



**NORTON CITY COUNCIL  
SPECIAL COUNCIL MEETING  
MONDAY, NOVEMBER 4, 2013**

Roll Call:	Dennis McGlone	Also Present:
	Charlotte Whipkey	Mayor Mike Zita
	Scott Pelot	Rick Ryland
	Bill Mowery-Excused	Laura Starosta
	John Conklin	Pete Kostoff
	Todd Bergstrom	Karla Richards
	Don Nicolard	Ann Campbell

The Special Council Meeting convened on November 4, 2013 at 9:56 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.

**INTRODUCTIONS OF NEW LEGISLATION:**

**ORD #85-2013**

Mr. Conklin offered Ord. #85-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO CONSENSUAL FINDINGS AND ORDERS WITH THE STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY (“EPA”) AND ITS DIRECTOR TO RESOLVE ISSUES RELATING TO UNSANITARY CONDITIONS IN THE CITY OF NORTON AS 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. Conklin stated the Clerk noted to him the exhibit in this packet is not properly marked as Exhibit A, although it was properly marked in the Committee packet.

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

Motion passed 5-1.

Mr. Conklin moved to adopt Ord. #85-2013, seconded by Mr. Bergstrom

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

Motion passed 5-1.

**ORD #87-2013**

Mr. Pelot offered Ord. #87-2013 for its first reading, and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO A CONSULTING AGREEMENT WITH RICHARD A. RYLAND, AND DECLARING AN EMERGENCY.

Mr. Pelot noted this added language as earlier discussed has been added to and Section 2.01 now reads: *“The Contractor shall fully and solely be responsible for paying all costs associated while engaged in the position of consultant including but not limited to travel, lodging, transportation, meals, communication devices and any other expenses”*. Mr. Pelot moved to waive the second and third readings, seconded by Mr. Bergstrom. Mr. Conklin asked if we need to amend this before acting on it since we had a similar issue recently, and Mr. Pelot noted this was the first reading tonight so that would not be necessary. Ms. Whipkey acknowledged and appreciated the addition of the terms of pay but just cannot go along with this. Ms Whipkey stated that Mr. Ryland knew that about the hearing at the end of this month when he turned in his termination. Mr. Ryland knew this was coming for some time and tonight we have just learned that the Supreme Court case is unlikely an issue now, and the surcharge issue may also unlikely be an issue. Ms. Whipkey stated these lawsuits have been ahead of us for at least one (1) to two (2) years. A lot of this information should have already been covered, and what has not could be accomplished with live video feed. Ms. Whipkey discussed the possibility of Administration coming back to Council for an additional \$25,000.00 later on. Ms. Whipkey stated that you may be successful with this Council now, but not if the seats change in Council for the next one. Mr. Conklin noted he is not a fan of this legislation, however without a contract with Mr. Ryland the financial losses make him more uncomfortable than the amount paid to Mr. Ryland.

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

Motion passed 5-1.

Mr. Pelot moved to adopt Ord. #87-2013, seconded by Mr. Bergstrom. Mr. Pelot noted this provision is in place if we need him. The potential financial exposure for this entire City as taxpayers, could far exceed this \$25,000.00. Mr. Pelot noted that after Nov 8 2013, Mr. Ryland is no longer an employee and yes you could summons him, but questioned what kind of testimony we would get. We have to do what’s best for the City as a whole and limit the exposure to the City. Mr. Nicolard stated the financial exposure is what brought this whole contract about, and stated that this is a bargain.

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

Motion passed 5-1.

**ORD #88-2013**

Mr. Pelot offered Ord. #88-2013 for its first reading and asked the Clerk to read it:

AN ORDINANCE PROVIDING COMPENSATION IN THE OFFICE OF THE ADMINISTRATIVE OFFICER IN ACCORDANCE WITH SECTION 4.05 OF THE CHARTER OF THE CITY OF NORTON, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Bergstrom. Mr. Pelot stated the waiving of readings is necessary to have the finances in place for the services of the Mayor. Ms. Whipkey questioned if this could have been done at any time and done retroactively. Mr. Nicolard noted he did not see the point in this, and stated that the Mayor deserves to be paid and the Charter states he shall be paid.

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

Motion passed 6-0.

Mr. Pelot moved to adopt Ord. #88-2013, seconded by Mr. Bergstrom. Mr. Conklin urged Mayor to move as quickly as possible to get this done. Mr. Bergstrom

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

Motion passed 6-0.

**ADJOURN:**

There being no other business to come before the Special Council Meeting, the meeting was adjourned at 10:06 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 November 11, 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.