

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, January 25, 7:00 p.m. 2010

## CALL TO ORDER:

1. The council meeting was called to order Monday, January 25, 2010 at 7:00 p.m. by President of Council Daryl Revoldt.

## OPENING PRAYER:

2. The opening prayer was delivered by Rev. Mel Lindberg, United Methodist Church

## PLEDGE OF ALLEGIANCE:

3. All present recited the Pledge of Allegiance.

## ROLL CALL:

Mr. Revoldt: Please be seated. Reverend, thank you. Clerk, would you please call the roll.

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 Nilges, Director of Finance Zumbar, Director of Economic Development Bowles, Superintendent of Streets & Utilities Chufar, Superintendent of Permits & Inspection Hampton, City Engineer Benekos, Rental Coordinator Raymond and Clerk of Council Kalpac.

5. Consideration

Financial Statement December, 2009

Mr. Revoldt: Council has for its consideration a financial statement of December, 2009. Are there any corrections or questions to that document?

Mr. DeOrio moved and Mr. Davies seconded to approve a financial statement of December, 2009. All members present voting:

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

No: 0

6. Committee Minutes

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held January 11, 2010 and January 19, 2010.

**Ordinance, Rules & Claims Committee:** Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held January 11, 2010.

**Park & Recreation Committee:** Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held on January 11, 2010.

Mr. Revoldt: Council also has for its consideration for this evening, meeting minutes from Park & Rec. on January 11, 2010, Finance & Property of the same date and January 19, 2010 and Ordinance, Rules & Claims, held on January 19, 2010. Are there any corrections or questions for those minutes?

Mr. DeOrio moved and Mr. Davies seconded to approve Finance and Property Minutes of 1/11/10 and 1/19/10, Ordinance, Rules & Claims of 1/19/10, and Park & Recreation of 1/11/10. All members present voting:

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

No: 0

7. Recognition of Visitors

Mr. Revoldt: Mr. Albacete, I understand you are here. If you would please step forward to the microphone and provide us with your name and address, we would be delighted to hear your report.

Mr. Albacete: Mayor Held and City Council members, delighted to be here tonight. I'm M.J. Albacete, the Executive Director of the Canton Museum of Art. Several months ago, North Canton City Council approved our request for funds to do projects in some of the schools and I thought that I would pass some photographs around - we did several sessions at the Greentown Elementary School. We thought we were going to do a series of individual sessions of 25 students each. We wound up doing a 125 at a single session which was, have you ever worked with that many kids at one time? Wow! And then we did another session at Hoover Middle School and as you can see from the photographs as they come around, that we - recycling was an important component of the program so we instructed the teachers to tell the students to bring in all of the cereal boxes that they had used in their homes for the last month or two and they did bring them in. In using the cereal boxes, we made geometric shapes - they had to learn the geometry to do that and then they created designs which

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resulted in three dimensional models. Once they had done that, we graduated to large pre-cut cardboard pieces, also made of recycled materials and the results were some of the models that you'll see in the pictures which were approximately four and one-half (4-1/2) feet – five (5) feet in diameter, and I want to tell you, you talk about controlled chaos in the classroom – this was it. These kids not only did these exercises, they had fun doing it and they had not just a learning experience but a repeatable learning experience. The teachers now know how to do these projects. They don't need us anymore. They can continue to do the projects themselves, and if they need supplementary materials, we can provide them and it all comes about thanks to your generosity. If you have any questions on the project, I'm keeping it brief, but if you have any questions about the project, I would be happy to address them.

Mr. Snyder: Mr. Albacete, my only question is, am I to understand now, you've exhausted the original \$2,500?

Mr. Albacete: Yes.

Mr. Snyder: And you're asking for an additional \$2,500?

Mr. Albacete: We'd like to, yes, because as the teachers will report, the project was highly successful and we have used the materials that we had designated for the project, so if that is a consideration, we would be happy to continue the project in the schools.

Mr. Snyder: Mr. President and members of Council, for your own edification, there is sufficient funds in the line for giving an additional \$2,500 as well as the Mayor will tell you, that is a very important component of the grant that it continues an educational arm for us to apply for this particular grant – that will be coming up very good again so we'll have that.

Mayor Held: One quick question, what schools will be a part of this?

Mr. Albacete: The schools that were involved in most immediately were Greentown Elementary – sixth grades in the Greentown, and the Hoover Middle School, and we are expecting to hear from other schools now that they have learned about the project, so we're taking it to...

Mayor Held: Sure, open it up to the other schools...

Mr. Albacete: ...any and all, yeah.

Mayor Held: Very good, very nice – nice picture, too.

Mr. Albacete: Thank you very much.

Mr. Revoldt: Before we continue, I know we have some students from Mrs. Young's class who may not have had their agendas signed – I believe that that's a requisite for attendance this evening. Our meetings can sometimes run a little long and so as not to punish you by having you sit through the entire meeting this evening, if you would like to have your agenda signed, and you just go over to Mr. Foltz in the red sweater and kind of hand them to him while we're conducting business, we'll get them back to you as we roll through the evening. So, students be on your best, quiet behavior – just go over to Mr. Foltz and he'll take care of that portion and you'll make bedtime. Alright, is there anyone else who wishes to address the Council, Mr. Tedrick?

Mr. Tedrick: Thank you. I'd like to...

Mr. Revoldt: Would you please state your name and address for the record, please.

Mr. Tedrick: Jim Tedrick, 309 Rose Lane St. SW. I'd like to comment a little bit on the EMS funding levy situation that is before Council now. I follow the news a little bit and, of course, it was reported that North Canton currently spends about 1.4 million on EMS – we're looking at a levy, I believe it was reported \$700,000 and these are kind of big numbers to me – you know I try to put them in terms of some way to relate to them. So I kinda crunched some numbers and I want to say, you know, I'm not a CPA and this is just something I did on my kitchen table and it's not, you know, an official audit or anything, but I think it may have some meaning, and the more I looked at it – you know 1.4 million, we've got 16,369 people in North Canton – that comes out to like \$85 a person, you know, for EMS and then, if you call EMS out, I understand it costs up to \$465 plus \$10 a mile, and, you know, I got to thinking about that, you know that kinda sounds like a lot - I don't know, you know, I mean I've never had to use the service and I'm sure they're very good at what they do – you know I'm not here to challenge that, but I'm just kind of wondering – you know, I'm just trying to put this is some kind of perspective and so I started calling around some places. I work over in Alliance and Alliance has 23,253 people, this the kind of numbers that I guess came out in the last census – you know, I've asked

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people at different communities there, and they have an interesting system there – they have some sort of a first responder program that only costs them like \$15,000 a year and then they just pitch the EMS calls to 2 different ambulance services. Now at \$15,000, you know that comes out to less than a buck a person there, and then you know people call for services, they would end up paying anywhere from 375 up to 600 bucks which kind of encompasses what our people get charged at calls out. That's how they do it. Louisville, you know I called someone there in their financial office. They, according to them, pay \$280,400 for EMS with a population of 8,904 people – it kind of works out to \$31.50 and here again, if you call out an ambulance, it can run anywhere from 455 to 675. Minerva, you know, 3,900 people – a budget of \$104,000 – you know it works out to \$26 and something – I don't know exactly how much it costs. Like I say, it's a private service if you go out there. Some of these, and I'll be the first to admit it's kind of hard to compare apples and oranges in some of these things because some of these communities, you know, the EMS and Fire is all rolled together in the same budget and you know, for example, Plain Township was kind of that way. You know, they have a 4 million 5 hundred some thousand dollar budget for their 38,000 people which works out to – you know EMS and Fire, like \$113.00 a person there, where you roll our two (2) figures together for Fire and EMS, it comes out to like \$125,000 and I guess what I'm getting at is you just kind of back away from it and I'm sure you could pick and analyze and say, well you know, population has gone up or down or maybe some community had some dollars in the fire account that should have gone to EMS or whatever, but, I guess it's just in my opinion that I kind of feel that our present system is costing plenty for, you know, the number of people we have in the community here and I realize that this levy is maybe somewhat of a rob Peter to pay Paul shell game, you know, you get the levy and then you can replace money to go someplace else and so forth, but I guess I'm one person who feels that the entire tax burden is getting pretty high here and I guess I feel some government entities, it's not a question of these budget problems - balancing them, getting more taxes, it's what are we doing with what we have, so, with that, I really appreciate you listening to me and it's all I will have to say here.

Mr. Revoldt: Point's well taken, Mr. Tedrick. Thank you very much. Any questions or comments for Mr. Tedrick.

Mr. Snyder: Mr. President, two things, the projected levy of 1.5 mills will generate about \$565,000. Originally the request was 2 mills and we pared that back which would have been a little over \$700,000. It does, at present, the projection in the 2010 budget, is for 1.39 million to operate the EMS. And, again, as I spoke to Mr. Tedrick, we do operate with three (3) personnel on an ambulance versus two (2) which most private carriers don't. However, once CPR begins to be administrated, it cannot be stopped and the protocol does call for three (3) because someone has to push drugs, we need additional bodies. As well as those are, as we all know, union jobs, which comprise of the 1.4 million, about 68% is for salary and benefits so it is a – an ambulance, in fact we ordered a new ambulance which is a little more than \$228,000 to which we have, I believe three (3) with a spare, do we not?

Mr. Zumbar: \$180,000...

Mr. Snyder: \$180,000, so with equipment and everything it would be \$228,000 dressed out. So, it does add up. But we are, the cost of an EMS run in North Canton is a little over \$1,200 which is lower than most municipal carriers and that's even with three (3) paramedics on board.

Mr. Davies: But again, when we bill, Medicare will only pay approximately \$400...

Mrs. Kiesling: 4 to 6 hundred depending on...

Mr. Davies: ...so we're losing money on every run...

Mr. Snyder: Plus we soft bill, a resident bill, if it's not paid, it's forgiven, it's not - the only bill that we actively seek is outside – people who live within the municipal boundaries do not get hard bills.

Mr. Revoldt: Anyone else on the EMS subject? Moving on then, is there anyone else who wishes to address the Council?

Mr. Covey: My name is Rod Covey. I live in North Canton at 35 Auburn Avenue, SE. I wish this were a rotating platform because the subject I'm talking about tonight is something I've talked to countless citizens and the children of this community for the last two and a half (2-1/2) years. Just for an example, I'm wondering how many children here or their parents have donated a few pennies or a dollar or whatever to the Veteran's Memorial – anyone here? In total there were 325,000 pennies donated by the seven (7) school buildings and, of course, many other citizens have donated money, but I'm here to address the situation that's kind of evolved. First, I think I should establish that beyond any doubt, this happened in this very room two (2) years and – let me get that date right – on September 10, 2007, that's when this

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all started and the subject came up about putting up a plaque featuring the Hoover Plant with the 834 names of Hoover employees – we all know about that I think. There's been so much publicity on it that we estimate almost a million and a half people have read about this in the newspapers and so forth. I think everybody knows all about that, but it was kind of born in fire – that night there was an awful lot of controversy. This is a copy of that report and I think about half of the persons in front of me weren't even here that night – almost half of you. So, for those who did not have a copy of that, I do have extra copies or Gail, of course, can get you a copy. But one of the situations that came up is who owns the plaque and that became academic. It was a little bit of (inaudible) who should get the plaque and what are we going to do with it and who really did get it here and so forth, and I kept thinking how silly that whole situation was because, can you imagine an Asian company doing something with a plaque honoring 835 of our citizens who went to war, twenty-six (26) of whom died, so that was kind of academic. But, that's where it all started. And then, that very night though, I volunteered to become chairman of that committee and Mr. DeOrio was co-chairman but he was very busy doing other things and he gratefully declined so we went to work and in only eight (8) months we had collected enough money and had all of our plans done and the plaque would have been put in Bitzer Park right behind Boss Hoover flanked by six (6) other wars. And the reason we got into the other war thing is that, as much as we value the Hoover plaque and the Hoover employee's plaque, we said there are many other wars that need attention and the thing that go to us, our committee when we saw it, was the plaque honoring two (2) wars, the Korean War and the Vietnam War, and it was a plaque not much bigger than this podium here – it says dedicated to the Veterans of those two (2) wars and there it was lying for about twenty (20) years in the mulch back in that corner of Bitzer Park and that sparked us to say, hey, how about the American Revolutionary War, we wouldn't be here without that war, how about World War I and World War...and the other world wars and the ones that are coming up even. So, we decided then to expand it and the money was raised and we were all ready to go and then something kind of strange happened. What that was was there were certain persons who, on the committee of eight (8), did not do what they said they would do and the other four (4) did all of the work, got all of the money and did all of the planning, we were ready to go and then there were some roadblocks thrown up, and I won't take time because of all of the children here tonight, probably have to get home and get up and go to school tomorrow, but there are some things that have happened in the meantime and they're all documented here, starting with the fact that I am the chairman of this even though other people, person says he's the chairman, because here is the State of Ohio, Secretary of State Certificate No. 1740328, and if you look it up – if you Google that, put in that number, it will show you who is the chairman and who is on the committee and what our goals were and we met all of those goals. So – what's happened in the meantime, the people who have given money, fourteen (14) of them, have expressed – not disgust, but displeasure certainly, that this thing has gone on for so long. It should have been nineteen (19) months ago – since nineteen (19) months ago when this plaque could have been up, 2500 veterans have died in Stark County. They were denied the right to see that beautiful plaque honoring all seven (7) wars and that is not very nice – that is very bad. So, these are the people who are saying now, they have already said rather – some are very substantial donors – that we are so dissatisfied, we are going to ask for our money back. We would like to take a whole new look at this. Let's have a hearing as I asked two (2) weeks ago, and have a community hearing of whomever wants to be there and arrive at some decisions on where it's going to be because there's some dickering about what else is going to go into Bitzer Park. The YMCA is interested in something, the city has had three (3) different plans to carve roads through there and the first time when I met with the Mayor and the Administrator about number one (1) plan, they said oh not, we're going to be changing that. Well, it was changed two (2) more times. We don't seem to know where we are going on this but here's my bottom line, we are being unfaithful to the men and women who have given up their lives and ruined their families and gone to war for us to make this – to give us the freedom we have; and here we are in the situation where we've got to do something about it. So, I'm asking somehow for all of you to agree to a hearing somewhere – somewhere we'll invite the public – we'll invite anybody who wants to come and make some final decisions. Thank you very much.

Mr. Revoldt: Thank you Mr. Covey. Is there anyone else who wants...

Mr. Covey: The man who started all of this so to speak, is here tonight, and if he could have just one (1) minute, please. Mr. Pete...Bob Pete is a former high official in engineering at the Hoover Company and that night at council meeting he stood up and spoke and kind of got this whole thing started. Thank you, Bob – Bob Pete.

Mr. Pete: I'm retired from the Hoover Company as he just said. My interest in this started with the Repository article of September, '07. I was incensed a bit by the dismissal of a plan to get the plaque down and put it up somewhere to honor the Hoover employees that volunteered for the war and those that passed away in the war. At that time, we were talking about a project of \$5,000. My proposal was – we should go public and try and get 500 people to donate \$10 each and we'd have it. My interest was purely for the Hoover plaque – a plaque that was ignored – was hidden away behind the guardhouse for many many years and, in a way,

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dishonored that plaque. And, unfortunately, I feel that we have continued to dishonor it. As Rod Covey said, we are losing veterans and we're losing the opportunity for those that still are around to see the plaque up somewhere. This project, the last I heard, has ballooned to a hundred thousand and it was for a memorial for all wars, all eras in North Canton. I frankly think that's a marvelous idea but it runs away from the original proposal to have that Hoover plaque close to the Hoover Company or connected with what was the Hoover Company, to honor those people. I knew a lot of them. I met them. I worked with them and I really feel that we have just let them down. I would go with the smaller plan that just covers the plaque, the Hoover plaque. I'd like to get that back – I'd like to see that put up. If the city doesn't want it across the street at the park, maybe there's another place we can put it. Maybe we can talk to Walsh College and put it down at the Hoover House. But it's got to be somewhere where it's connected with Hoover and the Hoover past. I worked for many years with Hoover and I was memorialized to the global Hoover, not just North Canton, but around the world and Hoover gave me the opportunity to work in many countries around the world and I – and this is a reason why I do, still, I am a great fan of Hoover and the memory of the Hoover Company and I wish that something would happen like this. Thank you.

Mr. Revoldt: Thank you for coming up this evening, Mr. Pete. Mr. Covey and Mr. Pete, I want to explain and leave you with the uncategorical assurance that the city wants the plaque, the very plaque that you've referenced and we'd like it in Bitzer Park. In fact, the city is prepared to go forward with that plaque and its installation pending the resolution of certain administrative details regarding the timing, assurance, etc. on that project. But I have to tell you Mr. Covey, in all candor, that you are in dispute with that committee, or a committee of which neither the Mayor nor the Council nor the city is a part, and I would encourage you to resolve that dispute as quickly and as amicably as possible so this project can proceed. This is not a dispute between the city and the committee. It's between members of that committee, and I can assure you that the resolution of that dispute will do much to facilitate our action to move forward. So, with that, that is your charge this evening – is to bring those forces to bare which will bring an amicable and timely resolution to that matter. Mr. Covey, please, we are not going to have a debate this evening.

Mr. Covey: It's not a debate. It's a fact. In May, I asked the other gentleman sitting right there...

Mr. Revoldt: Mr. Covey, excuse me, Mr. Covey, you have not been recognized, this is not the House of Commons, we are not going to debate this matter. The charge to you and the committee is to resolve this matter. This is not the subject of a public hearing. It's not the subject of debate within the council. This belongs to the committee that raised the money and made the proposal. It needs to resolve this matter. We await the resolution of the issue and when it's resolved we will be absolutely delighted to have that plaque in a location of honor in this community. Is there anyone else who wishes to address the matter of the plaque who has not spoken? Mr. Dansizen.

Mr. Dansizen: Jim Dansizen, 502 S. Main St., North Canton. I'm the chairman of the Hoover World War II Plaque Committee and we would be more than happy to meet with Mr. Covey at his convenience to resolve this matter. Thank you.

Mr. Revoldt: Thank you sir. Is there anyone else who wishes to address this council this evening? Please step forward to the microphone and state your name and address.

Mrs. Farnsworth: You know it by now – Jody Farnsworth, 1342 Farrell Street, North Canton and I know you are all going to be disappointed but I'm not going to talk about chickens tonight. Instead I wanted to address, let you all know of my experience with this whole thing, and it's great to see these kids here because, although I'm 53 and they're young, they're going to know a lot more than I did because unless you ever had something that involves a city council, you have no clue as to what goes on here. And, to use Mr. Revoldt's own words that he just used to these two gentlemen, I have watched a neighborly dispute, a subject that does not belong here in city council, but belongs in a courthouse with attorneys, turn into an ordinance for the whole city and I'm assuming since Mr. DeOrio is the only person that is against this, I'm assuming that everyone of you that voted for this has seen all those e-mails that Mr. Davies spoke about, the complaints, all but one, came from the same person – the next door neighbor's father; but I assume you all know that because you would never vote for something without having all the information. So, it's been a real eye opening experience and everybody knows Mr. Osborne. Anyone who reads a paper knows his history with him and city council but I have to tell you, after witnessing what goes on, there's something to what he does and I have spoken to a lot of people and I think more people have to pay attention as to what's going on here – people with their own agendas, people taking things like you just said, a subject that does not belong here and take it upon yourself to do whatever you want. I've also seen on all three (3) occasions, while someone from the public is addressing you, people laughing. That's just plain rude, whether you like what they're saying, whether you like them or not, it's rude. And, I just want to commend Mr. DeOrio for standing up for what you know

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doesn't belong here and what's right and not just going along with the good old boys system. There are many of us out there that appreciate it. Thank you.

Mr. Revoldt: Thank you. Is there anyone else who wishes to address chickens, or other matters? Please.

Mrs. Benson: Council members, my name is Barb Benson, 716 Penny Street. I'm the chicken lady. I agree with Mrs. Farnsworth about the rudeness of this council. Some of you really need to go back to elementary school although I'm sure some of these children would have better manners than most of you. I have in front of me, council members, information that was given to me by individuals or actually a individual from this office. Do you recognize this, sir? You handed it to my husband yourself last week. Were you aware of what was in this envelope?

Mr. Davies: Various e-mails and letters and so forth.

Mrs. Benson: From whom, are you aware?

Mr. Davies: There were several different people. I don't know all of the names but there were...

Mrs. Benson: All the names, sir, include, let's get back down here to them, umm, let's skip over this one particular party for the moment...

Mr. Davies: Well we don't have to name all of the names...

Mrs. Benson: Oh, it will be a very short list, sir, I assure you. Dave Croxton, who happens to be the father of the woman who lives next door to me - he doesn't even live in that house. He has contacted you personally, 1, 2, 3, let's see here, 4, 5, 6, 7, 8 times. The paperwork that you yourself handed me, or handed my husband, right? One individual is complaining about the smell from the chickens and he doesn't even live next door, okay. Along in these reports he is complaining about - that it needs to be 30-50 feet from the property line, we'll see about that one. Um, he has informed you that there is land to the rear of my property - no, there is not. I don't know where he's coming up with that. My property as is everybody's property on that street - 70 feet wide at the front. The back of my property line is angled a little bit. I have 74 feet across the back of my property. From approximately the middle of the road, from what I understand, to my back property line it is 146 feet. Okay. His proposal - 30 to 50 feet away from the property line - any property line, okay, which includes my back property line which in this e-mail, you said yourself, there's no house back there, okay. If I have a property 70 feet wide, 50 feet or 30 feet whichever way you want to go, okay, let's say, just for the sake of argument, 30 feet from each property line - I've got a 10 foot section in the middle of my yard that I can have my chickens, which by the way I will also remind council when I purchased my six (6) chickens, they were legal. I was legally allowed to have them, okay. 50 feet from, or 30 feet from the back of the property line would put my six (6) nuisance chickens in the middle of my concrete pad for my garage, not a real good living experience for my chickens. In other words, in my opinion, these measurements have been put in here in order to intentionally work it to where my property would not meet the guidelines for the ordinance, okay. Also, it says here - the one letter that you folks want - 3 square feet per chicken. Absolutely ridiculous, in my opinion. I have done a magnitude of research on this issue - individuals, magazines, books, organizations from around the world, especially here in the United States, of course. Their guidelines, recommendations from people who do this across the country. Let's go here to page 3 at the bottom - it says chickens don't require a ton of space. If they'll be couped up with no area outside to roam freely, your coupe will need to be provided a minimum of 10 square feet per bird, okay. On the other hand, if they have an outdoor run area or are allowed to range freely, which is preferable, they only require 2 to 4 square feet per bird inside the coupe as long as they also have at least 10 square feet per bird outside the run. Now the issue of rats came up, okay. I have no rats. There's no rats in the neighborhood. There's no feed on the ground. There's no rodents. There's, you know - I have my other neighbors' squirrels that come into my property a great deal more than I have of anything else. Okay, you guys want to start banning animals, then you had better start banning the squirrels because they've been in my property getting into who knows what, okay. Also, for the sake of the establishing the situation, Stark County Health Department has been out. There's not a problem on my property. There's no problem on my property, okay. Here's the report. You guys can get it off the internet, go down and get one. Mr. Dave Croxton, the father of the individual living next door has decided that my chickens can be seen from the road, that they're not in my backyard - they are in my backyard. They're between my house, the back of my house and my garage - fenced in. Their chicken couple is a sectioned off area in my garage which they cannot come out of unless I let them out, alright. Nothing can go in. Do you know why, because it has a concrete floor - concrete bricks around the side - 2 to 3 bricks up. The doors are shut, the doors are solid. When they are out in the yard, I am home, the fenced in area, okay. When they are out in the back area, free ranging, which is why I got

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the chickens, to also get rid of the bugs and insects and to also give better eggs, okay – I am always out there. Even my husband, who will be up here in just a few minutes to prove the area that you guys are requesting for these birds to be caged into, is outlandish. Whenever I'm out there with them, I always have to have one of my family members come out and stay with them to make sure that they're staying within the property, that they're taken care of, that they're not doing anything wrong. Mr. Croxton has sat here with these various different e-mails – said that, okay, you guys want 3 square feet, totally ridiculous – for the health of the birds that is totally ridiculous. He has had to, and I quote – this is his e-mail - giving his input on the meeting coming up, enforce the laws just like the barking dogs, high grass, etc. – if someone calls you can go out and check – I hope council does not water this law down anymore, as I think you have already had a compromise. I know that if any council person had this odor next to their home, it would be taken care of soon. It's sad when you have to move a backyard kid's party to the park shelter because of the smell next door. It says that he doesn't believe North Canton City does not have an ordinance restricting farm animals. It says with all the chicken feed thrown around the yard, the next issue will be rats, okay. And he goes on with a couple more statements here that, you know, wanting the law to be changed. One, Mr. Croxton has never been on my property. Two, he has a six foot fence that he rickedly put up because of what his daughter had told me, her two (2) little dogs, they absolutely hate my chickens. Okay, fine. You know, they hate everything. I really don't care about the little dogs, alright. Fact of the matter is, is that my chickens were bought for eggs and for pets. They stay within my property. When I bought them, I was within the law. One person, one person, who doesn't even live next door has complained – one individual. There's his e-mail directed to you. Also, sir – "Pet Chicken", you know, another on-line organization – (inaudible) yes, rats will attack and feed droppings, rodents or burrowing creatures so you need to block them from slipping into the coupe from below. If the coupe doesn't have a floor you need to bury small mesh fencing around the ground, 12" around all coupe. It goes on further down – this is a coupe with chicken requirements, okay. To be the requirement for the coupe is to be roomy, at least 4 square feet per bird if the birds are allowed to roam freely during the day and at least 10 square feet per bird if they are permanently confined, okay. Also, one other personal issue directed mostly to you, sir, who is Dick and Jane Coleman? Are you familiar with those people?

Mr. Davies: I'm sorry?

Mrs. Benson: A Mr. Dick and Jane Coleman, they had contacted – sent an e-mail for you through the council web September 13, '09. You responded back to a comment that they had – a question that they had. Do you remember their names, sir?

Mr. Davies: Not offhand, no.

Mrs. Benson: Okay. "Mr. Davies I was surprised to hear North Canton talked about on Cleveland TV radio stations regarding council thinking about banning farm animals in the city limits. The little research I did turned up the fact that the family has some chickens and used them for eggs and maybe for chicken dinners, which I don't. It seems to me, in this bad economic climate that's a pretty smart thing to do especially if you're a little strapped on money for food. I wish council would leave things alone. Just how many people are complaining and who are they? I realize that this is only my opinion but it seems to me that there are more important things for council to do such as making sure people don't shoot guns in town or being more vigilant about speeders." And she goes on to tell about how her street was paved and that she's expecting speeders to come through her area. "Sincerely, Jane Coleman, Pershing Avenue". Alright, your response, sir, to her e-mail to you on September 13, your response back to her, sir, September 15, okay, from Dick and Jane Coleman to Jeff Davies, the response was from Jeff Davies to their web address - "Ms. Coleman, the family with chickens lives in a neighborhood where houses are close." Okay, that's true. "The family started with seven" – you need to count. "which roamed their backyard. On hot windless days, there is an odor" which again, I will point out Stark County Health Department has come out, the police have come out, I am speaking, sir.

Mr. Revoldt: Excuse me, to interject if I can – Mrs. Benson, the council rules allow speakers to have five (5) minutes. The President of Council may, at his discretion, extend that and you have received ample opportunity for extended remarks. I would ask if you have something new to this discussion...

Mrs. Benson: I'm getting to that right at this moment, sir...

Mr. Revoldt: ...please make it quickly because your time is rapidly concluding.

Mrs. Benson: Okay. The family started with seven (7) chickens roaming their yard. On hot windless days the odor – neighbors on both sides complained – no. There are no houses behind. My feeling that the individual's rights and would those rights interfere with other rights? Would you want to be prohibited from staying in your backyard because of odors

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coming from your neighbor's house. May I remind you there is no odors, okay. I understand economic times are bad but there are agencies and organizations that provide assistance to people in need. Most provide food assistance, and I guarantee you, sir, I have absolutely been in food lines. Finally, the family with the chickens also have thirteen (13) cats and a dog. If they can't provide food for themselves, why are they feeding so many animals, alright. One, sir, you have absolutely no proof in any way shape or form about what other animals I have. For the record, my dog died last spring. For the record, I do not have thirteen (13) cat. Regardless of what Heather ventured around and has elaborated, I do not, I will not, okay. You, sir, and like I said, I have spoken with attorneys about this. This is on the edge of slander. The comment from the one individual about you being able to handle conflicts, I think you really do need to take lessons on that...

Mr. Revoldt: Mrs. Benson...

Mrs. Benson: I am done. Thank you.

Mr. Revoldt: Thank you very much. Is there anyone else who would like to raise the matter of chickens, if so, please be recognized by the chair and I am going to remind you that you will have no more than five (5) minutes. Is there anyone else? Seeing none, is there anyone else who wishes to address the council? That said, let's move on to our agenda. Let me move on to old business.

OLD BUSINESS:

- 8. Mr. Revoldt: May I have a motion to amend Ordinance No. 112-09, Section 4(1) to change "at least" to "at most" and 12 sq. ft. to 18 sq. ft.?

Mr. Davies moved and Mr. DeOrio seconded to **amend** Ordinance No. 112-09, Section 4(1) to change "at least" to "at most" and 12 sq. ft. to 18 sq. ft. All members present voting:  
 Yes: Kiesling, Peters, Revoldt, Snyder, Davies, Foltz.  
 No: DeOrio.

Mr. Revoldt: May I have a motion to read by title only, third reading of Ordinance 112-09 as amended?

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, third reading** of Ordinance 112-09, as amended. All members present voting:  
 Yes: Peters, Revoldt, Snyder, Davies, Foltz, Kiesling.  
 No: DeOrio.

**Ordinance No. 112-09 – 3rd Reading – Ordinance, Rules, & Claims**  
 An ordinance prohibiting the keeping, harboring or permitting of an excessive number of live chickens within the City of North Canton and declaring the same to be an emergency.

Mr. Revoldt: Does anyone wish to add anything else to what we've heard this evening?

Mr. Foltz: The only point I want to make is that it was brought to our attention that – I hope this ordinance does not prohibit the six (6) chickens. I think we've tried to reach a compromise here. I'm not sure on the setbacks. I haven't looked into it. I don't think that was the intent of the ordinance. I hope it wasn't. I want to go on record with that. If there's some - if Tom Hampton goes out to enforce this ordinance, if there happens to be another problem, which I don't think there's going to be, I'll just be on record to say I will not support that ordinance until it's changed at that time. I think the whole point of discussion was to come to some kind of middle ground and hopefully all the neighbors can live with the ordinance as was compromised on.

Mr. Revoldt: Alright, anything else. If not, may I have a motion to adopt as amended Ordinance 112-09?

Mr. DeOrio moved and Mr. Davies seconded to **adopt the third reading, as amended,** of Ordinance 112-09. All members present voting:  
 Yes: Revoldt, Snyder, Davies, Foltz, Kiesling, Peters.  
 No: DeOrio.

- 9. Mr. Revoldt: Moving on to Item 9. Motion to read by title only, 3<sup>rd</sup> reading – Ordinance No. 115-09.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, third reading** of Ordinance No. 115-09. All members present voting:  
 Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.  
 No: 0



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An ordinance authorizing the vacation of a portion of Alley No. 26, situated approximately 131.45 feet south of 6<sup>th</sup> Street NE and running in an east-west direction approximately 448.65 feet having Orchard Avenue NE as the western terminus and Park Avenue NE as the eastern terminus, and located within the corporate limits of the City of North Canton. Mr. DeOrio moved and Mr. Davies seconded to **adopt the third reading** of Ordinance 115-09. All members present voting:

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

No: 0.

Mr. Revoldt: Mr. Snyder votes yes.

Mr. Revoldt: May I have a motion to adopt the 3<sup>rd</sup> reading of Ordinance 115-09.

Mr. DeOrio moved and Mrs. Kiesling seconded motion to **adopt the third reading** of Ordinance 115-09. All members present voting:

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

No: 0.

10. Mr. Revoldt: Item 10. Motion to read by, excuse me, before we move to Item 10, I would ask council tonight to adopt this on emergency. We've given it one reading. We're going to move through the second and then I would like to suspend the rules and adopt it. We do need to have this in place, so if there are no objections, can we do that? May I have a motion to read by title only, 2nd reading – Ordinance No. 2-10.

Mr. DeOrio moved and Mrs. Kiesling seconded motion to **read by title only, second reading** of Ordinance No. 2-10. All members present voting:

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

No: 0.

**Ordinance No. 2-10 – 2<sup>nd</sup> Reading – Personnel & Safety**

An ordinance adopting the City of North Canton's Policy on Anti-Retaliation and declaring the same to be an emergency.

Mr. Peters moved and Mr. Davies motion **seconded to adopt the second reading** of Ordinance 2-10. All members present voting:

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

No: 0.

Mr. Revoldt: Motion to suspend the rules for Ordinance 2-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance 2-10. 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 2-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance 2-10. All members present voting:

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

No: 0.

**NEW BUSINESS:**

11. Mr. Revoldt: Moving on to new business. Item 11. Motion to read by title only, first reading - Ordinance 6 -10.

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, first<sup>st</sup> reading** of Ordinance 6 -10. All members present voting:

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

No: 0.

**Ordinance No. 6-10 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton to enter into a contract for the purchase of gasoline and diesel fuel for use by all city departments, for either a one (1) year or two (2) year period commencing June 1, 2010 and declaring the same to be an emergency.

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Mr. Snyder: Mr. President and members of Council, this is normally once a year and they're asking for a one or two year bid, depending on how favorable the markets are.

Mr. Revoldt: Do we have a motion to adopt the first reading of Ordinance 6-10.

Mr. Foltz moved and Mr. Davies seconded a motion to adopt the first reading of Ordinance 6-10. All members present voting:

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

No: 0.

12. Mr. Revoldt: Moving on to Item 12. Motion to read by title only, first reading of Resolution No. 7-10.

Mr. Davies moved and Mrs. Kiesling seconded motion to read by title only, first reading of Ordinance 7-10. All members present voting:

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

No: 0.

Resolution No. 7-10 – 1st Reading – Street & Levy

A resolution of submission of question of a renewal 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. Snyder: Mr. President and members of Council this is to replace the expired street levy that expired December 31 this past year. It is a 1 mill 5 year levy which will generate approximately \$375,000, and Mr. President, we've asked the committee that this be read at least one (1) more time to give the general public time for input should they so desire prior to the adoption. It will still stay within a timely manner to file at the Board of Elections.

Mr. Revoldt: For those of you taxpayers who are present, this is identical to the levy which previously existed. So, we'll collect exactly the same amount of money.

Mrs. Kiesling: Actually less...

Mr. Snyder: A little less...

Mrs. Kiesling: We'll actually collect less.

Mr. Revoldt: Actually collect less.

Mr. Snyder: A little re-evaluation, yeah.

Mr. Revoldt: Alright, any questions or additional comments on this matter? Seeing none, then a motion to adopt.

Jeff Davies moved and Pat DeOrio seconded to adopt the first of Ordinance No. 7-10. All members present voting:

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

No: 0.

13. Mr. Revoldt: Item 13. Motion to read by title only, first reading, Resolution No. 8-10.

Mr. DeOrio moved and Mr. Davies seconded motion to read by title only, 1st reading, Resolution No. 8-10. All members present voting:

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

No: 0.

Resolution 8-10 – 1st Reading – Finance & Property

A resolution of submission of question of an additional tax levy for the purpose of providing additional funds for the City's ambulance service, emergency medical service or both, along with the necessary appurtenances, to the City of North Canton for a period of two (2) years, tax years 2010 and 2011, commencing in 2010 first due in calendar year 2011 and declaring the same to be an emergency.

Mr. Snyder: Mr. President and members of council, this is a 1-1/2 mill 2 year levy – has a Sunset provision in it. It will generate approximately \$565,000 according to the present tax duplicate. It is an emergency measure that the city needs to help close the projected eight and one-half (8-1/2) to a million and a half shortfall for the fiscal year 2011.

Mr. Revoldt: Mr. Chairman, for those of you who are taxpayers here tonight, Mr. Tedrick had the microphone. I wish he were still here. But it's important to understand that we have, as a

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council and administration, been able in this post-Hoover period, been able to postpone a financial crisis. We are healthy now and over the short term, we believe this year, we will remain healthy as a corporate body. However, in 2011, we are looking at a deficit of something in the range of \$700,000 at the low end. It's important to understand that the EMS levy that we now have in place which generates currently about \$150,000 of about a 1.4 million dollar bill. Hoover, in effect, subsidized EMS for thirty (30) years. It's gone. We cannot recover those funds by charging the users. As Mr. Snyder earlier suggested, this whole issue of EMS is rather a nuance. What we provide or what the city provides for residents now is the A standard for emergency health care – state of the art ambulance, three (3) responders, that's pretty good. There are other options, and I might say, a very timely response. There are other options that are less expensive and we would prefer, I think as a group, to check the taxpayers' interest in continuing this system. If not, then the option will be to look at other, perhaps, less attractive situations. As Mr. Tedrick suggested, other communities do it very different ways. We happen to believe again that this is the A service and for those of you who have needed EMS on an emergency basis, particularly cardiac situations, I think we would all agree that it's terrific to have three (3) responders, one (1) driving, two (2) in the back of the truck with a patient. That is the best way to go. But, in this post-Hoover period, we don't have a lot of choice. Now what we have attempted to do is take what we believe is a minimum amount for a minimum period of time. What we are hoping is that over twenty-four (24) months the economy will improve. We will see additional job growth across the street. We can re-calibrate our income and costs and there will be an automatic review in twenty-four (24) months because this levy would lapse. So this is a bridge to an uncertain future. So, as you talk about this amongst yourselves, we'd all be happy to answer questions – this is an important issue for the city and we certainly request your consideration. Mrs. Magel, if you'd like to stand up and make a quick comment.

Mrs. Magel: Yes I would. As a person who has had to use the EMS, and my husband had to use the EMS, Mr. President I would also like to add to it, the response time. That's very important – how fast a North Canton ambulance gets to your home. It's centrally located and virtually can get to anyone's home very quickly and that's an asset also. Thank you.

Mr. Revoldt: Thank you very much. Mayor, very quickly.

Mayor Held: I'm sorry, I was just pointing out Mrs. Magel was...

Mr. Revoldt: Okay. If there are any additional questions or comments regarding this matter, I will take a motion to adopt the 1st reading of Resolution 8-10.

Mr. DeOrio moved and Mr. Davies seconded motion to **adopt the first reading** of Resolution 8-10. All members present voting:

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

No: 0.

## REPORTS:

Mr. Revoldt: Reports, Director of Law.

Mr. Nilges: None.

Mr. Revoldt: Director of Finance.

Mr. Zumbar: Yes sir. The pre-audit meeting is scheduled for February 3, 2010 at 9:00 am in the morning. It is located here in the administration building in the conference center. It is outside the Sunshine Laws but you are all invited as council members.

Mr. Revoldt: Director of Administration.

Mr. Wise: No report.

Mr. Revoldt: Mayor.

Mayor Held: No report.

Mr. Revoldt: Engineer.

Mr. Benekos: No report.

Mr. Revoldt: Mr. Bowles.

Mr. Bowles: I just want to acknowledge Mr. Coen, Mr. Massouh, and Mr. Hampton for the great job they did at the Permits & Inspection Seminar on January 20 for the business community. It went pretty well, quite frankly. There were about sixteen (16) business representatives in attendance and I think this is something that will be repeated, something that Mr. Coen and Mr. Hampton wanted to do in the past and I think it served its purpose for the business community in clarifying what they need to do and how to streamline the process for getting their permits. Also, one other item, you probably noticed is that 202 West Maple Street has almost been raised at this point. That is the goal of the property owner – is to sell

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that as land and unfortunately the building was in pretty bad disrepair. The cost to preserve the building was quite high so they chose to demolish the building and they're currently marketing that as vacant land. End of report.

Mr. Revoldt: And, of course, you will be working diligently to see that a new investment occurs on the site.

Mr. Bowles: I was working diligently before the building met its untimely end.

Mr. Revoldt: Mr. Foltz.

Mr. Foltz: No report.

Mr. Revoldt: Mr. Peters.

Mr. Peters: No report.

Mr. Revoldt: Mr. Davies.

Mr. Davies: No Report.

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: A question for the administration regarding North Main Street. I noted over the weekend that – it was the first time I noticed it but that doesn't mean it just happened, but that right lane, that eastern most lane now has a couple orange barrels and marking some very significant holes that I think – to me they just seem they appeared in the last few days, and it made me wonder, is there a problem there, like with water laying underneath it, or...

Mr. Wise: Those were specific cuts in the road that they filled with fill and cold patch – the warm temperatures and the rain over the weekend, those just kicked out. There shouldn't be any now. I went up there this afternoon and the barrels between 7<sup>th</sup> and 9<sup>th</sup> had been replaced with, I think asphalt, actually. There were still two (2) barrels up by 10<sup>th</sup> Street, I'm sorry, by 10<sup>th</sup> Street. Those should be repaired. The contractor has to maintain those lanes in fairly good repair during construction. They were alerted to that on Sunday but during the rain there was absolutely nothing they could do so we went out and put up barrels around those.

Mr. DeOrio: Thank you for your prompt attention to it.

Mr. Wise: Certainly.

Mr. Revoldt: It's my understanding that near the end of the month North Central Tire will be dispatching Mrs. Kiesling to drive that...

Mrs. Kiesling: I'll check it out.

Mr. Revoldt: Just to check it out.

Mrs. Kiesling: I was up there this morning and those two (2) barrels were out and you didn't know until you got over and there they were. It was like, oh what the heck...

Mr. Revoldt: For those of you that don't understand the joke, Mrs. Kiesling has put her vehicle into a hole and blown a tire...

Mrs. Kiesling: ...popped a tire, no it was a...

Mr. Revoldt: ...a curb...

Mrs. Kiesling: ...no it wasn't a curb, a catch basin that's sticking out up by Arby's, so just beware – I did hit it and popped my tire. So, thank you, Daryl, I appreciate it – for embarrassing me. No report.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: Nothing.

Mr. Revoldt: I have no report.

FINAL CALL FOR NEW BUSINESS:

Mr. Revoldt: Do we have anything that needs to come before us?

Mr. DeOrio moved and Mr. Davies seconded motion to **adjourn** the council meeting. All members present voting:

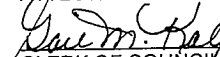
Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.

No: 0.

The meeting adjourned at 8:05 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL