

RECORD OF PROCEEDINGS

0021

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 22, 7:00 p.m. 20 10

CALL TO ORDER:

1. The council meeting was called to order Monday, March 22, 2010 at 7:00 p.m. by President of Council Daryl Revoldt.

OPENING PRAYER:

2. The opening prayer was delivered by Rev. David Warren, First Southern Baptist Church.

PLEDGE OF ALLEGIANCE:

3. All present recited the Pledge of Allegiance.

ROLL CALL:

Mr. Revoldt: Thank you Reverend. 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, City Engineer Benekos, Superintendent of Streets & Utilities Chufar, Rental Coordinator Mary Raymond, Administrative Assistant Teresa Dolan, and Clerk of Council Kalpac.

5. Consideration

Council Meeting Minutes – March 8, 2010  
Financial Statement – February, 2010

Mr. Revoldt: We have for our consideration this evening the Council Meeting of March 8, 2010 and the Financial Statement for February, 2010. Are there any questions or amendments to those documents?

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

Mr. Peters: Second.

Mr. DeOrio moved and Mr. Peters seconded to accept minutes of March 8, 2010 and Financial Statement of February, 2010. All members present voting:  
Yes: DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder, Davies.  
No: 0.

6. Committee Minutes:

Mr. Revoldt: We also have for our consideration minutes of the Finance & Property meeting, excuse me, Finance & Property Committee; Street & Alley; Ordinance, Rules & Claims; Water, Sewer & Rubbish all dated March 15, 2010. Are there any corrections or questions regarding those documents?

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

Mr. Davies: Second.

Mr. DeOrio moved and Mr. Davies seconded to approve Committee Minutes of March 8, 2010 as submitted. All members present voting:  
Yes: Foltz, Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio.  
No: 0.

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held on March 15, 2010.

**Street & Alley Committee:** Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held on March 15, 2010.

**Ordinance, Rules & Claims Committee:** Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held on March 15, 2010.

**Water, Sewer & Rubbish Committee:** Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held on March 15, 2010.

7. RECOGNITION OF VISITORS

Mr. Revoldt: Moving on then to the recognitions of visitors, is there anyone here this evening who wishes to address the Council? Mr. Osborne.

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Mr. Osborne: My name is Chuck Osborne, 307 Fairview St. SE, North Canton, Ohio. On July 10, 2006, I presented concerns in public to City Council regarding a water agreement with Aqua Ohio that had been ratified in legislation by North Canton City Council. The ratification of the agreement had been approved unanimously by City Council on an emergency on February 28, 2005 as Ordinance No. 49-05. Four current members of this Council, Jon Snyder, Jeff Peters, Marcia Kiesling and Doug Foltz were members of that Council in 2005 when the Aqua Water Agreement was ratified. For reference I have a copy of my 2006 comments for you today and I will present that to you later. In that presentation, I stated, and I quote, "The Aqua Ohio Water Agreement, to put it mildly, is grossly unfair to the City of North Canton". The recent water utility rate study completed by Arcadis dated January, 2010 comes to the very same conclusion that I came to nearly four years ago. Unfortunately, no one in City government took me seriously when I presented my concerns in the summer of 2006. For you present members of Council who voted to ratify the water agreement with Aqua Ohio, I think it is fair to ask, why you didn't ask for a water study before ratifying the water agreement. In those remarks of nearly four years ago, I noted that former City Administrator Michael Miller negotiated the Aqua Water Agreement without input from the City's Water Superintendent, and did not ask the City's Finance Director for her thoughts on the agreement. Was Mr. Miller qualified to negotiate and agreement such as this? The Arcadis study would indicate that former Administrator Miller was not qualified to negotiate the agreement. How much did it cost North Canton to have Arcadis tell you the very same thing I told you nearly four years ago. Finance Director Alex Zumbar has advised me that the Arcadis water utility study cost \$18,500. My study of the Aqua Water Agreement and public presentation of my concerns came at no cost to the City of North Canton. My 2006 presentation was lengthy as I took great pains to detail the overwhelming shortcomings of the agreement. A few of the concerns I presented were, under the old Aqua Ohio Water Agreement, water rate increases for Aqua Ohio were limited to a maximum of 5%, yet future water rate increases for residential customers were as high as 7.1%. Aqua was allowed until the 30<sup>th</sup> day of the month to pay their monthly bill and was subject to a late penalty of 1% per month if payment was late. At the same time, North Canton's policy for residents regarding payment of water bills required payment by the 15<sup>th</sup> of the month and a 5% penalty for late payments. There was a stipulation in the agreement stating, and I quote, "If during the agreement, additional facilities are necessary for sale of water hereunder, such facilities will be constructed by the City". I never heard anyone ever ask what possible expenditures and at what cost to the City, these expenditures would entail. I would like to know what additional expenditures the City has been required to spend in order to facilitate water sales to Aqua Ohio. Does anyone even know? Has this been tracked and how does this stack up against the pittance the City has received in water revenue from Aqua Ohio? Four, Aqua Ohio could tap North Canton waterlines and extend waterlines to service areas outside the City. There is nothing more devastating in a clause such as this for ending the growth and expansion of the North Canton Water Distribution Water System. The shortcomings of the water agreement with Aqua Ohio cover every aspect of the agreement. Four years ago I stated, and I quote, "The Aqua Ohio Water Agreement is so patently unfair, it has to be nearly criminal." The Arcadis Water Utility Rate Study validates my remarks in spades. The very sad part of this situation is that this agreement has continued in effect for five years at great cost to the City and without any concern of Mayor David Held or the City Administrator Earle Wise. The losses to the North Canton Water Fund are quantified on page 2 of the Arcadis Water Utility Rate Study. In Table 2, water sales in 2008 to residential and business customers – these are outside customers, totaled 22.3% of total water sales for the year and resulted in revenue of \$3,247,067. Water sales in this same time period to Aqua Ohio, totaling 21.2% of total water sales for the year, resulted in revenue of a mere \$280,388. Nearly identical volume of water sales, and you've got the resulting revenue to the City, is nearly \$3,000,000 less from sales to Aqua Ohio. These are not my figures but your very own consultant's figures. On page 6 of the Arcadis Study, the report cites the fact that the City of North Canton has sold water to our Aqua Ohio in 2009 at a net effective sales rate of \$1.52 per thousand gallon, while at the same time, the total cost to collect and treat the water and pump the water into the distribution system was \$2.20 per thousand gallons. The report concludes this would yield a net loss of \$.68 per thousand gallons. Is this an oversight? Is this ineptness? Who is in command of the City? Mayor Held, I did not – I did attend your State of the City presentation. Why did I not see any commentary from you on the conclusions of the Arcadis Study presented in your State of the City speech? Four years ago I noted, and I quote, "The Aqua Ohio Water Agreement appears to totally ignore the City of North Canton's production costs and how they are allocated. The 2010 Arcadis Water Utility Rate Study remarks are similar. Why did City leaders not look more closely into all of the concerns I presented in 2006? Basing water rates on known water production costs for North Canton water users, while at the same time ignoring those production costs when City water rates for Aqua Ohio is unfair and financially perilous. In addition, water users in North Canton have been subsidizing the profits of the nation's largest US publicly traded water company for the last five years. In my 2006 presentation, I calculated that the City of North Canton was losing \$7,254.57 per day in revenue as a result of the artificially low price of water sold to Aqua Ohio. In a year's time, that equates to more than 2.6 million dollars in uncollected revenue under the Aqua Water Agreement. Why is the bulk water rate charged to all other bulk water users not good enough

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for Aqua Ohio? I believe it is safe to say that the City of North Canton has lost between 2.6 million per year, my projection in '06 and 3 million per year using figures from the Arcadis 2010 study since the Aqua Ohio Agreement has been in effect. Factoring in the five (5) years that have elapsed since the contract was ratified results in a loss to the North Canton Water Fund of between 13 and 15 million dollars. Again I ask, why has this agreement not been challenged before now? Where are our investigative journalists who truly report on the actions of our elected officials instead of parroting their propaganda. The Arcadis study states on page 6, and I quote, "The City may realize benefits by re-negotiating agreements with Outside City Users with specific emphasis on the Bulk Water Sales agreement with Aqua. The Arcadis study continues, and I quote, "The City is selling its water capacity at a rate of \$1.65 per thousand gallons to Aqua while the current rate schedule for outside City business accounts sells at a rate of \$9.72 per thousand gallons, an \$8.07 per thousand gallon discount over other outside City business accounts. It is unfair to those users and undermines the fairness and integrity of the rate structure set by the City for all water customers in the City. The argument in the past has been the reduced water rate to Aqua brings in added revenue. Generating added revenue by selling a product below cost just to say we are bringing in added revenue to the City is not only illogical, it is also financially unsound. The Aqua Ohio Water Agreement is a total failure. I urge this Council to void this Aqua Ohio Water Agreement in its entirety without further delay and adhere to the bulk water rates that apply equally to all.

Mr. Revoldt: Thank you, Mr. Osborne, you may take your seat.

Mr. Osborne: Thank you.

Mr. Revoldt: You're welcome. For those of you who have listened, negotiations between the City and Aqua are underway. I want to assure our listeners and those who may be reading about this meeting that a team consisting of the City's professional staff and elected officials are involved in the negotiations. Those negotiations are incomplete at this juncture although they are moving towards resolution and citizens will be afforded ample opportunity to review the new agreement when it's concluded and comments will be welcome before the contract is adopted, and it will not be done-so on emergency. Chuck, you ask an interesting question and Marti is here and so he is going to capture this live and it will live forever on the internet. You asked this question, why doesn't Council listen to you? Well, I think we do, actually. But, I will also tell you that you are not as effective as a questioner because you tend to practice what I call thesis journalism and that is, you have a pre-conceived notion and you drive the facts into that thesis and exclude anything that contradicts your pre-conceived position. And, unfortunately, that is a conclusion that many people around this table have drawn over the course of years. You would be much more effective if, I think you would do a better job gathering the research. That said, you have pointed out an issue. We have started to address it and we hope to have the matter resolved in a timely fashion.

Mr. Osborne: May I make one more comment?

Mr. Revoldt: No. We're not debating. You have had an opportunity to

Mr. Osborne: I'm not debating. But your consultant does recommend re-negotiating the contract.

Mr. Revoldt: Mr. Osborne, I have been chastised by this Council for permitting you to speak in a sort of unrecognized fashion. Let me offer you this piece of advice. You shall not speak without being recognized by the Chair and if this occurs one more time, tonight or in the future, I will have you escorted from this chamber. We invite your comment. We invite dialog, but this Council is insisting that I enforce the rules, and I will. So, I would appreciate it if before you speak again, that you be recognized by the Chair. Thank you. Is there anyone else who wishes to address the Council? Please step forward to the microphone and state your name and address.

Mr. Dansizen: Jim Dansizen, 502 S. Main Street, North Canton. As Chairman of the Hoover World War II Memorial, I want to take this opportunity to thank every City Council member for voting unanimously to allow us to erect our memorial in Bitzer Park. Also, I want to thank the Administration for their support through this whole ordeal. We're very excited - we're ready to go - we're in the process of collecting the rest of the money and as soon as we've got it, shovels will be dug. Thank you very much.

Mr. Revoldt: Thank you. Is there anyone else who wishes to address the Council this evening? Please state your name and address for the record.

Mr. Covey: Rod Covey. I live at 35 Auburn Avenue SE in North Canton. I'm a little - on the lighter side, I'm very pleased to announce that five weeks ago, we had a gentleman who was sitting there, came up and met you all and met the audience. He was a Veteran of the

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Invasion on Iwo Jima. He was the first man on Iwo Jima, although he would not let me write about that in this little book that I am about to show you. He's a little too modest. He said I was only one of a handful of people who were two weeks before three divisions of US Marines invaded Iwo Jima. We were there to make sure that the dock was okay and that we were ready with our diesel engine training (inaudible) these thousands of ships unloaded these three divisions of Marines on the Iwo Jima beach. We'd be there to keep those engines going. Anyway, for the last two years, I had the pleasure of driving Mayor Held's car while Mayor and his wife and family distributed candy during the parade. Mr. Pritchard, it would have been a great story for you because at one point when I was waving to people here and waving there and waving flags and so forth and the Mayor bent over to pick up some candy that had fallen, and here I am, I almost ran over our Mayor - wouldn't that have been a story for the Repository - so we go back then to Bitzer Park and the Mayor spoke. Hoover High School played some great music and all the Veterans came up, about forty or fifty and they were introduced and told what they did. Well, I was one of the last to leave there and one of the reasons I met this gentleman who was here five weeks ago, who lives here in North Canton, and when he told me to look at more on our way out to the car, he was a little slow of gait so I walked with him to his car, but I asked him more questions about what he did there and it occurred to me that this gentleman is in his mid-80's, and the bulk of WWII Veterans now are, in their mid 80's and 90's, and as you all know, they are dying at the rate of 1800 per day and in this county they're dying at the rate of about 300 per day. So out of meeting this gentleman, I was so impressed with his story that I thought something better happen to get our Veteran's stories because we understand that they often don't even tell their wives when they come back, let alone their children, or their grandchildren - so I put together a program whereby I interviewed him - we took some pictures, I met his wife, we put together a booklet and five weeks ago I showed the cover of the booklet but yesterday I had the pleasure of delivering to Mr. Tedrick three copies, one for his wife and for his two children, and here's a copy of the book and the ultimate objective to it is that we hope that this will spread rapidly through the media, through Stark County so that you folks - you young folks back there, if you have a grandfather, an uncle, or maybe a father or a brother, maybe you should capture that story - you're so good on computers you could put this together, I'm sure, very quickly. But I would like to pass around, obviously, we can't read it but just to get a feel of it because we'd like to even take this national because when these ladies and gentlemen get to that age, we've got to capture their story for the future. So, Gail, if you would start this around here and Eric, if you would, please, get this back to me when it comes back and I'll start one here - then you, sir, get it back to me when it comes back to you. Thank you very much.

Mr. Revoldt: Thank you, sir. Is there anyone else who wishes to address the Council at this time? Yes, sir.

Mr. Kopko: Good evening. My name is Robert Kopko. I reside at 1053 East Maple here in North Canton. I'm here to comment on proposed Ordinance No. 24-10 with regard to the speed limit on East Maple Street. I've lived at 1053 East Maple for seven years and I want to express our dislike of the proposed Ordinance. I feel that at times when the speed limit had been temporarily lowered in the past for construction projects and so forth, the traffic buildup was just made all that much harder to get out of our driveway and if the speed limit were lowered permanently it would make that problem even worse. I feel that since that part of the road has sidewalks on both sides that the speed limit is just fine where it is at 35 miles per hour. Thank you.

Mr. Revoldt: Okay. Any questions for Mr. Kopko?

Mr. DeOrio: Just a comment just in case, in the event that you are unable to hang around for the rest of the meeting, but the Ward Councilman in that area, Mr. Peters and myself, have been spending a lot of time driving that road and what we're going to do tonight is, we're going to table that, so we're not going to take any action. We're going to postpone that discussion to some other time when the need, perhaps manifests itself better and we're going to explore some additional options that don't involve lowering the speed limit.

Mr. Kopko: Thank you.

Mr. DeOrio: Thank you.

#### OLD BUSINESS:

7. Mr. Revoldt: Is there anyone else who wishes to address the Council this evening? Seeing none, then let's move on to our Old Business, Item 8. May I have a motion to read by title only, second reading, Ordinance 23-10.

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Mrs. Kiesling moved and Mr. DeOrio seconded to read by title only, second reading of Ordinance No. 23-10. All members present voting:  
 Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.  
 No: 0.

**Ordinance No. 23-10 – 2<sup>nd</sup> Reading – Street & Alley**

An Ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement for the design of the East Maple Street Reconstruction Project (Main Street to Taft Avenue NE), at a cost not to exceed \$250,000.

Mr. DeOrio: Mr. President, I think a couple questions that may remain from the last discussion we had on this and if anybody has any questions or concerns, to please raise them before and I'll hold off on making a motion to adopt to allow for that. One of the questions that I had was, we talked before about the possibility that Engineering would be able to, at some point in the future, not too distant, be able to give us the – well we've got to do a separate professional services agreement for those other streets, were we amending this to include that in this one? What did we settle on?

Mr. Benekos: We didn't get a chance to discuss it, but I did have a chance to ponder it.

Mr. DeOrio: Okay.

Mr. Benekos: I think my preference would be to have a second ordinance for design of the other streets. If we get a better price on that, we don't need as elaborate a design on those streets as we do on this street. It takes a little different expertise to design this type of a street here. So, I will submit a companion legislation for the other streets.

Mr. DeOrio: And you have a time table on that, you think before the summer break?

Mr. Benekos: I can have that here at the next Committee Meeting.

Mr. DeOrio: Okay. And, Mr. Peters, would you – do you wish to comment on that at all?

Mr. Peters: Well, that was my concern – just the professional design for the side street. That's fine to address that at with a separate ordinance.

Mr. DeOrio: Okay. Then, I think Mr. Revoldt had brought up the possibility of applying for some other type of – was it Clean Air Grant that we had talked about for Maple Street?

Mr. Benekos: The Clean Air Funds, CMAQ (Community Multiscale Air Quality) Funds through SCATS (Stark County Area Transportation Study) would be a federally funded project which would change the whole nature of the project. Again, you utilize federal funds, you have all the federal requirements – you have to clear the environmental requirements, and so forth. That would take the project out possibly five years if we could get the funding for that. But I believe we could get approximately 50% of the funding, OPWC (Ohio Public Works Commission) funds this year and we would apply for that in September once the design is done, that gives us additional points towards that grant. So I'm hopeful we will be able to do that.

Mr. DeOrio: So, is it your thought that if we get these – this street designed, and we're going to get these extra points in the fall, that if we were successful in obtaining that 50% grant through OPWC, would it be your preference to use the existing grant monies for those additional side streets and then use the OPWC Grant on Maple?

Mr. Benekos: Yes, using the OPWC Grant for Maple – that would qualify for the OPWC Grant but those streets would not – so we would take the money from East Maple and apply it to...

Mr. Revoldt: Clerk, would you please place on next Monday night's agenda Street & Alley...

Mrs. Kiesling: We're not meeting next Monday, are we?

Mr. Revoldt: ...should be the following Monday, this particular item for the support ancillary streets to the east (inaudible)

Mr. DeOrio: Okay. If there are no other questions, then I would move to approve Ordinance No. 23-10.

Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to adopt the second reading of Ordinance No. 23-10. All members present voting:

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

9. Mr. Revoldt: Item 9. May I have a motion to read by title only, second reading, Ordinance No. 24-10.

Mr. DeOrio: So moved.

Mr. Revoldt: Do you want to table this?

Mr. DeOrio: It died for lack of a second.

Mr. Revoldt: Is there a second to this motion? I think the record will reflect that Ordinance No. 24-10 **died as a result of a lack of a second.**

10. Mr. Revoldt: Moving on then to Item 10. Motion to read by title only, second reading, Ordinance No. 27-10.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, second reading** of Ordinance No. 27-10. All members present voting:

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

**Ordinance No. 27-10 – 2<sup>nd</sup> Reading – Ordinance, Rules & Claims**

An ordinance amending Chapter 145 PLANNING COMMISSION, of the Codified Ordinances of the City of North Canton by the addition of the requirement that all meetings of the Planning Commission be transcribed verbatim.

Mr. Revoldt: That's self explanatory. Do we have any questions or comments from the Committee or Council?

Mr. DeOrio: I move that we approve Ordinance No. 27-10.

Mr. Davies: Second.

Mr. DeOrio moved and Mr. Davies seconded to **adopt the second reading** of Ordinance No. 27-10. All members present voting:

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

11. Mr. Revoldt: Item 11. A motion to read by title only, second reading of Ordinance No. 28-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 28-10. All members present voting:

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

**Ordinance No. 28-10 – 2<sup>nd</sup> Reading – Ordinance, Rules & Claims**

An ordinance amending Chapter 147 ZONING AND BUILDING STANDARDS BOARD OF APPEALS, of the Codified Ordinances of the City of North Canton, by the addition of the requirement to provide verbatim transcription of all meetings of the Zoning and Building Standards Board of Appeals.

Mr. DeOrio: Mr. President, I would move for passage of Ordinance No. 28-10.

Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 28-10. All members present voting:

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

12. Mr. Revoldt: Item 12. Motion to read by title only, second reading of Ordinance No. 29-10.

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, second reading** of Ordinance No. 29-10. All members present voting:

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

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**Ordinance No. 29-10 – 2<sup>nd</sup> Reading – Ordinance, Rules & Claims**

An ordinance amending Chapter 115 RULES OF COUNCIL, of the Codified Ordinances of the City of North Canton, to require verbatim transcription of all Council meetings and on the request of the Committee Chairperson and concurrence of President of Council or by request of four (4) members of Council verbatim transcription of Committee meeting(s).

Mr. DeOrio: Mr. President, I move for adoption of Ordinance No. 29-10.

Mr. Davies: Second.

Mr. DeOrio moved and Mr. Davies seconded to **adopt the second reading** of Ordinance No. 29-10. All members present voting:

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

**NEW BUSINESS:**

13. Mr. Revoldt: Moving on to New Business, Item 13. A motion to read by title only, first reading of Ordinance 30-10.

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance 30-10. All members present voting:

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

**Ordinance No. 30-10 – 1<sup>st</sup> Reading – Street & Alley**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services contract for construction management services for the Main Street Resurfacing Project (Rose Lane to 7<sup>th</sup> Street), at a cost not to exceed \$120,000 and declaring the same to be an emergency.

Mr. DeOrio: Administration, have any additional comments on this one, ready for a motion? Anybody on Council? Move for passage of Ordinance No. 30-10.

Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 30-10. All members present voting:

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

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 30-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 30-10. 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 No. 30-10.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 30-10. All members present voting:

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

14. Mr. Revoldt: Item 14. Motion to read by title only, first reading of Ordinance No. 31-10.

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 31-10. All members present voting:

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

**Ordinance No. 31-10 – 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 according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into an Agreement for the purchase of two (2) Marked Cruisers for use by the Police Department from a vendor, or in the alternative, pursuant to the Ohio Cooperative Purchase Act and declaring the same to be an emergency.

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Mr. Snyder: Mr. President and members of Council, this figure of \$50,000 is in the 2010 budget. It was approved and it is part of capital replacement of police cars that we do two (2) every other year.

Mr. DeOrio: Mr. President, I would move for adoption of Ordinance No. 31-10.

Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 31-10. All members present voting:

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

No: 0.

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 31-10.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 31-10. 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 No. 31-10.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 31-10. All members present voting:

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

No: 0.

#### REPORTS:

Mr. Revoldt: Director of Law:

Mr. Nilges: None.

Mr. Revoldt: Director of Finance.

Mr. Zumbar: No report, sir.

Mr. Revoldt: Director of Administration.

Mr. Wise: No, sir.

Mr. Revoldt: Mayor.

Mayor Held: Yes, I don't think I had an opportunity to share with you folks that we had welcomed back the soldiers back from Iraq over at the Middle School and it was a great event. They really coordinated things well and gave a great welcome to our Reservists, or National Guard that had served over there in Iraq, and we had 120 soldiers that had left and 120 soldiers that came back after one year and it was a very very moving event, and special thanks to the Middle School for putting the event together and just on behalf of the City, I would just like to mention how much we appreciate the men and women who serve our country, and that's all.

Mr. Revoldt: Mr. Benekos.

Mr. Benekos: No report.

Mr. Revoldt: Mr. Bowles.

Mr. Bowles: No report.

Mr. Revoldt: You're sure?

#### REPORTS - COUNCIL:

Mr. Revoldt: Mr. Foltz.

Mr. Foltz: Yeah. Question for Administration. Maybe, Alex, we can work to put some information about the pool rate structures on the next utility bill? Especially that memberships are available to community people or families that don't live in the City, work in the City, or have their children attend North Canton City Schools. I think it's \$400 per family, so wherever you live, you're welcome to come in and buy a membership and maybe we'll get somebody together to come in and maybe meet with Tom Chufar and go over that with him (inaudible) just to get a little PR out there so we can increase those memberships. Thank you.

Mr. Revoldt: Mr. Peters.

Mr. Peters: Yes, just a quick announcement. Mayor Held and I will be at Clearmount Elementary School on Wednesday participating in a program with the second graders, local government, and looking forward to it.

Mr. Revoldt: That's a knowledge transfer program.

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Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 22,

7:00 p.m.

20 10

Mr. Revoldt: Mr. Davies.

Mr. Davies: I would like to congratulate, I read an article that the Hoover High School Academic Challenge Team won a local tournament and often times those people involved in higher academic things don't get credit like the sports players do so I would like to congratulate them. It's a great honor to do that, I know, I myself was never on Academic Challenge although I was on academic probation several times, but I do think it's an honor for the school.

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: No report.

Mr. Revoldt: Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: No report.

FINAL CALL FOR BUSINESS:

Mr. Revoldt: Final call for business.

Mr. Osborne: (From audience – inaudible)

Mr. Revoldt: Mr. Osborne, you know I'm going to get the last word, so...

Mr. Osborne: I know we're all very happy to see all the snow gone – it was piled up high everywhere. What it has left behind is a lot of debris, sand, grit, leaves in the streets and in the gutters. Now I've been questioning several Council members over the last couple weeks as to why we don't see our street sweepers out there cleaning the gutters. We own a street sweeper and we lease a second one, as I understand it. We should try to make the City look as nice as we can for as long as we can, so I would like to see the street sweepers out there and disposing of the solid waste that it collects, properly.

Mayor Held: I can answer that. Really what we're doing is obviously, we're managing our solid waste, our street sweepings, managing it as solid waste right now because that's an importance with the Ohio EPA Regulations. So, we've got to change our program. We cannot manage the material like we have in the past. Typically, we would collect the street sweepings and then we would take it down into an area behind one of the local businesses and we would use it as backfill which has been a common practice throughout the State of Ohio by a number of, by ODOT, by other political subdivisions in this area; and we are working with the Ohio EPA right now to revisit those regulations and to find new benefits and uses for street sweeping. But as it stands right now, we need to manage it in accordance with the regulations and so that has pulled the program back a little bit. We have to find a way to transfer the street sweepings to a garbage container rather than having the street sweeper collect the material and take the small volume that is collected on the street sweeper and run it all the way down to the landfill. It's just not a good use of the City's time and efforts so we're working on that project right now. That's all.

Mr. Revoldt: Is there anyone else who wishes to address the Council. Mrs. Garcia, if you would step forward to the microphone, please.

Mrs. Garcia: I have looked at this number 13 and I'm not quite sure I know what it's talking about. You're going to pay \$120,000 to somebody to boss the job of the paving, is that what this is?

Mayor Held: No, that's additional funds. That's in the event that there's any additional costs the City incurs, but you're talking about the pavement project...

Mrs. Garcia: It says for construction management services - \$120,000.

Mr. Benekos: Right, that's included in the grant. That's paid by the grant 100%.

Mrs. Garcia: But you're not tell me, is that somebody to boss the job?

Mr. Benekos: Boss the job?

Mrs. Garcia: Yes, manage it?

Mr. Davies: Are you hiring a manager for \$120,000 is what she's asking.

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Mr. Benekos: We're hiring a consultant to do the construction management which will include overseeing all the paperwork needed by ODOT for that project and inspect the project. That's the maximum amount.

Mrs. Garcia: (Inaudible) Okay, I was just trying to figure out what is this telling me, and that's what it's telling me (inaudible) boss of the job, other than you, right? Am I getting it?

Mr. Benekos: We can talk later.

Mr. Revoldt: Is there anyone else who wishes to address the Council?

Mr. DeOrio: Would the chair entertain a motion to adjourn?

Mr. Revoldt: Before you do that, the chair doesn't want to recognize the motion for a second. If you permit me, I would like to offer Mr. DeOrio the final word.

Mr. DeOrio: I didn't make a motion, I just said, if you'd entertain one.

Mr. Revoldt: Well let me defer from entertaining for a moment. Last week the Mayor provided an overview at his State of the City and Mayor's typically are excellent promoters of community success. We expect that from the Mayor. Council Presidents by contrast, have a different function occasionally, and that is to serve as the "Dutch Uncle" in conversations about our community, and as we enter, and I point this out to the students, are now entering the period of early voting for the spring primary in May. And so my comments, I think are pertinent from a point of timing. The Mayor did an excellent job recounting the City's successes over the last year. We've cut expenses. We've reduced the size of the operation. We have signs of encouraging economic development. But I think every citizen needs to understand, and this is the rule of the "Dutch Uncle" here, that we're a long way from economic health in this community and, in fact, in just ten months, we will begin a year at which we may project a deficit of a million dollars. I took a look at our job to population ratio in this community since 1990 and at the high point it was about 1.3 jobs to every 2 residents. One job to every two is really sort of a perfect. Actually if you get above one, two to two is better, three jobs to every two residents is great, but one to two generally provides you with a good level of economic health. And in 1990 we had 1.3 jobs for every 2 residents. In 2000, we had 1.1 to every 2, and my guesstimate today is we've got about .8 to 2. We're in a world of hurt here, and I know that municipal finances are arcane and confusing. You know we have all these funds and you know we talk about paving streets and roads, and you know it's not always clear that what we're doing is covered with a grant and it seems as if we're neglecting certain parts of our infrastructure. But the point that I want to leave the audience and the press tonight is that many of our services come from one, are paid for from one source, and that is our general revenue fund. And we are now seeing what appears to be a decline of a million dollars. This general fund pays for capital projects which were mandated by charter, but it also pays for our police and it subsidizes EMS somewhere in the range of about 6-7 hundred thousand dollars a year. It subsidizes it. How is that, because when we had Hoover, we never had to go to the taxpayers. There was a steady flow of cash from 100 East Maple to 140 North Main that took care of it. It's gone. We've delayed the day of reckoning but it is now here. We've listened at public town hall meetings. We've listened to the residents on their questionnaires. They like what they have - high level satisfaction. Someone has to pay for it. We're now at a point, particularly as we look at next year where without the EMS levy, we will be forced to make some very very difficult choices. What are our responsibilities? Public safety, Fire, EMS and Police - but we also have to make sure that we can have safe drinking water, waterlines are repaired, sanitary sewers work, the streets get repaired in some fashion, and they get plowed in the wintertime. We don't want to be like Ashtabula where they went for 48 hours without paving during one of the worst snow storms of the year. I don't think we want to be in a position like some small communities have been in where the streets only get paved if the neighbors are willing to cough up the entire cost for the street. Trust me, if you want to bring a neighborhood to its knees, that is the quickest and surest way because the least affluent neighborhoods typically have the most difficult times raising the funds. We know that from our own financial analysis. So, the "Dutch Uncle" out here is saying, please pay attention to these two levies that are on the ballots. We will do exactly what you tell us to do. Last November I walked into the Y one morning and I greeted someone who pays attention to us and she told me she voted against the street levy. I said, why? Well I didn't understand it. My response was, I'm in here every day, how come you didn't ask me? Well, my comments tonight through the media to our community, are please get up here before you vote. Call us, talk to us, let us explain and make a case if we already haven't. But one thing is certain, a million dollars, if we take it out in personnel alone, we'll take fifteen people off the payroll and I'm not real sure where we're going to find fifteen people to go out the door. EMS, Police, who's going to plow the streets? I don't want to over-dramatize it but the "Dutch Uncle" says we really need to pay attention and decide what we want this community to look like over the short term. It's serious but we will have no other choice after November than to change the

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way services are delivered to this community and they will change very very dramatically if we're going to find a million bucks. So, Mr. DeOrio, I will now entertain.

Mr. DeOrio: I move we adjourn.

Mr. Davies: Second.

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

The meeting adjourned at 7:48 pm

*Darryl Revoldt*  
PRESIDENT OF COUNCIL

ATTEST:

*Joie M. Halpas*  
CLERK OF COUNCIL