



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, MAY 13, 2013**

Roll Call: Dennis McGlone  
Charlotte Whipkey  
Scott Pelot-Excused  
Bill Mowery  
John Conklin  
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, May 13, 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. Nicolard stated that Mr. Copen has spoken about House Bill 7-Gambling Law and he has also asked Mrs. Richards to research this. Mr. Nicolard indicated this Bill has passed in the House and is now at the Senate. Mr. Nicolard asked for approval by Council to have the Law Director to prepare a Resolution in Opposition for the next work session. Ms. Whipkey agreed this was a great idea and that she is all for it. The State keeps taking our money and we get quite a sum of money coming in from these arcades. Ms. Whipkey stated she would like to see some of the funds redirected into city funds for our road programs, sanitary sewers. This revenue helps our part time police by supporting their income as well. Ms. Whipkey stated that the State keeps taking and they are not giving, and as far as she is concerned they can take their casinos and shove 'em. giving if they are taking our money makers away Ms. Whipkey stated she would not be going to any Ohio casinos, she would go out of state before she would give them any money in that direction. Ms. Whipkey asked to have a special meeting next week to get this done, like we did with House Bill 5. Mr. Nicolard indicated he and the Mayor plan on testifying if the Senate has public hearings in the near future. Mr. Nicolard stated the State just keeps taking and taking and taking, and he does not believe they understand the impact. If you add up all of the money they have taken in the last few years and with this one pending, its going to be well over \$500,000.00. Mr. Nicolard stated without objection, he would ask Mr. Kostoff to prepare the Resolution, to which there were no objections. Mr. Nicolard called for a Special Council Meeting on Monday immediately following the Committee Work Session.

**COMMUNICATIONS FROM THE PUBLIC:**

Jason Sams, 3782 Long Drive, Norton, Ohio, stated he had some questions about the Charter Amendment coming August 6, 2013. His concerns are that there are people that support the City and he understands this would be a \$2,000,000.00 undertaking. Mr. Sams questioned where are we going to get \$2,000,000.00 to support this?

Mr. Sams stated there is a certain individual who keeps coming to the podium speaking against Mr. Kostoff and how much it costs to pay Mr. Kostoff. Mr. Sams asked when is this resident going to stop suing the City? Mr. Sams stated he does not understand why this same resident comes to the podium and complains about him, while at the same time making Mr. Kostoff rich, it just doesn't make any sense. Mr. Sams asked if any of the Council members in favor of this proposed charter amendment? There was no reply from Council. Mr. Sams stated that he hoped Council would ask Mr. Kostoff to prepare a Resolution opposing this amendment because we cannot afford the \$2,000,000.00. Mr. Sams stated he hoped the residents watching this at home would get out on August 6, 2013 and vote no. Mr. Sams stated he hoped there would be more residents standing here supporting the city and help to move it forward instead of reading about all of the negativity in the local papers and bring a solution to our problems. It takes a better person to bring solutions and not the problems. Mr. Sams discussed the fact that the part-time Norton Police Officers make \$13.33 per hour. Mr. Sams reminded everyone that this week is Police Memorial Week. Mr. Sams stated our Chief of Police has done a fine job with this organization and we need to remember our fallen heroes. Mr. Nicolard called for a vote to allow Mr. Paluch to speak since he arrived too late to sign up.

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

Motion passed 6-0.

Mr. William Paluch, 3740 Shellhart Drive, Norton, Ohio, responded to the prior speaker's reference about attorney fees. We have spent since November 11, 2012 to today \$55,829.22 on legal fees. The media should put that in the newspapers and how we waste the people's money on attorney fees, and the same thing with the television. Mr. Paluch attempted to serve Mr. Kostoff with a copy of his legal filing of his Motion for Extension To File Brief. Mr. Nicolard stated this is not procedurally correct. Mr. Kostoff stated he is here for Council and is not going anywhere after the meeting, and that would be the appropriate time. Mr. Paluch asked who the Council members were that served on the ad hoc television committee and Mr. Nicolard replied that would be Ms. Whipkey and Mr. Mowery. Okay, now he knows what he's up against. Thank you

#### **CONSIDERATION OF THE MINUTES:**

Minutes of the April 22, 2013 Council Meeting were approved as submitted.

Minutes of the April 29, 2013 Annual Workshop were approved as submitted.

Minutes of the May 6, 2013 Committee Work Session were approved as submitted.

Minutes of the May 6, 2013 Special Council Meeting were approved as submitted.

Minutes of the May 7, 2013 Special Council Meeting were approved as submitted.

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

Mayor Zita presented a Proclamation for Police Memorial Week to Police Chief Hete, (see attached) Chief Hete thanked Mayor for the proclamation and he is incredibly proud of our officers for their service. This job becomes more and more dangerous every day and they are a target each and every day they put on their uniforms and come to work. Chief Hete stated he was grateful for the professionalism and their commitment to the City of Norton.

Mr. Ryland echoed what Chief Hete stated, and spoke on the professionalism, work ethic, and dedication of the officers, and that they are well trained including our part timers that only make \$13.22 per hour. We are very lucky to have this group around us. Mr. Ryland responded to Mr. Paluchs' complaints on Mr. Kostoff and his services Mr. Ryland commented about the \$55,000.00 that has been spent in the last six (6) months which is not an exorbitant amount considering the amount of recent lawsuits. Mr. Ryland stated that he himself has been Federal Court once and three times in the Court of Appeals on these various lawsuits. Mr. Ryland stated that of course we are going to defend against those lawsuits, adding that he would not have a proctologist dealing with a heart issue Mr. Kostoff has been paid a very low fee of \$175.000 per hour in which we negotiated a very good rate. Mr. Ryland stated that people outside are going to be paying \$400.00 per hour. Mr. Ryland noted that the legal fees would decrease considerably if the people would stop suing the City. So keep complaining about this and keep suing because you will make him a rich man.

Mr. Kostoff reported that we have filed our answer for the Adair Law suit relating to connection fees and it should be available for viewing on line. Mr. Kostoff noted there is no judge appointed to this case due to Judge Stormer moving on to the Probate Court, and awaiting a new appointment by the Governor. At that juncture we would be asking for a Status Meeting and proceed from there.

Mr. Nicolard reported that he, Mrs. Starosta and Mr. Ryland went to Columbus last Wednesday to hand deliver the Resolution #29-2013 opposing House Bill 5 to Mr. LaRose. Mr. Nicolard noted we personally delivered this Resolution to Senator LaRose. Mr. Nicolard also noted that he testified at that House Ways and Means Committee, he read the Resolution and explained the impact on our City. Mr. Nicolard stated he felt that all was well received and hoped this trip was not fruitless. Mr. Nicolard noted he and the Mayor would also be making another trip to testifying on House Bill 7 in the future. Mr. Nicolard stated that if you add up all of the money we have lost with the Local Government Fund and House Bill 5 which we estimate will cost \$200,000.00 in the first year, and further with House Bill 7 at approximately \$140,000.00 a year; you can see that \$500,000.00 is being drained from our budget. Mr. Nicolard expressed in his testimony that we are a Charter community and we appreciate the fact that we have home rule. We expressed this law is stepping on our toes with Home Rule.

## **PUBLIC HEARINGS-None**

## **INTRODUCTION OF NEW LEGISLATION**

### **ORD #30-2013**

Mr. Conklin offered Ord. #30-2013 for its first reading and asked the Clerk to read it:

**AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE AND DELIVER AN AMENDMENT TO AN AGREEMENT TO CREATE A JOINT DISPATCH CENTER WITH THE CITY OF BARBERTON AND COPLEY TOWNSHIP, AND DECLARING AN EMERGENCY.**

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

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

Motion passed 6-0.

Mr. Conklin moved to adopt Ord. #30-2013, seconded by Mr. McGlone. Mr. Conklin asked for Mr. Ryland to provide a background for the audience. Mr. Ryland stated for the past 3 years, and have a contract on the LGIF Fund between the communities. This new contract takes the previous contracts and combines it into a new single agreement.

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

Motion passed 6-0.

**ORD #31-2012**

Mr. Mowery offered Ord. #Ord. #31-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE ADOPTING A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORTON AND AFSCME OHIO COUNCIL 8, LOCAL 265, NORTON CHAPTER, OFFICE & CLERICAL UNIT.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Conklin. Ms. Whipkey clarified this is for Clerical staff and with no raise and Mr. Ryland concurred and added that there was no change for a period of one year. Mr. Conklin noted there is no emergency language in this title and questioned that this would not take effect until 30 days. Mrs. Richards noted it was a typo on the agenda and the legislation in your packets does have the full emergency language. Mr. Conklin and Mr. Mowery removed their initial motions and rephrased their motions to waive the second and third readings with emergency language, seconded by Mr. Conklin.

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

Motion passed 6-0.

Mr. Mowery moved to adopt Ord. #31-2013, seconded by Mr. Conklin.

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

Motion passed 6-0.

**ORD #32-2013**

Mr. Mowery offered Ord. #32-2013 for its first reading and asked the Clerk to read it and Mrs. Richards clarified that the proper legislation is also in the packet with the emergency clause.

**AN ORDINANCE ADOPTING A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORTON AND NORTON PROFESSIONAL FIREFIGHTERS LOCAL 4219 AND DECLARING AN EMERGENCY.**

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Conklin. Ms. Whipkey stated you hear the same argument for the next ordinance as well. Ms. Whipkey stated the Fire Dept. received raises in 2008, 2010 and 2011, and she does not like the idea that these raises are tied to the levy, nor that the residents were held hostage when they had no special services for 24 hour coverage because of lack of funding. They felt compelled to pass a levy because we did not have enough operating funds, then almost immediately raises were passed out again. They did not pass that levy for raises, they passed the levy for operating funds. Ms. Whipkey stated she did not want to see this to come up again for the next levy, that we are already short on operating fees, in addition it's time again for contracts. Mr. Nicolard asked aren't these the same men that volunteered to the City from November to the first of the year at no charge? Mayor Ziata stated it was until March, not just the first of the year. Mr. Nicolard stated that these people volunteered their services at no cost unless they went out on an actual run and are at a lesser pay rate than other communities of similar stature. Everyone knows that part of the operating costs is wages, and he has seen these employees walk into a burning building and you cannot pay him to do that. Mr. Nicolard stated he was amazed these employees are still willing to do so with what they are paid. Ms. Whipkey stated that we have police officers that have not received raises, and they also put their lives on the line on a daily basis. Ms. Whipkey stated she also has clerical workers that also did not have raises in efforts to help with the budget. Although I applaud the fact that they put in their time for nothing, it was self serving in that it made for good publicity and the people supported them. I do not want to see the same position again that contracts are coming to an end and there is a levy on the ballot, and then hear they cannot remain open 24/7. Ms. Whipkey stated if she could be guaranteed that would not happen again she would support it. Mr. Bergstrom asked how many people we are talking about and Mr. Ryland said two (2) employees, and that over the course of this time it's less than 2.50% increase for the two (2).

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

Motion passed 5-1.

Mr. Mowery moved to adopt Ord. #32-2013, seconded by Mr. Conklin. Mr. McGlone asked about the percentage of increases and that it was 1% for 2012 and 1.5 % for 2013 and 1% for 2014. Mr. Ryland clarified that it is 1.0% for 2012, .50% in July of 2013 and 1.0% in January.

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

Motion passed 5-1.

**ORD #33-2013**

Mr. Mowery offered Ord. #33-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE ADOPTING A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORTON AND THE INTERNATIONAL ASSOCIATION OF EMT'S AND PARAMEDICS R7-26 AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, noting this also has the emergency language, seconded by Mr. Conklin. Mr. Ryland asked Ms. Whipkey why she was taking the stance of voting no on this legislation since it is simply an extension of the current contract? Ms. Whipkey stated she thought this was the one for raises, and took back her previous statement that she would be voting no.

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

Motion passed 6-0.

Mr. Mowery moved to adopt Ord. #33-2013, seconded by Mr. Conklin. Mr. Mowery stated he spoke with an officer today and its our responsibility to keep our safety forces in tact and is a move in the right directon to settle these contracts. We have grocery store employees rounding up grocery carts that are making more than our officers and clerical workers.

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

Motion passed 6-0.

**ORD #34-2013**

Mr. Conklin offered Ord. #34-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT FOR PROPERTY AND CASUALTY INSURANCE, FOR THE PLAN YEAR APRIL 28, 2013 THROUGH APRIL 28, 2014, AND DECLARING AN EMERGENCY.

Mr. Conklin moved to waive the second and third readings, seconded by Mr. McGlone. Mayor Zita questioned if a designee should be in the title and legislation? Mrs. Richards stated the legislation states Mayor and Finance Director. Mr. Kostoff stated that there is no harm in the way it is written, and Mr. Ryland stated he usually is the one negotiating and it comes to his desk for signatures. Mr. Kostoff stated that we took this from a previous legislation. Mr. Kostoff suggested in the future if this change is desired to let him know.

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

Motion passed 6-0.

Mr. Conklin moved to adopt Ord. #34-2013, seconded by Mr. McGlone.

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

Motion passed 6-0.

**INTRODUCTION OF PRIOR LEGISLATION:**

None

**UNFINISHED BUSINESS:**

Mr. McGlone discussed the non-union employees and that had asked for a breakdown on all union raises since 2008. Mr. McGlone stated that in the last 6 years the non-bargaining have received nothing. Mr. McGlone referenced an article last Tuesday in the Beacon Journal where the County announced that they would be giving all non-bargaining employees a 1.5% raise to over six hundred (600) employees. We have twenty (20) non-bargaining employees. What really stuck out to him in that article is where it stated that “there needs to be some level of fairness between the employees”, and Mr. Nicolard agreed.

Mr. Grether wished to speak and Council was polled for a vote to approve his speaking at this time.

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

Motion passed 6-0.

Mr. Grether, 2831 Brookfield Drive, Norton, Ohio, stated last week a gentlemen asked all Council if they support the proposed charter amendment. Mr. Grether stated over the last four (4) years he has spent a great amount of time and effort defending our Charter. Mr. Grether stated that he could not verify the dollar amount this would cost, and asked if there is such a substantial amount of money going into that when is there no an effort to bring this out and alerting the public about this? Mr. Grether stated he did appreciate Councils efforts on the recent House Bill when it comes to the money, however he did not agree with the Internet Café issues and you all know where he stands on that one.

Mr. Grether suggested Council come up with a resolution, and to verify this number, and if it's a true \$200,000.00 number than that is worth fighting for. Many of you may look at this as a voice of the people, however the bottom line is that with these lawsuits you are suing the residents. The same thing goes with these amendments, like estimated \$40,000.000 for televised meetings, \$200,000.00 for sewers, that is all money coming out of our pockets.

**NEW BUSINESS:**

Mr. Mowery announced his town hall meeting is this Thursday from 6-9 PM and he had requested Mr. Ryan Pruitt or someone from his office to attend. Mr. Pruitt indicated he could not attend but Mr. Mowery hoped that another representative would be in attendance. Mr. Nicolard reminded everyone about the unused medications and that it's your duty to properly dispose of them instead of down the drains or the toilets, which end up polluting our streams and fishes.

**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 7:58 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 May 27, 2013.

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Karla Richards, CMC-Clerk of Council

**THESE MINUTES ARE NOT VERBATIM\*\***

All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.