

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 101-48

Held Monday, November 28 7:00 p.m. 20 11

CALL TO ORDER:

1. The Council meeting was called to order Monday, November 28, 2011 at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Hal Oswald, St. Jacob's Community 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, City Engineer Benekos, Clerk of Council Kalpac, and Council Elect Fox and Griffith.

5. CONSIDERATION:

Council Meeting Minutes – November 14, 2011
Financial Statement – October, 2011

Mr. Snyder: May I have a motion and a second to **approve, as presented**, the Council Meeting minutes of November 14, 2011, and the Financial Statements of October 2011.

Mr. Foltz moved and Mr. Peters seconded to **approve, as presented**, the Council Meeting minutes of November 14, 2011, and the Financial Statements of October 2011. All members present voting:

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

No: 0

Abstain: DeOrio.

6. COMMITTEE MINUTES

Mr. Snyder: May I have a motion and a second to **approve, as presented**, committee report minutes for Finance & Property meetings held November 14 and November 21, 2011; Ordinance, Rules & Claims and Personnel & Safety both held November 21, 2011.

Mr. Foltz moved and Mr. Peters seconded to **approve, as presented**, committee report minutes for Finance & Property meetings held November 14 and November 21, 2011; Ordinance, Rules & Claims; and Personnel & Safety both held November 21, 2011. All members present voting:

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

No: 0

Abstain: DeOrio.

Finance & Property Committee: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meetings held November 14 and November 21, 2011.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office for the Ordinance, Rules & Claims Committee meeting held November 21, 2011.

Executive Session - Personnel & Safety: Please refer to the minutes on file in the Council Office for the for Personnel & Safety Committee meeting held November 21, 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. Osborne: My name is Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. Since mid-November I have followed Mayor Held's quest to staff an assistant administrator position at City Hall and I am concerned that City Council is either complacent in letting the Mayor staff that position or is blind to the Mayor's plan of deception to accomplish that end. Two months ago, on September 19, this council failed to act on the Mayor's request for an assistant administrator, and yet without a doubt, Mayor Held is working his way to getting that request fulfilled with what I believe to be a plan of deception.

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Mayor Held, your statements in the press over the last two months are contradictory and call into question the course of events transpiring behind the walls of City Hall. In a Repository report on September 19, 2011, titled "North Canton considers assistant administrator post" you stated you will keep Eric Bowles tasked with the added duties of permits and inspection, saying "With Bowles doing double-duty, the city has saved money by not paying a salary for the permits and inspections job." Two months later, the *Repository* in a November 14, 2011, report titled, "North Canton hires permits superintendent" you state that the city has hired a new superintendent of permits after spending several months with the development director doubling up on duties. In that report, Mayor, you say, "Eric Bowles ... once again will be able to focus on bringing new business to the city now that Bill Bartos has been named superintendent of permits. You, Mayor, are quoted as saying, "We can't go with one person managing both departments." A week later at the Council of the Whole meeting of November 21, under questioning by Councilmember Foltz, Mayor Held stated that Eric Bowles would continue in Permits and Development with the new title of Director of Permits & Development. Which is it, Mayor Held? Either Mr. Bowles can handle both the Department of Development and the Department of Permits & Inspection or he cannot. If Eric Bowles is going to continue to lead up both departments, what was the reason for the appointment of Bill Bartos to be Permits Superintendent two weeks ago? Clearly, Mayor Held, the appointment of Bill Bartos to the position of Superintendent of Permits has been nothing but a ruse. It is obvious to me that you have intended from the beginning to hire an assistant administrator so that you will have a replacement for City Administrator Grimes when Mr. Grimes steps down early next year. I might add that you have acknowledged to me in speculation that Mr. Grimes would serve as City Administrator for only 12 to 18 months from the time of his appointment in March 2011. Last week, more than a week after Bill Bartos began his new job as Superintendent of the Permits & Inspection Department, I learned in a phone conversation that the newly appointed permits superintendent had never met some of his staff. Given that newspaper accounts had reported that Mr. Bartos had been on the job over a week as the Superintendent of Permits, one would expect that Mr. Bartos would be fully engaged and involved with all the staff in his department. Is Mr. Bartos actually working and heading up the permits Department or is he employed elsewhere? The fact of the matter is that Development Director Bowles revealed to me that the newly appointed permits superintendent was not working in the permits department but in fact has been assisting City Administrator Grimes at City Hall. Mayor Held, I would like to know the purpose in announcing the appointment of Bill Bartos to be the new head of the Permits & Inspection Department when you apparently never actually intended for Mr. Bartos to fill that position. I would also like to know if you find this kind of deception serves the citizenry of North Canton. From City Council, I would like to know if you are privy to these orchestrations by Mayor Held and if you are a partner in this less than forthright plan? Doesn't North Canton have in place a search process written into the City's personnel procedures that outlines the proper way in which high-level leadership positions are to be filled in the city? It seems to be public knowledge that the city's new permits superintendent was hired on the recommendation of a neighbor of Mayor Held. I would not call this an acceptable hiring process for North Canton's next City Manager. Mayor Held, there is no manner of transparency or accountability in cronyism and that is what your recent closed-door appointment of a permits superintendent can be called. Cronyism should not be an accepted method to finding qualified individuals to fill high-level leadership positions in the City of North Canton. On tonight's agenda is proposed legislation, titled Ordinance 103-11, to establish the classifications and rates of compensation for the positions of Director of Administrative Services and Director of Permits and Development. I might interject here that the Director of Administrative Services was a position that was created for a former City Administrator in the present administration who was removed from office and then allowed to collect a salary for the remaining six months of 2010 before his employment with the City ended due to budget cuts. North Canton's financial situation has continued to deteriorate and there is certainly no room to fund newly created job classifications. With salary and benefits, the requested new job classification of Director of Administrative Services will increase personnel costs for North Canton taxpayers by nearly \$92,000.00. For the record, I would also like to add that the press has published incorrect information regarding the salary of the recently filled position of Permits Superintendent. The salary for that position is \$67,582.32 per year. This is considerably more than the \$60,000 reported to the public by the press. I would ask that this council not ratify Ordinance 103-11. To do so would reward Mayor Held for his efforts to bypass commonsense personnel policies in the recruitment, screening, and hiring of high-level city employees. Passage would also reward Mayor Held for trampling any notion of transparency and accountability in North Canton City government and make this council a partner in the Mayor's plan of deception. I ask that this council not let North Canton's reputation be discredited by the statement and actions of the Held Administration that are intended to mislead the citizens of North Canton. Checks and balances in North Canton City Government are certainly needed to stop the plans of deception now being perpetrated on us! Thank you.

Mayor Held: May I respond?

Mr. Snyder: Please.

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Mayor Held: Well first off, Chuck, usually I'm not going to debate this publically, but you had your turn to speak and now I get my turn. What's most frustrating is you bring up partial truths. It is true that we did hire Bill Bartos as the Superintendent of Permits. It is also true that if Council does approve this legislation that I will move him to Superintendent of Permits. Is it deception? No, not at all. We had, again, 116 full-time employees and now we're down to 91. We don't want to add positions to the City. We have two primary goals; Number one cost efficiency. It's real easy to become cost efficient. You just eliminate positions, but the goal is to remain cost efficient and effective in our service so what we do, because we have this process of continuous improvement, is we will experiment from time to time with various positions. Once again, Jim Benekos served as the Administrator and as the Engineer. Was that cost efficient for the City? Yes, absolutely. Were we able to remain effective in our service to the residents? No, we were not. Did we know that when we first started that position six months prior? No, but after six months it became pretty clear that Jim Benekos could not do both responsibilities. The same thing with Eric Bowles; when the Superintendent of Permits left the position, did we save that money? Yes, there was a cost savings. But at the same time we moved Eric from Economic Development and moved him over to Superintendent of Permits so he was doing both positions. So again, there's a cost savings but at the same time I think that there is service that is being compromised where we still needed support in economic development. We still need additional support in the permits department. So by having Eric remain over both positions, that doesn't mean that Eric does all the work of the Superintendent of Permits or does all the work exclusively for economic development. It means that Eric is the one who is responsible for those two departments. When we bring on Bill Bartos as we did, the reason I brought him on after the election and not when the position was open, keep in mind we have a two-year term for Mayor. Do you know how difficult it becomes to say, hey, come and work for the City of North Canton and I'm up for reelection in seven months, and you work at the pleasure of the Mayor? It's real difficult to recruit competent people or people that would remain competitive in those positions so there was a concern about bringing somebody on at that time. I did interview Bill Bartos and I liked him as a candidate. It's because I believe in my decision and as my authority as Mayor that I think he would be the best person for that position. What frustrates me most, and you can sense this in my tone, is that, Chuck, I think a lot of this is from the fact that you asked me to serve in that position as Superintendent of Permits and I denied you that. I didn't make a big scene about it. I didn't interview you. I just didn't want you in the position. And now what you do because you are frustrated, and this is my guess, because you're frustrated you now want to declare that there is covert operation behind-the-scenes dealing, which is just absolutely untrue. And I think what also makes it difficult is when you bring these false accusations forward it does become discouraging in the recruitment of competent people. It really does. It doesn't help. Your comments don't help because you're constantly making comments as though there is something covert or wrong or inappropriate, and it's just not true. And I am frustrated. And I will say this. Again, I think Bill Bartos is absolutely the best person in my opinion for that position. Absolutely. And I think that Council as a part of our continuous improvement for the City, that next month you may have him in that position. Mr. Grimes, he is not leaving in 18-20 months. I want him there as long as he's willing to serve in this position because I'm very confident in the work that he's done and when you say things like that it's frustrating. It really is and it's untrue. Just completely untrue. So, again.

Mr. Osborne: I appreciate you admitting everything I've said.

Mayor Held: No, I'm not done. Hold on. Again, in the areas that I would say that you are correct, Eric Bowles can't do both positions.

Mr. Osborne: And yet you're leaving him there.

Mayor Held: However, there's a difference between doing the work of the Permits & Superintendent and Economic Development and being responsible for it. If he has support from other people such as Bill Bartos or people in his department, he can be responsible for the work, but he needs support and that's what Bill Bartos is bringing, support to Mr. Grimes, support to Eric Bowles, it could be support to Jim Benekos, but that will be determined by Mr. Grimes. That's my answer, but thank you.

Mr. Osborne: Well, I appreciate you admitting that basically your intent was to bring Mr. Bartos in, in a senior-level Assistant Administrator position, so why did you mislead the public and say, oh my goodness, looky here, we've hired a Superintendent of Permits?

Mayor Held: Yes. Because I can only hire. No, I can only hire into a position that exists by ordinance. That's what I'm limited to, but when you typically look at the passage of an ordinance, if we go through all of the readings, it could take, it's going to take weeks. Unfortunately, right now when we are in transition, we've got a new Council that's coming on board and we've been struggling with fewer employees, we needed him in here now. Could I have put him in at the position of Economic Development Director? Yes, I could have done

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that. Could I put him into another position that was established by ordinance? Yes, I could have done that. Why did I decide to do Superintendent of Permits? I just felt that that would be the most appropriate considering when we first start him out he's going to be working on policies for that particular department. That's where the majority of his focus is going to be so I felt that that best illustrated where his work was going to be done in the next six months.

Mr. Osborne: Mayor Held, you came to Council back in September and asked that Council staff a position for Assistant City Administrator.

Mayor Held: Uh huh.

Mr. Osborne: And that did not go anywhere.

Mayor Held: That's correct.

Mr. Osborne: They weren't in favor of it.

Mayor Held: And that's exactly why we put him on now.

Mr. Osborne: I don't know why they would be in favor for it now.

Mr. Snyder: Chuck, this is not a debate. You've had your five minutes. Please sit down. Is there any member of Council?

Mr. Osborne: It's been mostly spent in double time.

Mr. Snyder: (Gavel) Sit down!

Mayor Held: Thank you.

Mr. Snyder: Any members of Council, do you have any comments? If not, anybody else in the audience wishing to speak?

Mr. Meleg: Good evening. My name is Ron Meleg. I live at 517 Wise Avenue, and what I'm here for is in regard to my claim with North Canton about the flood, which I received a letter stating that the City is not responsible because of water damage and let's see, lack of storm-water drainage every time it rains. Furthermore, you are alleging the system was negligently designed and the City knew the system was in adequate, but failed to enlarge it even though they had money to do so. The day of the incident was on July 19. Now further on down in this letter it says that the Ohio Law also found that municipalities are immune from liabilities with regret to equipment and personnel facilities unless malice in bad faith or wonton or recklessness. In this instance, there is no indication the actions of the City or City employees were reckless in regards to the allocation of funds permitted to the design and construction of the storm-sewer drainage system. Well, I called this senior claims adjustor and I asked him, I said, have you ever been to North Canton? He says, well, no. I says, huh. Every time I've ever dealt with an insurance company they always send an adjustor out, and I says, now, do you know where I live? He says, well, yea, you live down by where all the flooding was. I says, no, I live a half mile away from it. I says, the City of North Canton has two Wise Avenues. I said, you are looping me in with all the Wise Avenues down on, I believe, that's Northwest. I live in the Southeast. I said, so. He says, well, the City is not liable. So, the old saying "A picture is worth a thousand words." I have some pictures here, which I would like to show. If you will pass those. OK, you see this picture. In the middle of the picture there are two black dots. Those are manhole covers, OK? Now, the one on the right is a storm sewer manhole cover. The one on the left is a sanitary sewer. Now, from that fence back to the storm sewer is roughly about ten feet. Well, my neighbor, once they bought the house that was on the end of the road, he had an RV and a boat so he asked the City, hey, you know I have a hard time getting my boat and my RV into my driveway. Is there any way that you can knock down those barricades, extend the road, lower those manhole covers down to road level? Well, somebody in the City said, sure, we can do that. Well, they didn't realize that those manhole covers, when we had a flooding about ten years ago all those manhole covers were raised so they were above the flow-out side of the drainage basin so that way if any flooding did occur that it would flow out the drainage basin and would not go into the sewer system so here's pictures of what the road looks now, and if you see them, they're actually below level because when they put this temporary ten-foot in, they did not curb it. All they did was lower the manhole covers down and put some blacktop down. So now whenever we get a large rain and the drain basin does fill up, before it is able to run out the other end it backs up over the manhole covers. Now, in this letter that I got, it says that the City was not reckless. Well, somebody was reckless because they did not consult the engineering department. Why were these manhole covers at the height they were? So, you know, I see that the, I have had \$3000 worth of out-of-pocket expenses and you know, if this law is on the books in the State of Ohio, how come we were told to file a claim? Why didn't our law department already tell us, hey, sorry, you can't do anything because there is already a law on the books? You know,

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and furthermore, these pictures that I have given to you, the City Administrator and the law department has both gotten them. They've got my phone number, my home phone and my cell phone, and I've never received a phone call back from either one of them to come down. My Councilman told me, well, we're going to have the engineers come out. I told him, good. I work afternoons. I'll be there from 5 o'clock in the morning till 1:30. Nobody has ever contacted me. Nobody has ever said anything. Luckily tonight, because of the holiday, I worked days at the school system so I was able to come to the meeting so my question is, you know. This law does not pertain to me because first of all, I did not have flooding from a drainage system. I had flooding from a sewer system. The sewer backed up. Now, you're wondering, why am I the only one on our street that is complaining? Well, I have a unique situation on my street. There is only six homes. It is a dead-end street. Two of the six homes are conventional homes. If you drive down my street all the other homes are either a split level or raised ranches, which causes the sewer system in those houses are basically at ground level. The other two homes, mine and my neighbor, are conventional homes where we have basements. We have basements underground. Now, you are probably saying, well, why doesn't this lady complain? Well, the lady is elderly and she just doesn't want to fight City Hall, and I. This is second time it's happened to me. This is the first time I've ever filed a claim. And for the City to come back and say, hey, you know, we're not the ones that turned down your claim. It's the insurance company. You should be mad at the insurance company. Well, just, you know, just be the man about it and say look, OK, yea. Somebody in the City screwed up, put the manhole covers down where they shouldn't have been and extended the road because one person wanted that road extended. Nobody ever asked me if I wanted that road extended. When I had an addition put on my house, I had to send letters, 200 foot to the people around my home, which didn't matter to them, but one person in the neighborhood could have the road extended and then cause a problem for two other residents. So, you know, I hope I get something back from either the law department or the engineering or somebody that tells me that hey, you are right.

Mayor Held: Right.

Mr. Davies: If I may. Because I have spoken to Mr. Meleg. I have spoken to Mr. Grimes a couple times about this. It's my feeling, I was asked actually by the father of Mr. (inaudible) who owns the house on the corner to extend that road and cut those down. I talked to Jim Benekos about it and about a price, and I was informed it would cost about \$8000, and I said well, Jim, I said personally I don't think it should because it affects one person. The person can get in and out of the driveway. I said, I was over there with my Envoy. I didn't have any problem backing in or out. I said, I don't think the money should be spent for one person when it's not a major problem. I got a call several months later from Mr. Pratt thanking me for getting the job done, OK? In fact, Pat said something to me about it because he said, what do you want to do about that? And I said well, you know, with all the problems we have on other streets that need to be paved and people in Eastwood and other places, Chatham and so forth, I don't think it's worth spending \$8000 for one person. I just don't because it's not a major problem. But it was done anyway. When I originally spoke with Mr. Meleg, I did not understand him saying that, he had said they had flooding before.

Mr. Meleg: Right.

Mr. Davies: But I didn't understand or didn't comprehend that they had flooding and then they built the manhole covers up and they didn't have any flooding until they cut them down so the water runs down that street into that catch basin down there and floods that manhole, and that's why he and his neighbor had flooding. I believe it is the City's problem. Mr. Benekos says it isn't. He didn't even bother to look at the records that I know of. I asked Mr. Grimes to please check the records. When were these things put up? Etc., etc. What the dates were. I said Mr. Meleg didn't know the exact date of the first flooding and so forth. I said, but it seems to me the City is culpable. And nothing has been done so personally, I hope Mr. Meleg gets a lawyer and sues the hell out of the City. And that's the way I feel about it.

Mayor Held: OK. Thanks, Mr. Davies.

Mr. Cerreta: Ron, what year was that switch? When was that change?

Mr. Meleg: Roughly, say ten years ago when the City put in curbs. What they did was they realigned the street and we had the engineers come out because what they did was they said that we had flooding before and they said, well, what we'll do is we'll have the street end ten feet before those manhole covers. That way it acts as a spillway so the water will go off the road, run down and then the manhole covers would be up. Then they took a transit and they shot from the top of all three of the manhole covers, which I have a picture of here. They shot a picture of all these manhole covers and made them so they were at least eight inches higher than the outlet upside of the drain basin and we've never had any problem with that.

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Mr. Cerreta: Now when did it go? When did it switch? When did they change or modify it?

Mr. Meleg: They modified that in the last year-and-a-half?

Mr. Davies: Last year, year-and-a-half. And then with the big rain, it floods.

Mr. Snyder: Mr. Mayor.

Mayor Held: Mr. Meleg, what I'd like to do is, because really I think these pictures, because I know I've spoken to you about this before and I did see it as it is now obviously, but now that you showed me this picture of what it was like previously, I get a much better picture of what's taken place and I can understand now.

Mr. Meleg: I was lucky enough my one neighbor loves to take pictures of our neighborhood and he had a picture of what those manhole covers. Now, you have to also realize there, that there is at least five or six inches of snow on the road so those manhole covers used to stick up a good ten inches above the road.

Mayor Held: Right. No, you can see, yea, they are pretty pronounced.

Mr. Meleg: Right.

Mayor Held: I mean, from the picture you can see. What I'd like to do is I'd like to get our staff together so that we have everybody there that had any involvement in getting it done and you know, once again, the City, what we try to do is accommodate people in the best way that we can. And I'm not sure; I don't want to say because I don't know. I understand where you are coming from, but what I want to do is make sure that from the City's perspective that we are properly addressing your concern and from the pictures, what you say to me, it makes sense what you're telling me and so what I'd like to do is get our Sanitation Superintendent and also our City Engineer and our City Administrator, and if we could go out and take a look at it because I know you want an answer.

Mr. Meleg: Right.

Mayor Held: You want an answer as far as what the City's role is in your flooding and if there's something that can be done about it.

Mr. Meleg: I realize that you said at the one Council meeting that this was a once-in-a-lifetime. Well, I must be living a double life because this is the second time it's happened to me.

Mayor Held: Right.

Mr. Meleg: The first time they came out and they looked at it and they said, look, this is what we'll do. We'll raise those manhole covers up and there's no possible way, which we didn't have any problem for ten years and then when they lowered those down and we had that rain and it just backed up and like I said, if you'd come into my neighborhood and see my house and my neighbor's house are the only two conventional houses. That's why nobody else gets flooded.

Mayor Held: There's two homes at the end of the street that are getting flooded, but what you are saying is it's because once those manhole covers were lowered, the water, now it's acting more like a storm drainage.

Mr. Meleg: Right. Well, it's a hydraulic problem. You have...

Mr. Davies: The manhole covers are not water tight so water will pour into them. If you have water over them, it's pouring in. Now they did go out and seal the covers.

Mayor Held: Right, will pour in.

Mr. Meleg: Right, they sealed them.

Mr. Davies: So that to me is an admission that water can get in them and it might be our problem.

Mayor Held: Right. So right now they are sealed so that water cannot get in. Rather than raising them up...

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Mr. Meleg: Well, I mean no. You can't say they're water tight, no, because all you did was plug up the two one-inch holes in it, which you had the circumference of the whole manhole cover so, OK.

Mayor Held: Yea. What I can say obviously because I'm not sure. It sounds like the reason the work was done is basically because of the request. I can't think of any other reason why it would be done.

Mr. Meleg: Right. I mean, he's a very good neighbor and everything, but for all the years I've lived at that residence for 26 years and all the other people...

Mayor Held: So now there's a change and now that there's a change you're having flooding (inaudible).

Mr. Meleg: Right, and the people that lived in that home before had trailers and nobody ever had a problem with that road stopping, but unfortunately when he bought the property he should have said, huh, you know this could be a problem. Maybe I can't get my boat in and out of here or my RV. Well, then he shouldn't have bought that property.

Mayor Held: Right. How about if we do this, if you wouldn't mind? First off, I appreciate you taking the time to bring this up. I know you have been frustrated over this, as well as Councilman Davies, and we want to make sure that we get to the bottom of this and so what we'll do is we're going to have the people that would be involved in this go out and take a look at it.

Mr. Meleg: Sure.

Mayor Held: It may be when you're not at home, but then I would like at some point to have a meeting with you when you are home so that you can share your story with them, as well.

Mr. Meleg: Sure. I work for North Canton City Schools. I go to work at 1:30, roughly every day, five days a week so I'm there and I get up at 5 o'clock in the morning so anytime from 5 o'clock in the morning till 1:30 in the afternoon, I am home and I have my cell phone and my phone. Just give me a call and I'll make sure that I'm there and I'll show you where we're at.

Mayor Held: OK, and if you don't mind, you don't have to say it publically, but if you don't mind giving me your number before you, you have it? Oh, we've got your number already. That's fine. We've got it.

Mr. Meleg: Sure, no problem. Oh, you got the number? OK.

Mr. Grimes: It's something we've been struggling with too. In fact, it was last week, the week before you asked for another meeting on it and we've been out there, we've looked at it. The Engineer has looked at it. We've had Mr. Chufar out there looking at it so we're struggling with how that could have occurred and that's what we're working with, so.

Mayor Held: But I appreciate you bringing this up, Mr. Meleg, and we'll make sure that it's looked at this week if that's OK, sometime this week and that we get some answers for you.

Mr. Meleg: I greatly appreciate that. Alright.

Mayor Held: OK? Thank you for your patience.

Mr. Meleg: Thank you.

Mr. Snyder: Thank you, Mr. Meleg. Mrs. Baughman?

Mrs. Baughman: Miriam Baughman, 320 Weber Avenue. I have some questions about tonight's legislation. First I just wanted to mention that I saw in the paper last week that the City of North Canton will get \$141,542 less from the State in 2012. I have a question about the Administrative Assistant Payroll Clerk. According to the ordinance, it said that this will be, this classification will be established, which I take will be new.

Mr. Snyder: Yea, that position will replace, we eliminated the Assistant Finance Director's position, which was about \$9000 higher than that position, and we're establishing that position should we need it. It doesn't necessarily mean it's going to hire into it. We eliminated the Assistant Finance Director's position, and it was established at the level no greater than the present Administrative Assistant's wages. It would be unfair to the other employees to establish it higher. Even though the original request for the personnel was for a higher range, as Chairman of Finance, I took it upon myself to lower that established rate so that's why it was placed at that rate.

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Mrs. Baughman: So the money is already there?

Mr. Snyder: Pardon me?

Mrs. Baughman: The money is already there?

Mr. Snyder: The money is already, the money will be budgeted. The balance of the 2011 is there; in 2012 it's budgeted, yes.

Mrs. Baughman: But did you have to find the money from somewhere?

Mr. Snyder: No, the money was established and relative to your first question; that's true, the undivided government funds will be reduced in the year 2012, however at the end of 2010 going into the 2011 budget, I requested that the budget be reduced by 31% of State undivided government funds so we anticipated, that money was anticipated through 2011, so.

Mrs. Baughman: I just mentioned it.

Mr. Snyder: There is no impact on the budget from that.

Mrs. Baughman: OK. Then my second question is, I understand that the new position of Director of Administrative Services will be doing the job of what was previously, there were four superintendants and two of those superintendant positions are not filled?

Mr. Snyder: The problem being there, Miriam, and that's a good question. The problem, our legislation that's codified that's in the book requires that it be signatory to either the Superintendent of Permits & Inspection or one of the other superintendencies. And the job of Director of Development & Permits will technically wear three official hats, but it will have only one pay, which is, I believe, I think that rate is around \$61,000, if my memory serves me.

Mr. Osborne: \$67,000.

Mr. Snyder: That's the highest. It's not paid at that rate; it's paid at \$61,000 presently. The Director of Administrative Services is paid \$60,000, although it could go to \$67,500, but it's only paid at \$60,000. Both those numbers are already funded.

Mrs. Baughman: OK. That wasn't my question.

Mr. Snyder: Oh, I'm sorry. They'll be paid one salary.

Mrs. Baughman: I was looking at the Superintendent of Utilities & Services, which I understand you do have a Superintendent.

Mr. Snyder: You do have. That's Mr. Chufar. That's correct. Superintendent of Streets & Parks; you do not have a Superintendent?

Mr. Snyder: No, we do have a Superintendent of streets; Rich Rhodes.

Mayor Held: Can I just clarify something, Mr. President?

Mrs. Baughman: OK.

Mayor Held: This is what our goal is; I'll give you one example. We used to have a Superintendent of Park & Recreation and we had an Operations Manager under the Superintendent of Park & Recreation. Then we had a Street Superintendent and we had an Operations Manager, an assistant under the Street Superintendent. Then we had a department head for water distribution and for sanitation and we had two Operations Managers under him; one for sanitation and one for water. We also had a Superintendent of Permits. We had an Economic Development Director so we had a number of management positions and in most cases an assistant for each one of them so what we've done over the past six years is we've taken those management positions and we've put one department head in charge of Park & Recreation, Water Distribution, Sanitation, Streets. Then recently when the Superintendent of Permits was taken out of his position, we had Eric Bowles doing Superintendent of Permits & Economic Development. So the whole goal with what we're doing is trying to be cost efficient and at the same time having enough people so that we can effectively serve the people in those positions. The reason that we like to keep these positions open is so that it depends on who we have and who is going to retire. So for example, right now Eric Bowles is capable of effectively serving as Economic Development Director and Superintendent of Permits because he has experience in both areas. So it's easy for us to put him in that position of responsibility. We have a younger fella who has a law degree who is very bright and very competent although he doesn't have the experience that Eric Bowles has, like 15 or 20 years, so he acts in a supportive role to Eric in that area, but at the same time he will be acting in a

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supportive role to Mr. Grimes. When it comes to the budget, what Council is doing is they're approving the position. That's all. It doesn't mean that was as Administration or as Council will fill the position. Right now Karen is doing the job of the Deputy Finance Director and the Finance Director, and she's utilizing her staff to supplement that right now because Peggy Fix is no longer in that position. Now, how long will Karen be able to go on like that? That's something that she, I'm assuming, is going to assess on an ongoing basis and her and Council will make that decision. It's the same thing with us in this position with Eric Bowles in his role and now Bill Bartos. I'm confident, though now, with the addition of Bill Bartos and as we approve these positions that we're going to be able to be cost efficient because as you had mentioned we were losing \$114,000 from the State, but we'll also be able to remain effective in our service. Now, could those positions or roles or titles change down the road six months or a year from now? If we need to in order to be effective and cost efficient, we'll do that. But we're not just haphazardly moving people around. Our goal is to be efficient and effective. But again, we have to balance the budget, Miriam, I mean, we cannot spend more than what we're bringing in. The Administrative, the Finance Director, the Council, we have to balance our budget. So with the addition of Bill Bartos, which is filling a vacancy, so we're not adding another position. I'm confident that in spite of the decrease in funds coming from the State that we'll be able to balance the budget and we'll be fine.

Mrs. Baughman: Well, my question is if you're not going to use all these positions, why are they still on the books?

Mayor Held: Because we may need to fill them in the future.

Mrs. Baughman: Why not just then establish it again?

Mayor Held: I'll give you an example. Well, because it's easier to have the position established and if you have somebody that retires, depending on their experience and their pay, we may want to bring in somebody at a lesser rate. I mean, for example, we had the City Administrator position that was paid, or the Finance Director that was paid at \$85,000, and then we hired our new Finance Director at a lower rate, but once the position is established then Council and the Administration can decide at what rate of pay you are going to do. Again, once you establish a rate of pay in the ordinance, you don't have that flexibility of raising or lowering it. With this, when you set a maximum amount then the Administration and Council can hire at a lower amount or at that maximum level.

Mr. Osborne: Mr. Snyder, is there a reason why I'm not being afforded the same treatment as Mrs. Baughman?

Mr. Snyder: Well, sir, you can't stand up in the middle of a room and ask to address the Chair until you've been recognized, and right now Mrs. Baughman has the floor along with the Mayor so I'd ask you respectfully to sit down and then address the Chair at that particular time when there is no one else standing up, but I do appreciate what you said. Mrs. Baughman, to answer your question, those positions aren't funded in the budget. They are in an ordinance, but they are not funded in the appropriation ordinance which will come before Council here, I think next Monday or the following Monday. So, I mean the positions are there, but there is no funding for those positions. Should the Administration or the Mayor decide he'd like to fund that position, he'd have to send a legislative request to Council requesting that those superintendencies be funded. There is no mechanism to pay those positions even though they are codified in the ordinance.

Mrs. Baughman: But since you are establishing the classification for Director of Administrative Services...

Mr. Snyder: Now that will be funded.

Mrs. Baughman: Then you have open Superintendent of Permits & Inspection.

Mr. Snyder: That will be funded through Eric Bowles's job. The job of the Director of Administrative Services, we will eliminate the request of \$153,700-some for Economic Development and \$71,000, which is the salary, benefits and PERS for the position of Director of Administrative Services, will be reduced by that amount and transferred to the Administrative offices. The amount of \$163,000, I don't know the exact number, I don't have it in front of me, for Permits & Inspection will, \$263,000, excuse me, will fund that department, which will include Eric Bowles's salary. It will actually be a net gain in defunding both departments of about near \$104,000 less through the consolidation of those two jobs so the initial request for the 2012 budget will be a little over \$100,000-some less by combining those two jobs.

Mrs. Baughman: Then you'll still have open the position of Director of Economic Development.

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Mr. Snyder: Yes, should the Mayor care to fill that position, he would then at that point have to come to Council to have it funded. There would be no money, there would be no line item to pay that so consequently there could be no warrants drawn to pay that person. A person couldn't be hired. There is no funding for that.

Mayor Held: Miriam, really what the goal is this; just because you have a position established we do not have to fill that position so right now Eric Bowles is doing Permits of Superintendent and he's also playing a role in Economic Development.

Mrs. Baughman: I guess I don't understand why you have to establish two new positions when you're using the money from the two old ones.

Mayor Held: I don't mean for it to confuse you. It's not meant to confuse. What it is, it's intended to give the Administration latitude in the event that somebody leaves and we have to refill a position because it would be nice if we had somebody that has the exact qualifications and experience as Eric Bowles, but sometimes that doesn't happen. Sometimes you might have to hire somebody at a lesser rate of pay for Permits & Superintendent depending on who is in the position of Economic Development. The goal is to streamline our services and so Eric Bowles right now is responsible for Economic Development and he's responsible for Superintendent of Permits. I mean, we are not here to add positions to the City. We've got to balance the budget, but what we do need is latitude so that we can take a particular individual with a certain set of skills and put them in whatever position Mr. Grimes sees fit with the people that we have. That's really how it is. And Council may partially fund a position or fully fund a position. They may give partial funding for Economic Development and partial funding for Superintendent of Permits and that's what Eric Bowles will be paid out of. Or, with the Director of Service, what is it?

Mr. Snyder: Administrative Services.

Mayor Held: Administrative Services. Partial funding may come out of Water and Sanitary, and part out of the General Fund depending on how Mr. Grimes determines the service that he is going to be providing to the City.

Mrs. Baughman: So say in two weeks from now you could hire somebody for Director of Economic Development since the position is there?

Mr. Snyder: There would be no funding.

Mayor Held: There is no funding there.

Mrs. Baughman: OK.

Mr. Snyder: He could be hired, but he wouldn't get paid.

Mayor Held: You could have the position, right, but, there is no money to fund that.

Mr. Davies: There is no funding now, but if you put it in the budget there would be.

Mr. Snyder: We're not putting it in the budget.

Mr. Davies: Well, I'm just saying.

Mayor Held: Right, but see that's the protection that Council has in the budget. Just because a position is established, it's up to Council to approve the funding and then at the same time we, administratively, have the obligation to balance the budget. So the more people that the City hires the less money we have for other positions.

Mr. Peters: If I could interject here too. I spoke with Miriam earlier today and I know where she is going with this, and I agree with that. I agree with you. Creating these two new positions, I see no problem within this ordinance, and I am talking specifically of the Exempt Ordinance, Section 20. It has rates of compensation of just for the record, that compensation is the high end. Not all those folks are being paid that much. But yea. It would not be an issue. I mean, it's a stroke of a pen to take out Director of Economic Development. Take that line out and take out Superintendent, well there are some issues with the codified ordinances because they speak to Superintendent of Permits. Now we can address that, and Hans and I are going to talk about this. We're reading this ordinance three times. There is an emergency clause on it, but we are going to give it three readings for a couple different reasons; to address issues like this, I'd like Council members-elect Fox and Griffith to be part of this conversation also. But yea, I agree with you. I don't see an issue where taking these out would be a big ordeal if the need arises in the future to put them back in, absolutely they can come back to Council and it would take a stroke of a pen, you know, an

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ordinance to put them back in there and that would create a check and a balance that I think you're trying to get to and I see no issue with that.

Mrs. Baughman: If the positions are there it's easy to fill. If you have to go get permission to establish them again then it gets a better look.

Mr. Peters: Yea.

Mrs. Baughman: OK. Thank you.

Mr. Peters: Thanks, Miriam.

Mayor Held: Thank you, Miriam.

Mr. Snyder: Thank you, Miriam. Anyone else wishing to speak to the Council?

Mrs. Burnett: I don't know who to recognize.

Mr. Snyder: No. Either one, Mrs. Burnett.

Mrs. Burnett: I'm Suzanne Burnett and I live at the Danbury on Applegrove NE in North Canton, and I am here to suggest to you that you realize as you sit at your tables here before the Council meetings that you talk to each other and your microphones are on, and I could hear what you were saying. I don't think that's very smart. Because sometimes you talk softly, but a few of you have loud voices and you may be saying things that you wouldn't want us to know so I just, that's all.

Mr. Snyder: Thank you, ma'am. Sir?

Mr. Leahy: Good evening. Dan Leahy, 1264 Lorrell Avenue SW, and I'm here for, first and foremost for other folks who may have more serious issues down on Linwood and as the gentleman spoke about earlier, I certainly have my heartfelt condolences for actual property damage of your structure, however this is about my property and it's no less important to me and it should be no less relevant to you all, and this has been ongoing for, Jon, I want to say 14-16, and I can't say longer than that, but definitely 14-16 months. The property has been there since 1965. The erosion that's been going on in the last two years is now getting to the point where I've got to make a decision about inputting soil, doing something to save my pine trees as well as some larger oaks. The oaks, I think, will hang and obviously they are probably 50, 60, 70 years old, but I'm quite frustrated. You talked about a site survey, if you will, with the previous gentleman; that's been done. That's been checked off my list and now I sit and wait. I contacted Councilman Snyder a couple weeks ago and it was, I thought Engineering was talking to Road and Road was waiting on Engineering so now I am just here and, Mr. Cerreta and Mr. Snyder, you can ignore my voicemails from about an hour ago because I said, you know what, just stop in. So that's why I'm here. Just wanted to get an update, if not today, I'd just like to know a definitive time of an answer and/or a game plan.

Mayor Held: Mr. Leahy, can you tell me again what your address is?

Mr. Snyder: Mayor, we're well aware of this situation. If I may interrupt you and let the Engineer answer that. We have a plan for that. Unfortunately right along the golf course where it's now running off and going onto Mr. Leahy's property, and the Engineer was out there along with Rich Rhodes. Somewhere we dropped through the crack on scheduling the work itself.

Mr. Benekos: Right. Rich Rhodes spoke with the contractor. He's in the process of acquiring some materials for that and was going to let him know when he was going to get out there. I didn't get a chance to speak with Mr. Rhodes today to see if the contractor has given him a firm date when he can get out there, but I don't know if you talked with Rich today.

Mr. Cerreta: What is his issue? I haven't heard.

Mr. Leahy: It's erosion on the, it would be what? The northeast side of my property. We've got water coming off of the golf course over Salway into another yard, over Watkins and into, I guess it would be another property on the corner, through my neighbor Dwight Sammet who lives on Salway, and then essentially through my yard and into Dr. Mike McCabe's next door. So we really have, I mean I'm not here to speak on their behalf. They can speak on their own, but we've got several properties with issues.

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Mr. Snyder: The water comes off the golf course at rapid speed and there is no place. The road is high. The homes are lower than the road. There is no place to collect the water. There is not a drainage system. The problem on that end of town is there is just no proper storm service. So the Engineer along with the Road people have decided the easiest way to do is to cut, as they do on the far southern end of Salway, a drainage ditch along that golf course because that's actually level with the street so there's nothing to slow the water down. It runs right into Mr. Leahy's property. So hopefully we'll be getting that done, as well as some curbing on there in the spring to eliminate that problem for that water going into his, which will not completely solve the problem, but will probably take it within the ten percentile hopefully. So that's, I understand that's to happen yet this season.

Mr. Benekos: Correct.

Mr. Snyder: The weather will not impair their ability to dig that drainage ditch and install a drainage line so hopefully, how about if we maybe get an answer for you in the morning and we'll get to your phone.

Mr. Leahy: Yea, that would be great. And the last question I have is the weather. Obviously now it might not happen, but in the spring is curbing on Watkins part of that or crowning of Watkins? Cause that's just as much of an issue as the water coming off of the golf course over Salway.

Mr. Snyder: We have not, to be very honest with you, done more than the remedial curbing, which is asphalt curbing. Now whether, I can't tell you what's going to happen with the budget for capital projects for 2012. I'm not going to sit here and lie to you. The remedial curbing, which we can install, it's temporary at best because we usually have to go back every spring and we put it back in because the snow plow knocks it out. That we are pretty comfortable we can get that in for you. Beyond that, you are on my request list.

Mr. Leahy: OK.

Mr. Snyder: I have six colleagues that all fight for that money, but we're going to give it the best shot we got for you.

Mr. Leahy: Alright.

Mr. Snyder: We're going to get it under control and I'll have the Clerk email you and Mr. Benekos email you and give you a timetable when you can expect that work to be started.

Mr. Leahy: OK.

Mr. Snyder: I appreciate your patience with us. We're going to get her done for you.

Mr. Leahy: Thanks for your time.

Mr. Snyder: Thank you for coming.

Mayor Held: Thank you.

Mr. Snyder: Mr. Osborne, we'll give you two minutes to rebut whatever you wanted to tell us.

Mr. Osborne: If I recall, eight years ago the argument for buying Arrowhead Country Club was if we didn't buy it we would have to put in a lot of infrastructure. Obviously buying Arrowhead didn't obviate the need to put in the infrastructure. I've talked with all those neighbors, Salway, Heatherwood, Wilkshire. I just want to make a little point.

Mrs. Kiesling: Thanks, Chuck, we appreciate it.

Mr. Osborne: Pardon me?

Mrs. Kiesling: Thanks, we appreciate your point.

Mr. Osborne: It's a valid point, Mrs. Kiesling.

Mrs. Kiesling: Oh, Chuck, it's just over and over and over and continuous and we're never right. You're always right. Can we just move on with our meeting?

Mr. Osborne: Well, obviously (inaudible) listening to this gentleman?

Mrs. Kiesling: I realize that you are trying to alleviate.

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Mr. Osborne: I am right.

Mrs. Kiesling: I've had it. I live four houses off that golf course.

Mr. Osborne: But Salway needs storm lines, curbs, gutters.

Mrs. Kiesling: Water is an issue.

Mr. Osborne: Buying Arrowhead didn't make that need go away. Thank you.

Mrs. Kiesling: Thank you, Chuck.

Mr. Snyder: Anyone else wishing to speak to the Council this evening? Appreciate it. Thanks for your patience and we'll move on here to number...

OLD BUSINESS:

8. Mr. Snyder: Ordinance No. 84-11 is presently tabled. We've all been given a copy of the Memorandum of Understanding executed by the Law Department.

Mr. Nilges: Reviewed, not executed.

Mr. Snyder: Oh, reviewed by the Law Department. It hasn't been executed, excuse me.

Mr. Nilges: I haven't done anything; I'm not allowed to.

Mr. Snyder: OK. Chairman Davies, what is your wishes on that, sir?

Mr. Davies: We just got it and I have not had a chance to go over it, but I am assuming that our Law Director has and feels it's sufficient to handle the problem.

Mr. Nilges: Let me give you a summary. Basically what we had talked about was putting some funds in escrow and this, for various budgetary reasons of their own, that is impossible for them to give to us. What they have given us kind of is their best offer. In exchange is a purchase order that could be invoked either by us or by them. It would be a purchase order up to \$75,000, which is a number that was reached at by Mr. Benekos, I believe, and that purchase order would be good for a year. So if we got to a point where we wanted to extend the waterline then we request the purchase order delivered to us and we have a year to get the work done. So I guess as long as the State is honoring its purchase orders, we would get the money to pay for it. We would have at least \$75,000 of it. Is that number correct, \$75,000?

Mr. Davies: Any questions from other committee members?

Mr. DeOrio: But if work doesn't commence within a year then there is no, this memorandum does not apply?

Mr. Nilges: Right. That would be, we would have a year to get the work done once we provided notice so I guess we would want to make sure that we were ready to pull the trigger on it before we gave them notice.

Mr. Davies: Jon?

Mr. Snyder: Oh, excuse me.

Mr. Foltz: Just so we're clear. This Memorandum of Understanding doesn't expire within a year?

Mr. Nilges: No.

Mr. Davies: (Inaudible)

Mr. Foltz: Right.

Mr. Snyder: It's an open-ended purchase order, right?

Mr. Nilges: Well, once the purchase order, what they've done as part of the, that's why they added that language in there was because they can't have an open-ended purchase order. They needed to have a begin and ending date so it's triggered and is issued by notice being provided.

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Mr. Davies: What I would suggest is we take it off the table, read it, assuming it passes, but not execute the emergency for at least one more reading. That will give everybody time and the new Council people time to look it over and so forth.

Mr. Snyder: That's fair.

Mr. Davies: Is that fair?

Mr. Snyder: That's fair. May I have a motion to remove from the table Ordinance No. 84-11?

Mr. Davies moved and Mr. Peters seconded to remove from the table Ordinance No. 84-11.

All members present voting:

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

No: 0

Mr. Snyder: Alright, may I have a motion to read by title only, second reading of Ordinance No. 84-11.

Mr. Davies moved and Mr. Peters seconded to read by title only, second reading of Ordinance No. 84-11. All members present voting:

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

No: 0

Ordinance No. 84-11 – 2nd Reading – Water, Sewer & Rubbish

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. Snyder: Chairman Davies.

Mr. Davies: We have kind of gone over this. In general what this stipulates, when we run waterlines to a building we generally will run that waterline to the lot line so that if somebody else wants to get on, they can, and you don't have to run it that way. They didn't want to do that because there is 700 feet and if water lays in there it could get brackish and cause other problems and so forth. So this will allow us to not run the line according to our ordinance, but assure us that if the State police or somebody wants water down the road that Kent Stark will pay for that line and see that it gets put into the proper point. And I would move that we approve.

Mr. Davies moved and Mr. Peters seconded to adopt the second reading of Ordinance No. 84-11. All members present voting:

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

No: 0

9. Mr. Snyder: Ordinance No. 94-11, we're going to remain tabled. The Administration and engineering department along with Mr. Cerreta's suggestion that they get a hydrologist to look at that property and to comprehensively study what we may need rather than us going out there and putting band-aids on something that we have no reason to do so we'll leave that alone and it will not appear on the agenda again until we're ready for that particular thing. So I appreciate your patience with that.

10. Mr. Snyder: Moving on, Ordinance No. 100-11, may I have a motion to do a second reading for Personnel & Safety?

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

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

No: 0

Ordinance No. 100-11 – 2nd 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: We're going to clean it up.

Mr. Peters: Yes, we have the emergency clause on it.

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Mr. Nilges: We're going to have that? OK.

Mr. Peters: This is just updating to bring us into the 21st century here. Addressing electronic communications, online policies, and how we handle and discharge emails and that type of thing. If no one has anything to add, I'll motion to approve the second reading.

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

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

No: 0

Mr. Snyder: May I have a motion to **suspend the rules of Council** for Ordinance No. 100-11.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 100-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules Ordinance No. 100-11.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 100-11. All members present voting:

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

No:

NEW BUSINESS:

11. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 103-11?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 103-11. All members present voting:

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

No: 0

Ordinance No. 103-11 – 1st 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, as amended, specifically Section 20. COMPENSATION to establish the classification and rate of compensation for the positions of Director of Administrative Services, Director of Permits and Development, and Administrative Assistant/Payroll Clerk, repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes, and this has an emergency clause, but we are going to give it the full three readings. This has been addressed by a few members of the audience and Miriam Baughman in particular brought up some very good points and that's why we're going to address it three times. I also wanted to ask – we had spoken about having a, what's the word I'm looking for?

Mr. Snyder: A codicil?

Mr. Peters: The job description. Do we have those in place yet?

Mr. Grimes: Yes, sir. You asked me for a job description and organizational chart, currently how we are and how we are going to be, and I have those for you.

Mr. Peters: We do? OK. Alright. And so maybe we'll put on the agenda for next week and review that with the new Council members and go forward with that. So with that being said, I would ask that we approve the first reading, and I'll motion that right now and we'll put it back on the agenda for next week. That's a motion.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 103-11. All members present voting:

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

No: Davies, DeOrio.

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12. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 104-11.

Mr. Peters moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 104-11. All members present voting:

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

No:

Ordinance No. 104-11 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Permit Fee Fund to the State Building Permit Fee Account in the amount of \$250.00 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: We are billed, this is our share of permit fees both for commercial and residential. We need to transfer that money over so that we can send the money to the State. Should we send it prior to this it would create a negative balance, which we are not allowed to have so we are asking for the transfer of that \$250, 1% of residential and 3% of the commercial and we owe it to the State for that so that's what that's for.

Mrs. Kiesling moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 104-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to suspend the rules of Council for Ordinance No. 104-11.

Mrs. Kiesling moved and Mr. Peters seconded to suspend the rules for Ordinance No. 104-11. All members present voting:

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

No: 0

Mr. Snyder: As an emergency exists due to time, we ask that we adopt under suspension of the rules Ordinance No. 104-11.

Mrs. Kiesling moved and Mr. Peters seconded to adopt under suspension of the rules Ordinance No. 104-11. All members present voting:

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

No:

13. Mr. Snyder: May I have a motion to read by title only, first reading of Resolution No. 105-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to read by title only, first reading of Resolution No. 105-11. All members present voting:

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

No: 0

Resolution No. 105-11 – 1st Reading – Finance & Property

A Resolution of submission of question of a replacement of a tax levy for the purpose of providing additional funds for the City's portion of ambulance service, emergency medical service or both, along with necessary appurtenances in the City of North Canton, Stark County, Ohio and declaring the same to be an emergency.

Mr. Snyder: We've received back, which we'd given you all a copy of last week, the Auditor's report relative to this. We'd like to place this on the March ballot. This is due for filing on this by the 7th of December and, isn't that what that one's for? And that's it.

Mr. DeOrio: Motion to approve.

Mr. DeOrio moved and Mrs. Kiesling seconded to adopt the first reading of Resolution No. 105-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to suspend the rules for Resolution No. 105-11.

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Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Resolution No. 105-11. All members present voting
 Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio.
 No:

Mr. Snyder: May I have a motion to **adopt under suspension** of the rules Resolution No. 105-11.

Mr. DeOrio moved and Mr. Cerreta seconded to **adopt under suspension** of the rules Resolution No. 105-11. All members present voting:
 Yes: Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio, Foltz.
 No: 0

14. Mr. Snyder: May I have a motion to **read by title only, first reading** of Resolution No. 106-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Resolution No. 106-11. All members present voting:
 Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling.
 No: 0

Resolution No. 106-11 – 1st Reading – Finance & Property

A Resolution of submission of question of a replacement of a tax levy 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 in the City of North Canton, Stark County, Ohio and declaring the same to be an emergency.

Mr. Snyder: Again, this is a companion piece and we've received a copy of the required resolution from the Auditor and we'd like to place that on the March primary.

Mr. DeOrio: Move to approve.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the first reading** of Resolution No. 106-11. All members present voting:
 Yes: Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters.
 No: 0

Mr. Snyder: May I have a motion to suspend the rules of Council for Resolution No. 106-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Resolution No. 106-11. All members present voting:
 Yes: Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.
 No: 0

Mr. Snyder: May I have a motion to **adopt under suspension** of the rules Resolution No. 106-11.

Mrs. Kiesling moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Resolution No. 106-11. All members present voting:
 Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.
 No: 0

15. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 107-11.

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 107-11. All members present voting:
 Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta, Davies.
 No: 0

Ordinance No. 107-11 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of EMS Operating Fund to the Salaries & Wages - Part-time, Maintenance of Equipment, and Operating Supplies - Oxygen Accounts in the amount of \$25,000 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: When we did the '11 budget, we did reduce the overtime and maintenance of the equipment of EMS, and it's now caught up to us. To finish out the fiscal year we need to

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transfer (meant to say **appropriate**) \$25,000 into that fund for both payroll of the part-time people, which they've done an exemplary job saving us money at, and maintenance of the said equipment and some medical supplies.

Mrs. Kiesling: Motion to adopt.

Mrs. Kiesling moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 107-11. All members present voting:

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

No: Davies.

Mr. Snyder: May I have a motion to suspend the rules of Council for Ordinance No. 107-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 107-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to **adopt under suspension** of the rules Ordinance No. 107-11.

Mr. DeOrio moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 107-11. All members present voting:

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

No: Davies.

Mr. Snyder: Thank you. I have a couple of housekeeping items I'd like to cover prior to the last reports. Next Monday evening Council of the Whole, it will start at 6:30. We have representatives from ARCADIS to bring us up to date on our sewer study, water study that we had. They will be here. I did see the presentation last Tuesday with Director Grimes and Engineer Benekos and Director Alger, and I have asked them to come to Council and Mr. Griffith, the Councilman elect, asked that we have some presentation prior to the meeting and we're going to do that and I think everybody in the public is welcome so it will be about a 20- to 25-minute presentation, slide presentation and showing where the models of our water and our sewer are headed. And the Engineer will speak to that. He did receive some grants this past week; one of them to address the actual I&I that's going to hopefully eliminate some of that flooding – that's number one. Number two item; I would remind again elected officials that the Clerk will be going on Wednesday or Thursday to pick up your election certificate. You need to have filed your finance reports or you will not be issued an election certificate and cannot be sworn in on Friday evening at 5:30 here in the Council chambers. So if you've not filed it, please do so in the next couple days. The elections will be certified, I think, tomorrow at 4 o'clock. She will be courteous enough to go down either Wednesday or Thursday and pick those certificates up, so you won't have to do that. And then finally, the final housekeeping item; I would just like to say, I would like to personally thank Mr. DeOrio and Mr. Davies who I have had the distinct pleasure to serve with – Mr. DeOrio for six years and he has become my friend and with Mr. Davies who has become my friend. You gentlemen will be missed, and you've been a great pleasure to serve with. You've been a friend, you've been an advocate, and you've been advice to me and I appreciate it and I hope Godspeed to both of you gentlemen. I also hope that I may pick the phone up at anytime and call you, if nothing else for some advice. Personally I would like to thank you both for the job you've given the City, for your time and your dedication and your love for the community in which you live. You gentlemen are to be proud of yourselves, as I am very proud to have served with both of you. Thank you very much. I appreciate it. (Applause)

REPORTS:

Mr. Snyder: Director of Law.

Mr. Nilges: No report.

Mr. Snyder: Director of Finance.

Mrs. Alger: No report.

Mr. Snyder: Director of Administration.

Mr. Grimes: In the media, I think about three items that we got grants for, I'd defer to the Engineer to describe them, but there is another one. I was told today the fire department is in line for a grant for \$160,000 to replace the heart monitors in our ambulances. Our heart monitors are at least ten years and that, so we may have to come up with about 5% or \$8000 of that, but I'll have more information for you on that, but we just got notified today.

Mr. Snyder: Well, that's great. Mr. Mayor.

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Mayor Held: Yes, I'd like to announce that we do have the Christmas sing Sunday, December 4, it's our annual event. Actually the activities will start between 2 and 4 p.m. with cookies with Mrs. Clause at the YMCA. It is free. And then 3:15 to 5:15, we have the ice carving in Bitzer Park and I know that's going to be a real special event this year. And then between 4 and 5 at the North Canton Library there is going to be a therapy dog. Major will be at the Chamber office and ready for children to read Christmas stories and then between 4 and 5 we'll have crafts at the YMCA. Between 4 and 7 we're going to have light-a-candle for the Veterans with the Blue Star Moms. And then at 4:30, holiday movies over at the YMCA and at 5:15 the program begins featuring entertainment from the Hoover Hi-Los, Santa's arrival with the North Canton fire truck, which is an annual event, and then the lighting of the Christmas tree. So all are welcome to attend, and I believe it will be videotaped for those residents that are not in attendance.

And I would also like to thank Mr. Davies for his service. What I appreciated most about working with you, Jeff, is that you were always very forthcoming with your opinion and where you stood, and there was never any doubt even though sometimes we may not always have agreed, you were very straightforward and I think that you worked very hard for the people in the City. I appreciate your service and I'm thankful to have you serve with us.

And Mr. DeOrio, we started out almost eight years ago and we worked on a lot of different projects especially with losing the Hoover Company and the loss of revenue, and that was not an easy time to go through from a budget standpoint specially when you consider income tax at the time was about \$7 million and now it's \$5.4, 4.5 million. And so it was very challenging. You worked very hard on the finance department, and what I'm most thankful for is that the last two years of our relationship has been the best. So I think it took a few years for us to kind of assimilate our work and I was very appreciative of the work you've done and very thankful to have you. That's all I have.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Yes. Mr. Grimes alluded to we did apply for a trio of PWC projects; two being loans and one a grant. We did receive, we were fortunate enough and were successful on all three again this year. Last year we applied for three and we received three last year so thank you for supporting us.

Mrs. Kiesling: Thank you.

Mayor Held: Good job, Jim, thank you. Very good.

Mr. Snyder: Thank you. Madame Clerk.

Mrs. Kalpac: I just wish Patrick and Jeff well.

Mr. Snyder: Thank you. Mr. Peters.

Mr. Peters: I also would like to thank Jeff and Pat for your service. You served the tax payers well. It's been an honor and a privilege.

Mr. DeOrio: Thank you.

Mr. Peters: I appreciate it. That's it.

Mr. Snyder: Mr. Davies.

Mr. Davies: It's been a pleasure.

Mr. Snyder: Thank you. Mr. Cerreta.

Mr. Cerreta: Ditto what they said and thanks for the advice. Over the beginning of the year coming in, they gave me a lot of good advice and I appreciate it.

Mr. Snyder: Mr. DeOrio.

Mr. DeOrio: Well, all those comments were way too short (laughter). We can do much better than that (laughter). I just want to share. I want to thank also, and I'm sure Jeff feels the same way. I thank the residents of North Canton. It's been an honor to serve. It's been humbling to be elected and I think the candidate-elects who come into office and realize how precious a gift it is to be chosen; you should always keep that forefront in your mind and it will serve you well. Members of the press, thank you. Thank you for your fair and accurate reporting of North Canton's business and I can say that the accounts concerning me have all worked to my advantage. I'm sure that wasn't intended, but that's the way it worked out. I thank all of you for that. I leave with a different appreciation for the City's employees than when I came. I realize how hard all of them work, how

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dedicated they are to their job, how much self-sacrifice they make for the cause, and I certainly didn't have that feeling when I first came here, but my hat is off to all of them. I just would like to single out three people. I appreciate everybody else too, but three people really had a profound impact on me in my life so this is the personal story that I'll share. Doug Foltz, you appointed me Chairman of the Finance Committee and it took a lot of faith or confidence or that you saw something there. I know it's in my background, but it's not something that had to happen, but you made that happen and that has led to a lot of professional development for me, and it was unforeseen. That's just the way it worked out and I'll be forever grateful that you were there for me. You stood up behind me. As the Mayor alluded to, those early years were tough negotiations, but you were there and I'll never forget that. So I appreciate that.

Mr. Foltz: Thank you, Pat.

Mr. DeOrio: David Held. You kind of skirted around it a little bit, but it wasn't just the budget battles. I mean, there was some history prior to our coming, and I'll never forget the first day I talked to you on the phone and I kind of approached it this way. There's a lot of people that would probably not want to see us succeed and build a relationship. But we based our feelings towards each other on our own experiences and I didn't think that this would result in a spiritual journey for me, but it has and I think you have been part of that. I appreciate you reaching out, taking that chance, you reaching out and taking that chance and it has been something very personally rewarding to me that I can leave knowing that you and I have succeeded in what some might have said was a bridge too far, but we've crossed that together so thank you very much.

Mayor Held: Thank you.

Mr. DeOrio: Jon Snyder. A lot can be said about how government works, Jon, but what I learned when I came here was I just had a text-book understanding. I used to be involved in political campaigns and tell people this is what they should do. Boy, did I not know what I was talking about, and serving in government was the same way. I certainly had an idea on how things were going to work, but what I learned from you was the ability to see the other side of the story. To see where someone else might be coming from, and when I came here I was pretty headstrong down a certain path. But you trusted me. I trusted you. I've never felt in our time together that that has been ever a question. You've always solicited advice. You've never turned it away. You were a very gracious person to become Finance Chairman, again, include me as part of your committee and Jeff, and I feel we really operated like it was a trilogy. It was a quality there that in politics is very rare. So I appreciate your graciousness and your friendship. And it will be sorely missed.

Mr. Snyder: I appreciate that. Thank you for those kind words.

Mr. DeOrio: Thank you to all of you again. That is it.

Mr. Peters: Thank you, Pat.

Mr. Foltz: Bravo, Pat.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: What can I say, Pat? You know, we've been together now, what four years?

Mr. Snyder: Six.

Mr. DeOrio: Six.

Mrs. Kiesling: Has it been six?

Mr. DeOrio: Yea. (Laughter) Four for Marcia. That's true.

Mrs. Kiesling: Well, we also started off on a rough...you know...we've obviously grown, I mean, I'm going to miss you sitting beside me and giving me advice and all your finance background. It's been a great four years. The first two were iffy (laughter). But the last four have been wonderful. I think we've all worked very well together and it's the best Council I've ever been a part of, and I really appreciate it. And to Jeff, as well. So good luck to you guys.

Mr. Snyder: Mr. Foltz:

Mr. Foltz: Yea, thanks for your service, Councilmen Davies and DeOrio. I think it's unique when you have a makeup of Council and, Jeff, you had a business background being a business owner, and I think that's valuable because we all come from somewhere else to serve in this part-time position. Sometimes more full-time than part-time depending on what you get into, and Pat, you had a great background and I know in finance and insurance and so forth, and you guys, both of you were just so invaluable to the Finance Committee because that's a special committee. You

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guys make some hard choices. You guys meet at different times of the day. You put a lot more time into it than the other committees, that's required of the other committees, so I appreciate that as a serving member of Council, all the hard work that you did, and it wasn't easy. And both of you were always forthright as far as what you felt and we'd hammer it out in some executive sessions or committees, but that's what Council is about. It's getting your point of view out there, defending it, and acting in a gentlemanly way, in a professional way so we make good decisions for our constituents, and I think you guys have both done that. Pat, I've got to serve with you longer. I consider you a friend also and your advice has been invaluable to me as much as I've been to you, so you both will be missed. I hope the Mayor or other members here consider you for other committees and boards because I think we just hate to lose you totally out of our City as far as a government entity, as far as participation in that, so I just thank you for your time served here and I do, we've been, you know, Jon, I know you've been here 14 years, I've been here 16, and we've really had a cooperative spirit here the last, I think, four years, as far as wanting to get the work done for our City, our citizens. Mayor, you've been on this side of the table too. So, I think we've all grown in that respect and you don't see the in-fighting that you used to have and the hard-mind attitudes. We've learned to compromise. We've learned that's the best approach to run our City government, so I thank you both for that also.

Mr. Snyder: Thank you, Mr. Foltz. Anything to come before the Council?

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Mrs. Baughman.

Mrs. Baughman: A year-and-a-half ago, Evie Riegler and I collected money from all the merchants and it resulted in the two signs in front of the Hoover building. We had a little money left over and so we used part of that money with some money from the City and from the Chamber, and the sign has been redone, if you've noticed it. It's updated to say "800 Jobs Plus." The new companies have been added. The companies that changed their names have been added, and at the bottom of the sign it has now been added that the support was also the merchants of the City of North Canton, and we're going to have our picture taken in front of the sign since it's kind of a new sign and this time there will be three of the merchants represented in the picture.

Mr. Snyder: Good. Thank you.

Mrs. Kiesling: Thank you, Miriam.

Mayor Held: Mr. President, if I can also just say a quick word. Miriam, thank you and your committee for putting that together because there are so many residents that comment to me on the exact number of jobs that we have at the Hoover facility and I know it's because that sign that's out there clearly says "800 Plus Jobs." So I think it was a great idea. I appreciate all your work and effort on that and let's keep the number growing. Thank you.

Mr. Snyder: Just a reminder, Friday evening at 5:30 is the Organizational meeting, to which time the new members and the returning members will be given the Oath of Office. We will have the Honorable Judge Hall here to do the installation of the Mayor. The officers of the corporations and all the public is welcome. There will be refreshments, minor light refreshments afterwards. Anything else to come before the meeting? If not, I'll entertain a motion to adjourn.

ADJOURN:

Mr. Foltz: So moved.

Mr. Davies: Second.

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

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

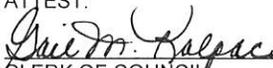
No: DeOrio.

The Council meeting adjourned at 8:34 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL