



COMMITTEE WORK SESSION NOVEMBER 4, 2013

Committee Members Present: Dennis McGlone
Charlotte Whipkey
Scott Pelot
Bill Mowery-Excused
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, November 11, 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. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent reflection.

General Topics of Discussion:

Resolution of Appreciation-Todd Bergstrom

Mr. Pelot noted that Mr. Bergstrom is leaving us at the end of the year and that he has also served on Planning Commission for 5 years. Mr. Pelot noted in the last Whereas clause new information has been added that states: *for his continued focus for obtaining a more sustainable city*. Mr. Pelot moved to place this resolution on Councils next agenda, seconded by Mr. McGlone.

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

Motion passed 6-0.

Waterline Project-Old Stone Jail

Mr. Conklin stated that Old Stone Jail had approached him in addition to Danimillers and asked if a waterline could be extended to this area. Since we have no Community Development Director, he has assisted in the petition process and what is needed. We have four (4) businesses interested in this type of an assessment.

Mr. Conklin moved to place this on Councils next agenda, seconded by Mr. Pelot. Ms. Whipkey asked if the 60% of property frontage owners are to be involved and if other property owners involved? Mr. Conklin concurred and that there is a roofing contractor and one machine shop, with two (2) residents which have not been approached about this process yet. Mr. Conklin believed one of the homes was where the machine shop's mother lived. Mrs. Starosta asked about the Exhibit A, she expressed her concerns about the top portion of the petition that may not have been signed accordingly and suggested this be continued to another work session. Mr. Kostoff stated he felt this needs to be redone as it appears not to be complete, in addition to Ms. Whipkey's concerns. Before we send this out again, he suggested the Administration also get involved with this project in detail. Mr. Kostoff agreed it would be best to continue this discussion, especially as to the assessment portion of the project. Mr. Conklin asked why this was even on tonight's agenda? Mrs. Richards indicated she was informed by Mr. Ryland he wanted this addressed before he left, and he asked to place this on Councils next agenda. Mr. Conklin and Mr. Pelot removed their motions.

Clerk of Court Salary

Mr. Pelot discussed the fact that this position was left out of the other non bargaining employees and we are proposing a rate of \$46,160.00 and asked Mayor Zita if he wished to comment. Mayor Zita stated it could be discussed next week and is in line with the Clerk of Council and Administrative Assistant. Mrs. Starosta stated this proposal was not presented by Administration. Mr. Pelot discussed leaving this on Matters Referred until the Administration decides what they want to do. Ms. Whipkey asked what that means, and Mr. Pelot stated that there was discussion of combining the two positions. Ms. Whipkey stated as she recalled the Clerk of Council works for Council and not the Administration. Ms. Whipkey stated she does not even know how you can ask the Clerk of Council to take over this position full time and she has seen her struggle trying to keep up. Mr. Pelot stated there has been some talk about abolishing all Mayors Courts in the State of Ohio. Ms. Whipkey discussed the past activity of the Clerk of Courts collecting unpaid fines and felt this was successful. Ms. Whipkey stated we should not be denying him a raise when everyone else has received one. Mrs. Starosta noted not everyone else has been given a raise. Mr. Pelot moved to table this and send it back to Matters Referred, seconded by McGlone. Mr. Bergstrom had discussed with the Mayor the overall plan for personnel and the budget and needs addressed.

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

Motion passed 5-1.

EPA Contract

Mr. Conklin stated this is an outgrowth of the Executive Session last week and the discussions at the EPA several weeks. This is to place the Mayors signature on said agreement and a time line for sewers for Nash Heights. Initially when the City met with the EPA it was to be a one (1) year time line and now is a three (3) yr. Mr. Conklin stated it is his understanding that the EPA expects the Mayors signature within 30 days.

Mr. Conklin moved to place this on the Special Council Meeting agenda immediately following, with emergency language, and waiving the second and third readings, seconded by Mr. Bergstrom. Ms. Whipkey noted the way this is presented and will most likely pass at the Special Council meeting, that the people have no right to file a referendum. Ms. Whipkey stated she thought all of us made a promise to the residents there would be no sewer legislation without the right for referendum. Mr. Conklin stated he mentioned this to the Law Director's partner it was stated to him that with this agreement, the issue of a referendum is not an option. Mr. Conklin asked Mr. Kostoff if that was not correct and Mr. Kostoff stated he was not at the meeting, but that was the way he understood it. Ms. Whipkey asked what happens if we go all three readings? Mr. Bergstrom stated if we fail to approve this tonight, we go back to our original commitment to complete the project within one (1) year and that we agreed to that before negotiations held October 21st. Mr. McGlone concurred with Mr. Bergstrom. Ms. Whipkey asked about the original discussion at the negotiation meeting it was in the plans that the people were not to be assessed for two (2) years, what about that now? Mayor Zita explained, referring to the section 5 orders, the construction completion time lines and that it does go out the full two (2) years. Mayor Zita stated final completion was scheduled for June 1st, 2015 and the assessments are done in September. Mr. McGlone stated when we asked what would happen if we failed to comply and the EPA said it would be referred to the Attorney General for legal action and penalties, and Ms. Whipkey concurred. Mr. Bergstrom stated this is a situation of not waiving the readings and adopting this tonight is not going to do us any good. Either way if we don't, we are locked into a worse situation due to the timing and funding. Mr. Bergstrom stated that a referendum only would stop this legislation; it is not going to stop the sewer project. Ms. Whipkey stated we made a promise so why can't we wait two (2) more weeks? Mr. Bergstrom asked what will waiting two (2) weeks gain? Ms. Whipkey stated it's true that it was stated by the EPA and we have bought us some time. Mr. Conklin stated was it not stated at the meeting that we could not drag this out to December. Mr. Bergstrom noted without emergency and waiving readings we would not get it done in time. Mr. Rick Rodgers, 4034 Wadsworth Road, Norton, Ohio. reminded Mr. Bergstrom the reason to hold up on passing this was because of your promise. Mr. Bergstrom stated this is a whole different situation. Mr. Rodgers stated you did not negotiate, you went to one (1) meeting and you listened to what they offered. Mr. Rodgers stated in most negotiations you meet two (2) three (3) or four (4) times before settling. Mr. Rodgers reminded everyone that Mr. Bergstrom is an engineer and asked if he felt this project could possibly even be done in a one (1) year time frame? Mr. Bergstrom stated his gut feeling is no. Mr. Bergstrom stated if we have a choice to go with one (1) or three (3) years, he would rather go three (3). Mr. Rodgers stated again you did not negotiate, you went to one (1) meeting and you failed. Ms. Whipkey stated that the only thing on that table to negotiate was the time line of one (1) year. Mr. Rodgers disagreed and stated you did not defend the city or the residents. Mr. William Paluch, 3740 Shellhart Road, Norton, Ohio, stated that it appears to him that Mayor Zita, Mr. Ryland and the special Attorney that was hired by the Administration, and that he was told he had no right in the meeting to ask this Attorney any questions, tells him that you want nothing but sewers. How can Coventry Township get sewer and water at a cost of only \$5,000.00 and they got grant money from Summit County? Why are these residents faced with such assessments?

Mr. Paluch stated that tomorrow everyone should be calling city hall and demand the resignation of the Mayor and Mr. Nicolard if he makes it to the election.

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

Motion passed 5-1.

Rick Ryland Consultant

Mr. Pelot stated that the services of Mr. Ryland are very crucial for the testimony on many issues, and that without him present it could put the City in jeopardy. This sets a pay schedule to have Mr. Ryland return as needed when available. Mayor Zita stated this takes us beyond the 90 days through June 20th, 2014. Mr. Bergstrom stated these are not the same figures we discussed in Executive Session, and Mr. McGlone stated it appears they went up by about \$540.00. Mrs. Starosta replied it was due to a said misunderstanding. Mayor Zita stated the maximum amount remained the same. Ms. Whipkey asked is this a \$25,000.00 per incident or total and Mrs. Starosta replied is the total for the contract and would have to come back to council. Ms. Whipkey what if we as Council want him to come back and what if the Mayor does not agree? Mrs. Starosta stated that the Mayor has to agree to this in writing and that would provide a means for monitoring the costs. Ms. Whipkey explained the costs breakdown of \$2,290.00 for the first day and \$1,840.00 for the 2nd day there after and \$125.00 per hour for action taken while he is still in Florida. Ms. Whipkey stated the way she understands it once he reaches the \$25,000.00 and if it goes beyond that we would have to do another contract. Mrs. Starosta concurred. Ms. Whipkey stated this is designed mostly for litigation and Mrs. Starosta concurred. Ms. Whipkey asked about consulting with the EPA discussions and Mrs. Starosta stated if there is something we cannot pull from details Mr. Ryland has already shared then it would be considered. Whipkey noted that currently we have 4 pending lawsuits and the last one has Mr. Ryland is listed as a defendant, so why are we going to pay Mr. Ryland to come back here and defend himself? Mr. Kostoff stated he felt this last one could be resolved without having Mr. Ryland's presence. Ms. Whipkey asked if we would be defending Mr. Ryland and Mr. Kostoff stated yes as the suit was made under Mr. Ryland working in his capacity as City Administrator. Ms. Whipkey discussed the other lawsuit on the Charter Amendment currently up for the Ohio Supreme Court and as those are generally oral arguments presented by attorneys and not witnesses, what is the likelihood he would have to testify? Mr. Kostoff stated he did not believe Mr. Ryland would be needed for that. Ms. Whipkey addressed the third case about the surcharges and that Mr. Ryland has already been deposed for that one, and Mr. Kostoff concurred. Ms. Whipkey then inquired on the arbitration case and Mr. Kostoff noted the most pressing matter is the issue of arbitration which will be coming up in later in the month. Ms. Whipkey stated she felt Chief Hete would be better for testifying. Mr. Kostoff noted he has consulted with his Law Firm and it was felt that Mr. Ryland's testimony is crucial due to the disciplinary action. There was discussion about the potential of Mr. Ryland being served a subpoena in Florida and how this could be served and if it could be enforced by either side without a contract.

We have already informed you that Mr. Ryland's attendance for this November hearing is vital. Ms. Whipkey stated it's not spelled out, the City is not paying for his traveling expenses as was explained to Council. Mrs. Starosta stated that he is not a contracted employee he is a contractor. Mr. Pelot noted it does state that he is responsible for paying all taxes, etc. Ms. Whipkey argued that if you spent the time to put that in, and then why not add the clause about the City not paying travel related expenses? Mr. Bergstrom agreed that it would not hurt to have that added to the contract. Mrs. Starosta explained she felt this is not necessary. Mr. Bergstrom gave an example of what if Mr. Ryland submitted a bill for \$600 for airfare and we deny paying this and asked if there was anything in this current contract that binds the City to pay him? Mr. Kostoff explained he did not negotiated the contract and noted in Section 2.0 A & B there could be an amendment that states "The Consultant shall be responsible for all travel and all costs associated with his appearance. Ms. Starosta asked for a brief recess to address the proper language and Mr. Kostoff noted that if this is passed along to the Special Meeting agenda later tonight, it could be addressed before the reading. Mr. Nicolard noted we would have a brief recess between the meetings. Ms. Whipkey informed the public that it is also written in the contract that Mr. Ryland would receive \$500 for any Ohio appearance that may be cancelled. Mr. Rodgers asked what would happen if Mr. Ryland refused to come back, and Mr. Kostoff noted if he failed to appear it would jeopardize the City's standing. Mr. Rodgers asked who then negotiated this contract and Mayor Zita replied he and Mrs. Starosta did. Mr. Rodgers asked what may be needed financially after the December election, if the issue passes, and if the City would still be able to pay Mr. Ryland. Mayor Zita said we would still be able to pay him and Mrs. Starosta stated we are not confident we would need him after the election. Mr. Rodgers noted these are an exorbitant amount for expenses. Were you ever involved in consulting contracts before, do you think this is the normal rate? Mr. Rodgers commented about the last election you have threatened to cut back services and that we have no money. Now you can justify this kind of spending, so either we have the money or we don't. Mr. Rodgers stated the public he has talked to since the agenda came out is outraged over this expenditure and you need to take another look at this. Mr. Nicolard asked what is our financial exposure for the four (4) cases we have pending and how much is covered by insurance? Mr. Kostoff stated to his knowledge none of the lawsuits are covered by insurance and these are serious lawsuits. Professionally his attendance is needed at the end of November for the court case to reasonably prosecute this case effectively. Mr. Bergstrom stated this is why we have Executive Session to not jeopardize court cases and be able to keep some items confidential and if we need to hold another Executive Session to keep this in mind, and then we need to do this. Ms. Alice Wagner, 4168 Hawaii Avenue, Norton, Ohio, asked why is it so hard to replace Mr. Ryland? Why wasn't this addressed many months ago to get someone in here to show them the ropes? Why can't you find someone to do the job, you have many people interested such as Mr. Crawford. Ms. Wagner asked just who is getting Mr. Ryland's pay? Ms. Wagner discussed getting rid of the good old boy's. Ms. Wagner noted it's too bad no one trusts Mayor Zita. Mr. Tom Kornas, 3771 Brookside Drive, Norton, Ohio, asked when was the date of this November court case was set? Mr. Kostoff stated Mr. Ryland resigned effective November 8, 2013 and the case was set before he resigned. Mr. Kornas asked what are the duties of Mr. Ryland when he returns for that \$2,000.00 plus, after all it's just pizza money?

Mayor Zita stated this is intended to be used only for litigation purposes and issues with the EPA or something that cannot be done without his input. Mayor Zita stated he intends to call on Mr. Ryland as little as possible. Mr. Kornas asked so then the agreement can get renewed again and Mayor Zita replied it would have to come back to Council for approval after the limit was reached or upon expiration and services were needed. Mr. Kornas agreed with Mr. Bergstrom's suggestions that all travel expenses are to be paid by Mr. Ryland. Mayor Zita noted this is not intentional to not have that and it will be discussed before the Special Council Meeting. Mr. Kornas asked what is the normal fee for consultants and returning employees and if you did any research? Mayor Zita noted for what we could end up costing us much more than that figure without having Mr. Ryland present. Mr. Kornas asked has Mr. Ryland ever been a consultant to anything, there was no response. Mr. Paluch stated he knows that Mayor Zita appointed Mr. Ryland because he works for Acme. Mr. Nicolard stated that Mayor Zita was elected only two (2) years ago and that he was not the one that hired Mr. Ryland. Mr. Pelot moved to place this on the Special Council Meeting agenda immediately following, with emergency language, and waiving the second and third readings, seconded with the added language we discussed under Section 2.0 and 2.1 that the contractor is responsible for his own traveling expenses, seconded by Mr. Bergstrom.

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

Motion passed 5-1.

Amend Ord. #81-2013 Appoint Assessment Board Members

Mr. Pelot stated that this is for the appointment of the Assessment Board and that one candidate has withdrawn from this list. Mr. Pelot stated there was the issue to replace the one member with Mr. David Anderson as the replacement. Ms. Whipkey asked what happened to the name she submitted? Mayor Zita stated her suggestion was received in addition to one from Mr. Nicolard and he would use those in names for assessment boards to come as he had already talked to his candidate and they had accepted. Ms. Whipkey asked how did Mayor Zita get the power to decide? Mayor Zita stated he brings the names forward to Council. Ms. Whipkey stated that the Ohio Revised Code and our minutes reflect that it's up to Council to decide and appoint, not the Mayor. Ms. Whipkey stated the Mayor's memo stated that he is appointing this new member. Ms. Whipkey stated that she brought the name of a woman forward as you expressed concern with not having a woman if Ms. Longfellow was removed. Ms. Whipkey stated it's time for Council to stand up and take our power back. Ms. Whipkey asked Mayor Zita so then any of the names Council recommends should just be ignored? Mayor Zita replied no. Ms. Whipkey read from past minutes that the actual appointments all came from Council, not the Mayor; the Mayor can recommend, but he does not decide. Ms. Whipkey stated she really would like Council to consider her candidate for this appointment as she is a qualified resident, an intelligent person and she is willing to serve. Mr. Bergstrom stated he would like to see the Mayor bring forth more recommendations with more of a background history.

Mr. Bergstrom suggested Ms. Whipkey could draw up some questions on why they want to be on the Board and serve, and suggested we have this done for next week. Ms. Whipkey suggested that it could be a desire to serve letter or something along this line. Ms. Whipkey suggested we put this off until the next Work Session. Mr. Conklin stated he would like to have all Council agreeing to these names and had concurred with Mrs. Richards earlier today that we are already behind the time line and the agreement with the EPA. Mr. Bergstrom stated this could be done by next week. Mayor Zita asked for Council to submit the requests to him for processing. Ms. Whipkey asked Mrs. Richards on the procedure used in the past of obtaining and contacting the recommendations for the AEB. Mrs. Richards replied that they had used members from the past boards and rotated the names. Ms. Whipkey asked for clarification that it did come from Council and Mrs. Richards concurred. Mr. Jack Gainer spoke about their qualifications and duties, and when you direct them at the meeting, their job is to equalize the assessments. If you are asking these people to answer questions on how they feel about sewers, this is not appropriate. Who is going to decide what is true and correct? Are their responses to the protests going to be made public for either side of the crowds to become an issue? The Board is to recommend if the assessments are all equal. They can only recommend lowering an individual assessment. Mr. Gainer reminded everyone that he had heard some residents say that the final decision is up to Council and that is not true. They have a right to appeal to the Courts. Mr. Gainer went on to say that once the Board makes their recommendation, they are out of it, they are done. If the Council rejects the Boards decision, then the process starts all over. Mr. Gainer stated each one will have to be decided on, one by one and Ms. Whipkey stated that is not correct and that she understands the duties of the Board. Both Mr. Bergstrom and Ms. Whipkey stated questions on the candidates' personal opinions were not being considered nor had that been offered as a consideration. Mr. Rodgers stated that what Mr. Gainer stated about the Board was a lot, but we need to look at the fairness with the Board and if someone is biased or has a grudge they should not be on the board. Mr. Rodgers stated that he does not understand the power structure and could not understand why we don't have open recruiting for these positions and anyone make recommendations? Then Mr. Conklin stated we were out of time due to the EPA. We cannot sit back and listen to the EPA, don't be so afraid of the EPA. The only thing they want to hear is that we are moving forward. Mr. Rodgers stated he has spoken to others at the EPA and other Attorneys and they all indicated we did this all wrong. Mr. Emil Teichman, 3472 Clubview Drive, Norton, Ohio, regarding the four people for the board, stated you wanted to push this sewer project forward, and you want to put people on this Board who live in nice homes and make \$100,000.00 more a year. Those people don't care about the cost. Why don't you get people like the ones you are planning to make pay for this sit on this Board? Mr. Teichman discussed the exiting of Mr. Ryland and that Mayor will be making more than \$1,000.00 a week doing his job. Mr. Teichman stated he makes \$1100.00 a month, and asked is that ok to take his money? Have some regard for people that do not have money. Don't you believe in God, you don't steal from people. Mr. Larry Perkins, 3844 Neitz Drive, Norton, Ohio stated that we know the names you have proposed and there are some more to come forward. Ms. Wagner stated she has the best neighbors and all of our homes are up to date, and can match any home in Mt. Vernon. We all get along and we don't argue or fight.

Ms. Wagner stated you need to stop dividing this C and that it's time for all of us to get along. Ms. Wagner discussed some of the political action committees and their activities. Ms. Wagner stated she attend a meeting in January and nearly got knocked down. Get rid of this POP group or other organizations, once you do this, we will all get along. Mr. Paluch stated it appears when you are chosen for jury duty the attorneys can ask whatever questions they want of you. If these people want to step up and serve, then they should be given the same standard. Mr. Pelot stated we will leave this on the next Work Session agenda, and people could submit more names.

Acting Administrative Officer

Mr. Pelot stated it's been mentioned at least once tonight, Mr. Ryland is leaving and this legislation will address the pay to the Mayor to assume the duties. The salary rate is set at a bi-weekly rate of \$1,904.62. Mr. Pelot noted that the Mayors pay would be deducted from that figure. Mr. Bergstrom asked Mayor Zita asked how will he handle the workload with his full time employer? Mayor Zita stated he will be here whenever he is needed, and is only a phone call away. Mr. Bergstrom noted this job of Acting Administrative Officer is a full time position and asked what will be the protocol in the interim? Mayor Zita stated we have the job posting out there and he would hope to have this filled before those 90 days are up. Mr. Pelot asked if Mrs. Starosta is the backup and Mayor Zita concurred that she is. Ms. Whipkey clarified the pay and the fact that the Mayor would not be receiving pay for two positions from the City; Ms. Whipkey noted that this was a nice jester for the Mayor to deduct the Mayors pay. Mayor Zita stated it was not required, but something he wanted to do. Mrs. Audrey Kornacky asked if you really think you will find someone with all of this going in the community, and stated that this is not such a great place to work for. Mayor Zita stated this City is still a great place to work and live in. Ms. Kornacky stated she felt that way also for many, many years until here recently. Ms. Kornacky discussed all of the houses for sale that are not moving, and she is afraid this is not going to get any better. Ms. Kornacky stated she herself would not want to take this job. Mrs. Kornacky urged the Mayor to really check these people out; we cannot afford anyone that could cause any more damage. Mr. Pierson asked about the job description and where this open position is posted. Mayor Zita stated is posted all over. Mr. Pierson stated with the election coming up this is really something that the new Council should be deciding upon and the job description should be looked at closer. Mr. Kornas asked Mayor Zita what would he do if the EPA called at 8:00 AM while he is at work at Acme and the Mayor stated he would take care of it. Mr. Kornas asked what will Acme think about this? Mayor Zita stated we are not talking about ACME, we are talking about the City and he would address it on his own time. Mr. Kornas stated this can go on all day long, and you're going to get tired of this rather quickly. Mr. Kornas stated we have not really had a full time Administrator here for some time, Mr. Ryland has been in Florida most of the time, if he was really here full time he would have been contacting our State Legislators and looking for grant money. Mayor Zita stated the Charter provides for this position and it's not really a choice he would have chosen. Mr. Kornas suggested Mayor Zita select someone, and suggested he do this within a month. Mr. Kornas noted that Council President should be looking into this and Mr. Nicolard stated he has already submitted his application.

Mr. Rodgers stated it's obvious that Mayor Zita cannot work 40 hours here and 40 hours at Acme and asked if he would consider taking a leave of absence from Acme? Mayor Zita stated he would take care of the situation until the position is filled. Mr. Rodgers stated you're not getting it, you're getting paid to do this job and it's not an issue of what you are going to do, it's what you need to do. Mr. Rodgers stated the pay should not be the full salary; it should be hourly for the time served. Mrs. Karen Harley, 3432 Harper Avenue, Norton, Ohio, stated the Charter states that the Mayor is to take this position; it does not state he has to take a leave of absence from his work. Mrs. Harley stated she did not understand the concern about filling this position and the 90 days. Mrs. Harley stated although she does not understand why he had not been looking for candidates before now; she knows he is actively looking. Mrs. Harley discussed the comments earlier about all of the negative comments in the Norton Post last week, people look at this room, where do you think this all comes from? Mrs. Harley stated some of the displays and antics at this podium are ludicrous. Mr. Bergstrom stated he agreed this will be a challenging position for the pay barely over \$60,000.00 and until we address this salary, he was concerned who would step forward. Mr. Bergstrom stated that he feels the Mayor is not aware of really how much of his time this will take to fill this job, and is quite nervous of the vacancy that may come into play. We have an opportunity to put the proper salary in place and we will not have time to address that in one week. Mr. Bergstrom stated there are only so many hours in a day and this is one reason he decided not to run again. Mr. Bergstrom stated Mayor Zita needs to present a plan to Council to convince us that somehow it's all going to get done. Ms. Whipkey questioned how the salary rate was arrived at and had we done this in the past referring to when Mr. Price was in office? Mayor Zita stated that he believed Jeff Pritchard took over for a short time during Mayor Price's term when Mr. Collins resigned. Ms. Whipkey asked so we never really had to do this before and Mayor Zita concurred. Mr. Kostoff stated his research and recollection in the past is that Mayor Addis attempted to assume the City Administrators position at one time and Ms. Whipkey concurred. Mr. Kostoff stated Council does not waive its right to inquire if the City's business and affairs are being properly conducted and has the right during this time to bring any issues forward from constituents. Mr. Bergstrom asked about having a backup plan if this gets to be too much for Mayor Zita and are we able to allow a temporary appointment in that scenario. Ms. Whipkey discussed the Charter section that states if the Mayor is unable to serve then the President of Council could assume the duties, and it was noted that this applies to the Mayors position not the Administrative Officer. Mr. Kostoff advised that in the ninety day period the Mayor indicated he had someone to select for the Administrator for the interim, and although the Charter does not address it directly, he could ask Council to appoint someone else. Mr. Conklin stated for all of this discussion for the right candidate why is the Administrative Officers salary not on our work session agenda? Mr. Nicolard agreed and suggested that we discuss it when we get to topics for the next work session. Mr. Rick Maier, Caroline Street, stated he has heard about Mr. Ryland being slandered here tonight. Mr. Maier stated he has worked with Mr. Ryland and knows he works very hard. Mr. Maier, 1879 Caroline Avenue, Norton, Ohio, noted that about twelve (12) years ago he replaced his septic system and the EPA said it is working beautifully. Mr. Maier stated that for all of those talking negative about this City, if you don't like it here you should move out.

Ms. Wagner stated her same comments about being civil and peaceful. Ms. Wagner stated if the Mayor can take on this job, and thinks he can handle it, then good luck. There is no reason we cannot find a good replacement for Mr. Ryland. Mrs. Kornacky noted that Mr. Bergstrom has stated what she has concerns about. Mrs. Kornacky noted the negativity that's been in the papers is not of her beliefs. We moved back to Norton because this is where she wants to live. We need someone that can get in there and really knows the job. Don't hire the first one that you interview, and don't just throw numbers out there as some people will just look at that number and only interested in a pay check; we don't need someone like that. Mr. Pelot moved to place this on the Special Council agenda immediately following, with emergency language and waiving the second and third readings, seconded by Mr. Bergstrom.

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

Motion passed 6-0.

Unfinished Business:

None

New Business:

None

Topics for the next Work Session:

2014 Budget

Amend Ord. #81-2013 Assessment Board Members

Administrative Officer Salary. Mr. Bergstrom stated while we discuss this we also need to add to that the other non-bargaining staff because all of these positions need to be properly evaluated. Mayor Zita felt we could do that.

Mayor Zita noted he also wanted to have discussion about the Watershed Conservancy District by Mr. Jim Rosell at either the next Work Session or the one after that.

Public Comment-Agenda and Non Agenda Items:

Gary Kindle, 3355, Greenwich Road, Norton, Ohio, stated his property was assessed for the sewers two (2) years ago. His mortgage cost increased by \$184.00 for twenty years, and in addition to \$89.00 a month for the sewer bill. This increase totals \$273.00 per month. Mr. Kindle stated your actions do have consequences to all of the residents. Mr. Kindle stated he questions the cost of the assessments for the benefit received. Mr. Kindle stated he does not even have water which could cost upwards of \$10,000.00 for an assessment, a \$1,000 tap in fee, and a water bill. We are talking about over \$22,000.00 in assessments for water and sewer. Mr. Kindle noted his monthly surcharge is not a fixed amount because Barberton has indicated their surcharge rates are going up each year with no end date. Mr. Kindle stated this is too much for a typical homeowner, he works for home and is not paying local taxes elsewhere, not driving newer cars, or spending \$100.00 a month for cable or cell phones yet this is a financial struggle for him.

Mr. Kindle stated when he recently lived in Wisconsin, he paid \$85.00 a month for water/sewer/trash. There has to be some change; it's too expensive.

Tom Kornas, 3771 Brookside Drive Norton, Ohio, stated this is shocking news to hear. Mr. Kornas stated he offered an apology and wanted to see if all agreed with him that we have been spending too much time talking about sewers and we have this golden opportunity to build some awesome schools. Why did it take Council so long to vote on the support of schools, why did it take him so long to get up and speak about the schools before now? It's the little ones in school now that could be up there on Council some day. We spend all of this time talking about our own problems, when you have this school levy pending with State money. Mr. Kornas discussed the poor conditions at our school stadium, and the schools. We need to get out there tomorrow and tell everyone we need to vote for our schools, and stop thinking about ourselves.

Rick Rodgers, 4034 Wadsworth Road, Norton, Ohio, commented about the cost Mr. Kindle is paying and that's a lot of pizza. That's what you brought on the people of Nash Heights and people throughout the City. That is a real number and this is a real story. Mr. Rodgers stated he is still opposed to this consulting idea. Mr. Ryland has the opportunity to have defense Counsel and that most of these lawsuits were not brought on by Mr. Ryland. Mr. Rodgers addressed the exposure comments and asked who brought on the exposure and wondered who had been held accountable. Mr. Rodgers stated that Mayor Zita should not collect a full time salary if you are not doing the full time job. Mr. Rodgers noted that Mr. Conklin mentioned addressing the pay scales for other employees in administration. Mr. Rodgers stated he is not opposed to the raises already issued and for the ones pending, and you still talk about how there is no money. How are you paying these people, have you come up with solutions yet? You talk like it's the pie in the sky. Mr. Rodgers stated Mr. Conklin brought up the idea of pay raises, and asked if Mr. Conklin knows where the money will come from? Mr. Conklin noted that is why the 2014 Budget is on our next work session. Mr. Conklin added we needed to look at the financial reports and information provided by the Financial Director.

Mr. Robert Copen, 2518 Sue Lane, Norton, Ohio, discussed the permitting process for septic systems in Nash Heights and asked whose job is it to inspect these and who let this situation get to this point? Who did not do their job here? If they did their jobs correctly, the resident would have had an order issued to either correct the system or they shut it down and have to pump it? Mr. Copen asked what happens in other areas in Norton, are they being inspected, have they been notified, are there any orders to cease and desist? Mr. Copen noted how in one neighborhood everyone would know when one resident was washing their clothes because their front yard filled up with soap suds. Mr. Copen stated we have a lot of systems throughout the rest of the City and if we take action now, maybe it won't bankrupt the rest of the residents. Someone did not do their job here in Nash Heights.

Mr. William Paluch, 3740 Shellhart Road, Norton, Ohio, stated last Monday he was asking an honest question he asked Mr. Ryland about the assessment costs monthly and Mr. Nicolard stated it was more like \$60.00 a month. Mr. Paluch stated when he asked where Mr. Nicolard he got that figure he said it was just pulled out of the sky. You people don't do your homework except for Ms. Whipkey. Mr. Paluch stated he attended one of Mr. Conklin's town meetings and asked how he can justify these assessments? Mr. Paluch noted that people are losing their jobs and don't have the money. You put people in the wrong position such as Mr. Ryland. You have people telling everyone the residents will only be paying one third and the city pays the other two thirds of which he has not seen the two thirds to be paid and that is what December tenth is all about. Mr. Paluch stated his case in the Supreme Court had been thrown out but his Motion for Reconsideration was granted and that his response for the Motion for Summary Judgment is due in 40 days and it's already been done. Go ahead and spend another \$45,000.00 and do away with what the people voted for and told you to do.

Emil Teichman, 3477 Clubview Drive, Norton, Ohio, stated the money situation is a problem. He stated his house has been paid for over ten (10) years now and that he has no car payments, however he does not have much left over to live on. How is he supposed to take on these assessments? Are you going to force me out of my house? As far as the sewers go, he has two (2) tanks, a leach bed, and a holding tank, with covered ditches. It's all covered out where he is at; there are no open ditches. You have a problem throughout the whole City with open ditches, why don't you just put pipes in? Mr. Teichman noted there is a big open cesspool along the intersection near the Golf Course Drive, come by there and see if you smell anything. What if we get chased out of our homes and they are sitting there vacant? Mr. Teichman discussed a neighbor's house for sale for some time and it's not selling; no one is even coming by to look at it. There will be a lot of homes sitting empty due to the sewer project. There should be some way that you guys ~~need to get~~ could get out there and find money for us, help us.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 9:40 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.