

RECORD OF PROCEEDINGS

0307

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, August 24, 7:00 p.m. 20 09

Call to Order:

1. The council meeting was called to order Monday, August 24, 2009 at 7:10 p.m. by President of Council Daryl Revoldt.
2. The opening prayer was delivered by Rev. Mark Sherwindt, Zion Lutheran Church.
3. All present recited the Pledge of Allegiance.

Roll Call:

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

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

5. Consideration

Financial Statement – June and July, 2009
 Mayor's Court Receipts – June, 2009
 Council Meeting Minutes – July 13, 2009

Mr. Revoldt: You have for your consideration the financial statements for June and July of 2009; mayor's court receipts for June, 2009; and the council meeting minutes for July 13, 2009. Are there any questions or corrections to any of these documents?

Mr. DeOrio: Mr. President in the event there aren't any questions or comments or corrections I would move that we approve as presented.

Mr. DeOrio moved and Mr. Davies seconded to approve the financial statements for June and July, 2009; mayor's court receipts for June, 2009 and minutes of the council meeting held July 13, 2009. All members present voting:

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

6. Committee Report Minutes

Mr. Revoldt: Item 6, we also have for our consideration committee minutes, the executive session on Personnel & Safety held on August 17, 2009; Personnel & Safety Committee meeting held on July 13; Community & Economic Development; Finance & Property; Personnel & Safety; Ordinance, Rules & Claims, Street & Alley; Water, Sewer & Rubbish all held on the 17th of August. Are there any corrections or amendments to those?

Mrs. Kiesling: I have one. And I meant to call you Gail today before, I just saw again, in my minutes Community & Economic Development, "Establish a Public Hearing Date/Time Zone Change Request". I assume we just want a zone change.

Mr. DeOrio: I like the time zone change.

Mrs. Kiesling: Wow we're good – we're not that good. I caught it the other day I meant to call you today, I apologize. But just get rid of ..

Mrs. Kalpac: Okay, I'm sorry.

Mr. Revoldt: You can just strike that?
 Mrs. Kalpac: Yes.

Mr. Revoldt: Okay, it's been moved. Is there a second.

Mr. DeOrio: Second.

Mrs. Kiesling moved and Mr. DeOrio seconded to amend the Community & Economic Development Committee minutes of August 17, 2009. All members present voting:

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

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Mr. Revoldt: Well it's been said this is the Twilight Zone here. So...

Mrs. Kiesling: Well it made me laugh – I appreciate that.

Mr. Revoldt: Alright, I think we need – we now need to have a motion to approve as...

Mr. DeOrio: I would so moved to approve as amended.

Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to approve, as amended, the executive session and committee meeting minutes. All members present voting:

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

No: 0

Executive Session (Personnel & Safety): Please refer to the minutes on file in the Council Office for the executive session on Personnel & Safety held August 17, 2009.

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office for the Community & Economic Development Committee meeting held August 17, 2009.

Finance & Property Committee: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held August 17, 2009.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office for the Personnel & Safety Committee meeting held July 13, 2009.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office for the Personnel & Safety Committee meeting held August 17, 2009.

Street & Alley Committee: Please refer to the minutes on file in the Council Office for the Street & Alley Committee meeting held August 17, 2009.

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office for the Water, Sewer & Rubbish Committee meeting held August 17, 2009.

7. Recognition of Visitors

Mr. Revoldt: Item 7 is recognition of visitors. Is there anyone here who wishes to address the Council? Mr. Lane.

Doug Lane: Mr. President, Doug Lane - 507 Summit SE. Actually here this even representing the North Canton Chamber of Commerce. I'm just here to say thank you to a lot of people and I'm going to try to avoid too many individual names because we'd be up here for quite a while. But we had a very successful Main Street Festival this weekend. And I think – yea, the Reverend is still here; appreciate your help on the weather. We had too many churches involved in that festival not to have good weather so I think that helped out. I want to thank City Council, Mr. Snyder in particular, who took the time to work with Finance Director Zumbar and the Chamber to look at some of the costs and what responsibilities we could share to have this continue. And as you remember some time around March or April it was somewhat in doubt and I'm happy that things proceeded. My thanks to the Administration, to the Mayor and E. J. and the chiefs and EMS and city services and the parks for their support and cooperation. Saw many of you folks there and I saw many of you folks that are in the audience there. And huge success and I really hope that people were here on Sunday in particular and had a chance to see Bitzer Park being full of people enjoying music. And keep in mind what a gem we have over there. And the possibility is that not only that affords us a music venue but also as a community gathering place. So I just want to say thank you very much. And as soon as we get your bill we'll get you the check. So thank you.

Mr. DeOrio: Thank you.

Mr. Revoldt: Thank you. Alright, is there anyone else who wishes to address the Council? Mrs. Burnett.

Suzanne Burnett: I'm Suzanne Burnett and I live at the Danbury on Applegrove Street NE and I want to thank everybody involved in the Main Street Festival including (pointed to Doug Lane). It was wonderful. I was here on Sunday and I walked up and down and that beautiful day and enjoyed everything that was there. I really really think North Canton is special. You do wonderful things and we need to publicize what a wonderful community we live. And I just want to thank you all and you and everybody that made that such a success. Thanks.

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Mr. DeOrio: Thank you.

Mr. Revoldt: Thank you. Alright, Mr. Osborne.

Chuck Osborne: My name is Chuck Osborne. 307 Fairview Street SE – North Canton, Ohio. Last fall in a Committee of the Whole meeting held on October 20, 2008 there was an item on the agenda for discussion under the Finance & Property Committee regarding the collection of delinquent city income taxes. The agenda request had been made by Finance Director, Alex Zumbar. In a memo to council, dated October 17, 2008, Mr. Zumbar states and I quote, "the collection of these income - delinquent taxes is of great importance to the City." Fortunately, for the city, there is a legal process that allows for the collection of delinquent income taxes and this was explained to council by Law Director, Randy McFarren. Finance Committee members have advised me that delinquent income taxes owed to the City of North Canton total as high as 150,000 and that these are delinquencies that have accumulated – and that these are delinquencies that have accumulated over a number of years and are owed by hundreds of debtors. Tax collections are significant for every community and given that – given North Canton's current financial plight, collection of city taxes takes on added significance. Equally important is fairness in tax policies. Everyone must pay his fair share. My topic of concern tonight is the delinquency of a specific account and how the city has found itself with little or no means to collect on this delinquent account. I am referring to a debt owed to the city by the former lessee of the Fairways of North Canton. According to city documents, the city is owed \$104,311.74. Despite numerous letters from the city, the earliest dated October 7, 2008, the city has not received payment. City records indicate that the overdue amount is comprised of 55,000 in past due lease payments and \$49,311.74 is property taxes for 2008. Under the triple-net lease with the city, the lessee was obligated to pay property taxes. To prevent a delinquency on the property taxes for 2008, the city paid the taxes to the county directly and is now attempting to collect from the lessee, Larizza Management Group, Limited. In contrast to the delinquent income taxes discussed above in which the city has legal standing to force collection, it appears that the City of North Canton has little or no legal basis to force the collection of this debt of over \$104,000. It is not my intention to embarrass anyone at this time but there should be a public understanding of how and why the city has found itself facing an economic loss of this magnitude should the former lessee continue to ignore demands for payment. Steps should be taken to prevent repeating the same mistakes in the future. The seeds for the predicament that the North Canton now finds itself originate with the contract to lease Arrowhead Golf Course property, signed on December 31, 2003, by former Mayor Tom Rice. The handicap facing the city today arises from the fact that the city required no performance bond, received no security deposit and failed to require the lessee to sign the lease contract both as a corporate officer and personally. Kevin Larizza signed only as President of Larizza Management Group, Limited, which allows him to shield himself personally from any legal obligation to honor the contract with the city. ARTICLE IX of the contract to lease the golf course specifies a \$50,000 security deposit to be collected in two \$25,000 installments. The first installment was to be paid within the first six months of the lease and the second installment was due no later than eleven months into the lease. No security deposit was ever collected. Mayor Held, as city administrator at the time, why were no lease payments ever collected? In minutes of an August 26, 2003, Board of Control meeting to authorize the Mayor to enter into a Lease Agreement for the premises known as Arrowhead Country Club, City Administrator Held asked Law Director Roy Batista if Batista preferred a \$500,000 performance bond over a security deposit. Law Director Batista replied "I really would want both." On August 19, 2003, a *Repository* story titled, "North Canton Agrees to Lease Arrowhead," reports and I quote, "the lessee will have to sign a \$500,000 performance bond to protect the city if Arrowhead is damaged or neglected while leased." Mayor Held, the record begs the obvious question of why was there no requirement for a performance bond as urged by Law Director Batista and reported to the public in the newspaper? On August 28, 2003, a *Repository* story titled, "Chippewa Offered City Most Bang for Its Buck," reports and I quote, "the city is paying a leasing consultant from Texas for its advice on the seven proposals and has hired Addison Law Firm of Dallas, Texas, which specializes in golf course management contracts and leases, to formulate the final lease agreement with Chippewa." City records document that North Canton paid the Addison Law Firm of Dallas, Texas, at least Four Thousand Two Hundred and Fifteen – Two Hundred Dollars and Fifteen Cents, for their legal services. The identity of the leasing consultant or the costs to the city for their services could not be located. Mayor Held, why did the city have to retain a law firm located a thousand miles away at an added expense to the taxpayers of North Canton to draft a contract to lease property when North Canton had not one but two law directors already on the city's payroll? In your opinion did the city benefit from the use of outside legal expertise in the drafting of this lease? Further Mayor Held, was there any thought given to requiring Kevin Larizza to sign the lease agreement as an individual as well as in his capacity as an officer of the corporation? The minutes of the Board of Control meeting dated August 26, 2003, referenced above, have former Mayor Tom Rice stating and I quote, "I never enter into a contract before it's been approved by the Law Department." However, a search of all city records related to the Arrowhead Golf Course property fails to show that the lease was ever reviewed by the North Canton City Law Director. Failing to have the city's law director review and approve the lease for form and content is a violation of state law under Ohio Revised Code 705.11. The statute states in part and I quote, "the city director of law shall indorse on each contract approval of the form and the correctness thereof. No contract

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with the municipal corporation shall take effect until the approval of the city director of law is indorsed thereon." I urge this council to pass legislation codifying this requirement under the laws of North Canton as added protection against economic loss to the city and its taxpayers in future contracts. Lastly, I would like to speak to another aspect of this sad saga that resulted in a contract that has failed to protect the City of North Canton and exposed the city to economic loss. Council minutes along with Board of Control minutes clearly reveal City Council's failure to provide oversight of the Rice administration and City Administrator Held who are ultimately responsible for the failed contract. At a special council meeting held on August 18, 2003, City Council voted, on an emergency, to give the former Rice Administration total authority to negotiate the lease contract. I was on city council at this time and after I was prevented from speaking out against the lease in the proceeding Committee of the Whole meeting, I refused to vote on the measure and excused myself from participation in the vote. The remaining six members of council voted to authorize Mayor Rice to enter into a Lease Agreement for the premises known as Arrowhead Country Club for a term not yet negotiated. Whatever happened to the idea of checks and balances in government and of the fiduciary responsibility City Council has to their constituents? The potential economic loss of over \$104,000 facing any municipality is nothing to brush aside. And given the devastating financial distress now facing the city, any loss in revenue is devastating. Mayor Held, I realize that less than a month after the Arrowhead lease contract was signed you were removed as city administrator and that might explain why the security deposit was never collected by you. But you did return to the city as mayor two years later in 2005. For the last three years of the lease you did have an opportunity to collect the long overdue security deposit. It is unfortunate also that your City Administrator, Earle Wise, also has not thought to collect the security deposit in his nearly four years at City Hall. And I might add, neither did former City Administrator Michael Miller who served during the first two years of the lease and made modifications to the lease that expanded the definition of capital improvements that were to be reimbursed. The potential economic loss that the city finds itself facing is the result of what one might call a "perfect storm." First, City Council gave blanket approval for the Rice Administration to negotiate the lease contract and never asked to review the terms negotiated. Second, the contract was signed within the first ninety days of a change in city's law director. Third, there was a change in city administrators thirty days after the lease was signed. Fourth, there was a failure to have the North Canton City Law Director review the lease contract as required by state law. I urge this council to commence an investigation into all the shortcomings that apparently have now put the city at a great disadvantage in pursuing the collection of these badly needed funds and conceivably could result in a sizeable economic loss to the city. Clearly, the city's Law Director needs to review all contracts as state law mandates. I will wait to see what other recommendations this council elects to put in place after their study is completed. Thank you.

Mr. Revoldt: Thank you. Mayor, Mayor.

Mayor Held: First off just to clarify a few things, back when we entered into that agreement - there's a number of reasons why the City did not get a security deposit, a performance bond and the outside legal counsel and it's really pretty clear. When Arrowhead first came up for sale it was really at a last - right at the end of the season. They decided to sell their country club. The city was scrambling at that point to decide whether or not, a) they should buy it or 2) just let the process take its course. I remember at that time Mr. Osborne you were adamantly opposed to the city purchasing Arrowhead Country Club. And obviously the other city council members and the mayor and also myself were in agreement that it would be - when you look at the large picture, that it would be a smart move for the city to do. To this day I have absolutely no regret that we purchased Arrowhead Country Club, none whatsoever. Now when we look at the process that we had to go through it was somewhat of a tenuous circumstance because the city had no experience managing a golf course and the previous mayor had a desire for the city to manage the golf course. So that was the direction that we were moving in as we were looking to purchase Arrowhead Country Club. It became increasingly more apparent that the city was not equipped to manage a golf course. And when we looked at other municipalities that had attempted to manage a golf course many were not that successful. I certainly as the administrator at that time was not confident in managing a golf course. Neither were any of the department heads or employees that we had at that time did any of them have any experience in managing a golf course. So as we were moving towards this decision to purchase we were also moving towards the decision as to who was going to manage it, whether it's going to be the city or an outside vendor or contractor. So at that point when we had to make the decision to purchase we simultaneously had to make a decision to manage. So I was given a recommendation to contact an attorney that had experience putting together golf course purchase agreements, golf course leases. From my prospective it was the best \$4200 that I spent while I was working as a city administrator. They brought everything into focus. They said this is what you need to do. You need to put out a request for proposals for people that are capable of managing it, here's a list of requirements that each one of them should have. They've been through this. They walked us through and in a matter of two weeks we had a clear focus and a direction that we were going to take. So at time it was agreed upon with council and also with the administration that we were not going to manage the golf course that it would be too expensive and that we were going to find a contractor to come in. At that point we did

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focus on Kevin Larizza because we were looking at somebody that had the equipment, somebody that had the resources, somebody that had the personnel that could come in and in the next week take over multiple weddings, multiple anniversaries, birthday parties and other events that were scheduled in the weeks to come. So not only did they have to know how to manage a golf course they had to manage the party center. And so we had people calling about whether their event was going to continue. At that time when we were negotiating a contract a performance bond just priced Kevin Larizza right out. He said I simply can't do it, if you require me to have a performance bond I can't do it. When we looked at all the other factors as to what he was willing to pay it really – we felt and I felt and the council felt and Mayor Rice felt that it was a deal for the city because our goal was just to keep the greens maintained in the spring because we were concerned that we were losing the greens because of mismanagement. And once you lose the greens it's very very expensive to bring those back. So we decided at that time that we were going to forgo the security deposit because he said I don't have that kind of money or was unwilling to invest the security deposit and he said that the performance bond, which we confirmed through the insurance or the bonding company, that it would simply be too expensive and it wasn't typical of a city to require that because of the expense.

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

Mayor Held: Hold on let me finish. You had your turn.

Mr. Revoldt: That's my line.

Mayor Held: What's that?

Mr. Revoldt: That's my line.

Mayor Held: Okay. So anyways the security deposit we decided to forgo that. The performance bond in my assessment at the time it priced itself out. Outside legal counsel you know it's not the that we're ignoring our legal counsel that we had at the time, they admitted they didn't have expertise in leasing or purchasing golf courses, these folks did. And in addition to that you know if you look at where we're at right now I believe that it was the best decision. There's no doubt about it we've conserved 105 acres right in the heart of the city. We could have sold it to a developer, which I was not in support of that. I don't think any council member at that time or any council member sitting here now would approve that especially when you look at the costs to the city and to the school when you have hundreds of new residents in that area that we just weren't prepared to serve. So with that in mind I think that there was a lot that went into it and during my tenure as administrator at the time I thought that that was actually one of the more successful agreements that we put together.

Mr. Osborne (speaking from audience): Can I reply ...inaudible...

Mr. DeOrio: I just wanted to ...

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: make sure the Mayor put into his remarks that not only did you do that but you also maintained the mineral and the water rights...

Mayor Held: Yes.

Mr. DeOrio: to that area.

Mayor Held: That's correct, that's correct. That's a very good point.

Mr. DeOrio: Which we haven't used yet but someday down the road we may look back and say wow were we glad we did that.

Mayor Held: That's right. That's a very good point. And when you think about it for the city employees simply to cut the grass, that's not to manure the greens, but that's simply to cut the grass at the time would have been I think it was \$210,000. So and the other thing is we didn't have the equipment to maintain it and when you looked at the equipment that the Arrowhead Country Club left behind, they didn't have the proper equipment it was – it was broken down old equipment because they knew that they were going to be leaving. And so Kevin Larizza brought in his own equipment whether it was leased or owned so he was ready to setup shop. Most of the other individuals that had turned in a proposal always had a desire to manage a golf course but many of them never had the experience nor did they have the equipment or the ability to mobilize within a two-week period for weddings, receptions and management of the golf course. So I still feel confident that we made the right decisions. But I appreciate your remarks, I just disagree. That's all.

Mr. Osborne (speaking from audience): President Revoldt ...inaudible...

Mr. Revoldt: Council? You may very briefly because I want the last word. Just very very briefly.

Mr. Osborne: Research I have uncovered from another attorney tells me that performance bonds are priced anywhere about three dollars per hundred dollars; so a half a million dollar performance bond would have cost \$1,500. That should not be outside Mr. Larizza's ability to handle.

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Mayor Held: It's just – that's just incorrect because what we were looking for the performance bond to cover it simply priced itself out which was preservation of the greens and a multitude of other things. And so I just disagree with that.

Mr. Osborne: You have not answered why the security deposit was never collected. It was in the lease ...

Mayor Held: Right.

Mr. Osborne: to be collected.

Mayor Held: That's right. And as then as we got to that point – you're exactly right.

Mrs. Kiesling: Aren't we in litigation over this? Aren't we – don't we have issues with them?

Mr. Revoldt: We're – excuse me, we are not going to discuss Mr. Larizza any further because that matter is being addressed by our legal counsel. So I'm going to end the discussion on this matter right now under my prerogative as Council President.

Mr. Davies: May I say something?

Mr. Revoldt: You may before I go. And I'm going to ask Mr. Osborne to return to his seat, if you would be kind enough to do that. You may make your comment and I will wrap it up.

Mr. Osborne: Well the city is still hurting for \$104,000. And I don't care what trials and tribulations you said you had to go through the city's unprotected.

Mr. Revoldt: Okay Chuck, thank you. Okay.

Mr. Davies: My comment would be while I tend to think you know having the land is a good thing. Although depending on what happens with the economy and what can be done with it in the future it may or may not be. The two men running it right now are doing a wonderful job and if it maintains that's a good thing, if it doesn't we're hurting. However, I do think Mr. Osborne's point that and you made the point the city got into an area it had never been into before. And Mr. Osborne made the point of whether it's an ordinance or whatever having essentially a checklist of things that need to be done if we enter into new contracts of any kind with any developer, with any – I think is prudent.

Mr. Osborne (speaking from audience): Right.

Mr. Davies: That – and I think it should be codified so that new councils, new administrations, whatever follows that dictum. You know what kinds of contracts are we willing to enter, what are the channels it goes through, who signs off, etc. etc. You know do we need deposits, do we need performance or whatever and have that codified because we are getting into areas that this city has never and other cities have never gotten into before because of the economy and with Maple Street and golf courses and so forth. Same thing with the community investment corp, the CIC, same thing, there should be guidelines for that before – that are set down and you go through you know before you even look at something. Does it meet the criteria? If it doesn't, we shouldn't even consider it. So I totally agree with Chuck on that and I think it should be something that we work on and do an ordinance and codify ...inaudible...

Mr. Revoldt: Any other comments or questions? I would just simply say that to echo Jeff that contract management is a – has been in this community a relatively new phenomenon. From my prospective of gees now nearly 22 or 24 years in municipal government it's more complicated and complex today than it was when I started in – I'm embarrassed to say in 1981. I think it's important however to also put some of these things in a prospective and the Mayor has alluded to that. Since 2003 we've had two mayors, three administrators and three law directors and an unprecedented level of contentiousness within this body. And frankly there's a price that we all pay when the legislative arm and the executive arm don't always see eye to eye and don't cooperate. I wish that then when all this was occurring we had as vigilant a citizenry as we perhaps have today. But the fact of the matter is lessons have been learned. Whether they can be carried and passed on to a new council that – there's no way you can legislate common sense. The fact of the matter is for this body, this council, this particular council that was elected nearly two years ago, this was a lesson learned. Unfortunately, I had an experience during as my tenure as mayor on a contract that we attempted to manage ironically over a golf course at a well field. Doug, you remember that. That experience carried us to a week's worth of trial, cost us well over \$350,000 in legal fees and we got no rent which was the issue. So as simple as all this sounds in the grand scheme of things, in practical reality was attempts to enforce that contract cost us a heck of a lot more money than we lost on rent. Something there...

Mr. Osborne (speaking from audience): It's a good thing I wasn't around then.

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Mr. Revoldt: Yea, I think you were here. The fact of the matter is that this council has learned an important lesson about contract management. And while much of those lessons are executed beyond the pale of this room, the fact of the matter is the Law Department has reviewed all contracts and continues to do so with the aide of the Finance Department. And little matters like economic development agreements we routinely do not accept them or present them to Marcia's committee without the Law Department having reviewed and discussed them in some detail with the administration. The fact of the matter is we realize it is a team effort. That it requires the Administrator, the Director of Finance, the Director of Law and the committee chairman to produce a good sound product. And to that end we can provide a couple of examples, one being on South Main Street with the Waterside Development and the agreement on the development of that site where we had protracted negotiations that we think we were prudent and responsible in the terms of that agreement. Whether a future council 2, 4, 6 years down the road will be as prudent we can only hope that the citizens elect good representatives as either mayor or council. You know the sharpest vision is always in the rearview mirror. And it's good to be able to look back and see where the mistakes are. I think part of it is to acknowledge that that contract could of received better attention. The real question is for the people here tonight is what did this council do about that contract. Did we learn anything? And I think the answer is yes, we did. We have a much – given the circumstances we have much better contract and one that has better oversight from this council. You may recall for example that we've had the contractees here before this body to report and they will be returning later this year to report their results. Mr. Zumbar has reported to Director of Finance or excuse me, Finance Committee Chair that all the documents, insurance, fees, etc., are in order and that is part of that contract management experience. So I think we've done a pretty good job. With that let me move on then. Is there anyone else who wishes to address the Council? Seeing none then let me move on to old business and that would be Item 8. May I have a motion to read by title only, third reading of Ordinance 58-09?

OLD BUSINESS:

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

Ordinance No. 58-09 – 3rd 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, this is the third reading. It does contain an emergency clause so it will become effective upon the third reading passage for purchase of the chemicals to which we use at the processing of our raw water at the Water Treatment Plant.

Mr. Revoldt: Any other questions or comments? Seeing none, then a motion to adopt the third reading of Ordinance No. 58-09.

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

NEW BUSINESS:

- 9. Mr. Revoldt: Moving on to new business, Item 9, a motion to read by title only, first reading of Ordinance 75-09.

- Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading of Ordinance No. 75-09**. All members present voting:
Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.
No: 0

Ordinance No. 75-09 – 1st Reading – Community & Economic Development

An ordinance authorizing the Mayor of the City of North Canton to enter into a contract for the completion of a Master Plan for the City of North Canton and declaring the same to be an emergency.

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Mrs. Kiesling: Yes, we spoke about a couple of the changes that were made last week and then we did want one change made. Eric, do you know if he added where we talked about the first paragraph under the **Downtown Redevelopment Strategy** include a sentence addressing the prevention and maintenance strategies of the city's streetscape? You're confident that that's in there and...

Mr. Bowles: Yes.

Mrs. Kiesling: Okay, alright.

Mr. Snyder: Madam Chairman, a privilege of question if I may?

Mrs. Kiesling: Sure.

Mr. Snyder: This we're only right now committing to the first portion. Correct? We're around what 20 some thousand or are we committing with the whole 52 at this point? Thought we were committing for the first leg of the three legged stool.

Mrs. Kiesling: This is completion.

Mr. Bowles: No, all three phases.

Mrs. Kiesling: I think it's all of it.

Mr. Snyder: Oh we are committing to all of it?

Mrs. Kiesling: Yea.

Mr. Bowles: Payment upon completion of each phase is required by council.

Mr. Revoldt: Yes, contract management having been burned on the NDBBJ contract back in back in the early 90's. Yea, we paid them and we got junk back. They had our quarter of a million bucks. I remember that very clearly. Excuse me.

Mr. Snyder: So in other words if we're not happy with what he brings us we're not committed to the next two phases or we are?

Mr. Bowles: That's why there's two oversight committees, the Steering Committee and the Working Group and there'll be a member of council, at least one member of council and at least one member of the administration on the Working Group.

Mr. Snyder: Because you know in reading the draft it's a little ambiguous – it seems a little boiler plate and that's quite expensive.

Mr. Revoldt: You want to clarify that?

Mr. Snyder: What the ...

Mr. Revoldt: Payment schedule.

Mr. Snyder: Yea I would like to ...

Mr. Revoldt: Inaudible... first reading.

Mr. Snyder: I would like to go in three segments as they come up and give it this first reading and then just take it in segments that way it...

Mr. Revoldt: Let's do this, let's have this put back on the agenda for Monday night or next Monday or at our next meeting, we'll give it a first reading and let's take a look at that payment schedule. You want those released by council or...

Mr. Snyder: Please.

Mr. Revoldt: at least to be discussed.

Mr. Snyder: At least be discussed.

Mr. Revoldt: Okay. Any other questions or comments? Mr. Bowles?

Mr. Snyder: Thank you Madam Chairman.

Mrs. Kiesling: You're welcome.

Mr. Revoldt: May I have a motion to adopt – Marcia may we proceed?

Mrs. Kiesling: Yea, we're ready.

Mr. Revoldt: A motion to adopt the first reading of Ordinance 75-09.

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Mrs. Kiesling moved and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 75-09. All members present voting:
 Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.
 No: 0

10. Mr. Revoldt: Item 10, a motion to read by title only, first reading of Ordinance No. 76-09.

Mr. DeOrio moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 76-09. All members present voting:
 Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.
 No: Davies

Ordinance No. 76-09 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a LPA Federal Local-Let Project Agreement by and between the City of North Canton, (hereinafter "LPA") and the State of Ohio Department of Transportation (hereinafter "ODOT") for the North Main Street Reconstruction Project – Phase VI (Applegrove to Orion) and declaring the same to be an emergency.

Mrs. Kiesling: Where did we just read that from?

Mr. DeOrio: Mr. President...
 Mr. Revoldt: You may sir.

Mr. DeOrio: You have your – one that was put on your desk.
 Mrs. Kiesling: Thank you. No, that helps.

Mr. DeOrio: This ordinance we discussed previously allows the city to act as the agent that's going to manage the project and we are going to apply for a loan in order to be able to do this and we will still have the opportunity once the project is bid out to review it to see what it is that we like if we go forward with it. If we don't go forward with it then obviously then this really wouldn't be apropos. But this is the first step in that process we would expect the Engineer to bid it out and then once it's bid out then we'll know what the cost is and then we'll know you know how all of this is going to come into play.

Mr. Revoldt: And this will be bid a number of – with and without the decorative elements. Correct?

Mr. DeOrio: Yes, Mr. Benekos has previously indicated so. So to get the agreement in force with the state officials we should get this paperwork to them without delay and I would ask that we pass this on an emergency.

Mr. Davies: May I ask a question?
 Mr. Revoldt: You may.

Mr. Davies: This says submit an application to the Ohio Public Works Commission for a loan and authorizing the Mayor to enter into an agreement. A loan for how much? If we haven't decided on what we're going to do.

Mr. Revoldt: Take – we have a technical error in our agenda. The correct ordinance is at your place on this page.

Mr. Davies: Okay, this is the correct one?

Mr. Revoldt: Yea, and I apologize.

Mr. Davies: A Local-Let Project Agreement.

Mr. Revoldt: for not pointing that out. Okay, we'll just take a minute and have you read that. If we might while council's digesting that document, Mrs. Kiesling, I think what we'd like to do in looking at the previous piece of legislation, 75-09. I think what we'd like to do, Law Department, is add a provision that the schedule amounts be released by council as an amendment. So you might want to consider that that would be my recommendation. That the scheduled amounts of payment...

Mr. McFarren: For the previous item?

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Mr. Revoldt: Yes, this is the Master Plan. That those amounts – \$14,000, \$19,000 and \$16,000 be released by council with separate votes. I think that's where we're headed. You can consult with Marcia and determine whether that's satisfactory. Now Pat, can we come back or Jeff.

Mr. DeOrio: Jeff had the floor.

Mr. Davies: Well I know we're not going for a loan but we're - hereby authorizes to pay the city's share of this project. We don't even know what the project's going to cost or what we're going to do. That's okay. Do what you want. I'm not going to vote for it anyway. But...

Mr. DeOrio: Well in order to find out...

Mrs. Kiesling: Paperwork.

Mr. DeOrio: Yea, we've got to have the paperwork in order to find out what it is that it's going to cost.

Mr. Revoldt: Any other questions or comments for the administration? I assume it's the administration's recommendation to proceed?

Mr. Benekos: Yes, please.

Mr. Revoldt: And what is your deadline for submitting the paperwork?

Mr. Benekos: I'd like to have it by the end of September.

Mr. Revoldt: Okay, any other questions, Committee, Council? May I have a motion to adopt the first reading of Ordinance 76-09?

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 76-09. All members present voting:

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

No: Davies.

Mr. Revoldt: Motion to suspend the rules for Ordinance 76-09.

Mr. DeOrio moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 76-09. All members present voting:

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

No: Davies.

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 76-09.

Mr. DeOrio moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 76-09. All members present voting:

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

No: Davies.

11. Mr. Revoldt: Item 11, a motion to read by title only a first reading of Ordinance 77-09.

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 77-09. All members present voting:

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

No: 0

Ordinance No. 77-09 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission for a grant for the East Maple Street Resurfacing Project (Taft Avenue NE to Marquardt Avenue NE) and authorizing the Mayor to enter into an agreement for said grant and declaring the same to be an emergency.

Mr. DeOrio: Mr. President, we had discussed this last week. And Jim just to remind us here, the grant was going to be what kind of a split on this one?

Mr. Davies: 50, 50.

Mr. Benekos: 49, 51.

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Mr. DeOrio: Right. And then wasn't -- was this the one where there was some complicated mechanism where like that our share was going to be submitted to -- from municipal road fund or ...

Mr. Benekos: No...

Mr. DeOrio: Okay, it was something else.

Mr. Benekos: not this one.

Mr. DeOrio: Okay, they just kind of ran together. I apologize.

Mr. Benekos: That's okay. This one's basically a straight 50, 50 grant for the resurfacing.

Mr. DeOrio: Okay and this was -- that area had the waterline put in wasn't it last...

Mr. Snyder: A couple years ago.

Mr. Wise: It was awhile ago.

Mr. Benekos: About 2001, 2002 it was the raw waterline that went down ...

Mr. DeOrio: Okay, so we're all okay there.

Mr. Benekos: Right.

Mr. DeOrio: Very good. I don't have any other questions on it and we would like to have this passed as an emergency. Would anybody else like to weigh in?

Mr. Revoldt: Questions or comments? Seeing none then a motion to adopt the first reading of Ordinance 77-09.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 77-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 77-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 77-09. 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 77-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 77-09. All members present voting:

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

No: 0

12. Mr. Revoldt: Item 12, a motion to read by title only, first reading of Ordinance 78-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 78-09. All members present voting:

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

No: 0

Ordinance No. 78-09 - 1st Reading - Street & Alley

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public works Commission for a grant for the Main Street Resurfacing Project (Rose Lane to 7th Street) and authorizing the Mayor to enter into an agreement for said grant and declaring the same to be an emergency.

Mr. DeOrio: Mr. President, thank you. This is one where we're doing that, right?

Mr. Benekos: Correct. This is one we have the federal funds for that got delayed a year which enables us to apply for OPWC funds with a 20 percent match.

Mr. DeOrio: That was it. Thank you for ...

Mr. Revoldt: This is the free project.

Mr. DeOrio: This is a freebee.

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Mr. Benekos: If we get the grant.

Mr. Revoldt: If we get the money.

Mr. DeOrio: If we get it.

Mr. Revoldt: And the estimated value of this potentially free project is?

Mr. Benekos: 1.1 million dollars.

Mr. DeOrio: Just savor that moment for... If there aren't any other comments, then I would move for adoption of Ordinance No. 78-09.

Mrs. Kiesling: Second.

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

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 78-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 78-09.

Mr. DeOrio moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 78-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 78-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 78-09. All members present voting:

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

No: 0

13. Mr. Revoldt: Item 13, a motion to read by title only, first reading of Ordinance 79-09.

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

Yes: Peters, Revoldt...

Mr. DeOrio: Excuse me, are your numbers off or...

Mrs. Kalpac: No, I actually mis-numbered that, I removed the tabled legislation and forgot to renumber...

Mr. Snyder: We're on 15.

Mrs. Kiesling: We're on 15.

Mr. DeOrio: Oh, I thought you said 13.

Mr. Revoldt: I did.

Mr. McFarren: The numbers are off by 2.

Mr. Foltz: We skipped 9 and 10.

Mr. Revoldt: Alright, let me just stop calling the agenda items and let's move to it's been moved and I think we've got a second. And start read by title only, first reading Ordinance 79-09.

All members present voting:

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

No: 0

Mr. McFarren: Now we're ready.

Ordinance No. 79-09 -- 1st Reading -- Water, Sewer & Rubbish

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

Mr. Davies: This is an agreement the City of Canton is upping their rates from I forget the exact numbers ...

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Mr. Snyder: 7-1/2 to 9.

Mr. Davies: Well but
Mrs. Kiesling: But we're on 7-1/2.

Mr. Benekos: It's 5.64 currently they're asking us interimly (it's a word) to 7.5 percent. They feel we should be paying 9 percent.

Mr. Davies: And then we're going to be – have to pay this and then we're going to have to put some meters in and meter the flow and so forth and so on.

Mr. Benekos: Correct.

Mr. Davies: And hopefully pay less but possibly pay more and we may have to divert storm water from the sewers so our meter flow goes down. See I was there last week. I move that we adopt because we have no choice.

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

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

No: 0

14. Mr. Revoldt: May I have a motion to read by title only first reading of Ordinance No. 80-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 80-09. All members present voting:

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

No: 0

Ordinance No. 80-09 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Mayor of the City of North Canton to enter into an Agreement by and between the City of North Canton ("City") and the Board of County Commissioners of Stark County ("County") for the installation of waterlines for the Cleveland Avenue / Mt. Pleasant Intersection Improvement Project, at a cost not to exceed \$75,000.

Mr. Davies: My understanding they're widening the road doing some things up on Cleveland. We want to put the lines because some day we may want to go down that street and if we have them in now they're – actually the county will be paying for part of the installation because they have the road dug up and their crews are there and so forth. So it will only be 75,000 if we did it later we'd have to redig the streets up so it would cost us a lot more. So it's money well spent at this point in time. And I move that we adopt.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 80-09. All members present voting:

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

No: 0

15. Mr. Revoldt: Motion to read by title only, first reading of Ordinance 81-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 81-09. All members present voting:

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

No: 0

Ordinance No. 81-09 – 1st Reading – Water, Sewer & Rubbish

An ordinance adopting regulation for the City of North Canton storm sewer system ("MS4") of illicit discharges and connections and methods for controlling the introduction of pollutants in order to comply with requirement of the National Pollutant Discharge Elimination systems ("NPDES") permit process as required by the Ohio Environmental Protection Agency ("Ohio EPA") and declaring the same to be an emergency.

Mr. Davies: Pretty much exactly what it says. EPA requires that we have ordinances on our books dictating what can be dumped into the storm sewers and so forth and what cannot be dumped into them. We're required to adopt this. So again I move that it be adopted.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 81-09. All members present voting:

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

No: 0

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Mr. Revoldt: Motion to suspend the rules for Ordinance No. 81-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 81-09.
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 81-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 81-09. All members present voting:
Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.
No: 0

16. Mr. Revoldt: Motion to read by title only first reading Ordinance 82-09.

Mr. Davies moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 82-09. All members present voting:
Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.
No: 0

Ordinance No. 82-09 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids for the construction of the Well #10 Raw Waterline Project and declaring the same to be an emergency.

Mr. Davies: The City has drilled wells in the Oster property. Now's the time we need to get up a line from them to the Water Department so that they can treat them and the water can be drawn up and used. My understanding is we will receive bids and get a firm price on what it is going to cost to run this line and – because there was talk about we might have to get a loan to do this and we may want to revisit that. We'd have to come back and vote then on the loan. Is that not correct? So this doesn't give – we're not going to enter into a contract but we are going to get bids and see exactly what it's going to cost. So therefore I move that we adopt.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 82-09. All members present voting:
Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.
No: 0

Mr. Revoldt: Motion to suspend the rules for 82-09.

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for Ordinance No. 82-09. All members present voting:
Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.
No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance No. 82-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 82-09. All members present voting:
Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.
No: 0

17. Mr. Revoldt: Motion to read by title first reading of Ordinance 83-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 83-09. All members present voting:
Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.
No: 0

Ordinance No. 83-09 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission for a loan for the North Main Street Waterline Replacement Project and authorizing the Mayor to enter into an agreement for said loan and declaring the same to be an emergency.

Mr. Davies: This is part of the ongoing replacement of waterlines in North Canton. However to do this we are low on water funds and the administration is requesting that we apply for a loan. We talked about it last week. You know I think we have to be careful about the amount of loans that we're doing. But voters want to approve they may or ...

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Mr. DeOrio: Well I believe we would be approving for submitting the application...

Mr. Davies: Submitting the application.

Mrs. Kiesling: Application.

Mr. DeOrio: at this time.

Mr. Davies: Submitting the application. I know but I'm just saying we've got to be cautious. But we will just submit for an application. So if someone wants to move.

Mr. DeOrio: I'll move.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 83-09. All members present voting:

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

Mr. Revoldt: Okay, let me have a motion to suspend the rules for Ordinance 83-09.

Mr. DeOrio moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 83-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 83-09.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 83-09. All members present voting:

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

No: 0

18. Mr. Revoldt: Motion to read by title only first reading of Ordinance 84-09.

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 84-09. All members present voting:

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

No: 0

Ordinance No. 84-09 – 1st Reading – Personnel & Safety

An ordinance amending Section 24. AUTHORIZED MANPOWER of Ordinance No. 10-89, Police Personnel Ordinance, as amended, to permit an unlimited number under the classification of part-time Police Patrolman, Special and Radio Dispatcher C and declaring the same to be emergency.

Mr. Peters: Yes, thank you. Under the current ordinance we are limited I believe it's three for the police and four for the dispatcher or vice versa one of the two. But this allows us to hire as many as we would like at great cost savings potentially. So any questions of the Council?

Mr. Revoldt: Administration have anything to add, Finance?

Mr. Wise: I think that sums it up.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 84-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance 84-09.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 84-09. 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 84-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 84-09. All members present voting:

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

No: 0

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19. Mr. Revoldt: Motion to read by title only first reading of Resolution No. 85-09.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Resolution No. 85-09. All members present voting:

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

No: 0

Resolution No. 85-09 – 1st Reading – Personnel & Safety

A resolution authorizing the Mayor of the City of North Canton to enter into a Contract and Memorandum of Understanding by and between the City of North Canton ("City") and the Perry Township Police Department ("Township") to join and be a participating member of the Stark County OVI (Operating of a Vehicle while Intoxicated) Task Force for the period commencing September 1, 2009 and ending September 30, 2010 and declaring the same to be an emergency.

Mr. Peters: Thank you. Basically as it reads, I did have a chance to talk to the Police Chief and he said that we've done this before, we've participated in this one time before at no extra cost.

Mr. Wise: Right. My legislative request was certainly inarticulate. There are overtime costs associated with this and the grant covers those overtime costs. The other question was about the \$50 – any costs over \$50 probably would not be covered. We would not have any of those. We do not have any of those. A lieutenant's salary is not \$50 an hour even on overtime. The only time a lieutenant would participate on something like this would be in fact if there was a checkpoint that we were in charge of. We are slated to potentially do one of those in December but it would cover the overtime costs for patrolmen at a checkpoint. As I indicated last week there are other extra patrols that we are asked to put on on that same night even if we're not involved in the checkpoint any overtime is covered by this grant.

Mr. Peters: The chief indicated to me earlier today that if there were any meetings or anything that would go along with this in anticipation of these that he would be the one in attendance.

Mr. Wise: Right, he attends those meetings so there's no overtime or extra expense for his time at any of these meetings outside of normal working hours.

Mr. Peters: Okay. Any questions from Council?

Mr. DeOrio: I would move for passage of Resolution No. 85-09.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the first reading** of Resolution No. 85-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to suspend the rules for Resolution No. 85-09.

Mr. Davies moved and Mr. Peters seconded to **suspend the rules** for Resolution No. 85-09. 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 85-09.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Resolution No. 85-09. All members present voting:

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

No: 0

20. Mr. Revoldt: Motion to read by title only first reading of Ordinance No. 86-09.

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 86-09. All members present voting:

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

No: 0

Ordinance No. 86-09 – 1st Reading – Ordinance, Rules & Claims

An ordinance to approve and adopt current replacement pages to the Codified Ordinances 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, August 24, 7:00 p.m. 20 09

Mr. Revoldt: If you have a few minutes I'd like to read all of the changes.

Mr. DeOrio: Please do. Would you like a motion for that?

Mr. Revoldt: This is self-explanatory but what I'd really like to have is a motion to adopt the first reading of Ordinance No. 86-09.

Mr. Davies moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 86-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 86-09.

Mr. DeOrio moved and Mr. Davies seconded to suspend the rules for Ordinance No. 86-09. All members present voting:

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

No: 0

Mr. Revoldt: Motion to adopt under the rules as suspended Ordinance 86-09.

Mr. DeOrio moved and Mr. Davies seconded to adopt under suspension of the rules Ordinance No. 86-09. All members present voting:

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

No: 0

REPORTS:

Mr. Revoldt: Reports - Director of Law.

Mr. McFarren: As part of our collection mechanism we collected the remainder of a \$2,000 single tax payer account today at no cost to the city. This was one of the cases that was filed back in May of - actually the judgment was received in May of last year. So again justice is slow and sometimes the bankruptcy court gets in the way but in many cases if we stick with it we do get our money.

Mr. Revoldt: Great. Good job. Director of Finance.

Mr. Zumbar: Yes sir, the fiscal year 2008 audit has been released its unqualified opinion; that's what we want. It is posted on the web site. For the folks who are interested in reading it can download it off the city's front page. I appreciate all the hard work from the staff involved - my staff, the Mayor's staff. It was a six-month process from start to finish. Inaudible... Award of Excellence as well.

Mr. Revoldt: Director of Administration.

Mr. Wise: Yes, I was at the audit meeting. It went very very well. The Finance Department, as the tradition continues, has done an excellent job for their part of that and I'd like to commend Alex for the job that he's done. With regard to some other things, school opens tomorrow. North Canton City Schools are open tomorrow there will be lots of buses out, kids going to school, crossing streets. That's also in conjunction with a lot of construction projects still going on in the city, will continue to go into the fall. We have Waterside Street down on South Main, they poured all the curb today or some of the - all the curb is poured for that so that is progressing, coming along very well. Pershing Avenue waterline is I think complete if not all complete, then it is going to be scheduled for resurfacing. The 7th Avenue waterline will begin shortly. There are a number of other projects so a lot of things going on particularly with school open. So please drive careful.

Mr. Revoldt: Mayor.

Mayor Held: Yes. I'd like to thank everybody for their work with the Main Street Festival, particularly City Council and our staff here and Doug Lane, he moved on out early here at the meeting. But we typically would spend I believe about \$8,000 a year on Main Street and we're down to less than 1,000 - I think it was a few hundred dollars as far as what the city's additional expenses were this year. And it forced us to make a change as far as how we manage the Main Street Festival. And those changes proved to be even more beneficial to the festival goes than the way that we've done it in years past. So we were forced into some constraints this year and you know this is the first time that I've been here in a number of years that I've had so many people say how well everything went. And I think a lot of it had to do with the location of the vendors and also the location of the band and how it was setup. And so once again I think that we really had a great success and that really was a team effort City Council working with the Administration and also the Chamber of Commerce. So we appreciate all your help.

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Mr. Revoldt: Thank you. Mr. Benekos.
Mr. Benekos: No report.

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

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

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

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

Mr. Revoldt: Mr. Davies.

Mr. Davies: I would like to concur with the Mayor. I was there two days, most all day everyday or both days. I thought it was a great success. The – I know Doug Lane has said that maybe next year they won't do it and they'll do some different things. I would like to encourage them to do it again. I just think it's good for the city to bring people in and I had a great time and I really would like to see it again. So...

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: Necessity is the mother of invention and that is what this comes down to is that we had to do things differently out of necessity. And you find that your eyes get opened, you think outside the box different ways to do different things and it all comes together and works out. So we should keep that in mind as we start working on our budget for next year those very things.

Mr. Revoldt: Absolutely. You know to your point, at some juncture is what I'd like to do is keep our agenda light on some Monday evening to be determined. But we'll resurrect the Performance Audit and we'll revisit it to determine our progress. I know there's some unleft some unfinished tasks there but Pat to your point we need to stay on top of this. Mrs. Kiesling.
Mrs. Kiesling: No report.

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

Mr. Revoldt: Labor Day is just ahead and if might have a motion and a second to change our meeting date from September 7th, that's a Monday, to Tuesday, September 8th in observance of Labor Day.

Mr. Davies moved and Mr. DeOrio seconded to change the Committee of the Whole meeting date from Monday, September 7, 2009 to Tuesday, September 8, 2009 in observance of Labor Day. All members present voting:
Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.
No: 0

Mr. Revoldt: On Tuesday, September 8th I'd like to begin our evening with an executive session at 6:30 and I'd also like a motion and that would be for personnel and collective bargaining matters.

Mr. Davies: So moved.
Mr. DeOrio: Second.

Mr. Revoldt: We don't need a motion for that but what I do need is a motion for the special council meeting to follow.

Mr. Davies: So moved.
Mr. DeOrio: I'll second wherever you go.

Mr. Revoldt: Thank you. Just in change we all agree...
Mrs. Kalpac: Excuse me, what's the purpose of the special meeting?

Mr. Revoldt: This is – the special council meeting is for consideration of two pieces of legislation that pertain to collective bargaining.
Mrs. Kalpac: Collective bargaining?

Mr. Revoldt: Yes, we may have two pieces of legislation to approve.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10128

Held Monday, August 24, 7:00 p.m. 20 09

Mr. Davies moved and Mr. DeOrio seconded to schedule a special council meeting immediately following the September 8, 2009 Committee of the Whole meeting. All members present voting: Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters. No: 0

Mr. Revoldt: And finally before we adjourn, I'd like to remind everyone that as a public service this council will not meet on the fifth Monday of August. We will not be present on August 31st. With that I'll entertain a final call for business. Chuck,,I'm going to give you exactly 60 seconds starting now.

FINAL CALL FOR NEW BUSINESS:

Mr. Osborne: I'd just like to say that every time Arrowhead is discussed everybody ...inaudible... water and mineral rights over there. I doubt that ...inaudible... sand and gravel and as far as water I came across a document in possession of the city and I ...inaudible... it was dated but the water level you had to go down I think to 435 feet through this rock structure in order to release the water from the rock structure you would have to normally put in explosives to release the waters. And in this report it says due to the proximity of the houses in the area that would be prohibitive. Now I'm thinking this is a report that goes back many decades and maybe there's other techniques for releasing the water but that is not an answer for the reckless way the city acted when they bought that. It does not answer the shortcomings of the lease. Inaudible... water...inaudible...

ADJOURN:

Mr. DeOrio: I move we adjourn. Mr. Davies: Second.

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

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

The meeting adjourned at 8:17 p.m.

[Signature]
PRESIDENT OF COUNCIL

ATTEST:
[Signature]
CLERK OF COUNCIL