



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JUNE 24, 2013**

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

The Regular Council Meeting convened on Monday, June 24, 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

Presentation by Mr. Russ Shilling-Operations Manager of the Barberton-Norton MAD

Mr. Shilling stated the MAD has continued with same approach, in addition to stepping up with education and web site for MAD has been enhanced. Mr. Shilling noted that all products are safe and EPA approved. We have a newer pesticide used this year called Contro-144, which has a quick knockdown and low odor. Mosquito pesticide just gets mosquitoes. Costs are \$11,000.00 a 55-gallon drum and this is not diluted down. There has been reported one (1) West Nile Virus death in California, and two (2) cases verified in Pennsylvania. Mr. Shilling discussed the testing and process and we are now sending our samples for testing to Pennsylvania to help in their testing. Everything is moving along well so far this year, only a few issues so far. Ms. Whipkey asked about the issues with Norton/Barberton businesses and how they pay for spraying. Mr. Shilling stated they already paid this in their taxes. Mr. Pelot questioned testing sources out into Pennsylvania and what is the cost involved? Mr. Shilling stated each vial is \$26.00 and there are no Ohio testing labs. Mr. Shilling stated he hoped to remain within budget and has a cap set aside. It more economical and will give us good sampling and each week he will be sampling from each ward. Mr. Pelot asked about a 5-10 yr. plan to bring testing in house? Mr. Shilling stated since this was just thrown at us, he has some ideas, it would be a big investment. The State has also cut funding for beach testing of waters by fifty percent. Mr. Mowery asked about staffing levels, and Mr. Shilling stated we have three (3) employees plus the Board of Directors, and we subcontract out with Steward Pest Control, in Clinton. Mr. Nicolard thanked Mr. Shilling for attending. Mr. Robert Webb, resident of Ward 2 and President of MAD for last 2 years, stated that this is the 3rd year we have not asked for additional millage. Mr. Webb stated we have the authority to cross easements where the Cities do not. Mr. Webb discussed a situation in Johnson's Corners several years ago where a utility company stopped their work.

Committee of the Whole Continued:

Mr. Bergstrom moved to add Res. #46-2013 to the agenda, seconded by Mr. Pelot

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

Motion passed 7-0.

Mr. Bergstrom moved to add Ord. #47-2013 to the agenda, seconded by Pelot.

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

Motion passed 7-0.

Mr. Mowery moved to add Ord. #48-2013 to the agenda, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mr. Mowery moved to add Res. #49-2013 to the agenda, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mr. Mowery needs to add Ord. #50-2013 to the agenda, seconded by Mr. Pelot.

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

Motion passed 7-0.

Mr. Conklin moved to add Res. #45-2013 to the agenda, waiving 2nd & 3rd readings with emergency, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

Mr. Conklin commented about prior discussion on legislation for officially accepting the grant funds for Nash Heights. After review by Mr. Kostoff, no legislation is required, due to our activity on a voice vote last week that is sufficient.

COMMUNICATIONS FROM THE PUBLIC-Agenda and Non-Agenda Items

Mr. Jeff Evans 2047 Wadsworth Road, Norton, Ohio, discussed the issues in the press and stated the he has attended the recent town hall meetings. Mr. Evans discussed the increase in homeowner's insurance costs that went up sixty percent, and asked if others have seen same increase? Mr. Evans stated he has additional increases due to flood insurance, and not sure how that came to pass. Mr. Evans stated that as long as we have lived here its never flooded. Not too excited about paying \$2,000-\$3,000.00 for something he already has, he has a working septic system. Mr. Evans stated that he couldn't think there is anyone on Council that would be in favor of this. He questions the e-coli report figures, and how many illnesses have occurred in Norton due to e-coli? Mr. Evans stated that he is fed up with the government getting into his wallet. Our costs have gone up and he is not seeing any improvements, and fails to understand why it has to be this way. It was very disturbing to him that the Council President is also in charge of the People of Progress committee, that's an elected position and does not feel this is proper.

Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, stated that he has listened to the former speaker and tends to agree with a few of his comments, but not everything. Mr. Gainer stated is 100 percent against Issue #1 and recommends everyone vote against this. Mr. Gainer stated he feels if this were to pass and someone would take this to court, he cannot believe this is the case. Ohio is state law and this would be taking away the power of the City. Mr. Gainer discussed the referendum process, however he felt this one is not legal. If we take away the City's right to assess. If someone wants to have sewer or water installed then a contractor would be violating the Charter for connecting up water and sewer. That Charter amendment states its illegal for anyone to charge any property owner to connect/hook up, etc. Mr. Gainer discussed the section referencing the \$35.00 water bill fee and he feels this is not sufficient, it would take 1 million years from that 2 percent increase to pay the actual cost of the water. I could actually fill my pool or open a car wash for only \$35.00, who would pay the difference?

William Paluch, 3740 Shellhart Road, Norton, Ohio, clarified that last week he should have used better choices of words, he should have used dictatorship and not a Gestapo. Mr. Paluch stated the public does not even know what our assessment costs would be, we should have known this six (6) months ago. Mr. Paluch stated we have no free money or grant money to pay this back. Mr. Paluch stated he ran into Mr. Crawford last weekend and Mr. Crawford stated the County had five (5) meetings with the City of Norton about sewers and Norton told the County to stay out of it. Mr. Paluch stated he is voting yes because we have no grant money. We should have started sewers in industrial areas to draw in business, not in Nash Heights. We have no leaders here especially with Mayor Zita. Mr. Paluch complained that Ms. Whipkey the Ward councilperson did not even know about the sewer line project going on in her ward.

Paul Tousley, 4536 Garrett Drive, Norton, Ohio, stated that as Council it's your duty to see that every penny is spent wisely. We can argue that your due diligence has not been done, we can even argue that sewers are really necessary. We can argue the failure rates reported between Cuyahoga County/Summit County. Mr. Tousley stated that back in January he had asked if anyone has contacted Summit County or anyone else for that matter to get a second opinion. This Council is bent on doing sewers; the least you could do is demand that the Administration does their due diligence to get all options available to you. There were even suggestions to establish a task force, which he believed will not even be followed because it was not brought forward from Admin.

Mr. Tousley stated you have spent more time recently discussing the Internet Cafes, than you have spent discussing this issue. Mr. Tousley pointed out that someone had recently stated at Mr. Conklin's town hall meeting that wasn't it the City government's job to help the citizens and not burden them; and all he has seen is burden given to the citizens. Mr. Tousley stated the EPA letter was read at the town hall meeting and the EPA should be called out on their own letter. Mr. Rick Rodgers, 4034 Wadsworth Road, Norton, Ohio, stated that he attended Mr. Mowery's last town hall meeting and that went very well, it was calm. He has done some research with EPA, Summit County, read some codes, and discussed it with some installers in the area. Off lot systems are legal and is the preferred system as requested by the EPA, when you cannot do an on lot system. The only ruling is they are not approved as new construction, so you cannot have a developer come in here and install 250 of them. Mr. Rodgers stated that Mr. Stall from Cuyahoga County has stated that there is no way that he would install 100 if you have bad systems, but we have no idea if there are 100 bad systems. Mr. Rodgers stated if we can identify the polluters in Nash Heights then we can get those numbers lower. He understands we have some residents directly dumping. Mr. Rodgers questioned when did the director make his ruling on Nash Heights? Did we challenge that report if there is such a report, and are the county numbers cheaper than what is proposed by the City? Mr. Rodgers stated that if growth is really the driving force here as was stated at Mr. Mowery's meeting, he suggested we put this on the ballot and let them decide that, if they don't, then fix Nash Heights for the cheapest cost possible and protect the residents you represent.

Mrs. Elaine Tompkins, 3848 Cleve-Massillon Road, Norton, Ohio, echoed the previous speakers, and discussed her comments about democracy in Norton, (see attached).

Mr. Charlie Lemon, 4000 Summit Street, Barberton, Ohio, stated he has been here since 1954 and noted that we became City on Jan. 11, 1969. Mr. Lemon mentioned Mr. Crawford and that he had created such havoc in this City, he called for recalls on 2 council members, one was recalled and one was not. Things were so bad you could not even run for Council. Here we go again and now they call themselves Citizens4Norton, they must be from some other planet, they must be crazy. Barberton has been trying to take over this city for many years, and if this passes, they will have it then. We are talking about 3.3 million dollars here, where are we going to get this kind of this money? Folks, you better wake up and grow up. Mr. Lemon warned all of Council that if you sit here, you can't support this. If you do, then you violate your oath of office and this better be a unanimous vote here tonight to not support this. Mr. Lemon read the Oaths of Office, and stated you are in violation of this office and the Charter, and you better tell the public the truth. Who would want to come in here with no sewers? Let's grow up and be a city not a suburb.

Mr. Jason Sams, 3782 Long Drive, Norton, Ohio, stated the previous speaker was hard to follow that and he absolutely agrees with his statements. Mr. Sams stated that someone who drove up to this meeting in a Mercedes is so concerned about the costs for sewer and water, and then he takes his shopping to Wadsworth not Norton. Mr. Sams stated he has asked four (4) times now how all of Council stood on this issue. Mr. Sams stated that you have taken an Oath of Office to be fiscally responsible and that concerns him. He hopes your vote would be 7-0 not to support this amendment. When he moved into this City he has budgeted very tightly to do so, and feels bad for those that may have lost their jobs and would do what he could if he could help them.

Mr. Sams stated that if you need to take it on the chin, then do so because sewers are coming. If it's not this Administration then it will be the next one. Mr. Sams stated that he is tired of looking in the papers and being embarrassed. John Moss worked his butt off to move this City forward, so this had better be a 7-0 vote.

CONSIDERATION OF MINUTES

Minutes of the June 10, 2013 Regular Council Meeting, approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

Mayor Zita stated what is important tonight is Issue 1, sewers are going to come, whether it's the County or we as the City. If the City does this we can control our prices and our own destiny and urged everyone to vote No on Issue #1.

Mr. Kostoff commented about the Journal Entry from the 9th District Court of Appeals, Paluch lawsuit. The City filed a motion for Summary Judgement, Judge Carla Moor and other 2 Judges sided with the City and denied the Writ of Mandamus. The City has complied with the Charter amendment with Televised Meetings via Internet streaming.

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION

ORD #39-2013

Mr. Bergstrom offered Ord. #39-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH GLAUS, PYLE, SCHOMER, BURNS AND DEHAVEN, INC., DOING BUSINESS AS GPD & ASSOCIATES, TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE WIDENING OF COUNTY ROAD 17, FOR THE REMAINING TOTAL DESIGN CONTRACT, AND DECLARING AN EMERGENCY.

Mr. Bergstrom asked about the time line and Mr. Ryland stated he would like to have this passed before your summer recess. Ms. Whipkey clarified that County Road 17 is Cleve-Mass. Road Widening project. Mr. Bergstrom stated that is the next step to begin the process. Mr. Bergstrom moved to waive the second and third readings, seconded by Mr. Conklin.

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

Motion passed 7-0

Mr. Bergstrom moved to adopt Ord. #39-2013, seconded by Mr. Conklin.

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

Motion passed 7-0

ORD #40-2013

Ms. Whipkey offered Ord. #40-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE DECLARING CERTAIN CITY PROPERTIES AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE ADMINISTRATIVE OFFICER TO ADVERTISE THE PROPOSED SALE OF SAID PROPERTY AND DECLARING AN EMERGENCY.

First reading only.

ORD #41-2013

Mr. Pelot offered Ord. #41-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$335,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A FIRE STATION, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, 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, Conklin, Bergstrom, Nicolard
Nays: None

Motion passed 7-0.

Mr. Pelot moved to adopt Ord #41-2013, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #42-2013

Mr. Pelot offered Ord. #42-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$320,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF ACQUIRING REAL PROPERTY FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY. (PELOT-FINANCE) WAIVE 2ND & 3RD READINGS & VOTE.

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

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord #42-2013, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #43-2013

Mr. Pelot offered Ord. #43-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$185,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF CONSTRUCTING AND INSTALLING WATER LINES, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO COMPRISING THE GREENWICH ROAD WATER EXTENSION, PHASE 1 PROJECT, 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, Conklin, Bergstrom, Nicolard
Nays: None

Motion passed 7-0.

Mr. Pelot moved to adopt Ord #43-2013, seconded by Mr. McGlone.

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

Motion passed 7-0.

ORD #44-2013

Mr. Pelot offered Ord. #44-2013 for its first reading, and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$160,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF ACQUIRING REAL PROPERTY FOR MUNICIPAL PURPOSES, 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, Conklin, Bergstrom, Nicolard
Nays: None

Motion passed 7-0.

Mr. Pelot moved to adopt Ord #44-2013, seconded by Mr. McGlone

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

Motion passed 7-0.

*****ADDED DURING COMMITTEE OF THE WHOLE *****

RES #45-2013

Mr. Conklin offered Res. #45-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE OHIO PUBLIC WORKS COMMISSION TO PARTICIPATE IN THE STATE CAPITAL IMPROVEMENT PROGRAM TO FUND A PORTION OF THE COSTS OF A SANITARY SEWER PROJECT TO SERVICE THE WADSWORTH/SUMMIT ROAD SANITARY SEWER EXTENSION IN THE CITY OF NORTON, AND COMMITTING TO PROVIDE FUNDING FOR THE LOCAL SHARE, AND AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF BARBERTON TO PARTICIPATE FOR SUCH PROJECT, AND DECLARING AN EMERGENCY.

Mr. Conklin moved to waive the second and third readings, seconded by Mr. Bergstrom. Ms. Whipkey asked if this was one of the issues we did not get to last week. Mr. Conklin concurred, adding that we need to pass this immediately to due application deadline, and Mr. Ryland concurred that this must be filed by June 28, 2013. Mr. Conklin stated this is only a resolution to apply for funding and nothing more, and Mr. Ryland concurred. Mr. Ryland noted that there is a commitment of \$50,000 on the City's part if you accept the grant. Ms. Whipkey asked if by entering into this MOU, are we stating we are willing to go forward and Mr. Ryland replied yes. Ms. Whipkey asked if this also has to do with their water plant, and Mr. Ryland replied yes and it's also an environmental issue. Ms. Whipkey stated that she has a problem with the last minute rush here, and remembers last project we agreed to with Barberton and what a mess that turned out to be. Ms. Whipkey asked why is this a 50/50 split since Barberton has most to gain? Mr. Ryland replied it is in our city and we are responsible to the environmental element. Ms. Whipkey asked if this also runs to those businesses on Summit Road that we discussed earlier this year? Ms. Whipkey if the lines would affect the citizens in the area being required to tie in and Mr. Ryland concurred. Ms. Whipkey asked what happened with our resolution not to move forward with sewers and Mrs. Richards, replied this was taken from the table and it died.

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

Motion passed 6-1.

Mr. Conklin moved to adopt Res. #45-2013, seconded by Mr. Bergstrom.

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

Motion passed 6-1.

RES #46-2013

Mr. Bergstrom offered Res. #46-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF ISSUE 1 AT THE SPECIAL ELECTION TO BE HELD ON AUGUST 6, 2013.

Mr. Bergstrom moved to waive the second and third readings, seconded by Mr. Pelot. Mr. Bergstrom discussed the comments of being fiscally responsible and then you tie our hands so that we cannot do so. Mr. Bergstrom stated that he realizes it's directed to sewers, but there could be other projects, and in order to be sustainable and fiscally responsible, you have to vote no on Issue #1. Mr. McGlone strongly opposes Issue #1, we cannot pay the balance of the assessments and he would love to have a \$35.00 water bill or sewer bill as he has one and it is high, but it is simply not possible. Mr. Conklin concurred, adding that you cannot take \$200,000.00 out of budget to pay bond obligations in addition to the cuts to services and staffing. Mr. Nicolard stated the he has been opposed since he saw these petitions and considered it heinous at best. Ms. Whipkey stated that before she ran for office and after elected she said there would be times she would have to tell you things you won't like and she doesn't like either; this is one of those times. Ms. Whipkey stated that she opposes this because unlike the reasons by the rest of council she felt it is not written correctly, we have violated our own home rules. She believes in our Charter, and others are entitled to their Charters, this one crosses the boundaries within the City of Barberton. We have no authority to tell Barberton how much to charge our citizens. Ms. Whipkey stated she does not want anyone taking a vote for this thinking she is in support of it. Mr. Pelot stated he is opposed as this does not just deal with residents, it affects businesses, and one business has to fill their tanker monthly. Mr. Pelot thinks Barberton would shut off your water if you tried to only pay \$35.00. Taking your tax dollars to pay for other peoples sewers, does nothing. Mr. Mowery stated we need to realize how we have come to this plateau, and he has been on Council since 1999 and is here to represent the City, and maybe its time for him to go. It's a good time for anyone to jump off of the bandwagon before it gets deeper. Mr. Mowery asked who really represents the residents, we do. How many times have the citizens asked about water meters, utility fees, etc. Mr. Mowery stated that we might be guilty of not representing the residents in this City. The bottom line falls to the Mayors position to make sure things are not happening to our safety forces, etc. Mr. Mowery stated that if anything this might open the people's eyes up in Barberton, it may end up in Court at additional costs to Mr. Kostoff. Mr. Mowery stated that he has to support the people as he always has. Wring or wrong he stands with the people. Mr. Mowery indicated that there wouldn't be a 7-0 vote here tonight. Mr. Bergstrom discussed Mr. Mowery's comments about we as Council are not effectively representing the people, how can you say that when you cannot control their tax dollars? Its not about the sewer, its about having the flexibility on how you handle the finances. Mr. Bergstrom stated you can't paint yourself into a corner and still represent your residents by doing other things. Don't just give in and think you are helping the people with \$35 because you are not helping the citizens at all. Mayor Zita discussed the proposed Charter section about the \$35.00 maximum for water or sewer. This was not clearly written as to who would have to pay the fees relating to that \$35.00, and some point in time the City would be billed through the General Fund. The residents pay into that General Fund.

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

Motion passed 6-1.

Mr. Bergstrom moved to adopt Res. #46-2013, seconded by Mr. Pelot.

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

Motion passed 6-1.

ORD #47-2013

Mr. Bergstrom offered Ord. #47-2013 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AMENDING ORDINANCE #38-2013, BETWEEN THE CITY OF NORTON AND THE COUNTY OF SUMMIT ENGINEER, AND DECLARING AN EMERGENCY.

Mr. Bergstrom moved to waive the second and third readings, and emergency seconded by Mr. Conklin. Mr. Bergstrom stated that we are adding some additional crack sealing to the over all road program for this summer. Mr. Bergstrom stated that this was not approved earlier because we contested the way the costs were calculated.

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

Motion passed 7-0.

Mr. Bergstrom moved to adopt Ord. #49-2013, seconded by Mr. Conklin.

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

Motion passed 7-0.

ORD #48-2013

Mr. Mowery offered Ord. #48-2013 for it's first reading and asked the Clerk to read it: Mr. Ryland clarified this contract was passed last June and we felt because of the time between now and then, we felt this was necessary. The Dispatchers have taken and passed the Coopers test, and are due the increase of \$200.00.

AN ORDINANCE AUTHORIZING RATIFICATION OF AN ADDENDUM TO AN AGREEMENT BETWEEN THE CITY OF NORTON AND THE OHIO POLICE BENEVOLENT ASSOCIATION, REPRESENTATIVE OF THE BARGAINING UNIT FOR DISPATCHERS OF THE CITY, AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Pelot. Ms. Whipkey stated this is in regard to the Cooper Test and Mr. Ryland concurred yes in addition to EMT qualification. Ms. Whipkey asked about the Police Dept., and if this was the same and Mr. Ryland replied it's the same concept, with the exception of the 1-mile walk. Ms. Whipkey asked about this increase being less or the same increases for the Police Dept. and if they are under the police stipulations. Mr. Ryland stated this is the first time they were eligible for the Cooper Test.

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

Motion passed 7-0.

Mr. Mowery moved to adopt Ord. #48-2013, seconded by Mr. Pelot.

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

Motion passed 7-0.

RES #49-2013

Mr. Mowery offered Res. #49-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION ADOPTING THE FACT-FINDER'S REPORT BETWEEN THE CITY OF NORTON, OHIO AND AFSCME, OHIO COUNCIL 8 AND LOCAL 265, AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the second and third readings, seconded by Mr. Pelot. Ms. Whipkey asked if this is the tentative contract offered in April that was not accepted by the Service Dept.? This is the same wage rate offered back then at 1% from through July of 2013, a .5% from July 2013 to January 2014, a 1% from January 2014 through January 2015 and 1.25% from January 2015 through December 2015. Mr. Ryland stated we reached tentative agreement in April and we now just got this back from Fact Finders. Ms Whipkey asked about the change in compensatory issue, and Mr. Ryland explained the differences in comp time and over time and that now they will have the choice.

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

Motion passed 7-0.

Mr. Mowery moved to adopt Ord. #49-2013, seconded by Mr. Pelot.

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

Motion passed 7-0.

ORD #50-2013

Mr. Mowery offered Ord. #50-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AND DELIVER AN AGREEMENT BETWEEN THE CITY OF NORTON AND THE OHIO COUNCIL 8, AFSCME, AFL-CIO AND LOCAL 256, AFSCME, AFL-CIO, NORTON CHAPTER – SERVICE MAINTENANCE UNIT, AND DECLARING AN EMERGENCY.

First reading only. Mr. Nicolard clarified this is not an urgent need and Mr. Ryland asked for this to be addressed before your summer recess.

INTRODUCTION OF PRIOR LEGISLATION

ORD #37-2013

Ms. Whipkey offered Ord. #37-2013 for its third reading and asked the Clerk to read it:

AN ORDINANCE DECLARING CERTAIN CITY PROPERTY AS NO LONGER NEEDED FOR MUNICIPAL PURPOSES AND AUTHORIZING THE ADMINISTRATIVE OFFICER TO ADVERTISE THE PROPOSED SALE OF SAID PROPERTY AND DECLARING AN EMERGENCY.

Ms. Whipkey moved to adopt Ord. #37-2013, seconded by Mr. Pelot.

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

Motion passed 7-0. Ms. Whipkey clarified this is for the sale of tow (2) dump trucks.

UNFINISHED BUSINESS

Mr. Mowery asked now that we have addressed the Unions can we now address the non-bargaining and Mr. Nicolard noted to put this on the Work Session Agenda. Mr. Ryland noted that we couldn't address that until the Service Dept. Union has signed off on their agreement. Mr. Conklin suggested we vote on Ord #50 tonight because he and Mr. McGlone would not be present. Mr. Kostoff suggested Council vote on that at a Special Council meeting immediately following next Monday's Work Session to address this. Ms. Whipkey stated that last week she had called for a point of order and that was inappropriate for her to say and that after the resident was done Mr. Ryland could yell back at them. Ms. Whipkey apologized for that statement and that no one should be yelling back at any citizen at any time.

PUBLIC SERVICE ANNOUNCEMENTS

Mayor Zita read several announcements, (see attached)

NEW BUSINESS

None

ADJOURN

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:54 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 July 8, 2013.

Karla Richards, CMC-Clerk of Council

NOTE: THESE MINUTES ARE NOT VERBATIM*
****ORIGINAL SIGNED AND APPROVED MINUTES ARE ON FILE WITH THE**
CLERK OF COUNCIL**
All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.