



**NORTON CITY COUNCIL  
REGULAR COUNCIL MEETING  
FEBRUARY 24, 2014**

Roll Call: Scott Pelot  
Dennis McGlone  
Danny Grether  
Dennis Pierson  
Paul Tousley  
Charlotte Whipkey  
Rick Rodgers

Also Present:  
Mayor Mike Zita  
Valerie Wax Carr  
Laura Starosta  
Karla Richards  
Ann Campbell

The Regular Council Meeting convened on Monday, February 24, 2014 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Rick Rodgers President of Council, followed by the Pledge of Allegiance and a moment of silent prayer.

**COMMITTEE OF THE WHOLE**

Mr. Pelot moved to add Res #38-2014 to tonight's agenda, authorizing the Administration to participate in the maintenance program with Summit County, with emergency and waiving second and third readings, seconded by Mr. McGlone. Mr. Pelot stated it touches bases in what we discussed last week and authorized to go with Summit County for the road program. Ms. Whipkey asked about which resolution are we using and are we going to put the amount in there for \$450,000.00? Mrs. Richards noted the first version did not have that and after discussing this with Mr. Markey it is Councils decision if they wish to add it now. Ms. Whipkey asked if this expedites anything and Mrs. Richards replied no. Once Council adopts the resolution the County will come back to us with another request for legislation which will then have that dollar amount listed. Mr. Pelot stated he is fine with the one in the packet.

Roll Call: Yeas: Pelot, McGlone, Grether, Pierson, Tousley, Whipkey, Rodgers  
Nays: None

Motion passed 7-0.

Mr. Grether moved to Amend Res #8-2014-Watershed District to clarify the petition process and our ability to withdraw, specifically in Section 2 which states: *The City of Barberton, the Township of Copley and the City of Norton shall all participate in the petition process, including the review, approval and initial filing of the Petition by the City of Barberton subject to approval of the Petition and appropriation of funding by each of the City of Barberton, the Township of Copley and the Council of the City of Norton.*

The motion was seconded by Mr. Pelot. Ms. Whipkey clarified to the public the City's involvement and before it gets passed along to the Courts we get to vote on this once again. Mr. Grether read aloud a letter going to Mayor Judge and Barberton Council members expressing Councils intent to be involved with the entire process (see attached). Mr. Grether noted if this is adopted this letter would be circulated for signatures from those on Council. Mr. Rodgers noted he spoke with the Chief Engineer of the Muskingum Watershed about joining with their District. He had suggested we start the formation of our own District even with this process in place and that we could in fact join with them however, he felt the City would be better served in the Wolf Creek Watershed District. Ms. Whipkey noted the intent of this proposed letter is to be clear that we will be fully involved in all discussions.

Roll Call: Yeas: Grether, Pelot, McGlone, Pierson, Tousley, Whipkey, Rodgers  
Nays: None

Motion passed 7-0.

Mr. Tousley moved to add Res #19-2014 to Res #31-2014 to a consent agenda format and in order save time to waive 2<sup>nd</sup> & 3<sup>rd</sup> readings and adopt as a group unless there are objections, seconded by Mr. Grether. Mr. Tousley noted that the Clerk of Council will still read each resolution individually, including Res #23 & #24 which were omitted on the original agenda; however they are in the packet. Ms. Whipkey noted these are all for the appointments to various Boards & Commissions as well as Resolutions of Appreciations.

Roll Call: Yeas: Tousley, Grether, Pelot, McGlone, Pierson, Whipkey, Rodgers  
Nays: None

Motion passed 7-0.

Mr. Grether noted we have public hearings and moved to combine Res. #12-2014 through Res. #15-2014 into one group and one vote, waiving the third readings as well, seconded by Mr. Rodgers.

Roll Call: Yeas: Grether, Rodgers, Pelot, McGlone, Pierson, Tousley, Whipkey  
Nays: None

Motion passed 7-0.

Mr. Pierson noted the Nash Heights East & West projects will be discussed with the EPA on Wednesday, February 26, 2014. As it stands at the moment, we have a moratorium of ninety (90) days. Mr. Pierson stated that rumor has it we are going with a gravity system which is not true. That decision has not been made. An alternate system is being looked at that can save the citizens money. Mr. Pierson noted the project being looked at will involve the whole Nash Heights areas, East & West, there would be no one excluded and will affect everyone who lives in Nash Heights.

## **PUBLIC HEARINGS-At or about 7:16 PM**

Mr. Rodgers temporarily adjourned the Regular Council Meeting in order to convene the Public Hearings. Mr. Rodgers stated that in an effort to save time the public hearings would be combined into one as a group. Mr. Rodgers called for anyone in favor of the renewal applications to come forward, no one came forward. Mr. Rodgers called twice more and no one came forward. Mr. Rodgers called for anyone against the renewal applications, no one came forward. Mr. Rodgers called twice more for anyone else, and no one came forward. Mr. James Rickenabacker, 4196 Hawaii Avenue, Norton, Ohio, stated this has always been farmland so what is the idea to re-approve this? Mr. McGlone stated this is a requirement from Summit County. Ms. Whipkey noted this is to allow them to continue to get the benefits of being in the agricultural district.

*Res #12-2014: A resolution to approve the renewal for placement of farmland located at 4117 Greenwich Road in an agricultural district.*

*Res #13-2014: A resolution to approve the renewal for placement of farmland located at 4903 Hametown Road in an agricultural district.*

*Res #14-2014: A resolution to approve the renewal for placement of farmland located at 4359 Johnson Road in an agricultural district.*

*Res #15-2014 A resolution to approve the application for placement of farmland located at 4044 Summit Road in an agricultural district.*

At 7:20 Mr. Rodgers closed the public hearings and reconvened the Regular Council Meeting back to session.

## **COMMUNICATIONS FROM THE PUBLIC-Agenda and Non-Agenda Items**

Ms. Karen Harley, 3432 Harper Avenue, Norton, Ohio, stressed the need for the Watershed Conservancy District, and she hoped that all of Council will be on board with this because it does affect everyone in this City, not just those in the low lying areas.

Mr. William Paluch, 3740 Shellhart Drive, Norton, Ohio, congratulated the new members on their elections, and noted he had been in Sun City Arizona for the past few months, and by the way they do have televised meetings there. Mr. Paluch stated he is not in favor of the Watershed District, the properties that are mostly affected are in Barberton and they should have flood insurance. Mr. Paluch commented on the assessment costs he heard were \$13.00 a month, and then he has heard other figures. Mr. Paluch noted that in Barberton seventy (70) percent of the children going to school get grant money for school lunches. It seems to him this area is really hurting and needs assistance. Mr. Paluch asked do you really want to place another burden on the taxpayers?

## **CONSIDERATION OF MINUTES**

Minutes of the Regular Council Meeting of February 10, 2014; Mrs. Richards noted one correction on page #3, 6 lines from the bottom it should read 80/100's of an inch of rain. The minutes were approved as corrected.

Minutes of the Committee Work Session of February 18, 2014; Mrs. Richards noted a correction on page #5 under Storm water discussion, Mr. Pierson is listed twice in the roll call, Ms. Whipkey was a Nay vote, and the correct vote is 6-1. Mrs. Richards noted a correction to page #6 under Shellhart Waterline, discussion, the second sentence should read \$15,200.00 not \$1,5200, and page #18 line #1 should read Hart not Hard, the minutes were approved as corrected.

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

Mayor Zita thanked all of the Board & Commission members for their service and contributing to the city business.

## **INTRODUCTION OF NEW LEGISLATION**

### **ORD #18-2014**

Mr. Pierson offered Ord. #18-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A LETTER AGREEMENT WITH THE AUDITOR OF STATE TO PROVIDE AUDITING SERVICES TO THE CITY.

First reading only.

### **RES #19-2014 through #31-2014**

Mr. Tousley offered Res. #19-2014 through Res #31-2014 for their first readings and asked the Clerk to read them.

### **RES #19-2014**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF ED NOBLE FOR HIS SERVICE AS AN AT-LARGE REPRESENTATIVE OF THE CITY OF NORTON BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.

### **RES #20-2014**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF KELLY HOLDERBAUM FOR HER SERVICE AS A REPRESENTATIVE OF THE CITY OF NORTON PARKS AND CEMETERY BOARD, AND DECLARING AN EMERGENCY.

### **RES #21-2014**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF JOHANNA EDWARDS FOR HER SERVICE AS A REPRESENTATIVE OF THE CITY OF NORTON HEALTH AND ADVISORY BOARD, AND DECLARING AN EMERGENCY.

### **RES #22-2014**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF MICHAEL SAFRON FOR HIS SERVICE AS A REPRESENTATIVE OF THE CITY OF NORTON HEALTH AND ADVISORY BOARD, AND DECLARING AN EMERGENCY.

**RES #23-2014**

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF LISA MERRICK TO A THREE-YEAR TERM AS A REPRESENTATIVE ON THE CITY OF NORTON PARKS AND CEMETERY BOARD, AND DECLARING AN EMERGENCY.

**RES #24-2014**

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF ANGIE WELLS TO A THREE-YEAR TERM AS AN AT-LARGE REPRESENTATIVE ON THE CITY OF NORTON BOARD OF ZONING APPEALS, AND DECLARING AN EMERGENCY.

**RES#25-2014**

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF RALPH DOWLING TO A THREE-YEAR TERM AS A WARD 3 REPRESENTATIVE ON THE CITY OF NORTON PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

**RES #26-2014**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF DANNY GREYER FOR HIS SERVICE AS A WARD 2 REPRESENTATIVE OF THE CITY OF NORTON PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

**RES#27-2014**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF CINDY MAZEY FOR HER SERVICE AS A REPRESENTATIVE OF THE CITY OF NORTON HEALTH AND ADVISORY BOARD, AND DECLARING AN EMERGENCY.

**RES#28-2014**

A RESOLUTION OF APPRECIATION FOR THE SERVICE OF DALIA SPISAK FOR HER SERVICE AS A REPRESENTATIVE OF THE CITY OF NORTON HEALTH AND ADVISORY BOARD, AND DECLARING AN EMERGENCY.

**RES#29-2014**

A RESOLUTION CONFIRMING THE APPOINTMENT OF PAM DIXON TO A THREE-YEAR TERM AS A REPRESENTATIVE ON THE CITY OF NORTON PARKS AND CEMETERY BOARD, AND DECLARING AN EMERGENCY.

**RES #30-2014**

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF JUDY DYNIA TO A SIX-YEAR TERM AS A REPRESENTATIVE ON THE CITY OF NORTON CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.

**RES #31-2014**

A RESOLUTION CONFIRMING THE RE-APPOINTMENT OF LARRY CHIAVAROLI TO A THREE-YEAR TERM AS A WARD 1 REPRESENTATIVE ON THE CITY OF NORTON PLANNING COMMISSION, AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive the second and third readings of Res. #19-2014 through Res. #31-2014, seconded by Mr. Pierson. Mr. Grether noted Res #26-2014 is for himself so he will be abstaining on that vote. Mr. Grether thanked his fellow members and others for their service. Mr. Grether discussed the service on these Boards and that these people do give up a lot of their free time and put a lot of effort into this. Mr. Grether noted that although the members do receive a small stipend, he was not sure that was enough for what all they do. Mr. Grether stated that these people are very vocal and passionate about their community.

Roll Call: Yeas: Tousley, Pierson, Pelot, McGlone, Grether, Whipkey, Rodgers  
Nays: None

Motion passed 7-0.

Mr. Tousley moved to adopt Res. #19-2014 through Res. #31-2014, seconded by Mr. Pierson.

Roll Call: Yeas: Tousley, Pierson, Pelot, McGlone, Grether, Whipkey, Rodgers  
Nays: None

Motion passed 7-0, with Mr. Grether abstaining only on the vote of Res. #26-2014.

**ORD #32-2014**

Mr. Pierson offered Ord. #32-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO CONTRACTS WITH LEGAL DEFENDERS OFFICE OF SUMMIT COUNTY, OHIO, INC., AND DECLARING AN EMERGENCY.

Mr. Pierson moved to waive the second and third readings, seconded by Mr. Rodgers. Mr. Rodgers noted that there may have been a lot adopted with emergency this evening, however this one is necessary to have in place in case someone needs representation.

Roll Call: Yeas: Pierson, Rodgers, Pelot, McGlone, Grether, Tousley, Whipkey  
Nays: None

Motion passed 7-0.

Mr. Pierson moved to adopt Ord. #32-2014, seconded by Mr. Rodgers.

Roll Call: Yeas: Pierson, Rodgers, Pelot, McGlone, Grether, Tousley, Whipkey  
Nays: None

Motion passed 7-0.

**ORD #33-2014**

Mr. Tousley offered Ord. #33-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE AUTHORIZING THE ADMINISTRATIVE OFFICER TO EXECUTE AND DELIVER A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORTON AND THE AFSCME CLERICAL WORKERS OF THE CITY, AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive the second and third readings, seconded by Mr. Rodgers. Mr. Tousley indicated he was asked before the meeting to push this forward due to the need for Civil Service testing. Mr. Rodgers indicated the intention here is to hire clerical staff and there is going to be Civil Service testing and this is required for the advertising before the testing can take place. Mrs. Starosta added that the wages are provided for the position within the contract and is needed to be passed for advertising the position.

Roll Call: Yeas: Tousley, Rodgers, Pelot, McGlone, Grether, Pierson, Whipkey  
Nays: None

Motion passed 7-0.

Mr. Tousley moved to adopt Ord#33-2014, seconded by Mr. Rodgers.

Roll Call: Yeas: Tousley, Rodgers, Pelot, McGlone, Grether, Pierson, Whipkey,  
Nays: None

Motion passed 7-0.

**ORD #34-2014**

Mr. Tousley offered Ord. #34-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE IV, SECTION 4.02 OF THE CHARTER OF THE CITY; AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive the second and third readings, seconded by Mr. Grether. Mr. Grether noted the section has a provision relating to residency requirements which has been brought to our attention that it has been challenged as a constitutional issue. Mr. Tousley stated the reason for waiving the readings and declaring an emergency for this legislation and the other two (2) is that this legislation must be filed by March 7, 2014 at the Board of Elections in order to get on the May primary ballot.

Roll Call: Yeas: Tousley, Grether, Pelot, McGlone, Pierson, Whipkey, Rodgers  
Nays: None

Motion passed 7-0.

Mr. Tousley moved to adopt Ord. #34-2014, seconded by Grether.

Roll Call: Yeas: Tousley, Grether, Pelot, McGlone, Pierson, Whipkey, Rodgers  
Nays: None

Motion passed 7-0.

**ORD #35-2014**

Mr. Tousley offered Ord. #35-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE V, SECTION 5.03, SUBSECTION B OF THE CHARTER OF THE CITY; AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive the second and third readings, seconded by Mr. Rodgers. Mr. Grether noted Mrs. Carr had suggested she felt this issue could be handled with a change in the Board of Control instead of amending the Charter, and Mrs. Carr concurred. Mr. Markey noted that your Board of Control Rule would have to comply with the language of the Charter. Ms. Whipkey stated we currently have to follow State law which is now set at \$50,000.00. Mr. Grether stated he felt \$15,000.00 would cost the residents more money and would rather see more like half of that offered by the State. Ms. Whipkey noted prior to the last Charter change it was \$15,000.00, and she felt this was inadvertently left out in the last amendment. Ms. Whipkey stated that she wants to stay with that amount of \$15,000.00 and err on the side of caution. Mr. Grether asked about this last Charter change if it was a Council decision or citizen's petition and Ms. Whipkey noted it was a citizen's petition and she believes that was an oversight in leaving this out. Mr. Rodgers clarified we could make these changes as long as it does not conflict with the Charter, and Mr. Markey concurred. Ms. Whipkey clarified that it's suggested we forego this ordinance and work up one for the Board of Control and Mr. Markey stated he is not suggesting anything. Mr. Grether stated he would take responsibility for the suggestion and expressed concerns with amending the Charter if it is not necessary if a transparent group could work together and handle it as it seems we are saying we cannot trust anyone and have to change the Charter. Mr. Grether stated he felt we are cleaning up the mess from previous citizen's petition because they did not get the language correct and Council would be supporting them. Mr. Pelot stated as Ms. Whipkey noted you cannot go by the intent of the citizens when it comes to the law and the people accepted it as it was written. Ms. Whipkey stated she believes the vast majority of the voters did not realize they approved the deletion of the competitive bidding issue and this way we have no choice. Ms. Whipkey went on to say she understood the comments on transparency and wanting trust but if something is written, we do not have to worry about trust as it is written and those not following through will be held accountable. Ordinance changes are made easily as opposed to the people locking something in by their vote. Mr. Rodgers clarified for us to change this it would be an act of Council and the Board of Control? Mr. Markey stated the way the Charter is worded Council is the ultimate gate keeper with 2/3 vote although he understood Ms. Whipkey's concern that Council could change it at any time. Ms. Whipkey noted that is just for expenditure not for competitive bidding. Mr. Markey stated he would like to take more time to put something together and not make a decision on that for tonight. Ms. Whipkey stated there are two (2) figures here \$15,000.00 and Mr. Grether's suggestion of \$25,000.00 all we would have to do is come to a figure amount. Mr. Grether asked the Administration for their input.

Mrs. Starosta stated in reading this current proposal it's not clear to her what is required for competitive bidding, such as for the advertising side of things, is it to follow the Ohio Revised Code or can she advertise for bidding on the City's website? Ms. Whipkey asked what format did we follow before; she did not believe we had done away with it? Ms. Whipkey pointed out that the Charter never addressed the advertising format. Mrs. Starosta replied right now at the \$50,000.00 limit there was advertising in the local papers Mrs. Starosta was just offering this up for food for thought here and for clarification. There was discussion about the costs of legal advertising and Mrs. Richards noted that the last advertising for the four (4) agricultural districts was about \$130.00 for one week. Mr. Rodgers stated he felt we would save dollars by the bidding process and asked Mrs. Carr if she would be more comfortable with the \$25,000.00 figure and she indicated she would be. Mr. Grether discussed the harm with the lower figure of \$15,000 and the \$25,000.00 and with a 2/3 vote we are either a yea or nay on the vote. Ms. Whipkey suggested splitting the difference and go with \$20,000.00. Mr. Pelot stated this is the peoples Charter and he does not see the need to change if Council has to act on anything over the \$15,000.00 figure anyway. Ms. Whipkey stated even if we do a rule change within the Board of Control, that rule can also be changed at any time, but not with the Charter change as the people have to approve any change. If there is a change then they will have to work on this to make such a change to the Charter. Mr. Rodgers stated he understands why this new Council wants to see some control and changes to the Charter because of some abuses in the past. Mr. Tousley and Mr. Rodgers withdrew their original motions. Ms. Whipkey noted there would need to be two (2) changes here. Mrs. Carr suggested you set a Board of Control amount for that level or above and do the \$25,000.00 to trigger your competitive bidding. Mrs. Carr stated she understands we can set this by Ordinance as long as we are not in conflict with the Charter. Mrs. Carr noted there could be some costs savings or not, depending on how many bids your City receives. Ms. Whipkey moved to amend Ord. #35-2014 to change the dollar amounts to increase the \$15,000.00 competitive bidding figure to \$25,000.00 and the Board of Control limit to below the competitive bidding level and in excess of the \$10,000.00 and a majority vote of Council. Ms. Whipkey read the amended Charter amendment for clarity: *No contract involving expenditure in excess of twenty five thousand dollars shall be awarded without competitive bidding and the approval of the Board of Control and the approval of not less than two thirds of the elected and appointed members of Council. No expenditures below the competitive bidding level and in excess of ten thousand dollars shall be awarded without the approval of the Board of Control and a majority of the elected and appointed members of Council.* Mr. Grether seconded.

Roll Call: Yeas: Whipkey, Grether, Pierson, Tousley, Rodgers  
Nays: Pelot, McGlone

Motion passed 5-2.

Ms. Whipkey moved to adopt the proposed Charter amendment-Board of Control 5.03 Subsection B-Approval of Contracts, waiving the second and third readings with emergency to be placed on the ballot seconded by Mr. Grether.

Roll Call: Yeas: Whipkey, Grether, Pierson, Tousley, Rodgers  
Nays: Pelot, McGlone

Motion passed 5-2.

**ORD #36-2014**

Mr. Tousley offered Ord. #36-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE CITY OF NORTON A PROPOSAL TO AMEND ARTICLE V, SECTION 5.09 OF THE CHARTER OF THE CITY; AND DECLARING AN EMERGENCY.

Mr. Tousley moved to waive the second and third readings, seconded by Ms. Whipkey. McGlone clarified we need to waive due to time and Ms. Whipkey concurred. Mr. Grether noted this is to permit Council to remove certain employees only due to certain reasons. Mr. Grether stated he supports the Mayor and Administration on their authority, he believes this body was elected to legislate and that he could not support this. Mr. Grether stated he told the Mayor personally that if he had an issue he would address the Mayor to handle it. Mr. McGlone agreed and would only support sending it to the ballot. Mr. Pierson noted there are citizens with petitions holding over 493 signatures on a petition that will trigger a special election so anyone voting against this would cost the City \$16,421.83. It is not up to us to decide it is up to the voters. Ms. Whipkey asked if the Council votes required on the petitioned Charter change is four (4) and Mr. Pierson concurred the petition would be less. Ms. Whipkey noted that it is not an easy task to get five votes of Council for many things. She did not feel there would be five members to vote someone out of their job without just cause. It still takes four (4) of us to say they are gone along with the Mayor and with the proposed Charter amendment it would take five (5) of Council without the Mayor. We really are not overstepping their bounds, it's to make sure that if a Mayor fails to act, we could see that this is addressed and the ability to remove the Mayor would not alleviate the initial problem. Ms. Whipkey stated she would not support any member of Council putting someone out of their position just because they don't like someone. Mr. Pierson noted the person in question has a right to appeal their removal to Council which would give a second chance on their decision. Mr. Pierson stated this would allow for the elimination of employees for not doing their job they should be removed either by the Mayor or Council. This is more above board and more than fair. This is putting it on the ballot to allow the citizens who are the taxpayers to decide. Mr. Tousley noted this proposal does not take away the Mayors ability to remove, it allows for Council to do it as well. Mayor Zita stated he has issues with the appeals process because it goes back to Council for the process. Mayor Zita clarified the reason for removal must be just cause and Mr. Markey noted that is in a Section of the Charter. Mayor Zita stated that this can create an issue for litigation in the future. Mr. Rodgers pointed out Council would be held to the same standards. Mr. Markey clarified the appeal process currently compared with what this process provides because it is the same oversight that can remove someone and the same oversight to file an appeal as it would come before the same Council members to review and could cause a problem without an independent party. Mr. Markey stated a removal hearing was in an executive session with a court reporter building a record for the Court of Appeal.

Mr. Grether questioned the petition and it making the special election deadline. Mr. McGlone commented about the threat by Mr. Pierson of a citizen's petition and he is not in favor of this when we can wait until the November election. Mr. Rodgers stated he fully understands why this proposed Charter change came about and that is the trust issue in this City. Mr. Rodgers remarked that perhaps we and the public were over reaching a bit with the Charter change, but he believed we all understood the reason behind it. Mayor Zita stated he guessed it would be the difference between like we talked about building bridges or building walls at this point in time. Mr. Rodgers answered that he did not believe anyone was building walls and there was no need for talk like that.

Roll Call: Yeas: Tousley, Whipkey, McGlone, Grether, Pierson, Rodgers  
Nays: Pelot

Motion passed 6-1.

Ms. Whipkey moved to adopt Ord. #36-2014, and place on the ballot, seconded by Mr. Rodgers.

Roll Call: Yeas: Whipkey, Rodgers, Pierson, Tousley  
Nays: Pelot, McGlone, Grether

Motion failed 4-3; a majority vote of 5 yeas is required for Charter amendments.

**ORD #37-2014**

Mr. Pelot offered Ord. #37-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO AMEND THE DEPOSIT OF CABLE FANCHISE, AUTHORIZE AN ADVANCE, AMEND THE APPROPRIATIONS FOR THE CURRENT EXPENSES OF THE CITY OF NORTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014 AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Mr. Grether. Mr. Grether noted a Parks Board Member had contacted him to express their displeasure with this and that he invited them to attend tonight however he did not see that member or members of the Parks Board present. Mr. Rodgers noted the concerns, but all of you drive the roads and we need money to repair those and we need this one time transfer and it's done because of an emergency need.

Roll Call: Yeas: Pelot, Grether, Pierson, Tousley, Rodgers, Whipkey,  
Nays: McGlone

Motion passed 6-1.

Mr. Pelot moved to adopt Ord. #37-2014, seconded by Mr. Rodgers. Mr. Pelot noted that our parks are in good shape over the last several years and this is an improvement all residents will benefit from.

This is necessary to put this money towards the roads for the community as a whole. Mr. Grether asked Mrs. Starosta to address the two projects in the parks for this year; specifically the roof repair on the Shirley McGuire Community Center. Mrs. Starosta replied that she did not know if the Parks Board has sent the Mayor their resolutions or recommendations on that. Mrs. Starosta discussed the projects as being the repairs to the roof and HVAC at the Community Center and repairs to the downstairs bathroom at the Historical House. Mr. McGlone noted the need and he does not know what \$100,000.00 will do for the roads. Mr. Pierson asked if Mrs. Starosta could put together the total maintenance spent on the parks over the last year and Mrs. Starosta replied she could, and the payroll will also be taken into account with those figures. Mr. Pierson asked if we had approved \$35,000.00 for repairs on Shirley McGuire building two years ago. Mrs. Starosta stated she did not know as she was not here two years ago.

Roll Call: Yeas: Pelot, Rodgers, Grether, Pierson, Tousley, Whipkey  
Nays: McGlone

Motion passed 6-1.

**ADDED TO THE AGENDA**

**RES #38-2014**

Mr. Pelot offered Ord. #38-2014 for its first reading and asked the Clerk to read it:

A RESOLUTION AUTHORIZING THE ADMINISTRATIVE OFFICER TO REQUEST TO PARTICIPATE IN THE SUMMIT COUNTY ENGINEER'S OFFICE ROAD MAINTENANCE PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Pelot moved to waive the second and third readings, seconded by Ms. Whipkey. Mr. Pelot noted that while joining with the County the pricing should be cheaper and we should be able to get more roads done with our money. Ms. Whipkey stated with that in mind by adding our \$100,000.00 from the parks we should get more. Mr. Rodgers added that Mr. White had indicated that the increased amount would be beneficial with working with the County also.

Roll Call: Yeas: Pelot, Whipkey, McGlone, Grether, Pierson, Tousley  
Nays: None

Motion passed 7-0.

Mr. Pelot moved to adopt Ord. #38-2014, seconded by Ms. Whipkey.

Roll Call: Yeas: Pelot, Whipkey, McGlone, Grether, Pierson, Tousley  
Nays: None

Motion passed 7-0.

**INTRODUCTION OF PRIOR LEGISLATION**

Mr. Grether offered Res. #12-2014 through Res. #15-2014 for a second reading and asked the Clerk to read it:

**RES. #12-2015**

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 4117 GREENWICH ROAD IN AN AGRICULTURAL DISTRICT.

**RES #13-2014:**

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 4903 HAMETOWN ROAD IN AN AGRICULTURAL DISTRICT.

**RES #14-2014:**

A RESOLUTION TO APPROVE THE RENEWAL FOR PLACEMENT OF FARMLAND LOCATED AT 4359 JOHNSON ROAD IN AN AGRICULTURAL DISTRICT.

**RES #15-2014**

A RESOLUTION TO APPROVE THE APPLICATION FOR PLACEMENT OF FARMLAND LOCATED AT 4044 SUMMIT ROAD IN AN AGRICULTURAL DISTRICT.

Mr. Grether moved to waive the third reading and adopt Res. #12-2014 through #15-2014, seconded by Mr. McGlone.

Roll Call: Yeas: Grether, McGlone, Pelot, Pierson, Tousley, Whipkey, Rodgers  
Nays: None

Motion passed 7-0.

**RES #16-2014**

Mr. Pierson offered Res. #16-2014 for its second reading and asked the Clerk to read it:

A RESOLUTION DECLARING THE OFFICIAL INTENT AND REASONABLE EXPECTATION OF THE CITY OF NORTON, ON BEHALF OF THE STATE OF OHIO, TO REIMBURSE ITS NASH HEIGHTS EAST FUND 508 FOR THE NASH HEIGHTS EAST SANITARY SEWERS PROJECT, PROJECT NO. CH10Q, WITH THE PROCEEDS OF TAX EXEMPT DEBT OF THE STATE OF OHIO.

Second reading only.

**AMENDED**

**RES #8-2014**

Mr. Grether offered Amended Res. #8-2014 for its third reading and asked the Clerk to read it:

A RESOLUTION SUPPORTING THE FORMATION OF WOLF CREEK WATERSHED CONSERVANCY DISTRICT (WCWCD), AND DECLARING AN EMERGENCY.

Mr. Grether moved to adopt Amended Res. #8-2014, seconded by McGlone. Mr. Pelot stated that one thing to keep in mind this is an initial piece and may not impact you individually. Some of our biggest employers and taxpayers are in this area and we need to show them some good faith that we want to address this. We tried putting together a package for them several years ago at a projected cost of about 2.5 to 3 million dollars and that was something we could not address on our own. Mr. Grether corrected a public comment earlier this evening of an assessment cost of \$13.00 a month and the figures he heard were \$13.00 annually. Mr. Tousley commented that George Washington had stated: *“Government hath no more right to put their hands into my pocket, without my consent, than I have to put my hand into yours”* Mr. Tousley stated it’s not that he does not see this as a problem, or that it needs fixed he just cannot in good conscience put his hands in someone else’s pockets for this expense without their consent. Mr. Pelot cautioned Mr. Tousley that by not approving this you potentially will cost these taxpayers more in the long run when we lose these businesses. Mr. Pelot stated that the taxes would have to go up within the City and it would cost more in the big picture with services becoming basically nil and we do not offer a lot of services now. Mr. Tousley stated if we were so concerned why the City doesn’t pay for this itself, it would be about \$50,000.00. Ms. Whipkey stated she felt this problem has been brought on to us because some of these businesses have not done what they should have been doing all along and filling in areas of land that should not have been filled in. It will be interesting to know what the investigation of the Army Corp of Engineers will have to say to all of that and if the businesses will be forced to return the land to its former state it could impact the area. Ms. Whipkey stated she still feels there are other avenues of dealing with the problem. Ms. Whipkey went on to state that she is not aware of how the municipalities have worked together to solve the problem as is stated in the resolution unless it was done privately by the Administrations and she has an issue with that section. Mr. Grether stated he could support Mr. Tousley’s suggestion from the General Fund if it was only \$50,000 a year, but that still comes from these taxpayers. Mr. Rodgers indicated there are a few issues with the wetlands and the Army Corp of Engineers and he has also discussed some issues with Mr. Jim Stender from Barberton Utilities. It needs to be discussed that as a property owner if you modify the flow of your land you will have to return it to the original use at your expense. Mr. Rodgers noted that \$12.00 or \$13.00 figure is by parcel number. Mr. Rodgers stated he would like to see the charge for \$12.00 period whether you own one parcel or ten. This will be part of the discussion for the community task forces. Mr. Pierson noted the public needs to understand is that Mr. Rozelle was at Coventry last year on October 17 and a key term he used was “mitigate” that does not mean it will stop the flooding, it will only lesson it; nor will they be out there digging right away as it could be 10 years; we need to get this right to begin with before we pass this, once we are in it we are in it and we are not sure we will have anyone on the committees. The judges will decide for you what will go on in our community Mr. Pierson stated he and no one on Council is against fixing this issue, we just need to do it right. Mr. Rodgers stated with the amendments we’ve added, we have covered that and this is the first step in the process of discussions that Copley and Barberton are already into. Personally he felt we needed to keep a seat at the table and we will.

We will not take a back seat to either community, but we won't be there if we don't pass this legislation and the amendment that Ms. Whipkey developed will protect us and will guarantee our right and we will look at the discussions as they move along and look at it again before going to the Judge. We also have the letter read at the beginning of the meeting, that all of Council has signed to protect us as we move along with this. Ms. Whipkey stated this Council has done everything in its power with this resolution to benefit us all as far as to open it up to us for discussion on a local level, to make sure we had a voice in what is going on at this point of the game, and it will be coming back to Council to put the final approval on before submitting to the Judge. This may in fact be our only time to guarantee we have a voice in this locally as after it goes to the Court we have no guarantee we will have a voice or can get out of it. We have at least one more opt-out opportunity and we are going to fight, kick, scratch, and scream to be at those tables to make up what is going before the Court.

Roll Call: Yeas: Grether, McGlone, Pelot, Pierson, Rodgers  
Nays: Tousley, Whipkey

Motion passed 5-2. Ms. Whipkey stated that in going forward with the community discussions she would like to see, assuming there will only be two allowed, one Council member that is for the District and one that is against it to be involved in the discussions so all opinions are covered. Mr. Grether stated he is the Planning Committee Chair and Mr. Tousley is the Vice Chair and he would like to volunteer to be on any of those seats.

#### **ORD #9-2014**

Mr. Pierson offered Ord. #9-2014 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO AUTHORIZE THE MAYOR TO NEGOTIATE, EXECUTE AND DELIVER AN AGREEMENT WITH THE OHIO ATTORNEY GENERAL FOR DELINQUENT DEBT COLLECTIONS.

Mr. Pierson moved to adopt Ord. #9-2014, seconded by Mr. Grether

Roll Call: Yeas: Pierson, Grether, Pelot, McGlone, Tousley, Whipkey, Rodgers  
Nays: None

Motion passed 7-0.

#### **RECONSIDERATION OF PRIOR LEGISLATION**

#### **ORD #115-2013**

AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE AND DELIVER AN AGREEMENT WITH THE SUMMIT COUNTY COMBINED GENERAL HEALTH DISTRICT FOR CERTAIN STORM WATER MANAGEMENT SERVICES; AND DECLARING AN EMERGENCY.

Mr. McGlone moved to adopt Ord. #115-2013, seconded by Pelot. Mr. McGlone stated this had been voted down and has come back to reconsider.

Ms. Whipkey stated we basically have no choice we have to have this in place from someone, and it all goes back to testing of sewage outfalls and could go into your private yards. We tried to negotiate better means on the terms and have not gotten anywhere. The County does it all and we are limited as to who can come in and do this without it costing the City more. This is just one of those cases where we just don't have a lot of choice here. Mr. Markey clarified that the motion for reconsideration must be brought back from someone on the prevailing side of no votes. Mr. McGlone stated that he had voted yes on that earlier so he and Mr. Pelot rescinded their motions. Mr. Rodgers moved to adopt Ord. #115-2014, seconded by Ms. Whipkey.

Roll Call: Yeas: Rodgers, Whipkey, Pelot, McGlone, Grether, Pierson, Tousley  
Nays: None

Motion passed 7-0.

### **UNFINISHED BUSINESS**

Mr. McGlone noted we have done a lot of combined motions of waiving and voting all at once and questioned that process because he has never done that in the past and wanted to be sure this was proper. Mr. Markey noted it may not have been improper you just need to make it clear in your motion, however he would rather see a separate motion to waive and motion to adopt as opposed to using one motion for both. Mr. Grether discussed the petition issue brought up by Mr. Pierson and the costs for special elections and urged everyone involved to be mindful of the time frame. Mr. Grether noted it has been announced publicly there is a March 7, 2014 filing deadline to make a May ballot. Mr. Grether noted he will always allow for the people to be heard and urged those circulating this petition to make that deadline instead of a Special Election. Mr. Markey explained the petition process which once submitted they have to go to the Board of Elections for verification and to certify the numbers. Mr. Markey noted that you are at the mercy of the Board of Elections for certification from whenever a petition is presented, and could not guarantee this could be done in time. Mr. McGlone stated if the citizens want to do this, they could put it on the General Election in November. Mr. Pierson stated that would be their call and they would probably be irritated by what they hear tonight and could push this forward for a Special Election. Mr. Pierson stated he would hate to see that happen and spend upwards of \$16,000.00 on something like this. Ms. Whipkey asked for clarification on the time frame for Council do something once it comes to Council; she thought it was within six (6) months. We could not just sit on this and hold it over for the November election. Ms. Whipkey stated she believed it must be on the ballot between ninety (90) days and one-hundred and sixty (160) days. Ms. Whipkey stated it's not that we are not going to do this; we are bound to do it. Ms. Whipkey pointed out that this proposed Charter amendment did fail tonight because a Charter amendment requires five (5) affirmative votes to put it on the ballot. Mr. Markey clarified Council has between sixty (60) and one-hundred (100) days to put on the ballot. Mr. Rodgers asked for the public to be patient with this Council and give us a chance. There is plenty of time to get this on for November. Let's not rush into anything; we have a new City Administrator, and newer Council members to work through this. Mr. Rodgers stated he has high hopes and felt we are in a good position now. Let's calm things down a little bit and we will move forward.

**NEW BUSINESS**

Ms. Whipkey discussed the issue with the Norton Health Advisory Board being dissolved and that we had minutes that were never approved back from August of last year. Ms. Whipkey asked since there is no one left to approve the last set of minutes, how do we handle that? Mr. Markey noted it would be self perpetuating, if you had a meeting to approve those minutes then that meeting would not be approved. There would be no approval on the last set of minutes. Ms. Whipkey asked so then those would never get posted? Mr. Markey stated they could be posted as not approved minutes.

**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 9:07 PM.

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Rick Rodgers, 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 March 10, 2014.

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Karla Richards, CMC-Clerk of Council



# NORTON

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### Karla Richards

CMC-Clerk-of-Council

February 24, 2014

Honorable Mayor William Judge  
Barberton City Council  
576 West Park Avenue  
Barberton, Ohio 44203

Dear Mayor and Council Members:

RE: Wolf Creek Water Conservancy District.

The following Norton City Council members agree that Norton needs to have Norton Council members present at pre-filing meetings involving discussions of the Wolf Creek Water Conservancy that impacts Norton. That is to say the meetings required outside of the individual legislative body meetings or meetings involving all full legislative bodies of the three communities.

Mayor Judge, in his February 17, 2014 email, stated his goal is to keep all three communities informed and up to date on the proposal with dialogue and feedback from all Councils/Trustees.

We feel that it is in Norton's best interest to be physically involved in any talks addressing the project that reflects upon Norton and/or affects the City of Norton and its citizens. The sharing of information between the municipalities is good, but a hands-on approach by each community is even better. In other words, it would be more beneficial for the three communities to have their individual elected representatives present at all meetings that address discussions that impact any municipality outside of one specific municipality as it would facilitate better understanding and mutual cooperation.

In summary, Norton wants actual participation in the process itself with the actual presence of self-selected Council members, and consultants deemed needed, to fully address Norton's interests in the project as it proceeds prior to a final draft.

Rick Rodgers-Council President

Charlotte Whipkey-Council Vice President

Scott Pelot-Council At Large

Dennis McGlone-Council At Large

Danny Grether-Ward 2 Council

Dennis Pierson, Ward 3 Council

Paul Tousley-Ward 4 Council