

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Tuesday, January 17 7:00 p.m. 20 12

CALL TO ORDER:

1. The council meeting was called to order Tuesday, January 17 at 7:00 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

2. The opening prayer was delivered by President of Council Jon Snyder.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. Mr. Snyder: Madam Clerk, please call the roll.

The following members of Council responded to roll call: Cerreta, Foltz, Fox, Griffith, Peters, and Snyder. Council Member Kiesling was not present for the meeting. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, Director of Finance Alger, Director of Engineering Benekos, and Clerk of Council Kalpac.

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

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

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

No: 0

5. CONSIDERATION:

Council Meeting Minutes – December 12, 2011
Public Hearing Minutes – January 9, 2012
Financial Statement – November, 2011
Mayor's Court Receipts – November & December, 2011

Mr. Snyder: May I have a motion and a second to approve, as presented, Council Meeting minutes December 12, 2011; Public Hearing minutes January 9, 2012; the Financial Statements, as submitted, for November 2011, and the Mayor's Court receipts, as submitted, November and December, 2011.

Mr. Fox moved and Mr. Peters seconded to **approve, as presented**, the council meeting minutes; public hearing minutes; the financial statements; and mayor's court receipts, as submitted. All members present voting:

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

No: 0

6. COMMITTEE MINUTES:

Mr. Snyder: May I have a motion and a second to approve, as presented, committee report minutes for the Finance & Property meetings held December 12, 2011 and January 9, 2012; Street & Alley and Water, Sewer & Rubbish both held January 9, 2012.

Mr. Fox moved and Mr. Cerreta seconded to **approve, as presented**, committee report minutes. All members present voting:

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

No: 0

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held December 12, 2011 and January 9, 2012.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held January 9, 2012.

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held January 9, 2012.

7. RECOGNITION OF VISITORS:

Mr. Snyder: At this time, the Council will recognize anyone wishing to speak. Please step forward, state your name and address for the record.

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Chuck Osborne: My name's Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. A little over a month ago on December 12, 2011, the Finance and Property Committee Chairman and City Council President, Jon Snyder, held a committee meeting prior to that night's council meeting to discuss authorizing legislation to amend the lease agreement between the City and R&S Golf Properties, Inc. Chairman Snyder's public explanation for amending the Arrowhead Golf Course Lease was that without amending the Lease, the City was precluded from selling the property if it chose to do so. This explanation rang hollow with me as Law Director Nilges had previously notified the Lessees five months earlier, in a July 13, 2011, letter that as a result of the Lessees' default in its Lease obligations, the City was exercising its right to terminate the Lease, effective December 31, 2011, pursuant to Article XII, Section 12.1.1 of the Lease. With termination of the lease just a little more than a handful of days away from the December 12th council meeting, the City would have had no limitations on selling the golf course property. Thus the reason provided by Chairman Snyder for amending the Lease on the golf course was a little more than political misdirection. The agenda for the December 12th council meeting was amended after the published agenda items were addressed and Ordinance No. 114-11, proposing to amend the Lease, was added, and the added agenda item stated, and I quote: "An ordinance authorizing the Mayor to enter into an Addendum to the Lease by and between the City of North Canton and R & S Golf Properties, Inc., an Ohio Corporation and Robert C. Purcell and David Scott DeMuesy as individuals, "Lessee", executed on December 22, 2008, for the premises known as The Fairways formerly known as Arrowhead Country Club, and declaring the same as to be an emergency." I would like to know who – who would like to take credit for drafting the less than two full pages of the Addendum to the Arrowhead Golf Course Lease and if council members read the amended lease before voting. My concern is that each of the two sentences comprising paragraph 3.1.7 of the amended lease clearly violate Ohio State Law and the Ohio Constitution. The first sentence in Section 3.1.7 states, and I quote, "Lessee shall have the option to purchase the Golf Course Premises for a mutually agreed upon amount not less than the appraised value of the Golf Course Premises provided Lessee exercises such option by the earlier of thirty days following any termination of the Lease pursuant to this Article III or December 31, 2014." I am stunned that anyone would propose to sell Arrowhead Golf Course property in this manner and codify this into law since the method of sale described in the amended lease clearly violates state law. Ohio General Code Section 3699 specifies that the sale of real estate by a municipality must be advertised once a week for five weeks in a newspaper of general circulation within the corporation and bids secured from the municipal real estate - before the municipal real estate is sold. The provisions as to advertising for bids are designed for the protection of the taxpayers. This procedure insures that the most advantageous terms possible are secured for the city, its residents, and its taxpayers. The second sec - sentence in Section 3.1.7 of the amended lease states, and I quote, "The Parties agree to meet and discuss in good faith the possibility of the City holding a note for purchase in the event that Lessee exercises its option to purchase the golf course premises." I am again stunned that members of this Council and the Held Administration would propose the possibility that the taxpayers of North Canton finance the purchase of Arrowhead Golf Course to benefit private interests. This is in direct violation of the Ohio Constitution, Section 8.06, which states in part, and I quote, "No laws shall be passed authorizing any county, city, town or township, by vote of its citizens, or otherwise, to become a stockholder in any joint stock company, corporation, or association whatever; or to raise money for, or to loan its credit to, or in aid of, such company, corporation, or association." As is typical of all voting of North Canton City Council, Ordinance No. 114-11 passed unanimously with seven votes in favor of amending the Lease that five months earlier the City of North Canton had already exercised its right to terminate following default by R&S Golf Properties. What I failed to note earlier regarding the Finance Committee meeting that preceded the vote to amend the Lease was that Councilmember at-Large Kiesling was absent for the committee meeting and heard none of the discussion and yet she voted on the legislation after arriving at the council meeting that was already in progress. Equally noted in the vote to amend the Lease was the fact that Councilmember at-Large Cerreta voted on the legislation when Mr. Cerreta, as an abutting property owner to the Golf Course, clearly has a personal interest in the activities and use of the property. Mr. Cerreta, the prudent course of action for you would have been to abstain on the vote to amend the Lease. Furthermore, the praise heaped on you by Finance Chairman Snyder regarding your accorded prominent participation in negotiating the amended lease is equally disturbing, as again you have a personal stake in the activities and use of the golf course property abutting your residence. The amended Arrowhead Lease benefited no one but R & S Golf Properties. North Canton forgave R & S Golf Properties for property tax payments to the City owed by the Lessee in the amount of \$16,089. Not addressed in the amended lease is whether the required annual \$80,000 in capital improvements obligation has been met over the last three years as raised by the City in an earlier letter and if the Lessee would or could continue meeting its infrastructure obligation in the future. What are the odds that the current Lessee can exercise the option to purchase the golf course property if they are unable to pay the property taxes? Finance Chairman Snyder would have the public believe that is a possibility. If that is the case, advertise the property for sale and let all interested buyers submit a bid for the golf course property as the law requires. The amended lease is flawed, taxpayers are fed political misdirection, and North Canton taxpayers continue to pick up the tab on this debacle. At this time I ask that the amended Arrowhead Lease be voided and be replaced with a new lease that does not violate the Ohio Constitution and Ohio

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State Law. If the Administration and this Council fail to correct the shortcomings of Ordinance No. 114-11, the violations in the amended lease can be resolved by the courts if that is the course the City desires to take. I also find it ironic that Mrs. Kiesling is not even here to hear this. This Council has had four meetings. She has been late to two of them and here's a third. Apparently she is going to be absent for the whole meeting. Is that what you've heard from Mrs. Kiesling? So three out of four meetings she can't even show up on time or show up at all. Thank you.

Melanie Roll: Melanie J. Roll, 308 Portage Street, North Canton. This evening I want to speak to the proposed changes to Resolution 58-07, the SWAP Committee listed on the agenda as 4-12. It is my understanding that the SWAP Committee was formed to assist the City to monitor the potential contamination near water production wells. Currently three appointed North Canton citizens are part of the SWAP Committee. The Council Chair of the water committee is also a voting member of the committee, as is the City Administrator. The Superintendent of the Drinking Water Plant is a nonvoting member. Mr. Bob Pattison, the current Chair, drafts the agenda; members discuss issues; and make recommendations to Council and the City Administration. Meetings are scheduled several times throughout the calendar year. Why is it now necessary to change that procedure? Having citizens from varied backgrounds willing to spend their time investigating various water issues, I would think the City would welcome. The three current citizen members are retirees and have the time to do research. The proposed changes to the SWAP Committee that are scheduled for a vote this evening, I think would challenge the notion of open government. The agenda of the SWAP Committee should not, in my opinion, be set by a City employee nor should that City employee be the one who calls the meetings. The SWAP Committee provides an independent venue to address and evaluate any concerns the citizens may have concerning the safety of North Canton's water. One could argue the Committee provides a needed mechanism for oversight. I strongly suggest Council, this evening, table indefinitely the proposed changes to Resolution 58-07, to insure North Canton citizens continue to have a voice through the SWAP Committee. Thank you.

Mr. Snyder: Thank you, Madam.

Miriam Baughman: 320 Weber Avenue. I also have a comment of the SWAP Resolution amendment. Bob Pattison is the Chairman of the SWAP Committee and he is out of town. Bob contacted me and asked me to speak on his behalf. I'm also speaking on behalf of Greg Wernet, the other member of the team. To give a little background, the three members of the Committee were appointed by Resolution in 2007. Bob Pattison is a former Canton City Health Commissioner and he is very well versed in water problems. Greg Wernet was a longtime City Councilperson and he's been probably on every committee that North Canton ever had. I, myself, attended five very intense EPA training sessions about safe water. The water protection plan - our first duty was to develop the water protection plan. The plan was finalized in 2010, submitted to EPA, approved and went into effect. As part of the plan, the SWAP Committee is committed to update and revise the plan as needed. For example, Well No. 10, will in the future, very soon, be delineated. At that time, the Committee will meet to review and revise the EPA findings and then Well No. 10 will be included in the plan; there will be an amendment to the plan. The SWAP Committee does not get involved in problems at the water department. We do not get involved in day-to-day operations. We are committed to the well head protection and to monitor possible contaminate sights. Bob Pattison has asked me to request the Council table this resolution amendment until he returns back into town. As a courtesy to the Committee, we request that the Committee be formerly informed in a meeting and also involved in any amendments. We have spent hours and hours and hours. There were times that we met biweekly and there were times we met every month to put this plan into effect, and we are committed to go forward with the plan. Thank you.

Mr. Snyder: Thank you. Anyone else wishing to speak to the Council? Seeing none...

Mr. Peters: Jon, Jon...

Mr. Snyder: Oh, excuse me.

Mr. Peters: I wanted to address Miriam and Melanie's comments. I - Miriam, I agree with you. I know Bob gave you the authority to speak for him, but I would like to hear from him. I would like to hear his comments directly from the horse's mouth and I don't think it's out of the question to table it until he returns. And I will...

Mrs. Baughman: I will - I will email him and tell him to call you.

Mr. Peters: I will make that motion when this comes up. Thank you.

OLD BUSINESS:

8. Mr. Snyder: Alright, moving to old business. May I have a motion to read by title only, second reading of Ordinance No. 110-11?

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Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, second reading** of Ordinance No. 110-11. All members present voting:

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

No: 0

Ordinance No. 110-11 – 2nd Reading – Water, Sewer & Rubbish

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

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: Well we had talked about this in our last session and none of us seemed to be real comfortable with what was set in place, and we decided that we would like to table this. So barring any other comments, I would like to move that we do table this so we can have further discussions about the changes and how we want to go forward with this.

Mr. Cerreta moved and Mr. Foltz seconded to **table** Ordinance No. 110-11. All members present voting:

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

No: 0

9. Mr. Snyder: Alright, rather than me call for a reading, is there a positive motion to table Ordinance No. 111-11?

Mr. Cerreta: Yes.

Mr. Snyder: Is this on water? Is there a second?

Mr. Foltz: Second.

Mr. Snyder: Clerk

Mr. Cerreta moved and Mr. Foltz seconded to **table** Ordinance No. 111-11. All members present voting:

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

No: 0

Mr. Snyder: And Chairman Cerreta, it is my understanding you'll move this to Committee of the Whole next Monday for further discussion. Is that correct?

Mr. Cerreta: That's correct.

Mr. Snyder: Okay, let the record so note. Moving to new business, may I have a motion to read by title only, first reading of Ordinance No. 1-12?

10. NEW BUSINESS:

Mr. Griffith moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 1-12. All members present voting:

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

No: 0

Ordinance No. 111-11 – 2nd Reading – Water, Sewer & Rubbish

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

Mr. Snyder: Chairman Fox.

Mr. Fox: Yes, Mr. President, this is just a sliver of an alley at the Northminster Presbyterian Church. We have had open meetings on this and in fact the Committee has looked at that and the Planning Committee has looked at it and passed it by a 5-0 resolution. We had an open hearing on that last week here, and basically they're asking for that portion of the property that they use for certain events. We have the written consent of all the adjoining property owners, and it appears that there are no drawbacks or concerns with that piece of property so I move that we approve it.

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Mr. Fox moved and Mr. Peters seconded to **approve the first reading** of Ordinance No. 1-12. All members present voting:
Yes: Fox, Griffith, Peters, Snyder, Cerreta, Foltz.
No: 0

11. Mr. Snyder: Alright, may I have a motion to read by title only, first reading of Ordinance No. 2-12?

Mr. Griffith moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 2-12. All members present voting:
Yes: Griffith, Peters, Snyder, Cerreta, Foltz, Fox.
No: 0

Ordinance No. 2-12 – 1st Reading – Street & Alley

An ordinance approving, confirming and accepting Temporary Easements, Warranty Deeds, Removal of Improvements, and Quit Claim Deeds on North Main Street necessary for the North Main Street Reconstruction Project – Phase VI, at a cost not to exceed \$400,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox.

Mr. Fox: Yes sir, this is a continuation of North Main Street reconstruction Phase VI. What this provides us is the legal authority to widen that portion of the street with the temporary easements; the warranty deeds. Removal of improvements is moving the signs back. Mr. Benekos had some overhead shots of that last week at our planning meeting. And AEP requires that if we're widening the street there, that moving the telephone poles and those lines, there has to be, I believe, at least ten feet of clearance in there so we have to have the authority to move those back and this indeed provides us the authority to do that. So I move that we approve as written and as an emergency.

Mr. Fox moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 2-12. All members present voting:
Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith.
No: 0

Mr. Snyder: Since time is of the essence to begin this project and we are up against some time, I would ask that we suspend the rules of council for Ordinance No. 2-12.

Mr. Griffith: Jon, can I make a quick inquiry?
Mr. Snyder: Please.

Mr. Griffith: Is that alright? I know the last time when we were together I asked about where you were in the negotiation phase, Jim, and you sounded very optimistic. Have you been able to conclude those or where are we in the process?

Mr. Benekos: Yes, we have a reached agreement with all the property owners so ...

Mr. Griffith: Excellent.

Mr. Benekos: I'm encouraged with that.

Mr. Griffith: Very good. Alright, sorry...

Mr. Snyder: Is there a motion to suspend the rules pertaining to Ordinance No. 2-12?

Mr. Cerreta moved and Mr. Peters seconded to **suspend the rules** pertaining to Ordinance No. 2-12. All members present voting:
Yes: Snyder, Cerreta, Foltz, Fox, Griffith Peters.
No: 0

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 2-12?

Mr. Griffith moved and Mr. Peters seconded to **adopt under suspension** of the rules Ordinance No. 2-12. All members present voting:
Yes: Cerreta, Foltz, Fox, Griffith, Peters, Snyder.
No: 0

12. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 3-12?

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Mr. Griffith moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 3-12. All members present voting:

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

No: 0

Ordinance No. 3-12 – 1st Reading – Street & Alley

An ordinance approving, confirming and accepting a Perpetual Public Sanitary Sewer Easement Agreement, located in Sections 7NE and 6SE, being part of Out Lot 276, and known as Parcel No. 9207868, situated in the City of North Canton, from David T. Boettler, necessary for the completion of the North Main Street Reconstruction – Phase VI Project, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox.

Mr. Fox: Yes, sir, this is an ordinance accepting perpetual public sanitary sewer easements from Mr. Boettler. This is right near Stratavon, across from AutoZone. And what we're looking at is in the future is a plan to put a sanitary sewer line down Stratavon-, if I'm correct. And what we're looking at is trying to be proactive, since we're going to tear up the street there we're going to go ahead and put that connection in so in the future when we go ahead and do that planned hookup we don't have to tear up Main Street again to put that in - it's just some four ...inaudible... And we move to approve as written.

Mr. Fox moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 3-12. All members present voting:

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

No: 0

Mr. Snyder: Again, as time is of the essence to begin this project, and may we suspend the rules of Council for Ordinance No. 3-12?

Mr. Griffith moved and Mr. Fox seconded to **suspend the rules** for Ordinance No. 3-12. All members present voting:

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

No: 0

Mr. Snyder: Pertaining to – what we need to - a motion to adopt under suspension of the rules Ordinance No. 3-12.

Mr. Griffith moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 3-12. All members present voting:

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

No: 0

13. Mr. Snyder: Before we read Resolution 4-12, is there - are we going to read this or are we going to table this? Chairman...

Mr. Cerreta: No, I'd like to read it. Now if you want to have a little discussion, I'll do that but...

Mr. Snyder: Alright, sir. May I have a motion to read by title only Resolution - first reading of Resolution No. 4-12.

Mr. Fox: So moved.

Mr. Snyder: Is there a second?

Mr. Cerreta: Second

Mr. Fox moved and Mr. Cerreta seconded to **read by title only, first reading** of Resolution No. 4-12. All members present voting:

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

No: 0

Resolution No. 4-12 – 1st Reading – Water, Sewer & Rubbish

A Resolution amending Resolution No. 58-07, establishing the Drinking Water Source Protection Committee ("SWAP Committee"), by imposing certain duties and responsibilities on the Superintendent of the Drinking Water Treatment Plant or the Chief Operator of the Drinking Water Treatment Plant to assist the SWAP Committee in implementing the City of North Canton's SWAP Program.

Mr. Snyder: Chairman Cerreta.

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Mr. Cerreta: Well, I want to say a few things about this. This was put together by three wonderful people. They've done a terrific job of creating this plan, this committee. And part of that plan was for them to see it implemented. And what we'd like to do now is turn a little bit more responsibility over to our Superintendent of Water who is very qualified to go through this. He has to do a lot of these things anyways to follow the plan. And thus they would meet yearly on his agenda, on his call. And even in the actual plan itself it says to do that and then it says after three years to continue to meet after three years. The reason I think we should continue this is - it's not an emergency, it's going to go on three readings. We can have discussion at our next, you know, Committee of the Whole, but I'd like us to continue on with this thing so we can move forward on it.

Mr. Snyder: Chairman, relative to Mr. Pattison, I had a 45 to 50 minute, speak to him on Saturday. He's in Florida, I spoke to him about it, he called me concerning this. Again, my feeling is as a member of this Committee, this Committee's job is charged to create a wellhead protection. It was not created - what brought this apart was the advice of the Law Department. The Committee started to move venue to things that did not concern wellhead protection. It put the city at peril and liability legally. They were going to entertain things that were under litigation, which was totally not within the domain or to the merits of the Committee. We cannot, as legislators, allow a citizen committee to move out into things that are under litigation. They have no authority. They were not charged with that authority. In all due respect to the three ranking members of the Committee and to the Chairman of the Water Committee and to Mr. Steinhebel, we have to adhere to the advice our city attorney when he tells us that we cannot allow that type of transaction. And again, I think, as Mr. Cerreta pointed out, we do need this committee. It doesn't stop the committee - it just simply - as an oversight to what the agenda would be to open to the public - we do need transparency and open government, but when there are things under litigation, we cannot not allow them to come out into the public. As we now have the privilege of three members of the Bar of the Stark County sitting here, and they will concur with my feelings on this, I'm sure. So that was a possible reason. And no tempt to bootstrap the citizenry or to bootstrap the Superintendent of Water Production. And I do know that the Chairman of Water spent at least four or five hours researching with members of water treatment on that so I will support his efforts on that. Thank you, Chairman.

Mr. Osborne: Mr. Snyder...

Mr. Peters: When is, do we know when Bob is coming back into town?

Mr. Snyder: Sometime, I think, in the spring, in March.

Mr. Foltz: Oh, in the spring.

Mr. Snyder: Bob's statement to me is the only thing he did not want to be part of a sham. If this was a sham to stop the Committee then he did not support it.

Mr. Cerreta: This Committee will go on. It just needs to be called from the Superintendent of Water, and he will be responsible for these things that the plan has put in place. And these - this Committee will make sure that he reports to them, that this plan is being taken care of and be in place. And that's exactly what the protection plan says that they're to do.

Mr. Peters: I think one of the concerns, and correct me if I'm wrong, Miriam, and I'll address you directly on this - that it leaves the calling of the meeting strictly with the Superintendent. And you know, speaking to her point about you know, government oversight, you might want to put something in this that allows you know, at least the Chairman to address the Superintendent to put some you know - not necessarily put it on the agenda but at least call a meeting.

Mr. Cerreta: For a concern of some kind?

Mr. Peters: Yea, exactly. And I know where it's - I know - and I understand what you're saying, Jon. You don't want them you know, getting into an area where it's either currently in litigation or could possibly ... litigation and hang us, the taxpayers and Council, out to dry on that one. And I understand that, but there has to be some mechanism of oversight. You know, if you just leave it - well I can't remember who it was, it might of been Melanie, a City employee, you know, if you leave the calling of the meetings to their direction, you know, they serve a master and ...

Mr. Snyder: You know we can do as we do in Council, if you have three positive, three affirmative votes of the Committee to direct the Chairman - to direct Superintendent Steinhebel to call a meeting, I have no problem with that provided that it goes through some type of mechanism, somebody that's licensed in the State through the EPA to understand ... And if that's how you'd like the thing to amend, I'm sure the chairman would do that.

Mr. Peters: Now if...

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Now if you have three members of the Committee wishing a meeting, that's not a problem, you can call a committee meeting if you want. No one wants to stop the meetings. We just want to make sure that the agenda does - that they're not speaking for the City, in other words. They can have a meeting on anything they want to have a meeting on. If it's not you know, it's not a problem. It's just that it's not relative to anything that's presently or potentially under litigation.

Mr. Peters: Now is there a mechanism in this Committee that the Law Director reviews certain things or...

Mr. Snyder: Well that was the reason we chose the Superintendent of Water...

Mr. Peters: Okay.

Mr. Snyder: because he's is apprised of what possibly could happen ... because I think he's in every - he's in staff meetings every week with the Administrator. And I think the Administrator is Ad-hoc on that Committee. So they again would know if there's any potential litigation that could arise, they'll immediately advise the Committee. And I'm sure the Committee would not want to go down that venue. That's not their intention. They're very honorable as to what their intentions are and - but if you'd like to have it say if two members of the Committee wish to call a meeting, then the meeting will be called. That's fine. I don't - again, I can't speak for the Chairman of that.

Mr. Foltz: Jon, can we put this back on for Committee next week? Because I'd be a "no" vote right now, voicing the concerns of the existing residents who are on the committee and that's not a reflection of what you had to say. I mean some things have been brought to light that I wasn't really thinking or aware of in the Committee meeting last week. So if we could put it back on and have some further discussion during a regular committee meeting and really ask some of these committee members to come up and address this again to see what language would make them comfortable. I'm more or less willing to do that to pass this as a first reading, if you're willing to do that as the Committee Chair.

Mr. Cerreta: Well let's look at exactly what it was for and I'm going to go back through that. This ordinance, this committee was put together to form a plan and that's it. And then follow up that that plan was driven. It was not to look for other things other than that. And their qualifications, although they're great citizens, aren't qualified to find those things that may be harmful. And I made this motion - or talked before on the phone with several people here. If something does happen and they come to us and say, hey, they had a plan put in place for this. Yea, we do, we have this SWAP Committee. Okay, what are their qualifications? Well, they're good citizens. They are very active and they're real smart citizens. Is that going to cut it with us for that? If we want a committee that's going to be looking at this stuff maybe we need to get a different committee that actually has people that are certified in that kind of thing, geologists, that kind of thing, that will watch out for that. Now I am just being proactive to watch our backs if something does happen on that. So I think who did this, they did a terrific job and they're terrific people and I hope they stay on the committee and the committee continues, but proactively looking at what this committee was for is maybe not what we're wanting. Is that what this committee was for what we want in the future? So I'm looking at that standpoint of it.

Mr. Foltz: Well, all I can say is I think you are not going to find anyone more qualified than Bob Pattison ...

Mr. Cerreta: Very well qualified.

Mr. Foltz: who is a former Canton Health Commissioner to review some of these situations with our drinking water sources. So that's all.

Mr. Snyder: Mr. Foltz, let me ask you, does your...

Mr. Foltz: All I'm asking is to see how we can manage to keep the committee happy and still have Rich Steinhebel obviously has to implement it.

Mr. Snyder: Let's do this then. Let's do this. Let's call a vote on this for three and let's have another committee meeting next Monday night. We'll bring the Committee and Rich Steinhebel together. We'll suspend the rules of council and open the public address to those three members of the Committee and Rich Steinhebel. That way when it comes up for the second reading if it - we can - we can go ahead. Is that comfortable with everybody?

Mr. Cerreta: We can always table it.

Mr. Foltz: And I'm not saying you don't have valid concerns or - I'm just getting this information now so I'm filtering through it all. So...

Mr. Snyder: Well, we'll go ahead then. We'll go ahead and you can have your first vote and then...

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Mr. Foltz: I'll support it for the first vote if we're going to put it on for committee next week.

Mr. Snyder: And then we'll run it back through the committee, and then on the second vote we'll see where it finds us. Is that comfortable with the members of Council?

Mr. Fox: Yea, I'm okay with that.

Mr. Snyder: Chairman, are you comfortable with that?

Mr. Cerreta: That's comfortable with me. Yea, we have several weeks to discuss this and we can table it at anytime, and I'm open for that.

Mr. Snyder: That's fair enough.

Mr. Griffith: I hope as we discuss it further next week, and I'm glad that we're going to do that, that we talk about I think the broader issue which you raise here, which is that if we're going to have people that raise extremely valid issues about the quality of water and how we can protect one of our most important resources here in the City, that we not limit people. That you know we allow all kinds of public interaction, but also we do that in a forum that's most productive and most effective, I think that's really the issue. So rather than talking about whether we can kind of squeeze everybody into this, I hope we broaden the topic next week to what is the most effective way to approach the topic and talk to Bob.

Mr. Snyder: Well, Mr. Griffith, that's a very good point. Let's do this. At that particular time next week we will make it the first thing on the agenda, and we will suspend the rules of council and allow maybe 15 or 20 minutes, and we'll have some public - open public dialogue. I think there's some - Mr. Osborne wants to comment on some things. Some other people may want to comment on it. We'll allow them to have public speaks at that particular time, tell us what they think and that way they'll be able to be addressed

Mr. Peters: Well, I certainly want to hear from the actual members themselves.

Mr. Snyder: Absolutely, we'll do that also. So possibly we'll begin at 6:30 next week and we'll entertain, that way we'll give adequate time to the citizenry to be ... Is that comfortable with the Council? Let's begin it at 6:30 and we'll do it. Mrs. Baughman?

Mrs. Baughman: Doesn't a resolution only need one reading?

Mr. Snyder: There's no, Ma'am, it needs three. If it was a ceremonial resolution it needs one reading. But we begin at 6:30 next week and we will address. Mr. Osborne, we will address you next week, sir and you'll have...

Mr. Osborne: You already brought it up for a vote. You have to vote it up or down now.

Mr. Snyder: We're going to do that.

Mr. Cerreta: This is the first reading.

Mr. Osborne: You're going to vote it down.

Mr. Snyder: We're going to - we're going to put the first reading through. At this particular time, I call the vote. Is there a motion to approve the first reading of Resolution No. 4-12?

Mr. Fox moved and Mr. Cerreta seconded to **adopt the first reading** of Resolution No. 4-12. All members present voting:

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

No: 0

Mr. Snyder: Does everyone understand we've had one reading, and we will have a 6:30 meeting next Monday evening. The first item number will be the SWAP Committee at which time the first three members that we will hear from will be the two members of the committee that are here in town and the Superintendent of Water Treatment, and the public for their input, and then we will address it accordingly. And again, we thank everybody for that. And Mr. Foltz, I appreciate it. And Chairman Cerreta, I appreciate your understanding.

Mr. Foltz: Yea, thank you.

14. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 5-12.

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Mr. Griffith moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 5-12. All members present voting"
Yes: Foltz, Fox, Griffith, Peters, Snyder, Cerreta.
No: 0

Ordinance No. 5-12 - 1st Reading - Finance & Property

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 for the purchase of Water Treatment Plant chemicals for use by the City of North Canton Drinking Water Treatment Plant, and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the purchase of said water treatment plant chemicals and declaring the same to be an emergency.

Mr. Snyder: We do this every year. We're going to set up to make sure that we have the mechanism so that we have the chemicals to treat the fine water that we produce. And that's that. Any other discussion? If not, I'll entertain a motion to adopt the first reading of Ordinance No. 5-12.

Mr. Cerreta moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 5-12. All members present voting:
Yes: Fox, Griffith, Peters, Snyder, Cerreta, Foltz.
No: 0

Mr. Snyder: There is an emergency that exists, as it is time to continue the contractual obligation. I'd like to suspend the rules of council for Ordinance No. 5-12.

Mr. Griffith moved and Mr. Peters seconded to suspend the rules of Council for Ordinance No. 5-12. All members present voting:
Yes: Griffith, Peters, Snyder, Cerreta, Foltz, Fox.
No: 0

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 5-12?

Mr. Peters moved and Mr. Cerreta seconded to adopt under suspension of the rules of Council Ordinance No. 5-12. All members present voting:
Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith.
No: 0

15. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 6-12?

Mr. Griffith moved and Mr. Cerreta seconded to read by title only, first reading of Ordinance No. 6-12. All members present voting:
Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Peters.
No: 0

Ordinance No. 6-12 - 1st Reading - Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to apply for, accept and utilize a grant through the Federal Emergency Management Agency in an amount not to exceed \$152,570 for the purchase of four (4) Life Pak Defibrillators for use by the City of North Canton Emergency Medical Services ("EMS") Department and declaring the same to be an emergency.

Mr. Snyder: Again, we are fortunate that the Chief of Fire Inspection submitted and obtained a positive grant of \$152, 570, to which the City will be paying about \$8000, for four new Life Pak Defibrillators to be used on the EMS services. The existing ones will be sold to another department and the majority of the \$8,000 will be recovered and sent back to the general fund. So really if you do see the Chief, please tell him thank you - and that's that. And if there are no questions, I'll entertain a motion to adopt the first reading of Ordinance No. 6-12.

Mr. Peters moved and Mr. Cerreta seconded to adopt the first reading of Ordinance No. 6-12. All members present voting:
Yes: Cerreta, Foltz, Fox, Griffith, Peters, Snyder.
No: 0

Mr. Snyder: An emergency does exist for time and for the obtaining of the grant, so I would like to suspend the rules of Council for Ordinance No. 6-12.

Mr. Griffith moved and Mr. Peters seconded to suspend the rules for Ordinance No. 6-12. All members present voting:
Yes: Foltz, Fox, Griffith, Peters, Snyder, Cerreta.
No: 0

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Mr. Snyder: May I have a motion to adopt under suspension of the rules Ordinance No. 6-12.

Mr. Griffith moved and Mr. Fox seconded to **adopt under suspension of the rules** Ordinance No. 6-12. All members present voting:

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

No: 0

Mr. Snyder: I have a couple housekeeping items - I would like a motion and a second to change the following meeting dates for 2012: Monday, February 20 is Presidents' Day, we would like to change to Tuesday, February 21; Monday, May 28 to Tuesday, May 29, in observance of Memorial Day, I can feel the sun already; and Monday September the 3 to Tuesday, September 4, in observance of Labor Day, the leaves are falling already, it was a short summer. Is there a positive motion for that?

Mr. Peters moved and Mr. Foltz seconded to **change the following meeting dates for 2012:** Monday, February 20 is Presidents' Day and we would like to change to Tuesday, February 21; Monday, May 28 to Tuesday, May 29, in observance of Memorial Day; and Monday, September 3 to Tuesday, September 4, in observance of Labor Day. All members present voting:

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

No: 0

Mr. Snyder: One other thing, as some members of Council that were here two years ago, you know we have a recycling grant. We're paid so much per tonnage on our yard waste that we pick up by the Joint County Solid Waste. Presently we use that money for bags for leaf pickup in the fall. We presently have \$55,000 in that fund. I believe the leaf bags run what, around \$20,000, don't they? And we have not been paid yet. We will be given another grant for 2012. We successfully, two years ago used \$2,500 to the Canton Art Institute which was used to go into the schools in North Canton using recycled materials for the children to draft and build art exhibits and to build different things with the stuff, and they did that with that money, the \$2,500, plus the actual paper and recycled cardboard. It was very successful, and then he did a one day seminar at the Fieldcrest. And then last year the Council was kind enough to allow one Thursday a month to let them use the Civic Center for lectures to the community for things relative to the arts, and they were very successful. The average attendance was about 125 people, which is fairly good. If there is one thing that they say we are avoiding in the City of North Canton, is a venue for people who appreciate arts, be it symphony, be it ballet, painted art, music and so forth. Mr. Albacete, to whom I am related, who is married to my sister, is the Director of the Canton Art institute. So I had better disclose that, but I will, but he has requested a grant this year of between \$3,500 and \$5,000, to continue that program at the Civic Center, which will be at least one Saturday per month with the children coming from the schools with their parents or whomever, to build these things, and to continue with the symphony. So some of the orchestra, the musicians have to be paid. That's their contractual union so in order for him to perform in the City he has to have a little funding. So that is the request. So I will be placing that on the agenda next Monday night. Mr. Albacete will be here to address your questions. And again, I think it's only fair to the public and fair to you to let you know I am related to Mr. Albacete. I do not have as much appreciation of the arts unfortunately, that rests with him and my sister. In fact, Mrs. McGrew will tell you that it's well attended. In fact, it's underwritten by Walsh College for the refreshments of cookies and cider, coffee, whatever they give. But the Mayor will tell you, I believe the Mayor was at one or two of the things with the children at the school and we're well represented, and I think it's a great thing for the schools because it gives the children, it's GeoArt, they build things. And he does it and he's not paid for it, it's part of his job as a Director. But that's what we're going to do. So I want that perfectly understood. Okay? At this time we have some reports. We have - Director of Law.

REPORTS:

Mr. Nilges: I don't have a report, but I guess to the extent anybody has any lingering questions or doubts based on Mr. Osborne's comments, I'd be happy to discuss the matter and give you a little lecture on homerule authority with regard to the ability to exercise the option and also the practical effect of the financing portion of the lease. So I'd be happy to discuss with that individually or as a group. That's fine.

Mr. Snyder: Director of Finance.

Mrs. Alger: No report.

Mr. Snyder: Director of Administration.

Mr. Grimes: Just one thing. If any of you are receiving any complaints about the - how dark it is over near the Schroyer Group in the Hoover District area, we have recently put new, four new light bulbs in over there, streetlights, we've doubled the output. There's a thing where you can't double it too much or you are causing a traffic problem, but we have. So take a look at that and we've done that in the meantime until we rehab that area over there.

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Mr. Snyder: Mr. Mayor.

Mayor Held: Yes, as Council knows and also the Administration, one of our goals collectively is to make sure that we are always running a cost efficient and effective city operation. And one of the things that we're proud to announce is in the Street Department normally when we would replace the storm sewer catch basins, historically we would replace them with bricks and now we are using the precast units so it's a solid enclosed concrete unit. And the brick units would last three to five years because of the amount of salt that we have used in the past it would break the concrete down so now that we went to the precast we expect them to last up to forty years, so we don't have to replace them every three to five years. And because its one solid unit we're able to put, in previous years we've put in twenty to thirty, and then this past year we put in seventy. So we've done a really nice job. And of course, there's hundreds of them throughout the city. From time to time you will see the storm sewer grate that will drop and that's why we have to replace them. So we do have a smaller crew and we're actually getting more done in the area of the storm sewer catch basins. And then as another note, which is just due to the weather, last year at this time we spread about 7,600 tons of salt because of the ice storms and this year I think we're at about 2,000. So with the savings at \$51 a ton it's the difference between 397,000 from last year and 92,000 so far this year. So we've saved hundreds of thousands, although it's just due to the weather, but that's good news.

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

Mr. Benekos: Yes, we've been working with the County Engineer on the Zimber Ditch, getting a proposal to make improvements to the Zimber Ditch. And this would be a consortium with the County and the other townships in the area. Hopefully we'll have a proposal here in about a month or so to present to Council.

Mr. Snyder: Again, I appreciate that effort. So that we know - and I see one of my constituents who lives on the Zimber, who is Mr. Hiner, and I spoke to him relative to that and I talked to him. The other thing, in our budget for 2012, is a proposed \$125,000 for Zimber Ditch. We will be addressing it to what degree, we'll hopefully know that we'll be able to notify the residents down there in that area within a month of what we are doing on that. So I'll get back in touch with you on that. Mr. Foltz.

REPORTS – COUNCIL:

Mr. Foltz: No, no report, Jon.

Mr. Snyder: Mr. Peters.
Mr. Peters: No report, sir.

Mr. Snyder: Mr. Fox.

Mr. Fox: Yes, sir, two things. First for those that weren't here in the previous meeting, I mentioned in the housing meeting that I had the first opportunity where a citizen called with a nuisance complaint. So it was my first chance to call Eric Bowles' office over in permitting. And within 45 minutes from my call they had called back and stated that they went to observe the property and an inspector had taken photographs and were drafting a letter to the citizen regarding that issue. So I just want to commend Eric and the Administration for that. It really makes our job a lot easier when we have such a quick and positive response. And then also, as the Mayor had said, that we're saving on the salt this year, but that was one heck of a storm last week and I certainly want to commend Rich Rhodes. I heard that going down the street all night and they did a tremendous job. And I think we all know when we cross the line into North Canton that our roads are clear, and just commend that department for their efforts.

Mayor Held: Thank you.

Mr. Snyder: Thank you. Mr. Griffith.

Mr. Griffith: I would echo that. I look out on the Jackson Township side of Dressler and also see the Glenwood side. And one of the colleagues that I work with is a Jackson Township representative and I'm always - I like to point that out to her, as well, so that I'll have a much better drive home. I would echo that.

(Laughter)

Mr. Griffith: There are two other things I would note as well. The Canton Chamber, of course, has the leadership program that they run and they have a government academy that they do. It's the Leadership Stark County Government Academy. And right now they are accepting applicants. I have not gone through the program myself, but have gone through some of the other leadership Stark County programs. They're really wonderful, and so I know we've got people in the audience

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who are current members of the government and aspiring members, as well, and it would be a great program for anybody there too. So I'd encourage lots of folks, whoever would be involved, or if you know somebody who would be involved, sign up and it would be through the Canton Chamber's website. As I said, it's a great, great program. I also had a chance to talk briefly with Plain Township Trustee. Scott Haas, who is a faithful member of the North Canton YMCA. He's a 5:30 am representative and I happen to be up for some reason and was at the Y as well and we chatted briefly about the water issue we talked about before. And he indicated for himself certainly and for others that the discussion we had last week related to potential interactions with them about expansion would be well received and that he would like to – would enjoy that dialogue as well. So hopefully we can at least have some discussions along those lines.

Mr. Snyder: Possibly going forward we may send a letter to the Board of Trustees that we'll hold a joint meeting with them. And then invite them over on a Monday evening or we go there on a Tuesday evening and see what - because I think that there's a great potential there for us to expand that.

Mr. Griffith: He was in agreement.

Mr. Snyder: I appreciate it. Thank you for that. Mr. Cerreta.

Mr. Cerreta: Just an update on the Master Plan. One of our last Steering Committee meetings are going to be this week so it's in it's kind of final stage before it is presented to Council. So that's still very strong, ongoing and coming to the end of the planning stage.

Mr. Snyder: Good. Speaking of plans and so forth, I did have the privilege that I've received a copy of the 2012 budget; preliminarily looking it over. We will begin to meet probably within the next ten days with the people. We're right on track to look at it. Hopefully by the first week or second week of February, we'll be here and present it to Council for final approval. As we pointed out and as we talked about, we did place Issue 1 and 2 are on the March 6th primary for EMS and Fire. We were very fortunate in 2011, we only subsidized EMS \$25,000 from the General Fund, down from \$840,000 – unbelievable. And we have the levy to thank for that. Unfortunately, this budget is a projection of \$250,000. Hopefully this new levy will pass and we'll eliminate that completely and it will be totally operating on its own. But there is a big disparity in the capital. We don't have the money to do the capital. But we will be looking at those and we'll try to do as much as we possibly can. And we will begin talking again Monday evening relative to the water. Chairman Cerreta is going to run that back up and to look at those rates. Unfortunately, to keep in mind when we do lower those rates that will be less projects that we'll want to do – that we're going to be able to do. We just don't want to get caught in a spiral. As Mr. Osborne had pointed out we went 16 years without an increase. Unfortunately we can't do that. So we – we'll be bringing that back up and I appreciate everybody's patience on that. So we'll be getting you some preliminary numbers here within the next couple weeks on that. Is there anything else from the Council?

Mr. Foltz: Yea, President Snyder, if I might...

Mr. Snyder: Sure.

Mr. Foltz: While you're looking at the budget for next year, the final budget, I might ask and I know I've talked to Administrator Mike Grimes before, we need to put some money in the parks. We need to address...

Mr. Snyder: There's money in there.

Mr. Foltz: We need to address Dogwood Shelter...

Mr. Snyder: That's in there.

Mr. Foltz: We need to address some of the fencing issues at Witwer. Some of the tree issues in the skateboard facility. And so hopefully that's going to be addressed.

Mr. Snyder: That will be in there. And actually, we're fortunate again, through the foresight of the previous Council, we put those bonds out...

Mr. Foltz: Right.

Mr. Snyder: There's some money there. We're going to – that money's in there for that.

Mr. Foltz: Good.

Mr. Snyder: And we assured you, as Park Chairman, and Mr. Peters as the Chairman – as the representative of that Ward, as well as I know you had two constituents, especially on that Dogwood Shelter.

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Mr. Foltz: Right.

Mr. Snyder: But they're actively used and the Civic Center as well. And we want to maintain our assets as best we can. So we'll be ...

Mr. Foltz: Okay. Appreciate that it is mentioned.

Mr. Snyder: That's not a problem. As I say, the problem lies in actual projects. But most of the projects we're going - we have an ambitious project north of town on Main Street, as well as many - we had no local grants under the Community Development Block though, did we this year. We had - we didn't have any programs that qualified.

Mr. Benekos: Correct. We didn't have any projects within the area.

Mr. Snyder: Right. Due to the census. I think our census track - our incomes are too high for that, are they not?

Mr. Benekos: Outside - we still have an area that does qualify, but...

Mr. Snyder: But there are not projects in that area.

Mr. Benekos: Unfortunately all the infrastructure that ...

Mr. Snyder: Projects were completed. Maybe we should recycle - typical government, dig them back up again and start them over. Thank you. Anything else to come before this body? Mr. Osborne, you have a statement, quickly.

Mr. Osborne: I'd like to express my support for Mrs. Baughman and Melanie Roll regarding the SWAP. It's strictly designed to muzzle this committee. If they can't schedule a meeting and set the agenda, what can they do? And I don't know what litigation you're talking about. The City is under a health order. You're squabbling about how much dirt you're going to have to dig out of there. That's not litigation, that's going to be impacted by any discussion of the SWAP. And ...inaudible...

Mr. Snyder: Well we appreciate your comment. Thank you, sir.

Mr. Osborne: And secondly to sell a property and negotiate the sale behind closed doors with a single bidder is not in the best interest of any community. You should know that. You don't even sell your own items that way. You advertise them to get the highest and best bid.

Mr. Peters: Mr. President, motion to adjourn.

Mr. Snyder: Thank you, sir. You come back next Monday and speak. So there's a motion, I need a second.

Mr. Foltz: There's been a motion and I'll second.

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

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

No: 0

The meeting adjourned at 8:04 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

1/25/12-gmk