

RECORD OF PROCEEDINGS

0101

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, October 10 7:00 p.m. 20 11

CALL TO ORDER:

- 1. The council meeting was called to order Monday, October 10, 2011 at 7:14 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

- 2. The opening prayer was delivered by President of Council Jon Snyder.

PLEDGE OF ALLEGIANCE:

- 3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

The following members of Council responded to roll call: Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.

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

5. CONSIDERATION:

Council Meeting Minutes – September 26, 2011

Mr. Snyder: May I have a motion to consider the council minutes presented for the meeting of September 26, 2011?

Mr. DeOrio moved and Mr. Davies seconded to approve the council meeting minutes for September 26, 2011. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.

No: 0

6. COMMITTEE MINUTES:

Mr. Snyder: May I have a motion to consider, as presented, the Committee minutes for Executive Session for Personnel & Safety held the 26<sup>th</sup> of September 2011; Committee reports for Finance & Property; Ordinance, Rules & Claims; Street & Alley; and Water, Sewer & Rubbish, all held the 3<sup>rd</sup> of October 2011.

Mr. DeOrio moved and Mrs. Kiesling seconded to approve the executive session and committee report minutes, as submitted. All members present voting:

Yes: DeOrio, Kiesling, Peters, Snyder, Cerreta, Davies.

No: 0

Abstain: Foltz.

**Executive Session for Personnel & Safety:** Please refer to the minutes on file in the Council Office of the Executive Session for Personnel & Safety Committee held September 26, 2011.

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held October 3, 2011.

**Ordinance, Rules & Claims Committee:** Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held October 3, 2011.

**Street & Alley Committee:** Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held October 3, 2011.

**Water, Sewer & Rubbish Committee:** Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held October 3, 2011.

- 7. VOICE VOTE: Referring the proposed petition to vacate a portion of Alley No. 12 to the Planning Commission for a recommendation.

Mr. Snyder: May we have a voice vote to move, a motion and a voice vote to send to the Planning Commission the vacation of Alley No. 12.

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Mr. DeOrio moved and Mrs. Kiesling seconded to refer the proposed petition to vacate a portion of Alley No. 12 to the Planning Commission for a recommendation. All members present voting:

Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio.

No: 0

## 8. RECOGNITION OF VISITORS:

Mr. Snyder: At this time the Council will recognize any visitors wishing to speak to the Council. Please step forward and state your name and address for the record. Seeing none, we will move to old business.

## 9. OLD BUSINESS:

Mr. Snyder: The first thing on the agenda is Ordinance No. 84-11. Chairman Davies, do you wish to have this tabled at this particular time?

Mr. Davies: Yes, please.

Mr. Snyder: The memorandum of understanding is not complete so the Council will not consider this piece of legislation at this time. However, motion and second to table?

Mr. Davies moved and Mr. DeOrio seconded to **table** Ordinance No. 84-11. All members present voting:

Yes: Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio, Foltz.

No: 0

## 10. Mr. Snyder: May I have a motion and a second to read by title only, third reading of Ordinance No. 86-11.

Mr. Davies moved and Mr. DeOrio seconded to **read by title only, third reading of Ordinance No. 86-11**. All members present voting:

Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling.

No: 0

**Ordinance No. 86-11 – 3<sup>rd</sup> Reading – Finance & Property**

An ordinance amending Appendix "A" of Ordinance No. 12-11, Appropriation Ordinance of the City of North Canton, to include the purchase of one (1) new Ford vehicle for use by the City of North Canton Administration, at a cost not to exceed \$25,000.

Mr. Snyder: As we discussed, this car would be put into the pool, but would be for the Administration to use for both local and out of town squiring prospective business people around the City. It's a small car and it's a small request.

Mr. DeOrio: I'll make a small motion to approve. (Laughter)

Mr. DeOrio moved and Mr. Foltz seconded to **adopt the third reading of Ordinance No. 86-11**. All members present voting:

Yes: Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters.

No: 0

## 11. Mr. Snyder: May I have a motion and a second to read by title only, second reading of Ordinance N 88-11?

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, second reading of Ordinance No. 88-11**. All members present voting:

Yes: Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.

No: 0

**Ordinance No. 88-11 – 2<sup>nd</sup> Reading – Ordinance, Rules & Claims**

An ordinance authorizing the Mayor of the City of North Canton to enter into a twenty (20) month Electrical Agreement by and between the City of North Canton and FirstEnergy to supply electricity for the various City accounts and declaring the same to be an emergency.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: This is that Ordinance that we were talking about. FirstEnergy, we had the gentleman in last week and he talked to us about the savings that we would have with FirstEnergy over - who's the other one?

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Mr. DeOrio: American Electric Power.

Mr. Cerreta: One of the things - did we get an answer to the questions that we had about some of the other buildings in the area like, say the Fairways or the Civic Center? Is that also going to be part of this, that whole package that they're going to put in? That was the one thing that I think he was - we didn't get answered.

Mr. Grimes: Yea, the buildings we outright own are included in that package.

Mr. Cerreta: Even though we lease them?

Mr. Grimes: I don't believe the Fairways are because we lease the Fairways and it has to be the person that pays the bill and they pay that bill so we can't put that on there.

Mrs. Kiesling: So it's the same for the ball fields then too? I know I emailed you about the ball fields.

Mr. Cerreta: Yea, that was the other one.

Mr. Grimes: Yea, I'll have to check the ball fields and see who pays that bill.

Mrs. Kiesling: Yea, I don't know who pays that bill. OK.

Mr. Grimes: I didn't see it show up on our electric bills when I first looked at them so I'll have to see who...

Mrs. Kiesling: OK.

Mr. Grimes: If we pay it we can get on it, if someone else pays it they cannot.

Mr. Snyder: OK. May I have a motion to adopt.

Mr. Cerreta moved and Mr. Davies seconded to **adopt the second reading** of Ordinance No. 88-11. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.

No: 0

Mr. Snyder: Time is of the essence as we must move to secure this so I'd like to suspend the rules for Ordinance No. 88-11.

Mr. Peters moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 88-11. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.

No: 0

Mr. Snyder: May I have a motion and a second to adopt under suspension of the rules Ordinance No. 88-11.

Mr. DeOrio moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 88-11. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta, Davies.

No: 0

Mr. Snyder: Before we get to reports, I'd just like to remind all of the Council members, Administration and the audience, tonight is the open house at the Fire Department so if you do get a chance they always appreciate if we can run over and just say hi and maybe have a cookie ourselves. They are there until 8:30. Thank you.

NEW BUSINESS: None.

REPORTS:

Mr. Snyder: Director of Law.

Mr. Nilges: None.

Mr. Snyder: Director of Finance.

Mrs. Alger: Nothing.

Mr. Snyder: Director of Administration.

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Mr. Grimes: Just that the Open House is two nights. It's also again tomorrow night. The Fire Chief is pretty fastidious so I told him that I'd tell people to throw cookies and that stuff around on his floor there so... (Laughter)... you know, if you want some entertainment, watch him while you do that, but it's usually a good thing to go see. Also, you see a lot of catch basins out there. We put in 57 catch basins this year with ourselves and farming it out to someone else. So we got a lot of those done and we got about 18 of our manholes lowered so that one, they are not so noisy and two, we won't catch our plows on and do that so they've been out there doing a pretty good job on that. Thank you, sir.

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

Mayor Held: Yes. We do have good news in reference to the drainage issues coming off of the Fairways. We just got information that Jim received an email, and what we've had is a design for a structure that would actually be like a five-foot ditch. We do have the plans for it right here, which I will be able to pass around. This is going to be - you see the front portion here. It shows you along the Fairways where we're going to put this ditch that's going to be five feet in width and then it also shows in the back portion here the profile of that, and if we get money appropriated this year, this Fall, it's quite possible that we could have this put in place. Really what this will do is catch the water that's heading down to Mrs. Mueller's property and also her neighbors. It's been an ongoing problem for years and also that water then consequently goes through the Mueller's property and her neighbors and then it goes on down through the Zimber Ditch. So this really will be an immediate way that we can prevent that water from rolling down through the Mueller's property, along Wilkshire and then ultimately down to the Zimber Ditch. It's not going to be something that will stop all of the problems, but it certainly is going to prevent thousands of gallons of water from rolling down there. So we will be placing it on the agenda so that Council can appropriate the funds and hopefully we could actually get this done this fall. What they're going to do, the next step is they're going to come out and the ... is going to be doing some soil testing.

Mr. Benekos: We have to do some soil testing to ensure that the soils beneath this can accept the water, that there is a sand-and-gravel layer along this area. We need to do the survey to find out where to best place the ditch. Now this should be hopefully next week. We had to get the purchase order cut and that's been sent over to Finance.

Mr. Snyder: We also included in that study that Peachtree situation. Is that included in that now?

Mr. Benekos: Correct. It's included. I haven't had a chance to get out there.

Mr. Snyder: No, but we are. We had a couple other issues there we had to address.

Mr. Benekos: It is...

Mr. Snyder: So we do have that included in the purchase order?

Mr. Benekos: Correct. The purchase order for the storm study - the purchase order we sent over was just to do the soil boring and that's just for the Fairways. But we do have money already allocated and on a purchase order for the storm study over on Peachtree.

Mr. Snyder: That was this firm that studied that also?

Mr. Benekos: Correct. The same firm, I mean companies.

Mr. Snyder: So the purchase order you'll be sending us is for the boring only? It's not the actual application of the project?

Mr. Benekos: To do the soil boring. Right. To determine what kind of soil we have there to ensure that this proposal will work.

Mr. Snyder: And that's pretty noninvasive to the golf course? It'll be held back to the portion where the old ingress and egress was up through that road that ran?

Mr. Benekos: Well, it'll come along the road but they'll actually get onto the Fairways. It's a fairly light truck. It's not a big rig.

Mr. Snyder: That'll be nice as far as tearing up all that. OK.

Mayor Held: It'll make for a more challenging golf course, I think, but that's...

Mr. Snyder: You mean water hole.

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Mayor Held: Yea, that's quite alright for our perspective. But you know I do want to thank Jim Benekos and Mike Grimes because they made this a top priority. We know that the flooding along the Zimber Ditch and we know that the flooding along Wilkshire has been a very big problem and we had made a commitment to all the residents that we were going to systematically address the flooding issues in the quickest way that we possibly could. This is not going to solve all of our problems, but it's certainly going to be very helpful and prevent water from flowing down into the Zimber Ditch area and along Wilkshire. And again, we'll be placing this on the agenda hopefully at the next Committee meeting so that we can get this rolling and get this in place before the winter.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Update on the paving program. You can see some of the streets have been ground down; 7<sup>th</sup> Street, Bachtel, Chandler is scheduled for tomorrow.

Mr. Snyder: I think that's the last day for the dry weather and then it's going to rain.

Mr. Benekos: Yea, so if they're not out there I'll be down with my little pick-axe. But they are proceeding. They're continuing over here on Harmon to replace the catch basins so they're moving along.

Mr. Snyder: And on Donner, I see they're replacing the catch basins on Donner.

Mr. Benekos: Right. Yea. And there is a drainage problem on Donner near Glenwood. They're trying to address that. They're redoing some of the curbs there and hopefully...

Mr. Snyder: Which brings me to another point. At the corner of Glenwood and Furbee; have we addressed that drainage problem there? We're working on it?

Mr. Benekos: We're working on that.

Mr. Snyder: We're working our way west.

Mr. Benekos: I've talked with Rich Rhodes, right. But yes, that is on the list and that will be addressed.

Mr. Snyder: Appreciate it.

Mr. Benekos: Sure.

Mr. Snyder: Madame Clerk.

Mrs. Kalpac: No report, thank you.

Mr. Snyder: Mr. Peters.

Mr. Peters: No report, sir.

Mr. Snyder: Mr. Davies.

Mr. Davies: Briefly I want to thank Chief Wilder. We had our crime meeting last Tuesday and our department did a great job. I know they truly helped constituents of mine that had some problems and had tons of questions and so forth and I got a call from my constituents thanking me for doing it, but I thank Chief Wilder because they addressed the problems and it was a successful meeting. And the Mayor was there and I thank the Mayor for coming.

Mayor Held: Yes, thank you.

Mr. Davies: That's it. Go ahead.

Mr. Snyder: Mr. Cerreta.

Cerreta: No report.

Mr. DeOrio: No report.

Mrs. Kiesling: No report.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: No report.

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Mr. Snyder: I think we finished Glenwood, the waterline, did we not?

Mr. Benekos: Correct.

Mr. Snyder: I noticed the water was off and it was a very small noninvasive patch so they did a nice job.

Mr. Benekos: No. No the waterline.

Mr. Snyder: What'd they patch in there then? The hole they dug with a piece out. I hope they put a piece back in there and didn't just cover the hole.

Mr. Benekos: Probably yea. We just authorized the contractor last Tuesday so he has to mobilize and get the materials and that would have been awfully quick.

Mr. Snyder: Yea. It would have been a record.

Mr. Benekos: Yea, it's coming up soon.

Mr. Snyder: Good. Thank you. That's the only thing I had.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Any other business to come before this body?

Mr. DeOrio: Move to adjourn.

Mr. Davies: Second.

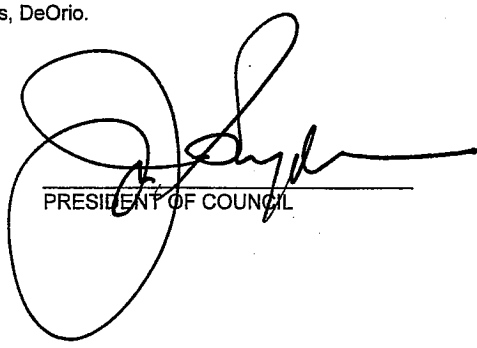
ADJOURN:

Mr. DeOrio moved and Mr. Davies seconded to adjourn the Council meeting. All members present voting:

Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio.

No: 0

The Council meeting adjourned at 7:27 p.m.

  
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PRESIDENT OF COUNCIL

ATTEST:

  
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CLERK OF COUNCIL