

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 26, 7:00 p.m. 20 04

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Tom Douce, Interfaith Campus Ministry.
3. All present recited the Pledge of Allegiance.

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

ROLL CALL:

4. The following members of council responded to roll call: Foltz, Kiesling, Lane, Lindower, Peters Sarbach and Snyder. Also present were: Mayor Rice, Director of Law Pusateri, City Engineer Benekos and Clerk of Council Bittle.
5. Committee Reports

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held January 20, 2004.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held January 20, 2004.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings held January 12 and 20, 2004.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held January 20, 2004.

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

Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.

No: 0

6. Consideration

Minutes of Council Meeting: 1/12/04
 Financial Statement: December, 2003
 Mayor's Court Receipts: December, 2003

Mr. Snyder: You were all mailed a and given a copy of the financial statement, December, 2003 and the mayor's court receipts, as presented, for 2003. May I have a motion to adopt same?

Mrs. Bittle: Excuse me Mr. President, and the meeting minutes for the council meeting.

Mr. Snyder: Oh yes...

Mrs. Bittle: Inaudible...

Mr. Snyder: and the minutes of the council meeting of 1/12/04.

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

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.

No: 0

7. Recognition of Visitors

Mr. Snyder: Thank you. One thing, it was brought to my attention last week, pursuant to the rules of council, we will have a recognition of visitors at the beginning of the meeting. The final call for business at the end of the meeting is that of business of the council or of the administration. My apologizes to the public. If you wish to speak to the council you must exercise that right at the beginning of the meeting during the public speaks. Is there anyone in the audience wishing to speak to the council? Mr. Osborne.

Chuck Osborne: My name is Chuck Osborne. 307 Fairview Street SE, North Canton, Ohio. Over the last few weeks I have learned of several seemingly illogical decisions made by Mayor Tom Rice and I would like the Mayor to provide an explanation in this forum about these decisions. And I will provide you with a copy here while I'm reading this. First, legislation to study flooding issues in this city was passed by council last Fall and he refused to sign it thus

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delaying action by the city. Later he refused to sign the contract with the engineering firm that was hired to do the work. Are these actions in the best interest of the citizens of North Canton? Second, he refused to participate in an opportunity to bring increased tax abatements offered by the State of Ohio to the City of North Canton. As I understand it, this opportunity involved a request in writing declaring that North Canton met criteria for a State of Ohio designation that would allow state tax abatements for equipment purchases by manufacturers doing business in the city. Actually it would be increased tax abatements over and above what are allowed now. Wouldn't a program such as this be instrumental in retaining the Hoover Company here in North Canton and bolstering our economic development efforts? Why would the city refuse to participate in a state sponsored program such as this? Third, what benefit is it to the citizens of North Canton for the Mayor to remove longtime dedicated members from the North Canton Park Board? These members were highly endorsed by the North Canton City School Board and have served this city with dedication. Fourth, does it serve the city to have the search for the economic director shrouded in secrecy and controversy? How is this new employee going to serve as an ambassador for the city when his very employment appears clothed in deception and mystery? What is the city trying to hide under the guise of courtesy and protection of privacy rights? Lastly, what benefit is it to the citizens of the City of North Canton to remove our former City Administrator, Mr. David Held? The Mayor stated in his interview to the Repository Editorial Board, in the Mayoral Campaign, not much more than 90 days ago that he trained Mr. Held and that he was doing a great job for the city. I was one among some of the individuals interviewed for that position in this interview from the Repository. What has changed in the last 90 days that would force such an abrupt change for our community? The citizens of North Canton deserve a logical and honest explanation for each of these decisions. And I'll give you a copy here so the Mayor can address each of these. Won't you just pass it on down?

Mr. Snyder: Alright sir...

Mr. Osborne: Here I'll ...inaudible...

Mr. Snyder: Are you asking me to...

Mr. Osborne: I'm waiting for the Mayor to respond so we can hear the reasons for these decisions.

Mayor Rice: Well number one, I think this - I'll defer to the President, but I think this is public speaks at this point in time. Many of these issues I plan on addressing during my report period at the end of the meeting if that would suffice.

Mr. Snyder: Will that do Mr. Osborne if he answers at the end of the meeting?

Mr. Osborne: Well in the past there's been a give and take generally in the public speaks. This body responds to the questions.

Mr. Snyder: Well I would only say sir, I - unfortunately I don't - I'm - myself and I think my colleagues, none of us are in a position to answer these questions. Out of respect of the Office of the Mayor, I will allow him to speak at the close and address these and we'll make sure each one of these questions, if he's so prepared to address the answer, we'll make sure you get an answer at the report part of the meeting. Will that be ...inaudible...

Mr. Osborne: Well if he's made these decisions I hope he is prepared. Because he's already made the decisions and obviously the logic behind the decisions should already be formulated. So I hope he does indeed have good sound arguments for these decisions.

Mr. Snyder: Inaudible... thank you. Anyone else wishing to speak to the council. Sir, step forward, state your name and address for the record.

Jim Steigerwald: My name is Jim Steigerwald. I live at 1437 Northfield Avenue SE. My concern for tonight is we've become aware of the widening project that's going to happen down on South Main there at the Everhard area. And our concerns in the area are going to be the detour that's going to happen for - I don't know what the detour will be, but I'm sure there will be a lot of diversion of that traffic. Our concern is in the area and I speak for several of the residents on that road - on Northfield. As after you come off of Knoll, Northfield as it curves around, they have no curbs or anything like that it's straight from the pavement into the grass and on that curve it gets pretty dangerous right now. Our concern is we just wanted to know if the plan is in effect to take care of that street prior to ODOT starting their project and if there's a time that you know I might be able to tell the residents to just kind of relax a little bit. This is their priority and this is you know, you guys are going to feel that this is something that you can do right by the residents before it gets out of hand when the detour end up - that's our biggest concern in the area is a lot of traffic and we think that maybe you can correct the right before it becomes a wrong. And that's all. I don't know if there's a question and answer type of thing or if there's an answer that you guys may have or a detour or some solution that I might be able to go back with or just something that allow them to know that everybody on the council knows now that we're concerned about that now. I know it's even you know a year away, but I don't know when projects start and I don't know when they get planned or anything like that. So ...

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Mr. Snyder: Well sir, as not speaking for the councilmen, nor the administration, but there is a I believe on tonight's agenda, the engineering for that area to correct the storm water and as part of the streets. A well as when it gets closer to the actual time to finish the design to let the bid for that, should it go through, there will be adequate protection placed there I'm sure, both by the police and by proper barricades to protect your property as well as the children that live there and the pedestrian and the vehicular traffic that goes through there. I'm sure Mr. Foltz, or excuse me, Mr. Lane will probably be able to give you a little better answer one on one with that some time this week.

Mr. Lane: Yea. And I would like to say that I've been working with President Snyder on this. Sometime in February, we're not sure of the date yet, at the end of the council meeting we want to have the residents from Magnolias and Auburn Knolls and the people on his side of that barrier, to come in and we want to show them that project that's on the books. And to be honest with you the detour hadn't even entered my mind yet because we hadn't even bid the project. So at that point in time anybody who lives over there is going to be invited to come by and you can express your concerns to Mr. Benekos and to us as well. So it's not a train that's left the station by any means.

Mr. Steigerwald: Right ...inaudible...

Mr. Lane: And we have some of the same concerns that you do and we just want to get on record as well. So we're shooting for some time in late February after a council meeting...

Mr. Steigerwald: Inaudible...

Mr. Lane: At the very latest early March.

Mr. Steigerwald: And that was my only purpose...

Mr. Lane: Yea.

Mr. Steigerwald: just let you know that people are - over there are thinking about - I mean we always think about the traffic, but then as projects start up and we heard about that that was the biggest - the first thing in all our minds was the detour and the traffic coming through.

Mr. Lane: I'm sure between now and then there'll be several other concerns.

Mr. Steigerwald: They definitely learn that shortcut pretty quick during a repair ...inaudible... That's all I have. And that's what I was - I just wanted to say ...inaudible...

Mr. Lane: Yea. No, we'll keep you informed. In fact I'll call you on it once we figure out dates. So ...

Mr. Snyder: Thank you sir, I do appreciate it.

Mrs. Kiesling: Can I ask a question of the Engineer? I saw you pulled your lists out. What are the streets that are on the Phase 1 of the Knoll design?

Mr. Benekos: It's basically Knoll Street - only Knoll Street is in Phase 1.

Mrs. Kiesling: Okay.

Mr. Benekos: And that's from ...

Mr. Lane: I think Jim's concern was on Main Street though, right - the widening on Main.

Mr. Benekos: Yea. Oh, it was on Easthill.

Mr. Steigerwald: We're on ...inaudible...

Mr. Lane: Right.

Mrs. Kiesling: He's on Northfield and Knoll turns...

Mr. Steigerwald: Knoll ...inaudible... Knoll has its curves ...inaudible... as soon as you come to the stop sign at Knoll ...

Mr. Benekos: Right.

Mr. Steigerwald: and Northfield, I don't know what that cross street is, but that's when it turns into just pavement to dirt and that's where my concern is. Our main road from stop sign to stop sign from Northfield where it starts to Easthill.

Mr. Lane: So your concern - ...inaudible... the Main Street widening and detour?

Mr. Steigerwald: Yes.

Mrs. Kiesling: Yes, and all the traffic.

Mr. Steigerwald: At the bridge when they start to do that.

Mr. Lane: Yea, okay, so we have dual concerns here going on. Cause, yea...

Mr. Steigerwald: Right, yes...

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Mr. Lane: Okay...

Mr. Steigerwald: Thank you sir.
Mr. Lane: Inaudible...

Mr. Snyder: Mam...

Susan VanVranken: 521 Church Street SW. Mayor Rice, I just have a few questions concerning the Recreation Board. We met this evening at 4:30 and I was shocked to find out that two of our members were no longer with us. I was wondering if you could explain to me and the citizens why they were not - their terms were not renewed.

Mayor Rice: Again, you want me to ...

Mr. Snyder: Yea, would you ...

Mayor Rice: Can I address those at the end with the rest of them?

Mr. Snyder: Mrs. VanVranken, would you - would it be an inconvenience if we waited till we go through this and at the end of the meeting at his point he'll address ...

Mrs. VanVranken: No, but I have one question.

Mr. Snyder: Yes mam...

Mrs. VanVranken: I thought you said at the beginning we will only take questions at the beginning, not the end. So what if we're not satisfied ...

Mrs. Kiesling: Right, I agree with her.

Mrs. VanVranken: with the answer or what if they aren't answered - our questions aren't --- because I don't have a list to give him.

Mr. Snyder: Right.

Mrs. VanVranken: Then I'm not going to be allowed to respond to that?

Mr. Snyder: Mam, we might possibly look at this depending on you know, I'm sure the Mayor will be able to give you a satisfactory answer. Not - I say that when I say satisfactory, be able to give you an answer what his act - the reason for his actions. And if it's not satisfactory...

Mrs. Kiesling: I disagree...

Mr. Snyder: or you don't understand, I'm sure my colleagues and I will give you a few moments to ask intermittent questions ...inaudible...

Mrs. Kiesling: President Snyder, may I just make one comment?

Mr. Snyder: Sure.

Mrs. Kiesling: That the government, like actually the Reverend said tonight, is the community and they are here tonight to tell us what they think and ask us questions. And I agree with her. If she isn't allowed to get back up in the end and I realize you say you know, we can, but we don't always...

Mrs. VanVranken: Well I know this can get long too.

Mr. Snyder: Right, and that's...

Mrs. VanVranken: but I'm not sure why we can't have these answered now. But...

Mrs. Kiesling: I'm not sure either.

Mr. Snyder: Other than ...

Mrs. VanVranken: I have never approached this either so...

Mr. Snyder: How - and you know normally we don't have a give and take forum of Q and A's. However, you know if it gets to the situation that the Mayor's answers are not satisfactory, what you want, we'll make a consideration and make sure that we have some way ... for some generalized questions ...inaudible... Cause...

Mrs. VanVranken: Alright I have another question then.

Mr. Snyder: Yes mam.

Mrs. VanVranken: I have other questions for him. Am I allowed to ask those now or do I have to wait until...

Mr. Snyder: Please ask them now and allow the Mayor - he'll respond to them at his portion of the meeting.

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Mrs. VanVranken: Okay. I also wanted to know why the new members that are supposedly taking Mark Cerreta and Debbie Goldthorpe's positions were not at our first meeting of the new year at 4:30 tonight. And I would like to know - I know that I represent the school board and I know that Debbie Goldthorpe represented the school board. I would like to know if you got recommendations from the school board to replace Debbie and if you did, how many times, if you're not in agreement, can that - they be turned down? I guess that was my next question. Just how will that person be replaced? And if you don't agree, then what happens? If you keep saying you don't agree with that recommendation you know then what happens? Okay. And also, many of us have been on the board for a long time and I would like to state for the record that the board does a fabulous job. I am very impressed with the members and their commitment and their integrity and their ethics and their passion for North Canton. And that is how we have served. And I feel very badly. Am I allowed to give my opinion on this? I feel very badly that people who have given of their free time, because we are volunteers, but we care so much about our town - all of us except one was born and raised in North Canton. We're passionate about North Canton and we care only about the children and the future and we're proud to serve. And I just - I would so much appreciate a reason why they weren't renewed.

Mayor Rice: Sure. Inaudible... do that.

Mrs. VanVranken: I guess that's all I'll say, other than I guess my biggest problem, Mayor Rice, is that you've never been to a rec board meeting since I've served and I was adopted or I was asked to serve on this committee when Mayor Hines was mayor. So I've been on 10, 12 years, I'm not really sure. And so I'm wondering why they're being replaced when you've never been to a meeting to see how they act and how they represent the City of North Canton. That's my biggest concern. Thank you.

Mayor Rice: Okay ...inaudible... understand...

Mr. Snyder: Thank you very much. Does anyone else wish to speak to the council this evening? Mrs. Magel, go ahead.

Kathy Magel: Hi, I'm Kathy Magel. 1025 East Maple Street. I have some questions about Item No. 10, first reading 96-03, Ordinance, Rules & Claims. Ordinance No. 96-03 amending Section 1125.02 of Ordinance 50-03, Zoning Ordinance of the North Canton. And I want to thank Jon for clarifying, then you'd also have to change the Code of Ordinances, which is that green book, I understand that, by an addition of a definition of open space. Do you have a particular definition of open space that you're ...

Mr. Snyder: Mrs. Magel, I appreciate you bringing that -- I'll have to take the responsibility for this. As you know, as a past member of our body, on Thursday the agenda is set. The Clerk of the Council reminded me that this ordinance - as a matter of fact I believe that which you were pretty much the architect of, was still laying there in limbo in a tabled form. So I asked her to place it on the agenda to remove it from that situation. Consequent to that, I did speak to Mr. Foltz, who explained to me and that was just this evening, that he was not in a comfort zone with the new language that we talked about only last week, prior to a public hearing, which will arise, I believe, around the first or second week of March. So I did speak to the Chairman, Mr. Peters, and asked him if it would be alright that we did not address that this evening and left it alone. And my apologizes to you and my colleagues if I've caused any confusion, but that's what happened. I was trying to do a little housekeeping here not thinking that we weren't quite ready with the new one yet and it will mirror portions each. So Mr. Foltz will probably do that sometime within the next few weeks, along with the cooperation of Chairman Peters. I hope that answers your question.

Mrs. Magel: Yes. So there will be no action tonight.

Mr. Snyder: And again I apologize if I caused ...

Mr. Snyder: Yes. Pardon me...

Mrs. Magel: Is that correct?

Mr. Foltz: Yea, that's correct.

Mrs. Magel: No action tonight.

Mr. Snyder: No action whatsoever.

Mr. Foltz: That's correct - that's correct Kathy.

Mr. Snyder: It will just remain - we're not even going to address it.

Mrs. Magel: Thank you.

Mr. Snyder: You're quite welcome.

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Mrs. Magel: Chairman Peters, before it comes to council if you would give me a phone call and update me with specifics of the definition, whatever you're going to put it in and...

Mr. Peters: I sure will.
Mrs. Magel: if that's possible...
Mr. Peters: Absolutely, yes.
Mrs. Magel: Thank you very much. Thank you.

Mr. Snyder: Thank you mam. Anyone else in the audience wishing to speak this evening? Yes sir. Chief, want to step forward and state your name and address.

Greg Juersivich: My name is Greg Juersivich. I reside at 303 Cole Avenue SW in North Canton. And I'm here to discuss ambulance billing. I guess what concerns me Jon, and other members of council, are a couple things. Number one, I believe that the North Canton EMS, North Canton Fire and North Canton Police Department are three safety services that I believe should be all funded out of the general fund rather than the way they are now. I have no complaints about any of those safety services. I do have a concern that it appears to me that I understand funding is a problem with reference to the EMS aspect, because costs keep going up because the city keeps getting older and older as far its constituents are concerned. But I believe it - from my prospective it's irresponsible to throw that financial responsibility back on the people that are least able to pay for it. I also think that using the excuse that they may have Medicare and they may have health insurance and therefore it's no big deal out of pocket expense for them, is one of the big reasons why health insurance is so high. Because everybody is so willing to pass the buck off onto insurance providers. But if council so decides to bill residents as well as nonresidents, then so be it. I do believe though that asking me to support a levy in addition to that is paramount to charging me double. I believe that the levies, at least from the best of my ability, from the number of decades that I was involved with EMS, those levies were never intended to provide for all capital expenses and things like that and they never did. I don't quite understand why EMS and fire has never been under the protection of or under the financial umbrella of general funding like the Police Department, but none the less it has not. Charging me though levy money on top of an ambulance call fee to me would be like going to Click's - and let me preface that by saying, I read in the paper that the levy would form a method of getting money for the privilege of having the service in the community. If you went to Click's and bought groceries and they said for the privilege of shopping here we're going to charge you an additional fee, would you pay it? I don't think so. I think that when you look at other communities, Jackson, Plain that surround us, they've been able to manage with more calls and charging outsiders and not charging their residents. I know Canton charges everybody, but they charge no levy. I just don't see it as being a fair way to handle the problem. But I don't come here with just the problem. I have what I believe to be a solution, which I believed I had for many many years and have suggested it on numerous occasions, but always fell deaf ears, and that is funding that would be set up so that levies would no longer be necessary. And I have specific reference to an income tax increase. And I have that method in mind because number one, levies never solve the problem, they just postpone it temporarily. Number two, the surrounding communities are - their income tax is two percent and so raising the income tax here from where it is now up to, but no more than two percent, would certainly be no major impact on the working people of this community because most of them already pay two percent. Because I also believe the majority of those people do not work in the City of North Canton, they reside here and work in areas where income taxes would be upward to two percent. So it wouldn't have any - it wouldn't have such a negative impact as it sounds on the surface. The thing that I also understand is it's political suicide for council to suggest an income tax increase. I've heard that story before from - you know like this is the wrong time to do that because it's an election year. This is wrong time to do it because it's not an election year. It's just never the right time to do it. But I also believe it is the right thing to do because it's the fairest thing to do to provide a city service and fund it in a way that you don't have to worry about continual funding in the future. Once again, if council decides that they're going to bill residents, fine. Just don't ask me to pay twice. It would be cheaper for me to live outside the city and use the ambulance by coming into the city than it would be to reside here and use the service. And I don't know that that's quite the - I just don't see it as fair and equitable, that's all.

Mr. Snyder: Chief Juersivich, if I may sir, your points are well taken. However, your point to the general fund and I'm sure you - as many years as you served honorably as the Chief of EMS service, know that that levy generates less than \$200,000.00. The general fund does about a million two hundred thousand towards the operation of the EMS services. However, and maybe we didn't make ourself quite clear, we've considered both options of the cost of transport to the citizens and nonresidents, the levy and re-raising or we're putting a levy only and we're just moving it along and I don't know if we're due for a second reading tonight or not. But...

Mr. Juersivich: According to the agenda you are.

Mr. Snyder: Right. But before we reach the third reading portion we will probably do some studying on it. Two things - and you bring a very valid point, billing Medicare patients unfortunately does not relieve the fact of the co-pay or the initial out of pocket. We've received two different opinions and we intend to look at that. One is we can take, I think what they commonly call assignment, whatever the Medicare pays or whatever the insurance pays, forgiving the difference. And that portion, as the citizen paying the

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levy takes care of that portion of it. That's one interpretation. However, another is that you cannot discriminate and say well we're going to take some and take not, but it is under consideration both - And I would welcome discussing with you sometime when you have a little time some of your input. As I say, your knowledge is invaluable to it and a...

Mr. Juersivich: Well you have to talk quick because at my age my knowledge dwindles. And I know that, I believe, that when we discussed charging nonresidents that it was made clear to me and again, it may - the laws may have changed that you cannot - you could - you have to be equitable straight across the board ...

Mr. Snyder: Right.

Mr. Juersivich: and so you know you can't give somebody a break here and not give them a break there, you can't play with that as far as Medicare is concerned. And I know under the Medicare - assuming the person has Medicare, for example I would not. Okay, I'm not old enough yet, believe it or not. What the hell are you laughing about? Get his name. Paul ...

Mr. Pusateri: Sorry, sorry...

Mr. Juersivich: Better watch he's an attorney...

Mr. Snyder: Isn't that what they call an ambulance chaser?

Mr. Juersivich: Inaudible... the man just got here a few months ago for ...inaudible... Well anyhow, moving on, I think that - I really think that the safety services in the community are basic to the community's needs. And I understand that EMS is costly. I also understand - you know when you consider the number of elderly people we have in town, including myself for that matter, they're going to want, they're going to need the service you know and paying that co-pay repeatedly because you know you have repeat users. You know my father-in-law is from Canton is one of those you know and every time he goes by ambulance he pays the full tilt less you know whatever Medicaid - whatever his co-pay is. But it's still it's - even if it was fifty bucks or ninety bucks or whatever the case may be, if those people have a fixed income, that ninety bucks is a big deal. You know when I do something simple now, like I'm no longer under the health protection of the city and not being employed here anymore and it amazes me to find out a drug that I used to pay seven bucks for I now pay \$42.00 for it. You know and I'm thinking this isn't right. You know that - not that - not right from the standpoint that when I think of the number of senior citizens or elderly or whatever you want to call them, the gray power people, they're here in North Canton because it's safe, their needs are met and one of their needs is this potential for the ambulance. Nobody wants that ambulance in their driveway. You know they're the last thing they want to see. But they're awful damn happy when it shows up when they need it. And I think it's a service that they've come to want, to respect. And I think it's well worth the city's expense to pay for it. And maybe in a different corner - I mean given a choice between you know being alive and being on you know some other service, you know my street paved or whatever, I guess I go for alive and bumpy road. But a - and now I have both, I have a bumpy road and ...inaudible... But that's all I have to say...

Mr. Snyder: Chief, I appreciate it. And as I say ...

Mr. Juersivich: I'd like since you folks are really ... to me it seemed like it was a passing of the buck. It's like it costs a lot of money. What the hell we're going to do? We'll just turn it over and let these old folks insurance handle it and then we're going to tack on, if I read the paper correctly, you know we're going to increase the levy or at least maintain the levies for the privilege of having the service. And the service is pretty much established. I think it would be almost as politically suicidal to suggest it be abandoned.

Mr. Snyder: I don't think we're going to do that. But I will say...

Mr. Juersivich: But that's all I have to say.

Mr. Snyder: I will say that...

Mr. Juersivich: It's good to see some of you...

Mr. Snyder: It's good to see you too.

Mr. Juersivich: others I don't know even who in the hell you are.

Mr. Snyder: You're too young to have had a ride in your carriage.

Mr. Juersivich: It's like Paul there, I didn't know that he was a damn attorney or I wouldn't of gotten smart with him.

Unidentified: He's got alzheimers kicking in.

Mr. Sarbach: That's just another brain cell that fell out. See.

Mr. Juersivich: What's that?

Mr. Sarbach: That's just another brain cell that went. I mean you used to know us all.

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Mr. Juersivich: Yes, but when I came in I only had three of the damn things left. If I'd be any slower I'd be on council.

Mr. Sarbach: Or the mayor.

Mr. Snyder: Thanks Chief, we appreciate it.

Mr. Sarbach: Maybe he can be mayor.

Mr. Lane: Where you playing tomorrow night?

Mr. Juersivich: Canton's council meeting.

Mr. Snyder: Mrs. Baughman...

Miriam Baughman: 320 Weber Avenue. During the January 20th council meeting Doug Foltz requested 25 percent of the 5 percent open space requirement be for public use and suitable for a playground and that the playground would be big enough for basketball and playground equipment. In order for this 25 percent to be assured suitable for such a playground, the following points need to be part of the open space definition: The 50 percent water credit as part of open space should not be considered in the public use 25 percent. The public use 25 percent should be specified as one parcel of land so that the 25 percent is not fragmented throughout the development into small unusable pieces of land. The public use should be within the development not adjacent to, as this could mean the park could be in another development or even in another city or township. And then I put some examples for you to read on your own. Thank you.

Mr. Snyder: Thank you Mrs. Baughman.

Mr. Foltz: Jon, if I may address a few of these.

Mr. Snyder: Please.

Mr. Foltz: First time I've seen it Miriam, appreciate your input. I think the language will read that the public use will be in the city. Okay, so we'll clarify that. I know I didn't have a handout when I was discussing things and it was quite lengthy. And I will review this and see you know this is a work in progress so to speak and we'll see if we can maybe adapt some of this in the future for this.

Mrs. Baughman (speaking from audience): My biggest concern is that it will be fragmented ...inaudible...

Mr. Foltz: Absolutely, we don't want a 1/10th of an acre here or 300 square feet over on this side of the development. We want a...

Mrs. Baughman: Then that has to be very explicit because ...inaudible...

Mr. Foltz: Understandable. So thank you for your input, appreciate it.

Mrs. Kiesling: That was a great suggestion.

Mr. Foltz: Okay.

Mr. Lane: Thanks Miriam.

Mr. Snyder: Is there anyone else wishing to speak to us this evening? Seeing...

OLD BUSINESS:

8. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 2-04. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Ordinance No. 2-04 - Second Reading

Ordinance No. 2-04 amending Sections 1151.04, 1151.13, 1151.15 and 1151.20 of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to provide for the Superintendent of Permits and Inspection to be the final approving authority for sign permits.

Mr. Snyder: Chairman Peters.

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Mr. Peters: Yea, this is just basically takes the Planning Commission out of it since the Superintendent of Permits is actually the one that goes out on site. Basically ... just basically streamlines the whole process.

Mr. Snyder: Any other questions? If not...

Mr. Lane moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 2-04.

All members present voting:

Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.

No: 0

9. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 6-04. All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.

No: 0

Ordinance No. 6-04 - Second Reading

Ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement with Millcreek Professional Billing for the purpose of charging residents and non-residents of the City of North Canton for transport by the Department of Fire & Emergency Medical Services, in accordance with Medicare approved rates.

Mr. Snyder: We've talked about this and as we just said to Chief Juersivich, hopefully here in the next few days I will have an answer from Julie as to what we can do. We agreed originally, because we approached the deadline on that levy, to leave the levy alone. We still have time. It would be my suggestion we adopt the second reading and then wait till we have both the comparative figures of looking at the levy soley, looking at the transport and seeing if it does take assignment not costing the Part B, participant any out of pocket money, before we make that third decision to read that third reading. If that's comfortable with the council, that's what - I'd like to proceed along those lines. Is that - any questions on that? If - that being fine I would entertain a motion to adopt the second reading only for Ordinance No. 6-04 till we have the other input.

Mrs. Kiesling moved and Mr. Lane seconded to **adopt the second reading** of Ordinance No. 6-04.

All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.

No: 0

Mr. Snyder: Chief, I will get a hold of you this week and we'll talk, if I may, Chief Juersivich, I'll call you. Alright, may I have a motion to read by title only, first reading of Ordinance - do I have to leave - it's at the table I don't have to...

Mr. Pusateri: Yea, just leave it on...

Mr. Snyder: Just leave it on - of Ordinance No. 8-04?

NEW BUSINESS:

10. **Ordinance No. 96-03 - First Reading (Tabled: 7/14/03)**

11. Mrs. Kiesling moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 8-04. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

Ordinance No. 8-04 - First Reading

Ordinance No. 8-04 authorizing the Director of Finance of the City of North Canton to make payment of a moral claim to Mr. & Mrs. W.D. Wallick in the amount of \$184.50 for reimbursement for clearing a blockage which caused a sewer backup.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yea, what happened here is I guess a tree branch protruded the clay piping on the lateral line. Which as - if I'm not mistaken, that is entirely the responsibility of the homeowner. With that being said and I don't know when they did it, but they replaced the clay pipe from the house to the sidewalk with PVC pipe and I think they did that thinking that that was their liability. They fulfilled

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their liability. The fact that they did it in good faith, tried to fix it with the PVC, it's my opinion that we authorize this payment to them even though the lateral line, the whole lateral line is their responsibility. So I'll open it up to the...

Mr. Snyder: Mr. Foltz.

Mr. Foltz: You want to go through committee first?

Mr. Peters: Yea.

Mr. Snyder: Yea, oh excuse me. Mr. Sarbach...

Mr. Sarbach: Yea I, after looking this over, I concur with the chairman. These people did in good faith attempt to protect themselves from a potential problem by replacing what they thought was their portion and at that time was their portion because that wasn't clarified until I believe the end of last year by council that the right of way was the responsibility of the landowner. And they took action ahead of that time based on the amount. Based on their proactive approach to it I think we can afford to help them out with this under \$200.00 claim. Since I think - I'm sure they spent much more than that initially to protect against it. So I would be in favor of this individual moral claim.

Mr. Snyder: No problem. Mr. Lane.

Mr. Lane: Yea, I agree with my compatriots here. One thing I would like and this is not the time or the forum, but at some point in time I think it would be nice to revisit this whole issue of the ordinance from 03. Only because as they people did, until I got on City Council or just before, I assumed that everything from my property line out to the tap was the city's responsibility, which prior to that it was always kind of a gray area. So I think we did a good thing to really establish whose right that was, but I still think it's a - particularly in light of what most people grew up believing, I think it should be a little bit further back. I don't think all the way back to somebody's house, but I would like to look at that in some point in time. But this is not the time or the forum for it. But it would be nice to revisit that issue and see if there's some opportunity that we could - not to open us up to a lot of claims, but to at least have a little firmer understanding which would be somewhat conducive to what most people think is the situation. So...

Mr. Snyder: Inaudible... Mr. Foltz, you have any comment?

Mr. Foltz: Yea, I'm going to respectfully disagree. I understand the logic. I can agree with a lot of the logic that the other council members have discussed here tonight. Unfortunately, it's not easy to say no, but when we do have an ordinance that says, as Jeff mentioned, that the owner is responsible for the maintenance and repair building, sewer running from the building to the sewer main, including any portion of the building sewer which may lie within the public right of way and that public right of way can be from the sidewalk in to the rest of the street. So that would also involve the - you know getting to the main itself. I think what's different is most of the time we deal with replaced waterlines and there's a shut off there right at the curb. And that makes sense to me because - and I'm not - I haven't reviewed that language, but you know when you have a shut off there, there's a way to turn that water off at the sewer. If the sewer runs constantly, there's no way to shut the sewer down. So I understand the logic on this and going to disagree and not approve it at this juncture.

Mr. Snyder: Mr. Lindower.

Mr. Lindower: I - I again, sympathize with these folks having the problem. And I agree with Mr. Foltz, in view of the fact that the ordinance is specific and clear. I - the only reason I specify my wording that way is the fact that we're probably going to be - have to be careful that somewhere down the road that there aren't many of these kind of claims being filed on the sheer fact that people say they weren't aware. Obviously, everyone is not aware of the exact wording of all the ordinances, but I think that responsibly I think we've got to refuse payment on something like that that's clearly covered under the ordinance.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: And I am split right down the middle. I think they did in good faith try to replace that pipe to where they really thought was their responsibility. What year was that Jeff that they replaced that pipe?

Mr. Peters: You know it doesn't say the year. It just says some years ago.

Mrs. Kiesling: I do remember passing the ordinance trying to make it more specific to help us - guide us on council and make better decisions. I think because it's not a very large amount I'll probably favor that - give them the reimbursement, because they did it in good faith...

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Mr. Snyder: You know one thing that we might consider and I don't know if it's possible, but there's a possibility on the ...inaudible... speak to Julie on the next water and sewer bill that goes out. As room permits, we should maybe explain the liability of the sewer line to the consumer that receives the bill saying you know...

Mr. Lindower: I don't think there's room to put that on there.
 Mr. Snyder: Isn't there?

Mr. Sarbach: Well maybe in the newsletter.

Mayor Rice: We'll put in our - I was just going to say that would be good, appropriate discussion for the newsletter to communicate to people.

Mr. Lindower: Inaudible... newsletter ...inaudible... I agree.

Mr. Snyder: Okay.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 8-04.
 All members present voting:
 Yes: Kiesling, Lane, Peters, Sarbach and Snyder.
 No: Foltz and Lindower.

Mr. Snyder: Okay.

- 12. Mr. Lane moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 9-04.
 All members present voting:
 Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
 No: 0

Ordinance No. 9-04 - First Reading

Ordinance No. 9-04 amending Section 17.06 of ARTICLE XVII and Section 27.01 of ARTICLE XXVII of Ordinance No. 153-03, Collective Bargaining Agreement between the City of North Canton and The Ohio Patrolmen's Benevolent Association (OPBA) (Patrolmen) and declaring the same to be an emergency.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yes, this is the personnel ordinance or I'm sorry, the Collective Bargaining Agreement between the City and the OPBA. There was some conflict on wording in that contract. After reviewing that and discussing it with council, I'd like to have that wording changed. According to this ordinance it doesn't affect the meaning of the contract agreement whatsoever. It also will include one of the newer patrolmen that was just hired into the proper pay scale in view of the fact that he was hired after the collective bargaining agreement started, which would put him in the same wage step as what the other patrol officers are. I've asked that this be passed on an emergency in view of the fact that we want to get the Finance Department onboard as far as the payroll and so forth. Is there any question on that, Marcia?
 Mrs. Kiesling: That's fine.

Mr. Lindower: Inaudible... any ...inaudible... members? Thank you.

Mr. Snyder: Thank you Chairman Lindower.

Mrs. Kiesling moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 9-04.
 All members present voting:
 Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
 No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 9-04.
 All members present voting:
 Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
 No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 9-04. All members present voting:
 Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
 No: 0

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13. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 10-04. All members present voting:
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
 No: 0

Ordinance No. 10-04 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for the Middlesworth Subdivision Rehab - Phase II project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane.

Mr. Lane: This is the second half of the Middlesworth project that was started last year. In your packet it is all broken down, it comes out to a million seventy-five thousand for paving, curb and gutters, storm sewer maintenance and water distribution and it's a request for an emergency.

Mr. Snyder: Alright, there being no discussion...

- Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 10-04. All members present voting:
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
 No: 0

- Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 10-04. All members present voting:
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
 No: 0

- Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 10-04. All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
 No: 0

Mr. Snyder: My thanks to the Mayor and my colleagues for completing that project in Ward 4, it was sorely needed. I appreciate that very much.

14. Mr. Lane moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 11-04. All members present voting:
 Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
 No: 0

Ordinance No. 11-04 - First Reading

Ordinance No. 11-04 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for the design of Phase I of the Knoll Subdivision project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane.

Mr. Lane: Yea, this is for professional services to design the paving, curb, gutter - \$85,000.00. Jim, this is just for Knoll, correct? For Knoll itself or is this the entire - I don't want to put you on the spot, but so I can better describe it.

Mr. Benekos: On this one?
 Mr. Lane: Yea.

Mr. Benekos: Phase 1? No it's just for Phase 1.

Mr. Lane: Right, which is just...

Mr. Benekos: Which is Knoll Street and then the drainage...

Mr. Lane: Knoll Street from Hillbrook down. Yea, okay...

Mr. Benekos: over to Easthill.

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Mr. Lane: So there's - I wanted to answer Jim Steigerwald's question from earlier, this is just strictly Knoll and then eventually in Phase 3 we get down to the Northfield and some of the others. So this starts the project moving. So...

Unidentified: From Knoll?

Mr. Lane: From - well eventually we'll get down towards Northfield.

Mrs. Kiesling: The hill

Mr. Lane: This is the hill. Yea, so it better clarifies for you what this is and for the rest of the council, this is just Knoll Street from Hillbrook down to Northfield basically. Right?

Mr. Benekos: Correct.

Mr. Lane: Yea.

Unidentified (speaking from audience): Inaudible... I'm sorry, I don't know if I'm allowed to talk you right now. Inaudible... that sewer is then connected with one of the sewers on Northfield?

Mr. Benekos: Storm.

Unidentified: Are you - I didn't know what you're - I'm sorry. You're at the storm sewer coming from Knoll?

Mr. Benekos: The storm sewer from Knoll is going to go north to Schneider not to Easthill.

Unidentified: Okay.

Mr. Lane: Yea, this is just strictly for paving and curbing and gutter right now so it's phase 1 only.

Mr. Benekos: And to handle the storm drainage...

Mr. Lane: Right.

Mr. Benekos: situation in that area.

Mr. Lane: Right. And again requesting emergency so we can get up and running on that as soon as we can before the next big flood.

Mr. Snyder: Yea, that whole project I think is a little over three million dollars.

Mr. Lane: Yea.

Mr. Snyder: It will be handled in three separate phases over the next two and a half years.

Unidentified (speaking from audience): And that our ...

Mr. Snyder: Yea.

Unidentified: I'm sorry...

Mr. Snyder: Yea.

Unidentified: and that was our concern ...inaudible...

Mr. Lane: Right.

Unidentified: Inaudible...

Mr. Snyder: Right. Then we'll begin it - and part of it will run simultaneous with the Main Street rehab. But this begin this one right away. Okay, any questions? If not...

Mr. Foltz moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 11-04. All members present voting:

Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.

No: 0

Mrs. Kiesling moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 11-04. All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.

No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 11-04. All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

15. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading** of Ordinance No. 12-04. All members present voting:

Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.

No: 0

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An ordinance providing for the issuance and sale of \$1,600,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the City's waterworks system by rehabilitating and improving an existing water tower, together with all incidentals and appurtenances thereto and improving and expanding the municipal waterworks system by constructing and installing water lines, together with all necessary appurtenances thereto, and declaring an emergency.

Mr. Snyder: This is a combination of two maturing notes. One, a million dollars for the raw waterline, which was put in as a redundant line and necessary backup line from the Canton to the Water Treatment Plant and then we had \$850,000.00 for the Water Tower 2, I believe, and Water Tower 1. And we're paying \$250,000.00 retiring that from the existing water rate money coming in monthly. So we will pay back the 250 and renew the notes for a one year term of 1,600,000. And a - any questions on that? If not...

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 12-04. All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.

No: 0

Mrs. Kiesling moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 12-04. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 12-04. All members present voting:

Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.

No: 0

16. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 13-04. All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.

No: 0

Ordinance No. 13-04 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for the purchase of gasoline and diesel fuel by use by all city departments, for a one year period commencing June 1, 2004 and terminating May 31, 2005.

Mr. Snyder: This is an annually thing where we bid for gasoline. We normally have about three people that submit bids for us. It runs our cruisers and all our vehicles that do operate on gasoline in the city. And we're getting started a little early so that we don't have to pass it on an emergency basis. Is there any questions on Ordinance 13-04? If not...

Mr. Sarbach moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 13-04. All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

17. Mr. Sarbach moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 14-04. All members present voting:

Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.

No: 0

Ordinance No. 14-04 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for Asphalt Mixes for use by the Street Department.

Mr. Snyder: Again, this is where we - use for filling potholes or chuckholes or any other thing where we open the street and repair a waterline. We enter a contract and the men are able to go there and pickup material and have it billed to the city. Again, we're trying to be a little more proactive in reading this three times and not passing it on an emergency. Is there any other questions relative to Ordinance No. 14-04? If not...

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Mr. Lane moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 14-04.

All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.

No: 0

18. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 15-04. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

Ordinance No. 15-04 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of one (1) 7400 4x2 International Dump Truck & Gledhill Body Package, for use by the Street Department, within the purview of the Ohio Cooperative Purchase Act, or, in the alternative, authorizing the Board of Control, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the purchase of one (1) 7400 4x2 International Dump Truck & Gledhill Body Package, for use by the Street Department, and declaring the same to be an emergency.

Mr. Pusateri: I was going to read to my kids tonight but I ...

Mr. Snyder: Pass on that.

Mr. Sarbach: That's why you get the big...

Mr. Pusateri: Too much reading tonight already.

Mr. Sarbach: you probably get the big bucks Paul.

Mr. Snyder: Get them books on tape.

Mr. Pusateri: That's right.

Mr. Snyder: This is part of the 2004 capital appropriations to replace a truck there. It is set up and it will be purchased with the ability to strap a plow on it as all our equipment is. We've asked that it be passed on an emergency basis because the sooner we get the sooner we can put it into use. In the next few weeks we might be needing it. So if there are no questions on that...

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 15-04.

All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 15-04. All members present voting:

Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 15-04. All members present voting:

Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.

No: 0

19. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 16-04. All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.

No: 0

Ordinance No. 16-04 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the purchase of fire hydrants for use by the City of North Canton.

Mr. Snyder: We keep a supply of hydrants for a couple of things. Cars are hitting them and destroying them and some are just wore out and that way we have them here and that's what this is for. So they'll just bring their storage levels up to a level that they're comfortable with. If there are not questions on that...

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 16-04. All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

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20. Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 17-04. All members present voting:
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
 No: 0

Ordinance No. 17-04 - First Reading

Ordinance No. 17-04 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended agreement (change order), in an amount not to exceed \$148,833.00 for the construction of the water treatment plant expansion (phase 2), said contract authorized by Ordinance No. 126-03.

Mr. Snyder: Again, that figure represents cost or overages in the contract. We're just beginning to get going on that. The one where we did the actual upgrade we did include in the original contract. These are things that might come up ... that's within guidelines of the proper percentages for the \$3,643,000.00 contract. So that's what that's about. And again, we're passing it on a three reading basis as hopefully - well it's impossible for them to need that money before then ...inaudible... begun the project. So it will give time for the public as well as council for any additional input. Any question on that? Alright...

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 17-04. All members present voting:
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
 No: 0

21. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 18-04. All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
 No: 0

Ordinance No. 18-04 - First Reading

Ordinance No. 18-04 amending Section 1. and Section 2. of Ordinance No. 53-84, as amended, providing for change order on public contracts.

Mr. Snyder: This will permit the Mayor, if the need arises. The statutory limit presently is \$15,000.00 by the revised code. It has been changed and passed to read 25,000 and this brings our ordinance in mirror to the state's revised code which allow them to do same. Any questions on that? If not...

Mr. Lane moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 18-04. All members present voting:
 Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
 No: 0

REPORTS:

Mr. Snyder: Director of Law, any report?
 Mr. Pusateri: I do not have any report. Thank you.

Mr. Snyder: Mayor, do you have a report?

Mayor Rice: I obviously have a report - several items here. Let me run down the checklist to the best of my ability. First question in regard to the Zimber Ditch study. I put in writing my reasons for my decisions in regard to the Zimber Ditch study and provided it to the Clerk of Council and I know everybody on council. So that - I've already addressed answer in writing, if there's any question about that. Item number 2, the issue about tax abatement for the City of North Canton. I assume we're referring to an issue in which I talked to the Stark Development Board, as well as Daryl Revoldt from the Department of Development, about a possible tax incentive that would affect the Hoover Company. But to do that the city had to declare itself in a state of economic distress I believe was the term and had to prove that the City of North Canton was worse off, as it was explained to me, economically than our surrounding neighbors. I evaluated that information, talked to both those gentlemen quite extensively about it. Quite honestly didn't agree with the criteria. Didn't think the city met that criteria. Expressed that to those gentlemen. And actually as a solution, because they have interest in this in other communities, actually an application has been filed I believe by the Development Board, to designate the entire county of Stark County in this distress, because really the county fits the criteria better because of the huge job losses throughout the county. So we're not going to miss out on that opportunity because we will be able to take advantage. The Hoover Company will be able to take advantage of those potential tax abatements

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with the county designation if that is approved. So I assume that's what we're talking about there and that's the answer to that one. When we talk about the ...inaudible... I guess we're talking about the rec board to deal with Susie and Mr. Osborne's questions. The rec board is one of basically six - I think six different boards and commissions in the City of North Canton along with the Planning Commission, the Zoning Board of Appeals, we have a plumbing board, we have electrical boards. All of those boards are filled through appointment of the mayor by citizens for the most part citizens of the City of North Canton, in a voluntary capacity like you said Susan, to assist in those activities. The problem that you run into, that any mayor runs into in the past, everybody has terms. Some boards have three year terms, some boards have five year terms. I, as mayor, get a lot of requests from citizens in this community that want to serve and I get no more requests for any board other than the rec board. I get more requests for the rec board. People asking me, I'd love to serve on the rec board, I'd love to serve on the rec board. The other most popular ones below that are probably the Planning Commission, Zoning Board of Appeals. I get a lot more requests than I can grant because there's not that many positions available. My belief in these boards is I try to give other people - more people in the community an opportunity to serve on these boards. It's no reflection - not meant to be a reflection of people not doing a good job or not being appreciated. The city is certainly grateful to the members that serve on all these boards and commissions. You know it's one of those situations as mayor you lose no matter which way you go. People that are on the boards want to stay on the board. I've got other people clamoring at me all the time, why can't I serve? And they say quite honestly you've got these other people that have maybe served 10, 15 years or more, why can't I get a chance? I can't get a chance because these other people keep serving. So it's a no win solution for me. I've got to make a pick. I chose to rotate people as much as possible, especially when there's a demand out there that people want to serve. I've got a couple boards and commissions you can't find anybody else to do it. So it's nothing other than just simply trying to give more people an opportunity to serve - because we have them in this community that want to serve. And everybody that serves on these boards in the past and in the future are very much appreciated. It's not a personal thing, it's not a negative thing. Mark Cerreta you mentioned this ... Mark Cerreta is a neighbor of mine, he's a good friend of mine. Yea, there's no animosity there, but as you know Mark and I talked about it and told him, Mark, I'm just trying rotate people you know rotate people out. He could very well come back...

Mrs. VanVranken (speaking from the audience): Inaudible... term.

Mayor Rice: What's that?

Mrs. VanVranken: He served his four year term.

Mayor Rice: Yea, but what I'm saying is what I'm trying to do is just simply give other people an opportunity to serve.

Mrs. VanVranken: Can you make that list public of the people who are interested? Because as long as we've been on, that is new news to us. And in fact we don't ever have anybody come to our board meetings...

Mayor Rice: Right.

Mrs. VanVranken: and we never get complaints about decisions we make.

Mayor Rice: Yea.

Mrs. VanVranken: I find it very difficult and I'm sorry but I do, I find it very difficult to believe that there's that much interest.

Mayor Rice: There's quite a bit of interest. People come to me...

Mrs. VanVranken: Inaudible...

Mayor Rice: Well I don't really...

Mrs. VanVranken: Usually ...inaudible...

Mayor Rice: I don't keep a list of them, but I know a number of people that have asked to serve.

Mrs. VanVranken: Usually we're - the board members that are still serving...

Mayor Rice: Yea.

Mrs. VanVranken: are usually asked for recommendations of names to fill the positions ...

Mayor Rice: Yea.

Mrs. VanVranken: of the people that are either leaving or they've actually have passed away. It's like why - I don't think you're in a no win situation. Because when something isn't broken why fix it? These people served and served well.

Mayor Rice: I agree.

Mrs. VanVranken: All you have to say is ... I cannot give you any examples. How were they deficient? How did they not serve our community well? I don't see why you have to say to them you know oh because you showed interest ... yea, we'll just - it's - I don't ... it's a personal issue, but I am saying that it is ...inaudible... and we all have been very committed and responsible...

Mayor Rice: Sure.

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Mrs. VanVranken: and reliable. And I don't understand why if they've done a good job why it's a necessary thing to replace them.

Mayor Rice: Well I'm not saying it's a necessary thing.

Mrs. VanVranken: You did say that.

Mayor Rice: It's just in my belief you know I want to give as many different people in the community an opportunity to serve as possible and that's all.

Mrs. VanVranken: So in other words our terms are just a matter of time.

Mayor Rice: Well could be, yea. I mean I don't think anybody should look at it...

Mrs. VanVranken: And so ...inaudible... a whole new board?

Mayor Rice: No, no. I'm just saying but as the terms expire and...

Mrs. VanVranken: Well why put any more time in if we are not going to be serving - why ...inaudible... put more time in. Should we put time in another year, another two if you automatically know right now you're going to replace us?

Mayor Rice: Well I don't know that for sure because I don't think your term runs up for example until 06 or something like that. I mean they're staggered in different years. I mean...

Mrs. Kiesling: He just said they didn't have terms ...inaudible...

Mayor Rice: can I sit here and honestly tell you Susan that you're going to be able to stay there for 20 years? No, I can't tell you. I don't know that and a future mayor can't you know...

Mrs. VanVranken: But if your reason for replacing them is because ...inaudible...

Mayor Rice: Yea.

Mrs. VanVranken: then it's pretty obvious we'll all be replaced.

Mayor Rice: Could be, rotate around - I you know I can't predict what's going to happen in 2006 in your situation. But certainly if there's people there I mean I think it's only fair to everybody to let other people serve. I'm sorry. I'm just trying to give you an honest answer. You know it's nothing against you know...

Mrs. VanVranken: Inaudible... but, can you honestly say the people who have served have not done a good job?

Mayor Rice: I'm not saying that.

Mrs. VanVranken: And should be replaced.

Mayor Rice: I'm not saying that.

Mrs. VanVranken: Alright, my other question that ...

Mayor Rice: Never said anything that anybody on any of these boards that have been - their term has expired. Okay. I mean I understand they have a time frame in which they are appointed and when the letters go out you're appointed from this date until this date. I mean everybody knows when they take that position that that...

Mrs. VanVranken: We know ...inaudible...

Mayor Rice: your term ends.

Mrs. VanVranken: Inaudible... the general public does not know that.

Mayor Rice: No but the members - no, I mean the members know.

Mrs. VanVranken: Yea, we do. But people who are coming to you and asking ... they don't know.

Mayor Rice: Well no, they don't know necessarily when people - but they know at the end of the year people are - their terms are coming due, most of the time at the end of the year.

Mrs. VanVranken: How would they know that it's never advertised?

Mayor Rice: Well number one it is in the know your government book

Mrs. VanVranken: Okay.

Mayor Rice: that's distributed. But I'm saying people that are interested inquire about it.

Mrs. VanVranken: Okay. You have a gem Kim Cooksey.

Mayor Rice: Yes.

Mrs. VanVranken: I - we have been a very good group, we have worked very well together and it would be a shame if this group was split apart. Kim is invaluable to this city and I hope everybody in this room realizes that. Okay, would you please answer why you've never been to a rec board meeting?

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Mayor Rice: Pardon me.

Mrs. VanVranken: Would you please answer why you have never been to a Recreation Board meeting.

Mayor Rice: Well the rec board...

Mrs. VanVranken: If it's so important for you to change terms and bring new people in.

Mayor Rice: Well again we have a department head who's responsibility it is to conduct those meetings. And try not to micro manage those and let department heads do their job. Kim does an outstanding job as you just said...

Mrs. VanVranken: Well the mayor has always allowed Kim and the board to recommend new members names. So in essence you are doing things, you are taking over his job when it comes to that.

Mayor Rice: No, no I respectfully disagree with that.

Mrs. VanVranken: Okay.

Mr. Osborne: Mr. President...

Mrs. VanVranken: Inaudible... did you get a name from the school board and why did we not have our two members at the board meeting?

Mayor Rice: I sent a letter to the Board of Education on December the 30th asking the board to extend a list of five potential recommendations. And the reason I said five is because I know there's I believe five people on the school board and allow each member of the school board to put a recommendation. You know because you can either appoint a member of the school board, if they live in the city, or a representative of theirs. So the idea behind five was it matched up how many people - you know again, I'm trying to make it as fair as possible and ask the five members of the school board to all submit a name to me. Okay, they choose not to do that and I got a response back saying that they were appointing Debbie Goldthorpe again as their representative. So they ignored my request, quite honestly, of five names.

Mrs. VanVranken: What's wrong with being a citizen and giving you one name instead of five? They're not allowed to ...inaudible... your request.

Mayor Rice: Well.

Mrs. VanVranken: Why do they have to give you five names? Why isn't one good enough ...inaudible... that person.

Mayor Rice: Nobody said they had to, I asked for that because I was trying to be fair.

Mrs. VanVranken: Inaudible...

Mayor Rice: I was trying to be fair and open it up to other people. Cause I know there's other people within the school district...

Mrs. VanVranken: Inaudible... but you can't you know ...inaudible...

Mayor Rice: that live in the city that want to serve...

Mrs. VanVranken: Inaudible...

Mayor Rice: but they're not even giving them the opportunity to do that.

Unidentified: She'll be off that board before she ...inaudible...

Mrs. VanVranken: It is in the ordinance that there should be two representatives from either the school board or someone that represents the school board.

Mayor Rice: Correct.

Mrs. VanVranken: They gave you a name...

Mayor Rice: Correct.

Mrs. VanVranken: I don't know how you cannot honor that name or any name they gave you. And had they given you three then you would of had a choice. Is this a power struggle or is this - what's wrong with the one name they gave you? It's fulfilling the requirement in the ordinance.

Mayor Rice: Well the only problem - I can ask the same question, why's there a problem to suggest five names, number one. And number two, the name they submitted quite honestly is the one - again, nothing against Debbie, but the fact that we're trying to allow other people to serve. And they seem adamant of the fact that they don't want to allow somebody else to serve. And I just don't know what's wrong you know with all due respect to Debbie, and she's done a wonderful job not only on the rec board but at the Y and everything she does in the community, but there are other people that can serve equally

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well on the rec board or the Planning Commission, on the Zoning Board of Appeals. Quite honestly we have a you know a pretty extensive, diverse population here. And I don't understand why people are opposed to letting other people get involved. What is wrong - I'd ask you the same question Susan, what is wrong with allowing some other people to get involved in what's going on in the city? Why do we have this mentality that we've got a closed society here? Let's let other people get involved. I don't understand the resistance to that. I thought that was what government is about. People are out there they want to get involved, let's - they feel shutout and not allowed to be involved because they're told no you can't do it, we've got our group here. I'm sorry I just philosophically I just flat out don't agree with that. And I'm sure everybody has a different opinion about that. I'm just one that has a belief that I want to encourage more people to get involved from the community that want to get involved. You know there's more than one or two people that can do the job. I'm not disputing that the people there are doing the job, but I believe there's a lot of other people in this community that can also do equally as good a job in that capacity.

Mrs. VanVranken: Inaudible... Tom, you don't know if she did a good job or bad job because ...inaudible...

Mayor Rice: I know she did a good job. I know she did a good job.

Mrs. VanVranken: Inaudible...

Mayor Rice: I know Mark did a good job because...

Mrs. VanVranken: Inaudible... you weren't to a meeting.

Mayor Rice: I communicate with Cooksey.

Mrs. VanVranken: Okay...

Mayor Rice: You know I'm sorry it's just a difference in philosophies. I understand and appreciate that you don't agree with it. But I just believe that we should allow other people to get involved in this community. There's a lot of other people out there that you know they're qualified and that want to get involved in and I say let's let them get involved. Let's share the wealth a little bit. Sorry, that's just the way I feel about it.

Mr. Osborne (speaking from the audience): Mr. Mayor ... Mr. Mayor, along the same lines, if you have ...inaudible... people that want to serve, why go through the motions of asking the school board who their recommendations are?

Mayor Rice: Cause I'm required to.

Mr. Osborne: Do you not think their recommendations are credible?

Mayor Rice: The recommendation is to keep - stay with the same people that are there now. As I just expressed...

Mr. Osborne: Inaudible... not a credible request?

Mayor Rice: Pardon me.

Mr. Osborne: and that's not a credible request?

Mayor Rice: I didn't say it's not credible. My desire, as I've just said, is to allow other people to serve and I'm trying to encourage other people to serve. Understand you know they can give me names - it's not a sole appointment - I make the sole appointment, but off of their list of candidates.

Mr. Osborne: Well I understand ...inaudible...

Mayor Rice: People can criticize that, but I'm sorry but I'm going defend that other people in this town that want to get involved that are shut out. That's all.

Mr. Osborne: The school board has a choice of recommending two people to fill the board, that you leaves three other people or four other people ...inaudible... is on there to change around. If you have so many volunteers that are available. You're snubbing the school board when you just say...

Mayor Rice: No I'm not.

Mr. Osborne: I'm not going to honor that recommendation.

Mayor Rice: I think I've stated clearly my position. I don't know what else I can say other than be repetitive. So twist ...inaudible...

Mr. Osborne: Okay, I'd like to go back to the first question. I understand you did explain why you didn't sign the legislation on the ...inaudible... appropriations. Inaudible... furthermore, you refused to sign the contract.

Mayor Rice: Same reason Chuck, same reason.

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Mr. Osborne: A conflict of interest?

Mayor Rice: It's not hard - I'll stand by the statement I put in writing.

Mr. Osborne: Inaudible...

Mayor Rice: And you had a copy of it and you know what it - you should know what it says, if not you can refer back to that document.

Mr. Osborne: It says a conflict of interest.

Mayor Rice: If not - I don't think that's what it says, but you can get it out. I don't think it says it in those terms, but you - you know I'll stand by what's in writing, not what you're repeating here tonight.

Mr. Osborne: As clearly as all those public hearings stated, the community is crying for some study and some flood relief. Why would you think there was any conflict of interest here when the community was begging through I think three public hearings? By not signing that you delayed action on this by the city for ten days. And I guess this contract was languished until I guess Mr. Held was forced to sign it on a pretense that you weren't available to sign it. So I don't understand where you were on that whole ... concern and you just ignored the needs of a sizable majority of the citizens who have ...inaudible... conditions. And as far as the tax abatement, again as I understand it, the county commissioner basically did ...inaudible... you since you wouldn't requisition and make this request for the increased tax abatements that come from the state ...inaudible... the entire city. And as I understand, you were approached first and you could of brought this to the city.

Mayor Rice: And I think I said that and said I disagree with the criteria that they were asking for ... and I don't believe the city met the criteria. That was my opinion. I relayed that...

Mr. Osborne: They wouldn't of approached you if the city didn't meet the criteria. The Stark Development Board is quite knowledgeable, they collect all these stats, they know...

Mayor Rice: Okay.

Mr. Osborne: what is available and what's needed in all the economic - social economic information on the cities. So I don't think...

Mayor Rice: I'm not here to argue it, I'm answering the question. I know you're not going to accept or like my answer but I'm sorry I'm giving you the answer the best I can. That's - I'm explaining to you my decision. I think that's what you asked me to do. Moving on to the fourth item, I guess, which dealt with economic development.

Mr. Osborne: The secrecy ...

Mayor Rice: I will - tonight I'm pleased to announce that Mike Miller will be joining the City of North Canton as Economic Development Director effective February 1, 2004. Shortly after last year's election I began in earnest the process of bringing a full time director of economic development onboard. My research indicated that for North Canton to compete with our neighbors in brining new jobs and retaining jobs in the city, North Canton would need its own go to person, one who bring all the activity under one roof instead of fragmenting efforts to various elements of the community like we've talked before at TAP at the Chamber of Commerce, City Council, the administration, etc. I asked three members of the community to assist me in this process to narrow down the list of approximately 63 applicants. The committee asked that I hold their names in confidence until an applicant was chosen as to avoid being bombarded at home and at work by applicants trying to gain favor. After an initial screening of applications, we interviewed 12 people, from that we narrowed the list down ultimately to 4 and Mike Miller was a unanimous first choice of the committee. Mike recently served 12 years in the administration of Mayor Dick Watkins as public service director. And although he has no direct economic development experience, he had plenty of knowledge of the process. Mike helped Mayor Watkins on several development projects after the untimely death of their Economic Development Director, Bill McGeorge. I know some people have said that the requirements for this position should of mandated two years of direct experience leading an economic development team. Both I and the committee believe we followed the right course of action in allowing plenty of flexibility, otherwise somewhat of Mike Miller's abilities would of slipped through our hands and ended up benefitting some other community. The committee was comprised of three very action members in the community, representing unique aspects. First member was Denny Flechtner, former city engineer, current chairman of our Planning Commission and a member of the Chamber's Economic Development Committee. Other member was Jim Gensley, former president of the International Brotherhood of Electrical Workers Local 1985 and over 35 years of experience at the Hoover Company. Number three was Tom Besozzi, representing the voice of small businesses. He's a small business owner and also an owner of an international trading company from 1985 to 1992. This was not a secret process. Tax payers and residents were participants in this process and they can speak to the thoroughness and the professionalism of the process. I hope everyone in the city will welcome Mike Miller to our team and provide their full cooperation to keep North Canton a growing and prosperous community in the future.

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Mr. Osborne: Mr. Mayor, I don't believe you addressed the question.

Mrs. Kiesling: Inaudible... still onboard Doug?

Mr. Osborne: Why was this process clouded in secrecy?

Mayor Rice: That's your description Mr. Osborne. I just said it was not a secret process. Everybody, including yourself, that wanted to look at the applicants for this position, they were available to them. The news media came in and reviewed them, you came in and got copies, Mrs. Kiesling come in - came in and reviewed them. Everybody knew who all the applicants were and who we were talking to.

Mr. Osborne: Inaudible...

Mayor Rice: And we had tax payers involved - tax payers, citizens of this community were involved in the process from start to finish. I hardly consider that secretive. The public was involved, the public was represented and the members of the public can speak to that, period.

Mr. Osborne: Only now are you releasing the names of the search committee.

Mayor Rice: And I think I explained that.

Mr. Osborne: The same time you were releasing the name of the candidates.

Mayor Rice: That's correct.

Mr. Osborne: Do you think Mr. Miller was successful in Canton at economic development?

Mayor Rice: The committee and myself unanimously agreed that Mr. Miller, Mr. Mike Miller, was the number one candidate and therefore I've offered him the position. He has told me he would accept the position - he's accepting the position and will begin February 1st with the city, it's as simple as that.

Mr. Osborne: You didn't answer my question. Do you think he was successful in the City of Canton in economic development?

Mayor Rice: Does somebody not hear ...inaudible...? I don't know how many different ways I can say it. We think he was the best candidate available for the position for which we were seeking - period.

Mr. Osborne: He wasn't the best candidate for Canton ...inaudible...

Mr. Snyder: Mr. Mayor, will you go ahead and address the number 5.

Mayor Rice: Mr. Osborne I didn't expect you to sit here and endorse anything I do. So let's get that clear right off the bat. Okay. So I'm not looking for your approval. Okay. I'm serving my responsibility as the Mayor of the City of North Canton. And I know you will continue to come up here every council meeting and oppose and criticize everything I do. You've done it for the last two years and I know you will continue that. That's okay. I need to move forward and we will move forward with Mike Miller as the Economic Development Director for the City of North Canton - period. I respectfully disagree with your opinion. I'm giving you my reasons as you asked what we did and why we did it - trying to do that.

Mr. Osborne: I didn't ...inaudible... opinion, I asked you a question, was he successful in the City of Canton?

Mayor Rice: I'm going to move on to the last issue. And to that I would say at the end of every year I conduct an overview of the city in order to develop plans of action for the next term in my administration. I did this again this year. I've set my sights on some goals and objectives and came up with a vision where I want my administration to take the city in the next two years. I've analyzed which personnel moves, if any, were needed to achieve the plans and move the city forward. I spoke with my administrator almost daily and at great length in particular in two meetings recently with him over the last couple weeks. I've discussed where the city has been, where it's going and where I want it to go. After careful consideration I've determined that a change in director of administration was necessary to move the city forward. This is no different than the changes that occur when any administration in any city begins a new term in office. Changes in the makeup of the administration are everyday business decisions that every elected leader faces. Just as in Canton where newly elected Mayor Janet Crieghton changed many of the faces on the Canton's team by letting go people like Mike Miller and others. Change is sometimes difficult and hard to accept especially when it involves those we have come close to. But the bottom line is that voters elected me to get the job done and that is what I intend to do. And I will make the tough business decisions that need to be made to move the city forward. That's all I've got Mr. President.

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Mr. Osborne: Mr. Mayor, Mr. Held was your hand picked choice two years ago. And in the last 90 days I think you've confirmed your happiness with him both for the Repository Editorial Board and at the question and answer period we had at the Civic Center. I've heard of no complaints on Mr. Held during your entire term as mayor. What is going on?

Mayor Rice: I think I just explained the situation.

Mr. Osborne: If you're comparing it to Canton you have a new mayor, a new personality; they're going to handpick their own people. You handpicked Mr. Held two years ago. And at that Repository editorial interview you told the editorial staff you trained Mr. Held - the first six or nine months you trained him. At that meeting, which was mid-October you affirmed your happiness with him. Inaudible... you were satisfied - actually more than satisfied with his performance. This action just does not make sense.

Mr. Snyder: May I say something? So not to belay this, but unfortunately I would advise anybody if they would be inquiring as to the action of the Mayor the charter is very specific. Director of Administration serves at the pleasure of the mayor. He is employed at the will of the mayor. Whether you agree with it or not and whether us as council members agree with it or not, Mr. Held's personal relationship with us has nothing to do with the Mayor. Unfortunately the Mayor does have the right by charter to higher and discharge the Director of Administration with or without cause. And in all due respect to Mr. Held, who is a fine gentleman, I would not like to continue a public conversation on the ability of Mr. Held's performance to the City of North Canton. And I appreciate what you said Mr. Osborne and I hope you can understand, but I think as a Council and the Mayor does - you owe Mr. Held that much respect that you do not discuss his employment in public. And that's really all I want to say on that. And I...

Mr. Osborne: There should be a hearing by this council on whether ...

Mr. Snyder: He can have - Mr. Held can request by charter. The charter does provide for relief. Mr. Held can seek to address, that's Mr. Held's choice. He can petition the Council and he can come at the next regular scheduled meeting. And yes sir he does. And the Mayor will - is responsible by charter to answer those questions of the council. You're right sir, there can be a formal hearing held. Although again, let me caution you, the choice of the Mayor is final. There is nothing - there is no relief to Mr. Held's employment, that's solely at the discretion of the Mayor. And again I apologize and I know people want to know certain things, but again employment issues are very very sensitive. It opens up avenues that sometimes we don't like to go down. And I'm sure if you have additional questions the Mayor would entertain in private a conversation with you if you as a citizen would like to know some other things. That this way it's just not good business to air it out in the public. And I hope you can...

Mr. Osborne: This goes beyond his employment. This is leadership in the city. This council should take an interest of the turmoil that's going on - the control ...inaudible... personalities. That Rice handpicked this gentleman. I, along with the rest of the ...inaudible... affirmed his appointment in an attempt to facilitate Mr. Rice's - well actually two years ago. This council should take an interest in what's going on.

Mr. Snyder: I appreciate your...

Mr. Osborne: Inaudible... like washing over and facilitating this turmoil.

Mr. Snyder: Well again sir, as I say, there's two avenues left. One is the electorate through the ballot box. The other is to Mr. Held to appeal to the Council. Unfortunately you know I'd like to be able to tell you and you know that, if there was something that we could initiate to inquire. We're not permitted to inquire into the actual hiring or dismissal of the director of administration. And again I would think Mr. Pusateri would tell us that would probably caution not to belabor too much in the public to the employment of Mr. - And again, I'm not trying to ...

Mr. Osborne: You dealt with Mr. Held on a daily basis.

Mr. Snyder: I agree.

Mr. Osborne: And you should have some concern here as to what's happened.

Mr. Snyder: I have a meeting with the Mayor tomorrow. In fact the Mayor has - I've talked to the Mayor and the Mayor is going to meet with me tomorrow to discuss that same issue. I did - I did inquire as to what it is and I do have a meeting tomorrow afternoon with the Mayor to discuss that issue.

Mr. Osborne: Well this council going readily affirm a new appointee and are not - have no concern over these proceedings that have come about out of the clear blue.

Mr. Snyder: Well I can't say that. I mean we have not been presented with anybody right at this present time to confirm. And again that will be done when the Mayor does in fact hire somebody or tentatively hires somebody and submits it to the council for approval. And I can't prejudge what they'll vote for, but it will be done through the process of the charter. But that's about - you know and I wish I could give you some type of concrete answer. But again, I don't know the facts any more than you do sir. I found out this afternoon when the Mayor called me. So I don't know any facts other than what I've heard and here say. So you know...

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Mr. Osborne: Other than the water department employee that was fired a few years ago, I don't believe we've ever had a firing at this level of the administration. Have we?

Mr. Snyder: I don't recall one in my term around here, but... So we'll come right back to you after I get around here cause there's some councilmen that have some comments. Mr. Benekos, you have any comment?

Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Mr. Foltz.

Mr. Foltz: A lot has been said tonight. You know first of all for the Park Board, excuse me, the rec board members Debbie Goldthorpe and Mark Cerreta, I enjoyed working with them. I said that at the Rec Board meeting tonight. They did a wonderful job. Because I did attend most of the meetings. I wasn't at every one, but I had a good faith effort to be there. We all understand what a nice job that Kim Cooksey does and the rest of the board. And I wish them well and I applaud their years of service for the rec board. But in saying that I also understand that it's the Mayor's prerogative to appoint new people if he sees fit. He's working through the process. I think that's what we have the charter for, we can't ignore this language here; that we've had what four commissions review it since its inception since 1960 and we have to abide by it. Okay, we can all have our personal opinions. I think the less said about the situation with David Held at this time the better. I think he was a good man a professional, but here again this was Mayor Rice's decision and I respect Mayor Rice to make that decision. Going back to director of economic development, I think Mayor Rice explained the you know the situation to us. We authorized the money for the position. We're not part of the hiring process. As the Mayor is not part of the hiring process for our Clerk of Council, our Director of Finance and our Law Director. I don't think he sat in in any of those meetings or any part of the administration. That was our decision as spelled out by the charter. Nor do I want that responsibility. It's Mayor Rice's decision to run this city as he sees fit. He's the administrator and I respect that. And for the most part I support Tom Rice on a lot of his decisions. I want that to be known. You know our duty is not to contradict our roles as provided through the charter, we have to understand that. Whether you agree, disagree or impartial to Mayor Rice's decisions, our opinion is really immaterial because through the charter he has those responsibilities to appoint or remove from office. And once again, I'm saying I respect his position to do so. That's all I have Jon.

Mr. Snyder: Thank you sir. Mr. Lindower.

Mr. Lindower: No report.

Mr. Snyder: Mr. Lane.

Mr. Lane: Well on a happier note I'd like to congratulate the street crews on a nice job over the last 24 hours. Having just traveled back from Illinois and putting up with some of the ice and everything else, it was nice to get back here and not have to worry about that, which is nice. Regarding the other matters, I too am going to miss Dave. I worked with him just a very very short period of time - knew him prior to that. He did a great job I think. And I'm hoping, because of the number of issues that we as council people have, we need a go to person, so I'm hoping that whoever it is that the Mayor is going to replace him with that the process gets started as soon as possible. And in the interim I'm assuming we go to the various department heads or through your office. Correct?

Mayor Rice: You can just go right through me...

Mr. Lane: Okay.

Mayor Rice: if you want to, at this point in time. If you need something call me.

Mr. Lane: Okay. And regarding economic development, I did work Mike Miller in his capacity in Canton as - during the census project and found him to be a very likable guy and a good guy to work with and took the ball and ran with it and did a lot of things that previous administrations down there had not done. Look forward to working with him. I echo some of what Doug's comments are in that we went out of the gate knowing exactly what we funded and how it was going to be funded. I know we've talked about the possibility of changing that and I'm certainly open to the consideration of it, but at this point in time the money was there, the Mayor made the hire and I think he made a good choice based on the names that I did see. So nobody asked my opinion on him, but I think Mike's a good guy.

Mr. Snyder: Thank you. Mrs. Kiesling.

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Mrs. Kiesling: Yea, a couple things. I am concerned about the Director of Administration leaving us. I think it is our business and the main reason is we are responsible to the tax payers for the money that they give us. And Mr. Held was trained, we've spent a lot of money on Mr. Held. I think he's done a wonderful job these last two years. I know of no one who has complained of him - about him. And I almost feel as if it is a waste of money. We only have two year terms on the mayor you know if we really were going to change administrators every two years that would cost the city a lot of money. And in your campaign you did state you were going to keep David. So I'm very disappointed that you did not live up to that campaign promise as some people might say. I think it goes to how loyal you are to your employees who work at the whim of the mayor. How so many people have said tonight they work at your whim, at your beckon call. I'm not quite sure how you're going to attract new people to the city - why they would feel comfortable leaving a position to come work for you. I couldn't even imagine why they would do that because your term is up next November 30th. You may no longer be mayor and if you are mayor and you promised someone a job and what - what are we 30, 60 days into barely and you let him go and you will not explain to us why you let him go other than - I really don't know why you let him go other than - I really don't know why you let him go. And I don't think that that is a good enough explanation to the people - people's money that you are spending the way you spending. We spent a lot of money on David Held. My other comment is to the Economic Development Director, I think it's very obvious to everybody that I wanted to get onboard of the process from day one. The Mayor and I had a conversation probably three weeks after I was elected, knowing that I'd be chairman of Community and Economic Development, but I would love to get involved in the process, help do the research, do what it took to bring this person to the city and help us to the future. I was discouraged in that process, told that you didn't need any help - that was fine. When we got the information I met with ...inaudible... council members and we - all of us actually, except for Mr. Foltz, agreed that we wanted some changed in the duties, responsibilities, qualifications as you had mentioned earlier. And you and I had a conversation and you made it very clear that no way, we weren't allowed to change anything in that book. We either fund it or we don't fund it, but you were going to do what you wanted anyways. And that's putting it nicely actually. So I tried then - then it came back to everybody and I said you know what, we all agreed during the campaign this is something the city needed and I will be the first to say that. And you were elected as mayor and we decided as a team, the seven of us, that we were going to trust you and we were going to let you make that decision. But we trusted you with the intent that you were going to keep us involved and not shut us out. Well you shut us out. And I know you're saying you were being - you weren't being secretive, but I don't know of any other board, commission or anything in this city that the members of it are not known. I don't know one. And I don't know any single reason why the members of it should not be known. If they are willing to serve on that board then they are willing to answer to anybody in the city. They are helping you pick the person you would think would be best for the city. So I don't agree with the fact that they were afraid to get phone calls and people calling them to encourage them to hire them. I don't believe that. I think most people have too much integrity to do that in this world. So I'm very disturbed at that. And then again, you know I asked to get involved in the process. I thought I was going through the right channels and I had the President of Council call you. You do not return his phone call. Two later - two days later I said, please send him a memo because I know he's interviewing people and I'd like to be able to get back to council and let them know how the process is going. That memo was given to you on a Friday, on Tuesday you called the President and said no, I want no council input this my role. On Wednesday I wrote you a memo stating I wanted to know why in writing that you absolutely refused to let any of us be involved. It made no sense to me. There's a council member on the Planning Commission, on the Zoning Board of Appeals, on the Park Department, we represent this entire city, the CRA Committee. We are on every board there is just to serve as liaisons, which I think has been said several times in the paper. That is our job. And you wouldn't allow me to do my job as Chairman of the Community and Economic Development. And that very much bothers me, because you are spending these people's money that I am responsible for also. So I send you memo and asked you to give me in writing why you will not allow me in the process. Well that was last Wednesday and I don't have a reason in writing. Then I sent you another memo, which the Law Director and I have talked about, stating Section 3.03 of the Charter, which you and I had a conversation about. And the Law Director is going to give me a formal opinion, but in my eyes you are wrong, we do have more power on Section 3.03 than you assumed. I believe that's why you hired your man today. And here we are not knowing what we should do because and I think it's obvious, five of us at least felt as if we were going to repeal the legislation because we weren't happy with the process. That open government was not fulfilled in this area, not even close as far as I'm concerned. I trusted you and I knew I shouldn't of but I did. And then I got the support of five people to repeal the legislation. And now it may be a little bit harder to do now that you've hired this person, but I'm still onboard to repeal the legislation if I can get four members to do that and start from scratch with a board that represents the cross section of this community. Denny Flechtner is on the CRA Board, the Planning Commission, he has four contracts currently with the City of North Canton in - with CT who he works for. He has a conflict of interest. Tom Besozzi, he was on your campaign to be reelect committee. I think they represent - they are not a fair representation of the cross section of this community. I think you picked people who you don't even know to come and help you. Or people who may have experience in the field like Daryl Revoldt. You know what, Daryl Revoldt would of been your best pick. And none of us would of said a word because we would of thought dang, he actually stood back, put his differences aside and said you know what, Daryl works for the Governor in economic development, he may have a lot of ideas that may help this city. And none of us would of said a word. We would of known we were well represented on that board because that's what he does for a living and he's not on any other board in this city. I don't think you

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picked your board very well Mr. Mayor. And you know what, that's your - that was your choice. But you made it very clear when you came to us asking for a department or a director that this was going to be an open process and this was going to be the greatest thing for the city and we're all going to get onboard. Well we were onboard, but for some reason some of us have stepped off and those reasons are the way you behaved in the process. And I'm very discouraged. You know what, you and I have talked and we can agree to disagree several thousand times in the last two years. And I don't know we're not a different generation, but when I grew up open government meant we worked as a team. Whether you're on the judicial side or the executive side or the legislative side, daggonit we're all here for one stinking purpose. And I don't get that impression from you. And you know what, you probably don't get that impression from me sometimes. And these are our opinions and that's fine. But I still standby repealing the legislation if anybody else wants to come onboard that's fine. That's all I have to say.

Mr. Snyder: Mr. Peters.

Mr. Peters: Yea, I couldn't of said it any better. I just have a few things on the Director of Administration. I have spoken to a few employees of the city and you know they hold Mr. Held in high regard you know saying he's been honest and forthright with them in all their dealings. You know I also have found him to be honest and forthright with me as well. I'd like to know what has changed from the last glowing report? You know is there documented proof of a pattern of misconduct? And are personal politics and agendas clouding good judgement? That's all I have.

Mr. Snyder: Mr. Sarbach.

Mr. Sarbach: I'm saddened by all this. When we ran for this election it was to bring some civility back to this. And I think, at least on this side of the isle, we have and we've demonstrated that over the last few months by respectfully agreeing to disagree on some issues. I think these recent events that have been related to us have set a very dangerous precedent in this city. I'm hearing episodes of name calling, retaliation. None of these I can document. I guess they're here say, but very disturbing, very disturbing. And it shows a lack of people skills and the traits demonstrated by a power addict. And I hope your meeting tomorrow is fruitful. I hope we can come to some kind of understanding and some kind of neutral ground where we can work together on these issues and get back the focus of working for the city. And this is - it's very disturbing. And I have several other things I'd like to talk about, but I don't think they're going to be productive tonight. So I think we'll just let this unfold. If we can help in any way by offering counseling or anything of that nature, I would be receptive to doing that. But I think dialogue needs to start with the - dialogue needs to continue with the President of Council and the administration and hopefully they'll be understanding of our views and of our concerns and we can come to some kind of mutual agreement and get back on the same page in this city once again. That's all I have.

Mr. Snyder: Thank you. I have ... two things. Number one, first let me address the fact that - and I say this very respectfully, I don't think anyone sits here that has a closer relationship, outside of Mayor Rice, with David Held than I do. I speak to him more often than I speak to anybody. And I've had many long conversations with him. Most of it in a private matter that I would not discuss even with the Mayor, but - or anybody else because I was asked to do so. However, as you know I am saddened by it, but yet at the same time the Mayor does have the right, as I pointed out, by charter. Mayor Rice offered to me, when he did call me, that he would sit me down and explain exactly, because he does know the relationship that I have with Administrator Held. And I hope that out of professional courtesy and his courtesy to me and our friendship over the years, that I will get that tomorrow. And I promise, as I always will, I will report back to each and every one of you my feelings. However, again I say it's not probably what we hoped to start it out with, but we've been dealt the hand and we're going to play the cards as we've been dealt and move accordingly. And that's about all I had to say on that. The only other question I had and - cause I was told of some things that might develop, Mayor, do you recall if the CRA - how far it extended down off Pittsburg and in that area, off the top of your head? Do you...

Mayor Rice: I don't think it goes down Pittsburg at all, Jon.

Mrs. Kiesling: It doesn't.

Mr. Snyder: It doesn't go into that region? In fact I will...

Mayor Rice: No. We'll get you a map though. Jim will send you over...

Mr. Snyder: Yea, I'll talk to you tomorrow on that. Because I was told a couple things I don't think is public yet so I won't repeat it. But I will get together with you on that tomorrow and we can talk about. Any other thing? Mr. Foltz...

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FINAL CALL FOR NEW BUSINESS:

Mr. Foltz: Jon, I just want to follow up. I'm disappointed in this council. You talk about open government Marcia...

Mrs. Kiesling: Certainly do.

Mr. Foltz: What - did I have any discussions with you about wanting to change our authorization to hire somebody?

Mrs. Kiesling: No, I asked Mr. Lindower to call you.

Mr. Foltz: You know that's ridiculous. You know if you...

Mrs. Kiesling: Why, he was chairman of personnel.

Mr. Foltz: if this is an open communicated council then keep me in the loop please.

Mrs. Kiesling: We did.

Mr. Foltz: No you didn't ...

Mrs. Kiesling: Did you get a phone call?

Mr. Foltz: We got to know our roles here. We got to know our roles here and like I said, it's the Mayor's prerogative not to put Daryl Revoldt on his committee that's going to review the next economic director. So I don't think he should be shamed into it, I really don't.

Mrs. Kiesling: No, that wasn't the point...

Mr. Foltz: I cannot ... can I finish please?

Mrs. Kiesling: Certainly.

Mr. Foltz: Cause I do try to do this cordially. And Member Lane, I do agree with you, I've had some experience working with Mike Miller. I was not part of the hiring process, as I stated earlier, with Mayor Rice, but I do feel he's a good pick for our city here. And the bottom line is, we have to be result oriented. And we can look at this next year, if we decide that's not the way to go, we don't have to provide the funds for it, it's that simple. But it's still the Mayor's discretion who he's going to hire, that's the bottom line. Last year I sat on this council where some current members, some that are no longer elected here and we ran Dave Johnson, the JGroup - I didn't run them out, I respected the man, we ran this guy out of town. He wasn't even able to do his job for the city. Now we're going to have a problem again with Mayor Rice's pick.

Mrs. Kiesling: I was onboard for the JGroup....

Mr. Foltz: The least we can do is give it a chance. Not look into every past incident that ever happened, but give this a chance. We owe that to the Mayor I feel, as a council. Whether you agree with the decision, disagree or impartial to it, we owe it to the citizens of North Canton.

Mr. Osborne: Inaudible... checks and balances?

Mrs. Kiesling: I just have a comment. I am impartial to the decision, because I do not know Michael Miller at all. The pick is not the issue at all. I would like to make that clear.

Mr. Snyder: Last comments? If not, may I have a motion to adjourn?

ADJOURN:

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

Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.

No: 0

The meeting adjourned at 9:07 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL