

RECORD OF PROCEEDINGS

0167

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014E

Held Monday, December 12

7:00 p.m. 20 11

CALL TO ORDER:

- 1. The council meeting was called to order Monday, December 12, 2011 at 7:00 p.m. by President of Council Jon Snyder.
- 2. The opening prayer was delivered by Rev. Eli Klingensmith, Zion United Church of Christ.
- 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, Foltz, Fox, Griffith, Peters and Snyder.

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

Also present were: Mayor Held, Director of Administration Grimes, Director of Finance Alger, Director of Engineering Benekos, Director of Administrative Services Bill Bartos, Fire & Safety Inspector Gary Coen, Susan Elsass, Allen DeGuzman, Clerk of Council Kalpac.

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

Yes: Foltz, Fox, Griffith, Peters, Snyder, Cerreta.

No: 0

Council Member Kiesling arrived shortly after the start of the meeting.

- 5. CONSIDERATION:

Council Meeting Minutes – November 28, 2011  
Organizational Meeting Minutes – December 2, 2011  
Mayor's Court Receipts – October, 2011

Mr. Snyder: May I have a motion and a second to approve, as presented, the Council Meeting minutes of November 28, 2011, the Organizational Meeting minutes of December 2, 2011, and the Mayor's Court Receipts for October, 2011.

Mr. Foltz moved and Mr. Peters seconded to **approve, as presented**, the Council Meeting minutes of November 28, 2011, the Organizational Meeting minutes of December 2, 2011, and the Mayor's Court Receipts for October, 2011. All members present voting:

Yes: Fox, Griffith, Peters, Snyder, Cerreta, Foltz.

No: 0

- 6. COMMITTEE MINUTES:

Mr. Snyder: May I have a motion and a second to approve, as presented, the Committee Report minutes for the Committee of the Whole meeting held the 5<sup>th</sup> of December 2011.

Mr. Griffith moved and Mr. Peters seconded to **approve, as presented**, the Committee Report minutes for the Committee of the Whole meeting held December 5, 2011. All members present voting:

Yes: Griffith, Peters, Snyder, Cerreta, Foltz, Fox.

No: 0

**Committee of the Whole Meeting:** Please refer to the minutes on file in the Council Office of the Committee of the Whole meeting held December 5, 2011.

- 7. VOICE VOTE – APPOINTMENT OF DOUG LANE TO CIVIL SERVICE:

Mr. Snyder: At this time, I would like a voice vote to appoint Mr. Doug Lane to the Civil Service Commission. Mr. Lane's service will run commencing the first day of January 2012 through the 31<sup>st</sup> of December 2015. I need a motion.

Mr. Foltz: Motion to appoint Doug Lane.

Mr. Cerreta: Second.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, December 12 7:00 p.m. 11

Mr. Foltz moved and Mr. Cerreta seconded to appoint Mr. Doug Lane to the Civil Service Commission commencing the first day of January 2012 through the 31<sup>st</sup> of December 2015.

All members present voting:

Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith.

No: 0

8. VOICE VOTE – APPOINTMENT OF PAT DEORIO TO THE INCOME TAX BOARD OF REVIEW:

Mr. Snyder: At this time, I would like a motion and a second to appoint Mr. Pat DeOrio to the Income Tax Board of Review for the term commencing January, 1, 2012 through August 31, 2014.

Mr. Foltz: Motion to approve appointment of Pat DeOrio to the position.

Mr. Peters: Second.

Mr. Foltz moved and Mr. Peters seconded to approve the appointment of Mr. Pat DeOrio to the Income Tax Board of Review for the term commencing January 1, 2012 through August 31, 2014. All members present voting:

Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Peters.

No: 0

Mr. Snyder: Gentlemen, thank you for again stepping up to serve the community. It's very much appreciated. Thank you, Mr. DeOrio and Mr. Lane. At this time, is there anyone in the audience wishing to speak to the Council? Please step forward and state your name and address for the record.

9. RECOGNITION OF VISITORS:

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. For the second time in the last ten years, the City of North Canton finds itself facing a governmental order to clean up a dump site where, for years, the city was open dumping solid waste in violation of state law. North Canton taxpayers will certainly be getting a lump of coal in their stockings this Christmas as the cleanup will require the expenditure of city funds and needlessly place added stress on the city's budget. In 2002, North Canton was mandated to clean up its own Dressler well field as a result of dumping practices that dated back to the 1980s. That cleanup cost taxpayers approximately \$500,000. Mayor Held, you were the City Administrator at that time and as administrator you oversaw the cleanup for the city. One would think after overseeing the expenditure of approximately one half million dollars of public funds to abate illegal dumping practices that that experience would make an indelible impression and that thereafter you would make an extra effort to ensure the proper disposal of city waste material. Apparently, no lessons were learned as the open dumping of solid waste continued during and after the cleanup of the Dressler well field site. This appears to be the case as in a December 10, 2009, Repository report titled, "Cleaning up a mess in North Canton" it is stated "...City administrators say the two dump sites has been used for more than five years, while one former employee indicates the site has been used since the 1990s." The discovery of the illegal dumping of street sweepings began with a complaint from the Ohio EPA to the Stark County Health Department on October 6, 2009. The original complaint cited two dump sites, one on a farm on South Arlington and a second site north of Portage Avenue on Freedom Avenue known as the Mathie property. I have been told by city officials that the dump site on South Arlington has been cleaned up and that it was done in-house with city employees and city equipment. Mysteriously, no one in the city can provide me information as to when and at what cost. I would like to see documentation as to the man hours expended, the equipment used, and the cost to dispose of the solid waste at a licensed disposal facility. I would also like to know why City Council has not asked for any accounting for the cost of cleanup of the South Arlington site. The Mathie site is adjacent to North Canton's water treatment plant as well as to a city well field. It also lies within the Zimber Ditch flood zone. Two years have passed since state and county regulatory agencies have weighed in on the violations of state law regarding the illegal disposal of solid waste by the City. The Mathie property dump site was also identified as a wetland. Fortunately for North Canton, the property was deemed not to be a "regulated" wetland as dumping apparently began before creation of the Clean Water Act in 1972. This ruling by the Corp of Engineers spares North Canton the cost of wetlands mitigation. Consequently, North Canton will only be required to remove the street sweepings that were open dumped on the Mathie property. This is detailed in a November 16, 2011, "Public Health Order" from the Stark County Health Commissioner William Franks to City Administrator Michael Grimes requiring the City of North Canton to remove solid waste that was dumped in violation of state law. The cost of the cleanup is on everyone's mind but as of last Friday, Administrator Grimes would not provide any estimate to me of the cost. In a November 25, 2009, interview published in the Stark County Political Report (SCPR) titled, "Clean Up of Street Sweeper

RECORD OF PROCEEDINGS

0169

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

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

Held Monday, December 12

7:00 p.m. 20 11

Backfill Could Cost \$100,000 Plus How Much in EPA Fines?" Mayor Held tells the Report that "...the cost of remediating could be \$100,000...." Mayor Held, I would like to know if your estimate of the cost of a cleanup that you gave to the Stark County Political Report two years ago is accurate. A November 23, 2009, Repository report titled, "North Canton council won't discuss dumping probe" stated, "City officials said they didn't know that dumping street sweepings at the site would be a violation." Mayor Held, having formerly overseen the cleanup of a previous dump site here in North Canton as City Administrator as well as having held the position of Director of the Joint Solid Waste District for Stark, Tuscarawas and Wayne Counties since July of 2004, I am flabbergasted as to your professed ignorance regarding the disposal of solid waste. In the November 23, 2009, minutes of City Council, former Council President Daryl Revoldt states, "...in addition to funding remediation, this council may consider other appropriate actions it deems necessary to satisfactorily resolve this matter and assure that a similar situation does not occur." I would like to know if this council is prepared to finally speak up publicly on what will obviously be a wasteful expenditure of taxpayer funds to comply with the Health Department's "Public Health Order." Is this council prepared to speak to the failure of leadership by Mayor Held on this matter? What line items on the budget will go unfunded to find the dollars needed to accomplish the remediation of the dump site? Among the reasons the Stark County Health Department cites for its decision to issue a "Public Health Order" against the City are: 1) Street sweepings are identified as solid waste in Ohio Revised Code and Ohio Administrative Code. 2) North Canton City personnel attended training regarding street sweepings, and should have been aware that sweepings needed to be disposed of in a licensed solid waste facility. 3) The City of North Canton had previously been ordered to clean up street sweepings that were open dumped in the late 1990s. 4) The waste is in the proximity of one of North Canton's municipal water supply wells. The repeated failure by city officials to comply with state laws regarding the disposal of city waste and the concomitant financial costs that the taxpayers of North Canton are forced to bear are an embarrassment to the community and distressful to the residents. Furthermore, it raises deep concern about the caliber of leadership in North Canton. Given that the Health Department's "Public Health Order" against the City is nearly a month old, and the fact that citizens deserve to know the financial impact that the remediation will entail, and in the interest of transparency and accountability I ask that the full details regarding this issue be made available to the public without further delay.

Mayor Held: May I answer?  
Mr. Snyder: Please, Mayor.

Mayor Held: OK. First off, Chuck. Again, and I have addressed this in the past. Once again, you are partially correct, and what frustrates me the most is whenever you bring something up there is always the implication that there is some covert operation and that there is some wrong-doing that's taking place. And that does, it's upsetting because especially the fact that it's untrue. But what I'll do is I'll recap for you and for everyone here where we're at with street sweepings. When you look at street sweepings and you look at the regulation, and of course since I work at the Solid Waste District, I think I have a pretty good idea as far as what the definition of solid waste is. It says that it's, it defines it as any unwanted material such as dirt or other debris. But there is also an exemption, which is, I believe, construction materials such as soil, which is exempt. So what we do in the city is if we have a storm sewer that we're replacing, there is soil that's removed from that, as well as the street sweeping materials that gather within that storm sewer catch basin. We are permitted to take that and to use it as backfill. Not dumping, but backfill under a certain set of criteria. That street sweeping, it was our impression, as well as probably most of the political subdivisions in the state of Ohio including ODOT that takes those street sweepings or that construction debris from various projects and they use it as backfill. The problem is the technical interpretation by the Ohio EPA based on the complaint that they received here in the city. So for years, various, numerous political subdivisions will use street sweepers to collect...

Mr. Osborne: Let me interject something here from a letter to Kirk Schuring.

Mayor Held: Hold on. It's my turn.

Mr. Snyder: Mr. Osborne...

Mr. Osborne: Contrary to North Canton's...

Mayor Held: Chuck...

Mr. Osborne: assertion other municipalities are managing their waste properly. This is a letter from Stark County Health Department to Kirk Schuring, which I know you probably went to hoping to get another political fix here.

Mayor Held: No, but you are right. Once again, you are (inaudible).

Mr. Snyder: Mr. Osborne, this is not a debate. You had your time now stand there and you can rebut, but let the Mayor finish. Be a gentleman.

Held Monday, December 12

7:00 p.m.

11

Mayor Held: Please let me finish. I listened to you, let me finish. What's frustrating about this is that you are correct. The other political subdivisions in Stark County are now, because of our situation, properly managing their street sweepings according to the Ohio EPA, which is presently changing that policy, because of this specific situation. When you have political subdivisions throughout the state of Ohio that take their street sweepings and they use it as backfill. Political subdivisions in Stark County and throughout the state of Ohio that presently do it, not in Stark County because we have amended that and we're making sure that all political subdivisions – Jackson, Plain, Perry, Massillon – that they are now taking it to the landfill just as we are now, but what's frustrating to me is that the city of North Canton, because there is a formal complaint that was filed by the city, one of which was by you, I believe, Chuck, correct?

Mr. Osborne: No, it was a former city employee.

Mayor Held: And that's OK. We went down to the Ohio EPA and met with the Assistant Director of the Ohio EPA. We also met with Kirk Schuring, our legislator, and I talked with the previous OHIO EPA Director and the present Ohio EPA Director. They have draft policy, which is not finalized yet, but they hope in the next couple of weeks that it will be finalized, and that is where you can take the street sweepings and you can trammel that and use it as backfill, which is what we have done. So we're looking actually to improve upon that policy. Why should the city of North Canton be singled out because of a written complaint when other political subdivisions have piles of street sweepings just as we do yet they are not required to remove it?

Mr. Osborne: Mayor Held, the Stark County Health Department has heard all this. They've heard all this.

Mayor Held: Hold on, I'm not done. Jon?

Mr. Snyder: Mr. Osborne, please, sir, be respectful and let the Mayor speak. He did not interrupt you when you gave yours.

Mr. Osborne: This has gone on.

Mr. Snyder: Mr. Osborne!

Mr. Osborne: OK. I'll wait.

Mr. Snyder: Thank you.

Mayor Held: I know it's a struggle for you to listen, Chuck, but I listened to you. But this is frustrating to me. It really is. Because we are being singled out. Why are we being singled out? Because the other communities throughout the state of Ohio do not have a formal complaint. But because we do, we are being made an example of. And because of being made an example we are now, they are now considering changing the policy. But it still doesn't change the fact that, yes, we in the city of North Canton are now properly managing the street sweepings in the manner of the present regulation, but at the same time we are required to go back and correct what has been done years previously when other political subdivisions are not. So we are meeting with the Ohio EPA, and we're going to voice our concern just as we did two years ago, we're going to do that again. But what's frustrating to me, Chuck, is that, and by the way, when we talk about the interpretation, when we met with the Ohio EPA I asked them to define the difference between dirt, which is considered solid waste, and soil, which is an exemption. Is dirt what you find in the kitchen? And soil what you find in the back yard? But they couldn't give me a clear interpretation at that time. They needed to talk with their attorney. It's not because the Ohio EPA is doing anything wrong. It's not because the city is doing anything wrong. It's a regulation that was written, I believe, in the 1970s, which is ambiguous. And so you have well-intentioned city workers that are following policies and procedures and that they believe they are managing the situation correctly just as all the other political subdivisions in the state of Ohio are doing, and because there was a complaint they revisit the regulation and yes, based on the interpretation we were incorrectly placing the street sweepings, which we believed is backfill and is now being considered a solid waste. So you can sense my frustration by this. Hold on, Chuck. And so we are addressing this. They are, the Ohio EPA is in the process of changing that policy, and what we are hoping to do is to get this straightened out in a manner that is not only amenable to the city of North Canton, but the other political subdivisions throughout the state of Ohio, so they don't have to go through what we're going through. That's all.

Mr. Snyder: Mr. Osborne, I'll give you two minutes.

Mr. Osborne: They have given you two options. You can either remove it or you can screen it like you are talking about.

Mayor Held: That's the Stark County Health Department. The Ohio EPA is the one that manages the regulations.

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Monday, December 12 7:00 p.m. 20 11

Mr. Osborne: No. This is the authority. Can you answer my question?

Mayor Held: Stark County Health Department. The Ohio EPA writes and they modified and adjust the regulations.

Mr. Osborne: Is your estimate still \$100,000, or Mr. Grimes, have you got any further input?

Mayor Held: That's an estimate based on the existing policy, and that's what I stated two years ago.

Mr. Osborne: Mayor?

Mayor Held: So if it's under the existing policy, the estimate would be accurate.

Mr. Osborne: They are not waiting any longer. This is a public health order.

Mayor Held: But we're not sure that the existing policy is going to stay.

Mr. Osborne: You have been ordered to clean this up. What is the estimate of the cost?

Mayor Held: Once again, you are twisting things around. We don't have an idea.

Mr. Osborne: It says public health order.

Mayor Held: No. No, no, no. Yea, but that's the Stark County Health Department. That's not the Ohio EPA.

Mr. Osborne: They're the authority in this jurisdiction.

Mayor Held: This is a waste of time. I'm done.

Mr. Osborne: Well, so you can't tell me what it's going to cost?

Mayor Held: No. Because you are unreasonable. I'm trying to point things out, but you focus on one point. You drive it home and drive it home and drive it home, and you don't listen to anything anybody says.

Mr. Osborne: Can you tell me what it costs?

Mayor Held: That's why it's frustrating. So that's all.

Mr. Osborne: What did the South Arlington Street site cost the city? Has anybody detailed any of that?

Mayor Held: I'm done.

Mr. Osborne: Nobody knows how much we had to spend needlessly for illegally violating laws?

Mayor Held: That's because we use city employees. We use city employees, Chuck. We use city employees so there are fixed costs that are already incorporated into their salaries.

Mr. Osborne: No, no, they could have been doing something else.

Mayor Held: If we want to take an itemized.

Mr. Snyder: Gentlemen, we are not going to get anywhere here arguing.

Mr. Osborne: What were the man hours and the equipment and the disposal fees that you had to pay?

Mayor Held: You didn't ask that. See, now you are changing your question based on my answer. We're done!

Mr. Osborne: David, you had to use city employees, city equipment, and deposit this at a disposal facility and pay to have it disposed of.

Mayor Held: Yes. Under the old policy that's exactly right. We'll get your costs.

Mr. Snyder: Mr. Osborne, I will say this, sir; if there is a calculation of the cost we will provide that to you through the public records request, and if that...

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

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

Held Monday, December 12 7:00 p.m. 11)

Mr. Osborne: Mr. Snyder, I have done that and I have waited over a week and nobody will provide it.

Mr. Snyder: (Gavel) Well, we'll see. I will check to see if...

Mr. Osborne: Nobody even seems to know. They can't find records.

Mr. Snyder: Well, we'll issue you a letter. If we don't have it then we don't have it. I mean, we can only give you what we have.

Mr. Osborne: This just happened in the last 18 months.

Mr. Snyder: Well, we'll look into it, sir.

Mr. Osborne: Is this how the city is actually run?

Mayor Held: Chuck, once again...

Mr. Snyder: No, we don't want to banter back and forth and get everybody in an argument, but if we have it, sir, we'll make sure, and I'll ask the Administrator and the Director of Finance to provide, if we in fact have it.

Mr. Osborne: If you have it!

Mayor Held: No, but Chuck.

Mr. Osborne: This is a very sorry way to run government.

Mayor Held: It's like if you ask us what the cost is to fill in pot holes on a particular street. It's not how we itemize our cost. It's real easy to come up here and say, give us an expense on what it cost to remove that when you use city employees and city vehicles and city gas. You should have that! It's not how we itemize our expenses. It's a great attempt at making people appear as though they are not doing their job, but what's frustrating to me is that it's nothing more than just trying to make accusatory comments. The people are working hard and doing a good job. We can go back. We can look at the number of hours that were put into that, and we can itemize a cost for you, but it's not like we have a computer system that says four street employees with three trucks and we just plug it in and it automatically spits out a cost for you. It just doesn't work that way.

Mr. Osborne: Council (inaudible).

Mayor Held: But when you don't get it you imply...

Mr. Osborne: You should have ordered the Council.

Mr. Snyder: Alright, gentlemen, that's enough. Is there anybody else in the audience wishing to speak to us this evening? Step forward.

Mr. Kelly: This is going to be tough to follow. My name is Scott Kelly and I live at 232 Woodrow Street NW. I am here tonight to speak to you as president of the North Canton Professional Firefighters & Paramedics Association. I know it's probably rare for the union president to address Council, but after comments made by you, Mr. Snyder, in the *Repository*, NorthCantonPatch.com, and this latest issue of *Our Town*, I felt that it was no longer, it was long enough for me to stay quiet about layoffs and possible cuts in service, cuts in services if these two levies don't pass in May. I'm truly, I'm angry. First we had to deal with Issue 2, and now this. Our union has given up overtime, which past administrators and mayors and finance directors have complained about. That overtime has been cut in half, if not more. OK? We were the only union to take a zero-percent pay increase in the final year of our contract, and on top of that the raise in healthcare. No other union did that. And then when our union members knew that we were going to lose the overtime they still went out and campaigned for this last levy, which you said was going to be good enough. OK? Now all of a sudden you are saying that it's not good enough, and now we're going to have to pay the price for your mistake. I think better research should have been done on your part for this last one. I mean, did you not think that the housing slump hit North Canton?

Property values across this country, what is it? 80% of the people in this country are under water. Did you not think that hit North Canton?

Mr. Snyder: That's alright, Mayor, let him finish. That's alright.

Mr. Kelly: It just angers me because it's always our fault. When the Hoover Company was closing, it was all the city employees' fault. Not that the Hoover Company had competition with Dyson and Dirt Devil. No, it was because of the city employees, you know, and that seems to be the trend

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, December 12 7:00 p.m. 20 11

right now in Ohio, is it's all the public employees' fault. All we do is we come to work, we do our jobs, and we go home. We try to go home safely every night. And now all of a sudden we don't have an answer. So it's the employees' fault. I remember in our negotiations in 2005, with then past Finance Director Julie Herr, and our attorney in fact finding asked her, you know that the Hoover Company has been closing since 1999, or downsizing since 1999, what have you done to bring in more income? You know what her answer was? Nothing. But still when it closed in 2008, it's our fault. OK, I'm tired of it. It's not our fault. We just come to do our job every day, OK? That's all we do. And I'm tired of it. When is it going to stop? When is it going to stop that it's our fault? It's not our fault, OK? Foreclosures, bailouts, the banks, it's their fault, OK? And I credit that past finance directors and this one today because they have done their job in keeping everybody employed. Now granted, we haven't hired, but nobody has lost their job, OK? Now, why not? Let me ask you something. If these levies fail, are you going to give up your healthcare? I saw that in 2011, the city allocated \$96,000 for your healthcare. Are you going to give that up and put that money in the general fund to keep fire and EMS services the way they are, or are you here for yourself because you need healthcare and "I don't care about my constituents?" That's where I'm at and that's why I had to come speak tonight. Because it's not right. It's not our fault, OK? I think it was a lack of planning, lack of research on property values in the city. Now you expect us to go out and campaign for an EMS and Fire levy when we've conceded so much, and we're probably going to concede more in these next negotiations. When does it end? I want to know.

Mr. Snyder: Sir, let me address number one. You are wrong in your statement. I did make the statement if these levies don't pass it will result in layoffs. I did not say it would result in Fire and EMS layoffs. I said it would result in layoffs. Number one, when we made the levy, the existing new levy, I asked to have a five-year levy and I consulted with the rest of the Council. It went to a two-year nonrenewable levy. Last fall when we were getting ready to do the budget, EMS came up \$225,000 short. The present levy that was placed for a mill-and-a-half does generate every dollar that I knew it would generate. It does not generate less dollars. It generates the right amount of money. Costs have gone up in EMS. We were short \$225,000. For 15 years, the general fund subsidized EMS and Fire. That's not the way it's supposed to be. It should operate on itself. The salaries, based upon that, eat up the majority of the money so consequently we were \$225,000 short, which had to be transferred from the general fund, which was not there. I don't collect the taxes. I can only allocate the money that is brought in. It's short \$225,000, to which time I had a meeting with Chief Bacon. I said, Chief, we're short \$225,000. Have you any ideas? And the Chief said, well we walked. Karen was there, I was there, the Chief. We decided the simplest way was to take the existing levies, which were 0.5 for Fire and a 1 percent levy for EMS, that were generating 0.3 and 0.46 of the original taxing levy, which was put on in the '80s. They were not generating the right amount of money that they were intended because they have by State law a trigger. They keep coming down each year. So if we put the replacement levy on at the original amount that the citizens had, it would generate almost \$300,00, which in fact would put EMS back to parity. EMS this past year was subsidized by the general fund \$25,000. Our efforts and our work with the Fire unions and the EMS union has resulted in the general fund transferring \$25,000 versus \$440,000, the year before. So I applaud you on your efforts and I applaud you on your cooperation with the city in the negotiation with the men. At no time did I say that the city was going to lay off a firefighter or and EMS, but it has to lay somebody off if those revenues don't come in. They are just not there.

Mr. Kelly: So if you are going to put on a Fire and EMS levy, what's that money going to go towards?

Mr. Snyder: Fire and EMS. By law it has to go to Fire and EMS.

Mr. Osborne: Who is going to get laid off?

Mr. Snyder: Well, we're not going to make the transfer out of the general fund. If we don't have the levy the money has to come out of the general fund.

Mr. Kelly: OK.

Mr. Snyder: So consequently the general fund pays all the other operations.

Mr. Kelly: So you're going to say that a layoff is going to happen somewhere in the street department even though this is a Fire and EMS levy?

Mr. Snyder: Well...

Mr. Kelly: The layoff. Just be honest. Just tell me.

Mr. Snyder: I just go done telling you that. I'm telling you that..

Held Monday, December 12 7:00 p.m. 11)

Mr. Kelly: Just tell me that layoffs are not going to come in the Fire and EMS departments.

Mr. Snyder: Something has to happen if the Fire levy and the EMS levy does not pass; the general fund will be short \$225,000. Now whether we lay a body off, whether we don't do a project, whether we take it from healthcare, which is against the law anyway because you cannot change the numeration of an elected official in term. It's against the law. If we wanted to give it up like today, we couldn't give it up because the law says you cannot change your money in term. And relative to you say, I get \$4800 plus \$4000 worth of healthcare, I work probably 26-35 hours a week on Council because I want to. It figures out to about \$4 an hour so I don't think I'm overpaid, but again, if you think that, that's a privilege.

Mr. Kelly: Did I say that?

Mr. Snyder: No, sir, but I'm saying that's a privilege. I'm speaking of myself only, but I'm not complaining because I like what I do. I'm here probably five days a week and I'm on the phone at least six or seven hours a day. I'm not complaining. I like to do it. I like it because I love my community and I want to make it work. But, sir, don't think that I don't do my job and that I don't understand the budget. There is not a person. No wait a minute. Let me finish. I listened to you. Because I do get angry when I get accused of doing something that I did not do. We studied the budget. We were short \$225,000. We're not permitted by law to have a deficit budget. We have to balance the budget. Where are we going to get it? We either lay a body off, we don't do a project. We have people come up every Monday night saying, you're not doing the projects. You're not doing it. If the levies don't pass, we'll look at it at that point what we're going to do. I don't have any idea. That's a call of the Mayor. I don't have. I'm only as responsible as the other six members, my colleagues, for three or four people. We cannot lay anybody off. We don't have that authority. That rests with the Mayor only and the Administrator. But we're being responsible when we look at it. First of all, EMS is a valued service of this community. It's one of the best in the country. The Fire service is the least expensive of anyplace in the county. The fire department is the least expensive operation that we have. It operates magnificently at probably 30% of anybody else. I don't have any idea; I should watch what I say because I don't have any idea relative to anybody else. I know only about our service on Fire, but the EMS service should be paid by the people that it treats and transports. We have a very, the protocol set by your Chief requires that amount of people. Unlike any other transport or EMS service in the county, we have a higher protocol. Our calls, our run costs are greater than anybody else, and that's a call of the Chief. I'm not the fire Chief or the EMS Chief so I can't make that call. But I applaud you for coming up. I respect you for coming up, but it was not done cavalier. It was thought out and it was charted and laid our prior to us doing it. We're not blaming the fire department. I'm not privileged to sit in the negotiations. The costs are there. We're trying to get more time out of the equipment than what's normally. Our maintenance costs are going up. That's because we keep the equipment longer. It's not because it's not respected and taken care of by the men and the women who are in the Fire and EMS service. I am very proud of those people, and I will publicly say that to you. I am very proud of you as an employee of the city. You do a yeoman's job. We keep the equipment longer, the cost of maintenance is much higher, but if you go out and replace that ambulance today, we're up to \$200,000, which we don't have so we have to keep it longer. Our cost of material and medicines are much greater. We never used to pay for that. We pay for that today. There are three paramedics on an ambulance. Our calls are up. More are critical care. It's an aging population. More of the calls are transport calls for life support. Those are much more expensive. We don't have. The insurance companies do not reimburse us like they did. But if this levy passes, if both these levies pass the EMS service will operate totally within its own budget, as well as the Fire service, which almost operates that way today except for the \$25,000 that we transferred. I hope that answers your question, and I apologize if I got a little loud, but I assure you, sir, that I did do my homework on that. Please.

Mr. Kelly: That's fine. It just seems like that when I read the comments in the paper it just seems like we're getting blamed and your comments, maybe I was reading them wrong and reading too much into them, but it just seems like that it's our fault and we're going to get laid off because this one-and-a-half-mill levy that was passed in 2009, back then was supposed to be the end-all be-all, and it's not.

Mr. Snyder: And it wasn't, it isn't because of the depreciation of property, but I will assure you of one thing. I'll reverse and put on a different hat. As an elected official of the City of North Canton, which I just came out of an election, if I would be party or privileged to be party to laying off an EMS worker or a firefighter or a policeman, then I honestly might as well forget about ever running for office again. If you were privileged to read the comments by the city survey, 95% of the people said that EMS, Fire, and Police, it wouldn't make any difference what the cost, they want it. So I'm not so foolish to think that I could possibly do that. I don't have the authority anyway, but if you took it that way and it was perceived that way I'll apologize, but it wasn't intended. My statement was if, and I pretty much remember it, if we don't pass these levies it will result in cutbacks and some layoffs. And if it was intended to be the Fire and EMS or Police or our fine part-time firefighters, I apologize because that wasn't what was intended.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, December 12 7:00 p.m. 20 11

Mr. Kelly: Well, you know, just when it's the Fire and EMS levy one can conclude that where is that layoff going to come from?

Mr. Snyder: Right, but now that would probably, I would think the Mayor, I would have to defer to the Mayor, but that would be the last.

Mr. Kelly: That's why I came here to speak tonight because I just...

Mr. Snyder: And I appreciate that. I appreciate you being a gentleman.

Mr. Kelly: It was time for me to speak.

Mr. Snyder: Exactly. At anytime, please feel free to come here and speak.

Mr. Kelly: I appreciate that.

Mr. Snyder: Because if you don't tell us what you think, we have no idea what you think, and the rumor mill goes around. If you have a problem you did the right thing. You came up here, and I appreciate that and I respect that. Any member of Council wish to comment? Administration? Thank you, Mr. Kelly, please come back anytime. Anybody else wishing to speak to the Council this evening? Seeing none, we'll move to old business.

OLD BUSINESS:

10. Mr. Snyder: May I have a motion and a second to read, by title only, the third reading of Ordinance No. 84-11.

Mr. Peters moved and Mr. Cerreta seconded to **ready, by title only, third reading** of Ordinance No. 84-11. All members present voting:

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

No: 0

**Ordinance No. 84-11 – 3<sup>rd</sup> 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: Mr. Cerreta, are you up to speed on that?

Mr. Cerreta: No, go ahead. I'll defer back to you since I just took the committee.

Mr. Snyder: Alright. Then maybe I apologize. Actually we do have the memorandum from the school. We talked about that last week. It's in line. It's been executed, I believe, and you've gotten a copy of it and its up, the Law Director has approved it to form. The Engineer is ready to go and that's it. It's ready to go and we want to declare this an emergency and pass it due to the fact that we want to get that project moving before the weather gets too bad. Any comments, Council? If not, I'll entertain a motion to **adopt the third reading** of Ordinance No. 84-11.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 84-11. All members present voting:

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

No: 0

11. Mr. Snyder: May I have a motion and a second to ready by title only, second reading of Ordinance No. 103-11, as amended. First reading, excuse me.

Mrs. Kiesling: Do you want an emergency clause in there too?

Mr. Snyder: Well, that goes automatically as a third reading. That's automatic.

Mrs. Kalpac: Don't we want to amend 103?

Mr. Snyder: We have to amend it?

Mrs. Kalpac: Yes.

Mr. Peters: Yes.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12

7:00 p.m.

11

Mr. Snyder: Alright. We didn't amend it? May I have motion and a second to amend.

Mr. Peters: The amendment is removing the classification of Director of Economic Development, add language to clarify the position of Director of Permits & Development, and then at the end of last week's meeting, to automatically put in that provision that automatically adjusts for State minimum-wage increases so we don't have to address that every time it comes up – it just automatically goes. So I'll motion to **amend** Ordinance No. 103-11.

Mr. Snyder: Very good.

Mr. Peters moved and Mr. Foltz seconded to **amend** Ordinance No. 103-11, as listed above.

All members present voting:

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

No: 0

Mr. Snyder: Alright, now we will have the motion to read, by title only, Ordinance No. 103-11, as amended.

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

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

No: 0

**Ordinance No. 103-11 – 2<sup>nd</sup> Reading – Personnel & Safety**

An ordinance amending Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, 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: Mr. Cerreta.

Mr. Cerreta: Yes, that's me. I have nothing further to add. Motion to **approve the second reading.** I want to approve that.

Mr. Cerreta moved and Mrs. Kiesling seconded to **approve the second reading, as amended,** of Ordinance No. 103-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to suspend the rules of Council for Ordinance No. 103-11.

Mr. Griffith moved and Mr. Peters seconded to **suspend the rules of Council for Ordinance No. 103-11, as amended.** All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules Ordinance No. 103-11.

Mr. Fox moved and Mrs. Kiesling seconded to **adopt under suspension of the rules Ordinance No. 103-11, as amended.** All members present voting:

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

No: 0

**NEW BUSINESS:**

12. May I have a motion to read, by title only, Ordinance No. 108-11.

Mrs. Kiesling moved and Mr. Fox seconded to **read, by title only, first reading** Ordinance No. 108-11. All members present voting:

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

No: 0

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

Held Monday, December 12 7:00 p.m. 20 11

**Ordinance No. 108-11 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

An ordinance authorizing the Director of Finance of the City of North Canton to establish a Private Purpose Trust Fund entitled North Canton Community Disaster Relief Fund (Fund # 874) for the purpose of accounting for the related revenue and expenditures associated with the North Canton Community Disaster Relief Program, effective January 1, 2012, and declaring the same to be an emergency.

Mr. Snyder: Mr. Cerreta, I know you are not the chairman of that committee, but you are the architect. Would you mind?

Mr. Cerreta: No. Thank you, Jon. This is authorizing to create the fund, authorizing the Director of Finance to create it. It has been approved by the auditor. This is a fund that we talked about here before that will be kind of supported by our community people to help other community people in times of maybe a community disaster. It will be funded mainly by donations with an extra form being put into the tax forms so they go out and checking off a box on that tax form or putting in additional amounts. Also, businesses in the area can also donate and get a tax deduction on this. This is a kind of proactive approach to being prepared for the next time something like the flooding happens. We'll be ready to assist some of our citizens. Hopefully this will never have to be used, but if it does have to be used we'll have some assistance in some ways. So I put it on emergency, Jon, because the tax forms go out January 9, and we need to put those in with the tax forms to go out. So I would move to **approve** for this to be first reading and to move on.

Mr. Peters: Second.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 108-11. All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence, may we suspend the rules of Council for Ordinance No. 108-11.

Mr. Griffith: Can I inquire (inaudible), Jon, is that alright?

Mr. Snyder: Please.

Mr. Griffith: When we're adopting the fund, when do we anticipate adopting the proposed rules that would govern distributions?

Mr. Snyder: Mr. Cerreta.

Mr. Cerreta: That would be the next thing that we do. We've stated those and we've seen those on paper. Right now the first thing is we need to create the fund.

Mr. Griffith: Right.

Mr. Cerreta: And after we create the fund, we'll create the committees and then we will approve the rules to the whole thing. The community is going to be part of kind of molding those rules, but as you saw in the paper here over the last several months, those are kind of rules that, examples of them so the community can look at it and go from there. Is that good for everyone?

Mr. Griffith: Very good. Yes.

Mr. Peters: I'll motion to suspend the rules.

Mrs. Kiesling: Second.

Mr. Griffith moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No 108-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion and a second to **adopt under suspension of the rules** Ordinance No. 108-11.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, December 12 7:00 p.m. 1st

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension** of the rules of Council Ordinance No. 108-11. All members present voting:  
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox.  
 No: 0

13. Mr. Snyder: May I have a motion to read, by title only, first reading of Ordinance No. 109-11.

Mrs. Kiesling moved and Mr. Fox seconded to **read by title only, first reading** of Ordinance No. 109-11. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith.  
 No: 0

**Ordinance No. 109-11 – 1<sup>st</sup> Reading – Street & Alley**

An ordinance amending Section 1. Of Ordinance No. 28-11, for the construction inspection services of the Main Street Resurfacing Project, by increasing the allocation for the project, an amount not to exceed \$1,975, and with the total project expenditures not to exceed the amount of \$121,975, and declaring the same to be an emergency.

Mr. Snyder: Mr. Fox, do you want me to break that out, sir, since you, or are you ready to do the break out?

Mr. Fox: No.

Mr. Snyder: I apologize because this was a meeting of the Council of the Whole and we did not have committee assignments so I will put that out. This will be done under the stimulus funding that we got from the federal government so there is no actual cost to the city. It's an increase in the inspection cost, is it not? The time, it took a little longer so they are billing us an additional \$1,975, which we probably are already billed for so we are going to increase the funding so that we can pay the bill and get it cleaned up by the end of the year. Any questions? Are there any questions of the Engineer on that? If not, we'll entertain a motion to adopt the first reading of Ordinance No. 109-11.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 109-11. All members present voting:  
 Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling.  
 No: 0

Mr. Snyder: May I have a motion to suspend the rules of Council for Ordinance No. 109-11.

Mr. Fox moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 109-11. All members present voting:  
 Yes: Snyder, Cerreta, Fox, Foltz, Griffith, Kiesling, Peters.  
 No: 0

Mr. Snyder: May I have a motion to **adopt under suspension of the rules** Ordinance No. 109-11.

Mrs. Kiesling moved and Mr. Cerreta seconded to **adopt under suspension of the rules** Ordinance No. 109-11. All members present voting:  
 Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder.  
 No: 0

14. Mr. Snyder: May I have a motion to read, by title only, first reading of Ordinance No. 110-11.

Mr. Peters moved and Mrs. Kiesling seconded to **read, by title only, first reading** of Ordinance No. 110-11. All members present voting:  
 Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta.  
 No: 0

**Ordinance No. 110-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance amending Chapter 927.07 RATES of the Codified Ordinances of the City of North Canton for the purpose of increasing the user rates for sewer users of the sanitary sewer system of the City of North Canton, repealing any and all legislation inconsistent herewith.

Mr. Snyder: Again, as we had a Council of the Whole last week, we had a presentation by ARCADIS, we're going to continue to raise these rates. We're going to give this ordinance three readings. We hope to transmit to the public on the next utility bill what our intentions are and what our rate increases will be so that they are understanding, and encourage them to come up and speak to Council over the next four or five weeks prior to the adoption so that

RECORD OF PROCEEDINGS

0179

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

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

Held Monday, December 12 7:00 p.m. 20 11

they can understand our rationale. It's a lot to swallow with the potential increase in levies with people's discretionary income being squeezed, but again, we provide a service that is parallel to no one. We want to continue to have that service. We do not want to experience any greater than what we did the sewer backups that we had in July, and these additional revenues will give us the ability to look at that and clean up any I&I that we have in our system and move forward with that. I know the Administration is working diligently with the County on projects to eliminate that, as well as to hold our additional costs down possibly looking at each year and we may not need quite that much, but we're putting it in there just in case. Are there any comments or questions?

Mr. Snyder: Mr. Peters?

Mr. Peters: Jon, and this pertains to 111-11 also. If any residents want to come up and express their concerns or have questions, maybe if we could provide them with the minutes of last week's meeting or the presentation that ARCADIS did.

Mr. Snyder: We have the schematics on that whole thing and we will gladly copy that and give it to them and then they can question. If any resident would like that, we have that available to them either at the Finance or in the Clerk's office and I'm sure she would gladly give it to them.

Mr. Peters: Maybe that's something we could put up on the website too.

Mr. Cerreta: Yea, we talked about that.

Mr. Peters: Cause I know some folks that won't have a computer, and that was mentioned last time, that don't have the access to that and in that regard we give them the hard copy, but that would answer the questions for any resident a lot better than we could.

Mr. Snyder: Mr. Foltz?

Mr. Foltz: Yes, President Snyder, also if we could really, if Administration would help us with any capital improvements we plan on doing with some of the additional money raised with the rate increases. As you can see, they are pretty hefty through January 2014. I think it's at 3% for both water and sewer. I'm scanning it right now.

Mr. Snyder: And that's a very good point, Mr. Foltz.

Mr. Foltz: So we at least feel we're going to be doing something with the additional money that needs to be raised. It's a necessity to keep our infrastructure strong, as well as provide for the capital improvements that are necessary to keep us a viable water system.

Mr. Snyder: And that's what had happened. We did not forego the increases over the last couple of years. We've done improvements, as they have pointed out. We have now eliminated most of the four-inch lines and we're working on some six-inch lines. We did receive a letter today from a resident on Glenwood. By replacing their water line it has improved the quality of his pressure and the quality of his water so obviously the quality of his life, and he appreciates that and again, like our EMS, Fire, and Police, water is one of our most important assets that we administer to the residents and sewer because we can't live without out. We do have a very fine product.

Mr. Griffith: I had several questions from residents who were questioning the raise in rates. The comment you made previously, which was that the water rates haven't gone up. There was some confusion related to the fact that sewer rates, of course, have increased because of the fixed costs that were there when in fact the water rates have not, but because they all get bundled that was one of the issues that was there. So I think some clarification as it relates to that element would be beneficial for everybody.

Mr. Snyder: And one thing, Mr. Griffith, on the sewer we are mandated by the, we're at the mercy of both the county and the city. Through the efforts of our Engineering and our

Administration, we stepped out of that \$775,000 commitment for telemetry in our sewers and we got it down to where it's a very minimal cost. That would have raised our rates additionally. We have taken some proactive steps and were able to save that money, as well as the actual hard negotiation with the City of Canton that provide the end use of it, and we're doing quite well with that. Mr. Cerreta?

Mr. Cerreta: Well, Mr. Peters brought up a great idea, and we said that at our last meeting here. Can we put something together, give it to the media here, whether all the media, so that people can understand this. We sit here and we talk about it and we can put it on there, but just like you said

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, December 12 7:00 p.m. 11

only a third is going to get that, but if we can make, you know, support of this thing, which we know sitting up here and looking at it and everything, people will be supportive of it. And so we need to do a little better job of it. We need to just put something together and give it out to our local newspapers and some of the things so we can justify this to people. So let's do that.

Mr. Snyder: I think, did we not ask McNutt to formulate some type of a little synopsis little thing?

Mr. Cerreta: Yes, we did.

Mr. Snyder: Have we done that yet?

Mayor Held: A question and answer out to the public.

Mr. Snyder: Yes. And we'll get that and we'll include that in the utility bills.

Mr. Cerreta: Let's try to put that together.

Mr. Snyder: Because that's the end user that's going to pay the bill anyway so let's get that out. We'll get that out here before the next bill.

Mr. Cerreta: We'll put that in the water bill – correct?

Mr. Snyder: Correct. Appreciate it gentlemen and thank you, ma'am for your comments. That being said, may I have a motion to adopt the first reading of Ordinance No. 110-11.

Mr. Peters moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 110-11. All members present voting:

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

No: 0

15. Mr. Snyder: May I have a motion and a second to read, by title only, first reading of Ordinance No. 111-11.

Mr. Peters moved and Mr. Fox seconded to **read, by title only, first reading** of Ordinance No. 111-11. All members present voting:

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

No: 0

**Ordinance No. 111-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance amending Chapter 937 WATER RATES of the Codified Ordinances of the City of North Canton, Ohio, in order to provide for an increase in water rates, and provide for the billing and collection of water rentals, repealing any and all legislation inconsistent herewith.

Mr. Snyder: Again, this is to piggyback the sewer. We have given it, we have heard your wishes and we will transmit that to the residency so they know what to expect and hopefully we can encourage them to come up and speak to us about any support or objections they have and we can address them accordingly. Any questions of the Council? If not, we'll have a motion to adopt the first reading of Ordinance No. 111-11.

Mrs. Kiesling moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 111-11. All members present voting:

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

No: 0

16. Mr. Snyder: May I have a motion to read, by title only, Ordinance No. 112-11.

Mr. Fox moved and Mr. Peters seconded to **read, by title only, first reading** of Ordinance No. 112-11. All members present voting:

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

No: 0

**Ordinance No. 112-11 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance to make temporary appropriations for current expenses and other expenditures of the City of North Canton, Ohio, for the period beginning January 1, 2012 and ending December 31, 2012 and declaring the same to be an emergency.

RECORD OF PROCEEDINGS

0181

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12

7:00 p.m. 20 11

Mr. Snyder: This is the temporary, or the interim budget. You were given a copy and we discussed it last week. We will begin right after the holidays having hearings with the department heads hoping to move forward with that. The projection is the budget will balance. We have not included capital projects in the temporary budget. The capital projects that we have will be included in the permanent budget, which hopefully will be adopted the latter part of January to the first part of February, and again, I don't think it's too early that we should be looking at street projects. If you as a ward councilman or as an at-large councilperson have a particular issue that you know, it would be nice to get started and get that stuff down so we can get started early and get it done early in the spring so the people can enjoy it through the warm weather. Funds will be limited, but let's look at everybody hopefully getting some projects around, some needed projects for the infrastructure as we address the safety services and the quality-of-life services we also must address the aesthetic and the ability for people to get around because we've found in the past when we address the street and we trim it up, the homes begin to get trimmed up and it improves the whole quality of life in the city, which maintains our property values, which ultimately pushes our tax revenues up and it's a spiraling effect. So if you have any particular issue when you are out, please get that to the Engineer so he can begin to study that, and maybe we can get a jumpstart on that and get it done a little early this year. But that being said, any questions on the adoption of the temporary budget? If not, may I have a motion to adopt the first reading of Ordinance No. 112-11.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 112-11. All members present voting:  
 Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters.  
 No: 0

Mr. Snyder: As time is of the essence, may we suspend the rules of Council pertaining to Ordinance No. 112-11?

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 112-11. All members present voting:  
 Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder.  
 No: 0

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 112-11.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension** Ordinance No. 112-11. All members present voting:  
 Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta.  
 No: 0

17. Mr. Snyder: May I have a motion to read, by title only, first reading of Ordinance No 113-11.

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 113-11. All members present voting:  
 Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz.  
 No: 0

**Ordinance No. 113-11 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement for the purchase of accounting, payroll and departmental purchasing software for use by the Finance Department, at a cost not to exceed \$77,000, and declaring the same to be an emergency.

Mr. Snyder: We had a talk about this last week. Our present system is antiquated at best. This is Software Solutions and its state-of-the art. It's a web-based program. I had the pleasure of speaking to former director Zumbar this past week and told him that was our plan and he has nothing but accolades to say about it, and I would suggest any member of Council if you get the opportunity to speak to Mr. Zumbar, he is the best advocate to tell you about it. They used it when he was employed with the city of Alliance. And relative to what the Mayor had and what Mr. Osborne asked for, this system when it's fully implemented, not this initial part, but only part of it, we'll be able to answer those questions at the push of a switch. We'll know exactly where an employee is, how much time it took, what it cost the city, and how many man hours were spent on a particular project. Right now it's all done manually, if it is done at all. So some of those things we don't know what our costs are, and again we're looking, we have less employees producing more work and we have to know exactly how we can best help them to utilize their time. They are expending an inordinate amount of time when a purchase order is cut, they have to walk it up here, they have to get it executed and signed, walk it to the finance department and

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, December 12

7:00 p.m.

11)

have it signed, and go out and purchase the thing. January 1, they will receive their budget and they will have on their own computer in their particular work area. Their purchase order is typed and it's done. They save many man hours. Consequently there is more time spent on what they are being paid for. As I said, they do yeomen's work, but at the same time you have to give them the tools to make their job easier and more efficient. So consequently this is a three-step process. This is the first step in the process – to purchase the initial one. We have two more to purchase, as well as a time card and key-lock system that will be installed and that will all be incorporated accordingly, and we hope that everybody will support that. Any questions on that? If not, may I have a motion to adopt the first reading of Ordinance No. 113-11.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 113-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion and a second to adopt the first reading of Ordinance No. 113-11.

Mrs. Kalpac: We just did that.

Mr. Snyder: Oh, I did that. Excuse me. May I have a motion to suspend the rules of Council for 113-11? I was reading it twice.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 113-11. All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence to get this up and running, we need to adopt under suspension of the rules Ordinance No. 113-11.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 113-11. All members present voting:

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

No: 0

18. Mr. Snyder: May I have a motion and a second to amend the agenda to include Ordinance No. 114-11, and waive the rules of Council stating that committee minutes are required.

Mr. Griffith moved and Mr. Peters seconded to **amend the agenda** to include Ordinance No. 114-11, and waive the rules of Council requiring a committee report. All members present voting:

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

No: 0

Mr. Snyder: Alright, may I have a motion and a second to read, by title only, first reading of Ordinance No. 114-11.

Mrs. Kiesling moved and Mr. Peters seconded to **read, by title only, first reading** of Ordinance No. 114-11. All members present voting:

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

No: 0

**Ordinance No. 114-11 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton to enter into an Addendum to the Lease by and between the City of North Canton ("City") and R & S Golf Properties, Inc., an Ohio corporation and Robert C. Purcell and David Scott DeMuesy as individuals ("Lessee") executed on December 22, 2008, for the premises known as The Fairways fna Arrowhead Country Club, and declaring the same to be an emergency.

Mr. Snyder: We did discuss this. We concurred that we need to amend it. Any questions of Administration or Council? If not, may I have a motion to adopt the first reading of Ordinance No. 114-11.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 114-11. All members present voting:

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

No:

Mr. Snyder: May I have a motion and a second to suspend the rules of Council for Ordinance No. 114-11.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, December 12

7:00 p.m. 20 11

Mr. Fox moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 114-11. All members present voting:

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

No: 0

Mr. Snyder: Again, time is of the essence. We have no other choice so we want to adopt under suspension of the rules Ordinance No. 114-11.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 114-11. All members present voting:

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

No: 0

Mr. Snyder: We're going to go backwards here this time, but before we do that. First of all, as the people see and the rationale behind the change in this is simply this; this is a Council meeting. The councilmen should face the audience and the audience should face the Council. The Clerk should face the Council, and that was the reason we're trying this to see if it does not work out as Public Speaks they address the councilmembers and not the Administration. So we're trying it out to see how it works. If it works we're going to move the dais out to give our members a little more room. We'll go from a suite to a small one-bedroom (laughter). So that was the rationale behind that. But first of all, I would like to publicly say I have assigned the committees. I apologize to anybody that did not get the committee that they thought. I will have to honestly say I am privileged to serve as your president. This is probably one of the finest groups that I have had the pleasure to serve with. It's showing in your participation so far in our meetings, and I want to thank each and every one of you for that because it makes my job so much simpler when you're willing to step up and do your own work and you do it very well, and I commend each and every one of you for that. I'm very thankful for that. Thank you for that. But I did give you those committee assignments, but that does not preclude at anytime to please step up and call the chairman of a particular committee and get involved and voice your opinion, as well as in the public. With seven voices independently speaking, ultimately the citizens of this community benefit. I thank each and every one of you for that. Also, pursuant to Section 111.03(c) of the Codified Ordinances, it empowers me to appoint a committee, an additional committee. This has been a problem in the city and it's become a greater problem. Mr. Foltz and I addressed this a few years ago in the lower part of the 4<sup>th</sup> Ward and the upper part of the 1<sup>st</sup> Ward where they were taking single-family homes and converting them to duplexes and triplexes putting undue pressure on the safety forces and on the community as a whole. We have eliminated that process. However there are many foreclosures and many things happening to the housing stock in the city, and it's starting to run down at the heel a little bit in certain areas. What keeps a community viable economically obviously are its citizens and its housing and its school system. This is a problem, and we've talked about it, but we've not done anything about it so pursuant to that, I am asking Mr. Griffith, Mr. Cerreta, and Mr. Foltz to be assigned to a committee. Mr. Griffith the chairman and Mr. Cerreta the vice, and Mr. Foltz because he is somewhat time challenged with other things to serve as a member. And study the situation along with Director Bowles and Mr. Bartos of the Mayor's office and see, because we've gone from about 13% rental homes to almost 26% rental homes, and when a city increases over 15%, it gets to be a problem, and this needs to be addressed, and things and ordinances and laws and rules have to be placed into shape. How fast we can turn a property around, nuisances on those properties, anything you can look at that you gentlemen feel that should be brought back to Council, we're going to do that. So we're going to have a special committee assigned to that and we hope that at least on nothing more than bi-monthly we have something on the agenda that you gentlemen bring forth. That you do that. But I hope you all wish to serve on that and I hope you step up to do it and, Mr. Fox, along with that because of your background and Mr. Peters and members Kiesling and myself will always support and will channel that to you, but I thank you gentlemen for wishing to take that volunteer thing that I assigned to you. That was that on that. So now we'll go for reports.

REPORTS:

Mr. Snyder: Engineer Benekos.

Mr. Benekos: No report.

Mr. Snyder: Mayor Held.

Mayor Held: Yes. First off, now that we are on the subject of the Fire & EMS department, we do have three of our EMS department employees here and I always like to familiarize the new council members if they haven't had a chance meet them. We have Sue Elsass. Sue, if you don't mind raising your hand. And Sue is the lady that can be seen walking throughout the city every day.

DAYTON LEGAL BLANK, INC. FORM NO. 10149

Held Monday, December 12

7:00 p.m.

11)

Ms. Elsass: (Inaudible)

Mayor Held: But you are not working, right?

Ms. Elsass: Correct.

Mayor Held: And then of course we have Allen DeGuzman. Allen is one of our paramedics and he's also a firefighter for the city, for North Canton. He's over there. Raise your hand, Allen. Alright. And we have, do we have any other EMS personnel here?

Mr. Snyder: Captain Coen was here, wasn't he?

Mayor Held: Captain Coen was here on behalf of the fire department. And also Scott Kelly – the gentleman that spoke. Scott is a firefighter and also one of our fire inspectors. And we appreciate the work that all of you do. We know it's not an easy job and we especially appreciate what you do when there is an emergency. So thank you.

And then I'd also like to thank the Chamber for a great Christmas ceremony that was really nice. It came out very well, and we do have one of our residents that we had chosen who is here and, Mr. Howe, if you would stand up. This is Chris Howe, and Chris is the resident we chose to light the Christmas tree. And Chris can be seen around town at softball games, basketball games, and also our Council meetings. The reason we chose Chris is because we felt that he best exemplifies the Christmas spirit because he is always smiling and always happy and always in a good mood. And he's a very special person so thank you, Chris, for being here. And that's all that I have.

Mr. Snyder: Thank you, Mayor. Director Grimes.

Mr. Grimes: Just on the letter that we got from the health department. When I took over in March, I did contact them and they said to stand by and wait for a letter from them, they're waiting on the EPA. Contacted them again during the summer, same thing, and then we just got the letter. There is no subterfuge. As soon as I got the letter I let the Law Director know and also let the Council president know. The Law Director and I are working on compliance and cost to make this thing work so that's what we're doing right at this time. I'm not going to throw out any cost estimates until I get a really good handle on that and we know what it is because it's just a number up till now so we'll get that to you. We have till the end of January to come up with a plan that meets their approval. We have all the way to 2013 to actually do the work so that's where we're at on that. And I know we talked a lot about police and fire layoffs and that type of thing, but when the Mayor hired me he made it very clear what he wanted to provide the citizens and the same thing when we hired Bill, it's kind of our mantra here, and it's safety, service and communication in that order so that's what we're going to do. Thank you.

Mr. Snyder: Thank you, sir.

Mayor Held: Council President, I failed to make one more announcement. December 15, and actually, Chuck, I could use your help on this.

(Laughter)

Mayor Held: No, I'm serious. December 15, we're going to have the American Red Cross is going to be out there for the day at the Akron/Canton Airport at the Hilton, and they're collecting much needed blood donations, and so I'm going to be over there at 4 o'clock, Chuck, and I would like you to be there also donating blood, as well as our members of Council and Finance Director, City Administrator, our Law Director, Engineer, and the residents that are available too. Because they are really in desperate need of blood donations.

Mr. Snyder: You and Chuck can give two gallons.

Mr. Osborne: You can (inaudible).

(Laughter).

Mayor Held: I want you to be there.

Mr. Snyder: Director Alger.

Mrs. Alger: I just want to thank Council for getting this new software system to put us forward, and I'm excited so just thank you for investing in us.

RECORD OF PROCEEDINGS

0185

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, December 12 7:00 p.m. 20 11

Mr. Griffith: I think we're in need of some additional technology for this too.

Mrs. Alger: Yes.

Mr. Snyder: Is Rosemary (inaudible) in the audience? (Laughter) David. Incidentally, this is Mr. David Deibel, Hans' associate. Hans, unfortunately his grandfather passed away and he had to go to Vermont so he stepped in and did Hans' work making sure of it, and we appreciate that very much.

Mr. Deibel: Happy to do it.

Mr. Snyder: And thank your firm for that.

Mr. Deibel: Certainly.

REPORTS – COUNCIL:

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Member Cerreta.

Mr. Cerreta: No report.

Mr. Snyder: Member Griffith.

Mr. Griffith: I'll echo the Mayor's congratulations to the Chamber. I did have one complaint. One very young person next to me was extremely concerned when Santa was being brought in on what appeared to be an EMS vehicle. What happened to Santa when the sirens started going off was their concern. Other than that it was a wonderful event and I congratulate you.

Mr. Snyder: Mr. Fox.

Mr. Fox: I just wanted to pass on to Scott Kelly when I was in the throes of the campaign I knocked on a lot of doors – more than 1,000 – and I think one of the overwhelming messages that I heard was we have wonderful emergency services here in North Canton and I can vote for you so long as I know that you are not going to screw that up. So I want you to understand that the citizens out there understand that they have great services and indeed I believe that they'll support them.

Mr. Snyder: Thank you, sir. Mr. Peters.

Mr. Peters: Yea, I'll piggyback on top of that. I think Mr. Kelly's comments, the fact of what could happen if the levies don't pass. That's not going to happen. The levies are going to pass because this community gets behind that. Even the folks that are paycheck to paycheck realize what's important and what makes a safe community. One other thing too, I'd like to add to the Mayor's comments. It came up in regards to all the homes that are for sale and the foreclosures. I read in the paper there's a couple different instances where we've had somebody break in and take copper piping out of the houses. I don't know if it's stepped up patrols or I don't know what the answer is. A good thing would be to watch your neighbors' homes, if you're there to keep an eye out.

I don't know, maybe if there's something we could put out to just remind folks if you've got a house that's next to you for sale and you know it's empty, even if it's not empty, those are the houses that are being targeted especially in this time.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Just to follow up, maybe that's one of the first objectives this new committee gets involved with. I was talking to Eric Bowles and it was his idea, but just to pass it along. Any foreclosure property should be, have the bank who owns them notify our police department so it's put on record. It's put on record and there's a list and maybe we get a copy of it every month or something that we can review it and know hopefully there won't be problems in our individual wards, and the more communication we have on that process the better. I appreciate President Snyder putting this committee together. I'm looking forward to working on it. I would like to involve some people from the general public, some of our other residents down the road. I think

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12

7:00 p.m.

11)

we really need to strengthen some of our exterior housing codes whether its rental or privately owned. We owe it to the citizens who have decided to live in our community and who do keep their property nice. I mean, we do a lot with our infrastructure. We've spent millions and millions of dollars through the years and I don't think that's asking too much to have the neighbors maintain their property exterior wise. We have the parking situations on the properties. There's things we can't control, but I think we can do a better job with our housing stock so if we need to look at some different codes whether state wide or national wide and really put some teeth into something that will help Eric even do a better job. I think he's doing a great job in that position now, but looking forward to this and getting some other people involved and really addressing the issues so thank you, President Snyder, for doing that. Thank you.

Mr. Snyder: I appreciate that. A couple comments – this is the last meeting, regularly scheduled meeting for this year. The next meeting will be scheduled for the 9<sup>th</sup> of January 2012. We're down for the holidays and getting ready to go. And again, I would say to Mr. Kelly and the members of the EMS and fire service that are in the audience, I apologize. That was not my intention. If it was deemed and received that way, and my record states I've always been a supporter of EMS and fire. I have a great working relationship with Chief Bacon and the administration relative to that, and I'll stand on my record, but I will also state that I did do my research on those levies and I think in my best professional opinion as well as my opinion as a member of this Council that we're doing the right thing. But I do thank you for your service and I do appreciate Mr. Kelly coming up, and please come back anytime. That's the way to do it. You did it the right way. I respect you for that and please continue to do that if you have a problem come right to the source. That's how you address it as a gentleman. Thank you for that.

## FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Any other thing to come before this body prior to...I'll entertain a motion to adjourn.

## ADJOURN:

Mr. Foltz: So moved.

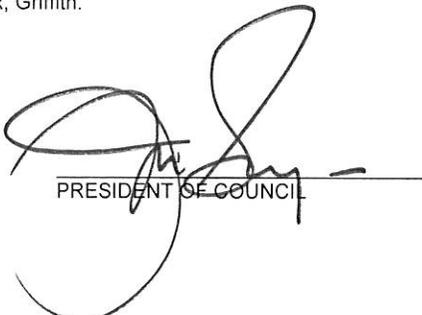
Mr. Cerreta: Second.

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

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

No: 0

The Council meeting adjourned at 8:20 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL

12-21-11/dkw