

City of
NORTON

COMMITTEE WORK SESSION
MAY 2, 2016

Committee Members Present:

Rick Rodgers
Dennis McGlone-Excused
Joe Kernan
Dennis Pierson
Paul Tousley
Scott Pelot
Charlotte Whipkey

Also Present:

Mayor Mike Zita
Valerie Wax Carr
Ron Messner
Justin Markey
Karla Richards

The Committee Work Session convened on Monday, May 2, 2016 at 7:00 PM, in the Council Chambers of the Safety Administration Building. The meeting was called to order by Charlotte Whipkey, President of Council. Following a salute to the flag and the Pledge of Allegiance, there was a moment of silent prayer. Ms. Whipkey asked for everyone to remember former City of Norton Ward 2 Councilman, John Wagner who recently passed away this weekend. Mr. Wagner had served from 1986 to 1989 and was Council Vice President in 1988.

General Topics of Discussion:

Railway Safety

Mr. Kernan stated that there is a request from a Norton resident for the City to pass a Resolution in support of the Federal rule proposed that there should be at least two (2) railway employees on the trains. The crews have been slowly trimmed down from five to two as a cost cutting measure by some of the railroads are looking to do this with one. Mr. Kernan noted that Ms. Whipkey had brought this to Council and opened it for discussion. Ms. Whipkey stated she understands that this relates to freight trains only and we have these railways here in the center of town. Ms. Whipkey stated she believed it was a safety issue due to the chemicals being moved. Ms. Whipkey noted that it takes two (2) employees to operate the breaking system safely and believed this was an issue with an accident in Canada where there was only one (1) conductor on that train and there was a loss of life and property. Ms. Whipkey added that this is not only a safety issue to the community itself, but to the first responders to the scene.

Ms. Whipkey stated there is a time limit of May 16, 2016 at midnight for anything to be submitted and was looking to have a resolution passed to send to the Federal agency. Mr. Pelot stated he understands the need to reduce costs, but on something like this, if they take it down to one (1) and if that person is ill or has a heart attack how is the train supposed to stop? He felt it was necessary to have at least two people on it. Ms. Whipkey stated technology is supposed to address this and discussed the past power grid failure and if it's wise to rely on that as technology fails. Mr. Tousley questioned if this is even something we should be discussing or if it was even our jurisdiction and felt he was uneducated on the matter. There are several other Federal and State agencies that can address this and he also felt this can be more of an employee/employer situation. Ms. Whipkey stated this is where the communities and the public can put our two cents worth in on matters and we can speak out. How many times have the people asked how the government can do something; this is the time that you can help stop or get something passed so it is within our jurisdiction. Ms. Whipkey stated in addition to our action, the residents have the ability to go onto the Federal website where the citizens can also comment. It is a big chance that most people may not be aware of or take this one time opportunity. Mr. Pierson stated he agrees with Mr. Tousley and this is a jurisdiction of the Department of Transportation and the Commerce Department. Mr. Pierson stated he felt it's fine to send in a letter but legislation is not necessary and the same goes for item #B on the agenda. You want to send a letter that's fine; you and the Mayor get together and send it, but he did not believe this was the place to be discussing federal regulations, legal laws, and union contracts. This is not the jurisdiction of the City Council and a small community of 12,000 residents to spend the time on this. Mr. Rodgers asked if we have a copy of the Bill and Ms. Whipkey stated she had supplied that to everyone in an earlier email. Mr. Rodgers asked if there is a Bill in front of Congress? Mr. Kernan stated he did not believe it was actually a Bill in Congress, it was a proposed rule change in the federal agency that handles this; he did not think it is something that has gone through Congress. Ms. Whipkey explained that currently there are no regulations relating to the number of crew members. Mr. Rodgers asked if it was moving forward and Ms. Whipkey responded that the Federal agency will take in all letters and comments, etc by May 16, 2016 and then make their decisions to move forward. Mr. Rodgers asked to have the resolution drafted for next week and so moved to add this to Councils next agenda, seconded by Mr. Kernan.

Roll Call: Yes: Rodgers, Kernan,
 No: None

Motion passed 2-0.

Cell Phone Guns

Mr. Kernan stated that this needs to be tabled until we have more information before moving forward on this. Ms. Whipkey stated she has discussed this with Mr. Markey and she had questioned if we can even create such a law; she would like Mr. Markey to look into whether we would be violating rights and what we could do legally. Mr. Kernan suggested that we wait for more information from Mr. Markey before we decide to take it back up and Mr. Rodgers agreed.

Cleve-Mass. Road Widening City Owned Properties

Mr. Rodgers stated that the City will be forfeiting some property relating to the Cleve-Mass. Road widening project adding this was the first time he had seen the information and deferred to the Administration. Mr. Markey explained it was in relation to easements and that property will either be deeded back to the City for that purpose and we are not really ~~or~~ transferring it. It's nothing controversial and is just giving an easement to ourselves. Although we would have to pass the five pieces of legislation individually, you could move it to the Agenda in one motion. Mr. Rodgers moved to add Ord. #35-2016 thru #39-2016 to Councils next agenda, seconded by Mr. Whipkey.

Roll Call: Yes: Rodgers, Whipkey, Pierson
No: None

Motion passed 3-0. Mr. Tousley asked if some of this land involves the City owned parks and Mr. Markey concurred this will still be City land when this is all said and done. Mrs. Carr stated that before next week she can provide Council with a temporary map that will explain it in detail. Mrs. Carr stated the park deeds require the land to remain as City parks. Ms. Whipkey stated that it means they may be using our land for the project and most of it will come back to us when all done. Mrs. Carr concurred this was correct, we may get it all back except for just a sliver which may end up becoming part of the roadway and will be shown on the map.

Acknowledge Receipt of Nash Heights Petitions

Mr. Pelot stated that last week Mrs. Smith had turned over four (4) more petitions with a total of thirty-five (35) signatures and he officially acknowledged Council having received them. Mr. Pelot stated that the petition requests the City send out bids for Nash Heights vacuum sewers. Ms. Whipkey noted that there are a total of fifty-eight (58) signatures turned in and she understands it was for the Nash Heights residents only. Ms. Whipkey noted that seven (7) signatures were not in the project and one was debatable as to being an owner or resident so would not be considered. In addition we have two-hundred eighty-three (283) parcels in the project area and that sixteen (16) signatures were double as being the same occupants of the parcel which in turn really only leaves thirty-four (34) total valid signatures.

Mr. William Paluch, 3740 Shellhart Road, Norton, Ohio, invited all of Norton residents to participate in next week's Council meeting relating to the Nash Heights assessments. Mr. Paluch stated that he attended the Assessment Board's hearing and in essence we have had our rights taken away from us. Mr. Paluch talked about a resident that spent sixty (60) years in this community, and she has paid taxes in this community. Mr. Paluch said he felt sorry for her when she indicated she is just going to leave Norton. Mr. Paluch stated that Mr. Markey and Mrs. Carr don't care, they don't live here. Mayor Zita does not care either or he would have went door to door doing a survey to see how those people felt out there; instead he ran to the EPA and started negotiating with them to take people's freedom away from them. Instead of going to the residents and asking how can we work this out in a peaceful way so no one gets hurt, but that did not happen.

That would have been the Christian thing to do, but no, that did not happen. This lady lost here freedom, her civil rights and her spirit to live in this community. Doesn't anyone care about people anymore, it seems like everybody is supposed to be going to church, what church preaches evil theology and takes people's rights and freedoms away from them? As far as he is concerned this Mayor and Valerie should resign and this attorney should resign along with some of the other people up there. There are only a few people up there that are actually fighting for the people; Mr. Tousley, Mr. Pierson, and Mr. Rodgers are the only ones that do care. The rest of you are creating a disaster here in Norton. Instead of standing with them, you left them to stand alone on this issue and that's not Christian. Mr. Paluch stated that's why he put out signs, and yes, I admit it; I put up signs in the community three years ago that said not to vote for Nicholard, Pelot, and Conklin: leadership, none. Mr. Paluch stated that yes he did put those signs Mr. Mayor saying Unjust Zita overcharging the homeowners; yes he put those signs out there and he is proud of it. Norton is about evilness and he wants people to stand behind him and come to the meeting next week. Mr. Paluch stated that he hoped this lady comes next week to the Council meeting because it's obvious that you people don't give a damn about her. Mr. Paluch stated that Mayor Zita and Valerie were evil. Ms. Whipkey gaveled Mr. Paluch for his language and also noted that his time was up.

Approve Assessment Equalization Board Report

Mr. Pelot stated that the Assessment Board Hearing took place last Wednesday and the Board removed two of the complaints and by removing Parcel #4602080 because this house sets back over five-hundred (500) feet and felt they would not benefit from the sewer line. Mr. Pelot stated the other Parcel #4600730 was combined into one parcel under Parcel #4608867 that was purchased in February of this year and ruled accordingly. It means they would be removed from the project and the City would pick up the cost of those two assessments. Mr. Pelot stated this is now up to Council since we have their final report and determinations. Mr. Pelot moved to add Ord. #40-2016 to Councils next agenda, seconded by Mr. Kernan.

Roll Call: Yes: Pelot, Kernan, Tousley
No: None

Motion passed 3-0.

Ordinance to Proceed-Nash Heights Gravity Sewers

Mr. Pelot explained the next step in the assessment procedure is an Ordinance to Proceed so the City can go out for bids and continue to move forward with the project. Mr. Pelot moved to add Ord. #41-2016 to Councils next agenda, seconded by Mr. Kernan.

Roll Call: Yes: Pelot, Kernan, Tousley
No: None

Motion passed 3-0.

Unfinished Business:

Mr. Tousley discussed the trash contract one more time because he did receive some more phone calls. Mr. Tousley stated the citizens want to be clear that unlimited really means unlimited and Mrs. Carr concurred. Mrs. Carr stated that she has met with the company representatives and we are working on education materials for a direct mailing in addition to this information will be on the city web site. Mr. Tousley asked if the Administration was going to be committed to upholding the contract. Mrs. Carr responded they absolutely would and indicated that she felt Council would be very pleased with the contract and they are very eager to work with our community. Mrs. Carr stated that there may be some confusion with Barberton's program with Republic because they do not have an unlimited option, so there is a difference. Mrs. Carr stated she could put the definitions up on our web site to help the residents understand. Mrs. Carr stated that even today one call came in to her asking if it was true that they have to buy 60 bags at a time if they are on the bag service. Mrs. Carr stated that is not true; they sell the bags in rolls of ten (10). Mr. Tousley stated that for the record he is all behind this, its going to be a great deal for the residents. Mr. Pelot stated this contract pending is not what is in place in Barberton and its nothing like theirs and is much better. Mr. Rodgers stated he keeps hearing that the residents are required to have a recycle bin and asked if the resident can opt out of that. Mrs. Carr stated our job is to promote recycling and technically they can take the bin and never put anything in it. Mrs. Carr stated that Republic has offered to work on a case by case basis on this issue and suggested if Mr. Rodgers has anyone like this to let her know. Mr. Rodgers stated one resident has contacted him stating they have about eighty (80) bags from Kimble and Mrs. Carr stated she is aware of this situation and we are working on this. Mr. Pierson about the need to re-verify those residents in need of back door pickup and Mrs. Carr stated that we discussed that today and it was determined the City would do the re-verify process. Mr. Pierson asked with this being a five (5) year contract is there any type of a performance bond and Mrs. Carr replied this is a service and a performance bond is not generally put on a service. Ms. Whipkey added onto the comment by Mr. Rodgers about recycling and that some of the residents don't want to participate in this and they do their own recycling for some cash. Mr. Tousley stated next Monday we will be voting on the Water Conservation District and wanted to comment about this now. Mr. Tousley stated he does not know if the residents realize that if this Council approves this, their taxes are going up and they will not have a say on that. Mr. Tousley stated he would much prefer putting a petition here at the Administrative building that allowed the public to sign it so they have a voice of some sort. Mr. Tousley stated he cannot in good conscience vote to increase a tax increase and reach into their pockets without their say. Mr. Tousley stated the when he was elected it was not to get into the residents personal checkbooks and increase their taxes. Mr. Tousley stated he understands there are hard decisions to be made by Council, but it is not a hard decision for him. Mr. Rodgers stated he respects Mr. Tousley's concerns, but by not acting we are going to be affecting the pocketbooks of our residents. If we lose businesses because of the flooding that has been going on since 1994, we will be affecting the residents. Ms. Whipkey asked Mr. Markey if any aid coming for flooding would not just be for along the waterways but would benefit the entire City where flooding takes place?

Mrs. Carr concurred that you don't have to live next to Wolf Creek to get help, and assistance can be for other storm water issues throughout the City. Ms. Whipkey brought up an example like the Silver Creek area and Mr. Markey concurred and it would be rated by a priority basis. Mrs. Carr stated the potential projects are not in the waterway, but is an effort to stop the water from coming into the areas in the first place. Mr. Markey added that you wanted to stop the waters before they got to the waterways and is part of the problem. Mr. Pelot stated we have a video showing flooding coming up to a residents front door, we have flooding in the business districts and he has driven through the water in this area that was over two (2) feet deep. He also watched water going all the way up to the businesses doors. If we lose these businesses which are some of our biggest tax providers and if they leave it will affect everyone's pocket books. We will lose services which in turn will end up increasing taxes. Mr. Pelot stated that flooding will continue and we have to do something to mitigate the damage. Mr. Pierson stated he understood the main benefit of this legislation is to continue to have local control. Mr. Markey if submitted by residential signatures you would follow State law procedures and the Court picks the Board that governs the district and essentially you could lose your local control. What is in front of Council now is that we are asking the Court to give all local control which we believe they will agree to; to allow for our local control in establishing a governing Board. There is no guarantee but that is the idea. Mr. Pierson stated the appointed local officials will have the impact of the voices in the community versus the Court dictating to us, and Mr. Markey concurred. Mr. Tousley asked if residents have the right to petition the Court for the same thing? Mr. Markey stated we could ask but the Judge would have to address the petition that is in front of them; it may not work either way with the language in the petition, but we can try and ask for it. Mr. Pelot clarified that the resident's signatures would need five-hundred (500) signatures. Mr. Markey concurred, adding that the signatures can come from all communities combined or just one. Mr. Pierson asked how the other two communities felt. Mrs. Carr stated without getting an official statement from them, she felt that in their general conversations with the other communities they like the idea of having our own local control. Mr. Tousley stated that it's been brought to his attention that former Administrative Officer has come to the City of Norton with the knowledge of the holiday pay issue and has asked to have the back holiday pay reimbursed to the tune of approximately \$16,008.75. Mr. Tousley stated we have the option to either pay this or we could argue this further. Mr. Tousley stated there are a couple of statutes that in his opinion are a reach and what we paid in legal fees would offset anything we would save. Basically Council needs to decide where we want to go with this. Mr. Tousley stated his thought is that with the legal opinion we have received in two (2) different places; it basically states the pay is entitled to that position, then if that's the case we should pay it. Mr. Pierson stated he should fight for his money. Mr. Pierson asked if he brings suit, and it would prevail, do we have to pick up his legal costs? Mr. Markey stated that most plaintiffs do ask for attorney fees and it would be up to the Judge to award. Mr. Rodgers asked if Mr. Ryland had ever asked for this pay in the past while he was working for the City? Mr. Markey stated this is where Executive Session would be more helpful. Mr. Markey stated that he understands that this was asked for in the past in conversations. Mr. Rodgers asked if this was denied if so was there any legal opinion?

Mr. Markey stated it was denied and there was not a legal opinion, it was a procedural issue and Mr. Collins did not receive it and so Mr. Ryland did not receive it. Mr. Markey stated he knows it was raised, but did not know all the specifics. Mr. Rodgers shared that knowing Mr. Ryland, he was sure if he could have received it, he would have received it. Mr. Rodgers stated this is a troubling matter and was going to speak on it tonight. Mr. Rodgers stated he is not convinced about the two legal opinions. Mr. Tousley clarified the one opinion was the original one from Mr. Markey and the other that may not be a legal opinion more of where we could go with it and the options were few. Mr. Pelot cautioned further discussion on the floor in case this does go to court at some point. Mr. Rodgers asked if we have two (2) legal opinions from two (2) different attorneys where one was if it were allowed and the other on going to court? Mr. Markey concurred that was the case and both opinions were from two separate attorneys from his firm. Mr. Tousley requested we move this discussion into an Executive Session if legal action is what some desire. Mr. Pierson asked if a suit has been filed or has he just asked for the money? Mr. Markey clarified that it has been requested, there is no suit filed at this time. Mr. Pierson stated he should fight for the money, roll the dice, and let him spend the money get it. He did not want to give money away to every Tom, Dick and Harry who thinks they have a claim against the City. Mr. Rodgers stated it's not just a matter of rolling the dice here. Mr. Rodgers read a statement (*see attached*) about recent comments in the Norton Post that we all laughed at last week's meeting concerning himself and factual statements made on this floor. Mr. Rodgers discussed that Mayor Zita had stated on the record that all previous Administrative Officers had received this same pay. Mr. Rodgers noted that after looking at the records, it's clear this was not the case and felt this should be corrected for the record. The Mayor's comments were totally inaccurate and were never corrected on the record or by the Press; he wanted to see those corrections made and it was even more important tonight to get those corrections made for the record and the public. Mr. Rodgers said he still believes that an Administrative Officer who negotiates a contract with a union cannot and should not partake in a benefit from negotiations, past or present. Mr. Rodgers stated that he knows he and Mr. Markey have their differing opinions on this and he believes this is wrong for the other person to partake in it. Mr. Rodgers stated the first thing we need to do is get the answer to that question and it would behoove the City if this is not right for those monies to be received, that it's paid back, call it a mistake, and call it a day with Mr. Ryland also. This is a \$16,000.00 minimum going back to when he was employed and that's a lot of money. Ms. Whipkey asked Mr. Rodgers if he is wanting to go back and look at this ordinance and see if states that? Mr. Rodgers stated knows what the ordinance states, Ms. Whipkey; he has looked at other communities and spoken with other attorneys and this just doesn't pass the smell test. Mr. Rodgers pointed out to Mrs. Carr that he did not mean it in a derogatory manner, but was speaking in general. We made a mistake and he also takes the blame in the mistake of not reading the legislation in the past. Had he done so he would not have approved this pay. Ms. Whipkey questioned that didn't we already get an opinion on this. Mr. Markey stated he believes what Mr. Rodgers is saying is that he feels the Administrative Officer should not be involved or benefit in contract negotiations. Mr. Markey stated this does not change his opinion of the wording of the holiday pay and who is entitled to it. Mr. Markey stated that if Council feels there is an issue then you should amend the ordinance.

Mr. Rodgers stated he read some past comments from Mr. Collins at the time when it was discussed that he wanted this cleared up and to make sure that the Chief's received this pay. He was not looking for it for himself and that he was not entitled to in his mind (paraphrasing that). Mr. Rodgers added he did not think we could sell this as being justified to the Administrator/Safety Directors. Mr. Rodgers stated that if we amend it, that does not help us with the request of Mr. Ryland. Mr. Pierson stated that he would rather have this continued in an Executive Session discussion, and should he end up filing a suit it could be a problem and we might regret some the things being said. Mr. Markey stated the lawyers always want Executive Session. Mr. Pierson responded that he does not favor Executive Sessions, but in this particular case, he doesn't want things said in a public forum that could be used in Court as part of the public record and felt it had went too far already. Mr. Rodgers stated he is fine with the Executive Session and this City spends entirely too much money in legal fees and fighting law suits. Mr. Pierson stated he roughly figures over \$40,000.00 between two (2) people. Ms. Whipkey asked where he gets those figures and Mr. Pierson stated because one person was here for eight years and you are saying sixteen for the other. Ms. Whipkey stated no, no, no, because it can only go back to when the ordinance was put in place in 2005 or 2006 and that would only affect Mr. Ryland who was not here all of 2013. Mr. Pierson noted that he now lives out of state and would have to hire an Ohio attorney to represent him and it's not going to be cheap for him either; he can weigh the cost of the suit and he would not pay him. Mr. Tousley moved to end discussion now and have an executive session before this goes too far. Ms. Whipkey commented that we should have had Executive Session about the whole thing or done in another manner to begin with. It should not have come up on the open floor and we would not be sitting in this boat now if it had. Mr. Pierson stated that nothing has been filed so there really is nothing to even talk about; it's nothing more than idle talk and a waste of time. Ms. Whipkey stated that if and when Mr. Ryland does file that suit that is when our legal fees would start rolling and Mr. Markey concurred. Mr. Pierson asked if this does occur would Mr. Markey hand this or someone else in the firm? Mr. Markey replied it would be assigned to another partner within the firm. Mr. Pelot asked if this gets discussed in Executive Session would this fall within Mr. Markey's original retainer and Mr. Markey concurred. Mr. Rodgers asked if this is a legal reason to enter Executive Session and Mr. Markey stated that he would need to look into this, it may fall under pending or imminent litigation. Mr. Kernan agreed that we need Executive Session and we need to stop talking about this now. Mr. Rodgers read his entire statement relating to the comments in the Post (see attached). Ms. Whipkey discussed some comments from Mr. Rodgers relating to the April 4, 2016 discussions on flooding issues in her neighborhood and the fact that she had been turned in for her septic failing. We also had discussed doing some work on Harper Avenue extending the road. Mr. Rodgers had stated that he had talked to everybody down there and that the only one that has an issue was her. Mrs. Carr had pointed out that there was water out there and was trying to get that addressed to which Mr. Rodgers stated he had spoken to everyone and that was not the case. Ms. Whipkey stated the fact of the matter is that Mr. Rodgers did not speak to everyone; there are four (4) houses on Albert and out of those one was herself that was affected by the 21 flooding and one (1) of them is located at the corner of Frontage and Albert.

Ms. Whipkey also had indicated to the Administration and ODOT that this property does not have any flooding issues because they are tied into the ditch system along Bushey Road. Ms. Whipkey stated she had spoken to the other two (2) property owners and they both indicated they never spoke with him and were aware of the water issues and that they do have flooding issues from 21. Mr. Rodgers asked for their names and Ms. Whipkey provided him a copy of the letters they sent to her stating these facts. Mr. Rodgers stated he did speak with two (2) of the residents. Ms. Whipkey stated that would have been Mr. Starling and Mr. Henline. Mr. Rodgers stated that one (1) of the residents who lives on Harper mows the property across from Ms. Whipkey and he indicated that there are no flooding problems over there. Mr. Rodgers stated that the lady whose property is directly across from Ms. Whipkey is elderly and cannot mow her yard. This gentleman is the one who mows her yard and he had told Mr. Rodgers that there are no problems with flooding in her property. This same gentleman told him that the flooding will increase on his property now because of the work that was done recently. Ms. Whipkey stated the only person this lady spoke to about the flooding was Mr. Reynolds. Ms. Whipkey stated she has been chastised quite well and loudly for her behavior supposedly at the April 06, 2016 Town Hall Meeting, for which she has apologized to the people in public. At the April 11, 2016 Council meeting, I responded to complaints from members of the public on my so called "foul/inappropriate language" at said meeting and a statement was made by the public and Mr. Rodgers that, we as members of Council, are held to a higher standard. At this time, I would like to address the fact that I was publicly declared to be lying by Mr. Pierson when I referred to statements made by him in reference to allowing the Nash Heights residents to be polled on a sewer system installed. The fact is Mr. Pierson had made the statements on July 13, 2015 located in the Council minutes; more importantly, at the March 7th Work Session I had made a similar statement and Mr. Pierson stated he did not remember making any such statement and wanted to see it. I supplied Mr. Pierson with a copy of his statement from the minutes at that time and yet he still yelled out I was lying when he had the documentation of it. Ms. Whipkey stated she had been asking if the residents in Nash Heights had a preference of either system. Many residents came forward and expressed their desire for the vacuum system that don't live in Nash Heights. The Minutes from that meeting clearly states that "*Mr. Pierson stated he felt Ms. Whipkey's comments were ridiculous to ask them which one they want, they are not engineers, are not informed, and do not understand the process. There was a meeting where it was all gone over and the main thing is the people weren't even there; they don't want any of it. Mr. Pierson stated he did not see what she is pushing here? Ms. Whipkey responded that she had been told by many in Nash Heights that they do not want the vacuum system*". Mr. Paluch spoke out and stated he objected to that comment and asked where your proof is of this statement, and Ms. Whipkey stated that no one has recognized him to speak at this point; however to answer your question this is all in the approved minutes from July 13, 2015. Ms. Whipkey stated she was not going to allow any further comment from Mr. Paluch at this point especially with the way he treats other people. Ms. Whipkey noted that in her thank you letters recently sent out to the Assessment Equalization Board members; she felt she had to apologize to them for the manner in which Mr. Paluch had treated them and accused them of not doing their duties.

Ms. Whipkey stated that for someone that does their homework; you of all people should have known when you entered in that meeting those members do not have the power to do what you asked them to do. Yet, they were berated by you for just doing their job, and as a matter of fact one of your own Council members suggested one of those members to be appointed. Ms. Whipkey stated that you may pick on us as elected officials, but have no right to pick on these Board members and to go after those members and make the remarks that you made. Mr. Rodgers called for a point of order, and if the President of Council is going to berate the citizen then the citizen should have a right to speak, and asked Mr. Kernan if he agreed. Mr. Kernan stated he has no idea what this has to do with this Council and what does any of this have to do with new business or old business. If you all have a problem with each other, then you ought to be discussing that outside of this and has nothing to do with the business of Council. What we are doing is going back and defending ourselves about something said six (6) months ago, we are attacking each other and what good does it do? Mr. Rodgers stated what he was relating to earlier is that the record needs to be corrected. Mr. Kernan stated the record can be corrected at any time and that is not what is going on here. Mr. Kernan stated these Council meetings have evolved into people directing barbs at each other and we don't get the things done that need to be done. Ms. Whipkey stated she was the one that it was stated to 60-80- people in a public meeting that she was a liar and she wanted to resolve this issue once and for all. Ms. Whipkey stated she did not lie and what she had stated was true and she wanted it resolved in a public meeting. When the proof was in the pudding and there is a document that can be taken to court the fact of the matter is she did not lie. Mr. Pierson stated that it's not what was stated but how it was said and he agreed with what Mr. Kernan had stated. Mr. Pierson stated if you think he and Mr. Rodgers have been doing with sending out fliers for the last several years didn't want their opinion; their opinion matters quite a bit. They are affected by this financially and for you to sit there and rattle your gums all you want, but the residents in his ward are going to be affected by this. Whatever goes around comes around and there will be other projects elsewhere and they will face the financial impact. Mr. Pierson agreed with Mr. Kernan that we have no business pointing barbs at each other and if you want to go that low then he is ready to get down into that ditch to do it; but would rather hold this to a higher standard as Mr. Kernan has pointed out. Mr. Rodgers stated this is a Work Session and the resident is asking to participate and should not be denied that right and this was approved by this Council. Mr. Tousley agreed with Mr. Rodgers to allow Mr. Paluch the right to speak as requested; however he requested that in all further comments from either the Council or the public that they should not be personal or directed to any one person. Ms. Whipkey stated Mr. Paluch is signed up to speak later under Public Comment. Mr. Rodgers argued that if Mr. Paluch wanted to weigh in on a topic of discussion he should be recognized because that's how we do it and is what we have done in the past. Mr. Markey stated that under your current Council Rules at Committee Work Session a person needs to raise their hand and wait to be recognized before speaking on a matter outside of an agenda item,. And they have a five (5) minute time limit. Ms. Whipkey stated at this time she is not recognizing Mr. Paluch.

New Business:

Mr. Pierson moved to allow Mr. Paluch to comment now, seconded by Mr. Tousley.

Roll Call: Yes: Pierson, Tousley, Rodgers, Kernan, Pelot
No: Whipkey

Motion passed 5-1.

Mr. Paluch, 3740 Shellhart Road, Norton, Ohio, stated for the record the committee voted against his rights and he asked them on what grounds was his objection denied and no one would answer him. Mr. Paluch if he has the right to ask for an appeal he is doing so now. Mr. Paluch asked Ms. Whipkey if she ever sent out a survey to the people in Nash Heights asking them what they wanted? Ms. Whipkey replied no, she had sent out an email which Mr. Paluch was one of the residents that did not respond. Mr. Paluch asked if she sent out a registered letter asking each of us and Ms. Whipkey replied no. Mr. Paluch asked how can people believe you? Mr. Paluch stated you took their freedom away with the so called meeting on Wednesday. That did not help any of us that spoke. Mr. Paluch stated he wanted to know what their grounds were for denying him. Ms. Whipkey stated the Board does not have the power to lower your assessment or to recommend to lower your assessment as they are only a recommending body. There will be a final report sent to Council hopefully by next Monday for us to make a decision on it. There were some adjustments; Mrs. Momchalov was removed because she had sold her property to Mr. Petrich and Mr. Petrich had combined the two parcels and it had not caught up with the records. Ms. Whipkey stated that they do have the power to make this type of an adjustment. Ms. Whipkey stated that the other property owner has only ten (10) feet of property at the road and would not benefit from this improvement. Mr. Paluch argued that what Ms. Whipkey is saying was not in the letters that were sent out. Mr. Markey stated that at the start of the meeting it was explained in detail what the powers of the Assessment Equalization Board were. The Board does not have the power to grant a financial hardship. There is a procedure under the Ohio Revised Code, and when the project is done and the final assessing ordinance is addressed; only Council has the power to grant a financial hardship. Mr. Paluch stated he wanted a copy of those minutes because what you just stated now was not commented on in that meeting. Mr. Markey stated there is a copy of the audio from that meeting. Mr. Paluch stated he wants a copy of the minutes. Mrs. Richards indicated there will be no minutes prepared, however there are audio files available. Mr. Rodgers asked about the speed trailer and on St. Rt. 261 and Mrs. Carr indicated we do have some other streets that have requested it also; however it's on the list.

Topics for the Next Work

Moratorium on installation of tile pipe-Chapter 1028 (Kernan-Planning).

Public Comment-Agenda and Non Agenda Items:

Mr. Paluch was signed in to speak and has already left the meeting.

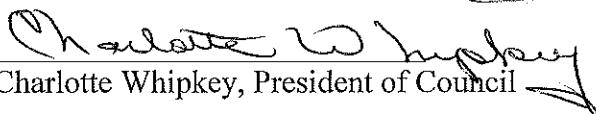
Public Updates:

Ms. Whipkey announced the next Charter Review meeting is May 5, 2016 at 7 PM in the Council Chambers. Mr. Rodgers commented on the press release from the Norton Police

Department regarding the recent hostage situation and thanked all of the officers of the Norton Police Dept.

Adjourn

There being no other business to come before the Committee Work Session, the meeting was adjourned at 8:29 PM.


Charlotte Whipkey, 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.

Rec. From Rick Rodgers on 5-2-16

Regarding the Post article brought up at last week's council meeting referencing a correspondence between myself and a Norton resident, I found the tone and probable intent of the story to be pretty much what I have come to expect from Mr. Morehead. I must be an easy target or mark.

However, Mr. Morehead is once again short of facts when reporting statements from Mayor Zita. Mayor Zita took credit for a road program in 2014 that he and the 2013 council failed to plan and legislate for. In fact, while discussing it in the fall of 2013 the council and administration just threw up their hands when the discussion of funding was raised. Three of the members of that council are serving today, Mr. Pelot, Ms. Whipkey and Mr. McGlone. And the Mayor and these council members in 2012 failed to have a program at all because of inaction. The fact of the matter is that Mayor Zita, Mr. Pelot and Mr. McGlone have had a dismal record on caring for this important part of our City's infrastructure in their years of service. Just look around. The real story of the 2014 road program is that because nothing had been planned for we were pressed to get legislation passed and funding made available to have some road work performed in that year. Of course the Mayor chastised me for asking for money to be moved from the cable franchise fees to pay for it. Once again misguided priorities of his administration. By the way council approved that legislation 7-0. These are the facts. And yes, we did increase the 2015 road budget and we almost doubled that number for 2016. And that is not enough. With a \$16,000,000.00 estimate to repair and repave our roads many of our senior residents will move on before seeing their streets or roads repaved.

Just recently our Mayor made some statements regarding a pay issue with our Administrative Officer. Concerning a holiday bonus pay, Mayor Zita stated on the record that all of Norton's Administrative Officers had received that pay in the past. However, according to financial records on this matter no other Administrative Officer received this payment. His remarks were totally inaccurate but never corrected on the record or by the press. I would like to see these corrections made.

