

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 14 7:00 p.m. 20 11

CALL TO ORDER:

- 1. The council meeting was called to order Monday, November 14, 2011 at 7:00 p.m. by President of Council Jon Snyder.
- 2. The opening prayer was delivered by Rev. Cara Stultz Costello, Faith United Methodist Church.
- 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: Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, Director of Finance Alger, Director of Engineering Benekos, and Clerk of Council Kalpac.

5. CONSIDERATION:

Council Meeting Minutes – October 24, 2011
Special Council Meeting Minutes – November 7, 2011
Mayor's Court Receipts – September, 2011

Mr. Snyder: May I have a motion and a second to approve, as presented, Council Meeting Minutes October 24, 2011; Special Council meeting minutes November 7, 2011; Mayor's Court receipts September, 2011.

Mr. DeOrio moved and Mr. Peters seconded to **approve, as presented**, Council Meeting Minutes October 24, 2011; Special Council Meeting Minutes November 7, 2011; and Mayor's Court Receipts September 2011. All members present voting:
Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.
No: 0

6. COMMITTEE MINUTES:

Mr. Snyder: May I have a motion and a second to approve, as presented, the Executive Session minutes for Personnel & Safety of October 24 and November 7, 2011; Committee report minutes for Finance & Property held November 7, 2011, and Personnel & Safety held October 24 and November 7, 2011.

Mr. DeOrio moved and Mr. Peters seconded to **approve, as presented**, the Executive Session minutes for Personnel & Safety held October 24 and November 7, 2011; Committee report minutes for Finance & Property held November 7, 2011 and Personnel & Safety held October 24 and November 7, 2011. All members present voting:
Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta, Davies.
No: 0

Executive Session (Personnel & Safety): Please refer to the minutes on file in the Council Office of the Executive Session meetings for Personnel & Safety held October 24 and November 7, 2011.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held November 7, 2011.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings held October 24 and November 7, 2011.

7. RECOGNITION OF VISITORS:

Mr. Snyder: At this time, the Council will recognize anyone wishing to speak. Please step forward and state your name and address for the record.

Mr. Strohmenger: Thank you, Mr. Snyder. I'm Bill Strohmenger, representing the North Canton Chamber of Commerce. I just wanted to remind everybody that we have our last public session for the Master City Plan, which will be Wednesday of this week, and it will be at 6:30 at Walsh University at the Barrette Center and we invite everybody to be there. We are going to go through the progress of what we have done so far with all the ideas that we have generated over the other two meetings. And we think it's going to be a very, very

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interesting session so we invite the public. This will be the last one that we will have. I also wanted to inform Administration and the Council that after we are done with this session that we're going to be finishing up the fine tuning of it. Our goal is to have the plan ready for public and also for Council, their final review of it hopefully after the first of the year. We think that the holiday season approaching that it will probably be difficult to get it all done. I also want to thank publicly two people in particular – Administrator Grimes and Eric Bowles. They have been absolutely fantastic with help with this, with being part of the Steering Committee and also the help arranging a number of things that we had to do and also a couple of people that are on the Steering Committee – Councilman Kiesling and also Councilman Cerreta. They have been absolutely fantastic also with being part, an active part of this whole process so that's what I wanted to do is to kind of give you an update and to let you know that we're going to wow you. Thank you.

Mr. Snyder: Thank you, Bill, we appreciate all your hard work.

Mayor Held: Very good. Thank you, Bill.

Mr. Snyder: Anyone else wishing to speak, please step forward and state your name and address for the record.

Ms. Rath: Thank you very much for giving me this opportunity. I am not a speaker, but I have a few things on my mind.

Mr. Snyder: Good.

Ms. Rath: It's good to see you. I have already spoken to Gail. Which one is Gail? Hi, Gail, you were very nice.

Mayor Held: Right there.

Mr. Snyder: Ma'am, would you state your name and address?

Ms. Rath: My name is Joann Rath and I live at 421 Summit SE in North Canton.

Mr. Snyder: Thank you.

Ms. Rath: I have already spoken to Gail and she was very helpful, very helpful. I understand the ins and outs of ordinances because I worked for 25 years for the City of Canton Law Department under Tom Bernabei ordinances and I also was on the prosecutor's side and I know Doug Foltz. I am a little upset because when I'm reading the paper I see Canton, Plain Township, East Canton, all these other communities around North Canton that have given their residents the opportunity to vote whether they wanted to have an aggregate electric program. A few years back I called North Canton City Hall because I knew Joe Martuccio had entered into an aggregate agreement for gas to get better prices, OK? And then North Canton went ahead shortly after that. Gail read the minutes of the June 6 meeting at which time I understand Council members couldn't come to an agreement so the ordinance was tabled. Michael Grimes, you were given the tough job to report back by June 20. I don't know whether you have anyone else who could have helped you, you know, somebody who could have done the leg work, but as I understand, you need to do research and come back with the findings, however with the big flood that we had on July 17, all the problems with people's basements. I got water on Summit because Pershing comes down and hits the side of my house. Up from Bachtel it hits and, but I did not have sewage and one foot of water. I called my insurance company. They're not going to do anything, and I knew they wouldn't. I'm disappointed that the background was not done so that it could have gotten on November the 8, the ballot. All these other areas did, and I do understand even though they approve it you still need to get an independent contractor, somebody to come back to the city Law Director whoever it might be, and then people can opt out of they want so this is what I want to know – if anything is going to be done. Can you bring that back? See, I'm not sure if you can bring that out of committee. Out of committee in order to bring it back to the citizens. I know I have my bills. I don't throw them all away. AEP is who I have. They got a raise. They raised my rates in 2007, 2009, and they want to raise them again. I called the PUCO. I called Renacci. I called many of our representatives. I understand there is a group now in Columbus who have stopped AEP from going forth and they have to do more research, thank goodness! I'm going to get on, I called Jane Carmen in Joe Martuccio's office and I asked her, Jane, what site can I get on? I want to find out what other, we don't have that many options of finding other companies. Somebody called me today and I had never heard of them before. They told me they will give me 5%. That's not good enough. So I just want to find out if anything is going to be done, and like I say, I am disappointed that we were not part of the rest of it, and I'm sure you all have seen the articles in the paper and the issues that have passed so that's all I have to say. And congratulations to everyone that won and those that didn't, they can try again. Thank you for your time.

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Mr. Snyder: Thank you, Ma'am for your kind words.

Ms. Rath: I hope I hear from someone or read about it.

Mr. Snyder: Any comments?

Mr. Grimes: We can bring that back at any time so we were geared up to do that and we have an independent company. We know all the steps that you have to go through so ...inaudible.. that's not a problem.

Mr. Cerreta: Jon, do we put it on Committee?

Mr. Snyder: Yea, absolutely. I think we can put it if Chairman Cerreta would be comfortable with that.

Mr. Cerreta: Yea. Thanks, Joann, for bringing that up. We all want to save money too. We pay the same electric.

Ms. Rath: When is it going to be on our ballot? Do we have to wait till May? I know you're not going to make a special...

Mr. Cerreta: Yea, it would probably be May.

Mr. Grimes: It would be May.

Mr. Snyder: Yea, it would be May.

Mr. Cerreta: We'll get some more information and we'll be ready to go.

Ms. Rath: Thank you.

Mr. Cerreta: Sure, sure.

Mr. Snyder: Anyone else wishing to speak to the Council?

Mr. Colantuono: Frankie Colantuono, 259 Sheraton Drive. I'd just like to congratulate everybody for winning, and those who lost, we got two years to come back. Congratulations, guys.

Council: Thank you.

Mr. Snyder: Anyone else? OK. Seeing none, Ordinance No. 84-11, the, what is it? What is that thing called?

OLD BUSINESS:

8. **Ordinance No. 84-11 – 2nd Reading – Water, Sewer & Rubbish**
(Tabled prior to the 2nd reading 10/10/11)

An ordinance authorizing the Shuffel Drive NW (Frank Avenue easterly 300 feet) Waterline Extension, located in Jackson Township, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said waterline extension, and declaring the same to be an emergency.

Mr. Nilges: The MOU (Memorandum of Understanding).

Mr. Snyder: The Law Director basically has a verbal commitment. We still don't have it in hand so it would be my suggestion that we just wait till we actually have it. I think till we can read it and see it.

Mr. Nilges: There was some reluctance for an escrow, but I think we've worked something out that you'll find satisfactory, but they need to, they owe me some precise language. I see Doug is laughing.

Mr. Snyder: So we're just going to let that alone if that's alright, Mr. Davies?

Mr. Davies: Sure.

9. Mr. Snyder: May I have a motion to **read by title only, second reading** of Ordinance No. 91-11.

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Mr. DeOrio moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 91-11. All members present voting:

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

No: 0

Ordinance No. 91-11 – 2nd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton upon concurrence by Council, through the Board of Control, to enter into a contract for administering a self-insured health insurance program for the period December 1, 2011, through November 30, 2012, for the employees of the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: As you know, this is the second reading. It does contain an emergency clause. It is with Aultcare. We had the presentation by our representative Mr. Fisher with the increase of 7%. It would be my suggestion that we do go ahead and pass it tonight and get it in place because it will expire at the end of this Month, and it will take the Finance department a little time to get it worked out. Are there any questions on that?

Mr. DeOrio: I move for **adoption** of Ordinance No. 91-11.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 91-11. All members present voting:

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

Abstain: Kiesling.

No: 0

Mr. Snyder: As time is of the essence and an emergency exists, may I **suspend the rules of Council** for Ordinance No. 91-11.

Mr. Peters moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 91-11. All members present voting:

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

Abstain: Kiesling.

No: 0

Mr. Snyder: May I have a motion and a second to **adopt under suspension of the rules** of Council Ordinance No. 91-11.

Mr. Peters moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 91-11. All members present voting:

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

Abstain: Kiesling.

No: 0

10. **Ordinance No. 94-11 – 2nd 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 Fairways Improvements Project at a cost not to exceed \$100,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies, on this next, no this one's not. Yes, this one is still on. This one do you want to read or do we want to table this or what would you like to do on this one? The reason why, let me quantify, and maybe we'll defer the Engineer on that. The soil tests have not been done and some of the things are not ready. We can continue to proceed or we can table to find out. Mr. Engineer, do you want to bring this up so that won't put pressure on the Chairman on that project? I know there's things out there that still need to be looked at prior to moving ahead on that.

Mr. Benekos: Right. That's correct. We're not ready at this time to proceed. There is still some more studying that needs to be done and some soil borings and so forth. Some other information has been put forth and some concerns so we want to be able to investigate those more fully.

Mr. Snyder: I will defer to the Chairman.

Mr. Davies: No, that's fine with me.

Mr. Snyder: Let me take a motion because at this point...

Mr. DeOrio moved and Mrs. Kiesling seconded to **table** Ordinance No. 94-11. All members present voting:

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

No: 0

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NEW BUSINESS:

11. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 100-11.

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 100-11. All members present voting:

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

No: 0

Ordinance No. 100-11 – 1st Reading – Personnel & Safety

An ordinance amending Ordinance No. 22-11, rules, regulations, policies and penalties of the City of North Canton Personnel Handbook, specifically the Travel Policy and to include an Electronic Communications and Online Services Policy, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes, thank you. Just making some additions to the handbook and the travel policy in regard to frequent flyer miles specifically, and then online communication and how we log and store and discharge old emails. With the laptops now it's much needed. And that's it. It's pretty cut and dry. If there's any questions on that? If not, I will motion to approve.

Mr. Peters moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 100-11. All members present voting:

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

No: 0

12. Mr. Snyder: May I have a motion and a second to **amend the agenda** to include Resolution No. 101-11, and to **waive the rules** of Council requiring committee minutes be submitted.

Mr. DeOrio moved and Mrs. Kiesling seconded to **amend the agenda** to include Resolution No. 101-11, and to **waive the rules** of Council requiring committee minutes be submitted. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion and a second to **read by title only, first reading** of Resolution No. 101-11.

Mr. DeOrio moved and Mr. Peters seconded to **read by title only, first reading** of Resolution No. 101-11. All members present voting:

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

No: 0

Resolution No. 101-11 – 1st Reading – Finance & Property

A Resolution of submission of request to the Stark County Auditor pursuant to Ohio Revised Code Section 5705.03(B) to certify to the City of North Canton, Stark County, Ohio, as taxing authority for the City of North Canton, Stark County Ohio the total current tax valuation of the City of North Canton, Stark County Ohio, as a subdivision and the dollar amount of revenue that would be generated for a replacement tax of one (1.0) mill pursuant to Ohio Revised Code Section 5705.19, 5705.191 and 5705.25 for the purpose of providing addition funds for the City's portion of ambulance service, emergency medical service or both, along with necessary appurtenances, to the City of North Canton, commencing in 2012, first due in calendar year 2013 and declaring the same to be an emergency.

Mr. Snyder: As we discussed in committee, we estimate the shortage to the EMS and Fire Service to be about \$200 - \$225,000. The present yield on this particular 1 mill, which is a continuous mill, voted November 8, in 1982, I believe it was, is approximately \$160,000. The new yield will be about \$340-some-thousand. I gave my stuff to the reporter so I don't have the exact number, for which I apologize, and we all concur this is the intelligent way to do it. If there are no questions, I move for the **adoption** of Resolution No. 101-11.

Mr. Snyder Moved and Mr. DeOrio seconded to **adopt the first reading** of Resolution No. 101-11. All members present voting:

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

No: 0

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Mr. Snyder: As time is of the essence, the filing deadline is the 7th of December, we must submit this to the Auditor and have it returned so that we can submit our request, I would ask that we **suspend the rules of Council** for Resolution No. 101-11.

Mr. DeOrio moved and Mr. Davies seconded to **suspend the rules** for Resolution No. 101-11. All members present voting:
Yes: Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters.
No: 0

Mr. Snyder: May I have a motion to **adopt under suspension** of the rules of Council Resolution No. 101-11.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension** of the rules of Council Resolution No. 101-11. All members present voting:
Yes: Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.
No: 0

Mr. Snyder: May I have a motion and a second to **amend the agenda** to include Resolution No. 102-11, and **waive the rules of Council** requiring committee reports.

Mr. DeOrio moved and Mr. Foltz seconded to **amend the agenda** to include Resolution No. 102-11, and to **waive the rules of Council** requiring committee reports. All members present voting:
Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.
No: 0

13. Mr. Snyder: May I have a motion to **read by title only, first reading** of Resolution No. 102-11.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, first reading** of Resolution No. 102-11. All members present voting:
Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta, Davies.
No: 0

Resolution No. 102-11 – 1st Reading – Finance & Property

A Resolution of submission of request to the Stark County Auditor pursuant to Ohio Revised Code Section 5705.03(B) to certify to the City of North Canton, Stark County, Ohio, as taxing authority for the City of North Canton, Stark County Ohio the total current tax valuation of the City of North Canton, Stark County Ohio, as a subdivision and the dollar amount of revenue that would be generated for a replacement tax of one-half (.5) mill pursuant to Ohio Revised Code Section 5705.19, 5705.191 and 5705.25 for the purpose of providing additional funds for the City's portion of fire apparatus, appliances, buildings, or sites therefore, or sources of water supply and materials therefore, or the establishment and maintenance of lines or fire alarm or the payment of permanent, part-time, or volunteer firemen or fire fighting companies to operate the same, to the City of North Canton, commencing in 2012, first due in calendar year 2013 and declaring the same to be an emergency.

Mr. Snyder: Again, we discussed this. It will generate approximately \$90,000 in new revenue, as the existing continuous 0.5 has been ratcheted down way below its proper yield and I move for the **adoption** of Resolution No. 102-11.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt the first reading** of Resolution No. 102-11. All members present voting:
Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio.
No: 0

Mr. Snyder: As time is of the essence – the filing deadline is the 7th of December, move to **suspend the rules of Council** for Resolution No. 102-11.

Mr. Davies moved and Mrs. Kiesling seconded to **suspend the rules** for Resolution No. 102-11. All members present voting:
Yes: Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio, Foltz.
No: 0

Mr. Snyder: May I have a motion and a second to **adopt under suspension** of the rules of Council Resolution No. 102-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Resolution No. 102-11. All members present voting:
Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling.
No: 0

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REPORTS:

Mr. Snyder: Let's see, reports. Law Director.
Mr. Nilges: No report.

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

Mr. Snyder: Director of Administration Grimes.

Mr. Grimes: Only that the lady that presented the thing in Ward 1 about the ball fields – we have been playing touch back and forth trying to get a hold of each other, but she did call in and we did get the area cleaned up for her. The gate is already locked because of the construction down there with the softball field, and the softball people also know of the concerns of the neighbors down there so we're working with them.

Mr. Snyder: Mr. Mayor.

Mayor Held: Yes, two announcements. First off, I'd like to thank Frank for running a very respectful campaign and for being very professional. Some of you may not know that Frank's son Antonio and my daughter Haley are in most of their classes together and I didn't realize that until Frank and I went to parent night, and so we were with each other the whole evening, class after class and so we got to know each other a little bit better during that time and I do thank you, Frank, for being such a professional and running a good campaign. And then also, Mr. Benekos and Mr. Grimes for getting all the roads paved this year, with one small exception – Donner – that little patch on Donner. Are you going to get that taken care of this week?

Mr. Benekos: Correct.

Mayor Held: So it turned out well. The roads look excellent. Very good. That's all.

Mr. Snyder: Thank you. Mr. Engineer.
Mr. Benekos: No report.

Mr. Snyder: Thank you very much. Madame Clerk.
Mrs. Kalpac: No report.

REPORTS – COUNCIL:

Mr. Snyder: Mr. Peters.

Mr. Peters: Yea, I was unable to attend last week's meeting and I wanted to thank Law Director Nilges for all his hard work in the collective bargaining agreements and saving us a substantial amount of money. Well done.

Mr. Nilges: Thank you very much.

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

Mr. Snyder: Mr. Cerreta.

Mr. Cerreta: Just one thing. Kudos to the Mayor. It hasn't been brought up much about Suarez adding more jobs and we didn't really talk about that here so we want to congratulate on development on that. That's just the wave of the future here so nice job with that.

Mayor Held: Thank you very much, and thank all of you too.

Mr. Snyder: Mr. DeOrio.
Mr. DeOrio: No report.

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

Mr. Snyder: Mr. Foltz.
Mr. Foltz: No report.

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Mr. Snyder: I have nothing. I appreciate everybody's support on the levy renewals. We'll need that. Is there anything else to come before this body?

Mr. Foltz: Motion to adjourn.

ADJOURN:

Mr. Foltz moved and Mr. DeOrio seconded to adjourn the Council meeting. All members present voting:

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

No: 0

The Council meeting adjourned at 7:36 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL

11/16/11-dkw