first reading, and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF RUTH STIMAC TO FULFILL AN UNEXPIRED TERM AS A REPRESENTATIVE ON THE CITY OF NORTON PARKS AND CEMETERY BOARD AND DECLARING AN EMERGENCY.

Mayor Zita asked Council to waiving readings and adopt in order to have Ms. Stimac on board for the first of the year. Mr. Mowery moved to waive the second and third readings, seconded by Mr. Pelot.

Roll Call: Yeas: Mowery, Pelot, McGlone, Whipkey, Conklin, Nicolard  
Nays: None  
Motion passed 6-0.

Mr. Mowery moved to adopt Res. #105-2012, seconded by Mr. Pelot.

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

Motion passed 6-0.

Mr. Nicolard briefly recessed the meeting for Mayor Zita to swear Ms. Stimac into office.

**RES #105-2012**

Mr. Mowery offered Res. #105-2012 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF JOHN CONKLIN AS A MEMBER OF THE PARKS & CEMETERY BOARD OF THE CITY OF NORTON.

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

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

Motion passed 5-1.

Mr. Mowery moved to adopt Res. #105-2012, seconded by Mr. Pelot.

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

Motion passed 5-1.

**INTRODUCTION OF PRIOR LEGISLATION**

**ORD #95-2012**

Mr. Conklin offered Ord. #95-2012 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND/OR ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A COST SHARING AGREEMENT WITH THE CITY OF BARBERTON FOR THE CONSTRUCTION OF THE 31<sup>ST</sup> STREET NW/CLEVELAND-MASSILLON ROAD WATERLINE REPLACEMENT PROJECT; AND DECLARING AN EMERGENCY.

Second reading only. Mayor Zita requested that Council waive the last reading, adding that he has spoken with Barberton about this and we are already behind.

Mr. Conklin moved to waive 3<sup>rd</sup>, seconded by McGlone.

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

Motion passed 6-0.

Mr. Conklin moved to adopt Ord. #95-2012, seconded by Mr. McGlone.

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

Motion passed 6-0.

**ORD #88-2012**

Mr. Conklin offered Ord. #88-2012 for its third 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.

Mr. Conklin moved to adopt Ord. #88-2012, seconded by Mr. McGlone. Mr. Conklin asked Mr. Ryland to explain the details once more. Mr. Ryland stated that this project is for 15 new laterals and would eliminate the temporary line on the south side of Norton Avenue.

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

Motion passed 6-0.

**ORD #89-2012**

Mr. Conklin offered Ord. #89-2012 for its third 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.

Mr. Conklin moved to adopt Ord. #89-2012, seconded by Mr. McGlone. Mr. Mowery asked for Mr. Conklin to explain the property, Mr. Conklin replied it is for the City Service Garage.

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

Motion passed 6-0.

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

Mr. Nicolard discussed the new Charter Amendment and that he has asked several residents to assist with an ad hoc Communications Committee. Mr. Nicolard announced the following members: Mr. Jack Gainer-Chairman, Ms. Karen Harley, and Ms. Mikki (Michelle) Baker. Mr. Nicolard stated he had asked at the last meeting for two (2) volunteers from Council to also serve. Ms. Whipkey and Mr. Mowery stepped up to volunteer. Mr. Gainer set a meeting for this Wed. evening at 6:00 PM if the Council chambers were free. Mrs. Richards stated that date is clear for the use of Council Chambers. Mr. Nicolard thanked those who came forward to serve. Mr. Nicolard asked if Mr. Richard Gardner would like to volunteer to be an alternate on this committee, to which he agreed.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Zita discussed several announcements (see attached). Merry Christmas and a prosperous New Year. Mr. Nicolard thanked the Boy Scouts for attending our

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:49 PM.

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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 January 14, 2013.

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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.