



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
TUESDAY, OCTOBER 15, 2013**

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

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

The Regular Council Meeting convened on Tuesday, October 15, 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 given by an 8 year old resident Rebecca Smith, and a moment of silent reflection.

**COMMITTEE OF THE WHOLE:**

Ms. Yolanda Walker-formerly Summit County Solid Waste Management now called Re-Works program gave a power point presentation (see attached information). Ms. Walker stated that Council would need to approve or disapprove of the proposed plan once approved by their offices sometime in mid November. Ms. Walker indicated that she would provide the City with proper sample legislation requested in addition to a flash drive of the entire plan documents in the near future. Mr. Bergstrom asked if the plan is available on line and Ms. Walker replied yes.

Mayor Zita requested that Council consider a first reading only for Ord. #74-2013 and #75-2013 relating to the raises for the Council Clerk and Admin. Assistant. Mayor Zita stated he wants more time for going over the spreadsheet that was provided to Council last week and in an Executive Session.

Mr. Conklin discussed his press release canceling his town hall meeting on 10-22-13 due to a family conflict and noted that it was posted by error at the sign at Williams Park that the meeting was still going on, which it's not. Mr. Conklin asked about EPA meeting, and if a date has been set yet, and Mr. Ryland replied yes its set for October 21, 2013 at 10:30 AM. Mr. Conklin asked to have a report from Ms. Whipkey & Mr. McGlone at the October 21, 2013 Committee Work Session.

Ms. Whipkey asked for Administration to post the EPA notice to our city calendar, and noted that this was already requested by our Clerk of Council.

Mr. Nicolard stated he would be pulling Ord #76-2013 Wooster Roofing Corp. off of the agenda.

**COMMUNICATIONS FROM THE PUBLIC:**

Ms. Diane Morrison, 3175 Shellhart Road, spoke about this years Cider Festival and stated she is the owner of the Sassy Dog vendor cart and she was late to get her notice into participate. Ms. Morrison stated that she had spoken with Ms. Vicki Wallace and paid the permit fee to participate. Ms. Morrison noted that a Ms. Kim. Miller had given her a hard time about the whole situation and gave her a not so favorable parking spot, and was not provided ample parking for all of her equipment. Ms. Morrison asked for a better situation and Ms. Miller gave her money back and asked her to immediately leave. Ms. Morrison expressed her frustrations and asked what could be done to prevent this in the future and was not sure if the Council or the Mayor could address this. Ms. Morrison stated that she lost a lot of money & food over this situation. Mayor Zita explained there is a Cider Festival Committee that makes these decisions, not the Council or Administration. Mayor Zits stated that he did attend a meeting where her late entry to participate was discussed. Mayor Zita indicated there is a wrap up meeting for sometime in December for this Committee and he suggested she attend that meeting.

Mr. Tom Kornas, 3771 Brookside Drive, Norton, Ohio, stated Ms. Morrison-Sassy Dogs has great tasting hotdogs and he was sorry hear that she was asked to leave the Cider Festival. Mr. Kornas asked Council if they have the strength to hold up their own hands, because the Administration has been pulling the wool over all of your eyes. Mr. Mowery complied and raised his hand. Mr. Kornas stated he visited Mrs. Richards today to examine the plans on file for the Nash Heights project, and from what he saw, this has been in the works for some time. Mr. Kornas stated you are not being very transparent here. This is devastating to most of the people here, and we are all just average citizens here. We had asked for you to find something more affordable. You were not shooting straight, why didn't you just come out and say that this is the plan, your going to like it and your going to pay for it. Some people have brand new septic tanks and they are going to have to tie in. Mr. Kornas stated that he hopes the press corrects this and please tell the people that it's coming to all of Norton. Mr. Kornas stated that he is tired of reading about Nash Heights being a stinky sewer pit. Don't lie to us anymore, tell us the truth, we are big people, we can take it.

Mr. Rick Rodgers, 4034 Wadsworth Road, Norton, Ohio, stated some comments have come up about a parcel at 3586 Wadsworth Road. There is a residential property next to a commercial business which came in after he was there for many years. The resident has complained to the City about issues with this business for many years, to no avail. Mr. Rodgers discussed the need for a stoplight at the intersections of Hametown and St. Rt. 261. It's a scary area for our older citizens as well as the younger drivers. Mr. Rodgers stated that Hemphill Road has a severe flooding problem due to the runoff and they also have complained to the City which again fell on deaf years. Mr. Rodgers stated it was mentioned to him three times today these residents would be better to merge with Copley. Mr. Rodgers stated it's a disgrace for Maco Dr. to have a sign stating "travel at your own risk". Mr. Rodgers stated this is an important road here. Mr. Rodgers discussed the raises and asked if the money has been found, and suggested looking at the proposed baseball field purchase. Mr. Rodgers asked about the EPA meeting and if there has been any thought of having a stenographer present as he believed we have the right to do?

William Paluch, 3740 Shellhart Road, Norton, Ohio, stated it's the same thing over and over about sewer projects and the \$2700.00 for permit fees, who can afford this? Mr. Paluch discussed the same resident as he did last week that has to pay \$18,000.000 over 20 years. How can anyone afford it if you don't have any grant money? Mr. Paluch discussed the comments made in the past that the City will be paying for two thirds of the project and the residents will pay one third, and that he still has not seen those numbers.

**CONSIDERATION OF THE MINUTES:**

Utilities Committee of September 19, 2013, were approved as submitted.  
Regular Council Meeting of September 23, 2013, were approved as submitted.  
Special Council Meeting of September 30, 2013, were approved as submitted.  
Committee Work Session of September October 7, 2013, were approved as submitted.

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

Mayor Zita announced that Mr. Ryland tendered his resignation and his last day will be November 8, 2013, and that he is looking for appointments.

**PUBLIC HEARINGS:**

None

**INTRODUCTION OF NEW LEGISLATION:**

**ORD #68-2013**

Mr. Conklin offered Ord. #68-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND SECTION 234.08 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO; AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Conklin moved to adopt Ord. #68-2013, seconded by Mr. McGlone

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

Motion passed 6-0.

Mr. Nicolard moved to remove Ord. #76-2013 to the next agenda as he mentioned earlier, seconded by Mr. Bergstrom. Mrs. Starosta stated she needs to hold a Board of Control Meeting first before presenting to Council. Mr. Nicolard noted a special meeting will be immediately following next weeks Committee Work Session to address this. Mrs. Starosta noted that Board of Control meeting would be held prior to the Committee Work Session.

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

Motion passed 6-0.

**ORD #69-2013**

Mr. Bergstrom offered Ord. #69-2013 for its first reading and asked the Clerk to read it:

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

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

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

Motion passed 6-0.

Mr. Bergstrom moved to adopt Ord. #69-2013, seconded by Mr. Conklin.

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

Motion passed 6-0.

**RES #70-2013**

Mr. Mowery offered Res #70-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION DETERMINING TO AMEND THE PERCENTAGE FOR MANDATORY CONTRIBUTIONS BY THE NORTON FIRE DEPARTMENT EMPLOYEES WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Mowery moved to adopt Res. #70-2013, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

**RES #71-2013**

Mr. Mowery offered Res. #71-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION DETERMINING TO AMEND THE PERCENTAGE FOR MANDATORY CONTRIBUTIONS BY THE NORTON POLICE DEPARTMENT EMPLOYEES WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Mowery moved to adopt Res. #71-2013, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

**RES #72-2013**

Mr. Conklin offered Res. #72-2013 for its first reading and asked the Clerk to read it:

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE SUMMIT COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE SUMMIT COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Conklin moved to adopt Res. #72-2013, seconded by McGlone.

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

Motion passed 6-0.

**ORD #73-2013**

Mr. Mowery offered Ord. #73-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE NON-BARGAINING HOURLY WAGES FOR PART-TIME POLICE OFFICERS; AND DECLARING AN EMERGENCY.

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

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

Motion passed 6-0.

Mr. Mowery moved to adopt Res. #73-2013, seconded by Mr. McGlone.

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

Motion passed 6-0.

**ORD #74-2013**

Mr. Mowery offered Ord. #74-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE NON-BARGAINING SALARY RATE FOR THE CLERK OF COUNCIL; AND DECLARING AN EMERGENCY.

Mr. Mowery noted this is a first reading only as requested by Mayor Zita earlier.

**ORD #75-2013**

Mr. Mowery offered Ord. #75-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE NON-BARGAINING SALARY RATE FOR THE ADMINISTRATIVE ASSISTANT; AND DECLARING AN EMERGENCY.

Mr. Mowery noted this is a first reading only as requested by Mayor Zita earlier.

**INTRODUCTION OF PRIOR LEGISLATION:**

None

**UNFINISHED BUSINESS:**

Mr. Mowery stated that he supports Ms. Morrison and Sassy Dog and that she promotes herself and her business very well and he was not happy that she suffered losses and hopes somehow the City could find a way to reimburse her for her expenses.

**PUBLIC SERVICE ANNOUNCEMENTS:**

Mayor Zita gave several announcements (see attached)

**NEW BUSINESS:**

Mr. Mowery asked about Mr. Ryland's resignation and the application process. Mr. Mowery asked who else had applied when he was seated? Mr. Mowery thought it was Mr. Helmick a past Council member. Ms. Whipkey asked when you are looking to replace him and Mayor Zita replied he would be starting shortly and that we have ninety (90) days from Nov. 8<sup>th</sup> to fill this seat.

Ms. Whipkey noted that most likely this Council will not be involved on that appointment, and we can wait until after the elections and into next year. Mayor Zita stated it depends on if that position is filled in the meantime. Mr. Bergstrom asked what mechanism will take place in the event a candidate is not selected before Mr. Ryland leaves? Mayor Zita replied that he will fill that position for the interim for up to the ninety (90) days. Mr. Bergstrom asked how this would work considering Mayor Zita's work and Mayor Zita replied he would do the best he can.

Mr. Nicolard asked for a Resolution of Appreciation be prepared for Mr. Ryland for his service to the City, and a Resolution supporting the Norton School levy.

**Executive Session**

At 7:52 PM Mr. Nicolard moved to temporarily adjourn the Regular Council Meeting to enter into Executive Session for the reason of pending litigation as defined in O.R.C. § 121.22 (G) (3) & Section 3.12 of the Norton City Charter, seconded by Mr. Bergstrom. Mr. Nicolard also invited Mayor Zita, Mr. Kostoff, Mr. Ryland and Mrs. Starosta to attend. Mr. Nicolard stated the he would reconvene the Regular Council Meeting back to session only to adjourn, there would be no legislative action pending on this matter.

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

Motion passed 5-1.

Council returned from Executive Session at approximately 8:25 PM

**ADJOURN:**

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 8:26 PM.

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Don Nicolard, President of Council

I, Karla Richards, CMC-Clerk of Council for the City of Norton, do hereby certify that the foregoing minutes were approved at a Regular Council Meeting held on October 28, 2013.

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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.