

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Monday, April 25 7:00 p.m. 20 11

CALL TO ORDER:

1. The council meeting was called to order Monday, April 25, 2011 at 7:00 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

2. The opening prayer was delivered by Mr. Michael Crigline

PLEDGE OF ALLEGIANCE:

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: Davies, DeOrio, Kiesling, Peters and Snyder. Council Member Foltz was not present for the meeting.

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

Mr. Snyder: May I have a motion and a second to excuse Member Foltz?

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

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

No: 0

5. Consideration

Council Meeting Minutes – April 11, 2011
Financial Statement – March, 2011

Mr. Snyder: May I have a motion and a second to approve, as submitted, the council meeting minutes for April 11, 2011 and the financial statement from March, 2011?

Mrs. Kiesling moved and Mr. DeOrio seconded to approve the council meeting minutes for April 11, 2011 and the financial statement for March, 2011 as submitted. All members present voting:

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

No: 0

6. Committee Minutes

Mr. Snyder: May I have a motion and a second to approve, as presented, the following: Executive Session for Personnel & Safety – there were two of them held on April 11, 2011 and one held on April 18, 2011; and the cancellation of an Executive Session for Finance & Property scheduled for the 18th of April, 2011. Committee report minutes for Finance & Property; Personnel & Safety; and Water, Sewer & Rubbish all held on the 15th – excuse me, the 18th of April, 2011.

Mr. DeOrio moved and Mr. Peters seconded to approve the executive session and committee report minutes, as submitted. All members present voting:

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

No: 0

Executive Session for Personnel & Safety Committee Please refer to the minutes on file in the Council Office of the Executive Session for Personnel & Safety Committee meetings both held April 11, 2011.

Executive Session for Personnel & Safety Committee Please refer to the minutes on file in the Council Office of the Executive Session for Personnel & Safety Committee meeting held April 18, 2011.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held April 18, 2011.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held April 18, 2011.

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Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held April 18, 2011.

7. Voice Vote – Appointment of Council at Large Representative

Mr. Snyder: At this time I'll entertain a motion to appoint to the vacancy on the City Council of North Canton.

Mr. DeOrio: Point of order.

Mr. Snyder: Sir.

Mr. DeOrio: The last time we did this when we replaced Member Wright with Member Peters we just did a voice vote of what name we preferred. Is that the way we're proceeding tonight?

Mr. Snyder: That's correct. Whichever is easiest - You can do that and ...

Mrs. Kiesling: Oh, just say the name we want.

Mr. Snyder: There are four – it would take four affirmative votes. That's fine.

Mr. DeOrio: Okay. Thank you.

Mr. Snyder: You're welcome.

Mrs. Kiesling: I guess call the roll.

Mr. Snyder: Will the Clerk please call the roll and we'll give it – we won't do it by motion they'll do it by voice vote only.

Mrs. Kiesling: Mark Cerreta.

Mr. Peters: Mark Cerreta.

Mr. Snyder: Mark Cerreta.

Mr. Davies: Mark Cerreta.

Mr. DeOrio: Jim Repace.

Mr. Snyder: There's been an affirmative vote of four members of the Council. The rules so say if a majority of the remaining council members do vote the member that is chosen will automatically become a member. Mr. Cerreta, welcome.

(Applause)

8. Oath of Office – Administered by Director of Law Nilges

Mr. Snyder: At this time I would ask Director of Law Nilges to step out. Mr. Cerreta, please step forward and receive the Oath of Office.

Mr. Nilges: Please raise your right hand...

Director of Law Nilges and Mr. Cerreta: I, Mark Cerreta, do solemnly swear to support the Constitution of the United States, the Constitution of the State of Ohio, and the Ordinances and Resolutions of the City of North Canton, Ohio; and to faithfully, honestly, and impartially, discharge the duties of the Office of Council Member of the City of North Canton, Ohio, and this I do as I shall answer unto God.

Mr. Nilges: Thank you very much. Congratulations.

(Applause)

Mr. Snyder: Mr. Cerreta, would you like to take your chair.

Mrs. Kiesling: Is that where he's going to sit or should we all move to...

Mr. Snyder: We have to shift one I think.

Mrs. Kiesling: We have to shift. If we're going to do alphabetical, Mark sits there and you guys move down I think.

Mr. Peters: Oh, we shift down.

Mrs. Kiesling: Yeah.

Mr. Snyder: You shift down one. Thank you, Director of Law Nilges. At this time we'll entertain recognition of any visitors. Anyone wishing to speak before the Council, please step forward and state your name and address for the record.

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9. Recognition of Visitors

Chuck Osborne: My name's Chuck Osborne. 307 Fairview Street SE, North Canton, Ohio. Need these? It is no secret that the City of North Canton is struggling financially. Not only is that fact front and center in weekly discussions at City Council meetings, it is apparent in the condition of the City's infrastructure in this community we call home. Are city dollars being spent wisely? Three years ago on February 11, 2008, North Canton City Council passed legislation to authorize the Auditor of State to undertake a Performance Audit to identify cost savings for city operations. On January 6, 2009, after nearly a one year audit of city operations at a cost of approximately \$62,000, the Auditor of State made 40 recommendations to the City in a 123 page report. Not long after the release of the Performance Audit by the Auditor of State, city e-mails, dated May 14, 2009, indicate that then City Administrator Earl Wise was advised by Bruner Cox that Mayor Held had asked their CPA firm to, and I quote, "to assist The City of North Canton in regards to the January 6, 2009, Performance Audit." On July 13, 2009, Mayor Held signed a Letter of Agreement with Bruner Cox, LLP. On October 14, 2009, former City Administrator Earle Wise signed a purchase order authorizing the expenditure of \$15,000 for the review of the Performance Audit by Bruner Cox. Three months later on January 9, 2010, a 32 page draft report labeled "Review of the North Canton City Performance Audit Project" was released. Why has North Canton not received the final report that is contractually promised in the Letter of Agreement? The last two bullet points in Attachment A of the Letter of Agreement state that Bruner Cox, and I quote, ". will meet with the North Canton City Council to review the draft of the report and issue a final report to Mayor and Council." This has never happened. I spoke on this issue before City Council on July 12, 2010, in a presentation titled, and I quote, "\$15,000 Audit of State Auditor's Performance Audit Was an Utter Waste of Public Funds" The Bruner Cox review consisted of a replication of the recommendations made in the Auditor of State's Performance Audit with the addition of very brief information from city department heads that was already generally known or could be found out in a brief telephone call. Mayor Held, you stated last year that, and I quote, "you did support and authorize Bruner Cox to come in and provide oversight to the City and that you were very confident, very comfortable with the work that Bruner Cox did", closed quotes. I do not believe that North Canton City Council shares that position given that there was discussion under the Finance and Property Committee on July 6, 2010, to limit spending by your Administration without an appropriation from Council. Unfortunately, Council never moved forward with that - with action on this. Given that taxpayers have paid out \$15,000 for this review, I ask that the Bruner Cox draft report be posted on the City's website along with the State's Performance Audit to allow residents to judge whether the City really benefited from a review of the Performance Audit for an added expense of \$15,000 to the City. I have copies of that draft and I'll be glad to provide it to anybody here - in here and also anybody here in the audience.

(Mr. Osborne is distributing copies of the draft)

Mr. Snyder: Thank you, Mr. Osborne.

Mayor Held: Chuck...

Mr. Snyder: Mayor, go ahead.

Mayor Held: Yea, if I could just respond to that. What the City did is we had a Performance Audit done by the State Auditor's Office. And after we had the Performance Audit completed there were questions that Council members and others had as to whether or not we were meeting those requirements. So what we decided to do and at the time I had discussed this with the Finance Chairman, which was Councilman Snyder and also the Council President at that time, as far as how we would approach this and one of the decisions was to get a third party in there to oversee the compliance of the city's adherence to the recommendations that the Auditor of State had. And so that's where we brought in Brunner Cox for \$15,000. They did do a review of our compliance with the Audit. Obviously since that period of time there's been a number of things that have changed. One example is that I believe at the time the audit was done we had an 112 full time employees and now we're down to 96. Because we went through that process we did have Earle Wise, who was the City Administrator, and we brought in Jim Benekos on an interim basis for six months and now we have Chief Grimes. So the goal is really to make sure that the draft document is up to date and clear. We'd be happy to post it as it is right now because really after this amount of time there's not going to really be any changes to it. But again, I really think that's it money well spent when you look at a 34 million dollar budget that the City has. We spent approximately \$60,000 on a Performance Audit which I think is probably the best investment that this City's ever made since I've been the Mayor. And then we had the additional \$15,000 for Brunner Cox. So we've had a private firm look at our City's operation, we've had the State Auditor look at our City's operation and I think that this Council as well as the Administration you know should be very proud of the work that we've done because you know we've reduced our expenditures well over a million dollars and we had to do that to balance the budget.

Mr. Osborne: Mr. Snyder, do you concur? Were you a party to urging that the City go and spend another \$15,000 to review the State Audit which hadn't - had only been completed three months earlier.

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Mr. Snyder: If I recall, the Mayor spoke to me about how to implement that and you know I assume he probably – I don't know if he told me exactly the cost of it or he was - what his direct plans were to do it, but he did talk to me. And when he brought that up I recall him saying that because - but most of those – I think the Mayor was directed by at that time Council President Revoldt to do that. I'm not positive, but that's my memory in that. I ...

Mayor Held: Yea, and the other thing is, just to clarify, I didn't authorization of Council to do it. And if - and I would of moved ahead with it, I'd do it again. Absolutely no doubt in my mind it was money well spent.

Mr. Osborne: Mr. Snyder, wasn't it your motivation to review the appropriation level authorized by the State regarding the Mayor because of this expenditure?

Mr. Snyder: We had talked about that in our Committee – Members DeOrio and Member Davies and myself and we had at that time had a threshold of 5,000 and I believe ...

Mr. Osborne: You were discussing a threshold of 5,000.

Mr. Snyder: Right. And we did not proceed. But we will – there's been some...

Mr. Osborne: But state law is 25,000. Correct?

Mr. Snyder: That's correct. That's correct. They can be spent...

Mr. Osborne: And you were going to limit him to 5,000.

Mr. Snyder: for professional services it is \$25,000. Now we talked about 5 and we did not do any more with it since – about that time it was around August I think of 2010. And we will put that back and we will review it. So we'll put it back on the Council and find out ...

Mr. Osborne: Well if you had implemented some action you wouldn't be dealing with this problem with the Verizon cell phone contract which was un-bid, unauthorized and ...

Mayor Held: Excuse me, actually if the threshold was lowered...

Mr. Osborne: And I'll look forward...

Mayor Held: it still would of happened. That still would of taken place anyways. It wasn't a question of the threshold because of the amount of the Verizon contract was clearly above the \$25,000 which is the item which we're working to correct.

Mr. Osborne: Well it would of provided added emphasis that we ...

Mayor Held: And it's a corrective measure...

Mr. Osborne: don't want you spending any money...

Mayor Held: Again, Chuck, it's a corrective measure that the City can enter into which we're doing, we're in the process of doing that. And so at some point in the near future the City Council is going to determine what cell phone agreement the City enters into or whether we have cell phones or we don't have cell phones. But that's clearly and it's an administrative measure that's easily corrected which we intend to do.

Mr. Osborne: You are aware that letter of the agreement has not been totally complied with. They have not reviewed the draft with Council for added input and they have not published a final copy.

Mayor Held: That's correct.

Mr. Osborne: Final report.

Mayor Held: That's correct.

Mr. Osborne: And this is a year and a half later.

Mayor Held: That's correct.

Mr. Snyder: Mr. Osborne I'm going to have to point out to you sir that the rules do state there is no debate amongst members or members of the elected staff. So I don't – I'm not trying to stifle your ability to speak to us, but I can't allow you to banter back and forth and ...

Mr. Osborne: Do I have your assurances that both reports are going to be on the City's website?

Mayor Held: Yes.

Mr. Osborne: So the public ...

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Mayor Held: Absolutely.

Mr. Osborne: can see how their money is being spent.

Mayor Held: We'll have them both posted by tomorrow.

Mr. Osborne: Well we don't have to rush it, but if by the end of the week...

Mayor Held: End of the week.

Mr. Osborne: How long will it stay up there?

Mayor Held: Keep it up there permanently.

Mr. Osborne: I'm sorry.

Mayor Held: We can keep it up there permanently.

Mr. Osborne: Thank you.

Mayor Held: You're welcome.

Mr. Snyder: Thank you. Director of Administration.

Mr. Grimes: Just a point of clarification. At the middle of this week I'll have been doing my position for only eight weeks. And that was one the things the Mayor wanted me to do was look at our audit, see what we haven't implemented and why, and if we haven't why not; and also on the review of the audit. And I have been in contact with those folks since March 29th. So we are working through that process so I can get a draft on that. So we're in the business of taking care of that.

Mr. Osborne (speaking from the audience): Well I've been in touch with them myself.

Mr. Snyder: Okay now...

Mr. Osborne (speaking from the audience): They're ...inaudible... doing more work without more money.

Mr. Snyder: Thank you Mr. Osborne, that's – anyone else wishing to speak this evening to Council ...inaudible... Okay, seeing none we'll move to old business. May I have a motion to read by title only, the second reading of Ordinance No. 45-11?

OLD BUSINESS:

10. Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, second reading of Ordinance No. 45-11**. All members present voting:
 Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Kiesling.
 No: 0

Ordinance No. 45-11 – 2nd Reading – Ordinance, Rules & Claims Committee

An ordinance amending Ordinance No. 29-10, specifically subsections (d)(9)-(10) and (i)(1), (2) and (4) of 115.01 RULES OF COUNCIL, of the Codified Ordinances of the City of North Canton, to change the date and time the Agenda and supporting paperwork shall be available to the Council, Mayor, Director of Administration, Director of Law and Director of Finance and the date and time matters to be placed on the Agenda shall be reported to the Clerk of Council and declaring the same to be an emergency.

Mr. Snyder: Who's the member? Are you the member?

Mrs. Kiesling: I'm the member. We're all the way down to the member.

Mr. Snyder: So we're down to one – we're down to the member.

Mrs. Kiesling: Goodness, gracious, Mark can have it real soon. This is just a legislation changing when our packets are going to be put together, when everything needs to be to our Clerk of Council for the week before meetings. Any questions? I know – is everything clarified for you Pat from last – two weeks ago? Do we have a little change? We had something two weeks ago didn't we?

Mr. DeOrio: Not on this one I don't think.

Mrs. Kiesling: Not on this one.

Mr. Snyder: Not on this one.

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Mrs. Kiesling: Okay, alright, so I think we're good. I motion we accept.
Mr. DeOrio: Second.

Mr. Snyder: Now this does have an emergency clause. Are we comfortable with everybody voting on that emergency if I suspend the rules? I'd like to get this implemented as soon as possible. Under this particular – the genesis of this ordinance will require that everything be in the Council Office at 4:00 p.m. on Tuesday which in turn we will have to the Council members by noon on Thursday, giving you adequate time to contact personnel, members of the administrative staff or members through the administrative staff that are under tutelage of the Mayor. So that way we're able to do this a little more intelligently. They will – the Clerk has been given instructions that it must be there. If it comes after the period of 4:00 p.m. Tuesday, it will not be considered for that week but would be moved to the following week. Any questions?

Mrs. Kiesling: You okay with that Mark? Do you know what we're talking about?

Mr. Cerreta: Slightly.
Mr. Snyder: Yeah.

Mr. Cerreta: But I'm fine with it.
Mr. Snyder: Okay.

Mrs. Kiesling: Okay. It's just actually going to better for everyone.

Mr. Snyder: And if that's alright I will suspend the rules on this reading. So...
Mrs. Kalpac: Well we need to do a roll call for adoption.

Mr. Snyder: We need a roll to adopt the second reading of Ordinance 45-11.

Mr. DeOrio: So moved.
Mrs. Kiesling: Second. Now we need the roll, we've already done that.
Mrs. Kalpac: We just need the roll to adopt it.

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 45-11. All members present voting:
Yes: Snyder, Cerreta, Davies, DeOrio, Kiesling, Peters.
No: 0

Mr. Snyder: May I have a motion to suspend the rules of council pertaining to three readings for Ordinance No. 45-11?

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 45-11. All members present voting:
Yes: Cerreta, Davies, DeOrio, Kiesling, Peters, Snyder.
No: 0

Mr. Snyder: As time is of the essence, may I have a motion to adopt under suspension of the rules Ordinance No. 45-11?

Mrs. Kiesling moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 45-11. All members present voting:
Yes: Davies, DeOrio, Kiesling, Peters, Snyder, Cerreta.
No: 0

NEW BUSINESS:

11. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 49-11?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of** Ordinance No. 49-11. All members present voting:
Yes: DeOrio, Kiesling, Peters, Snyder, Cerreta, Davies.
No: 0

Ordinance No. 49-11 – 1st Reading – Water, Sewer & Rubbish Committee
An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to exercise the option to extend the existing franchise contract for a two (2) year period commencing July 1, 2011 and ending June 30, 2013, for the collection of residential garbage, rubbish, recyclables and yard waste in the City of North Canton.

Mr. Snyder: Member – Chairman Davies.

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Mr. Davies: Yeah, we're going to keep the same trash haulers. They're raising the price by a dollar, which is fair given the fact that gasoline prices and diesel prices have gone up so much. So I would move that we accept.

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 49-11. All members present voting:
 Yes: Kiesling, Peters, Snyder, Cerreta, Davies.
 No: DeOrio.

12. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 51-11?
 Mr. DeOrio: 50 or 51?
 Mrs. Kiesling: 50 or 51?
 Mr. Snyder: 50.
 Mrs. Kiesling: 50.
 Mr. Snyder: Excuse me, 50-11, excuse me, I'm sorry.

Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 50-11. All members present voting:
 Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Kiesling.
 No: 0

Ordinance No. 50-11 – 1st Reading – Finance & Property 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 Capital Improvement Fund to the Equipment Account in the amount of \$10,000 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: This is for the purchase of equipment not only for recording devices, it's also for laptop computers. It would give the ability for the Clerk to transmit to the Council members the packet. As I said originally, we print between 60 and 100 – 60,000 and 100,000 copies per year along with a lease of about \$3,000 for the copier. We are looking along with the help that has been offered from Director Grimes and North Canton TV to look at optical equipment to put out so that the audience can read it. We've determined the price of the computer to be about \$500, as well as there'd be a computer given to the Engineer and the Director of Finance. With their pass code they're able to access the main computer that's housed here at City Hall and at any time could give us information relating to either projects or any finances or any historical data relating to streets or finance. Right now they're somewhat limited should the question arise to be able to give you an intelligent answer without returning to their office and looking it up the next day. This way you'll have live time and you'll be able to be – hopefully answer the question that's posed by the member at that time or any member of the administration. Are there any questions? Mr. DeOrio.

Mr. DeOrio: Thank you. Just a few years back we probably all remember when the State of Ohio – I can't remember which statewide office it was, but an employee had a laptop that was stolen and it compromised social security numbers and other personal identifying information for thousands of individuals throughout Ohio. And the State was forced to purchase identity theft coverage for you know all the affected parties. My only concern with a laptop that has access to the main frames so to speak is that if something were to happen to that laptop, would that kind of information be compromised? So...

Mr. Snyder: That's a good question in that we have asked that and posed that question to the consultant we have. They're the only ones that have a password, they have a pass code. The computers that we have will not allow us to access ...

Mr. DeOrio: I understand that for us, but...

Mr. Snyder: But their computer cannot, without the password will not access into that.

Mr. DeOrio: And those laptops that were stolen had passwords too.

Mrs. Kiesling: Right, they hacked them.

Mr. DeOrio: They can be hacked. So...

Mr. Snyder: I'm sure, yeah.

Mr. DeOrio: My question, I guess...

Mr. Snyder: Do we want...

Mr. DeOrio: Do we want that ...

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Mr. Snyder: On that computer?

Mr. DeOrio: On that computer? Do we need that?

Mr. Snyder: That's a good question.

Mr. DeOrio: So that's – that – I just pose that for to be – isn't perhaps a reason to slow down but just to, as we're implementing this that we keep that ...

Mr. Snyder: Possibly the one that we keep it in Engineering and not go into the finance portion of it. Because I don't think there's any – is there critical data in your thing that ...

Mrs. Loretto: Jon...

Mr. Snyder: Marge.

Mrs. Loretto: You could make it – you could restrict it not to go into payroll and just have it go into the accounting entry area for these and then they could look up the data. But then you know there would be no access to payroll in that. So that's where you have to worry about the social security numbers.

Mr. Snyder: Okay. But we will bring that up to the fellow from the ...

Mr. DeOrio: Thank you.

Mr. Snyder: I appreciate it. That's a good question. Thank you. Any other questions? If not may I have a motion to adopt the second (first) reading of Ordinance No. 50-11?

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 50-11. All members present voting:

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

No: 0

13. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 51-11?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 51-11. All members present voting:

Yes: Cerreta, Davies.

DeOrio, for the reading, "yes".

Yes: Kiesling, Peters, Snyder.

No: 0

Ordinance No. 51-11 – 1st Reading – Finance & Property Committee

An ordinance authorizing the Director of Finance of the City of North Canton to reduce the appropriation of funds of the City of North Canton, Ohio, from the appropriated resources of the Street Construction, Maintenance and Repair Fund in the amount of \$80,000 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: I thought I – I had a privileged question from one of the members of the Committee and the Council relative to this. And I'll ask Karen or Marge if you would be kind enough to rise to answer the question. This 80,000 was appropriated several months ago to pay for salt and the fund was – it placed the fund in a negative balance. Am I correct in my assumption on that, Marge? And this will defund that – actually what it is in essence it's voiding that transaction where we appropriated out of the Street Maintenance Fund 80,000 to pay for salt. The money was not in that fund to have that appropriated. Am I correct in my ...

Mrs. Loretto (speaking from the audience): You are correct.

Mr. Snyder: And this will eliminate ...

Mrs. Loretto (speaking from the audience): This takes it back where it was originally.

Mr. Snyder: Where it was originally.

Mrs. Loretto (speaking from the audience): Yeah. That was in March ...inaudible...

Mr. Snyder: And the companion piece of legislation that we're going to ask to be passed, the second ordinance, the 52-11, will now move 80,000 from the General Fund to pay for that salt. Is that correct?

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Mrs. Loretto (speaking from the audience): You're correct. The payment's already made so ...inaudible...

Mr. Snyder: We're just – it's a bookkeeping entry.

Mrs. Loretto (speaking from the audience): Exactly.

Mr. Snyder: But it is not a – it does not involve either capital or – the only involvement in the Street Fund is returning on paper the 80,000 that we removed.

Mrs. Loretto: Right.

Mr. Snyder: Okay. I hope this answers – does any other member have questions on that? If not, may I have a motion to adopt the first reading of Ordinance No. 51-11?

Mr. DeOrio moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 51-11. All members present voting:

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

No: 0

Mr. Snyder: Can I have another reading or is this ...inaudible... that we don't have to do this on an emergency basis? Is it...

Mrs. Loretto (speaking from the audience): Inaudible...

Mr. Snyder: Time is of the essence on this?

Mrs. Loretto (speaking from the audience): I just – I just wanted to clean it up before I left. Inaudible... but that's up to you.

Mr. Snyder: Yeah, I would like to just have one more reading with Member Foltz in the mix on it.

Mrs. Loretto (speaking from the audience): That's alright.

Mr. Snyder: Okay. Thank you. Moving to Ordinance No. 52-11, may I have a motion to – for first reading of Ordinance 52-11?

14. Mr. DeOrio moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 52-11. All members present voting:

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

No: 0

Ordinance No. 52-11 – 1st Reading – Finance & Property 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 General Fund to the Transportation – Operating Supplies Account in the amount of \$80,000 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: Again, this is the transfer on paper. The money has been paid for the salt. We're transferring it now from the unappropriated monies that we have in the General Fund to do this. And if there are no questions, I'd like a motion to adopt the first reading of Ordinance 52-11.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 52-11. All members present voting:

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

No: 0

REPORTS:

Mr. Snyder: Okay, and again I'll let that alone and we'll adopt that with the next reading. Reports, Director of Law.

Mr. Nilges: I do. Just wanted to give a – I have some hard numbers now. As you know, several months ago we started – we went to the Mayor's Court and revved up the engine again a little bit. We're going to start – well what we've already started is enforcing our tax ordinances which is really not been done through Mayor's Court for quite some time. Next step, now that the weather is clearing is to go after the zoning and other ordinances. And just to give you kind of a report of what we've already been able to do, we did issue our first five complaints and that has netted us a delinquent tax in the door of \$581.12 and an additional \$178.00 in court costs for a grand total of \$759.12 which at Lou Guarnieri's outstanding \$30.00 an hour is about \$25.00 worth of his work. So I think we're actually, technically, slightly ahead

RECORD OF PROCEEDINGS

0469

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 25 7:00 p.m. 20 11

now. I don't know we still have to get his invoice in but this is good news because this was the test run and I can report to you that it was – it worked without a hitch and it was very effective. And I'll tell you that even though we had a couple of people who we had difficulty obtaining service on, it's amazing how quickly the rumor mill spread and their families were calling them on the phone. They were in here within hours with checks and apologizes. So this Mayor's Court Program is going to, I believe, if it continues the way it is, I think it's going to be a big success. So I'm happy to report that. Almost a year ago now we had obtained a judgment against a resident on Castlewood who had a building out of compliance with our Zoning Ordinance and specifically there we wanted specific relief for that because it's a shed that's in his front yard and it's disturbing the neighbors. Although it took a year for the order to come down, Judge Heath did fax me an order last week and confirming that we were successful in getting the injunction and successful in obtaining declaratory relief. And he has I believe until May the 27th to bring his shed in compliance. So those are the two things to report.

Mr. Snyder: Thank you. Director Alger.

Mrs. Alger: None at this time. But thank you to the Director of Law for doing what he's doing for the Income Tax Department.

Mr. Nilges: Yeah, and that's actually a good point. One member of Karen's staff is Gayle Bruce and she – the reason this was so easy to do is because she keeps such good files. And I'd also like to thank Teresa Dolan of the Mayor's Office as well for helping out quite a bit and as well as the police. So...

Mr. Snyder: Director Grimes.

Mr. Grimes: The weather's not cooperating much with us but we are trying to get the parks open, the restrooms open and we are trying to get around to the snow plow damage. So if your constituents call you - you know you can send that on to me and we'll make sure that we didn't miss them and they're on the list.

Mr. Snyder: Okay. Mr. Mayor.

Mayor Held: Yes, I have three things. The first I'd like to thank our Finance Director, Marge Loretto or Interim Finance Director, and Karen Alger for implementing the paying with a credit card for the Dogwood Pool, for the tickets. This is so much easier for the residents. I know that the people that are collecting funds very much appreciate it and I'd like to thank Council for approving this to go through. Also, we have the State of the City on May 4th. That will be 7:00 p.m. Wednesday, May 4th – 7:00 p.m. And we're going to be teaming up with the Superintendent of North Canton City Schools. They'll be giving the State of the Schools just following the State of the City. Try to combine those to make better use of the time of those that are in attendance. And we'll also televise that on our local cable channel. And then thirdly I'd like to thank the – all the applicants that applied for the Council position. And it's really nice to see all of you – all of you have the desire to serve the City. And I'd like to congratulate Mark Cerreta on the appointment – welcome. That's all I have.

Mr. Snyder: Thank you Mr. Mayor. Mr. Engineer.

Mr. Benekos: The North or the Main Street resurfacing project should be starting shortly. The contract's been awarded to Northstar. They'll start at the square here replacing the concrete and the bricks. There will be a detour probably going east/west, north/south will be maintained. But to tear out the concrete and relay that and as we get that information we'll pass that along. The contractor's in the process of putting together his schedule and his work plan. Then they'll be starting to tear up the catch basins that need to be replaced. There'll be curb ramps up and down the street that will be replaced and when that's all done then they'll start resurfacing. So it will probably be about a month or so before they actually start resurfacing. We promised the Y (YMCA) the street will be done before the July 4th race. So hope the Mayor isn't a liar on that.

(Laughter)

Mr. Benekos: That's it. Thank you.

Mr. Snyder: Thank you sir. Madam Clerk.

Mrs. Kalpac: No report. Thank you.

REPORTS – COUNCIL:

Mr. Snyder: Mr. Peters.

Mr. Peters: Yeah, just real quick. I know Mr. Tripp is in the audience tonight. I spoke with Administrator Grimes and they were going to be working on Dogwood Park and addressing that fence issue. And along with that there are some dead or dying rather large trees on that back side

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and not so much on the hill where the kids – where people don't hang out, but down where they're walking by the I think it's the horseshoe area, we might need to address that sooner rather than later. There's some pretty bad looking trees. So we're on that. That's it.

Mr. Snyder: Mr. Davies.
Mr. Davies: No report.

Mr. Snyder: Mr. Cerreta.

Mr. Cerreta: No report but I do want to say a few things so if I may.
Mr. Snyder: Please, sure.

Mr. Cerreta: Because I didn't get a chance there. First I want to thank all the council members here for my vote of approval and putting me up here. I really appreciate that. And I hope – I'm looking forward to working with all of you and going through some issues. Also, as the Mayor said, I do want to commend those other folks who also put their name in. You know growing up in this town it's not easy to just throw your name in there and be in the paper and to be in front of everybody. And there's some really good people that I've known you know being from here and so I hope they don't go away. In fact I would recommend you put these people on some committees and see how interested they can get because anytime someone steps up, you want to you know kind of bring them in and see what they've got. So I would recommend that. And I also want to thank my family for being here and my friends in the back over there. So a lot of those people were - been around all of their life. You know their names like Warbutons and Mathies and some of the names that you've heard for years as Motts. So thank you all for coming too. I appreciate that. So that's all for me for now.

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

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

Mr. Snyder: Again, I can only say that of the 14 applicants we had it was a very arduous job getting it down. We thank all those – and I want to thank Council for all the extra time they spent in interviews. We've had kind of a rocky year here with plenty of extra work, but that's fine and we're moving ahead. We have a great team again and we hope to move forward. And we look forward to the Mayor's State of the City on next Thursday.

Mayor Held: Wednesday.
Mrs. Kiesling: Wednesday.
Mr. Snyder: Wednesday?
Mayor Held: Wednesday.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Wednesday – Well maybe Thursday and you wouldn't have to give such a hard report there wouldn't be so many people there. Last call for business.

ADJOURN:

Mr. DeOrio: Move to adjourn.
Mrs. Kiesling: Second.

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

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

The meeting adjourned at 7:38 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL

5/5/11-gmk