

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON SPECIAL

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, November 7 7:16 p.m. 20 11

CALL TO ORDER:

1. The council meeting was called to order Monday, November 7, 2011 immediately following the Committee of the Whole meeting at 7:16 p.m. by President of Council Jon Snyder.

Mr. Snyder: I have to read into the record, this meeting was called pursuant to a letter signed by me to call this meeting, and may I have a roll-call vote, please.

ROLL CALL:

2. The following members of Council responded to roll call: Cerreta, Davies, DeOrio, Foltz, Kiesling, Snyder. Council Member Peters was not present for the meeting

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

Mr. Snyder: May I have a motion and second to excuse the absence of Mr. Peters?

Mr. Davies moved and Mrs. Kiesling seconded to excuse the absence of Council Member Peters. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Snyder, Davies, Cerreta.
No: 0

3. Mr. Snyder: May I have a motion and a second to **waive the rules of council** requiring committee report minutes prior to the introduction of Ordinance No. 97-11.

Mr. Davies moved and Mrs. Kiesling seconded to **waive the rules of council requiring committee report** for Ordinance No. 97-11. All members present voting:

Yes: Foltz, Kiesling, Snyder, Cerreta, Davies, DeOrio.
No: 0

Mr. Snyder: May I have a motion and a second to **read by title only, first reading** of Ordinance No. 97-11.

Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 97-11. All members present voting:

Yes: Kiesling, Snyder, Cerreta, Davies, DeOrio, Foltz.
No: 0

Ordinance No. 97-11 – 1st Reading – Personnel & Safety Committee

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and the North Canton Service & Clerical Employees, and declaring the same to be an emergency.

Mr. Snyder: The Service and the Clerical, as you know, are receiving no directed wage increases for two years. There is a reopener in the third year of their contract. They have agreed to the higher deductibles on the healthcare. They have agreed to the longevity elimination on new employees, and the minimum requirements of the State of Ohio relative to sick leave being 25% and a minimum of 240 hours, and I believe in this one there are some step raises for, is it in this one?

Mr. Nilges: No, slightly different than a step raise. There are promotion opportunities defined for several classifications of worker from general labor or entry level to service worker IV. There is, I forget how many positions there are in-between those. At certain number of years there are, the employees become eligible for review and promotion. Reviews are going to be based on written job descriptions and that's something that is in the collective bargaining agreement and are expressly conditioned on demonstration of competent performance and the ability to perform at the more senior-level position. So it is not a step increase. It is a promotion opportunity that if you can meet the defined criteria, you are then eligible to be promoted or will be promoted to the next level after you have served a certain number of years.

Mr. Snyder: Council, any questions? If not, may I have a motion and a second to **adopt the first reading** of Ordinance No. 97-11.

Mr. Davies moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 97-11. All members present voting:

Yes: Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling.
No: 0

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Mr. Snyder: Before I ask for the suspension of the rules, rather than because what would happen, I would not suspend the rules if there's not six favorable votes to do this. Do I have six favorable votes? Otherwise we'll move on. Everybody is comfortable?

Mr. DeOrio: I wouldn't say I'm comfortable, but you know, you would think with just three more meetings to go, why would I?

Mr. Snyder: No, I respect your vote. That's why I say rather because if I would suspend the rules and we would ask for it and it would fail, it would have to go back through.

Mr. DeOrio: I don't know why. There's a lot.

Mr. Snyder: If you are uncomfortable, we understand that. I respect you for that and I don't want you to feel at anytime, if you'd rather we read this again next Monday as a second reading, we'll do that. That is not a problem. I don't want you to feel as if we're putting pressure on you. And I respect your opinion and I respect the fact if you feel that way we'll move on to the next one.

Mr. DeOrio: Right.

Mr. Nilges: One point to that though. When it comes to the suspension of the rules and we did talk about offer acceptance and so on, it would be a good idea that we have a signed agreement tonight because if we don't have a signed, if we don't accept their offer, because we do have a signed agreement by the bargaining unit and if we do not authorize the Mayor to sign it tonight, they do have the option of retracting that offer so we do need to accept that by authorizing the Mayor to sign it tonight.

Mr. Snyder: OK.

Mr. DeOrio: And I do appreciate every member of Council and Jon also in your role as president that you haven't tried to, you know, you respect that opinion and I do appreciate it and I wish Chairman Peters was here and then it really wouldn't matter. But I have said, I guess, in the past too, that I don't want one person to be in the position to fort the will and I think from what I've heard everybody else on Council is comfortable with it, Administration, Law Director, Finance Director, the unions, the people that signed it already so I don't think it would be right for me to hold it up in taking into account what the Law Director just said so I appreciate you letting me have my venting there so thank you.

Mr. Snyder: It's not a problem. I just want to make sure you are comfortable with your vote. Thank you for your candor. At that point, may I have a motion to **suspend the rules of Council** pertaining to Ordinance No. 97-11. As directed by the Law Director, an emergency does exist in as much as there is a tentative offer and we have signed it.

Mr. Davies moved and Mrs. Kiesling seconded to **suspend the rules** pertaining to Ordinance No. 97-11. All members present voting:
Yes: Cerreta, Davies, DeOrio, Foltz, Kiesling, Snyder.
No: 0

Mr. Snyder: May I have a motion and a second to **adopt under suspension of the rules** of Council Ordinance No. 97-11.

Mr. Davies moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 97-11. All members present voting:
Yes: Davies, DeOrio, Foltz, Kiesling, Snyder, Cerreta.
No:

4. Mr. Snyder: May I have a motion and a second to **suspend the rules of Council** requiring committee report minutes pertaining to Ordinance No. 98-11.

Mrs. Kiesling moved and Mr. Davies seconded to **waive the rules of council requiring a committee report** for Ordinance No. 98-11. All members present voting:
Yes: DeOrio, Foltz, Kiesling, Snyder, Cerreta, Davies.
No: 0

Mr. Snyder: May I have a motion and a second to **read by title only, first reading of** Ordinance No. 98-11.

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 98-11. All members present voting:
Yes: Foltz, Kiesling, Snyder, Cerreta, Davies, DeOrio.
No: 0

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Ordinance No. 98-11 – 1st Reading – Personnel & Safety Committee

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and the Clerical, Fiscal and Accounting Specialists ("CF&AS"), repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Snyder: And again, this is a mirrored adaptation and you received that tutorial. There are no wage increases for the first two years. There is a reopener on the third year. The required movement on the higher deductible is doubling what they currently pay and that's basically the genesis of it. Any questions?

Mr. Nilges: Sick leave and longevity.

Mr. Snyder: The sick leave, the longevity is eliminated from employees hired after the first day of August in 2011, and the sick leave is to the State minimum of 240 hours at 25% versus a 50% payoff unlimited so over the period of time it will save the City significant dollars. Any questions? If not, may I have a motion to **adopt the first reading** of Ordinance No. 98-11.

Mr. Davies moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 98-11. All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence, may I have a motion to **suspend the rules of Council** for Ordinance No. 98-11.

Mr. Davies moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 98-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to **adopt under suspension of the rules** Ordinance No. 98-11.

Mr. Davies moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 98-11. All members present voting:

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

No:

5. Mr. Snyder: May I have a motion and a second to **waive the rules of Council** requiring committee reports pertaining to Ordinance No. 99-11.

Mr. Davies moved and Mrs. Kiesling seconded to **waive the rules of Council requiring a committee report** for Ordinance No. 99-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion and a second to **read by title only, first reading** of Ordinance No. 99-11.

Mr. Davies moved and Mrs. Kiesling seconded to **ready by title only, first reading** of Ordinance No. 99-11. All members present voting:

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

No:

Ordinance No. 99-11 – 1st Reading – Personnel & Safety Committee

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and the North Canton Drinking Water Plant Operator Employees, and declaring the same to be an emergency.

Mr. Snyder: This again is a mirror to the others with the exception a sick-leave component is there, the longevity-pay component is identical. There are no wages for the first two years. There is a wage reopener in the third year, the only difference being for possibly four individuals that require extensive technical training. There is a \$450 stipend for them to receive that training, which in essence saves the City thousands of dollars in the cost of chemicals because they are certified in that technical field. The most it could be is four, mandated by the State for the size of the lab that our water-treatment plant currently exists at. The other difference in this particular contract versus the other contract, there are some

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differences in the deductibles. The deductibles have been raises, again doubled, however under certain circumstances some of it, up to 50% of that, would be rebated back to the employees. Copies of these will be available at the Clerk's office should anybody like to see them for actual review after the Mayor executes them. Any questions of Council? If not, may I have a motion to adopt the first reading of Ordinance No. 99-11.

Mr. Davies moved and Mrs. Kiesling seconded to adopt the first reading of Ordinance No. 99-11. All members present voting: Yes: Foltz, Kiesling, Snyder, Cerreta, Davies, DeOrio. No: 0

Mr. Snyder: As an emergency exists to execute these contracts, may I have a motion and a second to suspend the rules of Council for Ordinance No. 99-11.

Mr. Davies moved and Mrs. Kiesling seconded to suspend the rules for Ordinance No. 99-11. All members present voting: Yes: Kiesling, Snyder, Cerreta, Davies, DeOrio, Foltz. No: 0

Mr. Snyder: May I have a motion and a second to adopt under suspension of the rules Ordinance No. 99-11.

Mr. Davies moved and Mrs. Kiesling seconded to adopt under suspension of the rules of Council Ordinance No. 99-11. All members present voting: Yes: Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling. No: 0

Mr. Snyder: Prior to anything else, we did hear from the leases of the Fairways regarding their property for voting tomorrow, as well as other City-owned property. We have an opinion, an extensive opinion from our Law Department, which we will give any candidate if you would like to have one, relative to that and I'll ask Director of Administration Grimes to read into the record what we have had on that. Would you do that, Mr. Grimes, please? And this is for any potential candidate who is seeking office tomorrow or any elected official presently seeking office tomorrow.

Mr. Grimes: We'd like to just remind everybody there are rules and that. Don't waste any of your valuable signs putting them on City property or in City right-of-way or in lawn strips because they will be removed per our ordinances. The other thing is, on City property there will be no campaigning and those of you who have been in here know that the Fairways is owned by the City of North Canton, but it's actually under control of the people there at the Fairways and they have made it know that they too wish nothing to be done on their property at the same time so anybody have any complaints or anything, feel free to call the office of the Direct of Administration and we'll address them and we're an equal-opportunity employer and we'll enforce it equally across. So we want everybody just to not waste their time or energy on losing their signs that they're putting up.

Mr. Snyder: Director Grimes, one thing it points out here, the Law Director has pointed out - should you elect to campaign by passing anything out on City property, be it the Fairways, be it Dogwood, be it the Civic Center, you will be arrested and removed for trespassing. You are not permitted to go onto that property and hand anything to anybody seeking to cast a vote. That is not common property so if you are there we will dispatch the police and have you removed, as that is City-owned property. The tenants requested there be nothing passed out on their property. Any questions on that? Any other questions of the Administration or Council? If not, I'll entertain a motion to adjourn.

Mr. Davies: So moved. Mrs. Kiesling: Second.

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

The special Council meeting adjourned at 7:32 p.m.

[Signature] PRESIDENT OF COUNCIL

ATTEST: [Signature] CLERK OF COUNCIL 11/8/11 - dkw