

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 10 7:00 p.m. 20 11

## CALL TO ORDER:

1. The council meeting was called to order Monday, January 10, 2011 at 7:07 p.m. by Vice President of Council Jon Snyder.

Mr. Snyder: Clerk, please call the roll.

Mrs. Kalpac: Don't you want to do the opening prayer first?

Mr. Snyder: Oh, opening prayer before we call the roll; let's do the prayer.

Mrs. Kiesling: Inaudible.

Mr. DeOrio: It's numbered Jon.

Mr. Snyder: Oh, is that what those numbers are for. And this is even coded, 1, 2, 3. Pardon me, Reverend.

Rev. Dave Warren: Do you have one?

Mr. Snyder: Yea, thanks, I appreciate that.

2. The opening prayer was delivered by Rev. Dave Warren of First Southern Baptist Church.
3. All present recited the Pledge of Allegiance.

## ROLL CALL:

4. Mr. Snyder: Now Madam Clerk, we'll have the roll.

The following members of Council responded to roll call: Davies, DeOrio, Foltz, Kiesling, Peters and Snyder. Council Member Revoldt was not present for the meeting. Also present were: Mayor Held, Administrator/Engineer Benekos, Director of Law Nilges, Director of Finance Loretto, Director of Economic Development Bowles, and Clerk of Council Kalpac.

Mr. Snyder: May I have a motion to excuse Member Revoldt?

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

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

No: 0

5. Consideration

Council Meeting Minutes – December 13, 2010

Mayor's Court Receipts – November and December, 2010

Mr. Snyder: May I have a motion to approve, as presented, the council meeting minutes of the 13<sup>th</sup> of December and the Mayor's Court Receipts of November and December, 2010?

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

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

No: 0

6. Committee Minutes

Mr. Snyder: May I have a motion and a second to approve the committee minutes as presented for executive session for Personnel & Safety the 3<sup>rd</sup> day of January; Finance & Property, December 29<sup>th</sup> and January 3<sup>rd</sup>; Personnel & Safety held December 13, 2010; Ordinance, Rules & Claims; Park & Recreation; Water, Sewer & Rubbish all held on the 3<sup>rd</sup> day of January, 2011.

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

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

No: 0

**Executive Session – Personnel & Safety Committee:** Please refer to the minutes on file in the Council Office of the Executive Session for Personnel & Safety Committee meeting held January 3, 2011.

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held December 29, 2010 and January 3, 2011.

**Personnel & Safety Committee:** Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held December 13, 2010.

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**Ordinance, Rules & Claims Committee:** Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held January 3, 2011.

**Park & Recreation Committee:** Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held January 3, 2011.

**Water, Sewer & Rubbish Committee:** Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held January 3, 2011.

## 7. Recognition of Visitors

Mr. Snyder: Thank you. At this time the Council will recognize any visitors wishing to speak before it this evening.

Chuck Osborne: My name is Chuck Osborne. 307 Fairview Street SE, North Canton, Ohio. I don't have any prepared comments, but I do want to bring up an issue that I addressed with the Mayor here recently and I told him I would follow up with a letter. On Veteran's Day less than 60 days ago we dedicated the Veteran's Memorial in Bitzer Park. I think we would all agree now with the dedication as it was that is consecrated ground. It's really no longer part of the park. In the last – as I said within the last 60 days I think that memorial is being desecrated in two ways: Number one, there was a stockpile of traffic cones stacked inside the memorial blocking some of the plaques for a period of several weeks. That was corrected I believe by Mr. Bowles when I called it in. Secondly, I've talked to former Councilman Doug Lane, who is now President of the Chamber of Commerce. He tells me he has observed people just traipsing across there like it's open ground. Mr. Lane made a suggestion that we need to define where the limits are of that memorial, the consecrated ground with either a – and so I picked up on it and I agreed we need to define it in some way, either a rope fencing, some shrubbery or something. Thirdly, I almost forgot, I think the biggest – I think sacrilegious to that property was the Tree Lighting Ceremony when the City evidently stacked staging material and everything and used that as a backdrop. I don't know why hundreds of feet away from the actual tree there was a stage and everything was held right there. That is not the use of that memorial. It's consecrated ground and I would urge Council to direct the Administration to somehow protect that consecrated ground. It's a memorial to veterans, which for some reason insisted it had to go in there. It cannot be no longer a part of the park where you pull up a picnic table and squat there. There are some picnic tables that I think are too close; some tacky old picnic tables just thrown up there. So I would ask this Council to direct the City Administrator to create some kind of demarcation line, define the limits of that consecrated ground so it's not desecrated, traipsed over as if it's only a convenient memorial on Memorial Day and the rest of year we can just trample it. I believe it wound up in Mrs. Kiesling's committee or initially started out in Mrs. Kiesling's committee, excuse me, and wound up in Mr. Foltz's committee. I hope Mr. Foltz you agree that it's consecrated ground. It sound not be no longer a part of that park for people just to trample and hold events over top of those various bricks that people have paid money for with their names on it so they're not damaged, soiled. Inaudible... it's consecrated ground and it should be treated as such. Thank you.

Mr. Snyder: Thank you, sir. Anybody else wishing to speak? Mr. Brenton.

Mr. Osborne: Mr. Mayor, I'll have a letter for you on that as well.

Mayor Held: Okay, thank you. Thank you, Jon.

Sam Brenton: I'm Sam Brenton from down on 1681 Westfield SW. I've got two jobs for you. I gave you one once before. You found out traffic lights. Mailboxes, should they be in the middle of the road? Street signs, are they what we used to call power poles, telephone poles are now sign poles. Now you look that up. Inaudible... nothing you can do about it but it's the same as those traffic lights you couldn't do nothing about. But anyhow where I live there used to the orchard on that farm down there. Before anybody bought a house or built a house down there, Ohio Power come through and for one dollar bought an easement through that farm land. I'm on it with. The telephone poles in front of my yard is on an easement. I've got ...inaudible... Mr. Wise got a copy, he can tell you. But I keep asking you, asking you, everybody, Jim, her, I keep asking, keep that sweeper out of the yard. I don't like – if I landscape I'm going to do it. He made a ditch down there and Mr. Wise come back and filled it up with blacktop, but by doing that I lost that much yard. But across from me you can see each time that man built a house he moved in and he planted trees where the street was laid out. Next house he'd build, he'd move in it and plant trees where the street was laid out. You can see it down there. Like I say, and that crooked surveyor come up through there and I tried to show him where that easement, no he was going by the damn telephone poles. And that way I got those manholes up in my yard that shouldn't be there. The guy that fixed up he made a thing of it ...inaudible... was going in the wrong place and didn't give a and he knows it now and still don't give a. Up until he died he kept that. But anyhow, that street sweeper, he comes down there and he's got a thing going. The people on the curve down there all

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weekend they blow leaves out and he comes down on Monday and picks them up. But when he does, he's landscaping my yard. So I don't want no - I'm 85 years old and you run a John Deer it don't take much.

Mayor Held: Right, I see. We'll make sure that we talk to the Street Department Street Sweeper.

Mr. Brenton: Now the other day it snowed that much - it dusted. Four o'clock in the morning that plow went down. Five o'clock in the morning, the plow went down. What's he plowing? You go down around my house and see that dirt ...inaudible... in my yard. I keep asking but what in the hell am I going to do? Like I say I can't go kneecap him, but it would be very easy.

Mayor Held: No, we don't want that.

Mr. Brenton: You know, it would be very easy.

Mayor Held: Mr. Brenton, what we'll do is we'll have...

Mr. Brenton: But he, he - I think he thinks it's a joke. So, so like I say...

Mayor Held: I think what ...

Mr. Brenton: Inaudible... I can show you if you got a lawyer he can prove that sheet that long of that easement agreement, them telephone poles are on my yard. When the neighbor across the street was doing away with an oil furnace they was getting gas. The gas company sent a surveyor down there to make sure where the road was. And that road where they put that sign up there you can make two more lanes where that road's supposed to be. But like I say I've got to live with it because his buddy - what's his name?

Mr. Snyder: Daryl, yeah.

Mr. Brenton: It's like you know like that guy said downtown there one time, you go on down there and work and get a paycheck and then I'll take it off you.

Mayor Held: What we'll - I mean Mr. Brenton, if I could just answer your question. What we'll do is - on your street there's no curbs. Correct?

Mr. Brenton: There's no curbs, just where that guy that well when they wanted to put storm sewer and sanitation sewer down anybody said no. But I don't know what the signal is and the ...inaudible... and all that because Hines and him and they all belong to that same club. He broke it and they rewarded him. There's two mailboxes across from me that's sittin' in three feet of concrete with a pipe. That school bus comes up there that ain't 25 miles per hour I can tell you that, they come up there. If they ever hit that with kids in it you know somebody's going to get hurt. But you can't say that because that was Hines' buddy. And by Hines and wants that storm sewer for cost where we had to pay for it, he awarded him with not taking not taking where the street was laid off or laid out. He moved it over. He used my telephone poles and put that manhole covers right up in my yard. And you know what he said? I says what'd you do that for? He said I'm a lawyer, I can do anything I want. Inaudible...

Mayor Held: What I'd like to do to - because your concern or what I heard you say is that the snow plow came down the street and really took a chuck out of your yard...

Mr. Brenton: Yeah, you can see it.

Mayor Held: Right.

Mr. Brenton: Yeah.

Mayor Held: And so and often times when the streets don't have curbs it's easy to do that because the snow

Mr. Brenton: Right.

Mayor Held: is covering the yard and the street ...

Mr. Brenton: And I understand that.

Mayor Held: and it's sometimes difficult ...

Mr. Brenton: But ...

Mayor Held: to differentiate where the road and the yard is at. And I know the snow plow fellows try to do the best that they can, but from time to time they'll hit the yard, they'll hit a mailbox, unintentionally. But what we'll do is we will go back and correct that. They will fix that. The only thing is is it's usually weather permitting. It's tough...

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Mr. Brenton: Yeah, I understand that. Yeah.  
 Mayor Held: to go back and correct that.  
 Mr. Brenton: Yeah.

Mayor Held: But I can assure you it wasn't intentional. And ...

Mr. Brenton: Inaudible... what I'm getting at is ...inaudible... that much snow and they're plowing four o'clock in the morning and again at five o'clock in the morning. For what?

Mayor Held: Yeah, I know. They're pretty aggressive with their plows. I know that we've tried to keep the streets.

Mr. Brenton: Yeah, every time there's a little bump on the road the plow ...inaudible... it. So well anyhow, whatever – anyhow, tell that guy on that broom don't aggravate me no more because I'm 85 years old and I'll knee cap him and...

Mayor Held: I don't want you to do that, no.

Mr. Brenton: I'll get a jury that will put him in jail.

Mayor Held: No. Okay. Thank you, Mr. Brenton.

Mr. Snyder: Thanks,

Mr. Brenton: Hey, you were supposed to call me back. There's two jobs for you, check them out. The mailboxes belongs to the private, they're not government. And signs belong on a sign pole not a telephone pole.

Mr. Snyder: Thank you, Sam. Anybody else wishing to address the Council this evening? Seeing none, we'll move to Old Business. May I have a motion to read by title only the second reading of Ordinance No. 105-10?

## OLD BUSINESS:

8. Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, second reading of Ordinance No. 105-10**. All members present voting:  
 Yes: Peters, Snyder, Davies, DeOrio, Foltz, Kiesling.  
 No: 0

**Ordinance No. 105-10 – 2<sup>nd</sup> Reading – Community & Economic Development**

An ordinance accepting the annexation of certain territory owned by the City of North Canton to the City of North Canton, containing 5.417 acres, more or less, in Plain Township to the City of North Canton.

Mrs. Kiesling: Yes, this is the property beside the ball fields. It is our second reading. And I motion we accept.

Mrs. Kiesling moved and Mr. DeOrio seconded to **adopt the second reading of Ordinance No. 105-10**. All members present voting:  
 Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.  
 No: 0

9. **Ordinance No. 108-10 – 1<sup>st</sup> Reading – Park & Recreation**  
**(Tabled Prior To The 1<sup>st</sup> Reading 12/13/10)**

An ordinance amending Ordinance No. 118-08 establishing rental rates and policies for rental of the North Canton Civic Center, specifically Section 1. pertaining to Friday and Sunday rentals, repealing any and all legislation passed previously and inconsistent with this ordinance and declaring the same to be an emergency.

## NEW BUSINESS:

10. Mr. Snyder: Okay. Moving to New Business, may I have a motion to read by title only, first reading of Ordinance No. 1-11?

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 1-11**. All members present voting:  
 Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.  
 No: 0

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**Ordinance No. 1-11 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton to apply for, accept and utilize a grant through the Office of Criminal Justice Services, Justice Assistance Grant – Vehicle Acquisition, for the purchase of a marked patrol cruiser for use by the North Canton Police Department and declaring the same to be an emergency.

Mr. Snyder: The Chief has ferreted out this particular grant. This would buy us a new cruiser at sufficient amount of money. We ask you to pass it on emergency so the Mayor can sign it and we can request the grant as soon as possible. Any questions? If not, may I have a motion to adopt the first reading of Ordinance 1-11?

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 1-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to suspend the rules of council pertaining to Ordinance No. 1-11?

Mr. Davies moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 1-11. All members present voting:

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

No: 0

Mr. Snyder? May I have a motion to adopt under suspension of the rules Ordinance 1-11?

Mr. Davies moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 1-11. All members present voting:

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

No: 0

11. Mr. Snyder: Have an ordinance to read by title only – a motion to read by title only the Ordinance No. 2-11.

Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 2-11. All members present voting:

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

No: 0

**Ordinance No. 2-11 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton to enter into a contract by and between the City of North Canton and the Stark County Public Defender Commission for the purpose of providing legal counsel to indigent persons in Canton Municipal Court for a period of one (1) year beginning January 11, 2011 and ending December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: We are required to provide assistance to indigent citizens in the community. The cost has been the same for a couple of – I think it's \$250 per case. As time is of the essence, as you noticed, the contract begins tomorrow morning. We're asking that this be passed on an emergency basis. Is there any questions? If not, may I have a motion to adopt?

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 2-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to suspend the rules of council pertaining to Ordinance No. 2-11.

Mr. Davies moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 2-11. All members present voting:

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

No: 0

Mr. Snyder: I'll entertain a motion to adopt under suspension of the rules Ordinance 2-11.

Mr. DeOrio moved and Mr. Davies seconded to **adopt under suspension of the rules** Ordinance No. 2-11. All members present voting:

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

No: 0

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12. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 3-11?

Mr. DeOrio moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 3-11. All members present voting:

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

No: 0

**Ordinance No. 3-11 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

An ordinance amending Chapter 907 Street Excavations, specifically 907.03 DEPOSIT REQUIRED, of the Codified Ordinances of the City of North Canton, and repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Yes, on this ordinance and I believe the next five, I'd like to ask Council's consent to approve a first reading. There have been some additional questions on just some of the fee increases as far as square footage and just permits themselves. So Tom's here to answer any immediate questions, but just to put us all in a comfort level. And as this one reads here, "...inaudible... street excavations", there's new language involved with this. So unless there's questions, I'll just entertain a motion for a first reading.

Mr. Peters: I'll motion.

Mr. DeOrio: I'll second.

Mr. Peters moved and Mr. DeOrio seconded to **approve the first reading** of Ordinance No. 3-11. All members present voting:

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

No: 0

13. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 4-11?

Mr. Foltz moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 4-11. All members present voting:

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

No: 0

**Ordinance No. 4-11 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

An ordinance amending Chapter 935 Water Lines and Hydrants, specifically 935.08 NONRESIDENT'S USE OF WATER OR SANITARY SEWER SERVICE; AGREEMENT of the Codified Ordinance of the City of North Canton, and repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Yes, as previously stated, a motion for first reading.

Mr. Peters: I'll motion.

Mr. DeOrio: May I make a point of information, please?

Mr. Snyder: Sure, Mr. DeOrio.

Mr. DeOrio: To the Law Director, on – as it pertains to Ordinance 4-11, and this was I think increasing or establishing a fee for the recording of something here, I can't remember. But anyway, my point is is that when you vote on an ordinance when you – when we pass this are we voting to just approve what is being amended or are we in essence voting for the entire ordinance again?

Mr. Nilges: It will be amending the ordinance. That's what we're doing.

Mr. DeOrio: Okay. Thank you.

Mr. Nilges: The title specifies it's an amendment. It's the exact – this ordinance has been in place and we're just changing the dollar amount is basically all it is.

Mr. Snyder: Is there any other questions?

Mr. DeOrio: I'll second if it hasn't been.

Mr. Peters moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 4-11. All members present voting:

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

No: 0

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14. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 5-11?

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 5-11. All members present voting:  
 Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.  
 No: 0

**Ordinance No. 5-11 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

An ordinance amending Chapter 937 Water Rates, specifically 937.04 WATER TURN ON CHARGE of the Codified Ordinances of the City of North Canton, and repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Snyder: Member Foltz.

Mr. Foltz: Yeah, as stated before, there's some fee changes here. But motion to approve the first reading.

Mr. DeOrio: Second.

Mr. Foltz moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 5-11. All members present voting:  
 Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.  
 No: 0

15. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 6-11?

Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 6-11. All members present voting:  
 Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Davies.  
 No: 0

**Ordinance No. 6-11 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

An ordinance amending Chapter 1171 Administrative Powers and Duties, specifically Section 1171.06 SCHEDULE OF FEES, of the Codified Ordinances of the City of North Canton, and repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Yes, different fees for building, electrical, plumbing, heating and air conditioning and just general inspections ...inaudible... of plan reviews, zoning, all involving an increase and just the initial fee itself and different language concerning square footage involved from ten cents to two dollars and plan review. So those have all changed but I'll make a motion to approve the first reading.

Mr. DeOrio: I'll second it.

Mr. Foltz moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 6-11. All members present voting:  
 Yes: Foltz, Kiesling, Peters, Snyder, Davies, DeOrio.  
 No: 0

16. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 7-11?

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 7-11. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Davies, DeOrio, Foltz.  
 No: 0

Mr. Snyder: May I have an ordinance to ...

Mr. DeOrio: A motion.

Mr. Snyder: motion to read by ...

Unidentified: Title only.

Mr. Snyder: title only Ordinance 7-11.

Mr. Foltz: So moved.

Mrs. Kalpac: We already did that.

Mrs. Kiesling: Didn't we just do that?

Mr. Peters: We just did that.

Mr. Nilges: Didn't we just call the roll?

Mrs. Kiesling: Now he just needs to read it.

Mr. Snyder: Oh, I'm sorry...

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Mr. DeOrio: Unless you want to do it again.

Mr. Foltz: No.

Mr. Snyder: Okay, let's move then to have a motion ...

Mr. Nilges: Did we call – did you call – finish the roll?

Mrs. Kalpac: Yes.

Mr. Nilges: And I just need to read it. Okay.

**Ordinance No. 7-11 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

An ordinance amending Chapter 1701 Minimum Housing Code, specifically Section 1701.05(f) CHANGES, NEW CERTIFICATES AND FEES. of the Codified Ordinances of the City of North Canton, and repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Yes, we're looking for a first reading approval here also. So specifically I guess concerning minimum housing codes and new certificates and fees involved with that. So I'll support a first reading.

Mr. Foltz moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 7-11.

All members present voting:

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

No: 0

17. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 8-11?

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 8-11. All members present voting:

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

No: 0

**Ordinance No. 8-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Frank Road/Applegrove Waterline Project - 2011, at a cost not to exceed \$600,000, and declaring the same to be an emergency.

Mr. Snyder: Member Davies.

Mr. Davies: This is a waterline that will connect the loop to the Airport to assure that all of our customers at the Airport will have plenty of water. We had passed ordinances to issue a bond to pay for this; it will be a bond over 20 years, tax free bond. So I would move that we accept.

Mr. Davies moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 8-11. All members present voting:

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

No: 0

Mr. Snyder: As an emergency exists for the health and welfare of the City as well as the timely issuance of the bid, we ask that we suspend the rules of council pertaining to Ordinance 8-11.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 8-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules of council Ordinance 8-11?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 8-11. All members present voting:

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

No: 0

18. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 9-11?

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, January 10 7:00 p.m. 20 11

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 9-11. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Davies, DeOrio, Foltz.  
 No: 0

**Ordinance No. 9-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Stratavon Waterline Project - 2011, at a cost not to exceed \$100,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies.

Mr. Davies: Yes, this waterline will again connect a loop that will assure quality water for one of the subdivisions, we didn't know which one last time but it's one of them in the city here. And it is needed so I would move to pass it.

Mr. DeOrio: Question first.  
 Mr. Davies: Pardon.

Mr. DeOrio: Question.  
 Mr. Davies: Oh, I'm sorry, questions. I'm sorry.

Mr. DeOrio: I just had – Mr. Benekos, on this project will it have any tie in of any kind whatsoever of anything on Arnesby Circle?

Mr. Benekos: It will not.

Mr. DeOrio: Thank you. Thank you Mr. Chairman.

Mr. Davies: Any other questions? So I move that we...  
 Mr. DeOrio: Second.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 9-11. All members present voting:  
 Yes: Peters, Snyder, Davies, DeOrio, Foltz, Kiesling.  
 No: 0

Mr. Snyder: As an emergency exists for the welfare of the citizens we ask that you suspend the rules of council pertaining to Ordinance No. 9-11.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 9-11. All members present voting:  
 Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.  
 No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules of council Ordinance No. 9-11?

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 9-11. All members present voting:  
 Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.  
 No: 0

19. Mr. Snyder: Chairman Foltz, pertaining to Ordinance 10-11 do you request that be tabled?

Mr. Foltz: Yes I do.

Mr. Snyder: Clerk, please call the roll?  
 Mrs. Kalpac: You need a motion...  
 Mr. Snyder: May I have a motion to please table?

Mr. Foltz moved and Mr. DeOrio seconded to **table, prior to the first reading**, Ordinance No. 10-11. All members present voting:  
 Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Davies.  
 No: 0

## REPORTS:

Mr. Snyder: Okay, that completes that portion of the agenda. Reports – Director of Law.  
 Mr. Nilges: No report.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

Held Monday, January 10 7:00 p.m. 20 11

Mr. Snyder: Interim Director of Finance.  
Mrs. Loretto: No report.

Mr. Snyder: Director of Administration and Engineer.  
Mr. Benekos: No report.

Mr. Snyder: Mr. Mayor.

Mayor Held: Yes, back on July 12<sup>th</sup> we had appointed Mr. Benekos as the Director of Administration and also as the – he would continue to serve as the City Engineer, who's on an interim basis. And I actually had to talk Jim into doing it. I told him to – I asked him to assume that position for six months and let's see how things progressed. And from a cost efficiency standpoint, we were very successful because basically Jim was responsible for doing two jobs for the most part for the price of one. But it's pretty apparent that in order to maintain the level of service that we have here in the City that our residents have come to expect and we do provide the best service I believe in the State of Ohio, we simply can't do – we can't do that while he serves as the City Administrator and the City Engineer, particularly when you look at the 17 or 18 projects that we have scheduled for this year. And so what I would like to do is first off thank Jim for all of his service.

(Applause)

Mayor Held: And because he's – he's – I mean he's a great public servant. He's very knowledgeable. And when I asked him to step up to take care of this for six months he did it and he did it without complaining and he has everything running smooth. The trains are running on time and the City is really I believe running better than ever. But we have a process of continuous improvement. We certainly can't be satisfied with what we have today and we need to move ahead. And we're going to need a new Director of Administration and what I would ask is that Council appoint Police Chief Mike Grimes to the position of Director of Administration. Mike Grimes has served the City of North Canton for 33 years, he's had six months as an Alliance police officer and 11 years as North Canton's Chief of Police. When you look at the residents and how they feel about our Police Department, it has the highest rating of any departmental service. When we sent out the survey 91 percent of the residents ranked our Police Department as good to excellent.

(Mr. Snyder's cell phone is ringing.)

Mayor Held: Go Buckeyes.

Mr. Snyder: Pardon me. That's Daryl calling me from Columbus. I apologize.

Mayor Held: But our Police Department had a 91 percent approval, good to excellent rating from our residents. And I know that with the Chief's 33 years of experience and proven leadership and just his commitment to the City I have no doubt that he is the best choice for the Administration. And I would ask that Council approve that appointment through a voice vote. And once that's approved, of course we'd have to look at the selection process for a new Police Chief which would of course come from within more than likely from the ranks of the Lieutenants. And the effective date would be March 2<sup>nd</sup> and in addition to that we would – the pay structure would be lowered. Typically the Director of Administration is paid I believe 87,000 and staying in alignment with our cost containment measures, I would ask that Council would approve that through an ordinance at a future date at 75,000. And that would be effective March 2<sup>nd</sup>. We need some time to transition.

Mr. Snyder: Mr. Mayor, with your permission I will ask to amend the agenda tonight to include - what was that item – Item No. 20, that is the confirmation by an affirmative vote by a majority of this Council to appoint Mr. Michael Grimes as Director of Administration for the City of North Canton effective March 2<sup>nd</sup>.

Mayor Held: March 2<sup>nd</sup>.

Mr. Snyder: 2011. May I have a motion?

Mr. DeOrio: So moved.

Mr. Snyder: Is there a second?

Mrs. Kiesling: Second.

Mr. DeOrio moved and Mrs. Kiesling seconded to **amend the agenda to include Item 20, to confirm by voice vote the appointment of Michael Grimes to the position of Director of Administration, effective March 2, 2011.**

Mr. Snyder: Clerk, please call the roll.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 10 7:00 p.m. 20 11

All members present voting:  
 Yes: Foltz, Kiesling, Peters, Snyder, DeOrio.  
 No: Davies.

Mr. Snyder: May I have motion ...inaudible... a motion to confirm Michael Grimes to the appointment of Administrator for the City of North Canton, effective March 2, 2011?

Mrs. Kiesling moved and Mr. Foltz seconded to **appoint Michael Grimes to the position of Director of Administration, effective March 2, 2011.** All members present voting:  
 Yes: Kiesling, Peters, Snyder, DeOrio, Foltz.  
 No: Davies.

(Applause)

Mr. Snyder: Chief, can you leave your bullet at the door when you leave? That don't go with the job. That single bullet doesn't last they have to give it to the next guy.

Mayor Held: And I would like to thank Council for their support. I know that the Chief will not let us down. I mean he hasn't let the City down in 33 years and I know we're going to see continued success in his leadership. And again, special thanks to Jim for all your help, thank you. That's all I have.

Mr. Snyder: Thank you Mr. Mayor. Director Bowles, any comments?

Mr. Bowles: No comment. No report.

Mr. Snyder: Madam Clerk.  
 Mrs. Kalpac: No report.

#### REPORTS – COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: A couple things. One, I know you'll probably get to it later Vice President Snyder, but moving the committee date ...inaudible... But I'd like Council to address any other questions they might have to me, I'm not sure if I'm going to be at that committee meeting, I'll try to make that, but concerning Ordinance 108-10 and Ordinance 10-11 for this year and last year concerning Civic Center. I'd like to get everything on the table and hopefully have six votes to do that at our next council meeting in three weeks. That said, I'd like to welcome Mike Grimes. He's been a great individual to work with through the Police Department through any of the issues I've had. He's very professional, very thorough. And I'm sure we're going to get the same service from him as Administrator. So welcome aboard Mike, I look forward to working with you in that capacity also. That's it. Thank you.

Mr. Snyder: Thank you Mr. Foltz. Member Peters.

Mr. Peters: Yeah, Mike, welcome aboard. I look forward to working with you. And we have a – we're hopefully targeting next week to start interviewing for the Director of Finance position. Once I confer with the committee members, probably mid to the end of the week next week. So that's it.

Mr. Snyder: That's good. Thank you. Member Davies.

Mr. Davies: Yeah. To clarify, Mike I'm not against you, I just think with a 100 applications that came in for you know the Assistant Director and so forth, some of those should have been looked at and so forth. That's kind of what I think that there should have been more applicants. But I like you. I think you're a good guy. I think you can do the job. So I'm not against you at all, don't take it that way.

Mr. Snyder: Member DeOrio.

Mr. DeOrio: Welcome aboard Mike. Enjoyed working with you in my neighborhood. And I know that you will apply those kind of skills and abilities to all the City's problems we'll be a better place for it.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: I completely agree. Congratulations Mike. It will be great.

Mr. Snyder: I would echo that. Welcome Michael. And if you have a pen there I want to give you a couple streets I want paved here. You can get started on that.

(Laughter)

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, January 10

7:00 p.m.

20 11

Mr. Snyder: I'd like to be the first in line on that one.

Mr. DeOrio: You're breaking him in Jon, aren't you? That's the secret to your success, isn't it?

Mr. Snyder: That's it. But to Mr. Benekos, Jim, thank you for everything you've done for us and the Ward 4 and the Council. You've been a great person to work and we look forward to continue that. But you have been very supportive of us and we very very much appreciate you and we do want you - hope you continued success in your position. I would like to mention that the City of North Canton Finance Department has received a Certificate of Achievement for excellence in financial reporting for the fiscal year ended December 31, 2009. And maybe we should send that down to Mr. Zumber so he has something to hang on his wall down there. He'd probably appreciate that. But he could - but that is that's quite a compliment. We will pass that message on to Mr. Zumber and that he did get - receive that in his department. Marge I know had a whole wall full. Didn't you Marge about...

Mrs. Loretto: We used to call it my vanity wall.

Mr. Snyder: Hopefully we'll get one for 2010 as well. As Member Foltz has told you, next Monday is Martin Luther King, the building is closed. It's a commemorative day. Normally Council's practice is to move the meeting to the next business day, which would be Tuesday, the 18<sup>th</sup>. However, the month of January does contain five Mondays and Council meets only four Mondays. So what we are going to do is skip next week and move the meeting to the last two weeks of the month, the 24<sup>th</sup> and I think the 30<sup>th</sup> that is.

Mr. DeOrio: 31<sup>st</sup>.

Mrs. Kiesling: 31<sup>st</sup>.

Mr. Snyder: 31<sup>st</sup>. That way it will keep things flowing because some of the members of council makes it difficult they have children and so forth to get in on an odd meeting day. So that being said on that date.

Mayor Held: Mr. - I'm sorry Mr. President.

Mr. Snyder: Yes sir.

Mayor Held: When you're finished Mr. Bowles has ...inaudible...

Mr. Snyder: Okay. Monday, February 21<sup>st</sup> is also President's Day and we'll move that meeting to Tuesday, February 22<sup>nd</sup>; Monday the 4<sup>th</sup> day of July will be moved to Tuesday, the 5<sup>th</sup> day of July; and Monday, September 5<sup>th</sup> will be moved to Tuesday, September 6<sup>th</sup>. I'd like a motion to do that and that way we don't have to do it will be one ...inaudible...

Mr. DeOrio moved and Mrs. Kiesling seconded to change the following meeting dates: **Committee of the Whole from Monday, January 17, to Monday, January 24 in observance of Martin Luther King's Birthday; Regular Council Meeting from Monday, January 24, to Monday, January 31; Committee of the Whole from Monday, February 21 to Tuesday, February 22<sup>nd</sup> in observance of President's Day; Monday, July 4<sup>th</sup> to Tuesday, July 5<sup>th</sup> in observance of the 4<sup>th</sup> of July; and Monday, September 5<sup>th</sup> to Tuesday, September 6<sup>th</sup> in observance of Labor Day.** All members present voting:

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

No: 0

Mr. Snyder: Okay, Mr. Mayor.

Mayor Held: Yes, Economic Development Director Bowles has an announcement.

Mr. Bowles: Just one announcement I forgot to mention. Tomorrow is the annual meeting of the Community Improvement Corporation. As some of you know, the meeting is going to be at the new Stark State facility across the way in the Hoover District. The meeting will start at 6:30, but at 6:00 if anybody would like to come in and tour the building the facility will be opened at 6:00 for tours. So everyone is welcome.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Appreciate that. Final call for business - new business. If not, I'll entertain a motion to adjourn.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, January 10 7:00 p.m. 20 11

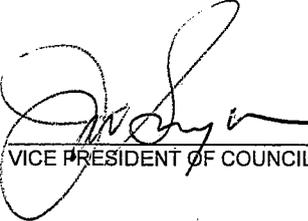
ADJOURN:

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

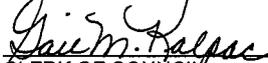
Yes: Snyder, Davies, DeOrio, Foltz, Kiesling, Peters.

No: 0

The meeting adjourned at 7:46 p.m.

  
VICE PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL