

RECORD OF PROCEEDINGS

0419

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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

CALL TO ORDER:

- 1. The Council meeting was called to order Monday, March 28, 2011 at 7:00 p.m. by President of Council Jon Snyder.
- 2. The opening prayer was delivered by Rev. Tom Douce.
- 3. All present recited the Pledge of Allegiance.

ROLL CALL:

- 4. Mr. Snyder: Thank you Reverend. Madam Clerk, please call the roll.  
The following members of Council responded to roll call: Davies, Foltz, Kiesling, Peters, Snyder. Council Member DeOrio was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, Director of Finance Loretto, Director of Economic Development Bowles and Clerk of Council Kalpac. City Engineer Benekos was not present for the meeting.

Mr. Snyder: May I have a motion to excuse member DeOrio?

Mr. Foltz moved and Mrs. Kiesling seconded to excuse the absence of Council Member DeOrio. All members present voting:  
Yes: Foltz, Kiesling, Peters, Snyder, Davies.  
No: 0

- 5. Consideration

Council Meeting Minutes – March 14, 2011

Mr. Snyder: You've all received a copy and been presented a copy of the Minutes of the Council Meeting held on the 14<sup>th</sup> day of March, 2011. May I have a motion and a second to approve said minutes?

Mrs. Kiesling moved and Mr. Peters seconded to approve as presented minutes of Council Meeting on the 14<sup>th</sup> day of March, 2011. All members present voting:  
Yes: Kiesling, Peters, Snyder, Davies, Foltz.  
No: 0

- 6. Committee Minutes

Mr. Snyder: You've been presented minutes and committee report minutes of the executive session on Personnel & Safety held March 14, 2011. Minutes to the Community & Economic Development; Finance & Property; Ordinance, Rules & Claims; Park & Recreation; Street & Alley; Water, Sewer & Rubbish; all held, 21<sup>st</sup> of March 2011. May I have a motion to approve?

Mrs. Kiesling moved and Mr. Peters seconded to approve the executive session and committee report minutes as presented. All members present voting:  
Yes: Peters, Snyder, Davies, Foltz, Kiesling.  
No: 0

**Executive Session - Personnel & Safety:** Please refer to the minutes on file in the Council Office for the Executive Session meeting for Personnel & Safety held March 14, 2011.

**Community & Economic Development Committee:** Please refer to the minutes on file in the Council Office for the Community & Economic Development Committee meeting held March 21, 2011.

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held March 21, 2011.

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

**Park & Recreation Committee:** Please refer to the minutes on file in the Council Office for the Park & Recreation Committee held March 21, 2011.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

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

**Street & Alley Committee:** Please refer to the minutes on file in the Council Office for the Street & Alley Committee held March 21, 2011.

**Water, Sewer & Rubbish Committee:** Please refer to the minutes on file in the Council Office for the Water, Sewer & Rubbish Committee meeting held March 21, 2011.

## 7. Election – Vice President of Council

Mr. Snyder: At this particular time there is a vacancy in the office of Vice President. I'll entertain nominations for that.

Mrs. Kiesling: I wish to nominate Doug Foltz.  
Mr. Peters: Second.

Mrs. Kiesling moved and Mr. Peters seconded to nominate Doug Foltz for Vice President.

Mrs. Kiesling: If that's okay with Doug. We have not even talked about this so....

Mr. Foltz: There's been no discussion. I thought maybe somebody else wanted the job.

Mrs. Kiesling: I'm just kinda gonna want to throw you ...inaudible....

Mr. Snyder: Boy I'll tell you, there's not a lot of pay in that job.

Mr. Foltz: I'll get to sit next to you Jon?

Mr. Snyder: Absolutely, you're welcome.

Mrs. Kiesling: That would be like a first in ten years, Doug we'll actually sit beside each other.

Mr. Snyder: The only problem is the next chair is right out the door...

Mrs. Kiesling: Exactly.

Mr. Snyder: That - is there any other nominations? If not I'll motion to close the nominations.

Mrs. Kiesling: Motion to close them.

Mr. Peters: Second.

Mr. Snyder: Those in favor of Mr. Foltz signify by – well we've got to call the roll don't we have to by law. Excuse me.

Mrs. Kiesling moved and Mr. Peters seconded to nominate Doug Foltz for Vice President.

All members present voting:

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

No: 0

Mr. Snyder: Congratulations Mr. Foltz.

Mrs. Kalpac: We need a motion to appoint.

Mr. Snyder: Pardon me. Oh yeah, may I have a motion to appoint Mr. Doug Foltz the position of Vice President of Council?

Mr. Peters moved and Mrs. Kiesling seconded to appoint Doug Foltz to the position of Vice Present of Council. All members present voting:

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

No: 0

Mr. Snyder: Truth be known, for the record, that Mayor Held called me and sought that position, but I told him he wasn't qualified. Sorry Mayor, Charter prohibited it yeah but next time around. At this time we would recognize any visitors wishing to speak before the Council. Please step forward, state you name and address for the record. Mr. Osborne?

## 8. Recognition of Visitors

Chuck Osborne: My name is Chuck Osborne, I live at 307 Fairview SE, North Canton, Ohio. I hadn't planned on speaking tonight but I am kinda stunned that you're electing a Vice President when you're minus an absent Council Member now and you're already down Mr. Revoldt, who has left. I guess my memory fails me as how we've done this in the past. But

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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I've never seen you re-appoint a Vice President when you have an absentee member. And I thought the new appointee, whoever it is, would join in the appointment of the next Vice President. But again, I'll leave this to the – to our leaders...

Mr. Snyder: Well I'd appreciate that, historically....

Mr. Osborne: But you're missing a Council Member here!

Mr. Snyder: Historically we – we do appoint the vacancy when it occurs. And that's been the way it's done in the past. Well I think we've done this once when Daryl left before, twice when he left before, I think. We just cycle around, but there has been no – actually there was no discussion on it. Because it's normally – now we don't – we don't do on the organizational meeting, we make sure all chairs are full, but this – we've done this in the past. I think there's been twice it's happened, that I know of, maybe Doug – maybe .....inaudible.....that's all I usually remember. I think the same rotation of chairs went the last time. But.....

Mr. Osborne: Maybe Mrs. Kiesling remembers ten years ago when.....

Mrs. Kiesling: I'm trying to remember when....

Mr. Osborne: you were appointed.

Mrs. Kiesling: I was appointed. I did vote.

Mr. Osborne: Did they wait till they appointed the new member and...

Mrs. Kiesling: Yeah, I did vote.

Mr. Osborne: then appointed the Vice President?

Mrs. Kiesling: Yes, cause I remember is was secret ballots and I wasn't real happy about that. Yes, ten years ago.

Mr. Snyder: Who was the Vice President? Oh I thought.....

Mrs. Kiesling: You were President.

Mr. Snyder: I was the President.

Mrs. Kiesling: Sarbaugh?

Mr. Osborne: Tom Rice left, she was appointed, pardon me?

Mrs. Kiesling: Greg, were you Vice?

Mr. Sarbaugh (identified by Clerk - speaking from audience): I don't recall ...inaudible...

Mrs. Kiesling: I think it might have been Greg.

Mr. Osborne: At any rate I think this is a.....

Mrs. Kiesling: Guess it was ten years ago, I don't remember.

Mr. Osborne: Putting the cart before the horse and it certainly – it shows no respect to the absent Council member. His vote's not needed, not wanted, not appreciated, and you're not gonna vote, as I had talked to Mr. Snyder earlier today, you gotta bunch of items on here for emergency...

Mrs. Kiesling: Yeah, we can't do that.

Mr. Osborne:....you're gonna bypass the emergency, cause you obviously don't have enough votes. I don't know why you wouldn't delay this, unless it's a foregone conclusion and you're just going through the motions. But, at any rate, this is what .....

Mr. Snyder: Well we appreciate your comment...

Mr. Osborne: is this under the – the approval of the Law Director?

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

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Mr. Nilges: Yes it is, it requires a majority vote of the remaining Council members, and we have a majority.

Mr. Osborne: Well you usually have much more respect and courtesy for absent Council members when you discuss legislation. At any rate, you are absent a Council member. I think it's kinda sad.

Mr. Snyder: Thank you, point noted. Anyone else wishing to speak?

Dan Leahy: Hi there!

Mr. Snyder: Hi.

Mr. Leahy: My name is Dan Leahy. It's my first time being at the City Council meetings. So, thanks for having me and thanks for taking my time here. I live at 1264 Lorrell Avenue SW. Councilman Snyder and I have talked recently, you know a year ago and recently about some water issues I've had, and I don't know if – necessarily – necessarily know if this is the right time to talk about it but I just wanted to come up and participate as a resident but also voice my concern about some issues I've had. So, I think we've talked about it, we don't need to rehash all of it, I just wanted to make my presence known and know that – still kinda waiting on - on a ruling or some type of development and I understand that there's some funds that were being allocated in March. And I'm certainly being patient, but I just wanted come up and express my concerns.

Mr. Snyder: I appreciate it Mr. Leahy. And for those other Council members, members of the audience, press – Mr. Leahy lives near the Fairways Golf Course. And there seems to be a enorm amount of water that comes from the golf course, crosses across Salway and unfortunately some of the homes – the majority of the homes that are on the – I would say that's on the west side of the street, I believe, isn't it.

Mr. Peters: That's correct.

Mr. Snyder: Actually below the grade of the road and the water runs across and as anyone knows with a home that's below the grade of the road, the water is running into those homes. We've taken some measures there to proactively stop some of the water but it's not to this point and it's still understudied and I apologize, Mr. Benekos was ill, he was here earlier today...

Mr. Leahy: I understand.

Mr. Snyder: And we have not come up with a conclusion. We've, you know we've checked it from the drains and so forth. But we are working on that because.....

Mr. Leahy: Okay.

Mr. Snyder: That, as the Mayor will attest and the Administrator will attest and members of Council. Water issues, sewer issues they're a priority to us. So, and we'll keep you – hopefully a little more informed what we're doing as we move forward with that.

Mr. Leahy: Well thank you, and I apologize for my....

Mr. Snyder: That's not a problem, no apologies necessary.

Mr. Leahy: .....inaudible.....Thanks for your time.

Mr. Snyder: Come back anytime. Mrs. Burnett?

Suzanne Burnett: I'm Suzanne Burnett and I live at the Danbury on Applegrove Road. And I want to commend you for electing Doug Foltz. I think it was high time for him to become a more important person, whatever he's going to be. He's a good man. I've watched him since I lived on Pierce Avenue when he was a little kid practically. Right? I'm very old.

Mr. Foltz: I'll take that as a compliment, yes...

Mrs. Burnett: I am very old and he's very young. Thank you for letting me speak.

Mr. Snyder: Thank you for coming.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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

Mr. Foltz: Thank you for your comments. I – you know I didn't campaign for it. I appreciate the confidence of the existing Council members. If we so choose to open this back up and re-appoint someone else that's okay too. You know, but I will serve if this Council wants me too as Vice President. Thank you for your comments.

Mrs. Burnett: You're very welcome.

OLD BUSINESS:

- 9. Mr. Snyder: Thanks Mrs. Burnett. Anyone else wishing to speak this evening? If not we'll move to old business. As you noticed, Ordinance No. 21-11, we're just going to leave it on the table as presented. There are some inequities in the language and we're just going to leave it alone for temporarily. That was a favorite of Mr. Revoldt and he's two hours south, so we can just leave it there.

Ordinance No. 21-11 – 2nd Reading – Finance & Property Committee (Tabled prior to the 2nd reading 3/14/11)

An ordinance establishing policies and procedures for the use of purchase orders by City of North Canton employees and declaring the same to be an emergency.

- 10. Mr. Snyder: Moving on to Ordinance No. 22-11. May I have a motion to read by title only, the second reading of Ordinance No. 22-11?

Mrs. Kiesling moved and Mr. Peters seconded to read by title only, second reading of Ordinance No. 22-11. All members present voting:

Yes: Foltz, Kiesling, Peters, Snyder, Davies. No: 0

Ordinance No. 22-11 – 2nd Reading – Personnel & Safety Committee

An ordinance amending and consolidating the rules, regulations, policies, and penalties of the City of North Canton Personnel Handbook, and declaring the same to be an emergency.

Mr. Peters: Yes this is only the second reading. We're going to have I believe one more change prior – in our work session next week prior to the third reading, So if there's no other comments, I'll motion to approve second reading.

Mr. Peters moved and Mr. Foltz seconded to adopt the second reading, of Ordinance No. 22-11. All members present voting:

Yes: Kiesling, Peters, Snyder, Davies, Foltz. No: 0

NEW BUSINESS:

- 11. Mr. Snyder: May I have a motion to read by title only, the first reading of Ordinance No. 29-11?

Mr. Foltz moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 29-11. All members present voting:

Yes: Peters, Snyder, Davies, Foltz, Kiesling. No: 0

Ordinance No. 29-11 – 1st Reading – Park & Recreation Committee

An ordinance amending Ordinance No. 10-09 to increase the rates to be charged for season membership and daily admission for the City of North Canton Municipal Swimming Pool, rate for swimming lessons, and repealing any and all legislation inconsistent herewith and declaring the same to be an emergency.

Mr. Snyder: Chairman Foltz?

Mr. Foltz: Thank you. Adjusted the rates, most of them haven't been raised since 2008 and approximately 18 to 22% for most of them, other than the buddy pass. I'm thinking a few individual passes that went up little bit more than that. Buddy pass is quite substantially more, from \$50 to \$100. With that, if there are no other questions on Council, make a motion to approve the second reading.

Mr. Peters: Second.

Mr. Foltz moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 29-11. All members present voting:

Yes: Snyder Davies, Foltz Kiesling, Peters.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

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

No: 0

12. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 30-11?

Mr. Davies moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 30-11. All members present voting:

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

No: 0

**Ordinance No. 30-11 – 1<sup>st</sup> Reading – Street & Alley Committee**

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Street Improvement Levy and Sanitary Sewer Operating Funds to the Contract Payments and Facilities – Sewer Lines Accounts in the amount of \$120,000 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: Vice Chairman Kiesling.

Mrs. Kiesling: Yes this is just getting a sewer line in place. Any questions?

Unidentified: No.

Mrs. Kiesling: I forget what else it even involved.

Mr. Snyder: Okay.

Mr. Foltz: Motion to approve.

Mr. Peters: I'll second.

Mr. Foltz moved and Mr. Peters seconded **adopt the first reading** of Ordinance No. 30-11.

All members present voting:

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

No: 0

13. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 31-11?

Mr. Davies moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 31-11.

Mr. Snyder: That's 440.

All members present voting:

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

No: 0

**Ordinance No. 31-11 – 1<sup>st</sup> Reading – Street & Alley Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the resurfacing, repaving, replacement, repair and preventative maintenance of certain streets, alleys and city parking lots, at a cost not to exceed \$420,000 and declaring the same to be an emergency.

Mrs. Kiesling: It is 440, right?

Mr. Snyder: Prior to that, do we need to amend that piece of legis...even though subsequent to the meeting, the Chairman of that committee was advised as well as I myself as the Chairman of Finance, that it was requested and the minutes will hold out that the Engineer did request 440,000 not 420,000.

Mr. Nilges: Traditionally that's what everybody – that's what you guys have done. Although, the Clerk and I have debated this at some length and it's - it's just – it's just there's nothing really to amend yet, there is just something that came out of Committee, an ordinance that came out of Committee. It's not an actual Ordinance – that - a reading of an Ordinance that has been passed yet. So really what are you amending? But for clarification of and the records sake, if you'd like to follow your traditional path, that's perfectly appropriate.

Mr. Snyder: Well let's a – then just for safety's sake, let's ...

Mrs. Kiesling: We'll amend it.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Snyder: take it to amend that particular original ordinance, to increase it by what it was originally at 420, the 20,000 being for – to go to storm water I believe, which is account number 209.745.5229.

Mr. Foltz moved and Mrs. Kiesling seconded to **amend Ordinance No. 31-11 to increase the amount to \$440,000.** All members present voting:

Yes: Peters, Snyder, Davies, Foltz, Kiesling

No: 0

Mr. Snyder: So it's been – it's been amended. It's been read the first time. Am I correct in that Mr. Law Director and now we can report it on the Committee?

Mr. Nilges: Right.

Mr. Snyder: Vice Chairman Kiesling?

Mr. Kiesling: Yes, this is just our repaving, resurfacing schedule for the year. Preventative maintenance of the streets and we haven't gotten him a list yet, have we? People are adding to it, right?

Mr. Snyder: Right, yeah you're added to - it's due.

Mrs. Kiesling: We don't know which ones for sure we're doing yet.

Mr. Snyder: No.

Mrs. Kiesling: Okay.

Mayor Held: Right. But as a reminder, any Council members that have top priority streets, please turn that into Mr. Benekos.

Mrs. Kiesling: Alright, he sent us a memo.

Mr. Peters: April 4<sup>th</sup> is the deadline, correct?

Mr. Snyder: Right 4/4.

Mr. Nilges: Correct, that's correct.

Mrs. Kiesling: Alright, motion we accept.

Mr. Peters: Second.

Mrs. Kiesling: As amended.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading, as amended,** of Ordinance No. 31-11. All members present voting:

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

No: 0

14. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 32-11?

Mr. Davies moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 32-11. All members present voting

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

No: 0

**Ordinance No. 32-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Hines Street SW Waterline Replacement Project (South Main Street to Castlewood Avenue SW), at a cost not to exceed \$160,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies?

Mr. Davies: This is part of our ongoing replacement of waterlines and this is on Hines Street SW and I would move that we approve.

Mr. Davies moved Mr. Peters seconded to **adopt the first reading** of Ordinance No. 32-11.

All members present voting:

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

No: 0

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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

15. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 33-11?

Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 33-11**. All member present voting:

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

No: 0

**Ordinance No. 33-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and, authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Fairview Drive SW Waterline Replacement Project (Westfield Avenue SW to cul de sac), at a cost not to exceed \$100,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies?

Mr. Davies: Again, part of our ongoing replacement of waterlines as they're needed. And this of course is on Fairview Drive SW. And I would make a motion that we approve.

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 33-11. All members present voting:

Yes: Peters, Snyder, Davies, Foltz, Kiesling

No: 0

16. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 34-11?

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 34-11**. All members present voting:

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

No: 0

**Ordinance No. 34-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and, authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Lynbrook Street Sanitary Sewer Project (Clearmount Avenue to Pineview Avenue SE), at a cost not to exceed \$357,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies?

Mr. Davies: This is a -- basically a replacement project for sewer line on Lynbrook. Again the city continually tries to replace and upgrade as things are needed. So I would make a motion that we approve.

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 35-11. All members present voting:

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

No: 0

17. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 35-11?

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 35-11**. All members present voting:

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

No: 0

**Ordinance No. 35-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and, authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Northfield Avenue SE Waterline Replacement Project (Easthill Street to Knoll Street and Greenway Road SE to Meadowlane Drive SE), at a cost not to exceed \$255,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies?

Mr. Davies: Again another waterline replacement project on Easthill to Knoll and so forth. I would make a motion that we approve.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 35-11. All members present voting:

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

No: 0

18. Mr. Snyder: May I have a motion to ready by title only, first reading of Ordinance No. 36-11?

Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 36-11. All members present voting:

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

No: 0

**Ordinance No. 36-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Promway Avenue NW Waterline Extension Project (North of Promler to Portage Street), at a cost not to exceed \$300,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies?

Mr. Davies: This is an extension project to fill in a loop within our system, so that we can deliver better water pressure and so forth to that area. And I would make a motion that we approve.

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 36-11. All members present voting:

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

No: 0

19. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 37-11?

Mr. Davies moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 37-11. All members present voting:

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

No: 0

**Ordinance No. 37-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Sanitary Sewer Lining Project – 2011, in an amount not to exceed \$500,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies?

Mr. Davies: This project, rather than replace sewer lines, we will line them, so that they don't leak. We have a certain amount of leaking and storm run-off can come into the sewer system and we need to stop that because this goes through back yards and neighborhoods and so forth. This is a much more economic way to fix the problem. So I would move that we approve.

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 37-11. All members present voting:

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

No: 0

20. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 38-11?

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 38-11. All members present voting:

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

No: 0

**Ordinance No. 38-11 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Valley Drive Sanitary Sewer Project, in an amount not to exceed \$200,000, and declaring the same to be an emergency.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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

Mr. Snyder: Chairman Davies?

Mr. Davies: Again, this is another sewer project we need to, you know, replace lines down on Valley Drive. I would move that we approve.

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 38-11. All members present voting:

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

No: 0

21. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 39-11?

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 39-11. All members present voting:

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

No: 0

**Ordinance No. 39-11 – 1<sup>st</sup> Reading – Finance & Property Committee**

An ordinance amending Chapter 191 Administrative Code, specifically Section 191.04 IMPOSITION OF A TAX ON RESIDENTS and 191.05 IMPOSITION OF TAX ON NON-RESIDENTS, of the Codified Ordinances of the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: This cleans up a little language prohibiting the deduction of business expenses below i(a), I believe, right?

Mrs. Loretto: Yeah that's part of it and the other part ...

Mr. Snyder: And the other part being that if a person is employed by the City of North Canton on the properties owned by the city and they are an employee receiving monies from the City of North Canton, a tax will be imposed on their gross wages at the rate. So that clears up any ambiguity in the law. May I have a motion to adopt the first reading of Ordinance No. 39-11?

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 39-11. All members present voting:

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

No: 0

22. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 40-11?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 40-11. All members present voting:

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

No: 0

**Ordinance No. 40-11 – 1<sup>st</sup> Reading – Finance & Property Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the replacement of the roof at North Canton City Hall, at a cost not to exceed \$185,000, and declaring the same to be an emergency.

Mr. Snyder: This was the lower of the two bids. This is proceeds from the bond issuance 10 days ago or so and we'll move accordingly. May I have a motion to adopt the first reading?

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 40-11. All members present voting:

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

No: 0

23. Mr. Snyder: Motion to read by title only, first reading of Ordinance No. 41-11.

Mr. Davies moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 41-11. All member present voting:

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

No: 0

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

**Ordinance No. 41-11 – 1<sup>st</sup> Reading – Finance & Property Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise bids and receive bids and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the North Canton Civic Center Roofing Project, at a cost not to exceed \$85,000, and declaring the same to be an emergency.

Mr. Snyder: This again is continued. The maintenance on our property at the Civic Center and again that will done with bond proceeds. May I have a motion to adopt?

Mrs. Kiesling moved and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 41-11. All members present voting:

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

No: 0

24. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 42-11?

Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 42-11. All members present voting:

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

No: 0

**Ordinance No. 42-11 – 1<sup>st</sup> Reading – Finance & Property Committee**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement for the purchase of Radio Equipment for use by the Fire/EMS Departments, within the purview of the Ohio Cooperative Purchase Act and declaring the same to be an emergency.

Mr. Snyder: The Chief of Fire Service did secure a grant, which will pay for this. Our portion it'll bring them up with 800 megahertz radios being able to broadcast over the complete state. Which will enhance the continued safety of firefighters and EMS/Paramedics. May I have a motion to adopt the first reading of Ordinance No. 42-11?

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 42-11. All members present voting:

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

No: 0

25. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 43-11?

Mr. Davies moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 43-11. All members present voting.

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

No: 0

**Ordinance No. 43-11 – 1<sup>st</sup> Reading – Finance & Property Committee**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Use Agreement by and between the City of North Canton ("City") and the Ohio Office of Information Technology, Multi-Agency Radio Communications System Program Office ("MARCS") for subscription to the statewide radio coverage system for use by the Fire/EMS Department, and declaring the same to be an emergency.

Mr. Snyder: This will hook all radios with the MARCS system statewide. Allowing in case, God forbid, there be an emergency were we would press into service our Fire and EMS for a statewide response or if they needed assistance or control, they're able to adopt. May I have a motion to adopt the first reading?

Mr. Davies moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 43-11. All members present voting:

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

No: 0

26. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 44-11?

Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 44-11. All members present voting:

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

No: 0

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

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

**Ordinance No. 44-11 – 1<sup>st</sup> Reading – Finance & Property Committee**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into an Agreement for the purchase of two (2) Marked Cruisers for use by the Police Department from a vendor or, in the alternative, pursuant to the Ohio Cooperative Purchase Act and declaring the same to be an emergency.

Mr. Snyder: There was 50,000 dollars in the 2011 Appropriations Budget. These two cruisers are a few thousand dollars less. They'll be equipped. Chief Wurgler has located them through the Ohio Cooperative Agreement and move according. May I have a motion to adopt the first reading of Ordinance No. 44-11?

Mr. Davies moved Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 44-11.

All members present voting:

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

No: 0

## REPORTS:

Mr. Snyder: Director of Law?

Mr. Nilges: No report.

Mr. Snyder: Director of Finance?

Mrs. Loretto: I just wanted to announce that we did start last Monday taking debit and credit cards. And we have had over I think twelve different people that have availed themselves of that procedure and then you mentioned that the bond sale did go through on the 23<sup>rd</sup> and so that's finally taken care of.

Mr. Snyder: Now going forward does that – those credit cards and debits, they'll be able to purchase their pool passes and anything involved with the city on that?

Mrs. Loretto: Right – right.

Mr. Snyder: Good, thank you for that. Director of Administration?

Mrs. Loretto: Thank you.

Mr. Grimes: Just there's two personnel notes. Mr. Don Mugley, after over thirty-three years with the city is retiring at the end of this week. You probably – most know him from driving the street sweeper last. So we wish him well. Also the Chief's testing was done last week. There will be a procedure where they can challenge and review that, so that will be a little while before we get the top three names on that. We know winter was pretty hard on the city, but we have got the Street Department out, they're trying to clean Main Street up a little bit with what in the few days that we have had. We're also out patching. Hot Patch is not available until April 13<sup>th</sup> and the cold patch seems to come right out. We tried to – on Friday we tried a little different mixture of hot and cold mix to get Everhard Road and about six other roads. So, they been out there you know trying to catch those. But just so you know that we are out there with the weather that we have.

Mr. Snyder: Thank you. Mr. Mayor?

Mayor Held: Yes, tomorrow at 2:00 pm the Tax Incentive Review Council will meet and there's seven members on the Committee, which consist of the County Auditor as the Chair and then the County Commissioners have three appointees which will be a Commissioner Janet Creighton, Mike Hanke, the County Administrator, and then also David Thorley as their appointee from the County Regional Planning Commission. I have two appointees and I've asked that Mike Grimes, historically we'd have the Finance Director and/or the City Administrator serve on that. We like to, they have to be a resident. So that's why we have Mike Grimes serving on that. And then I've also asked Jon Snyder to serve on that Committee. Historically the City of North Canton, as the County has shared with me, we're always the most prepared. And that really is attributed to the work that Eric does. And what they'll be doing – what they'll be doing is reviewing the – the – all the tax incentives or tax exemptions that the city offers through the Community Reinvestment Program. And so that'll be tomorrow from 2 to 4. And the public is welcome.

Mr. Snyder: Thanks Mr. Mayor. Director Bowles?

Mr. Bowles: No report.

Mr. Snyder: Madame Clerk?

Mrs. Kalpac: No report.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Snyder: Member Foltz?

Mr. Foltz: Yes, quick comment. In our packet entitled, *Principle Income Tax Employers Current Year and Four Years Ago*, this is very informative, I don't know who produced it whether Marge ...

Mr. Snyder: Marge's office did.

Mr. Foltz: Just looking at this, there was changes, the last four employers went from Mullinax to Acme to Tamarkin and Mercy Medical in 2006, were listed 7, 8, 9, and 10 as far as income tax – principal income tax receipts from those employers changed from what Stark County – is that the – is that the Abbott Bridal.

Mrs. Loretto: It's a combination of the ...

Mr. Foltz: And what else from Stark County?

Mrs. Loretto: They withhold as a courtesy to their employees that live in town, that work for the county. But the big bump came when the advent of that down on South Main.

Mr. Foltz: On South Main here - the MRDD offices that we....

Mrs. Loretto: Yes, yes.

Mr. Foltz: worked on for that parking lot to see ....inaudible...

Mrs. Loretto: The other thing that I wanted to announce and I'm not sure you are aware, but 8, 9, and 10, all three of them are in the Hoover Building.

Mr. Foltz: That's what I was going to get to, Myers Control, Altercare, and Northeast Professional Home Care. So, I think that speaks very well at the hard work of this Council, Administration, Eric Bowles, CIC and everybody else. To see that the fruits of our labor there, I can't imagine the city without those four. So, job well done for everybody involved with that. We get questioned on – on why we buy certain items or make deals with parking lots but the proof is in the pudding here as far as the income tax receipts. So that was my comment, thank you for the report. It was very enlightening.

Mr. Snyder: Thank you member Foltz. Member Peters?

Mr. Peters: Yeah, this Friday, April 1 is the deadline for letters of interest for the vacancy and I am assuming we're going to start interviewing Monday.

Mr. Snyder: It's the hopes - and I was going to get with you that we will begin interviewing Monday night – we will do Monday night and Tuesday night of next week. And then again the following the Monday and Tuesday and then – what – so far it looks like we'll need those two days and any follow-ups, but that's the initial plan. Begin at 6:00 pm next Monday, unfortunately we could - we'll get ready to go, we don't have all the letters of intent in yet. Cause you said that the deadline is Friday. But the ones we have will be - the Clerk will probably be forwarding a letter stating the time. And the reason being, you know, unfortunately the time challenge of a lot of members of Council. We're gonna compact them into Monday's and Tuesday's. So that's the plan.

Mr. Peters: Wednesdays.

Mr. Snyder: Wednesdays, yeah we'll work them along that line, so we'll .....inaudible.....

Mr. Peters: That's if we get them.

Mr. Snyder: Okay. I appreciate it. Mr. Davies?

Mr. Davies: No report.

Mr. Snyder: Member Kiesling?

Mrs. Kiesling: No report.

Mr. Bowles: Mr. President?

Mr. Snyder: Sir...

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, March 287:00 p.m.20 11

Mr. Bowles: I forgot to add that we have through the Permits and Inspection Department, we have ramped up our complaints to the city, our nuisance complaints, we are traveling the city and we're also taking complaints from residents. I think we've delivered about sixteen of those complaints to the law department today, which they're acting on. And we are going forward at some point in time in the very near future, with sending those complaints to Mayor's Court. So we're out there. It's going to start greening up here very - very soon I hope and we'll be out there checking in addition to the nuisances and people parking their cars in front lawns, we'll also be checking on the grass and the weeds. So we hope that people will keep an eye out and we need to make sure we maintain our city to the standard that the residents have been accustomed to.

Mr. Snyder: I appreciate that.

Mr. Bowles: Thank you.

Mr. Nilges: Mr. President?

Mr. Snyder: Sir?

Mr. Nilges: Since he brought that up. I'll just - it kinda relates to what Mr. Bowles just said and I apologize that I don't have all the numbers in front of me, that's why I didn't provide the report and it hasn't actually happened yet. So, I was gonna wait till the next time to announce it but there has been - you know as you know we appointed an Assistant Director of Law, who is responsible for these things. And, it has been some time since the city has pursued enforcement of a variety of its Ordinances. We did find some difficulty in starting with the zoning. An easier target so to speak or the failure to file, income tax, those were a lot more, you know, easy nice in a package and documents, current, easy to verify. So, over the last several months in working with the Finance Department - Gayle Bruce has been extremely helpful in that regard, put together a number of failure to files and people who owe penalties under - for violations to the Income Tax Ordinance. We now have a handful of - of or more than a handful of complaints that will be issued, had - had the Assistant Director of Law not been detained in a trial this afternoon you would've had the Council's signature, the Clerk of Council's signature on them and they would've been launched this afternoon but that'll have to wait until sometime later this week. But we will be kind of unleashing the first phase of Mayor's Court Enforcement and we're going to use this as an opportunity to kind of tweak it and make sure that everything is up and fully operational so to speak. And should be perfectly set in time for when the - the - weather gets warm and we're going to see a lot of violations to be able to jump right on those en-coupled with what they are doing over there in super...or what the new Superintendent Permits and Inspections is doing, in terms of getting - getting good files together for us very quickly, we should be able to move on that. And have the machinery able to react to it. So, since you brought that up, I figured I'd give you that premature report.

Mr. Snyder: I appreciate it. I would just like to say from the Chair, I do appreciate the four Committee Chairmen, their reports comprehensive as they were, makes this job very easy for me, thank you for reporting on the Ordinances in the proper fashion.

## FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Will there be any other business come before this body? Last call for business. Seeing none, I'll take a motion to entertain to adjourn the meeting.

## ADJOURN:

Mr. Foltz moved and Mrs. Kiesling seconded to adjourn the council meeting. All members present voting:

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

No: 0

The meeting adjourned at 7:38 pm.



PRESIDENT OF COUNCIL

## ATTEST:



CLERK OF COUNCIL

4/4/11-heh  
3-28-11 CM MINUTES (AUTOSAVED)