



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, APRIL 9, 2012**

Roll Call: Charlotte Whipkey
Dennis McGlone
Scott Pelot
Bill Mowery
Todd Bergstrom
Ken Braman
Don Nicolard

Also Present:
Mayor Mike Zita
Rick Ryland
John Moss
Pete Kostoff
Karla Richards
Ann Campbell

The Regular Council Meeting convened on Monday, April 9, 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.

COMMITTEE OF THE WHOLE:

There were no reports

COMMUNICATIONS FROM THE PUBLIC:

Mr. Bill Roemer, Summit County Councilman At Large, spoke briefly and noted that out of all the communities within Summit County, Norton has the best publicly attended meetings.

Mrs. Elaine Tompkins, 3848 Cleveland-Massillon Road, Norton, Ohio, read her comments relating to Mr. Moss's appointment as the Director of Community Development, and CCA income tax collection, (see attached)

CONSIDERATION OF THE MINUTES:

Minutes of the Utilities Committee Meeting of March 15, 2012; The Clerk of Council noted that corrections were submitted after publication and will be addressed at the next meeting.
Minutes of the Committee Work Session of March 19, 2012, as corrected, approved as submitted
Minutes of the Service Committee Meeting of March 22, 2012, approved as submitted
Minutes of the Regular Council Meeting of March 26, 2012, approved as submitted
Minutes of the Committee Work Session of April 2, 2012, the Clerk of Council noted that corrections were submitted after publication and will be addressed at the next meeting.
Minutes of the Special Council Meeting of April 2, 2012, approved as submitted

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

Mayor Zita reported the construction at the Columbia Woods pavilion is coming along, the sheeting is now on the roof. Mayor Zita noted that the grass areas surrounding the new basketball courts were seeded today. Mr. Ryland noted that beginning April 23, 2012 I-76 at the Kenmore leg, eastbound in both directions would be shut down for twenty-eight (28) days. Although this is not within our city limits, this will cause traffic back ups within the city.

Mr. Ryland noted that Safety-Town would be permanently moving to Columbia Woods, near the Community Center. They will have graduation the first week of June. Mr. Kostoff asked Ms. Whipkey if she had any reports from the MAD meeting held recently? Ms. Whipkey responded that Barberton held an administrative meeting earlier today, however she had no further report at this time.

PUBLIC HEARINGS:

None

INTRODUCTION OF NEW LEGISLATION:

ORD #29-2012

Mr. Bergstrom offered Ord. #29-2012 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO PREPARE PLANS AND SPECIFICATIONS, TO ADVERTISE FOR BIDS FOR THE 2012 STREET PROGRAM AND DECLARING AN EMERGENCY.

Mr. Bergstrom moved to waive the second and third readings, seconded by Mr. Mowery. Mr. Bergstrom stated that we need to waive these readings in order to move along with the bid process. Mr. McGlone noted that this is not the best but it is all the money we had to work with this year. We will push harder at the end of this season for next year's program. Mr. Nicolard stated he was pleased to see this moving along in a timely fashion.

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

Motion passed 7-0.

Mr. Bergstrom moved to adopt Ord. #29-2012, seconded by Mr. Mowery.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION:

ORD #23-2012

Mr. Pelot offered Ord. #23-2012 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012 TO REFLECT AN INCREASE IN THE GENERAL FUND BUDGETED EXPENSES; AND DECLARING AN EMERGENCY.

Mr. Pelot moved to adopt Ord. #23-2012, seconded by Mr. Braman.

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

Motion passed 7-0.

ORD #25-2012

Mr. Pelot offered Ord. #25-2012 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO CONFIRM THE APPOINTMENT OF JOHN MOSS AS THE DIRECTOR OF COMMUNITY DEVELOPMENT OF THE CITY, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to adopt Ord. #25-2012. Ms. Whipkey called for a point of order. Ms. Whipkey questioned if this is an actual job at this point as the last she had heard there was only a proposal. Mr. Nicolard stated before addressing that we need a second to Mr. Pelot's motion, which Mr. Nicolard seconded. Ms. Whipkey asked if there was ever a General Order made where this job description is on file with our Clerk, or has there been an appointment we are looking to make for a position that does not exist as far as the books are concerned. Mayor Zita responded stated that this is currently an open position and Mr. Bergstrom added it is listed in the City of Norton's Charter. Mr. Kostoff asked the Administration and Council whose job is it to create the various job descriptions? Mr. Ryland replied stating this is his duty adding that these job descriptions are not accepted nor approved by Council. Ms. Whipkey disagreed stating that right now all you have is a job proposal. Mr. Ryland stated that the job description is on file and has been for some time. Ms. Whipkey inquired if it was the job description presented last year and Mr. Ryland stated it was the one presented. Mr. Ryland replied that the updating of personnel orders and job descriptions is done on an as needed basis. Ms. Whipkey took exception to Mr. Moss also taking the position of Administrative Officer when he is absent, and according to the City of Norton's Charter that is supposed to become the Mayors duty. Mr. Ryland replied that in a long-term situation that Ms. Whipkey is correct, however on a short-term day to day situation it makes more sense for another Department head to be present and fill in. Mr. Zita replied that due to his full time job he is unable to be at city hall on a full time basis, and he is here every day. If a long-term situation would come up, he would need to be present in a full time capacity and would be prepared to take over. Ms. Whipkey clarified that if Mr. Ryland were to leave for another position then the Mayor would step in to take over, and Mr. Ryland concurred. Mr. Nicolard stated that the day to day operations of the Administration is not a legislative function. Mr. Nicolard stated that it is obviously important that we keep those two (2) branches of government separate, otherwise we will end up just like Washington DC. Ms. Whipkey stated there is also a conflict of interest here with Mr. Moss working for two (2) cities and that you cannot serve two (2) masters. Mr. Mowery stated that the resident (Mrs. Tompkins) has spoken loud and clear on this, which is also how many of the residents feel with him taking the same position. This city has many other needs other than a Director of Community Development and the facelift you want for this city is not going to happen. Mr. Mowery questioned the amount of money you are paying for this position versus what you will get out of it. Mr. Mowery stated he would be voting no on this tonight. Mayor Zita stated he was not surprised with Mr. Mowery's comments, as he is the first to say when he wants to go out and eat he would rather go to Wadsworth. Mr. Mowery stated that maybe you need to listen to the people more often.

Mr. Bergstrom discussed when he was campaigning citywide growth was talked about a lot adding that we need to be in tune with our future direction and where we are going. Mr. Bergstrom stated he was surprised as a small city that we have lasted this long, we need help in this area just to keep up let alone grow as a community, it is not just going to happen all by itself. Mr. Bergstrom also noted we would be able to evaluate this position with future reports from the Mayors office. Mr. Bergstrom stated that Mr. Moss understands what this city is all about and where it needs to grow, we need to be able to ride that wave when it comes. Mr. Braman stated he has backed Mr. Moss for this position all along, and that we are really two (2) employees short right now, no Deputy Director of Finance and no Director of Community Development. Mr. Braman noted that even with appointing that position of Director of Community Development, were still one (1) position short. Mr. Nicolard stated that business growth and retention would lessen the tax burden on everyone else. Mr. Nicolard stated this is an absolute must we owe to the citizens, and although it may look like a large front-end expense, in the long term it will benefit. Mr. McGlone stated he agreed we need this position, just does not agree with the way we are going about it. Mr. McGlone stated he felt we needed to go out there and look some more. Mr. McGlone stated that if the votes are there he would support Mr. Moss, but he would be voting no tonight. Mr. Pelot stated that you need to look at your own finances and look at how much everything has gone up and what you have to do without. This city is no different, with the rising construction costs, price of asphalt and salt. We have to make some changes and grow the businesses that are here for additional income. Mr. Pelot discussed the potential of doing a road levy in the future which is something he would not support, but we have to do something because the city has not changed and look at where we are at, we are still struggling. Mr. Pelot stated that back in 1969 this city had talked about getting water and sewer and we are still talking about it. Nothing has changed in this city and if we do not make some steps now nothing will ever change. Ms. Whipkey talked about the economics about this position, and that we are creating a budget for this position with no amount of money associated with it. Ms. Whipkey stated this job description absolutely stinks.

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

Motion passed 4-3 but not with the emergency clause which the Charter requires an affirmative vote of two-thirds or five (5) yeas.

ORD #26-2012

Mr. Mowery offered Ord. #26-2012 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. Mowery moved to adopt Ord. #26-2012, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #27-2012

Mr. Mowery offered Ord. #27-2012 for its second reading and asked the Clerk to read it.

A RESOLUTION CORRECTING THE NAME OF THE PARKS AND CEMETERY BOARD IN ARTICLE VI, SECTION 6.02(A) OF THE CHARTER OF THE CITY OF NORTON, AS APPROVED BY THE ELECTORS OF THE CITY ON NOVEMBER 6, 2007.

Second reading only.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Mr. Nicolard noted that after the last Executive Session, all Council members were to email him and as of tonight he has not received any emails and advised Council members to address this.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita read several announcements, see attached.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 7:44 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 April 23, 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.