



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 23, 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, September 23, 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.

Presentation by Dan Karant-Summit County Public Health provided a power point presentation regarding various health issues, and several areas of concerns such as the infant mortality study and adult protective services (see documents attached).

Select Special Election Date & Amend Ord. #57-2013

Mr. Mowery discussed the date of December 10, 2013 as advised by Summit County Board of Elections (SCBOE) and Ms. Whipkey stated she looked into this and she had contacted the SCBOE and spoke with Mr. Masich the Director who informed her Dec. 10 or Dec 17 would be beneficial at possibly same cost as last election or as high as \$23, 000.00. She also has spoken to Mr. Paluch and he has agreed with this date but no other, and would not pursue a Writ of Mandamus legal action. We also would not be incurring extra legal fees by waiting until February. Above that there is the Ohio Constitutional element that states we need to do this as soon as possible and we have already been advised by our legal council to do so. We can avoid future embarrassment in the papers, and avoid excessive legal fees. Mr. Mowery moved to set the date of Dec. 10, 2013, seconded by Ms. Whipkey with waiving waive the third reading. Mr. Bergstrom discussed the mention of legal costs with no guarantee of what those costs could potentially be, and questioned if there is a significant savings in February of next year? Ms. Whipkey stated Mr. Paluch had issued a press release stating he would take mandamus action if the Dec 10, 2013 was not selected. Mr. Bergstrom asked about the history of Special Elections in February and Mrs. Richards stated she checked the past five (5) years back on the BOE and three (3) out of the five (5) had such elections. There was discussion as to how much the City could save between the dates of Dec. 10, 2013 and Feb 4, 2014, was it \$10,000.00 \$15,000.00 or more. Mayor Zita stated from what he read the Board would still be very busy certifying the November 5, 2013 election and staffing is an issue which can be costly.

Mr. Nicolard stated he believed the poll workers get paid the same for every election they work; the difference in costs would be in administrative costs. Ms. Whipkey clarified that November is the month it would be the most costly election for us. Ms. Whipkey stated Mr. Masich's recommendation was Dec. 10, 2013 or Dec 17, 2013 and Mr. Paluch is well within his constitutional right to challenge this. Ms. Whipkey stated that the Ohio Constitution issue means something to her. Mr. Nicolard noted when the Clerk of Council spoke to the BOE they strongly recommended Feb 4, 2013. Mr. McGlone discussed both of these are winter months, and the turnout would be the same regardless, and questioned what citizen would want to spend more money to do this? Mr. Mowery agreed that Mr. Masich is the Deputy Director and the go to person for such details. Ms. Whipkey asked Mr. Kostoff if this gets tied up in the courts, would you and your firm represent us pro-bono? Mr. Kostoff stated this is a rhetorical question as you know I have a contract to represent this City. Mr. McGlone stated we have a statement of pending legal fees coming from Mr. Paluch if we do not go with Dec. 10, 2013 and a real issue with the constitutional issue here.

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

Motion failed 2-5.

Mr. Mowery moved to select the date of Feb. 4, 2014, seconded by Ms. Whipkey

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

Motion failed 2-5.

Additional Requests for Legislation to Be Added

RES #63-2013: A resolution authorizing the Mayor and/or the City Administrator to engage the Ohio EPA in negotiations regarding the Director's proposed findings and orders dealing with unsanitary conditions in the City of Norton, identified as the Nash Heights Area, and declaring an emergency.

Mr. Conklin moved to add Res. #63-2013 to tonight's agenda, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

ORD #64-2013: An ordinance authorizing the purchase of a 2014 Dodge Charger police cruiser for the Police Department at a cost not to exceed \$26,000.00, and declaring an emergency.

Mr. Pelot moved to add Ord. #64-2013 to tonight's agenda, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

ORD #65-2013: An ordinance adopting various insurance plans for various periods for employees of the City of Norton, and hereby authorizing, approving, and ratifying the same; and declaring an emergency.

Mr. Pelot moved to add Ord. #65-2013 to tonight's agenda, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

ORD #66-2013: An ordinance amending Ordinance No. 19-2013 which authorized the Mayor and/or Administrative Officer to execute and deliver a cost sharing agreement with the City of Barberton for the construction of the 31st Street NW/Cleveland-Massillon Road Waterline Replacement Project; and declaring an emergency.

Mr. Conklin moved to add Ord. #66-2013 to tonight's agenda, seconded by Mr. Bergstrom.

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

Motion passed 7-0.

COMMUNICATIONS FROM THE PUBLIC-Agenda and Non-Agenda Items

Tom Kornas, 3771 Brookside Drive, Norton, Ohio, stated he recent had communications from Congressman Renacci and had received information relating to programs, grants and loans so don't say there is nothing out there and provided the Clerk of Council with a copy to share with everyone (see attached). Mr. Kornas stated you all need to roll up your sleeves and look at this before spending any money. You have the Mayor spending \$10,000.00 on concrete for safety town and you are going to spend more money on special elections. Now you want to monkey around on this and the Councilwoman was right about the Constitutional rights. There will be some of you out of office soon, but regardless we will have to deal with your consequences. Mr. Kornas stated you are all going to look foolish in the papers if you keep pressing the issue of Nash Heights; it's the entire City of Norton. Let's get on with this special election and let's quit playing games.

Mrs. Pat Reese, 4052 Wadsworth Road, Norton, Ohio, discussed the problem about parcel numbers with combined properties. Ms. Reese stated the Fiscal Office sent out a form that states there would be no fee to combine lots.

Mrs. Reese stated that the City of Norton is requiring the property owner to pay for survey fees and an application to the Planning Commission. Once again the City is not providing the citizens with the proper information and the County's solution is not an issue. Ms. Reese discussed a phone conversation Mr. Ryland had with one resident that a buildable lot is not an issue. Ms. Reese demanded a letter in writing stating that an owner would not be charged, and would like to have that notarized. Mr. Nicolard stated he also received this same letter and asked the Clerk to read it, (see attached).

Mr. Paul Tousley, 4536 Garrett Drive, Norton, Ohio thanked Ms. Whipkey for bringing up the Ohio Constitution. Mr. Tousley stated that we need to teach our kids the value of the Constitution and maybe our grown up adults as well. Mr. Tousley stated that he feels we should wait until February, in addition to the fact that the petitioner has the right to do what is necessary to put this on in December. Mr. Tousley stated it seems like most members have a disdain for this petitioner. Mr. Tousley discussed the fact he has family members out there putting their lives on the line each day for this country. Mr. Tousley asked Council does if their word really means anything, if it does then you can prove it with the way you vote. Mr. Tousley suggested there may be a hidden agenda here with holding off until Feb. 4, 2014. Mr. Tousley stated he doesn't know how many times he has been here and asked do you know how badly this will affect the residents. Please consider other options before you vote.

Mr. Rick Rodgers, 4034 Wadsworth Road, Norton, Ohio, stated that after last meeting he was told if he kept making scandalous statements, well it was kind of left there hanging. Mr. Rodgers stated that he does not come up here without the facts, and if someone feels his statements are scandalous then so be it. Mr. Rodgers stated he has asked for records for various projects and thanked Mrs. Starosta for supplying what she did. Mr. Rodgers stated there are still some issues from 2010 and why some people were paid at Acme. Mr. Rodgers discussed the feedback he has received in the community while out campaigning; some are about the poor conditions of the roads, some are concerned with the costs for sewers, etc. Mr. Rodgers discussed the taxes and the new school levy that the younger people need. Mr. Rodgers stated we need to be looking down the road to our future. Things will not get done with all of the bull headed people here, when it's your way or the highway. This City is going to change and it's going to change very soon. Mr. Rodgers stated he is glad to see we will be working to negotiate with the EPA, and noted earlier comments of how we are too quick to challenge the residents and but not so quick to challenge the EPA.

Mrs. Elaine Tompkins, read her written comments, (see attached)

Mr. William Paluch, 3740 Wadsworth Road, Norton, Ohio, stated that it amazes him the questions we ask of you and you do not have an answer them. Mr. Paluch asked how many precincts there are in Norton and Mr. Pelot replied twelve (12) and Mr. Paluch replied no it's eleven (11) and the costs you will pay for a special election is \$1300.00 for each precinct or a total of \$13,000.00. Mr. Paluch stated if you still have the election in November, that is how much you will pay. Mr. Paluch stated he has a constitutional right to challenge this just like he did with the televised meetings and you people are denying him this right. None of you should be up there, you don't deserve that job. Mr. Paluch stated that he will take this matter to court and without his attorney this time.

You want to go against me, then fine let's go to court on it. You will lose and you should have listened to Mr. Kostoff and gave credit to him and a lot of credit to Ms. Whipkey. The rest of you clowns, I'll see you in court.

CONSIDERATION OF MINUTES

Regular Council Meeting of September 9, 2013, approved as submitted
Committee Work Session of September 16, 2013, correction to date at top of first page, error was September 19, 2013.

Special Council Meeting of September 16, 2013, approved as submitted

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS

There were no reports.

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION

RES #58-2013

Mr. Mowery offered Res. #58-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF SCOTT TESTA FOR HIS SERVICE AS A MEMBER OF THE CITY OF NORTON PARKS AND CEMETERY BOARD, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Mowery moved to adopt Res. #58-2013, seconded by Mr. Conklin.

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

Motion passed 7-0.

RES #59-2013

Mr. Mowery offered Res. #59-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF WILLIAM COURSON FOR HIS SERVICE AS A WARD 4 REPRESENTATIVE OF THE CITY OF NORTON BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Mowery moved to adopt Res. #59-2013, seconded by Mr. Conklin.

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

Motion passed 7-0.

RES #60-2013

Mr. Mowery offered Res. #60-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION CONFIRMING THE APPOINTMENT OF WILLIAM COURSON TO FULFILL AN UNEXPIRED TERM AS A MEMBER ON THE CITY OF NORTON PARKS AND CEMETERY BOARD AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Mr. Mowery moved to adopt Res. #60-2013, seconded by Mr. Conklin.

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

Motion passed 7-0. There was a brief recess for in order for Mayor Zita to swear Mr. Courson into office.

RES #61-2013

Ms. Whipkey offered Res. #61-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION SUPPORTING THE BARBERTON-NORTON MOSQUITO ABATEMENT DISTRICT, AND DECLARING AN EMERGENCY.

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

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

Motion passed 7-0.

Ms. Whipkey moved to adopt Res. #61-2013, seconded by Mr. Pelot. Ms. Whipkey stated this is to show our support in keeping MAD for our mosquito spraying instead of going with Summit County. Ms. Whipkey stated as long as they continue to provide these services, that meets our needs and she feels they are better than the County.

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

Motion passed 7-0.

ORD #62-2013 REMOVED DURING COMMITTEE OF THE WHOLE

ADDED DURING COMMITTEE OF THE WHOLE

RES #63-2013:

Mr. Conklin offered Res. #63-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE MAYOR AND/OR THE CITY ADMINISTRATOR TO ENGAGE THE OHIO EPA IN NEGOTIATIONS REGARDING THE DIRECTOR'S PROPOSED FINDINGS AND ORDERS DEALING WITH UNSANITARY CONDITIONS IN THE CITY OF NORTON, IDENTIFIED AS THE NASH HEIGHTS AREA, AND DECLARING AN EMERGENCY.

Mr. Conklin moved to waive the second and third readings, seconded by Mr. Bergstrom. Mr. Mowery asked if the date and times have been set up or is this the process needed to get this set up? Mayor Zita replied this is to get that set up. Mr. Mowery noted as it was discussed earlier that we need someone on Council to also be involved in these meetings. Mr. Mowery asked that Council be notified as to when the date and time would be and Mayor Zita indicated he would do that. Ms. Whipkey asked if we are going to run into problems with executive session issues if several of us attend? Mr. Nicolard stated its not executive session, that would be the Sunshine Law and if no more than two (2) attend that would be ok and Mr. Kostoff concurred this was correct. Mr. Bergstrom suggested this be discussed at the next Committee Work Session. Mr. Kostoff stated that the purpose of this resolution is to respond to the fourteen (14) day window. As indicated we had three options before us and if passed tonight would permit the City to engage with the Director of the EPA for our options. Mr. Kostoff noted a section in this legislation that requires any decisions must come back to Council for approval.

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

Motion passed 7-0.

Mr. Conklin moved to adopt Res. #63-2013, seconded by Mr. Bergstrom. Mr. Mowery asked how soon would this meeting take place and Mayor Zita replied he had no idea. Mr. Kostoff indicated as soon as this is processed by the Clerk it would be transmitted to the EPA right away.

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

Motion passed 7-0.

ORD #64-2013:

Mr. Pelot offered Ord. #64-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 2014 DODGE CHARGER POLICE CRUISER FOR THE POLICE DEPARTMENT AT A COST NOT TO EXCEED \$26,000.00, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. McGlone. Ms. Whipkey asked if we were trading in some vehicles and Mr. Ryland replied yes. Ms. Whipkey noted that in the past we purchased some over weight scales and we built a truck that was able to transport these scales. Ms. Whipkey asked if that truck is involved as part of the trade in? Mr. Ryland replied that we still utilize this truck.

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #64-2013, seconded by Mr. McGlone. Mr. Pelot stated this is to purchase a police cruiser at a cost not to exceed \$26,000.00. Ms. Whipkey stated it was brought up a while back we were also looking at buying a vehicle for the Fire Dept. which she believed they have now received, and this purchase was for our Police Dept. Mr. Pelot inquired about the time line for deliver and Mr. Ryland replied probably about six (6) weeks.

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

Motion passed 7-0.

ORD #65-2013:

Mr. Pelot offered Ord. #65-2012 for its first reading and asked the Clerk to read it:

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

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Bergstrom. Mr. Mowery asked if this ties in with the premiums that were not paid before and Mr. Ryland replied this has nothing to do with that, this is for employee health care. Mr. Mowery asked if that life insurance issue has been brought up to date yet and Mr. Ryland replied yes it has all been taken care of. Ms. Whipkey asked if this is what was just discussed at the Board of Control meeting and Mr. Ryland replied yes. Ms. Whipkey stated that this is for us to comply with the National Health Care act and to keep insurance for the employees. Mr. Ryland stated this is to keep the current health care plan for our employees and so that we are not up against the January 1, 2014 deadline.

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

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #65-2013, seconded by

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

Motion passed 7-0.

ORD #66-2013:

Mr. Conklin offered Ord. #66-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE AMENDING ORDINANCE NO. 19-2013 WHICH AUTHORIZED THE MAYOR AND/OR ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A COST SHARING AGREEMENT WITH THE CITY OF BARBERTON FOR THE CONSTRUCTION OF THE 31ST STREET NW/CLEVELAND-MASSILLON ROAD WATERLINE REPLACEMENT PROJECT; AND DECLARING AN EMERGENCY.

Mr. Conklin moved to waive the second and third readings, seconded by Mr. Conklin. Mr. Ryland commented this was an extension of a waterline along Dorothy Court at the Service Garage and includes three (3) additional homes, which now provides fire protection to this area with a six inch water main

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

Motion passed 7-0.

Mr. Conklin moved to adopt Ord. #66-2013, seconded by Mr. Pelot. Mr. Bergstrom state at the Board of Control it was stated the cost was \$130,000.00 but looking at the math here it's more than \$130,000.00 increase. Mrs. Starosta explained we had an original contract for this waterline project, and all that changed is the City of Norton's share and the overall total project cost.

Mrs. Starosta stated that this is just amending the previous ordinance to include the \$130,000.00 in it.

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

Motion passed 7-0.

INTRODUCTION OF PRIOR LEGISLATION

RES. #56-2013

Mr. Conklin offered Amended Res. #56-2013 for its third reading and asked the Clerk to read it:

A RESOLUTION DECLARING IT NECESSARY TO IMPROVE CROYDON ROAD, HIGGINS DRIVE, RANGELY ROAD, EASTON ROAD, BROOKSIDE DRIVE, CLUBVIEW DRIVE, BROOKSIDE COURT AND CERTAIN OTHER PARCELS BY CONSTRUCTING AND INSTALLING SANITARY SEWER LINES, TOGETHER WITH NECESSARY APPURTENANCES THERETO, COMPRISING THE NASH HEIGHTS SANITARY SEWER IMPROVEMENTS – EAST PHASE PROJECT, AND DECLARING AN EMERGENCY.

Mr. Conklin moved to adopt Amended Res. #57-2013, seconded by Mr. Bergstrom. Mr. Mowery stated the heart and sole of this is to get these areas ready for the sewer lines, and asked if it would be better to wait until we meet with the EPA first? Mayor Zita stated it's his understanding the meeting with the EPA is giving us one year to complete Phases I, II and III of Nash Heights within one year, which he does not feel we can meet. It's his understanding that this is all that is negotiable at this time. Ms. Whipkey clarified that what is going to go before the EPA for negotiations is Nash Heights East & West, and Mr. Ryland replied yes, this is the entire project as they identified in their findings. Ms. Whipkey asked if there are any legal repercussions if we waited until after this first meeting with the EPA? Mr. Kostoff stated he cannot predict what the EPA's reaction would be if we waited. Ms. Whipkey questioned if the EPA could even react to this, we are to be submitting plans not resolutions or ordinances. Mr. Mowery stated the EPA is looking for a meeting with the City and Mr. Bergstrom disagreed, they are looking for a plan. Mr. Nicolard stated that before we got to this point with the legislation the EPA was asking for the City to submit a five (5) year plan and a twenty (20) year plan for Nash Heights and Mr. Ryland concurred. Mr. Nicolard stated a good negotiation tool is for us to be acting on that plan and by delaying this is telling the EPA we are stalling as long as we can, and this is not in good faith. Mr. Mowery stated nobody knows what has been said to the EPA or the County and we have no idea what direction they might take. Mr. Bergstrom disagreed as he and Mr. McGlone did attend the EPA meeting and we discussed options and we were told they would not allow septic system replacements in this small area. We talked about the process and the time frame with all of the legislation going forward with Nash Heights, it's a long process we have to go through and we are not breaking ground tomorrow with this.

Mayor Zita stated the Director we have been meeting with is Mr. Gene Sloan. Mr. Mowery stated there are just too many question marks for him at this point.

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

Motion passed 5-2.

ADDED DURING COMMITTEE OF THE WHOLE

ORD #57-2013

Mr. Mowery offered Ord. #57-2013 for its second reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND THE CHARTER OF THE CITY; AND DECLARING AN EMERGENCY.

Mr. Mowery moved to waive the third reading, seconded by Ms. Whipkey.

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

Motion passed 5-2.

Mr. Mowery moved to adopt Ord. #57-2013, seconded by Ms. Whipkey. Mr. Bergstrom stated he believes this is the wrong way to address the assessment, a Charter change is the wrong place to do it. Mr. Bergstrom stated he believes in a fixed rate for the residents and we need to continue to work on that. Mr. Bergstrom felt if this were to pass it would place the City in a standstill situation on a lot of issues. Mr. Bergstrom stated that this would tie us down so tight that if the construction costs get so high we have no other way to address it other than another Charter change. Mr. Bergstrom stated we are going to have to find a lot of money whether its by raising taxes, making cuts to our Police Dept. Mr. Bergstrom discussed the action required by Council with Charter amendments, and after checking with another attorney he realizes Council really has no choice but to submit this to the voters. Mr. Bergstrom noted that as Council we have to be held accountable and if your not you don't get re-elected, and that's how it should be, that's our job. Mr. Bergstrom stated he wants it to be known when you get out there to vote, this is where this decision should be made. You need to make the decision as to who has that right to make adjustments to those costs either up or down. Mr. Bergstrom commented if this proposed Charter amendment passed at the \$5,000.00 we could not even go lower than this if the costs were to go down without another Charter change. There is no flexibility with this by putting something like this in the Charter. Mr. Nicolard discussed the section of the Ohio Constitution that mandates Council must send this to the Board of Elections. Mr. Nicolard stated when he was elected he had no idea he would be giving up his Constitutional right to a vote that the Council Rules clearly state you can vote yea, nay or abstain.

Mr. Nicolard stated on August 6, 2013 we had an election and in Ward 2 there were about 760 ballots cast. Of those ballots 630 voted no for that Charter change. Mr. Nicolard stated he represents Ward 2 and his vote on this tonight is to represent the voters of Ward 2 and that would be a no vote. Ms. Whipkey stated in this case it does not matter whether we like this or not, the fact is we need to send it to the ballot. If this is passed tonight, it will relieve us of any liabilities and will not trample on someone's Constitutional rights, which each one of you are entitled to. We can argue about the merits and convince the public about how they should vote, we need do to this and get it done. Mayor Zita stated that Ms. Whipkey sat there and stated what the law is and how we need to obey it and do what it says. However, on Res. #56-2013 for moving forward on Nash Heights, you just voted no on that, which is an EPA mandate now given to the City. You are an At-Large Councilwoman that represents the entire City, not just Ward 4, and you yourself are breaking the law. Ms. Whipkey stated that she had asked our Solicitor if this would be going against the law and our Solicitor could not answer. Earlier she had stated that it seems Council can crush the Constitutional rights when it comes to our citizens, but not when it comes to fighting our government agencies. Ms. Whipkey stated it's her choice and it has not been proven that she is breaking any laws here.

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

Motion passed 5-2. Mr. Conklin stated this vote carried and would be going to the Board of Elections. Mrs. Richards indicated as soon as this is signed by everyone, she would be delivering it to the Board of Elections and also to the Secretary of State.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Ms. Whipkey discussed a comment by a resident earlier tonight about double assessments and conversations she had with Mr. Arters. Ms. Whipkey stated she wants to have actual facts about multiple parcels whether they are buildable or not and what the process or routes they need to take in order to combine these lots to make sure they are not charged double assessments. Ms. Whipkey stated she noted one resident in the Nash Heights project is already showing being hit twice and she does not want to see this happen to anyone else. Ms. Whipkey stated if she were to own five (5) acres and if it's her yard she should not be charged double. Ms. Whipkey stated she wants to know what they need to do to get out of that. Ms. Whipkey stated she would like to see something done in time for the next Work Session. Mr. Ryland stated he believed that if Mrs. Reese wanted to combine hers into one taxable lot that should cover this. Ms. Whipkey clarified that we would not have to go through a surveying of the land? Mr. Ryland replied not that he was aware of; we have never had the need for surveying and was not sure where that idea came from. Mrs. Reese indicated that it was Mr. Arters that told her this was required. Mr. Ryland stated all that is required is to fill out the forms from the County and send it back in. However, if you ever

decide later to build on that lot, then it becomes an issue of benefits. On the issue of land if it is all one (1) lot than that would be one (1) benefit.

Mr. Ryland stated right now if they own a buildable lot, then it is assessed as a parcel of land and would be assessed, then if combined it would not be. Ms. Whipkey stated then if their land is combined onto one (1) tax bill then its one (1) benefit and Mr. Ryland replied yes he believed so, its one buildable lot not one parcel of land. Ms. Whipkey stated the problem arose here because of the information Mr. Arters is giving. Mr. Nicolard stated that is what the letter stated and it would be stream lining the County's process. Mr. Mowery stated he will be setting up a meeting shortly with the Leemaster and the Dye residents relating to their flooding issues, and he would let Mr. Ryland know of the details. Mr. Pelot asked if the Clerk of Council could provide the documents presented by Mr. Kornas to each Council member on a flash drive and Mrs. Richards indicated she could send this to all via an email as a PDF attachment instead.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita made several announcements, (see attached).

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 9:10 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 October 15, 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.