

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 8 7:00 p.m. 20 10

Call to Order:

- 1. The council meeting was called to order Monday, November 8, 2010 at 7:00 p.m. by President of Council Daryl Revoldt.

Opening Prayer:

- 2. The opening prayer was delivered by retired Minister Tom Douce.

Pledge of Allegiance:

- 3. All present recited the Pledge of Allegiance.

Roll Call:

- 4. Mr. Revoldt: Thank you Reverend. Clerk, would you please call the roll?

The following members of Council responded to roll call: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies. Also present were: Mayor Held, Administrator/Engineer Benekos, Director of Law Nilges, Director of Finance Zumber, Director of Economic Development, Superintendent of Permits & Inspection Hampton, Rental Coordinator Raymond and Clerk of Council Kalpac.

Consideration:

- 5. Special Council Meeting Minutes – October 18, 2010

Mr. Revoldt: Council has for its consideration this evening, minutes of the special council meeting of October 18th. Are there any questions or amendments to those minutes?

Mr. DeOrio: Mr. President, I would move that we approve the special council meeting minutes as submitted.
Mr. Davies: Second.

Mr. DeOrio moved and Mr. Davies seconded to approve, as submitted, the minutes of the special council meeting. All members present voting:
Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.
No: 0

Committee Minutes:

- 6. Mr. Revoldt: Council also has for its approval committee minutes for Finance & Property and Ordinance, Rules & Claims meetings held on November 1st. Amendments or corrections, comment?

Mr. DeOrio: Mr. President, barring any corrections I would move for adoption of the committee minutes as submitted.
Mr. Davies: Second.

Mr. DeOrio moved and Mr. Davies seconded to approve, as submitted, the committee minutes. All members present voting:
Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.
No: 0

Finance & Property Committee: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held November 1, 2010.

Ordinance, Rules, & Claims Committee: Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held November 1, 2010.

Recognition of Visitors:

- 7. Mr. Revoldt: Recognition of Visitors. Is there anyone here who wishes to address the Council this evening? Mr. Dansizen.

Jim Dansizen: Thank you, Mr. President. Jim Dansizen, 502 South Main Street, North Canton. Just want to remind Council, Administration, Thursday morning, three minutes till nine we're going to have the dedication of the World War II Veterans Memorial. We hope to see all of you there. Thank you for everything that you did for us.

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Old Business:

8. Mr. Revoldt: Thank you. Are there any other individuals wishing to speak to the Council this evening? Seeing none then, let's move on to Old Business. May I have a motion to read by title only, second reading of Ordinance No. 93-10?

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, second reading** of Ordinance No. 93-10. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.

No: 0.

Ordinance No. 93-10 – 2nd Reading - Finance & Property Committee

An ordinance authorizing the Mayor of the City of North Canton upon concurrence by Council, through the Board of Control, to enter into a contract for administering a self-insured health insurance program for the period December 1, 2010, through November 30, 2011, for the employees of the City of North Canton and declaring the same to be an emergency.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: Mr. President, Members of Council, as you heard last week we've had a couple quotes, two firm quotes both from AultCare, which we presently have and from Summa Mercy. It appears that the AultCare as we talked about was the better one. We did officially say to go that and consequent to that meeting it was delivered to the Director of Finance some information that the employees will be able to unilaterally use Mercy Medical if they so choose without – what's that called "Me Too" or something it's called – something about they match the pricing. It would not cost any more. I believe he put that in their payroll so if they want to use it they have that right. And we'll probably follow up on that so they're understanding that. There was some question as to the adoption of this; it has to be in place by the first of December. Rather than it pass on an emergency tonight, I would ask Mr. President it be included in the asking for a special council meeting next Monday night to point an Interim Finance Director that this be added to that agenda if that's fine with Council and you sir.

Mr. Revoldt: Council, give it a third reading next Monday night? We'll come back and I'll make that motion in just a second.

Mr. Foltz: Yeah.

Mr. Revoldt: Is that generally agreeable? And I'll come back and make that motion in just a minute. Now ...

Mr. Foltz: Yeah, I'll make the motion after we vote the second reading.

Mr. Revoldt: Okay. It's been moved. Is there a second to adopt? And we'll come to you in just a moment.

Roseanne Athens: No problem.

Mr. Revoldt: To adopt, is there a motion – it's been moved. Is there a second to adopt the second reading?

Mr. DeOrio: Second.

Mr. Revoldt: Thank you.

Mr. Foltz moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 93-10. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Peters.

No: 0

Abstain: Kiesling.

Mr. Revoldt: Now we have a stranger who is not from these parts who wishes to address Council. So if you'd come forward.

Roseanne Athens: I'm close by. My name is Roseanne Athens, I'm with AultCare. I just have a point of clarification to make regarding the Your Choice Program. Last year we did have a contract in place if you recall – a direct contract with Mercy Medical that they were offering a 30% discount for any of your members that would wished to use that facility. And they were considered you know in network. They didn't have to sign up for any of these programs. And just as a point of clarification, has that direct contract been rescinded between Mercy Medical and the City?

Mr. Zumbar: Not to my knowledge.

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Mr. Revoldt: I believe that Mr. Regula in fact who was here represented that that privilege will continue. But we will check into it.

Mr. Snyder: It was my understanding that it would be and I'm not – and I apologize because I'm not familiar with how - but it's the identical thing that AultCare offers...

Mr. Revoldt: Yes.

Mr. Snyder: It's called – what, Your Choice, is that what it's called?

Mrs. Kiesling: Yes You Can – Yes You Can...

Ms. Athens: It is. But the point of consideration here - is the 30% discount direct with the City? Is...

Mr. Snyder: That I don't know about.

Ms. Athens: Right.

Mr. Revoldt: We'll check.

Ms. Athens: And the Your Choice Program allows them to go. But now your members already have that option to go without filling out paperwork...

Mr. Revoldt: Okay.

Ms. Athens: It's considered ...

Mr. Revoldt: Alright...

Ms. Athens: you know at network. So I just wanted to point a clarification on....

Mr. Revoldt: Okay. Well we'll have that answer ...

Ms. Athens: On that.

Mr. Revoldt: before we give this a third reading next week.

Ms. Athens: Okay. Thank you very much.

Mr. Snyder: Thank you very much.

Mr. Revoldt: The second reading has been adopted and if I could, could I have a motion for a special council meeting next Monday night at 6:50 p.m.

Mr. Davies: So moved.

Mr. DeOrio: Second.

Mr. Snyder: Mr. President...

Mr. Revoldt: Yeah.

Mr. Snyder: We may want to go through the meeting first to adopt that new contract and then have it after ...

Mr. Revoldt: Alright.

Mr. Snyder: after the Council of the Whole. If that's comfortable to you sir?

Mr. Revoldt: Yeah.

Mr. Snyder: Okay.

Mr. Revoldt: Let's – we'll hold our special council – I guess we've got a motion and a second...

Mr. DeOrio: I withdrawal my second.

Mr. Revoldt: Okay, it's been withdrawn. Let's have a motion and a second for a special council meeting at the conclusion of next week's Council of the Whole for the consideration of a third reading of Ordinance 93-10.

Mr. Davies moved and Mr. DeOrio seconded to **schedule a special council meeting for Monday, November 15, 2010 immediately following the Committee of the Whole meeting** to consider a third reading of Ordinance No. 93-10.

Mrs. Kalpac: Did you also want to include legislation for the appointment of Director of Finance at that special meeting?

Mr. Revoldt: Yeah.

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Mr. Snyder: Interim.

Mr. Revoldt: Let me – I will come back to that one. Let's just handle this and we'll get that one at the end.

All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0

New Business:

9. Mr. Revoldt: Moving on to New Business, a motion to read by title only, first reading of Resolution No. 94-10.

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading** of Resolution No. 94-10. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.

No: 0

Resolution No. 94-10 – 1st Reading – Finance & Property Committee

A resolution adopting an amended Section 125 Premium Only Cafeteria Plan ("the Plan") for the City of North Canton for the period January 1, 2011 through December 31, 2011 and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, this mechanism is in place to allow our employees to have deducted from their gross wages the amount that they're required to pay for their health insurance. And this is done prior to being taxed so it comes from their gross wages and that's ...inaudible...

Mr. DeOrio: Mr. Chairman.

Mr. Snyder: Sir.

Mr. DeOrio: Has this plan been amended to reflect the change in the federal health care laws as I pointed out?

Mr. Zumbar: Yes. Actually Pat, it was actually - if you look under the clause below where you were reading, it was in there. So they had some additional language in there, but the second, maybe one or two clauses down below it you would of seen it would of said 26 years of age.

Mr. DeOrio: Okay. Thank you.

Mr. Snyder: If there are no other questions - I move that we adopt the first reading of Resolution No. 94-10.

Mr. DeOrio: Second.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt the first reading** of Resolution No. 94-10. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.

No: 0

10. Mr. Revoldt: Item 10, a motion to read by title only, first reading Ordinance No. 95-10.

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 95-10. All members present voting:

Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.

No: 0

Ordinance No. 95-10 – 1st Reading – Ordinance, Rules & Claims Committee

An ordinance amending Chapter 935 Water Lines and Hydrants, specifically 935.02 CONNECTION CHARGE OTHER THAN BY ASSESSMENT, of the Codified Ordinances of the City of North Canton, repealing any and all legislation inconsistent, and declaring the same to be an emergency.

Mr. Revoldt: As we discussed, this particular ordinance clarifies the responsibilities of Section 3. and 4. dividing the fiscal costs between the contractor and admin or and the City on ...inaudible... water hookup. Any questions or comments?

Mrs. Kalpac: I did find today the emergency clause – I had to correct that because it did not read properly. So... I had it

Mr. Nilges: Good.

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Mrs. Kalpac: Did you catch that too?
 Mr. Nilges: No. I did not see what you're talking about.
 Mrs. Kalpac: Okay.
 Mr. Nilges: I'm not sure what you're talking about.

Mr. Revoldt: Well we're just going to take this on first reading this evening. So could I have a motion to adopt the first reading of Ordinance No. 95-10?

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 95-10. All members present voting:

Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.

No: 0

Reports:

Mr. Revoldt: That concludes our business. Reports – Director of Law.
 Mr. Nilges: None.

Mr. Revoldt: Director of Finance.
 Mr. Zumar: None.

Mr. Revoldt: Director of Administration.
 Mr. Benekos: No report.

Mr. Revoldt: Mayor

Mayor Held: Yes. This Thursday, Veterans Day, we're going to be celebrating our memorial over in Bitzer Park and so all of you folks are invited. And that is at 10...

Mr. Foltz: Nine.

Mayor: Nine.

Mr. Foltz: Three minutes to nine.
 Mr. Snyder: Three minutes of.
 Mrs. Kiesling: Three minutes to nine.
 Mayor Held: Three minutes to nine. Okay.

Mr. Revoldt: Mr. Bowles.
 Mr. Bowles: No report.

Mr. Revoldt: Clerk.
 Mrs. Kalpac: No report.

Reports – Council:

Mr. Revoldt: Mr. Foltz.
 Mr. Foltz: No report.

Mr. Revoldt: Mr. Peters.

Mr. Peters: Are you going to address the special meeting?

Mr. Revoldt: Yes sir.

Mr. Peters: Okay. No report.

Mr. Revoldt: Mr. Davies.

Mr. Davies: I don't have a report. We were to have a town meeting on the 10th which because there's a number conflicts with councilmen and so forth, has been postponed. Have we picked a date? Did we decide?

Mr. Revoldt: I think Jon and I discussed picking up maybe the fifth Monday in November.

Mr. Davies: The 29th.
 Mr. Revoldt: Yeah.

Mr. Davies: Cause we'd generally be off. But we could do it..
 Mr. Revoldt: Yeah, that Monday night.

Mr. Davies: the fifth Monday, which would be the 29th of November.

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Mr. Revoldt: Yes.

Mr. Davies: And we'd do it right here in Council Chambers.

Mr. Revoldt: Yes. And Council Members should have a draft of that presentation. Please review it to see what we should include and delete from that draft. And so if you'd get back to Alex or Jeff.

Mr. Davies: And I just wanted to publically congratulate Alex on his victory last Tuesday. Congratulations.

(Applause)

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: Yes. A couple things. First, Mr. Benekos can you give us a little synopsis on Main Street here? It looks like I saw the west side curbing taken out over the weekend. Looks like they're pouring today. Where – give us a prognosis. Are they going to – they're going grind – tear up – grind up the asphalt yet this year and...

Mr. Benekos: Yes, they will – they're working to get the concrete work done, getting the drive approaches in. They should be, hopefully later this week, grinding the east side of asphalt laying down a leveling course and then an intermediate course. Once they get the gap that's between the curb and the existing pavement on the west side in then they'll be able to do that on the west side. Then depending on weather and how quickly they're able to move whether they'll get the surface course in this year or not. They do have some of the sidewalks in that you've seen, the different pattern for the lawn strip area. They did have one of the new light poles out there last week, but I think they've taken it down. It was up around the old Blockbuster area – it was sitting there. But at the intersection of 10th Street they're putting up the new traffic signals. So on those – on the two opposite corners there'll be a light on the top of the traffic signal pole. And one of those lights are up at this time.

Mr. DeOrio: And I wanted to just comment about the Veterans Memorial. I saw it today with the plaques up and it was just stunning – it was just stunning. It just – it is really a first class operation and first class result and it's because we have first class people involved in it and that really care about the community. So I'm very excited for Thursday and I think it will make a very profound impression upon people. So thank you to all of you and your work. That's it, Mr. President.

Mr. Revoldt: Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: Nothing.

Mr. Revoldt: We have two items to consider before we conclude in terms of reports. We have received a request from Company B, 238th Aviation Regiment regarding waiver of the rental fee for its – for an event at the Civic Center. Is it Council's will to or wish to waive that rental charge? Again, this is for Company B of 238th Aviation Regiment.

Mr. Peters: Are you asking for a motion?

Mr. Revoldt: Pardon.

Mr. Peters: You asking for a motion?

Mr. Revoldt: Yes, I am.

Mr. Peters moved and Mr. Davies seconded to waive the rental fee for use of the North Canton Civic Center on Sunday, December 12, 2010 by Company B, 238th Aviation Regiment for their Christmas party. All members present voting:

Yes: Peters, Revoldt, Snyder, Davies, Foltz, Kiesling.

No: DeOrio.

Mr. Revoldt: Did you call my name?

Mr. Snyder: You said yes.

Mr. Revoldt: Did I answer yes?

Mr. Davies: You said yes twice.

Mrs. Kiesling: You said yes.

Mr. Revoldt: Okay, I'm reading that ...

Mr. Snyder: We franked you in.

Mr. Revoldt: You franked me in, alright. Now pursuant to Mr. Peters, a motion to include at our special council meeting next Monday night the appointment of an Interim Director of Finance as part of that agenda.

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Mr. Davies moved and Mrs. Kiesling seconded to schedule a special council meeting for Monday, November 15, 2010 immediately following the Committee of the Whole meeting for the purpose of appointing an Interim Director of Finance. All members present voting:

Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters. No: 0

Final Call for New Business:

Mr. Revoldt: Now, final call for business. Is there anyone who wishes to address the Council this evening? Seeing none, it is now 8:25 according to clocks (clocks were not adjusted to reflect time change) and we've been here for quite awhile so I'll entertain a motion to adjourn.

Adjourn:

Mr. DeOrio moved and Mr. Davies seconded to adjourn the council meeting. All members present voting:

Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt. No: 0

The meeting adjourned at 7:26 p.m.

[Signature] PRESIDENT OF COUNCIL

ATTEST:

[Signature] CLERK OF COUNCIL