

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held	Tuesday, May 28	7:00 p.m.	20	13
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Call to order:

1. The council meeting was called to order Tuesday, May 28, 2013 at 7:40 p.m. by President of Council Jon Snyder.

Opening Prayer:

2. The opening prayer was delivered by Rev. Mel Lindberg (Retired) United Methodist Church.

Pledge of Allegiance:

3. All present recited the Pledge of Allegiance.

Roll Call:

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

The following members of Council responded to roll call: Cerreta, Griffith, Kiesling, Peters, Snyder, and Werren.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, City Engineer Benekos, and Clerk of Council Kalpac.

Mr. Snyder: May I have a motion to excuse Member Foltz?

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

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

Consideration:

5. Council Meeting Minutes –May 13, 2013
Mayor's Court Receipts – April, 2013
Financial Statement – April, 2013

Mr. Snyder: Thank you. May I have a motion and second to approve as presented, council meeting minutes May 13, 2013; Mayor's Court Receipts April, 2013; and Financial Statements dated April, 2013.

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

Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Griffith
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 Finance and Property; and Personnel and Safety both held May 20, 2013. I'd like to consider these separately if I may. Clerk, please call for a motion to accept those as presented.

Mr. Peters moved and Mrs. Werren seconded to approve as presented the executive session minutes.

Mr. Snyder: We need two abstentions. So - otherwise, I couldn't get it passed.

Mrs. Kiesling: These do we have to – what committees were they?

Mr. Snyder: You can abstain on these.

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1914B

Held Tuesday, May 28 7:00 p.m. 13 20

Mrs. Kiesling: Okay.

All members present voting: Peters, Snyder, Werren, Griffith
Abstain: Cerreta, Kiesling
No: 0

Mr. Snyder: Thank you. Now may I have a motion and second to approve, as presented, the committee minutes – report minutes for Finance and Property; Ordinances, Rules, and Claims; Street and Alley; Water, Sewer, and Rubbish, all held May 20, 2013.

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

Executive Session for Finance & Property: Please refer to the minutes on file in the Council Office for the Executive Session meeting for Finance & Property held May 20, 2013.

Executive Session for Personnel & Safety: Please refer to the minutes on file in the Council Office for the Executive Session meeting for Personnel & Safety held May 20, 2013.

Finance & Property Committee: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held May 20, 2013.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office for the Ordinance, Rules & Claims Committee meeting held May 20, 2013.

Street & Alley Committee: Please refer to the minutes on file in the Council Office for the Street & Alley meeting held May 20,

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office for the Water, Sewer, & Rubbish Committee meeting held May 20, 2013.

Recognition of Visitors:

7. Mr. Snyder: Thank you. At this time the Council will consider speaking – have anybody wishing to speak to it, please step forward to the podium, state your name and address for the record.

Patricia Shemenski: My name is Patricia Shemenski. I live at 204 Sutton Avenue NE here in North Canton. And I've sent out contact forms to all of you folks, and I heard from three people, it's about the automated trash collection, and I think that most everything has been addressed by, at least by Mr. Kimble, I don't think Republic addressed too much. But still I wanted to get comments from the older population, especially we people who do not have space for any of those things no matter how big or small the footprint, they will not fit in my garage. I cannot put them in the backyard because we have steps to the backyard. I don't want to leave them in the driveway next to the garage because Mr. Cerreta doesn't like seeing them out in the street for too long or anywhere for too long. And somebody said that this would eliminate the need for your plastic Glad bags or Hefty bags or whatever, you know you wouldn't have to use those. But if you're going to put dog poop or raw chicken parts or any kind of meat or anything in there without using your plastic trash bags, you're going to have a smell. And you know trying to clean one of those out you could probably lose a small child inside of one of those if you were to try to clean it out. So I recommend anybody that's going to use them to still use your plastic trash bags. And as I said I live here on Sutton just down the street. The street's only two blocks long. The east side where we live is flat. The west side is all hilly and it's a lot of older people who do live on Sutton. And you know I'm concerned that they would be - getting a trash can down the driveway is easy, gravity takes care of that, but hauling it back up, you know they might have a problem. And there's just, you know we put out maybe one, maybe one and one half of the Glad bags. I mean, it would take us a whole month to fill up the 95-gallon thing anybody will use. I know somebody said they only put

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Tuesday, May 28 7:00 p.m. 20 13

out maybe, you know, one trash bag a week. But you know, those are just comments. What is the deadline on coming to a new contract with somebody?

Mr. Snyder: At present, we'll have an additional reading this evening, the second reading. And the third reading will be two weeks from tonight.

Mrs. Shemenski: Okay. But the reading, is that to say who you're going to get the bid from?

Mr. Snyder: No, ma'am. The way the process works is we will, at the end of the third reading, which will be two weeks from this evening, the Council will authorize the Board of Control, comprised of the Director of Finance, Law, Administration, and Mayor to look at the submitted bids, which there are, I believe, three of them. And evaluate the three bids predicated on which is the highest and best use, or the lowest, excuse me, the lowest and best, pardon me, the lowest and best. So the factors of both cost, convenience, and everything has to be factored in. At that time, they would award the bid to the successful bidder.

Mrs. Shemenski: Okay. But I mean the contract that we have now. What is -- when does that run out?

Mr. Snyder: The contract that you have now, it presently, I think will end on the 30th day of June, if I'm not mistaken.

Mr. Grimes: That's correct.

Mr. Snyder: And the new contract would begin January 1 - July 1. Oh, I'm all screwed up. Pardon me. But my - you know the thing is, and it's somewhat of a ...inaudible...you have to understand. the Council will not actually award the bid. That will be done by Administration. We weigh heavily in it. We suggest things. And I would think, and not speaking for my learned colleagues, we're not going to force you to change anyway, no matter whom the successful vendor will end up being. You will be able to opt -- continue to do the way you're doing now with anymore money or anything else. So.

Mrs. Shemenski: Well, they pointed out that those little blue recycle bins, you know, the footprint and all that stuff. Well we stack ours up on something else. I mean, those can always be put somewhere else. But those ginormous things, you know, we just -- we just can't handle it. And I think there are a lot of older homes and a lot of older people in the town; and as long as it's not mandatory. Okay, another question. Okay, they're talking about, you know, if you have an extra bag, what about the furniture? I mean, right now we put furniture and appliances....

Mr. Snyder: They'll continue to pick up everything identically to the way it is right now. The idea is, in all honesty, we don't want to kid ourselves about one thing, and I would have to think as we approach the end of this new contract at the end of the three-year period, we're going to be faced with more stringent requirements because as labor continues to escalate, and you know the option of recycling becomes more and more attractive to not only the hauler, but to the person providing the service, we're going to eventually end up with mandatory collection of automated systems. You know, otherwise the price will be so prohibitive you won't be able to have more than once a month pickup. But right now, for the next three years, it will not change. If you have a refrig - not a refrigerator, but a desk or something that's busted up, you want to place at the curb, they'll take it. Carpet...

Mrs. Shemenski: Okay. Would they have to send a special truck around then?

Mr. Kimble (speaking from the audience): If it's a grand piano, probably yes, otherwise, no.

Mrs. Shemenski: No? Then alright.

Mrs. Kiesling: If they need an extra person is what I think what he's -- you know they may have to come back later.

Mr. Snyder: And as always, you know if you make a call to the Utilities Department, if something's there that needs to be picked up, the present hauler as well as Republic

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, May 28 7:00 p.m. 13 20

when they had our contract, they're always good about sending us somebody out to get it out of there if it's, you know for some reason that the driver was unable himself or herself to pick it up by themselves, they've always been good about coming and getting it.

Mrs. Shemenski: Well I know now I think it's just one guy you know that just goes along the

Mr. Snyder: Right, and I mean they're great about that. And both haulers were good about that.

Mrs. Shemenski: Well, we've got a guy that comes through our neighborhood - every time, like tonight, we'll be putting our trash out for tomorrow's late day pickup. And there's a guy that goes around in a red pickup truck with flags flying in the back, picking.

Mr. Snyder: Dumpster divers.

Mrs. Shemenski: He's picking people's trash. You know, looking to see what you put out. So he helps get rid of some of it. Anyway, alrighty thank you. I think that's everything.

Mr. Snyder: Well, thank you for your patience and your very good comments. And please come back and see us again.

Mrs. Shemenski: Will do. Thank you. Good luck.

Mr. Snyder: Thank you. That's kind of you. Anybody else wishing to speak to us? Ma'am, please step forward and state your name and address for the record.

Marilyn Davies: I'm Marilyn Davies. I live at 1121 Southwoods Lane SE.

Susan Meadows: 232 6th Street NE.

Mrs. Davies: We were here two weeks ago to discuss the pool. And we just wondered if anything's been done to see if we could extend the pool to stay open through Labor Day.

Mr. Snyder: I think ladies, I apologize, Mr. Foltz had an unexpected emergency. I know he's been working with Administration diligently. I don't know and not to put him on the spot, but if you'd be kind enough, I could have Mr. Foltz get a hold of you this week. And I know, because they're working on some proposals. And I don't know if they are ready to "roll them out" so to speak yet. Maybe he could get a hold of you and then let you know. He can set up a little side meeting with you and then he can come to. I know that they're working on it. Administrator, please.

Mr. Grimes: Yeah, we're making sure we got our pool up and running, which of course we're going to open it up at the end of this week again. And now we want to make sure all of our lifeguards there, who we've got and that's when Mr. Davis is going to check with all them and see if - who's available to extend it and who isn't. And then we're going to come back to you and let you know that, because that's our first issue is the lifeguards and you know the safety thing. So we wanted to check with that and make sure they're up and running, got the lifeguards that we want, and then check with them and, then we're going to come back to you. So we haven't forgotten you. Okay...

Mrs. Davies: Okay, thank you. He has our phone numbers?

Mr. Snyder: Yes, he has your number.

Mr. Grimes: Yes, I do.

Mr. Snyder: Mayor, please.

Mayor Held: Yes ...

Mrs. Meadows: What about the ...inaudible...?

Mrs. Davies: You want to ask.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held	Tuesday, May 28	7:00 p.m.	13
			20

Mrs. Meadows: Go ahead.

Mayor Held: Yes, I'm sorry. I can assure you, if there's a way to keep the pool open until the latter part of the year, we're going to do that. It's really just taking an assessment of the personnel that we have and out of those lifeguards and the other city employees, which ones are available. And then the number that we'll need in order to keep the pool operating ...inaudible... But I've talked to the Administrator and also the Service Director, Jim Davis, and we're going to do everything we can. And we'll make sure to keep you ladies in the loop so it's not going to be like, you know, an announcement at the last week before the pool is ready to close.

Mrs. Meadows: Also, it was suggested that maybe you could do an ordinance that the pool would be open from this date to Labor Day, and that way this wouldn't be an ongoing...

Mayor Held: Yeah, well the thing is we can have an ordinance in place but, if we don't have the personnel to keep it open, then that's what really presents the problem. It's not that there's a lack of desire to keep the pool open because it's really, you know, it's in the best interest of the people that buy the pool pass to keep the pool open as long we can. Really it's just a question of the resources that we have to do that.

Mrs. Meadows: Okay. And we had some suggestions that – to try to contact older lifeguards that have already graduated from college or people from the Y that might be interested in just a part-time fill-in, maybe substitute, whatever.

Mayor Held: Yeah, for that extra week or two weeks?

Mrs. Meadows: Correct. And maybe you could have shorter hours because some of the students from the high school had come over last year and said, you know my father lost his job, I'd like the money for books, I'd be willing to come at 2:30, whatever.

Mayor Held: Right.

Mrs. Meadows: To shorten the hours would be another option.

Mayor Held: And that's really what we're looking at, because as you just mentioned, we don't necessarily have to keep the pool open all day long. I mean...

Mrs. Meadows: Right.

Mayor Held: if we can do it after school, because I know the big challenge is obviously, and it's really a matter of how many high school students we have and how many college students we have. So if we have high school students that are available after school, you know that's one area that we're going to look at. And then the other is, you know, if there was somehow during the day or you know it could be like a week and an evening program, it could be all weekend, or, but you know we're going to look at...

Mrs. Meadows: And it could be pass holders only as well from a certain point on if there is a problem with the number of people in the pool itself.

Mayor Held: Right. I'm sorry, I didn't hear what you said when you...

Mrs. Davies: There could be – sorry, I probably should talk into here, there could be limited to pass holders only at you know at a certain point.

Mayor Held: Right.

Mrs. Davies: Towards the end of the year or – I mean, there's several different options that we could look at.

Mr. Grimes: And as soon as we know our lifeguard status from our point, then we'll know how many we have to go out and ...inaudible...

Mrs. Meadows: Yeah, I didn't get back to you because of the holiday and everything. So..

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Tuesday, May 28 7:00 p.m. 13
20

Mr. Grimes: I know you can track me down, you've done it before. So

(Laughter)

Mrs. Meadows: Put a little GPS on you.

Mr. Grimes: Yeah.

Mrs. Davies: Thank you.

Mr. Snyder: Thank you ladies.

Mrs. Meadows: And also I'd like to comment on the cans. Several places, and then I just talked to someone from Seattle, and they started out as not mandatory and then they were mandatory. And then if the lid is up at all, they charge them an extra \$5.00 for a fine, I guess. So it goes from having a trash can that I can navigate with and I can store next to my garage to being mandatory for that and then other things follow. And in other areas they're having problems because if it's overfilled there's a fine. So people are dumping in other places to get rid of it. And also, I like the yard-waste collection. So please don't do away with that. Thank you.

Mr. Snyder: Thank you for your comments, ma'am. We do appreciate it. Anyone else wishing to speak? Ma'am.

Patty Wackerly. Hi, I'm Patty Wackerly and I live at 274 Creekside Circle NE. I'm just going to make short comments here in regards to the Kimble proposal versus the Republic proposal. Yes, first of all in our - you know in the business world today, I guess I see it as a bid came out and from listening to the discussion here today, we have three bids that are in, two of them to me are incomplete, one of them's complete. And the automated service with the carts was asked to be bid. We've got a proposal. I look at these. First of all, I don't think it's that debatable. You can continue doing what you're doing today, which we hope - you know in my mind from being a City resident, I hope that more people do go to using these because again from the aesthetics in the neighborhoods and all it looks better. We won't have things blowing around. The trash won't be coming out of your recycle bins that you put out the night before. I'm looking forward to getting a tote provided for me. A company's going to make a million dollar investment for us and my cost stays the same. I think we got a real bonus here for three years and hopefully as we have the option of using what we do today or this service, I hope most of us move towards this because I think in three years, again what someone said today, that's where we will be. But you know we had a bid process here. I think from a professionalism standpoint, what I saw today with two presentations from Republic and then from Scott with Kimble, from a professional, there was no debate in my mind who, I guess, I want to be dealing with. If I have a problem and I do make a phone call, what I saw here was two totally different presentations. One very prepared, one not prepared. So that was an additional comment. I see my recycle bin, now can have the option of throwing 3 through 7. I think, I'm not sure if I put 1 through 3 in there now or 1 and 2, but having the option now putting 1 through 7 in there. I throw a lot of trash in my garbage still that it kills me to - it pains me to put it in there when I know now that I've got an option of 1 through 7. That's good for all of us. We all have to start capturing this recycle more than - I'm amazed at what I put out every week. But I guess my biggest challenge is I get picked up on Friday when I used to get picked up on Monday or Tuesday, I think. And we always have a lot of people over on the weekend. So we have a lot of garbage and I just have to get through until Friday. But it's no problem. They're always there. They're dependable. So from my standpoint, again I think we've got two incomplete bids, we've got one bid that's complete. And for the same price we're being given a lot of added bonuses plus the fact that I don't have to buy - we're getting a million dollar investment into our community that's going to make us look better. I've seen their new trucks on the road. Their new trucks look good, we've natural gas, it's better for the communities there

too. So I'm just speaking in favor of continuing with Kimble Services. I think they've done a great job. So that's it.

OLD BUSINESS:

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Tuesday, May 28 7:00 p.m. 20 13

8. Mr. Snyder: Thank you for your comments. We appreciate that. Anyone else wishing to speak? If not, that completes that. We'll move to the old business. First thing is, may I have a motion to read by title only the second reading of Ordinance No. 30-13?

Mr. Griffith moved and Mr. Peters seconded to read by title only the second reading of Ordinance No. 30-13. All members present voting:
Yes: Werren, Cerreta, Griffith, Kiesling, Peters, Snyder
No: 0

Ordinance No. 30-13 – 2nd Reading – Water, Sewer & Rubbish

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a franchise contract for a three (3) year period commencing July 1, 2013 and terminating June 30, 2016, for the collection of residential garbage, rubbish, recyclables, and yard waste in the City of North Canton.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: Yes, this has been discussed and mentioned tonight. This is just to enter into the franchise of contract. This is not choosing the vendor, but we want to move forward with the second reading to meet our deadlines. So I move that we approve the second reading of Ordinance No. 30-13.

Mr. Cerreta moved and Mr. Griffith seconded to approve the second reading of Ordinance No. 30-13. All members present voting:
Yes: Cerreta, Griffith, Kiesling, Peters, Snyder, Werren
No: 0

9. Mr. Snyder: May we have a motion and a second to amend Ordinance 33-13 prior to its second reading, to change the word "shall" to "should" in Section 111-11 (b) B.

Mr. Griffith moved and Mrs. Werren seconded to **amend the word "shall" to "should" in Section 111-11(b)** of Ordinance No. 33-13. All members present voting:
Yes: Griffith, Kiesling, Peters, Snyder, Werren, Cerreta
No: 0

Mrs. Kiesling: Now we need a motion to read as amended.

Mr. Snyder: Oh, may I have a motion to read by title only, second reading of Ordinance No. 33-13?

Mrs. Werren moved and Mr. Peters seconded to **read by title only, second reading, as amended**, of Ordinance No. 33-13. All members present voting:
Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Griffith
No: 0

Ordinance No. 33-13 – 2nd Reading – Ordinance, Rules & Claims

An ordinance amending TITLE THREE – LEGISLATION, of the Codified Ordinances of the City of North Canton, specifically CHAPTER 111 – COUNCIL and to repeal CHAPTER 115 – RULES OF COUNCIL, and repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Snyder: Chairman Werren.

Mrs. Werren: So, I think we've been over this a couple of times, and last week we took the ...inaudible... advice and changed it from shall or – now I'm confused, should to shall – no shall to should. Just making it so that the people can come up and not be intimidated. We want to hear the views from the residents and we feel that's very important. And then just looking at making it easier to read and

RECORD OF PROCEEDINGS
 COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10146

Held Tuesday, May 28 7:00 p.m. 13
20

understanding it and just really cleaning it up. So thank you Tim, for doing that. Any other comments, Tim?

Mr. Fox: Other than this is the second reading. It's been here for a month
 Mrs. Werren: Right.

Mr. Fox: and we understand that we'd like to pass this as an emergency so that we can get it on before the summer break.
 Mrs. Werren: Right.

Mr. Fox: and we won't be able to do that two weeks from now, because there's a couple of expected absences. So we'd like to pass it as an emergency tonight.

Mrs. Werren: So, if that's okay with you, I'd like to do it on an emergency basis.

Mr. Griffith: I appreciate the.

Mr. Fox: You're welcome.

Mr. Griffith: The body - everyone's involved ...inaudible...

Mr. Fox: Any time.

Mrs. Kiesling: Thanks for coming. So we could pass it on an emergency.
 Mr. Griffith: I'm glad to be here.

Mrs. Werren: So I'll make a motion to pass it on an emergency.

Mr. Snyder: Will you give me a motion to adopt the second reading first and then we'll ...

Mrs. Werren: Oh. Okay, I motion to adopt the second reading.

Mr. Peters: I'll second that.

Mrs. Werren moved and Mr. Peters seconded to **adopt the second reading, as amended**, of Ordinance No. 33-13. All members present voting:
 Yes: Peters, Snyder, Werren, Cerreta, Griffith, Kiesling.
 No: 0

Mr. Snyder: As time is of the essence, may I have a motion and second to suspend the rules of council for Ordinance No. 33-13.

Mrs. Werren moved and Mr. Peters seconded to **suspend the rules, as amended**, for Ordinance No. 33-13. All members present voting:
 Yes: Snyder, Werren, Cerreta, Griffith, Kiesling, Peters
 No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance 33-13.

Mrs. Kiesling moved and Mr. Cerreta seconded to **adopt under the suspension of the rules, as amended**, Ordinance No. 33-13. All members present voting:
 Yes: Werren, Cerreta, Griffith, Kiesling, Peters, Snyder
 No: 0

10. Mr. Snyder: May I have a motion to read by title only, second reading of Ordinance 34-13?

Mr. Griffith moved and Mrs. Werren seconded to **read by title only, second reading** of Ordinance No. 34-13. All members present voting:

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Tuesday, May 28 7:00 p.m. 20 13

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

Ordinance No. 34-13 – 2nd Reading – Ordinance, Rules & Claims

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the Codified Ordinances of the City of North Canton, specifically CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Werren

Mrs. Werren: Just again, cleaning it up and making sure that we can do it for both types of permits. Do we - does this need to be under emergency?

Mr. Snyder: No.

Mrs. Werren: Or no, we can take it to another reading. Okay. So I'll just move that we put it on the agenda for the next reading.

Mrs. Kiesling: No we're going to pass this one.

Mrs. Werren: Oh, we are move.

Mr. Cerreta: So moved for the second reading.

Mr. Snyder: The motion is to adopt the second reading?

Mr. Peters: Yeah.

Mrs. Werren moved and Mrs. Kiesling seconded to **adopt the second reading of Ordinance No. 50-03**. All members present voting:

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

No: 0

NEW BUSINESS:

11. Mr. Snyder: Thank you. May I have a motion and second to read by title only, first reading of Ordinance No. 35-13?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 35-13. All members present voting:

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

No: 0

Ordinance No. 35-13 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Paving/Curb/Gutter – Contract Payments Account in the amount of \$240,000 for the current expenses during the fiscal year ending December 31, 2013, and declaring the same to be an emergency.

Mr. Snyder: When we went out for bid on our resurfacing program for this summer, we found that we did not have enough money appropriated when the bids were returned. As well as doing some more research, the Administration has identified two additional streets which they wanted repaved. So consequently we've moved money from our Capital Improvement Fund. We had a little money left over to increase our paving allotment by an additional \$240,000, I think, to \$655,000, I believe it was, wasn't it or something like that.

Mr. Benekos: 645,000.

Mr. Snyder: 645,000. So we've increased it and this will allow for the aggressive paving of some streets in the City as they're beginning to deteriorate. And we'd like to do this on an emergency basis because the bids have – are basically ready to be opened, or the work is ready to be assigned.

RECORD OF PROCEEDINGS
 COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

Held	Tuesday, May 28	7:00 p.m.	13
			20

Mrs. Kiesling: I have a quick question. Okay? Jim, I looked at that list of streets and now I can't find it anywhere. Was - we talked about Northfield in front of Auburn Knolls ...

Mr. Benekos: Yes.

Mrs. Kiesling: is that part of the additional money, or we - we are we still planning on paving that horrible area right through there?

Mr. Benekos: That was in the base bid.

Mrs. Kiesling: That's in the base. Because I got a phone call from that gentleman again saying, oh, I see you have more money, are you doing my street?

Mr. Snyder: Oh, that's interesting.

Mr. Benekos: And again, it's a resurfacing project. It's not a ...

Mrs. Kiesling: Right, it's not a tear-down, it's - but that's all they want is a resurface.

Mr. Benekos: It won't improve any drainage concerns.

Mrs. Kiesling: Right. Okay. Thank you.

Mr. Benekos: Sure.

Mr. Snyder: There being no other questions, may we have a motion to adopt the first reading of Ordinance 35-13.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 35-13. All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence, may I suspend the rules of council pertaining to Ordinance No. 35-13?

Mr. Griffith moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 35-13. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 35-13?

Mr. Griffith moved and Mrs. Kiesling seconded to **adopt under the suspension of the rules** Ordinance No. 35-13. All members present voting:

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

No: 0

12. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 36-13?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 36-13. All members present voting:

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

No: 0

Ordinance No. 36-13 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton and the Board of Stark County Commissioners in conjunction with Community Development Block Grant funding in an amount not to exceed \$150,000, for the Hillcrest Avenue NW & Royer Avenue NW Waterline Replacement (5th Street NW to 7th Street NW), and declaring the same to be an emergency.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Tuesday, May 28 7:00 p.m. 13 20

Mr. Snyder: Again, we were successful in obtaining the CDBG (Community Development Block Grant) Grant for 50% with 50% match. That's a \$249,000 project - yeah, \$299,000 project to which we're going to match \$149,000 and CDBG Grant is going to be \$150,000. And we'd like to do this on an emergency to get started and to let them know because I think we have to let them know by the end of the month, do we not, or something like that, that we're accepting the grant.

Mrs. Kiesling: I motion we adopt.

Mrs. Kiesling moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 36-13. All members present voting:

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

Mr. Snyder: As time is of the essence and the health and safety of the community is at stake, we'd like to suspend the rules of council for Ordinance 36-13.

Mrs. Kiesling moved and Mr. Griffith seconded to suspend the rules for Ordinance No. 36-13. All members present voting:

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

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 36-13.

Mrs. Kiesling moved and Mr. Griffith seconded to adopt under suspension of the rules Ordinance No. 36-13. All members present voting:

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

13. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 37-13?

Mrs. Kiesling moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 37-13. All members present voting:

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

Ordinance No. 37-13 - 1st Reading - Street & Alley

An ordinance amending Section 3. of Ordinance No. 9-13 for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain streets, alleys, and city parking lots, to increase the allocation in an amount not to exceed \$645,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Griffith.

Mr. Griffith: This is the companion piece to 35-13. We've already talked about it in our work session last week and fortunately we got the streets on there and I'm glad to hear that we're going to continue to add to them. So we want to do this on an emergency to continue to get the bids out and complete. So I would move for its adoption.

Mr. Griffith moved and Mrs. Kiesling seconded to adopt the first reading of Ordinance No. 36-13. All members present voting:

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

Mr. Snyder: May I have - an emergency exists due to the fact that time is of the essence, may we suspend the rules of council for Ordinance No. 37-13.

Mrs. Kiesling moved and Mr. Cerreta seconded to suspend the rules for Ordinance No. 37-13. All members present voting:

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

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 37-13.

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held	Tuesday, May 28	7:00 p.m.	13
			20

Mr. Griffith moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 37-13. All members present voting:
 Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Griffith
 No: 0

14. Mr. Snyder: May I have a motion to read by title only first reading of Ordinance No. 38-13?

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only first reading** of Ordinance No. 38-13. All members present voting:
 Yes: Peters, Snyder, Werren, Cerreta, Griffith, Kiesling
 No: 0

Ordinance No. 38-13 – 1st Reading – Water, Sewer & Rubbish

An ordinance amending CHAPTER 937 – WATER RATES, specifically Section 937.05, Bulk Water Charge, of the Codified Ordinances of the City of North Canton, to require the installation of a meter and backflow device for all bulk water customers using water from a City hydrant, to establish a meter fee and a refundable equipment damage deposit.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: Yeah, this is to require that this meter backflow device so we don't get any contamination flowing back through; and the next reading we'll continue that. We're going to increase the rate for that and require devices to measure the water that's going out. So I move that we adopt the first reading of 38-13.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 38-13. All members present voting:
 Yes: Snyder, Werren, Cerreta, Griffith, Kiesling, Peters
 No: 0

15. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 39-13?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 39-13. All members present voting:
 Yes: Werren, Cerreta, Griffith, Kiesling, Peters, Snyder
 No: 0

Ordinance No. 39-13 – 1st Reading – Water, Sewer & Rubbish

An ordinance amending CHAPTER 935 – WATER LINES AND HYDRANTS, specifically Section 935.02 Connection Charge Other than by Assessment and Section 935.07 Use of Water from Fire Hydrants, of the Codified Ordinances of the City of North Canton, to establish fees and usage policies.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: This is just to establish a connection charge to continue with what we just mentioned for the bulk water. So I move we approve the first reading of Ordinance No. 39-13.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 39-13. All members present voting:
 Yes: Cerreta, Griffith, Kiesling, Peters, Snyder, Werren
 No: 0

16. Mr. Snyder: May I have a motion and a second to amend the agenda to include Item No. 16 which is Ordinance No. 40-13, and to waive the rules of council requiring a committee report prior to the reading of the ordinance.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, May 28 7:00 p.m. 20 13

Mrs. Kiesling moved and Mr. Peters seconded to amend the agenda to include Item No. 16 which is Ordinance No. 40-13, and to waive the rules of council requiring a committee report prior to the reading of the ordinance. All members present voting: Yes: Griffith, Kiesling, Peters, Snyder, Werren, Cerreta No: 0

Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 40-13?

Mr. Griffith moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 40-13. All members present voting: Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Griffith No: 0

Ordinance No. 40-13 – 1st Reading – Personnel & Safety An ordinance amending Ordinance No. 97-11, Collective Bargaining Agreement ("CBA") by and between the City of North Canton ("City") and the North Canton Service & Clerical Employees ("Union") to enter into a Side Letter of Agreement ("Agreement") to supersede the applicable provisions contained in Section 23.01 of the CBA pertaining to the Call-Out List, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters

Mr. Peters: Yes, I have nothing further to add from a legislative standpoint, but I'd like to publically thank the Service and the Clerical Union for foregoing their request for wage increase, although it was their right within the CBA (Collective Bargaining Agreement) for the wage reopener. I commend them, you know, for understanding our situation that we're in and for foregoing it, and for finishing out the rest of their contract. So I think, you know, I think I speak for all of Council when I say thank you to these two unions. Thank you.

Mr. Fox: In fact, this is the second union in turn, that's done that. We mentioned a little while back Financial Services Union did as well.

Mrs. Kiesling: Robert, did you catch all that 'cause you just had your eyes closed. (Laughter)

Mrs. Kiesling: And we'd really like to publically thank them and you were not paying attention.

Mr. Snyder: You represent the public.

Mr. Cerreta: We'll see that tomorrow.

(Laughter)

Mr. Peters: So with that I will motion to accept ...

Mrs. Kiesling: He was sleeping.

Mr. Peters: The first reading of 40-13.

Mrs. Kiesling: I wish I could fall asleep like that.

Mr. Fox: He was concentrating.

Mr. Peters moved and Mr. Griffith seconded to adopt the first reading of Ordinance No. 40-13. All members present voting: Yes: Peters, Snyder, Werren, Cerreta, Griffith, Kiesling No: 0

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10138

Held Tuesday, May 28 7:00 p.m. 13
20

Mr. Snyder: As time is of the essence, may I suspend the rules of Council for Ordinance 40-13?

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 40-13. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 40-13.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 40-13. All members present voting:

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

No: 0

Reports – Council:

Mr. Snyder: Okay, reports – Member Peters

Mr. Peters: I have no report. Well, you know what, yes I do. I wanted to thank Eric Bowles for helping me out this week. We've had a couple of situations arise with high grass and what not, and he was very responsive late into the day during the week and on the weekend and...

Mrs. Kiesling: We all appreciated it.

Mr. Peters: I mean, it continues to amaze me how much time and effort - it does, you know, I mean, Eric, you know...

Mr. Bowles: Thank you.

Mr. Peters: You know, you fluff it off, but you're doing a great job. So, I thank you.

Mr. Snyder: Eric, did you pick up an extra lawn mower over the weekend so you can get out there and get some of them lawns?

(Laughter)

Mr. Snyder: Thank you. Member Werren

Mrs. Werren: No report

Mr. Snyder: Member Griffith

Mr. Griffith: No report

Mr. Snyder: Member Cerreta

Mr. Cerreta: Just one thing. I noticed that the dogwood signs were coming down – the old dogwood signs. I'm wondering how we should proceed with eliminating the actual dogwood in our, the name itself. So, I would like to – maybe we can discuss that on the next, put that on the agenda to take that off.

Mr. Snyder: I think there is, if I'm not mistaken, there is an actual ordinance declaring the City a Dogwood City.

Mrs. Kiesling: Those little things right there say the Dogwood City.

Mr. Cerreta: Yeah. There's going to be – the police have patches that say it, there's a lot of little things that, if you want to move forward with that, we can talk about that.

Mr. Snyder: Maybe it would be a good idea to have a Citizen's Committee to come up with a new little...

Mr. Cerreta: We don't need another...

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Tuesday, May 28 7:00 p.m. 20 13

Mrs. Kiesling: North Canton, Ohio.

Mr. Cerreta: We're North Canton.

Mr. Snyder: We'll just adopt it accordingly.

Mr. Cerreta: But, I'd like to put that on the agenda and we can talk about that next time.

Mr. Snyder: Absolutely. We'll do that next week.

Mr. Cerreta: Outside of that -- no report.

Mr. Peters: What are - I'm sorry, I don't mean to interrupt, but what are we doing with those signs; the ones that are being taken down?

Mr. Cerreta: Well, I know one is going to the Heritage Society. They've asked for one. Outside of that, I don't know. Do you have some kind of idea? Do you want one?

Mr. Peters: I don't.

Mrs. Kiesling: Want one? You can paint over it, put whatever you want on it.

Mr. Cerreta: I'm not sure. I'm not sure.

Mr. Peters: I'd have to run that by the Law Department.

Mr. Cerreta: Yeah, that's true

Mrs. Kiesling: We'd probably have to auction them off.

Mr. Peters: But I'm just curious what we're doing with them.

Mr. Grimes: They would be auctioned unless something else came up. We're just starting to removing them this week because it took a while to get the pool ready.

Mr. Snyder: We can go online and see if there is another city called Dogwood.

Mr. Griffith: Yeah, North Canton, Minnesota.

Mrs. Kiesling: Interesting question.

Mr. Cerreta: A collector.

Mrs. Kiesling: No report

Mr. Snyder: I'd just like to say that it's nice to see George Daniluk and his wife back in the audience. George, you've been sorely missed and we're glad you're back to join us. And I appreciate your letter that you sent to us. It was well thought out and well taken and I appreciate your time and effort in sending it to us. Thank you.

Mr. Daniluk: I appreciate Mr. Bowles.

Mr. Snyder: He's a good man. But, thank you for that.

Mr. Bowles: I'm not giving any autographs after this.
(Laughter)

Reports:

Mr. Snyder: Director of Law.

Mr. Fox: Yes, sir. I just want to make sure that I go on the record this evening in stating that I do have great respect for you know, Republic Services, but it may appear that I kind of picked on them a bit, but they were insistent on several occasions that they were the lowest and best and it needed to focus on price. So I wanted to make it clear, because our record has to be clear that we look at a variety of things and that we are permitted to make a qualitative analysis. It's not just price. And when they continued to insist that it was price, price, price, I had to look at those other things. And it's in the City's best

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held	Tuesday, May 28	7:00 p.m.	13
			20

interest that we make sure that the record covers those things, all of the things that we look at, including the prior service that we had with them there, the other issues that I brought up regarding the litany of different names that they're known as through the Ohio Secretary of State, because I have had difficulty in locating. You think you know who they are. You see the name on the side of the truck. But when you have to contact, if there's an issue, if you have to contact what's called the Statutory Agent, you have to contact a certain individual. If you have a claim against them, and a certain amount of time to do it, when you go online and can't find it, that's a problem. So I wanted to make sure that was one of the things that we were considering amongst a variety of things. And when the Board of Control does meet, we'll have to make sure that we discuss all those things because it will be a record because it is not uncommon for a contract of this size for someone that believes that the decision wasn't made properly for them simply to file suit. And what you have to rely on is your record. What did you look at besides price? Did you look at anything? And we may have talked about it when we were in the Board of Control and we go on the record, that's what the courts will consider. And the Ohio Supreme Court spoke a number of times and said that municipalities that make these decisions when you go off something other than price and look at these other areas, so long as it's clear that your decision was an arbitrary and reasonable or unconscionable that it will support it, and permit you to do that. So I didn't want them to take offense at that, but when they were so insistent on it, I just wanted to make that clear that we had a record and then that's the things that I'm going to bring up certainly at the Board of Control.

Mr. Snyder: I appreciate your comments and your hard work on that. Thank you.

Mrs. Kiesling: Yeah. Thank you

Mr. Snyder: Director of Finance.

Mrs. Alger: Just the Finance Department is going pretty smooth now. Also, I'm continuing to work on the Comprehensive Annual Financial Report, which is what brings the auditors back in to look at the gap portion of it which is the accrual portion. Just to let you know that they're here again, and we'll be submitting that Comprehensive Financial Report which is only a certificate for one year so we are on our 23rd year of getting that certificate. Just to let you know.

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

Mr. Grimes: Yes, Eric is going to be hard to live with this week, but I'll try.

(Laughter)

Mr. Grimes: You're not helping me, but ...

(Laughter)

Mrs. Alger: It's a short week.

Mr. Grimes: Thank goodness. Don't forget, I know when we get out there is a Fishing Rodeo – the Mayor's Fishing Rodeo is this Saturday, and you know there's a ton of prizes out there that the Eagles give away and everything. It's usually a nice day, the Mayor's guaranteed nice weather. So we're going to move on that. And I know we've talked about graffiti in buildings and that before and two North Canton businesses had graffiti on them here in the last few weeks. One of them was the old Spitzer building that the Browns own at 407 North Main and the auto repair place. They're known as LCLR Enterprises at 624 South Main. I wrote them just a letter asking them, you know, if they would remove the graffiti, no threats, no anything. And they had it removed, painted over and everything. So we do have some good businesses in North Canton that respond, and I appreciate that. Thank you, sir.

Mr. Snyder: Thank you. Mr. Mayor

Mayor Held: Yes, I just have a few things. First off, we do appreciate our council members. When you get complaints from the residents, I want to thank you for keeping us informed. It really is a joint effort because when the residents have an issue or

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Tuesday, May 28	7:00 p.m.	13
			20

concern, sometimes they'll share it with the Administration or with the Council member or it could just be timing if you see them at the grocery store. But I think that we really have excellent communication and a great response from our council members and also our department heads. And you know we had a couple of issues over the weekend. Jeff, where you know you had called me over the weekend a couple of times and shared your concerns that some of our residents had. We were able to take care of that. And also our Council President on Saturday, we appreciate you taking the time to meet with State Representative Schuring over the homes that were flooded. Not recently, the ones that were affected by the flooding during the last flood. But that makes a difference and the residents they notice that. And I think also, that is truly reflected in our Memorial Day Parade. This was the eighth parade that I've had the opportunity to prepare. And there is a tremendous amount of work and coordination that goes into the parade. More importantly, the ceremony that follows from the sound system, to blocking the roads, to coordinating with the Lion's Club that actually manages the parade, having the flags flown according to the ceremonial requirements that day from going at Half-Staff. And each year we've had issues or concerns that have been brought up to us through our Council members, you know from residents to our Council members, to the Administration, and this year is the first time, at least at this point, that we've had only positive comments. And which is, I think, just demonstrates the commitment that all of our public servants have to the residents. And the park looked fantastic. It was a little bit chilly, but it really turned out very well. So thank you to all of you.

Mr. Snyder: It seemed that parade was a little stronger than normal - like there were more people there than normal.

Mayor Held: Yes, just from my own, you know, visual perspective, for whatever that's worth, there were a lot more people.

Mr. Snyder: The depth of the people was much greater.

Mayor Held: And, I'm wondering that it could have been the fact that it was much cooler temperatures, because the previous were pretty hot.

Mr. Snyder: For the little children, it was a great day. They just love that parade.

Mayor Held: It turned out very well. Thank you for mentioning that.

Mr. Snyder: It was a very nice. Good job.

Mayor Held: That's all I have.

Mr. Snyder: Mr. Engineer

Mr. Benekos: No report

Mr. Snyder: Is your new place coming along pretty good is it?

Mr. Benekos: It is. The facility is ready for us to move in. We just have to find a break in the action when we're able to move in.

Mr. Snyder: Is it complete?

Mr. Benekos: Yes.

Final Call for New Business:

Mr. Snyder: Well, good. Glad to hear that. Anything else from anyone?

Adjourn:

Mrs. Kiesling: Motion to adjourn.

Mr. Snyder: Madam Clerk, do you have anything to add?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Tuesday, May 28	7:00 p.m.	13
			20

Mr. Cerreta: Second.

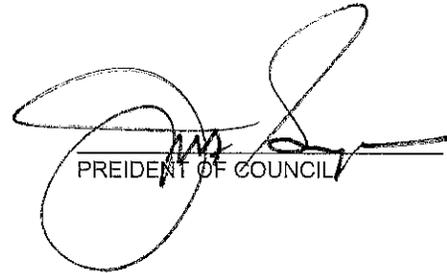
Mrs. Werren: Gail.

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

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

No: 0

The council meeting adjourned at 8:27 p.m.



 PREIDENT OF COUNCIL

ATTEST:



 CLERK OF COUNCIL