

RECORD OF PROCEEDINGS

0441

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

BEAR GRAPHICS 800-325-9094 FORM NO. 10143

Held Monday, February 24,20¹⁴

1. Call to Order

The council meeting was called to order Monday, February 24, 2014 by President of Council Jon Snyder.

2. Opening Prayer:

The opening prayer was delivered by Council Member Mark Cerreta.

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: Werren, Cerreta, Foltz, Kiesling, Peters, and Snyder. Council Member Griffith was not present for the meeting.

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

5. Consideration - None

6. Committee Minutes

Mr. Snyder: May I have a motion to approve as presented the summary of meeting minutes for January 29, 2014, the committee minutes for Community and Economic Development; Finance and Property, both held February 3, 2014?

Mr. Foltz moved and Mrs. Kiesling seconded to approve, as presented the summary of meeting minutes and committee report minutes. All members present voting:

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

No: 0

Committee of the Whole for Finance & Property: Please refer to the minutes on file in the Council Office for the Committee of the Whole for Finance & Property Committee meeting held January 29, 2014.

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office for the Community & Economic Development Committee meeting held February 3, 2014.

Finance & Property Committee: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held February 3, 2014.

7. Recognition of Visitors:

Mr. Snyder: At this time is there anybody in the audience wishing to speak to the Council? Please step forward, state your name and address for the record.

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. I see on the agenda you do have a proposed health care law. And that you tell us it mirrors the one that was passed by the voters. And in it you state that that health care law is void. We still need to see the basis on which you're saying it's void. Also, in here you have it on an emergency. I guess that gets to be a rubber stamp for everything that passes here. As we all know you can't change your health care benefits in the term you're in. So whether this is passed on an emergency or not it's still not going to become effective until December 1st of 2015. So I don't know whether you're still trying to spin this and make the public think that you're quickly rectifying your admitted error or whether this is oversight in the legalese of the ordinance that you now intend to pass. I guess I

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held Monday, February 24,

16

should say that when this was all started in May of 2012, before you start this process, the ballot language must be presented to the City to alert you that the clock is ticking, although there's no time limit for collecting signatures for an initiative. The signatures are turned into the City for study and review. The City then has to actively send those signatures to the Board of Elections for validation. After the sufficient number of signatures are validated, Council has to affirmatively pass a resolution forwarding the ballot language to the Board of Elections, which you did. So City government, Council, was a party to all this. Had no objections through months, and months, and months, of the process that was followed to the letter. It passes, the votes are certified, it becomes law five days after the vote is certified, which would of made it like December 2nd of 2012. We're talking how months back is that, fifteen months ago? It's just by chance that another citizen, not me, I had casually thought about this but I have too many things that I'm working on from week to week, another citizen found this, discovered two of you were collecting the benefits, in direct opposition to the duly enacted ordinance. And then we discovered two additional ones. So how can you be a part – party to the process and nurture it along and participate in a process. And then for a whole year never, we still have never heard publicly that this is invalid for such and such a reason. I have to wonder what a city law director does, because I'm confused. I've been up here 13 years and I've seen many city law directors come and go. I guess in my child's point of view of government and everything, a city law director works for everybody, works for the entire city, the citizenry. But what we're seeing here is our law director is private counsel to City Council. So how can you be a party to the process, you've nurtured the process, you moved it along, and then 15 months later say you don't like it. I don't understand, I don't understand. But my original point for coming up here is, take it out – the emergency out. I mean why is it on an emergency? You know, every single one of you, it won't become law and come into effect till the new term of the next council. So are you trying to make the public think that you're quickly rectifying your own oversight? I call that spin, I call it being disingenuous. Thank you.

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

Glenn Saylor: My name is Glenn Saylor. I live at 340 Reed Avenue NW, North Canton, Ohio. I too come tonight to talk about Issue 5. The actions of the Law Director was a poke in the eye to the citizens of North Canton. And if that wasn't bad enough, the actions or rather inactions of City Council poked the other eye of the citizens of North Canton. No wonder residents are upset at what happened at City Hall. Law Director Fox should have notified the public of his decision not to include Issue 5 in the municipal ordinance. And that notification should have been done in a timely manner. Ordinance 34-10 defines the duties and the responsibilities of the Law Director. One of these duties is as follows: "communicates legal policies, procedures and decisions to City Council, City officials, and the general public." So clearly the Law Director is allowed to communicate decisions to the general public. And in this case he had an obligation to notify the public, since it was the public that had approved the ordinance in the first place. It was not City Council it was the voters of North Canton. And contrary to what Mr. Fox says, and I'm not a lawyer, but I don't think there was any attorney client privilege that prevented him from making this decision known to the public. In addition, the Law Director had an obligation to notify the public in a timely manner. Remember that Issue 5 was passed in November 2012, not November 2013. So a reasonable person would be expected – so a reasonable person would expect that the Law Director could of made his decision known to the public early 2013 at the latest. This would of given the public the opportunity to press Council to adopt legislation consistent with Issue 5 so that on December 1, 2013 it could take effect. Law Director Fox finally notified City Council in executive session, based upon the *Repository* article, late 2013. We don't know the exact date of that session, so I would ask that Council tonight put that into record exactly the date that that executive session occurred and the members that were present. But what did Council do? You did nothing. Surprisingly there was no attempt to draft legislation and pass it on an emergency basis so that it could become law effective December 1. Council loves to pass all sorts of legislation on emergency basis, but in this case, a case where a true emergency existed, Council stood silent, did nothing and told no one. And in doing so, doing nothing, four members of Council, for their own personal benefit received health care insurance, which they should not have been able to receive. Certainly these members could have, if they wanted, found alternative health care insurance plans. After all, Councilman Foltz, Mayor Held, were able to do so. And you had over a full year to do that, to get that all lined up. Less I forget, I'd like to thank the citizens of North Canton that brought this issue to light and I'd also like to thank Mr. Wang and the *Repository* for the excellent reporting that they did. So where do we go from here? Well at

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 24,

14
20

least we started to see some action here. I was quite disappointed that all I've heard was a lot of excuses and political spins, but no apologies. But one thing that still hasn't been done is to read into the minutes Mr. Fox's opinion. So I would like that to be done tonight. Based upon the **Repository** article, you have the ability to do that, and contrary to what Mr. Snyder has said. So I'd like at least one councilman to be brave enough to do that, put that in the public record and as well as state the date of the executive session and the individuals present at that executive session. Thank you.

Mr. Snyder: Anybody else wishing to speak? Madam.

Rita Palmer: 307 Fairview Street, North Canton, Ohio. I want to begin and say I did hear Jon's very sincere apology and I want to recognize that. But I didn't know that when I wrote this. I was dismayed to hear on WHBC late last week that a group of citizens protesting the lack of enforcement of the North Canton health care ordinance was publicly chastised for not bringing the issue to Council before taking it to the media. Hearing that, I was dumbfounded that Jamie McCleaster's and my speeches delivered on February 10, 2014 before Council in this Chamber were evidently not actually heard by the Council and its President. Because words composed by ordinary citizens do not seem to matter to this Council, I wish to read into the verbatim Council record what the **Canton Repository** Editorial Board published on February 21, 2014 on this health care issue: "Residents should be mad as hell. North Canton's Law Director and City Council members owe their voters an apology. Then they need to fix the problem they created when they ignored the outcome of a citywide vote in November, 2012. Yes, ignored. It is a stunning, audacious subversion of the election process. North Canton residents should be mad as hell about it. More than 70 percent of voters favored Issue 5, which limited City health insurance coverage for the Mayor and the seven Council members. The ordinance barred part-time elected officials from enrolling in the City plan if they could obtain insurance elsewhere. Nor could they sign up family members at all. Residents who voted for Issue 5 went to bed on election night assuming that they had put this change in motion. The City had plenty of time to take care of the rest, as the ordinance wouldn't take effect until December 1, 2013. But last month a resident who had requested public records discovered that one Council member and his family and another Councilman's wife were still covered under the City's plan in violation of the ordinance. Then the revelations came thick and fast. At least three other Council members didn't drop city coverage until weeks after the December 1 deadline, when the timing better suited them. And the City never added the ordinance to the municipal code. How could these officials feel so comfortable about acting in their own self-interest, disregarding the voters' decision? Because Law Director Tim Fox had written a confidential legal opinion and told Council in a closed meeting last year that the ordinance violates the City Charter, that only Council members can change elected officials' benefits. Mind you, this opinion came well after the election and everyone who wrote, heard or read the opinion kept it secret. In what universe can officials simply bury legislation approved by voters and pretend it doesn't exist? When Council Clerk Gail Kalpac asked Fox about positing the ordinance to the City's website, he basically said it wasn't our ordinance, she said. Fox still won't make his legal opinion public. He cites lawyer-client privilege, even though every taxpayer and every resident who voted on Issue 5 has a stake in this issue. And what now? Council should pass an ordinance that mirrors the one voters approved. Officials should repay any taxpayer funds that were used to provide insurance in violation of the ordinance. Council members should apologize, pledge never to keep the public in the dark this way again, and put their Law Director on notice that he's not to do so either. Finally, Council members should stop being complicit in this travesty. They should make public their copies of Fox's legal opinion. If these things don't happen, why should North Canton residents trust the people at City Hall? We wouldn't." I hope that you all heard me, this time in this Chamber. Thank you.

Mr. Snyder: Mrs. Palmer, if I may comment again. My apologies, my comments on the radio station were - maybe not articulated as clearly because they use stipites. As anybody knows that's ever talked over the telephone to the radio. My comments were basically what you read into the record tonight. But I also said, "they had released a press release prior to the - that was prior to the February 10th day that you and Mr. McCleaster and everybody else spoke of that. That was my intention. If I did not articulate that clearly, again may I apologize. It's

Mrs. Palmer: And perhaps I misunderstood about when the press release

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, February 24,

14
20

Mr. Snyder: No, you're entitled to that. I'm not – I'm not saying....

Mrs. Palmer: I thought the press release came out after this council meeting.

Mr. Snyder: No it came out, because I have a copy of the one sent to the *Repository* and the one sent....

Unidentified: Inaudible....

Mr. Snyder: Yeah, it went to the *Akron Beacon Journal*. I have copies of them and they were in advance of that. I think they were the Thursday prior to you coming here. But that doesn't make a difference and I'm not trying to make anything right or wrong. You know with - there's no question, we owe you the citizens, an apology and we're offering that and that's where we stand on that issue. Anyone else wishing to speak to us?

Rod Covey: I had some remarks, but I kind of tucked them away because it seems meaningless now. So I don't know if I should take the notes out and finish them or should I just leave quietly like the rest of us are going to do here shortly. Would any – would you folks care to raise your hand or something if you think I should just get up and leave quietly or maybe read these comments?

Mr. Osborne (speaking from the audience): It's your decision.

Unidentified (speaking from the audience): Read them.

Mr. Covey: I have one vote. If I have three I'll do it. I've got nine, I'll do it. You know the reason I'm doing this is I'm concerned about the citizens who are bothered by this. And as I look around and see these six young people over here, I'm wondering what's going through their mind? What is this all about? Why did it happen and why is it ending this way? What is going on here anyway? What's wrong with this City? Or is there anything wrong with the City? Well maybe there is. So if I may, I think – I think I'll just read them because the citizens deserve it and some of the people who uncovered this are going to walk out and their last six weeks of energy and diligence and civility and intelligence and digging this out will be for not. But I'm willing to put my reputation on the line and get back to this, if I may. And I hope the young – and one other young man was here last when several – two weeks ago when several of us spoke and he was all alone and he sat here there. And when he got up and left I went over and said hello to him, introduced him, and he was going for his Eagle Scout. Now you know what the Eagle Scouts are all about and I know because my son and second son are Eagle Scouts. And it means a lot to those men or those young boys who will be men someday and they're going to be very, very honest. And my two sons have been that way because of that Eagle Scout. But I chatted with him briefly about that and I kept wondering, wonder what he's thinking about this as he's leaving, hearing this stuff that we talked about two weeks ago. Anyway, last week several persons and I addressed Council on the issue of the year, if not of the decade. My remarks underscored the hope of all that the issue would be resolved quickly, not drawn out for weeks and months with heated rhetoric and back and forth legal and procedural maneuvering ad nauseam, it appears the resolution will be swift. A little swifter than we thought, or is it. This past weekend surpassed the media blitz unequalled since we changed our name of this City from New Berlin to North Canton, 90 years ago. Media swiftly catapulted the issue to all of northeast Ohio, not just Canton, Ohio, thanks to Mr. Wang and Mr. Olson, and WHBC and so forth. They took it to all northeast Ohio and world because they internet and the Facebook. I don't know how many of you are on Facebook, but I've been watching it very carefully this the past week and the comments in effect are saying we're very unhappy about this and we wonder what else is wrong. And they're implying that other things wrong, but not covered the way Mr. Wang and Mr. Olson and these other four people on the Committee did. But I'll finish with just a couple comments here then. Oh and when last did a Cleveland investigative reporter from CBS Channel 19 and a camera crew drop in on a North Canton official for a little chat, like Mike Wallace used to do? But the big one, the "H" bomb, was the *Repository's* explosive editorial based on Robert Wang's intense, in-depth article. If I had a vote I'd call the Pulitzer Committee and say give that gentleman a prize. It was enough that one person told me she envisioned a huge mass of North Canton folk gathered in the parking lot out here chanting a typical five-syllable, big crowd style "we want our City back – we want our City back". And we do.

Mr. Snyder: Anyone else wishing to speak?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 24,

14
20

Jamie McCleaster: 710 Pierce Avenue NW. Contrary to what was reported on the Rep or WHBC, two weeks ago I stood here to make public a situation that was discovered accidentally by a concerned citizens group looking for ways to improve the City's financial future. I'm referring to the health insurance for the City's part-time elected officials. First, we'd like to thank those on the Council who did the right thing by returning the cost of the insurance premiums. In the past two weeks it seems that over \$6,000 has been returned to the City. We figure that over \$30,000 should be saved this year. And I think we heard about how some of that money is going to good use for the tennis courts, right? It is unfortunate, however, that two weeks ago after I and two other citizens discussed this issue, not a single councilperson uttered a word. In fact, my presence was never acknowledged until I was threatened with a law suit for proffering false statements after the meeting. Judging from what has transpired these past two weeks, guess my statements weren't too off base were they? The private concerned citizens for whom I speak have a few suggestions. Before Council makes more knee-jerk reactions based on unfounded legal opinions, we urge you to heed the voice of the voters and think about what you're doing. We urge you to vote no for any proposed legislation that goes against or alters the will of the people who voted in November 2012. Since then you've been operating on a legal opinion, not a legal determination or ruling. Before anything, since you disagree with Issue 5, it should be incumbent onto you to have an actual ruling or determination made in regarding this law. This should have been done in the very first place; by doing so once and for all, you will receive sound, unbiased, legal advice on this matter. Tonight we want to acknowledge the great reporting of the *Repository's* Robert Wang, Martin Olson from the *Stark County Political Report*, 19 Action News and WHBC. Thank you for revealing the details of this situation and enabling the voice of the people to be heard. Members of Council and Administration, thank you. We the people have spoken loud and clear. We trust you to make the right decision on this vital matter going forward.

Mr. Snyder: Thank you. Anybody else wishing to speak?

Dennis Coy: Good evening. I'm Dennis Coy at 214 Wise Avenue NE. I'll give us a break from health care for a moment. This evening I'm here representing the Jaycees. I'm the President and Chief Executive Officer of the Ohio Junior Chamber of Commerce, also known as the Jaycees, and here locally, I'm the Chairman of the Board. And I do want to thank Councilman Foltz and the Committee for undertaking our request this evening to waive that fee. And I know it's just a nominal fee, but to us it's a big fee. We spent about \$25,000 invested in this community each year. The Easter Egg Hunt kicks off our season of events. That event serves about 1,500 to 2,000 children each year. We don't charge for it. We collect a few hundred pounds of food for the Stark County Hunger Task Force during that event. From there we move into our Special Olympics where we spend thousands of dollars to put on an event for six counties worth of Special Olympic track teams. That event's held at Hoover High School at the stadium and that fee is waived by the Board of Education. We then move into the Jaycee Fair and I don't think I need to explain that event to anyone here in this room. It's a great event. But then we move into our 4th of July events and this is where the majority of our funding goes toward. And frankly it's fireworks. It's about \$10,000 that we spend for our fireworks each year for the community. And we have absorbed all of that cost after our partner, the City of North Canton, had to pull out for financial reasons years ago, which we completely understood. For a couple years we had some sponsors helping us out. But the last few years we've been able to maintain that cost on our own. Going back to the egg hunt, we've never paid a fee before. Our account - or our chairpersons have always just called, reserved the shelter and that was it. The Police Department, or I'm sorry, the Street Department was always kind enough to block off the entryway for us, for children's safety. But that was it. They opened up the shelter for us, closed it up later in the day, and that was it. So it was a surprise to us this year with this new procedure. And that's why I reached out to Administrator Grimes to say, you know is there something new going on here that we need to be aware of. And I do understand the process, because it's the same process we deal with, with the Board of Education for those waivers as well. So I understand the process and the need to be steady across the board, but I'd be remiss in my duties if I didn't say something publicly. So thank you all very much.

Mr. Snyder: Thanks you sir. We appreciate it. Mrs. Baughman.

Miriam Baughman: 320 Weber Avenue NE, North Canton. As you all know I was on the Charter Committee so I can read the Charter backwards and forwards and in my sleep. The Charter first came to North Canton in 1961. There was never any mention of health

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 24,

14
20

benefits in the Charter, it addressed salaries and bonds. Health benefits did not come until 20 years later per my research in 1981 and it came by Ordinance 34-81 and that ordinance said that the Council had the power to grant part-time elected officials health insurance, which they did. So it was not set by the Charter, it was set by an ordinance. Issue No. 5 was an ordinance and what I think is that the Issue 5 Ordinance negated the Ordinance 34-81. So it didn't need a Charter change, it was a change in the ordinance.

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

Kim Peters: 1041 Bachtel Street SE, North Canton, Ohio. I didn't come tonight prepared with anything. I don't have figures or anything, I just have a long standing residency in this town, and my husband as well. Our families are born and raised here. I have never been so embarrassed by a city government as I have been over the last couple of years with different things. I don't understand this economic development thing. This seems to me that this has been going on for quite a while and it seems like we're now at the last minute raising an issue. I'm not saying it's not a valid issue, but why do we take so long? The health care issue, I've lost a lot of trust in a lot of you. I don't really know any of you personally, like I have some council members in the past. But you've really destroyed my trust and I think the trust of a lot of the other people who are here. And I think you really are going to have to buckle down and work hard to get that trust back.

Mr. Snyder: Thank you, madam.

Larry Tripp: 1127 East Maple. About five to six months ago our Law Director really ridiculed one our citizens in calling his speech and you know the terminology he used. I spoke about two weeks later and I said you know unless this is curtailed this really going to cause an embarrassment to North Canton. Well it has folks, it has. If nothing else, at least you brought out a lot more people than you know five or six months ago that were coming to Council meetings. Now you have a chance to rectify it. The past is done. The past is done. Only you can make it go forward in the right direction. Thank you.

Mr. Snyder: Thank you, sir. Appreciate your comments.

Mrs. Kiesling: Thank you, Larry. And I'd like to take this moment to personally apologize as well. We all have our reasons for what happened and we all have the opinion, but I'd like to personally apologize. I'm shocked at how this has all come about. It wasn't anything any of us did purposely. You know, so I very much apologize. I certainly – and Melanie you rolled your eyes so let me explain. We all had our reasons. And quite honestly, you know, it's the law when you want to continue your benefits, I truly did not believe that this would be an issue, that I needed to continue my benefits because Aultman wouldn't let me change until January 1. Complete oversight on my part. I completely apologize. I truly did not believe it would be this much of an issue and I apologize. And, I have to go to the bathroom.

I've been here three hours.

Mr. Snyder: To the people that spoke tonight, we have heard your word and we respect it. Again, I will, from my colleagues and myself, I humbly apologize. We all had, as she said, our own reasons. Obviously they weren't very valid. And it's encouraging to see you come out and speak to us and hold us to the line. And some of you may think it's just simple words that we're saying, but we appreciate your input. And if I've embarrassed anybody with any of my statements, again I apologize. Sometimes I get a little hot, and I don't have the privilege of doing that. So again, I'm sorry. And we hope that we can begin to earn your trust back once again. And I assure you that is a matter of priority. Again, thank you very much. Okay, seeing no other public comment, we'll move to the first thing on the agenda here – let me get it. My computer went south on me here, it doesn't seem to have it. Under Old Business, may we have a motion to read by title only, second reading of Ordinance 18-14?

OLD BUSINESS:

8. Mr. Foltz: We doing 18-14?

Mr. Snyder: 18-14 is the budget, under Old Business.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 24, 2014

Mr. Peters: Hold on a second.
Mr. Foltz: We waiting on somebody or there's not a motion?

Mr. Snyder: No, we can go ahead.

Mr. Peters moved and Mr. Foltz seconded to read by title only, second reading of Ordinance No. 18-14. All members present voting:
Yes: Foltz, Peters, Snyder, Werren, Cerreta (Mrs. Kiesling was not present for the vote)
No: 0

Mr. Fox: We're waiting for Marcia. We need one more.

Ordinance No. 18-14 – 2nd 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.

Mr. Snyder: We've had some changes. Hopefully the Director of Finance has given you those. There were about six of them. Most of them had no actual impact. The dollars are identical, with the exception of the one I proffered earlier, which I'm having her strike the health care from the Council budget the amount of \$15,400. The other detail, which we combined together, is under the income tax department. We've put in there for a Magistrate \$3,000 and we also have a collection action in there for \$2,000 to the attorneys at Buckingham, Doolittle, combining at \$5,000. So there is sufficient monies there as the present Magistrate has been working more than his agreed upon contract, which was to hear traffic court and minor citations from the police, such as dog barking and so forth. So he's now spending a majority of his time, along with Director of Law Fox, in taking care of people that are in delinquent in income tax. To date we've collectively been assessing around \$200,000. We haven't collected all that, but it's in the process. So that number is combined together. So that may be a little different number. Other than that the numbers are all identical. Now, and I will tell you as we move forward I know there may be still some questions on the budget, which is fine. However, by the 10th of March when we're back here in session, I would hope, and I actually asked you to please have those if you have any additional questions, get them to myself or Director Alger that we may answer those, because we'll have to have that budget in full place by the end of March. And the problem that we start to build up now is we had a temporary budget and we've now begun to go over those figures. So we're going to have to make some supplemental changes. And it does require a lot of excess work. So again, if there's no questions tonight or if there is questions, we'll try to entertain them for you. One area that we're going to probably have to look at, and we're a victim from everybody is, this weather is our street condition. It's in – they're in deplorable shape. I don't know what it's going to cost us to put them back into – but we're going to have to get a quick assessment of that and see where we're headed in that direction, because we may have to move some capital dollars around to free up money. And I know Mr. Davis has in the budget that machine that supposedly will expedite – and that thing will probably be working 24/7 here for the way it's going. But Everhard, the condition of the road is terrible. It's not due to be paved till 2015. And there might not be much of it left by then. We might be down to the original dirt that it was laid upon. The problem there was it has the underlayment and the top piece comes off and leaves the rest. So it's like an orange, as you peel one piece it keeps going down. So – but we may have to look at that individually in the next couple of weeks. Is there any other questions on that at all? If not, I'll entertain a motion to adopt the second reading.

Mr. Foltz moved and Mr. Cerreta seconded to adopt the second reading of Ordinance No. 18-14. All members present voting:
Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz
No: 0

- 9. Mr. Snyder: All right. Under Old Business, may I have a motion to read by title only, the second reading of Ordinance No. 19-14?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Monday, February 24,

14
20

Held

Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, second reading of Ordinance No. 19-14.** All members present voting:
Yes: Peters, Snyder, Werren, Cerreta, Foltz, Kiesling.
No: 0

Ordinance No. 19-14 – 2nd 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.

Mr. Snyder: Again, we talked about this two weeks ago. Mrs. Kean is an heir to the estate of her father. It's a very small piece of ground. It adjoins some other ground they own. However, they would like to give it to the City. It has no actual value. It could not be built upon. And she wants to donate it to the City for an additional portion of our park. It is totally contiguous to the park. There are no outstanding taxes or liens against the property. So it is a simple transfer and it's a gift that, you know, she wants to give. Any questions? If not, may I have a motion to adopt the second reading of Ordinance 19-14?

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the second reading of Ordinance No. 19-14.** All members present voting:
Yes: Snyder, Werren, Cerreta, Foltz, Kiesling, Peters.
No: 0

10. Mr. Snyder: Did we want to defeat this ordinance is what you want, Chairman Kiesling? Is that

Mrs. Kiesling: Yeah, I think so.

Mr. Snyder: Alright. This is the first resolution that was submitted and was passed on one reading. This is the second reading and can I ask for a motion and second just to defeat it? It has to be read doesn't it? I think it has to be read.

Mrs. Kiesling: I think it has to be read as well.

Mr. Snyder: Yeah. May I have a motion to read by title only, second reading of Resolution No. 21-14?

Mr. Cerreta moved and Mrs. Kiesling seconded to **read by title only, second reading of Resolution No. 21-14.** All members present voting:
Yes: Werren, Cerreta, Foltz, Kiesling, Peters, Snyder.
No: 0

Resolution No. 21-14 – 2nd 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.

Mrs. Kiesling: Yes, this is the agreement that we voted on two weeks ago with the 50-year statement in it with no way, you know, no for sure JEDD or CEDA. So

Mr. Cerreta: May I comment?

Mrs. Kiesling: Yeah, go ahead.

Mr. Cerreta: Well I want to thank, first of all, some of the community members who have stepped forward on this. And I also want to thank the Council for listening on this. This is exactly the kind of way it should be run when we have one issue on one side and the belief on the other side and listening to our people in our communities to do the right thing for the community. So I want thank everyone involved with that and

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, February 24,

20¹⁴

especially former Mayor Johnson and the other folks that were here last week. So thank you very much. I think it's the best thing for us.

Mr. Snyder: Okay, any other comment?

Mr. Foltz: No. I concur with Member Cerreta. I changed my mind. And also Mr. Heiser's positive comments to wanting to join North Canton, that's something to very seriously consider. He is the property owner out there. And hopefully that happens in the very near future as he came up and stated he'd like to do so. So - and there's a lot more, but I'll get into it a second - when we look at the second agreement I believe. So

Mr. Snyder: Any other comment? If not I'll entertain a motion to defeat Resolution 21-14.

Mr. Foltz: What's the motion, Jon?

Mr. Cerreta: The motion is to - we just to vote it down?

Mrs. Kalpac: It would be to adopt

Mrs. Kiesling: We have to adopt it and vote it down.

Mr. Snyder: Yeah. You vote no. Motion to adopt it as presented?

Mrs. Kiesling: Motion.

Mr. Snyder: And a second.

Mrs. Kiesling: Somebody has to second so we can vote no.

Mr. Foltz: It will die if it doesn't get a second.

Mr. Cerreta: We second to vote no, is that what we do?

Mr. Snyder: Yeah, that's the end of it.

Mr. Cerreta: I'll second it then.

Mr. Snyder: Well, now we have to call...

Mrs. Kiesling: We have to vote....

Mr. Cerreta: Vote it up or down....

Mrs. Kiesling moved and Mr. Cerreta seconded to **adopt the second reading** of Resolution No. 21-14. All members present voting:

Yes: 0

No: Cerreta, Foltz, Kiesling, Peters, Snyder

Abstain: Werren

NEW BUSINESS:

11. Mr. Snyder: Alright, may I have a motion to read by title only, first reading of Resolution 22-14.

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading** of Resolution No. 22-14. All members present voting:

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

No: 0

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.

Mrs. Kiesling: Yes, this is the second agreement that was sent to us from Brickler and Eckler. I'm just going to spell out the changes, because there aren't actually many: Article 2 in the annexation portion, Section B states the same, "...North Canton and Canton agree

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 24,

14
20

if they intend to engage in any annexation of the property contained in Jackson or Plain Township, 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 or Joint Economic Development Zone...." So that – just so you all know, that says the exact same thing that has not changed. So I – you know....

Mr. Foltz: Right.

Mrs. Kiesling: The thing that has – the only thing that has changed and I looked at her – their copy and our – you know what's in tonight, is actually Article 8, Length of the Agreement, and the old one I'll read first. Article 8 in the old agreement states, "...the parties agree that due to the expensive nature of municipal service to be extended to 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 an acceptance of an annexation, JEDD, CEDA, or other agreement of property by North Canton or Canton by ordinance or resolution. In the event such annexation or other agreement shall occur in separate proceedings, the initial term shall be 50 years after the...." That almost seems like the new one.

Mr. Foltz: It is exactly like the new one.

Mrs. Kiesling: Yeah, that is the second. That is the second one. I apologize, I said it wrong. So the 50 years is still in there, but it's once we agree and work on an agreement together. Once we have a set agreement with them, then for 50 years we agree not to annex without cooperating first.

Mr. Snyder: On that individual parcel, is that it?

Mr. Foltz: I don't know if it says that, Jon.

Mrs. Kiesling: It doesn't say that and

Mr. Foltz: It says that once you make the CEDA it's a 50 year CEDA.

Mr. Snyder: Well I thought that was what we didn't want....

Mr. Foltz: That's why I'm not going to vote for it.

Mrs. Kiesling: Right, yeah, it's not changed. So that's why I was confused how you all thought it was much different. So....

Mr. Foltz: I mean that – we can discuss the whole merits of everything if you want.

Mr. Cerreta: Right, right. Each parcel one at a time. We take our own – at our own pace.

Mrs. Kiesling: Right.

Mr. Cerreta: So we don't need to

Mrs. Kiesling: Right. It's the same thing. So I was very confused by ...

Mr. Cerreta: It just had – really it was just a different way of 50 years. It took the 50 year out....

Mrs. Kiesling: Generalized 50 years.

Mr. Cerreta: Generalized. And when we decided to agree it was 50 years.

Mrs. Kiesling: Right.

Mr. Cerreta: But we don't need to do that either.

Mr. Snyder: That's tricky.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 24,

20¹⁴

Mr. Foltz: I'll make some comments.

Mrs. Kiesling: That came from the attorney though. But go ahead.

Mr. Foltz: Yeah, when you read the agreement, I mean the agreement, but the legal opinion, which I reread and I do appreciate all the residents, TAP (Talk About Potential) members, former mayors, property owners within the JEDD and just outside the JEDD or excuse me CEDA, really brought to light the importance that North Canton has in this community, and to not give our future away. And I know Member Cerreta's been right there from the get go with it and the Mayor. And I applaud you for that. I got on the fence because Heiser created a sense of urgency to have a developer want to come in the City. And I always thought why was that lacking in the past? Well obviously because we can present more to - than even a CEDA will to this individual. To me that's a monumental stake in what we need to decide here tonight. When I reviewed the Bricker and Eckler, I guess law opinion, basically and I did some other research, basically the agreement is incomplete because we don't have a JEDD that accompanies it. Member Griffith did a great synopsis of "what if", and I respect his opinion. I respect President Snyder, Member Kiesling, getting involved with discussions with the Townships, with the City of Canton. But it is incomplete. I mean we're taking a leap of faith for 50 years that we're going to sit down and agree on a JEDD or a JEZZ or some other kind of economic development tool. We can always do that, but why lock away 50 years. You know if it was five years, I'd maybe look at it, but it's not five years it's 50 years. The property owner, Mr. Heiser, is not in favor of it. And I think that's one of the first things you look at towards any agreement. The property owner within the CEDA agreement is not happy, a major property owner that has over 12 acres. That's a very strong consideration when looking at this legislation. I don't like that we want to modify it. And here again, President Snyder, Marcia Kiesling, Council members got involved, brought it to our attention, but we still have a voice, the rest of Council. And I'm not going to be dictated by, by another Township official as far as there's a hard and fast deadline. That is not the spirit of cooperation. Modification of the agreement should not have a deadline and all the entities, government entities should show a spirit of cooperation, if we have some other concerns that we want addressed. Obviously that's not going to happen. And that's disappointing. So when we look for cooperative development between entities, I think it weighs heavily on me that there should be more of an open mind towards our response to the JEDD agreement once it was first introduced to North Canton Council members and weighing in of North Canton Council residents and property owners. That speaks volumes to me. Also, as former Mayor Johnson indicated, we had been very cooperative to this community. There would be no development without our water in most of the surrounding areas. So to say that we haven't been cooperative with government entities is not a true statement. We've given away North Canton infrastructure at an increased rate but not - but it's not helping our general fund, it's not helping our other fund interests at this point. So we've been very cooperative. And once you give that away, the only way you get it back is if they sign - the property owner signs an annexation agreement, which they have, which I'll be more than happy to quote. Line 10, Water Service Agreement - "...I agree upon request by the City of North Canton to sign an annexation petition to annex my property described herein, served by the North Canton water systems to the City of North Canton. I hereby appoint the Office of the Mayor and the City of North Canton my irrevocable Power of Attorney to executive any such annexation petition upon my behalf. I further agree to sign a document in recordable form making the annexation requirement a covenant running with the land..." So if we so choose, as a spirit of cooperation when we gave water to any business entity outside the City limits, or property owners, residential included, to invoke this water service agreement, no one forced them to sign it, they signed on their own merit, their own behalf knowing we were giving away a city infrastructure gain to them. And I did the research we increased our property taxes years ago to build our water plant. This affected everybody in North Canton. So I think it's only fair that that statement holds true when we decide to use it, because you could not have any development without our water. And that's why I was so happy to see that that clause is still being engaged with business interests in the surrounding area. So for those various reasons I am voting no for Resolution 22-14.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Monday, February 24,

14
20

Held

Mr. Snyder: Okay. Alright, we've read that, now may I have a motion to adopt 22-14?

Mrs. Kiesling: So moved. If you want to vote it down, we've got to vote it down.

Mr. Snyder: Well there's not a second it don't go

Mrs. Kiesling: Or it just dies ...inaudible...

Mr. Snyder: It dies.

Mrs. Kiesling: Alright.

Mr. Snyder: Alrighty. I need a motion and a second to amend the agenda to include Item 12, Ordinance 23-14, and waive the rules of council requiring a committee report.

12. Mrs. Werren moved and Mrs. Kiesling seconded to **amend the agenda to include Item 12, Ordinance No. 23-14 and to waive the rules requiring a committee report.** All members present voting:
Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz.
No: 0

Mrs. Kalpac: We need a motion to read, that was to amend the agenda.

Mr. Snyder: Oh. May I have a motion to read by title only, Ordinance 23-14?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading of Ordinance No. 23-14.** All members present voting:
Yes: Peters, Snyder, Werren, Cerreta, Foltz, Kiesling
No: 0

Ordinance No. 23-14 – 1st Reading – Finance & Property

An ordinance amending the health care insurance benefits provided to North Canton's elected officials such that an elected official may receive single-rate, City-paid health insurance benefits only when the elected official does not have health insurance benefits provided by the elected official's full-time employer; that single-rate, City-paid health insurance benefits for elected officials shall be provided only as primary, and not as a secondary form of health insurance; and that the City-paid health insurance benefits are not provided to elected officials' family members unless an elected official's spouse is also a City employee and entitled to City-paid health insurance benefits, and declaring the same to be an emergency.

Mr. Snyder: At the request of a resident, we will not suspend the rules and adopt this on an emergency. It will go for three readings. And I would think that my learned colleagues and myself will assure you that even though by Revised Code and by Charter your point is well taken as far as the ability to enforce it in term. However, I think very comfortably I speak and I apologize, I'm speaking for that we will do everything in our power to enforce this ordinance as it is presented today. That I don't think anybody will violate the spirit of that ordinance. That being said, any comments?

Mr. Foltz: Yeah, I think it allows for other public comment on this and that's more than welcome. So I agree, I would not have passed this on emergency. I'm going to be hard pressed to pass anything on emergency, as I said, when we just have the committee meetings introduced. I want to revisit this whole twice a month scenario anyways. So I concur.

Mr. Snyder: Anyone else? Okay. May I have a motion to adopt the first reading of Ordinance 23-14?

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 23-14. All members present voting:
Yes: Snyder, Werren, Cerreta, Foltz, Kiesling, Peters
No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, February 24,

2014

REPORTS – COUNCIL:

Mr. Snyder: Reports – Mr. Foltz.

Mr. Foltz: Yes, bear with me while I find my notes. I think everybody looked through the emails and the North Canton Post Office was an abomination with a car. You see the pictures of the car from Mr. James Dahler, I believe. And he was very – really I was surprised, very cordial and not upset on the phone. He was very opinionated, but very collected on this. And I think Eric's been on top of it, at least to get the grate back on top of the parking area. I don't know if the rest of those potholes have been filled, but I would ask someone to look at that, if not then send another letter and give them a timeframe or see if we can haul them into Mayor's Court, because there's just no excuse for this anymore. We're all frustrated by it. I think we've all worked the channels as best we can, but God forbid someone could of got killed driving in there in that scenario. And it's on the property owner to take care of these things. It shouldn't be us calling or other constituents upset and calling their council members, they should want to do the right thing and there's no excuse why they haven't. The crews have been out filling potholes over the weekend, there's a sense of urgency there. And I like I said, I haven't seen it. Maybe they've done it, if they did, well they finally did their job for once. But I would recommend that we fine them or haul them into Mayor's Court if they haven't done anything yet with the rest of that. It's inexcusable.

Mr. Snyder: Mr. Foltz, I know Mr. Bowles has spoke to

Mr. Foltz: Yes he has.

Mr. Snyder: Spoke to them.

Mr. Foltz: I talked to Eric about it.

Mr. Snyder: Yeah. And secondly, that was a grate on the....

Mr. Foltz: Right.

Mr. Snyder: manhole on the storm drain that the snowplow knocked out. And I think he's on top of that. And Mr. Bowles, you want to step up and address that?

Mr. Bowles: Yeah, obviously there was almost a tragedy with the missing storm grate. Apparently it looked like a plow had skimmed it off, but it wouldn't of happened if the parking lot had been maintained. Those of us that all go to the parking lot you can see the pavement is missing around the storm drain. In contact with the managers, they are going to go ahead and email that they're going to go ahead and pave the lot this year. They were told by their asphalt maintenance company that they cannot the last 10 years. So that's what I have an email to that affect and we'll hold them to that. And obviously we'll have to wait till the weather improves that they can do that, but do have an email to that affect that they're going to go ahead and get that paved this year.

Mr. Snyder: Good.

Mr. Fox: I don't know if they've cold patched since, but I was there Friday and I saw the grate was in, but it just looks like a lunar surface otherwise. It's in really poor condition.

Mr. Foltz: They haven't filled the rest of the holes.

Mr. Cerreta: I was there today, it's the same.

Mr. Foltz: They need fined. They need brought in here.

Mr. Fox: It's an abomination.

Mr. Foltz: You could fill that with limestone. You can find something to put in there. People shouldn't have to drive around it. So I would ask the Administration to look into that. Eric, if you could have time if you could. If there is something enforceable there, we ask that that happens immediately.

Mr. Snyder: Thank you, sir. Mr. Peters.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Monday, February 24,

14
20

Held

Mr. Peters: No report.

Mr. Snyder: Mrs. Werren.

Mrs. Werren: Yeah. I just want to say, too, I apologize for all the health care issue and the time that it's taken from really getting North Canton business done. I have only been a councilperson for a year and I had the health insurance. And I had always been on private insurance and the deadlines were always December. And I didn't really -- honestly it never occurred to me that November was the cutoff. We had already taken means in October to get rid of it and so when any conversation came up it never mattered to me because I was always getting off really from the onset. So I apologize. This is not, I know how anybody wants to be seen and what we want to waste your time with. And if we -- I wish we would done things differently. So I'm sorry.

Mr. Snyder: Mr. Cerreta.

Mr. Cerreta: No report.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: No report.

REPORTS:

Mr. Snyder: Director of Law.

Mr. Fox: No report.

Mr. Snyder: Director of Finance.

Mrs. Alger: Just that the State Auditors are continuing to do 2013 budget and it seems to be going smooth right now.

Mr. Snyder: Alright. Director Grimes.

Mr. Grimes: Thank you for allowing the kids to utilize the obsolete clothing. It will give them a chance, you know, to touch and feel the real thing. Obviously we had a precautionary boil alert for one small section north of the City earlier. And that went very well. It was precautionary only. It was good at the time. It was good later when we checked, but we wanted to make sure we're always going to err on the side safety. And I want to thank Mr. Wang for calling and waiting to help me get that message out. We also went a little above and beyond because we had houses up there 150 north of the City, the Fire Department brought some volunteers in to go up and knock on each door, leave a flyer with each person up there. So -- and then of course we contacted the 22 businesses up there by a person too. So we just wanted them to know what was going on and what was happening. So -- but we're back fully restored and everything. And everything was good and it still is good. Thank you, sir.

Mr. Snyder: Thank you, sir. Mr. Mayor.

Mayor Held: Yes, I'd like to recognize Mike Grimes and the City department heads and the employees how they handled the boil alert, because it really -- they took every precaution to make sure that the residents and the -- those that were receiving water, that everything was safe. And so they were right on top of it from the very beginning. They went out door to door and notified all the residents. So I truly appreciate how you folks handled that Very nice job. And secondly, I appreciate Council's consideration for the economic development agreement with Plain, Jackson and Canton. I mean our goal is to really find the best way that we can work with our neighbors in Jackson, Plain and Canton, so that we can grow from an economic development standpoint throughout the county and at the same time make sure that that alliance with the interest that we have in North Canton. So I thank Council for their review. It's a, the issue is probably the best way that I would compare it to, it's like when you're signing a mortgage for a home, you've got like 40 different pages that you have to initial and sign and you have an individual that's telling you you're signing this

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 24, 2014

page for this reason, but you don't really always read it and then you go on to the next page, and the next page. And this agreement, I think or the multiple agreements that we were looking at, the two, is very similar because you can read it, but it's not very clear as far as what the implications are next year or 10 years down the road or 50 years down the road because I know myself, it's taken me a long time, I've been at this now for at least 8 years and it's not an easy agreement to interpret. And so that's where we have our Economic Development Director review it, our City Engineer reviews it, our City Administrator, we have our legal counsel, then we had additional, outside legal counsel from Columbus that are experts in this are review this. And I think that's where the process itself was very time consuming and, but I think that our Council did an excellent job in reviewing it and I'm very pleased that we're moving in the right direction. And I'd also like to thank our residents that spoke up, particularly Mayor Johnson, because of your long-standing history which dates back to extending water to Belden Village. And North Canton is a great partner for economic development in this county for one main reason, our water - waterlines. And that's all. Thank you.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Yes, I just wanted to clarify my comment about the bike path and the clear zone. It's not that I didn't care about that issue it's just that I didn't look at it with respect to the rezoning. I will look at that and respond to Council, have an answer for you by the next council meeting.

Mr. Snyder: Thank you. Clerk.

Mrs. Kalpac: No report. Thank you.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Again, thank you to the residents that spoke here before us tonight. We heed your word. And again, any member of Council, anything else? If not I'll entertain a motion to adjourn.

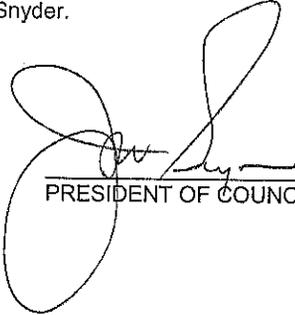
ADJOURN:

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

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

No: 0

The meeting adjourned at 9:06 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL