

# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Friday, January 30, 6:00 p.m. 20 04

## CALL TO ORDER:

The special meeting was called to order Friday, January 30, 2004 at 6:00 p.m. by President of Council Jon Snyder.

Mr. Snyder: Will the Clerk please call the roll.

## ROLL CALL:

1. 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, Director of Finance Herr and Clerk of Council Bittle. City Engineer Benekos was present in the audience.

2. Voice Vote - Confirmation of Director of Administration

Mr. Snyder: And the purpose of this meeting is to act on the hire - the potential hire of Mayor Rice for a new economic - for a new city administrator, Mr. Michael Miller. Mr. Miller is in the audience for those of you who don't know, Mr. Miller, will you stand up please, if you would sir? Welcome to North Canton. You all, I think, have had the opportunity to talk to him. If you're not, I think Mr. Miller, if this goes through, will be available for the weekend for some of you who'd like to speak to him. Before we open the discussion to everybody, I had the privilege yesterday of speaking with the Mayor and Mr. Miller. And I know and I'd like to say this publicly, I know some of you probably feel the Mayor has moved in a pretty expedient manner, but he's telling me, after reviewing Mr. Miller's application - as you know, Mr. Miller will be, at the very least, our Economic Development Director on Monday, but after reviewing his resume, the Mayor is seeing that he has quite a bit of experience as an administrator, both in Maine and in the City of Canton and felt that he would be a good fit hand and glove to the Mayor's administration and to the City of North Canton. So consequently, the Charter does say that we do provide an administrator, the Mayor's choice. It is his appointment. It is a man that he has to feel personally comfortable with. He works hand and hand with him. It is our job to confirm the Mayor's choice, not to make the choice. And Mayor, we'll try to do that tonight for you. I'd like to go around the horn, if anybody has anything they'd like to say prior and then we will call the vote. Mr. Foltz.

Mr. Foltz: Yea, I'd like to have a few comments here. Looking at Mr. Miller's credentials I think you can't do anything but confirm the position. I mean I've know Mike for 12 years. I've worked with him in different capacities in the City of Canton, he has a great reputation. And being former Service Director, Plain Township Administrator and I think you held a position in Maine to a similar sense, he's more than qualified for the position. So I would like to see this council get behind the Mayor in this pick. I feel that the shoe fits very well here for Mr. Miller. And we need to promote our city and move forward. A lot has happened this last week, but as I said at the end of the last meeting, it is the Mayor's pick and I feel we should confirm Mr. Miller for the Administrator. Thank you Jon.

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

Mr. Lindower: Yea, I would like to start out by saying that again I am aware of the fact, as well as everyone in the audience, the Mayor's authority to appoint who he wants to the positions that are that are at hand. I have no problem with that whatsoever. I have a problem with the process. I don't have a problem with qualification; I haven't questioned that at all. I don't know Mr. Miller personally, like Mr. Foltz does. I have no problems as far as his qualifications. I have a problem with the openness of the action that's taking place now. In view of the fact that last Monday David Held was fired from the city and at this particular point in today's time, I still have no idea why, other than the fact he wasn't going the same direction as the Mayor. Now I don't know what kind of a broad statement that is, he's not going in the same direction. I guess maybe I'm a little thick headed as far as trying to understand that. Openness with the public and the City Council, I feel that Mayor Rice has failed to do that. Not so much on this particular issue with the city administrator's position, but it started with the community and economic development applications. To day this day again, I have no idea again who all those people were involved as far as applications. I understand they were made available. I personally didn't go to the trouble to go look at each one of the applications, some of the members of council have, but there was quite a bit of resistance on that before. Having said that I probably need say that I have a suspicious mind. I've been told that I do and in looking at myself I say yes I do. However, I've got to say that in the past it's probably saved my life a couple times. I've talked to other members of the council in regards to this issue and have pretty much drawn my own conclusions. At this particular point in time I want to make a statement that City Council and myself included, don't intend to try to hold up the process that the city needs to go through as far as getting people to replace the City Administrator, who is gone, the Community Economic Development position, which was created by Mayor Rice. I don't want to hold that process up. At the same time I do want to hold the Mayor personally responsible for the responsibilities and duties and the way they're going to be performed by those folks who are being placed in those positions. I don't want it to be said later on down the line, should something go wrong, that it's

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council's fault because we went ahead and made the approval on the applicants. Having said that I'm perfectly willing to go along with the rest of the council on the vote or the confirmation for Mr. Miller. And again, Mr. Miller this is nothing personal; I don't know you personally sir. However, I still question the process that we went through on this as well as the community and economic development applications. Other than that I really have nothing more to say.

Mr. Snyder: Thank you Mr. Lindower. Mr. Lane.

Mr. Lane: I've just got some concerns for the city itself. We need an administrator. When I asked Monday night who was going to be handling duties, putting the David Held incident behind us just to focus on what's ahead, the Mayor said to call his office. The Mayor is a part time job here and various individual departments need a leader. And if we have somebody that's qualified and I don't think anybody would discount Mr. Miller's qualifications, including the newspaper who is - spoke glowingly of him, I see no reason not to bring him onboard or to move him up the ladder relatively fast. I wish I could get that kind of promotion. Work a couple of days and a couple of hours and get a nice increase, but also a great deal of increase in duties. So I just think we need to look ahead and get somebody at the helm that can do that job. Again, deferring to the Mayor and the fact that it is his appointment and our approval of that appointment. And the fact that Mr. Miller has already indicated a willingness to move in here as soon as possible, which I know is one of the qualifications, and is already looking at houses from what I understand. And I do have one for sale if you're interested I ... I have the key with me I can take you by there after we're done but ... And the fact that - and we have not alluded to this yet, but some of the things that have gone on regarding the economic development position which he is going to help lead the search to replace himself, I guess is the best way to do it and the fact that the Mayor has extended an offer to us to help in that process, I don't have any problem with it at all. I just think we need an administrator as quickly as possible, Mr. Miller is qualified and see no reason not to vote in his favor.

Mr. Snyder: Appreciate that. Mrs. Kiesling.

Mrs. Kiesling: Yea, I'd just like to start out by saying that I have received more phone calls these few days than I have in the past two and a half years sitting on council. The community is very concerned about the process of the city government and how and if it's being followed. They're not clear on the new direction of the city that has been stated several times here tonight and on Monday. Quite frankly, it seems that the new direction for the city is one of instability and the council and community, I don't think, will tolerate it. I know just from the phone calls I've received, they don't - they shouldn't tolerate it. The Mayor's impulsive decision making in the last week, I believe, I think we all can characterize it as impulsive. He fires and hires someone on the same day and then decides four days later to hire the same person into a different job. I characterize that as impulsive. I think it's reckless. And I think you need to get control of your vision or at least let us know what your vision is. In the last four days I have not a clue of what your vision could possibly be for the city. But I know what the vision needs to include and that's open, honest, transparent government and no more secrets and no more spur of the moment meetings and no spur of the moment firings and hirings. I just don't think that's compatible with efficient government. And I don't think that's what the City of North Canton deserves. So I do not go along with the process of confirming Mr. Miller tonight. It's nothing against Mr. Miller. His resume is impeccable. I just think maybe we should sit back and think about what we're doing. I realize we need an administrator, but I don't think that's a good enough reason to be impulsive again. So ...

Mr. Snyder: Thank you. Mr. Peters.

Mr. Peters: Thank you. I have just a quick statement here. You know we find ourselves here tonight as a direct result of impulsive and I believe irresponsible decisions. You know Mr. Mayor you created the situation we find ourselves in. You know we're asked to bail you out in this special meeting. We, as council, are asked to confirm tonight a candidate for Director of Administration, who up until yesterday was our Economic Director. Now you speak of going in a new direction; I have two questions regarding this position. What direction were we headed in before? And what direction are you proposing? Now perception is reality and the perception that I and the many citizens of the city have, is that of impulsive and irrational behavior and that's the bad news. But I do have good news. You know it's still not too late to work as a team, in an open forum and with full disclosure. I've yet to talk to Mr. Miller. I've - this is the first time that I've ever laid eyes on him. And a decision this monumental I believe cannot be made based on those facts. I can make them based on those facts. So I'd like to take the weekend maybe to sit down with him and hear his thoughts. That's all I have.

Mr. Snyder: Thank you sir. Mr. Sarbach.

Mr. Sarbach: Yea, I agree with most of what everybody said so far that this is kind of quick. I do respect and honor and agree with the Mayor's right to do, according to the Charter, to hire this and I have no problem with that. Inaudible... the process I have questions with. But I'm going to allude to one other thing. I remember when Mayor Rice was President Rice and sitting in this chair and would complain about things happening too fast. Give us time to think about this. This is too much. Let's look into this and make sure this is the right thing. I'm going to echo those statement. I can't vote yes, because I don't think I have all the facts yet. I can't vote no, because everything I have heard, Mr. Miller is a good fit.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Friday, January 30,20 04

So if I were to vote tonight I would have to abstain just based on what Mr. Rice would of said when he was on this side of the isle that we need some time to think about it and digest it. I've talked to four people today and I'm getting some good input. And I talked to Mr. Miller a little bit this afternoon and I was very impressed. I think we need just a little bit or I need a little bit of time to digest this. And I think I could probably really comfortably next week give a decision favorable to the Mayor and Mr. Miller. But at this time I would - I'd just like to digest it a little bit and be in the comfort zone with it. That's all.

Mr. Snyder: Thank you. I think and I've taken to council everybody, as I did talk to each and every one of you yesterday after speaking to Mayor Rice and Mr. Miller. And I will say looking at it from an elected official of this city and a long time resident of this city, number one, the position of administrator is that choice of the Mayor. I know if I was leading a battle and going into war I would like to choose the generals that support me. I don't know that I have or -- and I say this respectfully, I'm not trying to be arrogant or belligerent, I don't have the right to decide who he does submit for confirmation. Mr. Miller brings to us something that we've never had in this city and that's the - we have a couple growth potentials that's either through JEDD's and CEDA's. And the second largest income stream to this city water. Mr. Miller has unqualified credentials in the systems of water. They have the largest water system probably in the state in the City of Canton, Ohio. If he can bring to us an ability to move our water ... north, west, east and south - but not south unfortunately that's ...inaudible... If he could bring that to us, the \$74,000.00 we pay a year is more than well spent. And again, I think - I realize and I'm sure the Mayor in some of his decisions as we've all made, probably would like to say hindsight is always 20/20. Unfortunately there has been some things made and we may not have agreed as a council with the Mayor. However, the Mayor tells me with the qualifications and the quality of the man that he has submitted for confirmation, he is now going to be able to do what the charter says and become a ceremonial mayor. He has a man in which he has the utmost confidence in to run the City of North Canton, to run the operations on a day to day basis and the Mayor can go back to kissing babies and shaking hands and attending council meetings. And I think he has a business to run on South Main, which he'd like to probably run. And he has, as I've said with each and every one of you, he has promised me publicly and with Mr. Miller there, and I'm sure he has offered to tell each and every one of you the process to elect a new economic development director will lie with Mr. Miller and the development committee of Mrs. Kiesling and some new citizens appointed from the city. So that being said, I think that I myself will support Mr. Miller. I hope that each and every one of you will do the same. However, for your reasons you vote your conscious and then we'll move on with this. And Mr. Miller I apologize for whatever way the chips are going to fall. You might ...inaudible... you're going to come to work here Monday morning, so we'll see what position. So at that point I would entertain a motion to confirm the Mayor's appointment of Mr. Michael Miller to the position of Director of Administration, City of North Canton.

Mr. Foltz: So moved.

Mr. Snyder: Is there a second?

Mr. Lane: I'll second.

Mr. Foltz moved and Mr. Lane seconded to approve the appointment of Michael Miller to the position of Director of Administration.

Mr. Snyder: Will the Clerk please call the roll? Mr. Foltz and Mr. Lane.

Mr. Sarbach: Dueling Dougs...

Mr. Snyder: Pardon me.

Mr. Sarbach: Dueling Dougs.

Mr. Snyder: Dueling Dougs.

All members present voting:

Yes: Lane, Snyder and Foltz.

No: Kiesling, Lindower and Peters.

Abstain: Sarbach.

Mrs. Bittle: Mr. President, we have three yes, three no and one abstention.

Mr. Snyder: Then I would hope - Mayor, I would say this to you respectfully and to Mr. Miller my apologizes and to the Mayor my apologizes. I would hope that you would put Mr. Miller on Monday in the position of Economic Development Director temporarily. I would hope that over the next two days - that of Saturday, Sunday and Monday, that the people that are not in the comfort zone yet if you'd be so kind sir to meet with them, try to put them in that position. I think the law precludes me to have a vote again on Monday night because it has not been advertised. Is that correct?

Mr. Pusateri: You have to advertise it.

Mr. Snyder: Is it possible - you cannot send it as a Saturday for a Monday night? Is that...

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Friday, January 30, 2004

Mr. Pusateri: I think ...inaudible... just 24 hours. Right? Inaudible....

Mr. Snyder: Then I will say from the position of - I would ask that we advertise meeting for a special council meeting again Monday night immediately following the council - regular council meeting of the whole. Can I do that? Is that permitted?

Mr. Pusateri: Yea, if you have 24 hours to submit it to the paper. You have to come in tomorrow and do that though then.

Mr. Snyder: I apologize, but would you kindly do that? Is that comfortable to council that we do that?

Mr. Peters: Is Mr. Miller going to be available this weekend?

Mr. Snyder: Yes, he said he'd be available...

Mr. Peters: Okay.

Mr. Snyder: And those of you who would like to speak to him please be kind enough to see him right after the meeting and you can set up some type of appointment. I'm sure the Mayor will let you use his office or his conference room or...

Mayor Rice: Jon, may I say something?

Mr. Snyder: Please Mayor, go right ahead. I'm sorry...

Mayor Rice: Just a couple brief comments here. Number one, I think council just embarrassed the City of North Canton. Dave, I called you yesterday to try to discuss this issue with you, you've yet to call me back. I left a message on your answering machine. Wish you would of called me so we could of talked about this. I talked about - I talked about the David situation with you on Monday. You told me Monday you were satisfied with my explanation. I don't know what's changed since then.

Mr. Lindower: Inaudible...

Mayor Rice: Marcia Kiesling continues to threaten to pull funding and intervene with the economic development position to where quite honestly we're losing candidates. With the actions of several members of City Council, publicly and otherwise, we'll be lucky to find any candidates that want to come work for the city under the conditions that this council has created. And I know it's fun to sit around and play your political games to try to make political hay out of a very serious situation. And I know there's very few members on this City Council that have ever owned and operated your own business. Then maybe you'd understand some of these situations that it's not impulsive when you have to do things for the good of the organization. That's not impulsive, it's not reckless, it's called leading. It's called making the tough decisions that you have to do for the good of the overall organization. If anybody here thinks I've had a lot fun having to make these tough decisions you're sadly mistaken. But when I took my oath of office and I - every time I ever have, I commit that I will do what needs to be done regardless of the political fallout. Unfortunate we have a lot of people on this council that would rather play politics and play games than really do the public work and do truly what's in the best interest of the city. Mrs. Kiesling, Mr. Sarbach, came in and had the opportunity. Mr. Miller has been sitting here since 3:00 this afternoon. I want to know what you're going to be enlightened with over the weekend that's going to make you change your mind and be in favor instead of against. I told Jon yesterday he would be here at 3:00 for three hours prior to the meeting for anybody that had any questions or wanted to meet with Mr. Miller. Two people came in and took advantage of that out of seven and those two people vote no. It's amazing that several of you continue to cry to the news media how you want to cooperate with the administration. Your actions don't follow your words. You say you want to cooperate, but you really don't want to cooperate, that's just your battle cry for the public. Gee, we want to cooperate with the mayor. No you don't, you want to play politics, that's all you're doing. Openness - openness to City Council, several of you, is a one way street. Ask yourself how many times have you people ever called me to want to talk about anything.

Mrs. Kiesling: Several.

Mayor Rice: Rarely, rarely. Mr. Peters, I haven't received a phone call from you in the city, at my home, anywhere since the day you took office.

Mr. Peters: I've yet to hear from you too.

Mayor Rice: Oh, I've called you a couple times right after the election. I've called you even prior to you even getting sworn in. My point is it's easy to make accusations back and forth. Let's all pile on the mayor, let's all blame it on the mayor. Cooperation takes two. So before you start sitting back pointing fingers that the mayor is not open or the mayor is not cooperating, look yourself in the mirror. And let's call it the way it is and that is you folks are equally responsible for the openness, for the cooperation. I don't hear anything from City Council members on - at your initiative. Rarely does that happen. Ask yourself what you're doing to cooperate and open your dialogue with the administration. So I just think this is an embarrassment to the City of North Canton. And I wouldn't blame Mike Miller if he said he wants nothing to do with the City of North Canton. I think he's already wondering what he's getting himself into. And I know other people have already contacted me to say they wouldn't come up here and work for nothing and I think that's sad - I think it's very sad. So we'll have to see - I'll have to consult with Mr. Miller and decide if he even still wants the job. I don't know.

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Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Friday, January 30,20 04

Mr. Peters: Jon, may I respond to that?

Mr. Snyder: Please.

Mr. Peters: First of all, owning your own business obviously allows you the opportunity to come and go as you please. I unfortunately work for somebody else where I'm required to work. Okay. I didn't have the opportunity to come in to meet him. As far as you calling me, you obviously left a message with my two year old. Because it wasn't with me, it wasn't with my wife, it wasn't on my answering machine. And I've worked at various levels of management with different companies. And I'm going to go back to the three questions I asked you on Monday as far as David Held is concerned. Is there documented proof of a pattern of misconduct? Okay. What has changed from the last glowing report you gave him? I haven't heard anything. And you spoke of going in a new direction. What direction exactly are you talking about? I haven't heard anything. I mean you haven't verbalized a direction to me. I can't speak for the other council members.

Mayor Rice: All I'd ask Jeff if those questions are so pressing for you, why haven't you bothered to call and ask me those questions?

Mr. Peters: I asked you on Monday.

Mayor Rice: Why do I - why is the first time I've heard you ask those questions is tonight in a public forum?

Mr. Peters: This is the first time? I believe I asked those on Monday. Yea, as a matter of fact I did ask you those on Monday.

Mayor Rice: My only point is if it's so important why is the only time you can ask those questions is when we're in a public forum? You don't want to call and sit down with me?

Mr. Peters: Again...

Mayor Rice: Why don't you call and say hey Mayor...

Mr. Peters: Again, I work for someone else. I work 40 hours plus a week.

Mayor Rice: Hey, I'll meet anytime of - 24, 7.

Mr. Peters: My wife works evenings...

Mayor Rice: Nights, weekends I'm available.

Mr. Peters: and I take care of my two daughters in the evening. Okay.

Mr. Pusateri: Wait one second. You can't speak at the same time because cause I think Mary Louise is having problems both in the transcription. So I'm sorry. I'm ... saying ...inaudible... Thanks. She's looking worried over there.

Mr. Snyder: Well I think we're going to deteriorate here. Let me say this, I will say one last then we'll close if we may. Ladies and gentlemen I hope that you do avail yourself to Mr. Miller this weekend. Mr. Miller, we'll make sure it's not around the Super Bowl, in case you have a bet down. So we'll at least give you that much. And - but please make sure that you - those of you who want to see him make arrangements personally with him. And I'm sure the Mayor again will allow us to use his conference room in the back. And I would like and I hope that you all come back on Monday with an open mind that we can take this vote again and that your questions will be answered. And I'm sure if the Mayor - you have got questions of the Mayor and he's around he'll gladly answer those questions. And I think some of those are probably better asked one on one in a little different setting. But I appreciate all you coming to the meeting. Mr. Sarbach you have something...

Mr. Sarbach: Just procedural. We don't have any trouble advertising it tomorrow and doing it Monday. Is that correct? That's the consensus of opinion.

Mr. Snyder: I was mistaken. I will defer to the Clerk. I apologized to her for bringing her in on a Saturday to do that.

Mrs. Bittle: You just want a special council meeting immediately following...

Mr. Snyder: Following - we unfortunately have as you know we have an executive session, I think it's 6:15...

Mr. Pusateri: That's right.

Mr. Snyder: But actually.

Mr. Sarbach: Can we do it proceeding? I mean can we start off the meeting with it?

Mr. Snyder: I was just going to say if you wouldn't mind...

Mayor Rice: Jon, I...

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Minutes of

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mr. Snyder: right, five minutes before the hour.

Mayor Rice: I'm very sorry but I don't know - I'm not going to continue to expose Mr. Miller to this kind of an embarrassment. So unless there's some assurances that council is going to change their mind by Monday night I don't see the point.

Mr. Snyder: Well Mayor I hope that - and I appreciate that Mr. Mayor, but ...

Mayor Rice: I mean...

Mr. Snyder: may I address Mr. Miller? Do you - would you have a problem Mayor if I asked? Mr. Miller, am I - could I possibly schedule that meeting and you would still entertain the thought of taking Mr. - Mayor Rice's offer?

Mr. Miller (speaking from audience): I'll still entertain it. Obviously, I'm going to want to talk to the folks that haven't talked to me ...inaudible...

Mr. Snyder: Absolutely. And predicated on that.

Mr. Miller: And I don't want to have a vote taken here Monday night to either tie or vote not to hire me. Inaudible...

Mr. Snyder: No, I agree and I agree sir.

Mr. Miller: And a situation where I'm concerned how ...inaudible... work together once this all happened. Because I don't want to come into a situation that's chaotic. I want to come in and move North Canton forward.

Mr. Snyder: That's a point well taken. Is that fair enough to the members?

Mr. Sarbach: Very well, yes.

Mr. Lane: Yea, absolutely.

Mr. Snyder: And Mr. Mayor, with due respect sir, I think that - I'm not a handicapper, so I can't tell you, but I think more than not you'll receive a favorable vote.

Mr. Sarbach: It hasn't been 24 hours since I received a notice of this meeting. So I don't see what another weekend would make. But obviously it's your call.

Mayor Rice: No, my same thing, I don't know what decision you can make Monday that you can't make tonight, but that's fine. I just...

Mr. Sarbach: Well there's people...

Mayor Rice: I'm trying to protect the integrity of my appointee here.

Mr. Snyder: Well ...inaudible...

Mayor Rice: And I'm not here to let council continue to embarrass the man.

Mr. Sarbach: Well I personally I don't think his integrity is in any question on this council.

Mr. Peters: Not even close.

Mayor Rice: It's not with me.

Mr. Sarbach: It's just a matter - it's just a matter of getting in a comfort zone with something that just happened yesterday afternoon, that's all. And I would ...

Mayor Rice: And you're going to meet - are you going to meet with him again over the weekend?

Mr. Sarbach: reiterate again to Mr. Miller, I would say again to Mr. Miller that this is no reflection on his qualifications or his personality whatsoever.

Mr. Snyder: I think only ...inaudible...

Mayor Rice: Can I ask you? Do you plan on meeting with him again over the weekend?

Mr. Sarbach: No, I'd like to meet with you right after this meeting if I could.

Mr. Snyder: Mr. Peters...

Mayor Rice: Okay. Or Marcia.

Mr. Snyder: Mr. Peters.

Mayor Rice: I mean because they met with him today.

Mr. Sarbach: I believe Mr. Peters will.

# RECORD OF PROCEEDINGS

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mr. Snyder: Mr. Peters...

Mr. Peters: I would love to. Like I said this is the first time I've laid eyes on him.

Mayor Rice: I can appreciate that.

Mr. Peters: And would you make that - a decision that big, not even knowing a person?

Mayor Rice: Yea. Actually Jeff, I've been on council and confirmed numerous administrators as well as other people and I always deferred to the judgement of the mayor. And I never...

Mr. Peters: I'm not as comfortable making an uninformed decision...

Mayor Rice: Whoever the mayor, when I served on council whoever the mayor, as the rest of the councils I served with, never do I recall, on a council that I served on, that anyone voted against the mayor's recommendation for an administrator. Especially when the person had the kind of credentials that Mike Miller has. And I would suggest his credentials supercede anybody I ever voted for. But - so I think it's a matter of class, a matter of courtesy and a matter of showing that you truly want to cooperate and you want to work together or you want to play games. And I think - it's pretty obvious to most people, what we're doing with some people is we're playing games, we're trying to, you know punish the mayor, the mean old mayor and play games here. And it's very unfortunate because I think it's bad for the city - I think it's very bad for the city.

Mr. Osborne (speaking from the audience): Mr. President, I would like to see the Mayor answer...

Mr. Peters ...inaudible...

Mr. Foltz: Jon, I think we can end the meeting. Inaudible... public speaks.

Mayor Rice: Are there public speaks tonight Jon, or is he out of order?

Mrs. Magel (identified by Clerk): Sit down.

Mr. Foltz: He's out of order Jon.

Mr. Snyder: Thank you. Is a - Mr. Lane...

Mr. Lane: Yea, I just have one other - I'm not carrying water for either of the guys, but I do - I am concerned about this city not having somebody at helm. And as I said, Monday night I asked who do we call when a citizen calls us with a major problem, we're supposed to call the Mayor. I don't think the Mayor is in any mood at 3:00 in the morning to try and find out how to fix a snowplow and we need somebody in there to do something like that. So again, putting politics aside and just looking at the city only, I think we need an administrator in here as soon as we can. And if we have somebody qualified at the helm, I'd like to see us move forward.

Mr. Snyder: And I'm sure Monday, through the business day, if the Mayor's not available, Mr. Miller will be in his office back there. If you'd be kind to carry the water if there's chuckhole that somebody needs filled there you may be able to - and of course we have great department heads there that will do that.

Mr. Foltz: Jon, the only that I'd like to say is I don't - I'd prefer we not have the meeting if nothing is going to change on Monday.

Mr. Snyder: I a...

Mr. Foltz: I'm embarrassed that we had the meeting tonight without a confirmation. And I don't know exactly how it came down, you set the meeting up with the Mayor, but I will echo the Mayor's statements in that regard. So I'll leave it at that. If nothing is going change why have the meeting?

Mr. Snyder: Mr. Foltz, that's a point well taken.

Mr. Foltz: You know...

Mr. Snyder: I think sir, in my prior conversations prior to the meeting that I - again I'm not handicapper nor can I read minds, but I feel very confident, about 75 percent, 80 percent, that it will happen and that will go in the favor...

Mr. Foltz: Okay.

Mr. Snyder: of the Mayor and Mr. Miller. That's on Monday night. But Mr. Peters wanted to see him and possibly Chief Lindower would want to speak to him, I don't know maybe over the weekend. I don't know what his schedule is, but at least Mr. Peters will be - have a chance to spend a little time with you. And probably if you buy a little of wine you may even be able to entertain him for a little while anyway. But is there any other business that needs to be taken.

Mr. Foltz: No...

Mrs. Herr: Did you ...

**RECORD OF PROCEEDINGS**  
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

SPECIAL Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Friday, January 30, 20 04

Mr. Snyder: If not I'll entertain a motion? Excuse me...

Mrs. Herr: Did you decide what time you were going to have it?

Mr. Snyder: Is five minutes to seven convenient? It's a - is that convenient? Do we need a roll call to save the police - would you be kind enough to entertain a motion to have a special meeting at 6:55, that's right after the Board of Control, to have special meeting, the confirmation of the Director of Administration.

Mr. Sarbach moved and Mr. Lane seconded to schedule a special council meeting for Monday, February 2, 2004 at 6:55 p.m.

Mr. Snyder: Is there a second?

Mr. Lane: I'll second.

Mr. Snyder: Is there a - Madam, will you please call the roll?

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

Mr. Snyder: That will save the police delivering it. So it will be - thank you all for coming. And may I have a motion to adjourn, please?

ADJOURN:

Mr. Foltz moved and Mr. Sarbach seconded to adjourn the special council meeting.

Mr. Snyder: Roll please.

All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

The special council meeting adjourned at 6:36 p.m.

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PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL