



# City of North Canton, Ohio

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## NOTICE OF MEETINGS

Mr. Daniel Peters, Chairman of the Personnel & Safety Committee of North Canton City Council, has requested a meeting of said Committee Members and Council on **Monday, September 24, 2012 at 5:45 p.m.** in the Council Chamber at North Canton City Hall.

The meeting will be called to order and then moved into **executive session** for the purpose of conducting interviews for the Ward 3 Council position. The executive session **will not be** open to the public.

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### Council Meeting Agenda Monday, September 24, 2012 - 7:00 p.m.

1. Call to Order: 7:00 p.m.
2. Opening Prayer: Rev. Ralph Hough, Holy Cross Lutheran Church
3. Pledge of Allegiance
4. Roll Call
5. Consideration

Financial Statement – August, 2012

Council Meeting Minutes – August 27, 2012

Council Meeting Minutes – September 10, 2012

Special Council Meeting Minutes – September 17, 2012

6. Committee Minutes
7. Recognition of Visitors

OLD BUSINESS:

8. **Ordinance No. 81-12 – 2<sup>nd</sup> Reading – Park & Recreation**  
An ordinance amending Chapter 555 Parks and Playgrounds, specifically Section 555.14 PARK REGULATIONS of the Codified Ordinances of the City of North Canton.
9. **Ordinance No. 82-12 – 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**  
An ordinance approving, confirming and accepting Perpetual Public Water Main Easement, situated in the City of Green, County of Summit, State of Ohio, and known as being part of the Southwest Quarter of original Green Township Section 36, by and between the City of North Canton, an Ohio Charter Municipal Corporation its successors and assigns, (“Grantee”) and the Akron-Canton Regional Airport Authority (“Grantor”), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.
10. **Ordinance No. 83-12 – 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**  
An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 9204151, situated in the City of North Canton, County of Stark and State of Ohio; and being part of City Lot 1506 of C.H. Corbett’s Donner Road Addition (P.B. 25, Pg. 19); also being part of parcel of land, now or formerly in the name of John H. Schen, Jr. and Kathleen Shanabruch by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, (“collectively Grantees”) and John J. Schen Jr. and Kathleen Shanabruch (“Grantors”), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.
11. **Ordinance No. 84-12 – 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**  
An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 9201864, situated in the City of North Canton, County of Stark, and State of Ohio, and being part of City Lot 1505 of C.H. Corbett’s Donner Road Addition, also being part of a parcel of land, now or formerly in the name of Laura Brison, by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, (“collectively Grantees”) and Laura Brison (“Grantor”), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.
12. **Ordinance No. 85-12 – 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**  
An ordinance approving, confirming and accepting Perpetual Public Waterline Easement and Waterline Easement Vacation, being part of Parcel No. 5503229, situated in the Northeasterly Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio,, by and between the City of North Canton, an Ohio Charter Municipal Corporation its successors and assigns, (“Grantee”) and The Inn at Whitewood Village Limited (“Grantors”), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

13. **Ordinance No. 86-12 – 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**  
An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 5500203, situated in the Northwest Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio, also being part of a 1.00 acre parcel owned now or previously by Kenneth S. Cantrell as recorded in Official Record 668, Page 876 of the Stark County Recorder's records by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, ("collectively Grantees") and Kenneth S. Cantrell ("Grantor"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.
14. **Ordinance No. 88-12 – 2<sup>nd</sup> Reading – Finance & Property**  
An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a contract with a financial institution that has been designated as the central depository for active funds for the City of North Canton, pursuant to Ordinance No. 81-97, for the period commencing January 1, 2013 and terminating December 31, 2015.
15. **Ordinance No. 89-12 – 2<sup>nd</sup> Reading – Finance & Property**  
An ordinance amending Chapter 195 Investments, specifically Section 195.01(e)(3) INVESTMENT POLICY of the Codified Ordinances of the City of North Canton, Ohio.
16. **Ordinance No. 91-12 – 2<sup>nd</sup> Reading – Ordinance, Rules & Claims**  
An ordinance defining "Graffiti" establishing offense and penalties for the application of Graffiti and provide for the abatement of Graffiti and establishing a civil penalty for the failure of property owners for the abatement of Graffiti.

NEW BUSINESS:

17. **Ordinance No. 92-12 – 1<sup>st</sup> Reading – Personnel & Safety**  
An ordinance amending Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, as amended, specifically Section 20. COMPENSATION to establish the position of full time Director of Law and rate of compensation and, and repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.
18. **Ordinance No. 93-12 – 1<sup>st</sup> Reading – Finance & Property**  
An ordinance authorizing the Director of Finance of the City of North Canton to make payment of overtime wages to City of North Canton designated personnel for hours worked in regard to the Canton Marathon held June 17, 2012, and declaring the same to be an emergency.

REPORTS:

Director of Law  
Mayor

Director of Finance  
City Engineer

Director of Administration  
Dir. of Administrative Services

REPORTS – COUNCIL:

Mark Cerreta	At Large	Doug Foltz	Ward 1
Dan Griffith	At Large	Daniel Peters	Ward 2
Marcia Kiesling	At Large	Jon Snyder	Ward 4

FINAL CALL FOR NEW BUSINESS:

ADJOURN:

Gail M. Kalpac  
Clerk of Council

9/20/12-gmk

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

RECORD OF PROCEEDINGS

0405

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

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 20th 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.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

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

**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.

RECORD OF PROCEEDINGS

0407

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

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?

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

Held Monday, August 27

7:00 p.m.

20 12

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 lo, 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...

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

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...

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10158

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

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...

RECORD OF PROCEEDINGS

0411

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

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 even 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. 1014B

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

Held

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

Held Monday, August 27 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

0419

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

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 ½ % income tax, can we afford to give you 1 ½% 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. 101-18

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

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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

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

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LITERAL BLANK, INC. FORM NO. 10146

Held Monday, September 10 7:00 p.m. 20 12

## CALL TO ORDER:

1. The council meeting was called to order Monday, September 10, 2012 at 7:02 p.m. by President of Council Jon Snyder.

## OPENING PRAYER:

2. The opening prayer was delivered by President of Council Jon Snyder.

## 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, 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, Director of Permits & Development Bowles, Director of Administrative Services Bartos, Director of Permits & Development Bowles, and Clerk of Council Kalpac. City Engineer Benekos was not present for the meeting.

## CONSIDERATION:

5. None

## COMMITTEE MINUTES:

6. Mr. Snyder: May we have a motion and second to approve the following Executive Session and Committee Report Minutes? The Executive Session for Personnel & Safety held 8/27, 29, 30, and 9/4/12; Finance and Property; Ordinance, Rules and Claims; Park and Recreation; Water, Sewer and Rubbish all held September 4, 2012.

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

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

No: 0

**Executive Session for Personnel & Safety:** Please refer to the minutes on file in the Council Office of the Executive Session for Personnel & Safety Committee meetings held August 27, 29, 30 and September 4, 2012.

**Finance & Property:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 4, 2012.

**Ordinance, Rules & Claims:** Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held September 4, 2012.

**Park & Recreation:** Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held September 4, 2012.

**Water, Sewer & Rubbish:** Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held September 4, 2012.

## VOICE VOTE: AUTHORIZING THE DIRECTOR OF LAW TO PROCEED WITH THE FORECLOSURE OF TWO CITY PROPERTIES

7. Mr. Snyder: May we have a motion and second to authorize the Director of Law to proceed with the foreclosure of the two city properties requested by the Superintendent of Permits, Inspection and Development.

Mr. Peters moved and Mr. Cerreta seconded to authorize the Director of Law to proceed with the foreclosure of two city properties. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

0425

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 19128

Held Monday, September 10 7:00 p.m. 20 12

RECOGNITION OF VISITORS:

- 8. Mr. Snyder: At this time the Council will recognize anybody wishing to speak. Please step forward, state your name and address for the record. Seeing none, we'll move ahead. At this time, Mayor Held has a request and announcement. Mayor.

Mayor Held: Yes. Thank you. Jane if you wouldn't mind standing up. Yes, Council and residents here this evening, we have, I'm very proud to announce that we have Jane Housos who is going to be joining us here in the City of North Canton. She'll be serving as our Clerk of Courts for the Mayor's Office, and also assisting in the daily operations of the City. As some of you might know, Theresa Dolan had recently resigned and took a job over in Canal Fulton as the Clerk of Courts in Canal Fulton. And so whenever you have a vacancy the biggest challenge is to find the best possible person we can for the position. And what we try to do is find somebody, number one that has the competency for the position, but then also has the ability and heart to serve other the people in a respectful manner. And it's kind of - how this transpired is that - it was last year at a pie tasting contest over at the Zion Lutheran Church, and Jane had invited me. She was responsible for managing the program. And I had known Jane years earlier because she actually graduated with my wife, Sharon, at Hoover High School. And so she invited me to the pie tasting contest. And of course I'm observing this process and I recognized that I was there an hour early, which that itself was unusual. But it was because started I think at two and I was there an hour early. And so I'm sitting there and Jane was as cool as a cucumber and just kind of managing the whole thing, because the people that were supposed to be there weren't. And then she also, I noticed too that she was not giving away whose pies was whose. And I'm thinking well she has integrity, she's cool under pressure, and I thought we need somebody like her working in the City. And then so then here it is now more than a year later when the position opened up, I had - she's the first person that popped into my mind. And I asked my wife, I said - and I - by the way I didn't even talk to Jane at all, I said, what about Jane Housos for the new position. And my wife said she's perfect. And then I called Jeff Peters and he said perfect also. And then I called Mark Cerreta, and he said perfect. And then I - and this is no joke, they all said she would be perfect. And then I called Rich Rhodes. So after you know four or five phone calls, I decided that she probably would be the perfect fit for the position. Jane went to Orchard Hills Elementary. And she's number four out of five daughters to Cy and Stella Moore. And they've lived here on Glenwood since 1966. So not only does Jane understand the North Canton Community, but her entire family does. And then went to Hoover Middle School, Hoover High School, and then to Akron University where she obtained her finance degree in 1984. And then married George Housos; they were married for 27½ years. And they have a daughter Jessica who is a geometry teacher at Hoover this year. First year, right.

Mrs. Housos: First at Hoover.

Mayor Held: At Hoover, yes. And then Joey is a sophomore at OU (Ohio University), and a former football standout in North Canton. So I'd like to welcome Jane, We're glad to have you.

(Applause)

Mrs. Housos: Thank you. I'm very blessed with getting this job. I thank you so much and I really look forward to it. I've been here a week and I've - I already can feel it's the right place for me. So I look forward to meeting some of you as you come in. And I know some of you, but I'll get to know you better. And again, I'm looking forward to it.

(Everyone welcomed Jane).

Mr. Snyder: Thank you, Mr. Mayor.

Mayor Held: Thank you.

OLD BUSINESS:

- 9. Mr. Snyder: At this time we'll move to Old Business. May I have a motion to read by title only third reading of Ordinance No, 68-12?

Mr. Foltz: We need to do a voice vote.

Mrs. Kiesling: Oh do you want to do the votes on ...

Mr. Snyder: Oh, excuse me.

Mr. Foltz: What about the voice vote on the foreclosure of properties?

Mr. Snyder: Oh yes, I apologize. We didn't vote on that yet?

Mrs. Kiesling: We're getting ready to right now.

Mr. Snyder: But I went ahead and let the Mayor...

Mrs. Kiesling: Yeah.

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 10 7:00 p.m. 20 12

Mr. Snyder: I apologize. Madam Clerk, we have a motion and second.

Mrs. Kiesling: Did we vote on that?

Mr. Kalpac: Yeah, we voted on that.

Mrs. Kiesling: Did we?

Mr. Kalpac: Yeah.

Mrs. Kiesling: I don't remember doing that.

Mr. Foltz: The foreclosure to two city properties?

Mrs. Kalpac: Yes.

Mrs. Kiesling: Oh my gosh we did. Maybe we all thought we were...

Mr. Cerreta: I thought I was here.

Mr. Foltz: We're so thorough we were going to do it twice.

Mr. Snyder: Well as long as we voted we alright. Then we will move to ...

Mrs. Kiesling: That's not a good sign.

Mr. Cerreta: That's the quickest vote I've ever had.

Mr. Peters: Okay, I'll motion to read 68-12.

Mr. Snyder: Retake the vote.

Mrs. Kiesling: I'll Second. Are you sure we did that?

Mr. Griffith: Gail is sure, yes.

Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 68-12. All members present voting:

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

No: 0

**Ordinance No. 68-12 – 3<sup>rd</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.

Mrs. Kiesling: Yes, this is the third reading. The property already is being renovated, if you drive by it on Main Street. And I'm very excited. I motion we accept.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 68-12. All members present voting:

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

No: 0

10. Mr. Snyder: May I have a motion to remove from the table Ordinance No. 67-12?

Mr. Griffith: So moved.

Mr. Batista: Just so you know, what I suggested to Gail was this was that little

Mr. Snyder: Oh, so we want to just let it – kill it?

Mr. Batista: Either leave it on the table or kill it because you'll see the graffiti ordinance...

Mr. Griffith: Well I think our - my suggestion was that, just to clarify it for everyone out there, this was the original you know ordinance that we didn't actually even read but put on the table right away. We've done a substantial rewrite and revision. So I think it's appropriate for us to remove this from the table and defeat it, if that is the body's wish, and then to read by title only, in its entirety, the new one which will then proceed through the three readings as would be appropriate. Is that all right?

Mr. Snyder: That will be fine. Let's remove it from the table if we can then.

Mr. Griffith: Is that alright; if that's acceptable to the body. So I would move to remove it from the table.

Mr. Griffith moved and Mrs. Kiesling seconded to **remove Ordinance No. 67-12 from the table**. All members present voting:

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

No: 0

Mr. Snyder: Now we request, I will call for a motion to read by title only the first reading of Ordinance No. 67-12. I would ask you to vote in the negative. That way it will not have to come out of, off the floor.

**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, September 10 7:00 p.m. 20 12

Mr. Griffith moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 67-12. All members present voting:  
 Yes: 0  
 No: Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder  
 No: 0

**Ordinance No. 67-12 was defeated.**

**NEW BUSINESS:**

11. Mr. Snyder: Now we'll move to New Business. May I have a motion to read by title only first reading of Ordinance No. 81-12?

Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 81-12. All members present voting:  
 Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Cerreta  
 No: 0

**Ordinance No. 81-12 – 1<sup>st</sup> Reading – Park & Recreation**

An ordinance amending Chapter 555 Parks and Playgrounds, specifically Section 555.14 PARK REGULATIONS of the Codified Ordinances of the City of North Canton.

Mr. Snyder: Chairman Foltz.

Mr. Foltz: Yes, as we discussed at Committee, Administrator Grimes brought some additional language to strengthen our park regulations. I think we were all in favor of that to give us the opportunity to have better enforcement and just some clarity for our residents, whoever uses our parks. So if there aren't any questions, I'll make a motion to pass the first reading.

Mr. Foltz moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 81-12. All members present voting:  
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz  
 No: 0

12. Mr. Snyder: May I have a motion to read by title only first reading of Ordinance No. 82-12?

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 82-12. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Griffith  
 No: 0

**Ordinance No. 82-12 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance approving, confirming and accepting Perpetual Public Water Main Easement, situated in the City of Green, County of Summit, State of Ohio, and known as being part of the Southwest Quarter of original Green Township Section 36, by and between the City of North Canton, an Ohio Charter Municipal Corporation its successors and assigns, ("Grantee") and the Akron-Canton Regional Airport Authority ("Grantor"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Yes, We discussed this last week. As Jim stated, that this is the brand new waterline at the Akron/Canton Airport. So I propose that we go ahead with this and move with it.

Mr. Cerreta moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 82-12. All members present voting:  
 Yes: Peters, Snyder, Cerreta, Foltz, Griffith, Kiesling  
 No: 0

13. Mr. Snyder: May we have a motion to read by title only first reading of Ordinance No. 83-12.

Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 83-12. All members present voting:  
 Yes: Snyder, Cerreta, Foltz, Griffith, Kiesling, Peters  
 No: 0

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 10 7:00 p.m. 20 12

**Ordinance No. 83-12 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 9204151, situated in the City of North Canton, County of Stark and State of Ohio; and being part of City Lot 1506 of C.H. Corbett's Donner Road Addition (P.B. 25, Pg. 19); also being part of parcel of land, now or formerly in the name of John H. Schen, Jr. and Kathleen Shanabruch by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, ("collectively Grantees") and John J. Schen Jr. and Kathleen Shanabruch ("Grantors"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Yes, this is at Mount Pleasant, I believe. Jim had stated that this actually has three dead ends for us as an easement. So this is a good thing for us as we adopt. So I move that we adopt this resolution – what number is that I don't have it on my ...

Mrs. Kiesling: 83-12

Mr. Snyder: 83-12

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 83-12. All members present voting:

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

No: 0

14. Mr. Snyder: May I have a motion to read by title only the first reading of Ordinance 84-12?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only the first reading** of Ordinance No. 84-12. All members present voting:

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

No: 0

**Ordinance No. 84-12 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 9201864, situated in the City of North Canton, County of Stark, and State of Ohio, and being part of City Lot 1505 of C.H. Corbett's Donner Road Addition, also being part of a parcel of land, now or formerly in the name of Laura Brison, by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, ("collectively Grantees") and Laura Brison ("Grantor"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: This is one of two that we need to do on Donner. They're replacing the waterlines on Donner and this is just a new easement for them. And so I move that we adopt Resolution 85-12.

Mr. Peters: 84-12.

Mr. Cerreta: 84-12

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 84-12. All members present voting:

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

No: 0

- 15 Mr. Snyder: May I have a motion to read by title only first reading of Ordinance No. 85-12?

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 85-12. All members present voting:

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

No: 0

**Ordinance No. 85-12 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement and Waterline Easement Vacation, being part of Parcel No. 5503229, situated in the Northeastly Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio, by and between the City of North Canton, an Ohio Charter Municipal Corporation its successors and assigns, ("Grantee") and The Inn at Whitewood Village Limited ("Grantors"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

RECORD OF PROCEEDINGS

0429

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10-4B

Held Monday, September 10 7:00 p.m. 20 12

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: This is a relocation of water line over there behind Fishers. They originally set it up for condos and now they are putting in a retirement village there. So this will help them. So I move that we adopt Resolution No. 85-12.

Mr. Cerreta moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 85-12. All members present voting:  
 Yes: Peters, Snyder, Cerreta, Foltz, Griffith, Kiesling  
 No: 0

16. Mr. Snyder: May I have a motion to read by title only first reading of Ordinance No. 86-12?

Mr. Griffith moved and Mr. Peters seconded to **read by title only the first reading** of Ordinance No. 86-12. All members present voting:  
 Yes: Snyder, Cerreta, Foltz, Griffith, Kiesling, Peters  
 No: 0

**Ordinance No. 86-12 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

An ordinance approving, confirming and accepting Perpetual Public Waterline Easement, being part of Parcel No. 5500203, situated in the Northwest Quarter of Section 6, Township of Plain (T-11, R-8), County of Stark, and State of Ohio, also being part of a 1.00 acre parcel owned now or previously owned by Kenneth S. Cantrell as recorded in Official Record 668, Page 876 of the Stark County Recorder's records by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio (PUCO) its successors and assigns, ("collectively Grantees") and Kenneth S. Cantrell ("Grantor"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: It's just another replacement. And so I move that we adopt Ordinance No. 86-12.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 86-12. All members present voting:  
 Yes: Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder  
 No: 0

17. Mr. Snyder: May I have a motion to read by title only first reading of Ordinance No. 87-12?

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only the first reading** of Ordinance No. 87-12. All members present voting:  
 Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Cerreta  
 No: 0

**Ordinance No. 87-12 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the transport, disposal and payment of all related disposal fees for the remediation of the premises located 4215 Portage Street NW, North Canton, Ohio at a cost not to exceed \$100,000, and declaring the same to be an emergency.

Mr. Snyder: As we have a stipulated order from the County Health Department to clean up that site. At the best guesstimate our bid was \$100,000 on the outside and we hope to do somewhere south of that. And we'd like to do it on an emergency basis as time is of the essence to clean that up as public health and safety is an issue. There being no questions, I'll entertain a motion to adopt the first reading of Ordinance No. 87-12.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 87-12. All members present voting:  
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz  
 No: 0

Mr. Snyder: May I have a motion to suspend the rules of council for Ordinance No. 87-12?

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 87-12. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Griffith  
 No: 0

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 10 7:00 p.m. 20 12

Mr. Snyder: Can we adopt under the suspension of the rules Ordinance No. 87-12?

Mrs. Kiesling moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 87-12. All members present voting:

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

No: 0

18. Mr. Snyder: Thank you. May I have a motion to read by title only first reading of Ordinance No. 88-12?

Mr. Griffith moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 88-12. All members present voting:

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

No: 0

**Ordinance No. 88-12 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a contract with a financial institution that has been designated as the central depository for active funds for the City of North Canton, pursuant to Ordinance No. 81-97, for the period commencing January 1, 2013 and terminating December 31, 2015.

Mr. Snyder: Again, we're required every three years to declare the depository that we're going to use and that's what this is about. And this will authorize the Director of Finance through the Mayor to put that into place. There being no questions, I'll entertain a motion to adopt the first reading of Ordinance No. 88-12.

Mr. Snyder moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 88-12. All members present voting:

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

No: 0

19. Mr. Snyder: May I have a motion to read by title only the first reading of Ordinance No. 89-12?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 89-12. All members present voting:

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

No: 0

**Ordinance No. 89-12 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance amending Chapter 195 Investments, specifically Section 195.01(e)(3) INVESTMENT POLICY of the Codified Ordinances of the City of North Canton, Ohio.

Mr. Snyder: This will empower the Director of Finance making sure that all depository funds are covered under the FDIC or a related institution; I think up to \$250,000. As many institutions, we have more than that invested in several different accounts, and each account be designated to wholly insure the and protect people's investment of funds. There being no question, I'll entertain a motion to adopt the first reading of Ordinance No. 89-12.

Mr. Cerreta moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 89-12. All members present voting:

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

No: 0

20. Mr. Snyder: May I have a motion to read by title only the first reading of Ordinance No. 90-12?

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 90-12. All members present voting:

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

No: 0

**Ordinance No. 90-12 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance amending Chapter 191 Administrative Code, specifically Section 191.22 INTEREST AND PENALTIES, of the Codified Ordinances of the City of North Canton, and declaring the same to be an emergency.

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, September 10 7:00 p.m. 20 12

Mr. Snyder: This is for failure to file income tax in a timely manner. I believe we went to \$50.00 on the first filing and \$100 subsequent filing. The Director did give us companion notes on other municipalities, what they enact. It seems to be – that seems to be the benchmark - \$50.00 for filing, \$100.00, second at least. Some do require civil penalty and criminal penalties and fines in excess of \$1,000.00. It would be my suggestion that we try this first and see if it does clear up. We've had great luck, through her department, through the young lady that works in that department bringing people to the Mayor's Court and cleaning up these different things which means money to us. So that's maybe how we'll start out. And if it doesn't seem to get their attention with a \$50 penalty and a \$100 penalty, we'll enact some other types of remedial penalties that we can apply. Is that director comfortable with both those numbers?

Mrs. Alger: Very well.

Mr. Griffith: I made a suggestion last week about a percentage as the penalty. And Karen and I had a chance to talk off line. And I think it's important to distinguish here between – what we're penalizing here is the failure to file...

Mr. Snyder: That's correct.

Mr. Griffith: Not the failure to pay, which of course is a percentage penalty. So in essence what I think we all had consensus on is already a law. We're just making sure that if someone forgets to file, even if they have paid that we're penalizing them too. So, I think it's a good move.

Mr. Snyder: The other thing is, you know, through her efforts and her department and being a strong advocate, we've been put into credit cards now. So people have the ability to clean those up. And if they like to finance it over a period of time with their institution, they're able to do that. But we can get them done and it is moving some money, so we're doing that.

Mr. Cerreta: We do send reminders though, right?

Mr. Snyder: Oh I think initially, yeah.

Mrs. Alger: Absolutely.

Mr. Cerreta: I mean it's just not the day after the 16<sup>th</sup> we're giving them. So just make that clear.

Mrs. Alger: Oh, no. These are the ones that...

Mr. Cerreta: Right.

Mrs. Alger: usually are the one habituals too. You'll see them year after year, and we do send - it goes with a return. And you get a first one, and a second one is a little stronger. So...

Mr. Cerreta: Good.

Mr. Snyder: Alright? So may I have a motion to adopt the first reading of Ordinance 90-12?

Mr. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 90-12. All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence to allow her department to clean these up as quickly as possible, we'd like to suspend the rules of council for Ordinance No. 90-12.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 90-12. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 90-12.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under the suspension** of the rules Ordinance No. 90-12. All members present voting:

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

No: 0

21. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 91-12?

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 10 7:00 p.m. 20 12

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 91-12. All members present voting:  
 Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Cerreta  
 No: 0

**Ordinance No. 91-12 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

An ordinance defining "Graffiti" establishing offense and penalties for the application of Graffiti and provide for the abatement of Graffiti and establishing a civil penalty for the failure of property owners for the abatement of Graffiti.

Mr. Snyder: Chairman Griffith

Mr. Griffith: This is a great rewrite. Roy has done a beautiful job with this, as he has with so many things. And basically as we talked about before, we're now treating graffiti as any other nuisance under the, you know, under the zoning laws. Basically if there is a problem that comes up, if we find there is a problem or violation, Eric will be informing them that, you know, something needs to be cleaned up. If they don't do that in the period of time, then they'll be given further notice, and basically it will be abated. If there are costs associated with that then those will be charged just like somebody who fails to mow their lawn or do any of the other issues that, you know, we have for billing. I think it's a very fair treatment. It goes back to not punishing the victim in this case, but also make sure that we get those things taken care of as well. And I really appreciate the rewrite. We did discuss the last time some additional language to put in place – put in place situations to deal with situations that you might have extreme profanity, or...

Mr. Batista : Yeah, I did make that change to add the incendiary language.

Mr. Griffith: Right. Do you want to talk about that a little bit?

Mr. Batista: Well other than the fact that it permits the Director of Administration to move within twenty-four (24) hours if there is any profanity, sexually explicit language or racial or ethnic derogatory remarks, and are visible from adjoining property.

Mr. Griffith: I think that's the key, too. And obviously we're probably going to have people who are more than happy to jump in and take care of those things under any circumstances, but obviously those are the kinds of things we want make sure that are not here in North Canton. So...

Mr. Batista: Yeah, the problem I had with that was twenty-four (24) hours there's – the problem you've got is if you have an absentee landlord, you're going to be stuck with the same ten (10) days.

Mr. Griffith: Right.

Mr. Batista: So, I put in 24 hours which may become problematical in the future, but let's go with it.

Mr. Griffith: But you also have in the ordinance too the ability for the City to basically enter onto the property if there is a failure to comply which would be true with any nuisance violation or abatement. And I think that's, you know, you're right, there could be an issue there, but I think you've come up with a pretty good solution to that too, Roy. So, I would move its adoption.

Mr. Griffith moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 91-12. All members present voting:  
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz  
 No: 0

**REPORTS:**

Mr. Snyder: Okay, reports. Director of Law

Mr. Batista: No report.

Mr. Snyder: Director of Finance

Mrs. Alger: Yes, I have some good news. The Finance Department has saved the City about \$96,000 with correcting some Worker's Comp. categorizing. When Chris was put into a new position, she questioned and then investigated some. And Worker's Comp came in and agreed with us that \$65,000 will give us credit for the last two years and then from now on, \$31,000 with the correct categories of the Worker's Comp.

Mr. Snyder: Good work.

Mrs. Alger: That's some good news.

RECORD OF PROCEEDINGS

0433

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, September 10

7:00 p.m.

20

12

Mr. Snyder: Please tell Chris that we appreciate that.  
Mrs. Alger: Yes.

Mr. Snyder: That's good work. Director of Administration

Mr. Grimes: A couple of things, Mr. President. I know it is old news but I'd like to go on the record that the collective bargaining agreement that we had with the fire; you know they were very cooperative in the room and very straight forward. And you know I think that was good on their part. And also a couple of Council people that we called to get advice and that, we appreciate that. We know we were bothering you during the day, but we do appreciate that. So there's going to be some noise around the water tower because we are painting the water tower at Rose Court. You'll see them there getting ready and squaring off some stuff there. So they are cognizant that that's in an area with churches and that type of thing too. So, we did discuss that with them. I reminded the Fire Chief how old I am, so we did place an automatic defibrillator out front here. And one of the Council meetings, before that it's about a 15 minute training on how to use it. It's very easy, but we're going to have some training here if anybody is interested, even the folks that attend Council meeting all the time can come and see how those things work. So we'll get that done.  
Mrs. Kiesling: Do you think they'd save one of us if they had the opportunity?

Mr. Grimes: There are also some activity that you'll see around the 7<sup>th</sup> Street Retention Basin, around Hillcrest and Seventh. We want to get that working more properly than it was. So, there will be some activity. So if you see some people there where we're getting that back into shape so that it drains and works properly. There's a pump problem there and I think the way it was draining somebody came up with a different idea. So we'll get that going. We'll be announcing the free leaf bag pretty soon and get that started with the residents. If you missed it, our old salt bin is now no longer there, it's gone. And we have started to get ready for the new salt bin out there. So and the park now has a new fence around the skate parks and that and the basketball courts.

Mr. Foltz: It looks great.

Mr. Grimes: And for those folks doing the citizen survey, if you haven't seen before, it is on our web page. So they can go there and go to the online, like the committee, you know, I think that's a great idea by the committee, and we put it on our website so you can easily get there. So, thank you Mr. President.

Mr. Snyder: Thank you. Mr. Mayor

Mayor Held: Yes, I would like to thank the Council Members for their support in putting up the new fence over at Dogwood because it really was run down and didn't look to the standard that we have here in North Canton. But, it really looks nice right now. Big difference. And also I wanted to let the Council Members know that we're continuing to work with IRG across the street to try to bring new jobs to the City. We don't have anything official to report right now, but there's a number of companies that are looking at the facility. And we still have Job Ready Sites Grant funding that's available, which we're still working on that. But, as we get more information, we're going to make sure and keep you all posted on that. That's all I have.

Mr. Snyder: Thank you, Mr. Mayor. Director of Administrative Services

Mr. Bartos: I'd just like to echo the comments that the Mayor made earlier and welcome Jane aboard. I was given the task of debriefing Teresa before she left and with that comes the task of working with Jane and getting her comfortable with her duties. And after a week I can already tell that she is going to be easy to work with and she's a pleasure to have in the office. So welcome aboard. And as a testament to the kind of character that Teresa has, she said that even though she was leaving, let me know if you need to get in touch with me and you have any questions. So I'm sure there will be a couple of things that we'll have to contact her about. But really I think so far the first week has gone pretty well and I look forward to working with Jane in the future.

REPORTS – COUNCIL:

Mr. Snyder: Thank you very much. Member Foltz.

Mr. Foltz: I appreciate the improvements in the parks as the Mayor eluded to and then Mr. Grimes. We're just getting started. I think we're going to really visit all of them and see what we can do - do as much as the budget allows, obviously. So - but I'm looking forward to that process to continue. I wanted to thank the crews. They were out near my street a couple of neighbors over replacing some catch basins, some storm catch basins and they did good work - they do good work. You know, that's a lot to do and it's - that road is widely traveled as a cut-through to

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, September 10 7:00 p.m. 20 12

Woodrow. So they had their hands full with the traffic. And I know they're not quite finished yet, but I was impressed because I was around to see their schedule and they did it in a timely fashion and professional fashion. So, I wanted to pass that along to the guys. And you know we take for granted sometimes what our employees do. But they're all over the City doing the job that need to be done for the constituents. So, I'll pass this around those favorable comments for them. That's it. Thank you.

Mr. Snyder: Thank you, sir. Member Peters

Mr. Peters: Yes, to echo Doug's comments, great job on the fence over there. I got a few phone calls. Very happy to see that happen. It looks great and I look forward to what else we're going to be doing. I think the residents are going to be pleasantly surprised looking at our parks moving forward. And welcome Jane. That's it.

Mr. Snyder: Thank you. Member Griffith

Mr. Griffith: Jane, welcome as well. I wanted to say, there are just a few quick items. Number one, a public thanks to the Rotary for their flag project. And I think it's been really, really neat. And I know I heard, because Hoover was playing the Canadian team, that a couple of those flags may have made their way to the football stadium, but whatever helps, I guess, it worked out well. So - but I think that's a nice project and that's a neat thing to do. I know other communities have done it and I want to thank Rotary for that. That's really nice. I wanted, we've kind of glossed over it, but I wanted to thank everybody here too for initiating some of the tear down work that we approved earlier in this meeting. I think that's really important. There is a visible difference. And we're going to be able to do some big stuff. And I hope that is just the tip of the iceberg. So thanks to everybody here, the Administration for that as well, I think that's important. And I want to echo Mike's comments about the public unions that we've had. We were so blessed here to have unions that are cooperative and helpful. I was talking to a guy from out of town just today, and I said, in no other town, other than North Canton, do you have the North - the Chamber of Commerce next door to the Union Hall. You just don't have it. But we're lucky here and I think that's been very ...inaudible... obviously very helpful. And I want to say a public thanks to them as well.

Mr. Snyder: Very good. Mr. Cerreta.

Mr. Cerreta: Next week, as part of the Master Plan, we'll be presenting a new entryway sign that we seemed to agree on here. I think everybody will be happy about that and the directional sign; some information about the directional signs with that. So we'll carve out about 15 minutes, we'll do a presentation on that; do a Power Point to show everyone. Outside of that, welcome Jane again. Don't want to embarrass you anything - anymore. But that's about it then. Thank you.

Mrs. Kiesling: Just welcome Jane. Glad to have you. No report

Mr. Snyder: Thank you. A couple of things. I have some pictures I'm going to pass on to the Mayor. Possibly some of them could get onto the website. As you know, we gave a grant of \$5,000 to the Canton Art Institute for the arts and the development of using recycled paper. They've had the attendance of anywhere from as low as 60 to 125 people there for the different venues of art that they put on. He - I know he's coming back and asking additionally to do it again this coming fall and winter. Although he did tell me one Thursday in late October he will come back again and he's doing the Sistine Chapel. That's the final one and he'll be doing that. So the public will know that they can go there and have a lecture on and slides. Mr. Albacate was at the top of - one of the few people ever permitted to be inside the Sistine Chapel and to climb to the roof and take photographs of the Sistine Chapel. They prohibit that because of the artwork there. But he'll be doing that. And these pictures are great, you see the kids building things. And it's the Solid Waste District Grant that we appreciate, Mr. Mayor. And you may want to pass that on to your Board because it's money well spent. The other thing, I'm both proud and pleased to say that Mrs. Kiesling did pass her Boards. So I'm going to make a special honorary committee of that defibrillator. We'll put it under her committee since she's the closest thing to a doctor that we have that sits with us here at the Council. But you're both to be commended on your hard work and you're a tribute, and I respect you, and I'm glad for you.

Mrs. Kiesling: Thank you.

Mr. Snyder: That's very nice to go through that. That's quite an accomplishment. You should be proud of yourself. Other than that, I have nothing. Anything else to come before this body? If not, I'll entertain a motion to adjourn.

FINAL CALL FOR NEW BUSINESS:

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held Monday, September 10 7:00 p.m. 20 12

ADJOURN:

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

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

No: 0

Meeting adjourned at 7:36 p.m.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

9/13/12-bkp

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

Monday, September 17

6:45 p.m.

20 12

## CALL TO ORDER:

1. The special council was called to order Monday, September 17, 2012 by Vice President of Council Marcia Kiesling.

Mrs. Kiesling: The special council meeting is being called to order pursuant to a written request from President of Council Jon Snyder. Roll call please.

## ROLL CALL:

2. The following members responded to roll call: Cerreta, Foltz, Griffith, Kiesling, Peters. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Batista, Director of Administrative Services Bartos and Clerk of Council Kalpac. Director of Finance Alger and City Engineer Benekos were not present for the meeting.

Mrs. Kiesling: Can I have a motion and second to excuse Council Member Snyder?

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

Yes: Foltz, Griffith, Kiesling, Peters, Cerreta

No: 0

## VOICE VOTE – APPOINTMENT OF TIM FOX TO THE POSITION OF DIRECTOR OF LAW:

3. Mrs. Kiesling: Chairman Peters, do you have anything?

Mr. Peters: No, we are just a voice vote for the appointment of Tim Fox. We will be swearing him in Wednesday morning. And that is it.

Mrs. Kiesling: And he's beginning Wednesday?

Mr. Peters: Yeah, he's beginning Wednesday.

Mrs. Kiesling: Does he start Wednesday?

Mr. Peters: Yeah. He will be in - his normal business hours, Monday through Friday 8:00 to 4:30 p.m. and I'm sure it's going to go great. And that's it.

Mrs. Kiesling: Great. Alright may I have a motion and second to appoint Tim Fox to the position of Director of Law.

Mr. Foltz moved and Mr. Cerreta seconded to appoint Tim Fox to the position of Director of Law. All members present voting:

Yes: Griffith, Kiesling, Peters, Cerreta, Foltz

No: 0

## ADJOURN:

4. Mrs. Kiesling: Can I have a motion to adjourn?

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

Yes: Kiesling, Peters, Cerreta, Foltz, Griffith

No: 0

The special council meeting adjourned at 6:47 p.m.

\_\_\_\_\_  
VICE PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL



# City of North Canton, Ohio

Council Office  
145 North Main Street  
North Canton, Ohio 44720-2587  
330.499.3986 - 330.499-2960 Fax

[www.northcantonohio.com](http://www.northcantonohio.com)

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## EXECUTIVE SESSION MEETING MINUTES

The Personnel & Safety Committee of North Canton City Council met Monday, September 10, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Peters, Vice Chairman Snyder, Member Griffith, Council Members Cerreta, Foltz, and Kiesling.

Upon a roll call vote of Council, all present moved into an executive session at 6:15 p.m. for the purpose of conducting interviews for the position of Director of Law. Subsequent to the discussion, the executive session adjourned at 6:30 p.m.

Respectfully submitted,

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Jeff Peters, Chairman

---

Jon Snyder, Vice Chairman

---

Dan Griffith

9/20/12-gmk

c: Council, D/Law, Mayor  
D/Administration, D/Finance  
City Engineer, D/Administrative Services  
D/Permits & Development, Police Chief  
Fire/EMS Chief, Press

g:\2012 committee report minutes\8-20-12 p&s exec session.docx



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## EXECUTIVE SESSION MEETING MINUTES

The Personnel & Safety Committee of North Canton City Council met Monday, September 10, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Peters, Vice Chairman Snyder, Member Griffith, Council Members Cerreta, Foltz, and Kiesling. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Batista and Director of Finance Alger.

Upon a roll call vote of Council, all present moved into an executive session at 6:30 p.m. for the purpose of discussing personnel matters pertaining to the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official. Subsequent to the discussion, the executive session adjourned at 6:58 p.m.

Respectfully submitted,

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Jeff Peters, Chairman

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Jon Snyder, Vice Chairman

---

Dan Griffith

9/20/12-gmk

c: Council, D/Law, Mayor  
D/Administration, D/Finance  
City Engineer, D/Administrative Services  
D/Permits & Development, Police Chief  
Fire/EMS Chief, Press

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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 Monday, September 17, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Kiesling and Vice Chairman Cerreta, Council Members Foltz, Griffith and Peters. Council Member Snyder was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Batista and Director of Administrative Services Bartos. Director of Finance Alger and City Engineer Benekos were not present for the meeting.

Item discussed:

- a. Discussion – Stark Development Board Monetary Support Request: Item was discussed and will remain tabled – cannot use General Fund monies. The Committee recommended item be referred to the Community Improvement Corporation for consideration.

Respectfully submitted,

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Marcia Kiesling, Chairperson

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Mark Cerreta, Vice Chairman

9/18/12-gmk

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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 Monday, September 17, 2012 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Vice Chairperson Kiesling and Member Cerreta, Council Members Foltz, Griffith and Peters. Chairman Snyder was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Batista, and Director of Administrative Services Bartos. Director of Finance Alger and City Engineer Benekos were not present for the meeting,

Items discussed:

- a. Financial Statement – June, 2012: The financial statement was reviewed and will be placed on the September 24, 2012 council agenda for formal approval.
- b. Pay for Canton Marathon Work: The Committee authorized legislation, on an emergency basis, authorizing the Director of Finance to make payment of overtime wages to City of North Canton designated personnel for hours worked in regard to the Canton Marathon held June 17, 2012.
- c. Addendum to Fairways Contract – Ordinance No. 63-12: Item was discussed and will be placed on a future agenda for further consideration.

Respectfully submitted,

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Marcia Kiesling, Vice Chairperson

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Mark Cerreta, Member



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## **PERSONNEL & SAFETY COMMITTEE MEETING MINUTES**

The Personnel & Safety Committee of North Canton City Council met as part the Committee of the Whole Monday, September 17, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Peters, Member Griffith, Council Members Cerreta, Foltz, and Kiesling. Vice Chairman Snyder was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Batista, and Director of Administrative Services Bartos. Director of Finance Alger and City Engineer Benekos were not present for the meeting.

Item discussed:

- a. Amendment to Exempt Ordinance re Director of Law: The Committee authorized legislation, on an emergency basis, amending Chapter 155 Personnel Regulations of Part One-Administrative Code, as amended, specifically Section 20. COMPENSATION, to establish the position of full time Director of Law and rate of compensation and, and repealing any and all legislation inconsistent herewith.

Respectfully submitted,

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Daniel Peters, Chairman

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Jon Snyder, Vice Chairman

---

Dan Griffith, Member



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## **WATER, SEWER & RUBBISH COMMITTEE MEETING MINUTES**

The Water, Sewer & Rubbish Committee of North Canton City Council met as part of the Committee of the Whole Monday, September 17, 2012 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Chairman Cerreta, Council Members Foltz, Griffith, Kiesling and Peters. Member Snyder was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Batista, and Director of Administrative Services Bartos. Director of Finance Alger and City Engineer Benekos were not present for the meeting.

Item discussed:

- a. Presentation re Master Plan Signage: Chairman Cerreta gave a Power Point presentation on the proposed entrance and directional signage as suggested in the Master Plan for the City.

Council to consider funding of directional signage at a later date.

Respectfully submitted,

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Mark Cerreta, Chairman

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Jon Snyder, Member

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

9/18/12-gmk  
(Personnel & Safety)

## Ordinance No. 92-12

An ordinance amending Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, as amended, specifically Section 20. COMPENSATION to establish the position of full time Director of Law and rate of compensation and, and repealing any and all legislation inconsistent herewith, 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 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, specifically Section 20. COMPENSATION to establish the position of full time Director of Law and rate of compensation , be, and the same are hereby amended to read as follows:

### **"GENERAL PERSONNEL REGULATIONS**

1. These Personnel Regulations shall apply to all exempt City employees and those non-exempt unclassified personnel who are not subject to a collective bargaining agreement.
2. Full-time exempt and non-exempt personnel shall work the necessary hours to properly discharge all duties involved in their respective positions, subject to the direction and discretion of the appointing authority. Part-time personnel shall work hours as scheduled.
3. All exempt and non-exempt unclassified personnel who are not subject to a collective bargaining agreement are employed "at-will". "Unclassified personnel" means those persons identified as being in the unclassified service by R.C. 124.11(A) and the Rules and Regulations of the Civil Service Commission of the City of North Canton, Ohio.
4. "Full-time" personnel means personnel other than non-exempt Fire, E.M.S. or Seasonal personnel who are regularly scheduled to work at least thirty seven and one half (37.5) hours per week.
5. "Part-time" personnel means personnel other than non-exempt Fire and E.M.S. personnel who are regularly scheduled to work less than thirty seven and one half (37.5) hours per week and non-exempt Fire and cross-trained E.M.S. personnel who are regularly scheduled to work less than fifty-three (53) hours in a seven (7) day tour of duty in an individual job classification.
6. "Seasonal" personnel means persons hired by the City with the expectation that such persons' employment would last no longer than nine (9) months of any calendar year.

### Section 2. **ANNUAL UNIFORM ALLOWANCE**

An annual uniform allowance of one thousand (\$1,000.00) dollars shall be paid for the positions of Chief of Police and Chief of Fire and Emergency Medical Services. An annual uniform allowance shall also be paid for the following positions, in the following amounts:

#### Radio Dispatcher C

First year: \$200.00 paid at time of employment. Each year thereafter, \$200.00 to be paid January 20<sup>th</sup>.

#### Special Patrolman

First year: \$300.00 paid at time of employment. Each year thereafter, \$300.00 to be paid January 20<sup>th</sup>.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

## Auxiliary Patrolman

First year: \$150.00 paid at time of employment. Each year thereafter, \$150.00 to be paid January 20<sup>th</sup>.

### Section 3. **EDUCATION BENEFITS**

1. The City will provide reimbursement to full-time City employees for tuition, registration and laboratory fees upon successful completion of college, university or other educational courses which are considered applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City as determined by the responsible departmental authority.

2. This ordinance shall not affect any instruction or training required by State Law.

3. Reimbursement for expenses permitted is contingent upon appropriation of funds.

4. Prior authorization must be given in writing by the responsible departmental authority to qualify for reimbursement. Upon successful completion of education courses so authorized, the departmental authority will authorize the reimbursement to the employee and it shall be paid by appropriated funds. Prior authorization by the departmental authority shall be conclusive that authorized educational courses are applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City.

5. Under no circumstances will the employee be permitted to take education courses during the normal working hours.

### Section 4. **LONGEVITY PAY PLAN**

1. That there shall be a longevity pay plan for full-time employees of the City of North Canton. Annual longevity payments of \$70.00 per year of service shall be made during the first half of the month of December to all permanent, full-time employees who shall have completed at least five (5) years of continuous service and who shall be in the employ of the City as of November 30<sup>th</sup> of the year in which the longevity payment is made. Determination of longevity pay shall be from December 1<sup>st</sup> to November 30<sup>th</sup>.

2. Full-time employees of the City of North Canton, hired after August 1, 2006, shall not receive longevity pay.

### Section 5. **HOLIDAY ALLOWANCES**

1. The following paid holidays will be observed by all full-time employees of the City of North Canton and City Offices will be closed on:

New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day
President's Day	Friday after Thanksgiving Day
Good Friday	Day before or day after Christmas
Memorial Day	Christmas Day
July 4 <sup>th</sup>	

2. Holidays listed in Subsection 1. of the within Section which may fall on Saturday, which is normally not a working day, shall be observed on the preceding Friday.

3. Holidays listed in Subsection 1. of the within Section which may fall on Sunday, which is normally not a working day, shall be observed on the following Monday.

# RECORD OF ORDINANCES

Dayton Legal Blunk, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

4. Holidays listed in Subsection 1. of the within Section shall be considered as a day worked for accrual of fringe benefits.

5. On or before the first day of November of each year in respect to the holiday of the day prior or the day after Christmas, the Mayor shall, by administrative order, establish which of the days shall be the paid holiday. If the Mayor fails to make such designation by November 1<sup>st</sup>, the holiday shall be deemed the day prior to Christmas.

## Section 6. PERSONAL DAY ALLOWANCES

1. Full-time employees shall receive sixteen (16) hours personal time per year off work with compensation; such personal time to be designated by the employee with the approval of the proper departmental authority. (Can be taken in one (1) hour increments.)

2. An employee hired prior to July 1<sup>st</sup> will receive two personal days that year. An employee hired -after July 1<sup>st</sup> and prior to September 1<sup>st</sup> will receive one personal day that year and an employee hired after September 1<sup>st</sup> will receive none for that year.

3. Full-time employees shall receive, in addition, a maximum of three personal days provided they have accrued a minimum of four hundred (400) hours sick leave with the City. Said three personal days to be charged to sick leave. Personal days may be taken in no less than four (4) hour increments.

## Section 7. SICK LEAVE REGULATIONS

1. Sick leave shall be defined as an absence with pay necessitated by: 1) illness or injury to the employee; 2) exposure by the employee to a contagious disease communicable to other employees; and/or 3) illness, injury or death in the employee's immediate family.

2. Allowance for sick leave for full-time employees of the City of North Canton shall accrue at the rate of 4.615 hours for every 80 hours paid not to exceed 120 hours per year and may accumulate such sick leave to an unlimited amount.

3. Sick leave allowance cannot be converted to vacation leave or used to provide wage extension pay or severance pay upon termination of employment for any reason other than retirement.

4. Upon retirement, a full-time employee of the City of North Canton hired on or before August 1, 2006, shall: (a) be paid for fifty (50%) percent of all sick time accumulated on or before the pay date that ends August 6, 2011, as certified by the Director of Finance, that is not subsequently used; and, (b) shall receive an additional amount equal to twenty-five percent (25%) of all unused sick time accumulated after the pay period ending August 6, 2011, as certified by the Director of Finance, up to a maximum of two hundred forty (240) hours.

5. Upon retirement, an employee hired after August 1, 2006 shall be paid for twenty-five percent (25%) of accumulated unused sick time up to a maximum of two hundred forty (240) hours.

6. Sick leave shall not be used where injury is service connected, but shall be covered by disability pay: DISABILITY PAY Section of this ordinance.

7. Any sick leave day(s) shall be considered as a day(s) worked for accrual of fringe benefits.

8. Sick leave may be taken in one-quarter hour increments.

9. Sick leave shall be effective on the first day of the month following the employee's date of hire.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Section 8: PUBLIC ACCOUNTABILITY SALARY DEDUCTION**

To the extent permitted by law, exempt employees who are entitled to accrue personal leave and sick leave will have their salary reduced for absences of less than full work days when accrued leave is not used by an employee because: (1) permission for its use has not been sought or has been sought and denied; (2) accrued leave has been exhausted; or (3) the employee chooses to use leave without pay.

**Section 9. RETIREMENT PROVISIONS**

1. For the purpose of administering Section 7. of the within ordinance, retirement is defined as eligible retirement as determined by the Public Employees' Retirement System of Ohio and the Police and Firemen's Disability and Pension Fund.

2. Disability Retirement is defined as recognition of eligible disability retirement from the Public Employees' Retirement System and the Police and Firemen's Disability and Pension Fund.

**Section 10. VACATION REGULATIONS**

1. For the sole purpose of the application of this Section 10., full-time employees who were employed by the City of North Canton in a calendar year prior to January 1, 2003 shall be deemed to have a service date of January 1 of that year in that year in which their employment commenced.

2. Full-time exempt personnel may be granted a paid vacation allowance during the first year of employment up to a maximum of two calendar weeks at the discretion of the appointing authority.

A. Full-time employees having been employed less than one year, but not yet employed on January 1<sup>st</sup>, may be granted one (1) day of vacation for each full month remaining in that calendar year, to a maximum of ten (10) vacation days, effective on the first day of the first full month of employment during the calendar year, without the requirement of accrual.

B. Full-time exempt employees having been employed less than one year, but employed on January 1<sup>st</sup>, may be granted a paid vacation allowance of up to two (2) calendar weeks in that calendar year of employment, effective January 1<sup>st</sup>, without the requirement of accrual.

3. Full-time employees having been employed one through four years by January 1<sup>st</sup> shall be granted a paid vacation allowance of two calendar weeks in that calendar year of employment.

4. Full-time employees having been employed five through nine years by January 1<sup>st</sup> shall be granted a paid vacation allowance of three calendar weeks in that calendar year.

5. Paid vacation allowances for those who have been employed ten through fourteen years by January 1<sup>st</sup> shall be granted four calendar weeks and fifteen through nineteen years by January 1<sup>st</sup> shall be granted five calendar weeks; twenty years or more shall be granted six calendar weeks.

6. All vacation allowances shall be granted at a time approved by the department head and with concurrence of the Director of Administration or the Director of Finance for the Finance Department or the President of Council or Clerk of Council for the Council Office.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30213

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

A vacation schedule based on the seniority standing of employees will be made up by the department head each year with vacation periods so staggered that the employee's absence will not seriously jeopardize the departmental work schedule for the year.

7. An extra day of paid vacation allowance will be permitted for all paid holidays falling within a selected vacation period.

8. When the normal work week is forty hours, the paid vacation allowance will be based thereon.

9. Three weeks of paid vacation allowance may be carried over to the next calendar year. The three weeks shall be the maximum amount which may be carried over regardless of the year to which the allowance is attributable.

10. Any employee who shall resign, retire or be laid off shall be entitled to be paid for vacation allowance earned in the previous year and eligible to be taken in the current year plus vacation earned in the current year at the pro-rata amount of one-twelfth (1/12) for each full month worked subsequent to January 1<sup>st</sup>.

11. Vacation shall be used in increments of one week or more except that vacations may be used in lesser increments when authorized by the proper departmental authority; however, vacation may not be taken in lesser increments than four hours.

Section 11. **MILITARY LEAVE**

Military leave shall be granted in accordance with all federal and state laws, and specifically O.R.C. 5923.05.

Section 12. **DISABILITY PAY**

Any full time employee of the City of North Canton injured in the line of duty, whose claim is allowed by the Bureau of Workmen's Compensation, shall receive from the City the difference between the amount allowed by the Bureau of Workmen's Compensation and his or her regular pay. There shall be a twelve month limit on the amount the City shall pay.

Section 13. **FUNERAL LEAVE**

1. Three days excused absence with pay upon the death of the employee's mother, father, sister, brother, wife, husband, son, daughter, grandparent, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepchildren, grandchild and grandparent-in-law.

2. With permission of the department head and the concurrence of the Director of Administration or the Director of Finance for the Finance Department or the President of Council or Clerk of Council for the Council Office, the employee may be allowed one day for a funeral other than that of a relative. This time off shall not be charged against sick leave or vacation allowance but shall be leave with pay.

Section 14. **HOSPITALIZATION, MEDICAL INSURANCE, DENTAL, OPTICAL & PRESCRIPTION DRUG PROGRAMS**

Full time personnel, and those part-time personnel designated by Council, shall be eligible for medical benefits in accordance with the City's group health benefits plan, according to the terms of such plan, as amended from time to time.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

## Section 15. LIFE INSURANCE

Full time personnel, and those part-time personnel designated by Council, shall be eligible for life insurance in accordance with the City's life insurance plan, according to the terms of such plan, as amended from time to time.

## Section 16. JURY DUTY LEAVE

1. Any employee who is called for jury duty, either Federal, County or Municipal, shall be paid his or her regular salary, less any compensation received for jury duty, as provided for in the OHIO REVISED CODE when said jury duty conflicts with her or his work schedule.
2. It is understood that Paid Jury Duty Leave will not exceed eighty hours per year without approval of City Council. It will be the employee's responsibility to present to the City the necessary documents, including pay vouchers/check from the Clerk of Courts.

## Section 17. MATERNITY LEAVE

This policy shall apply only to those employees not eligible for maternity leave pursuant to Family Medical Leave Act of 1993 ("FMLA"). Employees eligible for FMLA maternity leave shall receive leave pursuant to that Act in the manner described in the City of North Canton Personnel Handbook. Maternity Leave shall include pregnancy, childbirth and related medical conditions.

Upon written request to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, a pregnant employee may be granted a leave of absence without pay, subject to the following rules.

A. Length of Leave: Leaves of absence for maternity leave shall be limited to the period of time that the pregnant employee is unable to perform the substantial, material duties of the employee's position. This period may include reasonable pre-delivery, delivery and recovery time, as certified in writing by a physician, not to exceed one hundred and eighty days. Such leave shall not include time being requested for the purposes of child care following the recovery of the employee.

B. Physician Certificate: A pregnant employee requesting a leave of absence without pay must present, at the time the request is made, a physician's certificate stating the probable period for which the employee will not be able to perform substantial, material duties of the employee's position due to pregnancy, childbirth or related medical conditions.

C. Sick Leave Usage: Upon request to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, and in accordance with the rules of the City of North Canton with regard to sick leave, a pregnant employee shall be permitted to use any or all of the employee's accumulated sick leave credit only for the period of time as certified by the physician's certificate that the employee isn't able to work as a result of pregnancy, childbirth or related medical conditions. An employee using sick leave credit shall not be prevented from receiving a leave of absence for maternity leave purposes without pay for the remainder of the period.

D. Service Credit: Authorized leaves of absence under this rule for maternity leave without pay will count as service credit for all purposes related to seniority, provided the employee has properly returned to service and is not serving a probationary period. Employees that do not return to service from a personal leave of absence for maternity leave shall not receive service credit for the time spent on such leave.

# RECORD OF ORDINANCES

Davton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_

Passed \_\_\_\_\_, 20\_\_\_\_

E.. Employee Benefits: Hospitalization and life insurance benefits will remain in effect as long as the employee is on maternity leave as provided for herein.

F. Return to Service: Upon completion of a leave of absence for maternity leave purposes, without pay, the employee shall be returned to the same or similar position within the employee's former classification.

G. Failure to Return: An employee who fails to return to duty upon completion or valid cancellation of leave of absence without pay and without explanation to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable or their representatives, may be removed from the service of the City. An employee who fails to return to service from a leave of absence without pay and is subsequently removed from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

H. Abuse of Leave: If it is found that a leave is not actually being used for the purpose for which it was originally granted, the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, may cancel the leave and direct the employee to report for work by giving written notice to the employee.

## Section 18. PENSION PICKUP

1. Any employee of the City of North Canton who is a member of the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund shall have her or his compensation reduced by an amount equivalent to that employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, and that the amount of the employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, be paid by the City of North Canton on behalf of the employee; and that the amount of the contribution so paid on behalf of the employee by the employer be added to the salary or wage of the employee in the calculation of pensions and other benefits and is subject to the City of North Canton income tax. The employee is not given the option of choosing to receive said amount directly instead of having them paid directly to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund.

2. In respect to the employee's contribution to the Public Employees Retirement System of Ohio, that contribution shall be the employee's contribution to the employee's savings fund defined at Section 145.47 of the OHIO REVISED CODE.

## Section 19. LEAVE OF ABSENCE

Leave of Absence without pay may be granted upon written request and approval of the department head. Attendance at job related conferences, meetings, seminars, etc., which result in absence from work, require prior written request and approval from the responsible departmental authority.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

**Section 20. COMPENSATION**

1. Full-Time Schedule of Compensation: Full-time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

Position	Bi-Weekly Compensation
Director of Administration	\$3,510.86
Director of Administrative Services	\$2,599.32
<b>Director of Law</b>	<b>\$3,463.99</b>
Director of Finance	\$3,463.99
City Engineer	\$3,463.99
Chief of Police	\$3,210.72
Chief of Fire & EMS	\$3,210.72
Supt., Permits & Inspection	\$2,599.32
Director of Permits & Development	\$2,599.32
Supt., Utilities & Services	\$2,599.32
Supt., Streets & Parks	\$2,599.32
Chief Operator- DWP	\$2,599.32
Supt., Recreation, Buildings & Grounds	\$2,599.32
Operations Managers: Recreation, Buildings & Grounds Streets & Parks Water & Sanitary Sewer Drinking Water Plant	\$ 2,465.68
Clerk of Council/Law Dept.	\$ 2,146.82
Deputy Director of Finance	\$1,962.01
Administrative Assistant/Payroll Clerk	\$1,730.00
Administrative Assistant	\$1,730.00

A. At all times the position of Director of Permits & Development is filled, the person serving in the capacity shall also hold the title of Superintendent, Permits & Inspection at no additional compensation.

1. Part-time Schedule of Compensation: Part-time personnel shall be paid an amount equal to the amount set forth in the following schedule:

Public Safety – FIRE / EMS	
Assistant Fire Chief	\$ 14.96
Fire Captain	\$ 14.60
Fire Captain / EMT – Paramedic	\$ 14.60
Fire Captain / EMT – Basic	\$ 14.60
EMT – Paramedic	\$ 14.60
Firefighter / EMT – Paramedic	\$ 14.60
Firefighter / EMT – Basic	\$ 14.13
Firefighter	\$ 14.13
EMT – Basic	\$ 14.13
EMT Personnel on Standby	\$ 2.21
Manned at Station:	
Firefighter / EMT - Paramedic/Basic	\$ 12.00
EMT 's manned at station will not receive Standby Wages.	

# RECORD OF ORDINANCES

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<u>Public Safety – Police</u>	
Dispatcher C	\$ 12.21
School Crossing Guard	\$ 11.77
Auxiliary Police	\$ 11.04
Special Patrolman	\$ 14.96
<u>Financial &amp; Clerical</u>	
Fiscal/Clerical Specialist	\$ 11.88
<u>Department of Engineering</u>	
Engineering Clerk	\$ 10.12
Special Project Inspector	\$ 16.82
<u>Building &amp; Permits</u>	
Building Inspector	\$ 24.08
<u>Municipal Swimming Pool</u>	
Pool Director*	\$5,928.25
Assistant Pool Director*	\$4,398.67
Concession Stand Mgr.*	\$4,610.85
Pool Personnel	\$ 7.40
Lifeguard I	\$ 7.65
Lifeguard II	\$ 7.94
Lifeguard/Instructor I	\$ 8.53
Lifeguard/Instructor II	\$ 8.83
Head Lifeguard I	\$ 9.11
Head Lifeguard II	\$ 9.41
Pool Maintenance	\$ 7.40
*Paid for Season	
<u>General Government</u>	
Summer I	\$ 7.40
Summer II	\$ 7.94
Intern	\$ 9.27
Skilled Worker	\$ 14.50
Hours per Skilled Worker will be limited to a maximum of 1200 per year	
<u>Recreation</u>	
Class "A" Instructor	\$ 11.00
Senior Program Director**	\$ 203.50
**Paid bi-weekly	
In the event the Senior Program Director works less than 20 hours in a bi-weekly pay period, the actual hours worked will be paid at his/her applicable hourly rate.	
There is hereby established an overtime rate of time and one-half after a scheduled eight (8) hours or working a holiday for part-time police officer and part-time radio dispatchers.	

2. Effective January 1 of each year, any employee receiving minimum wage shall have their hourly compensation automatically adjusted to reflect the applicable Federal or State minimum wage, whichever is higher.

**Section 21. DRUG TESTING POLICY**

1. Drug screening or testing shall be conducted upon reasonable suspicion. This testing shall be solely for administration purposes and the results obtained shall not be used in any criminal proceeding. Under no circumstances may the results of the drug screening or testing be released to a third party for the use in a criminal prosecution against the affected employee. The following procedures shall not preclude the employer from other administrative action.

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Dayton Legal Blank, Inc.

Form No. 30043

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2. Drug testing shall also be authorized when an employee is involved in an on-duty motor vehicle accident which results in bodily injuries to any vehicle occupants or the employee, or when the employee has discharged a weapon while on duty.

3. All drug screening tests shall be conducted by medical laboratories licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The procedures utilized by the testing lab shall correspond to accepted medical practice. Any positive result shall be confirmed by a mass spectrophotometry procedure (GS-MS), or any approved subsequent state-of-the-art confirmatory test.

4. Drug screening tests shall be given to employees to detect the illegal use of controlled substances as defined in Section 3719 of the Ohio Revised Code. If the initial screening is positive, the employee's sample shall be subjected to a confirmatory test that shall be administered by a medical laboratory licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The employee may have a second confirmatory test of the split sample done at a lab of his choosing, at this expense. This test shall be given the same evidentiary weight as the previous test, provided a neutral chain of custody remains unbroken.

A.. If all the screening and confirmatory tests are positive, then the employee involved may be required to enter into rehabilitation referral. The City shall maintain the right to discipline the employee in addition to mandating rehabilitation.

B. Prior to any notification by the Employer for drug screening or testing, an employee may elect to participate in a rehabilitation or detoxification program, as determined by appropriate medical personnel. The cost of the program will be covered according to the provisions of the employee's health insurance plan.

C. An employee who participates in a rehabilitation or detoxification program shall be allowed to use sick leave, vacation leave, or personal days for the period of the rehabilitation. If no such leave credit is available, such employees shall be placed on leave of absence without pay for the period of the rehabilitation leave.

D. Upon completion of the program, and provided that a retest demonstrates that the employee is no longer illegally using a controlled substance, and/or subject to any disciplinary action that may be taken pursuant to this Article, the employee shall be returned to his position. Such employee may be subject to random retesting upon return to his position for a period of one (1) year from the date of his return.

E. Any employee in the above-mentioned rehabilitation program will not lose any seniority or benefits should it be necessary that he be required to take a medical leave of absence without pay for a period not to exceed ninety (90) days.

F. If an employee refused to undergo rehabilitation or detoxification pursuant to a lawful order, or he fails to complete a program of rehabilitation, or if he should test positive at any time within one (1) year after his return to work upon completion of the rehabilitation program, the employee shall be subject to disciplinary action.

G. Except as otherwise provided herein, the cost of all drug screening shall be borne by the City.

H. For the purpose of this Article "periodic" shall mean not more than three times per year, except that a drug test may be performed at any time upon "reasonable suspicion" of drug use. An employee may be tested more frequently during the one (1) year period after his return from a rehabilitation program.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

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5. For the purpose of implementing the provisions of this Article, each employee shall execute medical releases in order for the City to obtain the results of the drug screening provided for in this Article. The release referred to in this Section shall authorize only the release of examination results pertaining to the drug screening test. Such medical releases shall be provided by the employer."

Section 22. That Ordinance No. 13-11 and any and all legislation inconsistent herewith, be, and is hereby repealed."

Section 23. 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 to establish the full time position of Director of Law and rate of compensation for same; 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.

North Canton, OH  
Passed:

\_\_\_\_\_  
MAYOR

SIGNED: \_\_\_\_\_, 2012

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dryton Legal Blank, Inc.

Form No. 30043

Ordinance No. \_\_\_\_\_ Passed \_\_\_\_\_, 20\_\_\_\_

9/18/12-gmk  
(Finance & Property)

## Ordinance No. 93-12

An ordinance authorizing the Director of Finance of the City of North Canton to make payment of overtime wages to City of North Canton designated personnel for hours worked in regard to the Canton Marathon held June 17, 2012, 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 the Director of Finance of City of North Canton, be, and is hereby authorized to make payment of overtime wages to City of North Canton designated personnel for hours worked in regard to the Canton Marathon held June 17, 2012 as follows:

Fire/EMS Chief Bacon	7	OT	hours	@	\$57.33	per	hour	\$401.34
Police Chief Wilder	6	OT	hours	@	\$53.73	per	hour	\$322.36
Brian Hill	5.5	OT	hours	@	\$44.03	per	hour	\$242.17
Rich Rhodes	6.5	OT	hours	@	\$44.03	per	hour	\$286.20

Section 2. That upon reimbursement by Canton Marathon the reimbursement funds shall be paid to the appropriate fund designated by the Director of Finance.

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 payment of wages to City of North Canton personnel; 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