

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, November 23, 7:00 p.m. 20 09

CALL TO ORDER:

1. The council meeting was called to order Monday, November 23, 2009 at 7:00 p.m. by President of Council Daryl Revoldt.
2. The opening prayer was delivered by Rev. Monsignor Jay Clarke, St. Paul's Catholic Church
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. Mr. Revoldt: Again, thank you Father. Clerk, would you please call the roll?

The following members of Council responded to roll call: Davies, DeOrio, Foltz, 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, Fire/EMS Chief Bacon, Rental Coordinator Raymond, Superintendent of Streets & Utilities Chufar, Superintendent of Permits & Inspection Hampton, Equipment Operator Philippi and Clerk of Council Kalpac.

5. Consideration

Council Meeting Minutes – November 9, 2009
 Financial Statement – October, 2009
 Mayor's Court Receipts – September and October, 2009

Mr. Revoldt: We have for our consideration the minutes of the council meeting for November 9, 2009, the October, 2009 financial statement and mayor's court receipts for September and October, 2009. Are there any questions, amendments to these documents?

Mr. DeOrio: Mr. President, I would move that we approve these documents as submitted.

Mr. DeOrio moved and Mrs. Kiesling seconded to approve the minutes of the council meeting, the financial statement and the mayor's court receipts as submitted. All members present voting:

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

No: 0

6. Committee Minutes

Mr. Revoldt: We also have committee minutes from an executive session for Personnel & Safety held on 11/9; we have Finance & Property; Ordinance, Rules & Claims; Personnel & Safety all held on the 16th, and a Water, Sewer & Rubbish Committee meeting held on 11/9 and 11/16. Are there any corrections or amendments to those?

Mr. DeOrio: Mr. President, I would move that we approve as submitted.

Mr. DeOrio moved and Mr. Peters seconded to approve the executive session and committee report minutes as submitted. All members present voting:

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

No: 0

7. Voice Vote – Approval of Health Care Recommendation

Mr. Revoldt: Item 7, is a motion to approve the consultant's recommendation to renew the Ault Care proposal for one year for health care.

Mr. Davies moved and Mr. DeOrio seconded to approve the consultant's recommendation to renew the Ault Care proposal for one year for health care. All members present voting:

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

No: 0

Abstain: Kiesling.

8. Recognition of Visitors

Mr. Revoldt: Recognition of visitors. Is there anyone here who wishes to address the Council? Mr. Osborne, Mr. Osborne, you have not been recognized. Would you please sit down for the moment? Is there anyone else who wishes to address the Council? Alright, very good. Before I proceed I am going to do something that I don't do very often and that is exercise my prerogative to invite citizens to speak at the "Recognition of Visitors". As all of us know, there is

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an investigation pending between – amongst Ohio regulators regarding the improper disposal of street sweepings. The record should indicate that this council considers this a very serious matter and it's Council's expectation that the City will comply with all environmental regulations. Remediation may require council action and an appropriation of funds. But prior to any action by this council regarding funding remediation, this council will require a complete and thorough understanding of all pertinent details related to this matter. All the facts will come before this body. And in addition to funding remediation, this council may consider other appropriate actions it deems necessary to satisfactorily resolve this matter and assure that a similar situation does not reoccur. As we are in the information gathering phase as a body, I have asked the Administration to provide the Council with all records regarding this matter reaching back for 36 months. I would also ask that Mr. Osborne, who has done a diligent job bringing this to the attention of the regulators, provide this council with copies of all correspondence, records, email, photos, etc., in his possession so that we may examine the public record to determine its completeness and sufficiency. As this matter may contain an element of pending litigation, the Council President has determined that we will not discuss the matter. However, Mr. Osborne I know you're anxious to do so and I want to reassure you that at an appropriate time you will be invited to participate in future proceedings. Is there anything else that needs to be added? Seeing none then we will move on to our agenda and that is our old business.

Mr. Osborne (speaking from audience): Daryl, Daryl...

Mr. Revoldt: Mr. Osborne, excuse me sir you are not recognized.

Mr. Osborne (speaking from audience): I have no revelations other than what's already been public over the last ten years.

Mr. Revoldt: Okay. Mr. Osborne, I appreciate that but we're not going to discuss this matter this evening.

Mr. Osborne (speaking from the audience): Inaudible... tell me when?

Mr. Revoldt: And I would ask – again, I reiterate my request that if you have correspondence, records, email, photos, any information pertinent to this matter I would welcome its submission to the Council Clerk for our review and distribution. And there's a reason for this; as part of our review of this matter I want to make sure that we have everything that is pertinent to this situation.

Mr. Osborne (speaking from audience): Daryl, I have nothing to add to what's already known.
Mr. Revoldt: Okay.

Mr. Osborne (speaking from audience): I'm commenting on the performance of the Mayor, the City Administrator ...

Mr. Revoldt: Well in fairness to them Chuck, I don't want to get into a big debate, we're not going to discuss this matter till the regulatory process has run its course. We believe that that is the best approach because we're not capable at this juncture of investigating ourselves until that matter is complete. And That's where it's going to sit. So...

Mr. Osborne (speaking from audience): This is squelching public comments on this issue, Daryl.

Mr. Revoldt: No, it's choosing the time for the public comment. And I'm not going to debate this anymore and if ...

Mr. Osborne (speaking from audience): Are we talking two weeks, six months, a year?

Mr. Revoldt: Mr. Osborne, this matter has been concluded. The discussion has been concluded. I appreciate your interest. I'll be happy to discuss it with you at the conclusion of our meeting. Moving on then to old business, I'd like to remove – have a motion to remove from the table Ordinance No. 79-09.

OLD BUSINESS:

9. Mr. Snyder moved and Mr. DeOrio seconded to **remove from the table** Ordinance No. 79-09.
All members present voting:
Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.
No: 0

Mr. Revoldt: I would like to have a motion to amend Ordinance No. 79-09 to include an emergency clause.

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Mr. Davies moved and Mr. Peters seconded to **amend Ordinance No. 79-09 to include an emergency clause**. All members present voting:

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

No: 0

Mr. Revoldt: Now may I have a motion to read by title only Ordinance 79-09 as amended?

Mr. Davies moved and Mr. Peters seconded to **read by title only, third reading, as amended** of Ordinance No. 79-09. All members present voting:

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

No: 0

Ordinance No. 79-09 – 3rd Reading – Water, Sewer & Rubbish

An ordinance authorizing the Mayor of the City of North Canton to enter into an amended Canton-North Canton Sewer Agreement Supplement by and between the City of North Canton, Ohio ("North Canton") and the City of Canton, Ohio ("Canton") and declaring the same to be an emergency.

Mr. Revoldt: I am not Kreskin, but I can read Mr. DeOrio's mind and the amendment should be clarified. That amendment is - very brief language.

Mr. McFarren: Your emergency clause would be based upon the timely implementation to put this in sync with the County agreement.

Mr. Revoldt: Okay.

Mr. McFarren: The County has already passed this, it's already implemented. They're out ahead of us.

Mr. Revoldt: Mr. Davies.

Mr. Davies: This is the agreement between North Canton and Canton; Canton treats our sewer waste. They are upping the costs because their costs have gone up. They've asked us – we're going to have to put meters on at some point and meter it to see exactly how much flow is going through our pipes. There was discussion about if it's more than a certain amount how we'd pay for it and we've negotiated with Canton that they were more than willing to setup some kind of a payment schedule with us so we wouldn't be hit with a huge figure all at once that was agreed to. So I would move that we pass this.

Mrs. Kiesling: I'll second.

Mr. Snyder: Mr. President, Council...

Mr. Revoldt: Excuse me just a second, Jon.

Mr. Snyder: You know I think it's incumbent that we understand and I'm sure we do, that the public understands two things are at play here. Number one, we do have an ordinance in the city, it's codified, that if our costs rise the Mayor must implement an increase to the system to the people who use our sewer system. This will result in an increase in sewer rates. There surely has to be some way that we can begin, whether it be internally or through consultants, some way to study as we get these figures from the three quarters of a million dollars that we're going to pay for these telemeters to check the infiltration of storm water into the sewage system that we can keep in check the amount of money that goes in there. Obviously a lot of it might come from people's rooftops or from their own downspouts that will eventually filter into the yard and it filters into the sewer system. That's all money that they're going to be paying for and it's not going to be inexpensive. So I think we have to – can't just say well we're just going to pass the cost through to our consumers because we're almost to the point where it's almost prohibitive to have a sanitary sewer in your home. It's getting very expensive and it will get more expensive. But we must take some proactive measures to limit that as we receive that data. Right now it's just a shot in the dark.

Mr. Revoldt: Anyone else? Pat.

Mr. DeOrio: May I ask a question? I just want to get it clear in my head and so I apologize if I'm not absorbing this. And the Engineer might be best able to answer this question. But this is – our cost is based on the percentage share that our water ends up in the wrong place. Is that – that our storm water ends up...

Mr. Benekos: No.

Mr. DeOrio: No.

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Mr. Benekos: This is just our regular sewage that goes to Canton.
Mr. DeOrio: Okay.

Mr. Benekos: Now in that sewage during rain events storm water does get into the sanitary sewer through I and I, inflow and infiltration. It happens in every sewage system. There's no direct pipe connecting them. So this accounts for that but it also accounts for dry weather flow. It just divides the - it measures the flow coming from each entity and divides it up.

Mr. DeOrio: It measures it in terms of a quantity and not a percentage, is that correct?

Mr. Benekos: Correct. It will measure each one as far as a quantity and then they relate it to a percentage when it gets to the plant. They'll say Canton has you know so many million gallons and the County has so many and North Canton has so many million gallons and then they'll break that up into a percentage. And then their monthly O and M (operation and maintenance) bills or their monthly O and M costs will be divided based on that percentage and it will be charged accordingly.

Mr. DeOrio: Okay, so let me just make the math easy for myself. Let's say the total amount flowing to that plant is 1,000,000 gallons and we - our share represents 100,000 gallons that's ten percent of the total. Is that right?

Mr. Benekos: Right.

Mr. DeOrio: So that would be our - okay.
Mr. Benekos: Correct.

Mr. DeOrio: And then if that flow - if flow reaching the plant is not 1,000,000, but say a million and a half and our flow is still 100,000 then the percentage is ...

Mrs. Kiesling: Less.

Mr. Benekos: Less than ten percent.

Mr. DeOrio: Less than ten ...inaudible... and then likewise if it - if the total flow is less than a million...

Mr. Benekos: Correct and ...

Mr. DeOrio: and ours is still 100, then our percentage is higher. Is that correct?

Mr. Benekos: Correct. And that's going to be - the intent is after the three years that will be a monthly billing. So each month that percentage can go up and down. If we have an area or our system is particularly more porous than the other systems and we have a rainy month then our percentage may go up. If our system is tighter than the systems and the others and on a rainy month our percentage may go down. But it's going to be billed on a monthly basis.

Mr. DeOrio: Thank you.

Mr. Revoldt: Any other questions? We actually have a motion and second to adopt as amended the third reading of Ordinance 79-09. So Clerk do you want to call the roll please.

Mr. Davies moved and Mrs. Kiesling seconded to **adopt the third reading, as amended, of Ordinance No. 79-09.** All members present voting:

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

No: 0

10. Mr. Revoldt: Moving on to Item 10, a motion to read by title only the third reading of Ordinance 98-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, third reading of Ordinance No. 98-09.** All members present voting:

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

No: 0

Ordinance No. 98-09 - 3rd Reading - Street & Alley

An ordinance adopting a Traffic Calming Policy for the City of North Canton ("City").

Mr. DeOrio: I think that's enough said, I move for passage of Ordinance No. 98-09.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the third reading of Ordinance No. 98-09.** All members present voting:

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

No: 0

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11. Mr. Revoldt: Item 11, a motion to read by title only, third reading of Ordinance 99-09.

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, third reading** of Ordinance No. 99-09. All members present voting:

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

No: 0

Abstain: DeOrio.

Ordinance No. 99-09 – 3rd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a contract by and between the City of North Canton and the City of Canton for the purpose of providing legal representation in the Canton Municipal Court, at a total cost not to exceed \$17,000 per year, for a period of two (2) years beginning January 1, 2010 through December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, this is a renewal of a two-year contract. It provides both advice to our Police Department for our citizenry if there are bad checks, domestic violence and so forth so consequently that's why we have an increase. The workload has increased over the past couple of years and that's what it's all about.

Mr. Revoldt: Okay, may I have a motion to adopt the third reading of Ordinance 99-09?

Mr. Davies moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 99-09. All members present voting:

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

No: 0

Abstain: DeOrio.

12. Mr. Revoldt: Item 12, a motion to read by title only, second reading of Resolution 104-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, second reading** of Resolution No. 104-09. All members present voting:

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

No: 0

Resolution No. 104-09 – 2nd Reading – Finance & Property

A Resolution adopting an amended Section 125 Premium Only Cafeteria Plan ("the Plan") for the City of North Canton for the period January 1, 2010 through December 31, 2010 and declaring the same to be an emergency.

Mr. Snyder: This is setup to allow the Department of Finance to charge the employees for their premium share of health insurance. Presently it does allow four percent deduction on the gross wages. This will allow an eight percent deduction on the gross wage. It will not be eight percent of the gross wage but that's pretax so it's actually, depending on your tax bracket, somewhat less than eight percent. So we need that in place by the first of January.

Mr. Revoldt: A motion to adopt the second reading of Resolution No. 104-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the second reading** of Resolution No. 104-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Resolution No. 104-09.

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for Resolution No. 104-09. All members present voting:

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

No: 0

Mr. Revoldt: May I have a motion to adopt under the rules as suspended Resolution No. 104-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Resolution No. 104-09. All members present voting:

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

No: 0

13. Mr. Revoldt: Item 13, may I have a motion to remove from the table Ordinance 105-09?

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Mr. DeOrio moved and Mr. Snyder seconded to remove from the table Ordinance No. 105-09. All members present voting: Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio. No: 0

Mr. Revoldt: May I have a motion to adopt the first reading of Ordinance 105-09... Mr. Davies: So moved. Mr. Revoldt: Or excuse me, to read, a motion to read first time Ordinance 105-09.

Mr. Davies moved and Mr. DeOrio seconded to read by title only, first reading of Ordinance No. 105-09. All members present voting: Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz. No: 0

Ordinance No. 105-09 - 1st Reading - Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to enter into a contract by and between the City of North Canton and the Stark County Public Defender Commission for the purpose of providing legal counsel to indigent persons in Canton Municipal Court for a period of one (1) year beginning January 1, 2010 and ending December 31, 2010, and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, we were given a copy of the contract language; he has actually given you a copy of the contract. I think last year was one of the first times we used it quite a few years. It does provide counsel to the citizens in the city if they cannot afford somebody in Municipal Court. And it's only billed as it's needed, it's not used it's not billed. Hopefully we don't have that problem again, but if we do we have that ability.

Mr. Revoldt: Any other questions or comments?

Mr. DeOrio: I'd thank the Administrator for seeing that that language was changed.

Mr. Revoldt: Okay may I have a motion to adopt the first reading of Ordinance 105-09.

Mr. Davies moved and Mrs. Kiesling seconded to adopt the first reading of Ordinance No. 105-09. All members present voting: Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling. No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 105-09.

Mr. DeOrio moved and Mr. Davies seconded to suspend the rules for Ordinance No. 105-09. All members present voting: Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters. No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 105-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to adopt under suspension of the rules Ordinance No. 105-09. All members present voting: Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt. No: 0

14. Mr. Revoldt: Item 14, a motion to read by title only, second reading of Ordinance 107-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to read by title only, second reading of Ordinance No. 107-09. All members present voting: Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt. No: 0

Ordinance No. 107-09 - 2nd Reading - Community & Economic Development

An ordinance implementing Section 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of a Community Reinvestment Area in the City of North Canton, designating a Housing Officer to administer the program, creating a Community Reinvestment Housing Council and a Tax Incentive Review Council.

Mrs. Kiesling: Yes, this is our second reading of combining our two CRA's in the community into one. Any questions or concerns? I motion we adopt.

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Mrs. Kiesling moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 107-09. All members present voting:
 Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.
 No: 0

NEW BUSINESS:

15. Mr. Revoldt: Moving on to new business, Item 15, a motion to read by title only, first reading of Ordinance 108-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 108-09. All members present voting:
 Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.
 No: 0

Ordinance No. 108-09 – 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and the Fraternal Order of Police, Ohio Labor Council, Inc. ("FOP-OLC"), and declaring the same to be an emergency.

Mr. Peters: Yea, this is the lieutenants. And to what Daryl was saying in committee meeting earlier, some of the highlights, they doubled the contribution on the health care, no paid time off counts towards the calculation of overtime and so forth. I think we're well versed. Is there any other – anything else to add? If not, motion to approve.

Mr. Peters moved and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 108-09. All members present voting:
 Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.
 No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 108-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 108-09. All members present voting:
 Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.
 No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 108-09.

Mr. DeOrio moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 108-09. All members present voting:
 Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.
 No: 0

16. Mr. Revoldt: Item 16, motion to read by title only, first reading of Ordinance 109-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 109-09. All members present voting:
 Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.
 No: 0

Ordinance No. 109-09 – 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and the Clerical, Fiscal and Accounting Specialists ("CF&AS"), repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Peters: Pretty much the same highlights here with the exception of we changed the work week from 37.5 hours a week to 40 hours a week and that's it. Any other comments? If not, I motion to approve.

Mr. Peters moved and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 109-09. All members present voting:
 Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.
 No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 109-09.

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Mr. Davies moved and Mr. DeOrio seconded to suspend the rules for Ordinance No. 109-09. All members present voting: Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder. No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 109-09.

Mr. Davies moved and Mr. DeOrio seconded to adopt under suspension of the rules Ordinance No. 109-09. All members present voting: Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies. No: 0

17. Mr. Revoldt: Item 17, a motion to read by title only, first reading of Ordinance 110-09.

Mr. Davies moved and Mr. DeOrio seconded to read by title only, first reading of Ordinance No. 110-09. All members present voting: Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio. No: 0

Ordinance No. 110-09 - 1st Reading - Finance & Property

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, 2009, through November 30, 2010, for the employees of the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, Administration, after a couple of meetings with the two people as you know we've recommended the AultCare insurance remain. Pursuant to that we had a conversation and was directed to the Director of Finance, Director of Administration to meet with the people from AultCare to price a health and wellness component. They've done that. They'll be reporting on that. That will probably - the proposal will show that of the 105 participants, including the Council, the majority of our claims and the majority of our pharmacy claims are related to either cardiac, diabetes or high blood pressure. We feel by implementing this component that we can substantially bring our costs more than down to ...inaudible... the cost of the city's contribution. And Aultman has significantly made the contribution I think two times what the city's contribution would be. So we'll be reporting on that in the 2010 budget. But at this time we recommend as a committee that the vote be taken to keep AultCare in it's present form.

Mr. Revoldt: Mr. Chairman. Mr. Snyder: Yes sir.

Mr. Revoldt: If I might challenge Council and the Administration that a wellness program only works if we have participation in the wellness program. So if we can think about ways we might incentive our employees to not only enter the program but remain in it and observe it that would be our goal. So I don't have an answer to that particular issue but it's something that we may want to - find a way to encourage if we can.

Mr. Snyder: And that's very true because there are places that if the employee's body mass drops to a certain level they've been rewarded with a monetary figure. It would probably be in our best interest as we have one of the finest fitness centers in the state if not the country right across the street and maybe we can challenge the Administrator and the Director of Finance to work out some type of membership there that would incentive the employees to use that. The charge obviously it's a per capita charge, that would be our initial charge. It does include the spouse of the employee should they have one. And then there is a monthly maintenance depending upon the amount of interest. It's \$55.00 per employee to enter and then it's \$10.00 per month for each participant and Aultman will pickup the \$10.00 a month participation up, they'll pay that, they'll waive that. Although our \$55.00 would create a one day health fair where the nurses would come here, they'll do the assessments. They'll do weight assessments. They'll do the blood pressure assessments and advise the participant on diet and a course of action to either lower their blood pressure, lower their weight, lower - to bring their diabetes into - to try to get them off medications and obviously become more productive and live a little longer life. But you're right sir, if they don't participate it wouldn't - of course if they don't participate it doesn't cost us anything. But it's to their benefit as well as us as the employer for the employee.

Mr. Revoldt: Any other questions or comments? Seeing none then a motion to adopt the first reading of Ordinance 110-09.

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Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 110-09. All members present voting:

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

No: 0

Abstain: Kiesling.

Mr. Revoldt: Motion to suspend the rules for Ordinance 110-09.

Mr. Davies moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 110-09. All members present voting:

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

No: 0

Abstain: Kiesling.

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 110-09.

Mr. Peters moved and Mr. Davies seconded to **adopt under suspension of the rules** Ordinance No. 110-09. All members present voting:

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

No: 0

Abstain: Kiesling.

REPORTS:

Mr. Revoldt: That concludes our business for this evening. I would remind everyone that Monday, November 30th is our fifth Monday so we get to sit one out. Council Members are encouraged to submit their campaign finance reports to the Board of Elections so Gail can pickup our Certificates of Election prior to the Organizational Meeting. And to that end the Mayor has advised us that we will organize on Tuesday, December 1st at 6:00 p.m. Judge Howard will be here to administer the oath to all office holders. Reports – Director of Law.

Mr. McFarren: In light of the prayer tonight, I'd just like to take this opportunity to wish everybody a healthy, happy and prosperous holiday season since it will be upon us before we can blink an eye. Thank you nothing further.

Mr. Snyder: Did I see – did that turkey get on my back seat or did I miss.

Mr. McFarren: He's a 26 pounder Jon. He's a big boy.

Mr. Revoldt: Director of Finance.

Mr. Zumbar: The temporary budget has been distributed to the Administration as well as the Council. It will be included for your December 7th deliberation.

Mr. Revoldt: Director of Administration.

Mr. Wise: Yes, two items. North Main Street between 7th and Applegrove, as everyone is well aware, is under construction. They're putting in a waterline on the east side of the road. That work is going quickly and very well. At sometime pretty soon they're going to be starting the second waterline on the west of that street. It will – well it's been a hindrance to traffic. I think it's gone fairly well. There may at certain points be construction both directions but they're not going to coincide so we'll maintain traffic there and that work is progressing very well. The second item is over the next two weeks there are a number of D.A.R.E. graduations. In the past we have had D.A.R.E. with 5th graders throughout the entire 5th grade school year. In an effort to save money and in cooperation with the schools all of the schools are doing D.A.R.E. in the 5th grade in the fall. So those are all finishing up. December 1st is a graduation at Portage Montessori and at St. Paul's Catholic Church School. On Friday, December 4th is graduation at Clearmount and Northwood. On Monday, December 7th is graduation at Orchard Hill. And on Thursday, December 10th is graduation at Greentown. Now they're at various different times, most of them around noon. I can provide that information to anyone who is able to make those. They're good events. And thank you for your continued support of that program.

Mr. Revoldt: Mayor.

Mayor Held: Yes, we're going to have on December 6th, Sunday, December 6th we're going to have a our annual Christmas tree lighting and Christmas sing. Also in addition to this at 1 from 1 to 5 p.m. we're going to have – there's going to be a special event out at the Walsh University, Hoover Park. That we'll have – you can take a carriage ride to the Hoover Farm, enjoy the sights, sounds and the charm. And there will be cookies and Santa Claus and that will be from 1 to 5. And then starting at 3:30 we're going to have ice sculptures at Bitzer Park, nationally recognized elegant ice at Bitzer Park. That's from 3:30 to 4:30 and then 3:30 to 5 the YMCA is sponsoring kids activities and then we have

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the library that is going to have story times from 3:30 to 4:30 and at 5:15 is when the event kicks off – 5:15 to 6:00 where we'll have Santa and Mrs. Claus coming down in the fire truck, Christmas tree lighting. So it spiced it up a little bit this year, they're going to have some additional activities. So I invite everyone to come out.

Mr. Revoldt: Mr. Benekos.
Mr. Benekos: No report.

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

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

REPORTS – COUNCIL:

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

Mr. Revoldt: Mr. Peters.
Mr. Peters: No report.

Mr. Revoldt: Mr. Davies.

Mr. Davies: I don't have a report but I do have a comment. I think this dumping matter is a serious matter. And if we're going to have a gag order I would like to know when this investigation will be started and when it's planned on being finished because I think this is serious and we need to know.

Mr. Revoldt: I will answer your question simply that when we receive a legal release from the regulatory agencies at that time we will begin our review. Mr. DeOrio.
Mr. DeOrio: Pass.

Mr. Revoldt: Mrs. Kiesling.
Mrs. Kiesling: No report – pass.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: As the Director of Finance told you, originally our date was November 23rd which is today to have the budget in place. I've had two meetings with Director Wise and I spoke to the Mayor twice last week. They concluded I think today the final portion of the regular budget. It will come hopefully in the next couple of days to the Finance Committee. You'll receive a copy on is it Wednesday that you get your packets I think or the 10th?
Mrs. Kiesling: No packet.

Mr. Snyder: No packet? Oh then the following week you will get it. There is a copy of the temporary budget which handles the wages and the things that operate the City from January on. And as Mr. DeOrio instituted we'll continue to have a temporary budget as we work and we begin to dissect the budget in committee with hearings with the administration and the department heads. And I will say you know it seems to be the – the problem was obviously capital. It was a million dollars out of balance in capital. We are somewhat challenged in the capital but they did a nice job. The general fund was 81,000 over and they corrected that. So we'll receive it in a balance of income to expenditures at which time we'll begin to take it line by line and make our recommendations accordingly and hopefully sometime the last of January to early February we'll have that ready to adopt. It will be a close budget but we should get it done. And we'll try our very best. And that's it.

Mr. DeOrio: Is it the – what's the drill for December 1st? Is there no business meeting that night?
Mr. Revoldt: There is no business meeting.

Mr. DeOrio: Would it be possible that you guys could get it to us that we could pick it up December 1st when we're here?

Mr. Snyder: Are you speaking of the temporary or the permanent?
Mr. DeOrio: Permanent.

Mr. Snyder: I'll have that for you this week that you have – the committee.
Mr. DeOrio: Okay.

Mr. Snyder: That way it will give you time to work on it and we'll meet with a committee obviously here and we can go from there. Is that comfortable with you? Is that good?

Mr. DeOrio: I mean that just – yea, that's fine.

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Mr. Snyder: I mean we'll get copies to the other members but it would be a raw copy, there'll be changes made, but we'll make sure that everybody – we'll have it by then for you. That's all Mr. President.

Mr. Revoldt: Well for those of you who were anticipating a longer meeting this evening, I apologize. Mr. Snyder let me know prior to the commencement of our meeting that he is a fan of Dancing with the Stars.

Mr. Snyder: Yea, I just took ...

Mr. Revoldt: That program is reaching an important culmination this evening.

Mr. Snyder: Yea, I just took that up tonight.

Mr. Revoldt: And so under great deal of pressure to move the agenda we have – I'll entertain a motion to adjourn. And then we'll clear the chamber and then we're going to have - the Council is going to have an executive session for personnel purposes after this is over

ADJOURN:

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

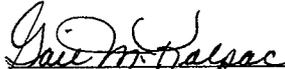
Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.

No: 0

The meeting adjourned at 7:42 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

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