

City of
NORTON
NORTON CITY COUNCIL
ORGANIZATIONAL MEETING
MONDAY, JANUARY 4, 2016

Roll Call	Joe Kernan Scott Pelot Dennis Pierson Paul Tousley Charlotte Whipkey Rick Rodgers	Also Present: Mayor Mike Zita Valerie Wax Carr Ron Messner Justin Markey Karla Richards Ann Campbell
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The Organizational Meeting of Council convened on Monday, January 4, 2016 at 6:45 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. The Honorable Judge Dave Fish conducted the swearing in and Oath's of Office for Mayor Zita, Council At Large-Joe Kernan, Council At Large-Scott Pelot, and Council At Large-Charlotte Whipkey. There was a brief recess due to audio technical issues and a light reception was held to welcome the elected officials.

ELECTION OF PRESIDENT OF COUNCIL FOR 2015

Mr. Rodgers opened the floor to nominations for President of Council for 2016. Mr. Pelot nominated Ms. Whipkey for President. Mr. Rodgers nominated Mr. Tousley for president. Mr. Rodgers called one last time for any further nominations; there being none, Mr. Rodgers closed the floor for nominations and asked the Clerk of Council to call the roll.

Roll Call for the candidate of Council's choice:

Mr. Pelot voted for Ms. Whipkey
Mr. Pierson voted for Mr. Tousley
Mr. Tousley voted for Mr. Tousley
Mr. Kernan voted for Ms. Whipkey
Ms. Whipkey voted for Ms. Whipkey
Mr. Rodgers voted for Mr. Tousley

Vote failed 3-3. Mr. Rodgers stated lets try this again and asked for any other nominations. Mr. Kernan nominated Ms. Whipkey. Mr. Pierson nominated Mr. Tousley. Mr. Rodgers asked the Clerk to call the roll again.

Roll Call for the candidate of Council's choice:

Mr. Pelot voted for Ms. Whipkey
Mr. Pierson voted for Mr. Tousley

Mr. Tousley voted for Mr. Tousley
Ms. Whipkey voted for Ms. Whipkey
Mr. Kernan voted for Ms. Whipkey
Mr. Rodgers voted for Mr. Tousley

Vote failed again 3-3. Mr. Rodgers stated that he did not think anyone will come off of their vote. Mr. Rodgers asked Mr. Markey what his suggestion is with a deadlock like this. Mr. Markey stated that there are not a lot of rules here. Mr. Markey stated that the one procedure could be to elect a temporary chairperson for each meeting and would need to be done at the beginning of each meeting. If you cannot elect a temporary chairperson, you would have to do things by motions of Council. They could lead the meeting following the agenda unless Mrs. Richards were to do that. There is not a lot of legal authority governing this type of procedure. Mr. Pierson suggested that we do elect a temporary President of Council and then with the outcome of the Special Election have another nomination/election process. Mr. Pierson stated that some members on Council have pointed out in the past that it should only be fair to have full representation before voting on issues. Mr. Pierson stated that we should hold off on this until we have someone sitting in the Ward 2 seat. Ms. Whipkey stated we should have held that election a couple of months ago. Ms. Whipkey clarified that every meeting we would have to elect a chairperson and Mr. Markey concurred. Ms. Whipkey stated then we could end up with someone else running the meeting every week until sometime in February when whoever is elected is certified and sworn in and Mr. Markey agreed. Mr. Markey stated the majority of Council could act as President; you can all make motions and move legislation along by voice vote. Mr. Pelot stated that chairperson would be facilitating the meeting, and once the legislation is passed would we all have to sign the legislation or just that chairperson? Mr. Markey stated that is a very good question. Mr. Pelot moved for Ms. Whipkey to chair this meeting, seconded by Mr. Kernan.

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

Motion passed 6-0.

Mr. Rodgers questioned if we are going to do this from now until after the election? Mr. Markey stated that until you have a majority vote, you cannot elect a President of Council. Mr. Rodgers asked if a formal motion and vote for that is required and Mr. Markey replied you can, but it's not required. Mr. Rodgers turned the gavel over to Ms. Whipkey to carry on. Ms. Whipkey asked if we should continue on and try to elect a Vice President and Mr. Markey suggested Council at least attempt that process. Mr. Rodgers asked if we are successful in electing a Vice President now wouldn't that person would chair the meetings in the absence of a President and also sign the legislation and Mr. Markey concurred. Mr. Markey stated that as Mr. Pelot pointed out all of Council could sign legislation and that most school boards do it that way. Mr. Kernan stated that without having a President and Vice President of Council we will have all sorts of problems. Who can appoint the committees? If we cannot appoint the committees, then we cannot move legislation along. It seems to him in watching the meetings, being present for some, that Ms. Whipkey has done an excellent job on Council for the last four (4) years.

She has been Vice President for the last two (2) years and he cannot think for the life of him why we should not put her in as the President of Council tonight. If there is some reason other than politics they should state so now. Mr. Kernan re-nominated Ms. Whipkey for President of Council. Mr. Pierson stated he was happy to point out the fact that Ms. Whipkey, Mr. Pelot and Mr. McGlone were very ardent in the decision being made for Ward 2 which currently does not have representation, he could not go along with this. Mr. Kernan asked Ms. Whipkey permission to speak now and he reminded all of Council that the proper procedure is to ask the Chair to be recognized before we speak. Mr. Kernan stated that what Council should have done was to set the Special Election immediately after the resignation then we would have this person in place by now. Mr. Kernan stated that we cannot hold up the City's business because we are waiting for this special election to happen, and again he would re-nominate Ms. Whipkey as President. Mayor Zita asked to speak and noted that in addition to stalemating on the Council dais; the Charter requires for the Board of Control the President and Vice President are members in order to move things along through the Board of Control. Without having them present, nothing will get done between now and February and this will make things a little more interesting. Mr. Kernan stated that he believed he made a motion to reopen nominations for President and asked for a second, and Mr. Pelot seconded Mr. Kernan's motion. Ms. Whipkey asked the Clerk to call the roll.

Roll call to re-open the nominations for President.

Yea: Kernan, Pelot, Tousley, Whipkey

Nay: Pierson, Rodgers

Vote passed 4-2.

Mr. Kernan nominated Ms. Whipkey for President. Mr. Rodgers nominated Mr. Tousley for President.

Roll Call for the candidate of Council's choice:

Mr. Pelot voted for Ms. Whipkey

Mr. Pierson voted for Mr. Tousley

Mr. Tousley voted for Mr. Tousley

Mr. Kernan voted for Ms. Whipkey

Ms. Whipkey voted for Ms. Whipkey

Mr. Rodgers voted for Mr. Tousley

Vote failed again 3-3.

Mr. Rodgers stated we should not go back and forth all night with this and if we can elect a Vice President ahead of the tonight, he moved to do that now and nominated Ms. Whipkey. Ms. Whipkey nominated Mr. Pelot, Mr. Pierson nominated Mr. Tousley.

Roll Call for the candidate of Council's choice:

Mr. Pelot voted for Mr. Pelot
Mr. Pierson voted for Mr. Tousley
Mr. Tousley voted for Mr. Pelot
Mr. Kernan voted for Mr. Pelot
Mr. Rodgers voted for Mr. Tousley
Ms. Whipkey voted for Mr. Pelot

Mr. Pelot was elected as Council Vice President for 2016 by a 4 to 2 vote. Ms. Whipkey turned the gavel and the remainder of the meeting over to Mr. Pelot. Mr. Pelot stated that he would be interested in hearing for the three (3) potential candidates whom they would support for President of Council. There may be no sense in waiting and they will be the deciding vote once they get up here on Council. Mr. Toulsey asked for clarification if he was referring to the candidates for the Ward 2 seat and Mr. Pelot concurred. Mr. Rodgers asked what are we going to call Mr. Pelot in the interim, President and Mr. Markey suggested President Pro-Tem. Mr. Rodgers stated there would be a problem with asking these potential candidates, it would be against the Council Rules to allow a non-elected person to vote. Mr. Pelot stated we are not asking them to vote, only asking for their opinion as to who they would support as President. Mr. Rodgers stated that an opinion would be fine, but to base a decision on whom the next President would not be the right thing. Ms. Whipkey stated she would be interested in their comments. We asked the public to join in on anything and everything, so she did not see anything wrong asking these candidates their opinion, if that's the whole basis for holding this up. Mr. Rodgers stated an opinion is fine and anyone in this room can give their opinion, but it would not count as a vote. Mr. Pelot stated that is not what he is saying. If all three of them were to say that Ms. Whipkey should be President, it does not matter which one of them gets the seat; then there is no sense in waiting for the election to find this out. Mr. Pelot noted that each Council member can change their vote at anytime, and Mr. Markey concurred. Mayor Zita stated that although no one has asked for his opinion; at this point in time we might as well just take the month of January off and wait until February. In his opinion he does not believe that anything is going to get accomplished in January and the residents money being paid to Council for that month just won't get paid out. Mr. Rodgers moved to take the month of January off. Ms. Whipkey noted we have some legislation that needs addressed such as the Resolutions of Necessity this month and would be held up if that were to happen. Mr. Pelot stated we are still going to meet and if we have a stalemate on issues we will just keep pounding away at it, we sill will need to meet and discuss and this is a temporary lull. Ms. Whipkey stated if that were the case from the point in August when Mr. Grether resigned we should have said then that we are not having another meeting until we get a replacement. Mr. Pelot called for a second to Mr. Rodgers' motion, there was no second. Mr. Pierson stated that Mr. Pelot was elected as the Vice President and it falls to him in the line of succession to maintain the Council until the election, just like of the President of the United States were assonated the Vice President would take over, and he failed to see what the problem is here. You can take any meeting of the Board of Control and sign any legislation as the acting President. Mrs. Carr stated we would still have a quorum at the Board of Control without a President of Council and Mr. Markey concurred. Mr. Rodgers moved that the Presidents nomination is held off until the January 19, 2016 election, seconded by Mr. Pierson. Mr. Rodgers stated that if we pass this motion and we all agree to it this discussion would end and we can get on with business. It would be nonsense to start every meeting with this same process.

Mr. Kernan stated that he believed we do not want to tie Councils hands if there comes to a meeting of the minds and fill that position sooner rather than later, and this is ill advised to do so now. If there is no consensus, Mr. Pelot would just open the meetings as the acting President and we simply move on. Mr. Rodgers stated he felt we would just continue with the contention we have here. We have been divided and it seems like we keep pouring salt on the wound here. To keep on twisting and twisting every week will produce nothing. Mr. Pelot stated he did agree; we know where people stand and in Roberts Rules we can still throw out the names at each meeting, and if we don't have the majority we just continue on with the meeting. Mr. Charlie Lemon, 4000 Summit Road, Norton, Ohio, called for a point of order. This case is closed until after the election and you need to stop this and let the Vice President move on with the agenda. You cannot shut this City down, the citizens do not deserve this. Ms. Whipkey agreed, we have set up a means to handle Board of Control, and a means to conduct the meetings. Mr. Pelot asked Mr. Markey if it is permitted not to vote at each meeting, and Mr. Markey stated he was not sure that any of this is going anywhere. You have a procedure in your Charter and Council Rules to elect a President, and no one can force Council to vote. There is nothing that can change the reality until you have enough votes for a President. Ms. Whipkey stated if we have to vote every week, then we will vote every week. Mr. Pelot noted there is a motion and a second to hold off voting for a President until after the election and asked the Clerk to call the roll.

Yea: Rodgers, Pierson,

Nay: Whipkey, Tousley, Kernan, Pelot

Motion failed 2-4.

ADJOURN:

There being no other business to come before the Organizational Meeting, the meeting was adjourned at 7:12 PM.

Charlotte Whipkey, 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 Monday, January 11, 2016.

Karla Richards, CMC-Clerk of Council

****NOTE: THESE MINUTES ARE NOT VERBATIM****

All Council & Committee Meetings will be held at the Norton Safety Administration Building, unless otherwise noted.