



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, MARCH 11, 2013**

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

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

The Regular Council Meeting convened on Monday, March 11, 2013 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**

Mr. Bergstrom noted that Ord. #20-213, #21-2013 and #24-2013 were revised for various reasons. Ord #21-2013 under Section 1 we added the cost of the equipment and finance costs. Ord. #23-2013 we provided some narrative edits, and #24-2013 for the sewer project at the Service Garage we added the emergency clause.

**COMMUNICATIONS FROM THE PUBLIC-Agenda and Non-Agenda Items**

Mr. Gainer waived his right to speak.

Mr. Mitch Roman, owner of Romaster Corporation, the City 's cleaning company located at 3014 Wadsworth Road Norton, Ohio, discussed the comments raised at the last meeting and took issues with how things were stated in the papers. Mr. Roman stated we have been cleaning for Norton for approximately (16) years, and we clean 2-3 days a week. We do have a minimum route of communication with various departments. Last time we talked with Ms. Paula Fisher was about carpet cleaning and the last time with Ms. Campbell was in November of 2012 when we replaced some soap dispensers and checked the trash liners at the Community Center. We never have received any calls or emails from city employees relating to substandard work in any buildings. Your statement here was that someone had contacted him. He would like to know who supposedly called to complain, because he spoke to no one at the City of Norton, and nobody called him to complain. Mr. Roman stated there were some damages supposedly reported at the Community Center after the waxing of the floors, again he received no such phone calls. Mr. Roman noted that the last contract signed two years ago and we took a cut of about twelve (12) percent from the original contract; there were no adjustments and there were no issues cited. We have not asked for a contract increase since 2001. Mr. Roman discussed the previous comments of micro managing, and in 2006 we attempted to make changes in the cleaning personnel and we were told not to do it, and obviously we left it the way it was as the City was comfortable with it.

We have had the same employee cleaning the Community Center since 2004. Mr. Roman stated we love Norton, we like it here in Norton, decided to put a building here and we have never been approached about any of these issues. If anyone else wants to say anything differently, they can say so now in front of me. Mr. Roman stated it came as a surprise, and the article in the Norton Post puts us in a very bad light, and I have a right to stand before Council and correct that. There was discussion about us cutting the hours of our employees and that is not true we have the same standard hours and our payroll records can prove that. We have an average of 90 hours per month, 22.5 hours per week for all city buildings for about \$1100.00 per month. We never looked at the profits for the hours as live here and have to support our city. All of this has come to us as a surprise. We have a lot of employees from Norton and they came to us concerned and wanted to know what was going on. We don't have an answer and we don't know what is going on here and we don't like to lose contracts. About the hours, it is 90 hours a month not the one (1) hour that was discussed here.

**PUBLIC HEARING-At or about 7:15 PM**

At 7:16 PM Mr. Nicolard temporarily closed the Council meeting to convene the Public Hearing.

RES. #10-2013: A RESOLUTION TO APPROVE THE PLACEMENT OF FARMLAND LOCATED AT 3330 REIMER ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Nicolard asked the Clerk to certify the legal notice. Mrs. Richards certified the notice was published in the Barberton Herald on February 28, 2013, and Mr. Nicolard called three times for anyone in favor of this application to come forward, noting that the applicant has the right to speak first. Mr. Brian Howd, of 3330 Reimer Road, Norton, Ohio, the owner came forward and stated that he just wished for this to be approved.

Mr. Nicolard called three times for anyone against the application to come forward, and no one came forward.

At 7:18 PM Mr. Nicolard closed the Public Hearing and reconvened the Council meeting.

**COMMUNICATION FROM THE PUBLIC CONTINUED:**

Tom Kornas, 3771 Brookside Drive, Norton, Ohio, spoke about the ditches not being cleaned and he researched items over the Internet (see attached) that mention car washes, antifreeze as pollutants. Mr. Kornas urged Council to take the time to review this material before making decisions. Just because you have sanitary sewers you still will have issues. These ditches have not been cleaned out in decades, there are weeds, dead animals, fecal matter which needs to have DNA testing, etc. There is absolutely no way that 70 % of the septic system tanks are failing in the City of Norton. Let's have our engineering firm, a construction firm, construction companies, even attorneys come in here and let them show us a proposal of what they can do here. That is our money, you can get a loan, a grant but don't force the people out of their homes. Some are already losing their homes now, and people are scared to death.

Mr. Kornas stated you had a former Mayor that is also an engineer and stated the costs are \$10,000.00 plus a day for fines and scaring the people, so the people support a sewer system. You really need to sit back and think about what you are doing, are you doing this for pollution or for financial gains?

Paul Tousley, 4536 Garrett Drive, Norton, Ohio, expanded on Mr. Kornas' comments and the recent article in the Norton Post regarding the proposed Charter Amendment for sanitary sewer and water assessments. Mr. Tousley discussed Mr. Nicolard's comments about this taking the \$530,000.00 for a \$60,000,000.00 and that it would take us about one hundred and twenty (120) years to complete, and what fantasy land do these people live in, that it's unrealistic and where is that money supposed to come from. Welcome aboard because that is what we have been telling you all along. Where is the panic for that elderly resident that spoke last week about all of her costs and the \$1,000.00 increase in her property tax? Now that we are trying to force those costs onto you, now all of the sudden you care. The only difference is, we don't work for you, work for us. Mr. Tousley stated that Mr. Fannin had stated on at least two different occasions that you aren't doing the job and if you don't do it, the people will. Well what you received Friday, the people are doing it and you were warned they would. Well now with what was delivered here last Friday it is telling you how we feel. The residents are not joking here and they cannot afford this. Mr. Tousley stated that Mr. Nelson asked for him to speak on his behalf because due to his health issues he could not be here. Mr. Nelson would like to know why you have not asked Summit County to come in here and tell us what they can do for us, and what their costs would be. Mr. Tousley asked Council as his representatives to have Summit County give us a presentation. Mr. Tousley noted that the City of Green uses Summit County exclusively and they seem to be doing just fine and doing better than we are. Last year at the July 2, 2012, we were handed an example of a bill for sewers and how affordable it would be; that bill was from Summit County not Barberton with all the additions added on to it. Why would we even want you to handle our sewers when you cannot even take care of our City streets? Mr. Nelson wanted to say that you are just not listening to the residents. Mr. Tousley stated he was stunned and amazed that all of the sudden your concerned with where the money is going to come from when we have all be up at here time and time again saying the exact same thing. This seems to be an admission that you don't really work for what the citizens have in mind; you work for whatever this is. However he was here to remind you that you do work for the citizens and asked you to please start working for the citizens and start paying attention to us

Dennis Pierson, 3793 Easton Road, Norton, Ohio, stated he also read the Norton Post and was insulted by the remarks from Mr. Nicolard and Mr. Ryland. Mr. Pierson stated that as he has stated in the past; you represent us and we elected you to do that. Your opinions really don't matter and the same is true of the Administration. Mr. Pierson discussed the class action lawsuit that was filed against the City last week, and offered up a copy of the lawsuit to the press. Mr. Pierson stated it was foolhardy to even consider going any further with the sewer issues, as you will have more lawsuits coming down the road. You people are really just not thinking here, you're about to run this City into the ground. Mr. Pierson stated we need to get Mr. Tim Crawford and Mr. Nicolard to discuss the meeting you had with Mr. Russ Pry.

Mr. Pierson stated that as he understands it, you denied Summit County's help and we should invite our County Representative in here to talk about that. If that is true, shame on you and I will give you a benefit of the doubt until we can hear both sides of the story. Mr. Pierson discussed Ms. Whipkey's request for Mr. Kostoff's resignation two (2) weeks ago. Mr. Pierson stated that he also would like to have Mr. Kostoff's resignation because we had paving that was done in the City, and although it may be totally legal, our legal council's family did the paving. It was not quite \$10,000.00 and offered a paper trail to the press about how it was done and where it went. It's not illegal but it's unethical for anyone who works for the City to be profiting in any way shape or form. It's not like there isn't a direct involvement here because Mr. Kostoff's wife is on the Board of Director's for the said company, which is also in the documents. You guys need to start thinking, you need to look at the petitions that just got turned in and look at the addresses. Mr. Pierson stated that a few of you are up for reelection soon and you might be surprised how the people think. You think you are going to get reelected, but you certainly do not deserve it.

William Paluch, 3740 Shellhart, Drive Norton, Ohio asked if these meetings are being televised, because that is what we wanted. Mr. Nicolard replied we have a legal opinion that we are meeting the requirements of televising by live streaming on the Internet. Mr. Paluch stated that is not being on television and you are not doing what we asked for and you still want to refuse what we asked for. Do we have to go to our Attorney General and go above this action? We asked for this to be televised and its not being done because you people up there don't want to do your jobs. Maybe when spring comes we will be out there picketing with our signs that says Council and the Mayor don't listen to us. You have already wasted \$650,000.00 on engineering fees, when this could have put in sixty-five brand new septic systems in for the people. You still refused and want to slap the residents with maybe a \$20,000.00 assessment and do everything but screw them. Mr. Paluch asked do any of you go to church, or even have a conscience? Mr. Paluch stated that a business owner-Chuck's Barber on Greenwich Road commented that all Norton wants to do is put everything on the backs of the residents. Mr. Paluch stated this business owner gave an example of how their city spent \$130,000,000.00 and we built all new schools and it only cost the citizens \$60,000,000.00 because we got federal aid, grant money, we got tobacco funding to pay for it. Norton does not have the common sense to go out there and do anything; they just put it on the backs of the citizens. Mr. Nicolard corrected his comment about the tobacco funding issue for the schools and this was a State issue with matching funds that the Norton residents turned down at the polls. We had the same opportunity for our schools. Mr. Paluch discussed the poor condition of our roads and he is ashamed to have road work like that done. Why don't we invest in a paving machine and have the employees go out there and pave the roads?

#### **CONSIDERATION OF MINUTES**

Minutes of the February 19, 2013 Committee Work Session, approved as submitted.

Minutes of the February 25, 2013 Council Meeting, approved as submitted.

Minutes of the March 4, 2013 Committee Work Session, approved as submitted.

Minutes of the March 4, 2013 Special Council Meeting, approved as submitted.

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

Mayor Zita and Mr. Ryland had no report. Mrs. Starosta indicated she received the proposed Charter Amendment on Friday and after consultation with the Law Director they were delivered to the Board of Elections for certification.

Mr. Kostoff indicated the City of Norton has been sued and the City has received copies of the lawsuit. We are reviewing the complaint and upon further review we will be consulting with all of you before we will respond accordingly. Mr. Kostoff noted that it's been his practice as the Law Director not to litigate cases in the public, however this case would have its day in court.

## **INTRODUCTION OF NEW LEGISLATION**

### **ORD #20-2013**

Mr. Pelot offered Ord. #20-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE ADOPTING VARIOUS INSURANCE PLANS FOR VARIOUS PERIODS FOR EMPLOYEES OF THE CITY OF NORTON, AND HEREBY AUTHORIZING, APPROVING, AND RATIFYING THE SAME; AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #20-2013, seconded by Mr. McGlone.

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

Motion passed 6-0.

### **ORD #21-2013**

Mr. Bergstrom offered Ord. #21-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE LEASE/PURCHASE OF A 2013 KOBELCO 80 SERIES EXCAVATOR FOR THE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Mr. Bergstrom moved to waive the second and third readings, seconded by Pelot. Mr. Bergstrom reminded everyone to review the correct legislation relating to the lease. Ms. Whipkey also noted the cost of \$99,000.00 is before the trade in of the current piece equipment and this is for a lease option to be paid off in six (6) years.

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

Motion passed 6-0.

Mr. Bergstrom moved to adopt Ord. #21-2013, seconded by Mr. Pelot.

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

Motion passed 6-0.

**ORD #22-2013**

Mr. Pelot offered Ord. #22-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2013 FORD F-150 PICK-UP TRUCK FOR THE FIRE DEPARTMENT AT A COST NOT TO EXCEED \$27,363.66, AND DECLARING AN EMERGENCY.

First reading only.

**ORD #23-2013**

Mr. Pelot offered Ord #23-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE AWARDDING A CONTRACT TO FOUR CORNERS CLEANING INC. FOR JANITORIAL SERVICES AT SELECT MUNICIPAL BUILDINGS.

First reading only. Mr. Bergstrom stated that after hearing from the owner, and that we are having hearsay and before we get too far down this road, he would like to see some type of a paper trail of these proposed discussion on the owner having the chance to rectify it. Mr. Bergstrom stated that in order to eliminate issues like this in the future, we should look at having at maintaining a performance type of this service. You need to have a sit down discussion and present these documents and if it's not there then this is not going to go too far. Mr. Pelot agreed and he was going to bring this up under unfinished business, that we are fine at the first reading tonight and discuss this again at the next Committee Meeting. Ms. Whipkey stated she would like to see this just go away and she did check with Administration and there is no paper trail.

**ORD #24-2013**

Mr. Bergstrom offered Ord. #24-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE AWARDDING A CONTRACT TO MARK CAMPBELL CONSTRUCTION, LLC FOR THE CONSTRUCTION OF A SANITARY SEWER IMPROVEMENT PROJECT FOR THE NORTON MAINTENANCE FACILITY AT A COST NOT TO EXCEED \$84,500.00 AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Bergstrom moved to adopt Ord. #24-2013, seconded by Mr. Pelot.

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

Motion passed 6-0.

## **INTRODUCTION OF PRIOR LEGISLATION**

### **ORD #9-2013**

Mr. Pelot offered Ord. #9-2013 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 660.03 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO; AND DECLARING AN EMERGENCY.

Second reading only.

### **RES #10-2013**

Mr. McGlone offered Ord. #10-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION TO APPROVE THE PLACEMENT OF FARMLAND LOCATED AT 3330 REIMER ROAD IN AN AGRICULTURAL DISTRICT.

Mr. McGlone stated that since no one spoke against this and with the short time frame for filing at Summit County, he would like to waive the third reading. Mr. McGlone moved to waive the third reading, seconded by Mr. Bergstrom. Ms. Whipkey stated she is always in favor of Agricultural Districts.

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

Motion passed 6-0.

Mr. McGlone moved to adopt Res. #10-2013, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

**ORD #7-2013**

Mr. Bergstrom offered Ord. #7-2013 for its third reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION AND DECLARING AN EMERGENCY.

Mr. Bergstrom moved to adopt Ord. #7-2013, seconded by Mr. Pelot. This is for the mowing contract with ODOT.

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

Motion passed 6-0.

**UNFINISHED BUSINESS**

Ms. Whipkey stated it was mentioned earlier from the public that she had called for our Solicitor's resignation. Ms. Whipkey stated that she has told people in the past that when she changes something, you're entitled to have a reason why. Ms. Whipkey indicated that you would not hear another peep out of her from this seat at this time concerning the resignation of Mr. Kostoff under the prior discussion that we had. Ms. Whipkey stated that you are entitled to know why, and the fact of the matter is that our President of Council explained to her that he requested for Mr. Kostoff to read the opinion prior to the meeting, which she was contesting. Ms. Whipkey stated that this was done prior to the meeting and was not made in a public way. Ms. Whipkey stated that she had several people come up to her and they did not want this dropped.

Mr. Pelot wanted to discuss Ord. #23-2013-Janitorial Services at the next work session for discussion. Ms. Whipkey asked if Mr. Pelot was introducing this again because she was against this and refused to move it forward. Mr. Nicolard said yes and offered it back. Ms. Whipkey accepted and Mr. Pelot stated he would yield this item of conversation back to Ms. Whipkey. Mr. Mowery stated he believed that Mr. Roman was most sincere about his comments and he would like to have Mr. Roman attend this meeting to discuss these accusations. Mr. Roman indicated he would attend next weeks meeting.

**NEW BUSINESS**

None

**PUBLIC SERVICE ANNOUNCEMENTS**

Mayor Zita made several announcements (see attached)

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:58 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 March 25, 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.