

RECORD OF PROCEEDINGS

0437

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10149

Held

Monday, September 24

7:00 p.m.

20 12

CALL TO ORDER:

1. The council meeting was called to order Monday, September 24, 2012 at 7:00 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

2. The opening prayer was delivered by Rev. Ralph Hough, Holy Cross Lutheran 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, Griffith, Kiesling, Peters and Snyder.

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

Mr. Snyder: At this time it is my privilege to have the Honorable Mayor, Dave Held make a presentation.

Mayor Held: Yes, thank you Mr. President. And thank you members of Council. What we'd like to do is - from time to time we give out proclamations here in the City. And whenever we give them out, we don't give them out loosely. (And Chuck if you don't mind standing over here.)k Today we're giving out this proclamation for Chuck Bell. As all of our council members and administration know, Chuck is a firefighter in the City. And I always like to say part-time for a volunteer because our firefighters that are, that work part-time, they voluntarily show up for the fires and for all the calls. And I think that really demonstrates how committed our firefighters are, particularly Chuck. And I think that Chuck really does epitomize what it means to be a public servant and a servant to others. And I'll go into that a little bit more as I read the proclamation, but I'd also like to introduce his wife, Kathy, Kathleen, and if you don't mind standing up here with Ashlynn also. This is their new baby; little baby Ashlynn. They've been married over twenty years. Right? And how old is Ashlynn?

Mr. Bell: Ten months Friday.

Mayor Held: Ten months Friday. And the day that she was born, actually Chuck texted me a little picture of her. It was late at night too, it was 11 o'clock and I was thinking what is this. And so I saw her picture late that night. So, but again, what is really special is that, you know we're very proud of Chuck here in the City for his service to North Canton. But, more importantly, Chuck was recognized as the "Employee of the Year" at Aultman Hospital. And Marcia Kiesling, our Council at Large is an employee at Aultman Hospital, and we have Bill Strohmenger who is our Board Member at the Chamber of Commerce who is also an executive at Aultman Hospital. And to become the "Employee of the Month" is one challenge, which Chuck did that. but to become (you like that, right) But to be "Employee of the Year" that's one out of five thousand employees. I mean that's an incredible achievement, and we're very proud of him. And what I'd like to do is take a moment here and read the proclamation that I'd like to present to Chuck: Whereas: I, David J. Held, as Mayor of the City of North Canton, Ohio, hereby honor Chuck Bell for being named Aultman Health Foundation "You Make a Difference Employee of the Year". Whereas, Aultman Health Foundation, which has over 5,000 employees, established the "You Make a Difference Program" in 2002 to acknowledge Aultman employees who consistently go above and beyond their job expectations. Approximately 15-20 monthly nominations are submitted and two to four outstanding employees are honored with the award each month. From these monthly winners, one or two individuals are selected as the employee of the year. Employees can be nominated by administrators, co-workers, and patients; and Whereas, Chuck Bell works for Aultman Health Foundation as a patient transporter and on at least two occasions this past year, engaged in meritorious actions that potentially saved patients' lives. This led Chuck Bell's supervisor to nominate him for the "You Make a Difference Employee of the Month Award. Whereas, Chuck Bell was not only named the "You Make a Difference" Employee of the Month for the month of April 2012, but he was also named the "You Make a Difference" Employee of the Year at Aultman Health Foundation's annual recognition dinner, which was held on May 10, 2012. "Chuck continuously does whatever he can to ensure patient safety," said Sue Olivera, Vice President of Human Resources - she knows you well. "His commitment to excellence sets a positive example to others within the hospital and we

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are lucky to have such an outstanding employee." Whereas, Chuck Bell has also displayed his dedication to helping others by serving as a member of a fire team during college, serving as a firefighter for the City of North Canton since 2003, and serving as a firefighter for NASCAR in 2007. So if people saw you on television they'll understand why. Chuck Bell was inspired to become a firefighter by his grandfather, who was also a firefighter; and Whereas, Chuck Bell has been married to his wife Kathleen for 20 years. They are the proud parents of Ashlynn, who was born in November, 2011. And now, I, David J. Held, Mayor of the City of North Canton, do hereby proclaim September 24, 2012, which is also Chuck's birthday, as a day of recognition for Chuck Bell, Aultman Health Foundation's "You Make a Difference" Employee of the Year in the City of North Canton. And ask all to join me in extending congratulations to Chuck Bell and recognizing him for his efforts, his commitment, and his outstanding devotion in service to the citizens of North Canton.

(Applause)

Mayor Held: And now Councilman Peters, who is also our Chairman of Personnel if you'd like to ...

Mr. Peters: Yes, thank you Mayor. First and foremost, happy birthday. Congratulations on this award. You are certainly a source of pride, obviously for your family, but for us up here and the citizens of North Canton. And from the bottom of my heart I thank you for your service.

Mr. Bell: Thank you.

Mayor Held: Thank you all for coming. And those of you and I'm sure that many of you are here for Chuck, you are welcome to stay but there are no requirement to do that. Kathy, you have choir practice to go to. So I'll just walk with you out there. Council, thank you very much.

Mr. Peters: Thank you, Mayor.

#### CONSIDERATION:

5. Financial Statement – August, 2012  
Council Meeting Minutes – August 27, 2012  
Council Meeting Minutes – September 10, 2012  
Special Council Meeting Minutes – September 17, 2012

Mr. Snyder: May I have a motion and second to approve, as presented, the Financial Statement for August 2012, the Council Meeting Minutes for August 27, 2012, the Council Meeting Minutes for September 10, 2012, the Special Council Meeting Minutes September 17, 2012.

Mr. Foltz moved and Mr. Peters seconded to approve as presented the financial statement, council meeting minutes and special council meeting minutes. All members present voting:  
Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Cerreta  
No: 0

#### COMMITTEE MINUTES:

6. Mr. Snyder: May I have a motion and second to approve as presented the Executive Session meetings for Personnel and Safety both held 9/10/12; the Community & Economic Development; Finance & Property; Personnel & Safety; and Water, Sewer & Rubbish all held 9/10/12?

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

**Executive Session for Personnel & Safety:** Please refer to the minutes on file in the Council office for the Executive Session meetings for Personnel & Safety both September 10, 2012.

**Community & Economic Development:** Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held September 10, 2012.

**Finance & Property:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 10, 2012.

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**Personnel & Safety:** Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held September 10, 2012.

**Water, Sewer & Rubbish:** Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held September 10, 2012.

Mr. Snyder: Thank you. Prior to the recognition of visitors, we have again with us tonight Mr. Al Albacete, Director of the Canton Art Institute. Would you like to just step forward. Oh, excuse me.

Mrs. Kalpac: Don't you have to amend the 7/2 ...

Mr. Snyder: Oh, yes, one more thing. I apologize. Thank you, Clerk. I need one more approval - a correction. The Executive Session and Personnel and Safety minutes were presented for July 2, 2012 stating Mr. Fox was present in that. Unfortunately, that was a typographical error. The records from the Personnel Chairman so state that he was not present, so we need to correct those. So, I do need a motion to correct the Executive Session for Personnel and Safety 7/2 to reflect that Mr. Fox was not in attendance.

Mr. Peters motioned and Mr. Cerreta seconded to correct the Executive Session for Personnel and Safety minutes from July 2, 2012, to reflect that Mr. Fox was not present for the meeting. All members present voting:

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

No: 0

Mr. Snyder: Thank you. Mr. Albacete.

Mr. Albacete: Thank you. I appreciate the opportunity to come before City Council and appreciate or express my gratitude for the support we had from North Canton City Council for a grant this last year to bring an arts program to North Canton. We had some photographs that we passed around, I think two weeks ago, that showed you some of those activities. And we were fortunate to have the cooperation of the Canton Ballet, the Canton Symphony Orchestra, the Art Museum and Voci who did programs here. They loved it. they had a great time up here. And we had very good attendance for it for the entire series. And I do have to point out that Justine, who is here, was a great person to be in contact with at the Mayor's office, because anytime anything was needed, and the few emergencies that came up, Justine handled them efficiently, quietly and with great sense as opposed to my emotional outbursts. So thank you Justine for your help in making those possible. We would like to suggest that if City Council is interested and willing, we would like to continue with a similar series next year, next season around, with the same groups. They're really motivated and I think the opportunity to bring these arts programs to the Civic Center is a great joy for the North Canton citizens. We are, in fact, going to be doing sort of a special program, as a little optional thing, on October 18<sup>th</sup> when I'll be bringing a program up here on the Sistine Chapel restoration. So hope you all can make it and we appreciate whatever support you can give us next time around. Okay. Thank you.

Mr. Snyder: Any questions? On behalf of the Council and Administration, Mr. Albacete we thank you for bringing the arts to North Canton. The Community is well received and It's appreciative. All part of the overall ambiance of our community, and we thank you for that.

Mr. Albacete: Thank you.

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

Joe Concotto: 1320 Irondale Circle NE. My name is Joe Concotto. I live at 1320 Irondale Circle NE, North Canton, Ohio. A resident of North Canton. Mr. President, Members of Council, Mr. Mayor and your staff, I'm here to discuss or comment about your procedure in electing or choosing your Law Director. I am not here to dispute who you choose. I am here to dispute the way you went about choosing that person. I want to be up front right now with everybody, my son-in-law was one of the five candidates that was interviewed for this position, but this has nothing to do with that. My son-in-law can speak for himself whenever he wants about that. This isn't about him, this is about your procedure. Mr. President, two weeks ago you led us all in prayer and in that prayer you stated about suspicion and distrust of government. And I believe that this action that Council took both created suspicion and distrust of this body. And let me explain my reasons for that. First of all, I'd like to read an opinion from the Ohio Ethics Commission, an Advisory Opinion, and it's Number 87-008. And it states: "...the Commission concluded that the Ohio Revised Code 2921.42(A)(3) prohibits a member of a board of education, and what they're talking about is a public official, whether it's a board of education or a member of council, for a period of one year after leaving office from being employed by the Board or the Board of Education. The legislative authority of the school district authorized his employment while he was a member of the board, then he resigned to take the position. That speaks directly about a public official who was a member of your Council when this position was created and then took the position. It goes on to say that the board member is bound by this prohibition even if he did not deliberate, vote upon or

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otherwise authorize his own employment. So it doesn't matter whether this individual was a part of the vote for the creation of this position. He was a member of Council when this position was created. That in my - that's, there's probably other laws, there's probably other ethic reviews, and advisories that you may want to look at. I'm here just to talk about a few items that I have found. I would just want to state about what divisions the 2921.42(A)(3) of the Revised Code prohibits a member of the Board of Education, again they're talking about a public official, for a period of one year after leaving office from accepting employment with the board where such employment was authorized by the Board while the member thereof was a member of that board. I believe this creates a suspicion, something that you prayed to avoid in this Council. I believe it created that. I believe it created some distrust. You had sixteen people apply for this position and complied with your procedure. They had their applications in at the date you wanted them in. You chose five; you interviewed five. All of a sudden that didn't matter anymore. Do you think those sixteen people trust you anymore? Do you think that the residents of this City will trust you anymore when there's another job that comes up? That's my point about the distrust. I want to just show, give you an analogy about what happened here. You all have, I'm sure, purchased some type of vehicle or building or something during your tenure in this Council. You advertised, received bids, and let out a contract for that. Let's say you bought a fire truck. You advertised, you received bids, you wrote the specs, you advertised, you received bids, you set a deadline for that. Once that deadline was in, you looked at those bids and you picked somebody from those applicants. Now in this particular case it's the same thing. You set up a job, you opened a job, opened a position, you asked for resumes, you set a deadline, you got those resumes, and then you looked at the five. And then you gave it to a member that was on Council during that period of time. If I use the truck analogy, those sixteen, or any vendor that would have bid and then you entertain something after that deadline, there would be a lawsuit from every one of those vendors that bid, because the objective there was for them to be able to get that bid. And you chose, in that scenario, if you would have picked somebody on Council that owned a fire - a business, you would be, I believe they could have, they could take you to court over that. I guess with that all said, the most disturbing issue that I have about this whole thing is that number 1, you swore in this person, you created this position, and you never gave the public the opportunity to speak. I didn't want to come here today. It's over. I feel like Scrooge coming to a Christmas Party. The process is over. I should have been able to talk, or anybody else in this room that wanted to talk about this situation should have been able to talk to you before you made the appointment at a regular Council meeting. My understanding is you never met on them. My understanding once you interviewed the individual, I don't believe there was an executive session to pick this individual. I don't believe there was a meeting because that would have violated the Sunshine Law. And when you voted, not one of you, not one of you questioned whether this was right or wrong. You just merely - you just merely voted. And I'm really not sure; I know my son-in-law didn't get a letter. But I don't think any of the five candidates or the sixteen candidates ever heard from you. I know that my son-in-law talked to Mr. Peters, but I don't know about the other four and I'm not here to speak for them. In conclusion, I'd just like to make one final comment. I know Mr. Fox has served in the Air Force for 21 years and I salute and respect you for that; your service to your country and the sacrifice to your family. You had one of your five candidates that you interviewed serve 20 years in Army Reserves. And I know that is not like active duty, but it was 20 years in the Army Reserve. He was deployed both to Bosnia. He was deployed as an attorney to different bases in this country to help soldiers that went over to Iraq and Afghanistan and he himself served one year in Iraq in a judge ...inaudible... position as an attorney. So I also want to salute my son-in-law for his efforts. Thank you. I don't know if you ask questions. I'll be glad to answer.

Mr. Snyder: Mr. Concotto, relative to the notification of the sixteen applicants, I just - unfortunately I was out of town last week, and the Clerk had just given me, I just signed all the letters tonight. So they will be going out in tomorrow's mail. I apologize for the delay in that, but that was due to the fact that I was not available....

Mr. Concotto: Obviously, the part...

Mr. Snyder: You know, relative to the Council's position on hiring the Law Director, it's embedded in their ability to hire. The Law Director works for the Council. He does not work for the Administration. He works for the seven elected members of Council. He or she is appointed by them. It is our privilege to hire whom we feel - and I don't mean this in a flippant way, we've hired in my tenure at the City, we've hired I think three law directors without interviews. We just simply went out and hired them. We went through the interview process. I was privileged to sit in on some of the interviews, not all of them. And you know ... rest - the authority rests with, I trust Mr. Peter's judgment when he came to me with what he wanted to do. You know I supported it. And I support it today. And you know it's unfortunate that the way maybe it played out and made it look as if it was a little bit of backroom politics. And relative to the Ethics Commission, I spent, as the Clerk will attest. I have a written opinion. I counseled with the Law Director. I did speak at length, some 52 minutes with the Ethics Commission when Mr. Peters came to me with the idea, making sure that we were not in violation of the State or City or local laws. And we were advised, and we were advised in writing, we're not in violation should the member not be a member of our Board when he accepts the position. And he was not. He fully resigned. When he was offered the position he resigned before he accepted it. So I apologize for that. And if - I've known you for a lot

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of years, Joe and you know that I know you, I know the quality of man you are and I know you know the quality of man I am. And I apologize if we shrouded the process. It was not our intention. And I will offer you my humble and my honest apology to you because that was not the intention, and I'm sorry that it played out that way. I really am. So but I do appreciate and I do respect you for stepping up and telling me what you feel rather than going out in the public without giving us a chance to at least listen and be able to ... and how we feel is a counter balance. Thank you for that.

Mr. Concolato: Okay. Thank you.

Mr. Peters: Mr. President, if I may. First, just a point of clarification to use an analogy about competitive bids, we are bound by law if we choose not to accept one of those bids to rebid it out. We are not bound by law to put out the call for resumes again if we choose not to pick one of the ones that we interviewed -- or one of the ones that we interviewed. And a lot has been made of the fact that we did not have public discussion and here's why. We, in filling this position we're looking at two different skill sets: hard skills and I refer - when I say hard skills I refer to education, experience, background, and the like that has to do with law and putting forth their best effort from the Law Director position. And soft skills: and that is how they interact with Council, how they would interact with the public, administration, how they interacted with us in the interview process that was handled in executive session. The reason there wasn't public discourse on that up here is the five that rose to the top, actually there were six that rose out of those resumes. One took another job, so we interviewed five; so those five were equal, fairly equal in experience and knowledge of the law, and the like. At that point what we had to look at was the soft skills. How they were going to interact with the public. How they were going to interact with Council and work in conjunction with us and the Administration. And that's from personality to their demeanor to anything that has to do with the person's - I don't want to use the work character, but I guess that could be used. I'm not going to come up here and disparage or make my opinion known to the public based on someone's character. That was handled within executive session after the interviews were completed, which we were within our right legally to do. You mentioned your son-in-law's background and I thank him for his service too, but there were certain soft skills that we thought were lacking. Okay. And I wasn't going to come up here and air that out -- just wasn't going to do it. Okay. And I think it should be noted that there has been two appointments, and probably more, I'm not sure, but Hans Nilges was one and I think Bill Hines, was the other...

Mr. Snyder: Paul Pusateri.

Mrs. Kiesling: No, we interviewed for that.

Mr. Peters: Okay. But there were at least two that I know of that were just appointed without taking resumes and doing interviews. And as Chair of that Committee, I felt we would be remiss not to at least look outside and see what was out there. Okay. After seeing what was out there, after interviewing and reflecting on their hard and soft skills, it was our decision, mostly driven by me, to go to the man who has basically been interviewing for the last eight months. I didn't realize he was and neither did he, but for the last eight months from this chair and he has impressed us, I think, pretty well. And that's why we went in that direction. And you know, it was who of the -- who of the applicants could communicate best with Council and the community to solve, you know, some of the complex issues that face us. Tim had intimate knowledge of that. You know at that point, after that executive session, we went to Tim or we, I did, with the blessing of the rest of the Committee, and I asked him if he was interested in the position. We did it in his home. And as soon as he said yes, I said conversation ends here; I expect your resume (resignation) on our desk tomorrow morning. Now any reasonable and a lot has been made that, you know, well he wouldn't have ...

Mr. Snyder: You meant resignation.

Mr. Peters: What's that?

Mr. Griffith: You said resume.

Mr. Peters: Oh, resignation. I'm sorry. A lot has been made that well, you know, he must have known that the job was his at that point. Well, yeah, any reasonable person would look at it and say, they went through the interview process, they took their top six, they interviewed five, obviously if he's coming to me and asking me if he's interested in the position, then they weren't happy with what they have. Okay. So that argument's out the door. And what we ended up with, I think, was the best person for the job. Now you know, there has been comment that this process wasn't proper and doesn't pass the sniff test. You know. And that was your opinion, from your standpoint. Somebody else in the audience that has no dog in the fight or no relative in the interview process could look at it and say, well if we appointed him, it would have been because of the phone calls that were made behind the scenes to Council Members, the phone calls that were made to the Chair of the Committee from a local judge and that wouldn't have passed the sniff test in their opinion. I get that. I understand that. Everybody is going to have an opinion and it's easy to be a critic. Okay. The most beneficial for the Chair of that Committee who happens to be the Ward 2 Councilman would have been to appoint your son-in-law who lives in my ward, whose

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father-in-law lives in my ward. Those are votes in two households. That would have been the most politically expedient thing to do. I chose to go with the one that fits that chair the best and is going to serve this Council and the taxpayers of the City of North Canton the best that – the best in my opinion. And that again, that's just my opinion. I'm just one elected official up here.

Mrs. Kiesling: I think in all of our opinions.

Mr. Peters: Yeah. I'm not going to speak for you guys, but I'm speaking up here for myself. You know, and that's really about it. You know I'm not – I hold a political position, but I'm not a politician. Ask any of your neighbors. They've known me for 45 years. I've lived in that Ward almost my whole life. I live in the house that I grew up in. They know that it's not about what's good for me or good for me personally or my family, unless it's good for the City, it's good for my family. But I did what I felt was the right thing to do and the best route to take. And that's it. Thank you, Mr. President.

Mr. Concotto: Can I comment?

Mr. Snyder: Please. Sure.

Mr. Concotto: First of all, this isn't about my son-in-law. And I wouldn't expect you to come to this body, to come to a meeting and discuss those interviews. That really isn't the idea or the thought behind what I was saying about you coming together and talking about whether it was legal or whether it was ethically correct or not. And if you had those laws behind you, I would have thought that maybe you would have just sat up in that Council meeting and said, here, we've done this. We've done this to satisfy the sniff test, if you would. We've done all that. I believe that Mr. Fox, I believe you should have threw out all the interviews, asked for a reapplication, let Mr. Fox join in the names of them applications and picked your person because that's how you chose to do it. You didn't choose to go to the public or just do it on your own. I guess you could have done that. I guess that's within your legal rights just to say, Mr. Fox, we're going to pick you. We're not going to interview anybody. But you set up sixteen people. I mean, you did that. You set that procedure up. And I think what would have smelt better, if I may use that term as a sniff test, would be to throw out everybody, throw them out. I'm not saying my son-in-law would be the best candidate here. I'm sure you got the best candidate here. I don't think there was any malice in your decision. I think the procedure was right – was wrong. And I believe it compromised your integrity. That's what I believe as a citizen of this - of North Canton. That's what I believe. I think there was other ways you could do it. And I'm not asking you to sit here and remove him. That's not my intent here. My intent here is I believe this Council compromised their integrity by not following the procedure that they set out in this position. That's my position. That's all.

Mr. Peters: I appreciate your comments, Mr. Concotto. We'll have to agree to disagree.

Mr. Concotto: Thank you sir.

Mr. Snyder: Thank you sir.

Mayor Held: Mind if I respond?

Mr. Snyder: Mr. Mayor, go ahead.

Mayor Held: Can I just respond? You know, just as I'm hearing the comments that are made. Joe, when - first off, you know that I have a tremendous amount of respect for you and I appreciate your coming up here and sharing your comments tonight. At the same time, I have a tremendous amount of respect for our City Council members, and particularly for Tim Fox. And you know, when you look at appointing employees in the City, especially those that are in a position of leadership, I think it's probably one of the most important decisions that the elected officials can make. Because our service is only as good as the employees that we have in the positions that really do the work and implement the policies that this Council adopts. And when it comes to appointments, I've had experience in that. And you know when I first became Mayor, the first person that I called to be City Administrator was Joe – yourself – to see if you were interested. And that was when you were serving as the Administrator to the Chief of Staff in the City of Canton. And when you go through those processes, the person that you want for the position at the time may not want to take the position as in the case when I had asked you. And I didn't have a process. I wasn't even formally in the position of Mayor at the time. So there's been a number of people that I have approached in reference to positions throughout the City and in some cases they were interested, and then they went through the process, and they were no longer interested. And then in other cases, I knew who I wanted right off the bat and I just appointed them. And what I have found is that there's one person that is happy with the decision out of all those that were interested in it and it's the one person that gets the job. And the most difficult part of being the Mayor, or also in this case, the Council Members, is that you make one person happy and all of the other applicants are unhappy. And when it comes to the process, I think that the Council, I really appreciate the work that you folks did here, because there is no doubt that the work that Tim has

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done as a Council member, also Dan Griffith. We had two, this is the first time we've had two attorneys at the same time serving on our Council. And from a legal perspective, it has been a real blessing for this City because there have been a number of issues that we've been able to resolve that have been lingering for quite some time. And so I'm very proud of the fact that I'm a friend of yours, Joe, and you know that I have a tremendous amount of respect for you and also for your son-in-law. And - but just as importantly, I'm just as proud of the decision the Council made in selecting Tim Fox, and I am very proud to have him serve as our Council member. And Tim, you've, this past few weeks has been incredible because there are so many outstanding issues that are taken care right now that I'm just, I'm very thankful.

Mr. Foltz: President Snyder, just a few comments. I just want to echo some of your statements, Mr. Mayor. I've known Joe Concotto from working for the City of Canton for many years as a very reputable and professional person. I appreciate his reputation and his years of service to public service, ...inaudible... as Fire Chief and other administrative positions he's held. So I really value what Mr. Concotto has to say in public speaking bringing to the table here. As a citizen of North Canton, I'm glad we have you in our City. That said, I think that Council did a great job hiring Tim Fox. It's like Member Peters indicated, that was really your addition to us, your job evaluation, and I've seen you work really hard in every facet that you got involved with. So, I don't have any qualms about the decision we made to hire you. And I also respect that Jeff Peters as Chair of that committee. I don't think he had any intent to dissuade any of us through this process. I think he felt he presented the best person for the job and we through our affirmation voted that way. So I just want to commend you on the process. I don't think - if it appears that something went the other way that should have went differently for all of us. I don't have a problem with the process, but I'm glad you brought it to light to us so we can evaluate that in future appointments through an interview process because we all want to do what's right by the public. I think our integrity is everything when we're elected officials. So I think it's good to reevaluate that once in a while. So, thank you.

Mr. Snyder: Sir.

Robert Bertsch: I am Robert Bertsch. I live at 431 Woodside, North Canton. And I'm here to question - I have a question for the people here that run the City, the Mayor, City Council and Mr. Bowles. And I would like to know if all the North Canton City Inspectors are certified and want to know what their names and their certification is. Please let me know in writing. I have quite a problem with our City Inspectors as far as I'm concerned. And I would like to give this letter to the Clerk, or whoever it is that - and I would like an answer in writing.

Mr. Snyder: You're referring to inspectors relative to housing. Is that what you're?

Mr. Bertsch: Yes. For the housing, plumbing, electrical, sewer, whatever it is. I don't know if we have any that are actually certified or not. Nobody seems to be able to answer my question.

Mr. Snyder: We'll get that information for you.

Mr. Bertsch: All right. Thank you.

Mr. Snyder: Thank you, sir. I appreciate it very much. You're welcome. Thank you.

Chuck Osborne: My name's Chuck Osborne. 307 Fairview Street SE, North Canton, Ohio. The public announcement at the July 2, 2012, Committee of the Whole meeting of City Council that North Canton Law Director Hans Nilges had submitted his resignation came as a shock to me and I am sure many other residents. A July 3, 2012, *Repository* story titled, "North Canton law director resigns," reports that Mr. Nilges had submitted a resignation letter, dated June 29, 2012. In the story Mr. Nilges states, and I quote "his move was sparked by council's 'desire to transition from a part-time director of law to a full-time director of law and it is council's belief that such a move will result in a savings to the city', closed quotes. The resignation of Mr. Nilges came little more than five months into a one year professional services agreement that this council approved with the firm of Morrow and Meyer, Limited, on January 30, 2012, where then Law Director Nilges was a law partner. The legislation, Ordinance No. 12-12, authorizing the agreement passed unanimously as emergency legislation and was touted as a way to help cut legal costs. A January 30, 2012, *Repository* story titled, "North Canton hires law firm to handle legal matters," reports, and I quote, "Councilman Timothy Fox, Ward 3, noted that the City is getting a good legal service at a rate of \$52 per hour. Fox and Councilman Dan Griffith, At Large, both are lawyers and sided with fellow council members to unanimously approve the contract." In a July 10, 2012, online news report titled, "City Law Director Says Goodbye at Final Council Meeting," *North Canton Patch* Editor Morgan Day writes, and I quote, "talks of what to do with the city law director position started at council's Jan. 23 meeting, when members brought up the possibility of a legal firm assuming the duties of the city law director." How long and in what manner those talks progressed over time to arrive at a decision by City Council to announce the creation of a full-time law director position is a question that requires close examination by individuals with the proper authority. The point of my remarks tonight is two-fold. First, I do not believe that the decision to create, for the very first time in

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the City's history, a full-time Law Director position for the City of North Canton, appeared spontaneously. I believe, as stated in the *North Canton Patch*, what to do with the Law Director position, was discussed by all members of City Council for months. That is my opinion. I also question what remaining council members were thinking or discussing when time after time the former Ward 3 Council member excused himself from executive sessions in which the announced topic of discussion was either the creation of the full-time Law Director position or the subsequent interview of applicants. Didn't the repeated absence of one of your own council members at these executive sessions generate concern or raise questions amongst any one of you in attendance at these meetings held behind closed doors? Second, I am stunned by the manner in which the City of North Canton filled the position of full-time Law Director. I am talking about due process or should I say the lack thereof. On Sunday, July 8, 2012, the City of North Canton ran a classified employment ad in the *Repository*, titled "Director of Law". The deadline to apply, clearly stated in the ad, was July 16, 2012. The ad cost the City \$348.00. The *Repository* reported sixteen attorneys had applied for the Law Director position in a July 21, 2012, news story and followed with another report on August 30, that five of the sixteen applicants were to be interviewed. A September 4, 2012, *North Canton Patch* online post titled, "Appointment of City Law Director Still up in the Air" reported the following, and I quote, "after a round of interviews last Wednesday and Thursday, members of the City's Personnel and Safety Committee are now ready to present their thoughts about who should be the next North Canton Law Director. It could go pretty quick. We may ask for another round of interviews. We may make an appointment, Mr. Peters said." The *Patch* report gave the names of the five individuals in the running: Stephan Babick of Cleveland, Rodney Baca of North Canton, Julie Bickis of North Canton, Judith Carlin of Hudson, and Donald Wylie of North Canton. After listing the attorneys, the *Patch* quotes Mr. Peters as saying, and I quote "the interviews went well and all five are clearly qualified for the position, there was no question about that and in our minds we had a couple that stood out", closed quotes. Two days later, on September 6, 2012, both the *Repository*, story titled, "North Canton Councilman Resigns" and the *North Canton Patch* story titled, "Tim Fox Resigns From Council Seat to Pursue Law Director Position" reports that Tim Fox had resigned from Council to pursue the Law Director position. *Patch* reported that the resignation was effective immediately. Wasn't the application deadline for the advertised position clearly stated as July 16, 2012? The September 6, *Repository* story, states, and I quote, "Council President Jon Snyder, Ward 4, said council members will interview Fox on Monday evening and council will likely decide then whether to appoint, as law director, Fox or one of the five candidates interviewed last week. Fox said he decided to apply for the full-time law director position after Councilman Jeff Peters, Ward 2, the Chairman of Council's Personnel Committee, asked him this week if he would be interested in the job", closed quotes. The *Repository* continues its report on the resignation of Fox stating, "Peter's inquiry on Fox's interest in the job indicates that Fox is the favorite for the position", closed quotes. There is no argument with that statement. People do not leave a position voluntarily unless they have a position ready and waiting for them. One would think that attorneys are quite attentive to deadlines and that they understand due process. After all, it is safe to say that most attorneys earn their bread and butter insuring that due process is followed. Due process is what we all depend on to insure fairness and transparency. There was no due process for the applicants who responded to the classified employment add for Law Director. There was no fairness or transparency for the applicants or for the citizens of North Canton. We have all seen Mayor Held ignore due process in his hiring practices as he appoints neighbors and friends to fill high-level positions in the city. That is what we can expect from North Canton's highest elected official. For city council to totally abandon due process and fill the position of Law Director as it has done with the appointment of the former Ward 3 Council Member is indefensible. The City Law Director is the highest law enforcement officer in the City. How can we expect the City's Law Director to insure due process is followed when there was no due process followed when he - when filling that very position? All attorneys have ethical standards and canons they must comply with as officers of the court. That is what makes this situation that much more egregious. At the very least, North Canton has a PR problem as a result of the way it has conducted itself in the search for and appointment to, the full-time position of Law Director. At most, North Canton may very well have invited calls for outside review and examination as a result of the apparent charade it conducted in the search for its first full-time law director. North Canton can do better than this.

Mr. Snyder: Mr. Osborne, without debate, let me explain two things to you. Due process is notice and the opportunity to be heard.

Mr. Osborne: I can't hear you.

Mr. Snyder: Due process is simply notification and the opportunity to be heard. We've done both. The power to hire a Law Director of the City is embedded in the Council. We are not obligated by advertisement. We are not obligated by the applicants that we have. We can, it simply states in the Charter that the person have five years experience, be licensed by the State of Ohio to practice law. Whom we choose is our business. It's our right. We answer to the electorate every two years. If they're unhappy with this, we'll answer to them for that. But for you to stand up there and accuse us of not due process sir, that's very disingenuous. You were the first person to apply for the vacant seat. Talk about due process. That's it. That's all I want to say because I actually can't see getting into an argument. Any member of Council have anything else?

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Mr. Osborne: Well, you are answerable to the residents -- not to Council.

Mr. Snyder: Thank you sir. There is no debate. Thank you. Anybody else wish to speak to the Council this evening?

Mr. Peters: Jon, if I could make one quick comment. And I'll stand on my previous comments. But that was a rather long-winded opinion piece; at least 50 points of opinion stated as fact. And maybe he didn't quite hear my, what I had said earlier. I don't know. I'm at a loss for words. That's it.

Mr. Snyder: I appreciate it. Thank you. Let's move to Old Business. May I have a motion to read by title only the second reading of Ordinance No. 81-12?

**OLD BUSINESS**

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

**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.

Mr. Snyder: Chairman Foltz.

Mr. Foltz: Second reading. Mr. Mike Grimes brought it to our attention to strengthen some of our parks and playgrounds rules and regulations and that we think it would be better for us to enforce some issues with the use of our parks. Any comments from Council? If not, I make a motion to approve the second reading.

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

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

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

**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.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: Yes, this a new waterline at the Akron Canton Airport. Jim, feel free to jump in on any of these. We've got several of these. We talked about this last week with the Committee here, so I move we approve the second reading of Ordinance No. 82-12.

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

10. Mr. Snyder: May I have a motion to read by title only second reading of Ordinance No. 84-12?

Mrs. Kiesling: It's 83-12.

Mr. Snyder: Yes, it's 83-12.

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

**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.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: This is part of the Donner replacement, and this was the end line of something?

Mr. Benekos: This was in the middle of the project. We had to go out of the right-of-way to avoid going under a storm sewer.

Mr. Cerreta: So, I move that we go ahead and approve Ordinance No. 83-12, for the second reading.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 83-12. All members present voting:  
Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz  
No: 0

11. Mr. Snyder: May I have a motion to read by title only second reading of Ordinance No. 84-12?

Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 84-12. All members present voting:  
Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Griffith  
No: 0

**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.

Mr. Snyder: Yes, Chairman Cerreta

Mr. Cerreta: This is also a part of the Donner replacement and we've talked about this before. I move that we just go ahead and approve Ordinance No. 84-12.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 84-12. All members present voting:  
Yes: Peters, Snyder, Cerreta, Foltz, Griffith, Kiesling  
No: 0

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

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 85-12. All members present voting:  
Yes: Snyder, Cerreta, Foltz, Griffith, Kiesling, Peters  
No: 0

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**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.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: I believe this is part of a new line to the Whitewater Village which is assisted living. Am I correct with that Jim?

Mr. Benekos: Correct.

Mr. Cerreta: And so I move that we go ahead and approve Ordinance No. 85-12 for the second reading.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 85-12. All members present voting:

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

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

Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only second reading** of Ordinance No. 86-12. All members voting:

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

**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 now owned 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.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Was this the end line Jim? What was this one?

Mr. Benekos: This was connecting two, actually three dead end lines and twelve inch lines off of Mt. Pleasant.

Mr. Cerreta: We don't have those dead end lines and those problems with dead end lines. So I move that we go ahead and approve Ordinance No. 86-12..

Mr. Cerreta moved and Mr. Peters seconded to **adopt the second reading** Ordinance No. 86-12. All members present voting:

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

14. Mr. Snyder: May I have a motion to read by title only second reading of Ordinance No. 88-12?

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

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

**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

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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: We are required, at least every three years to designate and enter into contractual obligation with a local institution, and this is what this is for, for a two-year period. And I move for the adoption of the second reading of Ordinance No. 88-12.

Mr. Snyder moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 88-12. All members present voting:  
Yes: Peters, Snyder, Cerreta, Foltz, Griffith, Kiesling  
No: 0

15. Mr. Snyder: May we have a motion to read by title only the second reading of Ordinance No. 89-12?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only second reading** of Ordinance No. 89-12.  
All members present voting:  
Yes: Snyder, Cerreta, Foltz, Griffith, Kiesling, Peters  
No: 0

**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.

Mr. Snyder: Again, this is to show that we – institutions that we have money deposited in are insured by the Federal Government and the agencies that do insure accounts up to \$250,000. And again, this is a requirement that we have to post. And I move to adopt the second reading of Ordinance No. 89-12.

Mr. Snyder moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 89-12. All members present voting:  
Yes: Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder  
No: 0

16. Mr. Snyder: May I have a motion to read by title only the second reading of Ordinance 91-12?

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

**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.

Mr. Snyder: Chairman Griffith

Mr. Griffith: Thank you. We've been working towards honing this ordinance. There have been some very valid concerns that were raised, but we did a good first draft. And fortunately, we've been able to do some additional work on it thanks to Mr. Fox for his additional work on this too. So I would offer an amendment this evening if I could, to amend by substitution of Ordinance No. 91-12. You have the revision in your hands. It doesn't make any major adjustments other than – you could speak with Tim.

Mr. Fox: Yes, sir. Specifically, what I wanted to make sure that we incorporated in here was the intent of what was discussed at council Meetings and the concern that the citizens had with the appearance that we're adding insult to injury to penalize the property owner if they didn't remove graffiti within a reasonable period of time. So specifically, I amended the portion that covered that penalty, removed the criminal and civil penalty. The only, there is no penalty with this for a property owner that does not remove graffiti. However, there's the situation where the City will offer them, that the City remove it at the cost of removing the graffiti. And in a situation where the property owner refuses or is unable to do it, that permit the City to go ahead and remove the graffiti and then simply assess the cost. So there is no additional penalty to add that insult to injury. It also permits them due process, which is the notice of that they've been - the Director of Administration has determined that there is graffiti on their property, give them an opportunity to remove it or request a hearing at Mayor's Court if they wish to dispute whether or not indeed they are in violation of the Ordinance. They can also appeal that to the Canton Municipal Court. And indeed it also offers a provision for an

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emergency situation. And we're going to put that at the, hopefully the discretion of the Director of Administration. It can be very difficult to summarize everything that could present an emergency situation whether it's lewd or racially motivated or whatnot. So, we're putting that at the discretion of the Administrator to determine the situation whether it would immediately need to be removed to certainly notify the property owner, give them that opportunity, and if they're unable or refuse, the City will simply either cover it or remove it and assess costs as necessary.

Mr. Griffith: Some good updates and continued improvement. At the end of the day, I think as is true with any new nuisance, I think we're going to make improvements, make the adjustments. We're able to go in and get it done. We're not waiting for somebody else to do it. And we can do an assessment as we would for any other nuisance or maintenance so the City isn't out those dollars ultimately at the end of the day. It also gives Eric, and to some degree Mike, the discretion whether to trigger the process. So when we've got extenuating experiences like really good weather or if someone has been hit a couple of times where they're in the process of doing something, then you know they're not going to get penalized right away. We are able to provide some leeway to them. So ultimately I think it's a great process. And again we need to keep moving forward so we can get these things underway.

Mr. Foltz: A couple of points. This started as one page and now it's a small bible which is good if it takes care of everything we need to you know through the legalese language here. When you say City remove it, that means the City has the ability to hire a professional water person to do that. If someone has a pressure washer and has the right chemicals whether – we don't expect our crews to drop everything and take care of it. Correct? So that is going to be an option, knowing that the owner will pay for it. 'Cause there's still one in my mind that I look at every day that when I'm traveling south on Main Street. I'm sure that you're aware of it, it's in our ward that it's beyond my comprehension why it's still there. It hasn't even been tried to be addressed by the property owner. So looking forward to passing this and moving forward with this. So thank you for your hard work.

Mr. Griffith: So I would – as I said before, I would make a motion to amend by substitution what you have before you as Ordinance No. 91-12.

Mr. Griffith moved and Mr. Foltz seconded to **amend Ordinance No. 91-12, as stated above.** All present voting:  
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz  
 No: 0

Mr. Griffith: And then I would move that the amended ordinance be read in it's second reading.

Mrs. Kalpac: Do you mean to adopt it?  
 Mr. Foltz: We voted on it for second reading?  
 Mrs. Kiesling: We adopted it.  
 Mr. Snyder: We need to adopt as amended.  
 Mr. Griffith: Adopt as amended for its second reading.

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

NEW BUSINESS:

17. Mr. Snyder: May I have a motion to read by title only first reading of Ordinance No. 92-12?

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, first reading of** Ordinance No. 92-12. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Griffith  
 No: 0

**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 repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Snyder: One thing, Mr. Chairman. Please note that in the ordinance, the range is the maximum range. The starting salary is \$75,000. However, there is a range as is in every position in the City. And I believe the highest range there is, what \$80,000 ...

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Mrs. Kaipac: About 90...

Mr. Snyder: \$90,000. So there's - that's the highest range. So, we did put that. But that would be the biweekly rate listed in that Ordinance.

Mr. Peters: Right.

Mr. Snyder: If it would be paid at the highest range, but the starting salary is at \$75,000.

Mr. Peters: Yeah. And at the lead of Section 20, it states that at the very top, it's up to or anything below or up to that ...

Mr. Snyder: Right.

Mr. Peters: biweekly compensation. And we've - adding this back into the exempt ordinance as it was taken out when we contracted with a firm last time, there was no need for that and there is now. So we'll be putting it back into Section 20. And that's it. If there are no questions, I will motion to approve 92-12.

Mr. Peters moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 92-12. All members present voting:

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

No: 0

Mr. Snyder: As the situation is an emergency situation, I'd like to suspend the rules of council for Ordinance No. 92-12.

Mr. Peters moved and Mr. Cerreta seconded to **suspend the rules for** Ordinance No. 92-12. 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. 92-12?

Mr. Peters moved and Mr. Foltz seconded to **adopt under the suspension of the rules** Ordinance No. 92-12. All members present voting:

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

Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance ...

Mr. Batista: Mr. Chairman.

Mr. Snyder: Oh, excuse me.

Mr. Batista: You have indicated you wanted the salary at 75. You as Council is the appointing authority will have to set that salary at this point. You may have to amend your agenda to do it.

Mr. Snyder: Okay. I can do that. I will ask that the Chairman of Personnel amend the agenda to set the salary to include Item No. 19 at that point to create an ordinance to pay that salary.

Mr. Peters: Yeah, I'll make a motion to amend the agenda to include that rate of pay.

Mr. Cerreta: Second.

Mr. Peters moved and Mr. Cerreta seconded to establish the annual rate of pay for the position of Director of Law at \$75,000.

All members present voting:

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

No: 0

Mr. Snyder: When we come to that, we'll go to that and cover it. Hang onto that. Thank you, Mr. Batista. May I have a motion to read by title only, first reading of Ordinance No. 93-12?

18. Mr. Foltz moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 93-12. All members present voting:

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

No: 0

**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

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in regard to the Canton Marathon held June 17, 2012, and declaring the same to be an emergency.

Mr. Snyder: I'm sure this was questioned. Director Alger, this was to be paid when we get the reimbursement, correct?

Mrs. Alger: That is correct.

Mr. Snyder: I thought that was correct. We did contract with the Canton Marathon people. They've told us that they would – we billed them, they're going to repay us. The actual service workers are the people that are in bargaining and those units have already been paid their overtime. This is for exempt personnel that worked their free time and came in and they're entitled to overtime as was published last week, you were given a copy. And when we are paid the money, we will put it into their pay. But we want this ordinance put in place sooner than later once that money comes in. That was because this happened some months ago and we want to pay them. They stepped up and supported the Administration and its efforts. So that's what – so may I have a motion to adopt the first reading of Ordinance No. 93-12?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 93-12.

All members present voting:

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

No: 0

Mr. Snyder: May we suspend the rules of council for Ordinance No. 93-12?

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 93-12. All present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 93-12?

Mr. Foltz moved and Mr. Peters seconded to **adopt under the suspension of the rules** Ordinance No. 93-12. All members present voting:

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

No: 0

Mr. Snyder: Item 19 is consideration of Ordinance 94-12 without proper council minutes.

Mr. Batista: No, no, you don't need an ordinance.

Mr. Snyder: No minutes? Just need a resolution?

Mr. Batista: Yeah. You're the appointing authority which would be like the Mayor setting the salary.

Mr. Snyder: So, all I need is...

Mr. Batista: All you need is a voice vote. A motion, a second and a voice vote.

Mr. Snyder: Mr. Chairman, do you want...

Mr. Peters: Yes, I would motion to appoint the salary at \$75,000 a year.

Mr. Peters moved and Mr. Cerreta seconded to **establish the annual salary of \$75,000 for the position of Director of Law**. All members present voting:

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

No: 0

Mr. Snyder: Now you're getting paid. I'll talk to you right after the meeting.

(Laughter)

Mr. Snyder: I would request a motion and a second to schedule a Special Council meeting for Wednesday, the 3<sup>rd</sup> day of October, 2012, at 5:30 p.m. The purpose of that meeting would be to appoint a person to the vacancy of Ward 3. We're bound by Charter to appoint, to make the appointment within 30 days of the resignation, which was September 6<sup>th</sup>. Thirty days would be October 6<sup>th</sup>, next Saturday. Consequently, we would not meet that deadline prior to our next council meeting. The interviews will be completed on Monday, the 1<sup>st</sup> and at that time we will – and again we will move to have a brief meeting on October 3<sup>rd</sup> at 5:30 p.m. to consider that person for that vacant position.

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Mrs. Kiesling moved and Mr. Peters seconded to schedule a Special Council Meeting for Wednesday, the October 3, 2012 at 5:30 p.m. to consider the appointment of a Ward 3 council representative. All members present voting:

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

Mr. Snyder: And for the press, our rules state that four positive votes could be the appointment. We will not have a full body as I think some people have a conflict. But, it does take four votes. There will be four members in attendance which will constitute an appointment. So...

Mr. Peters: Jon, what time was that?

Mr. Snyder: At 5:30, here in the Chambers. And that is an open public meeting. All right, let me go around - reports. Director of Law.

## REPORTS:

Mr. Fox: Yes, sir. I would like to express to Council, the Administration and the residents that I believe that I am truly blessed to receive this appointment. And I'm certain that I am honored and humbled by the appointment. And I thank you all for your kind words and support this evening. And just to convey that you'll receive absolutely nothing but my very best. Thank you.

Mr. Snyder: Thank you, sir. Associate Director of Law.

Mr. Batista: When I agreed to step in as the Interim Director of Law, I did it with trepidation for the simple reason I've been away from this stuff for nine years. But I found out that it was like riding a bicycle, I just got back on. And so this is my last meeting for the third time

(Laughter)

Mr. Batista: and I just, in respect to your appointment of the new Law Director, one of the aspects of this man that I've noted that I think no one has mentioned so far, is his motivation. He is what I call a self-starter. I don't think you're going to have to worry about whether he is on the job and he's paying attention. Thank you.

Mr. Snyder: Thank you. Director Alger.

Mrs. Alger: Well, I wanted to welcome the Law Director on this side of the horseshoe.  
Mr. Fox: Thank you.

Mrs. Alger: And say goodbye to Roy, we've appreciated working with you. And I've already got a hold of the Law Director, and we're talking about collections on taxes, but we have other plans for you, too. So, welcome.

Mr. Fox: Thank you.

Mr. Snyder: Director Grimes

Mr. Grimes: I'd like to welcome the Law Director. I've tried to stay out of your office this week. I do not promise that the next week. We've got a lot for you to do.

Mr. Fox: Yes sir.

Mr. Grimes: I know, I liked it when he said he served in the Air Force. That's where I served too. So we'll be looking forward to working with you on the Administrative side.

Mr. Fox: Thank you.

Mr. Grimes: We do have a lot going on. A lot of that is on our web page, but we do have two of our managers, Rich Steinhebel from the Water Treatment Plant, he got an award today. We got an award for the fluoridation of our water. And of course, we got that because he stays on top of it, the number of times he does it and keeps all those things in range. And then the second manager, Mr. Jim Davis, our Superintendent of Utilities and Services, this week was elected to the Department of Health Licensing Board. So we've got some good managers out there. Thank you.

Mr. Snyder: That's good. Thank you, sir. Mr. Mayor.

Mayor Held: Yes. And speaking of appointments, Mike Grimes was also appointed to the Advisory Council for the Stark County Health Department. And he played a role in appointing Jim Davis to the Licensing Council, which was also nice too. Tim, I'm pleased to have you on board. And more importantly, Council, I think that you made an excellent choice, both in establishing a full-time

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position for the Law Director because it was greatly needed, and this is the first time we've ever had a full-time Law Director. And secondly, more importantly for your choice for the position, I wouldn't have picked anybody else myself if I was in your shoes. And as far as the process, I know how hard it is for me to just make a decision, and I'm the only one, let alone having, you know, all six of you making the decision. So very nice job. And Roy, it's nice to have you back for the third time, is it? Thank you for coming back and helping the City. You did a very nice job.

Mr. Snyder: Thank you. Mr. Benekos.

Mr. Benekos: Roy, goodbye again. Tim, welcome aboard.

Mr. Fox: Thank you.

Mr. Benekos: I just want to let you know that on the Rosewood Sewer Line Project, we ran into some difficulties when we dug up the street, dug up the sewer of poor soil conditions. And we encountered some sewers that we didn't anticipate. So there will be increased cost to that. I want to alert you to that. We will be finalizing those and bringing those to you in the future. I'm sure it's more than what the Board of Control can award. So we'll be bringing a change order to you here in the future, near future.

Mr. Snyder: What was that project, three hundred some thousand, I think. Was it not? Three thirty five?

Mr. Benekos: Oh, I think it was. It was around three hundred.

Mr. Snyder: So, you're what, a hundred thousand short?

Mr. Benekos: Well, it might be about 50 to 75,000 more we're going to need to pony up. But the contractor out there is doing a good job. He's not stopping and saying, I need more money or I'm not going forward.

(Laughter)

Mr. Benekos: They're working well with us. North Main Street, sure you've seen what's going on up there, and you've heard - probably heard some complaints. But the contractor is doing an excellent job. He's had double shifts. He's had several crews out there. He is ahead of schedule, although he won't admit it at this point, and he won't change his schedule because he wants to keep that timeframe that he's allotted. We had hoped to have asphalt down this week, base course, we won't get the surface course on probably until mid to late October. But we run into a few difficulties, red tape with ODOT (Ohio Department of Transportation) and so forth, but we're working through those, and I'm encouraged with the project. It's a difficult process, but we're persevering. So if any of you have any questions, I'll be glad to answer.

Mr. Foltz: I appreciate it, Jim. One question, so you said it will be paved, rough-paved this week?

Mr. Benekos: We're hoping.

Mr. Foltz: Fingers crossed.

Mr. Benekos: You're right.

Mr. Foltz: Because I know it's pretty dusty and that's nobody's fault, it's just a lack of rain.

Mr. Benekos: Yeah.

Mr. Foltz: Yeah, we've gotten a lot of positive comments and negative. When is it going to be done? And I said to a lot of my constituents, when this is done, there is nothing else to do on North or South Main, knock on wood, for the extended future. Am I right? I mean, we just paved South Main two years ago.

Mr. Benekos: You're correct.

Mr. Foltz: And we just did all the phases on north of 7<sup>th</sup> (Street). So, it's just going to be a nice, finished product when we're all done. Just to be patient for another month or so and I think everyone is going to love the results. So thanks for your hard work on that.

Mr. Benekos: Thank you.

Mr. Foltz: We appreciated the contractor's diligence. It's not easy working on a main artery. That's it.

Mr. Snyder: Director Bartos.

Mr. Bartos: First, I'd like to congratulate and welcome Law Director Fox. I've already had a chance to meet with him once, and then also today go out and take a look at a complaint that a resident had. And I can already tell he's going to be a pleasure to work with. So welcome aboard. Secondly, I'm happy to report that the City submitted a - successfully submitted, well we got it in, an application to the Intelligent Community Forum ("ICF"). We got it in a week and a day early,

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actually, because they ended up pushing the deadline back to this Friday, but last Thursday we submitted it. The original deadline was last Friday. So we got it in ahead of schedule, and I'd like, you know, I'd like to take the opportunity to thank all the people who helped me. Finance Director Alger went over some numbers with me. Administrator Grimes, he helped me as well as the Mayor. He looked over the whole thing with me and gave me some of his input. Jim Benekos as well. Our communications consultant who did the bulk of the work, Nancy Richardson, she was great to work with. But I have to give the most work to Eric Bowles because I couldn't have done it without him. He was my go to guy. I mean I'm new to the City, when I needed facts or figures or you know, any information about any of the businesses, he was the go to guy. He came through huge for us. And we all know he has a lot on his plate, and this is one project that he really, really helped me with. I'd also like to thank all the local business people and also Councilman Cerreta who attended our forum that we had at Walsh University, the workshop on the ICF. A lot of those business people actually stepped up and took calls for Nancy after the workshop to provide information about their businesses to be put in the application. So if we're in, October 21<sup>st</sup> they'll make the announcement and the top 21 will be announced, and we'll see what happens then. But as I said, I'm the last person that deserves credit for this project going through because I had so much help from everybody. So that's it.

Mr. Snyder: Good work.

Mayor Held: Good job, very good job.

## REPORTS – COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: Yes. Thank Roy, thank you for coming back as a competent attorney that knew North Canton, the history and to help us facilitate the new Law Director coming in. Roy is going to be with us through September. Is that correct?

Mr. Snyder: Yes.

Mr. Foltz: Alright, so I know it's not your last meeting. But I appreciate you stepping up and helping us through this time. And welcome Tim. You know I've known you ever since you were elected here, so I think we made a great choice.

Mr. Fox: Thank you.

Mr. Snyder: Mr. Peters

Mr. Peters: Personally, welcome to you. This is my public welcome.

Mr. Fox: Thank you.

Mr. Peters: You're going to serve the Council, Administration, and the citizens very well. I have the utmost confidence. And Roy, thank you for helping guide us through the last month. And this is your last meeting. Right?

Mr. Batista: Yes

Mr. Peters: Okay. That's what I thought. So your - Friday is your last day?

Mr. Batista: Yes, my contract expires the end of the month.

Mr. Peters: Okay. Well, thank you so much for helping us out in a pinch. We greatly appreciate it. Thank you.

Mr. Snyder: Member Griffith.

Mr. Griffith: A lot of people said a lot of nice things about Tim, but I do have one criticism. I think I like Roy's reading voice better.

(Laughter)

Mr. Griffith: Maybe you can work on it.

Mr. Snyder: Went from a baritone to a tenor.

Mr. Griffith: Appreciate your work. I've been on the phone with Tim already today talking about how we can move forward to tearing down some of the these houses that need torn down and some of the nuisance abatement that we need to do make sure we can put into effect all of the work that we've done here so far and Tim's on the ball. So we'll add ourselves to our list there as well.

Mr. Snyder: Mr. Cerreta

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Mr. Cerreta: Same thing, Tim. We're really excited for you. And I'm very confident and I'm looking forward to a lot of things - changes and going forward in this town. Roy, Master Yoda, you've been great. You really have. I've really never worked with you before and I'm very impressed. So thank you for everything you've done. On another note, survey, this is the last week to put your survey in for the North Canton Survey. We really want people to put their opinions in on what we feel is going on here in North Canton. So a reminder, it ends September 30<sup>th</sup>. And that is all for tonight.

Mrs. Kiesling: Goodbye Roy. Thank you very much. Hopefully we'll see you again sometime for a little help. And congratulations Tim.

Mr. Fox: Thank you.

Mr. Snyder: Roy, you know I appreciate your taking those calls from me. We asked you to come back. I think I've done that two or three times with you. And I do appreciate you. You're always a pleasure to be with and your vast knowledge and historical memories of what goes on is a great help. And Tim, I wish you the very best. It is indeed an honor and a pleasure to serve with you on Council, and now to be serving by your side as the Law Director. And I think, given the time, again, I think the Council made the right decision. It will be from an economic standpoint the savings and the performance that the City and the residents will realize will surely outweigh any cloud that has been brought over the actual hiring. And I think by Friday you'll see that.

Mr. Fox: Thank you.

Mr. Snyder: But I wish you only the best and God's Speed on that.

Mr. Fox: Thank you.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Anything to come before this body? Seeing none, I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

Meeting adjourned at 8:38 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL