

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 13 7:00 p.m. 20 11

CALL TO ORDER:

- 1. The council meeting was called to order Monday, June 13, 2011 at 7:10 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

- 2. The opening prayer was delivered by Rev. Diana Thompson, Good Shepherd Lutheran Church.

PLEDGE OF ALLEGIANCE:

- 3. All present recited the Pledge of Allegiance.

ROLL CALL:

- 4. The following members of Council responded to roll call: Cerreta, Foltz, Kiesling, Peters and Snyder.

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

5. Consideration:

Mr. Snyder: May I have a motion and a second to excuse members DeOrio and Davies?

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

6. Committee Minutes:

Mr. Snyder: May I have a motion and a second to approve, as presented, the council meeting minutes of May 23, 2011, the special council meeting minutes of June 6, 2011, and the Mayor's Court Receipts of March and April 2011?

Mr. Foltz moved and Mr. Peters seconded to approve, as presented, the council meeting minutes of May 23, 2011, the special council meeting minutes of June 6, 2011, and the Mayor's Court Receipts of March and April 2011. All members present voting:
Yes: Kiesling, Peters, Snyder, Cerreta, Foltz.
No: 0

Mr. Snyder: May I have a motion and a second to approve, as presented, the following executive session and committee report minutes: Executive Session for Personnel & Safety May 23, 2011. Committee Report minutes for Community & Economic Development; Finance & Property; Ordinance, Rules & Claims; Street & Alley; Water, Sewer & Rubbish, all held June 6, 2011.

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

Executive Session for Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Executive Session meeting for the Personnel & Safety Committee held May 23, 2011.

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held June 6, 2011.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 6, 2011.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held June 6, 2011.

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Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held June 6, 2011.

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held June 6, 2011.

7. Recognition of Visitors

Mr. Snyder: At this time the Council will recognize any visitors wishing to speak. Please step to the podium and state your name and address for the record. Seeing none, we will move right into old business. I need a motion and a second to **read by title only, the second reading** of Ordinance No. 57-11.

OLD BUSINESS:

8. Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 57-11. All members present voting:
Yes: Snyder, Cerreta, Foltz, Kiesling, Peters.
No: 0

Ordinance No. 57-11 – 2nd Reading – Finance & Property

An ordinance establishing a policy requiring authorization and approval by the Director of Law of the City of North Canton prior to hiring of outside legal counsel for collection matters.

Mr. Snyder: The purpose of this is to channel everything through the Law Department. The Law Director will then know where it's at. Right - presently we have two or three people doing this somewhat on their own and calling outside counsel. The Rules of Council do prohibit that and we just want to make that clarified. If there are no other questions, I'll entertain a motion and a second to **adopt the second reading** of Ordinance No. 57-11.

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 57-11. All members present voting:
Yes: Cerreta, Foltz, Kiesling, Peters, Snyder.
No: 0

NEW BUSINESS:

9. Mr. Snyder: May I have a motion and a second to **read by title only, the first reading** of Ordinance No. 60-11?

Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 60-11. All members present voting:
Yes: Foltz, Kiesling, Peters, Snyder, Cerreta.
No: 0

Ordinance No. 60-11 – 1st Reading – Street & Alley

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 Pittsburg Avenue Resurfacing Project (from Portage Street approximately 1750 feet north to the corporate line), at a cost not to exceed \$110,000, and declaring the same to be an emergency.

Mr. Snyder: Are you the Vice Chairman of Street?

Mr. Foltz: I'm not but I was here last week so...

Mrs. Kiesling: Yea, I wasn't here so that ...inaudible...

Mr. Foltz: Okay. Jim, you can jump in on this if you'd like as City Engineer. I think it's under \$10,000. Were we just going to bid it out and come back for approval? Weren't you going to work on additional municipal road funds through the County for their section?

Mr. Benekos: Municipal road funds are coming; it's just a matter of what's the final amount.

Mr. Foltz: The final amount working with the County since we're going to pave the whole road, including the county area, correct?

Mr. Benekos: Correct, there is an additional 500 feet so we were going to go ahead and bid it out and see how the funds came, or the bids came in, and then how much funding we did get from municipal road funds.

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Mr. Foltz: And then come back to Council?

Mr. Benekos: Right.

Mr. Foltz: Right, once we had those exact figures. Any questions from the rest of Council? Then I make a motion to **approve first reading** of Ordinance No. 60-11.

Mr. Foltz moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 60-11. All members present voting:

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

No: 0

10. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 61-11.

Mr. Foltz: Do we want emergency on that, Jon?

Mr. Snyder: We don't have enough people.

Mr. Foltz: Never mind.

Mr. Nilges: It does have an emergency clause in it though.

Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 61-11. All members present voting:

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

No: 0

Ordinance No. 61-11 – 1st Reading – Water, Sewer & Rubbish

An ordinance amending Section 3 of Ordinance No.33-11, Farview Drive SW Waterline Replacement Project (Westfield Avenue SW to cul de sac), by an increase in the amount of the allocations for the project, at a cost not to exceed \$110,000, and declaring the same to be an emergency.

Mr. Snyder: I guess this defaults to me since there is no one else here. In the original authorization we had passed an ordinance allowing \$100,000 for this project. The total bid came in at, even with the alternate, \$108,240. At the request of the Engineer, we are re-bidding this, we are re-bidding it and they need additional dollars so we are asking...

Mr. Benekos: We're not re-bidding it, we're looking to award it to the second-highest bidder.

Mr. Snyder: Okay.

Mr. Benekos: We just didn't have enough funds in there. We don't think if we re-bid it that the price will come down lower.

Mr. Snyder: And this will go to a different contractor.

Mr. Benekos: It will go to Winger Excavating. The first bid, their bid was in error.

Mr. Snyder: Okay. It did not contain the pipe.

Mr. Benekos: Correct.

Mr. Snyder: That makes it tough. A couple of buckets and carry it on your back. Well, that's what it is. Any other questions? Now the thing is, this and one or two of these other pieces of legislation are at, time is of the essence. What I'm going to ask Council when we're through with this is to take a voice vote to have a five or maybe a ten minute meeting prior to the meeting next Monday to pass these because this one as well as one or two of these other pieces of legislation are time sensitive and the Administration does need to move forward so Mr. Mayor, if that's fine with you, we'll meet fifteen minutes early next Monday and pass that legislation. As Mr. Foltz pointed out, they are ready to go and the construction season is very short in northeastern Ohio so we want to get moving on that. May I have a motion to **adopt the first reading** of Ordinance No. 61-11?

Mr. Foltz moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 61-11. All members present voting:

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

No: 0

11. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 62-11.

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Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 62-11. All members present voting:
 Yes: Cerreta, Foltz, Kiesling, Peters, Snyder.
 No: 0

Ordinance No. 62-11 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Permit Fee Fund to the State Building Permit Fee Account in the amount of \$1,000 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: Mayor, Member of Council, the same thing. In my zealously when we prepared the 2011 budget and reducing line item by line item, we reduced that particular one originally from \$1800 to \$1500, and took another \$1000 to reduce it to \$500. However, the first bill to come in, I think, was about \$1600 and some dollars so we do need to move this money to pay the state the money that it's required - that we're required to pay.

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 62-11. All members present voting:
 Yes: Foltz, Kiesling, Peters, Snyder, Cerreta.
 No: 0

Mrs. Kiesling: Just don't do it again. (Laughter)

2 Mr. Snyder: At least till next time. May I have a motion and a second to **read by title only, first reading** of Ordinance No. 63-11.

Mr. Foltz moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 63-11. All members present voting:
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz.
 No: 0

Ordinance No. 63-11 – 1st Reading – Finance & Property

An ordinance amending Chapter 191 Administrative Code, specifically Section 191.13 EXEMPTIONS FROM TAX of the Codified Ordinances of the City of North Canton, Ohio and declaring the same to be an emergency.

Mr. Snyder: As you know, the volume of our ordinance on income tax, we started changing it when we detected the fact that we did not have a prohibition to a person deducting business expenses from their personal income tax filed to the City. We changed that, and as every government entity, when we changed one thing, we found another that we did not change, and by changing this now they are compatible so we're asking for that particular code to be changed under that chapter.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 63-11. All members present voting:
 Yes: Peters, Snyder, Cerreta, Foltz, Kiesling.
 No: 0

3. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 64-11.

Mr. Foltz moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 64-11. All members present voting:
 Yes: Snyder, Cerreta, Foltz, Kiesling, Peters.
 No: 0

Ordinance No. 64-11 – 1st Reading – Finance & Property

An ordinance amending Chapter 141 Administrative Code, specifically Section 141.03 LOCAL BIDDER PREFERENCE of the Codified Ordinances of the City of North Canton, Ohio and declaring the same to be an emergency.

Mr. Snyder: Again, in this particular section we do have bidder preference. We will allow a bidder that is a local resident in the City of North Canton to be as much ten percent higher than the next bidder and still be awarded that bid. However, we want to make sure that that particular bidder is in fact in compliance with our income tax laws and that the money is paid to date and is current. Right now it does not prohibit that and possibly we could give this person an advantage over the other bidder and they would not be in compliance with our income tax laws so we want to make sure that the Board of Control has a certificate showing that they are in compliance with the present income tax laws.

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Mr. Peters moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 64-11.
 All members present voting:
 Yes: Cerreta, Foltz, Kiesling, Peters, Snyder.
 No: 0

14. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 65-11.

Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 65-11. All members present voting:
 Yes: Foltz, Kiesling, Peters, Snyder, Cerreta.
 No: 0

Ordinance No. 65-11 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Street Construction, Maintenance & Repair Fund to the Salaries & Wages, P.E.R.S., Medicare, and Worker's Comp Accounts in the amount of \$9,000 for the current expenses during the fiscal year ending December 31, 2011, and declaring the same to be an emergency.

Mr. Snyder: At the request of the Administration and Director of Administration, we are asking for additional wage money to be placed that they can hire two additional part-time college students to do painting halls, painting the fences in the parks, cleaning and whatever ancillary jobs the Director of Administration may have for them to do over the balance of the summer. He has a punch list of many things and these boys will be working approximately at a third of the value of full-time workers and they are able to do it and that's what we're looking for.

Mr. Foltz: I'm all for that, especially painting the fences at the parks or repairing them as needed with the summer seasonal workers so motion to approve.

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 65-11.
 All members present voting:
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz.
 No: 0

Mr. Snyder: Before I move into reports, may I have a motion and a second to have a special Council Meeting on June 20, 2011, at, what do we need, about 20 minutes, 15 minutes?

Mrs. Kalpac: Better to allow enough time.

Mr. Snyder: With 20, maybe 6:30, just in case. We'll go half an hour. That way we can get these four or five pieces out of the way and get them adopted so that the Engineer can get started with them.

Mr. Nilges: Which ones?

Mrs. Kalpac: So it would be Ordinance No. 60-65?

Mr. Snyder: We'll need numbers 60-11. We need 61-11, 62-11. We might as well do all the next three; 63-11, 64, and 65-11. We'll do them all except for the Director of Law. He's magnanimous, he doesn't mind if we hire somebody. (Laughter)

Mr. Nilges: We can wait, we'll live. (Laughter)

Mr. Foltz: We need a motion on that?

Mr. Snyder: Please.

Mr. Foltz moved and Mr. Cerreta seconded to **schedule a special council meeting for Monday, June 20 at 6:30 p.m.** to consider the second reading for Ordinance No. 60-11, 61-11, 62-11, 63-11, 64-11 and 65-11. All members present voting:
 Yes: Peters, Snyder, Cerreta, Foltz, Kiesling.
 No: 0

REPORTS:

Mr. Snyder: Reports, Director of Law.
 Mr. Nilges: No report.

Mr. Snyder: Director of Finance.

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Mrs. Alger: No reports at this time.

Mr. Snyder: Director of Administration.

Mr. Grimes: No reports other than I appreciate the extra help. We're behind and we're trying to get to it so...

Mr. Snyder: Mr. Mayor.

Mayor Held: Yes, we have two things. First of all, the girls won the State Championship Girls Softball Team. And Marcia's daughter was on that State Championship team. And of course, as we always do whenever we have a team that wins a state tournament, we welcome them in with a police escort and with our fire trucks and it was a real nice afternoon here recently. And what we'd like to do is introduce all of the girls' softball players and their coaches, welcome them here next week to a council meeting and we give them a proclamation. We're very proud of them. They did a nice job, and they didn't expect, I don't think that people had high expectations of them winning the State tournament this year but they proved them all wrong. And then also secondly, Chief, maybe you can comment on the Zimber ditch.

Mr. Grimes: Oh, we had an issue there this week with the Zimber ditch backing up. Mr. Brian Hill got some of his people in there. We couldn't get to it but they waded in and cleared the ditch themselves. But we also found in there a pipe that comes across there that was apparently clogging that up. Mr. Hill would not dig into it and light a match so we (laughter) called the gas company out and here it was an abandoned gas pipe and they're going to get that removed because obviously that would just keep blocking it. But that's what it was blocking and we appreciate the residents' patience in us getting down there because every time we started we got another rain and they had three, four, five feet down there so the employees did a really nice job of cleaning that up.

Mayor Held: Thank you, Mike.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Main Street is coming along well. We expect to be done in time for the 4th of July run weather permitting and no unforeseen circumstances. Other than that, everything is going well.

Mr. Snyder: I see they paved the east side half of it.

Mr. Benekos: Right. They should get the west side before the end of this week, and then there is the surface course to go on. We need warmer weather. It's a rubberized asphalt mix so it does take warm weather for that.

Mr. Snyder: Two questions I have: Number one, do you anticipate doing that paving as you did on North Main, further North Main, on a Sunday? Cause the pattern of the traffic or ...

Mr. Benekos: Well, what happened on North Main was...

Mr. Snyder: That was cause of the weather.

Mr. Benekos: Yea, we were losing weather and that was the only day we could do it. This will be just planned to do it during a weekday but again that will probably be weather dependent.

Mr. Snyder: Another thing I noticed that that application that you placed up on North Main further where those manholes where they routed them out and they are completely flush to the street. That's such a great idea.

Mr. Benekos: Correct. Yea, it's a new method. It's called Mr. Manhole. I didn't name it! (Laughter) But we did find, I think we're one of the first communities in the area that are utilizing it, and I think others will catch on to that cause it does give you a nice riding surface there.

Mr. Snyder: Well, that'd be the same carried through all of Main Street?

Mr. Benekos: Correct. Yea.

Mr. Snyder: Is there some type of header put in there that keeps that like that?

Mr. Benekos: The way they pour it out and then when they go to set the manhole casting, they can set it to the grade, the slope of the street and then the side grade so however the street is tilted that casting will match that and it's just the method. The way they do that is a different method so it works out well. We're pleased with it.

Mr. Snyder: Thank you. Director of P&I and Economic Development Bowles.

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Mr. Bowles: No report.

Mr. Snyder: You don't have a report after all those subtitles behind your name? (Laughter) Good. Madame Clerk...

Mr. Foltz: I have a question. How is the high-grass situation? I see a couple lots in my ward got cut recently so you guys are staying on top of that?

Mr. Bowles: We're on top of it and we have got a couple people this week going to Mayor's Court for other nuisance. That's something the Law Director is working on for some habitual offenders. We've got some of the usual suspects who cut their grass this weekend. Otherwise they're going to the next step and we have a couple of problem properties and one the grass will be cut tomorrow and we may need some support from our safety forces on that in order to do so.

Mr. Foltz: We appreciate your efforts on that. Nothing looks worse when you drive and everyone is taking care of their property and you have somebody that's got two-foot-high grass in the front lawn.

Mr. Bowles: In a couple cases a lot of upset neighbors. We have to follow procedure but its being taken care of.

Mr. Foltz: Absolutely. So thanks for staying on top of it, Eric.

Mr. Nilges: That's why I didn't give a report. It's because it's not a weekly occurrence that we are citing, putting new citations in the Mayor's Court. So it's like the machinery is up and running.

Mr. Foltz: Good.

Mr. Nilges: And it's really working out well. The typical response from a responsible landowner or taxpayer is that as soon as they get that citation they call and they try to make it right, and that's been, you know we do have some irresponsible but 99% of them are trying to make it right as soon as they get that.

Mr. Foltz: Okay, thank you.

Mr. Snyder: Madame Clerk.
Mrs. Kalpac: No report, thank you.

REPORTS - COUNCIL:

Mr. Snyder: Mr. Peters.
Mr. Peters: No report.

Mr. Snyder: Mr. Cerreta.
Mr. Cerreta: No report.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: Yes. On behalf of the State Championship Softball Team, in case we forget to say it next week, which we probably will, we really appreciate the police escort out of town during the semifinals and the finals, and the police escort back into town and the fire truck through town. It was quite amazing so we really appreciate it.

Mr. Snyder: Mr. Foltz.
Mr. Foltz: No report.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Final call for business.

Mr. Cerreta: One other thing, Jon, I wanted to mention. I wanted to make note of it. It seems like a long time ago but we had the Memorial Day parade and Greg Sarbaugh put that together. He's not here tonight. I didn't see him. He did a terrific job of setting that up and I thought the Memorial ceremony afterwards was really moving and terrific. So he did a nice job. The Mayor did a nice job on that. That all came together very nicely so he needs to be recognized for that. The other I wanted to mention. I don't think we had mentioned this, is our ex-chief Wurgler resigned and we did not say anything about that, and I think we should say something about that. Here is a guy that spent thirty-one years with us. Thirty-one years in this town for anything let alone keeping people safe needs to be recognized so somewhere down the line we need to show that. He's done a nice job at that. So we probably need to do something with that too.

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Mr. Snyder: Maybe we can get a resolution for both.

Mr. Cerreta: Congratulations to him. I know we got a little note in our stuff here but it needs more than that.

Mr. Snyder: Okay, point well taken.

Mr. Grimes: I think they're waiting on the plaque and all that to come in so...

Mr. Cerreta: Okay, true.

Mr. Snyder: One point of order. We did order four additional speakers. They will be placed here in the building, in the Council Chambers as I told you. They're coming. The fellows were here today to move this screen behind us and then after we get back from our recess there'll be a projector that will be ceiling mounted and you'll follow along on the - the agenda will be broadcast behind us. As he reads it you'll be able to read it. Hopefully you will be able to hear it, and hopefully that works out as we move toward getting a little more technically oriented. And we're working yet on the computers for the council members to save additional funds to the City. So that's where we're at. Seeing no other business. Ma'am, did you have a question? Oh, I thought you raised your hand. And we did move the press table to the side. The next move is out the door. (Laughter)

Mr. Grimes: I thought we were building a patio deck for them. (Laughter)

Mr. Snyder: No but it makes it easier for everybody to see. Seeing no other business, I'll entertain a motion to adjourn.

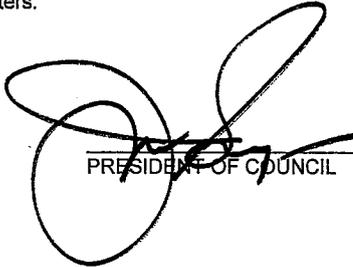
ADJOURN:

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

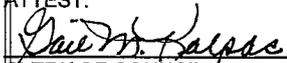
Yes: Snyder, Cerreta, Foltz, Kiesling, Peters.

No: 0

The meeting adjourned at 7:50 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL