

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, January 31 7:00 p.m. 20 11

## CALL TO ORDER:

1. The council meeting was called to order Monday, January 31, 2011 at 7:00 p.m. by Vice President of Council Jon Snyder.
2. The opening prayer was delivered by Vice President of Council Jon Snyder.
3. All present recited the Pledge of Allegiance.

## ROLL CALL:

4. Mr. Snyder: Madam Clerk, please call 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, Superintendent of Streets & Utilities Chufar, Police Chief Grimes, Fire/EMS Chief Bacon and Clerk of Council Kalpac.

Mr. Snyder: Okay. I'd like to consider a ...

Mr. DeOrio: Do we need a motion to excuse

Mr. Snyder: motion to excuse Member Revoldt. Thank you.

Mr. Foltz 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

Special Council Meeting Minutes – December 29, 2010

Council Meeting – January 10, 2011

Financial Statement – December, 2010

Mr. Snyder: I need a motion and a second to consider the special council meeting minutes of the 29<sup>th</sup> of December, 2010; the council meeting of January 10, 2011 and the financial statement dated 2010.

Mr. DeOrio moved and Mrs. Kiesling seconded to approve as presented the minutes of the special council meeting held December 29, 2010; minutes of the council meeting held January 10, 2011 and the financial statement for December, 2010. All members present voting:

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

6. Committee Minutes

Mr. Snyder: May I have a motion and a second to approve as presented the following executive session and committee report minutes: The executive session for Personnel & Safety held 3<sup>rd</sup> day of January and the 10, 2011; Committee report minutes for Finance & Property; Parks & Recreation; and Personnel & Safety all held January 24, 2010

Mrs. Kiesling 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.

No: 0

Abstained: Foltz.

**Executive Session for Personnel & Safety Committee:** Please refer to the minutes on file in the Council Office of the Executive Session meetings for Personnel & Safety held January 3 and 10, 2011.

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held January 24, 2011.

**Park & Recreation Committee:** Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held January 24, 2011.

**Personnel & Safety Committee:** Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held January 24, 2011.

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Held Monday, January 31 7:00 p.m. 20 11

7. Recognition of Visitors

Mr. Snyder: Alright at this time I will recognize any visitors that would wish to speak the Council. So of course state your name and address for the record.

Doug Lane: 509 Summit SE. I am here representing the North Canton Chamber tonight and I just wanted to call your attention to a program that we're entering into. It's a partnership with Kent State and Walsh to create an entrepreneur and residence for North Canton and better known as an EIR. You folks are all on the mailing list so you'll get this in your packets tomorrow, I hope. The EIR is going to mentor people interested in starting a new business in North Canton. They're going to work with them to make sure they get to the right places for advice and guidance as well as maneuvering through the permits process. And one day per week that person is going to work with business students at Kent State at the main campus and also at Walsh sharing their experiences and at Kent State serving on the Board of the Student Run Businesses that are up there now. The beauty of this program is they're also going to work with other EIR's in Twinsburg, Aurora and in Orrville and Kent very soon and Hudson shortly thereafter, we hope, and then Lakewood also has some interest. The idea is they're going to share ideas and also leads. So for instance somebody from North Canton might want to expand into Twinsburg. They would have an instant avenue of entree into Twinsburg rather than just walking up and saying I'm from North Canton I want to start a business here, they could work with that EIR. And vice versa, somebody in Twinsburg would like to start a business here and sees it as a good fit or somebody from Orrville, they have an instant connection with the City, which is what we're trying to do through this collection of resources. So we're taking reservations through March 1. We hope to have somebody hired shortly thereafter. We've gotten about five very good candidates over the past couple of days since this was announced and I'm sure we'll have more to choose from. The goal at the Chamber to develop business, promote economic growth and this EIR Program is going to be an important tool to achieve those goals and maybe even perhaps convince a graduate of either of those universities to decide to stay in town, start their business here and start a career here versus leaving town. So it's just something that we're doing. The other thing that I wanted to call your attention to, our upcoming awards luncheon and normally this has been an evening affair. We're going to try it as a luncheon. It's going to be April 14th at Walsh. We'll be announcing our Business of the Year, the Community Leader of the Year, the Volunteer of the Year and we're going to have comments from a successful entrepreneur by the name of Tom Moore from the Dan T. Moore Companies in Cleveland. This individual has started a new business every year for the last twelve years and they've all been successful. So I think we can learn a lot from him. And we'll have an invitation in the mail to all you folks here shortly thereafter. So I just wanted to call your attention in case you heard about this program. And it's funded through Kent and through Walsh and partially through us so it's a collaborative effort. So I just wanted to call your attention. You have any questions on it at all?

Mr. Snyder: No, I don't believe so.

Mrs. Kiesling: Sounds great.

Mr. Lane: If not, like I said it will be in the newsletter that you'll be getting tomorrow. So if you do have any questions, please call me at the Chamber or talk to Bill Strohmenger our Chair.

Mr. Snyder: Thank you Mr. Lane, we appreciate your comments.

Mr. Foltz: Thanks Doug.

Mr. Peters: Thanks Doug.

Mr. Snyder: Anyone else wishing to speak to the Council? Mr. Brenton. Oh, Mr. Osborne.

Chuck Osborne: My name's Chuck Osborne. 307 Fairview Street SE, North Canton, Ohio. For the last several years, Council has made no secret of the precarious financial situation that the City has been facing for a number of years now. One might ask if Mayor Held over the last five years as Mayor has made the tough decisions that are needed to put North Canton on a sound financial course for the future. Has City Council made the tough decisions it told residents were needed when town meetings were held at the Civic Center several years ago. President of City Council Revoldt talked of a state takeover during the town hall meeting if North Canton did not stop the City's downward fiscal spiral. Anyone who was at the meeting of the Council of the Whole last Monday, January 24, 2011, might question if city leaders really have a grip on the city's financial condition. It seems to me that financial decisions are only being made at the eleventh hour when there are no other options available. A good example of a crisis now facing the City is the revelation that North Canton's promises to City employees to pay an unlimited amount of accumulated sick time as well as accumulated vacation pay and Medicare payments to City employees upon retirement has grown to an obligation of

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, January 31 7:00 p.m. 20 11

\$1,849,075. This debt obligation, partially offset by a fund, called the Compensated Absences Fund, containing \$608,436 leaves an unfunded liability of over 1.2 million for the City. This liability will continue to grow unless action is taken to control them. Benefits such as these in the private sector were contained or completely eliminated long ago. How many more financial body blows can the City of North Canton take before the City reaches the point of financial collapse? This year four city employees have indicated that they will take retirement. North Canton will have to cut checks to these four employees upon their retirement for accrued sick time, vacation, and Medicare totaling \$215,040. These are benefits that retirees will receive over and above their pension. Ward 3 Councilman, Jeff Davies, went on the record last week stating, "the City is facing a crisis." I agree with you, Mr. Davies! Since creation of the Compensated Absences Fund in 2006, Council has funded that account to the tune of nearly \$200,000 per year. Added to the 100,000+ annual cost of the longevity bonuses paid out to city employees just before Christmas each year, brings the cost of providing these benefits to well over \$300,000 each year. During the presentation of the City's 2011 budget by Finance Chairman and Fourth Ward 4 Councilman, Jon Snyder, Mr. Snyder noted that no street improvements were in the 2011 budget. Typically, North Canton budgets approximately \$250,000 for street resurfacing annually. This is not a total rebuild of streets but a replacement of the asphalt surface only on neighborhood streets. Sadly, it is apparent that longevity bonuses at Christmas for city workers and windfall payments of accumulated sick leave and vacation pay doled out upon retirement are going to be paid before city streets are resurfaced. That appears to be the case as City Council has budgeted no funds this year for street resurfacing. Given that North Canton can only pay down the unfunded liability of 1.2 million at the rate of 200,000 per year, could one assume that funds needed for street resurfacing will not be available for the next six years? Several on City Council have stated that current bonuses and benefits for city workers were put in place by administrations of years past. I can only ask you, Mr. Revoldt, and others who have made those statements, if each of you is acknowledging your past participation in those decisions when you make those remarks? Will your participation in the decisions of today be more farsighted than your decisions of the past? Taxpayers can only hope. It was stated last week by Finance Chairman Snyder that payments for sick time and vacation's pay that city workers have accumulated, and I quote, "must be brought in line with the City's ability to pay." With that said, I must ask Mayor Held if he thinks his selection for City Administrator will be able to lead the City with Mr. Snyder's marching orders as city policy? I say this because as a retiring city employee, Police Chief Grimes is by far receiving the largest payment of accumulated sick time and vacation pay, vacation time, under the city's present benefits program with nearly 79,000 to be paid at retirement. The greatest portion of the unfunded liabilities is benefits promised to unionized city workers. Mayor Held, when Police Chief Grimes retires and becomes City Administrator in March will he have marching orders from you to work to curtail benefits paid to future retiring city workers covered by union contracts? Given how Chief Grimes has benefited from the current city policy on payment of accumulated sick leave and vacation pay on retirement, how effective will Administrator Grimes be in persuading unionized city workers in renegotiating those benefits? Passage of Ordinance No. 13-11, as written, will curtail payments for accumulated sick time and vacation pay only for the City's exempt employees. Council must make hard choices. There is no room to fudge on this. Decisions such as this should have been made years ago when tax collections with the loss of the Hoover Company reduced city revenues by a million dollars annually. I would urge everyone on this Council and in the Administration to remember whom they represent and who elected them to office. Benefits such as the ones that are paid out now are unsustainable. This Council knows that and has stated that fact publicly. Please get a grip on the cost of government or I assure you it will get a grip on you. Tax money paid for these unsustainable worker benefits must be squeezed out to allow for road improvements. Taxpayers must come first. The future of North Canton depends on it. Thank you.

Mr. Snyder: Thank you. Just for the record, if I may note, if I may speak on behalf of my Committee, the Finance Committee, the present 2011 budget does contain \$300,000 for road repaving. At presently the road levy which we were successful in passing this past November, generates approximately \$565,000. Of this Council gave their word to the taxpayer this money would be used on streets; \$300,000 of it will be used for repaving. Additionally the other money will be used for two road projects yet to be named and which exceed about \$550,000. So approximately nine - near \$900,000 of the City's money will be used for road repair, thus keeping the promise that we did make to the taxpayers.

Mr. Osborne: Aren't you pairing those monies with grant money?

Mr. Snyder: No.

Mr. Osborne: And putting that money on Main Street?

Mr. Snyder: No, no, those are - that's strictly money that it used out of the capital projects which is funded both by income tax and by the road levy. That has nothing outside - now Main Street is done with grant money, that's outside that figure. Since we had that meeting last Monday, at the direction of my Committee, I did meet with Director of Finance, Director of Administration and potential Director of Administration and we've made those - the 300 was originally there. And I apologize if I didn't note that last week. The additional two road projects were added last Thursday.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, January 31 7:00 p.m. 20 11

Mr. Osborne: Well, Mr. Snyder I sat right here in the audience and I took notes. You specifically said no money...

Mr. Snyder: There were no road projects last week.

Mr. Osborne: is budgeted for road ...

Mr. Snyder: Projects.

Mr. Osborne: resurfacing.

Mr. Snyder: I said Road projects. And they weren't last week.

Mr. Davies: And I talked about there not being money for road projects. That was me. Now Jon I ...inaudible... you know – now wait a second Chuck, let me explain because I misspoke and what I was referring to was we don't have money to rebuild streets. There are a number of streets in North Canton down in Eastwoods, Chatham, Doug has one over in his ward, Jon has one in his ward. What I was referring to and I misspoke, because I didn't clarify it, we don't have money to rebuild those streets, but the levy money will go for repaving and maintenance of those streets, you know as many as we can do with the money that we have. So I misspoke, it was my fault. I didn't do it on purpose what I meant was we don't have the money to rebuild, do gutters and curbs and you know streets that have to be totally torn out and rebuilt. We don't have the money for that. But the money that comes from the levy to repave will be used for that.

Mr. Osborne: Inaudible...

Mr. Davies: I misspoke and I apologize to you.

Mr. Osborne: I did not confuse your voice with Mr. Snyder's. I will get a copy of the minutes and I will listen to them. Mr. Snyder said no money is budgeted for street repaving. And I'll listen to them again. And ...

Mr. Davies: But that does clarify because as I say I know – because I talked to Jon in the middle of last week and said you know we screwed up because we said there were no projects and ...inaudible... paving money will be used ...inaudible... I said we have to clarify that Monday night and in fact the minute I walked in and Dottie was sitting there and I sat down and mentioned that fact to her and said you know we misspoke last week and please we need to clarify that because people think we don't have any money for repaving and maintenance. We do and it will be used for that. So again, I know I misspoke. I won't speak for Jon...

Mr. Snyder: For Council and the press and people in the audience, page 25 of the present appropriation, Appendix A, page 25, so notes 300,000 under account 2011, street repaving, \$300,000.

Mr. Osborne: Well that doesn't belie the fact that you're spending an equal amount on benefits that have been dismissed long ago in the private sector that is equal to or exceeding what you normally spend annually for street resurfacing. And I will listen to those minutes.

Mr. Snyder: Appreciate it – I appreciate your comments. Thank you.

Mr. Osborne: Thank you.

Mr. Davies: Well, can I address that real quick?

Mr. Snyder: Yes sir.

Mr. Davies: Mr. Peters has started that with exempt employees. The bulk of the employees in town here come under the auspicious of different unions. We cannot just take their benefits away, it doesn't work that way. If I could, I would, but we can't. So they have to be negotiated ...

Mr. Osborne: I differentiated that in my comments.

Mr. Davies: Right and you know we have to deal with unions and with what's been there. I have no doubt that this stuff will end and will be taken away at some point in time simply because the money is not going to be there. But...

Mr. Osborne: Well there has to be a first step.

Mr. Davies: until then and it's negotiated away there's not a lot that we can do. We will try for some of this stuff, but you know the unions still have a certain amount of power among municipalities, they just do and you can't just say well we're taking it away. It doesn't work that way.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10149

Held Monday, January 31 7:00 p.m. 20 11

Mr. Osborne: Well like I said a first step needs to be taken. I don't know why when the City's revenues...

Mr. Davies: Well we have. And Mr. Peters is doing it. And possibly...

Mr. Osborne: were dropped a million dollars a year...

Mr. Davies: it should have been done before this but...

Mr. Osborne: five years ago...

Mr. Davies: it's being done now. We're doing it.

Mr. Osborne: It's a little – getting a little late to the show here.

Mr. Snyder: Well we appreciate your comments sir. Mr. Brenton, you have something to say sir? Step forward – oh excuse me. Mr. Brenton, wait one moment, Mayor Held.

Mayor Held: Just in response to Chuck - just to respond to a couple of your comments. First off, there's two primary goals that we have here in the City of North Canton at least our Administration has and that's number one to bring new jobs to the Hoover facility. And right now we've got about 500 plus jobs in just a short period of time. And secondly, is to bring a more cost efficient and effective service to the people of North Canton. And that's a cooperative effort that we've made with City Council and I really think we've done a great job when you consider that our income tax collection in the year 2000 was seven million dollars and our projected income tax collection for next year or this year, 2011, is 5.45. And we presented and worked collectively with Council on a balanced budget. And in order to accomplish that administratively you have to have proven, effective leadership. And that's why I picked Mike Grimes to serve as our City Administrator. He's served 33 years as police officer, 11 years as a very successful and a very effective Police Chief and I know he's going to do an excellent job as City Administrator. And we're going to continue to work hard to make the City's operation – again, more cost efficient and effective. You know you can cut costs and become cost efficient but the question is, are you really being effective in your service. So that's what our two goals are.

Mr. Osborne (speaking from audience): Well is Mr. Grimes supposed to ...inaudible...

Mr. Snyder: Mr. Osborne, please sir this is not ...

Mr. Osborne (speaking from audience): Inaudible...

Mr. Snyder: Mr. Osborne, you're out of order, sir, please.

Mr. Osborne (speaking from audience): May I answer ...inaudible...

Mr. Snyder: No sir, you cannot. You've had your time. Please sit down.

Mayor Held: Thank you.

Mr. Snyder: Thank you Mayor.

Mr. Osborne (speaking from audience): Inaudible...

Mr. Snyder: Go ahead.

Samuel Brenton: Anyhow my name is Samuel Brenton – S a m u e l. Live down on 1681 Westfield. And also take care of daughter's property. Mine is 640 feet long. It's not deep, it's long; it used to be. Now, Jon here asked me one day about the width of the street and I measured it, 16 feet. I gave you a diagram of different spots 16 feet. So you've got a 30 foot street and that white haired guy moved the street over till it made it almost 40 feet and you still only got a 16 foot street. Now when that ...inaudible... woman goes up that street and that school bus comes up there 60 miles an hour, whew, yeah. So that's why I said check the mailboxes and signs. Now the sign, I can tell you right now, I was a mechanic on the railroad and I had to get a package ...inaudible... express, go back to their dock and there was a sign there, it said no trucks allowed. So I didn't go back. The second day I went back and I seen that sign ...inaudible... I don't give a shit. But anyhow the sign was still there and I went and located the Street Department and they said they sign ...inaudible... Went down to Mr. Lucas down on the sign shop and I got the booklet, number one rule, you shall not take two or more signs to make one. So whoever put that sign up did that. So on down in that book it says, you shall not put signs on or near power poles. That's in the book. She would of found it if she would if asked him. Now, that street down there, when he moved that street over, you can go down there and look you can see where I told you last time, when he laid it over, the white haired guy, they put mailboxes in. And you can't move the street no more because they also put that blacktop curb in

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Monday, January 31 7:00 p.m. 20 11

there. So you've got a lane and a half road down there. And down here, if you go down Market Street, they was laying that new pipeline or whatever it was, storage or whatever, I was talking to those surveyors and he said, both of them, worked for that white haired guy and he said he's so crooked they quit him. But Mr. Hines praised him 'cause I asked when if he was down here ...inaudible... lives right beside him. And I said why did you do that? He said, I'm a lawyer, I can do anything I want. And that - if that professor had chew in he would of swallowed it. So that's North Canton. But you check down there where I said. Them mailboxes takes one half of that lane. So what's the rule ...inaudible... They don't belong to the City. They do not belong the government. They're private property. The Chief back there if he goes investigate somebody to bash one, he don't go down for the government, he goes down for the people that own it. The only thing with that is there is a letter in there or anything, you don't touch it because that's government. Other than that, it's private property that has no business in the middle of the road and that's why there's a lane and a half down there. That's why you go out there and fix up your friends because show them your ring or salute or whatever you've got. There's a lot of nice ones around but there's a couple of rotten ones - they are rotten. And there's nothing I can do about it. So like I say, this is North Canton you know, but what the hell, they don't give a shit about guys like me. They want DeHoff and Prudential or whatever that is. Me, nah, either that or they're down in the toilet:

Mr. Snyder: Mr. Benekos, is there - what type of work could we do to give Mr. Brenton some relief? Is there some way we can measure that street and see where we're at? I'm not - obviously the weather's not conducive to it right now but maybe when the weather changes in the spring we can establish making sure that those postal boxes are not in the right of way and ...

Mr. Benekos: We can get the road surveyed. We can do some research and see.

Mr. Snyder: How's that...

Mr. Brenton: They even - the fire plugs was on my side and they moved it over and the fire plug would be. If they surveyed it and surveyed like the Ohio Gas Company did, they would find that fire plug in the middle of the street. So that's why I say...

Mr. Snyder: Well when the weather gets a little nicer which is we're still a couple months out...

Mr. Brenton: Well I'm 85 years old and...

Mr. Snyder: Well...

Mr. Brenton: and like I said I spelt my name for you. And I want to tell you Samuel means honest, truthful and hard working. And I do that. That's me. I don't steal off of people and I don't want them to steal off of me. I don't come up here and tell you guys lies to get on your good side.

Mr. Snyder: No.

Mr. Brenton: I come up and tell you the truth because I always believed you hit them with the truth enough ...inaudible... asked to do it you don't have to worry about the second time. But anyhow, Mr. Held...

Mayor Held: Yes sir.

Mr. Brenton: I raised my kids the same way honest and truthful and all that. And I'm going to say right now, right in front of all these people, if you was my son I'd try to get my - get your ass out of this place. Really, honest, I would. If you was my son I'd talk you into getting the hell out of this place totally.

Mr. Snyder: Thanks.

Mr. Brenton: That's it buddy. Thank you.

Mr. Snyder: Thank you. Is there anybody else? Mrs. Magel.

Kathy Magel: 1025 East Maple Street. I would be remiss if I didn't say how grateful I am for the doors. It makes a disabled person able to come into this building without any difficulty. This is the first time I attended a meeting where I can actually enter into this building at ease. I am - I am proud of North Canton tonight. I want to thank you. It's not easy being disabled and those doors were downright heavy. I had - I had some dickens of time sometimes getting in here. But to say that you took somebody was disabled and let them come in this door with the ability to just walk right in like everybody else can do - I just - I can't thank you enough, each and every one of you. I'm grateful. Thank you.

Mayor Held: Thank you, Kathy.

Mr. Snyder: Thank you for your kind words. Anybody else wishing to speak? Yes sir.

Jim Tedrick: Need my name?

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

Held Monday, January 31 7:00 p.m. 20 11

Mr. Snyder: Name and address please if you would sir.

Mr. Tedrick: Jim Tedrick, 309 Rose Lane Street SW, North Canton. A week ago today I was talking to a friend about income taxes. And they work out of Biery Cheese and they've gotten their W-2 for the year. And Biery Cheese you know a very progressive great place you know any community would love them have them there. And their jobs probably compensate maybe quite a bit like some of the jobs we have going in across the street here. And you know this person disclosed to me they made about 22,000 and some for the year. Very similar to you know what my tax return's going to look like that I turn into the city here before too long. And I guess the reason that you know I bring this up is I understand somebody told me in the newspaper there was a proposal here to make a little change in the accrual system on the sick time or something in the contract. You know a lot of us out there in the working community if we have any you know personal days or anything like that at all you know it doesn't rollover into another year. You know I think that's quite common place amongst you know the rest of the you know working community out there. And I think it's getting a little unfair sometimes to you know expect a lot of us that you know that making twenty some thousand a year to you know support you know systems and policies that you know I mean we don't even have anything close to that. And I just want to say from what I've gleaned in the newspaper and of course you know that's not a very detailed you know proposal or whatever that I would be in favor of what appears to be a very modest and reasonable change in those rules. Thank you.

Mr. Snyder: Thank you sir, appreciate your comments. Anyone else wishing to speak to the Council this evening? There being none we'll consider old business. May I have a motion to read by title only, the third reading of Ordinance No. 105-10?

## OLD BUSINESS:

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

**Ordinance No. 105-10 – 3<sup>rd</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.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the final reading of the property right beside of the ball fields on East Maple.

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

9. Mr. Snyder: Prior to this, may I have a point of order to the Law Director. You told me on this next one (Ordinance No. 108-10, tabled prior to the first reading December 13, 2010) that this has died for it was not removed from the table.

Mr. Nilges: Yeah, I just noticed when I was looking at the agenda and I talked about this with the Clerk earlier today, that the first reading of this was all the way back on 12/13 and it was placed on the table at that time. Since then if it does not have action at the next regular council meeting, Doug, what happens is it automatically dies. So we'll have to put it back through the Council of the Whole - and again.

Mr. Foltz: Okay. Well if that's your advice, to being our legal counsel...  
Mr. Nilges: Yeah.

Mr. Foltz: I'll refer back to administration if they want to pursue that for a committee meeting next week. Okay, thank you.

Mr. Snyder: Thank you Chairman Foltz. And thank the Law Director. May I have a motion to read by title only, second reading of Ordinance 3-11?

10. Mr. DeOrio moved and Mr. Davies seconded to **read by title only, second reading** of Ordinance No. 3-11. All members present voting:  
Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.  
No: 0

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, January 31 7:00 p.m. 20 11

**Ordinance No. 3-11 – 2<sup>nd</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: Chairman Foltz.

Mr. Foltz: As it reads I don't know if there's additional questions; this is the second reading. So if we don't have anyone from Administration do Permits and Inspections here tonight. So pending any other questions I'll make a motion for a second reading.

Mr. DeOrio: Second.

Mr. Foltz moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 3-11. All members present voting:

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

No: 0

11. Mr. Snyder: Motion to read by title only, second reading of Ordinance No. 4-11.

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

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

No: 0

**Ordinance No. 4-11 – 2<sup>nd</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: Chairman Foltz.

Mr. Foltz: Same as before, if there's any questions I'll try to address. If not, I'll make a motion to pass the second reading.

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

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

No: 0

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

Mr. Davies moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 5-11. All members present voting:

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

No: 0

**Ordinance No. 5-11 – 2<sup>nd</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: Chairman Foltz.

Mr. Foltz: Any questions? Motion to approve second reading.

Mr. Foltz moved and Mr. Davies seconded to **adopt the second reading** of Ordinance No. 5-11. All members present voting:

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

No: 0

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

Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 6-11. All members present voting:

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

No: 0

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 31 7:00 p.m. 20 11**Ordinance No. 6-11 – 2<sup>nd</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: Chairman Foltz.

Mr. Foltz: Same question, any questions? If none, I'll make a motion to approve the second reading.

Mr. Foltz moved and Mr. Davies seconded to **adopt the second reading** of Ordinance No. 6-11. All members present voting:

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

No: 0

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

Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 7-11. All members present voting:

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

No: 0

**Ordinance No. 7-11 – 2<sup>nd</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: Chairman Foltz.

Mr. Foltz: Motion to approve second reading.

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 7-11. All members present voting:

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

No: 0

15. Mr. Snyder: May I have a motion to remove from the table Ordinance No. 10-11?

Mr. Foltz moved and Mrs. Kiesling seconded to **remove from the table** Ordinance No. 10-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 10-11?

Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 10-11. All members present voting:

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

No: 0

**Ordinance No. 10-11 – 1<sup>st</sup> Reading – Park & Recreation**

An ordinance establishing reduced rental rates and policies for rental of the Events Hall at the North Canton Civic Center by certain nonprofit organizations and declaring the same to be an emergency.

Mr. Snyder: Chairman Foltz.

Mr. Foltz: Yes, this was discussed the last committee meeting that I wasn't able to attend. Basically we're providing a reduced rate for January, February and March for certain nonprofit organizations in the City. It gives us the ability to have additional revenue and actually have functions there that are worthwhile to nonprofit groups. There's a 90 day reserve for this so if somebody wants to come in that's not a nonprofit they'll have actually first scheduling priority on this. Basically the rentals are subject to prior approval by this council and I think it's a great idea. I don't where everyone's at on it whether we can pass it on an emergency. I'm supporting the first reading at this time. I'd ask right now if anyone right now is against this.

Mr. DeOrio: I support it. I do a question though. When you brought up about the 90 days, will that affect it this year?

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 31 7:00 p.m. 20 11

Mr. Foltz: Tom, do you know if we have any – do we have somebody already on the books for those days so...

Mr. Chufar (speaking from the audience): Yeah, we've got somebody that ...inaudible...

Mr. Foltz: Okay so you're saying from the nonprofit end of this.

Mr. Chufar (speaking from the audience): Nonprofits, right.

Mr. Foltz: Okay.

Mr. DeOrio: So they would ...

Mr. Foltz: So no one would...

Mr. DeOrio: is that 90 days going effect – because didn't we say that you have to have like a 90 day advance rental?

Mrs. Kiesling: No, what we said was...

Mr. DeOrio: Or was that - was that Marcia?

Mrs. Kiesling: What we said was they can't reserve until 90 days out.

Mr. Foltz: Right. 90 days out. So ...

Mr. DeOrio: Thank you.

Mr. Foltz: if there is a priority for a full rental agreement with somebody that's from a nonprofit.

Mr. DeOrio: Thank you for the clarification.

Mr. Foltz: Okay. Alright, with that said I'll support a motion for first reading.

Mr. Peters: Second.

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 10-11.

All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to suspend the rules of council pertaining to three readings of this said ordinance?

Mr. Foltz moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 10-11.

All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to adopt under rules of council Ordinance No. 10-11?

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 10-11. All members present voting:

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

No: 0

## NEW BUSINESS:

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

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

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

No: 0

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

An ordinance amending Ordinance No. 92-10, passed on November 5, 2010, to revise the provisions with respect to the outstanding notes to be retired and the aggregate principal amount of the bonds to be issued for the purpose of paying costs of constructing a waterline between certain termini, together with the necessary appurtenances, and declaring an emergency.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, January 31 7:00 p.m. 20 11

Mr. Snyder: Relative to the original note – the original ordinance, the date was incorrect as it should have been read March I believe – March 29<sup>th</sup> of 2011 and the amount was off by \$9,000. As you know we weren't timely enough when we issued the first bond to meet the requirement of the note, which was due on the 29<sup>th</sup> day of December. So we went ahead and renewed the note and the note needs the maturity date to read March 29<sup>th</sup> of 2011 in the amount being \$929,000 versus \$920,000. So consequently we have to redo that at the request and the obligation of our bond counsel at Squires, Sanders. So are there any questions on that?

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

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

No: 0

Mr. Snyder: As an emergency does exist, may I have a motion to suspend the rules of council relative to three readings of Ordinance No. 11-11?

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

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

No: 0

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

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

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

No: 0

17. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 12-11?

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 12-11. All members present voting:

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

No: 0

**Ordinance No. 12-11 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance to make appropriations for current expenses and other expenditures of the City of North Canton, Ohio, for the period beginning January 1, 2011 and ending December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: We went over the 2011 appropriations last week. After that meeting I was requested to see if there was any additional monies that – besides the 53,000 which we initially showed as carryover. We've located a little money here after doing – moving some things around. We're going to make – I will make an amendment at the next Council of the Whole designating that there are two – two projects that will be proffered, two street projects. One a total rebuild and one a three-fourths rebuild of the existing street. This money will be comingled with what money is left over from our Capital Improvement Fund which we're required to ...inaudible... and what money is left over from the Road Maintenance Fund which \$300,000 is used for repaving, leaving the \$265,000 along with that monies for another – which is near almost \$900,000 in street projects. So we'll be making that correction. But what we are going to pass tonight will be the – one other thing, it was brought to my attention by Administrator/Engineer Benekos, that we did have a mistake where we put in the lease of that truck in three, four times versus three times so that was an additional \$16,000. So that has been noted and I will make those corrections in the next Council of the Whole meeting noting exact corrections so that they are corrected in your copies. My apologizes to the Committee and to Council that I did not have that ready tonight. But we were – we just discovered that and Finance Director Loretto has been challenged with other things and unable to give that me. And I asked her if she could get that to me next week and she said she would. So we'll have that.

Mr. Davies: What streets are going to be done? And how was that decided?

Mr. Snyder: Projective we're asking the Engineer to look at Donner in the First Ward, which will be – which it needs and it's in pretty bad – the curbing and the gutter is in sorted ...

Mr. Davies: It is my understanding that street has been redone once before. And I have streets in my ward that have never been done in 20 some years.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Monday, January 31 7:00 p.m. 20 11

Mr. Snyder: And I agree sir, that's true. At the amount of monies and I will speak to the Engineer on that, the amount of money available was only - that was all we could get. We couldn't do Eastwoods Street there wasn't enough to do one of your streets. We could pave...

Mr. Foltz: I don't believe Donner was done. It was done from Florence ...

Mr. Benekos: Florence to Maple or to Portage.

Mr. Foltz: Portage - north of Portage. We're talking about Florence south to West Maple.  
Mr. Benekos: Correct.

Mr. Foltz: Correct.

Mrs. Kiesling: Is that curve - the curvy part?  
Mr. Benekos: Right.

Mrs. Kiesling: Yeah, that's in bad shape.

Mr. Foltz: Yeah when it comes down and you see the kids skateboarding and there's no curbs and the road is in terrible condition. And I sympathize with Councilman Davies, it's a matter of picking, you know we should try to do one in every ward, but that's the worst I have and I haven't had anything recently and I appreciate it.

Mr. Davies: Well I have a whole neighborhood that's falling apart and has been since Doug Lane was councilman. And one street's been done. And these people have been to council I don't know how many times. And I think it's a shame how this was done and done behind closed doors. I think it's garbage.

Mrs. Kiesling: Well Jon did you finish what you were going to say? You said you were looking at Donner. Are you looking at something else also?

Mr. Snyder: The other street that was - it's around 148,000, 50,000 is Chandler in the Fourth Ward which is - when we did - at one time about I want to say it's been near ten years now, those streets were all concrete, similar to what Eastwoods was, and we started on a program to do - reduce concrete because the neighbors only wanted concrete. Since then the street has deteriorated, the concrete has totally deteriorated where it's actually replaced with dirt. And it is in sore need. And again, I've requested that I think every year for about the last five years, four and a half years. And to make it completely clear to Council, I did not choose the streets the streets were chosen by the Engineer as to what monies he had. I did help with the Director Loretto to give him the figures. He assigned it to those streets. It was not a political thing it was just - and to speak to that I respect what Mr. Davies is saying. The last street that we did do in the City was an Eastwoods Street and we haven't ... So that was that. We're just kind of moving around. We only have limited money. At the request of Mr. Davies, we are studying, doing a complete situation where we'll have an identification of every street. We'll know what the types of monies on a five year capital project. We're going to look at seeing what we can do using the monies that we receive from the levy. What that can do to possibly do it we don't know. I've asked Mrs. Loretto to give me a scale and a schematic of actually all the city debt so we know where we're at making sure we're well within the parameters of our borrowing power. And possibly assign that \$565,000 yearly coming in for a major street repaving and rebuilding project. It may be partially done with the city paying for the repaving; the infrastructure, the curb and gutter being shared 50/50 with the resident. That will be Council's call. When we get it all laid out we'll give the choice out. But again, as I say, we're always open to any type of discussion. And that's all. If there are any other comments I'll entertain them. I don't know what to say. Any comments? If not I'll look for a motion to adopt the first reading of Ordinance 12-11.

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 12-11.  
All members present voting:  
Yes: Foltz, Kiesling, Peters, Snyder.  
No: Davies, DeOrio.

18. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 13-11?

Mr. Peters moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 13-11. All members present voting:  
Yes: Kiesling, Peters, Snyder, Davies, DeOrio, Foltz.  
No: 0

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, January 31 7:00 p.m. 20 11

**Ordinance No. 13-11 – 1<sup>st</sup> Reading – Personnel & Safety**

An ordinance amending Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, for of the City of North Canton, and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Peters, did you want to amend this ordinance?

Mr. Peters: Yeah, we're going to make an amendment to Section ...inaudible... was it Section 6? Yeah, Section 6. Jon, Daryl's not here, do you want to – do you want to just give this the first reading and then bring it back into committee next week so we can discuss it fully. Because I think we want is Section 5. and 6. I believe this pertains to - I mean it's entirely up to you.

Mr. Snyder: It's entire – I mean as far as – well maybe – I don't know if you want to go back and – Mr. DeOrio.

Mr. DeOrio: I would prefer that it – first, that it would be in writing and that we know what we're voting on. But what was explained to me previously, it seems to be moving in the direction that we're all trying to get. But I would recommend that it go back to the Committee and come out for its first reading after it's been – the sections have all been amended the way they are. I just and that has nothing to do with this, I just don't like, you know I've always been of the mind that I don't vote on something for the first reading as is knowing that we're going to amend it and it's substantively different than what we're doing. I don't see the point of confusing the dialogue that we were for something and then we're going to turn around and we're going to make significant changes to it. But I'm - that's just one person.

Mr. Peters: And one of our fellow committee members is not here tonight either. So that would be okay.

Mr. Foltz: I concur with Member DeOrio 'cause...

Mrs. Kiesling: Hold off...

Mr. Foltz: I think there's a lot of inequities here when we're dealing with the unions and the exempt people and ...inaudible... there's a lot of exempt people that haven't had a raise in three years where some of the union employees have had raises of three and a half to seven percent the last three years. So I think we need to hammer this out a little better through committee or executive session, however we want to do it.

Mr. Snyder: That's fine. Obviously then what you want to do is is just - we're going to table this now. Is that what we're going to do and then come back in ...

Mr. DeOrio: Is referring to committee the same as tabling or is it different?

Mr. Nilges: We would table this.

Mr. Snyder: Well we would table it and then we can bring it out in committee and reconsider it either in executive or on the floor whichever is the choice of the Chairman at that particular time.

Mr. Nilges: Making it a Committee of the Whole agenda topic absolutely.

Mr. DeOrio: I would move to table it.

Mr. Snyder: Alright. Is there a second?

Mr. Foltz: Second.

Mr. Snyder: Madam Clerk.

Mr. DeOrio moved and Mr. Foltz seconded to **table Ordinance 13-11**. All members present voting:

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

No: 0

## REPORTS:

Mr. Snyder: Okay. Director of Law, a report?

Mr. Nilges: None.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, January 31 7:00 p.m. 20 11

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

Mr. Snyder: Director of Administration/Engineer.  
Mr. Benekos: No report, sir.

Mr. Snyder: Mr. Mayor.  
Mayor Held: No report today.

Mr. Snyder: Director of Economic Development, Bowles.  
Mr. Bowles: No report.  
Mr. Snyder: No report. No 100 jobs in your pocket?  
Mr. Bowles: Maybe.

REPORTS – COUNCIL:

Mr. Snyder: Okay. Mr. Foltz.

Mr. Foltz: Just to echo former council member Kathy Magel's statement, nice work on the door Jim and administration. It gives you plenty of time wheelchair, crutches, whatever your handicap might be or just being older with your steps just to get through and push a button. It's nice to get in the 21<sup>st</sup> century here. It's long overdue. And just excited about all the other work that's going to get done with our bonds we've taken out because we need to update a lot of our facilities. I'm glad the Council chose to go your route Vice President Snyder and set money aside through a bond to take care of them. So that's my comments.

Mayor Held: Thank you Doug.

Mr. Snyder: Thank you. Mr. Peters.  
Mr. Peters: No report.

Mr. Snyder: Mr. Davies.  
Mr. Davies: No report.

Mr. Snyder: Mr. DeOrio.  
Mr. DeOrio: Nothing. Thank you.

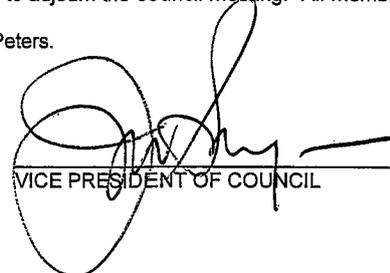
Mr. Snyder: Mrs. Kiesling.  
Mrs. Kiesling: No report.

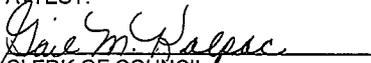
Mr. Snyder: I have no report. President Revoldt says he wants me to tell everybody that he's sitting in the sun in St. Barts and he sends his best and he'll see us all – unfortunately there's no phone line in there that he can use so my bill dropped 20 percent. But everybody other than that I'll take a motion to adjourn.

ADJOURN:

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

The meeting adjourned at 7:56 p.m.

  
VICE PRESIDENT OF COUNCIL

ATTEST:  
  
CLERK OF COUNCIL