

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 9 7:00 p.m. 09/20

CALL TO ORDER

- 1. The meeting was called to order at 7:00 p.m. by President of Council Daryl Revoldt.
- 2. The opening prayer was delivered by Father Jay Clarke, St. Paul's Catholic Church.
- 3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

The following members of Council responded to roll call: Davies, DeOrio, Kiesling, Peters, Revoldt, and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumbar, City Engineer Benekos, Director of Economic Development Bowles, Superintendent of Utilities, Services and Recreation Chufar, Superintendent of Permits & Inspection Hampton, Police Chief Grimes, Lt. Wurgler, Equipment Operator Queen and Clerk of Council Kalpac.

Mr. Revoldt: Have a motion to excuse Member Foltz?

Mr. DeOrio moved and Mr. Davies seconded to **excuse the absence of Council Member Foltz from the meeting.** All members present voting.

Mr. Peters: Gail?
Mrs. Kalpac: I'm sorry. Peters?
Mr. Peters: Yes.

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

Mrs. Kiesling: She say - did she say Wright? Or did she just skip you?
Mr. Peters: She skipped me.
Mrs. Kiesling: That's alright Gail.
Mrs. Kalpac: I forgot.

Mr. Zumbar: There's the things that were sent out 11-18 and on 11-23 he came in and paid it off.

Mr. Revoldt: Well you should hear what she calls me Jeff.

Mr. Zumbar: January 13
Mr. Wise: Thirteen.

Mrs. Kalpac: She gave me a list without his name. I'm sorry.

- 5. Consideration

Council Meeting Minutes: February 26, 2009.
Special Council Meeting: January 27, 2009; February 2, 2009; February 3, 2009; February 5, 2009.

Mr. Revoldt: Moving on to Item 5 then, may I have a - you have for your consideration minutes of the Council Meeting on January 26, 2009; and minutes from Special Council Meetings dated January 27th, February 2nd, 3rd and 5th, 2009. Are there any corrections or amendments to those minutes? Seeing none, may I have a motion to approve?

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

- 6. Committee Minutes

Mr. Revoldt: Item 6, you have for your consideration committee reports from executive sessions for Personnel & Safety held on January 26th and February 2nd; Water, Sewer & Rubbish held on the 26th of January; Community & Economic Development, Park & Rec, Street & Alley held on February 2nd; as well as Finance & Property meeting - meetings held on February 2nd and February 4th, 2009. Are there any corrections or amendments to those minutes? Seeing none, may - may I have a motion to accept?

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Held Monday, February 9 7:00 p.m. 20 09

Executive Session (Personnel & Safety): Please refer to the minutes on file in the Council Office of the Executive Session meetings held January 26, 2009 and February 2, 2009.

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held February 2, 2009.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held February 2, 2009 and February 4, 2009.

Park & Recreation Committee: Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held February 2, 2009.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held February 2, 2009.

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held January 26, 2009.

Mr. Davies moved and Mrs. Kiesling seconded to **approve the executive session and committee report minutes** as presented. All members present voting:

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

No: 0

Mr. McFarren: Pass this down to Jim.

RECOGNITION OF VISITORS:

7. Mr. Revoldt: Recognition of Visitors. Is there anyone here who wishes to address the council?
Mr. Osborne.

Mr. Osborne: My name is Chuck Osborne, 307 Fairview SE, North Canton, Ohio. I would like to begin by commending City Council as well as Mayor Held in the city's newfound efforts to expand the city's borders through annexation of 22 acres of property belonging to Dan Fosnaught. City leaders should follow through at all costs to make this annexation a reality for North Canton. If required, the city can fund the annexation efforts with the 973,000 remaining of the 1.5 million previously set aside for the North Canton CIC. I would also urge city leaders to pursue efforts to undue the advantages...

Mr. Snyder: Love it.

Mr. Osborne: that townships have now been afforded in fighting annexations recently enacted into state law. I do not believe that the legislature envisioned the collusion that is now occurring between Plain and Jackson townships and the City of Canton that effectively ends the growth of small cities such as the City of North Canton. That law is also counterproductive to increased efficiencies that can be achieved as cities increase in size with consolidation of services and bureaucracies that can better serve the public. I urge North Canton to pursue changes to the annexation laws, both through the courts and through the state legislature. My concern tonight is - is the history of North Canton's annexation policy regarding use of city water as a tool for annexation over the last decade and a half and how it has or has not been used and most importantly why that policy flip flops every few years. Research shows that North Canton first began requiring nonresidents to agree to annex into the city in exchange for city water with the passage of Ordinance No. 118-93. Council member Tim Watkins, Chairman of the Water, Sewer & Rubbish committee at the time this legislation was passed is quoted from city council minutes of December 20, 1993, as stating, and I quote, "...this is probably going to be one of the single most effective tools that exists that we currently have to promote and increase our viability as a city and a city of growth." Ordinance No. 118-93 passed unanimously with votes from Greg Wernet, Paul Blohm, Rick McLaughlin, Daryl Revoldt, Tim Watkins and Gary Wechter. The legislation was immediately signed by Mayor William Hines. In a *Repository* news report titled, "Canal Fulton wants to grow through annexation," dated November 9, 2001, Mayor Shawn Kenney tells Canal Fulton City Council "A city that doesn't expand is a dead city." In another *Repository* news report titled "City pushes annexations," dated October 15, 2006, the report states "The population of the state capital now exceeds that of Cleveland. And one big way Columbus did it was through annexation, using water to lure property owners into the city limits." The same news article reports that the City of Canton had annexed roughly 2,500 acres in the previous decade and that the City of Massillon had doubled in size since 1974. This article goes on to quote Canton Council Majority Leader Donald Casar who states, without annexation, we're going to die on the vine, we have to grow to survive. North Canton was put on the proper path for growth with the passage of Ordinance 118-93 in 1993 using water as a tool to require annexation into the city. Unfortunately, this policy was changed under the administration of former Mayor Tom Rice and City Administrator Michael Miller with Ordinance No. 132-04. Under that ordinance, North Canton City Council

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removed the annexation requirement for nonresidents who receive city water as a precondition for those services. Marcia Kiesling, Chairwoman of Community & Economic Development headed the committee to amend the annexation requirement with passage of Ordinance No. 132-04. Council members voting to remove the annexation requirement were Dave Lindower, Jeff Peters, Greg Sarbach, Jon Snyder, Doug Foltz, and Marcia Kiesling. The reason given for removing the requirement according to a *Repository* report on October 5, 2004, titled "Annexation clause removed from water pacts," was that the requirement had outlived its usefulness and hoped that it would make the city more competitive with other water companies. Well apparently that requirement is useful...

Mr. Zumbar: When was the Mayor...inaudible...

Mr. McFarren: Inaudible...

Mr. Osborne: after all as North Canton City Council has reinstated the annexation requirement with the recent passage of Ordinance No. 13-09. This latest legislation was passed on an expedited schedule with Marcia Kiesling, Jeff Peters, Daryl Revoldt, Jon Snyder, and Jeff Davies supporting final passage on February 2. Council members Doug Foltz and Pat DeOrio abstained due to conflicts of interest. I am a little unnerved to observe my elected leaders pass whatever legislation is placed before them without great care and deliberation. Shouldn't there be more debate on issues? Shouldn't each council member come to his or her own conclusion on passage of legislation instead of acting like lemmings? For council members Peters, Snyder, and Kiesling, your vote for Ordinance No. 13-09 reinstating the annexation requirement was in direct opposition to legislation you supported when you voted on Ordinance No. 132-04 removing the annexation requirement. Former City Administrator Miller's recommendation to Council to remove the annexation requirement was noted in an email dated September 9, 2004. Mr. Miller stated that when he was employed with the City of Canton, he found that the requirement of North Canton to annex in exchange for water service to be an advantage to Canton in extending its water. Has anyone given any thought to the fact that Canton under state law can require annexation into the City of Canton when providing Canton water to nonresidents? Any municipality that provides services such as sewer and water outside its borders can require a property owner to annex into the municipality providing those services. This is per the Ohio Supreme Court in *Bakies v. Perrysburg*. Maybe the City of Canton is playing the game a little smarter than North Canton by not stating its intentions for annexation as a precursor to receiving those services. North Canton is upfront with its intentions of annexation when it supplies city water to nonresidents. Who knows what the City of Canton may require in the future after it extends water to nonresidents? *Bakies v. Perrysburg* certainly raises the possibility that the City of Canton could require annexation to Canton at some point in the future for its nonresident water customers. That possibility should be pointed out to all prospective North Canton water customers when annexation opportunities arise for North Canton and potential customers believe that Canton is a viable choice without the upfront requirement to annex into Canton. That requirement is supported by state law and not pointed out by Canton when it - it extends its water lines. The City of North Canton is not asking any more than what Canton or any other community would ask for when it extends city services. Without annexations, municipalities die on the vine. Canton Council Member Mr. Casar had that exactly right. North Canton will die on the vine if it does not pursue annexations. North Canton must embark on an aggressive annexation policy. Municipalities came into existence with annexations and they do not stay vibrant without continued growth of city boundaries through annexations. Water is a tool for annexations and should not be given away. For far too long North Canton has given away the store and not asked for anything in return. Good quality water is a service we can provide for our residents and should not be used to build a water system that grows far beyond what the city needs or what the city can operate effectively. We have a municipal water system for the city and its residents. It should be nothing more. If North Canton continues to play water provider to the world it will only create a system it cannot manage and the city will lose in the end. And along the way, North Canton will have lost opportunities to grow the city. Thank you.

Mr. Revoldt: Thank you Chuck. Is there anyone else who wishes to address the council - well before we do. I knew this morning when I got up and went to work...

Mrs. Kiesling: How'd this get so low?

Mr. Revoldt: that I felt strange...

Mrs. Kiesling: Did we take one out of there?

Mr. Revoldt: and I know why now. Because Chuck...

Mr. Snyder: No, it's just the way it is...charged.

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Mr. Revoldt: I agree with about 80% of what you said tonight. This is captured on tape I hope. I agreed with about 80% of what you said. You know, having participated in the – in the earlier vote to attach annexation and water, we believed at the time it made sense. But in defense of that 2004 decision, I would – I would note that different councils face different situations and those decisions should be put into a sort of a context in which they're – in they're – they're made. Would it – would it have been a vote that I would have cast? Don't know, I wasn't here. But I can tell you Chuck, and I think one of the things that – that you should acknowledge, is the fact that if council members in one – in one period move in one direction and – and circumstances change, and then move in a second direction, re-amending their position. I don't necessarily find fault with that and I actually applaud that kind of effort to revisit a situation and say you know, it wasn't what we thought, we'd like to change it. And in this particular case, in 2004, what the council didn't have was the 2006 Perrysburg's decision. It changed the way I think people were looking at annexation. You know, during the last number of years, there's been a great deal of talk about regionalization cooperation. And on a certain level, it sounds wonderful. And I think my guess is and I can't speak for those who made that decision, but my sense is they thought that cooperation might come from that gesture. Well as we in this city have found out, negotiating in good faith doesn't always bear fruit. I would just add that I think one point that I would make that has not necessarily received much press is, and you've touched on it and done a great public service...

Mayor Held: Jim? Inaudible... piece of paper? Just a piece.

Mr. Revoldt: is that I think Canton's motive might warrant close scrutiny. There is possibly an annexation threat to Jackson Township that comes from this arrangement but more importantly, those people who are looking at Canton water instead of North Canton might be reminded of the situation the suburbs are finding themselves in in Cuyahoga County, where they are now paying for Cleveland's infrastructure replacement at extraordinarily high cost. No community has been as aggressive as North Canton in replacing its waterlines. We – certainly we will have replacements, but we will have nothing on the scale that Canton will face sometime this century. And the challenge for any outside user, who's paying for those infrastructure costs is they don't get a vote. They're a customer who's going to get a bill and they will either have to pay it or find an alternate source. So...

Mr. Osborne (from audience): I have one other comment... inaudible...

Mr. Revoldt: I have...

Mr. Osborne (from audience): after you're done.

Mr. Revoldt: I'm long winded tonight. You know it's a special day and I feel this way so I'm prattling on. But you know, Chuck as I said, I agree with some of what you said but I think again, just to recap, I think you're a little tough on the folks who made the decision in 2004. Mr. DeOrio, I think you have a comment?

Mr. DeOrio: Yes, thank you. And I – I – I largely want to just expand a little on what you'd – had said. You – you – if I look at my notes – you – you've encapsulated my thoughts fairly well. And I would think that when we sit back and look at this, we really should commend city leaders who, you know, are reconsidering either their own individual decisions or reconsidering decisions that previous councils have made. I mean, think of it – think of it in the opposite terms in that, a matter comes before us to vote and because a council ten years ago voted no, we should vote no too. I mean, it doesn't make sense to not consider the circumstances surrounding particular situations. And for that come to mind in this – in this area of, you know, just regarding annexations or water but you know, when we – when we – when I hear a comparison of North Canton's efforts over the years to say, the city of Massillon's or the city of Canton's, I have to take exception to that in making sure that everyone knows the differences between these three communities. Massillon is surrounded by Tuscarawas Township, Sugar creek Township, western portion of Perry Township, and I think a little bit of Jackson to the north and also Lawrence Township to the north. But Lawrence, Tusc - Tuscarawas, Sugar creek and southwest Perry Township are undeveloped. There's – there's nothing there. I mean so you can go in and annex and a guy may have fifty acres of farmland and then one signature for the water to be developed because they want either commercial or residential development there, the develop – the landowner'll sign on to that. That's a huge difference then what we face here. We don't have large tracts of undeveloped land to the east, the south, the west. Maybe to the northwest and to the north we can see parts of that where we could get to, but certainly not to the extent of Massillon and likewise with Canton. I mean, if they're expanding east towards East Canton, you know, once you get outside of Canton, there's really not a lot there until you get to 44 and 172. It's just – it's just kind of open. Certainly to the south as we get into Pike Township or – or Sandy Township or Canton Township to the south. That's a big difference when you're going to go to annex land as opposed to trying to get an area that's already developed around us. It – it's a big difference, we should keep that in mind. Why would somebody have the water clause in,

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the water clause out, in, out, in, out. We need to take into account too, who are our water competitors are. Back in 1984 if I – or I think if that was when this – or 1993 when this was first instituted or whatever, I would venture to say although I – I don't remember the time, but I would venture to say that Aqua of Ohio wasn't a competitor. I would venture to say that Canton didn't have a waterline that ran clear up Market Avenue to – to practically to Hartville. They weren't a competitor. We probably were the kings of the hill then. But the situation has changed now. Canton is a much bigger player and certainly Aqua is, or Consumers of Ohio. So you have to take that into account and if leaders over the years have – have changed their mind, I think that again, that they're taking circumstances, weighing them at the time and acting appropriately. Let's not forget that the city of North Canton in spite of – of either its shortcomings or its successes here has grown. Over the years we've gone from a city that was basically four square miles to sixteen square miles. I mean that's a lot of turf that we've acquired. And you know, Daryl has mentioned the, you know, the Perrysburg case and although, you know, that is something that certainly weighs in the minds of people as we consider annexation, I mean we – it certainly gives cities a tool, we still need to keep in mind that annexation laws still have to be followed. We can't – I mean, there's still some issues with...contiguity between a water user and the city of North Canton's limits. So I would say Chuck, overall when I sit back and look at this body as a group of which I've only been a small player in it, and you go back for 20 or 30 years that some of the other members may have been here a lot longer, I think as a whole that – that the body and of course the administration should be commended for reevaluating their positions, considering what has changed over the years, and making an appropriate decision. Thank you.

Mrs. Kiesling: Thank you.

Mr. Revoldt: Chuck I wish – go ahead and I've got one final comment.

Mrs. Kiesling: Oh dear.

Mr. Osborne: People come into a city for services. Your prime tool, water and sewer, that's what brings about development, that's what people are looking for. If you provide those services without requiring annexation to the city, I don't know of any community in the entire state that has done that. You never give away your – your most valuable tool for annexation. Never. And the Perrysburg decision, it took time to percolate through the courts. I'm sure several years before that, there was already arguments for this. We all know if you want increased services, you have to come into the community. That's what the community provides for you. You never, never, ever – and you see where – where – what it has gotten us. Massillon's continued to grow. Every - in fact every community around us, Canal Fulton, Green, I mean, go on and on and on. They've continued to grow and we – we gave away the services and just said oh, you don't even need them. So anyway, I ...

Mr. Revoldt: Well Chuck, I – I appreciate - and I don't want to extend the debate...

Mr. Osborne: And I'm not trying...

Mr. Revoldt: and I'm gonna have –

Mr. Osborne: to beat up the people...

Mr. Revoldt: no – I – I think the bottom...

Mr. Osborne: who've made the decision...

Mr. Revoldt: Pat – Pat has...

Mr. Osborne: five years ago...

Mr. Revoldt: if – if – if I can. Pat has pointed at - something out, is that prior to 2004, we didn't have the regional presence, the actual presence on our doorstep of Canton and Ohio Consumers. By 2004 we had a brand new water plant, we had debt that was – there was a desire to expand those sales and my guess is that that clause was felt to be an impediment to sales. Whether it was a good call or a bad call, I think that's debatable. But I can put that decision in – in the context in which it was likely made. A. And B is to Pat's point, the ability to come back and revisit a situation, say you know, I've thought about it and I want to change it. I would much rather have that type of view than someone who said you know, and I sat with some folks on council, and you know I'm one of them, who said you know, I voted for this in 1982 and by god, I'm not changing my mind 20 years later. I would much rather have intellectual flexibility on an issue...

Mr. Osborne: I agree with that but...

Mr. Revoldt: than that....

Mr. Osborne: that's an issue of annexation. Water isn't the only issue.

Mr. Revoldt: We - we ...

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Mr. Osborne: It's sewer and there's some fewer other amenities.

Mr. Revoldt: Yeah, well we don't provide sewer. And we – we – we don't. We provide water and that's it. I think all of us Chuck, appreciate your point and...

Mr. Osborne: And as you're finding out here, you can't protect your waterlines out there in other communities since you have – you failed to annex. So...

Mr. Revoldt: Oh, don't be so sure Mr. Osborne.

Mr. Osborne: Well it just complicates the issue for you.

Mr. Revoldt: Well I just have one request to make, that if the Mayor gets aggressive in annexation, that you will take it as a personal mission to extinguish the fires of his burning effigies in Jackson Township. Alright?

Mr. Osborne (from audience): Thank you.

Mr. DeOrio: It ain't so bad.

Mr. Revoldt: He – his repu...What?

Mr. DeOrio: I've been – I've been burned in effigy, it ain't so bad.

Mr. Revoldt: No, it's not so bad. It's when they're stacking the kindling at your knees it's a little more troublesome.

Mrs. Kiesling: Oh dear.

Mr. Revoldt: Okay. Is there anyone else who wishes to address the council this night? I promised everyone home by 8 o'clock. I'm committed to this pledge.

OLD BUSINESS

8. Mr. Revoldt: Let's move on without any additional visitors, to move on to Old Business. May I have a first - a motion to read by title only first reading...

Mrs. Kalpac: No, second.

Mr. Revoldt: Ordinance No. 8-09.

Mr. DeOrio: So moved.

Mrs. Kalpac: Second, second. Second reading.

Mrs. Kiesling: It says first on our agenda.

Mr. Davies: It says first on our thing.

Mr. Revoldt: Motion?

Mrs. Kalpac: Oh, does it?

Mr. Revoldt: Well then we will have a second reading.

Mrs. Kalpac: I'm sorry.

Mrs. Kiesling: Is the agenda wrong or is it a first?

Mrs. Kalpac: Yes, it's wrong.

Mr. Davies: Okay, yeah, because we read it before.

Mrs. Kiesling: So it's a second reading. Yeah.

Mrs. Kalpac: This is – should be a second reading. I'm sorry.

Mr. Revoldt: Okay, this is – this is a second reading.

Mr. DeOrio: So moved.

Mr. Revoldt: But it's been moved and seconded...

Mrs. Kalpac: Okay.

Mr. Revoldt: over the objections of the council president.

Mr. DeOrio and Mrs. Kiesling seconded to **read by title only the second reading** of Ordinance No. 8-09. All members present voting:

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

No: 0

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20**Ordinance No. 8-09 – 2nd Reading – Street & Alley Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton to enter into a three (3) year contract for the re-striping of various City streets and declaring the same to be an emergency.

Mr. DeOrio: Mr. President, I believe that the language is self explanatory and would move for passage of Ordinance No. 8-09.

Mr. DeOrio moved and Mr. Davies seconded to **adopt the second reading** of Ordinance No. 8-09. All members present voting.

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

No: 0

Mr. Revoldt: May I have a motion to suspend the rules for Ordinance No. 8-09?

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for Ordinance No. 8-09. All members present voting.

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

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance No. 8-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 8-09. All members present voting.

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

No: 0

9. Mr. Revoldt: Item 9, a motion to read by title only second reading Ordinance No. 9-09?

Mr. DeOrio and Mrs. Kiesling seconded to **read by title only the second reading** of Ordinance No. 9-09. All members present voting:

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

No: 0

Ordinance No. 9-09 – 2nd Reading – Water, Sewer & Rubbish Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton to enter into a contract for the cleaning of five sludge lagoons and one wash water lagoon at the North Canton Water Treatment Plant for a period of three (3) years and declaring the same to be an emergency.

Mr. Davies: As our law director read, it just simply would allow the mayor to advertise and receive bids for cleaning the sludge lagoons and the waste water lagoon and I would move that we...

Mr. DeOrio: Second.

Mr. Davies: vote and pass.

Mr. Revoldt: It's been moved and seconded. Clerk?

Mr. Davies moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 9-09. All members present voting.

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

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 9-09?

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 9-09. All members present voting.

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

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance No. 9-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 9-09. All members present voting.

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

No: 0

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10. Mr. Revoldt: Item 10, a motion to read by title only second reading Ordinance No. 12-09?

Mr. DeOrio moved and Mr. Davies seconded to **read by title only the second reading** of Ordinance No. 12-09. All members present voting:

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

No: 0

Ordinance No. 12-09 – 2nd Reading – Finance & Property Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into a one (1) year Lease Agreement by and between the City of North Canton and The Chancellery 340 Home Corporation to lease Lot No. 3998 and part of Out Lot 177 for various recreation facilities within the City of North Canton.

Mr. Snyder: Mr. President, Members of Council, this is a lease that has been ongoing for several years, somebody used to call the K of C, it is now the Chancellery 340. They lease the property for ball fields for the youth. They maintain the ball field and pay us a nominal stipend for a yearly lease. And I recommend adoption of Ordinance 12-09, second reading.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 12-09. All members present voting.

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

No: 0

NEW BUSINESS

11. Mr. Revoldt: Moving on to New Business, Item 11. A motion to read by title only the first reading of Ordinance (Resolution) 18-09

Mr. DeOrio moved and Mr. Davies seconded to **read by title only the first reading** of Resolution No. 18-09. All members present voting:

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

No: 0

Resolution No. 18-09 – 1st Reading – Street & Alley

A resolution authorizing the Mayor of the City of North Canton to submit a Participation Agreement and request authority for the City of North Canton to participate in the Ohio Department of Transportation's ("ODOT") Contract for the purchase of Sodium Chloride (Road Salt) for the 2009-2010 winter season and declaring the same to be an emergency.

Mr. DeOrio: Mr. President, just – prior to voting, would like to make sure that everyone is aware that this is for the – the winter of 2009-2010. So December of '09, next year. It's not for right now that we're experiencing our winter. Having said that, I would move for adoption of ...Resolution No. 18-09.

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading** of Resolution No. 18-09. All members present voting.

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

No: 0

Mr. Revoldt: Motion to suspend the rules for Resolution No. 18-09?

Mr. Snyder: 'Cause they don't want...inaudible...can't be both.

Mrs. Kiesling: I don't think so.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Resolution No. 18-09. All members present voting.

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

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Resolution No. 18-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Resolution No. 18-09. All members present voting.

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

No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, February 9

7:00 p.m.

20⁰⁹

REPORTS:

Mr. Revoldt: Reports. Director of Law?
Mr. McFarren: No report.

Mr. Revoldt: Director of Finance?
Mr. Zubar: I passed out a draft of the final appropriations pursuant to the Finance Committee's meeting held last week. Please look them over, that goes for department heads as well.

Mrs. Kiesling: Jon, is this a personnel cut too or what's that?

Mr. Zubar: Please double check it, make sure we've got things covered...

Mrs. Kiesling: How'd that get down?

Mr. Zubar: that we need to have covered and get back to us.

Mr. Snyder: We're going to cut some - some of the people...inaudible...

Mr. Zubar: I believe we're looking at moving forward with this the next council session.

Mr. Revoldt: Okay, very good. Any questions for Alex? Director of Finance, or excuse me, Director of Administration?
Mr. Wise: No report.

Mr. Revoldt: Mayor?
Mayor Held: No report.

Mr. Revoldt: Engineer?
Mr. Benekos: No report.

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

Mrs. Kalpac: No report.

REPORTS - COUNCIL:

Mr. Revoldt: Very good. Mr. Peters?
Mr. Peters: No report sir.

Mr. Revoldt: Mr. Davies?
Mr. Davies: No report, however, I would remind people that tomorrow night is the Town Meeting. We'll go over the - the audit done by the state at 7:00 at the Civic Center.

Mr. Revoldt: And Betsey Bashore from the State Auditors office will be present for the first thirty minutes to provide an overview and answer a limited number of questions. She's driving in from Toledo so we will respect her time.

Mr. Revoldt: Mr. DeOrio?
Mr. DeOrio: No report.

Mr. Revoldt: Mrs. Kiesling?
Mrs. Kiesling: No report.

Mr. Revoldt: Mr. Snyder.
Mr. Snyder: Mr. President on one thing. I'd like to publicly thank the Director of Finance and the two ladies under his charge that operate the income tax department. They identified over 700 properties in the city that are rental properties that contain some 567 people who are not contributing to the income tax of the city, which they by law are required to do and they've been notified and I think he has that under control but that's very good...

Mrs. Kiesling: Interesting.

Mr. Snyder: and those girls did a exemplary job of that and he continues to find ways to find money and I do appreciate that sir and on behalf of the finance department and of council I wanted to bring that publicly up. Thank you, that's all I have.

Mayor Held: Good job, way to go Alex.

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Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, February 9 7:00 p.m. 20 09

Mr. Zumbar: Inaudible...

Mr. Snyder: And the letter said you can run but you can't hide. Whatever that meant, I...

Mr. Revoldt: You know, obviously that letter was cleared by the law department.

Mr. Wise: You can rent but you can't hide.

Mr. Snyder: I thought so.

Mr. Revoldt: That's right.

Mr. Snyder: It had his private law number there.

Mr. Revoldt: Monday, February 16th is President's Day and in....and in observance of that, we'd like to move our council meeting, committee of the whole to Tuesday evening. If that's agreeable, may I have a motion and a second?

Mr. DeOrio moved and Mr. Davies seconded **change the Committee of the Whole meeting date from Monday, February 16, 2009 to Tuesday, February 17, 2009 in observance of President's Day.** All members present voting.

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

No: 0

Mr. Revoldt: As Mr. Davies has indicated, tomorrow night we will hold our Town Hall Meeting at the Civic Center. As it is an official meeting, we would be normally obligated to tape those proceedings unless council wishes to waive that requirement. May I have a motion?

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules for Ordinance No. the rules of council requiring taping of the meetings for the Town Hall meeting** scheduled for February 10, 2009 at 7:00 pm at the Civic Center. All members present voting.

Mr. Snyder: May I have a cavalary vest?

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

No: 0

Mr. Revoldt: I'd like to remind council at tomorrow night's meeting that your seats will be those behind the chicken wire screen.

FINAL CALL FOR NEW BUSINESS:

Mr. Revoldt: Final Call for New Business. Chuck I told you it was a special day today. Final call for business, anyone?

ADJOURN:

Mr. Revoldt: Seeing none then, I'll take a motion to adjourn?

Mr. DeOrio moved and Mr. Davies seconded to **adjourn** the meeting.

All members present voting.

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

No: 0

Meeting adjourned at 7:36 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL