



City of North Canton

Council Office

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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

NOTICE OF MEETINGS

North Canton City Council will meet as a Committee of the Whole **Monday, February 10, 2014 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. Community & Economic Development Committee

Chairperson: Marcia Kiesling
Vice Chairperson: Mark Cerreta
Members: Stephanie Werren
Doug Foltz
Dan Griffith
Daniel Peters
Jon Snyder

Mutual Economic Development Agreement
Marcia Kiesling

2. Finance & Property Committee

Chairperson: Jon Snyder
Vice Chairperson: Marcia Kiesling
Members: Dan Griffith
Mark Cerreta
Doug Foltz
Daniel Peters
Stephanie Werren

- a. Donation of City Lot 2781, Parcel No. 9200116
Jon Snyder
- b. Purchase of 2 marked cruisers and 1 Ford cargo van
Jon Snyder
- c. 2014 Budget
Jon Snyder

Council Meeting Agenda
Monday, February 10, 2014
Immediately following the Committee of the Whole

1. Call to Order
2. Opening Prayer: Monica Plauger, Ministry Team Hope Family Church
3. Pledge of Allegiance
4. Roll Call
5. Consideration

Council Meeting Minutes – January 27, 2014

6. Committee Minutes
7. Recognition of Visitors

OLD BUSINESS:

8. **Ordinance No. 8-14 – 3rd Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton to submit a Participation Agreement and request authority for the City of North Canton to participate in the Ohio Department of Transportation's ("ODOT") Contract for the purchase of sodium chloride (rock salt) for the 2014-2015 winter season.

NEW BUSINESS:

9. **Ordinance No. 18-14 – 1st Reading – Finance & Property**

An ordinance to make 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.

10. **Ordinance No. 19-14 – 1st Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement and, provided there are no additional costs to or burdens upon the City, to take all actions necessary to accept the donation of real property, from Sandra K. Kean, and known as Parcel No. 9200116, City Lot 2781, located in the City of North Canton and contiguous to Price Park.

11. **Ordinance No. 20-14 – 1st Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into either a purchase agreement pursuant to the Ohio Cooperative Purchase Act, or a lease/purchase agreement with a vendor for the lease/purchase of two (2) marked cruisers and one (1) Ford cargo van for use by the City's Police Department, and declaring the same to be an emergency.

- 12. **Resolution No. 21-14 – 1st Reading – Community & Economic Development**
A resolution authorizing the Mayor of the City of North Canton to enter into a Mutual Economic Development and Annexation Agreement (“Agreement”) by and between the City of North Canton (“North Canton”), City of Canton (“Canton”), Jackson Township (“Jackson”), and Plain Township (“Plain”), and declaring the same to be an emergency.

- 13. **Resolution No. 22-14 – 1st Reading – Community & Economic Development**
A resolution authorizing the Mayor of the City of North Canton to enter into a Mutual Economic Development and Annexation Agreement (“Agreement”) by and between the City of North Canton (“North Canton”), City of Canton (“Canton”), Jackson Township (“Jackson”), and Plain Township (“Plain”), and declaring the same to be an emergency.

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 Mayor	Director of Finance City Engineer	Director of Administration
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FINAL CALL FOR NEW BUSINESS:

ADJOURN:

Gail M. Kalpac
Clerk of Council

2/6/14-gmk

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 15148

Held

Monday, January 27,

7:00 p.m.

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14

1. Call to Order

The council meeting was called to order Monday, January 27, 2014 at 7:00 p.m. by President of Council Jon Snyder.

2. Opening Prayer: Rev. Mel Lindberg (Retired)

The opening prayer was delivered by Rev. Mel Lindberg (retired).

3. Pledge of Allegiance

All present recited the Pledge of Allegiance.

4. Roll Call

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 Law Fox, Director of Finance Alger, City Engineer Benekos, and Clerk of Council Kalpac.

5. Consideration

Council Meeting Minutes – January 13, 2014

Mayor's Court Receipts – December, 2013

Financial Statement – November, 2013

Financial Statement – December, 2013

Mr. Snyder: May I have a motion and second to approve as presented, the council meeting minutes, January 13, 2014; the Mayor Court Receipts as presented, December 2013; the financial statements presented November 2013 and December 2013.

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

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

No: 0

6. Committee Minutes

Mr. Snyder: I need a motion and a second to approve as presented, the Personnel and Safety Committee meeting minutes held on January 13, 2014.

Mr. Foltz moved and Mr. Peters seconded to approve as presented, the Personnel and Safety Committee meeting minutes. All members present voting:

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

No: 0

7. Recognition of Visitors

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

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. Accurate and complete records are vital building blocks of our history. They should not be filtered, interpreted or summarized by any individual. As an example, I would like to quote from a general affidavit submitted to the US Pension Office in support of a request for a pension for my great-grandmother, Nancy Lindenberg, a widow of a veteran of the Civil War. It is dated June 26, 1910. The statement was submitted by Sterline – or Starling Marshall, a family friend who served several times as a Kentucky legislature in the early part of the 20th Century. Mr. Marshall states, and I quote, "We were well acquainted with Christian Lindenberg, alias Christian Lindberg and Nancy Lindenberg living on adjoining farms, residences within hailing distances of each

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other, and know that claimant and the soldier lived together until his death and that they were never divorced, but lived and cohabitated as man and wife up to the date of his death, May 10, 1910. We also know that soldier left no other child or children claimed for by this or any other marriage, but Harry Lindenberg who was under 16 years of age at the time of soldier's death. On the filing of her claim, May 20, 1910, we know this from an intimate acquaintance seeing claimant or soldier almost daily for several years up to his death. We also know that claimant has not remarried since the soldier's death." What would be left with – what would we be left with today if those words on this affidavit had been summarized or paraphrased? I am certainly glad that the national archives in Washington, DC has not summarized or paraphrased records entrusted to its care. A speaker's words spoken or written, are his or her own, and not for someone to interpret. Would anyone want his or her words filtered or reinterpreted and then preserved in said manner for posterity? I think not. In actuality, the demands of summarizing or paraphrasing someone's words would require more time and effort than simply transcribing those words verbatim, not to mention the risk of inaccuracies and produced by restatement. As public officials conducting the public's business, why would you even consider letting someone summarize or paraphrase your own words on public issues? Verbatim transcripts protect you. Why would you want to open the door and let someone put words in your mouth? Like the words of Starling Marshall that I read to you, your words will be preserved for generations to read. I am sure each of you would prefer that an accurate, complete record of your words be kept. The proposal to eliminate the transcribed verbatim minutes of Council meetings, Planning Commission meetings, Zoning and Building Board of Appeal meeting, and the Appeals and Variance meetings is a mistake and will diminish citizens' oversight of the actions of public officials. Ending the tried and true practice of verbatim minutes does not bring about any cost savings for taxpayers as acknowledged by Council President Jon Snyder, in answer to a question asked by Council Member Peters. How can cutting corners and diminishing the historical account of the actions of North Canton City government benefit the citizens and taxpayers? Last Tuesday, Law Director Fox repeatedly said that audio recordings, which would be maintained in the cloud under the proposed elimination of verbatim transcripts, could be taken to a transcriptionist and transcribed at a rate of \$200 an hour. Anyone who has observed a transcriptionist transcribe meetings would observe the transcriptionist using a transcript machine, one that is preprogrammed with the names of expected speakers at the meeting. The transcription machine works in tandem with the transcriptionist's own recording of a meeting. I called Premiere Court Reporting and talked to a transcriptionist, and was told in no uncertain terms that transcribing a meeting, which she had not attended and recorded would be extremely difficult. Further, she could not certify such a transcript. In short, a citizen could not obtain an accurate transcript as stated in this scenario at any cost. It is very disheartening to hear North Canton's Law Director claim that a citizen could simply take an audio recording and have it transcribed verbatim when that is really not feasible. North Canton City Council has kept verbatim minutes of Council meetings for decades. It is a permanent, accurate record of the actions of public officials. Yesterday, I spoke to Daryl Revoldt, former Mayor, past President of City Council and long-time member of North Canton City Council, regarding the proposal to discontinue the practice of transcribing verbatim minutes of city officials at public meetings. Mr. Revoldt was unequivocally opposed to the proposal to end verbatim transcripts, and told me that I had permission to present his position against this proposal. He also gave me his cell phone number to give to many of you on this Council body so each of you could hear his position on why verbatim minutes have served North Canton citizens, North Canton and its citizens well.

(Five-Minute Timer Bell)

Mr. Osborne: I ask that Ordinance No. 13-14, 14-14, 15-14, and 16-14 to end verbatim transcription of Council meetings, Planning Commission meetings, Zoning Board Appeals be tabled or voted down.

(Gavel)

Mr. Snyder: Mr. Osborne, your five minutes is up, sir. Thank you.

Mr. Osborne: I just have one short sentence. Without summarizing or paraphrasing on my part, Mr. Revoldt's last words to me on this proposal were, "ending verbatim transcripts would be an unwise decision." Thank you, and thank you for your accommodation, Mr. Snyder.

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Mr. Snyder: Not a problem.

Mr. Osborne: If anyone would like to see what the historical records look from the Civil War, I have the record to show you.

Mr. Snyder: Thank you, Mr. Osborne. Is there anyone else wishing to speak to the body?

Mr. Fox: Before the next person speaks, I'd like to state that I didn't mention anything about a cloud. I stated that a recording could be transcribed by a court reporter because that's what they do every day. That's their job, is to transcribe. And for a court reporter to tell you that they could not listen to a public meeting and provide a transcription, I'm just uncertain why they would say that they could fulfill that duty and why we every day hire court reporters and essentially that's what you're asking the clerks to do during these public meetings, is a court reporting. And I'm not stating that it's not worth while. All I'm stating is that it's something that the taxpayers should decide because the legislature has decided that is not required. There are a multitude of municipalities that do not incur that additional cost. I went through Canton, North Canton, Louisville, the two townships -- Dover and New Philadelphia, and Canal Fulton. And the only one that - the only two that do it is Canton and North Canton. So, if you continue, the point is just understand that you are incurring a significant cost to do it if that's what you feel is the rationale that you need court transcribed minutes for your meetings when courts of law do not require that unless a person asks for the transcription, and that person who demands the transcription is required to pay the cost. What you're asking is for the taxpayers just to simply assume that cost. And if Council determines that's reasonable, that's fine. I'm just pointing it out that it's not required. Thank you.

Mr. Snyder: Thank you. Mrs. Henley.

Faye Henley: I'm Faye Henley. I live at 833 Church Street SW, North Canton. And I'm aware of the fact that we're losing our post office to down into Canton and getting a substation. And I would like the Council or anyone else who that can have the influence to have all these empty buildings we have on Main Street for the substation and not go way north where it's out of the way for 90% of the people of North Canton. And even though this one is on North Main, it's not way out on North Main. And I don't know if Mr. Fox has, could have any influence on talking to them, or who's doing it because nobody knows who is testing what buildings to do this with.

Mr. Snyder: Thank you, Mrs. Henley. Mayor.

Mayor Held: Yes, just to clarify that. With the post office as the Post Master had explained through the Congressman's office, that the, that branch is going to remain as it is as it pertains to the City residents. So the post office is not moving out of Canton. However, the mail carriers are going to be reporting down to Canton, and then they will be working their routes rather than reporting to the City of North Canton, this branch, and delivering their mail. They'll be starting their day down in Canton. And then for income tax purposes, the percentage of the time, which is a large percentage of the time, that they'll continue to work their routes which will be in the City, they'll be paying that appropriate amount of income tax. So if anything there would be a minimal amount of income tax that the City may lose as it pertains to the percentage of time that they're working down in Canton at the start of their day. But the majority of their work is going to be done in the City. So in summary, this post office is going to remain open. The North Canton residents, they're not going to see a change in the service at all. It will stay there, the branch will stay there. You can go and deliver packages, and get your stamps. So it won't be - it's not going to be moving north or south.

Mrs. Henley: I was told that because of the \$5,500 rent on that building and the fact that it's an absentee landlord that moved out of state, that and then the lack of maintaining that driveway, which has got so many potholes up to 6, 8 inches deep, that they were not going to stay in that building, until - well the lease is up at, you know, in the future - not now.

Mayor Held: Right. Yes. And no, that's not the case. They're not moving.

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Mrs. Henley: And they said – and so I called the main office and talked to him and he said they're looking for a substation area.

Mayor Held: And again, that's from an operational perspective, so that the...

Mrs. Henley: For the customers.

Mayor Held: No. It's for – it's how they manage their mail carriers. So the mail - mail carriers may not be starting their day and receiving their mail out of this post office, they'll be doing that at another location, which I believe is the Canton Office.

Mrs. Henley: It is.

Mayor Held: So they're doing that across the country. They're consolidating their operations to various locations, but they're not doing away with the post office itself which is the service to the residents.

Mrs. Henley: But, that location I was told is not going to be available.

Mayor Held: No, that's not – and again, this came from the Congressman's office. So that post office is going to be staying. It's not leaving.

Mrs. Henley: Then are they, is the City going to enforce the code on changing that parking lot to be decent for us to drive in and out with our vehicles?

Mayor Held: Absolutely. I mean, that's what we want, because we want the parking lot to be safe for all the residents. And what we're doing is communicating with Congressman's office so that he steps up the activity and the pressure.

Mrs. Henley: May I ask what – and which congressman would that be?

Mayor Held: Congressman Renacci.

Mrs. Henley: Okay. Thank you.

Mayor Held: You're welcome.

Mr. Snyder: Thank you, Mrs. Henley. Anyone else in the audience wishing to speak?

Melanie J. Roll: 308 Portage Street. The proposal to change how council minutes are preserved is multi-faceted. One issue is what technology will be used for recording minutes and how those documents will be stored for future use. The second issue is will those minutes be a summary of what has taken place, or a more exact record of each council person's thoughts and rationale or how they vote on legislation? Just as some council members have questioned how quickly technology changes, some currently employed librarians have also questioned the wisdom of storing data only in digital form. I'm told some documents and spreadsheets recorded in the 1990's on software that is now obsolete cannot be accessed. That information is now lost. And along with the cost of storing data in the cloud, organizing and keep sufficient backups requires constant vigilance by the folks responsible. Many times requiring hiring a person to do that task. Plus I'm told retrieval of data can become cumbersome. Even paper from the 19th century is accessible by archivists and historians. And those librarians say, if you have a storage area, paper is the best option for ease of retrieving documents. The argument for not transcribing minutes verbatim, I believe, is cost. My counter to that is there are services that I believe government should provide. And those services may not be disbursed equally to all citizens. If a street is paved in the Eastwoods Allotment, I would most likely not benefit as I seldom travel in that neighborhood. However, I realize someone in the City is getting needed street repair. My household is yet to need North Canton Police or EMS, thankfully, but I realize, there are folks in the community that do need those services. Yes, currently there are a handful of citizens who request public records and it can seem problematic. My argument is government has an obligation to transcribe the exact words and actions of Council and store those documents in a manner that citizens can access at minimal cost. Again, some citizens would use the service, others would not. What hasn't been discussed in open forum is that perhaps verbatim minutes would be helpful to members of Council if you're trustworthiness is called into question. Those verbatim minutes would verify what a Council person did or did not say about issues

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before Council. Yes, it could be helpful. The Federal Government issues the congressional record, a permanent account of all Federal legislative proceedings, available in paper. The Ohio Legislative Service Commission publishes the Senate Journal and the House Journal, which is an account of state legislative proceedings, also available in paper. Surely North Canton government can provide a verbatim record of meetings of Council, Planning, Zoning, and Appeals and Variances at minimal cost to citizens. Thank you.

Mr. Snyder: Anyone else wishing to speak?

Glenn Saylor, Jr.: My name is Glenn Saylor, Jr. I live at 340 Reed Avenue, North Canton, Ohio. First of all, I'd like to thank everybody who came out tonight. I think it shows that you are the true patriots of North Canton, and I commend you. I cannot speak as eloquently as the previous two speakers about the issue of recording our minutes verbatim. I think the previous speaker hit it right on the head, and bravo to you. And I can't add any more to what's been said then what Chuck and this lady have said tonight. But I would ask you if you are considering changing this, that at least you do it the way a business would do it, and that is to run parallel for a couple of months. I'm in the computer industry. When we switch from one computer to another, we just don't throw the old one out and start with the new one. So if you're thinking about, hey, going to digitally recorded that people can access on the cloud or wherever it's going to be, fine, but let's keep the transcripts for a couple of months and see once what people's opinions are. That might change your opinions, too, because you can go anywhere you want to and people can say, hey, yeah, this is great. We've done away with transcripts and we don't need them. And then you come back, and you do that. And, you say, hey, wait a minute. It wasn't a very good move at all. Okay? So, let's do this in a business-like fashion like a business would do. The one issue I see with keeping things as a digital recording, even if people are able to access them on the internet or whatever, would be the fact that I can't tell any of you people apart as far as your voices go. So if I'm listening to a tape, I can't tell which councilperson is necessarily speaking, whether it's Dan Griffith or Mark Cerreta or Marcia Kiesling. Whoever is speaking, I can't tell who that person is. So I could listen to that whole council meeting, and I could guess, hey, that's Mark Cerreta speaking when it could be Daniel Peters. Okay? So I think like the previous speaker has mentioned, it's good all around, not only for citizens of North Canton to understand what's happening at the council meetings, but also yourselves. So that if there's any issue of who said what, okay, it's already in the minutes there. There's no doubt who said what. So again, I thank everyone for coming tonight and the two speakers who spoke about this issue.

OLD BUSINESS:

- 8. Mr. Snyder: Thank you for your comments. Anyone else wishing to speak? Okay. Thank you. We'll move to Old Business. May I have a motion to read by title only, the second reading of Ordinance No.8-14?

Mr. Griffith moved and Mr. Peters seconded to **read by title only, the second reading** of Ordinance No. 8-14. All members present voting:
Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz, Griffith
No: 0

Ordinance No. 8-14 – 2nd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to submit a Participation Agreement and request authority for the City of North Canton to participate in the Ohio Department of Transportation's ("ODOT") Contract for the purchase of sodium chloride (rock salt) for the 2014-2015 winter season.

Mr. Snyder: We talked about this. This is about \$30 a ton cheaper. However, if they don't deliver it, it doesn't really make a difference, but that's the situation right now. And we trying to get out in front of this so that we don't know exactly when the next request for the bid for the next season will be, so we wanted the Administrator has the ability to bid at that. That's what this authorizes. Are there any comments from members? If not, may I have a motion to adopt the second reading of Ordinance No. 8-14?

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Mr. Griffith moved and Mrs. Kiesling seconded to adopt the second reading of Ordinance No. 8-14. All members present voting: Yes: Peters, Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling No: 0

NEW BUSINESS:

- 9. Mr. Snyder: Moving to New Business. May I have a motion to read by title only, first reading of Ordinance No. 13-14?

Ordinance No. 13-14 - 1st Reading - Ordinance, Rules & Claims

An ordinance amending CHAPTER 111 - COUNCIL, specifically 111.01 MEETINGS: TIME, PLACE, AND RECORDING PROCEDURE, of the Codified Ordinances of the City of North Canton, to remove the requirement for verbatim transcription.

Mrs. Kiesling: I wasn't here last week. So are you guys ready to read it or you know I'm in favor of tabling it. But I wasn't here.

Mr. Foltz: I would - go ahead you're the Chair.

Mrs. Werren: Yeah, I didn't know if we read it first or I didn't know if procedure if we read it first and decide to table it. Okay. So and thank you to all of you who have come out as well. It was put on my committee and so I will lead the way. And it was my duty to present the facts that were presented last week. At looking at this, I mean initially you think, boy how can we streamline things? And how can we make a system that's currently done possibly more efficient if it needs to be, and possibly more cost effective? I think at this time, I've spent a good deal of time this week talking to people. I also talked to Daryl Revoldt. I've spent time talking to Gail. I've talked to various Council members. And I've talked to Tim Fox about this. I've talked to some other systems. I've looked at some other systems. I've looked at what Plain Township does. And I printed out their minutes because when we got the report that we were two of eight or ten communities that did the verbatim minutes, I wanted to see what other communities are doing. And I appreciate that we're actually just looking to see what other people are doing. I think that's important to say, are there better ways that we can do that? Gail, I think your knowledge in this could be very helpful. And I don't think at this point we know if transcribing verbatim is more cost effective versus someone having to paraphrase it. I think there's a difference paraphrasing something that's written. I think that's much easier than listening to something and then paraphrasing. So I think we need to collect that data. And you brought up a great point. I've worked in the business field and I think that's a great idea to look at it comparatively to say, how many hours have you spent on the verbatim minutes? And I think we have a round-about idea. But then how much would it take to paraphrase? It is hard to capture what we think and feel and say on a weekly basis. And with the meetings every other week, you're only here every other week, and it's difficult. And maybe there's a way that you can say, hey, this is something that I was thinking about. Is this a better way to do it? So I want to use your expertise and guidance, and then I want to look and see what other districts are doing. I - you're right Melanie, we don't know where it's going to be stored. We don't have the exact technology, so we don't have that. The cost, we don't know if it's a value yet. So I guess at this point I do want to table it. I just don't think that we have the information, and so maybe that includes all of them. And then maybe in the end, we continue a certain way with some of them and then maybe others if we aren't able to produce it in the manner that may need to be done, maybe we do summary minutes in that. The one thing that was interesting, when I looked at Plain minutes, and I read our minutes a number of times, they are difficult to read. And they're timely to read. They go from about, this week it was pages 3 to 19. So that's - let's just round up to about 20 pages. The Plain minutes - it looked like a number that was a merge field, and so you was just kind of be filling in the blanks and someone would do a merge, but then on certain topics it gave you examples of what they were talking about. And I was able to understand pretty quickly what their meeting was about. For example: their street, when they have their streets cleaned, they have people come from Navarre. So that's one benefit with North Canton, our streets are cleaned much more quickly because we actually house in North Canton. But it did make me think, well maybe they could share ours at some point. So but you know

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you've got that from a very - it took me six minutes to read over what they were thinking and saying. So maybe there are different ways, but I just don't think at this point we know enough, and I would like to keep researching and understanding what goes into this. So those are my thoughts. I don't know if anyone else has thought about it this week, but - yeah...

Mr. Foltz: I'm glad you're tabling it, because I've thought about it. I brought some points up last meeting. I thought we had excellent discussion on it. I think that's what this Council is about, Administration. And I do feel you lose something when it's not transcribed word for word, or verbatim. And I've gone through some zoning issues in the ward, and it was always nice to pull out some of those minutes of Planning Commission, or Zoning and read what was on some of those members minds versus calling them up or trying to play phone tag with them on certain ways or opinions that they voted. I think that's invaluable. I mean, I'll stand with anything I say up here, and you know sometimes we're wrong. We're all humans, but I think there is a personality involved and there's a way when we talk about issues that your point comes across a specific way that gets lost if someone is going to interpret it and just give us the highlights. I'm not saying every meeting in every government entity has to be recorded on the record verbatim, but I think it's important that we do this here. And I think that some of our residents have spoken, and I agree with them.

Mrs. Kiesling: Just the week that I had to think about it, I wasn't in the conversation. I was not inclined to do that because I do enjoy the verbatim minutes. And I have gone back and looked at certain things that have been said by certain people, not just us on council, but the public. And the fact that Gail doesn't truly transcribe our minutes right at the moment, it's somebody else who's doing that. And if we ever fathom somebody paraphrasing that, that person actually has to be in the room with us to be able to do that. So first of all we'd have to decide whoever is doing the paraphrasing, they have to be at our meeting. And for Planning Commission, she is. I'm sure she's missed a few here and there, but for the most part, it's Linda Teis whose there and she does the paraphrasing or she does the verbatim, or whatever needs to be done for that meeting. Where Gail is at our meetings, but she doesn't do most of our transcribing. So you know that's a big issue for me as well. But yeah, I'd like to see a little bit more, and I have been on Plain Township's website, but I do enjoy the verbatim minutes. I don't read them, you know, line by line every week but I do tend to glance over them because I vote on them.

Mrs. Werren: Right.

Mrs. Kiesling: I do, you know, I make sure they're at least what I say is accurately recorded or reported. Because I do say yes or no to, you know referring to the minutes. So, I'd like a little more information, I guess.

Mr. Cerreta: Side note to Glenn, I like your process of parallel change. I think we need to put that more inclined to other things that we do. And I think we should when we start looking at certain change how you can smooth into it that way. So when we do look at. It's just a side note.

Mr. Griffith: Well, we talked about that last week. But before I'd be comfortable moving forward with anything along these lines, we really need to work hard at determining what sort of digital substitute ...

Mrs. Werren: Right.

Mr. Griffith: we have because that's a real issue. I mean I think that's a real problem. Even if we decided that's what we wanted to do, then I'd want to run parallel with that for a while just to make sure that we knew what was going on. But I guess I read something this week about the Nag Hammadi Scrolls, which Reverend Lindberg will remember as well, it's the wonderful scrolls that were found in the Egyptian landscape that describes some of the early texts of Jesus. And you know it's amazing to me that this that lasted several thousand years, or couple thousand years. And not that - and not that it is ...

Mr. Foltz: well look, one wonders, right? That is a part of it. And not that it's terrifying to think of it, some of our words will be maybe preserved for that equal amount of time. But at any rate, I think making sure that something that has longevity is very important, too.

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Mrs. Kiesling: Gail, you had a thought.

Mrs. Kalpac: I think there is a little misconception here about how we can store it es digitally. While we can store it digitally, and Law Director Fox can correct me if I'm wrong, but the minutes are a permanent record whether they're a summation or they are paraphrased or whether they are verbatim, they are a permanent record and we have to keep a hard copy of them.

Mr. Fox: We also keep it seems the intent is to keep the recordings in perpetuity. We're talking about, what about 20 years, 50 years, and you have to question how often does anyone that you know go back beyond a couple of years to listen to the recordings. And in fact the requirements for recording for an open meeting is no more than two years, but we do it well past that. And there is a concern of how far can we go with the changes in technology, but then also the concern that, indeed it's all well and good to talk about how important they are, but you have to, I think, consider, balance those in the relative cost for those when you're making decisions about where to allocate money. And if this is indeed important enough that you wish to have a court reporter like transcript for all of your meetings, it's also crucial that you make sure that all of the custodians that you have, have that training, and the time and the assets to do that because it's not fair to provide that burden to them, then expect them to be clerks and have that type of responsibility with a, you know, sometimes a very quick turnaround. And so if that's the way you wish to proceed. And again it doesn't matter to me, I'm a taxpayer like many others in here, I'm just pointing out that there's a significant cost. If you deem that the cost is worth it, then don't shy away of putting those assets to make sure that they can turn those around in a timely way because if they don't, then you have yourselves an open meeting violation.

Mr. Cerreta: Did you put together any cost statements numbers on this? Have we seen that? I mean if we're going to – maybe we need to ...

Mrs. Werren: But I don't think we have the numbers, because if we're going to paraphrase then you need to know how much time they're going to put into it. It's only going to save us money if they can paraphrase in a quicker manner.

Mr. Snyder: You cannot ...

Mrs. Werren: So that's what I want to see.

Mr. Snyder: I will tell you, you cannot paraphrase in the same amount of time. That meeting last week, she's still working on it. She's on the third day which is normally takes about three hours. It's now taking three 24-hours. So, it is a great...

Mrs. Kiesling: It's a learning curve, too.

Mr. Snyder: Well, it's impossible for her to paraphrase, she wasn't there.

Mrs. Kiesling: Right, I agree.

Mr. Snyder: She has no idea what's going through your mind.

Mrs. Werren: The audio, if you're only listening to audio, it is difficult.

Mrs. Kiesling: Inaudible...

Mr. Snyder: It's next to impossible to determine what's going on in someone's mind or what their thought was when you try to write it down unless you were sitting there watching their body language and watching what they're saying. Now to capture the minutes in a detailed way by you know, by summary, she probably could do them quicker than verbatim. But to paraphrase them, even maybe after she's done it for a little while, but right at the present time, it won't work.

Mrs. Werren: So we're okay tabling it?

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Mr. Foltz: Yes, I agree. And Jon, I think that the discussion point has to come back versus committee meetings. If it's that important, restate it on the record during a council meeting. I mean you have the ability to hold the vote out, or have a discussion before the vote. We do a lot of work in committee ...
Mrs. Werren: Right.

Mr. Foltz: and we've had great committee meetings, but I also don't want to create a problem for our clerks to spend days on something ...
Mrs. Werren: Right.

Mr. Foltz: where we can come back, know where we were and repeat if we have to, some of our finer points to put on the record. That's always been available to us.

Mr. Snyder: Actually, if you're going to table it, I'd like you to put a deadline there to bring it back forward, because otherwise it will just die as not being brought back. So if you'd set a deadline and put it into the latter part of February if you like, or the first of March, put a specified deadline, otherwise it won't go any further than that.

Mrs. Werren: Do you want it back closer? or I guess I was thinking that we'd either make a decision on this or not even maybe two weeks. Do you want it back further than two weeks?

Mr. Snyder: No, I mean if you want to continue to discuss it or you just want it to die, it can be done either way. We've read it, we've not voted it, it doesn't have to be tabled. It can die right now, and go no further.
Mrs. Werren: Okay.

Mr. Snyder: And later on bring it back into the Committee and re-discuss it.

Mr. Griffith: Should we not read it then? I mean, let's...

Mr. Snyder: If you don't read it, it's going to die. And, that's - and if you want to continue your research...

Mrs. Werren: So, we could read it and then we'd just continue...

Mr. Snyder: Then, you could table it.

Mrs. Werren: Then we table it.

Mr. Snyder: Right.

Mrs. Werren: Okay. So, it's really better to read it. I don't want this to die.

Mr. Snyder: Okay, then read it, and table it.

Mrs. Werren: Okay.

Mr. Snyder: And then you table it for a specified period. A month, or whatever you think. I would think that it would take you the biggest part...

Mrs. Werren: Well I think what we're going to need is to have some of the hours that it takes to paraphrase. If you're going to kind of do maybe a verbatim versus a paraphrase.

Mrs. Kalpac: I can tell you it's quicker to just sit down and type what you hear than to paraphrase. To paraphrase, especially for Bev because she's not familiar with government and government is a different.

Mrs. Werren: Right. But, I still want the hours. I still need to know how many hours. If it typically takes you ten, and now we're at fifteen, then I need to know that.
Mrs. Kalpac: Okay.

Mr. Snyder: One thing I'd may point out too, one of the problems, as the Directors told you, lies in other departments.

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Mrs. Werren: Right.

Mr. Snyder: They have people that are administrative assistants, not clerks doing transcriptions verbatim. A couple of years back when Daryl put that pressure on both Planning and Zoning Board of Appeals, they never copied verbatim minutes. They were all summarized. And now you're putting more pressure on a, on the clerks there that do not have the time rarely to complete their own work, let alone additional work.

Mrs. Werren: Well, I think that's why I said, too ...

Mr. Snyder: That there's a problem. Yeah.

Mrs. Werren: I mean I think we still need to understand, what are their thoughts? I mean I'll call them and find out, you know or whoever it needs to be.

Mr. Snyder: And Jill for the Zoning Board of Appeals, because those, that's a, you know...

Mrs. Werren: How long is it for verbatim minutes are they taking? I don't think we know that.

Mr. Fox: Typically, and for anyone that's attended any open meeting, it doesn't need to be government, it can be your public library. But any open meeting, government or you know public organizations take minutes. They have a secretary, and the secretary is at the meetings and takes notes and simply summarizes it. And that's what the legislature understanding, I believe the costs involved with having a court reporter. Imagine our public library deciding they wanted verbatim transcripts. Alright, well we need a court reporter here to take this information down. So it's a cost to the library. And in no way to limit the significance of a council meeting, I certainly understand how important it is to have those, but my point is simply there's a cost, and it's a significant cost. And if you wish to have that type of transcript and you're going to put the same burden as our President said, on the Zoning Board of Appeals and the Planning Commission, is to make sure that you have them trained and you have the time or provide another person to assist them so that they can timely turn them around, because once you provide that requirement of having a verbatim transcript, then that's the burden that they have to assume and they need to turn those around so they can be approved.

Mrs. Werren: I think ...

Mr. Fox: Every member of council that receives sixteen pages of last week's meeting and approving is stating that you reviewed them and that it met what you thought you said or what you heard. And that is significant.

Mrs. Werren: I think at this time, and I mean this was just presented to us last week, we didn't know the departments were behind. So I really think at this point we need to understand the burden that it is. And then understand that if we have the right people in place to do that, and their time commitment. I want - I do, I want to find out how long it takes. The Zoning meeting, some of them and the Planning Commission, some of them have been cancelled. So how often are they meeting? So is it a three-month lag? Are they taking four times? What is the time? I have no papers. I have no data. I want some data before we go forward.

Mr. Peters: Stephanie, if I may. I would prefer, and it's entirely up to you as the Chair, but I would prefer that this dies, and that at a later time once we've collected the data and information that we need if we feel it's necessary to bring it back at that point, then you know if you feel it is necessary to bring it back at that point, then bring it back. But I've thought about this all week, and in talking with Chuck, and I talked to Daryl today also, there is a value to having verbatim minutes. And I think when you look at the cost, and again we've got to look and see what the savings could be....

Mrs. Werren: Right.

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Mr. Peters: but you know at what threshold it that worth it? You know, is it five thousand a year, for me? Would it be seven thousand for Mark, whatever. It's a service to our constituents. We have certain constituents that use it more than others, but if any constituent ever wanted to come up and read and get a copy of what we have, you know I think it's incumbent upon us to deliver that to them. And that's probably going to be my position on that.

Mrs. Werren: I thought you said when it dies, I think then I was confused. I thought that meant – I don't know what I thought it meant – but I thought like we wanted to make a decision on it, so if it dies there's no decision. So I guess it would just stand as is....

Mr. Griffith: Procedurally, if we don't read this, if we don't move to read it, and we choose not to do that

Mr. Snyder: That's the end of it.

Mr. Griffith: and that's our prerogative, but we can....

Mr. Snyder: Oh, yeah, you can still gather all the information....

Mr. Griffith: Right.

Mr. Snyder: and have another committee meeting and present the new information.

Mr. Griffith: Right.

Mr. Cerreta: We don't read it, we just don't present it.

Mr. Snyder: Yeah, that's all.

Mr. Griffith: Procedurally we need to read it in committee before ...

Mr. Snyder: This particular ordinance just dies for lack of being read. You can gather all your information and then bring it back through your committee once again with new information. It will be assigned new...

Mrs. Werren: Okay. So I guess that's what we'll do.

Mr. Snyder: Okay. Then we just have to read aloud these next few, and I would request that you vote in the negative to read it and that will cause it to die automatically. So but I do have to procedurally read the next two so it goes into the record. And, if you vote not to read it, it will die.

Mrs. Kiesling: It's up to you Steph.

Mr. Cerreta: What about the first one, do we need to say no to the first one?

Mrs. Kiesling: Yes.

Mr. Snyder: Yeah, we'll and you just say and to the reading of it. So, I do need a motion and second to read by title only, first reading of Ordinance No. 13-14.

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 13-14**. All members present voting:

Yes: 0

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

10. **Ordinance No. 14-14 – 1st Reading – Ordinance, Rules & Claims**

An ordinance amending Chapter 145 – Planning Commission, specifically 145.01 TRANSCRIPTION/DISTRIBUTION OF MINUTES, of the Codified Ordinances of the City of North Canton, to remove the requirement of verbatim transcription.

Mr. Snyder: Okay. This one here, may I have a motion and second to read by title only, first reading of Ordinance No. 14-14.

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Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 14-14.** All members present voting:

Yes: 0

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

11. Ordinance No. 15-14 – 1st Reading – Ordinance, Rules & Claims

An ordinance amending Chapter 147 – Zoning and Building Standards Board of Appeals, specifically 147.01 TRANSCRIPTION/DISTRIBUTION OF MINUTES, of the Codified Ordinances of the City of North Canton, to remove the requirement of verbatim transcription.

Mr. Snyder: Now may I have a motion and second to read by title only, first reading of Ordinance No. 15-14?

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 15-14.** All members present voting:

Yes: 0

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

12. Ordinance No. 16-14 – 1st Reading – Ordinance, Rules & Claims

An ordinance amending Chapter 1307 – Flood Damage Reduction, specifically 1307.05 APPEALS AND VARIANCES, of the Codified Ordinances of the City of North Canton, to remove the verbatim transcription of meetings requirement and update in accordance with the remainder of the codified ordinances.

Mr. Snyder: And No. 12, may I have a motion and second to read by title only, first reading of Ordinance No. 16-14?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 16-14.** All members present voting:

Yes: 0

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

Mr. Snyder: I think that's the most no's ever said in this ...

Mrs. Werren: Could you put that verbatim on there, please?

(Laughter)

13. Resolution No. 17-14 – 1st Reading – Finance & Property

A Resolution to submit to the electors of the City of North Canton, Ohio, the question of a new tax levy for parks and recreational purposes in the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: Thank you for the discussion. Prior to us reading the first reading of Resolution 17-14, the Law Director has or excuse me, the Director of Finance has prepared a power point. Do you want to see that previous to the reading or do you want....

Mr. Foltz: I'd prefer that we see it to – I think it will help make our decision....

Mr. Snyder: Okay.

Mr. Foltz: more informative.

Mr. Snyder: Okay.

Mrs. Alger: I apologize for the scratchy throat, I still have that, but what someone asked me, and I think it was Councilman Foltz, to put something together to see what the general funds resources have been for the past few years. And so with that I'll give you all handouts so you can probably see it better. But this breaks down the revenue sources that the general fund received. As you can see, in 2013 it was

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drawn from several sources. The main one is the income tax, which is \$4,570,300. That is 63% of the revenue source. And Gail's going to help me. The ...inaudible... source, \$822,591 is 11% of the property tax in Row ...inaudible... Local government makes up \$320,000, which is 4%, and then inheritance tax in 2013 actually came in at \$487,699, 7% of that revenue source. That was a surprise we didn't expect it, so that was a good thing. But what I'm going to show you see - show you as you go through the various sources has changed in our revenues. This is just the same thing basically to show you the total revenue by year. For the general fund, I did remove notes and bond postings so that you can compare, as they say apples to apples. And in 2007 you see \$9,000,000 and that was our best year in the last few 10, 12 years. In 2013....

Mayor Held: Also - I'm sorry, Karen. Just to clarify, that previous slide, that includes estate and local government funds, all funds for general fund, correct?

Mrs. Alger: Correct. And this is just showing the general revenue in a pie chart. And as you can see, the income tax is the 63% and that's where that you look and the slide will show you, if I do that - why did that not move? Why am I not moving? I am hitting the right - there it is - not hard enough. Okay. In 2007, you can see the various revenue sources, but the reliance is not as heavily on the income tax because we've had inheritance tax, local government and the property tax, but if you go back and forth through '13 - I've never done power point - if you do 2013 you could see more reliance on the income tax.

Mayor Held: I'm sorry. Karen, one quick question.

Mrs. Alger: Yes.

Mayor Held: When you look at the pie here for general fund 2012...

Mrs. Alger: Yep.

Mayor Held: if we look at the previous bar graph that you put together, the amount is \$7,745,000.

Mrs. Alger: Correct.

Mayor Held: The two charts correlate.

Mrs. Alger: Correct.

Mayor Held: Okay.

Mrs. Alger: I also showed you '14 so that you can see the projection. Again, the income tax is getting much more heavily burdened for relying on it. This chart shows you the income tax collections throughout the year for 2000, and yet you see that since 2000 we have continued to reduce. We are gradually going up. And with that I want to let you know with Senate Bill 5, we're projecting another loss because of the way - they want to make it consistent so that every tax base, it doesn't matter which municipality you are, is the same. And what we had analyzed and we interpreted that it would cost the City of North Canton another 300 to 400,000 dollar loss. So not only are we seeing the loss in the general fund from all these local governments, the estate tax and the property tax, we're also seeing a little bite in the income tax collections.

Mr. Foltz: I'm sorry, Karen. I have a question.

Mrs. Alger: Yeah.

Mr. Foltz: Your last comment, House Bill 5, what direct fund does that reflect here? You said that's income tax.

Mrs. Alger: That's a separate fund. That's where we collect our funds. And it's a separate fund we take in and it's allowed.

Mr. Foltz: Okay, so that will affect our income tax fund, is that right?

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Mrs. Alger: Because - correct, that would affect the actual income....

Mr. Foltz: Okay. So the general fund, not to confuse that, we're already - we've already lost over \$300,000 the last couple of years versus the estimate for next year or this year 2014. We're already losing money in estate tax

Mrs. Alger: Right.

Mr. Foltz: Which will be zilch, which 2012 it was 1.1 million. We're also going to lose more income tax revenue with House Bill 5.

Mrs. Alger: Right.

Mr. Foltz: The third strike to local governments.

Mrs. Alger: Absolutely.

Mr. Foltz: Okay, I just wanted to make sure that's clear to everybody.

Mrs. Alger: Actually that's almost the fourth strike, only because when we had the property tax in 2012....

Mr. Foltz: The devaluation of our property taxes too.

Mrs. Alger: So but that's the big one. You're absolutely right.

Mr. Foltz: Okay.

Mayor Held: Karen, I'm sorry. Just to try for clarification here. First off, these slides are excellent.

Mrs. Alger: Thank you.

Mayor Held: You did a very nice job on these.

Mrs. Alger: It took me all weekend.

Mayor Held: When you look, I mean, yeah these are excellent. When you look at the income tax though, for 2000, it's \$7,000,000. And now you look at 2013, we're still down by like \$315,000 over a 13 year period....

Mrs. Alger: Right.

Mayor Held: with our income tax. So we still - the good news is that when you look at 2010 that's when we bottomed out. That was our lowest point in the city income tax wise, which obviously is the largest percentage of our city's revenue. And because the City has brought new jobs back to the Hoover District and new jobs to the City without raising the income tax, we're seeing that progressive increase which is moving along very well. But it still is in no way is where we were back 13 years ago.

Mr. Foltz: Mayor, just to make another point on yours, to piggyback here a little bit, you know when you look at 13 years, just say 2% a year inflation, that's 26%. We've lost 26% of our purchase power

Mrs. Alger: Right.

Mr. Foltz: through income tax receipts from \$7,000,000 in 2000, we're not even near 2013. We're still \$450,000 short. That puts it in another perspective. So....

Mayor Held: You're right.

Mr. Foltz: As far as real dollars per year, if we took that comparison.

Mayor Held: You're absolutely right.

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Mrs. Alger: And, that's what I did here, I split them up so that you can see each of the three large fund that Councilman Foltz was saying. And the general fund local government, that's been around about 80 years. The state shared their revenue with it and now they have cut that in half. And you can see how it affects the City of North Canton. We're estimating about \$300,000 in 2014 which is about \$491,000, almost \$500,000 drop from the peak in 2008 of \$791,000. In 2008, we had general or local government. that was at 9.4% of all the revenue. Now we've dropped into 4.5. Again, just showing that it's half. The inheritance tax, which you'll see that's the green bar, as we all know that we are going to have zero. And we did receive a bit in 2013, but we averaged it out for the last eleven years, that's \$812,000 every year. It's just another hit. Again, it's about 15% of the 2007 revenue source, now we're back down to zero. And the property tax has been steadily declining, but we got a significant drop in 2013 with the 2012 reappraisal from the County Auditors. And the next slide is the same thing as those charts, but I just put it all into one graph so that you could actually see how we peak. And the red being the estate tax, the local government the purple, and the green one is your property tax. This slide shows the fund carryover and the dependency more and more reliance on the carryover. And I show here, you see where the revenue and the expenditures and how the expenditures are taking over the revenue. And that's showing again the heavily dependency on the carryover. Sometimes I'm showing you just different ways. This is showing you how we have done as a City is the full time equivalence that includes all your seasonal, swimming pool, parks, your part-time employees as fire, part-time pool, well them too, part-time police, and you can see the continuous decrease, but we do need people. These are our highest resources, but....

Mayor Held: Karen, one quick question.

Mrs. Alger: Yes sir.

Mayor Held: When you're calculating the full-time equivalent, you could have a full-time equivalent of a \$12.00 an hour person....

Mrs. Alger: That's true.

Mayor Held: or a \$20.00 dollar an hour person, so there is some. If you look at the total full time equivalent expenditure, that amount could vary because obviously when we have fewer, I mean more part-timers, we're paying them at a lower rate than full-timers, correct?

Mrs. Alger: Absolutely.

Mayor Held: But what you've done is taken the hours....

Mrs. Alger: Right.

Mayor Held: of let's say a lifeguard who's working 50% of the time for the summer, and that he's included or she is included in a full-time equivalent.

Mrs. Alger: Right, right.

Mr. Griffith: Sometimes if you average your ...inaudible... hours go up, your expenses go down if you're real full-time people....

Mrs. Alger: Right.

Mr. Griffith: So that can be helpful.

Mrs. Alger: It goes back to what he's saying.

Griffith: Right.

Mrs. Alger: This slide shows you the park and recreation departments past twelve years. And on the left you'll see the different revenue sources, the Dogwood, the pool, the park, the Civic Center, the Recreation Department and your recreation program. The Recreation Department actually includes the shelters. But what I did was I took from 2003 all the way to 2014 showing the top one being your operating revenue and the various

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ways it came it. Then you did the operating cost, just the operating, for each of the years. Then I took into consideration the capital expenditures. And as you can see, we're not putting much into these parks and pools. And then towards the end of the 2013, 2014, a little bit in '12, we're starting to put more money into as we need. The last group there is the net revenue over or under expenditures. So as you can see, we are - we don't - I mean it's not - revenue is not going to exceed your expenditures because it's not self-sufficient, you know. The last thing I didn't put it in this slide, but in your handouts, I put in your Dogwood Pool just to see what expenditures and improvements have been done. It analyzes the collections of both the pool and the concessions. And then the final page which you have in the handout, is what they're projecting to use for the parks and the pool. So basically what I'm all - this all says is that without the increase of revenue, the additional expenditures cannot continue if the City is to be solvent. So we need some revenue, one way or the other. Any questions?

Mr. Foltz: Karen, the last few documents you discussed, we have those in our possession?

Mrs. Alger: They should be right behind all your - no, I will get you yours if yours doesn't have it.

Mrs. Werren: We don't have it.

Mr. Foltz: I don't have that one.

Mrs. Alger: Well you got the winner, I got one - I got one.

Mr. Griffith: Inaudible...

Mr. Snyder: If you notice on the

Mr. Foltz: I can be creative on with that, I'd rather be accurate.

Mr. Snyder: on the graph of the cost center, you'll notice that the projected, the line item for the budget for 2014 is \$840,785. And it's important to know that if we go ahead and move ahead with the levy, it generates \$532,000 in a year. It will be a year and a half from now before we collect that full value because that - we'll vote it in May. It will not take effect until the following January. It will take effect, we will not receive any funds until February of 2015.

Mr. Peters: Jon, what are the two renewals we have coming up in November.

Mr. Snyder: The two renewals are for one point on storm water and one and one-half points on street and levy. Those are five-year sunsets also.

Mrs. Kiesling: When are those coming up?

Mr. Snyder: Those are due, one is due for renewal in November - both of them. And those collect less revenue because those are at an older figure. One brings 332, the other one brings 470, something like that. Now remember the street, it's important to remember about the street levy, we've used those funds and comingled them with our Muni Road funds and all our other things to do street work. We are behind such as we are in parks, in the streets, sorely behind. And after this winter, we're going to really be hitting the jackpot. So what we'd like to do with that revenue is leverage that revenue through a bond, of a five-year bond to get that money up front and do - and bid the whole project so that we're doing several streets. And we have a five-year plan laid out that we had, and we would leverage that money, and that money would be earmarked as the law allows you to earmark that money to repay that debt. Right now that \$490,000 or whatever it is, doesn't do a lot of work. It's basically the cost of our repaving program, which is minimal at best. So we're going to have a lot of streets to address, lots of them needing rebuilt. So there's a - it's a pivotal point for us.

Mr. Peters: Will we base that on that study we had done by Hammontree?

Mr. Snyder: Yes. And those are worst first. And what ideally, and I know it would be a burden on the Engineering Department to go out and do that. But we would hopefully

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seek a contractor that would come in and bid that whole package, and then lay it out over the next five years. You will know exactly whose street is getting done when and how soon that we will complete that full cycle.

Mr. Peters: Kind of off topic, but if we, for example, say this street, we say renewal, could we adjust that? Could we adjust that up? If you're at one on - that's storm

Mr. Snyder: We tried to adjust it up once before.

Mrs. Kiesling: Remember.

Mr. Peters: But we didn't have a plan though.

Mr. Snyder: Oh, yeah.

Mr. Peters: We didn't have that study done. Now we have something concrete we can show them, worst to first. You know upping this, it's a specific targeted levy. This is the plan.

Mr. Snyder: Well it's estimated based presently, but the rates are climbing. You know at one time, the bond market was very favorable to us, the rates are climbing. That money leveraged equates to about almost \$7,000,000 over the same period of time.

Mr. Peters: Say that again.

Mr. Snyder: The money, in the street levy would in-turn give you strength to borrow about \$7,000,000 to bond about \$7,000,000.

Mr. Peters: At 1.5?

Mr. Snyder: At the last - that's within the last, let's say the last twelve months. I don't know the bond market. I haven't looked in a long time. But it is moving up. Bu, that's one of the things that we're able to do. Because I don't see how else we're going to address all our street problems. It's just a very critical point in our time. But again, if you go back a couple of slides, you'll notice when I talked to you last week, in 2015 that that carryover drops by a projection of almost a million dollars. So we'll be starting the budget process a million dollars in the whole if we don't do anything. And that's a big hole to climb out of. Historically, the lowest we ever went was this past year which is a little under \$400,000. But we've been very - there it is right there - as you can see, it drops so in late October, early November, we'll begin a budget process and asking the Administration to send us a projected budget based on a million dollars shortfall starting now. So go ahead, excuse me.

Mr. Cerreta: Are we discussing this now, or are we

Mr. Snyder: Yeah, yeah, we're discussing

Mr. Cerreta: I just wanted to make sure. I like these slides and I like the information as presented. The part I don't like is how it's presented to us a week before we have to vote, at the request of Councilman Foltz to get this thing done. Well this should have been out there a long time ago. This is not the way to do things. And I do like this information. This information is good.

Mrs. Alger: A lot of that has been out there. I'm sorry to interrupt. Maybe not as altogether like this. So....

Mr. Cerreta: Okay. I, I think along with some other people, would like to get a hold of our budget. I'd like to go through the budget to see what we can slice out a little bit of that before we can ask the voters for money. Because I mean, this brings up a 500 some thousand dollars, right, a year.

Mr. Snyder: 532....

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Mr. Cerreta: That's not a lot

Mr. Snyder: No.

Mr. Cerreta: but it is a lot for people who are on fixed incomes and so on. If we don't have the responsibility to go through the budget and try to slice some of that out before we - I mean, that's our job to do that. And I don't think that we all have a hand in it. I don't feel comfortable unless - I would like to go through the budget and line by line if we have to so we can all get a little idea of where we stand on the levy. I'd like a little discussion on that if you guys don't agree with me on that. But to go at the last minute of the week here and ask people with this information, and I don't know if it would fly. I mean, I've said this before, that the trust of our people here - sure it's \$52, but then the next time it's going to be \$100, isn't it. It's going to be - so we're nickel and dime thing here before we show people that we've gone to all the efforts here to show that we're spending the money wisely without asking for something right off the bat just because we project something short. That's just my thought.

Mr. Snyder: We gave you - I think we gave you a copy of the final budget last week. Did you not get a copy of that?

Mr. Cerreta: I did.

Mr. Snyder: Yeah.

Mr. Cerreta: And I went through that pretty good this past week. But I'd like - I have a lot of questions about it. And in talking to my constituents here, I think they have questions on it too. But I'm open for discussion on that. I don't want it to be Mark's idea, I'd like your thoughts on that.

Mr. Peters: You make a good point, Mark. I think that we've garnered enough trust where this may fly, but it's what happens after this. You know, I mean the perception after the fact. Do they think we were good stewards and then do we lose the trust after the fact? You know I think it's more prudent, like you said, you know, to do our due diligence, you know, if we have, like you say, to go line by line to do that budget again and see if there is any other savings that we come up with, and then when we've exhausted all avenues....

Mr. Cerreta: Yeah. A year from now we might saying, this is what we need. In fact we might need more. But then people will say, well they went through the budget, they did all their due diligence to the whole thing, and they really do need more to get things done. I like how you put things in place there, Karen, what we needed done. I think Administration did a nice job of projecting what we need.

Mr. Griffith: I think it's important to clarify

Mr. Snyder: One thing you got - excuse me, one thing you better, one thing I want you to keep in mind, I mean you could put the vote off or do as you please, but somewhere between now and November you're going to have to come up with a \$1,000,000. Those are very hard facts. And I can tell you I eat and sleep those numbers every day and I can tell you, somewhere between now and November, either from the general revenue fund which is employees, or something, we'll have to come up with near a \$1,000,000. We're prohibited from going into the negative budget. We can't deficit spend. We have to balance that budget.

Mr. Griffith: Well, I think that's a challenge. That's what this presentation says to me is that there's no doubt that that's the case. But one of the solutions potentially is the park levy or other revenue sources. But that isn't the only solution. I think that's what Mark was talking about before. And I really do feel personally, and I'm sure we corporately feel this way too, before the school goes to ask for a levy, they look and say, we've done everything else that we could. And again I and I'll speak for myself, I really don't feel like I, myself have done as much as we could to go through that too. And I don't disparage anyone else in that sense. But I don't feel comfortable voting to even put it before the voters who ultimately will have the decision themselves, of course. But without having said there aren't other options to adjust that revenue number for a \$1,000,000 beyond this piece right here.

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Mr. Snyder: Well yeah, and that's generally, that's capitation, that's employees. There's just minimal capital and the rest are - a lot of it is mandated by - I mean we can go through - next week we can start through the budget the way we always did it line by line. But the only place there's any - and the word probably ...inaudible... any overage or any fat in the budget is employees and benefits. Plus you to understand in the month of May, you'll have to open a new line of negotiations with employees. And we got a pass this time, but we won't get a pass next time. So there's, you're looking at wage increases there. But we - you know, I'm willing to do that. I mean it's just - it's just - this is for all intent purposes dead this year. You're not going to be able to put it on in the fall with two other levies. I mean that would virtually be impossible I would think, to pass three levies in one election. That's asking a lot of somebody to consider. And we can't live without those other two levies. They're a very intricate part, as this will become that. But, the....

Mr. Foltz: But Jon, you can't live without parks, either. I mean

Mr. Snyder: No, that's what I'm saying.

Mrs. Kiesling: But they'll be the first to take a hit.

Mr. Foltz: Anyone is fooling themselves if they don't think that they're not part of our community, they don't drive economic development, they're not something that people look for when they purchase a house, they want to live by one of our parks. So....

Mrs. Werren: Yeah, they do.

Mrs. Kiesling: But that's....

Mr. Foltz: I think they're just as vital as streets, fire and police, in my opinion.

Mrs. Kiesling: Right. And that's why we have to make that decision tonight. Understand where Mark's coming from, but if we decide that we aren't putting a levy on, and we go through the budget and we cut one employee because that's really all we can afford, and we don't buy a truck or something, I mean that's not going to bring us to a million bucks.

Mr. Snyder: No, I'm sure...

Mrs. Kiesling: The first thing that's going to get cut next year is parks. The pool's not going to open. We're not going to put the liner in. I mean...

Mr. Snyder: Yeah, you're not going to put the liner in.

Mrs. Kiesling: So in essence

Mr. Cerreta: The liner is already in the budget.

Mr. Snyder: Yeah, but it may have to come out.

Mrs. Kiesling: Oh I realize that but it might have to come out next week. I mean - so if you're looking at real numbers, parks in the end are going to get kicked first, because they were not, we're not taking away police, fire, and EMS. We already know that. We've got roads with huge potholes in them that have to be fixed this year. The only thing that's going to take a hit is the parks. So we just have to decide....

Mr. Cerreta: Okay. I'd feel more comfortable with this budget first and then decide if that's what needs a hit.

Mrs. Kiesling: Well we did look at the interim and it had all that information in it.

Mr. Cerreta: I don't know if we truly understood all that. And I don't have the grasp, do you guys have a grasp of it? I don't. I would like a better grasp of it. Yes sir.

Mayor Held: If I could just add. What we could do is as Council President Snyder had mentioned, we have had committee hearings, or held a committee hearing. And what we could do is go through - set aside a separate time and go through the budget line item by line item, and then I think it's really a very good exercise, especially for

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Mrs. Kiesling: With the department heads?

Mayor Held: With the department heads.

Mr. Cerreta: I think that'd be great.

Mayor Held: You know we could have it publically, and we could really go through it

Mr. Cerreta: And once we've exhausted that and we're satisfied, hey, we have shown that.

Mr. Griffith: Absolutely.

Mayor Held: We can go through that, I mean we can set that meeting up right away. We can hold - I'm not sure of the timeframe, Mr. President as far as approving this and having that committee meeting...

Mr. Snyder: Well you need the - the deadline - we're up against the filing deadline which will be next Tuesday, I believe - Wednesday the

Mrs. Kiesling: The fifth, right. Yeah, Wednesday.

Mr. Snyder: Fifth - yeah so if

Mayor Held: So would we be able to do that at our next meeting, hold a special committee meeting where we go through the budget and have the department heads here?

Mr. Peters: Let's do it this weekend.

Mayor Held: Well what I'm saying is that we hold, obviously hold a public meeting where we go through it line item by line item, and it may take an hour or an hour and a half, but then everybody's

Mrs. Kiesling: I'm for Saturday. Boy that certainly works much better for me. I work every day of the week until 5 or 6. So

Mr. Cerreta: Any other night this week? Later in Thursday evening?

Mrs. Kiesling: Not Thursday.

Mrs. Werren: I like Saturday morning.

Mayor Held: Now keep in mind here that the other problem is when you look at the snow and you bring the other employees in....

Mr. Snyder: Well you know, and Mayor I appreciate, we've done those before and most of that's on capital but if you take Wednesday evening....

Mrs. Werren: Right.

Mr. Snyder: and you spend two hours going through the budget, we get through the budget in about two hours. It takes about two hours.

Mrs. Kiesling: Is the budget ready?

Mr. Snyder: It's done.

Mr. Cerreta: I would be satisfied with that. I think that's a good idea. I think we owe it to the people to do that.

Mr. Snyder: That's not a problem as long as you know we do it, and we do it. I would be not be comfortable waiting any longer than Wednesday. Because that still gives you enough time to think and make some calls to the department heads. If you're not comfortable with a particular item, and I say and I respectfully say this, I'm not trying to take all thing here on myself but through the Administration and myself and the Finance

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Director, that if questions aren't answered Wednesday night, it gives you time to call on Thursday or Friday to different department heads queering about what's in there. It's a bare bones budget, so it should only take two hours. But it's fine to do it. We always did it that way. We always did the first week of December and went through it page by page.

Mr. Cerreta: So you want to do it this Wednesday?

Mr. Snyder: This Wednesday if we could.

Mr. Foltz: You going to have the department heads here available for any questions?

Mr. Snyder: They may not be available because of the snow.

Mr. Foltz: If not, Mike's going to answer them all.

Mrs. Kiesling: Yeah, we got the snow and cold.

Mr. Foltz: And then we'll follow up Thursday and Friday. Just and I'm not going to throw a wrench in this. I am out of town on an Ohio Parks and Rec conference that's already paid for Monday.

Mr. Snyder: That's okay.

Mr. Foltz: So, but I'm saying if this vote comes up next week, I'm not going to be a part of it. So we need a full - in my opinion we need a consensus anyway to pass this levy. I want seven very strong yes advocates for this levy. I'm not - I can't vote next week, I'm not going to be here Monday and Tuesday, so you guys have to know it's going to rely on you to....

Mr. Snyder: Well you need six votes to get....

Mr. Cerreta: Here's the rule of thumb for a levy, for everyone who votes, can you go into a Power Point on why we should vote for it. If you can't, and you can't persuade people to do it, then there's no way you should be voting yes to put a levy on. So you need the right amount, if you could do a Power Point like that and go through it of why we need this money.

Mr. Griffith: I think we got 75% of the way there tonight....

Mr. Cerreta: Yes.

Mr. Griffith: I think Karen, you helped us make the case for why the revenue isn't in existence. I think what we're still missing is an understanding about the expense side of house...

Mr. Cerreta: Right, I agree.

Mr. Griffith: And if we take the time and effort to say we understand that piece, then I think we'll be able to make the full case. And really say we're ...inaudible...

Mr. Snyder: Well then, you need the Superintendent of Services here to explain that. But I can't tell you the reason of the operation.

Mrs. Kiesling: I think it would be good to have him here.

Mr. Snyder: I am not an operations guy, I'm a numbers guy.

Mr. Griffith: Well I think you're going to have questions about it.

Mr. Cerreta: Yeah, we're going to have questions we need whoever can answer those questions.

Mr. Snyder: Can you provide them here that Wednesday night?

Mr. Grimes: I'll have to check with him.

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Mr. Snyder: Yeah, see if he's

Mr. Grimes: I mean I'll - the pool liner is not a done deal. You know, there's some money in the budget, but that's not enough to cover it.

Mr. Snyder: Yeah, that's what I'm saying.

Mr. Grimes: And I tell you to look at Chart K, we've already been cutting full-time equivalents. We've been doing that over the last couple years.

Mr. Snyder: That's what I'm saying, there's not a whole lot in. It's not a heavy budget.

Mr. Foltz: I think, was it reflected in here - I know the pool, which reflects as far as capital, but overall capital what does that reflect? You probably - Karen didn't have a chance to do that...

Mrs. Alger: Yeah, the capital is right there in the purple.

Mr. Foltz: Okay, but just parks, but overall capital.

Mrs. Alger: That's - that's all.

Mr. Snyder: You're dealing with general capital.

Mr. Foltz: Okay, I understand it was parks. I'm talking about general fund overall capital.

Mr. Snyder: That's in the budget.

Mr. Foltz: Okay, it's in the budget, but I think there has to show a decrease in that. Just as you mentioned....

Mr. Snyder: We haven't done anything.

Mr. Foltz: We haven't done streets.

Mr. Snyder: No.

Mr. Foltz: We used to spend \$8,000,000 a year on streets.

Mr. Snyder: All the money in capital, 95% of the capital has been done by grants or gifts of

Mr. Foltz: Right. I mean that's the change we've already made to be more efficient for our residents. And I think we have to understand that coming out of the gate. And I'd like to see figures to show what we used to spend on capital; this is what we're spending now.

Mr. Snyder: Yeah.

Mr. Foltz: And that's - and now we're back to the point that these streets, as you said, this is a bad winter we've got to spend some money on them. So the levy is going to support a bond to spend additional money that we don't have sitting around. And I like everybody questioning where we need to go on this, that's fine, but the proof is the state did this to us we did not do this to ourselves. We are not bad custodians or poor custodians of this budget.

Mr. Cerreta: And that's what you have to show people.

Mr. Foltz: We had to show people this in the sense that we're losing a million and half dollars over the last two or three years on ...inaudible... in revenue.

Mr. Snyder: And most capital projects that are either institutional projects like this building and the Civic Center, things that we put money in were - equipment were done through a bond that we purchased in, I think, '09. The salt shed, that's all been financed capital. We normally did all that in-house.

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Mr. Foltz: And that needs to be brought up Wednesday, whatever, get this out as far as the educational process to our residents...

Mr. Snyder: Yeah, because that's how that was done, it was financed out.

Mr. Foltz: as well as House Bill 5. I don't know how we talk about it without getting so upset that ...

Mr. Snyder: That's the problem.

Mr. Foltz: I mean we're left for the fall. We are left to deal with the details here and still maintain good parks, streets, fire, police, infrastructure. And it's harder and harder to do it when the money is just taken away from us. It's that simple. It's unconscionable what they're doing to us.

Mr. Cerreta: That's the kind of passion that passes levies right there.

Mr. Foltz: Exactly.

Mr. Cerreta: But you have to show that to people. You just can't say we need money, let's vote on it.

Mr. Foltz: And you look around and we're proud of our parks and finally spent some money in the past couple years Mark, as you know, you've been an advocate up here with me and Jeff and everybody really. But we didn't have a chance to do it the last eight years. The last two or three we put it in there.

Mr. Cerreta: But you've got to show it. You got to say you've done everything.

Mr. Foltz: And we'll put our parks up against anybody's parks in the state. Drive around and look at them we're making improvements to them. We're spending the money.

Mr. Cerreta: But the last thing you ever want to do is fail a levy of some kind. So you need to be on top of your game and have everything covered. Because once one levy fails, people don't care. They'll fail the next one. We need to put everything that we have into this and show that we've done everything to it.

Mr. Foltz: That's fine ...

Mr. Cerreta: That's what we do. And I think we can do that.

Mr. Foltz: If we've got to show that we've tightened our belts as much as we can and still prove - pass - go for a levy that hopefully gets passed, I'm in agreement with that.

Mrs. Alger: To piggyback off of what Mike was saying, the operating costs, you can see, in 2005 was a \$1,045,000. It has been continuously dropping. I mean they are trying to cut and there's just so much you can cut and then you're hitting the bone. And as Councilman Foltz was saying, is we're not putting money into the parks and the pool.

Mr. Foltz: Plus we're not even talking about property value across the board on that. These levies don't bring in what they used to.

Mr. Snyder: We started out at 9% and we're down around six and a quarter now on the next collection. So we're still down a little better than 6%.

Mr. Cerreta: Are you seeing what I'm saying?

Mr. Foltz: Yeah.

Mr. Cerreta: People don't want to hear how much everyone took away from you. What did you do with what you had? And then what do you need to do your - to do the job that we need done better? So that's kind of what ...

Mr. Foltz: No but that's - but that is part of the equation.

Mr. Cerreta: That is part of the equation, but you just can't sell it on that.

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Mr. Foltz: We are here because – we are here because general sharing and estate tax has been taken away from us or we wouldn't be talking about it.
Mrs. Werren: Right.

Mr. Foltz: In my opinion.
Mrs. Werren: Right.

Mr. Foltz: We wouldn't be talking about this levy.

Mrs. Kiesling: And we certainly don't want to raise their income tax. So you know we only have so many options.

Mr. Foltz: So that's the trade-off. Do we want to do that or ...
Mrs. Werren: No.

Mr. Foltz: stay competitive with business – attracting businesses in the community. It's how we want to raise the revenue.

Mr. Peters: And you've got to remember who we're talking to also. Mark and I were talking earlier today, \$52 on a \$100,000 valuation. Not a whole lot. It's a lot of money, but it's not a whole lot for most of us in prime earning years.
Mr. Foltz: Right, right, right.

Mr. Peters: There's a large contingent of our constituents out there that are on fixed incomes that are losing their homestead exemption.

Mr. Snyder: No, they don't lose it.
Mr. Peters: Well..

Mr. Snyder: If you don't have it, you don't get it.
Mr. Peters: Right.

Mr. Snyder: But if you have it you don't lose it.

Mr. Peters: But the ...

Mr. Foltz: If you already have it you ...inaudible...

Mr. Peters: Yeah, but the new ones coming in to...

Mr. Snyder: The new ones turning 65 don't get it.

Mr. Peters: Yeah, there's a \$30,000 threshold.

Mr. Snyder: Two points – yeah.

Mr. Peters: Yeah. You know so you know the fact remains that you know the majority – well I'm not sure if it's the majority, but a large portion of the people that will vote for this, we need to convince them too. Not just the ones in their prime earning years, the ones that \$52 a year could be a month of groceries. You know this is a big decision for them.

Mr. Snyder: Well you know the most important thing to remember, also to that age group, in order for those people to market and sell their home ...
Mr. Peters: Yeah, that's....

Mr. Snyder: Most fundamental economic development in a city is its infrastructure and it's parks. Without good parks and good infrastructure, you cannot attract business and you cannot attract new home owners.
Mr. Foltz: Jon...

Mr. Peters: Yeah, I 100% agree. I mean that's the quandary we're in here.

Mr. Snyder: And the schools are right up there with it.

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Mr. Peters: Yeah.

Mr. Foltz: Health and wellness is everything in these communities now.

Mr. Snyder: It's all they want.

Mr. Foltz: If you can do it, if you can prevent anything. If you can have active life styles. If you have parks that you can walk to instead of drive to, that is critical for your community ...

Mr. Snyder: Inaudible ...

Mr. Foltz: As far as keeping your costs down and also attracting young people that want to move here.

Mr. Snyder: That's right. The most requested amenity in any new development is a walking trail.

Mr. Foltz: Exactly.

Mr. Snyder: Pools or anything – walking trails is where it's at.

Mr. Foltz: And what's there when you walk there. You better shelters or play sets or tennis courts or ...inaudible... because you're not just going to sit there and look at the trees all day. I mean that's part of it. So...

Mr. Snyder: That's right. Well let's do this, if it's convenient to everybody, we'll take a roll call vote and we will – is 6:00, 6:30 better?

Mrs. Werren: I can't do 6. I have to do 7.

Mr. Snyder: 7:00?

Mrs. Werren: I have another meeting. Yeah.

Mr. Griffith: 7's probably safer for me.

Mr. Snyder: 7:00 and it will take you figure about two hours. So calendar two hours and we'll go through that. And you all have a copy, so if you'd please bring it with you and we'll – I'll get mine out and mark it up and we'll get started. And we'll ask Mike to be here and see if he can get ...

Mrs. Werren: So maybe if before, Mark if you have gone through ...inaudible... the points.

Mr. Cerreta: No, I think everybody needs to go through it.

Mrs. Werren: I know that. That's what I'm saying you've probably done that ...inaudible...

Mr. Foltz: Just go line by line and if someone has a question to ask ...

Mrs. Werren: If people go through it, go through it ahead of time so there are questions that are obvious to you you're not thinking of them then.

Mr. Cerreta: Right, you're down to ...inaudible...

Mr. Foltz: Are you talking about what Gail – I mean what Karen gave us last week.

Mr. Snyder: No, what Karen gave you last week.

Mrs. Kiesling: I need one of those Karen.

Mr. Snyder: Like we used to do it, yeah. We used to do it and we should get back that.

Mr. Cerreta: It seems like the right thing to do.

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Mr. Snyder: No problem.

Mrs. Alger: If you have any questions that you know of that you need to get answers to before that night ...

Mrs. Werren: That's what I mean, yeah.

Mrs. Alger: Yeah, that would be great too. You know if I have to look up or Mike has to look up what professional services are or whatever. I mean we could help out.

Mr. Cerreta: Well I do notice that professional services and in some they are specific, but some are not specific. So I would assume they would come with more specifics than what we've got. Okay.

Mrs. Alger: And yeah, right department heads. But I'm just saying if that's something that you want me to look up and be heads up.

Mr. Cerreta: Right.

Mr. Snyder: I don't think that falls under the open – special meetings thing. That's a committee meeting. However, I would like if it and it may be somewhat presumptuous, but if we could take like a motion and a second to set a special meeting next Monday (February 3, 2014) at 6:45 to consider that operating? Even if we get to that point, otherwise the Clerk has to drive around and pass out the thing. So if it doesn't happen we just won't meet, but if that's favorable to everybody.

Mrs. Alger: Oh, you wanted it?

Mr. Foltz: Do you need a motion?

Mrs. Kiesling: Or do you want to vote on it Doug and do it Saturday morning?

Mr. Foltz: I'm here Saturday morning and will not be here, like I said, Monday, Tuesday, Wednesday.

Mr. Snyder: Well you want to ...

Mr. Foltz: If everybody's on a comfort level to do that, can't we make that motion Wednesday?

Mrs. Werren: Yeah, can't we do it Wednesday?

Mr. Snyder: Yeah, you can do that Wednesday.

Mr. Cerreta: Will you be here Wednesday, then?

Mrs. Werren: Yeah.

Mr. Foltz: Yeah, absolutely.

Mr. Snyder: We're here Wednesday at 7:00. I don't know that we need a roll call for that. That's a committee meeting that can be called at any time. And the Chairman – I'll call that under my committee at 7:00 on Wednesday (January 29, 2014). Couple other things before we go around and for reports. I need a motion and a second to change the following meeting dates: Monday, February 17, 2014, which is President's Day, to Tuesday, February 18, 2014; Monday, May 26, 2014 to Tuesday, May 27, 2014, which is Memorial Day; and the month of September has five Mondays and how about if we meet the first four Mondays in September and the last four Mondays – the last four Mondays ...

Mrs. Kiesling: The last four Mondays in September.

Mr. Snyder: That doesn't make – it changes the September meeting schedule from the first four Mondays to the last four ...

Mrs. Kiesling: Correct.

Mr. Snyder: Not meet the first Monday because of Memorial (meant Labor Day) is that fine?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 27, 7:00 p.m. 20 14

Mrs. Kiesling: Yeah.
Mr. Griffith: Inaudible...

Mr. Snyder: Yeah. May I have a motion and a second for that?

Mrs. Kiesling moved and Mr. Cerreta seconded to change the 2014 meeting dates as listed above: All members present voting:

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

No: 0

REPORTS – COUNCIL:

Mr. Snyder: Okay, reports – Member Foltz.

Mr. Cerreta: One more thing Jon, before that for this meeting on Wednesday if we could ask the people who've created this what we want to do to be a little specific on timelines too, rather than hey, this is what we want to do ...inaudible... the year.

Mr. Snyder: Here's when we want to do it.

Mr. Cerreta: Just give us some timelines of exactly that would help also.

Mr. Snyder: We can do that. Good point. Thank you. Mr. Foltz.

Mr. Foltz: I appreciate everyone's discussion points here. I think – it's not easy to raise taxes in our community. And I'm glad we're going to do this, but I think it's got to be a consensus of everybody. And like I said before and I am passionate about it. I think we're all passionate about North Canton. It doesn't matter really what it is, it's just you know, we want to right by our constituents. And I respect Councilman Cerreta, because I know he's a park and rec guy and he wants to look at every avenue possible or look at the budget and streamline as best we can. So we answer to our constituents and say, we've done everything we can. This is something that I'm going to support because there's no other way to do this. You know to keep our parks viable. So I respect that, I do. I'm not – I'm not upset about it. I'm just passionate about it as you guys know. And it's going to be good dialogue Wednesday and hopefully we come to a consensus to what the future is for our parks here in North Canton. Thank you.

Mr. Snyder: Mr. Peters.

Mr. Peters: No report.

Mr. Snyder: Mrs. Werren.

Mrs. Werren: Just thanks for the talk on the verbatim minutes. And helping me get through it legislatively and understanding what "to die" means in legislation and stuff. So, thank you. We'll get back to you when we have more information.

Mr. Snyder: Good. Nice job. Mr. Griffith.

Mr. Griffith: No report.

Mr. Snyder: Mr. Cerreta.

Mr. Cerreta: No report, just good discussion and I appreciate it.

Mr. Snyder: Thank you. Mrs. Kiesling.

Mrs. Kiesling: No report.

REPORTS:

Mr. Snyder: I have nothing. Director of Law.

Mr. Fox: Yes sir, I want to thank Council for their overwhelming support for the verbatim minutes. And those who came in favor of those because the importance is that the discussion that we had covering from a broad spectrum of prospective of how important they are to individuals, to open government, that when issues do arise where it appears we need funding personnel, what have you, then we're able to look back at this verbatim

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

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transcript and see just how important it is for Council members, for public officials, and for the residents, that they're prepared timely and filed and available for review. So that's very – of course very important to have that part of overwhelming support. So thank you.

Mr. Snyder: Thank you. Director Alger.

Mrs. Alger: Our tax forms went Wednesday, income tax forms. If you didn't receive them we have extras in-house here. And a reminder that stamps did go up yesterday from 46 cents to 49 cents.

Mr. Snyder: They did?

Mrs. Alger: It takes stamps too, you know 46 to 49.

Mr. Snyder: 49 cents, that's to fill the potholes. Director Grimes.

Mr. Grimes: We're just still working on the salt. I think I sent out a message out to you that you know Morton Salt is not delivering for some reason and we're trying to work that out with them, like other people in the state. But we still have over 1,000 tons in our salt shed. Over the weekend here we used about 48 tons on our road, used about 26 hours of overtime. So these storms do have a cost to them. But we've got on hand and we're supposed deliveries, but you know it's not like it's a real shortage or we're out, but we're just being judicious with what we have.

Mr. Snyder: Appreciate that. Mr. Mayor.

Mayor Held: Yes. In reference to our budget Karen, excellent excellent charts, I think they're very helpful. I also appreciate Council's desire to come in on a separate evening and go through budget line item by line item. You know we have some members that have been around for a number of years and others are new and I think in the end you know, we're all going to be in agreement with the budget and our budgetary needs. And but I'm appreciative of the fact that you all take an interest in you know fully understanding it. Thank you.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Since my words are being preserved for posterity ...

(Laughter)

Mr. Peters: Choose carefully.

Mr. Snyder: You want us to take your picture too?

Mr. Foltz: Yeah really ...inaudible... your wardrobe to describe what Jim wears every meeting.

(Laughter)

Mr. Benekos: I have no report.

Mr. Snyder: Madam Clerk.

Mrs. Kalpac: Are you going to schedule a special meeting for Monday?

Mr. Snyder: We will on Wednesday.

Mrs. Kiesling: We'll decide if we're going to do Saturday or Monday.

ADJOURN:

Mr. Snyder: We took your needs into consideration. We do have a short executive session right after this. So I'll entertain a motion to adjourn this meeting and entertain a motion

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, January 27, 7:00 p.m. 20 14

Mr. Peters moved to adjourn and Mr. Cerreta seconded to adjourn the council meeting.

All members present voting:

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

No: 0

The regular meeting adjourned at 8:44 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

RECORD OF PROCEEDINGS – EXECUTIVE SESSION

Meeting Minutes: EXECUTIVE SESSION FOR FINANCE & PROPERTY COMMITTEE MEETING
Held: Tuesday, January 21, 2014

**EXECUTIVE SESSION
FINANCE & PROPERTY COMMITTEE**

Monday, January 27, 2014

The Finance & Property Committee of North Canton City Council met Monday, January 27, 2014 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Snyder, Vice Chairperson Kiesling, Committee Members Griffith, Cerreta, Foltz, Griffith, and Werren.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, and Director of Finance Alger.

Upon a roll call vote of Council, all present moved into an executive session immediately following the regular council meeting at 8:44 p.m. for the purpose of discussing imminent litigation. The executive session adjourned at 9:51 p.m. No action was taken as a result of the executive session.

Respectfully submitted:

Jon Snyder, Chairperson

Mark Cerreta, Member

Marcia Kiesling, Vice Chairperson

Doug Foltz, Member

Dan Griffith, Member

Daniel Peters, Member

Stephanie Werren, Member

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RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: FINANCE & PROPERTY COMMITTEE MEETING
Held: Tuesday, January 21, 2014

The Finance and Property Committee, of North Canton City Council, as part of the Committee of the Whole Meeting, was called to order on Tuesday, January 21, 2014, by President of Council Jon Snyder.

Present for the meeting were: Chairperson Snyder, Committee Members Griffith, Cerreta, Foltz, Peters, and Werren. Vice Chairperson Member Kiesling was not present for the meeting (previously excused).

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

Agenda items:

Item 2a. Mayor's Court Receipts – December, 2013

Item 2b. Financial Statement – November, 2013

Item 2c. Financial Statement – December, 2013

Item 2d. Park Levy

Mr. Snyder: Under Finance and Property, you were all given a copy of the Mayor's Court Receipts for December, 2013. If there are no questions or suggested additions or corrections, I would like to put that on for voice vote next Monday night or approval rather next Monday night. Financial statements were given for both November and December, 2013. If you have no questions or corrections to add to that I would also like to place that for approval as presented next Monday night. Alright, and then we come to the park levy. I did receive back and it was given to me the Certificate of Estimated Revenue. It would be at the one and one-half as proposed, \$532,043, such as we talked about last week. That number has not changed. One and one-half mills would cost \$52 on a \$100,000 home or four dollars and some cents a month. I know that some members of Council and the Rec Board and Jim Davis and the Administration are preparing ideas of where this money will be spent. It is a sunset levy. It will expire in five years. So at the end of five years if Council chooses to reaffirm it and put it back out, they'll have that privilege. And if they don't do what we said we're going to do I guess it won't probably pass. But again, are there any questions on that. We want to submit that, unfortunately next week. The filing deadline is February 5th so we will be meeting next Monday, which is the 27th, I believe. So we will have to as time is of the essence on that we will have to pass that to send it to the Board of Elections to be presented. And I think last week you were all given a copy of the actual ballot language.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: FINANCE & PROPERTY COMMITTEE MEETING
Held: Tuesday, January 21, 2014

Mr. Cerreta: And I think the last time we met there was a discussion though that we were going to get some more information about what that was going to be used for, how long, and to this day I've only got a little bit. And I'm on the fence with this. I don't have a lot of – we're creeping our way up with taxes right now on our levies. I'd just like to see more information about it and I think our people would like to see it too.

Mr. Snyder: Okay.

Mr. Cerreta: I think if you're going to be successful in passing a levy you've got to do these things. Not just throw it out at the last minute.

Mr. Peters: Well there was talk that we were going to put some sort of committee that included Jim and maybe a few of us, maybe a few members of ...

Mr. Cerreta: Right.

Mr. Peters: the community. Well first of all Jim's got to come to us with a list of things that we need, you know, and maybe things that he wants, and things that we could do, you know, and then have the committee look at that and...

Mr. Cerreta: Right.

Mr. Peters: So....

Mr. Cerreta: No, I think that's still the ... that we agreed on the last time ...

Mr. Peters: Yeah.

Mr. Cerreta: and I don't know if anything's happened with that.

Mr. Peters: We need the information from Jim first, but has anyone given anymore thought to how we want to configure this committee or ...

Mr. Foltz: Well we haven't even discussed it in Rec Board. So – and I don't have a meeting until February.

Mr. Cerreta: So to throw this on at the last minute, I think is irresponsible for all of us.

Mr. Foltz: I agree. I think the information should be shared. I've gone over some just funds, as we know those are issues, but this needs to be a team effort. This isn't just the Rec Board running around or Doug Foltz or Jon Snyder. I mean this is going to be the Mayor, his Administrator, the staff, Karen's going to have to provide decent numbers on everything – what we've spent, where we're going, why we've dropped in revenue, what we're going to do with the money. And collectively we all need to get together on this, you know.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: FINANCE & PROPERTY COMMITTEE MEETING
Held: Tuesday, January 21, 2014

Mrs. Werren: Have you, in any of your meetings at Rec Board, have they ever said, boy we should have a levy. I mean has there been talk about, has there....

Mr. Foltz: No. What's going to happen is we've had an influx of money the last couple years because we've really had to, we've waited too long and we've had to spend it. And I mean obviously we're going to spend a lot of money on the pool this year. As we know, we took the tour.

Mrs. Werren: Right.

Mr. Foltz: Even just to do the liner. We're not talking about any real improvements, we're just talking about maintenance. It's not that you're going to see something new there with a new liner. I mean don't get me wrong, but it's still going to function as it should for a pool, for infrastructure, but that has to be discussed. You know, so...

Mr. Peters: You know another thing to consider too, and I've had a couple conversations with members of the community with regards to this, the concern was okay we're going to have a park levy and it's going to ease the general fund. Their concern was okay you're going to you know, you're going to earmark this money in the park levy for certain items. What happens to the easing on the general fund? What's that money going to be spent on? And I think we need to take maybe a more broader view ...

Mr. Snyder: Well here's a broad – it's a very simple

Mr. Peters: We've talked about roads

Mr. Snyder: right now if you don't have some type of new monies coming in the City in the 2015 budget, you're going to pull up about \$800,000 short. You will not have enough money to fund the existing budgetary items that are on the '14 budget. And rather looking at revenue enhancements such as income tax or other taxes, or we've used permits and so forth, we're a little out of balance over there also. We looked at a park levy which would stand on its own. Should you not remove that \$500,000 out of the – back to the general fund, you're going to have to look at some type of other revenue enhancement or some little stronger method of lowering the general fund, which is normally through – the largest thing is through employees. That's where the majority – 60% of the general fund pays for the operation of safety forces and employees. We've ran it closer to a private entity than probably any other government entity in the county. I mean we have – EMS stands on its own. We tried to get fire to stand on its own, but it's a little difficult, because again, we ignore these levies, as Doug pointed out, through the years of playing catch-up. We did with fire and EMS, we renewed them at the present rate and it's getting a little out of balance, it's creeping up.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: FINANCE & PROPERTY COMMITTEE MEETING
Held: Tuesday, January 21, 2014

We had it to actually where it was one to one. Now it's reaching a hundred grand to subsidize EMS again. So if we're going through another round of employee bargaining coming up starting in June of this year, May or June of this year, they're going to want more money because they've gone two, three years without any increases. That's where the other 300,000 projection comes in at. We have to be prepared with that. You know there's a couple things you can do. One, as I told you the filing deadline is the 5th, you can go an additional week which will be the 3rd, that would be the absolute dead date. Have the Clerk walk it in on Tuesday morning and file it. You could put it off till the fall election. The fall election you've got I think two, I know you've got one renewal, it's either streets or storm sewer.

Mrs. Alger: Two – streets and storm.

Mr. Snyder: Yeah, those have historically passed. They're on. We renew them every – we have sunset provisions in those every five years. Those renew on the fall ballot. They're up. They expire. So we won't have those and if you run the risk of losing those and not changing some type of revenue enhancement for the '15 budget, you're looking at a million and a half dollars. There's no way you're going to catch that up through either employee layoffs or – I don't - well that's almost unattainable, that kind of money. You're looking at an income tax increase. And that's one thing we've tried and tried to avoid

Mrs. Werren: Yeah.

Mr. Snyder: because it allows us to remain competitive to seek new businesses. Even though our income tax is up about 6%, we're slowly creeping back. And you know, logically shortening the sunset on the park levy would not be in the best interest. I will take you a year to figure out where you're going to spend the money. It will take a year to collect the money first of all because it's paid a year in behind and not in advance.

Mr. Foltz: Jon, as you said, we've discussed it. We're not going to have \$400,000 in estate tax we just got this year. We might have nothing. We might have 50,000. That in itself is not going to be there.

Mr. Snyder: No, that's gone.

Mr. Foltz: We've lost 4 – 500,000 in revenue sharing from other years.

Mr. Snyder: Right.

Mr. Foltz: That has to be explained to the public intelligently and I think we can do that. It's going to be operational too. And Mayor, you weighed in on this. This isn't a capital levy for parks.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: FINANCE & PROPERTY COMMITTEE MEETING
Held: Tuesday, January 21, 2014

Mayor Held: No.

Mr. Foltz: This is an operational and capital levy in my opinion.

Mr. Cerreta: Yeah. Jon, and I think we all agree that we do need the money, we're not saying that.

Mr. Snyder: Yeah, but I'm saying....

Mr. Cerreta: But if you don't do this right and show the people the right way, they'll not pass it. And then we're in – then you've lost your complete trust in what – to explain it too people so they can understand it the right way and not rush it through. If we can do it in the right manner and be responsible about it then people around here are smart, they understand that you need it. But to throw it on real fast when I don't even know the numbers right now, and to pass it, I don't feel responsible to do that.

Mr. Snyder: Well that's a point well taken. I'm just saying you know we have two alternatives, we either, you can go one additional week. So that gives you two weeks from tonight to prepare this to meet the time – the deadline because there's ...

Mrs. Werren: Can it go on the November?

Mr. Snyder: The November is August filing, but you're up against two other renewals that we have to place in November.

Mrs. Werren: And people just tend to not just historically ...

Mr. Snyder: Well no. I've never had three at one time.

Mrs. Werren: Okay.

Mr. Snyder: Two – they run as tandem. We've done those, I don't – this is about the fourth time that Doug and I have sat through these renewals.

Mrs. Werren: Okay.

Mr. Snyder: And one time we tried to boost one by half a mill and it failed on us. It isn't, like Mark says, people are – we have intelligent voters. They'll look at it. They'll digest it.

Mr. Foltz: Let's start tonight by asking Karen Alger to put together a financial report for the last five years of what we've spent in park and rec and how are estate tax and revenue sharing has fluctuated and income tax. Those are the three things we're going

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: FINANCE & PROPERTY COMMITTEE MEETING
Held: Tuesday, January 21, 2014

to look at. Put it down on paper, put down the improvements. The last – last year we spent a lot money in the parks. The previous years we didn't with capital – very little.

Mr. Snyder: Yeah.

Mr. Foltz: And let's lay it out there. Show everybody at least that's the start of this. I think our Administrator and Mayor can ask Jim to put together a list. I'd like to discuss it with Rec Board. I think they need to weigh in. Obviously they're community people. Some of them have been there many, many years. See what their thoughts are. We haven't had a meeting to discuss it. We just brought it up in December.

Mr. Snyder: Right.

Mr. Foltz: And if this

Mr. Cerreta: I'd like to add on to that, we go through the budget a little bit tighter and take a look at what's in the budget a little bit and do a little bit of ...

Mr. Foltz: Right.

Mr. Cerreta: slashing. I would be comfortable doing that. If we could show that we've gone through every step and we've look – all of us have looked at and we feel in 2015 if we don't get this through – and like we said, these people are intelligent here.

Mr. Foltz: Right.

Mr. Cerreta: We've gone through every step and show. That's how you pass school levies. They know exactly what they're going to be giving people and you can explain and you can explain what you've been through. So if we can do that I think it'd be very helpful.

Mr. Foltz: I think – that gives you enough time to provide that for the next meeting? We'll start this and we'll get more information in everybody's hands and go from there.

Mr. Snyder: Well then you want to – then we're going to hold another, a little 15 minute Council of the Whole meeting next Monday to discuss these items.

Mr. Foltz: Or just pass it out. I mean we can discuss it on the floor.

Mr. Snyder: Okay.

Mr. Foltz: I'd like – what we don't have as far as a packet has to be in there, you know sent to us electronically. But I'd like to have it in a written form and I can look at it.

Mr. Snyder: We can get that to you.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: FINANCE & PROPERTY COMMITTEE MEETING
Held: Tuesday, January 21, 2014

Mr. Foltz: You know so we're all here to ...

Mrs. Werren: Could you convene the Rec Board sooner than later?

Mr. Foltz: Yeah, we should do it. I think Mike, if you could see Jim tomorrow I'm open to that. It's very important. As Member Cerreta indicated, we're not going to do this – we're going to do this the right way or we're not going to do it at all. I mean we have their trust, I think, now. And I don't want to – I don't want to ruin that trust.

Mr. Snyder: That's a point well taken. Well I think if – it might require a little work, but we may be able to meet that February 3rd deadline and...

Mr. Foltz: I mean obviously if we're comfortable the presentation's going to occur a little later, I mean to the public. But we all need to know the direction we're going.

Mr. Cerreta: Right.

Mr. Foltz: And why. Maybe every nickel doesn't have to be spent as far as capital, but we have to explain to the public this is operational too. We wouldn't have this discussion if the estate tax and revenue sharing didn't change.

Mrs. Werren: Right.

Mr. Foltz: We wouldn't be here right now discussing it.

Mrs. Werren: Right.

Mr. Foltz: I my opinion. That's just Doug Foltz's opinion, not everybody else's opinion.

Mr. Fox: We lost nearly two million more dollars of income.

Mr. Foltz: That's right, we wouldn't be having this discussion. That's the necessity to this. It's happening to every other community.

Mr. Snyder: That's right.

Mr. Foltz: They're all dealing with this too with their parks. And we're just looking at one way to try to raise the revenue.

Mr. Snyder: Well the one other thing – well you have to also consider one other revenue source that's probably going to come up before sooner than summer will be House Bill 5 on the income tax, which is under Scott Oelslager's committee. And he's told me he's going to bring it for a vote, which is estimated to cost us probably three to four hundred thousand dollars income tax. And you know unfortunately, there's enough

Meeting Minutes: FINANCE & PROPERTY COMMITTEE MEETING
Held: Tuesday, January 21, 2014

pressure on him by business that they'll probably take that thing through. It laid in the Senate I think for almost four years. And

Mr. Foltz: Do you think that will pass to our detriment?

Mr. Snyder: It will pass to our detriment.

Mr. Foltz: Well there's two million then.

Mr. Snyder: Where people are allowed to do consolidated returns and we'll lose, it's estimated, of course again it's an estimate, there's no way of telling ...

Mr. Foltz: Well Karen should put that together as a budget forecast for us because that's

Mr. Snyder: And that will be probably will impact our '15 budget. Because he told me, I talked to him at Christmas time, asked for his ear, and he was very kind and talked to me, but he said he felt that when he's in session he's going to hold the hearings and it will probably come out of committee.

Mr. Foltz: It's just unconscionable to me. They have billions of dollars in surplus and that's the way they're treating their local government entities. That's just unconscionable, it puts it on our back to make the hard decisions for our residents our citizens to deal with. It's not right.

Mr. Snyder: But I do appreciate everybody. So we'll have some of that – try to get that to you by Thursday or Friday and we'll get a meeting and we'll go from there. Okay. Now is there anything else to come before the – Administration anything? If not, I'll entertain a motion to adjourn.

RECOMMENDATIONS. As a result of the above discussion and debate, the Committee recommended the following actions:

Item 2a: Mayor's Court Receipts – December, 2013: The Mayor's Court Receipts were reviewed and will be placed on the January 27, 2014 council agenda for formal approval.

Items 2b, c: Financial Statements – November and December, 2013: The financial statements were reviewed and will be placed on the January 27, 2014 council agenda for formal approval.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: FINANCE & PROPERTY COMMITTEE MEETING
Held: Tuesday, January 21, 2014

Item 2d: **Park Levy:** The Committee recommended legislation be placed on the January 27, 2014 council agenda to consider, a resolution to submit to the electors of the City of North Canton, Ohio, the question of a new tax levy for parks and recreational purposes.

Legislation to contain an emergency clause.

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

Yes: 7

No: 0

Jon Snyder, Chairperson
Finance & Property Committee

ATTEST:

Clerk of Council

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RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: ORDINANCE, RULES & CLAIMS COMMITTEE MEETING
Held: Tuesday, January 21, 2014

The Ordinance, Rules and Claims Committee of North Canton City Council, as part of the Committee of the Whole meeting, was called to order on Tuesday, January 21, 2014 by President of Council Jon Snyder.

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

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

Mr. Snyder requested a motion and second to excuse the absence of Committee Member Kiesling.

Mrs. Werren moved and Mr. Peters seconded to excuse the absence of Committee Member Kiesling. All present voting:

Yes: 7

No: 0

Agenda Items:

Item 1a: Amendment to CHAPTER 111 – COUNCIL Section 111.01 MEETINGS: TIME, PLACE, AND RECORDING PROCEDURE; Section 111.05 COMMITTEE OF THE WHOLE MEETING AGENDA; and Section 111.06 COUNCIL MEETING AGENDA

Item 1b: Amendment to CHAPTER 145 – PLANNING COMMISSION Section 145.01 TRANSCRIPTION/DISTRIBUTION OF MINUTES

Item 1c: Amendment to CHAPTER 147 – ZONING BOARD OF APPEALS Section 147.01 TRANSCRIPTION/DISTRIBUTION OF MINUTES

Item 1d: Amendment to CHAPTER 1307 – FLOOD DAMAGE REDUCTION Section 1307.05 APPEALS AND VARIANCES

Mr. Snyder: The first thing on the agenda is the Ordinance, Rules Committee. Stephanie....

Mrs. Werren: Okay. The first one is the amendment to Chapter 111 – the meeting – regarding the minutes, the time, place, recording procedure, committee of the whole and then council meeting agenda. So in this regard we're talking about the way that the minutes are kept. And I think it was explained to me a few years ago there was some

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

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issue about who said what and when something was said and so – and previous to that there had not been verbatim minutes, which is a very high standard when you're taking minutes. And so at that point they decided to keep using verbatim minutes, which the Clerk and her assistant will then listen to the tape recording and then they have to type that specific to what we've said. It's very time consuming. It could be costly, because if we're having the assistant, that's a greater part of her job. And I don't know if we need the verbatim standard. It's a high standard. And when I'm looking – I mean even the courts don't have the verbatim standard. So I know that Miriam, you had given me this and we're not talking about removing the minutes. They will still keep the minutes, it just won't be to that high of a standard. So you'll still be able to pick up minutes. It's recorded, it's on disk, it's recorded in two different ways so you'll still have that access. It just could save our Clerk and her assistant a lot of time. I mean I don't know if anyone realizes the amount of time that goes into these minutes on a weekly basis. And it's very easy to get behind. It's hard sometimes to understand with it. So this was just possibly a different way of maybe streamlining the process. One thing I think that we wanted – Miriam wanted me to read, and we know this, "...the Clerk of Council shall keep an accurate and complete journal of all proceedings of Council..." We do that, that's not going to change. And then, "...Council shall adopt its rules and regulations or bylaws and shall keep a journal of all its proceedings. The journal shall be open for public inspection at all reasonable times..." And sometimes I think that reasonable time is hard because of these verbatim minutes. I think it would actually be easier if that wasn't the standard that we were going to use and people could grab the – are they able to grab the disk or the tape and then they could listen to it.

Mr. Fox: Indeed they are – there are the – it's the Open Meetings Act, Revised Code 121.22, and that's what requires the preparation, the maintenance and the filing of the meeting minutes. But nowhere does that describe a verbatim transcript. And indeed as I've mentioned, even our courts of law do not require that a verbatim transcript be made of a hearing or a trial. It's recorded and if someone wishes within the appeal period for a transcript of that, then it will be provided by a court reporter, but it costs. And you can expect two to three hundred dollars an hour of cost for every hour of the meeting. And for us to place that for every council meeting and for every zoning meeting or every planning meeting, it's quite you know undue burden that pass on to the tax payers, because we're absorbing that preparing those – having a person prepare those documents at that standard while indeed we still maintain two forms of recording the meeting both on tape and in digitally. So I don't want anyone to think that there would be a loss of a record. If someone wishes to have a recording of a meeting, that's still available. If you wish to take that recording and have it transcribed, that's certainly available to you, but you shouldn't have the ability to compel the City to provide that for you and then burden the tax payer with the cost.

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Mr. Snyder: I would point out, for Council's edification, we've – are going to get new software to run this equipment. Presently the one system is digital, the other system is on a cassette tape. The cassette tape, should a person request, if you ever listen to it, it's very hard to distinguish who's talking and who isn't because of the channels on our system. If you would come in and pick up a new disk, you'll be able to put it right in your computer and listen – to any computer you have and listen to it. So we're going to bring that into present timeline so that if somebody picks up a disk, as well as we're now talking – the Clerk is speaking to a man – I thought I had something but she man not have left it, where he has a cloud designed specifically for disks and electronic capture of information. He will place that on that cloud so that we do have that protected. So ten years down the road if somebody wants the recording or a specific meeting, they identify it and return it to and we can give it to them a.s.a.p. So it will not be keeping anybody away from any recorded minutes or any verbatim minutes.

Mr. Griffith: Well I appreciate what you're suggesting Jon, I think that answers a couple of questions that I had, but I think it raises a few others. I do like the fact that in this proposal we're clarifying and requiring that we have minutes of one form, and more importantly we're required to record it, which in our current documents it doesn't even say that we're required to do so. I think it's very important that we have a verbatim recording of what happens and I'm glad we're going to do that and I would be against any proposal that didn't do that. That's really, really important. And like courts, they all do that too. But I guess my concern is, it's great backdrop, but the pace of technology as it is, one of the things that I worry about as you mentioned ten years from now somebody pops in a disk, that is a bit of a concern is that it's a – people talk about the age of technology that records that are kept in a form now are 15 years before they disappear, versus a piece of paper which may be 100 years before it disappears. I don't – I mean I don't know that this should discourage us from doing it, but at least that's a concern.

Mr. Snyder: And that's a very valid statement and a statement that I did consider because I mean it was pointed out to me this morning that you used to get floppy disks and now they're antiquated, you don't have equipment. Not to say that you know 12 or 5 years down the road this system and we've milked this system probably 7 or 8 years longer than it should be used because it doesn't provide the service and there is absolutely no way to service it. So it's antiquated. So

Mr. Griffith: Well if Doug gets hit by a bus we're in big trouble.

Mr. Snyder: Very big trouble.

Mr. Foltz: Maybe you should get extra life insurance on me.

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Mr. Cerreta: Don't get hit by a bus.

Mrs. Kiesling: That's right.

Mr. Snyder: But you bring a point, maybe in 10 years. So we have to – that will be something we'll have to monitor ...inaudible...

Mr. Cerreta: It's a new Geico commercial – don't get hit by a bus.

Mr. Foltz: Chairperson Werren.

Mrs. Werren: Yes, please.

Mr. Foltz: I have some comments. I think one thing we should consider if we choose to still have it somewhere stored, there needs to be a paraphrase or an interpretation for the committee meeting reports or the council reports. Right?

Mrs. Werren: Yeah.

Mr. Foltz: I mean what we're saying – is that what we're saying here? You know when we come back and approve the minutes we're not going to look at every dialogue that's happened.

Mrs. Werren: Right.

Mr. Snyder: We're required by law to have them paraphrased.

Mr. Foltz: We're going to have somebody paraphrase or interpret all that discussion into a more depth and defined statement process that would be recorded then for the record.

Mr. Snyder: That's right.

Mr. Foltz: That we would look at and approve?

Mrs. Kiesling: Right.

Mr. Foltz: So someone will have to interpret that. I imagine is that going to be the Council Clerk or is that the Law Director, is that Gail's role now?

Mr. Fox: Actually the Clerk – has the responsibility is to prepare the minutes both with notes and recording as the aide. And then the minutes will then be provided to Council

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members and Council does approve those. So I would recommend that when you see an area that you know that you spoke at that meeting, that you review those to make sure what's included in the minutes actually captures you know what your intent. In fact, that's what the burden is for meeting records, it's to provide sufficient facts to understand and appreciate the rationale behind some of Council's decisions. There is not this – this large verbatim transcript requirement.

Mr. Foltz: That's why I brought it up, because there could be some gray area that...

Mr. Fox: Right. And I'm suggesting that the same thing that you have for your committee minutes, that the meeting should – should not show this as well. So that they show what the discussion was, how you came about to the decisions, even to recommend things to place before Council.

Mr. Foltz: Okay. If you're saying that committee meetings, which we're currently going through now, that would be more of a paraphrase interpretation type of minute recording. That instead of just a one sentence...

Mr. Fox: Yes.

Mr. Foltz: Sometimes, to be fair, most of our discussion happens on committee.

Mr. Fox: Right, right. And

Mr. Foltz: A lot less discussion happens during the Council meeting, because we've already reviewed it. There's always the opportunity for any Council member or Administrative staff to weigh in. But it seems like we do our work – our committee sessions or our work sessions so a lot of its laid out at that point. And differing points of view or discussion points are made more then and sometimes not carried over into the Council meeting. I'm just making everybody aware this is the change. This what I'm going through in my mind and is there a lot more responsibility for our Clerk, is it less responsibility versus or the assistant to the clerk typing every minute out. I mean every word of every Council member or discussion point. That needs to be thought about. The second thing is too, sometimes you do lose points of interest or views that aren't always picked up with the paraphrase, because you can see how a dialogue occurs or...

Mrs. Werren: Or what she thought or her interpretation.

Mr. Foltz: What she thought versus what actually was said.

Mrs. Werren: Right.

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Mr. Foltz: And there could be when you review some minutes it's actually very valuable sometimes to say well this is how we got to that point, when we just take the minutes out and read them. I just want to make sure everyone's thinking – thinking this out. It's a different process obviously. Jon, you've been here a long time, I have. What's the different thought process of how this is going to occur? This doesn't mean this is necessarily a bad thing to do.

Mrs. Werren: Right.

Mr. Foltz: I'm just saying it's a change and we all have to be ready for a change if that's the way we're going to vote – if there's votes to do this.

Mr. Peters: And to add – to piggyback on top of that, one of the things that was brought to my attention was you know maybe some things will be lost in translation over time. And I talked to the Law Director today and we are required – there's a certain timeframe we have to approve these minutes. We can't let these minutes lay out there for 90 days or whatever.

Mr. Foltz: That's right.

Mr. Peters: But we typically, you know, as you know our process goes, we approve them the following meeting. You know so you have time to review that – that paraphrased version and if something in there doesn't seem right to you, you have, you know, the ability to make that

Mrs. Werren: Right.

Mr. Peters: Make that known within a 7-day frame basically.

Mr. Fox: Right.

Mr. Peters: You know, so you're not really – you're not stretching it out over a long period of time is what I'm saying.

Mr. Fox: And remember that your meeting minutes simply kind of give a summary for those that weren't there or wish to recall that, you know, generally what was covered to provide Council with the information to make its decisions. If you wish to get much more comprehensive and into the details of the back and forth, the emotions that were involved, the pauses, things of that nature, the tape is always available to you. We're not destroying the tape. The tape is available if you wish for an important issue to have it transcribed, ask to have it transcribed. And importantly, if there's one important issue,

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last meeting I believe we had 16 pieces of legislation, but say 2 were the critical ones, and perhaps there was in that one, you ask for a transcript. The Clerk will simply prepare a transcript for that and we'll certify it, place it in the record. And with that then it becomes a public record. If a resident wishes to have a copy of that, we can provide a copy for that just as we can with the minutes. And if they wish to have a recording of the meeting, that's available to them as well. They can listen to it or they can have it transcribed, if they wish, but for that reason that they wish, we've had people come in and say that's my hobby, I like to read your minutes. Well that's all good and well, but you shouldn't burden the tax payers to pay for that hobby at several hundred dollars for every meeting. If you want to listen to it, it's a couple dollars for a recording. We have our minutes that are available, but if you want a verbatim transcript, it's, it's expensive. You pay the equivalent of court reporter to listen to that, to certify every single word. If you stumble, if you stutter, in a verbatim transcript it's every single word and that's expensive. And

Mr. Griffith: Do we know what the cost is? I mean what the real cost is of having a verbatim transcript?

Mrs. Werren: It depends on how many hours it takes Bev to put it together.

Mr. Snyder: Well have the – you have a part-time clerk, it's about \$26,000. Except for the

Mr. Griffith: So is it fair to say I mean

Mrs. Werren: That's her job, right?

Mr. Snyder: That's her – that's her sole purpose of her job.

Mr. Griffith: So if we eliminated the requirement of verbatim transcript we'd be saving \$26,000?

Mr. Snyder: Well, let me explain something. You know except that when she's on vacation the woman's here.

Mr. Griffith: I want to ask the question clearly.

Mr. Snyder: I don't want to make a statement that's not when she's here covering she would still be doing minutes, but she's also here to answer the phone when Gail's on vacation.

Mr. Griffith: Well, right.

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Mr. Snyder: But her – 98% of her – 99% of her job is to transcribe those minutes. A few years back we looked at the facts, we had a full-time assistant clerk doing the same thing which with benefits was \$59,000 and some dollars. And it was just – it was ludicrous. So we eliminated that position and Gail lobbied then for the assistant to do the minutes. I believe she's here what, three days a week?

Mr. Fox: Correct.

Mr. Snyder: We hire her through an agency so we pay an hourly rate - she's not a captive employee.

Mr. Peters: Steph, I have a question.

Mrs. Werren: You go ahead.

Mr. Peters: It was mentioned earlier that the courts used this exact same

Mrs. Werren: No, they don't use this standard. This is more than they use.

Mr. Griffith: The proposed standard. Is that what you're saying?

Mr. Peters: What we're proposing is what the courts use?

Mrs. Werren: Right. The verbatim is not, right.

Mr. Fox: Yes, similar to what the court uses is that court will record, but it doesn't provide it unless you pay for that cost. It's there for a period of time up until the appeal period lapses. But if you wish to have a verbatim transcript, because it's expensive, that you'll pay for the cost of that transcript.

Mr. Griffith: It is important to note that in that case though, they'll got the convenience of being eliminated after a relatively short window versus us where we would want to hold onto those records for a substantially longer period of time than several months.

Mr. Fox: Right. The minutes

Mrs. Werren: Then why are you saying that we wouldn't be able to?

Mr. Griffith: I'm not suggesting that we wouldn't. I'm saying that there would be a cost associated with that too. Inaudible.... I was trying to figure out – I was trying to run the numbers. So if we're saying we save \$26,000, we've got to add, we've got to net from

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that the cost of dealing with the technology appropriate with holding onto these for a longer period of time. That's all. That's what I'm trying to say.

Mrs. Werren: Okay.

Mr. Peters: And then you also factor in the cost of taking your assets, i.e. Gail and Bev, and putting them on different projects – other projects.

Mrs. Werren: Tim there's plenty for them to do. You know it's not even meant of eliminating the position. There's just different ways to allocate their time. And like for me ...

Mr. Peters: And can you put a cost on that? Can you put a savings on that?

Mrs. Werren: Right, right. And for me when I think of different ways that I'm given minutes from different board meetings or committees, there's not obviously in the verbatim format. It's in the – this is what we discussed, maybe it says who discussed it, but for all of us who read these things, I mean everything is short and to the point, but it does make you pay attention to it a little. But I mean to go through those minutes it's timely. And there seems like sometimes there's people's jokes or there's just things that maybe aren't as important and if it's more concise none of us have any problem calling each other. So if there was any issue, it's not difficult from that transcript to say, you know, I'm just going to pick up the phone. I don't really need the detailed reaction at that moment to say whether or not I'm going to call someone. But for me the shortness would probably help a little bit.

Mr. Fox: At some point you're going to look at – you have the minutes you say in perpetuity....

Mrs. Werren: Yeah.

Mr. Fox: That the recordings, even if we maintain the standard of technology and so forth, at some point, as time goes by, the exact statements that were given become perhaps less and less important. I don't know how often someone says, I've got to have the January 15, 1967, you know, council meeting minutes in verbatim form, I have to know. I don't imagine that happens that often. But what happens often is every meeting right now is – these are transcribed and if you had a court reporter sitting in here and you're asking, what does that cost the City to have that, and we indicated or you can have the regular minutes which summarized this, that they may say, why is that so important. Because some people like to hear what was going on at that point. I get it, I understand, but are they willing to share the burden and the cost.

Mrs. Werren: Right.

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Mr. Fox: Because we distribute it evenly over everyone. It doesn't matter who requests them or how often, everyone pays the cost for that reporter.

Mrs. Werren: You had a question.

Mr. Foltz: Just to follow up, there needs to be – I mean, you know, is Gail more involved because it's a paraphrase versus somebody typing word by word. That is going to be, I feel something that needs to be addressed in the office.

Mr. Snyder: She, to share with her – with all of you her statement to me, she prefers paraphrasing the Council of the Whole minutes. Right now, as you say, she uses a one liner and it really doesn't mean a lot.

Mrs. Werren: Right.

Mr. Snyder: And she encourages that. She is not opposed – she is not – she said to me even as late as 4:00 it doesn't make a difference to her. It's not going to make a significant difference to her if she keeps the minutes verbatim or the other way. You know, she did not comment it was easier, she didn't want to be weighing in, but as far as the Council of the Whole, she'd prefer to paraphrase them. She says because right now they don't - they're just a one liner that we write on a piece of paper.

Mr. Foltz: Well that's just our committee reports that she reads off of.

Mr. Snyder: Right. And she says that, you know many times she'll call and she'll say to me what happened so she can elaborate a little more.

Mrs. Werren: Right.

Mr. Snyder: Because she feels that, you know, with the new recording equipment she'll get – she'll get much better detail and be able to paraphrase much better the Council of the Whole.

Mr. Foltz: I guess that was my point too, hopefully Gail has been part of the process here, with this is a change, this isn't something that ...

Mr. Snyder: She has been included in it.

Mr. Foltz: we take for granted here that you know.

Mr. Fox: She indicated that she has done both methods, both regular minutes and both and verbatim. And

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Mr. Foltz: Okay, because it affects her job more than anybody's probably with what's going to happen now.

Mr. Fox: Right, sure, right. If you think that

Mr. Snyder: Yeah, the burden comes to her ultimately to do the work.

Mr. Fox: Dan and I can get into discussions and it's 15 minutes and what it boils down to is that we agreed with Councilman Peters and Foltz, but we took 15 minutes to get across, she could say

Mrs. Werren: Healthy debate.

Mr. Fox: They agreed.

Mrs. Werren: Right.

Mr. Fox: They were in concurrence.

Mr. Peters: Yeah, that's happened. Well one of the things that I look and Dan, you know, we were talking about savings to Council, you know you factor in the Planning and Zoning Board of Appeals and you know you have a ...

Mrs. Werren: You have a paid person.

Mr. Peters: A nonexempt personnel

Mrs. Werren: Right.

Mr. Peters: That's being paid time and a half.

Mrs. Werren: Right.

Mr. Peters: A lot of times to transcribe these for Planning.

Mr. Fox: In fact

Mrs. Werren: So who goes to those?

Mr. Snyder: It's done through Engineering and Permits and Inspection.

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Mrs. Werren: Okay.

Mr. Fox: And it's members of bargaining units that are here at time and a half that are doing that. And in fact, at the last appeals hearing that I was at when the Clerk had prepared those minutes, specifically the Chair of the Appeals Board had contacted Eric Bowles and myself and stated that he wanted to know why there were verbatim minutes when indeed you know the necessity is only to prepare regular meeting minutes. And he asked that I look into this specifically for that committee and to bring them back to simply the regular type of minutes and not a verbatim transcript. It was too much of a burden placed on that person.

Mr. Peters: And I think...

Mrs. Werren: So it would be copied and then Gail would then be responsible for also ...

Mr. Fox: No, we haven't

Mrs. Werren: Okay

Mr. Fox: We have an individual for each one of those

Mrs. Werren: That would be responsible.

Mr. Fox: Those boards that are responsible.

Mrs. Werren: Okay.

Mr. Peters: And that's important to note because that's the financial baseline for everything. Not just Council, but for Planning and Zoning.

Mr. Fox: Right.

Mr. Peters: And you're always going to have that, that unit that's going to have everything word for word

Mr. Fox: Right.

Mr. Peters: You can fall back on.

Mr. Fox: Each one uses the same format.

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Mr. Peters: Yeah, it's just the day to day transcribing of that and the money that we're going to save across the board.

Mr. Snyder: Well prior to the Sonic coming under scrutiny by the Planning Commission and Council, the ZBA (Zoning Board) and Planning, never kept those types of records. Then President Revoldt, was upset that he didn't have the history of the brick at Washington Square, as you recall. He thought the brick should match at Sonic and he swore it was in the record. Whether or not

Mrs. Werren: Well wouldn't he of still had the tape recording?

Mr. Snyder: Well yeah, but he wanted them actually in paper form. So the Council passed an ordinance requiring the Planning and Zoning Board of Appeals to keep verbatim minutes. So that forced them. That was maybe about six years ago, seven years, I forget how long. Do you remember that Doug?

Mr. Foltz: Yes.

Mr. Snyder: He was livid because – so we did pass an ordinance, because normally that falls – they fall under the peruse of the Administration and under the Department of Engineering or Permits.

Mr. Griffith: What do other jurisdictions do? Do you know the answer that?

Mr. Foltz: Excuse me.

Mr. Griffith: What is the standard by other – I mean other ...

Mr. Foltz: You mean other cities and municipalities?

Mr. Griffith: Right.

Mr. Foltz: I'm not sure.

Mr. Snyder: Gail tells me the majority of them do not keep verbatim minutes.

Mr. Griffith: I mean that's been my experience.

Mrs. Werren: Karen, you don't think so?

Mr. Fox: It's too expensive.

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Mrs. Alger: It's a variety, but you don't see verbatim unless there's a problem that they've encountered.

Mr. Griffith: But almost every jurisdiction records, even ...inaudible...

Mrs. Werren: Yeah, yeah.

Mr. Fox: Right, right.

Mr. Snyder: Yeah, so they have some form electronic capture.

Mr. Fox: And it serves as a backup for if there's a challenge, that's the purpose of having the recordings to say, I didn't say that or that wasn't my position, it was mischaracterized. And then you have the opportunity to review the minutes when you see them and if you do not approve it, state that and if they disagree, play it, you listen to it. And that's the point to have that recording backup if you thought you heard otherwise you can go back to that. You can ask for a – if you wish, a transcript of that portion of the proceeding. That would be, you know, much less expensive than this roue process of a verbatim transcript for every single meeting.

Mrs. Werren: Okay.

Mr. Fox: And actually covers – that would be for Item 1b, c, d, as well as a and a also covered modifying those rules of council to transition to the every other meeting, the second and fourth both Council and the Committee of the Whole meetings. So that those were written in accordance to provide that there'll be a Committee of the Whole meeting at 7:00, the second and fourth Mondays of the month and then the Council meeting to immediately follow.

Mr. Snyder: Chairman Werren, relative to that, we're more than welcome to have that discussion tonight

Mrs. Werren: Yeah.

Mr. Snyder: But I would like to leave plea to allow me to do some more research on how we can transition – right now it's a little unclear as also a little – it's not practical to be very honest with you at this present to do that at that time until – Stow has just gone into that and I'd like to go up there and attend one of their meetings and just to see how they do it. And just to say we're going to transition to two meetings a month. It's not actually our saving any time, so that the public understands, we're going to be here the same amount of time...

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Mrs. Werren: Right, right.

Mr. Snyder: It's just in a two meeting period.
Mrs. Werren: Right.

Mr. Snyder: But we haven't reviewed every little thing. And what I'd like to do is get it all on paper....

Mr. Fox: Mr. Osborne, please take your seat.

Mr. Snyder: And to make sure that we've covered and have input from every member and Administration also, because you are making a radical change – that's an extreme radical change. So I'd like this, if we could just research that a little more before we just jump right out and do it and start it. But I will get – I apologize, I didn't want to interfere, but....

Mrs. Werren: No, that's alright.

Mr. Snyder: I will welcome any discussion you have this evening.

Mrs. Werren: I think it just all stated – the thought was we were all kind of looking around and saying what are other councils doing, what are the townships doing. Sometimes last year there were meetings where we would meeting for ten minutes and we brought, you know, Administration in and all of us and the community. Was it worth everybody's time for a maybe a ten minute segment to where we could of streamlined it for possibly the week before. So it just – I think many people start saying well let's look around, let's see what else is going on. I think that's a great idea to go up to Stow, let's see what they're doing. I know we're different than Jackson or Plain. They meet two times a week or two times a month, we could see how they're doing it. I don't know what Green does and that would be even closer.

Mr. Fox: Doesn't Canton run a joint

Mrs. Werren: Canton does four, but they do the committee meeting right before they're regular meeting. But I think they meet every single week. Isn't that right, David?

Mrs. Alger: Every single – every single Monday.

Mr. Snyder: Yeah they caucus.

Mr. Fox: Committee, Council, okay.

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Mrs. Werren: So they have it beforehand. It just would be interesting to just – I think we're just trying to see what else is out there. We've done things I think the same way for a lot of time and there was no – there's no quickness to this, there's no necessity to change, it was just looking around and saying let's just see. So I think that's great if you want to do that.

Mr. Snyder: I'd like to – in the fear the Clerk has presented to me a question and I had no way to answer it. She said to me, say tonight we're considering these items as a Council of the Whole and then transgress and moving to the Council meeting right afterwards, while there are not legislative numbers assigned to that because they have not been theoretically. And she, as you know, is meticulous about record keeping ...

Mrs. Werren: She's good.

Mr. Snyder: and she fears that. And again, when I told her about Stow she welcomed that idea and she thinks it's a good idea. The Mayor had a great suggestion tonight to me, and he said well maybe you could have one Monday as your Council of the Whole and then meet the following week and consider your legislation. But depending how it – so there's many great ideas if we can get them all down on paper.

Mrs. Werren: And I think too, you know, it wouldn't mean if we had a discussion right now, it wouldn't mean that it would need to come forward the very next hour. If we were still discussing it and said we're just not ready for that, we would just move it to the next meeting. We're not eliminating public speaks. I don't think we're planning on being here any less amount of time. I don't even know if the 7 or 7:30 is set. Would it be that we meet at 6:30. Would it mean that the Committee of the Whole starts at 6:15, 6:30 and then the meeting for the public is still at 7:00. There's just a lot of different ideas.

Mr. Cerreta: You know when that was brought up to me, the first time you mentioned it, I thought are you kidding me, we're going to change. How could we possibly change? Would that be terrible? But then I started thinking of it, you know there are some advantages to that. But I think it has been brought to my attention that you know you don't have to have the regular Council meeting first, excuse me, you could have the Council meeting first, you know the one – the regular one, and then our discussion of our Council of the Whole meeting after that. That gives you a whole week then before or two weeks before. Instead of doing the you know the Committee of the Whole meeting first, and then go right into the Council meeting, which would be oh my gosh, how can you go right into a Council meeting, because you haven't even discussed it, flip it around...

Mrs. Werren: Right.

Mr. Cerreta: Maybe possibly....

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Mrs. Werren: Right.

Mr. Cerreta: do the Council meeting first...

Mrs. Werren: Right.

Mr. Cerreta: And then the committee meeting after that. Then you've got two weeks. And that's just a thought. I'm not, you know

Mrs. Werren: Right. No but it's something to think about. I like thinking of the new ideas. And then maybe for the public, if often our attendance is larger for the – they don't come as often to the Committee of the Whole. So maybe people can come, they can leave, they can stay at their discretion. It doesn't make us go faster, you know, we're willing to stay here for as long as it takes.

Mr. Cerreta: I think the question is why do you want to do this? Okay. Would this save money and costs, probably. How many times do these guys, the gentlemen over here that are on the clock have to stay?

Mrs. Werren: Right.

Mr. Cerreta: Okay, how many, and Gail and that kind of thing, because there's probably some, some validity to that. On the sense of it, if one us miss a night ...

Mrs. Werren: Is that two – is that two times?

Mr. Cerreta: That's a long time there that

Mrs. Werren: Right.

Mr. Cerreta: a council member goes unengaged

Mrs. Werren: But sometimes....

Mr. Cerreta: That could be almost a month, you know...

Mrs. Werren: Right.

Mr. Cerreta: If you think about it that a councilperson ...

Mrs. Werren: But

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Mr. Cerreta: So you've got to look at some of that stuff.

Mrs. Werren: Right. I think that sometimes though people too are – they can't make it for the hour. So if it was a longer time period, if you had from 7 to 8 and then they could make it, then they could be there for the second part. So it still might be they only miss part. You know I think some of our timeframes it's only a little portion that we need to miss. But then....

Mr. Snyder: You know you bring a valid point. When you think about the amount of administration we bring here, the Directors of Law, Finance, Administration, Permits the Mayor, they're all actually paid, you know ...

Mrs. Werren: Right.

Mr. Snyder: and compensated time is given to them to reflect that. So...

Mrs. Werren: Right.

Mr. Snyder: it is a cost-savings from that standpoint.

Mrs. Werren: Well I think too, maybe...

Mr. Cerreta: On the other side, you know, now with our new committees, of everyone on a committee, we can meet anytime with three people to discuss, which I think is fabulous.

Mrs. Werren: Right, I do too.

Mr. Cerreta: I'm the kind of person I like to meeting with people. So you know you can meet in between you know. If the Mayor wants to get together with us or Jon calls two or three people together for something special within those two weeks. I'm not saying I'm for or against it, I'm just think there's some really cool things to think about with that. I mean I was shut off immediately when I thought of it because this is all I've known since being here.

Mrs. Werren: Right.

Mr. Cerreta: Oh how could we possibly run a City, but I think opening up with some new ideas is good thinking.

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Mr. Peters: One other thing too, to consider too, is it doesn't happen all the time, but when we're going through the collective bargaining a lot of the times we're meeting with, you know, our bargaining representatives, our Law Director, in executive session, those meetings, you know, we've aside sometimes a half an hour for these meetings and they've gone an hour.

Mrs. Werren: Right.

Mr. Peters: So I think, you know, you can't lose sight of that too, because when we're within that timeframe we could be looking at an hour executive session, you know, an hour and a half meeting, you know, Council of the Whole with committee, you know, it could be five hours here.

Mrs. Werren: Right.

Mr. Peters: You know by the time you get in that third or fourth hour, you know, you're done.

Mrs. Werren: Right.

Mr. Peters: You're checked out.

Mr. Snyder: Very true.

Mr. Griffith: Well I think that's one of the arguments I would hear against the proposal. I would rather meet more often, for shorter periods of time, which I think broadly allows more input. Melanie made a great point, I think, last week, which was barring the holidays people kind of know that every Monday we're here. You know ready for people to throw rotten tomatoes at us if we do a bad job. And I think there is a value to that. I am very cognizant tonight of everything we're saying in a way I've never been before.

Mr. Cerreta: Inaudible....

Mr. Griffith: That's right, yeah.

Mr. Cerreta: On the other sense, if we keep it like it is, there could be some nights where we just don't have an agenda. Okay, cut that meeting out. We're gone till the next meeting.

Mrs. Werren: We did that – Jon did that last year.

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Mr. Cerreta: And I think that if we go – stay with what we're doing there's no reason to come back for two things when we can have a meeting just before the meeting like we ended up doing.

Mrs. Werren: And we've done that.

Mr. Cerreta: I thought that was a good idea.

Mrs. Werren: Or the other thing ...

Mr. Griffith: If we meet more often we'd be more willing to do that. Yet similarly...

Mrs. Werren: But then you're still – but then we're back to that same where you're bringing them in for ten ...

Mr. Cerreta: No, we're not bringing them in that much if we ...

Mr. Griffith: Right.

Mrs. Werren: No, he's saying you're increasing the amount of times we're meeting. Then they are staying late and then they're here more than – I mean I thought that was – well that was one of my thoughts was if they're only here for 10 minutes or 15 minutes, then we're keeping them and having all of us come in and out for those 10 or 15 minutes.

Mr. Snyder: Well you know if you look at it

Mrs. Werren: And then more conflicts come in ...

Mr. Snyder: if you look at the schedule, January normally through the first of May we have a very busy agenda. And after from May on it really tapers off till budget hearing times in October. So....

Mrs. Werren: Right. And the other thing you could do, is I don't think we'd be stuck with saying okay, this is when we meet. We're not discussing anything else. We're not adding any meetings. I think we'd be very flexible to say you know we do need another meeting the next week so let's do that. But again, we're just thinking about things. We're just investigating what other people are doing. Possibly trying to streamline some meetings and we'll just see.

Mr. Griffith: Marcia's not here so I can say this, but I wouldn't have any objection to us – I think the fact that we have this middle of the year where we don't meet for six weeks is

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really a burden off her. I know last year the ...inaudible... really doing a lot of stuff and I had a lot of questions about the progress that the Main Street traffic light, you know ...

Mrs. Werren: Oh in July when we don't meet?

Mr. Griffith: Correct.

Mrs. Werren: Is that what you're talking about?

Mr. Griffith: And you know it's kind of weird that we have this kind of hole in the middle of the schedule where if we were allowed a little more flexibility, we could have a perfunctory kind of meeting or get together to discuss one topic, if we allowed more flexibility here. So I mean – I think that should be the goal.

Mr. Foltz: Yeah, a couple points. One, if we kept the committee meeting before the council meeting and we meet two times a month, I'd be very hard pressed to pass anything on emergency that night. I'm telling you right now.

Mr. Griffith: That's right.

Mr. Foltz: That wouldn't even – it would have to be so dire to pass it that – it would have to, in my mind, automatically go to the second meeting...

Mrs. Werren: Right.

Mr. Foltz: If this passed. So that's food for thought. It was a nice twist Member Cerreta says committee after the council meeting. But then again, I think we're all making good points (excuse me) we've had executive sessions for an hour, we've had council meetings for two hours, we've had – you know, it is a long meeting. I don't think long meetings are very productive. And if you do miss that meeting, it is a month. It's a month if you're not here for vacation. And things are going to happen, eventually somebody's not going to make that meeting. So we have to be prepared for that for somebody to play catch up or if there's six or five members carrying the load on that one night and how is that deal – we deal with that two weeks from now?

Mr. Fox: With the Committee Chair.

Mr. Foltz: The Committee Chair.

Mrs. Werren: Right.

Mr. Foltz: And here's the other point, we've kind – Jon, this has been all over the board since we've done our council, but it used to be a hard and fast rule if you were the committee chair, things stayed in that committee.

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Mr. Snyder: Right.

Mr. Foltz: We don't always hold true, but technically and this has always been my opinion, the committee person is running the meeting at the time. There's been some nights that's affected all of us on committee assignments until it was just changed, if you weren't on some committee you really weren't required to be here on a Committee of the Whole. You were always welcome to weigh in...

Mr. Snyder: True.

Mr. Foltz: But in some cities or different political entities, the committee just has the meeting and if you didn't have any committee work technically you didn't have to come. Because it was up to that committee to push it forward – two out of three votes put it on the agenda. Now, you could always say that four could override it, that really didn't happen too often or very, very, very rarely. But that was always my mindset.

Mr. Snyder: You're right about that. We used to do that.

Mr. Foltz: You know if I'm chairing streets, then I'm chairing streets and I go to my vice chair and then my member before anybody else gets to say anything. That really hasn't been adhered to here. And I'm not blaming anybody that's it's a bad thing, I'm just saying that's the previous protocol that's the way it was set up. Now we're all on the committee so even though there might be three lead members of that committee, as there was tonight, it's kind of changed that dynamic. So I think sometimes we all came to meetings whether we was on a committee or not.

Mrs. Werren: Yeah.

Mr. Foltz: To be fair, we didn't have to be here, you know ...

Mr. Snyder: But the positive side of that, if I may comment, is we've got seven members commenting fully on every piece ...

Mrs. Werren: Right.

Mr. Snyder: of legislation coming through. And everyone's doing their homework. Everybody is weighing in. And it makes for a better piece of legislation.

Mr. Peters: And to that point, I'll tell you, because there'll be certain situations like zoning, you know, rules, ordinances, zoning, you know where I'm not on that committee, but maybe something on that committee is affecting something in my ward. So I like now being on that committee and being able to weigh in and say hey this is what the ward councilman feels about that as opposes to letting those three decide what's good for my ward. You understand what I'm saying?

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Mrs. Werren: Right. And as the new person I never realized some of us didn't have a say. I thought I could weigh in on anything. So I appreciate that I've been able to weigh in.

Mr. Foltz: You could always weigh in...

Mrs. Werren: Okay.

Mr. Foltz: But the committee discussed it first.

Mrs. Werren: Okay, okay.

Mr. Foltz: Like even tonight for example, you're the Chair...

Mrs. Werren: Okay.

Mr. Foltz: it would be setup you run the meeting, I would have ...inaudible... comments.

Mrs. Werren: Okay.

Mr. Foltz: but it kind of just goes its rounds. Which I don't have a problem with...

Mrs. Werren: Right.

Mr. Foltz: We get to where we need to.

Mrs. Werren: Right.

Mr. Foltz: But I'm just saying it's a different way of looking at it. That's the way it was setup.

Mr. Cerreta: Well I've said this before, I think that this committee, I think that we've evolved into that. I think the respect of everybody's opinion is well taken. So to have everybody chime in in this day and age and the more people you could chime in that are trusted people in the community the better. I really like the way that it's setup for a lot of the different reasons even that you said.

Mrs. Werren: Right.

Mr. Cerreta: You mentioned some.

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Mrs. Werren: Right.

Mr. Cerreta: That's the evolution of good leadership.

Mr. Snyder: Good. Thank you. Well Chairman....

Mr. Griffith: Jon, could I just ...

Mr. Snyder: Oh, excuse me.

Mr. Griffith: I was just going to add one quick thing.

Mr. Snyder: Oh yes, please do that.

Mr. Griffith: One of things that I've thought about since days when I was sitting out in the audience, was the way in which we vote. The logistical manner in which we vote. How we do a roll call for every vote we take in actual council meetings. And as we mentioned before, 16 items last week, many of those, 14 of which, we voted on an emergency, so we required three roll call votes for each of those. And many of them were perfunctory.

Mrs. Werren: Right.

Mr. Griffith: So I would – I'm going to put together some legislation to add to this proposal once more in one form or another that will allow us to clarify the way in which somebody can vote, which is both good and bad because many boards and groups allow you to vote in different ways. Maybe by phone, and I want to clarify that that would not be acceptable. That you know, we've got to be sitting here and doing this, there's no proxies ...inaudible... statute too. But it will also allow us to vote kind of all in favor, all opposed, and allow for abstentions, which would allow us to move through the process much more quickly too. So it's just a thought. And then at any point if anybody was concerned, any of us, without objection, could ask for a roll call vote. So if I wasn't sure how you guys were voting on it or whatever else, I could say hey, I don't want to do "yeas" and "nays", I want to do a roll call vote. And any individual member without a vote could ask for that any point in time. And that mirrors Robert Rules that kind of the way that that's generally done. So if it's okay with everybody.

Mr. Cerreta: We discussed that last week after our marathon yes, yes, yes, yes.

Mrs. Werren: Yeah.

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Mr. Cerreta: Alright so just, you know, all in favor “yea” if there’s a “nay” there maybe we can you know, you have to make that call or ask for a vote.

Mr. Snyder: Ask for a roll call and get some person to chime in. That’s a good point. If you’ll do that we’ll add it to it.

Mrs. Werren: And does it have to be – I know there’s like a separation if there’s something they have to kind of complete because Jim says, you know, you need an extra \$5,000 and we need to do it on an emergency. But then there are those true ones where we’re going to need to discuss. Is there a way to separate those out so that they’re not all looped together so it looked like – you know what I mean why don’t we just – we need to approve because of housekeeping. Because there is a difference in the ones that are like that versus ones that sometimes we say need to be an emergency but they still have the three readings.

Mr. Snyder: Well if it contains an emergency clause and if it’s an appropriated original appropriated amount...

Mrs. Werren: Right.

Mr. Snyder: it just requires one vote.

Mrs. Werren: Right.

Mr. Snyder: Affirmative of six members of Council. If it is a new piece of legislation that is not on Appendix A or been through the appropriations, it does require three and suspension of the rules and it also requires three votes.

Mrs. Werren: Okay, okay.

Mr. Snyder: Plus you have to actually call them out.

Mrs. Werren: Okay.

Mr. Snyder: Because you’re telling the record of the people that some type of situation has arisen where we have to expend money immediately...

Mrs. Werren: Right.

Mr. Snyder: And as soon as the Mayor executes his signature. Those are a little - those are different. And we could them in some form for you.

Mrs. Werren: Did you - do you know what I’m saying now?

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Mr. Snyder: Yeah, I do.

Mrs. Werren: That just there's a

Mr. Snyder: So it doesn't look like everything's passed on an emergency.

Mrs. Werren: An emergency and where some are just if you got a bill in the mail that week in your own household and you would pay it.

Mr. Snyder: Yeah, that's an ambiguous statement, emergency.

Mrs. Werren: Yeah, or if there's just something else we could say.

Mr. Snyder: I don't know what – because of the essence of time or health and welfare or whatever the case may be. But we could state that in there somehow. That's a point well taken. Okay, Chairman Werren, it is my understanding we'll move this legislation, void the meeting change to next week's agenda for a first reading?

Mrs. Werren: Yes, that would be great.

Mr. Snyder: Okay. Any other comments of Council?

Mr. Griffith: Before we – I'm sorry to be a pain. If feel like I'm talking a lot tonight and I apologize particularly to the person who's transcribing the meeting, but before we move forward with the decision on how we're going to keep the records, I do think it would be helpful to talk about the quality of the data and how that process is done.

Mr. Snyder: All right.

Mr. Griffith: I mean I just – I think that's good due diligence on our part.

Mr. Snyder: Well of course the Clerk will be here at next week's meeting also to answer any of those questions even though...

Mr. Griffith: I've never listened to a meeting. I mean I try to be here and participate in that form.

Mrs. Werren: Inaudible.... People do.

Mr. Griffith: Right.

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Mr. Snyder: Maybe we can have the fellow with the new software, he possibly – and the fellow she's talking to about the Cloud, let me see what we can do about having them here and you can ask him or her any questions you have.

Mr. Griffith: I just think it'd be helpful to know what the alternative is before eliminate the present plan.

Mr. Snyder: As I say, I know the Clerk I know would be a little sheepish to come and stand out here and speak to you on the record.

Mrs. Werren: Yeah, she would.

Mr. Griffith: Well I can ...inaudible... talk to her.

Mr. Fox: Why don't you, if you're available, come in and we'll play you recordings.

Mr. Griffith: I will definitely do that.

Mr. Fox: In both ways, on tape and digital.

Mr. Cerreta: I'd like to be on that too.

Mrs. Werren: And then there's going to be another format too, right, but we just don't have it yet.

Mr. Fox: Correct.

Mrs. Werren: Okay.

Mr. Fox: We're looking at another format that will upgrade the digital process. We won't have a third, but it will upgrade the digital process.

Mr. Snyder: Yeah, it will.

Mrs. Werren: Well what's the timeframe for that?

Mr. Snyder: Well it's budgeted and all we have to do it execute it.

Mrs. Werren: Okay.

Mr. Snyder: I think it's only a matter of a very short time. Because we don't intend to move this – this through general three readings which is going to be – going to be a six-

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week process to change this so whether we could have the equipment I'm sure we could have everyone's question answered.

Mrs. Werren: Okay.

Mr. Snyder: So if that's

Mrs. Werren: Do you still want to start the process?

Mr. Cerreta: Are we in a hurry?

Mr. Fox: You understand – look at this. You understand that your committee meetings, you don't have a verbatim transcript.

Mr. Foltz: Right.

Mr. Fox: And you discussed that's one of the forms that you have the most abundant amount of discussion and you simple have the basic meetings and the recordings. And if you wish to have a verbatim transcript of the recording you could. And you've had that all along and it's not raised as an issue. I'm just making sure that you're aware of that. It's not the same thing with the committee meetings and the council meetings. So if you're comfortable with what you've had in your committee meetings, what we're stating is those will be enhanced as far as the minutes, that part will be enhanced. You'll still have the verbatim recording if you wish, it's just that a verbatim transcript will not be prepared as the minutes, the regular sort of minutes to give you the details of what transpired and how you made the decisions.

Mr. Cerreta: So you're saying we've got what, three – it will be six weeks ...

Mrs. Werren: Six weeks.

Mr. Cerreta: even before we start process, right?

Mrs. Werren: Inaudible... we start next week.

Mr. Cerreta: Unless we do it on an emergency.

Mrs. Werren: Right. We don't need to do it on an emergency.

Mr. Foltz: No.

Mr. Snyder: We'll do it over a six-week's period that way it's ...

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Mrs. Werren: I think we can start. We'll continue the discussion.

Mr. Snyder: I'm that next week

Mrs. Werren: We can all probably find some time we're in here where we can hear the – it's not difficult to play the recording, right.

Mr. Fox: Correct.

Mr. Snyder: And then you'll give the public a couple times to come in and weigh in on it
....

Mrs. Werren: Fine.

Mr. Snyder: because I'm sure some members of the public are not in favor of it. So – and they'll want to speak.

Mrs. Werren: Okay.

Mr. Snyder: Okay. So we'll just set it that way. Then maybe by the next week or so you'll have that other suggestion that you had and we can amend it to include that if you would. I appreciate everybody's comments. Thank you.

RECOMMENDATION. Based upon the above discussion and debate, the Committee recommended the following actions:

Item 1a.

Amendment to CHAPTER 111 – COUNCIL Section 111.01 MEETINGS: TIME, PLACE, AND RECORDING PROCEDURE; CHAPTER 111 – COUNCIL Section 111.05 COMMITTEE OF THE WHOLE MEETING AGENDA; and Amendment to CHAPTER 111 – COUNCIL Section 111.06 COUNCIL MEETING AGENDA: The Committee recommended legislation be placed on the January 27, 2014 council agenda to consider, amending CHAPTER 111 – COUNCIL, specifically 111.01 MEETINGS: TIME, PLACE, AND RECORDING PROCEDURE, of the Codified Ordinances, to remove the requirement for verbatim transcription.

Amendment to CHAPTER 111 – COUNCIL Section 111.05 COMMITTEE OF THE WHOLE MEETING AGENDA and Amendment to CHAPTER 111 – COUNCIL Section 111.06 COUNCIL MEETING AGENDA: No action taken at this time. Once additional research has been completed, item will be placed on an agenda for further consideration.

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Item 1b.

Amendment to CHAPTER 145 – PLANNING COMMISSION Section 145.01 TRANSCRIPTION/DISTRIBUTION OF MINUTES: The Committee recommended legislation be placed on the January 27, 2014 council agenda to consider, amending CHAPTER 145 – PLANNING COMMISSION, specifically 145.01 TRANSCRIPTION/DISTRIBUTION OF MINUTES, of the Codified Ordinances of the City of North Canton, to remove the requirement for verbatim transcription.

Item 1c.

Amendment to CHAPTER 147 – ZONING BOARD OF APPEALS Section 147.01 TRANSCRIPTION/DISTRIBUTION OF MINUTES: The Committee recommended legislation be placed on the January 27, 2014 council agenda to consider, amending CHAPTER 147 – ZONING BOARD OF APPEALS, specifically 147.01 TRANSCRIPTION/DISTRIBUTION OF MINUTES, of the Codified Ordinances of the City of North Canton, to remove the requirement for verbatim transcription.

Item 1d.

Amendment to CHAPTER 1307 – FLOOD DAMAGE REDUCTION Section 1307.05 APPEALS AND VARIANCES: The Committee recommended legislation be placed on the January 27, 2014 council agenda to consider, amending Chapter 1307 – FLOOD DAMAGE REDUCTION, specifically 1307.05 APPEALS AND VARIANCES, of the Codified Ordinances of the City of North Canton, to remove the verbatim transcription of meetings requirement and update in accordance with the remainder of the codified ordinances.

STEPHANIE WERREN, CHAIRPERSON

ATTEST:

CLERK OF COUNCIL

2/3/14-gmk

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RECORD OF ORDINANCES

Ordinance No. _____ Passed _____, 20____

2/4/14-gmk
(Finance & Property)

Ordinance No. 18-14

An ordinance to make 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.

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

Section 1: That in order to provide for the current expenses and other expenditures of the City of North Canton, Ohio during the period beginning January 1, 2014 and ending December 31, 2014, the following sums attached hereto and incorporated herein by this reference as "Attachment A," be, and are hereby set aside and appropriated.

Section 2. That new equipment purchases for various departments, with the exception of those purchased through the General Trust Fund shall be limited to and shall be per "Appendix A" attached hereto.

Section 3. That upon receiving proper certificates and vouchers therefore, and having first been approved by the appropriate department heads and the Mayor or Director of Administration for the Safety and Service Divisions, approved by the Director of Law and President of Council for the Department of Law, approved by the President of Council or Clerk of Council for the Council Department, approved by the President of Council or the Director of Finance for the Finance Department, or pursuant to an ordinance or resolution of Council to authorize the expenditure, and acknowledging that no warrants shall be drawn or paid for salaries or wages except the persons employed by authority of and in accordance with law or ordinance, the Director of Finance is hereby authorized to draw warrants for payments from any of the appropriations found in "Attachment A" attached hereto. Additionally, appropriations for contingencies shall be expended only upon approval of a two-thirds vote of Council and only for expenses that constitute a legal obligation against the City, and for such other purposes covered by specific appropriations made herein.

Section 4. That the Director of Finance, be, and is hereby authorized and directed to make the necessary intra-fund account transfers upon receipt of a written request signed by the Mayor and approved by the Finance & Property Committee of City Council.

Section 5. That the Director of Finance, be, and is hereby authorized to transfer the following amounts to provide for the current expenses and expenditures of the City of North Canton during the fiscal year ending December 31, 2014:

FROM	TO	AMOUNT
Income Tax Fund	Capital Improvement Fund	\$ 1,102,700
Income Tax Fund	Compensated Absence Fund	6,600
Income Tax Fund	General Fund	4,623,300
General Fund	Fire Operating Levy Fund	400,000
General Fund	EMS Operating Levy Fund	25,000
General Fund	Street, Const M&R Fund	180,000

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 18-14 Passed _____, 20____

General Fund	Compensated Absence Fund	236,000
General Fund	Capital Improvement Fund	900,000
EMS Levy Fund	Compensated Absence Fund	26,400
Fire Fund	Compensated Absence Fund	13,200
Municipal Road Fd	General Fund	130,000
Street Const M&R Fd	Compensated Absence Fund	19,800
Water Operating Fund	Compensated Absence Fund	75,500
Water Operating Fund	Water Exp, Repl & Improve Fd	1,850,000
Sewer Operating Fund	Compensated Absence Fund	\$39,500

Section 6. That City Council authorizes the use of blanket certificates and super blankets for the sum not to exceed \$65,000 with the exception of street salt for Street Maintenance and Repair, chemicals and sludge lagoon maintenance for the Water Treatment Plant, and for utilities in all funds, which may not exceed the appropriations per line items approved by City Council.

Section 7. That if a 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 8. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety, and peace of the City of North Canton, Ohio, and immediately necessary for the timely appropriations for current expenses and other expenditures of the City of North Canton during the fiscal year ending December 31, 2014; 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: _____, 2014

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Ordinance No. 19-14 Passed _____, 20____

2/4/14-gmk
(Finance & Property)

Ordinance No. 19-14

An ordinance authorizing the Mayor of the City of North Canton, to enter into an agreement and, provided there is no additional cost or burden to the City, to take all actions necessary to accept the donation of real property, from Sandra K. Kean, and known as Parcel No. 9200116, City Lot 2781, located in the City of North Canton and adjacent to Price Park.

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, be, and is hereby authorized to enter into an agreement and, provided there is no additional cost or burden to the City, to take all actions necessary to accept the donation of real estate from Sandra K. Kean, and known as Parcel No. 9200116, City Lot 2781, located in the City of North Canton and contiguous with Price Park.
- Section 2. That if a 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 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

MAYOR

SIGNED: _____, 2014

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 20-14 Passed _____, 20____

2/4/14-gmk
(Finance & Property)

Ordinance No. 20-14

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into either a purchase agreement pursuant to the Ohio Cooperative Purchase Act, or a lease purchase agreement with a vendor for the lease purchase of two (2) marked cruisers and one (1) Ford cargo van for use by the City's Police Department, 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 purchase from a vendor two (2) marked cruisers, and one (1) Ford cargo van for use by the City's Police Department, within the purview of the Ohio Cooperative Purchase Act, provided the vehicles are at a lower price than state bid contract and at equivalent terms, conditions, and specifications as authorized by Ohio Revised Code Section 125.04.

Section 2. In the event a purchase through the Ohio Cooperative Purchase Act is deemed not the best economic option, in the discretion of the Director of Administration, the Mayor is authorized, through the Board of Control, to enter into an agreement for the lease purchase of two (2) marked cruisers and one (1) Ford cargo van for use by the City's Police Department.

Section 3. 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 agreement from the following appropriation:

330 CAPITAL IMPROVEMENT FUND	
330.101.5500 Equipment	\$100,000

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

Section 4. That if a 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 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City North Canton and further necessary for the timely purchase of the cruisers and to ensure continued efficient operation of the Police Department; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2014

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

2/4/14-gmk
(Community & Economic Development)

Resolution No. 21-14

A resolution authorizing the Mayor of the City of North Canton to enter into a Mutual Economic Development and Annexation Agreement ("Agreement") by and between the City of North Canton ("North Canton"), City of Canton ("Canton"), Jackson Township ("Jackson"), and Plain Township ("Plain"), which is attached hereto as "Exhibit A," and is incorporated herein by this reference, and declaring the same to be an emergency.

WHEREAS, North Canton, Canton, Jackson, and Plain desire to establish an Agreement as permitted under Ohio Revised Code Sections 701.07 and 709.192; and

WHEREAS, North Canton, Canton, Jackson and Plain are desirous of entering into the Agreement with provisions for allocation and/or sharing of tax revenues, and the cooperation for provision of other services; and

WHEREAS, the residents of North Canton, Canton, Jackson and Plain will benefit from the provisions of this Agreement; and

WHEREAS, pursuant to the requirements of Ohio Revised Code Section 701.07(A), a joint public hearing was held on October 30, 2013, notice of which was provided as required by law.

BE IT RESOLVED 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, be, and is hereby authorized to enter into an Agreement by and between North Canton, Canton, Jackson, and Plain, which Agreement is attached hereto as "Exhibit A," and is incorporated herein by this reference.
- Section 2. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.
- Section 3. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton, is necessary for the timely implementation of the above-described Agreement, and is further necessary to permit North Canton, Canton, Jackson, and Plain to jointly and cooperatively take advantage of vital and fleeting economic opportunities; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, 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

**JACKSON TOWNSHIP PLAIN TOWNSHIP CITY OF NORTH CANTON
AND CITY OF CANTON MUTUAL ECONOMIC DEVELOPMENT AGREEMENT**

This Agreement is made at Stark County, Ohio, by and between the Board of Trustees for Jackson Township, Stark County, Ohio (hereinafter referred to as "Jackson"), whose mailing address is 5735 Wales Avenue NW, Massillon, Ohio 44646, the Board of Trustees for Plain Township, Stark County, Ohio (hereinafter referred to as "Plain"), whose mailing address is 2600 Easton St. NE, Canton, Ohio 44721, the City of North Canton (hereinafter referred to as "North Canton"), whose mailing address is 145 North Main Street, North Canton, Ohio 44720 and the City of Canton (hereinafter referred to as "Canton"), whose mailing address is 218 Cleveland Avenue S.W., Canton, Ohio 44702.

WITNESSETH:

WHEREAS, Jackson, Plain, North Canton and Canton desire to establish a Mutual Economic Development Agreement and Annexation Agreement ("Agreement") as permitted under Ohio Revised Code Sections 701.07 and 709.192; and

WHEREAS, Jackson, Plain, North Canton and Canton are desirous of entering into the Agreement with provisions for allocation and/or sharing of tax revenues, and the cooperation for provision of other services; and

WHEREAS, the residents of Jackson, Plain, North Canton and Canton will benefit from the provisions of the Agreement; and

WHEREAS, pursuant to the requirements of Revised Code Section 701.07(A), a joint public hearing was held on _____, notice of which was provided as required by law; and

WHEREAS, Jackson has agreed to enter into this Agreement, pursuant to Resolution No. _____, dated _____, 2013; and

WHEREAS, Plain has agreed to enter into this Agreement, pursuant to Resolution No. _____, dated _____, 2013; and

WHEREAS, North Canton has agreed to enter into this Agreement, by Ordinance No. _____, dated _____, 2013; and

WHEREAS, Canton has agreed to enter into this Agreement, by Ordinance No. _____, dated _____, 2013;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement, and pursuant to Ohio Revised Code Sections 701.07 and 709.192, the parties agree as follows:

ARTICLE 1

THE PROPERTY (EXHIBIT A)

The Property ("the Property") shall consist of the area of Jackson Township and Plain Township as follows:

- A. Extending north of 38th Street NW between Whipple Avenue NW, as a western boundary, and the Railroad Tracks and real estate owned by Metro Regional Transit Authority ("Railroad"), as an eastern boundary, running north to the intersection of the Railroad Tracks and Whipple Avenue NW; and
- B. Continuing north from the intersection of the Railroad Tracks and Whipple Avenue NW with the Railroad Tracks being the western boundary and the western boundary of Plain Township being the eastern boundary of the Property, extending to the Summit County line. Attached hereto, as "Exhibit A," is a map of the Property outlining the approximate area of the Property in green.

ARTICLE 2

ANNEXATION

A. The parties agree that whenever any of the Property is annexed into North Canton or Canton, it shall remain in Jackson or Plain, and not become part of McKinley Township or Hoover Township after the approval and acceptance of said annexation. Jackson, Plain, North Canton and Canton shall fully cooperate with State and County officials to create an additional taxing district if necessary.

B. North Canton and Canton agree not to engage in any annexation of the Property in Jackson Township unless the Jackson Township Trustees agree to the annexation or Plain Township unless the Plain Township Trustees agree to the annexation.

ARTICLE 3

COOPERATION OF JACKSON, PLAIN, NORTH CANTON AND CANTON

The parties agree to work together in good faith and make reasonable efforts to promote, encourage and facilitate economic growth in the Property. The Parties agree to cooperate if one party obtains a property owner who is willing to enter into a CEDA, JEDD, annexation agreement or any other agreement in accordance with the terms of this Agreement.

ARTICLE 4

ALLOCATION OF TAX REVENUES AND DURATION

A. For purposes of this Article, "Township taxes" means the taxes against the real and tangible personal property that would have been charged by and/or payable to Jackson or Plain if no annexation had occurred. Any bed tax or other such tax to which Jackson or Plain would otherwise receive but for this Agreement, shall not be a part of this Agreement and not be subject to any division or sharing with Canton or North Canton; provided, however, in the event the Parties agree to utilize a city bed tax rate

that is greater than the township bed tax rate, the difference between such rates shall be divided by the parties according to this Agreement. It is agreed that the Property shall remain in Jackson Township or Plain Township and not become a portion of McKinley Township or Hoover Township following the approval and acceptance of said annexation. Jackson, Plain, North Canton and Canton shall fully cooperate with State and County officials to create an additional taxing district, if necessary.

B. This Agreement is intended to provide Jackson and Plain during the term of this Agreement with one hundred percent (100%) of the tax revenue it would have received from the Property if the annexation had not taken place, including but not limited to current and future real property tax, personal property and bed tax tax revenue under Jackson or Plain millage rates in effect at the time of collection.

C. The parties agree that during the term of this Agreement, all Jackson or Plain taxes collected by the Stark County Auditor pursuant to this Agreement will be paid directly to Jackson or Plain. This would also include Jackson or Plain taxes generated as a result of new businesses located on or in the Property. All such taxes shall be paid at whatever Jackson or Plain millage or other taxing rates existing at the time the collection is made by the Stark County Auditor.

D. The parties further agree that, during the term of this Agreement, taxes for any Jackson or Plain levy, which as of the date of execution are general, fire, EMS, park, police and road levies, and bed tax, that Jackson or Plain would have received but for this Agreement, shall be paid to Jackson or Plain at the time collection is made by the Stark County Auditor, under millage rates in effect at the time of the collection.

E. In the event that any such taxes, which by the terms of this Agreement are to be paid to Jackson or Plain, are collected by the Stark County Auditor and paid to North Canton or Canton instead of Jackson or Plain, North Canton and Canton agree to promptly remit to Jackson or Plain an amount equal to said taxes

owed to Jackson or Plain under this Agreement. Payment by North Canton or Canton to Jackson or Plain of any taxes erroneously received shall be made within thirty (30) days of the receipt of such funds from the County Auditor, or of discovery of such error.

F. Notwithstanding the above, any amounts of real property and personal property taxes that North Canton or Canton may be entitled to receive for North Canton or Canton millage only relating to the Property, over and above the amount Jackson or Plain receives or would have received under then existing Jackson or Plain millage rates if this Agreement had not taken place, shall be paid to North Canton or Canton.

G. In the event Jackson or Plain incorporates or forms a municipality and institutes an income tax from the residents, credits will be given based on any new income tax collected from the time Jackson or Plain incorporates or becomes a municipality relating to the Property. Further, pursuant to ORC Section 715.74(D) or other law, the Property under the CEDA, JEDD, annexation or other agreement will remain with North Canton or Canton.

H. North Canton or Canton will continue to receive 100% income tax revenue collected from any North Canton or Canton residents. In addition, any upfront investment or annual cost incurred by either party paid to secure a CEDA, JEDD, annexation or any other agreement relating to the Property will be reimbursed prior to North Canton or Canton making payment to the other parties entitled to receive income tax dollars under this Agreement. Upfront investment and annual cost will be specified for each subsequent CEDA, JEDD or other agreement.

I. North Canton and Canton agree to pay on a quarterly basis two-thirds ($2/3$) of any and all new income tax, one-third ($1/3$) to Jackson or Plain and one-third ($1/3$) to the other non-collecting city for any

income tax collected by North Canton or Canton in Jackson or Plain, or any new entity that was located in the former Jackson or Plain relating to the Property.

J. The parties shall receive the tax revenues set forth herein for the duration of this Agreement, as set forth in Article 8 below.

K. The city collecting the income taxes shall be entitled to receive the actual costs incurred in collecting and distributing the income taxes collected under this Agreement. "Costs" shall include: postage, printing, supplies and labor expense directly related to the collecting and distributing of the income tax.

ARTICLE 5

TAX ABATEMENTS

It is the intent of the parties that the Property may be subject to real and personal property tax abatements. However, in the event that North Canton or Canton may grant real and/or personal property tax abatements to property owners and businesses located on or within the Property, such tax abatements shall meet all requirements of the Revised Code, to include Sections 5709.62 et seq., as now written or as the same may be amended. North Canton and Canton shall work together with Jackson and Plain and North Canton and Canton shall keep Jackson and Plain informed of any proposed tax abatement applications. North Canton, Canton, Jackson and Plain agree that any tax abatement shall be mutually agreed upon by the parties required to consent to such tax abatement.

ARTICLE 6

TAX VALUATION CHALLENGES

The parties agree that any party may object to the tax assessments or evaluations or re-evaluations of property involved in this Agreement.

The parties shall cooperate with each other such that the party with the legal standing to challenge such assessments or evaluations or re-evaluations shall diligently pursue those challenges on behalf of itself and/or the other parties.

ARTICLE 7

POST ANNEXATION GOVERNMENTAL SERVICES

A. Zoning.

(1) Upon annexation, North Canton and Canton shall consult Jackson or Plain regarding proposed zoning of the Property and North Canton and Canton agree to use their best efforts to zone the Property or otherwise keep it compatible with the surrounding territory. The parties agree that the Property shall be zoned so as to best encourage business and economic development in furtherance of the objectives of this agreement. In the event that another use is proposed by the landowners and/or their agents, such use shall be subject to the zone change procedures of North Canton or Canton. In the event that another use is proposed by the landowners and/or agents and the proposed use is prohibited by the Jackson's or Plain's zoning resolution and is permitted under North Canton or Canton zoning ordinances, the parties shall meet to determine the zoning classification that is in the best interest of the Property and with the minimum impact upon the township area not included within the Property. Notwithstanding any of the above, all North Canton or Canton regulations regarding zoning and planning shall be applicable to the Property. North Canton and Canton shall notify Jackson or Plain of any proposed zoning changes.

(2) If North Canton's or Canton's zoning ordinances permit uses which are clearly incompatible with Jackson's or Plain's zoning regulations on the adjacent land remaining in the township from which the property was annexed, North Canton and Canton will require, in the zoning ordinance permitting the

incompatible uses, the owner of the property to provide a buffer separating the use of the Property and the adjacent land remaining within the township. For purposes of this section, "buffer" includes open space, landscaping, fences, walls and other structure elements, public streets and street rights of way, and bicycle and pedestrian paths and sidewalks.

B. Standard Governmental Services.

Jackson and Plain shall exclusively provide to the Property located in their township the following services: public street and road maintenance and repair, parks and recreation. The parties shall agree to use automatic/mutual aid for police, fire and emergency medical services.

C. Roadway Maintenance.

All public roadways within the Property shall be Jackson's or Plain's responsibility to maintain and improve. This shall include routine public road and street maintenance, including lighting, snow plowing, repairing of chuckholes and signage.

ARTICLE 8

LENGTH OF AGREEMENT

A. The parties agree that, due to the extensive nature of the municipal service to be extended to the Property, and because this Agreement is intended for the long-term future to set a cooperative basis for agreements between the parties, the initial term of this Agreement shall be for fifty (50) years from the date of acceptance of annexation, JEDD, CEDA or other agreement of the Property by North Canton or Canton by ordinance or resolution. In the event such annexation, JEDD, CEDA or other agreement shall occur in separate proceedings, the initial term shall be fifty (50) years after the last parcel contained in the Property is accepted by the North Canton or Canton.

B. This Agreement will be renewed for an additional fifty (50) year term unless any party, by official legislative action, gives written notice to the other parties of its intent not to renew on or before ninety (90) days prior to the extension of the initial term.

ARTICLE 9

MEDIATION AND NOTICE OF CLAIMED BREACH

In the event the parties have a dispute as to any of the terms or to the applicability of this Agreement, the parties agree to use their best efforts to resolve the dispute through a mutually acceptable mediation process or, if they are unable to agree, to utilize whatever mediation process may then be in existence and used by the Stark County Common Pleas Court. The parties retain all legal rights available to them under this Agreement and under the law.

If a party to this Agreement believes any other party has failed to perform its part of any provision of this Agreement, including the failure to make any payment of monies due under this Agreement, the complaining party shall give notice to the other party or parties clearly stating what breach the complaining party believes has occurred. The party or parties receiving that notice has ninety (90) days from the receipt of that notice to cure the breach. If the breach has not been cured within that ninety (90) day period, then the complaining party may seek its remedies under this Agreement including, but not limited to, suit for recovery of the money due under the Agreement, suit for specific enforcement of this Agreement, or terminate the Agreement by giving notice of termination to the other party.

ARTICLE 10

MUNICIPAL POWER

Nothing in this Agreement shall be construed to be in derogation of the powers granted to municipal corporations by Article XVIII of the Ohio Constitution.

ARTICLE 11

CLARIFICATION OF REVENUE SHARING

Nothing in this Agreement is to be interpreted as the sharing of the proceeds of any tax levy by and between the North Canton, Canton, Jackson or Plain. All language within this Agreement is to be interpreted pursuant to Ohio Revised Code Section 701.07(D) in that any reference to any sharing of taxes is to be construed such that the proceeds of those taxes are to be used to make the payments authorized in the Agreement.

ARTICLE 12

ADDITIONAL TERMS AND CONDITIONS

The parties will study and work together in good faith for the benefit of all entities and their residents and will explore potential future areas for additional CEDA, JEDD, annexation opportunities and/or other economic development opportunities.

A. The parties agree to work together and engage in good faith communication when dealing with any issues involving any CEDA, JEDD, annexation opportunities and/or other economic development opportunities.

B. If any of the parties wish to form a committee they shall forward the request in writing. Following a written request by any party, the committee shall be formed as follows: the Board of Trustees of Jackson and Plain may name a Township Trustee and a designee of each township, the Majority Leader of City Council of Canton may name the Mayor or the Mayor's designee, and a member of Canton City Council, subject to confirmation by a majority of the members of City Council, and the City of North Canton may name the Mayor or the Mayor's designee, and a member of North Canton City Council, subject to confirmation by a majority of the members of City Council, to said committee to study ways in which the

parties can work together for the benefit of residents of both cities and townships. This committee is to study such matters as cooperation in providing police and fire services, exploring potential future areas for joint economic efforts by the parties, and other methods by which the parties can work together to benefit the residents of all four communities. The committee shall also explore and recommend to the other elected officials any methods by which the parties might work together for the benefit of the respective residents of those communities. Committee members shall serve a one (1) year term, but may be reappointed for additional terms under the procedure set forth above. Any committee member who no longer holds his or her township or city office shall no longer be on the committee, and shall be replaced by another such officeholder, in the manner as set forth above.

C. The parties further agree that the Committee referenced above will act in a consultative manner regarding development issues for the Property.

ARTICLE 13

LIBERAL CONSTRUCTION

The parties agree that just as Ohio Revised Code Section 701.07 is to be liberally construed to allow parties to enter into Cooperative Economic Development Agreements, the parties agree that this Agreement shall be liberally construed in order to facilitate the desire of the parties to carry out this Agreement by providing government improvements and facilities and services, by promoting and supporting economic development, by creating and preserving employment opportunities, and by allowing for the sharing by city, township, county and State of Ohio, in the benefits of economic development, even if the economic development does not occur in an unincorporated area. Further, each provision of this Agreement shall be construed and interpreted so as to permit maximum advantage to the parties allowed by Ohio Revised Code Section 701.07.

ARTICLE 14

MODIFICATION

This Agreement may not be modified except by official legislative action of all parties.

This Agreement may be terminated prior to the expiration of its terms by mutual consent of all parties, as evidenced by official legislative action by each, or as provided by Article 9 herein.

ARTICLE 15

LEGAL CONSTRUCTION

In the event anyone or more of the provisions contained in this Agreement are held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not be affected by any other provision of this Agreement. The titles of the Articles of this Agreement are descriptive only and are not to be considered substantive provisions of this Agreement. This Agreement is intended to conform to Ohio Revised Code 701.07 in all respects.

ARTICLE 16

PRIOR AGREEMENTS SUPERSEDED

This Agreement constitutes the entire Agreement of the parties and supersedes any prior understandings or previous oral or written agreements between the parties relating to the Property.

ARTICLE 17

GOVERNING LAW

This Agreement, and all the rights, duties and obligations of parties, shall be construed under and in accordance with the laws of the State of Ohio, and all obligations of the parties hereunder are performable in Stark County, Ohio.

ARTICLE 18

PARTIES BOUND

This Agreement shall be binding upon and inure to the benefit of the parties, their agents, servants, members, officials, trustees, employees, representatives, assigns and successors.

Executed, in quadruplicate copies, at Stark County, Ohio, on the date set forth below.

THE CITY OF CANTON

BOARD OF TRUSTEES OF JACKSON
TOWNSHIP, STARK COUNTY, OHIO

By: _____
William J. Healy, II, Mayor

By: _____
James N. Walters, President

Date: _____

By: _____
John E. Pizzino, Vice President

By: _____
Todd J. Hawke, Trustee

Date: _____

APPROVED AS TO FORM:

Joseph Martuccio
City of Canton Law Director

Michael A. Thompson
Attorney for the Board of Trustees of
Jackson Township

THE CITY OF NORTH CANTON

By: _____
David J. Held, Mayor

Date: _____

BOARD OF TRUSTEES OF PLAIN
TOWNSHIP, STARK COUNTY, OHIO

By: _____
Louis P. Giavasis, President

By: _____
Scott M. Haws, Vice President

By: _____
Albert P. Leno II, Trustee

Date: _____

APPROVED AS TO FORM:

Timothy L. Fox
City of North Canton Law Director

Eric J. Williams
Attorney for the Board of Trustees of
Plain Township

RECORD OF ORDINANCES

Dryden Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

2/6/14-gmk
(Community & Economic Development)

Resolution No. 22-14

A resolution authorizing the Mayor of the City of North Canton to enter into a Mutual Economic Development and Annexation Agreement ("Agreement") by and between the City of North Canton ("North Canton"), City of Canton ("Canton"), Jackson Township ("Jackson"), and Plain Township ("Plain"), which is attached hereto as "Exhibit A," and is incorporated herein by this reference, and declaring the same to be an emergency.

WHEREAS, North Canton, Canton, Jackson, and Plain desire to establish an Agreement as permitted under Ohio Revised Code Sections 701.07 and 709.192; and

WHEREAS, North Canton, Canton, Jackson and Plain are desirous of entering into the Agreement with provisions for allocation and/or sharing of tax revenues, and the cooperation for provision of other services; and

WHEREAS, the residents of North Canton, Canton, Jackson and Plain will benefit from the provisions of this Agreement; and

WHEREAS, pursuant to the requirements of Ohio Revised Code Section 701.07(A), a joint public hearing was held on October 30, 2013, notice of which was provided as required by law.

BE IT RESOLVED 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, be, and is hereby authorized to enter into an Agreement by and between North Canton, Canton, Jackson, and Plain, which Agreement is attached hereto as "Exhibit A," and is incorporated herein by this reference.

Section 2. That if a provision of this resolution is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.

Section 3. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton, is necessary for the timely implementation of the above-described Agreement, and is further necessary to permit North Canton, Canton, Jackson, and Plain to jointly and cooperatively take advantage of vital and fleeting economic opportunities; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, 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

**JACKSON TOWNSHIP, PLAIN TOWNSHIP, CITY OF NORTH CANTON,
AND CITY OF CANTON MUTUAL ECONOMIC DEVELOPMENT AGREEMENT**

This Agreement is made at Stark County, Ohio, by and between the Board of Trustees for Jackson Township, Stark County, Ohio (hereinafter referred to as "Jackson"), whose mailing address is 5735 Wales Avenue NW, Massillon, Ohio 44646, the Board of Trustees for Plain Township, Stark County, Ohio (hereinafter referred to as "Plain"), whose mailing address is 2600 Easton St. NE, Canton, Ohio 44721, (sometimes together referred to as "the Townships"), the City of North Canton (hereinafter referred to as "North Canton"), whose mailing address is 145 North Main Street, North Canton, Ohio 44720, and the City of Canton (hereinafter referred to as "Canton"), whose mailing address is 218 Cleveland Avenue S.W., Canton, Ohio 44702 (hereinafter, Jackson, Plain, North Canton, and Canton may be referred to collectively as "the Parties").

WITNESSETH:

WHEREAS, Jackson, Plain, North Canton, and Canton desire to establish a Mutual Economic Development Agreement and Annexation Agreement ("Agreement") as permitted under Ohio Revised Code Sections 701.07 and 709.192; and

WHEREAS, Jackson, Plain, North Canton and Canton are desirous of entering into the Agreement with provisions for cooperative economic development, the allocation and/or sharing of tax revenues should such development occur, and the cooperation for provisions of other services; and

WHEREAS, the residents of Jackson, Plain, North Canton, and Canton will benefit from the provisions of the Agreement; and

WHEREAS, pursuant to the requirements of Ohio Revised Code Section 701.07(A), a joint public hearing was held on October 30, 2013, notice of which was provided as required by law; and

WHEREAS, Jackson has agreed to enter into this Agreement, pursuant to Resolution No. _____ dated _____, 2014; and

WHEREAS, Plain has agreed to enter into this Agreement, pursuant to Resolution No. _____, dated _____, 2014; and

WHEREAS, North Canton has agreed to enter into this Agreement, by Ordinance No. _____, dated _____, 2014; and

WHEREAS, Canton has agreed to enter into this Agreement, by Ordinance No. _____, dated _____, 2014;

NOW, THEREFORE, in consideration of the mutual covenants and promises contained in this Agreement, and pursuant to Ohio Revised Code Sections 701.07 and 709.192, the Parties agree as follows:

ARTICLE 1

THE PROPERTY (EXHIBIT A)

The Property ("the Property") shall consist of the area of Jackson Township and Plain Township as follows:

- A. Extending north of 38th Street NW between Whipple Avenue NW, as a western boundary, and the Railroad Tracks and real estate owned by Metro Regional Transit Authority ("Railroad"), as an eastern boundary, running north to the intersection of the Railroad tracks and Whipple Avenue NW; and
- B. Continuing north from the intersection of the Railroad tracks and Whipple Avenue NW with the Railroad tracks being the western boundary and the western boundary of Plain Township being the eastern boundary of the Property, extending to the Summit County line. Attached hereto, and incorporated herein by this reference, "Exhibit A" is a map depicting, by the color green, the approximate area of the Property.

ARTICLE 2

ANNEXATION

A. The Parties agree that whenever any of the Property is annexed into North Canton or Canton in accordance with the terms and conditions of this Agreement, it shall remain in Jackson or Plain, and not become part of McKinley Township or Hoover Township after the approval and acceptance of said annexation. Jackson, Plain, North Canton, and Canton shall fully cooperate with State and County officials to create an additional taxing district if necessary.

B. North Canton and Canton agree that if they intend to engage in any annexation of the Property contained in Jackson or Plain Townships, they will provide prior written notice to Jackson and Plain Townships and will first negotiate in good faith with said Townships for an agreed annexation or some other means of economic development such as a Joint Economic Development District (JEDD) or Joint Economic Development Zone (JEDZ).

ARTICLE 3

COOPERATION OF JACKSON, PLAIN, NORTH CANTON, AND CANTON

The Parties agree to work together in good faith and make reasonable efforts to promote, encourage, and facilitate economic growth in the Property. The Parties agree to cooperate in a similar manner if one party obtains a property owner willing to enter into a CEDA, JEDD, annexation agreement, or any other agreement in accordance with the terms of this Agreement.

ARTICLE 4

ALLOCATION OF TAX REVENUES AND DURATION

A. For purposes of this Article, "Township Taxes" means the taxes against the real and tangible personal property that would have been charged by and/or payable to Jackson or Plain if no annexation had occurred. If the Parties negotiate concerning annexation as set forth above in Article 2, North

Canton and Canton agree to consider in good faith the Townships' position that any bed tax or other such tax to which Jackson or Plain would otherwise receive but for this Agreement, shall not be a part of this Agreement and not be subject to any division or sharing with Canton or North Canton; provided, however, in the event the Parties agree to utilize a city bed tax rate that is greater than the township bed tax rate, the difference between such rates shall be divided by the Parties according to this Agreement. It is further agreed that if the Parties negotiate concerning annexation as set forth above in Article 2, North Canton and Canton agree to consider in good faith the Townships' position that the relevant portion of the Property shall remain in Jackson Township or Plain Township and not become a portion of McKinley Township or Hoover Township following the approval and acceptance of said annexation. Jackson, Plain, North Canton, and Canton shall fully cooperate with State and County officials to create an additional taxing district, if necessary.

B. If the Parties negotiate concerning annexation as set forth above in Article 2, North Canton and Canton agree to consider in good faith the Townships' position that during the term of this Agreement that the Townships should receive 100% of the tax revenue they would have received from the Property if the annexation had not taken place, including but not limited to current and future real property tax, personal property, and bed tax revenue under Jackson or Plain millage rates in effect at the time of collection.

C. The Parties agree that during the term of this Agreement, all Jackson or Plain Township Taxes collected by the Stark County Auditor pursuant to this Agreement will be paid directly to Jackson or Plain. This would also include Jackson or Plain taxes generated as a result of new businesses located on or in the Property. All such taxes shall be paid at whatever Jackson or Plain millage or other taxing rates existing at the time the collection is made by the Stark County Auditor.

D. If the Parties negotiate concerning annexation as set forth above in Article 2, North Canton and Canton agree to consider in good faith the Townships' position that during the term of this Agreement, taxes for any Jackson or Plain levy, which as of the date of execution are general, fire, EMS, park, police, road levies, and bed tax that Jackson or Plain would have received but for this Agreement, shall be paid to Jackson or Plain at the time collection is made by the Stark County Auditor, under millage rates in effect at the time of the collection.

E. In the event that any such taxes, which by the terms of this Agreement are to be paid to Jackson or Plain, are collected by the Stark County Auditor and paid to North Canton or Canton instead of Jackson or Plain, North Canton and Canton agree to promptly remit to Jackson or Plain an amount equal to said taxes owed to Jackson or Plain under this Agreement. Payment by North Canton or Canton to Jackson or Plain of any taxes erroneously received shall be made within 30 days of the receipt of such funds from the County Auditor, or of discovery of such error.

F. Notwithstanding the above, any amounts of real property and personal property taxes that North Canton or Canton may be entitled to receive for North Canton or Canton millage only relating to the Property, over and above the amount Jackson or Plain receives or would have received under then existing Jackson or Plain millage rates if this Agreement had not taken place, shall be paid to North Canton or Canton.

G. In the event Jackson or Plain incorporates or forms a municipality and institutes an income tax from the residents, credits will be given based on any new income tax collected from the time Jackson or Plain incorporates or becomes a municipality relating to the Property. Further, pursuant to Ohio Revised Code Section 715.74(D) or other law, the Property under the CEDA, JEDD, annexation, or other agreement will remain with North Canton or Canton.

H. North Canton or Canton will continue to receive 100% income tax revenue collected from any North Canton or Canton residents. In addition, any upfront investment or annual cost incurred by either party paid to secure a CEDA, JEDD, annexation or any other agreement relating to the Property will be reimbursed prior to North Canton or Canton making payment to the other Parties entitled to receive income tax dollars under this Agreement. Upfront investment and annual cost will be specified for each subsequent CEDA, JEDD or other agreement.

I. If the Parties negotiate concerning annexation as set forth above in Article 2, North Canton and Canton agree to consider in good faith the Townships' position that North Canton and Canton should pay on a quarterly basis two-thirds (2/3) of any and all new income tax, one-third (1/3) to Jackson or Plain, based upon the location of the annexation, and one-third (1/3) to the other non-collecting city for any income tax collected by North Canton or Canton in Jackson or Plain, or any new entity that was located in the former Jackson or Plain relating to the Property.

J. The Parties shall receive the tax revenues set forth herein for the duration of this Agreement, as set forth in ARTICLE 8 below.

K. The city collecting the income taxes, based upon the location of the annexation, shall be entitled to receive the actual costs incurred in collecting and distributing the income taxes collected under this Agreement. "Costs" shall include: postage, printing, supplies, and labor expenses directly related to the collecting and distributing of the income tax.

ARTICLE 5

TAX ABATEMENTS

It is the intent of the Parties that the Property may be subject to real and personal property tax abatements. However, in the event that North Canton or Canton may grant real and/or personal property tax abatements to property owners and businesses located on or within the Property, such tax abatements

shall meet all requirements of the Ohio Revised Code, to include Sections 5709.62 et seq., as now written or as the same may be amended. North Canton and Canton shall work together with Jackson and Plain and North Canton and Canton shall keep Jackson and Plain informed of any proposed tax abatement applications.

ARTICLE 6

TAX VALUATION CHALLENGES

The Parties agree that any party may object to the tax assessments or evaluations or re-evaluations of property involved in this Agreement.

The Parties shall cooperate with each other such that the party with the legal standing to challenge such assessments or evaluations or re-evaluations shall diligently pursue those challenges on behalf of itself and/or the other Parties.

ARTICLE 7

POST ANNEXATION GOVERNMENTAL SERVICES

A. Zoning.

(1) Upon annexation, North Canton and Canton shall consult Jackson or Plain regarding proposed zoning of the Property and North Canton and Canton agree to use their best efforts to zone the Property or otherwise keep it compatible with the surrounding territory. The Parties agree that the Property shall be zoned so as to best encourage business and economic development in furtherance of the objectives of this agreement. In the event that another use is proposed by the landowners and/or their agents, such use shall be subject to the zone change procedures of North Canton or Canton. In the event that another use is proposed by the landowners and/or agents and the proposed use is prohibited by the Jackson's or Plain's zoning resolution and is permitted under North Canton or Canton zoning ordinances, the Parties shall meet to determine the zoning classification that is in the best interest of the Property and with the

minimum impact upon the township area not included within the Property. Notwithstanding any of the above, all North Canton or Canton regulations regarding zoning and planning shall be applicable to the Property. North Canton and Canton shall notify Jackson or Plain of any proposed zoning changes.

(2) If North Canton's or Canton's zoning ordinances permit uses that are clearly incompatible with Jackson's or Plain's zoning regulations on the adjacent land remaining in the township from which the property was annexed, North Canton and Canton will require, in the zoning ordinance permitting the incompatible uses, the owner of the property to provide a buffer separating the use of the Property and the adjacent land remaining within the township. For purposes of this section, "buffer" includes open space, landscaping, fences, walls and other structure elements, public streets and street rights of way, and bicycle and pedestrian paths and sidewalks.

B. Standard Governmental Services.

Upon annexation, if agreed in writing at that time by the annexing city, Jackson and Plain shall exclusively provide the following services to the Property located in their township: public street and road maintenance and repair, parks and recreation. Upon annexation, if agreed in writing at that time by the annexing city, the Parties shall agree to use automatic/mutual aid for police, fire, and emergency medical services.

C. Roadway Maintenance.

Upon annexation, if agreed in writing at that time by the annexing city, all public roadways within the Property shall be Jackson's or Plain's responsibility to maintain and improve. This shall include routine public road and street maintenance, including lighting, snow plowing, repairing of chuckholes and signage.

ARTICLE 8

LENGTH OF AGREEMENT

A. The Parties agree that, due to the extensive nature of the municipal service to be extended to the Property, and because this Agreement is intended for the long-term future to set a cooperative basis for agreements between the Parties, the initial term of this Agreement shall be for 50 years from the date of acceptance of annexation, JEDD, CEDA or other agreement of the Property by North Canton or Canton by ordinance or resolution. In the event such annexation, JEDD, CEDA or other agreement shall occur in separate proceedings, the initial term shall be 50 years after the last parcel contained in the Property is annexed by North Canton or Canton.

B. This Agreement will be renewed for an additional 50-year term unless any party, by official legislative action, gives written notice to the other Parties of its intent not to renew on or before 90 days prior to the extension of the initial term.

ARTICLE 9

MEDIATION AND NOTICE OF CLAIMED BREACH

In the event the Parties have a dispute as to any of the terms or to the applicability of this Agreement, the Parties agree to use their best efforts to resolve the dispute through a mutually acceptable mediation process or, if they are unable to agree, to utilize whatever mediation process may then be in existence and used by the Stark County Common Pleas Court. The Parties retain all legal rights available to them under this Agreement and under the law.

If a party to this Agreement believes any other party has failed to perform its part of any provision of this Agreement, including the failure to make any payment of monies due under this Agreement, the complaining party shall give notice to the other party or Parties clearly stating what breach the complaining party believes has occurred. The party or Parties receiving that notice has 90 days from the

receipt of that notice to cure the breach. If the breach has not been cured within that 90-day period, then the complaining party may seek its remedies under this Agreement including, but not limited to, suit for recovery of the money due under the Agreement, suit for specific enforcement of this Agreement, or terminate the Agreement by giving notice of termination to the other party.

ARTICLE 10

MUNICIPAL POWER

Nothing in this Agreement shall be construed to be in derogation of the powers granted to municipal corporations by Article XVIII of the Ohio Constitution.

ARTICLE 11

CLARIFICATION OF REVENUE SHARING

Nothing in this Agreement is to be interpreted as the sharing of the proceeds of any tax levy by and between North Canton, Canton, Jackson, or Plain. All language within this Agreement is to be interpreted pursuant to Ohio Revised Code Section 701.07(D) in that any reference to any sharing of taxes is to be construed such that the proceeds of those taxes are to be used to make the payments authorized in the Agreement.

ARTICLE 12

ADDITIONAL TERMS AND CONDITIONS

The Parties will study and work together in good faith for the benefit of all entities and their residents and will explore potential future areas for additional CEDA, JEDD, annexation opportunities, and/or other economic development opportunities.

A. The Parties agree to work together and engage in good faith communication when dealing with any issues involving any CEDA, JEDD, annexation opportunities and/or other economic development opportunities.

B. If any of the Parties wish to form a committee pertaining to this Agreement they shall forward the request in writing. Following a written request by any party, the committee shall be formed as follows: the Board of Trustees of Jackson and Plain may name a Township Trustee and a designee of each township, the Majority Leader of City Council of Canton may name the Mayor or the Mayor's designee, and a member of Canton City Council, subject to confirmation by a majority of the members of City Council, and the City of North Canton may name the Mayor or the Mayor's designee, and a member of North Canton City Council, subject to confirmation by a majority of the members of City Council, to said committee to study ways in which the Parties can work together for the benefit of residents of both cities and townships. This committee is to study such matters as cooperation in providing police and fire services, exploring potential future areas for joint economic efforts by the Parties, and other methods by which the Parties can work together to benefit the residents of all four communities. The committee shall also explore and recommend to the other elected officials any methods by which the Parties might work together for the benefit of the respective residents of those communities. Committee members shall serve a one year term, but may be reappointed for additional terms under the procedure set forth above. Any committee member who no longer holds his or her township or city office shall no longer be on the committee, and shall be replaced by another such officeholder, in the manner as set forth above.

C. The Parties further agree that the committee referenced above will act in a consultative manner regarding development issues for the Property.

ARTICLE 13

LIBERAL CONSTRUCTION

The Parties agree that just as Ohio Revised Code Section 701.07 is to be liberally construed to allow the Parties to enter into Cooperative Economic Development Agreements, the Parties agree that this

Agreement shall be liberally construed in order to facilitate the desire of the Parties to carry out this Agreement by providing government improvements and facilities and services, by promoting and supporting economic development, by creating and preserving employment opportunities, and by allowing for the sharing by city, township, county and State of Ohio, in the benefits of economic development, even if the economic development does not occur in an unincorporated area. Further, each provision of this Agreement shall be construed and interpreted so as to permit maximum advantage to the Parties allowed by Ohio Revised Code Section 701.07.

ARTICLE 14

MODIFICATION

This Agreement may not be modified except by official legislative action of all Parties. This Agreement may be terminated prior to the expiration of its terms by mutual consent of all Parties, as evidenced by official legislative action by each, or as provided by Article 9 herein.

ARTICLE 15

LEGAL CONSTRUCTION

In the event a provision contained in this Agreement is held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality or unenforceability shall not be affected by any other provision of this Agreement. The titles of the Articles of this Agreement are descriptive only and are not to be considered substantive provisions of this Agreement. The Parties intend that this Agreement conform to Ohio Revised Code Section 701.07 in all respects.

ARTICLE 16

PRIOR AGREEMENTS SUPERSEDED

This Agreement constitutes the entire Agreement of the Parties and supersedes any prior understandings or previous oral or written agreements between the Parties relating to the Property.

ARTICLE 17

GOVERNING LAW

This Agreement, and all the rights, duties and obligations of Parties, shall be construed under and in accordance with the laws of the State of Ohio, and all obligations of the Parties hereunder are performable in Stark County, Ohio.

ARTICLE 18

PARTIES BOUND

This Agreement shall be binding upon and inure to the benefit of the Parties, their agents, servants, members, officials, trustees, employees, representatives, assigns, and successors.

Executed, in quadruplicate copies, at Stark County, Ohio, on the date set forth below.

THE CITY OF CANTON

BOARD OF TRUSTEES OF JACKSON
TOWNSHIP, STARK COUNTY, OHIO

By: _____
William J. Healy, II, Mayor

By: _____
Todd J. Hawke, President

Date: _____

By: _____
James N. Walters, Vice President

By: _____
John E. Pizzino, Trustee

Date: _____

APPROVED AS TO FORM:

Joseph Martuccio
City of Canton Law Director

Michael A. Thompson
Attorney for the Board of Trustees of
Jackson Township

THE CITY OF NORTH CANTON

By: _____
David J. Held, Mayor

Date: _____

APPROVED AS TO FORM:

Timothy L. Fox
City of North Canton Law Director

BOARD OF TRUSTEES OF PLAIN
TOWNSHIP, STARK COUNTY, OHIO

By: _____
Scott M. Haws, President

By: _____
Louis P. Giavasis, Vice President

By: _____
Albert P. Leno II, Trustee

Date: _____

Eric J. Williams
Attorney for the Board of Trustees of
Plain Township