

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 13 7:00 p.m. 20 09

Call to Order:

1. The council meeting was called to order Monday, July 13, 2009 at 7:02 p.m. by President of Council Daryl Revoldt.
2. The opening prayer was delivered by Rev. David Warren, First Southern Baptist Church.
3. All present recited the Pledge of Allegiance.

Roll Call:

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

4. The following members of Council responded to roll call: Davies, DeOrio, Kiesling, Peters, Revoldt and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Zumbar, Director of Economic Development Bowles, City Engineer Benekos and Clerk of Council Kalpac.

Mr. Revoldt: Absent is Mr. Foltz. May I have a motion to excuse him?

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

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

No: 0

5. Consideration

Mayor's Court Receipts – May, 2009
Council Meeting Minutes – June 22, 2009
Special Council Meeting Minutes – July 6, 2009

Mr. Revoldt: You have for your consideration mayor's court receipts for May, 2009, council meeting minutes for June 22, 2009 and the minutes of a special council meeting held on July 6, 2009. Are there any corrections or amendments to those documents?

Mr. DeOrio: Barring any correction Mr. President, I would move for passage of those three items.

Mr. Revoldt: May I have a second?

Mr. Peters: Second.

Mr. DeOrio moved and Mr. Peters seconded to approve the mayor's court receipts, council meeting minutes and special council meeting minutes as presented. All members present voting:

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

No: 0

6. Committee Minutes

Mr. Revoldt: We also have for our approval this evening committee minutes for executive sessions on Finance & Property held on June 22nd; Personnel & Safety held on July 6th; Finance & Property; Personnel & Safety; Street & Alley; Sewer & Rubbish all held on July 6th. Are there any corrections or amendments to those committee minutes?

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

Mr. DeOrio: Second.

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

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

No: 0

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 22, 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 July 6, 2009.

Finance & Property Committee: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held July 6, 2009.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office for the Personnel & Safety Committee meeting held July 6, 2009.

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Street & Alley Committee: Please refer to the minutes on file in the Council Office for the Street & Alley Committee meeting held July 6, 2009.

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office for the Water, Sewer & Rubbish Committee meeting held July 6, 2009.

7. Recognition of Visitors

Mr. Revoldt: Item 7, recognition of visitors. I know Mr. Regula is here and wishes to address the Council. Please step forward to the microphone, state your name and address for the record.

Richard Regula: My name is Richard Regula from Mercy Medical Center at 1320 Mercy Drive NW Canton, Ohio. I'm here today just to kind of reintroduce myself and talk a little bit about what we're going to propose for North Canton for the health benefits for your employees. A lot of times people have a perception of our hospital that it's an older community hospital. And what I want to do if I could is just pass out some information sheets about what we're doing at Mercy Medical Center that is very unique to us. I know in the past we – and this will be my third year here, we've come to you and I think clearly shown that we can save you money on claims cost. But now I want to show you the technology that's available at Mercy Medical Center that is very unique to Mercy Medical Center. We – we're committed to North Canton not only with our facility in North Canton, which we hope to grow here in the foreseeable future, but we also just opened up a facility in Plain Local School that's very accessible to the citizens of North Canton. And we also just opened a new facility down in New Philadelphia that's a – it's a full service facility. I'm sure you probably have some employees that either live in Tuscarawas County or things like that. So would it be alright if I pass these out to everybody.

Mr. Revoldt: You may.

Mr. Regula: Now I want to make you aware there's nothing in here of any value except for a pen and a couple golf tees. So you don't have to worry about anything. But some of the things we're doing that are very unique to Mercy Medical Center we have the da Vinci Robot. And the da Vinci Robot is a surgical device that can take a procedure like a prostatectomy or a hysterectomy and reduce it into a - instead of a five or six inch cut – Mayor - it can turn it into five dime size dots. What's that mean to the patient? That means quicker recovery time, less invasive surgery. And what's it mean to you the employer; it means that that employee is going to be off work less and back to work in shorter amount of period of time for roughly the same cost that it does to do the regular procedures. We've got a TomoTherapy unit now which is unique cancer treating device that takes more of a - instead of a regular radiation that takes a shotgun blast at the tumor, TomoTherapy can really take a 22 blast and adjust the dosage. And it's unique to us. I think maybe there's maybe 28 of them in the United States and I know we're the only ones in this region that have a TomoTherapy unit. The da Vinci Robot – we just received our second da Vinci Robot which is once again exclusive to Mercy. It - we are now starting to do open heart surgeries with them. Instead of cracking the chest open they – there's a - and I'm not a doctor by any means, there's a way of coming through between the ribs and side and doing - we're doing currently - started doing bypass surgeries with them. So there's a lot of exciting things going on at Mercy. And then one of the other things and I've had discussions with Eric and Doug Lane, is you know wellness – wellness for your employees. You're a self-funded group. If you can get on top of the wellness issues facing your employees, as I'd like to say if you can stop one or two or three of the train wrecks from happening it's ultimately going to save you money. And we're doing a program over at A.R.E. in Massillon where it's kind of a doc onsite. Where the doc comes in and treats all of the employees and the family members, anybody that's on the plan. And what I've proposed to them is maybe you know someday we look at it for the new facility over at the old Hoover plant and have kind of a doc onsite to share with all the employee groups that are going to be in there. But that's something that's kind of long range. But what I'm here today to do is one, we're going to come back and make a very aggressive proposal to you. I know your consultant is going to be Bob Fisher and we work well with Bob. And it's a twelve one renewal and in my past experience it kind of comes down to the last minute and so we just want to make sure we come here early. And the other thing I want to offer to you is if any one of you would like to come in and take a tour of our facility or any of our facilities I would love to have you down. Because to a person I've had various employer group sizes from 30 employees to 500 employees come in and when they take the tour of our facility they go wow, I had no idea of things that you were doing here at Mercy because people do drive by and they look at it as an older community hospital, where all the cool stuff is on the inside and on the back. We just opened a 25 bed, twenty million dollar ICU Unit that looks out over the park, it's very mission oriented. We feel that if to get sunlight and things like that into the rooms and make it more family friendly it helps with the recovery of our patients. So it's a great facility. But I – I just – we can do it in a couple hours if one of you want to come, if two or three of you want to come – just my contact information is in there and just come on down and take a tour and kick the tires and we can show you what we do. Thank you.

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Mr. Revoldt: Thank you Richard. Is there anyone else who wishes to address the Council at this time? This is our last meeting for a month. Don't send us home disappointed. Alright, if we have no comments then let me move on to old business. May I have a motion to read by title only, second reading of Resolution 57-09?

OLD BUSINESS:

8. Mr. Davies moved and Mr. DeOrio seconded to **read by title only, second reading** of Resolution No. 57-09. All members present voting:
Yes: Revoldt, Snyder, Davies, DeOrio, Kiesling, Peters.
No: 0

Resolution No. 57-09 – 2nd 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.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: Thank you Mr. President. Our date has – I know from past years has –well the last two years have been changed. It's due at the Auditor's Office I believe around the 16th or 17th of August. Is that correct? So we could – you want to do one more reading or do you want it passed on this one and have it ready to go?

Mr. Zumbar: We'll need one more reading.

Mr. Snyder: One more reading the following time and that's – what that's based upon that's to what millage we will charge outside of the ten mills that the county charges. And that information will go down there after we reconvene in August and still be timely.

Mr. Revoldt: Any other questions or comments? Seeing none - then a motion to adopt the second reading of Resolution 57-09.

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

9. Mr. Revoldt: Item 9, a motion to read by title only, second reading of Ordinance 58-09.

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

Ordinance No. 58-09 – 2nd 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. Revoldt: Mr. Snyder.

Mr. Snyder: Thank you Mr. President. Again this is the second reading and we decided to go through two readings and pass on emergency which will allow them to continue having chemicals for the Water Treatment Plant.

Mr. Revoldt: Any other questions or comments? Administration?
Mr. Wise: No sir.

Mr. Revoldt: Seeing none; then a motion to adopt the second reading of Ordinance No. 58-09.

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

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NEW BUSINESS:

10. Mr. Revoldt: Moving on to new business, Item 10, a motion to read by title only, first reading of Ordinance No. 65-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 65-09.** All members present voting:

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

No: 0

Mr. Revoldt: We have a technical timeout.

Mr. DeOrio: Maybe we'll just discuss it and explain what's going to happen.

Mr. Revoldt: Okay we're - you read it, we'll discuss it and then we'll. We've actually already sort of discussed it.

Mr. McFarren: Okay.

Ordinance No. 65-09 – 1st Reading – Street & Alley

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Contract Payments – Concrete Account in the amount of \$35,000 for the current expenses during the fiscal year ending December 31, 2009, and declaring the same to be an emergency.

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: Thank you Mr. President. We're going to take a little different path on this ordinance and the ensuing ordinance and as – just as a quick recap and then to explain what is going to happen. You know we've all discussed this project in great detail and I think everybody on both sides of the building is in favor of doing this and we've all publicly said so. It now comes time for the nitty-gritty though and to kind of work out the details of how to make this go forward. We discussed in the past a little bit about the financing of it and where we kind of left off was segueing into the Engineering Department and what the Engineer sees are standard issues that have to be resolved when doing any type of project like this. To wit is the notion that we need to acquire or may need to acquire some easements in order to put the sidewalks in. And we're not going to be able to do that or get into what is dedicated right of way until we get the property staked. So the first thing that we would have to do is get the property staked and the Engineer, in a communication to Council today, had indicated that this is the direction that would be appropriate to go. I confirmed this with the Law Director that we need to get the property staked. So it would be premature and maybe even harmful to try to pass this – these two pieces of legislation tonight when in fact this is a process that's going to probably unfold over the next several months. You - just I'm sure everyone's aware that you know acquiring the right of way either in the form of an easements or as a dedicated right of way takes time. There could be as many as ten properties involved. And it's just hard to say how long something like that takes. It all depends on each individual property owner. So to that extent I don't see where we can really you know encumber any funds to do anything because we still have to stake out the scope of the project and therefore it wouldn't be appropriate to authorize the Mayor to go into an amended agreement regarding the 7th Street waterline project. This is something that could still happen this year, but in all likelihood my guess is that it probably won't. Not because of the lack of effort on the Administration or the Council, but just by the nature of the beast in negotiating these types of acquisitions. So what I would recommend then is that we table these two ordinances and I – if anybody else would like to jump in if there's any questions that's kind of the idea ...

Mr. Revoldt: Councilman Peters.

Mr. Peters: Well and I've talked to Jim and maybe Jim might want to you know explain to the rest of council that fact that this is basically a change order we're piggybacking on top of the 7th Street waterline replacement. This isn't going to be cumbersome to you - your department Jim or...

Mr. Benekos: No.

Mr. Peters: Okay.

Mr. Benekos: No. At this point I think you know we can hold off. I mean we'll proceed with what we need to do and pursue that and we'll keep council apprised of what's happening. By the time council reconvenes we should be able to determine how much additional right of way we need and start approaching the property owners.

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Mr. Revoldt: Any other questions or comments? Administration do you concur?

Mr. Davies: I had a question.

Mr. Revoldt: Yes.

Mr. Davies: Do we know how much more this going to add to the cost, the cost was going to be approximately 35,000; if we now have to acquire right of ways and so forth.

Mr. DeOrio: Well that – we could estimate on if we had to acquire in each instance based on the square footage and you could use a range of \$1.50 to \$2.00 per square foot. But you know the property owners may also opt to donate the easement or the dedicated right of way. So it's a possibility they may cost – there may not be any extra cost. We just don't know.

Mr. Davies: And originally this was going to be in conjunction with the 7th Street waterline. We were going to amend that contract. Do we know if this is put off then that's going to go through and this will have to be a separate job. Is that...

Mr. Benekos: We'll talk with the contractor to see if he's willing to keep the contract open until we can resolve the right of way issues.

Mr. Revoldt: Any other questions for the Administration or discussion here? What I'd like to do then is have a motion, pursuant to Mr. DeOrio's recommendation, that we table Ordinance No. 65-09.

Mr. Davies moved and Mr. DeOrio seconded to **table** Ordinance No. 65-09. All members present voting:

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

No: 0

11. No action taken on Ordinance No. 66-09

12. Mr. Revoldt: On advise of counsel we can move now immediately to Item 12, and take no action on Item 11. So with that may I have a motion to read by title only, first reading of Ordinance 67-09?

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 67-09. All members present voting:

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

No: 0

Ordinance No. 67-09 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended agreement by and between the City of North Canton ("City"), the Board of Stark County Commissioners ("County") and Board of Trustees of Plain Township ("Township") for the Applegrove Street Widening Phase 2 Project, originally authorized by Ordinance No. 40-02 and declaring the same to be an emergency.

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: Yes, as you recall this was the companion piece of legislation I guess in that there was an amendment to an agreement to – of the parties involved with the extension of Applegrove beyond Marquardt, which is outside of our city limits. But because one part of the contract had changed with the other parties it was felt that – by council or recommended to us that these agreements would have to be modified as well, although there is no outlay by the city. And unless there's further comments or questions I would move for adoption of Ordinance No. 67-09.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 67-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 67-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 67-09. All members present voting:

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

No: 0

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Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 67-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 67-09. All members present voting:
Yes: DeOrio, Kiesling, Peters, Revoldt, Snyder, Davies.
No: 0

13. Mr. Revoldt: Item 13, motion to read by title only, first reading of Ordinance 68-09.

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading of** Ordinance No. 68-09. All members present voting:
Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.
No: 0

Ordinance No. 68-09 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Portage Street / West Park Blvd. Sanitary Sewer Rehab Project and declaring the same to be an emergency.

Mr. Davies: This is a rehabilitation of Portage Street / West Park sanitary sewer. My understanding we're going to put an insert in into the sewer. The cost of the project is 425,000, something like that, of which fifty (50%) percent will be principle forgiven loan. So we essentially get fifty (50%) percent of it paid for. The other fifty (50%) percent the balance will be on a low cost loan which will come in the second part of the legislation and I would move that we adopt.

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 68-09. All members present voting:
Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Kiesling.
No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 68-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 68-09. All members present voting:
Yes: Revoldt, Snyder, Davies, DeOrio, Kiesling, Peters.
No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance No. 68-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 68-09. All members present voting:
Yes: Snyder, Davies, DeOrio, Kiesling, Peters, Revoldt.
No: 0

14. Mr. Revoldt: Item 14, a motion to read by title only Resolution No. 69-09.

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, first reading of** Resolution No. 69-09. All members present voting:
Yes: Davies, DeOrio, Kiesling, Peters, Revoldt, Snyder.
No: 0

Resolution No. 69-09 – 1st Reading – Water, Sewer & Rubbish

A resolution authorizing the Mayor of the City of North Canton to apply for, accept and enter into a Water Pollution Control Loan Fund Agreement ("WPCLF") for the City of North Canton for planning, design and/or construction of wastewater facilities; and designating a dedicated repayment resource for the loan and declaring the same to be an emergency.

Mr. Davies: This is simply the second part of the previous legislation that would allow us to apply for the loan. And I would move that we adopt.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Resolution No. 69-09. All members present voting:
Yes: DeOrio, Kiesling, Peters, Revoldt, Snyder, Davies.
No: 0

Mr. Revoldt: Motion to suspend the rules for Resolution No. 69-09.

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Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Resolution No. 69-09. All members present voting:
 Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.
 No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Resolution No. 69-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Resolution No. 69-09. All members present voting:
 Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Kiesling.
 No: 0

15. Mr. Revoldt: Item 15, motion to read by title only, first reading of Resolution No. 70-09.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, first reading of** Resolution No. 70-09. All members present voting:
 Yes: Revoldt, Snyder, Davies, DeOrio, Kiesling, Peters.
 No: 0

Resolution No. 70-09 – 1st Reading – Finance & Property

A resolution authorizing the North Canton Police Department to apply for, accept and utilize United States Department of Justice Grant for reimbursement to the City of North Canton, up to fifty (50%) percent, for the cost of purchasing bullet proof vests and declaring the same to be an emergency.

Mr. Snyder: Mr. President, Members of Council, this will authorize the Mayor to apply for this grant. It is a requirement of our bargaining agreements with the Police Department that we provide bullet proof protection to the patrolmen and its officers and this hopefully will get fifty (50%) percent of it paid for.

Mr. Revoldt: Any other questions or comments? Administration?

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading** of Resolution No. 70-09. All members present voting:
 Yes: Snyder, Davies, DeOrio, Kiesling, Peters, Revoldt.
 No: 0

Mr. Revoldt: Motion to suspend the rules for Resolution 70-09.

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for Resolution No. 70-09. All members present voting:
 Yes: Davies, DeOrio, Kiesling, Peters, Revoldt, Snyder.
 No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Resolution 70-09.

Mr. DeOrio moved and Mr. Davies seconded to **adopt under suspension of the rules** Resolution No. 70-09. All members present voting:
 Yes: DeOrio, Kiesling, Peters, Revoldt, Snyder, Davies.
 No: 0

16. Mr. Revoldt: Item 16, a motion to read by title only Resolution No. 71-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading of** Resolution No. 71-09. All members present voting:
 Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.
 No: 0

Resolution No. 71-09 – 1st Reading – Finance & Property

A resolution of submission of question of a replacement of a tax levy for the purpose of providing additional funds for the City's portion of storm water sewer improvements in the City of North Canton, Stark County, Ohio and declaring the same to be an emergency.

Mr. Revoldt: Mr. Snyder.

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Mr. Snyder: Thank you Mr. President. We've pretty well spoke about this. The present storm water levy will expire December 31 of this year. It's presently generating about 390 odd thousand dollars. The renewal is estimated to bring in approximately \$419,000 at one-half mill and no additional cost than what the homeowner is paying right now. And this water is ear - this is earmarked strictly for storm water containment and control. That's basically about it.

Mr. Revoldt: Any other questions or comments?

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Resolution No. 71-09.

Mr. Revoldt: It's been moved and seconded. Before we go on I assume the Administration supports this measure. Let the record show that it does.

All members present voting:

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

No: 0

17. Mr. Revoldt: Item 17, a motion to read by title only, first reading of Resolution No. 72-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading of Resolution No. 72-09**. All members present voting:

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

No: 0

Resolution No. 72-09 - 1st Reading - Finance & Property

A resolution of submission of question of a replacement of a tax levy with an increase for the purpose of providing additional funds for the City's portion of street improvements in the City of North Canton, Stark County, Ohio and declaring the same to be an emergency.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: Mr. President, thank you. This particular resolution is requesting that - present it is a one (1) mill levy generating about the same 390,000. We're asking the voters to look at it and it will actually go to two (2) mills which would actually double and go to some 870 odd thousand dollars. In these economic times it seems somewhat ambitious to go to the electorate and ask them to increase their tax base. However, this Council and Administration over the last 24 months has been extremely diligent and very forthcoming in controlling the costs and actually any new taxes. This is the least invasive way of doing it. We're required by Charter to spend so much money on capital projects. This will free additional monies to the general fund which would in turn pay for a policeman or a fireman. And this money would go relative to the money that has to be spent in our capital projects. Again people say well it's - it is ambitious, yes. But also it would provide an additional 400 and some thousand dollars for street repaving and keeping us forthright in general economic development. When your streets are right people travel very calming and quietly on them, they appreciate it. So we hope that the voters understand what our intentions are on this. It's not simply a means to raise taxes because we have no other idea. But this was the least invasive way we knew to do it. And that's the story on that. Mr. DeOrio.

Mr. DeOrio: Mr. Snyder, I would also say that the other thing that I'm sure you would of added is that you know it's for a specified period of time. And you know the voters will certainly be able to measure the effectiveness with which we apply these funds. And if they don't believe that we have lead on a path to better roads then I'm sure then the next time it won't be approved. I know all of us will work hard to make sure that and to that end at some point if the voters were so inclined to approve this I would suggest that perhaps we do like some of the other governmental agencies do and when a road is put in to indicate you know the funds for this project were provided by a levy that you passed and on such and such date and that's why this road is getting fixed. And to let them know well - or in your Mayor's column in the **Our Town** to let people know hey this is how much we got in and this is how much we spent on these various projects to show them. To continue to build the trust that we've been all trying to build as you've indicated for the last couple of years with the voters.

Mr. Snyder: That point is well taken Member DeOrio. And this was well vetted, it was well thought out it wasn't something - and that's why we've it stay on the actual doc - on our agenda. It will get another reading on August I think the 17th prior to the submission. If residents, members of press if you'd note, if any residents have any questions please call us, call the administration. It's a very important piece of legislation. It's a - and we do need the support of the voters to make it work. Any other council member to comment? Administration any comment? Thank you. That's it Mr. President. Oh, excuse me...

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Mayor Held: Actually, Jon and you and I had talked and I believe Daryl also about possibly sending out a question and answer form to the voters prior to putting this on the ballot. And that would basically be for informational purposes. It's something that the council may want to consider where it would be a direct mail that would go to all the residents so that we could clearly explain why we're doing this, the importance of it and be able to answer any questions that they have in reference to that. We'd have a series of questions and then we would obviously provide the answers in that. It's something to think about.

Mr. Snyder: Would – is the – is our present water bill capable of doing that over the next couple – maybe the September or October ...

Mr. Revoldt: I would just issue one minor caveat to that that we have the Law Department review the language very carefully because we are prohibited from using public funds for purposes of advocacy. So I think we can say that it's on this language will be here but maybe it will answer questions but we cannot imply ...

Mr. Snyder: Pro or con.

Mr. Revoldt: Pro or con. So let's see if we've got - we can find some legal parameters.

Mr. Snyder: We could put your phone number on the mail.

Mr. Revoldt: You take those calls between 1 a.m. and 3 a.m. Correct? Okay. That's when the kids don't have the phone tied up. Alright, may we have a motion to adopt the first reading of Resolution 72-09?

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Resolution No. 72-09. All members present voting:

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

No: 0

18. Mr. Revoldt: Item 18, a motion to read by title only, first reading of Resolution No. 73-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading of** Resolution No. 73-09. All members present voting:

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

No: 0

Resolution No. 73-09 – 1st Reading – Finance & Property

A resolution approving and adopting an alternative method for apportioning the Stark County Undivided Local Government Fund for 2010 through 2019; authorizing the Mayor of the City of North Canton to execute said Agreement; and declaring the same to be an emergency.

Mr. Snyder: Mr. President, presently it's at 7.5 percent they want to go to 9. In its inception it was 10 and when the county fell on very hard times a few of years back they ratcheted it to 5, now they're back to 7.5 wanting to go to 9. And what this simply means is the money is removed before we receive our share. So ten (10%) percent of our share stays with the organization of government – Stark County government and it does pay for things that they do collectively for all members of the County SCOG. And they're asking us if they can move it up percent and a half up to 9.

Mr. Revoldt: Are there any questions or comments? Seeing none, then a motion to adopt the first reading of Resolution 73-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Resolution No. 73-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to suspend the rules for Resolution 73-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Resolution No. 73-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Resolution No. 73-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Resolution No. 73-09. All members present voting:

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

No: 0

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19. Mr. Revoldt: May I have a motion to amend tonight's agenda to include Item 19, that is Ordinance 74-09 and to waive the rules of council requiring a committee report?

Mr. DeOrio moved and Mr. Davies seconded to **amend the agenda to include Ordinance No. 74-09 and to waive the rules of council requiring a committee report.** All members present voting:

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

No: 0

Mr. Revoldt: May I have a motion then to read by title only, first reading of Ordinance No. 74-09?

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading of Ordinance No. 74-09.** All members present voting:

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

No: 0

Ordinance No. 74-09 – 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 North Canton Service & Clerical Employees, and declaring the same to be an emergency.

Mr. Revoldt: Mr. Peters.

Mr. Peters: Yes, thank you. This went to fact finder and it was agreed upon by us and by the collective bargaining unit. It was brought to my attention a few minutes ago that some of the members of the audience may not be aware of some of the bullet points and some of the concessions these – the people in the service and clerical union have made. If I could ask - Director of Administration was involved in that pretty extensively. Earle, if you could just touch on few of the bigger concessions that they may have made or may have made, they have made or agreed upon?

Mr. Wise: Yes, we negotiated with the union and then went to a fact finder on about six items. The health care is the same as the - it is with the police union, which was settled in January. They did not dispute that or that was not an issue at the fact finding. The biggest issue had related to wages. We had historically given 3 percent wages or 3 percent raises. We changed that or were we able to get it changed from both the fact finder in the police and the fact finder in this situation. We had offered a 0, 1, 2 – I thought we'd come to some agreement on that. The fact finder found that it was a 1 percent for July of this year, which is the end of the first year of the contract, which started in August of 2008, 1.2 percent raise in the second year, which begins next month and a 1.4 percent raise in August of 2010 which will be the last year of the contract. There were a number of other changes. We eliminated the use of sick time or the fact finder recommended and both sides accepted the use of sick time or vacation to count it against the calculation of overtime. Once you have 40 hours in for the week you begin to earn overtime. But if – what did I just do say vacation - sick time and personal time, I apologize, sick time and personal time does not count towards those 40 hours. There were a couple of other minor changes. One as it relates to benefits that are paid out to new hires. There was a benefit when someone retires they get a certain portion of their accumulated but unused sick leave hours paid out, that benefit has been eliminated for any one hired after August of last year. I don't believe there's any one that has been hired since of August of last year. And also as it relates to personal days, if you accumulate a certain number of sick hours you are then are able to use some of those sick hours if you maintain a certain balance for three extra personal days a year that benefit was eliminated for any new hires. Yes sir.

Mr. Davies: If I may. The previous council got the employees to go from zero – paying nothing for insurance to paying 4 percent. We've now gone to 8 percent. That's what these people are paying now is 8 percent rather than 4 percent. And as Earle pointed out, traditionally they've gotten 3 percent each year which of course compounds cause if you get 3 percent this year and 3 percent next year it's 3 percent on the 3 percent and so forth and went down 1, 1.2 and 1.4. And much of this was due to the fact that we had the state come in and do an audit and had that to show the fact finders. That it wasn't Council saying okay things are bad and so forth, but an actual state agency came in and said yea they have problems and given the situation and the times you're going to have to take less. So I just wanted to point that out that there really were significant concessions made. And we do applaud the employees for being willing to accept what the fact finder recommended because they could of rejected it and gone to arbitration. So we do applaud them.

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Mr. DeOrio: And if I could just dovetail on that. And I think Director Wise had said it, that but maybe it might not of been understood by members of the media so I would beg to elaborate that...

Mr. Davies: And we know how dumb they are. I'm only kidding.
Mr. Revoldt: I can see that editorial endorsement now.

Mr. DeOrio: And that was that the fact finder didn't recommend the 1 percent in the first year to be retroactive. Right?
Mr. Davies: Right.

Mr. DeOrio: I just think that was what you had said but just to make sure they had picked up on it. That started through July of this year instead of going back to August of last year. So...

Mr. Davies: In essence they didn't get a raise the first year.
Mr. DeOrio: Yea.

Mr. Revoldt: Any other questions or comments regarding this matter. Seeing none, then may I have a motion to adopt the first reading Ordinance 74-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 74-09. All members present voting:
Yes: DeOrio, Kiesling, Peters, Revoldt, Snyder, Davies.
No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 74-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 74-09. All members present voting:
Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.
No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 74-09.

Mr. DeOrio moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 74-09. All members present voting:
Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Kiesling.
No: 0

Mr. Revoldt: I'd like to have a motion to convene a special council meeting on Monday, August 17th immediately following our Committee of the Whole meeting. The purpose of that special council meeting will be to consider the passage of Resolutions No. 57-09, 71-09 and 72-09.

Mr. DeOrio moved and Mr. Peters seconded to **schedule a special council meeting** on Monday, August 17, 2009 immediately following the Committee of the Whole meeting. All members present voting:
Yes: Revoldt, Snyder, Davies, DeOrio, Kiesling, Peters.
No: 0

Mr. Revoldt: And as I've intimated, this is our last meeting for summer break, we will reconvene on the 17th of August. For those of you who find yourself with nothing to do, the Council will be getting together informally to replay some of our better moments during this last year. So we won't be publishing an agenda but you can come up it's consistent with the summer rerun season. And we've come to that part of the meeting that we all enjoy, it is now 7:45, reports – Director of Law.

REPORTS:

Mr. McFarren: In the low hurdles paper race we have a Construction Management Agreement with our partners across the street Maple Street. It is signed, sealed and will be delivered shortly which allows us to move on to the next piece of paper in the implementation of that grant. So as maddening as it may be we are making forward progress. That's it for me.

Mr. Revoldt: Alright, Finance Director.

Mr. Zumbar: Yes sir. The post audit has been scheduled by the state for April 29th at 9:00 a.m. (meant July 29th) to be held in the Conference Room on the second floor. The information is confidential. You will be getting a packet from the state and this meeting is outside the Sunshine Laws so anything that's discussed or anything that you receive from the state is to be kept confidential. The audit will be released at a later date and time to be determined by the state once that post audit has been accomplished. Again it's on April 29th at 9:00 a.m. you will be invited...

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Mr. DeOrio: Are we sure it's April or is it August?

Mrs. Kiesling: 2010? I'm thinking wait a minute we're off a little bit.

Mr. Zumbar: Oh, I'm sorry. July, July 29th. Going back in time we're starting on next year's.

Mr. DeOrio: Marcia and I thought you said that the first time. We looked at each other we thought ...

Mr. Zumbar: July 29th, I'm going back in time.

Mr. DeOrio: Thank you.

Mr. Zumbar: It's been a long audit.

Mr. Revoldt: Director of Administration.

Mr. Wise: No report.

Mr. Revoldt: Mr. Mayor.

Mayor Held: No report.

Mr. Revoldt: Engineer.

Mr. Benekos: No report.

Mr. Revoldt: Mr. Bowles.

Mr. Bowles: No report.

Mr. Revoldt: Clerk.

Mrs. Kalpac: No report.

REPORTS – COUNCIL:

Mr. Revoldt: Mr. Peters.

Mr. Peters: No report.

Mr. Revoldt: Mr. Davies.

Mr. Davies: None.

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: None.

Mr. Revoldt: Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: No report.

Mr. Revoldt: A lot of pressure.

Mr. Snyder: If you want I'll say something just if you'd like me to say something.

Mr. Revoldt: Well you risk ...inaudible... if you do you do it at the risk your well being and health.

Mr. Snyder: Okay, well then no report.

FINAL CALL FOR NEW BUSINESS:

Mr. Revoldt: Okay, final call for business. Is there anyone here who wishes to address the Council?
Mr. Osborne.

Chuck Osborne: My name is Chuck Osborne. 307 Fairview Street SE – North Canton, Ohio. As I was listening to Mr. Snyder talk about the need for the voters to buy in on the need for a levy increase, I have to say I am amused. It was just about a year ago that this council used every resource at its disposal to prohibit the voters from weighing in on voting on whether to return nearly one million dollars back into the general fund. I'd like it be on the record I think there's what \$973,000 in an escrow fund that may have changed this year with an additional 100,000 into the CIC ("Community Improvement Corporation"). But at any rate there's nearly a million dollars there. We're talking about a few hundred thousand here for the street fund and another few hundred thousand for the sewer fund and you're hoping that the voters will buy in on it and yet you were not interested in letting the voters decide how to spend a million dollars in previously paid income taxes. I'm also amused by how some of that money has been spent. You have a 127,000 out of that million and a half that was used to buy really a worthless piece of property for the benefit of a private individual to bring MRDD ("Ohio Department of Mental Retardation and Developmental Disabilities") to town which has now changed their name and I'm not quite sure what it is – Developmental Disabilities. I don't know where you're going to be when MRDD decides here at the end of their four year lease they're going to pull out. You have another \$440,000 that you've given to Myers Power over here. You have \$128,000 that I guess is yet to be paid by the former lessee at the golf course, which will

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probably never be collected. We have 1.6 million dollars that was spent to connect to the City of Canton waterline that has never been used. And I guess unless you connect – connect it to the well field down at Oster will never be used. So it's kind of amusing that you know you want the voters to buy in on this. And just off the top of my head without any additional research I can think of huge sums of monies that have been spent in my opinion very ineptly and recklessly. Thank you.

Mr. DeOrio: Inaudible... that?

Mrs. Garcia (speaking from audience): Inaudible...

Mr. Revoldt: Excuse me, you haven't been recognized yet, Mr. DeOrio is going to respond to...

Kathryn Garcia: Alright, okay.

Mr. DeOrio: I don't necessarily disagree with everything that Chuck said there, but at least on the first part about not giving the voters the opportunity to weigh in on how to spend that money, we did – we did give them the opportunity. In fact it was your petition that put the thing on the ballot to begin with that allowed them to decide that this was the scope of the project. This was what it was going to be broadly used for how a CIC works. The community passed it overwhelmingly. What you'd be asking us to do is to back and let them second guess that decision. I think they've made it...

Mr. Osborne (speaking from audience): May I respond?

Mr. Revoldt: No.

Mr. DeOrio: I think they've made clear that they want that program in that to the extent as it's been administered now. Whether you agree with those decisions or not it still doesn't beg the point that they were given their opportunity to do so. So it's not that we're denying, we're not denying people an opportunity to do so. They've had an opportunity to do so. The community overwhelming supported it – almost a 70 to 30 margin as I recall. So I - and you and I have talked about that before so I just want to have it on the record.

Mr. Osborne: May I respond to that?

Mr. Revoldt: You may.

Mr. Osborne: It was not overwhelmingly. I think it was a 65 – anyway it close.

Mr. DeOrio: 65 to 35 is not close, that's a slaughter.

Mr. Osborne: It was 55 to 45 – it wasn't – it wasn't overwhelming. Secondly it's not too often that a community gets a chance to second guess themselves. How many times are you ...inaudible...

Mr. Davies: Then you're not familiar with school levies.

Mr. Osborne: Given the city's – when the voters voted on that they were under the impression everything was still hunky-dory and we were riding high. This will be a chance for them to reconsider given that there's new information on the table, the fact that the city is looking at deficits. It's not too often that we get a chance to reconsider our expenditures. But in this case since it all hadn't been dissipated out and that the picture ... changed drastically, and I dare say the voters would of probably said wait a minute here this is a whole new scenario, we're facing deficits, we might want to reconsider this. And that's all we were attempting to do is let voters reevaluate that spending decision based on new information. So to use that argument and you've used it several times, that it's already been voted on once by the voters. Yes, they have voted on it but they have a whole new situation at this time. It was – it had been clear to me for years that that needs to be reconsidered. And you've waited so long. I dare say if things get bad enough you will decide that you're going to have to dip in and use that money. But I looked that up, it was fairly close, it wasn't overwhelmingly and ...inaudible... yourself go look at the website and check that out. Mrs. Kiesling gave me an email one time the same thing. It was not overwhelmingly. And I might add that the opposition to that referendum in 2005 gathered contributions both within in the community and far outside North Canton. They collected nearly \$13,000 to encourage the voters to pass that. So it wasn't a very fairly – the information wasn't provided to them fairly it was given - told them that this would be a cure all to our problems. And it has actually exasperated it and accelerated the ...inaudible... of our deficits. And to now come to the voters and say hey we need a couple hundred thousand more for the sewer. We need 400,000 more for these other enterprise funds. Knowing that you have \$973,000 sitting in an account and you're just itching to give it to the next business. The City of Canton has been itching to give away money, of course they're giving away federal funds. The one that comes to mind to me is the Evolution Skate Park. They gave them \$200,000 and if the Repository is correct in their report I think Mr. O'Brien said his priorities have changed that he wants to just – wants Canton to forgive that debt. So yes, I understand your argument Mr. DeOrio, the voters have seen that issue once. But between 2005 and now 2009, well it is was 8 last year, 2009 admittedly the city's financial has deteriorated seriously. Wouldn't you agree?

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Mr. DeOrio: I would agree that it has changed.

Mr. Osborne: Thank you. So if you have an opportunity to undo a spending decision that you made thinking you could financially handle it and then suddenly things had turned around precipitously and you had a chance to reclaim that money and cancel that vacation trip or that trip to Europe wouldn't that logically be the choice you'd make that hey, we'd better cancel the trip to Europe that there are other more priorities pressing us maybe paying the mortgage or paying the bills. So thank you.

Mr. Davies: With all due respect it's not a trip. It's not money that's wasted on doing something fun. It's money being used to try and bring businesses in here to increase the tax base. There is a huge difference Chuck. You're acting like this money that's just thrown out the window that has no chance whatsoever of benefiting North Canton. And obviously there are no guarantees. And you're right businesses may come in and possibly fail and the money you know may not have been spent as well as you like. But there are no guarantees and all we can do is try to bring business in here to help increase the tax receipts and offset the deficits. It's not a trick. It's not spending money on a Corvette. It's spending money – it's an investment that you make. Some investments make money some investments lose money, that's the way life is.

Mr. Osborne: If you – if a community has untold excess funds fine and dandy. But income taxes are paid solely to pay for city services. You'd don't go looking for other ways to spend it. People expect police protection, fire protection, street maintenance and repair.

Mr. Davies: Chuck, you talked let somebody else respond.

Mr. Osborne: That's what income taxes – I'm sorry, I didn't interrupt you.

Mr. Davies: But you did talk and relinquished the floor. In point of fact you mentioned the world has changed and it in fact has. And what has happened is cities and counties and municipalities are fighting okay to bring jobs into their particular municipality. So money is needed. You're right, the world has changed and money is needed for that whether we like it or not. I don't particularly like it, but it is a fact of life that if you want to acquire businesses you're going to have to offer something or they're going someplace else. Mayor.

Mayor Held: Yes, and if I could just add, just to recap where we're at, where the Administration's at in reference to and then I also believe City Council are in agreement on this. When it comes to the CIC I think it's been a fantastic tool to bring businesses and jobs to the City of North Canton. It was voted on the CIC and there was overwhelming support in order to have the CIC, the Community Improvement Corporation, as a tool to bring businesses and jobs. And after taking a really hard hit, 2,400 jobs that we lost at the Hoover facility, we're up now over 400 and by the end of this year we'll be up over 500 new jobs. And you do not see communities of our size bringing in over 500 jobs in a three year period. It's really rare. And I would say that we've been very successful with the Community Improvement Corporation and I would not change that tool, remove it at all. And we're looking forward to better days with the Community Improvement Corporation because if we didn't have it we would not have the jobs over there that we have right now. And so that's our position.

Mr. Osborne: Well that's your opinion. It is a vast facility you would naturally have brought in some jobs. But income taxes are paid solely to support services. They're not designed to be thrown away and siphoned away while at the same time cutting back services. And it's an affront to the tax payer and then you turn around and now you want to raise taxes. And that's all I have to say.

Mr. Revoldt: Mrs. Garcia just for a moment here and I'll bring you – if you don't mind I'm going to respond while my brain is still working. First of all Chuck, I had the benefit of working with the Ohio Department of Development for six and a half years on regional economical development projects across northeastern Ohio. And while one could easily overstate that experience, it is unique to this body. No one here had comparable experience to that which I had. From it I concluded that a community that has resources is in a far stronger position to compete for economic development opportunity than a community that lacks resources. These resources are not income tax dollars. They are not. Number two is, you periodically stand at this microphone and ask us to obey the rule of law. The fact of the matter was that your petition was not consistent with law. That wasn't my opinion, it wasn't the Council's opinion, the Law Department or the Mayor, at the end of the day it was the Fifth District Court of Appeals that ruled against you. Now you can talk about fairness of information but the fact of the matter is no one in this body here is itching to give money away. We are attempting to rebuild a community that has suffered, as the Mayor indicated, a substantial economic loss. We simply happen to have, based upon our prospective and in my case experience, a very different view of how that should be done. I respect your opinion which is why you have an opportunity to voice it at the microphone. Likewise, I have a vote and I just happen to believe that we are, if we are prudent and we don't take too many risks, will probably get to where we need to be. The fact of the matter is as Mrs. Kiesling saw a couple of months ago at a dinner, we deal in this community, northeast Ohio community, with communities that are very aggressive and very creative in their effort to gain economic opportunity. I dare say Chuck that I am not sure we would have it if your voice prevailed. We're going to disagree on that.

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Mr. Osborne (speaking from audience): Can I address what you just last said?

Mr. Revoldt: Excuse me, I am not finished yet. The fact of the matter is the voters are going to have a say in this whole matter. In November they're going to vote for every bloody one of us and they're either going to say we did a good job and deserve to be returned or they're going to send me packing to retirement. In which case that's their will. And in the interim you have every opportunity to avail yourself of letters to the editor, blogs and anything else to campaign against us. That's how the system works. Now...

Mr. Osborne: Can I address what you just last said?

Mr. Revoldt: You may. And then before Mrs. Garcia falls asleep we've got to get to her.

Mr. Osborne: What you're telling me is that the Court of Appeals - you're saying the judge took the rule of law and decided. Yes, they decided in your favor but basically what they decided was a community can vote on expenditure of monies and then years and years and years down the line, while they fall into near bankruptcy they're evidently obligated to continue to expend that money. Now that argument just does not make sense. And I guess you could almost construe it further to say and I guess maybe that's what Mr. DeOrio was saying is, even Council could not now go back and say hey we're going to change that expenditure of money. Is that what you're saying that even after this has been referendum by the public even Council could not override that even though city continues to find itself in further and further deteriorating financial conditions? I don't think that's what the court would force on any city that you can make spending decision today to spend 100,000 a year for the next 15 years and then two or three later - years later find yourself in dire financial strait and say tough the voters voted that they're stuck with it they're going to have to continue to spend this money even though they continue to fall in budget deficit financial straits. And that's what they've ruled.

Mr. Revoldt: No, they didn't rule that at all.

Mr. Osborne: They did too. You're basically saying you cannot go back to the voters.

Mr. Revoldt: No, what they - I am not saying that at all.

Mr. Osborne: Even though you're in financial straits.

Mr. Revoldt: No, no as a matter of fact Chuck the Council could probably withdrawal the funds from the CIC...

Mr. Osborne: I'm sorry.

Mr. Revoldt: The Council could likely - A council withdraw those funds from the CIC if it so choose.

Mr. Osborne: Well it only makes logical sense if you find yourself facing deficits.

Mr. Revoldt: But Chuck, at this point we believe that that money has been prudently sent to that CIC and it has with good reason expended the funds. It -- we've done one large project in just under two years. It's hardly itching to give funds away.

Mr. Osborne: Well I don't know what these two or ...

Mr. Davies: Mr. President, may we hear from Mrs. Garcia?

Mr. Revoldt: Okay. This is it.

Mr. Davies: And then this is ...inaudible...

Mr. Revoldt: Okay we're...

Mr. Osborne: Well I don't know what these two or three levies total per year

Mr. Revoldt: Alright, Chuck...

Mr. Osborne: but it's less than 973,000 and yet you're sitting on \$973,000.

Mr. Revoldt: Mr. Osborne, let me offer you a simple and direct request. Run for City Council, run for Mayor and let's see what kind of currency your ideas have in front of the voters.

Mr. Osborne: Thank you for that advice.

Mr. Revoldt: Thank you. Mrs. Garcia.

Mrs. Garcia: Are you sure?

Mr. Revoldt: I am indeed. I am indeed.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, July 13

7:00 p.m.

20 09

Mrs. Garcia: I apologize I wasn't here to hear all the discussions. I took a vacation from politics. But I would like to know about this levy for the streets. Is this going to be in two parts? Is the levy we have now going to run out?

Mr. Revoldt: Yes.

Mrs. Garcia: And if this levy is in two parts so that the voters have an opportunity to say renew the old one and/or add the new one or is this going to be perceived by your citizens as wrist twisting?

Mr. Revoldt: No, it's...

Mrs. Garcia: I have a lot of people I talk to and they're going to be asking me and I'm asking you how are we going to do this.

Mr. Revoldt: Let me...

Mrs. Garcia: And how do we sell it?

Mr. Revoldt: Okay, fair questions all. There are two levies, one for storm sewer and one for streets. They expire...

Mrs. Garcia: Both of them?

Mr. Revoldt: Both of them expire. We have to collect the funds a year in advance before we can use them. So these will expire a year out at the end of 2010. So what we're going to do is put these in place – 2010 correct? So what we're going to do is put these in place so when the old levies, street and storm expire, the new ones will kick in. So it should be relatively seamless. Now, with regard to the street levy as you heard Mr. Snyder, the current is at one, we're going to move to one and a half.

Mr. Snyder: Two.

Mr. Revoldt: Or excuse me, two, I'm sorry.

Mrs. Garcia: Two, you're going to double it.

Mr. Revoldt: To two so we're going to try to double it up. If it – the voters do not pass that then we will have a year in which we will be re – that council will be regrouping in terms of funding.

Mrs. Garcia: Then you'll have to go back?

Mr. Revoldt: We – well that will be a decision that that council will make at that time. However, I think what we have found is that - and the Mayor has pointed out on a number of occasions is that our spending for roads generally over the last decade has decreased as our revenues have declined from the loss of Hoover jobs. So this is one of these that we're hoping to rebuild our road account, spread the cost out amongst the tax payers.

Mrs. Garcia: Well when I look around at school levies being turned down when school is very important it kind of scares me to see the city without any street levy if the voters get you know stubborn.

Mr. Revoldt: Yes.

Mrs. Garcia: And that's why I wanted to ask if we're – it's going to be a tough sell. But...

Mr. Revoldt: We...

Mr. Davies: If I may very quickly.

Mr. Revoldt: You may.

Mr. Davies: Most of the street levies and municipal levies like that in the last couple of years have actually passed. While school levies have failed, voters have voted for police levies and fire levies and street levies and so forth, in most cases by a large majority.

Mr. Revoldt: And think what's and I think Pat put his finger on something that we hope you will carry to your friends and voters that this is a dedicated levy. This is not money that is driven into the general fund to be utilized at the body's discretion. It must be spent on the maintenance of streets.

Mrs. Garcia: Well yea that's true but then on the other hand you did say that it's going to be a relief to the general fund and use that money for other things. Is that s selling point?

Mr. DeOrio: Well what I think he meant to say is, is provided that we had the money to spend to begin with. I think what – as it alluded to the Mayor if at one time we had you know in the glory days a million dollars to spend on road improvement projects because of the loss of jobs over the ensuing decade we've dwindled down to a bare – a bare amount. Down to maybe you know we're lucky to do one major project of 400,000 in year – we're lucky if we can do that.

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Mrs. Garcia: So you're actually really ...
Mr. DeOrio: Trying to build...

Mrs. Garcia: spending the money that you're getting from the levy now on streets?
Mr. DeOrio: And then that's it.
Mrs. Garcia: And then that's it.

Mr. DeOrio: Whereas before we were spending other monies on doing some of those things. We don't have that luxury anymore. And it's going to take time as the Mayor said to get that built backup, although they're off to a good start. This would be an immediate supplement to get these roads that are deteriorating some additional funds now.

Mrs. Garcia: Well have quite a few people who would come and say well what happened at council this time? And I finally got tired of it and said if you want to know what's going on in council go yourself.
Mr. Revoldt: Best show in town.

Mrs. Garcia: And I know when this hits the fan that they're going to ask me and so that why I'm here again. And thanks for the information.

Mr. Revoldt: Okay. We hope it's useful and if you have additional questions feel free to contact us.

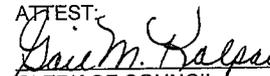
Mrs. Garcia: Well I'll do what I can.

Mr. Revoldt: Well our numbers are in the phonebook. Alright, final call for business. We've heard from everyone if not it is 8:15 I will enter...

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

The meeting adjourned at 8:15 p.m.


PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

7/27/09-gmk