



City of North Canton, Ohio

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NOTICE OF MEETING Council Meeting Agenda Monday, February 27, 2012 - 7:00 p.m.

1. Call to Order: 7:00 p.m.
2. Opening Prayer: Fr. James A Clarke, St Paul Catholic
3. Pledge of Allegiance
4. Roll Call
5. Consideration
Council Meeting Minutes – January 30, 2012
6. Committee Minutes
7. Recognition of Visitors

OLD BUSINESS:

8. **Resolution No. 19-12 – 2nd Reading – Water, Sewer & Rubbish**
A Resolution establishing a North Canton Community Disaster Relief Fund Committee ("NCCDRFC") for the City of North Canton for the purpose of allocating funds of the North Canton Community Disaster Relief Fund.
9. **Ordinance No. 21-12 – 2nd Reading – Finance & Property**
An ordinance to make appropriations for current expenses and other expenditures of the City of North Canton, Ohio, for the period beginning January 1, 2012 and ending December 31, 2012, and declaring the same to be an emergency.

NEW BUSINESS:

10. **Ordinance No. 22-12 – 1st Reading – Ordinance, Rules & Claims**
An ordinance amending Chapter 115 Rules of Council, 115.01 RULES ADOPTED of the Codified Ordinances of the City of North Canton to repeal Section 115.01(e) Moral Claims and declaring the same to be an emergency.

**Council Meeting
Agenda**

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REPORTS:

Director of Law
Mayor

Director of Finance
City Engineer

Director of Administration
Clerk of Council

REPORTS – COUNCIL:

Mark Cerreta At Large
Dan Griffith At Large
Marcia Kiesling At Large

Doug Foltz Ward 1
Daniel Peters Ward 2
Tim Fox Ward 3
Jon Snyder Ward 4

FINAL CALL FOR NEW BUSINESS:

ADJOURN:

Gail M. Kalpac
Clerk of Council

2/23/12

c: Council, Director of Law
Mayor, D/Administration
D/Finance, City Engineer
Supt., Permits & Development
Police Chief, Fire/EMS Chief
Press

RECORD OF PROCEEDINGS

0008

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, January 30	7:00 p.m.	20	12
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CALL TO ORDER:

1. The council meeting was called to order Monday, January 30, 2012 at 7:14 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

2. The opening prayer was delivered by Rev. Mel Lindberg, Retired, United Methodist Church,

PLEDGE OF ALLEGIANCE:

3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. Roll Call

The following Members of Council responded to roll call: Cerreta, Foltz, Fox, Griffith, 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 City Services Bartos and Clerk of Council Kalpac.

CONSIDERATION:

5. Council Meeting Minutes – January 17, 2012
Financial Statement – December, 2011

Mr. Snyder: May I have a motion to consider as presented the council meeting minutes of the 17th of January, 2012 and the financial statements December, 2011?

Mr. Fox moved and Mr. Peters seconded to approve, as presented, the council meeting minutes and financial statement. All members present voting:

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

No: 0

Abstained: Griffith, Kiesling.

COMMITTEE REPORT MINUTES:

6. Mr. Snyder: May I have a motion and a second to approve as presented the following committee report minutes: The Housing Review held 1/17/12; Finance & Property; Parks & Recreation; Street & Alley; and Water & Sewer all held the 23rd of January, 2012?

Mr. Griffith moved and Mr. Fox seconded to approve the committee report minutes as presented. All members present voting:

Yes: Fox, Griffith, Kiesling (abstain on the housing review and yes on the 23rd), Peters, Snyder, Cerreta, Foltz.

No: 0

Abstain: Kiesling, Housing Review Committee minutes only.

Housing Review Committee: Please refer to the minutes on file in the Council Office of the Housing Review Committee meeting held January 17, 2012.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held January 23, 2012.

Park & Recreation Committee: Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held January 23, 2012.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held January 23, 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 23, 2012.

RECOGNITION OF VISITORS:

7. Mr. Snyder: Prior to recognition of visitors, I would like the record to show: as the Presiding Officer of this meeting, I am empowered to have removed by either arrest or just asked to leave, any individual who will disrupt this meeting or stands up and is not recognized by the Presiding Officer, which is me, from the Chair. That we will tolerate no personal attacks, no

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disrespect or obscenities or shouting from the audience. Should that occur I will summon the police officer and have that person removed and arrested pursuant to the Ohio Revised Code for disruption of a public meeting. And that person will be charged with a third degree misdemeanor. I intend to enforce that. This is an honorable body. Every man and woman elected, as well as the people appointed, are not subject to any attacks relative to their personal employment or any acts or any object that they do outside of the jurisdiction of the City of North Canton. So that being said, at this time the Chair will recognize anybody wishing to speak to the Council. Please step forward, state your name and address for the record.

Doug Lane: 509 Summit SE. I'm here on behalf of the Chamber just to remind everybody, and I think most of you have known, the Master Plan unveiling, for lack of another word, comes up on Wednesday night at Walsh at the Barrett Center at 6:30. It should be very interesting. As I was quoted, "it's a provoking document"; but I'd rather call it a thought provoking document. I'm not a provoking kind of guy. But anyway there are a lot of great ideas in there and I think I would encourage everybody in the audience, obviously the Council, the Administration that's been so cooperative in getting this thing up and running to be there on Wednesday night. If you can't, hopefully by Friday it will be on the web site, www.ncantonmasterplan.org. And rather than just saying this is the end of the line for this, we're going to be coming back to council and working with the administration to get this somehow part of the council's agenda on a regular basis and make it a living, breathing, working document. So I encourage everybody to be there on Wednesday night. So thank you.

Mr. Snyder: Thank you, Mr. Lane. And we appreciate all the hard work that you and your Chamber have done on it.

Mr. Lane: Well I appreciate you guys too. So...

Mr. Snyder: Anybody else wishing to speak to the Council? Mr. Osborne.

Chuck Osborne: My name's Chuck Osborne. 307 Fairview Street SE. North Canton, Ohio. On tonight's agenda is legislation proposed as Ordinance No. 12-12, and titled as, and I quote, "An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter a Professional - into a Professional Services Agreement, by and between the City of North Canton and Morrow and Meyer, LLC ("M & M") for the purpose of providing legal services", closed quote. As is usual course for North Canton legislation, it is to be passed on an emergency. Unfortunately, as is the normal course of legislation before City Council, there was little or no discussion or debate at last week's Council of the Whole meeting. Before this council affirms passage of this legislation in the unanimous fashion that it does, I would urge more deliberation before voting and suggest all city council members consult Section 3.04 of the North Canton City Charter, titled **Director of Law**, which states, "A Director of Law shall be appointed by Council as legal counsel for all divisions of the municipality in connection with municipal affairs and may be removed at any time by an affirmative vote of four Council members. The Director of Law shall be an attorney at law admitted to practice by the Supreme Court of the State of Ohio, and shall have engaged in the active practice in excess of five years prior to appointment." Clearly, the City Charter specifies that the Law Director shall be an attorney. There is nothing in the Charter that says a law firm can fill that role and that is exactly what is being proposed in the Legal Services Agreement before you tonight. Paragraph 1 of the proposed Agreement states, and I quote, "The Law Firm shall perform those duties as are customarily performed by a Director of Law of a municipality", closed quotes. The North Canton Law Director is a person who is appointed to handle the legal affairs of the City. At this moment that person is Hans Nilges. The City Charter does not allow the Director of Law to delegate his duties and responsibilities and that is what is being proposed in this Agreement with the law firm of Morrow and Meyer. Furthermore, the Law Director is a member of the Law Firm of Morrow and Meyer and thus Mr. Nilges has a financial interest in this Agreement. This is a conflict of interest and raises the appearance of impropriety for all parties. Law Director Nilges, in the last paragraph of a letter to Council President Jon Snyder dated January 19, 2012, you state, and I quote "as a technical matter, please note that the Charter requires that a Director of Law is a person licensed to practice law for at least five years, rather than a firm. Accordingly, I would continue to serve as the Director of Law, but would receive no compensation for doing so", closed quotes. There is compensation being paid. Paragraph 4 of the Agreement states, and I quote, "the City shall pay the Law Firm Four Thousand One Hundred Sixty-Six Dollars and Sixty Seven Cents each month as compensation", closed quotes. This equates to \$50,000 per year. Is this how we circumvent - navigate the City Charter? Telling the public that the Law Director will receive no compensation and then sending the salary of the Law Director now receives to the Law Firm of Morrow and Meyer where he is a law partner does not undo the violation of the City Charter as Mr. Nilges suggests in his letter to Council President Snyder. As for the Law Director's presentation last week that the legal affairs of the City can be handled by attorneys with various specialties, I am not swayed. Mr. Nilges, you are the individual appointed to the position of Director of Law. I would expect you to be the attorney handling the legal affairs of the City of North Canton. You and no one else have been given that responsibility and title. I think the City of North Canton deserves better than to see any one of six attorneys on

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staff at Morrow and Meyer show up to handle law director duties on a particular day at City Hall. I do not imagine you handle the legal affairs of other clients in this manner. If you were my attorney, I would speak only to you and you alone. Not to whoever attorney happens to be available at your firm. Mr. Nilges, it is your - also your intention to use - I'm sorry, Mr. Nilges, is it also your intention to use attorneys outside your law firm to handle the duties of Law Director in addition to attorneys affiliated with your firm? I ask this because the attorney's name you proffered last week to handle some of the law director duties is not listed as a staff attorney on the website of Morrow and Meyer. A revolving door of attorneys handling city affairs is no way to run a municipal law department. In spite of the Law Director's recognition that there is a, quote, "technical matter" regarding the City Charter, if City Council is still inclined to affirm this Agreement, I would ask that this Agreement and a copy of the City Charter be reviewed, either by the State Auditor or the State Attorney General as was done before the creation of the North Canton Community Disaster Relief Fund. Ordinance No. 12-12 comes from thinking outside the box as they say. Unfortunately it is thinking that violates North Canton City Charter, creates conflicts of interest, and has the appearance of impropriety for all parties. It also creates revolving door legal representation for the City of North Canton. This Agreement should not be enacted. I have a copy here of both my speech and if anybody looked at the agenda last week, your Law Director points out this as he calls it "a technical matter". It's a violation of your charter. So I hope you can keep that in mind.

Mr. Snyder: Thank you. Mr. Nilges, do you want to defer till the time of prior to the reading of that we can discuss that openly, sir or do have a - you know rather than ...inaudible... I mean we can address those matters...

Mr. Nilges: It's probably better to wait a couple minutes here ...

Mr. Snyder: Yea, if that's alright with Council, when we come to that ordinance we'll just open it for a little discussion so that the record will reflect all those points. Thank you. Anybody else wishing to speak to the Council this evening? Yes sir.

Allen Wells: 146 Parkview Avenue NW. I just came here tonight; I've got some pictures I gave to Mr. Foltz to pass around. We have a problem with one of our catch basins up on towards Maple and Parkview on the west side, the cast iron broke and there's a big hole. And a lot of the parents and stuff on the street came to me and asked me to bring it down because it's big enough, my son would definitely get - fall down into it. And we'd really like to have it, you know, fixed a.s.a.p. because kids walk up and down the street all the time and we really don't want to see a kid get hurt. So I mean I just wanted to bring it....

Mr. Foltz: Al, what's the address?

Mr. Wells: It's on Parkview - Parkview and West Maple on the west side.
 Mr. Foltz: Okay.

Mr. Wells: On Parkview.

Mr. Foltz: Okay, Michael...

Mr. Grimes: I'll take care of it.

Mr. Foltz: Take care of that in the morning. Get somebody out there and ...

Mr. Wells: Excellent, alright. Well thank you.

Mr. Snyder: Thank you very much.

Mr. Foltz: Inaudible... attention.

Mr. Snyder: Anybody else wishing to speak. Yes, sir.

Mr. Fox: If I may address ...

Mr. Snyder: Go ahead, please.

Mr. Fox: address this. I see this and many times I get calls from those in my ward. And Allen, if you see something like that or anyone out, if you see a hazard like that, call the Administration. I called on an issue today regarding snow plowing and sometimes the blade tears up areas that we had patches and so forth and within two hours we had the Water and Street Departments out there repairing those holes. And I imagine if something like that was reported they'd respond immediately. So although you can certainly bring it to Council, I think just a jiffy, quick response is if you call the Administration on it. I imagine they'll be out there right away.

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Mr. Wells: Well I called the Street Department. Should I call right to the Administration then? Inaudible... I called right to the Street Department to let them know. That was a week ago. So...

Mr. Cerreta: Thanks Allen for bringing that.

Mr. Snyder: George.

George Daniluk: 502 Werstler. I think I'm going to echo Chuck's comments. There's a lot to be reviewed here and discussed. And I've read the charter, I read all the paperwork involved and he's brought up a lot of good points. We're entering into some unchartered waters here and I recommend tabling this thing, check the legalities, and unless Mr. Nilges is leaving town, I hardly think this is an emergency. Thank you.

Mr. Snyder: Thank you. Anyone else wishing to speak to the Council this evening? Alright, seeing none, First, old business, may I have a motion to read by title only, the second reading of Ordinance No. 1-12?

OLD BUSINESS:

8. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 1-12. All members present voting:
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox.
 No: 0

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

An ordinance authorizing the vacation of a portion of Alley No. 12, situated approximately 145 feet north of West Maple Street and parallel therewith, beginning at the east side of Mohler Court N.W. and running easterly for approximately 156 feet to Part Lot #23, and located within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Fox.

Mr. Fox: Yes sir, Mr. President. This is the vacating the small portion of the alley at the Northminister Presbyterian Church. I believe we had at least four public hearings on the matter without any objections. In fact our Planning Commission voted 5-0 in favor of the ordinance. And I move to approve that as written.

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

9. Mr. Snyder: May I have a motion to read by title only, Resolution No. 4-12?

Mr. Peters: Are we doing this?

Mr. Snyder: Wait a minute, we tabled that.

Mr. Peters: Are we going to table that, Jon?

Mrs. Kiesling: We're going to table this.

Mr. Snyder: I apologize, it's tabled. I'm sorry. We'll move to new business. May I have a motion to read by title only, second – first reading of ...

Mrs. Kalpac: Excuse me, Jon.

Mr. Peters: Jon, do we need a motion to table that?

Mrs. Kalpac: Yes.

Mr. Snyder: I thought it was tabled, wasn't it?

Mr. Griffith: Yes.

Mrs. Kalpac: No.

Mr. Cerreta: No, I think we just discussed it ...

Mr. Peters: No, we talked about tabling it ...inaudible...

Mr. Cerreta: We still need to go through it.

Mr. Snyder: Alright then, I will entertain a motion to table Resolution No. 4-12.

Mr. Cerreta moved and Mr. Peters seconded to **table** Resolution No. 4-12. All members present voting:

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

No: 0

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NEW BUSINESS:

10. Mr. Snyder: Thank you. May I have a motion and a second to ready by title only, first reading of Ordinance No. 7-12?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading of Ordinance No. 7-12**. All members present voting:

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

No: 0

Ordinance No. 7-12 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services Agreement for a Sanitary Sewer Capacity Analysis, in an amount not to exceed \$150,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox.

Mr. Fox: Yes, sir. We spoke of this last week. We're looking for assistance in a planning model. And in fact I believe it one-third of this cost is a computer model that we're looking at to aide us in allocating the resources where we need it, much like we've done with our water plant. And certainly assist us in – for those folks that have faced the storm water sanitary sewer backup and the storms. So this is going to tell us where a lot of those pinch points at and permit us to allocate our resources in the right spots. I move we approve as written.

Mr. Fox moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 7-12. All members present voting:

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

No: 0

Mr. Snyder: Since time is of the essence and they need to move forward on this, may we suspend the rules of council for Ordinance No. 7-12?

Mrs. Kiesling moved and Mr. Fox seconded to **suspend the rules** for Ordinance No. 7-12. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under suspension of the rules, Ordinance No. 7-12?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 7-12. All members present voting:

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

No: 0

11. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 8-12?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 8-12**. All members present voting:

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

No: 0

Ordinance No. 8-12 – 1st Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to request quotes for insurance including, but not limited to, general liability, personal injury, liability, automobile, building and contents, equipment floater, crime, boiler and machinery, and firemen's errors and omissions insurance according to specifications on file in the office of the Director of Administration and for the Mayor to be authorized, through the Board of Control, to enter into a contract(s) for the policy/policies, and declaring the same to be an emergency.

Mr. Snyder: This is a normal procedure. Our insurance is due for renewal. It was reviewed extensively at a cost of about \$5,600 two years ago and it basically hasn't changed since. So we've opted not to go out and hire a consultant to review all the existing policies. Rather have the Administrator receive quotes. And there are very few people that do write – underwrite insurance for this type of insurance – municipality insurance. And he will go to those people and – accordingly. Any questions? May I have a motion to adopt the first reading of Ordinance No. 8-12?

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 8-12. All members present voting:

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

No: 0

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Mr. Snyder: As time is of the essence and the policies are about to expire we need to suspend the rules of council for Ordinance No. 8-12.

Mrs. Kiesling moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 8-12. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 8-12?

Mr. Peters moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 8-12. All members present voting:

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

No: 0

12. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 9-12?

Mr. Peters moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 9-12. All member present voting:

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

No: 0

Ordinance No. 9-12 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a contract by and between the City of North Canton and the City of Canton for the purpose of providing legal representation in the Canton Municipal Court, at a total cost not to exceed \$17,000 per year, for a period of two (2) years beginning January 1, 2012 through December 31, 2013 and declaring the same to be an emergency.

Mr. Snyder: The Canton Law Department does provide us representation in Municipal Court. It provides counseling and advice to the Police Department regularly, as well as to the City. And we use the Municipal Court quite extensively now that we have a housing code and working on one. This is paid quarterly. It has been the same price, I think, this is the third year running, so it's been – it's money well spent. If there's no question I'll entertain a motion to adopt the first reading of Ordinance No. 9-12.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 9-12. All members present voting:

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

No: 0

Mr. Snyder: As again, being time is of the essence and the reason these are – the rules of council are suspended for these ordinances, they all matured at the same time. Consequently, doesn't – they are housekeeping items and it's exponentially easier to do them all and pass them on emergency. But we do need to suspend the rules for Ordinance No. 9-12.

Mrs. Kiesling moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 9-12. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 8-, or excuse me, Ordinance No. 9-12?

Mr. Fox moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 9-12. All members present voting:

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

No: 0

13. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 10-12?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 10-12. All members present voting:

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

No: 0

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Ordinance No. 10-12 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to enter into a contract by and between the City of North Canton and the Stark County Public Defender Commission for the purpose of providing legal counsel to indigent persons in Canton Municipal Court for a period of one (1) year beginning January 1, 2012 and ending December 31, 2012, and declaring the same to be an emergency.

Mr. Snyder: Again, this is – we're required to provide legal services for someone who cannot afford it. I believe it's a per case basis of around 200 or \$250. And as I said last week, I only recall in the last ten years where we've done it one time, but we do have to provide that service and that's what that's for. Are there – being there are no other questions; I'll entertain a motion to adopt the first reading of Ordinance No. 10-12.

Mr. Fox moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 10-12. All members present voting:
Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling.
No: 0

Mr. Snyder: May I have a motion to suspend the rules of council for Ordinance No. 10-12?

Mrs. Kiesling moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 10-12. All members present voting:
Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters.
No: 0

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

Mrs. Alger: Gail's ...inaudible...
Mrs. Kalpac: Jon, excuse me ...
Mr. Snyder: Oh, excuse me, I didn't adopt it.
Mrs. Kalpac: Yea, we need to adopt it.
Mr. Peters: We need to ...
Mr. Snyder: Oh, we have to adopt it.
Mr. Peters: Yea.

Mr. Snyder: Pardon me. Under – adopt under suspension of the rules Ordinance No. 10-12.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 10-12. All members present voting:
Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder.
No: 0

14. Mr. Snyder: I have all this technical equipment here and I can't follow along.

(Laughter)

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

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 11-12. All members present voting:
Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta.
No: 0

Ordinance No. 11-12 – 1st Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to seek quotes for cleaning / janitorial services for the period April 1, 2012 through March 31, 2014 for the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: This will give the Administrator about a sixty-day window to go out and seek bids for the cleaning of the City Hall. And I think that's all that they do clean or do they clean the...

Mr. Grimes: Yea, they just do our other ...
Mr. Snyder: Our other work.

Mr. Grimes: Like Dogwood Park and...
Mr. Snyder: Right, a couple of other things and a ...

Mr. Grimes: Some of the events that we can't get to.

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Mr. Snyder: two year contract and any questions on that? You're going to seek additional bids besides the vendor that we presently use?

Mr. Grimes: We're putting it out for everybody.

Mr. Snyder: Good. Any questions on that?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 11-12. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to suspend the rules of council for Ordinance No. 11-12?

Mr. Cerreta moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 11-12. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules Ordinance No. 11-12?

Mrs. Kiesling moved and Mr. Cerreta seconded to **adopt under suspension of the rules** Ordinance No. 11-12. All members present voting:

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

No: 0

Mr. Snyder: Mr. Administrator, one thing that just came to my mind. I know the Developmental Disabilities, the DD is now one of our corporate citizens here in North Canton, provides a lot of income. They do have a cleaning service that they – I know other municipalities use that and if you'd be so kind to seek a bid with Developmental Disabilities as well; they bring a van with those people. And if they would do that we'd appreciate it because they do pay serious income tax here in the City. Thank you, I appreciate that, thank you Council for indulging me on that. May I have a motion to read by title only, first reading of Ordinance 12-12?

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

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

No: 0

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

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services Agreement by and between the City of North Canton and Morrow & Meyer, LLC ("M&M") for the purpose of providing legal services, and declaring the same to be an emergency.

Mr. Snyder: I know there were a couple questions brought up in public speaks. So I think maybe we should try to vent some of these things. So, the Director of Law, do you have any comment relative to any of those statements ...inaudible...

Mr. Nilges: Well, the Charter provision does say that the Director of Law will be an attorney admitted to practice of law. And if you read your ordinance, as I'm sure you all did, that is exactly the arrangement that will continue. I will be the Director of Law. Many of those duties will be performed by myself as an attorney at Morrow and Meyer and other attorneys. Because we're able to do this obviously we're able to offer more than the sixteen (16) hours I was committing; now we're bumping it up four (4) hours a week. And kind of Chuck's logic is a little bit confusing because under his theory the two agreements that are Ordinance No. 10-12 and Ordinance 9-12 would also be illegal because they're legal services that are provided to the City. And yet we're hiring, as we always have, the Prosecutor's Office to handle some criminal matters. And we are hiring the Public Defender to perform some of those services. Also extending Chuck's logic, it would be contract – even 11-12 would be illegal because it's the Mayor and Director of Administration's responsibility to make sure that the buildings are clean. Yet we outsource that function and always have for a long time. Interestingly to put a precise analogy on it, many communities, if not most, will actually hire an assistant law director, that's an employee of the city often times, to perform a lot of the duties that are performed under Ordinance No. 9-12, which is the Canton Municipal Court representation. Obviously it's more cost efficient for us to hire the Canton Muni – or hire the Prosecutor's Office to do it, just like this is going to be more cost efficient for the City to do this – the proposed arrangement that I have. And I'm not delegating responsibility. The responsibility

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for everything, including the responsibilities for the services performed under Ordinances 9-12 and 10-12, are ultimately my responsibility. I have to supervise those and make sure that those services are being performed competently just like we would under the new arrangement. There's nothing in the agreement, there's nothing in the ordinance that authorizes, you know, the appointment of the law firm as a – as legal – as both Director of Law for the City, that is just clearly an error. Instead it's an outsourcing. And it's a way to send – save \$5,600 right off the top and also potentially save some money in terms of outsourcing. Now of course there is going to have to be outsourcing to other legal counsel, as always has happened. I mean you maybe – this City's hired Bob Tscholl for years to do your labor negotiations. The annexation litigation, we hire Bricker and Eckler. All duties theoretically, supposed to be performed exclusively only by the Director of Law. Again, this just kind of demonstrates the absolute gaping wide hole flaw in Chuck's logic. And just to respond to the point that my private clients, yes, I'm the eighty (80%) percent point of contact. Just like I'll be the eighty (80%) percent contact right here. But when I am not available I do have resources that – of my colleagues to be able to kick in and help and perform things maybe I can't do and that's exactly the relationship that we'll have here, which is very traditional I think. Dan and Tim can verify that. Those are kind of some – some of my major points. Although, you know, Chuck once again, accuses me of impropriety and attacks my professional reputation and disparages and defames me by saying that there's something illegal or improper about this arrangement. If Chuck would ever actually do a thorough job of his research though, you would know that there is a very specific exemption in Ohio ethics law that expressly permits this arrangement, very, very clearly. I can provide a copy to all of you if you'd like to see it. And it probably is for the very purpose is that it's a very typical arrangement. I know Squires, Sanders does this with some regularity. Other law firms do this with some regularity. And it does create a cost saving opportunity for the City. So that's likely why they created that exception.

Mr. Cerreta: Hans, can we be assured that we have someone who's been around for five years or more? I mean that's part of the you know that's...

Mr. Nilges: May...

Mr. Cerreta: I mean anybody who's doing the work for us.

Mr. Nilges: Well I - in terms of – again, there will – we only have two – one member of our firm who hasn't been practicing for five (5) years or more. Bob has been practicing for thirty (30) some years; Tod's been practicing for twenty (20), twenty-five (25) years, Mary Best has been practicing for thirty (30) years; John's been practicing for thirty (30) years; we have one associate that will probably be doing some very low level associate work. And we have another associate who I wouldn't anticipate being involved at all.

Mr. Cerreta: And to talk about George's point here, we – on an emergency level, why are we going that way for this? Do we have some ...

Mr. Griffith: Yea, I was going to ask the same thing.

Mr. Cerreta: Okay. Do we have a...

Mr. Nilges: Other than we had talked initially about a February 1 start date.

Mr. Cerreta: Okay.

Mr. Griffith: Is it necessary for us to do an emergency on it?

Mr. Snyder: If we're going to have a February 1 start date.

Mr. Cerreta: I don't have any other comments that would prevent me from going forward. Anybody else have any concerns?

Mr. Fox: I don't. I think it's important to recognize the quality of the legal services that we're going to get for the rate that's provided in this contract. I believe if you do the math it comes out to, with those eighty (80) hours it comes out to \$52 an hour. Could you tell us what your rate would be if I called this evening for...

Mr. Nilges: Yea, my normal rate is \$210.

Mr. Fox: \$210 an hour.

Mr. Griffith: What's yours Mr. Fox?

Mr. Fox: Not as high as that. I don't have that level of experience. But to get that rate you can see that he and his firm they're not here to make money off the City of North Canton. He's here because he's giving back to the City and we certainly appreciate it.

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Mr. Snyder: I was asked by a constituent that we should consider hiring a full time law director. I asked the Finance Director to run the number should we hire a full time law director, forty (40) hours a week at \$80,000, with benefits and workers comp and Medicare. It's \$107,500. The thing is I think there's a little misconception of the law director. The law director is here to serve council and the administration. They are not the lawyers for anybody that lives in the City. They're not there to give advice to residents or constituency. They are there to give advice to Council, the Mayor, the Director of Administration and the Police Department and so forth. That's the purpose of the Law Director.

And to review contracts and conceptually be the lawyer for the people. They're not the – unfortunately people come in that will tell you, They are always looking for answers as far as legal questions. And that's not the purpose of the Law Director – is not to be lawyer to the indigent or someone who does not want to pay for private advice. So...

Mr. Griffith: I think that what we are doing is moving towards a better recognition of the state of the legal environment that exists today. The reality is the law is no different than any other area of society, and that is it's more and more specified. Hans does something very different than I do, and I'm sure he wouldn't want to sit in my seat, and I sure as heck wouldn't want to sit in his. So, the nuances of the tax code are different than the Federal. I can't even come up with the statutes that were applied. At any rate, I think that that is important, and again, what we are dealing with right now is that the City deals with a lot of different kinds of issues, and we need to have the flexibility to hire the best people in the legal field to deal with those issues. And, oftentimes, that is not going to be the person who happens to be sitting in the office back there. And, what we are doing now is saying "We are not going to pay Hans for the time that he doesn't understand what is going on, with due respect. But, that is the reality of it is when we get to stuff that is beyond the Law Director's expertise. We are not going to pay him to do that. We are going to pay the other people who really are specialists in that field who are doing that in a more cost-saving way. And, that is why I like the arrangement that we have here.

Mr. Snyder: Mr. Mayor, any comment from you sir? He is deep in thought there. Any other member of Council?

Mayor Held: I'm sorry.

Mr. Snyder: Do you have any other comments from your side or are you comfortable with our decision? I'm sorry there is no comment from your side. It was our decision.

Mayor Held: Yes, I think it is a good move because just as it was discussed previously that it is a big responsibility that I think we have discussed individually with the members of Council. I think, really what we wanted is effective legal opinions. And, sometimes it is hard for just one person to be able to do all the research and have those resources available, so because Hans does work at the law firm, he has access to more information and additional legal advice, so I am fully in support of it.

Mr. Snyder: The thing is, what we are trying to accomplish is that we have moved forward here, and we have now more of a timely way of presenting our packets and transmitting our information to our members of Council. The Clerk's time (she is without help). Her time is challenged. We are going to be able to place a person at a little lower level paid attorney in that office for a couple of hours a week. He will sit there in Administration. That person will be there the same time every week. I know, myself, and I'm sure as my colleagues will hold this out with me is that if I need the law director records, a simple phone call either to his cell or his office, and I mean I get immediate attention. Most, it is like any other attorney, 90% of the work is done on the telephone. The rest of the time it is not full time, so I don't think that is precluding that at all this time. We just like that, what do they say, that customer/client, building client practice. That was the word that we didn't get charged or whatever. When I call, I tell the girl "This is customer service".

Mr. Griffith: There are a number of law directors who serve without ever spending any time in the office that, you know, the physical office and I agree that is not unique here either.

Mr. Snyder: Or they serve three or four communities.

Mr. Griffith: That is right.

Mr. Fox: We are also tied to the resources that his office may have that we may not have here. You probably can't imagine the cost of electronic research through Westlaw to have one of those subscriptions is very expensive. What we are paying him just to have that subscription, to be able to go on very quickly and the time-savings to get up-to-date, current legal research, finding legal opinions – he has that, you know, at his fingers at his office. Big bonus.

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Mr. Snyder: Any other discussion? If not, may I have a motion to adopt the first reading of the Ordinance 12-12 as in the packet?

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

Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling.
No: 0

Mr. Snyder: Seeing how time is of the essence, we would like to have this go through the Board of Control, may I suspend the rules of council for Ordinance No. 12-12?

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

Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters.
No: 0

Mr. Snyder: Prior to the final adoption of this, would you please advise the Clerk that ethics language on the fact that it is illegal.

Mr. Nilges: Absolutely.

Mr. Snyder: If you'll do that and provide it to her this weekend, we will make that an addendum to the records so that we have that in case it is challenged anywhere. Thank you. May I have a motion to adopt under the suspension of rules Ordinance 12-12?

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

Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder
No: 0

REPORTS:

Mr. Snyder: Reports – Director of Law.

Mr. Nilges: No reports, other than I think this is going to a good relationship for both of us going forward.

Mrs. Alger: I ditto that. I think it is a good relationship I've always had – it's been just an e-mail away. Also, everyone has the budget so if anyone needs to sit down, I'm here 7:30 to 5:00 every day.

Mr. Snyder: Thank you. Mr. Administrator.

Mr. Grimes: And the same with Hans you know, I think I'm – if I'm not on top of his speed dial I'm pretty darn close to it. So – and he always answers us quick and he gives advice. You know, he doesn't stumble through it, gives advice, and you take it and go and that is helpful to in my position. So – and we appreciate Mr. - Councilman Fox's timing of his call today. We just had finished a water main break on Deerfield, Rose Lane and you called in just before we were finishing that up - the guys and gals were able to get to your call. We did institute – Mr. Bartos last week, the performance evaluations for the majority of our employees you know according to the 2009 audit, one of those things we wanted to cleanup, were we had the Fire Department yet to do, but we are going to tailor that for the Safety Service just like we did the Police Department. They'll be on board pretty soon on that. And then, we've changed some signs on the Salway – the parking up there near Watkins, where a lot of people like to go sled riding when we have snow. And we changed that to a tow-away zone. And the reason we did that is that we just put a new pipe there and we still have people parking on it and they're going to damage our new construction there. So, apparently some folks aren't getting the message with just a parking ticket to their vehicle so we did make that a tow away zone.

Mr. Snyder: Mr. Mayor.

Mayor Heid: I want to thank Hans for the work that he does for the City, but he just stepped out. Maybe you could pass it along to him. But, again I think that what is most important is you know it really doesn't matter from our perspective where he is at. It is just that we get legal opinions or advice when we get it. He has always been responsive to myself and to Mike and that's what appreciate the most, whether it's via the phone or an email. And I would also like to thank Karen for this is the first budget that you managed here as your role as Finance Director. She did a very nice job. And, also Council President Snyder, for your work on the budget, he put a lot of time into it and it has been a little bit easier I think working on the budget this year, in the respect that you

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have less money, there's not a whole lot of things that you have to examine when you consider our income tax was \$7,000,000 back in 2001, and now we are at \$5,400,000, but we are on the upswing. So that's a positive. And then also I would also like to introduce our new Superintendent of Utilities and Services. He is in the back of the room. If you don't mind standing, Jim? He is taking over. Jim Davis, he is married, here - lives in the North Canton School District, to his wife Jennifer, he has 4 children, and he brings 23 years of experience in construction management and also public utilities, as well as labor relations. And, so Jim has been an excellent addition here at the City of North Canton Administration. When you look at his responsibilities, and we keep adding new responsibilities every week, so he is just becoming more familiar with the role. But, he is responsible for the Park and Recreation Department, Water Distribution, the Street Department, the Sanitary Sewer Department, the Storm Sewer Department, Sign Department, Building and Maintenance, as well as the Special Events. Now, in many of those departments now, with the reduction of the employees, there is maybe one person or half a person in each department, but nonetheless there is a great deal of responsibility that is in the position, and Jim also has experience in Parks and Recreation as he manages one of the local Lacrosse leagues for the youth here in North Canton. So, Jim, we welcome you aboard and we do have one of our residents that voiced her concerns over a storm sewer catch basin, and I know we'll get on top of it, and take care of that. So, if you would like to say anything, Jim.

Mr. Davis: Thank you very much Mayor. I appreciate being here and I look forward to serving all of you and the City of North Canton.

Mr. Mayor: Good luck to you.
 Mr. Davis: Thank you.
 Mayor Held: That's all I have.

Mr. Benekos. Annually, we are invited along with other government agencies to The Ohio Contractors' Association Annual Forecasters night. That is where contractors in the area, what - basically want to know what projects the different communities. ODOT and so forth are planning. So here is a copy of the hand out we provided for them, it's based on you know our preliminary budget discussions. It's not final of course until the budgets are finalized. But just to give you an idea of what we are looking into doing this year you can drill down through the budget and see the projects, but this lists them in a format that's easier to look at. If you have any questions anytime on any of those projects or anything of course, please give me a call. Thank you.

REPORTS - COUNCIL:

Mr. Snyder: Thank you. Mr. Foltz, any comments?

Mr. Foltz: I was just having a side conversation with Councilman Peters, but - and I did talk about it with The City Administrator. Just looking at the budget ...inaudible... I know addressing the salt shed and there are some improvements listed for Dogwood Park's update and it might be the shelter itself, but do we plan on getting involved just so we're in the thought process here, when this comes up next week in Committee, do we plan on getting the fence work involved in separate line item on that scene or is it just going to come out of the bond money? Say we want to put new fencing down at the skate board park, is there going to be money available, maybe in the bond to be able to do that? Just thinking, President Snyder.

Mr. Snyder: That is a very good. Presently, there is about a million dollars in that bond...
 Mr. Foltz: Right.

Mr. Snyder: to which I think four-hundred and, I think, thirty-nine or forty thousand for the salt shed.

Mr. Foltz: Five hundred for the salt shed, and we've got unused bond issue funds for facilities for five-hundred sixty thousand.

Mr. Snyder: There is approximately about just ten thousand, twelve thousand dollars on that already ...inaudible... So there is sufficient funding. And is - to refresh everybody's memory, that money would have to be used such as for fences or for improvement, actual physical improvement, whether it be siding or windows or something rather than general maintenance. So, there is sufficient money.

Mr. Foltz: So, it would be more of a capital improvement, versus a maintenance issue.

Mr. Snyder: Exactly, it has to be.

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Mr. Foltz: Maybe we could go on that thought process - maybe the fencing around the skateboard park - just replace. If we take a hard look at Whitworth for the tennis court fencing, maybe we could replace it versus paint it. I am open to other suggestions, but as long as we do something with it.

Mr. Snyder: Well your best bet, I know that you had some problems with the Dogwood, the physical plant.

Mr. Foltz: The shelter itself needs updated on the interior.

Mr. Snyder: That could be used, the bond money could be used for that, taking the forty-nine thousand that has been appropriated for fencing is a much more prudent path than it would be to take money from the park.

Mr. Foltz: OK. Absolutely.

Mr. Snyder: Yes, you would have sufficient monies there to ask the Administrator. And, that was my question, and he said he would gladly spend any money that we appropriated. So, there is not a problem to give him additional funding. At least the cosmetic structural part of the building you could use out of the bond.

Mr. Foltz: Yes, we know we have had people come up and address this, our constituent's letters sent to us, so, and depending on the Summer with the seasonal workers' situation, I just want to make sure, and we talked about it, I'm sure we will get it done - just how we get it done. So, my point is, we don't have the manpower to provide maintenance to it - the fence is thirty some years old. Maybe a better use would be just to replace it. We could look along those lines, I am open to either suggestion.

Mr. Snyder: I was going to ask Mr. Davis already. That's out there where we want to take a look at it and I know that we have an answer to our constituents and get it addressed next year. Hopefully, we will do it before the summer season there so people can enjoy the improvements.

Mr. Foltz: I am hoping the new ball field will bring in people from outside, so they look at it and they will see that. As long as we are working that way within the budget, John, that's the only thing.

Mr. Snyder: The other thing, while we're talking about it, a side note, if I might say respectfully, to the Parks Committee, the Civic Center, as we have talked about, from one hundred and one thousand loss to a thirteen thousand dollar gain, which is phenomenal. However, that dance floor that we have is portable. That dance floor now presents a liability to the City of around five thousand dollars. That is something that we should move in there to that bond and replace that. As we move towards either leasing it or whatever we are going to do with that, so that we are in tip-top shape down there on that, and so that we don't run into some problems down there as well.
OK

Mr. Foltz: All right - thank you.

Mr. Snyder: You're welcome. Mr. Peters?

Mr. Peters: Yes, there are a couple of things. When we walked, Doug and I walked with, I believe it was Helen, and looked at some of those trees after we had taken down the other bad trees. We had the opportunity to walk through a couple of days ago, and some of those trees are making me pretty nervous, and they are very close to where the kids play and what-not. So, if the weather is going to keep up like this, it might be a good opportunity for Jim to get out there with us to take a look and see if this something that we could handle early, sooner rather than later. It would be much appreciated. And, also, to kind of take you back to what to what Tim was saying. I have feedback on what Tim was saying. I wanted to thank Mr. Grimes. I called him Friday morning about 6 a.m. I think it was, and we had a dangerous situation with potholes that had kind of washed away down on Pittsburgh, and by 8:30 that morning they were fixed. And, I want to thank you Mike, for taking care of that and it could have gotten ugly if it wasn't taken care of as quickly as it was. I thank you. That's it. And, along those lines, again, just to recognize that the Street and Water Departments, I had three calls this morning on this one street and I was I able to speak to the Mayor. He picked up his phone, made a call and called the right people, and brought them in. And, about two and one-half hours later, he called me and said, "Yep, we cleaned up the street, we patched it." So, it was all resolved. I drove down and looked at it before the meeting. And, I had photographs of that some of the residents had sent to me, and it was a great transformation, really quickly. So, I appreciate your support with that. Also, recognize Eric Bowls in the Housing Committee that we're working on. I received a call from a resident. They wanted us to take a look at a house on Linwood. It is a house that is sinking. And, Eric wanted me to visit it with him so that he could kind of point out some things. I wasn't able to do it on regular business hours on Friday. Eric lives in Wooster, and he asked to meet me, and of course I live in North Canton. He drove,

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through his ...inaudible..., Saturday morning to meet me at the residence there in Linwood to inspect it. So, he really goes the extra mile. We're lucky to have him.

Mr. Held: I have to echo the Pittsburgh comments. I am lucky enough to drive that part of Pittsburgh. I'm glad that we are going to fix the problem permanently here in the future, but there has to be a crew out there every two hours filling up what is a dangerous situation. So, I appreciate that, and definitely appreciate all the work Rich and his group are doing. I would, getting back to some of the comments about the Housing Committee and I know we are ready to move along to our second phase. We have indentified working with some rental restrictions, working with some potential really interesting legislation that other cities have adopted relative to incentives for people who tear down houses and kind of move from there. And, then also with some groups that come forward to me, I think this is the kind of North Canton that all of us love, who have stepped forward and said "Hey, if there are problems with properties that need cleaned up, we want to help with that. We want to volunteer. We want to be a part of doing that." Just out of the good nature of people that are there. So, I'm glad and blessed, as we all are, that we live in a city where people care so much about their neighbors, too. We are going to make sure that, obviously, that is done in an official and appropriate way as well. We will be scheduling a meeting again soon for the Housing Committee and move forward with some tangible work.

Mr. Snyder: I appreciate that. Mr. Cerreta.

Mr. Cerreta: Well, the North Canton Disaster Relief Fund forms are out with the tax forms. And, I want to thank Karen and her crew for doing that. The reason that we put them in with the tax forms is that they got out to a lot of folks with no additional cost. They did not cost us any more in postage and they were put out there, and I want to thank her again for that. And, they are available at City Hall, the Library and the Chamber of Commerce for that, too. Thanks to the media, too, for following up on that to alert the citizens. It is important that they know what that is. So, actually, that's all.

Ms. Kiesling: Actually, Saturday I met with Eric after he met with Rick, so we had a busy day Saturday. I appreciate it. We also want to thank Mrs. Harper for the wonderful cupcakes last week. We really appreciate those. (To Mrs. Harper - we're thanking you for the cupcakes last week).

Mrs. Harper: Oh, you're welcome.

Ms. Kiesling: All right. Thank you.

Mr. Cerreta: We need an Administration sign up.

Mr. Griffith: That was the week I had to be sick.

Mr. Cerreta: She knows who is important.

Ms. Kiesling: That's it John.

Mr. Snyder: I have a couple of items. Thursday, February 9th, which is next Thursday I believe, at 6 p.m. in the Administrative Conference Room, there will be a meeting of the Survey Committee. And, they do encourage members of Council to participate. It should be a short, organizational meeting.

Mr. Cerreta: When is that John?

Mr. Snyder: Next Thursday at 6:00 p.m. across the hall in the Administrative Conference Room. Larry said he wanted the members to appropriate the fifteen hundred dollars in the budget for that. We want to get that done sooner than later. We are going to get kicked off. So, anything, we'd like to talk about anything that you think the constituency should be asked. They Mayor has a couple of ideas he has given us, so we want to push that on through there. So, please, if you get a chance, just pop in and say "hi" to him if nothing else. Also, as you know, about three months ago we asked the Engineer to commission the reappraisal of the Fairways Golf, or Fairways Arrowhead, or however you want to term it. We paid X dollars for it. We want to determine the value of it for the purpose of possible lowering the taxes. Through that initiative, which cost us about thirty-five hundred dollars, we did receive a tax decrease of \$16,439.26, or \$8,000 a half. Now, we have not passed that on to the leaser the first year, because you know we forgave \$16,000 for the deck. We will recover our money, and at that point, then pass on the savings to them. So, for the naysayers that criticized our thought process in that, we were aware of that, but we weren't officially notified. So, consequently when the Administration and myself and I came to Council to ask you to waive that \$16,000, we were well aware that we would be repaid and recoup our investment. So, to the Director of Finance, she knows we will recoup our money. They are trying hard over there. Anybody can support them to be encouraged. The weather was against

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them last year, hopefully this year it will be better. And, I do have that copy of that ethics, and I will make sure the clerk transmits it electronically to you by paper, but we will make it a part of our record, so if there are any questions, come let me know. As well as all of you have been given a copy of your financial disclosure statements. Some of you may need four or five copies to list all your assets on there. You can go ahead and do that. That is due at the Ethics Commission, I believe the 15th of April with a \$35 check. And, you are required by law to publish that. I have the paperboy do mine, so it is very simple.

Mr. Held: Chuck, I want to share with members of Council that Mr. Osborne has been looking after a Gentleman in the City of North Canton for some time. I believe he is 87 years old and I just want to thank Chuck for all the services that he has provided for this gentleman, and I'm sorry to say that I want to share with you that he passed away this morning, and Chuck went to check on him and found him. But, I think that that really is an example of what services to others that we take for people that have difficult time taking care of themselves, and you look after them as you did, Chuck, for so long. I just wanted to thank you for that service to the community and for the care you provided to them, and I'm sorry that he passed away. Thank you.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Thank you. Any other business to come before the body If not, I will entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

Meeting adjourned at 8:12 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

2/13/2012 - BP



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COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES

The Community & Economic Development Committee of North Canton City Council met as part of the Committee of the Whole Tuesday, February 21, 2011 in Council Chamber at North Canton City Hall.

Present for the meeting were: Chairperson Kiesling, Vice Chairman Cerreta, Member Fox, Council Members Foltz, Griffith, Peters and Snyder. Also present were: Director of Administrative Services Bartos, Assistant Director of Law Deibel, Director of Finance Alger, City Engineer Benekos, President of the North Canton Chamber of Commerce Lane and Chairman of the Master Plan Steering Committee Strohmenger. Mayor Held, Director of Administration Grimes and Director of Law Nilges were not present for the meeting.

Item discussed:

- a. Master Plan: President of the North Canton Chamber of Commerce, Doug Lane, gave a presentation of the proposed Master Plan for the City. Chairman of the Master Plan Steering Committee, Bill Strohmenger, also provided input on the Master Plan.

The Committee and Council to send a Resolution in support of the Master Plan to both the North Canton Chamber of Commerce and Master Plan Steering Committee. A copy of said Resolution has been attached to the original minutes.

Respectfully submitted,

Marcia Kiesling, Chairperson

Mark Cerreta, Vice Chairman

Tim Fox, Member

2/22/12-gmk



City of North Canton, Ohio

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RESOLUTION OF SUPPORT

A Resolution by North Canton City Council expressing their support and endorsement of the final draft of the North Canton Master Plan 2012.

WHEREAS: North Canton City Council believes the North Canton Master Plan will help promote the City as a good place to live, work, visit and establish a business; and,

WHEREAS: Development of the North Canton Master Plan was based on community feedback; and

WHEREAS: The North Canton Master Plan will help identify potential development uses for properties in the City; and

WHEREAS: North Canton City Council will review the North Canton Master Plan in September of each year, for a period of five years, to consider enactment of the various aspects of said plan, based on the availability of funds; and

WHEREAS: The Mayor and Administration of the City of North Canton will also review and place as a budget consideration any items discussed at the annual September meeting.

NOW, THEREFORE BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That the Council of the City of North Canton supports and endorses the North Canton Master Plan 2012.

Respectfully submitted,

Jon Snyder, President of Council

Doug Foltz, Ward 1

Marcia Kiesling, Vice President of Council

Daniel Peters, Ward 2

Mark Cerreta, At Large

Tim Fox, Ward 3

Dan Griffith, At Large

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FINANCE & PROPERTY COMMITTEE MEETING MINUTES

The Finance & Property Committee of North Canton City Council met as part of the Committee of the Whole Tuesday, February 21, 2012 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Chairman Snyder, Vice Chairperson Kiesling, Member Cerreta, Council Members Foltz, Fox, Griffith and Peters. Also present were: Director of Administrative Services Bartos, Assistant Director of Law Deibel, Director of Finance Alger and City Engineer Benekos. Mayor Held, Director of Administration Grimes and Director of Law Nilges were not present for the meeting.

Item discussed:

- a. 2012 Budget: The Committee and Council to consider amending 2012 Budget legislation (Ordinance No. 21-12) at their February 27, 2012 meeting.

Respectfully submitted,

Jon Snyder, Chairman

Marcia Kiesling, Vice Chairperson

Mark Cerreta, Member

2/22/12-gmk

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HOUSING REVIEW COMMITTEE MEETING MINUTES

The Housing Review Committee of North Canton City Council met as part of the Committee of the Whole Tuesday, February 21, 2012 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Chairman Griffith, Vice Chairman Cerreta, Member Foltz, Council Members Fox, Kiesling, Peters, and Snyder. Also present were: Director of Administrative Services Bartos, Assistant Director of Law Deibel, Director of Finance Alger and City Engineer Benekos. Mayor Held, Director of Administration Grimes and Director of Law Nilges were not present for the meeting.

Item discussed:

- a. Process Update: The Committee and Council discussed various Housing Committee strategies. A copy Chairman Griffith's memo outlining said strategies has been attached to the original minutes.

Item will be placed on the April 2, 2012 Committee of the Whole agenda for further discussion.

Dan Griffith, Chairman

Mark Cerreta, Vice Chairman

Doug Foltz, Member

HOUSING COMMITTEE STRATEGIES

North Canton City Council - February 21, 2012

GOALS:

1. Decrease the number of at-risk houses within the City
2. Increase the quality of the housing stock within the City
3. Closely monitor the number of rental homes and improve the underlying quality within the City
4. Increase the number of young families who live within the City

PROPOSED ACTION STEPS:

1. **Continue The Current Enforcement Actions** – With the cooperation of the City Administration and the Law Director the City can continue the effective efforts that are currently underway to enforce the existing ordinances.
2. **Enact a Foreclosure Registration Ordinance** – this ordinance would require any Bank who is foreclosing on a house in North Canton to inform the City. This will allow the safety forces to make special note of potentially abandoned property.
3. **Enact An Updated Tear-Down Ordinance** – this ordinance would make it easier for the City to tear down unsafe and abandoned properties.
4. **Create Simple Reporting Mechanisms** – this effort would create forms and a number of outlets to allow people to quickly and easily report problem properties in their neighborhood to City officials. These channels could include forms available at City Hall, on the City's web site, as well as the use of social media.
5. **Promote the Existing CRA Program** – North Canton has an existing Community Reinvestment Act Program which could be used for substantial home improvements as well as tear down/rebuild scenarios. We can bring together local developers and members of the real estate community to educate and promote the benefits of maximizing the use of this tool.
6. **Utilize the CIC to Create Incentive Programs** – North Canton can follow the lead of many communities by encouraging the CIC to put in place programs incentivizing young families to purchase and improve older houses. These might include programs that would make it easier for

aging homeowners to sell their properties. This would also allow for the creation of incentives outside of the CRA program.

7. **Foster Non-Profit Programs To Provide Incentives** – There are situations where non-profit groups can be created and funded with non-taxpayer dollars to further encourage young families to move into residential real estate within the City. These programs might also provide funding for people who have distressed properties and lack the funds available to make the necessary improvements.

8. **Enact Updated Building Codes Which Apply to Rental Properties** – North Canton’s current building code does not provide the City with adequate enforcement powers for single family residences that have been converted into rental properties. A new and updated code would help to protect the families who rent these homes while preserving the quality of the neighborhood.

9. **Coordinate Volunteer Groups To Assist With Distressed Properties** – In some cases real estate has fallen into disrepair due to financial or health-related constraints on the owner. A number of volunteer groups have indicated that they would be willing to help with maintenance and upkeep for those who qualify. The City needs to provide a mechanism to connect the landowners with the volunteer groups.



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ORDINANCE, RULES & CLAIMS COMMITTEE MEETING MINUTES

The Ordinance, Rules & Claims Committee of the North Canton City Council met as part of the Committee of the Whole Tuesday, February 21, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairman Griffith, Vice Chairman Foltz, Member Kiesling, Council Members Cerreta, Fox, Peters and Snyder. Also present were: Director of Administrative Services Bartos, Assistant Director of Law Deibel, Director of Finance Alger and City Engineer Benekos. Mayor Held, Director of Administration Grimes and Director of Law Nilges were not present for the meeting.

Item discussed:

- a. Moral Claims – Proposed Repeal: The Committee authorized legislation, on an emergency basis, amending Chapter 115 Rules of Council, 115.01 RULES ADOPTED of the Codified Ordinances of the City of North Canton to repeal Section 115.01(e) Moral Claims.

Respectfully submitted,

Dan Griffith, Chairman

Doug Foltz, Vice Chairman

Marcia Kiesling, Member

2/9/11-gmk

c: Council, Director of Law
Mayor, D/Administration
D/Finance, City Engineer
Supt., Permits & Development
Police Chief, Fire/EMS Chief,
Press

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RECORD OF ORDINANCES

Ordinance No. _____ Passed _____, 20____

2/22/12-gmk
(Ordinance, Rules & Claims)

Ordinance No. 22-12

An ordinance amending Chapter 115 Rules of Council, 115.01 RULES ADOPTED of the Codified Ordinances of the City of North Canton to repeal Section 115.01(e) Moral Claims and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON,
COUNTY OF STARK, STATE OF OHIO:

Section 1. That Chapter 115 Rules of Council, 115.01 RULES ADOPTED of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

“Section 115.01 RULES ADOPTED

a. Meetings: Time, Place and Recording Procedure.

1. Council of the City of North Canton, Ohio, shall meet on the second and fourth Monday of each month at 7:00 p.m. in the Council Chambers located in the City Hall at 145 North Main Street with the exception of the months of July and August when Council will meet on the second Monday in July and the fourth Monday in August.

2. If the regular meeting date falls on a holiday recognized by the City, the meeting date shall be changed to a date previously established at a regular Council meeting.

3. The starting time of a regular meeting or a public hearing may be set by motion of Council.

4. Special meetings of Council may be called as provided in the Charter.

5. A complete and accurate journal shall be kept of all proceedings of Council authenticated by the signature of the Clerk of Council and the President of Council, pursuant to the provisions of the North Canton City Charter.

6. The Council shall meet as a Committee of the Whole on the first and third Monday and the fifth Monday, as applicable, of each month at 7:00 p.m. at North Canton City Hall at 145 North Main Street with the exception of the months of July and August when Council will meet as a Committee of the Whole on the first Monday in July and the third Monday in August. The date and/or time of a meeting may be changed or a meeting may be cancelled at any regular meeting of Council or at a meeting of the Council meeting as a Committee of the Whole by a vote of a majority of those members voting at said meeting or upon the written request of four members of Council.

7. All meetings of Council and all meetings of Council meeting as a Committee of the Whole, excluding executive sessions, shall be recorded.

8. All meetings of Council of the City of North Canton that have been recorded shall be transcribed verbatim.

9. Committee meetings, on the request of the Committee Chairperson and concurrence of President of Council, that have been recorded, shall be transcribed verbatim.

b. Council Structure.

1. As provided in the Charter, Council is composed of four Ward Council Members and three At Large Council Members. The President and Vice President of Council are elected from all the members of Council.

2. The President of Council shall assign the seats at the Council table.

RECORD OF ORDINANCES

Ordinance No. _____

Passed _____, 20____

3. The procedure for implementing the provision of the Charter of the City, as to vacancies occurring on Council shall be as follows:
 - A. A vacancy in an At Large position may be filled by a Ward Council Member or any other person who meets the qualifications set out in the Charter. A vacancy in the office of a Council Member representing a ward must be filled from that ward.
 - B. The President of Council shall set a time limit for applications for the vacancy to be filed with the Clerk of Council.
 - C. Nominations to fill the vacancy shall be made from the floor of Council.
 - D. The filling of the vacancy shall be by roll call vote.
 - E. The President of Council shall have the power to set the entire schedule for all applications and votes within the limits of the Charter.
 4. The vote for the election of President of Council and the Vice President of Council shall be by roll call vote. Nominations shall be made from the floor of Council. The vote for President of Council shall be first, followed by the separate vote for the Vice President of Council.
- c. Committees of Council.
1. The standing committees of Council shall be:
 - A. Community and Economic Development Committee
 - B. Finance and Property Committee
 - C. Ordinance, Rules and Claims Committee
 - D. Park and Recreation Committee
 - E. Personnel and Safety Committee
 - F. Street and Alley Committee
 - G. Water, Sewer and Rubbish Committee
 2. Committee assignments shall be made by President of Council at the beginning of each year.
 3. Special committees of Council may be assigned by the President of Council thereafter as needed.
 4. Each Council Member shall present in writing to the President of Council at the beginning of each year, his or her preference of committee assignments.
 5. The President of Council shall make assignments at his or her own discretion, but shall take into consideration the seniority of each member, the member's preference of committee assignments, the member's special qualifications and experience, and the best interests of the citizens of the City.
 6. The President of Council shall designate one of the committee members as chairperson.
 7. The committee of Council shall meet upon call by its members.
 8. No committee shall meet without having first notified its members of the meeting date and time. The Clerk of Council shall send notices which must be received by each member at least twenty-four hours prior to the meeting. The Clerk shall enter into the record any failure to notify a member for whatever reason. The meeting may be held even though all members were unable to be notified, if a quorum is present. A quorum shall be a majority of all members assigned to a committee. Committee members may waive the twenty-four hour requirement if there is sufficient cause. However, all members of the committee must waive.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

9. Members of the Administration may call a committee meeting through the chairperson of the proper committee. Whenever possible and unless special conditions are present, all Committee meetings shall be held in the evening after 5:00 p.m. This is due to the fact that the position of Council Member is a part-time position and Council Members usually have another job during the day.

d. Legislative Procedure.

1. The legislative process shall be governed by the provisions of the North Canton City Charter.

2. The President of Council shall refer those matters to commissions and boards which require pre-Council consideration.

3. Upon referral back to Council or upon its introduction to Council, the President in his or her complete discretion shall refer it to the proper committee of Council for its consideration.

4. The committee of Council shall consider the matter and report its conclusion in writing to Council. All members of the committee shall sign the report, either assenting or dissenting.

5. Where a matter must be considered by more than one committee of Council, all committees may meet together and file separate or joint reports.

6. Legislation may be placed on the Council Agenda only after that legislation has been favorably recommended and asked to be placed on the Agenda by the committee or committees which considered it, except that Council may by a majority vote suspend this rule and place legislation on the Council Agenda without waiting for a committee report, or without referring to a committee, or without having received a favorable committee report.

7. A matter shall be placed on the agenda of the meeting following the public report of the committee or if a committee requests it in its report, it may be placed on the agenda the same night as the report is given.

8. The Agenda of Council shall be in substantially the following form:

- A. Call to Order
- B. Opening Prayer
- C. Pledge of Allegiance
- D. Roll Call
- E. Consideration of minutes of regular meetings, special meetings and public hearings held in the period between two regular meetings, Financial Statement and Mayor's Court Receipts (placed on the Agenda once a month.)
- F. Committee Reports
- G. Recognition of Visitors
- H. Old Business
- I. New Business
- J. Reports of Director of Law, Director of Finance, Director of Administration, Mayor, City Engineer, Director of Economic Development and Clerk of Council
- K. Reports of Council Members
- L. Final Call for New Business
- M. Adjourn

9. All matters to be placed on the Agenda shall be reported to the Clerk of Council by 4:00 p.m., on the Tuesday prior to the Council meeting. This is necessary due to the time needed to prepare the Agenda and legislation. The Clerk of Council may, with discretion, make exceptions to this rule if the time is available.

10. The agenda and copies of all ordinances, resolutions, committee reports, etc., shall be made available to each Council Member, the Mayor, Director of Administration, Director of Law and Director of Finance on the Thursday prior to the regular Council meeting or as soon thereafter as possible.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

11. The Clerk of Council shall present to the Mayor all legislation passed the same night as the Council meeting. This rule shall not require the signature of the Mayor in any other manner than those set out in the Charter.

e. Moral Claims - Repealed

f. Notice. (Pursuant to the requirements of Ohio R.C. 121.22)

1. The Clerk of Council shall post at a prominent place in the North Canton City Hall the time, day, and place of all regularly scheduled meetings of Council and the Council meeting as a Committee of the Whole.

2. Within a reasonable period prior to the meeting the Clerk of Council shall post in a prominent place at the North Canton City Hall notice of all special meetings of any Council committee meeting as a public body as defined in the Ohio Revised Code, which notice shall include the time, place and purpose of such meeting.

3. The prominent place as referred in (1) and (2) above shall be designated by motion of Council from time to time.

4. News media requesting twenty-four hours notice of special meetings shall provide the Clerk of Council with a facsimile phone number or an email address at which that media can be notified. The Clerk of Council shall make a reasonable effort to contact the media at the provided address and telephone number.

5. Any person may upon request obtain reasonable advance notification by e-mail or facsimile of all meetings of the public body at which any specific type of public business is to be discussed.

When available the Clerk of Council may use the meeting agenda as notification. It shall be the responsibility of each committee chairperson to contact the Clerk of Council not less than seventy-two hours prior to any committee meeting to advise the Clerk of the specific type of public business to be discussed at the committee meeting.

g. If any Council Member has reason to believe that the Clerk of Council or Assistant Clerk of Council has by error or omission failed to properly discharge his or her work related duties, the Council Member shall inform the chairperson of the Personnel Committee of the incident. The chairperson of the Personnel Committee shall call an executive session to precede the next scheduled Council meeting.

At the executive session, the reporting Council Member will inform Council why he or she believes the Clerk of Council or Assistant Clerk of Council has failed to properly discharge his or her duties.

Following a discussion, Council shall vote on one of the following courses of action:

1. No finding.
2. Issue a warning (verbal or written).
3. Suspension (3 to 5 day).
4. Discharge

If none of the above receives four votes, then no action shall be taken. The President of Council shall execute the disciplinary action (if any) which was authorized by Council.

A record of the disciplinary action taken shall be placed in the personnel file of the disciplined employee. The disciplined employee shall have one week from the date of the time of the discipline is implemented by the President of Council in which to make a written explanation, which shall be filed in the in the employee's personnel file.

No Council Member shall discipline the Clerk of Council or Assistant Clerk of Council, other than through the above procedure.

RECORD OF ORDINANCES

Duyton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

h. Any member of Council who wishes to survey his or her constituents must meet the following conditions:

1. Survey/letter may only address a single issue;
2. Survey/letter may only be sent to residents who are directly affected by the issue which is addressed in the survey/letter;
3. Ninety days before an election of Council, a Council Member may not send out a survey/letter to constituents unless one of the following two restrictions have been met:
 - A. A majority of Council must agree that conditions one and two have been met; or
 - B. The survey/letter may not contain the name of the sending Council Member, but rather be signed, "North Canton City Council";
4. An at-large Council Member may not send a Citywide survey/letter without the consent of a majority of Council;
5. The member sending the survey/letter shall notify all other members of Council and provide them with a copy of the survey/letter twenty-four hours before it is mailed or hand delivered;
6. None of the above restrictions are meant to control any correspondence between a Council Member and his or her constituents if no City funds or material is used; however, no City letterhead, envelopes (or likeness thereof) shall be used.

i. Matters to be placed on the Committee of the Whole agenda shall follow this procedure:

1. All matters to be placed on the Committee of the Whole agenda shall be reported to the Clerk of Council by 4:00 p.m. on Tuesday before the Committee of the Whole meeting.
2. The Committee of the Whole agenda and supporting paperwork such as ordinances, resolutions, committee reports, etc., shall be available to the Council, Mayor, Director of Administration, Director of Law, and Director of Finance by 12:00 noon on the Thursday before the Committee of the Whole meeting or as soon thereafter as possible.
3. The President of Council with concurrence of the Committee Chairperson, if available, (effort to be documented by Clerk of Council) may make exceptions to this subsection if time is available.

j. Recognition of Visitors.

1. Citizens shall be permitted to speak only during the Recognition of Visitors portion of the meeting.
2. During Recognition of Visitors, each speaker shall identify themselves by name, home address and shall state the subject matter on which they intend to speak. Each speaker shall be limited to a maximum of five minutes to present their comments or at the discretion of the Presiding Officer, the speaker may continue beyond the limit if their remarks are deemed germane, non-redundant and consistent with the rules of decorum. Each speaker shall direct their comments to the Presiding Officer.
3. A speaker shall observe all rules of the decorum as prescribed in Robert's Rules of Order. No debate, disrespect, personal attacks or obscenities shall be tolerated. The Presiding Officer shall rule any individual that violates the Recognition of Visitors rules or Robert's Rules of Order out of order."

Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

Section 3 That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely amendment to the rules of council; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH

Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

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