

RECORD OF PROCEEDINGS

0047

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, April 26, 7:00 p.m. 2010

CALL TO ORDER:

- 1. The council meeting was called to order Monday, April 26, 2010 at 7:05 p.m. by President of Council Daryl Revoldt.

OPENING PRAYER:

- 2. The opening prayer was delivered.

PLEDGE OF ALLEGIANCE:

- 3. All present recited the Pledge of Allegiance.

ROLL CALL:

Mr. Revoldt: 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, City Engineer Benekos, Drinking Water Plant Superintendent Steinhebel, Superintendent of Permits & Inspection Hampton, and Clerk of Council Kalpac.

5. Consideration

Mr. Revoldt: Council has for its consideration and approval this evening, minutes of the Council Meeting of April 12, 2010, and the Financial Statement of March, 2010. Are there any questions or amendments to those documents?

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

Mrs. Kiesling. Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to accept minutes of April 12, 2010 and the Financial Statement of March, 2010, as submitted. All members present voting:

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

No: 0.

- 6. Mr. Revoldt: Item 6. We have for our approval this evening two Executive Session meetings for Finance & Property, both held on April 19, 2010; and our regular Committee Minutes – Finance & Property, Ordinance Rules & Claims, Street & Alley, and Water, Sewer & Rubbish, all held on April 19, 2010. Are there any amendments to those minutes?

Mr. DeOrio: Mr. President, I would move for approval of those minutes as submitted.

Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to accept Executive Session & Committee Report Minutes as presented. All members present voting:

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

No: 0.

Executive Session Minutes - Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Executive Session Meeting for Personnel & Safety Committee held on March 22, 2010.

Executive Session Minutes – Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Executive Session Meeting for Finance & Property Committee held on March 29, 2010.

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

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held on April 19, 2010.

Water, Sewer & Rubbish: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held on April 19, 2010.

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7. Voice Vote – Appointment of Law Director:

Mr. Revoldt: Item 7. May I have a motion to approve to appoint Mr. Nilges to the position of Director of Law.

Mr. Davies moved and Mr. Peters seconded to approve to **appoint Mr. Nilges to the position of Director of Law**. All members present voting:

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

No: 0.

Mr. Revoldt: Congratulations.

Recognition of Visitors:

8. Mr. Revoldt: Recognition of Visitors. I'm delighted to welcome to the podium this evening, Mr. John Allensworth who is basking in the glow of a very successful Works Foundation event at the Fairways – Arrowhead. Welcome. Please step forward to the microphone and state, again for the record, your name and address.

Mr. Davies: Used to be Arrowhead.

Mr. Revoldt: Used to be Arrowhead – now it's (inaudible) of old thoughts. At any rate, Mr. Allensworth, welcome.

Mr. Allensworth: Thank you very much. My name is John Allensworth. I am a board member of the New Works City Foundation. The New Works City Foundation is a very small group of people that wants to do, basically what is right. We want to make jobs happen. We can't do much. We're just a very small group as I told you. We're just ordinary. We're not power brokers. We're not movers and shakers. We're just a small people – small group of ordinary people. We have held four (4), would call them "fun raisers", but they're really fund raisers. We've held one (1) in the parking lot at Mississippi and South Main. We held one (1) in the parking lot – this is the only one (1) outside of the City of North Canton, in the Oakwood Square parking lot of the Oakwood Square Plaza. We held one (1) about two (2) months ago in the auditorium of the old Hoover building and that was really a phenomenal, a very nice success; and then where I saw Daryl was two (2) weeks ago at the Fairways. We did a Taste of North Canton, We actually raised over \$1,000 that night and I'm going to explain extremely briefly what we do. Every time that we raise any money at any of these fund raisers, we have a company – in this case it was the Fairways, who will match whatever we raise that night, and that night was a little bit over \$1,000 – they are going to match that. That's \$2,000 and what they're going to do with that \$2,000 – they're going to hire somebody. Hopefully that \$2,000 and that little job will turn into a job that is ongoing – goes on and on and on. The worst possible case scenario – absolute worst possible case scenario – that \$2,000 will get spent – there's no more work but somebody had a job for at least \$2,000. We're talking about baby steps folks. This is what we do. We don't take any steps backwards. We don't any steps – we do no steps to the oblique. Every step we take, as small as they are, they are forward and that's what the New Works City Foundation is and it's basically here in North Canton. I want to tell you two (2) more things and then I'm going to turn it over to Vicki Stanley. We are officially a 501(C)(3) Corporation. We wanted to do this. We knew that we were going to do this and we made application for that on January 1st of this year and by April 15th, we got it. I have never, and nobody else that I know of, has heard of anybody getting one (1) as fast as that and the reason it was, is because we have a young man that works for Vicki, and his time is pro bono – he put together the application. His name is Tony – and Tony – I can't say his last name. He put this thing together. The reason I even mention Tony and I mention the 501(C)(3) is I want you to know how serious we are. That's what it's all about. We are very serious and we are doing that and we did it and we are very happy about that. I want to tell you one (1) other thing. I want to tell you about Vicki. Vicki is the brains, she's the drive, she is the vision. Sometimes she drives me and everybody else on the board nuts because she has this huge vision and sometimes we have to hold her back. Sometimes she has to pull us forward, but I want her to come up here just for a few minutes – I probably already talked too long, but I want you to hear a little bit about what she has in mind and what she is going to do with this New Works City Foundation – it's phenomenal. Thank you very much. I want you to meet Vicki Stanley. Come on Vicki. Talk fast.

Ms. Stanley: Thank you very much. I'll give you five (5) minutes. Our next event is "You're Hired". Last year was our pilot program at Orchard Hill School where we took the entire fifth grade – all the fifth grade students – put them on buses, up and down Main Street and they worked for one (1) hour on one (1) day and it was awesome. The kids loved it. The businesses loved it. They were motivated. This year we got approval to add Clearmount School so now we have one hundred and fifteen (115) students going next Wednesday and the Wednesday after that for "You're Hired". So, every event that we do is to have fun, raise

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money and then give that money back to North Canton in the form of the matching grant to create jobs. That's all we do. "You're Hired" is the last event we have on our agenda but over the last thirty (30) days, we've been approached by several people that I greatly respect in the community with ideas. One (1) is for micro loans under \$10,000 to new businesses. One (1) is for a "buy local North Canton program" which I love and another one (1) is a program to market North Canton as a place to attract new families as home ownership. They're all great ideas. I want to do them all and like John says, sometimes I get too big and too fast but my goal here is to promote the New Works City Foundation and to let you know that if you have any ideas, personally, on what we can do, the Foundation, to help North Canton grow and prosper, my phone number and e-mail are on all these flyers. Call me personally and I'll work with you. Thank you for your time.

Mr. Revoldt: Any questions?

Mrs. Kiesling: No, I just want to comment, my son was the pilot – one (1) of the fifth graders last year and he actually got to go to City Hall. I'm not sure exactly how that happened, but – I had nothing to do with it and he absolutely loved it so I think it's a great program. Thank you.

Mr. Davies: Vicki didn't say anything but I'm sure if anybody had an excess money they didn't know what to do with, if you'd call that number, they'd gladly accept a donation; and it is tax deductible because they are a 501(C)(3).

Mayor Held: I would like to comment. I'd like to thank both of you for coming in today. Vicki, it's very apparent you have a lot of energy and to take the time to really make a difference in the community – all of you – all of the board members, I mean I'm very impressed. Very very impressed! Because you're really covering all of the areas – you're creating jobs which is what our goal here is – all of us as Council Members and the Administration and you're having fun doing it at the same time which is nice in bringing people together. So, thank you, both of you.

Mr. Revoldt: John and Vicki – are there any questions or comments? I think anyone who attended and there were a number of members of Council at your event at the Fairways. It was a blast. It was a lot of fun.

Mr. Allensworth: We had 250 there.

Mr. Revoldt: I hope you will do that again. It was a wonderful way to welcome a beautiful spring evening. But as you look at the programming, I would certainly encourage you to explore this micro-loan concept. It's extraordinarily difficult for banks and for governments to be in that business but we do know that micro-lending works very well in large urban areas and in third world countries and it can make a huge difference and it can be successful if managed in a proper fashion. The other is, and I think I speak for all of Council here, is to take a really close look at this home ownership issue in North Canton. The community's stability, in large part, is reflected in the higher level of home ownership. There's a tipping point in a community where home ownership becomes the minority and rental becomes the primary and that's not something that would, I think, be in our community interest. Cuyahoga Falls, as a municipality, has a great program to acquire, rehab and sell to first time homeowners – older properties and you might want to talk to that community but I would certainly encourage that you explore the ownership. Is there anyone else who wishes to address the Council this evening? Seeing none, then – Mr. Osborne?

Mr. Osborne: Thank you. Chuck Osborne, 307 Fairview Street, S.E., North Canton, Ohio. North Canton's current water rate structure has become outmoded and is counterproductive in serving the needs of its customer base and in generating needed revenue to pay down the indebtedness of the water fund. I say this because there are some puzzling questions that arise as one studies the City's water rate structure. First, why do water rates increase as consumption levels increase for all water users except Aqua Ohio? Wouldn't this tend to discourage water consumption by these water users who are paying a higher water rate than Aqua? If anyone is unfamiliar with the City's water rates, I should refresh your memory. Residential users, inside the City, pay \$4.60 per thousand gallons, and outside \$8.66 per thousand gallons for the first 15,000 gallons of water. Water usage above 15,000 up to 30,000 gallons rises to \$5.27 inside and \$9.28 outside. Why does the City discourage higher levels of consumption for residential users who are already paying considerably more than any rate you ever expect to charge Aqua Ohio or any other bulk user? If your goal is to sell more water and bring in more revenue, the current rate structure is counter-productive and limits revenue for the water fund. Inside and outside residential and business water rates need to be restructured to facilitate greater revenue to the water fund. Before the City expanded its raw water capacity and its processing production, I surmised that the rate structure was designed to discourage water consumption and stretch limited water resources. The present water agreement with Aqua Ohio seems to indicate that raw water capacity and

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processing capacity are now of no concern to the City. If that is entirely true, water rates need to reflect the change in policy. What is the goal of the City's water policy? Do we want to encourage consumption or discourage consumption? Are you trying to ration limited resources? Water rates affect people's behavior and thus consumption. In regards to the Aqua Ohio water agreement, I must ask why the City wants to exhaust the newly added capacity of our water system? To promise two-thirds of the City's newly added capacity in one gulp could find the City over-committed on water sales when it least expects it, and long before the indebtedness of the water treatment plant is paid down? My second concern regarding the City's water rate structure is the bulk rate charged to Aqua Ohio of \$1.52 per thousand gallons. This water rate defies logic when looking at water rates for all other businesses. Prior to water sales outside the City, a bulk water rate applied only to bulk sales in the City. The bulk water rate charged to a high-volume business in the City supported jobs in the City from which the City received added income to the general fund in the way of income taxes. Selling water outside the City at a hugely discounted rate in bulk, returns nothing to the City's general fund. There is no added benefit for the City. The City is not supporting jobs by selling water in bulk to Aqua Ohio. Why is the City interested in such an arrangement? Clearly, bulk water rates outside the City should be looked at and priced much differently than bulk water rates inside the City. At last week's Council of the Whole meeting, the latest draft of the new water agreement with Aqua Ohio limited annual rate increases for Aqua to 3 percent per year for the ten-year term of the agreement. That proposed commitment to Aqua is just as fiscally imprudent as promising all remaining rate payers that same promise. If you cannot make that same commitment to your constituents who vote for you and the citizens who are responsible for the indebtedness of the bonds on the water treatment plant, why would you make a commitment to Aqua Ohio, a public utility whose only interests are its water customers and its stockholders? Whose well-being and interests are you putting first? I would urge this Council to table any further action on the Aqua Ohio water agreement until a complete assessment of the City's water rates is completed and new rates are implemented. Further, I would like to encourage the City to look closely at the City's water production costs on page two of the Arcadis Water Study. The City's water production costs are all over the board, ranging from a low of \$5.55 per thousand gallons to \$10.45 per thousand. Wide fluctuations in water production costs that are detailed by Arcadis are not reality. If these figures are true, practically all water being sold by North Canton is being sold at a loss. It is common knowledge that water funds must be kept separate from all other fund accounts as water is an enterprise fund. In order to have accurate information on water production costs, only actual expenses directly related to water production should be allocated to water costs. Rumors abound from several sources that the current administration is using creative budgeting and bookkeeping to charge the water fund a percentage of employee payroll expenses to the City's water fund. I fear something is going on as water production costs in the water study vary wildly and are clearly excessive. Drinking City water out of a City water fountain does not warrant charging the employees' expenses to the water fund. I have heard these reports from several reliable sources. If these reports are true it is very unfortunate. Fiscal crisis is apparently leading to desperate actions on the part of the administration. Creative accounting is simply going to lead to confusion and disaster and put the water fund in the same fiscal crisis that we now are facing with the City's general fund. I would urge that an independent auditing agency, preferably, the State Auditor audit the entire water fund to give City officials and the public reliable data from which future decisions can be made with confidence on how best to set water rates and water policy. Thank you

Mr. Davies: Chuck, very quickly, do we have this study on line for people to look at?

Mr. Osborne: Yes you do.

Mr. Davies: Part of the difference in all the costing you see has to do with existing debt service and if you look at that you will notice that it has gone down which is one of the reasons why the prices are up and down. It's because different projects are paid off at different times and the debt service goes down or we may elect to put less on the debt service, you know, years and so forth. But much of that difference is due to debt service more than anything else if you look at that. Okay...

Mr. Osborne: I've heard that explanation...

Mr. Davies: I'm not saying it's all of it, but I'm saying much of it is. 206 debt service was \$3.84, 207 - \$5.22; 208 - \$1.24, the rest of the figures are budgeted or projected - \$1.28, \$1.27, \$1.14, \$1.14, etc. So that makes a big difference in the total cost if you're adjusting debt service down, it's taking away from the cost. It's one reason why - there's some other ones but that's probably the biggest difference in the cost - is debt service.

Mr. Osborne: All I can say, these are all over the place. I think there needs to be some guidance given the City on how best to assess their costs, water production costs, chemical costs, electrical costs, personnel costs, should not vary this wildly and I don't know how you're

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allocating the debt service from year to year. You would think that you would have a long term pay down that is very stable because it just impacts water rates and distorts everything. I mean there's no way to run the City with water costs that are just jumping by \$5.00 from year to year and these really aren't accurate. They're not worth even looking at because you can't do anything with them. At any rate, the City needs better expertise, better guidance and you need to come up with a more accurate cost figure from year to year and over the term of your water rate.

Mr. Zumber: I'd just like to respond to the allegation that those are inaccurate costs that were provided to Arcadis. That's hogwash. The actual expenditures were produced and provided to Mr. McNutt as well as the actual revenues. Secondly, every year the City is audited by the State Auditor's office, so to make an allegation that the City has not been audited by the Enterprise and funds have not been audited, again, is hogwash.

Mr. Osborne: If I'm not mistaken, an audit simply means they can come in and just look at this item and find out what a check is and which drawer it's in – there's a paper trail. Whether the data and the information is reliable are useful to you, you have to admit, these figures aren't useful in trying to come up with an accurate assessment of what your costs are and how to set rates. You couldn't run your own home with these kinds of wild figures. We all have a long term mortgage and we know what our mortgage payments are and they don't jump by thousands of dollars...

Mr. Nilges: They do if it's a variable rate.

Mr. Osborne: Pardon me?

Mr. Revoldt: They do if it's not a fixed rate. In essence you've answered your own question as Mr. Davies intimated. Depending upon whether capital debt is retired or capital projects are included, those costs fluctuate to your point. In effect, you've got a variable rate mortgage. So, thank you, Mr. Osborne for your comments. For the record, Dottie, you're here. I think everyone of your readers – excuse me, Ed's in the back. I think what's important to bear in mind for the readers – we're in the 5th year of a 20 year contract and the fact of the matter is that this contract does not have a cancellation provision. The City cannot act unilaterally. It must negotiate an agreement if we were to have a new contract. So the options are really two-fold. The first is that Aqua Ohio and the City find new terms to which they can mutually agree. In the absence of mutual agreement, the status quo continues for 15 more years. Those are the choices. There's nothing else and that is the process we're in right now and as everyone knows in negotiation, there's a little give and a little take and we may disagree on whether the new contract is more beneficial and I think we're working our way through that process now.

Mr. Davies: May I say something?

Mr. Revoldt: You may.

Mr. Davies: I will say, Chuck, I do think members of the Council, and I don't want to speak for everybody, but are somewhat ignorant about how the costs are figured for water and so forth and I would like to see us get smarter about that. I do think we need to take a look at that and make sure we all understand exactly how it works and what we're charging and so forth. So that part I do agree with you that I think we need to get a little smarter about this so we know what we're doing and what we're charging and understand how it all works. I do agree with that.

Mr. Revoldt: I don't expect that anyone will be voting for this contract in the affirmative if they're not comfortable with the conditions therein.

Mr. Davies: And let me reiterate, but this contract will be read three (3) times. Tonight's the second reading. There are still questions. We had an executive session before hand. There are still some questions. We will vote on it. It probably will pass this evening but that doesn't mean it's going to get passed the third reading because there are still questions that, at least I have, I can't speak for everybody else, but that I have that will be studied, but there will be another reading after tonight and that's in two (2) weeks – so...

OLD BUSINESS:

9. Mr. Revoldt: Is there anyone else who wishes to address the Council? Seeing none then, let's move on to Old Business. Item 9, a motion to read by, excuse me, may I have a motion to remove from the table Ordinance No. 23-10.

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Mr. Davies moved and Mr. DeOrio seconded to **remove from the table** Ordinance No. 23-10. All members present voting:
Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.
No: 0.

Mr. Revoldt: May I have a motion to read by title only, second reading, or excuse me, third reading, Ordinance No. 23-10.

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

Ordinance No. 23-10 – 3rd 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. Benekos,

Mr. Benekos: Yes.

Mr. DeOrio: What would you like to tell us about this thing? We brought it off the table probably because you got a final number on it?

Mr. Benekos: I do. \$175,000.

Mr. DeOrio: You look very handsome saying that number. That's great. We had put in there a limit not to exceed \$250,000 and because of some of the other engineering design services we were looking to do on some of the other streets, we had to pump that down to \$200,000; so the fact that it's \$175,000 is even better, and I don't see any reason why we shouldn't move forward with it. Do we need to amend the amount in any way or are we all right?

Mr. Snyder: Probably should be amended.

Mr. DeOrio: Alex?

Mr. Zumbar: If he came in at \$175,000, I think we had originally budgeted at \$250,000, so if you need to amend the \$50,000 upwards...

Mr. Benekos: Right, the other ordinance...

(all talking)

Mr. Davies: Right, but this should probably be amended to say not to exceed \$175,000, then amend the other one upwards.

Mr. DeOrio: Procedurally or Mr. President, is that something we can do having read it?

Mr. Revoldt: If we can have a motion to amend Ordinance No. 23-10 to strike \$250,000 and insert \$175,000.

(all talking)

Mr. Snyder: You have to vote into the negative and then bring it back out again (inaudible)

Mr. Revoldt: So then, you've got to reconsider.

Mr. Snyder: See, that's why, that's the only problem - once you've read you're done.

Mr. Zumbar: No, you can amend it.

Mr. Snyder: Not if you've read it and it's been seconded.

Mr. DeOrio: That was my understanding as well, Jon.

Mr. Snyder: Yeah, well Robert's Rules say once the motion comes to the floor, it's moved and seconded, you have to call an affirmative vote up or down.

Mr. Revoldt: Alright. That is the vote. Okay.

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Mr. DeOrio: What if somebody withdraws the motion?

Mr. Snyder: You can do that. You can rise and you can withdraw the motion.

Mr. Revoldt: May I have a motion to withdraw the third reading of Ordinance 23-10.

Mr. Davies: I withdraw the motion.

Mr. DeOrio: I second that withdrawal.

Mr. Revoldt: Okay, Clerk would you give me a quick roll call, please.

Mr. Davies moved and Mr. DeOrio seconded to **withdraw the motion to read by title only** Ordinance 23-10. All members present voting:

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

No: 0.

Mr. Revoldt: Now, for Item 9, Ordinance 23-10, may I have a motion to amend it, striking \$250,000 and inserting \$175,000.

Mr. Davies moved and Mr. DeOrio seconded to **amend** Ordinance No. 23-10. All members present voting: All members present voting:

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

No: 0.

Mr. Revoldt: Now, could I have a motion to read by title only, the third reading of Ordinance No. 23-10, as amended.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, the third reading as amended**, Ordinance No. 23-10. All members present voting:

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

No: 0.

Mr. Revoldt: May I have a motion to adopt the third reading of Ordinance No. 23-10, as amended.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the third reading, as amended**, Ordinance No. 23-10. All members present voting:

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

No: 0.

Mr. Revoldt: Item 10. May I have a motion to – you've got to read it

Mr. Foltz: Yeah.

Mrs. Kiesling: As amended.

Ordinance No. 23-10 – 3rd Reading – As Amended - 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

Mr. Revoldt: Hold on a second – he's going to read it and then we're going to re-adopt.

Mr. Nilges: I'll just start over.

Mr. Revoldt: Start over.

Ordinance No. 23-10 – 3rd Reading – As Amended - 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 \$175,000.

Mr. Revoldt: You know, here's a lesson. You name the interim Law Director, permanent, and he lets the Council President down on the first meeting.

(laughter)

Mr. Revoldt: You know, really a major disappointment – maybe you ought to go back up... May I have a motion to adopt Ordinance No. 23-10 as amended.

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Mr. DeOrio moved and Mr. Davies seconded to **adopt, as amended**, Ordinance No. 23-10. All members present voting:
 Yes: Kiesling, Peters, Revoldt, Snyder, Davies, DeOrio, Foltz.
 No: 0.

10. Mr. Revoldt: Alright, moving on to Item 10, may we remove from the table, Ordinance No. 29-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **remove from the table**, Ordinance No. 29-10. All members present voting:
 Yes: Peters, Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling.
 No: 0.

Mr. Revoldt: Alright, now, may I have a motion to read by – we're going to amend – may I have a motion to amend Ordinance No. 29-10 pursuant to the attachment to the April 19 Ordinance, Rules & Claims Committee. Those were the items that we discussed that were attached to your minutes as a cheat sheet.

Mr. DeOrio moved and Mr. Peters seconded to **amend** Ordinance No. 29-10. All members present voting:
 Yes: Revoldt, Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.
 No: 0.

Mr. Revoldt: Now, may I have a motion to read by title only, third reading, Ordinance No. 29-10, as amended.

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, third reading, as amended**, Ordinance No. 29-10. All members present voting:
 Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt.
 No: 0.

Ordinance No. 29-10 – 3rd Reading – As Amended - 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. Revoldt: Just for the record, the additional amendments exceed the requirement for transcription. These include the technical corrections that were made to our rules per the minutes which I believe there were eight (8) – ten (10) in number. For example, gender neutral, striking the word "secret" on occasion, where it's no longer legal.

Mr. DeOrio: Would you be looking for a motion to adopt?

Mr. Revoldt: As amended.

Mr. DeOrio: So moved.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the third reading, as amended**, Ordinance No. 29-10. All members present voting:
 Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Revoldt, Snyder.
 No: 0.

11. Mr. Revoldt: Let's move on to Item 11. A motion to read by title only...

Mr. DeOrio: I think – point of order – we're seeking to amend this ordinance. Do we want to make that motion to amend before it's read so we don't have to do what we did already on the other ones, again?

Mrs. Kiesling: We do.

Mr. Revoldt: I thought we adopted it as amended.

(everyone talking)

Mr. DeOrio: Mr. Benekos, what were we looking to amend Ordinance No. 32-10 up to?

Mr. Benekos: The balance of the funds - \$125,000.

Mr. DeOrio: Mr. Zumbar, what is your calculator telling you?

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Mr. Zumbar: \$125,000 is exact.

Mr. Revoldt: So we need for Item 11, a motion to amend it, striking \$50,000 and inserting \$125,000.

Mr. DeOrio: I would make that motion.

Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to **amend** Ordinance No. 32-10. All members present voting:

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

No: 0.

Mr. Revoldt: Now, may I have a motion to read by title only, second reading, Ordinance No. 32-10, as amended.

Mr. DeOrio: So moved.

Mr. Foltz: Second.

Mr. DeOrio moved and Mr. Foltz seconded to **read by title only, second reading, as amended**, Ordinance No. 32-10. All members present voting:

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

No: 0.

Ordinance No. 32-10 – 2nd Reading – As amended - 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 Hoover District Streets Rehab/Replacement Project at a cost not to exceed \$125,000 and declaring the same to be an emergency.

Mr. DeOrio: Mr. President, I would move for passage of Ordinance No. 32-10.

Mr. Revoldt: Before we second that, (inaudible) these are funds derived from the JRS Grant, exclusively, is that not correct? These are not municipal funds in the budget? It's been moved, is there a second?

Mr. Peters: Second.

Mr. DeOrio moved and Mr. Peters seconded to **adopt second reading, as amended**, Ordinance No. 32-10. All members present voting:

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

No: 0.

12. Mr. Revoldt: Item 13. A motion to read by title only, excuse me. Item 12, a motion to read by title only, second reading, Ordinance No. 33-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, second reading**, Ordinance No. 33-10. All members present voting:

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

No: 0.

Ordinance No. 33-10 – 2nd Reading – Water, Sewer & Rubbish

An ordinance authorizing the Mayor of the City of North Canton to enter into an Agreement by and between the City of North Canton ("City") and Aqua Ohio, Inc., fka Consumers Ohio Water Company ("Aqua"), an Ohio public utility corporation for the sale of water to Aqua, that supersedes and replaces the Agreement between the City and Aqua that was executed on April 18, 2005, and declaring the same to be an emergency.

Mr. Davies: We're voting the second reading of the new Aqua Agreement. I might mention, Hans, if you would outline quickly, due to the diligence of Chuck and this Council, we have made several changes in this agreement from the original one that came. We eliminated, ambiguous language as to the fact that we're not treating Aqua separately from our customers. Our customers always get first rights to the water, not Aqua. We changed the billing language because there was some ambiguity there, about how they would be billed and we possibly would have to carry them for months, you know, that's all been changed so they pay as they use it. We changed the agreement – you know it said we could, if we increased customer rates, we would have the right to increase their rates by no more than 3% a year and we talked about what would happen if rates go skyrocket because the cap and trade or

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nuts in the Middle East pull up oil lines or whatever, and we put a provision in there that we get out of this agreement should rates skyrocket past that and not be in our best interest. Was there anything else we changed from the original?

Mr. Nilges: Well, those are the things that we discussed at Council. All of those have been addressed and either the language that was substituted by Council was removed or, and we put the improvement that you just discussed at your request regarding what happens if production costs go up. We did put some protection language in there. There were a lot of other technical things in there also. There used to be an arbitration provision, for instance. Now we have the right to go to court over the agreement. Obviously, the one that we've talked about, many times here, before we were at, say \$1.64 per thousand gallons, now we're up to \$3.60 per thousand gallons and that pretty much summarizes where we are with the agreement.

Mr. Davies: And having said that, I do believe it's a better contract than the original one was, but there's still some questions so, we'll vote on this tonight but it's not the final vote. There's one more reading and one more vote two (2) weeks from now. So it's not a done deal, just so everyone knows. Any questions, any...

Mr. DeOrio: I would just – a comment I would like to thank all of the members, particularly Mr. Snyder for his diligence in helping us get this moving along but also in his patience that he has extended to me over the last few weeks in getting this. I think that as a collective body, we've done great work in advancing the ball. I'm prepared to accept this for its second reading tonight. I'm anxious to see another draft of this before the final reading. I appreciate the opportunity extended by the Administration to work with Mr. Steinhebel, the Water Superintendent, and we're going to meet with them this week to make sure that I have a very clear understanding of some things that I don't at this point but I do think that we keep making steps in the right direction each time we do this and it's getting better and better, so I just wanted to preface my vote, I guess before I made that. Thank you.

Mr. Davies: The one thing I would like to say, briefly, that I did not understand but since we went through all of this – citizens of North Canton who live within the City limits, actually pay less than our costs to process the water and deliver the water. Okay, they do. That is true. And the excess is paid for by outside water rates and so forth and the citizens of North Canton really are getting a deal on their water in the City. It truly is, particularly for the quality of water they get compared to other systems and so forth. They really are getting a heck of a deal and anyway being taken advantage of, they really – they're getting a better deal than most people in the area so I did want to say that because I was unaware that they're actually paying less than cost.

Mr. Revoldt: Any other comments...

Mr. Snyder: Mr. President, the only comment I have, I appreciate the kind words – and Mr. DeOrio is right. This particular contract was executed five (5) years ago – was brought by the Administration at that time to Council without a lot of input from the Council and not a lot of input from the Superintendent of Water Treatment. This particular contract has been looked at by all of Administration and fortunately my six (6) colleagues and myself, and they've all had input. There's open questions that they're addressing and it's not contrary to what some people think, just being rubber stamped and passed. We have a very nice agreement, a working agreement with the Aqua people. Mr. Purtz is the General Manager there and he's willing to talk to us and listen to our concerns as we enter into a long term contract and I do appreciate everybody putting in, because it's important. It's ultimately a win win for the City and we've had the blessings of the Administration – they've been there every day, the Engineers, the Finance Director, the Director of Administration, the Mayor, everybody – the Law Director, especially for us, holding our hand legally – especially, you know, where else can you get that work for \$5.00 an hour. So, if it doesn't work out, it's not because...

Mrs. Kiesling: You might want to mention McNutt...

Mr. Snyder: Oh, yes, and one other thing I may mention – we were somewhat criticized that we did not seek expert advice outside of our esteemed Law Director, Finance Director and the Director of Administration, Engineer and Water Superintendent, and I was there myself because they gave donuts for breakfast; but, technically, we asked Mr. McNutt of Arcadis who is our consultant, who has been for many years, to look at the contract and give us an opinion professionally as he is respected as an expert from a technical review and a financial review, he receives very high marks and that was given to us at the 11th hour and we all have a copy and a copy will be given to the Clerk to be made a public document so that anybody requesting that document, which I'm sure we'll have some requests before the evening is over, that document will be available for copy to the public. It does give and it does outline everything – it's a very simple situation. We're bound by certain restrictions in the old contract

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that have been lifted, and my experience, which is somewhat limited, when two (2) parties are agreeing to negotiation, when they're both unhappy with the final results, it's a good contract. But, if one party is happy and the other one is not happy, then it is not a very good contract; but if they're both unhappy with the final results, it's a very good contract because both people have looked at everything and it's been done and we have an expert at that – Mr. Repace will tell us that – he's had many years experience negotiating contracts. He'll tell you, when they're both screaming about it, it's a pretty good contract. But I appreciate your indulgence. Thank you very much and we'll get back to the Clerk so that she has it and make it a public figure. Thank you, Mr. President. That's all.

Mr. Revoldt: May I have a motion to adopt the second reading of Ordinance No. 33-10.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the second reading, by title only** of Ordinance No. 33-10. All members present voting:

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

No: 0.

Mr. Revoldt: Mr. Osborne, please. (gavel) Thank you.

NEW BUSINESS:

13. Mr. Revoldt: May I move on to New Business, Item 13, a motion to read by title only, first reading, Ordinance No. 34-10.

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, first reading** Ordinance No. 34-10. All members present voting:

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

No: 0.

Ordinance No. 34-10 – 1st Reading – Personnel & Safety

An ordinance establishing the duties and responsibilities for the position of Director of Law of the City of North Canton, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Revoldt: Mr. Peters.

Mr. Peters: Thank you. It is exactly that, it outlines the duties and responsibilities of one of the things we added was submission of a monthly log to the Clerk of Council, hours of work, I think that was the biggest change we made. Everything else was...

Mr. Nilges: Just some admissions...

Mr. Peters: Yeah, okay – any other questions. With that, I move that we adopt the first reading of 34-10.

Mr. DeOrio: Second.

Mr. Peters moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 34-10. All members present voting:

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

No: 0.

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 34-10.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 34-10. All members present voting:

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

Mr. Revoldt: Motion to adopt the rules as suspended Ordinance No. 34-10.

Mr. DeOrio moved and Mr. Peters seconded to **adopt under suspension of the rules**, Ordinance No. 34-10. All members present voting:

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

No: 0.

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14. Mr. Revoldt: Item 14, motion to read by title only, first reading, Ordinance No. 35-10.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading**, Ordinance No. 35-10. All members present voting:

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

No: 0.

Ordinance No. 35-10 – 1st Reading – Personnel & Safety

An ordinance establishing a rate of compensation and per diem rate for the City of North Canton Law Department, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Peters: Since Hans is not going to be working for free for us, we need this ordinance, establishing rate compensation at a per diem rate. Any questions or concerns? With that I make a motion for the adoption of 35-10.

Mr. DeOrio: Second.

Mr. Peters moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 35-10. All members present voting:

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

No: 0.

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 35-10.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 35-10.

All members present voting:

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

No: 0.

Mr. Revoldt: Motion to adopt under the rules as suspended, Ordinance No. 35-10.

Mr. DeOrio moved and Mr. Peters seconded to **adopt under suspension of the rules**, Ordinance No. 35-10. All members present voting:

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

No: 0.

15. Mr. Revoldt: Item 15, motion to read by title only, first reading, Ordinance No. 36-10.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading**, Ordinance No. 36-10. All members present voting:

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

No: 0.

Ordinance No. 36-10 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an LPA Federal Local-Let Project Agreement by and between the City of North Canton (hereinafter "LPA") and the State of Ohio Department of Transportation (hereinafter "ODOT") for the Main Street Reconstruction Project (Rose Lane to 7th Street) and declaring the same to be an emergency.

Mr. DeOrio: Mr. President, this ordinance allows us to be the manager of this contract of this project as required under the rules and I would move to approve Ordinance No. 36-10.

Mr. Revoldt: Before we do, would you clarify the funding source for this project?

Mr. DeOrio: Certainly. Mr. Benekos, could you clarify the funding source for this project, please? Item 15, Ordinance No. 36-10.

Mr. Benekos: Resurfacing project – 80% is Federal funding, 20% is OPWC.

Mr. DeOrio: And, I'm sorry, the percentage to the City was?

Mr. Benekos: Zero.

Mr. Revoldt: Just by way of explanation for you about this – I had a very interesting conversation about municipal finances this weekend and I was reminded that we cannot over-communicate the source of our revenue. So, having said that...

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Mr. Davies: May I ask a question real quick? This is not going to interfere with Main Street Festival – have we established that?

Mr. Benekos: Correct.

Mr. Davies: Because I know they're announcing it and it would be terrible to have it torn up in the middle of that...

Mr. Benekos: We've coordinated that with them – we know their days and we would start immediately following that.

Mr. Revoldt: May I have a motion to adopt the first reading of Ordinance No. 36-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 36-10. All members present voting:

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

No: 0.

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 36-10.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 36-10. All members present voting:

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

No: 0.

Mr. Revoldt: Motion to adopt under the rules as suspended, Ordinance No. 36-10.

Mr. DeOrio moved and Mr. Peters seconded to **adopt under suspension of the rules**, Ordinance No. 36-10. All members present voting:

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

No: 0.

16. Mr. Revoldt: Item 16, motion to read by title only, first reading, Ordinance No. 37-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading**, Ordinance No. 37-10. All members present voting:

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

No: 0.

Ordinance No. 37-10 – 1st Reading – Finance & Property

An ordinance amending Ordinance No. 118-08 establishing rental rates and policies for rental of the North Canton Civic Center, specifically Section 5, repealing any and all legislation passed previously and inconsistent with this ordinance and declaring the same to be an emergency.

Mr. Snyder: Mr. President and Members of Council, the present ordinance requires that we provide law enforcement at the Civic Center if alcoholic beverages are served – a minimum of two (2) police persons. It does not state whether they be commissioned police officers or security guards. There is some ambiguity in the interpretation even though the bargaining units do not conflict, so consequently, we want to change that to say that we will provide security of a minimum of two (2) police persons stating at the rate of, I believe, \$300 and that way it will allow Superintendent Chufar to hire security guards who are authorized to carry weapons and do whatever they have to do and that's what we're going to do on that so that way there won't be any confusion or any questions on that, correct?

Mr. Revoldt: Yes, sir.

Mr. DeOrio: Okay, the ordinance doesn't stipulate the number.

Mr. Snyder: I thought that did say two (2).

(inaudible – all talking)

Mr. Snyder: I think it was normally two (2) – usually two (2) and the reason I bring that up, Member DeOrio, is the fact that I remember Chief Grimes stating that when alcohol is served, it's generally accepted that there be two (2) officers there because of – in case there should be some type of altercation – one (1) can get them additional help or that person is additional help. Usually there are two (2).

Mr. Nilges: When I re-drafted it...

Mr. Snyder: Oh, you took that out...

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Mr. Nilges: Yeah, we redrafted it...

Mr. Snyder: Oh, okay, I mean I don't know – the reason it was in there...

Mr. Nilges: The way it's redrafted, it gives discretion depending on the circumstances...

Mr. Snyder: Okay, I'm sorry.

Mr. Nilges: ...like ten (10) people, maybe you don't need two (2) people there.

Mr. Snyder: I was going by my memory – I apologize – I didn't mean to put that in there. That's fine with me.

Mr. Nilges: Yeah, it was amended to provide increased flexibility, and it just specifically indicates security.

Mr. Snyder: There's a lot of concealed carry today so there'll be plenty of fire power there...

(laughter)

Mr. DeOrio: I would move for adoption of Ordinance No. 37-10.

Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 37-10. All members present voting:

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

No: 0.

Mr. Revoldt: Motion to suspend the rules for Ordinance No. 37-10.

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for Ordinance No. 37-10. 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. 37-10.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules**, Ordinance No. 37-10. All members present voting:

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

No: 0.

17. Mr. Revoldt: Item 17, a motion to read by title only, first reading, Ordinance No. 38-10.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading**, Ordinance No. 38-10. All members present voting:

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

No: 0.

Ordinance No. 38-10 – 1st Reading – Finance & Property

An ordinance authorizing the North Canton Police Department to apply for, accept and utilize State of Ohio funding for the D.A.R.E. Program for the period of August 1, 2010 through June 30, 2011 and declaring the same to be an emergency.

Mr. Snyder: Mr. President and Members of Council, we've been asked to put this out so they can apply for the Attorney General State of Ohio funding for the DARE Program which is extremely beneficial to our young students and I know through the efforts of some members of Council that we've continued it and we will through the cooperation of the Police Department and that's about it.

Mr. DeOrio: Did you know, since we're doing filler here, while we're talking, that the person who invented or founded DARE was a person by the name of Daryl Gates who was the Police Commissioner for Los Angeles back in the 70's and 80's – he died just recently...

Mr. Davies: Rodney King...

Mr. DeOrio: ...in his obituary, it went into some detail that was interesting – he founded this program and it spread nationwide

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Mr. Revoldt: He was the founder of SWAT

Mr. DeOrio: Yes, that's correct.

Mr. Snyder: Yeah.

Mrs. Kiesling: (inaudible)

Mr. Revoldt: May we have a motion to suspend the rules for Ordinance No. 38-10.

Clerk: Adopt first.

Mr. Revoldt: Did we adopt that? We better adopt it then. Motion to adopt the first reading of Ordinance No. 38-10.

Mr. Snyder: I dare you to question that.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 38-10. All members present voting:

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

No: 0.

Mr. Revoldt: Now may we suspend the rules of Ordinance No. 38-10.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 38-10. All members present voting:

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

No: 0.

Mr. Revoldt: Motion to adopt under the rules, as suspended, Ordinance No. 38-10.

Mr. DeOrio moved and Mr. Davies seconded to **adopt under suspension of the rules**, Ordinance No. 38-10. All members present voting:

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

No: 0.

Mr. Snyder: Mr. President, privilege of a question, sir.

Mr. Revoldt: You may.

Mr. Snyder: Thank you sir. Relative to Ordinance No. 37-10, it's been brought to my attention there may be some left-in ambiguity as to how many police personnel we need whether there's ten (10) people or three hundred (300) people, so with the indulgence of my committee and the members of that committee and Council, we'll leave this ordinance as is but we'll revisit it next Monday night to change that to read a specified amount of people. Is that okay with the committee?

(all talking)

Mr. Snyder: That was a sidebar – I overheard...

Mr. Revoldt: In reports, my sidebar is this, as it stands now as I read the ordinance there is no instruction. This group understands what that ordinance means – that there is to be some proportion of police or law enforcement present. However, it is possible that we may have a less discriminating Mayor or Director of Administration who may simply say – 300 bucks, buy one (1) and so you have three hundred (300) people show up. To me, that exposes us if we're operating this facility to a liability because we failed to address the requisite security when alcohol is served.

Mr. DeOrio: To that point, do you think that perhaps the Ohio Board of Liquor Control has some sort of guidelines that they put forward based on if you have one hundred (100) people, and you have this many security; if you have one thousand (1000) people, you have this many security.

Mr. Revoldt: That's what we'd like to investigate.

Mr. Snyder: I can tell you that Chief Grimes, when the last times came up, he did tell me that the problem with any liquor, when you have one (1) person, it makes it very difficult for that person if he gets into a compromising position to: 1. defend himself/herself or that person; or, rely on that for help, and that's the reason he likes the minimum of two (2) people no matter

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how many attendees there are. I think the maximum attendance there is about two hundred sixty (260), isn't it?

Mr. Revoldt: You can look to Mr. Davies as an expert on alcohol.

Mr. Peters: Well, the Department of Liquor Control does not take a position on security.

Mr. Snyder: Well, to clarify this, I will ask – we'll consult with Chief and bring it back up next Monday. We'll consult with the Chief and if there is no problem with that, it will stand; otherwise, we'll run it by everybody again next Monday. Thank you.

Mr. Wise: Mr. Chairman, if I may - on that topic, section 9 of that Ordinance, as I'm sure you're all aware, indicates "that the Mayor has is hereby authorized to establish a policy for the purpose of security at the North Canton Civic Center" – Chief Grimes as well as Superintendent Chufar are in fact working on that and looking into that now. I don't know that we'll have anything to report to you next Monday, but that is being considered.

Mr. Revoldt: Well, it will be interesting to hear what the tentative policy might be.

Mr. Snyder: Alright, we'll do that.

REPORTS:

Mr. Revoldt: Okay, let's move on to reports.

Mr. Revoldt: Director of Law.

Mr. Nilges: Yeah. I'd like to thank the Council for taking the action they did in keeping me on the job. I have enjoyed my time since December 1 here, and I look forward to continuing to serving both you and the Administration and the citizens of the City of North Canton. So, thank you very much for that.

Mr. Revoldt: Director of Finance.

Mr. Zumbar: No report.

Mr. Revoldt: Director of Administration.

Mr. Wise: The current natural gas aggregation program – there was a price set back in October for the winter months of \$7.44 which was a significant reduction from the year before. Working with Mark Burns and Independent Energy Consultants, we have struck a new price for May through November of 2010 of \$6.49 per mcf.

Mr. Snyder: Good job.

Mr. Revoldt: Mayor.

Mayor Held: Yes, I wanted to bring to Council's attention – this really doesn't relate directly to the City's ballot issue, but, indirectly we have the EMS levy – the group that was raising the money to promote the EMS levy which is separate from the City. We did have a resident who filed a complaint with the Columbus Board of Elections and they held a hearing today and they had alleged that there was misleading information in the material that was being mailed out to the absentee voters and we had our Fire Chief go down – took the day off on his own behalf and he went down with his father, who is the Chairman of the Committee, Sam Bacon; and they presented the case before the Columbus Board of Elections and they dismissed it. So, that's good news.

Mr. DeOrio: It was dismissed?

Mayor Held: Yes.

Mr. DeOrio: Very good.

Mayor Held: After about five (5) minutes. But, sometimes you have to go through that process.

Mr. Revoldt: Mr. Benekos.

Mr. Benekos: No report.

REPORTS – COUNCIL:

Mr. Revoldt: Mr. Foltz.

Mr. Foltz: No report.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, April 26, 7:00 p.m. 2010

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

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

Mr. Revoldt: Mr. DeOrio.

Mr. DeOrio: I just have a question, I'm probably out of the loop – I've been engaged in a lot of activities but the question for the Administration or if anybody on Council would know, a little while back you had given us an update, Mayor, on the status of the street sweeping, is there any further developments since then?

Mayor Held: Yes, yes there is. I'm glad you brought that up. I'll just touch on this briefly, because we don't have anything final at this point. Obviously, the City of North Canton is going to be looking to manage the street sweepings that are over on the Mathie property. That hasn't been resolved yet. At this point we have the Army Corps of Engineers that is looking into whether or not that is a wetlands and that's going to take some time and in reference to the street sweepings that we presently collect, is that what you're...

Mr. DeOrio: Well yeah, just like sweeping the streets – I meant to say, I apologize if I...

Mayor Held: Okay, so really what we're going to do is that they're in the process, the Ohio EPA – I went down and met with the Chief of the Solid Waste Division, Pam Allen, and obviously, the majority, if not all the political subdivisions have managed their street sweepings in a manner over the years that are not consistent with the regulation. The regulation states that the solid waste, or the street sweepings are considered a solid waste – must go to the landfill. They're drafting a policy right now that basically allows a municipality, a township, a county government, to collect the street sweepings, trammel it or screen it, and then use it as fill along the municipal roadways. You can use it in combination with salt to sprinkle back on the roads. You can use it in washed out areas and I don't have a final copy of the policy but this is being drafted by the Ohio EPA and I can tell you just in my experience over the past six (6) years working with the Ohio EPA, they have moved at lightning speed to amend the administrative code, the regulation on this. So, they've put together a special committee. I met with them last week and what our goal is, is to work with the neighboring townships and municipalities to jointly manage the street sweepings and, but as of today, we have to abide by the regulation as it stands. So, we have contacted Jackson Township and some of the other communities to maybe have a joint venture where we can bring the street sweepings together and, this is just brainstorming stages, because, again, the policy is not final. But we bring the street sweepings together in one (1) location, we screen it and then it can be distributed back along the roadways. Once the policy is in place, you do have to get a special permit from the Ohio EPA and we're hopeful that in the next few weeks we'll have a copy of that and then be able to apply for it.

Mr. DeOrio: That's great news and if we screen this, there would need to be some kind of special equipment and that's what you're talking about with Jackson, to maybe kind of cooperate...

Mr. Mayor: Share the costs...share the costs so that we're not, you don't have one – each political subdivision buying their own trammel; and as I understand it, they're in the neighborhood of \$100,000 and, can you buy one for less or more – we're not quite sure what the requirements are at this point in time. We're just assuming that it's along the same lines of screening topsoil. And so, based on that, that's our estimate at this point. But, there's a lot of interest with the other communities because they're in the same boat that we are.

Mr. DeOrio: Thank you for the update.

Mayor Held: Yes, thank you.

Mr. DeOrio: Thank you, Mr. President.

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

Mr. Revoldt: Mr. Snyder.

Mr. Snyder: Mr. Mayor, along those lines, would it not be beneficial for us to, on a temporary, strictly on a temporary basis, look to Riley or one of these other firms that used to do our work, to have them, at least do Main Street and maybe some of the others. If those street sweepings going to the sanitary or into the storm, that's additional work we have to do to clean it up. Is that too premature thinking, or...

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REGULAR

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7:00 p.m.

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Mayor Held: Well, here's the problem with that. Regardless of who collects the street sweepings...

Mr. Snyder: Well we have to abide by it...

Mayor Held: ...we're still responsible for it. So, we can't get off the hook by allowing a private company to collect it and therefore, we would be responsible, because we are. But I understand what you're saying – it's just kind of to speed up the process.

Mr. Snyder: Well it's just temporary to clean up the streets for us.

Mayor Held: Right.

Mr. Davies: Could we get...

Mayor Held: And I'm sorry, one other point – the street sweeper is out presently working...

Mr. Snyder: Oh, it is?

Mayor Held: It's out working. What we do is, we collect the street sweepings – we empty it and then we immediately collect it and we have approval to do that. So it's then put in a dumpster...

Mr. Snyder: And so we are cleaning the streets?

Mayor Held: Yeah, we are cleaning the streets. It's just that it's a lot more expensive.

Mr. Snyder: Slower process.

Mayor Held: Right.

Mr. Davies: Could we get one of those big dumpsters, you know, to fill up and then have somebody haul it to an approved place.

Mayor Held: Yeah, that's what we're doing now.

Mr. Davies: Okay, that is what we're doing?

Mayor Held: Yeah, so we're not driving – it's just not efficient to drive the street sweeper – it's not made for 55 miles an hour on the highway and the amount that it holds is very small.

Mr. Davies: What I'm saying – if got one of those big metal dumpsters that they bring out and set on the property and fill it up...

Mayor Held: Right, that's what we're doing now.

Mr. Wise: A dump truck, a dump truck takes it down.

Mayor Held: Dump truck? Okay. Yes. But I see what you're saying. The problem is that when you're dealing with that, it's weight. So what we can do is – we can explore that and I'm sure Tom Chufar...

Mr. Davies: Yeah, I didn't know – they've got those big huge things that you can get and, you know, if somebody can take it to the approved place, that would be the...

Mayor Held: The problem is you would think that you could just fill it but it depends on the weight of the material. So often times, you'll see like a semi-load of salt – it's not completely full because you're restricted by weight. But that's something that I can check on. I'm sure that's it's probably already been done. But, I can tell you, that is tremendous progress with the Ohio EPA, and State Senator Kirk Schuring helped to facilitate that meeting and it's not just, this has not just been a local issue here. We initiated it here but it's affecting the whole State of Ohio, this policy.

FINAL CALL FOR BUSINESS:

Mr. Revoldt: Final call for business. Mr. Osborne.

Mr. Osborne: Mr. Davies, I appreciate your candor in reporting that users inside the City are paying less than our production costs for our water. Now our inside users compromise almost 57% of our total water consumption, so are you telling me that we're selling nearly 2/3 of our

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 26, 7:00 p.m. 2010

water below cost? Citizens are paying for 60. And then you're going to turn around and sell water to Aqua for \$3.60, even a further loss. You combine water sales inside the City and water sales outside the City, that's almost 78% of our total water sales and we're selling it below cost? To go back to what I said earlier regarding our costs structure, I don't buy our debt service fluctuating wildly. We're obviously allocating that cost for production to where it doesn't benefit us at all as far as figuring our production costs. But if you even take it out, the debt service on this study, in 2006 our water production costs were \$5.54, in 2007, it apparently dropped to \$5.23, in '08, it suddenly dropped almost \$1.00 down to \$4.31, and then in '09 you budgeted \$6.00 per thousand gallons. So between, admittedly selling 3/4 of your water below your costs and these wildly fluctuating debt service numbers and production costs without the debt service, you need to find out what your costs structure is, you need better data than all of this. None of this makes sense and to admittedly be selling water, I don't care what kind of favor you think you're doing for the inside residents, you're going to drive the water fund into the same shape our general fund is. You're not doing us a favor by selling it below your costs. At least you could net out and it's a break even, but you're not making any profit on it. But to admittedly be selling 78% of your water below cost, boggles the mind.

Mr. Revoldt: May I have a motion to adjourn.

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

The meeting adjourned at 8:17 pm

Danny Revoldt
PRESIDENT OF COUNCIL

ATTEST:

Dawn M. Palsac
CLERK OF COUNCIL