



145 North Main St. · North Canton, OH 44720
Phone: 330-499-3986 Fax: 330-499-2080
citycouncil@northcantonohio.com

CITY OF NORTH CANTON COUNCIL OFFICE

NOTICE OF MEETINGS Committee of the Whole Monday, December 9, 2013 – 6:30 p.m.

President of Council
Jon Snyder

Vice President of Council
Marcia Kiesling

Council at Large
Mark Cerreta

Council at Large
Dan Griffith

Councilman, Ward 1
Doug Foltz

Councilman, Ward 2
Daniel Peters

Councilwoman, Ward 3
Stephanie Werren

North Canton City Council will meet as a Committee of the Whole **Monday, December 9, 2013 at 6:30 p.m.** in the Council Chambers at North Canton City Hall.

Items will be discussed as time allows, not necessarily in the order indicated.

1. Street & Alley Committee

Chairman: Dan Griffith
Vice Chairman: Daniel Peters
Member: Doug Foltz

ODOT Agreement re East Maple Street Improvements
Dan Griffith

2. Finance & Property Committee

Chairman: Jon Snyder
Vice Chairperson: Marcia Kiesling
Member: Dan Griffith

a. Discussion – Park Levy
Jon Snyder

b. Discussion - 2014 Interim Budget
Jon Snyder

Council Meeting Agenda Monday, December 9, 2013 – 7:00 p.m.

1. Call to Order: 7:00 p.m.
2. Opening Prayer: Rev. Eli Klingensmith, Zion Church
3. Pledge of Allegiance

4. Roll Call
5. Consideration

Council Meeting Minutes – November 25, 2013

6. Committee Minutes
7. Recognition of Visitors

OLD BUSINESS:

8. **Ordinance No. 75-13 – 3rd Reading – Finance & Property**
An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract by and between the City of North Canton and the Stark County Public Defender's Office for the purpose of providing legal counsel to indigent North Canton persons in Canton Municipal Court for a period of one (1) year beginning January 1, 2014 and ending December 31, 2014.
9. **Ordinance No. 77-13 – 3rd Reading – Finance & Property**
An ordinance amending Attachment "A" of Ordinance No. 7-13 Appropriation Ordinance of the City of North Canton, to reduce the appropriations in the 333 Hoover District Improvement Fund by \$1,336,200.00; and the 651 Water Exploration, Replacement, and Improvement Fund by \$100,000.00.
10. **Ordinance No. 78-13 – 2nd Reading – Finance & Property**
An ordinance to make temporary appropriations for current expenses and other expenditures of the City of North Canton, Ohio, for the period beginning January 1, 2014 and ending December 31, 2014 and declaring the same to be an emergency.
11. **Ordinance No. 79-13 – 2nd Reading – Finance & Property**
An ordinance authorizing the Mayor of the City of North Canton to enter into a Disbursement Agreement by and between the City of North Canton and the Stark Development Board Finance Corporation ("SDBFC") for the immediate disbursement of \$34,492.23 and further quarterly disbursements of \$11,432.96 from the SDBFC to the City in conjunction with the termination of the revolving loan fund program, and declaring the same to be an emergency.
12. **Ordinance No. 80-13 – 2nd Reading – Personnel & Safety**
An ordinance amending Section 20. COMPENSATION of Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, as amended, to establish the positions of "Chief Building Officer", "Nuisance Officer", and "Laborer"; change the title of "Chief Operator – Drinking Water Plant" to "Superintendent - Drinking Water Plant", and the rates of compensation for same; and to delete the classification of "Director of Administrative Services" and rate of compensation for same; repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

**Council Meeting
Agenda**

**December 9, 2013
Page 3**

REPORTS – COUNCIL:

Doug Foltz	Ward 1	Mark Cerreta	At Large
Daniel Peters	Ward 2	Dan Griffith	At Large
Stephanie Werren	Ward 3	Marcia Kiesling	At Large
Jon Snyder	Ward 4		

REPORTS:

Director of Law	Director of Finance	Director of Administration
Mayor	City Engineer	

FINAL CALL FOR NEW BUSINESS:

ADJOURN:

Gail M. Kalpac
Clerk of Council

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



City of NORTH CANTON, OHIO

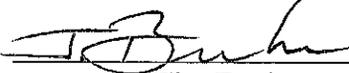
145 NORTH MAIN STREET
NORTH CANTON OHIO 44720-2587

LEGISLATION REQUEST

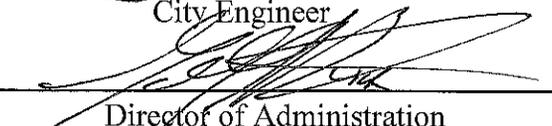
November 15, 2013

To: **Jon Snyder, President**
City Council

Subject: **East Maple St./Taft and McKinley Aves. Improvement Project**
(Agreement between the State of Ohio Dept. of Transportation and City of North Canton)

Requested By: 
City Engineer

Date: 11/15/13

Approved By: 
Director of Administration

Date: 11/18/2013

An ordinance authorizing the Mayor, through the Board of Control to enter into an agreement with ODOT for East Maple St./Taft and McKinley Aves Improvements Project.

This is a \$150,000 grant through the Jobs and Commerce Economic Development program to assist in the funding of this project.

EMERGENCY REQUESTED: Yes X No _____

RECEIVED

NOV 19 2013

COUNCIL OFFICE
NORTH CANTON, OHIO

**JOBS AND COMMERCE ECONOMIC DEVELOPMENT AGREEMENT
BETWEEN THE STATE OF OHIO, DEPARTMENT OF TRANSPORTATION AND
CITY OF NORTH CANTON**

THIS AGREEMENT is made by and between the State of Ohio, Department of Transportation, hereinafter referred to as ODOT, 1980 West Broad Street, Columbus, Ohio 43223 and the City of North Canton, 145 North Main Street, North Canton, Ohio 44720 (hereinafter referred to as the CITY).

1. PURPOSE

- 1.1 Section 5501.03(A)(3) of the Ohio Revised Code (ORC) provides that ODOT may coordinate its activities with those of other appropriate state departments, public agencies, and authorities, and enter into any contracts with such departments, agencies, and authorities as may be necessary to carry out its duties, powers, and functions.
- 1.2 ORC § 5501.11(A)(4) states the department of transportation with respect to highways shall cooperate with the counties, municipal corporations, townships, and other subdivisions of the state in the establishment, construction, reconstruction, maintenance, repair, and improvement of the public roads and bridges.
- 1.3 The CITY is constructing road improvements to widen and upgrade East Maple Street from North Main Street to Taft Ave, which would allow for a third lane as well as a drop off lane in front of the building. The project would also realign McKinley Avenue SE to the main entrance of the building providing for a functional crosswalk area (hereinafter referred to as the PROJECT).
- 1.4 The purpose of this Agreement is to set forth the responsibilities of the parties associated with the Jobs & Commerce Economic Development ("JCED") program funding (SAC 4JC7) that is being made available for the PROJECT by ODOT.
- 1.5 The CITY shall comply with all applicable Federal and State laws, regulations, and applicable executive orders in regards to the PROJECT. This obligation is in addition to compliance with any law, regulation, or executive order specifically referenced in this Agreement.

2. FUNDING AND PAYMENT

- 2.1 The total cost for the PROJECT is estimated to be \$1,800,000 as set forth below. Funds provided through ODOT shall be applied only to the eligible costs associated with the actual construction of the PROJECT improvements and construction engineering/inspection activities.

ODOT Jobs & Commerce ED Program Funds	\$150,000
Job Ready Sites	\$703,000
OPWC	\$882,000
North Canton	<u>\$65,000</u>
TOTAL	<u>\$1,800,000</u>

- 2.2 Funds provided by ODOT shall not exceed \$150,000.00 or 9 percent of the total project cost, whichever is the lesser amount. The CITY shall provide all other financial resources necessary to fully complete the PROJECT, including all cost overruns and contractor claims.
- 2.3 All funding from ODOT under this Agreement operates on a reimbursement basis. The CITY shall review and/or approve all invoices for materials, equipment and labor prior to payment and prior to requesting reimbursement from ODOT for work performed on the PROJECT.
- 2.4 The CITY shall ensure the accuracy of any invoice in both amount and in relation to the progress made on the PROJECT. The CITY must submit to ODOT a written request for reimbursement of the state share of the expenses involved, attaching copies of all source documentation associated with pending invoices or paid costs. To assure prompt payment, the measurement of quantities and the recording for payment should be performed on a daily basis as the items of work are completed and accepted. The CITY may submit a maximum of two requests for reimbursement at quarterly intervals. The deadline for the final reimbursement request is December 31, 2014.
- 2.5 Reimbursement to the CITY shall be submitted to:
 - North Canton Administrator
 - Mike Grimes
 - 145 North Main Street
 - North Canton, OH 44720

3. **PROJECT DEVELOPMENT AND DESIGN**

- 3.1 The CITY is administering this PROJECT and is responsible for all aspects of the project, including but not limited to: environmental responsibilities, permit requirements, right of way or utility reimbursement, and construction contract administration.
- 3.2 Any right, claim, interest, and/or right of action, whether contingent or vested, of the CITY, arising out of or related to any contract entered into by the CITY for the work to be performed by the Contractor on this PROJECT is the responsibility of the CITY. ODOT expressly rejects any liability for the PROJECT and any claims arising from the PROJECT.

4. **CERTIFICATION AND RECAPTURE OF FUNDS**

- 4.1 This Agreement is subject to the determination by ODOT that sufficient funds have been appropriated by the Ohio General Assembly to the State for the purpose of this Agreement and to the certification of funds by the Office of Budget and Management, as required by Ohio Revised Code section 126.07. If ODOT determines that sufficient funds have not been appropriated for the purpose of this Agreement or if the Office of Budget and Management fails to certify the availability of funds, this Agreement or any renewal thereof will terminate on the date funding expires.
- 4.2 If for any reason the PROJECT is found to not be in compliance with all applicable local, state, or federal rules and processes the CITY shall repay to ODOT an amount equal to the total funds ODOT disbursed on behalf of the PROJECT.

5. **THIRD PARTIES AND RESPONSIBILITIES FOR CLAIMS**

- 5.1 Nothing in this Agreement shall be construed as conferring any legal rights, privileges, or immunities, or imposing any legal duties or obligations, on any person or persons other than the parties named in this Agreement, whether such rights, privileges, immunities, duties, or obligations be regarded as contractual, equitable, or beneficial in nature as to such other person or persons. Nothing in this Agreement shall be construed as creating any legal relations between the Director and any person performing services or supplying any equipment, materials, goods, or supplies for the PROJECT sufficient to impose upon the Director any of the obligations specified in section 126.30 of the Revised Code.
- 5.2 The CITY hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the actionable negligence of its officers, employees or agents in the performance of the CITY's obligations made or agreed to herein.

6. **NOTICE**

- 6.1 Notice under this Agreement shall be directed as follows:

If to the CITY:

North Canton Administrator
Mike Grimes
145 North Main Street
North Canton, OH 44720

If to ODOT:

Christina Wagner, Regional Manager
ODOT – Office of Jobs & Commerce
2088 S. Arlington Road
Akron, OH 44306

7. **GENERAL PROVISIONS**

- 7.1 Record Retention: The CITY when requested at reasonable times and in a reasonable manner, shall make available to the agents, officers, and auditors of ODOT and the United States government, its books, documents, and records relating to the CITY's obligations under this Agreement. All such books, documents, and records shall be kept for a period of at least three years. In the event that an audit-related dispute should arise during this retention period, any such books, documents, and records that are related to the disputed matter shall be preserved for the term of that dispute.

- 7.2 Ohio Ethics Laws: CITY agrees that they are currently in compliance and will continue to adhere to the requirements of Ohio Ethics law as provided by Section 102.03 and 102.04 of the Ohio Revised Code.
- 7.3 Governing Law: This Agreement and any claims arising out of this Agreement shall be governed by the laws of the State of Ohio. Any provision of this Agreement prohibited by the laws of Ohio shall be deemed void and of no effect. Any litigation arising out of or relating in any way to this Agreement or the performance thereunder shall be brought only in the courts of Ohio, and the CITY hereby irrevocably consents to such jurisdiction. To the extent that ODOT is a party to any litigation arising out of or relating in any way to this Agreement or the performance thereunder, such an action shall be brought only in a court of competent jurisdiction in Franklin County, Ohio.
- 7.4 Assignment: Neither this Agreement nor any rights, duties, or obligations described herein shall be assigned by either party hereto without the prior express written consent of the other party.
- 7.5 Merger and Modification: This Agreement and its attachments constitute the entire Agreement between the parties. All prior discussions and understandings between the parties are superseded by this Agreement. Unless otherwise noted herein, this Agreement shall not be altered, modified, or amended except by a written agreement signed by both parties hereto.
- 7.6 Severability: If any provision of this Agreement is held to be invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or the ability to enforce the remainder of this Agreement. All provisions of this Agreement shall be deemed severable.
- 7.7 Term of Agreement: This Agreement shall be in effect from the last day executed by the parties through the date which is three (3) years after the Project Completion Date. CITY acknowledges that the Term extends beyond the Project Completion Date for purposes of reporting by the CITY and monitoring by Grantor of the results of the award of Grant Funds.
- 7.8 Signatures: Any person executing this Agreement in a representative capacity hereby represents that he/she has been duly authorized by his/her principal to execute this Agreement on such principal's behalf.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year last written below.

**MAYOR OF NORTH CANTON
OR AUTHORIZED REPRESENTATIVE**

**STATE OF OHIO
OHIO DEPARTMENT OF TRANSPORTATION**

By: _____

By: _____

Title: _____

Jerry Wray
Director

Date: _____

Date: _____

APPROVED AS TO FORM ONLY

By: _____

Timothy L. Fox
Director of Law – City of North Canton

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Jobs and Commerce Economic Development Agreement ("Agreement") by and between the City of North Canton ("City") and the State of Ohio Department of Transportation ("ODOT"), for the purpose of funding the East Maple Street (from Main Street to Taft Avenue NE and to realign McKinley Avenue SE) Improvements Project, in an amount not to exceed \$150,000, and declaring the same to be an emergency.

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

Section 1. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into an Agreement by and between the City and the ODOT, for the purpose of funding the East Maple Street (from Main Street to Taft Avenue NE and to realign McKinley Avenue SE) Improvements Project, in an amount not to exceed \$150,000.

Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriation:

330	CAPITAL IMPROVEMENT	
330.544.5229	Contract Payments	\$150,000

upon receipt of vouchers duly approved by the proper departmental authority.

Section 3. That, if any provision of this Ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this Ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, and safety of the City of North Canton and further necessary for timely funding and completion of the East Maple Street Improvements Project; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2013

ATTEST:

CLERK OF COUNCIL

A Resolution, pursuant to Ohio Revised Code Section 5705.03, requesting the Stark County Auditor to certify to the Council of the City of North Canton, Stark County, Ohio, the total current tax valuation of the City of North Canton, Stark County, Ohio, and the dollar amount of revenue that would be generated for a new tax of one and one-half (1.5) mills, pursuant to Ohio Revised Code Sections 5705.19, 5705.191 and 5705.25, for parks and recreational purposes in the City of North Canton, for a period of five (5) years, tax years 2014, 2015, 2016, 2017, and 2018, commencing in 2014, first due in calendar year 2015, and declaring the same to be an emergency.

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

WHEREAS, Ohio Revised Code Section 5705.03 requires the taxing authority of each subdivision to certify to its county auditor a resolution or ordinance requesting that the county auditor certify to the taxing authority the total current tax valuation of the subdivision, and the number of mills required to generate a specified amount of revenue, or the dollar amount of the revenue that would be generated by a specified number of mills prior to submitting any tax levy to the voters of the subdivision; and

WHEREAS, upon due investigation and consideration, Council of the City of North Canton has determined, that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the City and that it is therefore necessary to levy a tax in excess of that limitation for City parks and recreational purposes; and

WHEREAS, by reason thereof, this Council has determined that it will be necessary to tax one and one-half (1.5) mills, which is in excess of the ten-mill limitation, for the purpose of providing additional funds for parks and recreational purposes in the City of North Canton for a period of five (5) years, tax years 2014, 2015, 2016, 2017, and 2018, commencing in 2014, first due in calendar year 2015; and

WHEREAS, Council has determined that it is necessary to submit to the voters at the election to be held May 6, 2014, the question of new one and one-half (1.5) mills for City parks and recreational purposes, as authorized by Ohio Revised Code paragraph 5705.19(H); and

WHEREAS, Council has further determined that submission of the question of a one and-one-half (1.5) mills tax levy for City parks and recreational purposes is necessary for the City's proper financial operations, that each of those are directly related to the City's overall requirement to maintain and preserve the City's peace, health, and safety; and in order to submit aforesaid tax levy to the Stark County Board of Elections on or before the February 5, 2014 filing deadline for having said levy placed on the ballot for the for the election to be held on May 6, 2014.

NOW THEREFORE, BE IT RESOLVED THAT the Council of the City of North Canton, Stark County, Ohio, on behalf of City of North Canton, and as taxing authority for said City, does hereby determine that it is necessary to levy a tax, outside the ten (10) mill limitation for the purpose of providing additional funds for the City's parks and recreational purposes, for a period of five (5) years, tax years 2014, 2015, 2016, 2017, and 2018, commencing in 2014, first due in calendar year 2015.

BE IT FURTHER RESOLVED THAT the Council of the City of North Canton, as the City's taxing authority, pursuant to Ohio Revised Code Section 5705.03(B), does hereby certify to the Stark County Auditor this Resolution requesting that the Auditor certify to this taxing authority the City's current tax valuation and the dollar amount of revenue that would be generated by a new tax of one and one half (1.5) mills for City parks and recreational purposes, for a period of five (5) years, tax years 2014, 2015, 2016, 2017, and 2018, commencing in 2014, first due in calendar year 2015, and pursuant to Ohio Revised Code Sections 5705.19, 5705.191 and 5705.25, authorizing submission of the question of a new tax at the May 6, 2013, primary election.

BE IT FURTHER RESOLVED THAT the Clerk of Council, be, and is hereby directed and authorized to certify this Resolution to the Stark County Auditor pursuant to the provisions of Section 5705.03(B) of the Ohio Revised Code, and to proceed with all things necessary to be done in order to accomplish the purpose of this Resolution and the requirements of Section 5705.03(B) of the Ohio Revised Code.

BE IT FURTHER RESOLVED THAT it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Council and that all deliberations of the Council that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

That this Resolution is hereby declared to be an emergency measure necessary for City's proper financial operations, as well as the immediate preservation of the health, safety and peace of the City of North Canton, and further necessary in order to submit the question of a new tax on the ballot of the May 6, 2014, primary election; wherefore, this resolution shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2014

ATTEST:

CLERK OF COUNCIL

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 25 7:00 p.m. 20 13

Call to Order:

1. The council meeting was called to order Monday, November 25, 2013 at 7:00 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: Mayor Held, Director of Administration Grimes, Director of Finance Alger, Director of Law Fox, City Engineer Benekos, Director of Permits & Development Bowles and Clerk of Council Kalpac

Consideration:

5. Council Meeting Minutes – November 11, 2013
Mayor's Court Receipts – October, 2013
Financial Statement – October, 2013

Mr. Snyder: Thank you. May I have a motion and second to approve, as presented, council meeting minutes November 11, 2013, mayor's court receipts October, 2013, and the financial statement dated October, 2013.

Mr. Foltz moved and Mr. Peters seconded to approve, as presented, the council meeting minutes, mayor's court receipts, and financial statement. All members present voting:

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

No: 0

Committee Minutes:

6. Mr. Snyder: May I have a motion and second to approve, as presented, executive session meeting minutes for Personnel and Safety held 11/11/13, committee report minutes for Community and Economic Development; Finance and Property; Ordinance, Rules and Claims; Personnel and Safety; and Street and Alley, all held 11/18/13.

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, Werren, Cerreta, Foltz

No: 0

Executive Session for Personnel & Safety: Please refer to the minutes on file in the Council Office of the Executive Session meeting for Personnel & Safety held November 11, 2013.

Community & Economic Development: Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held November 18, 2013.

Finance & Property: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held November 18, 2013.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 25 7:00 p.m. 20 13

Ordinance, Rules & Claims: Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held November 18, 2013.

Personnel & Safety: Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held November 18, 2013.

Street & Alley: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held November 18, 2013.

Recognition of Visitors:

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

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. As most everyone in this room is aware, North Canton City Council is made up of seven elected representatives. Members of City Council are elected from each of the City's four wards and three at-Large council members are elected by the voters citywide. Anyone in attendance at a North Canton City Council meeting of yesteryear would be totally at a loss to explain the transformation of North Canton City Council meeting of today. As a member of North Canton City Council in the early part of the last decade, I would like to contrast the transformation I have witnessed in how City Council meetings have changed in this short time. In the good old days, as I would call them, citizens were allowed to speak at the start and conclusion of all four Monday night council meetings. Citizens were welcomed and their input on any issue they desired was heard without time limits or intimidation. Today that is not the case as citizens are time-limited and can only speak on alternating Monday night council meetings and only at the outset of a Council meeting. Council members show little interest in what residents have to say and disparage citizens after they have spoken. Many times I have seen citizens attend a City Council meeting hoping to address their Council representatives in an open forum only to discover that their interest in the process of government occurred on the wrong Monday night of Council. This happened to a resident last week when she was denied a chance to speak openly at last week's public council meeting on an issue under discussion by Council. And of course, residents of the City who pick the correct Monday night meeting to address North Canton City Council will run headlong into North Canton's new Law Director, Tim Fox, when their five minutes are up. Are we paying Mr. Fox the salary he is paid to be a timekeeper and to intimidate citizens of North Canton? Why is Law Director Fox dominating nearly all the dialog on issues before City Council? This is not how North Canton City Council meetings were conducted in the good old days. Mr. Snyder, you are the President of City Council, it is your responsibility to conduct city council meetings. I am at a loss to explain how or why you have chosen to allow the City's Law Director to take control of council meetings. The same question applies to the rest of the members of City Council. Mr. Fox is not an elected representative of the voters of North Canton. Law Directors in the good old days only spoke at City Council meetings when their legal expertise was requested. Law Director Fox should not be making policy and dominating discussions that come before Council. Many of you have seen how past Law Directors conducted themselves: Roy Batista, Tom Treadon, Randy McFarren, Paul Pusateri, and Hans Nilges. North Canton Law Director Fox is out of control and his interferences during the meeting and domination of dialog on issues needs to come to an end. Switching topics, I would like to address two pieces of legislation that are to be voted on tonight. In regards to the proposed tax abatement for Insight Realty, Mr. Snyder, at the end of last week's meetings you announced that North Canton needed revenue enhancement and that you planned to recommend a park levy be placed on the ballot for North Canton taxpayers to consider next year. In light of the fact that citizens have heard all year long of the City's financial plight and now your intention to place a park levy on the ballot in 2014, how can you justify a tax abatement for 15 years for Insight Realty? And to boot, Councilmember Mark Cerreta says that the intended recipients of the real property tax exemption already have a substantial presence in North Canton. Knowing the City's financial plight and now knowing your intentions to ask taxpayers to support a new tax levy for city parks while at the same time moving ahead with a tax exemption to Insight Realty, is insulting to the citizens of North Canton. Ordinance No. 70-13 should be voted down. Lastly, I would like to address the aspects of Ordinance No. 80-13 that

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 25 7:00 p.m. 20 13

proposes to retitle the position of Chief Operator – Water Treatment Plant to Superintendent – Drinking Water Plant with a sizable increase in salary for the new position. For several years now one half of the salaries of the City Administrator and the City Engineer have been paid out of the Water Fund. I seriously doubt that Mr. Grimes and Mr. Benekos spend half of their time on water issues. Paying general fund expenses out of enterprise funds I believe is illegal. But assuming that the two highest paid city officials, the City Administrator and City Engineer, do indeed spend one-half of their time on water related issues, as their pay would indicate, why does – why do the City's taxpayers need to fund yet another high-paid position to deal with water issues, titled "Superintendent – Water Treatment Plant"? Ordinance No. 80-13 needs to be reworked and I would urge that it be tabled. Keep the present title of Chief Operator – Water Treatment Plant. There is no reason to create another high level position in water that will be filled with yet another patronage appointment by the Mayor.

Mr. Snyder: Alright, sir, appreciate your comments, and they're noted. I thank you for that. Is there anybody else wishing to speak to the Council this evening? Step forward, state your name and address for the record.

Larry Tripp: 1127 East Maple, North Canton. Two weeks ago, I spoke before Council and was about, or I guess I did break the cardinal rule of going over my five minute speaking limit. Surely rules are rules and they must be followed. After that meeting, I met with Mrs. Werren, Chairperson, Ordinance Rules and Claim Committee, and we briefly went over rules of council in which I expressed my concern, and she explained some things to me which had recently occurred. Since that meeting, I have read and reread the rules of council, and in particular rules of decorum, courtesy and propriety. Inasmuch as I may have challenged the five minute speaking rule, in my opinion these rules are challenged much more frequently by some city employees and/or council members. Maybe my thoughts and understanding of these rules are not correct. And if so, I would welcome someone from Council to further explain that to me: one, Council Meetings, as stated in the rules 7 p.m. – not 7:15, not 7:20, but 7:00 p.m. It seems to be happening with more frequency the 7:00 p.m. starting time is not being followed. Enough said on that. Two, I'm a citizen of North Canton and do not like being considered a guest. My understanding of the word "guest" is a person who is invited to visit or stay in someone's home. I come to council meetings on my own free will, not through an invitation. In my thinking, using the word "guest" instead of resident or citizen of North Canton implies council ownership. Three, guest, oops, there's that word "guest" again. Guests deserve and should expect a courteous, respectful hearing at their - of their comments and concerns regarding matters under Council's jurisdiction. When I spoke two weeks ago, four - four members of Council were chewing gum in front of me, distracting and disruptive to me while I was speaking. A bit trivial maybe, but not when a citizen of North Canton is standing up there speaking or sitting in the audience and listening to others, Hey, maybe that distraction caused me to challenge the five-minute rule. Four, passage paragraph where each speaker should first acknowledge he or she has read and understand Council's rules of decorum, courtesy and propriety and recognition of visitors. Since coming to Council meetings for the past six or seven years, and myself probably speaking seven or eight times, I don't recall myself or anyone else ever having to make that acknowledgement. Either use it or get rid of it. I speak tonight because I sense just a small crack in the rights of individuals of North Canton to freely voice their opinion within the true confines of rules of council. In my opinion, unless corrected, actions and/or comments will only escalate and cause more than embarrassment to North Canton. Rules of Council should be equal to all, including city employees, Council members, guests and North Canton citizens. I did not see that occurring the evening of September 30th, nor two weeks ago, and many other Council meetings. Again, maybe a bit trivial, but what is expected from the audience should be expected from those sitting before us. Thank you. Everybody have a good Thanksgiving.

8. Mr. Snyder: Thank you. We appreciate your comments. Anyone else wishing to speak this evening? Seeing none, we'll move then to Old Business. Excuse me for a moment, - may I have a motion to read by title only, the third reading of Ordinance 71. Or excuse me, is this the one that you want to ...

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Mrs. Kiesling: No, this is third reading.

Mr. Snyder: No, 71-13.

Mr. Foltz moved and Mr. Cerreta seconded to **read by title only, third reading** of Ordinance No. 71-13. All members present voting:

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

No: 0

Ordinance No. 71-13 – 3rd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton upon concurrence of Council, through the Board of Control, to enter into a contract for administering a self-insured health insurance program for the of period December 1, 2013, through November 30, 2014, for the employees of the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: This is the City provided health care coverage for its employees. It will renew on the first day of December as it expires. Mr. Fisher was here, what, three weeks ago and explained it. We have looked at a few other changes, and we're working towards that. If they do change again, we're bound by bargaining unit agreements not to change the genesis too much of it. There's some things that they're trying to tweak in there that we possibly, and if it does we'll bring that back to you and for your consideration. But if there are no questions on that, I would entertain a motion to adopt the third reading of Ordinance No. 71-13.

Mr. Griffith moved and Mrs. Werren seconded to **adopt the third reading** of Ordinance No. 71-13. All members present voting:

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

Abstain: Kiesling

No: 0

Mr. Snyder: Now, we have to adopt that on emergency to have it go into effect, do we not? Or does that adopt automatically?

Mr. Fox: No, it will simply take effect 30 days after...

Mr. Snyder: Well, that would be too, wouldn't be too late, though would it not? Doesn't has to be in effect the first of December?

Mrs. Kalpac: It has an emergency ...

Mr. Fox: Well, I think because it's an emergency, it would take effect the day after you decide...

Mr. Snyder: So, I will, the rules, I did not have to suspend the rules because this is the third reading. But I would like to have a motion to adopt this on an emergency basis. As time is of the essence, this must be in place on the first day of December, as it will expire on Sunday.

Mrs. Kalpac: This has an emergency clause. There's nothing to suspend or...

Mr. Snyder: Oh, it doesn't? I don't need to do that? It automatically adopts?

Mrs. Kalpac: Yes.

Mr. Snyder: Okay. My apologies, Council.

Mr. Fox: What we're waiving is normally the three readings.

9. Mr. Snyder: Alright. I follow you. I apologize. So we're set on that. Alright, may I have a motion and second to amend Ordinance No. 73-13.

Mrs. Kiesling moved and Mr. Peters seconded to amend Ordinance No. 73-13.

Mrs. Kiesling: Do we say what we're amending it to?

Mr. Snyder: Oh, I apologize, to extend the proposed community reinvestment agreement for Insight Realty by three years from twelve to fifteen.

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Mr. Griffith: We didn't we amend it back before?

Mrs. Kiesling: We did, we took it back to twelve.

Mr. Griffith: That was my question ...inaudible...

Mrs. Kiesling: We did.

Mr. Snyder: Yeah, we took it back to twelve.

Mr. Griffith: Well then ...inaudible...

Mrs. Kiesling: We took it back to fifteen.

Mrs. Kiesling: I motion that we amend it.

Mr. Snyder: From twelve to fifteen.

Mrs. Kiesling: Correct.

Mrs. Kiesling moved and Mr. Peters seconded to **amend Ordinance No. 73-13 extend the proposed community reinvestment agreement for Insight Realty by three years from twelve to fifteen.** All members present voting:

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

No: 0

Mr. Snyder: Now, may I have a motion and a second to read, as amended, Ordinance 73-13?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, third reading, as amended,** of Ordinance No. 73-13. All members present voting:

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

No: 0

Ordinance No. 73-13 – 3rd Reading – Community & Economic Development

An ordinance authorizing an agreement between the City of North Canton and Insight Realty, LLC providing for a real property tax exemption pursuant to Ohio's Community Reinvestment Area program.

Mr. Snyder: Madam Chairman, I rise to a question if I may?

Mrs. Kiesling: Yes.

Mr. Snyder: It was brought up in a public speaks that the City's financial condition doesn't warrant this particular investment. The City's waiver is for \$138 per year for fifteen years, which is roughly ...

Mrs. Kiesling: 7200.

Mr. Snyder: \$7,200. The estimated annual projected income tax is in excess of \$12,000 per year. So it is a net gain of almost \$9,000 per year, on the minimal amount of employment. So we're not just ... dealing out the money just willy-nilly it is an investment. The City's investment on the tax is \$483.00. So let the record state that so it's clear that we're not giving it away the farm so to speak. And the reasons why were articulated in the meeting prior to. Thank you for that courtesy. Thank you. Any comment?

Mrs. Kiesling: Motion to amend - I think we've ,,inaudible... got it.

Mr. Foltz: We talked out?

Mrs. Kiesling: Yeah.

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the third reading, as amended,** of Ordinance No. 73-13. All members present voting:

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

No: 0

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10. Mr. Snyder: May I have a motion and a second to read the third reading of Ordinance No. 74-13?

Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 74-13.

Mr. Fox: Do you need to adopt that one?

Mr. Snyder: Oh yeah, I apologize, we do need to do that.

Mr. Fox: Approved as amended, we need to adopt.

Mr. Snyder: Yes, let me have a motion and a second to ...

Mrs. Kalpac: You did adopt it.

Mr. Snyder: We did adopt that – it was just adopted.

Mrs. Kalpac: Yes.

Mrs. Kiesling: Yeah, the first one was ...inaudible...

Mr. Snyder: So we're alright then on moving to No. 10. Okay, there's a motion and a second to read by title only, the third read of 74-13.

All members present voting:

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

No: 0

Ordinance No. 74-13 – 3rd Reading – Water, Sewer & Rubbish

An ordinance authorizing the Spectrum Medical Office Building Waterline Extension, located along the east side of Frank Avenue, starting at Applegrove Street and extending south, in Jackson Township, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said waterline extension.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Yes, this is the third and final reading. We've talked about this. This is to get our water over there with Spectrum at no cost to us as the developer will take care of all the costs. I move we adopt this in the third reading.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 74-13. All members present voting:

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

No: 0

11. Mr. Snyder: May I have a motion and a second to read by title only, the second reading of Ordinance No. 75-13?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, the second reading** of Ordinance No. 75-13. All members present voting:

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

No: 0

Ordinance No. 75-13 – 2nd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract by and between the City of North Canton and the Stark County Public Defender's Office for the purpose of providing legal counsel to indigent North Canton persons in Canton Municipal Court for a period of one (1) year beginning January 1, 2014 and ending December 31, 2014.

Mr. Snyder: We're - by law will have to provide council to the indigent. We've used the Public Defender's Office in the past. This will renew the existing contract; I believe the amount stays the same. And we'll renew on the first of January of this coming year. Any questions? If not, may I have a motion to adopt the second reading of Ordinance No. 75-13?

Mrs. Werren moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 75-13. All members present voting:

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

No: 0

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12. Mr. Snyder: May I have a motion and a second to read by title only, the second reading of Ordinance No. 77-13.

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, second reading** of Ordinance No. 77-13. All members present voting:

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

Ordinance No. 77-13 – 2nd Reading – Finance & Property

An ordinance amending Attachment "A" of Ordinance No. 7-13 Appropriation Ordinance of the City of North Canton, to reduce the appropriations in the 333 Hoover District Improvement Fund by \$1,336,200.00; and the 651 Water Exploration, Replacement, and Improvement Fund by \$100,000.00.

Mr. Snyder: We're reducing the appropriated amount because some of that money has come back through the State under the JRS (Job Ready Site) Grant, and some of it was on particular projects that were overfunded in the appropriation to rebalance the line items. Do we need that to pass by the year end? There's no hurry on that?

Mrs. Alger: By year end? Yes.

Mr. Snyder: As long as we have another reading, we'll be able to pass it, alright. So is there any questions on that? It's a bookkeeping entry. So if not, I'd like a motion to adopt the second reading of Ordinance No. 77-13.

Mrs. Kiesling moved and Mrs. Werren seconded to **adopt the second reading** of Ordinance No. 77-13. All members present voting:

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

New Business:

13. Mr. Snyder: May we have a motion and a second to read by title only, the first reading of Ordinance No. 78-13.

Mr. Griffith moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 78-13. All members present voting:

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

Ordinance No. 78-13 – 1st Reading – Finance & Property

An ordinance to make temporary appropriations for current expenses and other expenditures of the City of North Canton, Ohio, for the period beginning January 1, 2014 and ending December 31, 2014 and declaring the same to be an emergency.

Mr. Snyder: This is the first reading of the temporary budget. There have been some changes already made into that budget there's a - we're moving along. It is a work in progress. Some of it has been reduced. I was looking for my little - you did receive a little note from Director Grimes explaining some of the things relative to that. Also, there was a request from the Chairman of Personnel that the title of Administrative Director of Administrative Services be eliminated from that and that money is not in the budget. So that money and the explanation on the attempt of the reason why the increase of pay for the Water Superintendent is in there. It has to be done. And there, I believe there is also an explanation on the mowing. And again, these are all temporary things. They're a work in progress. We do need to put some budget in place by January 1. Unlike the Federal Government, we don't all shut down on the first day of January. So we'll do that. I know there were questions, Member Werren had some questions relative to the firing range and we're working on that. We hope to bring that back to you on the 9th when we re-read this again. And we'll have those questions. And if you have any questions or any - please make some marginal notes in there that we can bring it up at the next Council of the Whole and talk about it. If there's things that you think need to be put in there, or added. My statement in passing to you was not given to you lightly when I talked about a park levy last week. It was briefly spoken of. Park line item this year is

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\$860,000. Parks are a necessary thing in economic development in this City. It is imperative that we keep them in shape. It is imperative that they be state-of-the-art to provide not only for the citizenry, but for people coming into the City. That is one of the first things everyone wants to know what type of recreation we have for their family. It's - in order to do that we need additional revenue. And that's a large chunk. And it is - people that use the parks are willing to pay for the parks. Thinking about a 1 to a 1½ mil levy, it generates just upwards bumping up against the \$800,000 - about 700 and some. We haven't figured out exactly. But that's not a Band-Aid; that will take us at least out five years. We've look to put that levy on in five year sunset. Put it on for five years and see how it's going. That would be designated totally for park operations and improvements. There's a lot of things that have to be done. In the general fund it's tough to support that without looking at different tax increases. So we felt that was the best way to look at that. And again, that will be something that will have to be considered early January as we have to have it down there in place 90 days prior to the election. So we'll be looking at that our first meeting in January, and I'll be to give - I'd like to be able to get with Chairman Foltz and Mr. Peters because they both have long-range ideas and hopes for the park along with Mr. Cerreta, Mrs. Werren, and Mrs. Kiesling, and make sure that that money gets marked for some of those ideas that your constituency has - and Mr. Griffith too. I wouldn't forget you, Danny. In fact, I was going to make you Chairman of the Ad Hoc Committee. But I know - but we'll talk about that, so that will be on there. But if there's no questions from Council relative to the temporary budget, we'll approve it. And Mayor, do you have any input on there? Is there any questions?

Mayor Held: Yes, I just wanted to clarify. When we're looking at the positions, Mr. Osborne had mentioned about, you know, a patronage job, and I want to clarify that when we're hiring in the City, when you look at other municipalities that, you know, that are struggling, and we are struggling, we're just not struggling as much as the other municipalities are. And when you look again, and I know I've said this over and over, but we've cut our work force by 23 percent from 116 full-time employees down to, was it 92, 93, that amount varies. So we're learning to do more with less. This evening, we just hired two new part-time paramedics. Well one paramedic and one part-time EMT. I mean the reason this City does so well financially is because we keep our personnel very, very low by comparison to other cities. In addition to that, our labor agreements allow us to hire part-time employees in the Fire Department, in the EMS, and in the Police, which is a tremendous savings to the City. In addition to that, when you're looking at the Water Treatment Plant, we have union employees, or classified employees, and we have exempt, and what was referred to this evening as a patronage job, you have exempt employees. The reason that you have that is because they're in charge of their department. And they do not have the same protection as far as the labor agreement. So if they're doing a bad job, they're able to be removed. That's why it's set up that way. But they are responsible. They're responsible for that Water Treatment Plant. So when we're looking at the Water Superintendent, he's in charge of seven drinking water plant operators which used to be, I believe, twelve to fourteen. We cut that in half. We used to have two drinking water plant operators on every shift. 24/7. Now, we're down to one. And, occasionally you can have overlap depending on the schedule, right. But we're down to seven drinking water plant operators that man the drinking water of - how many households do we have now on our drinking water in our, you know, we have over seventeen thousand people certainly in our customers for our Drinking Water Plant. But the responsibility is tremendous for the Drinking Water Plant. They're responsible for every drop of water that's pumped out of the ground, sent to the Water Treatment Plant, treated through a very, very sophisticated chemical process, and then distributed out to the residents and businesses, and then tested on a regular basis to meet the Ohio EPA (Environmental Protection Agency) requirements. So this individual that we're putting in as Water Superintendent is not what I would consider to be a political patronage job. It is a very sophisticated position that requires a tremendous amount of responsibility, and they are responsible 24/7. If they go on vacation to Florida, they're still responsible for those individuals; just as Mike Grimes is responsible and Jim Benekos is responsible whether they are here in the City or not. They are responsible 24/7. And the same as our Council members. It doesn't matter the amount of time that you're sitting here in the Chambers. You're still responsible. So I just wanted to clarify that, that we have, we really have significantly reduced the number of full-time

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employees. We have expanded the number of our part-time employees as much as we can because it's the most cost-efficient way to provide city services right now. And every person that we hire, we are seeking the best and most qualified, most talented people that we can put in those positions. So when we're looking for a pay rate, an increase in the pay range, we want to make sure that we're getting the most experienced person that we can. Could we hire somebody at a lower rate? Yes. But they're not going to have the experience that we expect here in the City. So, thank you for allowing me to just cover that, and ...

President Snyder: Mayor, I think that it's the point that has to be presented also. Is that in this particular budget, there are quite a few capital pieces of equipment for the different departments that request it that will make a more efficient operation. It will actually be, not only safer, but more efficient. And as a credit to the department heads that they're requesting equipment that is not only safe for the men in their charge, but also puts the work ahead of the times. We're moving, getting the work done with less men and women in this ...inaudible...

Mayor Held: Absolutely.

Mr. Snyder: And it is a credit to all department heads in their budget requests, and we were able to fulfill those budget requests because of the fact of that. So we want to make that publically known.

Mayor Held: Thank you.

Mr. Snyder: Any other questions of Council relative to the budget? If not, as I say, we'll be reading this again on the 9th. So if you have any questions.

Mr. Foltz: And we'll talk about it next week at committee?

Mr. Snyder: Right. We'll be in committee again next week.

Mrs. Kiesling: No, we won't.

Mr. Snyder: Oh, it's on the 9th.

Mrs. Kiesling: So, really you really should have your questions answered well ahead, because we're going to do committee on the 9th and...

Mr. Snyder: We're going to do a committee prior to the meeting Committee on the 9th. Next week, we'll be doing an installation meeting on the 2nd, and then on the 9th we'll have a meeting on the 9th.

Mr. Foltz: I didn't know we were going to have a committee meeting. Okay.

Mr. Snyder: Yeah. I was going to announce that here on the end. So, if you have any questions, please margin them and then we'll address those accordingly. Okay, so may we have a motion to adopt the first reading of Ordinance No. 78-13?

Mr. Griffith moved and Mrs. Werren seconded to **adopt the first reading** of Ordinance No. 78-13. All members present voting:

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

No: 0

14. Mr. Snyder: May I have a motion and second to read by title only, first reading of Ordinance 79-13?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 79-13. All members present voting:

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

No: 0

Ordinance No. 79-13 – 1st Reading – Community & Economic Development

An ordinance authorizing the Mayor of the City of North Canton to enter into a Disbursement Agreement by and between the City of North Canton and the Stark Development Board Finance Corporation ("SDBFC") for the immediate disbursement of \$34,492.23 and further quarterly disbursements of \$11,432.96 from the SDBFC to the City in conjunction with termination of the revolving loan fund program, and declaring the same to be an emergency.

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Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is a program that was introduced back in the 1990's that we took part of. The Stark County Development - Stark Development Board has come to the conclusion that it's not an efficient program anymore and we're going to end it, and they're going to disburse our funds back. So we just need an ordinance stating that we accept the money. Of course we're going to accept the money, but this is housekeeping to dissolve the Stark revolving funds. Any questions? I motion we adopt.

Mrs. Kiesling moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 79-13. All members present voting: Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz, Griffith No: 0

- 15. Mr. Snyder: May I have a motion and second to amend Ordinance No. 80-13 to delete the classification of Director of Administrative Services and the rate of compensation for same.

Mr. Peters moved and Mrs. Kiesling seconded to amend Ordinance No. 80-13, to delete the classification of Director of Administrative Services and the rate of compensation for same. All members present voting: Yes: Peters, Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling No: 0

Ordinance No. 80-13 - 1st Reading - Personnel & Safety

An ordinance amending Section 20. COMPENSATION of Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, as amended, to establish the positions of "Chief Building Officer", "Nuisance Officer", and "Laborer"; change the title of "Chief Operator - Drinking Water Plant" to "Superintendent - Drinking Water Plant", and the rates of compensation for the same; and to delete the classification of "Director of Administrative Services", rate of compensation, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes, thank you, Mr. President. We had a request from Administration to change the title to Superintendent, Drinking Water Plant from Chief Water Operator and address the salary range of Superintendent and the CBO and then add the positions of Part-time Laborer and Part-time Nuisance Officer and also striking Director of Administrative Services from Section 20 also. And we discussed last week, we're going to have job descriptions forthcoming on that. Right? Any questions? Oh, yes sir.

Mr. Snyder: Chairman Peters. Mr. Peters: Yes.

Mr. Snyder: Is it my understanding the purpose and maybe we'll have to defer to Administration, to change the title of that position, as the intention of the Administration as add responsibilities to that job. Is that correct?

Mr. Grimes: Yes sir, we're going to add a few more responsibilities to that. Right now the Engineer does a lot of water distribution which, you know, Jim's career is going to come to an end at some point, and they need someone to make sure they're sticking to that too. So,

Mr. Snyder: Right. And consequently that's the reason for the wage offset is additional duties will be added to that job classification.

Mr. Grimes: Correct. And that's a range. Not that we're going to offer that. That's just a range that we play with. Superintendent, again, is not adding that we're changing it instead of Chief Operator. We've had it numerous ways. In fact, the job

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description that Clemans & Nelson did for us, he called it Water Superintendent, just like we had it with Rich. So I'm just trying to clarify that, and just get a title there.

Mr. Peters: But we're also addressing the range for Chief Building Officer also. You know, we've been talking for well over a year to get Eric more help and they've been doing a great job as short staffed as they are, as all the department heads have, quite frankly. So. Okay, any questions on that?

Mr. Griffith: I think it's important to note too, that should make an economic development impact as well. That's important.

Mr. Peters: Yeah, I agree. And with that I'll motion to adopt the first reading of 80-13.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 80-13**. All members present voting:
Yes: Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling, Peters
No: 0

16. Mr. Snyder: Alright. May we have a motion to read by title only, the first reading of Resolution 81-13?

Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, first reading of Resolution No. 81-13**. All members present voting:
Yes: Werren, Cerreta, Foltz, Griffith, Peters, Snyder
No: 0

Mrs. Kalpac: You know what, we made a motion or second to amend Personnel & Safety 80-13, and then we have a motion and second to read, but we needed another one to adopt.

Mrs. Kiesling: What did we amend?

Mr. Snyder: We amended the, we did have a motion and second to amend 80-13.

Mrs. Kalpac: Yes, we had a motion to read, and then you guys discussed it, and now we need one to adopt.

Mr. Snyder: I thought he made a motion to adopt. Oh, you just called...

Mr. Peters: That was a motion to adopt. But, we did not do it under emergency,

Mr. Snyder: No, it's not under emergency.

Mrs. Kalpac: Okay

Mrs. Werren: ...inaudible...

Mrs. Kiesling: It's in there. It'll suspend the rules.

Mrs. Werren: Okay.

Mr. Peters: Alright, so we're good on that.

Mr. Snyder: So now we need a motion to read, first reading of Resolution No. 81-13.

Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, first reading of Resolution No. 81-13**. All members present voting
Yes: Werren, Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder
No: 0

Resolution No. 81-13 – 1st Reading – Personnel & Safety

A resolution authorizing the Mayor of the City of North Canton to enter into a Contract and Memorandum of Understanding ("MOU") by and between the City of North Canton ("Sub-grantee") and the University of Akron Research Foundation ("Lead Agency") to temporarily join and be a participating member of the Stark County OVI (Operating of a Vehicle while Intoxicated) Task Force and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters.

RECORD OF PROCEEDINGS

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 25 7:00 p.m. 20 13

Mr. Peters: Yes a resolution to continue our partnership with the University of Akron, which has been a very successful partnership. Chief Wilder, I don't want to put the Chief on the spot here, but he's in the audience if anyone has any questions for him feel free to ask him. But as was mentioned, Chief, in last week's meeting, that the State has taken an interest in how well we run out check points and have used this department as a model for other agencies throughout the State of Ohio, so kudos to you and your staff. And, I know that Sergeant Kemp is in the audience too, kudos to you also, sir. And if anyone has any questions for these two guys ...

Mr. Snyder: No.
Mrs. Kiesling: Alright, thank you.
Mr. Snyder: Glad to support that.

Mr. Peters: Thank you gentlemen.

Mr. Grimes: Mr. President, is that passable tonight, or...
Mr. Snyder: It is, sir. If you'd like it done tonight...
Mr. Grimes: We'll miss the money over the holiday weekend here.
Mr. Snyder: Well, we'll make sure that we get in on it.
Mr. Grimes: Okay.
Mr. Snyder: We're kind of like the Salvation Army.
Mr. Grimes: Yes, sir.
Mr. Snyder: Give us an old bell and ...

(Laughter)

Mr. Snyder: We could do that.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading** of Resolution No. 81-13. All members present voting:
Yes: Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder, Werren
No: 0

Mr. Snyder: May I have a motion and a second to suspend the rules of council for Resolution 81-13?

Mr. Peters moved and Mrs. Kiesling seconded to **suspend the rules** for Resolution 81-13. All members present voting:
Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Werren, Cerreta
No: 0

Mr. Snyder: Since there are unknown financial gains that could be gotten for the City, we'll adopt this under the suspension of the rules. May I have a motion to do so?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under the suspension of the rules** Resolution No. 81-13. All members present voting:
Yes: Griffith, Kiesling, Peters, Snyder, Werren, Cerreta, Foltz
No: 0

Reports – Council: Mr. Snyder: Mr. Foltz

Mr. Foltz: No report

Mr. Snyder: Mr. Peters:
Mr. Peters: No report. Just happy holidays.

Mr. Snyder: Mrs. Werren.

Mrs. Werren: Just a couple of quick comments. Larry, I appreciate your comments and I know that we did talk about the time limits, and I think we're all going to make a conscious effort. We've been talking about it before that and it's important for all of us to be timely as well. And it is - I wanted to have the rules of decorum up there. I know we talked about that as well. And I didn't talk to Gail on time, so that was my fault. But I'm working on it, so I do appreciate your comments. And that's it.

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DAYTON LEGAL BLANK, INC., FORM NO. 1D148

Held Monday, November 25 7:00 p.m. 20 13

Mr. Snyder: Thank you. Mr. Griffith.

Mr. Griffith: Larry, Stephanie is back there reminding us of the time. So I want to give her credit for that too. Well thought. I want apologize, I'm not going to be here next Monday. I will be coming back from my parents' place. So I apologize, but all the best to each of you, and happy holidays - Happy Thanksgiving.

Mrs. Kiesling: You won't be here at the swearing in?

Mr. Griffith: I won't. I will be in Alaska.

Mr. Snyder: Godspeed to you in your trip.

Mrs. Kiesling: I know. I didn't know when it was. That will be awesome.

Mr. Griffith: It's a long way. It takes a long time to get back and forth. Very good.

Mr. Snyder: Mr. Cerreta

Mr. Cerreta: No report. Happy Holiday.

Mr. Snyder: Thank you. Mrs. Kiesling

Mrs. Kiesling: No report.

Mr. Snyder: I have a couple of things. I would just like to remind Council prior to your swearing in, the Clerk next Monday will, I think the canvas board meets tomorrow at the Board of Elections to certify the elections which in turn will give you an election certificate. However, before you can get your election certificate certified so you can be sworn in, you must have your financial statement completed and filed at the Board of Elections. The filing deadline is the 13th of December. However, to take office it must be in place. That's a little known glitz in the State Law, making sure that you filed that. So, you have until, by next Monday at 4:00 p.m. or I think it's 4 or 4:30 that they close. Make sure it's filed.

Mr. Peters: Jon, can you do that online?

Mr. Snyder: You can do that online, yes.

Mrs. Werren: Are you sure?

Mr. Snyder: Yes, you can file online.

Mr. Peters: I know the Ethics Commission, you can do on line.

Mr. Snyder: Yeah, you can file.

Mrs. Kiesling: They have to stamp it and all that. I don't think you can.

Mr. Snyder: Yeah, you can file on line.

Mrs. Kiesling: Can you file on line?

Mr. Snyder: You just scan it. You can get the form off the internet and scan it and send it.

Mrs. Kiesling: Really?

Mr. Snyder: And, if you have any questions, call Theresa Large at the Board of Elections, she's in charge of that. I know, I'm getting mine ready. I didn't file it yet. And of course depending on the amount you spend, if you do not spend \$1,000, I don't think you're required

Mr. Peters: Oh no, you're not. That's right.

Mr. Snyder: There's an exemption, I think it's a thousand dollars. I'm not... Don't quote me on that, but you might check just to make sure. Because...

Mr. Peters: You still have to dissolve your committee.

Mr. Snyder: Yeah. If you have a committee, you have to dissolve it.

Mrs. Kiesling: You don't have to.

Mr. Snyder: If you keep it open, you have to file every year.

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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Mrs. Kiesling: Right. That's what I've always done.

Mr. Cerreta: Don't forget to put your address on it, too.

(Laughter)

Mr. Foltz: I was going to say Mark, you ought to file online and then go down there in person.

(Laughter)

Mr. Peters: We'll go down there together, Mark.

Mr. Snyder: That's one thing. The other thing that we got that – next Monday we'll be meeting at 6:30, and what we're going to do because of time involved in it, we're going to – I've decided to put the work session and the regular council meeting together on the 9th. And so we hopefully will meet, that depending probably 6 o'clock on that Monday. I know it's tough for Mrs. Kiesling sometimes, but...

Mrs. Kiesling: No doubt, I'll be here by 6.

Mr. Snyder: Well, we may go to 6:30, but right now tentatively, it's a very small agenda. There's I believe two items that right now, but by that following Monday could be some other items, but we will be considering that moving to a council meeting right afterwards. So that's next Monday at 6:30. I believe the Mayor has the honorable Frank Forchione ready to do the ceremony. Take care of that. And then lastly, the last couple of years, and I didn't, I forgot to mention this, but the Fireman's Dependency Board will meet on the 15th. Mr. Foltz and I have had the privilege of serving on that Board. Do you want to do that again, Mr. Foltz?

Mr. Foltz: Yes.

Mr. Snyder: And I would like, if some member of Council would like to serve on that Board, simply it's a State law that you have to – they meet and they talk in case there is any, God forbid, a death on the, in the act of a fire, that it's handled so that somebody is answerable to the State to the surviving family of the firefighter that was injured, whether it be he or she but

Mr. Foltz: That's December 16th at 6:00 p.m.

Mr. Snyder: Right. If somebody would like to – it's a short meeting. It's about what, a half an hour? Captain Coen and former Chief Bacon, Fire Prevention Chief Bacon's, on that Board, and I believe one other firefighter. I'm not sure, and then two members of Council. That's set by the State. And so I'd like someone to do that. And I'll ask the Clerk to forward that to Captain Coen so he knows who's coming.

Mr. Foltz: I'll be there.

Mr. Snyder: Yeah, Mr. Foltz will be there. Is anybody else interested.

Mr. Foltz: Gail, will you give us a reminder, too.

Mr. Cerreta: Where's it at?

Mr. Snyder: The Fire Department.

Mr. Cerreta: I'm good.

Mr. Snyder: Okay. And then Member Cerreta and...

Mr. Foltz: It's 6 o'clock, December 16th.

Mr. Snyder: Here it is.

Mr. Foltz: Because I made most of them. Sometimes ...inaudible...

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Mr. Snyder: I have a conflict and I've got to pass. So you'll forward that to Captain Coen at – those two names that Member Cerreta and Foltz will be there at the meeting. Thank you very much for that. Okay, continuing reports. Director of Law.

Reports:

Mr. Fox: Yes, sir. There were some questions and requests for some updates on the Mayor's Court tax collection program. And Gayle Bruce, from our Tax Department, although the program started I believe in October of last year, the numbers that she put together represent from January 1st through November 6th of this year. And the amount collected represents 210 tax years from 2006 through 2012 in actual cash payments that we received is \$45,492. There are payment agreements that have resolved through remaining that's outstanding on those cases for approximately \$63,000, and then the penalties and interest from this timeframe doubled even considering the entire year from last year, it's just under \$64,000. So the tax collection program from January up through the first week of November results in approximately \$172,000 in collections. So, it's running along.

Mr. Snyder: That's good money.

Mr. Fox: Yes, sir. It's running along really well with Gayle Bruce in the Tax Department, and then Jane Housos, our Mayor's Court Clerk. So clicking along very well.

Mr. Snyder: That's very good.

Mr. Fox: Very helpful with Magistrate Nist overseeing those.

Mr. Snyder: Good. Appreciate it. That's very good. Thank you for that.

Mr. Fox: That's it. Thank you.

Mr. Snyder: Director Alger

Mrs. Alger: We had an exciting afternoon. We got all our pay stubs emailed. And that's putting us into the 21st Century, so we're kind of happy. You guys will all be = all employees will be receiving email pay stubs starting the first pay in 2014. So I just wanted to let you all know that it's working. e tested all the various: Yahoo, gmail, AT&T, Warner Cable all of it or whatever it's called...

Mr. Snyder: Road Runner.

Mrs. Alger: Road Runner. And then also, I just want to thank all the department heads, since they are here, and Council President, and of course Director Grimes here for helping resolve the temporary budget and we get to start all over in January with the permanent budget. That's it.

Mr. Snyder: You know, on behalf of the Council, I would like you to extend our thanks to the payroll, and I apologize for the word clerk, to Sarah. I mean we've had no visible complaints from employees, from the administration, and she's done so, and we do want to – that this side of the building seems to be running smoothly over here so we're very - we caught up to the other side now. We're all pulling on the same oar. We do appreciate it. Thank you very much for that. Director Grimes.

Mr. Grimes: Like Karen said, the department heads were here tonight. They're available any if you've got a question on their budget or whatever, feel free to call them or ask them or meet them or whatever, they'll be happy to explain why they asked for what they did and what they're planning to do. So we had a test run with our new salting procedures over the weekend. So it sounds like we're going to have another bigger test this week on them. And the Engineer and I, even though it's snowing and cold out, we spent an afternoon in with our Federal and State friends from the Army Corps and Muskingum Watershed still meeting on the Zimber Ditch. So we're still after that too, sir. So...

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 25 7:00 p.m. 20 13

Mr. Snyder: You know, it's very enlightening to read on the front page of today's paper, the City of North Canton was prudent in the purchase of their salt at \$28 a ton versus \$48 a ton, which is probably a savings of near \$100,000. So our hats are off to the Administration and ...

Mr. Grimes: I think that Mr. Davis has some other plans that's going to cut that usage back a little bit too and still get the same job done and save us some money.

Mr. Snyder: It's pretty hard to just throw \$100,000 down a rat hole like that. And we're fortunate. So that didn't go unnoticed. We appreciate that. Mayor.

Mayor Held: Yes. We do have down at the, it's not likely that you'll be down there feeding the ducks, it's a little cold out there right now, but if you are down there, you'll see that we have the new decks, brick pavers with the patios along - there's four of them now, Jim.

Mr. Benekos: Three.

Mr. Grimes: Three.

Mayor Held: Three. We have three of those. And actually they were done by Eagle Scouts which was even more impressive. So they put a lot of work into it, a lot of time and of effort. So we're going to have those young men up here and recognize them for the work that they did. Also too, we can arrange, from what I understand from the Chief, we can have the emergency weather alert notifications for the residents. They can sign up for those from the County. Yeah, the County Emergency Management. And the reason that I'm bringing that up is I have it set up on my phone, and you know when you're having the storm weather watch, I've had like three notifications today. So it's a nice service. So if any of the Council members or our residents want to sign up for that, I think it's a great service and at no cost. That's all I have.

Mr. Snyder: Thank you. Mr. Engineer.

Mr. Benekos: Just a few items. We heard late last week we were successful in our joint application with the County to repave Applegrove for next year. So that will be repaved from Main Street to the west in the City then continue west out of the City on the County's portion, then a portion of Whipple. Just a reminder, we also have a joint project with the County Engineer's Office to pave Everhard Road, but that won't take effect, or be done probably until 2016 or 2017. That's in conjunction with the rebuilding of the intersection at Whipple and Everhard. And we are looking at Portage and possible funding sources for that in the future. So and we're working on that.

Mr. Snyder: Jim, I - you say they continue on Applegrove westwardly. And what's their intention? You're going to choke all that traffic down to a two-lane, and they're planning on a million square feet of retail going in there next spring. How do they intend to move that traffic across a two-lane road? And that bridge without..

Mr. Benekos: Well, that would be a future project. The County, different entities in the County, Regional Planning Commission, the County Engineer, the townships, North Canton, we had a study just completed in the northern area. And we started that last year. In the event of the growth in that area and the different traffic improvements that would need to be made to handle that growth. That recommendation is out. I can get you the web site for that. You can look at that. They made several recommendations. One is to increase the bridge of Applegrove over I-77. But that won't take place for several years. And the roadway is in need of paving at this time.

Mr. Snyder: Well, now will we be successful? I've noticed in that area that the new medical building will have our water, but will that new retail have our water? We'll come across Heiser's land there where we ran across and go into that, correct?

Mr. Benekos: We're working with them on that. We're confident that they will have our water.

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REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 25 7:00 p.m. 20 13

Mr. Snyder: Well good.

Mrs. Kiesling: I have a question. What's the plan for Everhard and Whipple? Are they thinking of widening, or are they just redoing it?

Mr. Benekos: I believe it's widening and reconstructing that interchange, replacing the bridge just to the east or parallel to the railroad tracks.

Mr. Cerreta: The cul de sac kind of thing that goes under...

Mrs. Kiesling: Right.

Mr. Benekos: Right. So I haven't seen the full plans at the intersection. I know there's a couple of options they were looking at. One was kind of wild with the ramp onto 77, but I don't believe that will happen with a hotel there.

Mr. Snyder: Well some place you have to allow egress for that hotel. There's no possible way they can exit onto the on ramp with the expressway, they'd be crashing into each other. So they'd have to go north to come back south.

Mr. Benekos: Well, I'm not sure what their plan is there. Like I say, they had a couple of options, and they're still, well they just started the engineering on that. So...

Mr. Snyder: I noticed the bowling alley just went up for sale - three million dollars. So obviously, it must be getting ready to take that land and do a third hotel there.

Mrs. Kiesling: Three million dollars?

Mr. Snyder: Three million - three twenty-six, I believe to be exact. That's a lot of money. Any other member of Council wishing to speak? If not, I wish you all a very happy Thanksgiving. And Member Griffith, we wish you Godspeed and a safe trip. Bring us some crabs back from Alaska.

Mr. Griffith: We're going to be a long way from the ocean.

Mayor Held: Salmon.

Mr. Snyder: Salmon, that's it, king salmon.

Mr. Peters: Moose.

Mrs. Werren: Bear.

Mrs. Kiesling: Bear.

Adjourn:

Mr. Snyder: There being nothing else to come before this committee, may I have a motion to adjourn?

Mrs. Kiesling moved and Mrs. Werren 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 7:58 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL



145 North Main St. · North Canton, OH 44720

Phone: 330-499-3986 Fax: 330-499-2080

citycouncil@northcantonohio.com

CITY OF NORTH CANTON COUNCIL OFFICE

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES

*President of Council
Jon Snyder*

*Vice President of Council
Marcia Kiesling*

*Council at Large
Mark Cerreta*

*Council at Large
Dan Griffith*

*Councilman, Ward 1
Doug Foltz*

*Councilman, Ward 2
Daniel Peters*

*Councilwoman, Ward 3
Stephanie Werren*

The Community & Economic Development Committee of North Canton City Council met Monday, November 25, 2013, in Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Kiesling, Vice Chairman Cerreta, Member Werren, Council Members Foltz, Griffith, Peters, and Snyder. Also present were: Mayor Held, Director of Administration Grimes, Director of Finance Alger, Director of Law Fox, City Engineer Benekos, Director of Permits & Development Bowles, and Clerk of Council Kalpac.

Item discussed:

- a. Ordinance No. 73-13 re Community Reinvestment Area Tax Incentive – Insight Realty LLC: Item was discussed. Council to consider amending Ordinance No. 73-13, at its meeting held this date, to extend the proposed community reinvestment agreement for Insight Realty from twelve to fifteen years.

Respectfully submitted,

Marcia Kiesling, Chairperson

Mark Cerreta, Vice Chairman

Stephanie Werren, Member

12/4/13-gmk

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