

RECORD OF PROCEEDINGS

0405

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held

Monday, August 27

7:00 p.m.

20

12

CALL TO ORDER:

1. The council meeting was called to order Monday, August 27, 2012 at 7:07 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

2. The opening prayer was delivered by Rev. Msgr. Jay Clarke, St. Paul's Catholic Church.

PLEDGE OF ALLEGIANCE:

3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

The following members of council responded to roll call: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters and Snyder.

Also present for the meeting were: Mayor Held, Director of Administration Grimes, Director of Law Batista, Director of Finance Alger, City Engineer Benekos, Director of Permits & Development Bowles, Director of Administrative Services Bartos and Clerk of Council Kalpac.

CONSIDERATION:

5. Council Meeting Minutes – July 9, 2012  
Special Council Meeting Minutes – August 1, 2012  
Financial Statements – June and July, 2012  
Mayor's Court Receipts – May and June, 2012

Mr. Snyder: May I have a motion and second to approve as presented the Council Meeting Minutes of July 9, 2012, the Special Council Meeting Minutes of August 1, 2012, the Financial Statements of June and July 2012, and the Mayor's Court Receipts for May and June of 2012.

Mr. Fox moved and Mrs. Kiesling seconded to approve as presented the council meeting minutes, financial statements and the mayor's court receipts. All members present voting:  
Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta.  
No: 0

COMMITTEE MINUTES:

6. Mr. Snyder: May I have a motion and second to approve as presented the following Executive Session and Committee Report minutes; The Executive Session for Personnel and Safety held the 20<sup>th</sup> of August, 2012; the Committee Report Minutes for Community & Economic Development; Ordinance Rules & Claims; Personnel and Safety; Water, Sewer and Rubbish, and Finance and Property all held August 20, 2012.

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

**Executive Session – Personnel & Safety Committee:** Please refer to the minutes on file in the Council Office of the Executive Session for Personnel & Safety Committee meeting held August 20, 2012.

**Community & Economic Development Committee:** Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held August 20, 2012.

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held August 20, 2012.

**Ordinance, Rules & Claims Committee:** Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held August 20, 2012.

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**Personnel & Safety Committee:** Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held August 20, 2012.

**Water, Sewer & Rubbish Committee:** Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held August 20, 2012.

## RECOGNITION OF VISITORS:

7. Mr. Snyder: Prior to the recognition of visitors, we have a special guest with us here this evening. We are privileged to have with us the new Superintendent of the North Canton City Schools, Mr. Michael Hartenstein. Mr. Hartenstein, welcome and please step forward for some brief remarks.

Michael Hartenstein: President Snyder, members of the Council, Mayor Held and his Administration, folks, hi. My name is Michael Hartenstein and I'm the Superintendent of the North Canton City Schools, and I couldn't be more pleased to be here. I'm going to tell you a little story, for those of you who have heard it, I hope not to bore you, but about three or four months ago, maybe five months ago now, I was working for the Parma City School District as the Assistant Superintendent, and I was working with a fellow there who I had the good fortune of spending some time with named Jeff Graham – was the Superintendent. And he's one of those folks that you always appreciate having in your life that for at least some period of time that you have a chance to intersect with those folks. And Jeff and I got along so well and we did, I feel, such good work together, that we had talked many times about spending the next few years together as a team, and doing a lot of work for the folks in the City of Parma. But then about some time, it must have been March or early April, the door between my office and his flew open, and it was one of those Seinfeld moments, and if you know Jeff Graham, he kind of reminds you of Cramer sometimes, he's full of energy. And he comes flying in the room, and usually I tried to duck because whatever it was that energy was usually directed towards me, and it usually meant something else was going to land on my desk and Jeff was the consummate politician and I was the guy that actually ran the daily operations of the place. So, at any rate, he came in and he said I have this great idea. And I said sure, what is it? He goes I know the school district in Stark County and I think you need to apply for an open position as a Superintendent there. Now, I don't know what your reaction would be, but my first reaction is what did I do to this guy to tick him off in such a way that he was trying to get rid of me. You know, I didn't ask the obviously stupid question like where is North Canton, but I said well, what do you actually know about this place? And he said, well, I spent a lot of time working in Summit County, had a lot of friends in Stark County. In fact, there's a lot of places in Stark County that I kind of covet myself as places I might like to land for a job. But, I actually know you very well and I know this community very well, and the school district very well, and I think that you would be a very good fit. So of course I'm still a little skeptical. Got on line with the IT guy by training and spent a lot of time poking around the web and looking at both the school district and the City of North Canton itself. And the more I looked, the more intrigued I became. And I actually knew a few folks down here, so I made some phone calls, and some of them either lived directly in the City of North Canton or had folks – relatives who worked in the City of North Canton or graduated from Canton Hoover High School or whatever the case may be. So it's sort of like going puppy shopping, I made the mistake of driving down here and when I got here I spent some time with the County Superintendent, Larry Morgan, who couldn't speak highly enough of the school district and the community. In that little, what I thought would be a 30 to 40 minute meeting with Larry, lasted about three and a half hours. And if you know Larry, that is not unusual either. Which became the next step in my desire to really investigate more fully what you folks have here in Stark County. So I applied for the job and it's the only job that I have ever applied for as Superintendent. And it's because I was so intrigued by what I saw here and what I read about this place. And I went through a battery of interviews, and some of you were on those interview teams, and I appreciate that. And throughout the process I was extremely impressed, more so in every interview by the relationship that the school district had with this community. And it's, as an outsider coming here, and you all know this, but as an outsider coming here, it is very unique and it is very, very special. And it is the reason I applied. And it is the reason I only applied and it is the reason I only applied at one place, because I wanted to be a part of that. Where I come from, it's unusual to find communities that are so tightly connected to the schools and the schools so tightly connected to the communities. The other thing which really struck me here is just the traditions of both the City and the school district. And I'm forever concerned that I might step on one of those inadvertently without realizing it. And so I've told my staff, let me know where the black ice is of tradition, because Lord knows I don't want to upset Victor Viking. But, I want to thank all of you for letting me come and meet you this evening and welcome me. It's been very nice. I've been to the Main Street Festival. I've been to the July 4<sup>th</sup> Run. I've been dunked. I've been all over the place and I'll continue to do that. My wife and I do not live in the community. She works still up in Northeast Ohio, up in the Cleveland area, but we're working to do that. I'm trying to get my house ready for sale. And since I wasn't prepared for the Seinfeld moment, my house wasn't prepared for the Seinfeld moment either. So, those of you who haven't readied a house for sale recently, my list is only 41 items deep and it may take us a little while but we're going to try to get down here as soon as we can.

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But I want to thank the Mayor for inviting me to come and speak this evening and for saying hello, and I want to thank you very much for the welcome. Thanks.

Mr. Peters: Welcome.

Mr. Cerreta: Welcome.

Mr. Snyder: Superintendent, welcome. It's a pleasure. We appreciate your courtesy of coming and speaking to us. We look forward to continuing the long tradition of the partnership with the City and schools. And actually you are welcome to stay. We're the best game in town, better than HBO or Showtime every Monday night at 7:00 p.m.

(Laughter)

Mrs. Kiesling: Don't let him fool you.

Mr. Cerreta: Come anytime, anytime.

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

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. Let me set this back here a little bit. We have all heard the amusing elementary school kid's explanation that my dog ate it when asked why he does not have his homework. A variation on that explanation was given to Council President Jon Snyder last week when Mr. Snyder queried Mr. Patrick J. Palonder as to why he failed to appear at an annual meeting in March of the Tax Incentive Review Council to explain his failure to comply with the terms of a tax abatement agreement. Mr. Palonder replied that he and his wife were out of the country vacationing in Europe. Mr. Palonder's candid response prompts me to ask this question: Are North Canton tax abatements given to businesses being used instead to fund European vacations? Mr. Snyder, as President of City Council, Chairman of the Finance Committee, and a member of the Tax Incentive Review Council ("TIRC") who recommended the termination of the agreement, I heartily concur with the recommendation of the TIRC committee. Furthermore, I concur with your admonishment of Mr. Palonder when you suggested that Mr. Palonder should have notified the TIRC Committee of his inability to appear at the annual meeting to review compliance of tax abatement agreements. Mr. Cerreta, I must say I was dumbfounded with your suggestion that a modification of the tax abatement agreement for Mr. Palonder might be in order. As was explained by the TIRC member Snyder, the TIRC exhaustively discussed the issue at their March meeting. The decision by the TIRC to terminate the agreement did not come without care and due diligence. Mr. Palonder further explained last Monday that there had been a parting of the ways with his business partner and that his former partner had taken away the very jobs that led to the creation of the tax abatement. Paragraph 2 of the Agreement requires the hiring of two (2) full-time positions and an increase in payroll of \$50,000 per year. That is gone with the departure of the business partner. The *Repository* states that these requirements were not met for a portion of 2010 and all of 2011. On an annual basis, Mr. Palonder has failed to meet these requirements for the last two years. Why is it only now that this agreement is being scrutinized? Paragraph 3 of the Agreement requires Mr. Palonder to alert the Community and Reinvestment Area Housing Officer of any new tenant during the abatement period. Doesn't it stand to reason that the Housing Officer would naturally be notified when a new tenant leaves the property as well? Mr. Snyder's remark last week detailing that one of Mr. Palonder's employees was a 1099 contractor who had not paid all of the income taxes owed to the city also does not bode well as it undermines the sole purpose of the tax agreement, to increase tax revenue through increased payroll taxes. Mr. Palonder's business partner was the key component of the job creation requirement for the tax abatement agreement and this individual left North Canton along with the jobs needed to qualify. Clearly, one cannot buy loyalty to the community with tax incentives. The tax incentives that this City has given out over the last ten years do not seriously factor into the decision of businesses to locate or stay in North Canton and yet they continue to be handed out. This flies in the face of the hundreds of other businesses who support the city and the school system by paying their fair share. Mr. Fox and Mrs. Kiesling, I also noticed that each of you were sympathetic to Mr. Cerreta's suggestion of modifying the tax abatement agreement. I can only surmise that you want to make sure that Mr. Palonder is able to continue to take vacations in Europe at the expense of the North Canton City Schools.

Mr. Fox: Mr. Osborne, Mr. Osborne, do you recall how much he said he invested in the vacant lot?

Mr. Osborne: I'd like to finish. I have the floor.

Mr. Fox: Do you recall? Three hundred (300) plus, was that correct?

Mr. Osborne: I have the floor, Mr. Fox.

Mr. Fox: You're calling me out here. Isn't that right?

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Mr. Osborne: For it is their revenue who you are giving away willy-nilly to individuals who appear not to need money. On tonight's agenda is Ordinance No. 68-12 authorizing the Mayor to enter into an Industrial and Commercial Retention Grant for Crowl, Montgomery & Clark, Incorporated. An Industrial and Commercial Retention Grant is just another fancy name for a corporate charity. The Community and Economic Development Committee, on June 4, 2012, tabled discussion of a Retention Grant for Crowl, Montgomery & Clark for the purchase of new furniture for their existing offices in North Canton on Wilbur Drive NE. According to a July 2, 2012, memo from Eric Bowles, Director of Permits and Development, the company has been in North Canton for a number of years. If Crowl, Montgomery & Clark had plans to upgrade their longtime office on Wilbur Drive NE, that would indicate they are happy staying in North Canton. We all talk about how great it is to live, work, and play in North Canton and yet city leaders feel compelled to pay businesses to come or stay in our community. The corporate charity that city leaders hand out is unfair to all the other businesses in North Canton who pay their fair share. I did not attend the ribbon cutting by Mayor Held for the new North Canton Dollar General that Mr. Bowles announced would take place this last Saturday, but that store did not require incentives to bring them to North Canton. The owners of North Canton Collision on South Main Street have not asked for assistance to improve the appearance of their business on South Main. Why do we continue to provide handouts to a select few while other businesses pay their fair share to support our city schools and maintain city services? Lastly, I would like to know if former Mayor Tom Rice, the seller of the property at 713 South Main Street that was purchased by Crowl, Montgomery & Clark, had any bearing on the decision to enter into the Industrial and Commercial Retention Grant for this company. After all assistance with property improvements would sweeten the sale for both the seller and the buyer all at the expense of The North Canton City Schools and the City. I urge that this Council terminate the tax abatement agreement with Patrick J. Palonder as recommended by the Tax Incentive Review Council and further urge this Council to say no to entering into an Industrial and Commercial Grant for Crowl, Montgomery & Grant as proposed in Ordinance 68-12. Threats by a business to leave the city if they do not get corporate handouts should not be the criteria for handing out tax incentives. Businesses either desire to locate here for viable business reasons or they do not. Revenue desperately needed for city schools and city coffers should not facilitate lavish vacations in far off places for owners of select businesses in North Canton. In addition, I would like to talk about the McKinley Avenue arson properties. There was a presentation last night. These are two properties there - they sit on nonconforming lots. They're very small lots. Apparently our zoning ordinances need to be radically changed. For some reason they differentiate between a nonconforming house and a nonconforming lot. And the ordinance states you cannot rebuild a nonconforming house. Common sense tells you if you had a house that was nonconforming that was substantially destroyed you would not rebuild it back naturally in a nonconforming manner. It's a great opportunity to bring that house up to speed and build it according to modern day standards. The problem is you still have the nonconforming lot. A nonconforming house sitting on a nonconforming lot is all nonconforming situation. This - the way the City has handled this, I understand there were two demolition permits issued. And for anybody that doesn't know, these are two houses sitting very, very close together. One was started on fire through an arson and the fire quickly spread to the adjoining structure. That family has left the City and they have demoed their house. That location where that fire started within hours of it about to be demoed, somebody came in and bought the property from the owner out from under the abutting neighbor who would have paid the same price. We could have eliminated three nonconforming lots if the City had intervened and facilitated the next door neighbor who was - who received slight damage from the fire and allowing that person to buy that lot. I've talked to the City of Canton Building Department about a situation similar to this and they said houses substantially damaged like this would have been immediately determined to be a nuisance, and they would have been demoed - period. Now, Mr. Cerreta, for your remark that it's great that the other house that has been demoed. It is fantastic for the City of North Canton to declare this remaining lot to be a buildable lot. Why, on God's green earth, would you want to sit up the same scenario that led to the fire of two houses instead of just one? You could literally leap from the roof of one onto the other prior to the fire. And you're telling me that it's good for the City of North Canton to build back on this very lot.

Mr. Snyder: Mr. Osborne, you can bring your remarks to a close.

Mr. Osborne: I will, sir. Now you live on a, almost a one-acre lot yourself. If you think it's so great to cram a lot of houses on as small an acreage as possible, you can add an additional six houses, replat your property, and add additional six houses to your property. How great do you think that is? Now I live on a piece of property that's, by a variation of shape, it's a smaller square footage than the one at 520 McKinley, but it is a wider frontage. And let me tell you, it is no piece of cake and it's not the Wizard of Oz there on that property. You have no place to put snow. You have parking issues. You can look out your window and see into your neighbor's window. There needs to be an effort to certainly change these zoning ordinances to, as time goes on and circumstances allow, eliminate these small, nonconforming lots. They are not good for the City of North Canton, believe me. And they just add to the deterioration of the neighborhood and bring down values. 'Cause, nobody wants to move into a lot, and they have no place to park. So I find it rather hard for somebody who lives on a one acre lot with golf course frontage being able to speak with any kind of experience...

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Mr. Fox: Mr. President, I want to object...  
Mr. Osborne: That...

Mr. Fox: I believe that our rules state that you have five minutes. You're more than three times into this.

Mr. Snyder: Right. We, we – bring it to a close.

Mr. Osborne: Who can provide expert advice as to people living on small lots as that's being good for the City of North Canton? And by the way, Mr. Fox, I'm discriminated against up here repeatedly. You - this Council allow everybody and his brother to speak last week, and there were no five minute limits...

Mr. Fox: You're more than fifteen minutes into this and the rules state that it's five minutes.

Mr. Snyder: Alright, thank you Mr. Osborne. We have other people who would like to speak. Please. Thank you for your comments.

Mr. Osborne: Thank you.

Mr. Snyder: Thank you. Any members of Council have anything to say? Thank you. Anybody else wishing to speak? Ma'am, please state your name and address.

Lizabeth Falcon: I am Lizabeth Falcon, 9472 Middlebranch Avenue, 44721. I just have a few questions that I'd like to ask. And just to make sure that no one here misunderstands who it is that I am, please bear with me while I wear my scarlet shame of – scarf of shame here. I have a few questions I would like to address and ask and get – receive honest answers from anyone here please. Okay. Considering law enforcement, what is the proper procedure when pulled over by a patrolman? Anyone? Humorous?

Mr. Snyder: In what respect ma'am? What is your question?

Ms. Falcon: What is the proper procedure for a patrolman to pull a civilian over? Are they to tell you why they pulled you over? Tell you and identify themselves, their names, their badge ID number? Am I correct or am I sadly mistaken?

Mr. Snyder: Ma'am, I don't know the protocol.

Ms. Falcon: No one here knows protocol.

Mr. Snyder: Mr. Grimes, are you prepared to answer that or is that a question we defer to Chief Wilder?

Mr. Grimes: I would defer it to Chief Wilder, but they will identify themselves....

Ms. Falcon: You're the former Chief.

Mr. Grimes: Yes ma'am.

Ms. Falcon: And you don't answer that question because you have no knowledge of law enforcement?

Mr. Fox: He's not here in that capacity.

Mr. Snyder: No, he's not here in that capacity, ma'am.

Ms. Falcon: But this gentleman has knowledge of law enforcement being a former Chief of Police for this city.

Mr. Snyder: But see he cannot – he sit in that seat and give you that answer. You have to direct that to Chief Wilder.

Mr. Grimes: If you had a complaint you would bring it to the Police Chief and we'd investigate it.

Ms. Falcon: Okay. Second question – second question - second question please. When a police officer is sent to your home to receive property that is perceived to be at your home and is not, are they or are they not required to show you any type of a paper or subpoena or do they just come to your house and you hand over whatever it is they perceive that you have or do not have?

Mr. Snyder: Ma'am...

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Ms. Falcon: And I thank you all for your smirks and your laughs, and that gentleman right there was not disturbing anyone with a couple of extra minutes.

Mr. Snyder: Ma'am. Let me say this, I don't - obviously you must have a problem with something that's happened at your home relative...

Ms. Falcon: That's why I'm asking you.

Mr. Snyder: Well I - please let me finish...

Ms. Falcon: It's North Canton City Police Department.

Mr. Snyder: I will say this to you, I would suggest that you either contact our Law Department...

Ms. Falcon: I have...

Mr. Snyder: Or contact the Chief of...

Ms. Falcon: to no avail.

Mr. Snyder: Well, I don't know..

Ms. Falcon: With no honest answers including right here in Chamber...

Mr. Snyder: We're not, we're not in a position to answer. First of all, we don't know the circumstances of what you're talking about.

Mr. Falcon: There are people in this room who know exactly...

Mr. Snyder: Well, obviously it could be a matter under investigation. We couldn't comment on it if we knew about it. So, I would say - Mayor, do you have something to say?

Mr. Held: No, I mean - actually - I don't - you're looking at me as if I understand what happened.

Ms. Falcon: Well, the two of you seem to find it very humorous.

Mr. Held: No, I don't think it's funny at all. I think what - at first when you brought up your concerns, I wasn't quite sure what you were driving at. It sounds like in the beginning, I wasn't sure when you had put the ribbon on, I thought really that you were trying to be humorous.

Ms. Falcon: No, I'm not being humorous at all.

Mr. Held: Right. And I think that we understand that now. But in the beginning...

Ms. Falcon: Would anyone care?

Mr. Held: Well just - can I finish what my comments were? I think that when you first stood up, and we've talked before. You've had your son come up and you know over in my office before. So, when you first stood up, I thought that it was - I thought you were being funny. I think that others might have thought the same thing.

Ms. Falcon: No, sir. I don't feel funny at all.

Mr. Held: Okay. But that's how it was received. That's how I received it. And so now I understand that it is a serious situation and there's obviously a complaint that you have with the Police Department.

Ms. Falcon: And I have tried for months, including last winter, to receive help from this City, from this County and the State Highway Patrol.

Mayor Held: Right.

Ms. Falcon: And now that this other issue in question has come up in this City...

Mayor Held: Right.

Ms. Falcon: I am here asking once again for some answers to my question considering proper procedure on how law enforcement officials are to handle and deal with civilians.

Mrs. Held: Yeah, and my...

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Ms. Falcon: And I have tried repeatedly to get honest and straight forward answers to honest, straight forward questions. I am not one of those human beings that needs to reword my questions eight times. Just like a lawyer, you can ask someone a question eight different ways. It's still the same question. And just because somebody babbles out a bunch of words doesn't mean that there is any substance. It doesn't mean they're answering your question.

Mr. Snyder: Ma'am, obviously you feel your civil rights were violated. You have two – you have recourse to either file a complaint with the Chief of Police.

Ms. Falcon: I have done so, and no one will take my report.

Mr. Snyder: Well, I don't know about that, but you either can do that or contact a private attorney. I don't know....

Ms. Falcon: That's why I am here to ask questions on law enforcement procedure.

Mr. Snyder: I mean, we as a council body, we initiate legislation. We cannot solve your problem - if you have a problem with...

Ms. Falcon: I am not here to ask anyone to solve a problem. I am here to ask why it is that if you are this person, that person or this person, City Council, City Hall, City Police Department, Stark County, whatever, whoever, is willing to take and file reports on people, but when the other person tries to do the same to protect themselves and their family and their children and their property, that the police department refuses to accept, even pull out a clipboard and take a report, is that or is it not proper procedure. And when a patrolman pulls you over and does not give you a reason, and does not give you a card with his name and his badge number, that is not proper procedure. And if I'm wrong, it's a yes or no answer that's all. It's very simple.

Mr. Snyder: First of all it's not that simple...

Ms. Falcon: Yes sir, it is.

Mr. Snyder: We're not - first of all, you're talking generalities. I don't have any idea what you are talking about.

Ms. Falcon: It is a yes or no question.

Mr. Grimes: It's not a yes or no question. If you leave your name and address, if the Clerk has it, I'll check into it and see what...

Ms. Falcon: My name and address is all over this place.

Mr. Peters: I – what happened ma'am?

Mr. Grimes: Well if you leave me the name and address and I'll check it out.

Mr. Peters: Could you enlighten us as to what happened?

Ms. Falcon: Sure. I sure will. If anybody would take the time, I have it all right here. Is anyone interested? Can I talk about a couple of pages to them?

Mr. Snyder: Sure.

Mr. Peters: I would like to know.

Ms. Falcon: You're, you're, you're - I'm glad you all are having fun and I appreciate the smirks and the laughs. I have papers here that I can't give away. I can't give these things away. And as you can see, what I'm wearing here alleges that I have been a thief. Now, it's my understanding that when you are a 501C3 nonprofit and you hold a fund raiser on behalf of such and you turn in your money, the IRS does not want people's checks and cash. They want the papers, the incoming money, the receipts, the expenditures out, and what is left over. Now when I have people crying foul and printing things in the paper; first of all when no files have been charges against me as being a thief after I have turned in funds, but cannot give away the paper trail, how is that ethical? Legal, I don't know. That's why I'm asking questions. And, apparently all of you highly respected and highly educated members of the Council here cannot answer my question but just sit up there with your smirks and your smiles like the rest of us down here are nothing?

Mrs. Kiesling: Absolutely not. I think it's more we don't know how to answer ...

Ms. Falcon: I think he's having a good old time over there. And this one, and that one, I've seen you all sitting up here laughing and smirking while that gentleman was up here speaking in a nicer tone of voice than I am now. And you totally disregarded him and interrupted him because he went over his five minutes. Had he been anyone else that you favor, five minutes wouldn't eve matter. I

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know because I've sat here and watched it and so has my son. And I had to explain to my son why a North Canton Police Officer would look us in the eye and lie to us.  
Mr. Fox: Which officer was this?

Ms. Falcon: My son has been raised in this City.

Mr. Fox: Which police officer was this?

Ms. Falcon: He wouldn't give us his name. He didn't give us his badge number.  
Mr. Fox: There was no way to identify him?

Ms. Falcon: I can identify him, absolutely. So can my son and his father.

Mr. Fox: I'm asking you which officer are you making these acquisitions against?

Ms. Falcon: Maybe 5'5" - 5'6", completely bald in the head, a little stocky.

Mr. Peters: He didn't have a name tag?

Ms. Falcon: That's the best I can get.

Mr. Peters: He didn't have a name tag?

Mayor Held: How about if - I'm sorry...

Ms. Falcon: I was - mascara in my eyes, crying tears down my face.  
Mr. Peters: Okay.

Ms. Falcon: No, I didn't look at his badge number.  
Mr. Snyder: Ma'am, I'm going to ...

Ms. Falcon: When he asked me for my license, I handed him money.

Mr. Snyder: Madam, I think at this point, unless you're, you have a problem that this Council can give you something that we can address...

Ms. Falcon: I didn't ask the Council to give me anything except answers to three questions.

Mr. Snyder: We can't give you the answers to any questions if we have no idea what's going on and I...

Mr. Cerreta: Can she go downstairs and file a complaint? They're downstairs there right now. Go down there ...

Ms. Falcon: I've been through that. I've been through that. I've been through that. I've been through North Canton City Police Department. I've been through Stark County Sheriff's Department. I went to the State Highway Patrol. I came into an office up here and I spoke with a gentleman last winter. Apparently this country, this city, apparently there are cameras everywhere in the United Socialist servile States of America but when persons need them for their own safety, they're nowhere to be found. I came here to ask three questions about proper procedure concerning law enforcement. I didn't come here looking for solutions. I didn't come here asking for help. I came here to get answers for three questions concerning procedure.

Mr. Snyder: Ma'am, if you make a public records request for their training manual downstairs...  
Ms. Falcon: I did and they're...

Mr. Snyder: and they'll give you all that information...

Ms. Falcon: down there, and I have the money to pay for them. But, in light of the loss of trust of any law enforcement in this town between myself and now my son has had a good vision of the real world which breaks my heart. And I had to explain to him after that incident when the police officer looked and lied at us and told us that he did not follow us and pull us over with no cause, would not give us a cause. And when I did ask him why, and I asked him to wait for my son's father to arrive, that he was three blocks away, he was gone, but he wasn't there, he was a figment of my imagination. And also I have a letter from an attorney that all of this is a figment of my imagination. So apparently I am a figment of all of your imaginations as well. You know I can feel it.

RECORD OF PROCEEDINGS

0413

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, August 27 7:00 p.m. 20 12

Mr. Held: Ms. Falcon, would you mind if, because I have – I got this information and if you'd like I can meet with you after the meeting if you have time or I can set up another meeting, because this is – when you go on with this...

Ms. Falcon: Tonight is fine with me. My question to you is I did call and I made a request for all incoming and outgoing calls concerning this matter and all files or anything written against me, a thief, with no filed charges against her filed as a thief, but now in light of knowing that you cannot trust people in uniform, and having to explain to my son that not every wife-beater with a badge is an upstanding person of integrity. How am I supposed to trust that what I'm receiving is the full record, and has not been edited, has not been cut?

Mr. Snyder: Well ma'am...I...

Ms. Falcon: It happens. That's not too much TV. That's real world.

Mr. Held: If you like, I can meet with you after the meeting. If that would be okay?

Ms. Falcon: I will do so. Thank you. May I have everything I handed you back?

Mr. Held: Yes, right here.

Mr. Snyder: Anyone else wishing to speak to the Council? Seeing none, we'll go to Old Business. May I have a motion to read by title only the second reading of Ordinance No. 68-12?

OLD BUSINESS:

8. Mr. Peters: So moved.

Mrs. Kiesling: Are we taking it off the table? Eric, where are we at on that one?

Mr. Snyder: That has been read once. That's was removed from the table.

Mrs. Kiesling: That's on – that's right, we did ...inaudible... before break. I forgot.

Mr. Snyder: That's the second reading.

Mr. Fox moved and Mr. Foltz seconded to read by title only the second reading of Ordinance No.68-12. All members present voting:  
Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox  
No: 0

**Ordinance No. 68-12 – 2<sup>nd</sup> Reading – Community & Economic Development**  
An ordinance authorizing the Mayor of the City of North Canton to enter into an Industrial and Commercial Retention Grant for Crowl, Montgomery & Clark, Inc.

Mr. Snyder: Chairman Kiesling

Mrs. Kiesling: Anyone have questions? I motion we move forward.

Mrs. Kiesling moved and Mr. Peters seconded to adopt the second reading of Ordinance No. 68-12. All members present voting:  
Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith  
No: 0

NEW BUSINESS:

9. Mr. Snyder: May we have a motion to read by title only the first reading of Ordinance No. 72-12?

Mrs. Kiesling moved and Mr. Peters seconded to read by title only the first reading of Ordinance No. 72-12. All members present voting:  
Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Peters  
No: 0

**Ordinance No. 72-12 – 1<sup>st</sup> Reading – Community & Economic Development**  
An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC"), concerning the agreements granting exemptions from property taxation, to continue five (5) of the existing Community Reinvestment Area ("CRA") agreements and declaring the same to be an emergency.

Held Monday, August 27 7:00 p.m. 20 12

Mr. Snyder: Chairman Kiesling

Mrs. Kiesling: Yes. These five agreements are the North Canton Plaza, Inc. for 10 years; Berry Kindy for 10 years; the LMD Property, 12 years; LT Parker and Associates, 10 years; and the Reed Funeral Home, 10 years. They were all renewed until next year. Any questions?

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 72-12.

Mr. Snyder: As an emergency and time exist, may we have a motion to suspend the rules for Ordinance No. 72-12.

Mrs. Kalpac: We've got to do a roll.

Mr. Peters: Jon...

Mr. Snyder: Oh excuse me, we've got to call the roll, I apologize. Thank you.

All members present voting:

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

No: 0

Mr. Snyder: Now as time is of the essence, may we suspend the rules of Council for Ordinance No. 72-12.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 72-12. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 72-12.

Mrs. Kiesling moved and Mr. Cerreta seconded to **adopt under suspension of the rules** Ordinance No. 72-12.

All members present voting:

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

No: 0

10. Mr. Snyder: May we have a motion to read by title only, first reading of Ordinance No. 73-12?

Mr. Griffith moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 73-12. All members present voting:

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

No: 0

**Ordinance No. 73-12 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

An ordinance to approve and adopt current replacement pages to the Codified Ordinances, and declaring an emergency.

Mr. Snyder: Chairman Griffith

Mr. Griffith: I just want to say it's nice to hear a good baritone voice reading out these comments ...inaudible ... a little sunshine. As we mentioned before, this is merely an update to our codified ordinances referencing changes that have taken place to the State statutes. And we do it on an emergency so that we make sure that we're up to date from a traffic perspective and any other crime perspective. So, I would move for its adoption.

Mr. Griffith moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 73-12. All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence, may we suspend the rules for Ordinance No. 73-12?

Mr. Griffith moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 73-12.

All members present voting:

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

No: 0

**RECORD OF PROCEEDINGS**

0415

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Heid                      Monday, August 27                      7:00 p.m.                      20                      12

Mr. Snyder: May we adopt under the suspension of the rules No. 73-12?

Mr. Griffith moved and Mrs. Kiesling seconded to **adopt under the suspension of the rules** Ordinance No. 73-12. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith  
 No: 0

11. Mr. Snyder: May I have a motion to read by title only the first reading of Ordinance No. 74-12.

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only the first reading of** Ordinance No. 74-12. All members present voting:  
 Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling  
 No: 0

**Ordinance No. 74-12 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

An ordinance authorizing all action necessary to support the continuation of a governmental natural gas aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code ("ORC") directing the Mayor of the City of North Canton to execute a Consulting Agreement with Independent Energy Consultants, Inc. and authorizing the Mayor to enter into a supply agreement(s) with a certified supplier(s) to continue a Natural Gas Aggregation Program beyond October 2012 when the current supply agreement ends and declaring the same to be an emergency.

Mr. Snyder: Chairman Griffith

Mr. Griffith: Again, briefly this allows us to provide a service to the citizens of North Canton where we can provide a very aggressive rate for natural gas, which continues to be extremely effective and efficient way to heat your house. And so we would do this and do it on an emergency so we can make sure we get the negotiations going quickly. I would move its adoption,

Mr. Griffith moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 74-12. All members present voting:  
 Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters  
 No: 0

Mr. Snyder: As time is of the essence, may we suspend the rules of council for Ordinance No. 74-12?

Mr. Griffith moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 74-12. All members present voting:  
 Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder  
 No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 74-12.

Mr. Griffith moved and Mrs. Kiesling seconded to **adopt under the suspension of the rules** Ordinance No. 74-12. All members present voting:  
 Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta  
 No: 0

12. Mr. Snyder: May we have a motion to read by title only Ordinance No. 75-12.

Mr. Fox moved and Mr. Peters seconded to **read by title only first reading** of Ordinance No. 75-12. All members present voting:  
 Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz  
 No: 0

**Ordinance No. 75-12 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Water Treatment Fund to the Maintenance of Equipment Account in the amount of \$80,120 for the current expenses during the fiscal year ending December 31, 2012, and declaring the same to be an emergency.

Mr. Snyder: As the bid actually exceeded the cost of the Engineer's estimate, we needed to change and add an additional \$8,000 for the painting and repair of the water tower. Being no ...inaudible... I move the adoption of Ordinance No. 75-12.

Held Monday, August 27

7:00 p.m.

20 12

Mr. Snyder moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 75-12. All members present voting:

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

No: 0

Mr. Snyder: As the health and welfare of the City is at stake, may we suspend the rules for Ordinance No. 75-12.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 75-12. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 75-12?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspend the rules** Ordinance No. 75-12. All members present voting:

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

No: 0

13. Mr. Snyder: May I have a motion to read by title only, first reading of Resolution No. 76-12?

Mr. Griffith moved and Mr. Peters seconded to **read by title only, first reading** of Resolution No. 76-12. All members present voting:

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

No: 0

**Resolution No. 76-12 – 1<sup>st</sup> Reading – Finance & Property**

A Resolution adopting the Alternative Tax Budget of the City of North Canton, Ohio, for the year 2013 and declaring the same to be an emergency.

Mr. Snyder: Again, this is a requirement that it be there the first day of September. They did move the date out. It is our July tax budget which we permitted to everybody and it is with the inside millage and I'd like to move for adoption of the first reading of Resolution No. 76-12.

Mr. Snyder moved and Mr. Peters seconded to **adopt the first reading** of Resolution No. 76-12. All members present voting:

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

No: 0

Mr. Snyder: May we suspend the rules for Resolution No. 76-12.

Mrs. Kiesling moved and Mr. Fox seconded to **suspend the rules** for Resolution No. 75-12. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules Resolution No. 76-12.

Mr. Fox moved and Mr. Cerreta seconded to **adopt under the suspension of the rules** Resolution No. 76-12. All members present voting:

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

No: 0

14. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 77-12?

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 77-12. All members present voting:

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

No: 0

**Ordinance No. 77-12 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton to enter into a contract for professional auction services for the sale of equipment and miscellaneous items which are no longer required for municipal purposes and for the sale of unclaimed property in the custody of the Police Department and declaring the same to be an emergency.

RECORD OF PROCEEDINGS

0417

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, August 27 7:00 p.m. 20 12

Mr. Snyder: We have stuff around the City that has to be sold and disposed of and according to the Revised Code we must auction it. Consequently, an emergency exists that we move this property and get rid of it in the next few weeks. And I would like to adopt the first reading of Ordinance No. 77-12.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 77-12. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith  
 No: 0

Mr. Snyder: As time is of the essence, may we suspend the rules of Council for Ordinance No. 77-12.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 77-12. All members present voting:  
 Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling  
 No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 77-12.

Mr. Griffith moved and Mrs. Kiesling seconded to **adopt under the suspension of the rules** Ordinance No. 77-12. All members present voting:  
 Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters  
 No: 0

15. Mr. Snyder: May I have a motion to read by title only, first reading of Resolution No. 78-12?

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading** of Resolution No. 78-12. All members present voting:  
 Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder  
 No: 0

**Resolution No. 78-12 – 1<sup>st</sup> Reading – Finance & Property**

A resolution authorizing the Mayor of the City of North Canton to enter into an agreement by and between the City of North Canton and the Stark County Emergency Management Agency to adopt the Stark County Multi-Jurisdictional All-Hazard Mitigation Plan Update JHC Project #0259 and declaring the same to be an emergency.

Mr. Snyder: Again, this is a joint plan for the County. It particularly impacts us in areas of flooding. So we want to adopt that and we want to adopt it as timely as possible. So I move for the adoption of the first reading of Resolution 78-12.

Mr. Snyder moved and Mr. Fox seconded to **adopt the first reading** of Resolution 78-12. All members present voting:  
 Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta  
 No: 0

Mr. Snyder: As the health and welfare of the City is at stake, could we suspend the rules of Council relative to Resolution No. 78-12.

Mr. Griffith moved and Mr. Peters seconded to **suspend the rules** for Resolution No. 78-12. All members present voting:  
 Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz  
 No: 0

Mr. Snyder: May we adopt under the suspension of the rules for Resolution No. 78-12.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under the suspension of the rules** Resolution No. 78-12. All members present voting:  
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox  
 No: 0

16. Mr. Snyder: May we have a motion to read by title only the first reading of Ordinance No. 79-12.

Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 79-12. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith  
 No: 0

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7:00 p.m.

20 12

**Ordinance No. 79-12 – 1<sup>st</sup> Reading – Personnel & Safety**

An ordinance authorizing the Mayor of the City of North Canton to enter into a professional services agreement by and between the City of North Canton and Roy H. Batista to provide services to the City of North Canton as Interim Director of Law and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters

Mr. Peters: Yes, Mr. Batista was appointed Interim Law Director during our hiatus and this document allows us to pay him. I'll motion to approve.

Mr. Peters moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 79-12. All members present voting:

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

No: 0

Mr. Snyder: May we suspend the rules of Council for Ordinance No. 79-12?

Mr. Peters moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 79-12. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 79-12.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under the suspension of the rules** Ordinance No. 79-12. All members present voting:

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

No: 0

17. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 80-12?

Mr. Fox moved and Mr. Peters seconded to **read by title only the first reading** of Ordinance No. 80-12. All members present voting:

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

No: 0

**Ordinance No. 80-12 – 1<sup>st</sup> Reading – Personnel & Safety**

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Firefighter and Paramedic Association, IAFF Local 3489, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters

Mr. Peters: Yes, this collective bargaining unit passed last Wednesday. They agreed upon this and some of the highlights of this, as far as longevity pay, anyone hired after August 1, 2012, will no longer receive or will not receive longevity pay. Insurance deductible for single rates were \$250 to \$500 and from \$500 to \$1,000 for family. And the sick payout, anyone hired after August 1, 2012 is not capped at time of retirement, capped at 240 hours which is a state law - minimum state law. And then the first two years, there are no compounding raises. And they can reopen in the third year. I think this is a fair and equitable contract. If there are no questions, I will motion to approve.

Mr. Peters moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 80-12.

All members present voting:

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

No: 0

Mr. Snyder: And as an emergency exists as this is a renewal since August 1, please suspend the rules of council for Ordinance 80-12.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 80-12.

All members present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules for Ordinance No. 80-12?

RECORD OF PROCEEDINGS

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 27 7:00 p.m. 20 12

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under the suspension of the rules** Ordinance No. 80-12. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith  
 No: 0

REPORTS:

Mr. Snyder: Reports, Director of Law.

Mr. Batista: I have no real report other than my understanding is that the happy power washers were busy Saturday.

Mr. Snyder: I noticed that, yeah.

Mr. Batista: And I'm not saying this totally in humor, I'm working on that graffiti ordinance and apparently the product that they were testing passed with flying colors. Mr. Bowles, is that true?

Mr. Bowles (speaking from the audience): I'm sorry, I couldn't hear you.

Mr. Batista: The product was very good quality?

Mr. Bowles (speaking from the audience): Oh, yes. It was excellent. Inaudible...

Mr. Batista: And, as a result I think I'll wait until we get to the appropriate reports of Council, but unless I'm told different, I think I'm going to integrate the use of that product into the proposed graffiti ordinance.

Mr. Snyder: Okay. Thank you. Director of Finance.

Mrs. Alger: Just a report that we have begun meeting with Software Solutions, which is our new accounting payroll system. We've gotten the planning meeting together, the work flow and thanks to Eric Bowles and Jim Benekos, we have two pilot departments that are going to work through this transition.

Mr. Snyder: Good. Thank you. Director of Administration

Mr. Grimes: The other thing that Finance did was they helped design something for the Police Department to get their payroll in a lot smoother, a lot quicker. And I'm no longer the Police Chief, I have to sign and look at that and it made my life a lot easier. So we tried that out today and that worked really well. Our pool is now officially closed - the swimming pool is closed. And our summer help, they're almost all gone. They're back to schools and everything. So... And you should have seen some fence work at Dogwood Park, but I don't know if the rains slowed them down any today or not, but the improvements there - you'll start seeing them being done.

Mr. Snyder: Good. Mr. Mayor

Mr. Mayor: Yes, we did have the Dollar Store ribbon cutting on Saturday. And I would like to thank the Council members for their attendance. The managers of the store were really, I mean they're excited, and I was excited. But I think everyone was excited to go through the store. It's always something you know nice to see when you see a brand new business coming to town. And I was impressed by the value too that they offer which was really nice as well. Along those lines, I just wanted to briefly comment. Chuck, I'm, on the comments that you made earlier. You know that it is interesting, and Chuck and I have discussed this a number of times as far as incentives with the City. And when you think about it, it really is a challenge to try to determine whether or not you give incentives to a business. And I think the best illustration that I can think of as we're going through this decision making, it's similar to selling your home to somebody. And you don't know if they are really looking at another house or how close they are in the price. And so you've got to make a determination as to whether or not you are willing to meet the requirements that they're asking for. Whether it's to make improvements to the house, lower the price. And so as businesses come to the City of North Canton or these particular businesses that we have offered incentives for to relocate to the City, we try to gather as much information as we can to determine are they really going to go to Sharon, Pennsylvania or to California where their home office is? Or are they really going to stay in Massillon? Are they going to move to North Canton? And based on the information that we can gather in the timeframe that we have, we make a decision. And then at that point, we say alright if you have 100 employees here's what your payroll is, and those employees will be paying 1 1/2 % income tax, can we afford to give you 1 1/2% of that equivalent amount in income? Can we give that back to you in the form of a grant to buy new equipment? And it's a decision that we make administratively. We do it through direction of the Stark Development Board that offers us their consultation. We do it through our Law Director, our Finance Director, and then Council lastly votes on it. So it's not a decision that we take lightly. It's something that we try to do as our due diligence. And then when we make that decision, we hope

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that it does work for the greater good of the City financially. And I don't think that all of our decisions are perfect. But when you look again at our income tax, when we were at \$7,000,000 back in 2000, and then it dropped in 2010 to 5.4 million, and now with those new businesses that have relocated to the Hoover facility, we're up to 5.9 million in 2011. So it's pretty clear that the decisions that the Council's making, and that the Administration is making, along with the Stark Development Board. I think also the Chamber of Commerce has been very helpful to us in those decisions as well because they have an understanding and perspective that we don't have here in the City. But I think overall we're moving in the right direction. We're making the right decisions. And Chuck, the points you bring up their – you know we could have went either way on every one of those projects. In some cases, the Schroer Group, we did not offer them any tax incentives from the City. However, they benefited from the grant money that we received from the State. So, they're not easy decisions. We try to make the best ones that we can. And I think overall working collectively there is no doubt financially we are – we've hit the bottom, and we're moving back up. So, thank you all for your help in this whole process over the past three years. And thank you Chuck for your comments.

Mr. Snyder: Thank you, Mr. Mayor.

Mr. Snyder: Mr. Engineer

Mr. Benekos: Yes, a few items. Notice North Main Street is moving along rapidly. The contractor's making a great effort out there. He's working two shifts on that project. He'll continue – next week he's going to one shift, but I believe the week after that they will be doing two shifts. I think later this, no beginning next week, I think, they'll be pouring the curb on the east side and continuing on with that. And then once they get the curb there, we can look at that entry sign into the City, where we might want to locate that and work that out with them. But we're very pleased with the progress. Then if you noticed, they made the repairs on the previous phase south of that.

Mr. Snyder: I saw that last week, yes.

Mr. Benekos: There's some cleaning up left to do a few little items there. And hopefully they'll finish that up shortly. On the Civic Center, I sent - provided a memo. We're going to proceed with that. We're looking to hire the architect to determine, you know there's going to be some needs there based on the change of use, like restrooms. Once we get that settled, what needs to be changed and the final items there, we'll bring final costs to you or estimated cost for the different items there. As I mentioned, I'm trying to keep those to a minimum. There's not going to be a lot of walls moved. We're going to try to work within the existing walls there. I brought a set of plans so I can show anybody if you have any questions on that, we can look at that. And then finally, resurfacing, that should start later this week or next week. They'll come in, start doing the curb repairs, catch basin repairs, and then in about two to three weeks from now, they'll come in and start grinding and resurfacing. I mentioned, we might have enough money to do Glenwood, we do not.

Mr. Snyder: We don't?

Mr. Benekos: We do not. That's a big stretch; we'll throw that into next year. We have some big, long stretches of streets we need to look at some significant streets and how we're going to fund those. We'll look at that in the budget in the upcoming for next year.

Mr. Snyder: I really think that as we move forward to September and October when we're beginning to prepare the 2013 budget, that it's really time that we give a very conscientious effort and study to fund that levy – that road levy because we have so many areas in the City that need curbs and gutter. And, again I think it's time that we consider cost-sharing with the resident in some kind of an assessment process that we can – it's what 3 to 400 dollars a foot or higher to put in curb and gutter for both sides.

Mr. Benekos: For both sides, right. So that gets split.

Mr. Snyder: So, we're talking about 75 cent - \$75 a foot assessed to the property owner which is, you know, on the average lot, less than \$2,000 for that, for having that aesthetic value plus the value to the erosion to their property. Over twenty years, it's a very insignificant amount, obviously nothing is insignificant, but it's not a great burden economically. And we should study that and maybe hold some meetings with the public letting them know that that's the only way that's going to get done. We've spent a lot of money for that five-year plan, with no – to do doing nothing with it. We don't want to leave that lay. And as you mentioned, paving alone, there's so much that we need to be getting done and I think that may be the answer.

Mr. Benekos: I spoke with a resident today. They're having a home owner association meeting this weekend, and he wanted to present that to the homeowners' association about possibly doing an assessment to improve the streets.

RECORD OF PROCEEDINGS

0421

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, August 27 7:00 p.m. 20 12

Mr. Snyder: Yeah, I mean I don't know what else we're going to do, because as funds dry up and we don't have the money for capital projects, we need to, we need – it's a buddy system where we're going to share with the property owner. Okay. Director.

Mr. Bartos: Yes, I didn't get a chance to report on this before you guys went on break, but on July 25<sup>th</sup> we had our Intelligent Community Workshop and Councilman Cerreta was kind enough to be in attendance as the Council representative. But as he can attest, I'm sure, we had a nice discussion. We had a diverse group of government leaders, business leaders, and leaders in the education field as well. So, we're on pace now. The next step is just to get the nomination form in to the Intelligent Community. And Nancy Richardson, our consultant she's in the process of drafting that right now. The final draft is due on September 21<sup>st</sup>. So we'll have that in and hopefully we'll get the Smart 21 designation. So...

Mayor Held: Yes. Good job, Bill. Very good.

REPORTS – COUNCIL:

Mr. Snyder: Good work – appreciate that. Member Foltz

Mr. Foltz: Oh yeah, a few things. First of all I want to thank Eric Bowles. He comes in at night and deals with zoning issues. He deals with nuisance issues in all our wards. He implemented this graffiti removal situation or project I should say, that's going to help us lead by example to our business community. I was happy to be part of that. I just want to commend him for the hard work he puts in here, because you know he's here a lot of nights dealing with residents because that's when they get home. He prefers to do it that way to try to find an amicable solution and he was a big part of the zoning too on Applegrove. So, I want to thank him on the record for a job well done, Eric. Thank you for your support and just helping take care of these issues for us. That said we're getting a lot of things done in the parks as Mr. Grimes alluded to. The fence is coming down by the skateboard facility and we're going to put new posts and fencing around there. We are moving forward to stone-face Dogwood shelter on three sides. The tree company has been in and done some work at Dogwood as well as some other areas. So Jeff I know you and I have had some discussions and met out there, and you've done a good job with that. Just to go over this with Mr. Grimes, we are getting an estimate for Witwer for that fence work. I believe that's what we talked about, right?

Mr. Grimes: Yeah. I think he's got an estimate. He was up at my office today. We're trying to figure out a way to pay for it and how much to do,

Mr. Foltz: Okay. Well Member Cerreta and I stopped there because we have some very good residents in that area that brought it, you know, brought it forward that we need to give some attention to Witwer Park, it's a beautiful park. And there's also...

Mr. Grimes: It's one of the better tennis courts, but there are still some cracks in there, too, to look at.

Mr. Foltz: Right. We need to really start looking, I think, for the budget, I think we have Mr. Cerreta and myself and Mr. Peters, hopefully everybody. We need, I know money is tight but we still need to find a way to put the tennis courts, the basketball courts on some type of a plan that we get around to addressing these in all the parks. I mean they are very valuable and an intricate part of our neighborhoods. And I'm more than happy to meet with people and do it and the Rec Board to review it. But I just think, through some timing and monetary challenges we didn't get some things done and it's coming back now, I can see, obviously, we need to make those things happen as a community. So, I thank Council's support for that and Member Cerreta's support. Mike, if you want to write down that there is a drainage area there on the north side of Witwer Shelter, not the north side, the west side of the tennis courts that needs cleaned out. I guess it is west and east side now that I'm thinking of it. There are drains there. That is something that we didn't get a chance to address. So maybe have the crews go out there and just take the debris off the storm drains there. They'll see what I'm talking about if they walk around the perimeter of the tennis courts. That said, also Member Fox, you were right, the Palonder's investment amount was \$325,000. These aren't easy decisions we make sometimes. And I think it was a good discussion at the Committee meeting. Hopefully we'll find an amicable solution to that company coming up and meeting the payroll requirements that are necessary. But a lot of these corporations or businesses to come in and do spend money. I mean I think their intent is there, it's just a matter of follow-through and working through some challenges. So, I commend this Council to look for ways to make this happen and to reward our business community when they deserve it. And also to get on them about the graffiti when they're not taking care of it. So, thank you.

Mr. Snyder: Thank you. Member Peters.

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Mr. Peters: Yes. The Personnel and Safety Committee will be conducting interviews for the Director of Law position tomorrow morning and Wednesday morning. And we'll hope to have -

Mr. Snyder: Wednesday and Thursday.

Mr. Griffith: Wednesday and Thursday.

Mr. Peters: Oh, I'm sorry, Wednesday and Thursday. I said tomorrow didn't I? Wednesday and Thursday morning, and hoping to have this wrapped up for your consideration by Friday. That's it.

Mr. Snyder: Thank you. Member Fox.

Mr. Fox: Yes, to follow up again on the economic development issues. They are difficult decisions for us. We don't take them lightly. It is a bit of a gamble whether or not that incentive might prove profitable or not. We're not certain, you know, sometimes it's a little bit of a game of chicken. Will they stay, if we don't offer this? Will they come if we don't offer it? Sometimes we don't know, but we make the best decisions that we can. To look at this in, perhaps a larger example, look at Chesapeake Energy. It was looking around for a spot to locate its local corporate headquarters. About 400 jobs were going to move in there. And they scouted out five different locations. They chose Louisville. And I imagine that the incentive that Louisville offered to rebate 25% of the income tax for their employees for the next ten years was one of the reasons that Chesapeake decided to locate to Louisville, not to mention the tens of millions of dollars that are supposed to be coming into Louisville as a result of Chesapeake choosing that location. So to look at that on a much larger scale, Louisville had a difficult decision to make and they chose to offer an incentive. We did it as well here on much smaller scale, but we're hoping that the plan that we came out is fair and reasonable. If they can't meet it, they will have to pay for the next year. But, we do our best with what we've got.

Mr. Snyder: Thank you sir. Member Griffith.

Mr. Griffith: As time is running short, I'll just say briefly that I'm excited to work with Roy on our update and adjustment to the graffiti ordinance. I'm sorry I wasn't out there Saturday to play with the toys as well. But I hear it was fun and maybe we'll find some more graffiti for you to play with as well. But I think the bottom line is I hope we can communicate this to the public, we're really looking to treat this much more like a nuisance, much more like something that is a zoning violation versus a criminal action. I think that's the key to the bottom line. So, hopefully that's how we move forward and we're all on the same page there too.

Mr. Snyder: Member Cerreta

Mr. Cerreta: Just a reminder of a couple of things here. The survey will be going out in the next water bill. So I encourage everyone to take the survey and tell everyone to take the survey. It is very important that our people, the people in the community take the survey and kind of let us know how they're doing right now and what we could do better. And that's a - they - the group put a lot of work into that and it's very important for us going forward to recognize what things are good, bad type of thing or improvements I should say. Also, we're working on a letter to go out for the - to the volunteer associations in the community for the Neighbors Helping Neighbors Program. It will come from all of us. I have a letter going out stating you know what it is all about to get those people on the list for volunteers so we can move forward with all that material that we're looking forward to. The other thing that I want to mention is I have a meeting with the Chamber this week about the entry way signs. We're getting down to the end of the entry way signs and it's very kind of exciting right now to come forward with that. And I'll be coming forward with that soon with the final decision on that. And I want to stand very strong with Doug about our parks. We do need to get some things going with our parks. I'm very strong ... They're not only you know as part of why our community is so good, we have the parks. And they're also destinations for people who come into our community. So, it is very important that we keep those up and we have, but we need to maintain those and maybe put a little aside every year to do some things with that. And I think we're going to be looking for that as we move down the road because we have some things that need done. So, that's all.

Mr. Snyder: Thanks, sir. Member Kiesling

Mrs. Kiesling: No report.

Mr. Snyder: Okay. The only thing I have officially, next Monday is Labor Day, the holiday. And normally when the building is closed, we don't meet. Then we did move the meeting to the 4<sup>th</sup> on Tuesday. So we'll be meeting on Tuesday night of next week instead of Monday. We will have, I believe, an executive session under Chairman Peters' committee at 6 and the regular Council Meeting at 7. So if you'll diary you calendars for that. That's that. Is there any other business to come before this body this evening? If not, thank you again Superintendent for being with us. We wish you all the luck and support we can give you. And we hope you do well there in the new school year. And if not, I'll entertain a motion to adjourn.

RECORD OF PROCEEDINGS

0423

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, August 27

7:00 p.m.

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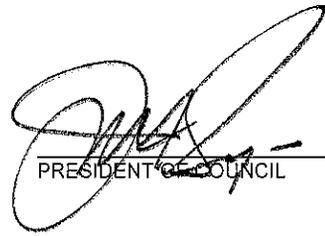
ADJOURN:

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

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

No: 0

The council meeting adjourned at 8:15 p.m.



PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL

8/30/12-bkp