



**NORTON CITY COUNCIL
REGULAR COUNCIL MEETING
MONDAY, JUNE 24, 2014**

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

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

The Regular Council Meeting convened on Monday, June 23, 2014 at 7:03 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.

At 7:05 Mr. Rodgers moved to enter into Executive Session to discuss personnel matters, seconded by Ms. Whipkey. Mr. Rodgers invited Mayor Zita, Mrs. Carr and Mr. Markey to attend.

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

Motion passed 5-0.

At 8:05 PM Mr. Rodgers closed the Executive Session and reconvened the Regular Council Meeting to order.

COMMITTEE OF THE WHOLE:

Reports from Standing Committees:

Mr. Rodgers noted we would forgo these reports for now unless someone has something to add. Ms. Whipkey-Property Chairperson, stated we are using the new website tonight and she hoped that the residents are happier with these changes. Mr. McGlone-Utilities Chairman reported on the recent tour in Randolph of their vacuum sewer systems. We toured their complete facility from the packaging plant down to the working vacuum pumps, which they demonstrated, and he was very impressed. Mr. McGlone stated and it was beneficial, we learned a lot and it was not a waste of time. Mr. McGlone encouraged the balance of Council to go visit to see it in action and what it looks like behind the scenes, because this would help in their vote if we decide to go that route. Mr. McGlone stated he cannot understand how a small community like Randolph can own and operate their system and why Norton cannot.

Council Rules

Mr. Tousley discussed the conversations last week and moved to change the Council Rules and the Committee sizes from three (3) to seven (7) members based on the changes Mr. Markey has presented, Mr. Rodgers seconded. Mr. McGlone was concerned with the two (2) members not present for the vote and felt this should be held off for the vote until all Council members were present, and Ms. Whipkey & Mr. Tousley agreed. Ms. Whipkey noted she could not find any reference to the OML class and the reference that smaller cities are using this format; she inquired if those attending the class had any literature on the subject. Ms. Whipkey noted the research that Mrs. Richards provided indicated that it's mostly the larger cities that are changing to this format and only two cities were close to our size. Ms. Whipkey expressed her concern with the Chairman as the one to bring issues forward and felt that duty should not fall to just one member and liked the idea of sharing information as opposed to one (1). Ms. Whipkey does have an issue with just three (3) members getting together. Ms. Whipkey stated The Sunshine laws were put in place to protect the people. They were not to make things any easy for the government or the elected officials, it was for transparency. Ms. Whipkey stated that means that three (3) members can meet at anytime for any issue without repercussions, that seems like a loaded gun. If it only takes a majority of four (4) and the three (3) members are already in agreement they could be pressuring the fourth member to agree with them, which is not in the public's best interest. Mr. Rodgers noted that not one single meeting has taken place since January and questioned how we square that and get our jobs done? Ms. Whipkey noted past minutes from June 25, 1990 show where a Council Meeting was interrupted in order to hold a Committee Meeting. Ms. Whipkey stated she has no issue raising it up to four (4) members but not all the way up to seven (7). It would be just too easy to sway a majority and it may be fine to do with this Council but you have to think about what could take place in the future with other Councils. Ms. Whipkey stated these laws were put in place for a reason, not to make it easy on us but to make sure we are doing what we are supposed to be doing for the public. Mr. Rodgers stated that rule was put in place before the Charter amendment requiring live broadcasts and the fact is that we are not meeting and even Mr. Grether stated he would not just call a meeting just to have a meeting and requiring staff present to air and record it. Ms. Whipkey stated you can always have the meetings at 6 PM and you need to have twenty-four (24) hour prior notice to hold any meeting. We sometimes don't have any information until late on Thursdays for something that needs to be discussed and did not agree with abandoning the format just because it had not been utilized yet this year. Ms. Whipkey noted she believed this is the first time we have had four (4) newly elected members of Council all at the same time, to which ~~and~~ Mrs. Richards concurred, pointing out it was difficult to come on new and learning the ropes. Mr. Rodgers argued it was not a matter of learning the ropes and the point again is that the Committees are not meeting, look at the Road Program that was implemented this year where there was none before because no Committees were meeting. Mr. Rodgers stated the Committees should be meeting to work on doing the business of the City and not because Administration hands us something. Right now we need to be working on ideas on how to gather money for the 2015 Road Program, we have the roof leaking in Council Chambers, and a concrete pad sinking, and questioned if is anyone working in that in addition to the Service Garage roof. Mrs. Carr noted that the Service Garage issue is waiting on a quote and added that all those issues

were being worked on awaiting further information and when the dollar amounts were in place legislation would be put forth and/or a Board of Control meeting called if needed. Mr. Rodgers reminded everyone that this Council wanted to be more involved in the operation of the City and making sure things were getting done and we cannot do that unless we meet. Mr. Tousley stated that Mr. McGlone had a good point on all of Council being present to vote and a 2/3 majority vote was needed to change the rules which he did not believe was going to be met tonight. Mr. Tousley and Mr. Rodgers withdrew their motions. Mr. Tousley discussed repealing a previous Ord. #24-2010 relating to Council Rules and moved to place Ord. #75-2014 on tonight's agenda, with emergency language waiving the second and third readings. Council is unique and every rule we change we have to change this ordinance, adding that the Charter Section 3.11 states the Council has the right to make their own rules and Council Rules 601 allows Council to amend its rules, so based on that, this is the reason. Ms. Whipkey questioned if this has any bearing to any rule changes made since 2010. Mr. Markey stated that is an excellent question to the extent of if there is any inconsistency. Mr. Markey stated he did not think we would have a court that would tell us what that outcome would be. Probably the ordinances are more controlling than the Council Rules. Because of the inconsistencies that is a good reason to repeal the rules because you have only one set to look at. Ms. Whipkey asked for clarification that there would be any issues with anything we have changed, and Mr. Markey replied no.

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

Motion passed 5-0.

Mr. Tousley moved to place legislation for consideration to the Mayors appointment for the new Finance Director on the agenda for a Special Council Meeting on Monday, June 30, 2014 at 7 PM, with emergency language and waiving second and third readings, seconded by Mr. Rodgers.

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

Motion passed 5-0.

COMMUNICATIONS FROM THE PUBLIC:

Ms. Beth Kukuk from Summit County, discussed the program about First things First, and the second Annual Kids Month for August for the kids and their families. (see attached flyers). Mayor Zita read his proclamation supporting August 2014 as Summit Kids Month, (see attached).

Mrs. Brenda Hlas, 2285 Frashure Drive, Akron, Ohio, stated it was not too long ago that she was sitting up there and many of you were standing here. Mrs. Hlas stated many of you came here to this podium and complain that Council members were meeting behind closed doors and that was in violation of the law. Let me remind you that you are no longer citizens, you are now elected officials and were sworn into office as an elected official 24/7.

Mrs. Hlas stated she is well aware of the rules that you are now required to live by, as you were quoting them to me and other Council members regularly. Mrs. Hlas stated since January 2014, up until last Monday you have been meeting with the Air Vac representatives. Some meetings were even held in these Council chambers. Mrs. Hlas stated last week she made a public records request for the notices, agendas and minutes as required by law. Mrs. Hlas stated she was told they do not exist and she finds it odd that you stood here at this podium explaining the law of elected officials and it only took you six (6) months to violate the laws and one of you only six months after your coworkers were sworn in. Mr. Rodgers gavelled Mrs. Hlas and asked if Mrs. Hlas was accusing the Council of violating the Sunshine laws and Mrs. Hlas stated her intent is to finish reading what she has to say and she is only accusing you if you have done it. Mrs. Hlas stated the members of the community have a right to speak and if you are going to stop us, then why are we allowed to speak and Mr. Rodgers stated you cannot make false statements at the podium. Mrs. Hlas asked then who says they are false? Mrs. Hlas argued that in addition Council members have also been meeting with other officials of Barberton and or Summit County. Mrs. Hlas congratulated Council for getting informed in the day to day operations of the City. But at the same time, shame on you for violating the law and trying to micro manage the Administration. Mr. Rodgers gavelled Mrs. Hlas again for stating we are violating the law. Mr. Rodgers asked Mr. Markey if he was hearing right, to which Mr. Markey responded he believed Mr. Rodgers heard what Mrs. Hlas was saying. Mrs. Hlas argued that Mr. Rodgers is trying keep people from speaking on something he does not want to hear. Mr. Rodgers declared he was trying to have Mrs. Hlas state some facts. Mr. Rodgers asked Mrs. Hlas for a copy of her written statement, to which she declined to provide it. Mr. Rodgers informed Mrs. Hlas that he would gavel her if she stated Council had broken the laws again. Mrs. Hlas stated if you want to be informed, then one member is to go to meetings reports that information back to Council and is within the guidelines of the law. Now you want to change the Committees of Council from three (3) to as many as (7) members. Why, as you stated several times in those seats to avoid violation of the law. So let me get this straight; you want the seven (7) member Committees so that three (3) can meet without notifying the public and the media. Let me remind you that you are required to send out notices, have agendas, and take minutes. You cannot bend the rules to fit your needs. The rules are made for a reason, and you have to live within those rules. Mrs. Hlas stated if you change the Committee make up it would be a free for all, you would be able to attend all of the meetings you like without the notices, minutes or agendas, talk about secret meetings. Mrs. Hlas stated that you change the Charter back so that you don't have to televise every meeting, just tweak it a little but, you can have your three (3) members on a Committee and would not violate the Sunshine Law. Mrs. Hlas discussed spending over \$175,000.00 for the engineering of a vacuum systems which are designed for small amounts, and there are problems with smells, freezing, etc. Mrs. Hlas discussed the regular maintenance issues and questioned about the snowbirds. Mrs. Hlas stated if she lived in Nash Heights she would be furious with this spending when the sewers are so close. Mrs. Hlas commented that there are other parts of the City that have just as much ecoli counts as Nash Heights. Do you really think the EPA is done with the City of Norton? First thing is Nash Heights, and she was sure the Sherman area is next on the EPA's hit list. Mrs. Hlas asked are you doing the citizens of Norton any benefit here? Mr. Rodgers gavelled Mrs. Hlas due to the five (5) minute rule, her time was up and he had even given her an extra minute.

Ms. Karen Harley, 3432 Harper Avenue, Norton, Ohio, spoke regarding Committee meetings and that you have not been having meetings for six (6) months and asked why isn't that your job. Mrs. Harley was frustrated with laying blame on the previous Council and this sewer problem did not start within the last four (4) years, it's time to get on with what you are supposed to be doing. Quit laying the blame and do what you were elected to do. You guys were voted in because you said you could do better so prove it. You are now in charge and it's up to you to take charge. Mrs. Harley asked why can't we own our own sewer system? If we have control over this and we would keep the money here to be used in this fund for maintenance and taking care of the citizens of Norton. Mr. Pierson stated the city had \$450,000.00 to pave every road in our City. As far as putting in sewers, Mr. Pierson asked Mrs. Harley if she has any idea of the permitting costs with the EPA for the City to do this? This City could not afford to do it, we would be burying the City in debt overnight. Mr. Pierson commented about the meetings with Barberton and or Summit County and unless you were present, it is unfair to form you opinions. This Council has been working very hard on getting this all straightened out in the most economical way and no, the past is a fact and if you don't learn from the past then you repeat it and he was not going to be doomed to repeating some of the dumb mistakes; standing up there in a public place ridiculing and it's true, some of you folks should be doing some research and due diligence. Mrs. Harley stated last year she had heard Mr. Pierson standing on the other side of the podium with his accusations and Mr. Pierson stated that he always had the facts in his hands when doing so that he backed up with commentary from the record, from County Sunshine Law requests, he did not just sit and ramble.

CONSIDERATION OF THE MINUTES:

Minutes of the June 9, 2014 Regular Council Meeting, were approved as submitted.
Minutes of the June 16, 2014 Committee Work Session were approved as submitted.
Minutes of the June 16, 2014 Special Council Meeting were approved as submitted.

REPORTS FROM OFFICERS, BOARDS AND COMMISSIONS:

There were no reports.

PUBLIC HEARINGS-None

INTRODUCTION OF NEW LEGISLATION:

ORD #73-2014

Mr. Tousley offered Ord. #73-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO CONFIRM THE APPOINTMENT OF VALERIE WAX CARR AS ADMINISTRATIVE OFFICER OF THE CITY OF NORTON, OHIO.

First reading only.

ORD #74-2014

Mr. Tousley offered Ord. #74-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE VACATING PARTS OF KINGSTON AVENUE WITHIN THE CITY OF NORTON, OHIO.

First reading only. Public Hearing will occur on July 14, 2014.

ADDED TO AGENDA

ORD #75-2014

Mr. Tousley offered Ord. #75-2014 for its first reading and asked the Clerk to read it:

AN ORDINANCE TO REPEAL SECTION 220.06 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

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

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

Motion passed 5-0.

Mr. Tousley moved to adopt Ord. #75-2014, seconded by Ms. Whipkey.

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

Motion passed 5-0.

INTRODUCTION OF PRIOR LEGISLATION

ORD #68-2014

Mr. Pierson offered Ord. #68-2014 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$80,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF ACQUIRING REAL PROPERTY FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #69-2014

Mr. Pierson offered Ord. #69-2014 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$225,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS, TO PAY A PORTION OF THE COSTS OF CONSTRUCTING, FURNISHING, EQUIPPING AND OTHERWISE IMPROVING A FIRE STATION, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #70-2014

Mr. Pierson offered Ord. #70-2014 for its second reading and asked the Clerk to read it:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$160,000 OF NOTES OF THE CITY OF NORTON IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY COSTS OF ACQUIRING REAL PROPERTY FOR MUNICIPAL PURPOSES, AND DECLARING AN EMERGENCY.

Second reading only.

ORD #66-2014

Ms. Whipkey offered Ord. #66-2014 for its third reading and asked the Clerk to read it:

AN ORDINANCE TO REPEAL ORDINANCE NO. 34-1999 AND THE CORRESPONDING SECTION 208.04 OF THE CODIFIED ORDINANCES OF THE CITY OF NORTON, OHIO.

Mrs. Whipkey stated we are repealing this because it's a moot point since the Charter amendment passed relating to the Board of Control limits. Ms. Whipkey moved to adopt Ord. #66-2014, seconded by Mr. Pierson.

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

Motion passed 5-0.

RES #67-2014

Mr. Rodgers offered Res. #67-2014 for its third reading and asked the Clerk to read it:

A RESOLUTION OF SUPPORT FOR THE GOOD DEEDS PROGRAM, AND DECLARING AN EMERGENCY.

Mr. Rodgers moved to adopt Res. #67-2014, seconded by Ms. Whipkey.

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

Motion passed 5-0.

UNFINISHED BUSINESS:

Ms. Whipkey asked about the status of the Fred Martin crosswalk. Mrs. Carr stated she was there last week on another matter and stated that they are working on this and they are using their own contractor with none of our personnel involved and all seemed to be running smoothly. Ms. Whipkey asked about any permits being issued and Ms. Carr noted that we granted a permit to cut into the roadway. Ms. Whipkey asked who gave that permission and Mrs. Carr noted it was Mr. Arters. Ms. Whipkey asked if there was anything new on the Watershed Conservancy District and Mayor Zita replied not at this time.

NEW BUSINESS:

Mr. Rodgers noted the Executive Session listed on the agenda at this point was already addressed at the beginning of the meeting.

Ms. Whipkey asked Mr. Markey about the changes with House Bill 289 on the JEDD which was passed earlier this month, what affect will this have on us? Mr. Markey replied the general intent is to prevent any amendments to JEDD agreements starting in 2015, however he would need to take a look into the specifics of the Bill. Ms. Whipkey stated the way she understood the Bill, if we were to make any amendments it would need to be done before the end of this year and Mr. Markey concurred. Ms. Whipkey stated if we wanted to go and have talks with Barberton, we need to do that this year and Mr. Markey concurred. Mr. Rodgers stated part of the discussion of Barberton potentially providing sewer is to also address the JEDD agreement. Mr. Markey stated sewer and water were the main topics of the JEDD agreement and would have to address the new facts of whoever is taking over the sewer.

Mr. Pierson asked if we are currently having any difficulty with our cleaning service contract with Romaster? Mrs. Carr stated we have had a few issues and we communicated with them, including emails, and the corrections were addressed. Mr. Pierson asked when their contract expires and Mrs. Carr noted she did not see an expiration date and noted that due to new Council rules that we will probably now have to go out for bid.

PUBLIC SERVICE ANNOUNCEMENTS:

Mayor Zita read several announcements (see attached). Ms. Whipkey noted the MAD district is holding a meeting this Thursday at 6 PM at the Snyder Avenue office and the DAC will be holding a meeting on July 1, 2014 also at 6 PM

PUBLIC UPDATES:

Mrs. Carr discussed the soft recycling has completed its first week and have received \$1039.00 pounds of material and made our first \$103.00 and encouraged everyone to begin using this new service. Mr. Rodgers stated we recently met with the owner of Comunale to discuss the flooding in that area. We have had informal discussions with Copley and Barberton relating to the same and those talks were encouraging and hopefully can move forward on something ahead of the Watershed District to get some relief for those businesses and the residents on the east end of Wadsworth Road.

ADJOURN:

There being no other business to come before the Regular Council Meeting, the meeting was adjourned at 9:03 PM

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 July 14, 2014.

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.

Office of the Mayor

Proclamation

Whereas: we recognize the importance of early childhood care, education, health, behavioral health, family support, special needs and early intervention; and

WHEREAS, by ensuring kindergarten readiness, we are investing in the future prosperity of our community, because high quality, early childhood development is a critical component of K-12 success and is instrumental in cultivating a skilled workforce; and

WHEREAS, health and wellness programs strive to ensure that comprehensive physical and mental health needs of children in Summit County are being addressed; and

WHEREAS, the Summit For Kids Expo connects families with businesses, organizations and agencies that focus on children's programming, health, education, activities and entertainment; and

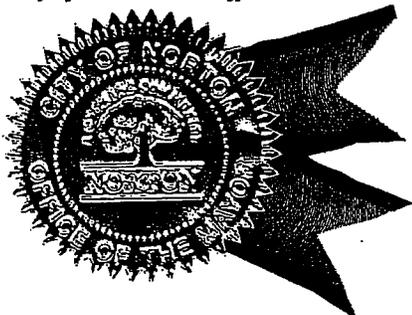
WHEREAS, promotion and implementation of strategies through the Safe Routes to Schools Program, Cribs for Kids, Safe Sitters, proper use of car seats and bike helmets will reduce preventable injury to children; and

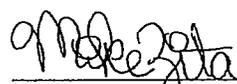
WHEREAS, we are committed to reducing infant mortality in Summit County; Ohio has the 11th worst infant mortality rate in the nation for babies of all races and the 2nd worst rate infant mortality rate in the nation for African Americans babies; and

WHEREAS, through the leadership of the First Things First Initiative, we can make a difference in the quality of life, health, well-being and education of children in Summit County; and

NOW, THEREFORE, BE IT RESOLVED that I, **Mike Zita**, Mayor of the City of Norton, of the County of Summit, of the State of Ohio, do hereby proclaim that the **month of August 2014** is hereby declared **Kids Month** in the City of Norton, and that the citizens of this great City are hereby encouraged to join in this acknowledgement.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the City of Norton to be affixed on this, the 23rd day of June, 2014.




Mike Zita, Mayor
City of Norton



OFFICE OF THE MAYOR
Mike Zita
CITY OF NORTON, OHIO
4060 Columbia Woods Dr.
Norton OH 44203

CONTACT: (330) 825-7815, Ext. 314
Administrative Assistant: Ann Campbell
Date: Thursday, May 22, 2014

FOR IMMEDIATE RELEASE

Mayor Mike Zita is seeking interested Norton citizens that are willing to serve on the City of Norton Parks and Cemetery Board. There are two (2) openings that need to be filled. Held for a three-year term, the board meets on the 3rd Wednesday of every month at 5:30p.

Applicants with a strong interest or having historical knowledge of Norton Cemeteries are desirable.

Interested applicants must be registered voters and officially reside in the City of Norton. Board members are paid a small stipend for each meeting.

Individuals interested in applying for this Board are asked to send a letter of interest and qualifications addressed to Mayor Zita at 4060 Columbia Woods Dr., Norton OH 44203, or via e-mail at annc@cityofnorton.org. Placement on the Board will be upon completion of a majority approval by Council. Any questions may be addressed by contacting the City of Norton Administration Building at 330-825-7815 x314, or by e-mail at annc@cityofnorton.org

2014

Mosquito Spraying Schedule

Spraying will be conducted in accordance with all applicable laws, rules and proposed EPA regulations, specifically when:

Weather is absent of rain

*Winds are less than 10 mph and temperature is above 55**

IF SURVEILLANCE LIGHT TRAPS CONTAIN LESS THAN 10 MOSQUITOES, SPRAYING MAY BE CANCELLED FOR THAT WARD

SPRAYS ARE CONDUCTED THURSDAYS ON THE DATES BELOW UNLESS NOTED

NORTON

Barberton

~~May 29~~

Start time - 8:30 pm

~~June 05~~

~~June 12~~

Start time - 8:30 pm

~~June 19~~

June 26

Start time - 8:30 pm

July 03

July 10

Start time - 8:15 pm

July 17

July 24

Start time - 8:15 pm

July 31

August 07

Start time - 7:30 pm

August 14

August 21

Start time - 7:30 pm

August 28

September 04

Start time - 7:30 pm

September 11

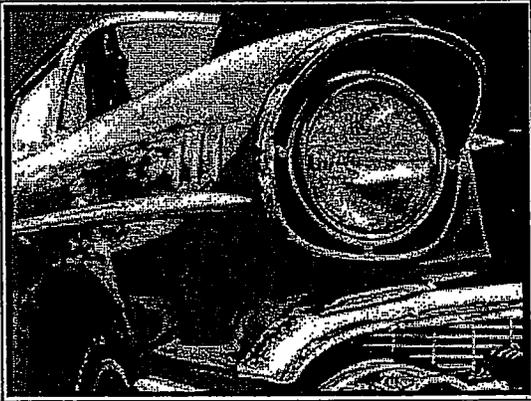
September 18

Start time - 7:30 pm

September 25

If unable to spray on the scheduled date, makeup spray will be on the following Monday if weather permits.

City of Norton 4th Annual Classic Car Show Thursday



JULY 10th 6:00-8:00p
(raindate July 17th)

Sponsored
in part by:



Dash Plaques for the first 100 cars

Great Food Door Prizes

Check-in: 5:00p

Columbia Woods Park in Norton
4060 Columbia Woods Dr.

**Great LIVE Music!
No Entry Fee!
Beautiful Park Setting!**