

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1614B

Held Monday, January 28 7:00 p.m. 20 13**Call to Order:**

1. The council meeting was called to order Monday, January 28, 2013 at 7:35 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, Snyder and Werren.

Also present were: Director of Administration Grimes, 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. Mayor Held was not present for the meeting.

Consideration:

5. Council Meeting Minutes – January 14, 2013
Special Council Meeting Minutes – January 22, 2013
Financial Statement – December, 2012
Mayor's Court Receipts – December, 2012

Mr. Snyder: May we have a motion to approve, as presented, Council Meeting Minutes of January 14, 2013, the Special Council Meeting Minutes of January 22, 2013, Financial Statements presented December 2012, and the Mayor's Court Receipts presented December 2012.

Mr. Foltz moved and Mrs. Kiesling seconded to approve the minutes as presented. All members present voting:

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

Committee Minutes:

6. Mr. Snyder: May we have a motion and second to approve, as presented, the following Executive Session and Committee Report Minutes, the Executive Session for Personnel and Safety Meetings held 1/14/13, 1/22/13, the Committee Report Minutes for Finance and Property held 1/22/13.

Mr. Foltz moved and Mr. Peters seconded to approve the minutes as presented. All members present voting:

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

Executive Session for Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Executive Session meetings for Personnel & Safety Committee held January 14 and 22, 2013.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held January 22, 2013.

Recognition of Visitors:

7. Mr. Snyder: All right. At this time, the Council will recognize anybody wishing to speak to it. Please step forward to the podium, state your name and address for the record.

Delma Pucci: Hello. My name is Delma Pucci. I live at 1338 East Maple Street. I still live there, I haven't moved as someone suggested. I read that letter that Mr. Young had sent to the Council members that he was very excited about the opportunity to finally move ahead, or move forward, on lighting the fields. I was very upset by that. Our neighborhood was very upset by that. When the lease was written and signed by Mayor Revoldt, my neighbors, myself, my family and the residents were all intended as third party beneficiaries. It was written for our benefit with these

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, January 28

7:00 p.m.

20 13

protective provisions put into the lease. they affect us, the ball field limitations and the lighting limitations. The signers were very mindful of the nuisance conditions that would be allowed. They took our considerations to mind. The lease was for twenty (20) years, and Mr. Giammarco and Mr. Young were in agreement to the terms and they signed that lease. It wasn't for five (5) years, it wasn't for ten (10) years, the people on Council and the Mayor knew that they had put it in for twenty (20) years. Why are they asking for security lighting at the concession stand? From our bedroom windows we can see two security lights at the concession stand that are on every night the past year or so. Two fences have already been moved this past year. There have been no addendums on these items. No matter what addendums you add or how you change that lease, who's going to enforce it? Are you on Council going to enforce it? No one has enforced it the last ten (10) years. So, I'd like to have your cell phone numbers because when we have a problem down there and City Hall is closed, it's not open on weekends, it's not open after 5:00, we're going to call you. My neighbors are going to call you directly to enforce this lease. I don't think our police department will enjoy getting calls for nuisances at the ball fields. So we don't want to call 911. I don't think that's right. We will need to get in touch with all the officials here. So please follow that original lease. It will eliminate an awful lot of problems. You won't need additional parking down there. It will eliminate a lot. Thank you very much.

Mr. Snyder: Thank you, madam. Anyone else wishing to speak?

Mr. Fox: Just a note for Council members and those in the gallery, I did notice that Mrs. Pucci put a well-written letter to the editor that was in the *Canton Repository* Saturday. Isn't that correct?

Mrs. Pucci: Yes.

Mr. Fox: Saturday. Yes, mam. On the same subject of course.

Mr. Snyder: Thank you, sir.

Mr. Fox: Yes.

Mr. Snyder: Okay. For just a matter of public knowledge - information, next I believe it is - oh, excuse me, oh yes mam, step forward state ...

Barbara McCallan: I was still hoping someone else would step up. Hi, I'm Barbara McCallan. I live at 411 Woodside Avenue NE, North Canton. There's been things going on and it was suggested that I speak to the Law Director and go over things with him and have him work with me. In lieu of that appointment, there was a phone conversation that didn't turn out so good. And I really think it was conceived thoughts. So there's no misunderstanding, I think it's best that I did write a letter or an outline, shall we say, of the things I'm concerned about. And if the City can direct - directly answer them, I guess, give not only me but the public. This effects property owners. This affects many people. And I would like some answers too. Number 1 on my outline was directed and has been taken care of. And I see a notice of change in the neighborhood. It looks much better. Number 2 is what I'd like to have addressed now or in the near future. And that is a sanitary sewer line was run through property at 423 Woodside Avenue NE, which actually is an adjoining property to my own. This tapped into the North Canton City sewer in the middle of Woodside Avenue, ran down through 423. And at that time there was a house on it. But it ran down and according to the diagram that Mr. Bowles gave to me, that's been a few weeks ago, it goes down then goes in; and I had the wrong address, I had 430, but it's 426, I believe, provided that house with a sanitary sewer line. But according to the diagram and the map that I got, this in fact goes across, then ... the rest of that lot, the balance of that lot, and goes into an undeveloped lot owned by the resident at 431 Woodside NE. So I'm not sure of why that is being done. Bu, my concern is, is this in fact legal? Can you do this? Can you run this kind of thing through property, provide other owners an access to a sewer line that's on Woodside when they're facing Wise Street or Wise Avenue, I guess it is. And I, myself own property facing Wise. I would say if there's no sanitary sewer line out there anywhere, my property value isn't very good back there. Although I'm not looking to sell it, you know. But the point is, do we or do we not have a sewer line back there? Was it correct in doing this, running this line back through there providing one, two, well three possible - no, two, it would be two different - no it would be three because 423, when they build a house, they in fact may hook into this line. So with our problems that the City has experienced in the past from things like this, I think it should be addressed and taken care of. And I'd really appreciate it if that gets done. And the new owners, that house was recently sold, I'm not sure if the new owners are aware that their sanitary sewer is not out in front of their house like most people's is. It's - we're talking 165 feet back to Woodside. So it can become a mess digging this all up. I took pictures of the house up on north Woodside that, you know, had previously this summer been dug up. And we're talking a real mess - nine to twelve, roughly nine to twelve feet of torn up ground. So it needs to be looked into. And I'm taking one item at a time so I don't rush anybody. And - oops, I'm passed. Okay. Thanks.

Mr. Snyder: Thank you very much. We appreciate your comments and we will address them. Thank you.

Mrs. McCallan: Please.

Mr. Snyder: Anyone else? Alright, seeing none - for the matter of the record, Mrs. Werren will have a - holding a public meeting I believe it's next Monday, is it ...

Mrs. Werren: Right.

RECORD OF PROCEEDINGS

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COUNCIL OF THE CITY OF NORTH CANTON

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

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20 13

Mr. Snyder: at 6:30? We'll have anyone interested at 6:30, the Council will be considering a Council of the Whole and it is my intention to ask for suspension of the rules to allow the public to speak. We will be discussing, at that particular time, the lease on the Little League fields. We will listen to the neighbors. It is the people's government. We will listen to see what happens. We'll listen to both pro and con. There will be no decisions made next Monday night, I don't think up or down on this. It is a collective and cooperative agreement with everyone. So - but by all means next week you're welcome to come and we'll listen to you and try to address your situation. Any members of Council have any comment to that? But we will look forward to that. And I know Mrs. Werren has asked that most of the property owners affected by that field, within close proximity of it have been notified by.....

Mrs. Werren: We notified, I think about 86 people -- right Gail?

Mrs. Kalpac: 82.

Mrs. Werren: Oh, 82. Okay.

Mr. Snyder: Eighty-two (82) people. And then, of course anybody else wishing to speak at that time is more than welcome to come forward and address the Council. Thank you.

OLD BUSINESS:

8. Mr. Snyder: At this time, we'll move to Old Business which is -- we need a motion and a second to read by title only the second reading of Ordinance No. 3-33. (3-13).

Mr. Foltz: It's 3-13.

Mr. Snyder: It's 3-13.

Mr. Foltz moved and Mr. Peters seconded to **read by title only the second reading** of Ordinance No. 3-13. All members present voting:

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

No: 0

Ordinance No. 3-13 -- 2nd Reading -- Finance & Property Committee

An ordinance amending Ordinance No. 70-12, thereby authorizing the Director of Administration ("Director") of the City of North Canton to advertise a request for proposals according to specifications now on file in the office of the Director, and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a proposed lease or purchase agreement for the installation and lease or purchase of a telephone system and related communication equipment to establish (and/or enhance) a data and voice network throughout the City, at a cost not to exceed \$100,000, and declaring the same to be an emergency.

Mr. Snyder: As we originally talked, the original request was for us to take a bid situation on this phone. At that point the Director of Administration, in cooperation with the Director of Administrative Services and the Finance Department, have all asked that we actually design and put together a RFP (Request for Proposal) so that they can go out and have a much more enhanced system and get exactly what they're looking for. This was originally in the appropriation. It's in the new appropriation for \$100,000. We took one reading on it. We'd like to, if it's with Council and passes this second reading, we'd like to go ahead and suspend the rules and pass this. This is a matter of capital. This is not general fund money. So consequently it's used for capital. It's enhancement of - and ultimately as we talked about earlier in our presentation, this along with the new software and some other things, actually enhances our ability to save the City money. Mr. Foltz:

Mr. Foltz: Yeah, President Snyder, this is also very vital to the renovations of the Civic Center for our Building and Engineering Departments. So this isn't -- we need to pass this tonight so that we can get the phone lines down there operating.

Mr. Snyder: That's a very good point. And as well as -- it's actually, it's for the health and safety of our employees because there will be many things built into this system. It will allow them mobility throughout the City. It will allow them -- the residents to be able to contact us in a much more timely and effortless manner. I mean there'll be enhancements on the phone that we don't have now. As we lessen our staffs, we don't have the people that can answer the phone or be able to forward the calls, this all will be done on the regular system. So there being anything said, I'll entertain a motion to adopt the second reading of Ordinance 3-13.

Mr. Foltz moved and Mrs. Werren seconded to **adopt the second reading** of Ordinance No. 3-13. All members present voting:

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

No: 0

Mr. Snyder: There being time of the essence, may we suspend the rules of council pertaining to Ordinance No. 3-13?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

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

Held Monday, January 28 7:00 p.m. 20 13

Mr. Foltz moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 3-13. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance 3-13?

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt under the suspension of the rules** Ordinance No. 3-13. All members present voting:

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

No: 0

NEW BUSINESS:

9. Mr. Snyder: May I have a motion to read by title only first reading of Ordinance 7-13?

Mr. Foltz moved and Mr. Peters seconded to **read by title only first reading** of Ordinance No. 7-13. All members present voting:

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

No: 0

Ordinance No. 7-13 – 1st Reading – Finance & Property Committee

An ordinance to make appropriations for current expenses and other expenditures of the City of North Canton, Ohio, for the period beginning January 1, 2013 and ending December 31, 2013 and declaring the same to be an emergency.

Mr. Snyder: As you know, we talked last week on the budget. We've all been given a copy of the budget. For all intent purposes, outside of - and we still haven't got that straightened up on that one car, and maybe a few other tweaks, we will adopt it accordingly. It's in balance or it's projected to be in balance. We've used a carryover of this year of 1.4 million dollars to balance it. I would like to have this reading for adoption and then again another Council of the Whole next Monday we'll consider putting it back on there for anything that we may need. I know Mr. Foltz's committee and a couple of other committees have some other ideas that we may need to add into that we may need to address and we might have to do so. So it is a product in work. It's been a very arduous budget, probably the longest time consuming budget in my history here with doing them and helping to do them. So we will ...inaudible... as I say, it won't probably - we should probably go three readings with it before we adopt it. Then we can always put the emergency clause. We have until the first of March, and there's no - we have an interim budget in place that is working accordingly.

Mr. Foltz: As long as we don't have a fiscal cliff, Jon, I think we're all right.

Mr. Snyder: I think so. We're not going to shut this City down.

Mr. Foltz: Okay.

(Laughter)

Mr. Snyder: Yeah, some of the people may think we're about ready to do that. But - well I think maybe we could tie your salary onto that ...

(Laughter)

Mr. Snyder: No, we won't do that. May I have a motion to adopt the first reading of Ordinance No. 7-13?

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 7-13. All members present voting:

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

No: 0

Reports - Council:

Mr. Snyder: Okay. Reports, Mr. Foltz

Mr. Foltz: I spoke plenty earlier, so no report.

Mr. Snyder: Mr. Peters

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held Monday, January 28 7:00 p.m. 20 13

Mr. Peters: No report. Just one, I wanted to recognize Director of Administration Grimes and his crew, the guys and gals on the plow trucks last Friday – outstanding. I drove from the Turnpike south up on 77 to downtown Canton, and I didn't see road until I got into North Canton. And that highway was a parking lot as was Market Street downtown at noon. So when I got to North Canton they were as clear as could be.

Mr. Grimes: Thank you. I'll pass that along in our meeting tomorrow.

Mr. Snyder: Mrs. Werren.

Mrs. Werren: I'll would have to agree. I was taking the kids down to the mall. So we're passing on Everhard and into Jackson, you'd think it would have been you know, so busy that you wouldn't even need salt. I said kids, this is a science experiment, look at what clear streets look like with salt and now over here.

(Laughter)

Mrs. Werren: That was good. And then, thank you Jim. We - it was so neat to see what your new offices are going to look like and what you're doing and constructing over there, and to think of the new kitchen and the facility of what the residents will have. It's going to be a nice, new building.

Mr. Snyder: Thank you. Mr. Griffith.

Mr. Griffith: I was on the phone actually to echo the wonderful things about the streets with Member Werren here. Who at times, I think it's fair to say, has been a little suspicious about our aggressive snow plowing techniques. And I think what came across, what was going on Applegrove and again was a clear line between the two, and I was happy to celebrate all the good work that your crew has done, Mike. So please pass it along.

Mr. Snyder: You know, they liken the snow removal to being on a cruise, you get up from bed and when you come back your bed is made. It snows is a flake in North Canton and you get up it's gone. So it's very quickly.

Mr. Griffith: We converted her I think.

Mrs. Werren: I think you're good.

Mr. Snyder: Mr. Cerreta

Mr. Cerreta: Just a couple of things. The forms for this year's Disaster Relief Fund are in the tax forms that went out. So again - or another year we're putting those in to make people aware of that, they can donate to that. Those are out. A couple of kudos to Patrolman John Hemric, he got the Stark County Police Chief Association's Community Law Enforcement Officer of the Year. So kudos to him. That's great for us. YMCA is going to be celebrating their 90 years here in the Community and we're going to do a proclamation for them on February 19th. The Mayor has asked me to mention that and we'll set that up and have that group in. And then I got - last week I was able to go to the School Safety Night at the High School. And we did a wonderful job representing - Chief Wilder, Chief Bacon back there, did a fantastic job of representing our City and how they handle things, and how they're - what they have in case kind of thing. So I think, kudos to them, they did a fantastic job of representing all of us and I think a lot of people feel a little bit better about the information that they put out to everybody. So, real good stuff there. And that's it.

Mr. Snyder: Thank you. Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Thank you. Two things - one, I apologize that at the beginning of the meeting, I did not express, Mayor Held apologizes, his son is being inducted into the National Honor Society tonight. So unfortunately he couldn't be in two places at the same time and I understand his zealousness to be with his son. Mayor Held is a fine father and a fine parent and he's got a nice young man there. So that's where he is. But he does apologize to everybody that he was not here. Another thing, in the earlier part we were talking about things that we have accomplished. Over the last two years we've used some grant money to augment our arts here in North Canton. It's all part of our Economic Development Program. It's all a part of addressing the arts in North Canton. Mr. Albacete of the Director of the Canton Art Institute has brought to North Canton both ballet, plays, chamber music from the symphony, and most importantly things for the children to do with recycling. And it's well attended - upwards to 125 people on Thursday night at the Civic Center. Mr. Albacete, I think, will be here either next, probably week after next because we have the hearing on the ball fields next week, to again seek grant money that we use to put back into the community. And it is his hope, as many of you might remember, for about four years running we had the Cleveland Symphony Pops Orchestra out in front, and the people in the community want that. Mr. Albacete is trying to put together a chamber concert at the Civic Center for us with the Canton Symphony. So that will be part of the program for that grant money. So he asked - he called me last week and asked me. In all deference to public awareness, Mr. Albacete is my brother-in-law, married to my sister. So, I have to make that be

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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publically known that there is nothing nefarious there. But he'll be there to tell you all about it. That's the only report I have. Director of Law.

Reports:

Mr. Fox: Just accolades for Councilman Cerreta for putting together a really nice job, and for all the Council Members for putting out the State of Council for the year. Really nice job. Income taxes continue to do well. There was a long line of residents for Mayor's Court on this evening. And that's what a great relationship with folks in Finance to make that possible. We're just trying to show you know everyone pays their part in North Canton. It looks like it'll be a tough year, but that's certainly a way to help. Along those lines, we opened negotiation for wages only last week with two of the collective bargaining units for Services and Finance and Wednesday we'll be meeting with the police officers. So we know it's a delicate matter, but we'll do our best.

Mr. Snyder: Have we ever considered a one-time amnesty program under - on our income tax rather than citing them to Mayor's Court. I mean just to say, send them a letter and say you have until the 15th of this month to pay up without penalty and if you pay current to date ...

Mr. Fox: Not that I'm aware of. No.

Mr. Snyder: I don't know if that's an incentive ...

Mr. Fox: That's certainly something we could consider.

Mr. Snyder: just to send them, say you owe "X" dollars and for the next fifteen days, if you show up. Otherwise, you will have the penalty of interest and the penalty of Mayor's Court. And we do accept credit cards now, so they can finance them out if they want. And sometimes that could be a several hundred dollars savings to someone.

Mr. Fox: Absolutely. I imagine it will.

Mr. Snyder: And maybe we ought to consider that.

Mr. Fox: Certainly. That's a great idea.

Mr. Snyder: I appreciate it.

Mr. Cerreta: What is our fee schedule like? What is that?

Mr. Snyder: Well, it's a minimum of \$25 fine and then I think it jumps...

Mr. Fox: No, it's up to...

Mr. Snyder: up to \$100, then \$150 depending on the timeliness or how late you are. And then there's interest also. But, thank you. Director Alger.

Mrs. Alger: No report other than to let you know that the W-2's went out today. You'll be seeing that in the mail.

Mr. Snyder: I'm sure the Federal Government appreciates that.

Mrs. Alger: I'm sure.

Mr. Snyder: Director Grimes

Mr. Grimes: I just want to thank Council. We know, from the Mayor's side we appreciate working with you folks and the, you know, you'll always answer our questions. We're always able to get hold of you, and it's just a nice working relationship, at least from our side that we feel that. Having said that, the budget is there but it's not in stone. From our thinking, still looking at trying to figure out ways to become more effective or more efficient. We've had like a couple of people retire. We're looking at not replacing them, seeing if there's ways to do that, you know, before we just rush out and do those kind of things. So anybody over there, if an idea pops into your head, please let us know because we're still working on that. It's going to be a work in progress, you know, all through this year. So...

Mr. Snyder: Thank you.

Mr. Grimes: Appreciate it.

Mr. Snyder: We appreciate your diligence there. Mr. Engineer.

Mr. Benekos: Yes, as Mr. Cerreta indicated, we're looking at increasing the water rates. I've submitted legislation to that for next week for consideration. If Council would like, we're prepared to have ARCADIS come in and give a presentation to remind us of the water study they've just completed and the water rates study that they started in 2009 and completed in 2010; but we haven't yet increased water rates. So if you would like to set a time for them to come in, we can do that.

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Mr. Snyder: I appreciate you bringing that up. The Clerk had gave me that, and I thought I was going to speak to Mr. Cerreta about it. But since you brought it up, if it's at all possible, we would like to keep that off the agenda until ARCADIS comes in and brings everybody into actually why we do need the rates and what ... So if you could schedule that, even the following week or sometime.

Mr. Benekos: They're prepared to come next Monday.

Mr. Snyder: Well then, let's have them here. And then we may, at that point - of course we have that ...

Mr. Cerreta: 7:00? We'll have to go at 7:00 then.

Mr. Peters: 6:30.

Mrs. Kiesling: Are we doing 6:30 too?

Mr. Peters: Yeah.

Mrs. Kiesling: I know I saw your letter, but I didn't see ...

Mr. Foltz: 6:30.

Mrs. Werren: Make it 6:30.

Mr. Snyder: So, we should be able to finish that up in half an hour.

Mr. Cerreta: Yes, about a half hour, isn't it Jim?

Mr. Benekos: Yes.

Mr. Snyder: Then, we'll bring them in at 7 and talk to them.

Mr. Benekos: Okay.

Mr. Snyder: That way - that way everybody knows and that's Bruce McNutt ...

Mr. Benekos: Bob McNutt.

Mr. Snyder: Bob McNutt. But by the time he leaves, his name may be Bruce. That will be fine. Thanks, Jim. Mr. Bartos

Mr. Bartos: No report.

Mr. Snyder: No report.

Mr. Bartos: I know. It comes as a shock to everybody.

(Laughter)

Final Call for New Business:

Mr. Snyder: Were you on vacation last week or what? Is there anything from the Council to come before ... Again Mr. Cerreta, thank you for all your hard work and being the architect to that program and indeed that will be an annual thing here in the City and it was well received and we greatly appreciate that. I'll entertain a motion to adjourn.

Adjourn:

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

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

No: 0

The council meeting adjourned at 8:06 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL