

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Call to Order:

- 1. The council meeting was called to order Monday, June 22, 2009 at 7:07 p.m. by President of Council Daryl Revoldt.
- 2. The opening prayer was delivered by Mark Sherwindt, Zion Lutheran Church.
- 3. All present recited the Pledge of Allegiance.

Roll Call:

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

The following members of Council responded to roll call: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumbar, Director of Economic Development Bowles, City Engineer Benekos, Superintendent of Streets & Utilities Chufar, Rental Coordinator Raymond, Superintendent of Permits & Inspection Hampton, Fiscal Specialist Bruce, Fiscal Specialist Clugston, Fiscal Specialist Collins, Fiscal Specialist Lehman, Accounting Specialist Southworth and Clerk of Council Kaipac.

- 5. Consideration

Financial Statement – May, 2009
 Council Meeting Minutes – June 8, 2009

Mr. Revoldt: You have for your consideration minutes of the council meeting for June 8, 2009 as well as the financial statement for May, 2009. Are there corrections or amendments to those documents?

Mr. DeOrio: Mr. President, I would move that you approve as submitted.
 Mr. Revoldt: Do you have a second?
 Mr. Peters: Second.

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

- 6. Committee Minutes

Mr. Revoldt: We also have for our consideration minutes for the executive sessions for Finance & Property held on June 8th and Personnel & Safety held on June 15th as well as Community & Economic Development and Finance & Property committee meetings held on the 15th. Are there any corrections or amendments to those committee minutes?

Mr. Snyder: Mr. President, I move that we accept as presented.

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

Executive Session (Finance & Property): Please refer to the minutes on file in the Council Office for the Executive Session meeting for Finance & Property held June 8, 2009.

Executive Session (Personnel & Safety): Please refer to the minutes on file in the Council Office for the Executive Session meeting for Personnel & Safety held June 15, 2009.

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office for the Community & Economic Development Committee meeting held June 15, 2009.

Finance & Property Committee: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held June 15, 2009.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22

7:00 p.m.

20 09

7. Recognition of Visitors

Mr. Revoldt: By happy accident this evening we will have the opportunity to have the Mayor swear in our new Captain of Fire and EMS Department. So we – I'd like at this time to turn it over to the Mayor.

Mayor Held: Yes, thank you Mr. President. I'd like to thank everybody for coming here tonight. This is a special evening because we're going to be appointing a new captain to the Fire Department. And the reason we're appointing a new captain's position is because recently we recently appointed our assistant chief, which is Assistant Chief Feller who is also here in the audience. We established that position after it was vacant for a number of years and so now with Chief Feller's – Assistant Chief Feller's advancement we do have his position open, which is the position of Captain. The captain is really important because it does provide leadership to the Fire Department. We have full and part-time firefighters. And the captain is part-time but it's real important that when a call goes out that we have leadership on every one of those calls and that's really what the captain does provides support to our assistant chief and our full time fire chief. Tonight is I think probably even more special for me because the person that we're going to appoint is Rich Rhodes. And Rich the first time I met him was actually my first visit to North Canton back in 1984 when we wrestled each other in high school in the Hoover High School Holiday Invitational Tournament. And so I met him over at Hoover High School and it wasn't one of my best evenings that night because when Rich stands up here you'll see he's a little bit bigger than me and so that was really - kind of dictated what happened that evening. And so when I came back to North Canton which was about 20 years later to serve as the administrator we were standing right here in this room and I recognized his face. I didn't know that he worked for the city at the time. And he was sitting right here – actually I think probably even in the same seat that he's in now because he was working for the Street Department. And you know you never forget a face when you go through an experience like that when you get beat that badly. And so I told all the workers and employees there there's one face that I recognized from 20 years ago and if you ever have any problems with me you can just probably go to Rich Rhodes and he'll take care of the guy. So with that in mind what I'd like to do is take a moment and we're going to swear in Rich Rhodes. Rich, if you don't mind standing up here and Chief come right over here. Inaudible... I told you he was bigger than I was. When I first did my swearing in we had Justice O'Donnell that did it, but he went through it so quickly that I know that I didn't repeat every word and that was my first term. So I'm not sure that I was quite legal on my first term but I know I did it properly the second term. So I'll make sure do it nice and segmented Rich. It is hereby that we are going to swear in Firefighter Captain for the North Canton Fire and EMS Department, Rich can you raise your right hand.

Mayor Held and Richard L. Rhodes: I, Richard L. Rhodes, do solemnly swear that I shall support the Constitution of the United States, the Constitution of the State of Ohio, and the Charter, Ordinances and Resolutions of the City of North Canton, Ohio; and that I will faithfully, honestly and impartially discharge the duties of a Firefighter Captain for the City of North Canton Fire and EMS Department. And this I do as I shall answer unto God. (Applause)

Mayor Held: The pressure's on. I know he did whisper to me by the way ...inaudible... me. You know that's true, that's only time - the only chance I've ever had to pin him.

Mr. Revoldt: Alight, thank you very much. Let's move on then to recognition of visitors. The first visitor I would like to call to the podium is Mr. Albacete. Mr. Albacete, welcome. If you would step forward to the microphone and state your name and address for the record.

Mr. Albacete: Yes, President Revoldt, Mayor Held and members of the North Canton City Council, I am M. J. Albacete. I'm a North Canton resident with my wife Pat for 20 years now and I'm also the Executive Director of the Canton Museum of Art, I've been there since 1975. I'm pleased and honored to be here tonight and to have this opportunity to present a concept to the North Canton City Council for youth activity which I think you will find educational and exciting and at the same time it will live up to your expectations, your requirements. The project in question is based on a concept I call geo art. It's a program I developed over the years which has been tested with great success in many schools and in many other venues. To describe it briefly I've asked to pass some pictures around of one of the projects which you can see. We begin by using corrugated board – cardboard pieces that have been specially cut for us in specific sizes. These use materials that are between 45% recycled material and 100% recycled material. These pieces are cut into various geometric shapes and I won't test you on this, equilateral triangles, squares, isosceles triangles, pentagons and hexagons; enough of the geometry lesson. Using these various shapes and using two inch cellophane tape we guide students in the assembly of geometrical forms which can be as large as four and a half feet in diameter. These are big creations. The forms have the appearance in one

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

instance of a twelve pointed star or of a giant soccer ball which is the one that is illustrated in the photographs there. And before beginning the project the group of students, generally students are of the ages 3rd, 4th, 5th grade that are learning a math and geometry in the classroom, they're briefed on what these shapes are, how they're designed and why they are important. If younger students are involved there is an artistic component of the project since the cardboard we use is white and it's ideal for the application of colors, paints, gluing paper on it, photographs, whatever. Younger students can decorate the pieces and the older students can use them in construction. The finished geometric constructions are very attractive and can be kept in the classroom or they can be put on display, they can be hung from the ceiling. They look like Christmas stars so churches can use them as decorations. Students will also be provided with printed materials on how they can make these designs on their own using, under school or parental instruction, using poster board. They can also use discarded materials like cardboard boxes, cereal boxes, etc., at home and at school to create these on a smaller scale. Math and geometry teachers will find that the projects tie in with curriculum requirements, recycling ideas and will also reinforce classroom instruction. To get really academic for a moment these models are not just artsy gimmicks or toys, but are part of the geometric series known as the platonic solids and the arcamedium solids. So they're very important in the classroom. I should mention that these constructions are attractive media devices, very photographic and press people like to take pictures kids putting these things together. They're attractive - they attract consider - considerable spectator attention. The students can even invite their parents to get involved in the assembly. When the project is ended and the geometric shape is no longer needed it can be dismantled and put away for reconstruction at another time or it can be collapsed and recycled as a pure paper product, not just thrown away or burned. With a grant of \$2,500 we could have a sufficient supply of these cardboard pieces for us to - cut for us at a very reasonable cost. We already have the dies. The dies have already been available so they would not have to be made. It would be possible for us to do as many as 10 or 15 projects involving 8 or 10 or 12 students on each project. For larger groups or at a public event we can do two or three assemblies at the same time with a different design project for each group. The activity and the end result are spectacular and exciting. As well these projects can be done outdoors. They can be done for special occasions as part of an arts fair, as a church project, boy scout, girl scout activity or any other applications. Even a group of adults can be involved. And each project would acknowledge your support. We would begin the project as early as you wish and continue it as long as the grant holds out with complete fiscal accountability. If you have any questions I'd be happy to respond to them and certainly am available at the Canton Museum of Art. Thank you.

Mr. Revoldt: Jon.

Mr. Snyder: One thing Mr. President, one of the requirements, as you know on our agenda tonight is the - allow the Mayor to go out and request bids from the Solid Waste District for recycling grants. One of the components parts to continue the grant is an educational component. We're bound to form some type of educational partnership ...inaudible... private sector or through the schools or some way that we can educate people in the use of recycled product and in recycling. So we do have to in order to maintain our eligibility for these grants we are compelled to have some type of educational component. And this does take the children into consideration as you know whether it be a summer program for children or latch key kids in the fall, I'm sure Mr. Albacete can work all that along with the Mayor's Office. But as I will caution you we do need that some form of educational component.

Mr. Revoldt: Mayor, you may want to address the...

Mayor Held: Yes, what we did is the City of North Canton does have funds available that we applied for in previous years - grant money from the Solid Waste District. And we do have a grant agreement. There's a number of stipulations that have to be met in order for the expenditure of those funds and really for the most part it's to make sure that you're promoting recycling and providing education on recycling. And what I've asked is that the City Administrator take a look at the grant agreement and anything that might not be very - might not be as specific in the grant agreement we can just send a letter down to the Solid Waste District and get that approval. But as long as we have City Council - a resolution from City Council I don't really see a problem in moving ahead.

Mr. Revoldt: And the resolution would state that some of the recycling funds be directed to support this specific purpose.

Mayor Held: That's correct.

Mr. Revoldt: Doug.

Mr. Foltz: I think it's a great idea if we apply for it and it meets the criteria we should go ahead with it.

Mr. Peters: Yea, it's a good idea.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. Revoldt: Jeff

Mr. Davies: That's fine with me.

Mr. Revoldt: Pat, Marcia.

Mrs. Kiesling: It's great.

Mr. Revoldt: Now how much money do you see being required?

Mr. Albacete: We had indicated 2,500 which would get us probably through about 15 projects. We could probably do more having a good supply of the materials there's a chance of doing more than that. But that would get us started on a pretty wide scale project. We'd also be happy to work with some of the people in the recycling business to find other applications and other ways of implementing this so that the message is made even stronger to students in areas that we may not even know about at this time.

Mr. Revoldt: Would – well you've talked about geo art would it be possible to use some of these recycling – some recycled materials as other art forms? For example, let's assume you used glass for mosaic purposes, is that a possibility.

Mr. Albacete: It is indeed.

Mr. Revoldt: Dangerous perhaps but...

Mr. Albacete: We would have to get the right people handling ...

Mr. Revoldt: Got it.

Mr. Albacete: the glass items or items that might be dangerous to students.

Mr. Revoldt: Right.

Mr. Albacete: Or getting adults who do art work who could actually do glass creations. Yea, they make gorgeous devices.

Mr. Revoldt: So this really is what we're talking about using paper now for these geometric structures it may lead to something else.

Mr. Albacete: On a smaller scale kids could also take the lesson plans that we give them, they could go home and get cereal boxes and rather than just throwing them in the trash they could cut them out into geometric shapes and once they know the formulas they go crazy over this. I've had teachers tell me that four and five weeks after we've done sessions like this in the schools the kids are still making them. So it's very well reinforced.

Mr. Revoldt: Mr. Snyder I assume you'd like a resolution.

Mr. Snyder: Yes sir I would.

Mr. Revoldt: Okay. Randy.

Mr. McFaren: Will do.

Mr. Revoldt: E. J. would you run the traps on this we'll proceed.

Mr. Wise: Yes sir.

Mr. Revoldt: Okay.

Mr. Albacete: Thank you very much.

Mr. Snyder: You're welcome.

Mr. Revoldt: Thank you. I have your photographs.

Mr. Albacete: Okay, I'll get them. Are you done?

Mr. Revoldt: I am. Let's continue with recognition of visitors. Is there anyone else who wishes to address the Council at this time? If so please step forward to the microphone and state your name and address.

Chris Leaman: Hello. My name is Chris Leaman and this is Gayle Bruce. And my address is 7750 Brittany Avenue NE. Where do you live?

Gayle Bruce: 5821 Lake Cable NW.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Ms. Leaman: Okay. We're here this evening - we stand before the Mayor, Council and Administration and we're here to represent the Finance Department which represents the city - the great City of North Canton. Our group only contains seven people in our union and we are loyal and respectful employees and we know and understand the financial bind the city is in and the tough times that we still have to go through. We don't come here on council floor to put blame anywhere or have any malice of any kind, we come to speak to you in reference to fairness and why we feel that our options for our contract should be reconsidered from the last reading. There was an issue in there about retro pay back to 1/1 of 09, that was turned down from the council. And we feel that the reasons why we should be entitled to this is because the Finance Department has lost two full-time positions and one part-time position and we still continue to get all of our work done on time, efficiently and done with the highest of excellence and there's a lot of plaques on the Finance Director's wall to prove those - those facts. We rarely take breaks on any given day and we have less than \$200 a year in overtime for the entire department. We started our negotiations with the City on December 18, 2008. After that meeting we were told that our Finance Department would be compensated for a 40 hour week and that it would fit within the budget. We wanted to be compensated for a 40 hour week because everyone else in the city is compensated for a 40 hour week and the COBRA rates were going up and when we were only working 37-1/2 we were paying the same amount of COBRA with less of an income compared to everyone else. Anyway after month after month went by and we waited for our increases in our paychecks we didn't get them. After many emails and questions we were told we couldn't be compensated for that time because we didn't have a signed contract. If we'd of been informed of that - wait a minute I'm getting ahead of myself - when we were then - okay, informed that the first - okay - hold on - you have to type all of this don't you - okay, we needed a signed contract. But then we were informed that the first draft of the contract from December 18th, had not been submitted to Council until April 27th. At that meeting the contract was turned down and council wanted us to work the 40 hours to get paid for the 40 hours. Had we of known that back in December we would of worked those 40 hours so we could have been compensated for those but due to the delays and emails and all the miscommunication we didn't get that option. So we feel as a union, due to no miscommunication and long times lapses through different things that have happened which we have details for you we'd like to hand out, we would just ask you to reconsider the option of retro pay back to January and we would like to start to work the 40 hours per week. Now that's the detailed list of emails and meetings and pretty much what we had to go through. And I don't know if you want to go over it and read it one by one, I don't really think you want to now, but maybe take it back with you to reconsider.

Ms. Bruce: This is why we had our contract tabled for two months.

Ms. Leaman: So that's all I have. Do you have any questions?

Mr. Revoldt: Does - on the advice of counsel we should not be negotiating in public forum. As we have agreed, negotiations will occur between our designated representative and our employees. However, if anyone has any general questions they would like to ask or statements they would like to make that would not constitute negotiations please feel free to do so. Please understand that our hesitancy to speak on the record is a reflection of advice from our attorneys and not a lack of interest. So we will have an opportunity in a moment to remove from the table that document. So...

Ms. Leaman: I guess we just wanted a chance to be here and in front of you so that we could verbally just communicate directly to you.

Mr. Revoldt: Let - when you return to work tomorrow and I think everybody - just about everybody is here, but for those who are in the audience who generally do not have contact with our Finance Department, they're arguably some of the most conscientious and dedicated workers that we have. And we do appreciate the effort and the diligence that they display every day. Not to mention the usually friendly greeting when you appear at the counter - so - which is terrific in a world that placed a great deal of emphasis on customer service. So it is appreciated.

Ms. Leaman: Okay, thank you.

Mr. Revoldt: Are there any other questions or comments? Okay.

Cindy Collins (speaking from audience): Are we allowed to comment?

Mr. Revoldt: You may when you're recognized by the Chair and that begins after these two have concluded their comments.

Ms. Leaman: Okay, we're done.

Mr. Revoldt: You may resume your seats. Is there anyone else who wishes to speak on this particular subject? Please step forward to the microphone.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC., FORM NO. 10148

Held Monday, June 22

7:00 p.m.

20 09

Cindy Collins: My name is Cindy Collins and I'm going to tell you up front I stutter when I get nervous so you might hear two or three words the same words three times in a row.

Mr. Revoldt: So does the Council President.

Ms. Collins: Good. My address is 5516 Aspen Valley NE, North Canton 44720. The only comment I have to make is I know we are always supposed to speak that the attorneys are to be in contact with each other. We have not received hard copies. You pay Mr. Tscholl a lot of money to represent you and I don't think he's doing his job with our attorney. Now we've paid our attorney, we thought we were done with our attorney. He had been paid off. He's been called back. We don't know what this portion is going to cost our small union which represents seven people so you can imagine what our bank account is which is a very small amount. I really feel that Mr. Tscholl and the Administrator and Mr. Beck should be speaking every day. There should be hard copies. We never received a hard copy on what you had decided last week at your executive meeting. We were informed by Mr. Beck on Friday afternoon what was said between what you guys had come back with. There was no hard copy ever given to us. Two people were missing from work they had to be phoned at home to see what they decided on. We didn't know till today that we had to have this tabled or you would of probably passed this and it wasn't what we had asked for. So I really feel that it's important that Mr. Tscholl get with our attorney and both of them get together and let us know as a union that - or what's going on. It's not fair. We've been working on this for six months now and it's crazy. It's just absolutely out of control. And some people have been here 30 years and have never been through this before and how disorganized this contract has been. That what we started out with is not what we finished up with. And you didn't even get a chance to vote on what we started out with and deny us and that was back in December. We were excited, we were thrilled to death and January 29th we started marking our timesheets with eight hours. And I'm not going to go on and on cause I could be here till probably Friday morning telling you exactly what's going on. But I hope that this meeting will bring us together more, the attorneys will talk because we are not allowed to talk to anybody but our attorney and he's left out in the cold and we need to get this over and resolved. Thank you.

Mr. Revoldt: Thank you. Is there anyone else who wishes to address the council regarding this matter? Let's move on then. Thank you very much. Let's move on to other subjects of public interest. Mr. Osborne.

Chuck Osborne: Mr. name is Chuck Osborne. 307 Fairview Street SE, North Canton, Ohio. At last Monday night's Council of the Whole meeting, there was a discussion under the Community and Economic Development Committee, Chaired by Marcia Kiesling, to ratify a Construction Management Agreement appointing Maple Street Commerce as manager and construction agent for the City of North Canton. This agreement will allow Maple Street Commerce to oversee the expenditure of three million of Ohio's Job Ready Site funds that were recently awarded to the city for the North Canton Hoover Campus Redevelopment Project. I have a number of concerns. For me this agreement is little - a little like letting the fox guard the hen house. There should be qualified and independent oversight of the expenditure of the millions of dollars of public funds that are being made available to Maple Street Commerce a private developer. There is no such requirement under this agreement. Another concern is that I do not believe the city's Economic Development Director, Eric Bowles, should be thrust into the role of project manager as outlined in this agreement. I do not feel Mr. Bowles has the necessary academic credentials or experience in construction management to manage the depth, breadth and the complexity of a project of this size. Furthermore, Mr. Bowles should not be placed into the position of good cop bad cop and that is exactly what you are asking him to be. How can the economic development director of any community be asked to promote and market his community to business interests and then oversee enforcement and compliance by those same business interests that locate into the community? Wearing two hats in this manner diminishes the effectiveness of each position and presents conflicts of interests. Has anyone ever seen a single real estate agent represent both the buyer and the seller in a real estate transaction? The discussion last week to allow Maple Street Commerce to be manager and construction agent for the city is on tonight's agenda as Ordinance No. 56-09 and is slated for passage on an emergency. Do the health and welfare of the city or of its citizens require immediate passage of this legislation tonight? I believe the health and welfare of the city and its citizens would be better served if this legislation were discussed further and passage not rushed. I applaud my 3rd Ward Councilman, Councilmember Jeff Davies, for urging last week that the legislation have at least one additional reading before final passage. Mr. Revoldt, I did not care for your heavy-handed tactics when you replied that the legislation was going to be passed tonight. I wonder how closely every member of this council has read through the agreement. Though some council members asked questions last week, it appeared to me that it was easier for some council members to coast along and rely on the Law Director's legal craftsmanship of the document to protect the city and its taxpayers. I would encourage every council member to closely review the Construction Management Agreement and then read the Phase I Environmental Site Assessment Report for the Hoover Company Campus Facility. Why are the concerns of the Phase I Environmental Site Assessment not addressed in the Construction

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Management Agreement? Page 6 of the environmental assessment states that there is substantial asbestos presence on the site and it is deemed an environmental concern. Page 39 of the environmental assessment recommends that a new owner, occupant utilize an asbestos management plan when conducting any building renovation or demolition. Not surprisingly, there are many environmental concerns noted in the Phase I Environmental Site Assessment at the former Hoover facility and there are recommendations made that deal with each of those concerns. Why are these concerns not addressed in the Construction Management Agreement? Who is going to ensure that those concerns are addressed? Who has the expertise to judge if those concerns are handled properly? Will Maple Street Commerce choose to spend grant funds to implement management plans for asbestos, lead paint, concrete, groundwater and other environmental issues as recommended in the Phase I Environmental Site Assessment Report over spending funds for planned renovations? Who will ensure that they do? I can not see the Held administration standing up to Maple Street Commerce and demanding that environmental issues be remedied over planned renovations. I do not see Maple Street Commerce alleviating environmental issues without a contract stating that the environmental issues will be remedied. Any construction management agreement that is put in place needs to address environmental concerns as well as construction oversight with total objectivity. I urge that this council not to rush passage of this legislation and to implement an agreement that truly safeguards the city and the taxpayers. Also, the sources and uses statement in the grant application and approval specify an elevated pedestrian crossing. Mr. Bowles had conceded last week that that has been removed. I think that also should be in the Construction Management Agreement noting the fact that the state has refused to provide funds for that and that is not going to be constructed. And there should be some note in there that we're not going to turn East Maple Street into a slalom as was depicted in the famous map.

Mayor Held: Draft.

Mr. Osborne: Thank you.

Mr. Snyder: Mr. President, a privileged question if I may.
Mr. Revoldt: You may.

Mr. Snyder: Correct me if I'm wrong. In last week when we debated this at length the monies that have been given to us by the state are to be managed are spent by the developer. The bills are sent to us for reimbursement to what work they did. It's very explicit and very specific as to what the state will pay for and will not pay for. They're into I think the term was used "bucket". Am I correct in my - the colloquialism is called a bucket? Yea, so much money is assigned to each particular individual...

Mr. Bowles: Line item.

Mr. Snyder: Line item. So the monies could not be taken and moved from one line item to the other unless they are approved by the City of North Canton and by the reimbursement mechanism with the State of Ohio. So if they choose to spend their money on something that is not appropriate or been pre-approved there's no reimbursement for that money. Is that correct?

Mr. Bowles: That is correct.

Mr. Snyder: And the state is the ultimate safeguard of the people's money as to whether it is to be reimbursed or not to be reimbursed. But our job is not to oversee the actual quality of construction or actually who is assigned to do the construction but the administration of the funds for reimbursement purposes only and at the guidelines set out by the JRS Grant are followed explicitly set out by the State of Ohio Department of Development.

Mr. Bowles: That's correct. The building issues will go through their normal inspections with the Superintendent of Permits and Inspection, individuals from the state as well as the Fire Department.

Mr. Snyder: And should there be any contamination either be it via the oil or asbestos they're responsible both to the State of Ohio and the City of North Canton under our subdivision and building regulations. It has nothing - that's opposite of what they can - there's no line item in there that allows for abatement or remediation of any type of contaminant. Correct?

Mr. Bowles: Correct.

Mr. Snyder: Nor could they do - if they would spend the money it would just money spent at their own peril.

Mr. Revoldt: Un-reimbursable.

Mr. Snyder: No reimbursement. Thank you Mr. President.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. Revoldt: Alright. Is there anyone else who wishes to address the Council regarding this matter? Very good. Let the record show that at the last council meeting interested parties were instructed to address questions to Mr. Bowles and Mr. McFarren and I believe that those interested parties constitute a quorum of two. That would have been Mrs. Magel. I believe you received a call from Mr. McFarren, had a discussion with him. Correct? Mrs. Magel is answering "yes". Mr. Bowles I believe you spoke with Mrs. Magel as well.

Mr. Bowles: That's correct, yes.

Mr. Revoldt: Did anyone speak with Mr. Osborne? So we have not heard from Mr. Osborne during this week when these critical questions have arisen. Mayor...

Mr. Osborne (speaking from audience): That is actually untrue. I spoke with Mr. Bowles Friday.

Mr. Revoldt: Excuse me, you have not been acknowledged by the Chair. Did you speak with...

Mr. Bowles: Not on this situation, it was regarding a public records request.

Mr. Revoldt: Okay.

Mr. Osborne (speaking from the audience): Asbestos ...inaudible... asbestos.

Mr. Bowles: Oh I take that back, I take that back. We did have a discussion about asbestos which I explained the situation from the company that prepared the Phase I.

Mr. Osborne (speaking from the audience): May I make a comment?

Mr. Revoldt: Ah excuse...

Mr. Osborne: Mr. Bowles I asked you about the significance of asbestos over there. And your reply to me was the only asbestos you were aware of was on the shingles on the roofs. The Phase I that you submitted to the state talks of significant asbestos throughout the facility. So that's what we talked about. So we have a discrepancy but you know the - between what you told me on the phone that the asbestos was...

Mr. Bowles: Mr. Osborne, what I told you on the phone is I had conversations with the gentleman PHD person with the company that prepared the Phase I. And to elaborate a little more on that the asbestos that's in the plant is the 12 by 12 and 9 by 9 tiles. Which by the way the asbestos as I understand is still manufactured in those tiles today. I told you that there was some asbestos in the roofing materials. Today the gentleman indicated to me in a further conversation that the asbestos in the thermo wrapping in the tunnels and above the ceiling tiles is in very good condition, so there was no concerns. Plus the Hoover Company did an asbestos study as I learned today a number of years ago. So right now the company that conducted the Phase I has no concerns regarding asbestos.

Mr. Revoldt: Alright, Mr. Osborne...

Mr. Osborne: Well I didn't bring it all with me, but here's the recommendations on page 39. Mountain Sky Group, which by the way is a partner of IRG located in Louisville, Colorado, recommends that the Hoover or a new owner occupant utilize an asbestos management plan when conducting any building renovation or demolition. If they do so they should eliminate any risk from asbestos exposure. There's another page and I don't have the entire report here with me, but they describe asbestos located in many areas the floor, window, caulking materials, throughout the plant and they called the environmental concern significant. At any rate who's going to be looking at the environmental issues here, looking over their shoulder and make sure it's cleaned up because they're disturbing all this material. Yes, the report talks about some of it being in good shape but if you start tearing all of this out and disturbing this they recommend a plan. For concrete, if you disturb concrete, you cutup concrete, they want you to check the concrete, check underneath the soil, if there's all kinds of fluids they list all kinds of toxic materials that have dripped down these crevices, possibly gotten into the soil. This should all be monitored by an independent agency while the demolition and construction is going on and none of this is being addressed.

Mr. Bowles: Mr. Osborne, the words they used in here say and the building materials that you referenced it goes on to say, "...during the course of the onsite inspections MSG inspectors observed siding, thermo system insulation, floor tiles and other sheet flooring, roofing materials, window sill caulking, dry wall mud, transite building siding and ceiling tiles, which are building materials that may contain asbestos..." And I don't see the word significant in here.

Mr. Osborne: Well it is in there...

Mr. Bowles: Well ...inaudible... the page because I'm not finding it.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. Osborne: Anyway before you vote on this council needs to be thoroughly familiar with that Phase I assessment. Spend the week at least one more week, get a copy of it and flip through it and start reading it and make yourself a little more educated on the issue before you vote. That's all I'm asking. Why would you vote on a plan which gives the developer total access to the funds and to spend it and put it where he wants it without knowing what he's disturbing, what pollution he could uncover over there during all this demolition. Just read the Phase I assessment so you know what you're looking at. Thank you.

Mr. Revoldt: Alright. Is there anyone who, before we continue, first of all let me address a couple of issues. Chuck, you have the celebrated ability to mischaracterize and misstate situations. And tonight was - I give you great credit, it was one of your tour de forces. The fact of the matter is the State of Ohio first of all provides oversight for this grant. It will pass through the City of North Canton and...

Mr. Osborne (speaking from audience): From Columbus looking at paperwork.

Mr. Revoldt: Chuck, Chuck, I believe I did not interrupt you and I would appreciate same modicum of courtesy. The State of Ohio is the bonified, legitimate instrument of oversight for this project, A. B is environmental issues at this site were well disclosed to the buyer prior to closure and well characterized. The fact of the matter is while this agreement deals with the disbursement of funds, state and federal regulation are abundant with restrictions regarding the removal and adjustment of hazardous materials. It does not need to be in this particular document. The fact of the matter is Chuck, this particular company has historically demonstrated a very conscientious method to deal with old industrial sites. One need only look at Canal Place and the AES ware - AES facility to know that this company has the ability to deal with hazardous materials found...

Mr. Osborne (speaking from audience): Look at what's going on out in Downey, California.

Mr. Revoldt: Chuck, now you demand that you be treated with respect. You have...

Mr. Osborne (speaking from audience): You're misconstruing everything.

Mr. Revoldt: Chuck, I'm asking that I can speak without interruption. Do you find that objectionable?

Mr. Osborne (speaking from audience): When you get done I'll rebut.

Mr. Revoldt: When you're recognized by the Chair.

Mr. Osborne (speaking from audience): So you control everything.

Mr. Revoldt: I do. I'm the President of Council and I've given you more than five minutes per our requirements to make your case and in return I expect the same level of courtesy. Now this company has demonstrated its ability to operate within the regulations both state of federal. The fact of the matter is this council has had a week to pose additional questions. It may elect not to proceed tonight, that is its call. My preference was to bring it for a vote, but the council makes the decision. Now is there anyone else who wishes to speak on this particular matter? Mr. Flaherty, please step forward to the microphone, state your name and address and the nature of your business.

Mr. Flaherty: Yes, my name is Bob Flaherty. 101 East Maple Street. I represent Maple Street Commerce. My colleague Deb Harrell.

Ms. Harrell: And I'll list the same address. Thank you.

Mr. Flaherty: It's interesting - I will say this one point to each and every member of this council, we buy industrial properties that are old and in many cases decrepit. We comply with the rules and regulations and the laws of this country, the states where we operate and we do that better than anybody else in this business. And I find it personally objectionable that I've got to come here this evening and listen to somebody talk again about negativism in this town. And it's unfortunate that this individual has the Chair. And yes, he's right behind me. But I want to thank this council for what ever you do. What we are trying to do over there I think is a banner project. It is going to receive national recognition. Are you aware of that? We are doing some really good things with this project thanks to the people that are sitting here. I really feel sorry that you have to put up with this at every council meeting. I'm done. Thank you.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC., FORM NO. 1014R

Held Monday, June 22 7:00 p.m. 20 09

Ms. Harrell: And just a couple of more words. I've spent the last eight years of my life working on a super fund site - three thousand acre super fund site now known as McCollum Business Park. The federal government has entrusted IRG with the ability to do part of the cleanup knowing that we can do it more efficiently and less expensively than they can do it. So we already secured 60 acres of that site that we're going to clean personally and they've given it to us. Now if the federal government trusts us with their obligation to clean that super fund site, I think that we can certainly do that in North Canton. And as Bob said, we do comply with law and you know we're obligated to do so. So I really don't know why - this is a waste of the Council's time frankly.

Mr. Revoldt: It's democracy. Are there any questions for either Mr. Flaherty or Miss Harrell? We appreciate you time this evening if there are none. Excuse me, Mr. Snyder.

Mr. Snyder: Mr. President, again, I think we're mixing apples to oranges here. This is a grant application that we're to administer. It's solely you know incumbent on us that we take whatever due diligence we need to to administer this grant. Possibly to remove the cloud and we - and on behalf of the city and our council, we must apologize to our good corporate citizens at IRG that we've got ourselves in this quagmire. But maybe you because I know you have a lot of friends and associates at the Department of Development, let's do one reading tonight and possibly you could get us a letter stating that our only responsibility is to administer the reimbursement only. We have nothing to do with the actual construction, who they choose and so forth and then we can move ahead. Is that possible?

Mr. Revoldt: I think that would be a ...inaudible...

Mr. Snyder: That way it would eliminate any black cloud that's left on the top of this council or anybody and get back to what we're supposed to do and that's administer the grant, not determine who's going to remove the asbestos.

Mr. DeOrio: Mr. President, if I could interject before you make a recommendation as to what you want to do. I think we should - and I do have some questions and stuff I want to save mine until we actually get to that item on the agenda.

Mr. Revoldt: Right.

Mr. DeOrio: But as it relates to this specific instance of Member Snyder trying to bridge the gap here and get us another week to look at it. My concern is that what happens on the back end of this from the time management standpoint. This is the 22nd of June, we don't have a meeting as I understand it scheduled for ...

Mr. Revoldt: Until July.

Mr. DeOrio: until July because the 29th is the fifth Monday of the month.

Mr. Revoldt: That's correct.

Mr. DeOrio: And the July meeting is a Committee of the Whole. That gets us down to you know trying to schedule something on a special basis prior to the break. And I have grave concerns about putting even just you know - I want to say it the right way, I don't want to slam the breaks on on something where it's really not necessary. Because I think what it could end up doing is causing some problems for this project to continue moving forward, gaining the national recognition. I think there would be more harm to the city if a snag developed as a result of delay that may not be necessary and causing us a more difficult situation that the administration's trying to redevelop parts of the city. So I would say before we make a decision on that if we might actually go through the item on the agenda, have some more discussion about it.

Mr. Revoldt: Duly noted.

Mr. DeOrio: Kind of see where we're at that time.

Mr. Revoldt: Is there anyone else from the public who wishes to address this issue? Mr. Smith.

Randy Smith: Randy Smith representing the North Canton Chamber of Commerce. I'm the Chairman of the Board for the North Canton Chamber. I think it's 121 South Main Street. Just a few comments regarding environmental issues. I work as a commercial banker during the day and one of the things I've noticed is that I've probably looked at about 100 environmental site assessments in the years I've been in banking. One of the things they always say as they do them is they state at the end whether there's a recommendation for a Phase II or something if further work needs to be done. One of the things I'd ask Eric is that did they make any recommendation for a Phase II?

Mr. Bowles: No.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. Smith: No. Any of the environmental experts that do these assessments on properties they bear a responsibility when they do this that they have to be extremely thorough. They measure their words carefully and one of the things they do is at the end of their executive summary they always state – make a statement about recognizing environmental conditions. And so in light of this if I would of received a report like this as a commercial banker I would of looked at it and in light of the fact that it was an acceptable Phase I and the fact that they don't recommend anything further is a very good sign. We also recognize on properties of this age with the Hoover Company a lot of this stuff is very common. And a lot of times because people don't fully understand all the history so they make statements that are very vague or very generic like that so they're being cautious. But at the same time it's very well understood that these type of properties, because of their history, have you know things that aren't fully known. But they do examine them very thoroughly and they use a great deal investigative skills and services to accomplish that. So anyway I'd just say that from the Chamber's prospective we would look at something like this and say hopefully we're not looking at this and saying that this is a reason to slow down any issues because obviously this appears to be a very solid project, especially from an environmental standpoint. So...

Mr. Revoldt: Thank you.

Mr. Davies: Daryl, may I say something?
Mr. Revoldt: You may.

Mr. Davies: Because I made the comment about a second reading. Ms. Magel you got all your questions answered? Because you had said at the last meeting you know you hadn't had time to really go through the agreement.

Mrs. Magel (speaking from the audience): That's one of the reasons why I had my hand up.
Mr. Davies: Well why don't you come up.

Mrs. Magel: I also spoke to
Mr. Davies: Alright, that's fine.

Mrs. Magel (speaking from audience): I also spoke with Mr. Benekos so I got the ...inaudible... from there.

Mr. Revoldt: Thank you.

Mrs. Magel: That's okay I'll come up ...inaudible... I got a shot today so. I'm okay. Yes, I spoke – Mr. Benekos returned my phone call. I believe Eric returned my phone call or I called him a second time. And Mr. McFarren was kind of enough to call me over the weekend since we had conflicting schedules. And I did get the questions answered. I guess the only comment I have was there is an executive summary to that Phase I report. After that Phase I report on that environmental and there were some recommendations and maybe you should take some time to read it. I found it quite interesting. So it did go further than the Phase I, it did go into the executive summary. And I thank you for allowing me to speak. And I hope it's not construed if somebody comes up here and says something negative that they're bad. So thank you very much.
Mr. Revoldt: Thank you.

Mr. Davies: No, what I wanted to say was when I made that comment you know Ms. Magel had made her comment but questions have been answered other than Chuck on his environmental issue which I don't think has anything to do with this agreement. But there haven't been other questions. Nobody else has come forward to say they need more time to read over it and so forth. So I have no problem with going ahead with it.

Mr. Revoldt: Let's – let me take Mr. DeOrio's suggestion, we'll continue the discussion of this ... amongst ourselves when we come to it on the agenda. Is there anyone else who wishes to address the Council at this time regarding this matter? Mrs. Burnett.

Suzanne Burnett: Please get on with it. Vote to do it and let's end this bickering with Mr. Osborne.

Mr. Revoldt: Thank you Mrs. Burnett.

Mr. Osborne (speaking from audience): One final comment Daryl.

Mr. Revoldt: The Chair does not recognize you Mr. Osborne. Let's – is there anyone else who wishes to address the Council? Let's move on then to new business as we have no old business.

OLD BUSINESS:

8. None

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 1014R

Held Monday, June 22 7:00 p.m. 20 09

NEW BUSINESS:

9. Mr. Revoldt: We have and has remained tabled Ordinance 42-09. Mr. Peters.

Mr. Peters: Yea, Law Director, Administration are we...

Mr. Wise: Well at this point Council did get the contract that had the strikeout and the bold changes from the previous contract. I don't remember the date I gave it to you, it was last weekend or last Monday or Friday before last weekend, you got it before the committee meeting. That was the same document that was given to the Union on May 28th. I presented to Council that document, we had a discussion about that, the results of that discussion were relayed by Mr. Tscholl and myself, then later last week to Mr. Beck. It was very clear what Council had talked about. Those things were relayed to Mr. Beck the counsel for the union. My proposal is that Council take action on this contract this evening. You can approve that. It's a tentative improvement that's – you have to agree to it at some point. If you vote to take action on it the union can vote to approve or disapprove it. If they vote to approve we have a contract. If they vote to not approve then we take the next step whatever that may be. That's my recommendation at this point.

Mr. Peters: Okay so the document we've already looked at is the one that was submitted to them?

Mr. Revoldt: Are we going to change it?

Mr. Peters: Any other comments from Council?

Mr. DeOrio: You're not going to discuss that in public, right?

Mr. Revoldt: We are not.

Mrs. Kiesling: Yea, I mean how do we even talk about it.

Mr. Peters: Okay.

Mr. Revoldt: If – alright, would your pleasure be to remove this from the table and adopt it pursuant to the administration's recommendation?

Mr. Peters: Yes.

Mr. Revoldt: May we have a motion to remove Ordinance No. 42-09 from the table?

Mr. DeOrio moved and Mr. Peters seconded to **remove Ordinance No. 42-09 from the table.**

Mr. Revoldt: May I have a motion to read – oh excuse me, Clerk.

All members present voting:

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

No: 0

Mr. Revoldt: May I have a motion to read by title only, first reading of Ordinance 42-09?

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 42-09. all members present voting:

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

No: 0

Ordinance No. 42-09 – 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) and declaring the same to be an emergency.

Mr. Peters: No further comment.

Mr. Revoldt: May I have a motion to adopt the first reading of Ordinance 42-09?

Mr. DeOrio moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 42-09.

RECORD OF PROCEEDINGS

0271

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. Revoldt: We just read it.

Mr. Snyder: I understand but what are you adopting? They haven't signed it you haven't ...inaudible...

Mr. Revoldt: We have the document. They haven't signed it but we're approving what we have.

All members present voting:

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

No: 0

Mr. Revoldt: Do you have a motion to suspend the rules for Ordinance 42-09?

Mr. DeOrio moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 42-09.

All members present voting:

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

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 42-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 42-09.

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

No: 0

Mr. Revoldt: Alright, Clerk tomorrow morning would you please prepare seven copies of this completed ordinance and the attachment with the contract which is now a public document. Please provide that to the Director of Finance for distribution to the personnel. We have adopted it. Would you also, Mr. Peters, would you consider placing on the agenda, after consulting with the Law Department, the additional salary matter which was discussed?

Mr. Peters: Yes.

Mr. Revoldt: For the next Council of the Whole.

Mr. Peters: Yea.

Mr. Revoldt: Director of Finance would you please work out a formula pursuant to those conversations?

Mr. Zumbar: Yes sir.

- 10. Mr. Revoldt: Are there any other questions regarding this matter? Seeing none, let's move on to Item 10, a motion to read by title only, first reading of Ordinance No. 56-09.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, first reading of** Ordinance No. 56-09. All members present voting:

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

No: 0

Ordinance No. 56-09 – 1st Reading – Community & Economic Development

An ordinance authorizing the Mayor of the City of North Canton to enter into a Construction Management Agreement ("Agreement") by and between the City of North Canton ("City") and Maple Street Commerce LLC ("Manager") to oversee, manage and control the construction and installation of the North Canton Hoover Campus Redevelopment Project ("Project") and declaring the same to be an emergency.

Mr. Revoldt: Mrs. Kiesling would you like to lead the discussion?

Mrs. Kiesling: I'll just open it up to questions. Pat, I know you have comments, questions.

Mr. Revoldt: Pat.

Mr. DeOrio: In having an opportunity to review this, I'm very pleased to have read what I feel is a very well drafted document in this Construction Management Agreement. And what we're looking at is not something that is a foreign subject to us. These are things that have been maulled about and discussed both here on the floor of council and by the administration, with the developers, the attorneys; you know the entire group of individuals, to actually get into some form that we reading now in its entirety. So it shouldn't you know come to us as a surprise that of the ten page or so document that this all brand new, it's not. So we should reassure the public that even though we're looking at it maybe for the first time it's something that the components to it have addressed for awhile. Now in regards to some

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 1014R

Held Monday, June 22 7:00 p.m. 20 09

of the concerns that were issued earlier, I had a question along those lines but had noted in the contract some important things that I think really should ease everybody's mind. First of all in the indemnification by the manager in Section 7, the city is released of all its liability under this agreement. We're simply acting as a conduit of the money. The state's sending us the money we're putting it in this pocket. Once the bills are incurred on this project the money gets paid out of the other pocket. We don't have any say so per say as to how this is done, it's a grant from the state. We're going to be playing by their rules and they have a lot more rules and have been doing it for a lot longer period of time than any of us here with the exception of maybe the Council President in reviewing these types of things. So to have that indemnification is a huge thing. If for some reason the developers make an error of some consequence and it costs them money, it costs them money. I have the full faith and confidence that the group that's involved here will do an exceptional job, and because that's what they do for a living, that's their business. They've hundreds of these things all across the country. This is not reinventing the wheel for them. They know exactly what to be looking for. When you look in Section 7 and subsection of that section is number 7 it talks about a violation of by the manger of any environmental laws with respect to this project including without limitation any storage, release, discharge or disposal of hazardous materials thereon, that's also defined in this agreement and any claim, action or proceeding brought with respect to any matter set forth in this clause, Sections 1 through 7 above, the city has no ... no liability for that. That's the responsibility that they're bearing. That's their liability. You don't think that they're going to cross every "i" and dot every "i" on that. You don't think that they've managed these projects all across the country and have dealt with these issues. Even if the report said there was, they understand what they bought. I have more faith and confidence in the private sector in understanding the scope of what they're working on than I do perhaps sometimes elected officials. So I think that as far as I'm concerned, they know what they have, we're protected from it from an indemnity standpoint including all the legal fees. Even if somebody brings us into the suit and sues us because you can sue anybody for anything, right, well this indemnification provision also provides for our attorney's fees to be paid. That's you know that's exceptional work that's been done by the group that has put this together and agreed to it. In Section 6 when it talks about the comprehensive insurance policy that shall be provided by an insurer reasonably acceptable to the city, I would just - I would ask that you know any of these documents that are provided, certificates, etc., for all the renewal policies, everything would flow through our consultant, Dave Hazen, who I have absolute confidence in his integrity and ability to ascertain whether the city is adequately protected via the insurer. So it's not really spelled out it's probably assumed, but I'm sure the Administrator or the Mayor would make sure or the Finance Director would make that happened. But I do want to be on record that we should probably do that. In Section 10 under prevailing wages item - paragraph B, subsection 1, the city shall designate an individual to act as prevailing wage coordinator for the project. Has that been thought about as...

Mr. Revoldt: It's Mr. Benekos

Mr. DeOrio: It's Mr. Benekos. Thank you very much.

Mr. Revoldt: Correct? You notice he's nodding his head enthusiastically.

Mr. DeOrio: Well if he should - anytime you get an opportunity to work with working people that's a good thing. One question I had and I'm sure you probably all have discussed this before and again I wasn't at the meeting last week due to a holiday. But so if this has been answered then anybody just can kind of throw it back to me. But there was some mention tonight and I didn't quite understand Mr. Osborne's point about Eric Bowles as the - some type of involvement that you have in this Eric. I'm not quite sure if it but I ...

Mr. Bowles: The state required that someone be designated as project manager and I was that person. The administration asked me to do that. And just to give you some confidence that apparently Mr. Osborne did not think that I was qualified in his statements, in 23 years I've managed millions and millions of dollars of federal CDBG projects, housing projects also construction projects. Okay. All requiring Davis-Bacon and all the other associated documentation. The - what's lined up here as far as the reimbursement process, I've also been through that for many years with the State of Ohio, with the State of Ohio's small city CDBG Program. So I have a lot of hours into this over the years. So I hope that gives Council some confidence. That said you know there are a lot of people - a lot of professional - your professional staff that have looked at this. We've had multiple conversations with the developer, including the Finance Director, the Law Director, the City Engineer, the Administrator and myself. So I would hope that all those many years of experience would give Council some confidence that this was put together in a thoughtful way and will be managed in a professional manner in accordance with all the rules we're required to follow.

Mr. DeOrio: And Mr. Bowles I certainly don't mean by bringing this up to cast any dispersions on your ability to do this job. I am quite confident that you are quite up to the task. I would propose though the idea that this project it will probably be one of the significant scope requiring as I know government all too well, tremendous amounts of paperwork and a lot of hands on detail oriented action on this. And my suggestions to the Administration would be that Mr. Bowles be given some

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

additional staff support, that we as council hire somebody to assist Mr. Bowles in this endeavor. And I go back to just, if you can bear with me, a basic business or economic theory principle of stratification and it involves making sure that the person who is actually doing the work that's required is being paid a commensurate wage for that position. So if we have someone who's really involved in doing a lot of filing and typing and getting reports and doing follow up telephone calls on routine, mundane operating things that we not put the guy on the project who's the highest paid employee of the project. That you know the principle of stratification would be to put someone of a lower paying wage to do that lower skilled required task. I don't think it's the best to have our main guy on this. I didn't get an opportunity to really vet this out with the administration so they're you know I don't want them to think that I'm trying to surprise or anything just as it came to me looking this stuff over yesterday and today. But if he had some assistance I think that he could focus more on what I think the Mayor has wanted him to focus on which is the next project. That's okay we've got this one down let's get on to the next one. The Mayor has affectionately referred to Mr. Bowles as the ten million dollar man and we would like to see him being the next increments up as I know you do as well. But I think just from a management standpoint he could get bogged down on this one and it could take away from his ability to keep going on the next ones. I would hope that it's something that you might entertain, think about. I hope that the other members of Council might think about on this one. It's something I think that the President of Council has referred to you know in the first 30 days from taking office here again that we wanted – we talked about a grant writer, we talked about somebody assisting in that way and I think you're at that point – you're at that tipping point where it needs to be done. So maybe that's all been discussed. But I appreciate you letting me bear that.

Mr. Revoldt: Pat, if I just might. The Mayor and I, as well as some of Council's administrative staff have had this discussion. Without belaboring your point, we believe that it's important that this project proceed in an efficient and stellar manner. For the simple fact that we're hoping this is the first of a number of them. And we have confidence in Eric that he – we all know there's other projects coming. So that may be a discussion we'll have later. Have you firmed up your thinking Mayor?

Mayor Held: Yea, actually I'm glad that Councilman DeOrio brought this up because we have been discussing providing support to our Economic Development Department. When you think about it between the Engineer Department and really the Economic Development Department as the lead role here we've secured over 11 million dollars in grants in three years and we have a one man department. And when you look at other municipalities that are managing these types of projects they'll have 10 to 15 employees. And so Eric has done an excellent job but at the same time he's - you only have 24 hours in a day and he does have to sleep and eat. And so what we're looking at is providing him some support and the City Administrator and myself and Eric we've talked to him about that because we want to make sure that we get – we establish the proper position that's going to give him the support that he needs. And so we have a few ideas that we're looking at right now and we were going to be presenting that to council very shortly. So we appreciate that. And I do agree even though we've – overall we've reduced the number of employees that we have in the city it only makes sense when you're managing this many projects totaling over 11 million dollars and this Hoover project alone is over 5 million it only makes sense that we deal with it with a sufficient staff.

Mr. Revoldt: Can you report to us next week?

Mayor Held: Yes, we can do that.

Mr. Revoldt: Will you have that placed on your agenda so...

Mrs. Kiesling: Two weeks.

Mr. Wise: Two weeks.

Mr. Revoldt: For two weeks. Let's move back to questions either for the representatives of Maple Street, but before we do that the Director of Law has a comment.

Mr. McFarren: I'd just like to jump in here and clarify the situation. Mr. Osborne has referred to Mr. Bowles as the project manager. That is correct under the JRS Grant Agreement between the City and the State. However, under the Construction Management Agreement the manager by definition is Maple Street Commerce LLC who assumes all of the responsibilities of the city under the grant application, the JRS Grant Agreement with the state, the reimbursement manual which was part of this document and basically everything else the state wants to throw in there. So it's when you switch gears between those two contracts that you get that confusion. Eric's not going to go out there with a hard hat and watch these guys hang steel.

Mr. Revoldt: Doug, questions or comments?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. Foltz: My only comment is this is a great thing for the City of North Canton. We asked all the tough questions last week in committee. Member DeOrio wasn't here as he stated. I'm glad he did have some input tonight. I mean this is a great positive thing here. All the "t's" have been crossed and the "i's" dotted. Our Law Director went through this and said it's a good working document. I have very much faith in Eric Bowles and the administration to move forward with this as well as great faith in Maple Street Commerce. I mean this a no-brainer. I don't know why we're spending the time we are on it really. And I think we move this forward as quickly as we can so we get additional jobs in that plant. This is exciting. We seem to want to bog it down because a few people here have some negativity. It's just beyond comprehension for me why that always occurs and we want to slow the process down. So I'm for passing it tonight if this council is willing to do it, I really am. My comments.

Mayor Held: Thank you.

Mr. Revoldt: Mr. Peters.

Mr. Peters: I am ready to go now.

Mr. Revoldt: Mr. Davies.

Mr. Davies: I agree with Doug.

Mr. Revoldt: Mrs. Kiesling.

Mrs. Kiesling: Completely agree with Doug.

Mr. Revoldt: Mr. Snyder, questions or comments?

Mr. Snyder: No sir, I have none.

Mr. Revoldt: Administration?

Mayor Held: I think Doug's comments were right on target. Thank you. Appreciate the council's support on this.

Mr. Revoldt: We're ready to go. May I have a motion to read – or let me have a motion to adopt the first reading of Ordinance 56-09.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 56-09. All members present voting:

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

No: 0

Mr. Revoldt: May I have a motion to suspend the rules for Ordinance 56-09.

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for Ordinance No. 56-09. 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 56-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 56-09. All members present voting:

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

No: 0

11. Mr. Revoldt: Item 11, a motion to read by title only, first reading of Resolution 57-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Resolution No. 57-09. All members present voting:

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

No: 0

Resolution No. 57-09 – 1st Reading – Finance & Property

A Resolution adopting the Alternative Tax Budget of the City of North Canton, Ohio, for the year 2010 and declaring the same to be an emergency.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. Snyder: Mr. President, Members of Council, as required pursuant to the regulations of the Charter we'll have this adopted and we'll be back in session August I believe, I don't know the 20th...
Mr. Zumar: 17th

Mr. Snyder: to send it down to the county. We were all given a copy of that prospectus last week I believe in your packet prepared by the Director of Finance. That's it.

Mr. Revoldt: Okay, very good. May I have a motion to adopt the first reading of Resolution 57-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Resolution No. 57-09. All members present voting:
Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.
No: 0

12. Mr. Revoldt: Item 12 a motion to read by title only, first reading of Ordinance 58-09.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 58-09. All members present voting:
Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.
No: 0

Ordinance No. 58-09 – 1st Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration for the purchase of Water Treatment Plant chemicals for use by the Water Treatment Plant, and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the purchase of said Water Treatment Plant chemicals and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, again this is allowing us to go out and buy additional chemicals for the operation of our Water Treatment Plant. I know that the administration did not request an emergency. We put it in there to move this legislation along to give them time to do their due diligence. And that's that.

Mr. Revoldt: Any questions or comments? Seeing none, a motion to adopt the first reading of Ordinance 58-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 58-09. All members present voting:
Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.
No: 0

13. Mr. Revoldt: Item 13, a motion to read by title only, first reading of Ordinance 59-09.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 59-09. All members present voting:
Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.
No: 0

Ordinance No. 59-09 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to apply for and to enter into a 2010 Recycling Makes Sense Grant Agreement by and between the City of North Canton and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District for the purpose of accepting and utilizing the grant to provide funding for the portions of the recycling program, and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, again this is a continuation of a yearly request. The Mayor's informed us as he wears two hats in the case as also the Solid Waste Executive Director that funding is tight. However, we are one of the more premier cities the Solid Waste District which we enjoy what 23, 24 percent participation in our...
Mayor Held: Yea, that's correct.

Mr. Snyder: So we are one of the higher cities. We do fund the curbside recycling containers as well as leaves and grass clippings and soon to be an educational component. So that's that.

Mr. Revoldt: Any other questions or comments? Motion to adopt the first reading of Ordinance 59-09.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 59-09. All members present voting:
 Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.
 No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 59-09.

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for Ordinance No. 59-09. All members present voting:
 Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.
 No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 59-09. All members present voting:
 Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.

14. Mr. Revoldt: Item 14, a motion to read by title only, first reading of Ordinance No. 60-09.

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 60-09. All members present voting:
 Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.
 No: 0

Ordinance No. 60-09 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to apply for and to enter into a 2010 Composting Makes Sense Grant Agreement by and between the City of North Canton and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District for the purpose of accepting and utilizing the grant to provide funding for the portions of the recycling program, and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, it is self-explanatory. This is the portion where we have a window in the summer where we pickup yard waste and it seems to be well received by the citizenry. And it's based – it adds to the tonnage which funds the first grant. So we're very much happy as well as keeping it out of the landfill.

Mr. Revoldt: Questions or comments? Seeing none, then a motion to adopt the first reading of Ordinance No. 60-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 60-09. All members present voting:
 Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.
 No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 60-09.

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for Ordinance No. 60-09. All members present voting:
 Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.
 No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance No. 60-09.

Mr. Davies and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 60-09. All members present voting:
 Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.
 No: 0

15. Mr. Revoldt: Item 15, a motion to read by title only, first reading of Resolution 61-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Resolution No. 61-09. All members present voting:
 Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.
 No: 0

RECORD OF PROCEEDINGS

0277

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Resolution No. 61-09 – 1st Reading – Finance & Property

A Resolution on submission of request to the Stark County Auditor pursuant to Ohio Revised Code Section 5705.03(B) to certify to the City of North Canton, Stark County, Ohio, as taxing authority for the City of North Canton, Stark County, Ohio the total current tax valuation of the City of North Canton, Stark County, Ohio, as a subdivision and the dollar amount of revenue that would be generated for a replacement tax of one (1.0) mill pursuant to Ohio Revised Code Sections 5705.19, 5705.191 and 5705.25 for the purpose of providing additional funds for the City's portion of storm water sewer improvements in the City of North Canton, commencing in 2010, first due in calendar year 2011 and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, you might remember we sent this down two weeks ago. However, we used additional language that was not germane to the new law so we struck it and on advice of counsel we resubmitted it and will be asking for a recertification of one (1.0) mill which presently generates about \$396,000 a year for storm water.

Mr. Revoldt: Questions or comments?

Mr. DeOrio moved and Mr. Davies seconded to adopt the first reading of Resolution No. 61-09. All members present voting: Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling. No: 0

Mr. Revoldt: Motion to suspend the rules for Resolution 61-09.

Mr. Davies moved and Mr. DeOrio seconded to suspend the rules for Resolution No. 61-09. All members present voting: Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters. No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Resolution 61-09.

Mr. Davies moved and Mr. DeOrio seconded to adopt under suspension of the rules Resolution No. 61-09. All members present voting: Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt. No: 0

16. Mr. Revoldt: Item 16, a motion to read by title only, first reading of Resolution 62-09.

Mr. DeOrio moved and Mr. Davies seconded to read by title only, first reading of Resolution No. 62-09. All members present voting: Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder. No: 0

Resolution No. 62-09 – 1st Reading – Finance & Property

A Resolution on submission of request to the Stark County Auditor pursuant to Ohio Revised Code Section 5705.03(B) to certify to the City of North Canton, Stark County, Ohio, as taxing authority for the City of North Canton, Stark County, Ohio the total current tax valuation of the City of North Canton, Stark County, Ohio, as a subdivision and the dollar amount of revenue that would be generated for a replacement tax of one (1.0) mill; a replacement tax of one (1.0) mill and an increase of one half (.5) mill totaling one and one half (1.5) mills; and a replacement tax of one (1.0) mill and an increase of one (1.0) mill totaling two (2.0) mills pursuant to Ohio Revised Code Sections 5705.19, 5705.191 and 5705.25 for the purpose of providing additional funds for the City's portion of street improvements in the City of North Canton, commencing in 2010, first due in calendar year 2011 and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, again this is the other one relative to street improvement. We – at the request of the committee as ...inaudible... we did ask for an additional increase of one half (.5) mill and a full mill which will allow us monies to do projects that we normally won't have that came out of our capital project. Mr. President, I have a privilege of a question sir if I may.

Mr. Revoldt: You may.

Mr. Snyder: Is it the intention that we have this back to be adopted and put on the ballot prior to our summer break or ...

Mr. McFarren: They'll certify this back fairly quickly Jon.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. Snyder: And they'll put it through to committee and then we'll vote.

Mr. Revoldt: Yea it's going to have to have another action.

Mr. McFarren: You're just asking for information.

Mr. Revoldt: Yes.

Mr. Snyder: Yes, okay, that was my other question. Thank you sir, that's all.

Mr. Revoldt: The answer to your question is we will have to have this considered before and another piece of legislation before August 14th.

Mr. Snyder: Okay.

Mr. Revoldt: May I have a motion to adopt the first reading of Resolution 62-09?

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading** of Resolution No. 62-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to suspend the rules for Resolution 62-09.

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for Resolution No. 62-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Resolution 62-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Resolution No. 62-09. All members present voting:

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

No: 0

REPORTS:

Mr. Revoldt: Reports – Director of Law?

Mr. McFarren: No report.

Mr. Revoldt: Director of Finance.

Mr. Zumbar: Yes, the State Auditors have left the building, which is a good sign. But we're not done yet we will have a post audit meeting I'm sure scheduled soon. But it's been a long six months with them. So I'm glad to see them leave the building.

Mr. Revoldt: And you're still here.

Mr. Zumbar: And I'm still here, with less hair though.

Unidentified: Is that possible?

Mr. Zumbar: I think it's possible, yea.

Mr. Revoldt: E. J.

Mr. Wise: Yes, the gypsy moths have not left the building, but there aren't nearly as many in the city as there were last year. We had another representative of the Department of Agriculture come up last week. I went around with her to the kind of hot spots that were last year. There's this fungus that appeared at the end of last year and it has knocked them down significantly. She indicated that if it hadn't been that way then the trees that had it last year would be completely defoliated at this point and that has not been the case. There are still some present and she suggested that we look into again having somebody come out and look in the fall time frame for a count that may or may not qualify us for the state program. The guy that was here earlier didn't think that we would of qualified even the larger number last year. But it's something we can look at. There's also some other options we're looking at.

Mr. Revoldt: Let's do this, I believe the state grant has a September application deadline. Correct?

Mr. Wise: That's my understanding.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. Revoldt: Alright. Let's for the end of August let's have this on the agenda and perhaps we can arrange for someone to come back up and take a peek. We'll be able to visually inspect trees and so we'll be in a position to at least make application even if we can't secure the grant.

Mr. Snyder: I believe Mr. Sharkey took his tree down didn't he.

Mr. Wise: The one tree from last year has not come back. It's marked to be taken down. I don't know if it has been or not, it wasn't last week.

Mr. Snyder: Yea, he was working on it. He called and told me he was working on it last week. So...

Mr. Wise: Did you speak with him recently?

Mr. Snyder: Well last week I believe it was.

Mr. Wise: Because I know he was in the hospital.

Mr. Revoldt: Alright, let's make sure that someone communicates with Mr. Sharkey and that we have had a second inspector out.

Mr. Snyder: He's aware of that...

Mr. Revoldt: Has he, okay.

Mr. Snyder: In fact he's acknowledged Mr. Wise's ...

Mr. Revoldt: Visit.

Mr. Snyder: diligence to him and he appreciates it very much.

Mr. Revoldt: Okay. Alright, E.J. anymore?

Mr. Wise: No sir.

Mr. Revoldt: Mayor.

Mayor Held: I'd like to thank Council for allowing us to hold the swearing in ceremony for our new Captain, Rich Rhodes. What I've found in the past is that often times we will do these swearing in ceremonies - they're pretty short, pretty quick, but then Council's not aware of all the appointments that are taking place. So what I'd like to do is just make it a regular part of our council meetings that when we do swear somebody in, regardless of what the appointment is, it just brings everybody up to speed of the different departments and the positions that we have. If that's okay. I appreciate the time. Thanks.

Mr. Revoldt: By the vast effective authority invested in me your wish is granted. Mr. Benekos.

Mr. Benekos: No report.

Mr. Revoldt: Mr. Bowles.

Mr. Bowles: No report.

Mr. Revoldt: Clerk.

Mrs. Kalpac: No report.

REPORTS - COUNCIL:

Mr. Revoldt: Mr. Foltz.

Mr. Foltz: Yea, I just have to make a comment on this public speaks. I think I was in second grade with Sister Carmelita, about seven years old, that we learned to raise our hands and recognized before we spoke out. This is in a classroom. And I respect your position as Council President. In fact I think you're very patient while you are and I know you know this is probably uncharacteristic of you, liberal in your approach towards public discussion, inviting even. And I think that's good ...

Mr. Revoldt: Careful.

Mr. Foltz: you welcome that, but what I want to say is I think if we can't follow just public decorum here, it becomes an embarrassment and disrespectful to just Roberts Rules of Order in any public meeting. So you have my full backing if people cannot wait to be addressed or have to interrupt to ask those individuals to leave. That's all I'm going to say on the matter. Thank you.

Mr. Revoldt: Mr. Peters.

Mr. Peters: No report.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20_09

Mr. Revoldt: Mr. Davies.
Mr. Davies: No report.

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: Yes, well I think that I've seen it all. I lived the day to say when I became a Democratic and you became a liberal.

Mr. Revoldt: Well I get the last word here.

Mr. DeOrio: I just had a question. I didn't get a chance to follow up with you, I was on holiday, and before I left I had asked you to maybe take a look at some of that stuff regarding the sidewalk. And one of the things that was last before council was I think Member Snyder had made a point of trying to find out a way if there was a contractor in the area that could put the sidewalk in on 7th Street. And I think on the phone if my recollection is correct you indicated that we had some sort of project going on 7th Street that involved putting some cement in anyway. That you were going to try to reach the contractor, get some information and follow up to see...

Mrs. Kiesling: It's in our packet. You might of missed it.
Mr. DeOrio: Oh, I may have missed it.

Mrs. Kiesling: Yea, it was what 35,000.

Mr. DeOrio: Could you give me the synopsis?

Mr. Benekos: Yea I sent a memo and I thought everybody on the council would have gotten it.

Mayor Held: It's in there.

Mr. Benekos: Okay.

Mayor Held: Yea, it's in the packet.

Mr. Peters: Just me and Pat I think were copied.

Mrs. Kiesling: I got it.

Mr. Peters: Oh, you got that too? Okay.

Mr. Peters: Inaudible... an action.

Mr. DeOrio: Okay. I'd like to get it on the...
Mr. Revoldt: It's done.

Mr. DeOrio: Thank you sir. That's all.

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

Mr. Revoldt: Mr. Snyder.
Mr. Snyder: No report.

FINAL CALL FOR NEW BUSINESS:

Mr. Revoldt: You know it's final call for business. Is there anyone here who wishes to address the Council? Mr. Osborne.

Mr. Osborne: If memory serves me right, it was probably 10 years ago this month I spoke at this electorate when you were mayor, Mr. Revoldt. And does anybody recall what was going on 10 years ago about this time. There was an environmental scare regarding our water systems.

Mrs. Kiesling: It wasn't 10 years ago.

Mr. Osborne: How quickly we all forget. I'm stunned not a single council member was interested in waiting a week and familiarizing yourself with the Phase I Environmental Assessment of that Hoover property. Ten years ago this city was in hysterics and tonight we could care less about environmental concerns which we've all known exist over there. You're taking three million dollars of public funds and you're disturbing a piece of ground and buildings that have known environmental issues. And you didn't even want to take a week and familiarize yourself with that assessment. I think that's a sad scenario. Regarding Mr. Bowles, I was not casting aspersions on your integrity or your abilities but there's a conflict of interest. There's extreme political pressure I know on you and personal

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

pressure and you're just going to want to make that fly no matter what. So I was not casting aspersions on your abilities or what you've seen in your many years. Ten years ago this month I was here. I was an unknown.

Mrs. Kiesling: Eight – eight years by the way, it was 01.

Mr. Osborne: It was 19 –

Mr. Revoldt: It was 2001.

Mrs. Kiesling: It was 01.

Mr. Snyder: It was 2001.

Mr. Osborne: Oh it was even sooner. How quickly we forget in eight years.

Mr. Revoldt: Chuck...

Mr. Osborne: And we have no concern about environmental issues in this city. Amazing

Mr. DeOrio: If the President would like to have the last word he should do so before one of the members makes a motion to adjourn.

Mrs. Kiesling: Yea, because I'm about ready to leave.

Mr. Revoldt: Mr. Osborne, I...

Mr. Osborne: Like my wife says it boggles the mind.

Mr. Revoldt: Outstanding. Thank you.

Mr. Osborne: Mr. Revoldt, I'm finished.

Mr. Revoldt: We appreciate your brevity. Mr. Daniluk.

George Daniluk: 502 Werstler. Just a quick statement. If there's anything that I admire about Mr. Revoldt is his generosity in letting the public speak. Compared to the last year's or the last council where they tried to totally muzzle the people and the administration in fact. So I admire you working together and consulting with each other and having some dialogue. And you took the gag off of us this year and I appreciate it.

Mr. Revoldt: Thank you sir. To Doug's earlier comment, many of you have wondered why with so many modern writing instruments I would have two sharpened pencils at my place and these are quite simply so I can go like this when somebody is speaking (placed pencils between his teeth). So with I'll entertain a motion to adjourn.

ADJOURN:

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

Mr. Benekos: Special session of council.

Mr. Revoldt: Oh, excuse me you're absolutely right. I am sorry. Hang on a second here. We need to, before we take that motion I want to remind everyone that this fun group will not meet on the 29th but we will reconvene again on July 7th for...

Mrs. Kalpac: July 6th.

Mr. Revoldt: Excuse me, July 6th for our council meeting. But I would also like to have a motion for a special council meeting for legislative purposes. We want to consider a change order on the Willoway storm project; we actually have good news. But we do need about 10 minutes for that change order and if we could meet at 6:50 p.m. for that.

Mrs. Kalpac: You need a committee meeting.

Mr. Snyder: You need to consider that after the meeting.

Mr. Revoldt: Oh it needs to follow the committee. I'm sorry. Well then we'll follow the committee.

Mrs. Kiesling: Whatever time that is.

Mr. Revoldt: Whatever time that is.

Mr. Snyder: At 7:50.

Mr. Revoldt: Okay. It depends on who I let speak, might be later.

Mr. Snyder: Maybe Thursday.

Mr. Revoldt: Okay, may I have a motion for that special council meeting?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, June 22 7:00 p.m. 20 09

Mr. Davies moved and Mr. DeOrio seconded to schedule a special council for Monday, July 6, 2009 immediately following the Committee of the Whole meeting to consider change order legislation for the Willoway sewer project.

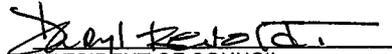
Mr. Revoldt: All in favor say aye.
All present responding: Aye
Mr. Revoldt: Opposed.
No responses.

Mr. Revoldt: Alright one – I do get the last word. And I think it's important that the record this evening show that there has been a new addition to the Peters household. A daughter has arrived named (applause) Delaney. Correct?
Mr. Peters: Yes sir.

Mr. Revoldt: And – while Mr. Osborne brings back pleasant memories of water emergencies I do remember being here and sitting actually in that chair when my two were born, daughters as well. And if yours are half as good as mine are you're going to be a blessed father. With that may I have a motion to adjourn?

Mr. Davies moved and Mr. DeOrio seconded to adjourn the council meeting. All members present voting:
Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.
No: 0

The meeting adjourned at 8:43 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL