



## COMMITTEE WORK SESSION SEPTEMBER 19, 2013

Committee Members Present: Dennis McGlone  
Charlotte Whipkey  
Scott Pelot  
Bill Mowery  
John Conklin  
Todd Bergstrom  
Don Nicolard

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

The Committee Work Session convened on Monday, September 19, 2013 at 7:02 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Don Nicolard, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent reflection. Mr. Nicolard asked all to pause in reflection for Mr. Alex Stavarz, a former Council member how passed away recently, his family would appreciate that.

### **General Topics of Discussion:**

Mr. Nicolard noted that Mr. Ryland has asked to have presentation by Attorney Terry Finn from Roetzel & Andress. Mr. Ryland stated that today we received by certified mail the Proposed Directors Final Findings and Orders from the Ohio EPA (see attached). Mr. Ryland stated that due to Mr. Finn's background he has asked him to attend and explain to everyone what this letter means in detail. Mr. Finn stated he is a partner of Mr. Kostoff's at Roetzel & Andress and has been practicing environmental law for twenty-six (26) years. The first nine (9) years were with the Ohio Attorney Generals Office representing the Ohio EPA as the client. The past sixteen (16) to seventeen (17) years has been with Roetzel and Andress representing public entities and small and large business. He is very familiar with the document received from EPA in relation to the mechanism to be used to resolve what the EPA has termed "violations." The Ohio EPA has several options to address enforcement issues, the first one is what you received that is called consensual findings and orders thereby you agree to the terms, and once signed it become official and enforceable. They also have the right for a unilateral orders where you do not get to negotiate, however you do have rights to an appeal process which is a difficult process. The third option is to refer to the Ohio Attorney General's office for enforcement, which ends up at the Court of Common Pleas.

Mr. Finn noted that in terms of what has been proposed is basically an invitation to negotiate and consists of three (3) parts; the cover letter to the Mayor from the director that describes why the director is sending this out, a guide , and the agreement. Mr. Finn noted there are two (2) main parts; Section-4 Findings and Section 5-Orders. Mr. Finn discussed the contents of these two sections. Section-4, the Findings, identifies the director's basis for why he wants to enter into or issue the orders and refers to the readings taken for the pollution levels and the Health Department's determination of a nuisance. It also refers to the director's authority to issue the orders. Mr. Finn related that Section-5 states what the director would like done to abate the nuisance and gives some latitude to resolve it. He noted that within six (6) months of when the order is signed and finalized the clock starts to tick, and within six (6) months they want a general plan for sewage improvements or other methods to correct or abate the situation to be submitted, which includes costs and full schedule. Mr. Finn stated it requires you to have the construction fully completed within one (1) year after the general plan is approved by the Ohio EPA. Mr. Finn noted that having earlier discussions with Mr. Ryland, the six (6) month time frame for plan is something that can be done; the one (1) year for completed constriction is something that cannot be achieved. Mr. Finn stated the cover later asks for your response within fourteen (14) days, and if you fail to respond either way, you have the possibility of further enforcement with the Attorney General's office. Mr. Finn stated his experience is that of you don't act within the fourteen (14) it will be turned over to the Attorney General's Office. Mr. Finn explained the options to either sign and return it, although Mr. Ryland expressed concern with the one (1) year completion date, which could be negotiated. The other option would be to do nothing, and this will not go away and once referred to the Attorney General's officer, it will come with civil penalties. Mr. Finn noted with this letter and consent agreement there are no penalties. Mr. Mowery asked if this is a one year time frame to complete the project and asked what project would that be for? Mr. Finn replied that would be the collection system for Nash Heights. Mr. Mowery asked how is Nash Heights being identified and Mr. Finn replied the last page has a property map as outlined. Mr. Mowery asked if the residents affected have been notified by certified mail about this and Mr. Finn replied no, there would be a proper public notice issued. That would be determined in the assessment orders and how it will be done. Mr. Finn noted the EPA is only asking for Nash Heights for the plan. Mr. Mowery discussed other proposals and that previous Mayors had stated that sewers were the only solutions to septic systems. Mr. Mowery stated it appears to him the EPA wants a solution, they don't say what kind. Mr. Finn stated that something other than sewers could be proposed, but he did not know how well that would work as it has to be technically feasible and the determination has been that septic systems have failed with replacement systems not appropriate for the area. Mr. Mowery noted that the EPA does not care about the financial burden sanitary sewers would have on the residents. We are not opposed to sewers, just opposed to the amount of costs to the residents. Mr. Finn stated he felt with all of the discussions between the City of Norton and the EPA; he believes that the EPA has taken those factors into consideration. Mr. Bergstrom commented about the required plan, it does include expected costs and felt the EPA is concerned about costs. Mr. Mowery stated we will see what the Administration place to put forward for a response. Ms. Whipkey clarified that we just received this today and we have fourteen (14) days to respond and Mr. Finn concurred.

Ms. Whipkey stated that the EPA is not stating they want to see sewers per say, however Mr. Finn noted they want to see a plan for sewage improvements or other methods of abating the nuisance situation, and does not know of any other ways. Mr. Ryland stated that on page #2 under Section 8 it states *“replacement or repair of existing on-site sewage disposal systems is an unacceptable solution to remedy the unsanitary conditions”*. Ms. Whipkey stated she would like to have the time to look this over since we have two (2) weeks. Mr. Mowery asked if this is a standard procedure letter to other communities and Mr. Finn basically concurred. Mr. Nicolard noted he would not be entertaining comments from the public at this time and thanked Mr. Finn for his time this evening.

#### Presentation from MAD-Mr. Shilling

Mr. Nicolard introduced Mr. Shilling for his comments on the Barberton-Norton MAD District. Mr. Schilling commented about the letter received from Mr. Tim Crawford as Summit Council representative. Mr. Shilling responded to this letter and noted that his office never received a copy but heard about it through the grapevine. Mr. Shilling noted that Mr. Crawford referenced he has no dog in this fight, but used County Council letterhead. Mr. Crawford's letter mentioned paying double for a system that is not working, and guess that would be the County's system because our system is working well. Mr. Shilling stated we do it the right ways with education, larviciding and spraying. Mr. Shilling stated he was not sure where Mr. Crawford got his information from. Each year we spend about 3100 hours larviciding, 1,000 man hours in surveillance which includes, trapping, identifying, etc. We spend approximately 370 man hours actually spraying. Mr. Shilling stated we try and get to the mosquitoes before they become adults and spread disease, and we are pro-active not reactive. Mr. Shilling stated MAD had attempted to work with the County, but that does not seem to be happening. Mr. Shilling discussed a family along the Coventry and Barberton boarder where the wife has cancer and is concerned about WNV. Mr. Shilling stated that he contacted the Summit County Health Dep., about sending our crew to this area not covered by MAD and see do some larviciding and see if we can determine where they might be coming from and we were told no, that they would take care of it-we can handle that. Mr. Crawford's letter leads you to believe the County is very well respected for the job they do. Mr. Shilling commented about all the praises the MAD has received from Ohio, Health Department, and other states such as North Carolina, Pennsylvania. Mr. Shilling discussed the chemical the County uses called Abate, which is to be discontinued and is not to be used around humans and animals. Several years ago we switched to a more environmental friendly product. Mr. Shilling noted the support of the program as evidenced with the numerous post cards they sent out with responses of over eighty (80) percent in support. Mr. Shilling encouraged Council and Administration come to their offices and tour the facilities and see just what we do. Ms. Whipkey inquired as to whether Summit County even tested for West Nile and Mr. Shilling answered that they do so in-house and described in-house testing as giving too many false positives and therefore not that accurate. Mr. Shilling added that MAD has their testing done out of state once a week. Ms. Whipkey asked if there were any positive WNV results found in humans in Norton/Barberton area and Mr. Shilling replied no. Mr. Pelot stated that initially he was dead set against the formation of MAD and how it was done, however you are here now and you are doing a good job and he has no issue with that. Mr. Pelot stated he had no idea where Mr. Crawford came up with his letter idea, and suggested if you look at the very bottom of his letter, that says it all.

Mr. Robert Webb, President of MAD added his written comments, regarding his concerns about this letter, (see attached). Mr. Webb stated we are very fortunate to have Mr. Shilling on board with us. We are not in this political fight back and forth and we just want to do our jobs. Ms. Whipkey noted that last year the Norton Health Advisory Board had recommended by a Resolution to continue with the MAD and suggested Council formally adopt a resolution of support for the MAD. Ms. Whipkey noted that Barberton and Norton are the only communities involved in MAD and if one of us pulls out, it's all over with and we will be relying on the County. MS. Whipkey stated she does not believe we would get the service from the County and she agreed with the Mr. Webb that maybe we should get our money back from Summit County. Ms. Whipkey stated that she would advocate for MAD for the time being and as long as they continued to provide the services that it does to the residents, when that ceases to happen she would go the other way and fight against them just as hard. Ms. Whipkey moved to place a Resolution of Support of the Barberton-Norton MAD on Council's next agenda, seconded by Mr. McGlone

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

Motion passed 7-0.

Non-Bargaining Salary Issues:

Mr. Mowery stated that Council had asked the Administration for their recommendations and turned this discussion over to Mr. Ryland for the details. Mr. Ryland stated the first part of his memo he provided to Council was a survey of other positions and communities as far as what they are paying out. We have a couple of increases listed for employees at the bottom of the page. We have also been talking in Administration about consolidating the positions of certain jobs. For examples in the Clerk of Courts our citations and accidents have been down and court is not as busy as it once was. We are looking at combining the Clerk of Council and the Clerk of Courts into one position. We have a recommendation of salary as well as the others. Mr. Ryland stated the compensation as Finance Director and what all is involved is not within range. Mr. Ryland indicated he also included the position of Dep. Finance Director because its important as well as our part-time police officers. Mr. Bergstrom asked if you have can list the communities you have compared to and Mr. Ryland replied not with him but could provide it. We did check with other communities of the same population around 12,000-15,000. Mr. Bergstrom stated at first glance these rates are where they should be at and he does not have a problem with them. Mr. Bergstrom asked if there is a typo on the bottom of the first page for Clerk of Courts and Clerk of Council where it states represents? Mr. Ryland stated this was an error it should state recommended. Ms. Whipkey asked if the current salary for City Administrator was \$60,000.00 or something and Mr. Ryland replied yes. Ms. Whipkey stated that's a big jump up to \$100,000.00. Mr. Ryland stated that is not a recommendation he was providing you the average. Mr. Ryland stated he also did not provide any recommendations for this position. Mayor Zita stated this needs to be addressed for now and for down the road should we need to fill that position. Ms. Whipkey asked how long has it been since these positions have had a raise and Mr. Ryland replied since 2008. Mr. Bergstrom asked Mrs. Starosta if we were to go along with these recommendations what the percentage of increase this impacts the budget and that it's not that big on a jump.

Mrs. Starosta stated she also just received the memo and would not speculate without having time to review that. Ms. Whipkey questioned Mr. Bergstrom's comment of not being that big of a jump. Mr. Bergstrom clarified in the big picture when you add all of these things up it would be. Mr. Mowery stated he would like to look at the smaller end of things. To him this an eye popping salary for most of those positions, when you need to take into consideration the impact of the raises and of the sewers on the residents. Mr. Mowery discussed the Mayors salary and how much longer are we going to keep that as a part time position. Mr. Mowery discussed the idea of combining the Clerk of Council and Clerk of Courts and stated that he knows Mrs. Richards has done this once before to help out the City. Mr. Ryland and Mayor Zita stated that we have done some cross training in the last few months. Mr. Mowery reminded the Administration that Mrs. Richards works for Council she is not the Administration's employee. Mr. Mowery stated the way he sees it she was helping you out, correct, and he would like her to stay as the Clerk of Council position. Mr. Mowery stated he wanted to see her raise issue taken into effect and knows this is being worked on. Mr. Bergstrom asked Mr. Ryland to expound on each positions current salary. Mr. Ryland replied Finance Director, under \$59,000.00, Building & U zoning, roughly \$52,000.00 and same with Road Maintenance. The Administrative Assistant position is round \$16.82. The part time police officer is around \$13.00 to \$14.00 an hour. Mr. Pelot asked Mrs. Richards what her salary figure was and Mrs. Richards replied \$42,000.00 annually, Mr. Bergstrom stated that's about \$20.00-\$21.00 an hour. Mrs. Whipkey stated she also agreed with Mr. Mowery's statements. Ms. Whipkey stated that she knew how much Mrs. Richards was struggling to keep up both positions, and it was her understanding that Pam Campbell was the one to be stepping into the Courts responsibilities. Ms. Whipkey stated she would rather remain stingy with our Clerk of Council and keep her working for us. Ms. Whipkey stated she realized back when she helped with the Court the Council office was not as demanding as it is today, and did not see it decreasing. Ms. Whipkey stated when this was being discussed earlier she did not think the Administration was part of the non-bargaining units discussion. She was looking more at the hourly and the top of the food chain which is Administration, should be the ones making the sacrifices to make this work, not the hourly employees. Mr. Ryland took issue with this because in Administration falls in the 16-17% of the forty-two (42) full time employees that we have and that is not at the top of the food chain. Ms. Whipkey stated she was referring to the top four 4 on your list. Mr. Ryland stated that when on the annual salary basis, that's where the current salaries are at. Mr. Whipkey stated that only applied to non-bargaining employees and Mr. Ryland concurred. Mrs. Starosta stated that the only hourly employees on this listing are the part-time police officers, and that Mrs. Richards is a salary employee. MS. Whipkey agreed with Mr. Bergstrom's request to see what these other five (5) cities were surveyed because we could be comparing apples to oranges. Mr. Bergstrom discussed keeping up with salary ranges to retain and attract employees. Mr. Bergstrom discussed the Administrators job and the hours that go into it, and when you break it down by hour it's pretty cheap this is low and you need to look at the world and see what people are getting paid. There was discussion as to how short staffed the city is and the need to have educated and trained employees. Mr. Bergstrom stated we have got to do something about these salaries that Mr. Ryland's recommendations are unfair at all, and felt the Mayor should also bring forward his suggestions. Mr. McGlone noted that all of the unions have been receiving raises all along since 2008. If we don't do something now we'll just lose the good ones by going somewhere else.

Mr. McGlone asked for data showing what the raises would cost the City and what it means to the employee. Mayor Zita commented on Mrs. Campbell's position and in addition to being an Administrative Assistant, she is also the Public Information Officer and is here every Monday night when we have our meetings doing the taping and works as hard as anyone else in the building and we need not be overlooking this. Mayor Zita recognized that Council wants to take care of Mrs. Richards, but when she is not here, which is not very often, its Mrs. Campbell that steps in and takes over for her as the Deputy Clerk of Council. Mr. Pelot discussed part-time police officer and asked how it rates to other communities. The lowest was \$14.00 an hour and the highest was \$22.00 an hour. Mr. Pelot asked how many part-time police officers do we currently have and Mr. Ryland replied six (6). Police Chief Hete commented about a Chiefs training he attended two years ago and the hiring trend is to hire retired officers and your part-time officers. The \$13.00 an hour wage is not commensurate with their duties. Our part-time officers are not reserve officers, they do the exact same job as the full time officers do, and it's just minus the benefits. Chief Hete stated that average for part time officers is around \$18.00-\$19.00 per year. Chief Hete stated this department cannot function without these officers and they also put their lives on the line every day. Mr. Nicolard noted there is not one person on this list that does not deserve a raise and have not had a raise for quite some time. Mr. Bergstrom discussed the position of Engineer and we need that to be addressed. Mr. Ryland agreed this should be included with the rest if we had one in the city and would look into it for the possible future position. Mr. Nicolard stated we have been kicking this can so far down the road and wants to see what ever is done that we go retroactive until January 1, 2013. Mr. Nicolard recommended Council study this and be ready for the next work session and be ready with an ordinance. Ms. Whipkey discussed the lack of benefits for the part-timers and that they have no life insurance and Mr. Ryland concurred. Ms. Whipkey stated they would also fall under the Health Care Act because of their hours. Ms. Whipkey clarified they would have to work less than thirty (30) hours or else we would have to pick up their insurance. Mr. Ryland concurred adding that we have an exemption of thirty (30) hours and we are just over that with part time including police, clerical and fire. Ms. Whipkey stated we will also need to take this into consideration with their hourly rate since they don't get the benefits. Mr. Mowery discussed Mrs. Campbell and Mrs. Starosta's salaries and asked Mrs. Starosta if she is happy with her salary? Mrs. Starosta stated she came back here to work for this City; she worked here before and came back to work here again, and reserved any further comment. Mr. Mowery stated that if you can do better then more power to you. Mayor Zita stated this comment was totally uncalled for. Mr. Bergstrom stated this is what we should have used Executive Session for and Mr. Nicolard concurred. Mr. Mowery stated he is all for giving our part-time officers and our Clerk but not anyone else. Mr. Pelot asked for the Administration to also provide information on the budget impact if we took the part time officers pay \$2.00 more than what is shown here. Mrs. Karen Harley, 2942 Harper Avenue, Norton, Ohio stated when she left a trucking company job over fourteen (14) years ago she was making \$22.00 an hour to open her own business. Mrs. Harley stated with what you are paying these employees she would not even get up in the morning to lace her shoes. To pay your Administrative Assistant \$16. 82 an hour are absolutely ludicrous. In addition to the non-bargain have not have a raise in five (5) years and Mr. Mowery, you think that is ok? Mrs. Harley stated our part time officers will have to pick up their own health care. You let these non-bargaining people suffer by not paying a decent rage.

Mrs. Harley stated some of those residents getting sewer assessments can pay that assessment better than these employees with what you are paying them. This city should be ashamed of itself for not giving a cost of living raise to these residents. Mr. William Paluch, 3740 Shellhart Drive, Norton, Ohio, asked Mr. Ryland if you paid that attorney to come here and speak here today? Mr. Nicolard stated we are in the discussion of pay raises this is not appropriate. Mr. Paluch discussed the city spending \$35,000.00 to take action against him on the televised meetings issue and that Mr. Kostoff asked for an additional \$10,000.00 a few weeks ago. That's \$45,000.00 you just threw away and you cannot pay your secretaries that are making minimum wage or better? You paid Mr. Moss's family \$15,000.00 when you should have held a benefit for him instead. Mr. Nicolard asked Mr. Paluch if we sued him or did he sue the City? Mr. Paluch replied we took action against you because you did not do what the people voted for. The voters voted for televised meetings. Mr. Rick Rodgers, 4034 Wadsworth Road, Norton, Ohio, stated these people need a raise. Mr. Rodgers stated \$100,000.00 for a City Administrator is fine if you have a high medium income. You have to be realistic and look at the current revenues now. If you pass an ordinance now based on current revenue and if that revenue does not come in, then you're stuck. Mr. Bergstrom commented on Mr. Rodgers comment about the medium income, and it really has to do with the job at hand and what they can provide and you need to be able to pay the employees accordingly. If you want to be a city we need to operate like one and provide a service. Mr. Rodgers stated the people cannot afford these things, and Mr. Bergstrom said if they cannot afford to live here then they can move out. Mr. Paul Tousley, 3536 Garrett Drive, Norton, Ohio, discussed Mr. Bergstrom's statement that nothing matters, and Mr. Bergstrom attempted to clarify his statement of providing services, it does not matter about the income. Mr. Tousley stated if he does not make enough he does not have any cable, if he makes a little more he can get the basic channel line up. There was further discussion on what is required to operate and run a city and what we want and need. Mr. Tousley stated the 2010 Census had the Norton medium income at about \$50,000.00. Mr. Tousley stated he is not arguing these people do not deserve a raise, but you need to keep the citizens in mind. Mr. Bergstrom offered to have this discussion further with Mr. Tousley to better explain what he is getting at. Mr. Grether, 3920 Brookfield Drive, Norton, Ohio, stated he believed we have a vision and this is spelled out in our Charter. Mr. Grether commented we have all experienced an economic downturn and commended Mr. Ryland for not bringing this forward earlier. Mr. Grether noted that Mr. Ryland did not bring forward a salary recommendation for his own position. Mr. Grether commented about everyone looking for jobs, the best paying jobs and are looking for rewards in that as well. Mr. Grether mentioned Mr. Ryland and Mayor Zita pushing people out of flood waters in the past. Mr. Grether stated it was Council that brought this issue forward and you have been somewhat brutal with your comments. Mr. Grether stated we have failed to replace people when they left and have asked the current staff to pick up the slack and they are not being rewarded for this. Mr. Grether commented on our police officers not being paid enough and takes comfort knowing he can come to his office and feel protected. Mr. Rick Maier, a Norton resident, stated he has lived in Norton for over sixty (60) years and Mr. Ryland has been a friend for many years. Mr. Maier thanked Council for the job they do. Mr. Mowery stated we should continue this at the next Work Session. Mr. Mowery stated for the record that he is in favor of raises for our officers and our Clerk of Council and that there are grocery baggers at Acme making more money than these people do.

Mr. Mowery stated he did not intend to be disrespectful in his earlier comments and he feels if you anyone is able to better themselves with education or a better paying job they should do so.

#### Set new Special Election Date Ord #57-2013

Mr. Mowery moved to select a date for the Special Election for November 19, 2013, seconded by Ms. Whipkey. Mr. Nicolard asked Mrs. Richards to elaborate on the proposed election costs. Mrs. Richards indicated she was told by Mrs. Kim Zurz at the Board of Elections that if we use this date you will be paying an exponentially higher rate for labor costs than what you paid for the recent August election and they estimated those costs at \$15,000.00. Mr. Nicolard stated he has been involved with these discussions and the Board has suggested a better date in February next. They told us that any other date could cost the city two and a half times the \$15,000.00 we paid for the August election. Mr. Nicolard stated you are talking about possibly \$40,000.00 for a special election in November, when you could put it off at cheaper costs. We are talking about payroll issues and you want to spend \$40,000.00 for a special election. Mr. Nicolard suggested working out a time frame for that February 4, 2014 date. Mr. Pelot asked Mrs. Richards about the time line to meet that and Mrs. Richards indicated you would be within the time lines if you continue with the second reading next week and the third reading on October 15, 2013. Mrs. Richards indicated the third reading would be at 111 days. It must be within 60 days but not more than 120 days. If you adopted this sooner than that, you would not make that window. Ms. Whipkey clarified there is nothing from the Board of Elections telling us this information, it has all been verbal and Mrs. Richards concurred she spoke to people at the Board of Elections three different times. There was discussion on going out farther than February 4, 2013 but Mrs. Richards cautioned against doing that because you would be right where you are now with higher costs. Mrs. Richards stated the Board already has set the Special Election date for February because they already know of school issues, liquor license issues, etc. and we would be sharing those costs. Mrs. Richards indicated that we cannot know those exact costs until the election is over with. Ms. Whipkey asked about adding another Charter Amendment to the mix for February and Mrs. Richards stated you would need to have already submitted the petition and gone to committee and several readings in order to make that time line. Mr. Mowery stated it does not change a thing if this passes either November or February. We would be saving the residents the higher costs going with February. Ms. Whipkey expressed her concerns with the law stating forthwith. Mr. Kostoff stated he has already provided his opinion once and if you want to pull up the minutes from the last meeting it would be in the minutes. Mr. Kostoff stated he was unequivocal of the terms of forthwith. Ms. Whipkey asked if the petitioner could take action if we put this off until February. Mr. Kostoff stated he would not take a position on what the petitioner would do; he has prepared legislation for Council to act. Mr. Kostoff stated he has advised all of you at the same and that is to follow the law. Ms. Whipkey asked if the law states the petitioner could take us to Court tomorrow and the Court could force us to act. Mr. Kostoff related that the petitioner can file an action, but it is in the petitioner's hands. Mr. Kostoff stated he may in fact be representing you and would not pre judge what the Court would do. Mr. Kostoff stated you can dance around the words but it is what is. Mr. Kostoff stated he saw no one on the petition other than Mr. Paluch on the committee for those petitions. Ms. Whipkey stated she was trying to point out the options and if we would be ok in going to February legally.

Ms. Whipkey stated she was looking for a way to deal with this and not be a bigger problem or cost more money; if we are legally okay with going three readings without going to court, then she is okay with it. Mr. Kostoff stated that was not his position earlier and that has not changed. Ms. Whipkey then clarified that we are not okay with waiting. Mr. Mowery asked if the petitioner would be in agreement with the February date? Mr. Paluch, the petitioner, stated he would like to see it on November 12, 2013. Mr. Nicolard stated that is not going to happen we have missed the window. Mr. Paluch argued last week you voted on that date of November 12, 2013. Ms. Whipkey stated we did not have the votes to do that and the soonest we could do it is now November 19, 2013. Mr. Paluch stated he would agree with the November 19, 2013 date. Mr. Conklin clarified with Mrs. Richards if we could make that November deadline and Mrs. Richards replied yes but it's going to cost you. Mr. Nicolard stated that apparently money is no object. Ms. Whipkey warned everyone that if it does go to court we will have legal expenses to defend the fact that Council did not act and follow the law with acting forthwith. Ms. Whipkey asked if we selected the November date would we be legally acting forthwith? Mrs. Richards clarified it meets the 60-120 day requirement and Mr. Kostoff added provided you are successful in suspending the rules and adopting this tonight at the Special Council meeting. Mr. Mowery stated the people signed the petition; the petitioner has brought this forward, and felt we need to proceed. Mr. Kostoff reminded everyone the Board of Elections certified the petitions around 3:00 PM on Friday, and the legislation would have to be adopted and delivered to the Board by 4:00 PM that same. This did not occur and we are dealing with the cards that have been dealt with here. The petitioner filed those petitions when he did which set into motion exactly where we are at now. Mr. Pelot stated this is taxpayer dollars and its all of our money and to throw it down the drain when someone else wants. Chief Hete sated he has police officers driving cruisers with 180,000 miles and we are going to spend \$30,000.00 to \$40,000.00 on a special election, he has a hard time with this. Just because you have a right to do something does not mean it makes it right. We are already struggling with staffing levels he has not seen since 1990's. Mr. McGlone stated it makes no difference when it is voted on. Mr. Tom Kornas, 3771 Brookside Drive, Norton, Ohio, stated he was out there getting signatures on these petitions and it was legally filed and certified. Mr. Kornas stated he has no problem waiting until February as long as it's on the ballot, its not going to change anything. Why spend that much for a special election when you can basically get it for free. Mr. Kornas stated he has concerns about Mr. Nicolard's comment that he would go to jail and offered Mr. Nicolard some bread and water and stated he is glad he is not going to jail. Mr. Kostoff read a portion of the petition that stated Mr. Paluch is the sole committee and felt no one else has standing on that issue but Mr. Paluch. Mrs. Audrey Kornacky, 2008 Dutt Road, Norton, stated that there has been so much bickering and she understands Mr. Paluch's heart is in the place. Mrs. Kornacky stated it will affect all of us because we will have to pay for it. Mrs. Kornacky stated if we have a cooling off time and maybe sit down and talk with Mr. Paluch about this and hold off until February. Mrs. Kornacky stated we all know those employees need better wages and need addressed. Mrs. Kornacky stated no matter when the election takes place the votes will be the same. Mrs. Kornacky stated that she felt Mr. Paluch does not understand all of this.

Roof Repair-City Hall:

Ms. Whipkey it has come to her attention that the air condition unit at city hall is needs replaced. Ms. Whipkey stated that Mr. Ryland has recommended Wooster Roofing Company which is a Norton company. The other company is Buxton Company and they are out of town and were higher. Ms. Whipkey stated it was discussed in the Board of Control the Wooster Roofing had not included any costs for material for future repairs later on. Mr. Ryland recommended placing this on the agenda and he guaranteed he would have those prices before you vote next week and Mrs. Starosta suggested it could be discussed in Committee of the Whole as well. Ms. Whipkey moved to place this on Council's next agenda pending on the information coming from Mr. Ryland, seconded by Mr. Conklin.

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

Motion passed 7-0.

Mr. Rodgers commented about the timing of the bids received and stated that Wooster Roofing was able to come back with a second quote after a recent phone conversation and they had adjusted their pricing. Mr. Rodgers asked when Norton goes out for bid are we required to accept the lowest bid? Mr. Ryland replied the lowest and best bid. Mr. Ryland corrected Mr. Rodgers that this was not a bid project, we asked for quotations and these are the only two (2) that replied. Mr. Ryland stated that we have done work with Wooster Roofing numerous times and we have asked them to rework their prices, we don't tell them what was bid. There was discussion on the trust issues with city hall and stated that Mr. Ryland is not working for Acme anymore you work for the city. Mr. Rodgers wanted everyone to be aware of the negotiation process for services just like with the cleaning company. Ms. Whipkey stated that it appears the Wooster Roofing came back two or three days later and was now lower than the Buxton Company. Mr. Ryland stated he did not disclose the costs received, they may call in and we only tell them to work harder on their quote, we do not tell them what the price is. Mr. Rodgers stated this is the problem with cronyism and if it can happen here, it should not happen at all. We should follow procedures and should be done in that manner and it appears there is something wrong. Mr. Ryland asked Mr. Rodgers if he was inferring that he knew someone at Wooster Roofing and fed them information? Mr. Rodgers replied yes. Mr. Ryland stated you are totally wrong and don't know what you are talking about. Mr. Ryland stated he does not know a sole that works for this company.

Appointments to Boards & Commissions

Mr. Mowery noted the Mayor has made some selections for various terms and some resolutions of appreciations and wished to put these all on for the next Council agenda. Mayor Zita stated that Scott Testa who served on the Parks & Cemetery Board has stepped down and he would like to fill that position with Bill Courson. Mayor Zita stated Bill Courson currently is serving on the BZA. He would be moved from BZA and put onto the Parks & Cemetery Board. Mayor Zita stated that Ed Noble is currently serving as the alternate and sworn in on the BZA, and will be moving up to that vacant spot. Mayor Zita stated that legislation was ask for this position, however since he is already sworn in, that will not be required.

Mayor Zita stated that term will expire on February 28, 2014 and he may continue that. Mr. Mowery moved to place all these resolutions on the next Council agenda with emergency language and waiving the second and third readings, seconded by Mr. Pelot.

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

Motions passed 7-0.

**Unfinished Business:**

Mr. Ryland asked Mr. Mowery if has set up a meeting for us to meet with the individuals on Gardner Blvd. about the flooding issues we discussed last week, and Mr. Mowery replied no. Mr. Conklin stated he is looking to set up a Utilities Committee Meeting sometime this week and polled the members for possible dates and times. It was decided amongst the members the date will be this Thursday, September 19, 2013 at 8:00 AM here in Council chambers.

**New Business:**

Ms. Whipkey commented on the Akron Beacon Journal about the vote on sewer issues. Ms. Whipkey stated that Council doesn't get it and the people don't get it. Ms. Whipkey pointed out that there is nothing in this Charter amendment or the previous one that states anything specifically about Nash Heights. This issue is not about Nash Heights and they keep getting villainized about this and this issue affects the majority of the residents, it's the minority that has sewers. All of the rest of us will be looking at this in the future and need to stop referring to Nash Heights as the bad guy.

**Public Comment-Agenda and Non Agenda Items:**

Mr. Richard Easterling, 2996 Givens Drive, Norton, Ohio, spoke regarding how nice it is to see only one trash truck going down his street and seeing the barrels out there only one night as well. Mr. Easterling thanked Council and the Administration for making that possible.

Mr. Jack Gainer, 3920 Wadsworth Road, Norton, Ohio, spoke regarding the comments from Mr. Web and the Summit County Board of Health and raised issues with the high raises the Board justified. I would very much like to voice my objections to the raises for the 8 top administrators at the Summit County Health district. First of all I find it appalling that the Health Commissioner Gene Nixon would wait until the day of the vote on the raises to announce them. Secondly, how in this time of economical problems and uncertainty, can he say that the raises are "justified"? The lowest paid person receiving the raises was making 74,292.00 per year. How many people in this area with similar degrees and experience are making that kind of money? I know several teachers w/20 some years of experience who do not make that kind of money. They are the ones who more than likely taught the administrators how to do what they are doing. Also the article made it sound as if the 46,937 amount was the total. Nowhere, did I see a mention of the fact that this is a continuing yearly amount added to their already adequate salaries. Also of course the amount must be matched by an amount added to their pension and life insurance contributions. Thirdly, if "another assistant commissioner" can be replaced by "Skoda" then I submit to all who will listen, more than likely that person was not needed to start with.

I do commend "Skoda" however for willingly taking the "added work" of her now departed co-worker. I am sure as time goes by, the leaving employee's name will be harder to remember. Her duties commingled with that of others. How many raises have all of the employees who actually do the hard work of insuring that we in Summit County have good health, received this year? Also were any of them 10%,14% or anywhere near that amount? I think not. I would have serious doubts that Mr. Lewis Debevec "scrutinizes" other administrators too closely, since he is one himself. Hopefully he is an honest employee and really believes what he is told by managing personnel. I am really distressed to hear that he has "never" had a problem with raises for administrators. I would hope that surely at some time in the past he has heard of requests that were not warranted? Maybe? I would like to suggest that raises be withheld until much better financial times. If ever? Can these same people find jobs in the private sector that pay as much with benefits and pensions as they are making now? I don't think so. The Beacon Journal published this article the same day the vote occurred. Mr. Gainer noted this is the same group of people who want MAD voted out. We should not even considering voting out the MAD. Mr. Gainer stated he would like to submit a records request to Summit County to find how they have been spending our money.

Mr. Tom Kornas, 3771 Brookside Drive, Norton, Ohio, stated he was glad to know that Mr. Nicolard would go to jail. We want you to do the right thing for the people. Open things up and be transparent. Mr. Kornas discussed the different costs he has heard about the Nash Heights assessments and asked are we negotiating prices Mayor Zita? Mayor Zita stated we are not negotiating anything and did not know what he was talking about. Mr. Kornas urged the city to come out in the open with your plans and tell us all about them. Mr. Kornas commented on Ms. Whipkey's reference to Nash Heights being the bad guy. Mr. Kornas stated suddenly we are finding e-coli all around the community. Suddenly it becomes a big issue and you have to follow the money. You are charging the taxpayers 27.5% for sewer fees and you cannot even account for that. He has asked for an accounting of every single cost for construction along Gardner Blvd. and he cannot find it. Mrs. Starosta did provide some construction costs for Gardner, but not the whole package; we need this to be opened up. Why can't we get together and formulate a plan for sewers, they don't have to cost an arm and a leg. There are other communities across the state that only \$35-\$45 a month for their sewers. Why are we going to have to pay this much, which is making the money? Can't we find out? Mr. Nicolard stated our books are open. Mr. Kornas stated he wants to see the assessment figures and the total plan, its not just Nash Heights. Mayor Zita stated it's actually a twenty (20) year plan and we submitted five (5) years of that twenty (20) year plan to the EPA back in March or April when they requested. After the twenty (20) year plan is completed, still all of Norton will not be total sewers.

Mr. William Paluch, 3740 Shellhart Road, Norton, Ohio, spoke regarding on the September 3, 2013 he sent out a memo to all of you and the press asking you to act swiftly to get this Charter amendment done and back up to the Board of Elections. Don't blame me if you have paid additional costs now, blame yourselves. I also sent you another memo on September 6, 2013 asking you to get this on the November ballot and you still have not done that. Mr. Nicolard stated we received your certified petitions on Friday, at approximately 3:18 PM the deadline for filing was 4:00 PM.

Mr. Nicolard stated its hard to get a Special Council meeting put together when we are required to give a twenty-four (24) hour prior notice to the press and the public. The time frame was missed and now we have to set another time. Mr. Paluch stated you probably could have this place on the November ballot. Mr. Kostoff stated that is categorically incorrect, so do not misstate the facts. The Finance Director dutifully took your petitions to the Board of Elections within hours of receiving them. The Board of Elections responsibility is to certify the elections which either does not does not get you on the ballot. Mr. Kostoff concurred with the Clerk of Council the date was Friday, September 6, 2013 when we would have needed to act to put this on the ballot. Mr. Paluch asked Mr. Kostoff if he was aware of a case in Lorain County with the same situation and even though they were late it was on the regular election? Mr. Kostoff replied he would not debate the facts of that case with Mr. Paluch and that we prepared the proper legislation. Mr. Paluch stated he did not want this on the February ballot, he wants to keep this fresh in the public's minds. Mr. Paluch stated you have promised the public the city would pay would pay two-thirds of the construction homeowner would pay one-third and he will hold you accountable for that.

Mr. Rick Rodgers, 4047 Wadsworth Road, Norton, Ohio, stated he brought everyone copies of emails about a month ago regarding sewer project. Mr. Rodgers asked Council to table this sewer project until the new Council is seated. Mr. Rodgers stated he understood you have the letter from the EPA, however you still have time to table this. Mr. Rodgers asked if these emails stir up any questions, did you find it proper? Mayor Zita stated he did not find it improper. Mr. Rodgers stated so you think is proper to tell the Health Dept, where and how to inspect the septic systems? Mayor Zita stated that is not what he said. Mr. Rodgers asked for input from Council and there was no response, and Mr. Pelot reminded him this is communication from the public. Mr. Rodgers discussed the two (2) weeks we have to respond to the EPA letter and suggested you respond and negotiate with them. We do not have to sign on to this project. Mr. Rodgers commented about a company one Council member works for is drawing checks from the city, does that seem proper to you? We are heading down a path here that looks wrong, it smells wrong. We have to table this and design things the people will go along with. Mr. Nicolard stated after listening to Mr. Rodgers comments, he is trying to figure out why we should take the \$600,000.00 we have spend in engineering and throw it all away and just start over? Mr. Rodgers replied it's to do it right and do it in the way it represents the City.

Mr. Paul Tousley, 4536 Garrett Drive, Norton, Ohio, spoke regarding the EPA letter and focused on their word negotiate. Mr. Tousley stated that it means the possibility to work with the EPA instead of pushing this through, that's promising. Mr. Tousley discussed the earlier comments about the MAD and Summit County and that we need to get our money back. That's a good idea however questioned if it is possible to find that money and use that to pay for the MAD for our residents. When this MAD was created it was done so without the input of the people. Mr. Tousley stated it was set up to cost about \$10.00 a month and they have done so. Mr. Tousley expressed concerns with the chemicals they are spraying onto the air and asked if he is the only one concerned about that? Mr. Tousley stated when these trucks come into his neighborhood he gets the kids in the house and closes all windows. Mr. Conklin noted that the MAD trucks run with a GPS program and you can contact the MAD and request they don not spray your property.

Mr. Pelot stated he also was upset when this MAD was formed and at the time he also asked the County to get our money back, and was told the money is for the whole program not just for mosquitoes and money would not be coming back to us.

**Topics for the next Work Session:**

Non-bargaining salary issues

**Adjourn**

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:40 PM.

---

Don Nicolard, President of Council

**\*NOTE: THESE MINUTES ARE NOT VERBATIM\***

**\*\*ORIGINAL SIGNED AND APPROVED MINUTES ARE ON FILE WITH THE  
CLERK OF COUNCIL.\*\***

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