



City of North Canton, Ohio

Council Office
145 North Main Street
North Canton, Ohio 44720-2587
330.499.3986 • 330.499.2960 Fax

www.northcantonohio.com

email: citycouncil@northcantonohio.com

NOTICE OF MEETING

Council Meeting Agenda Monday, June 11, 2012 - 7:00 p.m.

1. Call to Order: 7:00 p.m.
2. Opening Prayer: Rev. Richard Scherpenisse (retired) Northminster Presbyterian Church
3. Pledge of Allegiance
4. Roll Call
5. Consideration

Public Hearing Minutes – May 14, 2012
Council Meeting Minutes – May 14, 2012
Council Meeting Minutes – May 29, 2012
Special Council Meeting Minutes – June 4, 2012

6. Committee Minutes
7. Recognition of Visitors
8. Congressman James Renacci

OLD BUSINESS:

9. **Ordinance No. 43-12 – 3rd Reading – Water, Sewer & Rubbish**
An ordinance approving, confirming and accepting a Perpetual Public Utility Waterline Easement, known as Parcel No. 16-19961, by and between the City of North Canton, an Ohio Charter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio ("PUCO") its successors and assigns (collectively "Grantees"), and JSG Investment Group, Ltd., an Ohio limited liability company, ("Grantor") in accordance with the Belden-Whipple Plaza No. 2, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

10. **Ordinance No. 44-12 – 3rd Reading – Water, Sewer & Rubbish**
An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Supplemental Sewer Agreement by and between the City of North Canton (“North Canton”) and the City of Canton (“Canton”) for improvements to the Canton Water Reclamation Facility, and to amend the March 22, 1974 Agreement and the series of supplements thereafter, and declaring the same to be an emergency.
11. **Ordinance No. 45-12 – 3rd Reading – Water, Sewer & Rubbish**
An ordinance appointing Jake Tovissi to a three (3) year term; Marcy Klee to a four (4) year term; Ronald Reolfi to a five (5) year term; and designating the Chairperson of the Water, Sewer & Rubbish Committee as the Council Representative on the North Canton Community Disaster Relief Fund Committee for the City of North Canton and declaring the same to be an emergency.
12. **Resolution No. 46-12 – 3rd Reading – Water, Sewer & Rubbish**
A resolution establishing a Neighbors Helping Neighbors Program for the City of North Canton to assist the greater North Canton community when special needs present themselves, and declaring the same to be an emergency.
13. **Ordinance No. 48-12 – 3rd Reading – Community & Economic Development**
An ordinance amending Personal Services (b)(83) of Section 1125.02 Definitions of CHAPTER 1125 DEFINITIONS and Land Use Category (d)(2) of Section 1137.03 SCHEDULE OF PERMITTED USES of CHAPTER 1137 Business District Regulations of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to exclude tattoos and/or body piercing businesses and the like.
14. **Ordinance No. 49-12 – 2nd Reading – Community & Economic Development**
An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated with frontage on Applegrove Street NW and known as Parcels 9208676, 9208743, and 9204594 and located in the City of North Canton from R2F, Two Family District, to GB-A, General Business District.
15. **Ordinance No. 50-12 – 2nd Reading – Ordinance, Rules & Claims**
An ordinance amending PART 17 – HOUSING CODE – of the Codified Ordinances of the City of North Canton, by the addition of Chapter 1705 – Unsafe Buildings.
16. **Ordinance No. 55-12 – 2nd Reading – Finance & Property**
An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement to develop a Geographic Information Systems (“GIS”) Model, at a cost not to exceed \$210,000.

NEW BUSINESS:

17. Ordinance No. 57-12 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services Agreement by and between the City of North Canton and MS Consultants, Inc., for construction inspection services for the North Main Street Reconstruction - Phase VI Project, in an amount not to exceed \$300,000, and declaring the same to be an emergency.

18. Ordinance No. 58-12 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to submit a Participation Agreement and request authority for the City of North Canton to participate in the Ohio Department of Transportation's ("ODOT") Contract for the purchase of sodium chloride (rock salt) for the 2012-2013 winter season, and declaring the same to be an emergency.

19. Ordinance No. 59-12 – 1st Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the purchase of gasoline and diesel fuel for use by all city departments, for either a one (1) year or two (2) year period commencing June 1, 2012, and declaring the same to be an emergency.

REPORTS:

Director of Law
Mayor

Director of Finance
City Engineer

Director of Administration
Dir. of Administrative Services

REPORTS – COUNCIL:

Mark Cerreta At Large
Dan Griffith At Large
Marcia Kiesling At Large

Doug Foltz Ward 1
Daniel Peters Ward 2
Tim Fox Ward 3
Jon Snyder Ward 4

FINAL CALL FOR NEW BUSINESS:

ADJOURN:

Gail M. Kalpac
Clerk of Council

RECORD OF PROCEEDINGS

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON PUBLIC HEARING Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, May 14 6:15 p.m. 20 12

CALL TO ORDER:

The public hearings were called to order Monday, May 14, 2012 at 6:15 p.m. by President of Council Jon Snyder.

ROLL CALL:

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

Council Members present for the public hearing: Cerreta, Foltz, Fox, Griffith, Kiesling (arrived at 6:58 p.m.), Peters (arrived at 6:31 p.m.), and Snyder.

Mr. Snyder: May we have a motion to excuse members Peters and Kiesling.

Mr. Fox moved and Mr. Cerreta seconded to excuse absence of Council Members Kiesling and Peters. All members present voting:

Yes: Foltz, Fox, Griffith, Snyder, Cerreta

No: 0

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

A request for an amendment to the North Canton Zoning Ordinance was submitted to amend Section 1125.02(b)(83) and Section 1137.03(d)(2) by the addition of: "...but specifically excluding tattoo and/or body piercing businesses and the like".

The North Canton Planning Commission, at their March 27, 2012 meeting, by a voice vote 5-yes and 0-no, has recommended that Section 1125.02(b)(83) and 1137.03(d)(2) be amended to include "...but specifically excluding tattoo and/or body piercing businesses and the like".

Final action thereon, according to law, will be taken by the Council of the City of North Canton subsequent to the date of said public hearing

Mr. Snyder: We'll break this out into two parts because there are two different requests. One is to prohibit, tattoo parlors and piercing parlors in the City of North Canton and that should be fairly quick and benign. Is there anybody in the audience wishing to speak in favor of having tattoo parlors or piercing salons in the City of North Canton?

Unidentified: I see Sarbaugh back there.

Mr. Snyder: Sarbaugh, Mr. Sarbaugh? Is there anybody wishing to speak against tattoo parlors and piercing salons in the City of North Canton? Are there any questions from the members of Council relative to that? If not, we will move and it will be moved to the Council of the Whole Meeting following this meeting to recommend and uphold the Planning Commission which was a 5-0 vote to prohibit such things in the City of North Canton. Moving to the second request, there's an amendment to the Zoning Ordinance submitted to change the existing zoning from duplex R2 Family to General Business A, to accommodate those apartment buildings. Is there anybody in the audience wishing to speak against the proposed zoning? Step forward, state your name and address for the record, please.

Tom Zucal: I live at 1110 Browning Avenue NW. This is the third time I've been here, and I, my property would - I would be able to see where that's coming in at and I'm against it. I like it the there just the way it is, and that is the way I feel, and that's the way it's been.

Mr. Snyder: Thank you, sir.

Sherman Mattocks: 1031 Werstler Avenue. I'm the property adjacent to the piece of property between the area to be rezoned on the south. I was here, I don't know, three to four years ago, several of you council folks were there at that time when this was brought up for rezoning at that time. Had a petition with about eighty (80%) percent of the surrounding people that have housing on north, east and west of it - I'm sorry, northwest. They all were in agreement that it should not be rezoned, it should remain residential. Well, I didn't have time to do that this time. So, I did something different. I took some time to travel Main Street from Everhard to Orion to see if we have a lack of commercial property available in the City of North Canton. Excluding Hoover, I didn't deal with Hoover at all, but starting with 1611 numerous North Main to 1211 South Main there is about 85,000 square foot of commercial property for lease at the present time; forty plus listings for lease or for sale. And they can range from 800 square feet up to 16,370 square feet, which is the Willis property. We also have an awful lot of open lots, so maybe somebody wants to build a new property; they don't want to take some existing. Waterside, 3 or 5 lots, I'm not sure

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how that's broken up, it's been sitting there for a couple of years, nice grass fields, nice new street for the City to maintain, no income other than tax base from the ground itself. So, they're pretty nice, very accessible, the street dumps right into the residential area which I'm sure those residents loved that change as well. But the open acreage is about 9.92 acres between the South end of town and the North end of town of open lots, green field sites. Some are one; some are two acres; one's only a quarter of an acre; one's 1.17; one's a half; one is 2; and Waterside looks to be about 3, I don't know the exact size, but there's open area. So I thought well, what else would you want to do with the property? Maybe we want to build apartment buildings; more lucrative than Family R-2. Maybe we can get some HUD (Housing Urban Development) money and build low income 8-A Housing and get federal subsidy to do so. What better place to bring in some intercity children to a good school district. The problem is, most low income families at 8-A Housing don't pay many dollars in taxes. The school system right now is in financial jeopardy, as all school systems because the State funding has dropped off, the federal funding has dropped off. The City has done a tremendous job with the loss of Hoover maintaining the services, I've been very pleased, been in this City for 50 years. Don't see anything deteriorating in the City, but, talk to any policeman, 8-A Housing, low-income housing, there's more domestic violence, there's more drugs, not that we don't have enough in the City already, there is more alcohol problems. Maybe they don't want to build that. They can't put in a tattoo parlor and the like, but they certainly could put in a bar, a restaurant, a nightclub, a rental pavilion, music at night, light poles for the light pollution to add to the wooded area all around the residential housing. We're going to have commercial abutting, I believe, R-70 on the south. We don't have many R-70 lots left in the City. I don't know how you will sell one if it's adjacent to a late night activity type installation or building. The biggest question that I have from the Council is what changed? This has been turned down 3 or 4 years ago for pretty much the same reasons that I'm stating now. In addition to this 80,009 acres, we probably have tens of thousands of square foot of space at Hoover that hasn't been developed yet. And I know there's at least three acres of open ground behind the Fire Station in parking lots that could be developed. That's not in the numbers that I quoted earlier. So there is a lot of commercial space available. If you go around town and look and find out how many R-70 lots and how many R-2 lots there are, there's not many left folks. The town is pretty well filled up with housing. So, if we're going to do anything, let's preserve the housing that we have available. People say, well we want R-2. Why not? It's a good place for a retired couple to go in and build a duplex, rent one side out, supplement their income. It's a good place for somebody to do a starter home. We want young people in this town, if we want new taxes. Certainly can't live on retirees, which I will be one soon. But if we don't have the property, where we going to build, where are they going to build big or where are they going to be able to start, and what is going to keep the school district going? Tax based dollars only keeps it going. So, my question to Council, I think the Planning Committee recommended passing of this the last time and obviously they did again this time. But if the Council members saw fit to not pass it the last time, what has changed? I see no change demographically or lack of properties. Thank you.

Mrs. Welch: My name is Miriam Welch. I live at 800 Applegrove Street NW. I'm on the west side of the property involved. My comment is a question. Are you voting tonight on this? According to the agenda, it's going to be voted on tonight.

Mr. Snyder: Well, first of all, for a zone change to pass, it requires the initiation from the Planning Commission at a public hearing which was done. The recommendation is sent to the Council to which there is a public hearing which we are conducting at the present time. After this meeting is complete (the public hearing), we'll have a committee meeting, and it will go to the full Council for the first reading. It requires three readings ...

Mrs. Welch: Right.

Mr. Snyder: And a thirty-day moratorium after the reading.

Mrs. Welch: So, this doesn't count as a reading then? Or, is this a reading? Is this one of the three readings?

Mr. Snyder: This counts as the public hearing. There will be a reading later this evening.

Mrs. Welch: Okay. I'm sorry. You're going to have -- you're going to read this three times at council, and you'll have three more, or two more public hearings, or...

Mr. Snyder: There will be, there will be two additional opportunities to speak to the Council beyond this. But there will not be any other public hearing.

Mrs. Welch: Okay. Will the residents be informed of ...

Mr. Snyder: You won't directly receive a notice of the meeting. The meeting will be held two alternate Mondays after this.

Mrs. Welch: Okay. So I'll call the Council - the Council Secretary to find out.

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Mr. Snyder: Exactly. You can have the opportunity to speak at that time. That's correct.

Mrs. Welch: Okay, Well then I'm going on record that I'm opposing this as proposed, it's spot zoning, and it would, it's just not good. It's crazy quilt kind of zoning. Thank you.

Mr. Snyder: You're welcome. Anybody else wish to speak in opposition? Is there anyone who wishes to speak in favor of it?

Mr. Craig: 420 Applegrove. I'm speaking on behalf of my mom, Donna Craig. We own the 420 Applegrove lot there, which is the lot to that shaded area - she has the house and a garage there. It's about ¼ of an acre. In - if the other one is going to be commercial, we wanted to include ours, really to prevent spot-zoning. It seems to make sense. And it had been zoned for general business before, and then got reduced to residential. And now we're - it just seems to make sense that, especially with Applegrove going to four lanes and everything that it would be included in the zoning request that the other pieces could go to the business designation. Thank you.

Mr. Snyder: Thank you, sir.

Mr. Postiy: I'm Ron Postiy. I'm one of the owners of the property. First of all, the property is zoned right now for R-2 Family, and we already had an opportunity here a year or so ago to do something with the HUD ("Housing & Urban Development") property, which we're really not looking to do anything with the HUD people because we feel this property is for something better than that. Three years ago we had a dental building that was to be put in there, it was going to be eight dentists in there, and it was turned down because of opposition. It would have generated income. They don't want to go into the Hoover Company. They don't want to go into new building. They'd like to build a new office building. Well this dental office that would generated a lot of money, went to Jackson Township. And I just think the property is - if you look right across the street, you've Schwab Electric, you've got the Plant Hut, and you've got all these things and I think the property could generate income for the City, and I think it would be a good deal for the City and a good deal for the people to rezone it. Thank you.

Mr. Snyder: Mr. Postiy, one question. There are - it's my understanding and I've been told, there are no commercial properties, no commercial venture going to be placed on the property.

Mr. Postiy: Correct.

Mr. Snyder: That's not, it's just ... but there are no commercial ventures going to be placed on the property.

Mr. Postiy: Correct. No, not at this point. No.

Mr. Snyder: Anyone else wish to speak to the Council? Members of Council?

Mr. Foltz: Yes, I'll start, Jon. I appreciate the neighbors coming up. I didn't get a chance to talk to anyone, but I knew they'd show up if we had a public hearing. So, nice to see Mr. Zucal, and Mr. Mattocks, and Mrs. Welch come up. And you're absolutely right, this was brought up three or four years ago and turned down by this Council for the various reasons you spoke of. I'm here to represent my constituents. I know some of them own the property here. And I'm not in favor of this as a Ward Councilman. I realize the City needs business, or it needs tax dollars, but this is spot-zoning what we're doing. I don't think we've done this before in my tenure here. And, I think this opens the door to other zoning to change that, and where does it stop? So, you know, maybe there will be more information about what could possibly be built there, but as far as my vote is concerned, I'm going to stick with the residents that I've represented the last 17 years ... inaudible... So that's my - my thoughts on that. You know because you know we all have to be concerned with anything that we do in the City is the integrity of the neighborhoods. That's first and foremost. These people have lived here numerous years, long term years, built their houses here, remodeled their houses here. And I think we owe it to them, really when we look at these situations, to make sure that we're good neighbors to them as council members, that we represent their wishes. So I just want everybody to think about that before anything goes further with this as far as a council body. Thanks. That's it.

Mr. Snyder: Any other members wishing to speak? I will say I was at the Planning Commission. Chairman Kiesling was unable to attend and asked me to attend, which I did. Unfortunately at that point there was no opposition to it. We did fortunately stop, and they wanted to continue the commercial zoning all the way back, and I felt, as the Law Director will tell you, that first of all, the residents were not notified of that fact, which would cause a problem. Secondly, it was too much invasive into the community. However, when you have that much land, and I think it is in a spot-zone because the zoning to the immediate east of it is all zoned commercial. Is - the problem is you're going to constantly every 60 - 30 to 60 days have someone before this body trying to rezone that property. As the gentleman pointed out, it is a four-lane highway it's eventually going to go that way. In fact, we did remove it from the master plan. They wanted to rezone that and suggest

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that zoning there and we felt that belonged with the Planning Commission and the Council, not with people that were not elected to represent the constituency. But that is all I know about that. Is there anybody else who wishes to speak?

Mr. Fox: Jon, do you believe the reason the vote was 5-0 in favor of it passing was because there was no one there in opposition at that meeting?

Mr. Snyder: No, because I think, I don't recall the last - the last time, I think the intended use, that's why I knew at that time the proponent and the intended end user was at the Planning Commission meeting and stated that did say, again, I think people, I, you know, people are opposed, sometimes apartment buildings, But I think these apartment buildings are in the \$800 to \$1,000 a month range, so they're not generally speaking as apartments per se, as you know I don't to sound snobbish to what an apartment should rent for, but that's pretty high - because they're building those single apartments on the front part of that property which abuts to that, that's the reason that why they requested a zone change. And I think and that was the reason that it was voted 5-0 is because of the end use of it. Now had it had a commercial use, I can't answer that question. I do know that they were in favor, if I'm not mistaken, and the Law Director can ...inaudible... they were in favor of zoning the whole thing, clear out. But again, the neighbors weren't notified of that. They were only notified of the pieces that are in question tonight. So, it would have eventually been illegal because it would have been challenged as a requested zone change without due process.

Mr. Foltz: President Snyder
Mr. Snyder: Yes sir.

Mr. Foltz: Inaudible... comment I made. And anyone else can still obviously give their point of view. What was anticipated being there? Did you say an apartment complex or some other commercial development?

Mr. Snyder: There's four, it's my understanding again, and I don't know, ...inaudible... I heard at the Planning Commission ...
Mr. Foltz: Okay.

Mr. Snyder: there are four units that would be sixteen apartments placed on that. There'd be no like commercial building, as we would say, a business it would be apartment buildings. It would be four apartment buildings with four units in each apartment. There would be sixteen apartments. But - and it's again my understanding, a portion of it is under mines. So to put a building there would create, you know, an economic disadvantage toward development, I would think, because you have to dig it out, remediate the land and put anything on there, outside of a slab home or something. And, so only a portion of it could be used. At least, that's what was proffered in the Planning Commission meeting.

Mr. Foltz: Do we have the dimensions of that lot, as far as what we showed earlier?

Mr. Snyder: I believe, and again, I apologize, I don't have that, I believe the frontage is 190 feet.

Mr. Cerreta: Can you put that back up there, so we can take a look at it, so we can see the full amount that's going to be zoned compared to what is there? Because you're saying it is not all going to be used.

Mr. Snyder: It's two lots. .

Mr. Cerreta: Just two lots. Okay. Just where we looked at. Okay.

Mr. Snyder: It's the two lots that are immediately adjacent to - it's that gentleman and his mother's lot and then the two Postiy's have the next one, I think it's 190 frontage on that lot. And your lot is about what, three-quarters, not quite three-quarters of an acre?

Mr. Postiy (speaking from the audience): Inaudible.... acres.

Mr. Snyder: And their property is about four point some acreage. Now, I apologize, there are three lots. The Postiy's own a home that is presently rented there that is also going to be zoned. So, there are three lots there, not two. I remembered that now.

Mr. Cerreta: Okay. So, that's Applegrove going across the big road.

Mr. Snyder: Down at the bottom.

Mr. Cerreta: Down at the bottom. And Schwab Electric across the street.

Mr. Snyder: Across the street.

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Mr. Cerreta: So, you're saying we're going to go deep, that deep into it to zone. Those are the two or three lots right there?

Mr. Snyder: Don't forget the depth of this one is the majority of that back part is not buildable because it is mined. It could be remediated and built, but the cost they obviously couldn't rent the apartments because the development cost would prohibit it.

Mr. Cerreta: So, if that can't be built on, why are we rezoning -- why are we

Mr. Snyder: Well it's all one - it's all one parcel.

Mr. Cerreta: Oh, it's all once parcel. Okay.

Mr. Snyder: They can build to the front, to the center, but not to the back. And in the front, the problem is, in order to put, and again I'm only relying on my memory, to put commercial across the front would land lock the back, so at that pointinaudible.... See they go across the front, and in order to put commercial across the front, it would land lock the back -- the center portion which they want to build the apartments on. So that precludes them from developing the commercial. Now, the gentleman is here with his mother that owns the lot right here. I don't know what his intentions are, I can't speak for him. Again, he didn't at that point say anything at the Planning Commission.

Mr. Cerreta: And where their other residential properties are then?

Mr. Snyder: There's a piece of property right, see that little thing there, there's a rented house that the Postiys' own. They are renting that to someone.

Mr. Foltz: That's Mrs. Welch's house there, so it's at 800 Applegrove, right?

Mr. Snyder: Yeah, her home is there.

Mr. Foltz: Inaudible...

Mr. Griffith: So currently with the existing zoning that's there, other than the non-conforming uses that exist, the useable work that you could do would be to create one duplex per parcel under our current zone? Is that correct?

Mr. Snyder: No, they could create -- they could create more than that. On this parcel here, the four and one half acres?

Mr. Griffith: Well the proposed parcel.

Mr. Snyder: They could build duplexes on just - on the duplexinaudible...

Mr. Griffith: So, more than one duplex?

Mr. Snyder: Yeah, well, maybe around ten, twelve, something like that. They could go back further into here if they wanted to do duplexes and build, you know, without basement, just slabs or something. And I'm not sure how that would work.

Mr. Griffith: But that is without any changes in the zoning?

Mr. Snyder: That's without any zone change, that's correct.

Mr. Cerreta: So, it's zoned for duplexes right now?

Mr. Snyder: It's zoned for duplexes which are across over here, across the street on Lupe, andinaudible... which I think they developed all those duplexes.

Mr. Cerreta : I'm really not for any more duplexes myself; just for my own, my own words that I'm not a big duplex person. Yes?

Mr. Postiy (speaking from the audience): Yeah, right now, we had the property laid out and we could actually put in there fourteen duplexes. We had a layout done a couple of years ago, and so it's zoned for that and we could do thatinaudible... right now. Inaudible... layout. Cooper's laid it out -- Cooper Investment. Cooperinaudible....

Mr. Snyder: Oh, the architects.

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Mr. Postly (speaking from the audience): yeah, they laid it out, it's fourteen ...inaudible... Without any changes we could actually put, and I'm not trying to sound like a threat, ...inaudible... crap, we could actually put fourteen low income homes ...inaudible... low income properties in there too if we wanted to, with no change. That legally we could do that right now. I get a little upset because we've had a couple of nice things going in there, and people get up and – like this guy on Werstler, fifteen blocks away and can't even see it from there, and he's complaining. And I understand, you know ...

Mr. Mattocks (speaking from the audience): I beg to differ. I can see if from my back ...inaudible... You can see the back part of the property ...inaudible...

Mr. Posity (speaking from the audience): You can see it from Werstler?

Mr. Mattocks (speaking from the audience): I can see it all the way out to that field. You can see the trees planted out there at Rice Pharmacy had planted. Inaudible...

Mr. Postly (speaking from the audience): I can't see it. I drive back in that little cul de sac and I can't see my property. I can see the property behind my property, but I can't see mine. You've got better eyes than I do. So, anyway, we've been trying to do some good things in there. Every time we get something going, you know, maybe we should just go into some low income duplexes. I'm not trying to sound like... but it's to the point where it's getting ridiculous. And we've tried to work along with ...inaudible... So, I just think we could enhance the property, if we built a nice product in there, and get increased income for the City. It made me sick when the du – when the medical building went to Jackson Township because the guy that was representing the builder at the time, he wasn't prepared and we had almost 100% votes and he came in for the final hearing and he didn't have the plans. And I could understand if it was like, but it was a medical building. So it went to Jackson Township and it's making money for the Township. So, I think – so, thank you.

Mr. Snyder: Sir, do you want to step up here to the microphone, sir so we can record...

Mr. Mattocks: I just have one question. Are the three residential properties to the right on Applegrove remaining R-2?

Unidentified: No.

Mr. Mattocks: That little block to the right there?

Mr. Snyder: No, I believe that's one that was the ...inaudible... Or one of them is your property?

Unidentified: He's talking about

Mr. Mattocks: No, to the west.

Mr. Snyder: Yeah, they're remaining. That - we stopped that, that's.

Mr. Mattocks: So we're going to leave a little spot zone R-2. Okay.

Mr. Snyder: Well, they are zoned at presently R-2.

Mr. Mattocks: Yeah, but we're not zoning...

Mr. Snyder: The request – the Planning Commission did request that that change also, but we stopped that because the initial letter to the residents did not include that. And as a matter of fact, unfortunately I called Mr. Bowles but he must have been out of town, or he's – Mr. Benekos ...

Mr. Benekos: The Planning Commission discussed that at their last meeting. And they will be bringing that forward at the next Planning Commission. Now, they won't be able to make it to the next Planning Commission, probably in July we'll be discussing that zoning.

Mr. Snyder: Oh, yeah. We'll be talking about zoning. And, at that point, you know, that's the point where you come to the meeting for that portion of it.

Mr. Fox: For the residents that did speak in opposition, is there a reason that you didn't appear at the zoning meeting, at the Planning Commission's meeting and speaking in opposition? I mean I think we owe some deference to the Commission. They had that meeting and it was advertised, and they voted 5-0 in favor. So that's just some of my concern of why you didn't appear at that meeting. Yes, ma'am.

Unidentified: Do you mean me?

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Mr. Fox: No, Mrs. Welch. Is that correct?

Unidentified: I was not aware of a meeting.

Mr. Fox: Okay.

Mrs. Welch: As luck - as dumb luck would have it, or Murphy's Law, this public hearing for the Planning Commission for this time and last year also, we were on vacation. And what can you do? You just - and my question is, July you're going to, they're going to do the other two properties? You think?

Mr. Snyder: That was the first I heard about this, Mrs. Welch.

Mrs. Welch: Okay.

Mr. Snyder: I defer to the Engineer and he ...inaudible...

Mr. Benekos: Yeah, that just came because their meeting was just last Wednesday.

Mrs. Welch: See and again, we might be in the same situation. People are on vacations and you, as I've discovered over the years we've don't this a lot of times, no matter what the Planning Commission rules, it must come to City Council. So why waste your time, you know? If that's one way of looking at it, people look at it. They know it's going to come to City Council and this is what counts, because the Planning Commission sends it here whether they approve or disapprove it. And the time before this one, the Planning Commission denied the zone change, and I don't know - I could not get a good reason why the Planning Commission approved this time where they disapproved last time. So...

Mr. Snyder: Well, what changes the approve - and I would assume, and I'm - and that's an assumption, it's not a fact, as I sat on the side and didn't participate, I think it is the end use is what they determine whether they approve or disapprove.

Mrs. Welch: The end use?

Mr. Snyder: I mean, what's going to go onto the property. You know, before how invasive the..

Mrs. Welch: Well, the last time, there was nothing proposed, it was just a zone change. It was a year ago. And it was no - no proposal.

Mr. Snyder: The reason it was - that was the time it was turned down that - no one came. The zone change was requested, but no one showed up to speak at the meeting for the zoning change. The proponent did not - the proponents for it didn't even show up.

Mrs. Welch: That's a good reason.

Mr. Snyder: So consequently they felt if somebody didn't show up, they must not needed it that bad.

Mrs. Welch: Oh, okay, yeah.

Mr. Snyder: I think they were on vacation at that time.

Mrs. Welch: Maybe so. Thank you.

Mr. Snyder: You're welcome ma'am.

Mr. Snyder: Any other questions?

Mr. Cerreta: For those who are not in favor of it, why is it besides - is it the view or is it the noise or what exactly is it? Because if there are duplexes there, which I am definitely against duplexes, no more needed in this town, just 'cause we need either commercial or we need some kind of structure - condominium type of things. Is it the view? 'Cause if it's the view, you're still going to a view of duplex houses. I mean, tell me really, just give me some idea why, 'cause you mentioned some things, but no one really said exactly.

Mr. Mattocks: My objection is if it's General Business A, it could be any of all of the above. It doesn't mean it is necessarily a medical building. It could be a restaurant; it could be a bar; it can be a rental hall with noise, lights, light pollution. Those are the things that I would object to. And there's no way that you - that I'm aware of, that you can zone and say you can narrow the zoning down. Here we're looking for zoning A. Poor Bill Willis only has Zone B and he's commercial as commercial can be, right downtown. Now, we're going to give this piece of property even more latitude than he has in his property.

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Mr. Snyder: That's less, that's less. It's less.

Mr. Mattocks: Oh, A is less than B? Okay. I was the wrong direction.

Mr. Snyder: B is the most invasive.

Mr. Mattocks: I'm the wrong direction then. So I apologize for that. But, the point being is, am I incorrect that A can be pretty much any kind of commercial structure?

Mr. Snyder: Anything ...

Mr. Mattocks: Without welding and things like that?

Mr. Snyder: Well it limits drive-thru, it limits -- its limiting.

Mr. Mattocks: But it does not limit restaurants, it does not limit fast food, it does not limit...

Mr. Snyder: No fast foods...

Mr. Mattocks: No fast food, but it can be a restaurant.

Mr. Snyder: A sit-down restaurant?

Mr. Mattocks: Yes, I mean a sit-down restaurant. And we have liquor in the area, so a liquor license is possible.

Mr. Snyder: Well, that would be up to you as the voter to decide.

Mr. Mattocks: Well, I'm saying it's possible because we have it at Grinders, we have it at Acme. So that means lights, noise until 2 in the morning.

Mr. Snyder: Well, the problem, and again I'm not sitting here trying to convince everybody which way - the thing is for the front part of this property, which is this piece right here, to be used commercially which is what you're concerned with, obviously, being a merchant myself, I'd want to be on Main Street, I wouldn't want to be on Applegrove. But here's the problem, in order to use that piece of property for any size to require to get the money back for paying for the land and the building, which would probably be near a million dollars when they were done, they would lock - land lock all this back land, which is illegal. You cannot subdivide a piece of property and land lock it - it's illegal. So, there's no possible way, short of, and I understand, am I talking out of school - you have a contract on that property.

Mr. Postiy: Yes, yes.

Mr. Snyder: So, they know what the end user is. And there is not a commercial use to that property. Am I correct in that? Am I speaking out of turn there? They have a contract. So that's - there's not a commercial application. Now, I cannot speak for that gentleman there, but his property is somewhat limited to outside of maybe a very, very small office or something.

Mrs. Welch (speaking from the audience): It's not very deep either.

Mr. Snyder: No, he's not, his probably would be somewhere along the line with the person who is going to buy this property, would buy that just for - just to clean it all up.

Mr. Cerreta: Well, once again, to answer Mr. ...inaudible... is that what is the what it can be, not what it's going to be. That's my objection. It's the possibilities of what it could become.

Unidentified: And right now the possibilities...

Mr. Mattocks: I guess if I knew that it was going to be a medical office building and it could only be a medical office building, or a dentist office building, but that was the problem the last time. It was proposed to be a dentist office building, but the rest of it could be anything. It was the same situation three years ago. It wasn't the medical office building that was going in there. It was "what are you going to do with the other three acres or two and a half acres". It could be whatever. And that is the objection.

Mr. Cerreta: But, you're ok with low-income duplexes?

Mr. Posity (speaking from the audience): Inaudible...

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON PUBLIC HEARING Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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Mr. Mattocks: Right now, that is legal, and he has the right to do that. But, I would rather have low-income duplexes than low income multi-family, which he can then do if it's commercial.

Mr. Cerreta: Thank you.

Mr. Foltz: Jon...

Mr. Snyder: Yes, sir.

Mr. Foltz: I think we have to realize, we're changing zoning, we've never done this before. Mark, and I appreciate where you live. I played the course. I think you'd be a little apprehensive if we changed the zoning there as beautiful as that area is and that street that you live on. I'm not trying to pick, I'm just trying to give...

Mr. Cerreta: No, I'm questioning that right in my mind as we talk.

Mr. Foltz: It's a similar example if all of a sudden we made that instead of park P&I we made it, R-2 or GB-A or you know. I'd have a problem with that. I mean you don't know what to expect. You don't - and I think that's - and that's just a common sense situation. These neighbors have lived here, and maybe you can't build on all of it because of the mines and that is part of the appeal when they built their homes there, they had that privacy. I think I'm all for commercial development, but there were some very good points made about other areas in town that aren't being utilized, eight to nine acres, I believe. And there's nothing wrong with that assessment. Why can't, you know why when we look at this whole process the thing that scares me and there could be something very nice being put in there, I could be a no vote and this thing goes and we've got to live with that. I hope it doesn't work out that way, but when you start changing zoning, you're opening that Pandora's Box for everything and that scares me. It does, because everyone has something bigger and better and they think is going to happen and we're sitting here, but you don't know 10, 15, 20 years from now what can happen on that property. That's a fair statement - that's a fair statement. You know, when I look at some of the properties now, I look back and you know, you've got some of the mobile park home there on Applegrove and maybe Councilman Griffith behind your house. I mean, I think there is commercial or apartments right behind some of those situations there. And that's not to me the most appealing process that we can do. You know, it depends on the setbacks, it depends on what kind of facility's in there, how good neighborly are they? You know, is there a lot of problems there. You know, I hear a lot of problems with that apartment complex right off ...inaudible... Papa John's. You know, I hear it. I drove back there. I know it's there. It's a lot of people there. What can we do to change it? We can't do anything to change it, you know. But, we can plan now to make sure those type of situations don't happen here. 'Cause the zoning's not going to require - let that happen. That's all. You know, I just want everyone to think about the ramifications of this. It's not against putting something nice on that street, it's how we're going to get there and how we protect the integrity of the neighborhood that they've enjoyed all their years here living in North Canton.

Mr. Snyder: Wait one minute Mr. Postiy. Go ahead.

Mr. Griffith: When we moved to North Canton about a decade ago, one of the things that I've always respected about this City is the interaction that exists between the commercial areas and the residential areas. We live right next door to Custom Clothing, which obviously they are great neighbors, they do a great job. And, they're are commercial also, so we do live right behind the - very adjacent actually to the apartment buildings that you talked to as well. But the apartment buildings aren't a problem because there is a buffer zone. There's no question about that. And Custom Clothing is, there is a buffer zone there as well. And the nature of the business makes a difference as well, too. And so I guess my question is, the spot zoning issue resonates with me as an attorney and as somebody who's in that area and I guess I balanced that with the issue we have today with the fact we asked what changed and the reality is Applegrove changed. The nature of what's there is different. But I wonder, rather than work and I don't mean to second guess the great efforts of the Planning Commission in trying to do their best, but we're talking about what is now an adjusted strip of property which essentially now goes from the business district that's there all the way down and across through the Girl Scout area, like that, maybe what we could suggest is something that solves both problems. Something that allows for businesses within even maybe a new zoning area that requires a substantial buffer but maybe doesn't permit every kind of business. So, maybe we can do a recognition of both pieces that are there.

Mr. Snyder: I think that is what their intended saying. What he's saying is they're coming back for the additional property in the - did you say the July meeting?

Mr. Griffith: Right. But, I also resonate with the fact that we - there isn't really a restriction that suggests that there should be a buffer. There is no formality in the plan that requires a buffer. I guess that's what...

Mr. Snyder: You mean as far against the residential? Oh, yes ...inaudible...

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Mr. Griffith: Right.

Mr. Snyder: The subdivision regs require it. Whoever builds on it has to submit a site plan and there has to be a buffer. That's required. That's another hearing. That's another time.

Mr. Cerreta: That's a hill, and trees, and that kind of thing.

Mr. Foltz: Right.

Mr. Cerreta: So they cannot see ...

Mr. Snyder: Lighting, controlled lighting, and everything else...

Mr. Foltz: Certain setbacks.

Mr. Snyder: Yeah, everything has to be ...inaudible... That goes through Planning and it comes to Council. That's site planning. That's a different set of hearings. They can't just go in there and build apartments and just put them in there and have the ground all open, or build anything, as far as that, can't even build a duplex without the without the proper buffers from the residential. They won't permit it. We wouldn't permit it.

Mr. Griffith: Right. Well, that's -- no, absolutely not. Yeah.

Mr. Cerreta: Well, I think Dan is right too, Applegrove has changed. Applegrove is a very potential business for us - bringing in business, but at the same sense we are careful what we put in, just like anything else.

Mr. Peters: Jon,
Mr. Snyder: Sir.

Mr. Peters: If I could talk to the Engineer here. In the July meeting, what is their intention on the rest of the property; to change to GBA?

Mr. Benekos: I believe that's what they want to do. They are going to have a public hearing and discuss it, but that's what they're proposing.

Mr. Peters: Is GBA?

Mr. Foltz: You're saying the property west -- there it is, it's on Applegrove.

Mr. Snyder: Moving towards the Girl Scouts. Correct.

Mr. Peters: And those properties, how far back do they go?

Mr. Griffith: It will just go back, uh

Mr. Benekos: It'll just go back ...

Mr. Peters: To the first break there?

Mr. Benekos: Correct.
Mr. Peters: Okay.

Mr. Benekos: You just fill in that corner...
Mr. Snyder: Right here?

Mr. Benekos: No, to the left.
Mr. Snyder: Over here?

Mr. Benekos: No, to the right. Now ...inaudible...

Mr. Foltz: You're saying on that diagram, Jim, that top line with the diagonal lines in it that goes straight across? That's what you're saying?

Mr. Benekos: Adjacent to Applegrove.

Mayor Held: Why don't you get the pointer?

Mr. Foltz: Yeah, give Jim the pointer. Jon, he's got a better angle than you do anyway.

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON PUBLIC HEARING Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Monday, May 14 6:15 p.m. 20 12

Mr. Snyder: Yeah, I can't see it. I'm looking straight up at it. The way I'm looking, you couldn't build on the side of a hill.

Mayor Held: Here we go.
Mr. Peters: Right there.

Mr. Foltz: That's the next property you're saying is going to be presented to the Planning Commission for zoning?

Mr. Benekos: Correct. These are three...

Mr. Peters: Those are three separate parcels?

Mr. Benekos: Correct.

Mrs. Welch: Are all three going to be presented or just two of them?

Mr. Benekos: I believe all three. The Planning Commission wanted Administration to contact those people, inform them and have a public hearing regarding that.

Mr. Griffith: What's the ... Where's the, is that three parcels in the notch out? Where are the three parcels?

Mr. Benekos: These three right here.

Mr. Griffith: Oh, they're all right there?

Mr. Foltz: Okay. Then how far South are they going to go Jim? Just right there?
Mr. Benekos: Right.

Mr. Foltz: Who owns the property there, that open space? Is that Mrs. Welch? Do you own that property Mrs. Welch? Do you own the property there, the vacant property?

Mrs. Welch: I'm ...

Mr. Foltz: Do you own that strip there that's, that has the trees on it?

Mr. Benekos: This one.
Mayor Held: That's her's.

Mrs. Welch (speaking from the audience): That's Carper's property there, and then that's...

Mr. Foltz: I'm sorry, whose property?

Mrs. Welch (speaking from the audience): Carpers

Mr. Foltz: Carpers

Mrs. Welch (speaking from the audience): C A R P E R S and then next down I believe ...inaudible.... the third one I think is ...inaudible... garage sits there.

Mr. Foltz: What happens with that property in the process?

Mr. Snyder: In tonight's process.

Mr. Foltz: The Carper property.

Mr. Snyder: That stays the way it is right now until the Planning Commission votes on it.

Mr. Foltz: So that could eventually become GB-A too?

Mr. Snyder: Before us. Yes, if they propose that.

Mayor Held: Does ...inaudible... understand where Mrs. Welch's property is at?

Mr. Snyder: Her property is this large piece right here.

Mr. Peters: Hey, Jim what is the mobile park home zoned at right now?

Mr. Benekos: I believe it's GB-A.

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Mr. Snyder: Yes, that's GB-A and so is the insurance agency and the paint store. This brings it all into GBA from Main Street back. It's all one now, all one zoning. The mobile home park existing, the last one remaining is GB-A. The one that is fronted next to Main Street that has an entrance off Main is, RMF-4. Any other questions? Mrs. Kiesling, if you want to add anything ...inaudible...

Mr. Peters: Hey Jon, I do have one more question Jon. Is it the owner that owns the mobile park that is...

Mr. Snyder: No.

Mr. Peters: It is separate owners.

Mr. Snyder: They're separate owners. The piece of property – the mobile – we're talking about two mobile – the mobile home park that's on Applegrove, which I don't know who owns that, the mobile home park that you enter off of Main Street will be the same owner as the – of this piece of property. I think it's the same developer buying it.

Mr. Martell (speaking from the audience): The mobile home park is owned by Lois Martell, my mother.

Mr. Snyder: Yeah. And then the piece on Main Street was, I think it was auctioned. And I don't know if they finally tore all those trailers out or not, they were working on it I know.

Mr. Peters: I mean the end game is to open that whole area up, that whole corner, correct? Are they talking about moving all mobile homes out of there?

Mr. Martell (speaking from the audience): No....inaudible.....

Mr. Snyder: You're talking about two different parks.

Mr. Peters: Oh, that's right.

Mr. Martell (speaking from the audience): The mobile park there is not moving, it's been there since '59, and we have no intention of changing it.

Mr. Peters: Okay, that's staying, but that's staying...

Mr. Martell (speaking from the audience): That stays there. Evergreen which is off to the east...

Mr. Peters: Right.

Mr. Martell (speaking from the audience): that's the one that is being developed and all mobile homes are being moved out ...inaudible....

Mr. Peters: Okay.

Mr. Martell (speaking from the audience): It's separate. That's a very old mobile home park.

Mr. Snyder: Yes. And, they've cleaned that. They're at least trying...

Mr. Martell (speaking from the audience): The Martell one is a retirement you have to be 62, it's very nice.

Mr. Foltz: Yes, it's very nice, to your credit and your family's credit.

Mr. Snyder: It's well taken care of, it's a nice piece of property. Any other questions? If not, as soon as this public meeting is adjourned, we'll move to the Council of the Whole to which time the Council will consider moving legislation to the main agenda which will take place in just a few moments. There being no other question to come before this Council relative to the public hearing, I'll entertain a motion to adjourn.

Mr. Griffith moved and Mr. Peters seconded to adjourn the public hearing meeting at 7:05 p.m. All members present voting:

Yes: Cerrata, Griffith, Kiesling, Peters, Snyder, Fox, Foltz

No: 0

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL
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RECORD OF PROCEEDINGS

0309

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 19148

Held

Monday, May 14

7:05 p.m.

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CALL TO ORDER

- 1. The council meeting was called to order Monday, May 14, 2012 at 7:05 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

- 2. The opening prayer was delivered by Rev. Gary Plauger, Hope Christian Fellowship Church.

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, Foltz, Fox, Griffith, Kiesling, Peters, and Snyder.

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

CONSIDERATION:

- 5. Council Meeting Minutes – April 23, 2012
Mayor's Court Receipts – February, 2012

Mr. Snyder: May I have a motion to approve, as presented, the Council Meeting Minutes of April 23, 2012, and the Mayor's court receipts dated February 2012.

Mrs. Kiesling moved and Mr. Cerreta seconded to approve, as presented, the Council Meeting Minutes of April 23, 2012 and the Mayor's court receipts dated February 2012. All present voting:

Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta
No: 0

COMMITTEE MINUTES:

- 6. Mr. Snyder: May we have a motion and second to approve as presented the following Committee Report Minutes: Finance and Property Meetings, both held on 4-23-12 and 5-7-12; Personnel and Safety; Ordinance and Claims; and Water Sewer and Rubbish all held May 7, 2012.

Mrs. Kiesling moved and Mr. Foltz seconded to approve as presented the Committee Report minutes. All members present voting:

Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz
No: 0

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held April 23, 2012 and May 7, 2012.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held May 7, 2012.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held May 7, 2012.

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held May 7, 2012.

RECOGNITION OF VISITORS:

- 7. Mr. Snyder: At this time, the Council will recognize anyone in the audience wishing to speak. Please step forward, state your name and address for the record. Seeing none, we'll move to Old Business. May I have a motion to read by title only the third reading of Ordinance No. 24-12?

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, May 14

7:05 p.m.

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OLD BUSINESS

8. Mr. Peters moved and Mr. Foltz seconded to **read by title only, third reading of Ordinance No. 24-12**. All members present voting:
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, (Griffith not present for the vote)
 No: 0

Ordinance No. 24-12 – 3rd Reading – Personnel & Safety Committee

An ordinance amending Chapter 155 Personnel regulations of Part One-Administrative Code of the codified Ordinances of the City of North Canton, as amended, specifically Section 6. PERSONAL DAY ALLOWANCES and Section 10. VACATION REGULATIONS and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes, thank you. This is the third and final reading, and basically what this does it just puts in the hands of the appointing authority, whether it be Mayor or the Director of Administration on how, you made out personal days and vacations. So, we discussed this at length. If there's no other additional conversation, I'll move to approve the third reading of 24-12.

Mr. Peters moved and Mr. Fox seconded to **adopt the third reading** of Ordinance No. 24-12. All members present voting:
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox.
 No: 0

NEW BUSINESS:

9. Mr. Snyder: May I have a motion to read by title only the first reading of Ordinance No. 43-12?

Mr. Fox moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 43-12**. All members present voting:
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith
 No: 0

Ordinance No. 43-12 – 1st Reading – Water, Sewer & Rubbish Committee

An ordinance approving, confirming and accepting a Perpetual Public Utility Waterline Easement, known as Parcel No. 16-19961, by and between the City of North Canton, an Ohio Chapter Municipal Corporation and any Public Utility regulated by the Public Utility Commission of Ohio ("PUCO") its successors and assigns (collectively "Grantees"), and JSG Investment Group, Ltd., an Ohio limited liability company, ("Grantor") in accordance with the Belden-Whipple Plaza No. 2, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration.

Mr. Snyder: Okay, Chairman Cerreta.

Mr. Cerreta: Yes, we talked about this. This gives us the right to go in and maintain our lines. This is the first reading of this, and it's really a maintenance thing, a housekeeping thing that we need to do every so often. So, I move that we approve Ordinance No. 43-12 for the first reading.

Mr. Cerreta moved and Mr. Fox seconded to **adopt the first reading** of Ordinance No. 43-12. All members present voting:
 Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith
 No: 0

10. Mr. Snyder: Okay, may I have a motion to read by title only the first reading of Ordinance No. 44-12?

Mr. Cerreta moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No 44-12**. All members present voting:
 Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling.
 No: 0

Ordinance No. 44-12 – 1st Reading – Water, Sewer & Rubbish Committee

An ordinance authorizing the Mayor of the city of North Canton, through the Board of Control, to enter into a Supplemental Sewer Agreement by and between the City of North Canton ("North Canton") and the City of Canton ("Canton") for improvements to the Canton Water Reclamation Facility, and to amend the March 22, 1974 Agreement and the series of supplements thereafter, and declaring the same to be an emergency.

RECORD OF PROCEEDINGS

0311

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 18148

Held

Monday, May 14

7:05 p.m.

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Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: Once again, we had this at the Committee of the Whole. This is something that needs to be done for us from our sewer. Jim, if you can make a comment, anything more than that is this something that we - we're kind of tied to the Sewer Agreement of 1974 to...

Mr. Benekos: That is correct. However, I believe we're asking for three readings and then pass it on emergency.

Mr. Cerreta: Okay. So, I move then to approve this on the first reading of Ordinance No. 44-12.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 44-12. All members present voting:

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

No: 0

11. Mr. Snyder: May I have a motion to read by title only the first reading of Ordinance No. 45-12?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 45-12. All present voting:

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

No: 0

Mr. Nilges: Before I read this, I just want to apologize if I get anyone's name wrong. Being named Hans Nilges, people will occasionally get my name wrong, so I'm sensitive to that. I apologize in advance.

Ordinance No. 45-12 - 1st Reading - Water, Sewer & Rubbish Committee

An ordinance appointing Jake Tovissi to a three (3) year term; Marcy Klee to a four (4) year term, and Ronald Reolfi to a five (5) year term; and designating the Chairperson of the Water, Sewer & Rubbish Committee as the Council Representative on the North Canton Community Disaster Relief Fund Committee for the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: Thank you. Chairman Cerreta.

Mr. Cerreta: These are the three appointees that are, two by Council and one by the Administration, to be the people that will run the Community Disaster Relief Fund. Their titles will have them - they're the ones that are going to be putting out or approving the funds to folks that are in need of that. So, I move that we approve Ordinance No. 45-12. I'd like to get two readings out of this, so for the first reading, if that's okay.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 45-12. All members present voting:

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

No: 0

12. Mr. Snyder: May I have a motion to **read by title only, first reading** of Resolution No. 46-12?

Mr. Fox moved and Mr. Peters seconded to **read by title only, first reading** of Resolution No. 46-12. All members present voting:

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

No: 0

Resolution No. 46-12 - 1st Reading - Water, Sewer & Rubbish

A resolution establishing a Neighbors Helping Neighbors Program for the City of North Canton to assist the greater North Canton community when special needs present themselves, and declaring the same to be an emergency.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: This is a wonderful new program that the City will be facilitating. It will be volunteers helping people in need, and we'll just kind of facilitate to put those two together by creating lists of people and people to call in. I'd like to also get two readings out of this also, so we're clear about everything. And so, I'd like to move that we pass Resolution 46-12 on the first reading.

Held

Monday, May 14

7:05 p.m.

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Mr. Cerreta moved and Mrs. Kiesling seconded to **adopt the first reading** of Resolution No. 46-12. All members present voting:
 Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz
 No: 0

13. Mrs. Snyder: Thank you. May I have a motion to **read by title only, first reading** of Ordinance No. 47-12?

Mr. Fox moved and Mr. Peters seconded to **read by title only, first reading** of Resolution No. 47-12. All members present voting:
 Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox
 No: 0

Ordinance No. 47-12 – 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor of the City of North Canton to enter into a WENS Services Agreement by and between the City of North Canton ("City") and Inspiron Logistics Wireless LLC, an Ohio Corporation ("Inspiron Logistics") to provide an Emergency Notification System for the City of North Canton, commencing June 1, 2012, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters

Mr. Peters: Yes, sir. It's commencing June first, but that is the deadline, if I'm not ...
 Mr. Grimes: Yes sir.

Mr. Peters: Okay. And this has already been in service with the county and some of the other subdivisions, too.

Mr. Grimes: Hospitals have been using it. Now, it's going to go out to other entities.

Mr. Peters: Okay. And, just to clarify, the first two years at no cost.
 Mr. Grimes: Correct.

Mr. Peters: Three years...

Mr. Grimes: The next three years depends on how many users we use. It will be about \$2,000 a year.

Mr. Peters: How many users. Correct. Okay. All right. Well, anymore to add?

Mr. Griffith: It's a great program.

Mr. Peters: I think so also. With that I'll move to approve 47-12.

Mr. Peters moved and Mr. Fox seconded to **adopt the first reading** of Ordinance No. 47-12. All members present voting:
 Yes: Peters, Kiesling, Snyder, Cerreta, Foltz, Fox, Griffith
 No: 0

Mr. Snyder: As time is of the essence, I would like to suspend the rules of council for Ordinance No. 47-12.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 47-12. All members present voting:
 Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling
 No: 0

Mr. Snyder: I would like adopt Ordinance No. 47-12 under the suspension of the rules.

Mr. Cerreta moved and Mrs. Kiesling seconded to **adopt under the suspension of the rules** Ordinance No. 47-12. All members present voting:
 Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters
 No: 0

14. Mr. Snyder: May I have a motion and a second to amend tonight's agenda to include Ordinance No. 48-12 and to waive the rules of council requiring committee minutes on text amendments to the Zoning Ordinance of the City of North Canton.

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Mrs. Kiesling moved and Mr. Fox seconded to amend the agenda to include Ordinance No. 48-12 and to waive the rules of council requiring a committee report. All members present voting:

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

No: 0

Mr. Snyder: Oh, excuse me, you're waiting for me. May I have a motion to read first reading of Ordinance No. 48-12?

Mrs. Kiesling moved and Mr. Fox seconded to read by title only, first reading of Ordinance No. 48-12. All members present voting:

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

No: 0

Ordinance No. 48-12 – 1st Reading – Community & Economic Development

An ordinance amending Personal Services (b)(83) of Section 1125.02 Definitions of CHAPTER 1125 DEFINITIONS and Land Use Category (d)(2) of Section 1137.03 SCHEDULE OF PERMITTED USES of CHAPTER 1137 Business District Regulations of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to exclude tattoos and/or body piercing businesses and the like.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, I assume from the Public Hearing we spoke about this in length. We're just going to get rid of tattoo and/or body piercing businesses in all these chapters, the Definitions, In Scheduled and Permitted Uses and Chapter 1137.

Mr. Snyder: Just on the west end of Bonnett.

(Laughter)

Mrs. Kiesling: Perfect.

Mr. Griffith: It's okay over there.

Mrs. Kiesling: Yeah, right, exactly. Anything else from anybody? I know Planning Commission approved it unanimously and ... Alright, I motion we accept.

Mrs. Kiesling moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 48-12. All members present voting:

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

No: 0

REPORTS :

Mr. Snyder: Thank you. Okay, we'll go around the horn here. Reports – Director of Law.

Mr. Nilges: No report.

Mr. Snyder: Director of Finance.

Mrs. Loretto: Yes, I just wanted to bring to everyone's attention, when I – last spring right before I left, we had entered into a contract with a company called Troy and Banks to audit all our telecommunications. And we got the final audit about a week ago and it shows that the total refunds and credits were \$15,436.35 and the total annual savings in the future should be \$24,345. So it was well worth it because we paid them nothing, but then we had to pay them fifty (50%) percent of the credits and refunds that they got us.

Mr. Snyder: That was for our phone system?

Mrs. Loretto: Phone system, electric, gas, all those.

Mr. Snyder: That was well worth it. So 24,000 in annual savings.

Mrs. Loretto: Yeah.

Mr. Snyder: So we'll receive \$12,000 annually.

Mrs. Loretto: No, they only get it – they get it the first two years, then after that they're gone.

Mr. Snyder: Then we get it after that?

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Mrs. Loretto: We get – you know we got the \$12,000 and at this point in time that's what they got – you know fifty (50%) percent of. And then they'll get whatever it is this year and then they're out of it.

Mr. Snyder: That's fabulous.

Mrs. Loretto: If you'd look at the bills you'd find that you know it's unbelievable the way those bills are and really difficult to get the right information. What happens is you know they'll go from one server to another and then all of them don't get knocked off or the rate structure changes and they don't change ours because – I don't know why, but somebody wanted the records and they wanted a copy of our telephone bill and I asked them to come in and look at it because it was over 100 pages. I said do you really want me to create all these? Just the telephone bill is over 100 pages.

Mr. Snyder: Oh – well good job. Thank you. Director of Administration.

Mr. Grimes: First of all I want to thank you for passing the WENS so quickly because we do want to use that in conjunction with our flood alarm that we're – that we want to put into the Zimber Ditch. Second, appreciate your patience, you know, summer got a good jump on us already with the good weather, but we have got a lot of our summer help hired and if you've been up and down Main Street this week you'll see they were all over the lamps and getting the weeds and everything else. But if you get those complaints just make sure you forward them to me and we'll get them taken care. And then Mr. Davis, our Superintendent, is going to try something a little different this year with the swimming pool, we're going to open it over Memorial Day weekend. So we're going to give that a try again. We've had some feedback on that and we want to give that a shot. So, thank you, sir.

Mr. Snyder: Thanks ...

Mrs. Kiesling: So you're planning Saturday or Sunday or Monday or we don't know yet?

Mr. Grimes: It's going to be Saturday, Sunday and Monday.

Mrs. Kiesling: So it is going to be open Saturday. Okay.

Mr. Grimes: Yes.

Mr. Snyder: Main Street does look good. Thank you. So does the Veterans Memorial. And that's very appreciative I'm sure what you did. I brought that to the Mayor's attention. And Mayor, I appreciate you acting so quickly.

Mayor Held: Yes, thank you. They did a good job. Very nice job.

Mr. Snyder: Mr. Mayor, do you have any comments?

Mayor Held: Yes, we had two nice events here in the past couple of weeks, opening day for the Little League baseball. And if any of you have been back there, there's a new baseball diamond that was put in by the Little League which looks almost like a minor league field, which is really nice. They have a press box up there. And then also we do have the girls softball baseball diamond, which is really nice as well. What's nice about both of those new diamonds is that it does bring a lot of people into the City for the athletic competition. And hopefully they stop by and they patronize our businesses too, which helps to keep the economy moving. In addition to that, we did have the Special Olympics here also, which we've hosted year after year. And that was a real nice event. And you know we had hundreds of people there, there were a lot of volunteers. And that's just, you know, two examples of where you get a lot of – a lot of activity in the City that sometimes doesn't always go noticed. But I think it's good for the organizations of those that participate and it's also good for the City – we get additional people into our town. That's all I have.

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

Mr. Benekos: Thank you. Next week I'll be introducing three pieces of legislation; and unfortunately I won't be here next week.

(Laughter)

Mr. Benekos: When you see them if you have any questions, please call me. I'll be here on Monday during the day but I just won't be here in the evening. One of those is a grant regarding Portage Street and it's not to widen it, it's just to basically a glorified resurfacing and we can go over that if you have any questions about that. But I will be asking for that to be passed on emergency. It's just to apply for the grant. The other is another application for a grant and that's here on West Maple, from Main to Ream, to widen that out to three lanes and to put a traffic signal at Ream. And we'll apply for a grant for that also. And then the third piece is the GIS (Geographic Information Systems) System and I think I alerted you to that. And

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want to – if we could proceed with the readings on that, but we won't have a presentation from ARCADIS what GIS can do until just before the third reading. So if we could proceed with the readings and then we'd have a presentation prior to that.

Mr. Snyder: Mr. Benekos, I was wonder I wonder if I can impose on you, if you wouldn't mind, by Friday forwarding to the Council Members the genesis of those requests on those grants that they have them – that they're able to review them over the weekend and then if there's any questions they could, sir, contact you Monday morning.

Mr. Benekos: Sure.

Mr. Snyder: I realize your time is limited, but if you could do that it'd be very much appreciated, I think, by the members of Council. If they get it Thursday or Friday they could review it and that way if there's questions they can contact you.

Mr. Foltz: President Snyder, I appreciate that. One quick question, Jim. Go over the West Maple, Ream situation again.

Mr. Benekos: Yeah, we're looking to widen that out to three lanes. We have three lanes – we have a turn lane as you approach Main; that turning lane is just not long enough.

Mr. Foltz: Okay.

Mr. Benekos: So what we'd like to do is extend that turn lane further and then we'll also look or explore putting a traffic signal at Ream and the alley.

Mr. Foltz: Right over here.

Mr. Benekos: Right here. It'd be...

Mr. Foltz: Just to let people in and out because it is very congested – just...

Mr. Benekos: Right. It'd be an offset signal that would...

Mr. Foltz: Okay.

Mr. Benekos: Catch the alley and Ream at the same time.

Mr. Foltz: Everyone have a handle on that? It's right in this corner we're talking about.

Mr. Griffith: So would it actually widen the street then ...

Mr. Benekos: Yeah.

Mr. Griffith: to do the turn lane?

Mr. Benekos: We would have three lanes as you approach Main Street. So it just lengthens that stacking lane. I know it just happened to me today, you get stuck behind a car and you can't get up there to the green arrow...

Mr. Foltz: Right.

Mr. Benekos: You know if everybody's going...

Mr. Foltz: Right.

Mr. Benekos: straight. So that's what that...

Mr. Foltz: Do you envision the three lanes to go all the way to Ream?

Mr. Benekos: Well, I don't think we can ...

Mr. Foltz: Do you have enough right of way there?

Mr. Benekos: to widen it out to three lanes all the way to Ream and then have room for a taper, I don't think there is enough property there. So...

Mr. Foltz: Okay.

Mr. Benekos: It may get as far back as the alley but...

Mr. Foltz: At least to the alley it will be three-lane, where we turn in to go to your office? Okay.

Mr. Benekos: Right. And again, this is very preliminary. We haven't done a study...

Mr. Foltz: Okay.

Mr. Benekos: we haven't done a survey.

Mr. Foltz: Appreciate though the input, that helps us visualize what we're ...inaudible... Thank you.

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Mr. Benekos: Sure.

Mr. Cerreta: It's really needed too.

Mr. Foltz: Yeah, definitely.

Mr. Snyder: Good job. Mr. Bartos.

Mr. Bartos: Just two quick items. We've had some policies and procedures put in place over the past couple weeks. One just has to do with notifying employees of a fraud notification system that the Auditor of State has in place. It's a hotline that they can call in or email or they can use mail as well, just to notify them if they see any fraud going on in their City. And Ohio Revised Code requires that all employees are given a notification of how they go about using the system if they need to. So that's a plus. And also we have a new hardhat and high visibility – high visibility apparel policy in place. We had an older policy, but we're always looking to improve. This policy itself will probably be added to and improved over the next couple of months, and kind of using the ODOT (Ohio Department of Transportation) policy to help craft this one. So there's some good changes going on there.

Mr. Snyder: You know relative to identity theft, I had the privilege last Tuesday to be at a Crimewatch meeting here in the council conducted by Lieutenant Strausser and he did say that the highest incidence of crime in the City is identity theft. You know one would think it would be drugs or house invasion, or something, but it is identity theft. So it is a very perplexing problem. In a matter of minutes you could lose your life savings. But I thought there was going to be something mailed to the – did I see something come across my desk to mail to the Council to advise them to – or is that we were included in that?

Mr. Grimes: This is under the Auditor, yes sir, under the Fraud Unit.

Mr. Snyder: They'll advise us...

Mr. Bartos: This is to notify all employees that there's a system out there if they see fraud going on at work they can call the Auditor's Office, there's a hotline, if there's a way that they can email or mail in just to let the Auditor know, hey I think something's going on here. That's just a reporting system that the Ohio Revised Code, the statute required that we give a notification to all employees that this exists and how they can use it.

Mr. Snyder: Okay. And no one wanted to steal my identification – my persona anyways, but I wasn't going to worry about. But thank you for that, I appreciate it. Mr. Foltz, any comment?

REPORTS – COUNCIL:

Mr. Foltz: Yes, I wanted to compliment the Administration, Administrator Grimes and then Jim Benekos, for meeting me on short notice and taking care of some situations in the Ward. It's always nice that you have a collaborate effort and Administration's willing to step up and help solve some problems you know rather quickly. So I wanted to thank you for that. Second, I know – we still looking at the 7th Street detention basin? Is that something we're still looking at and that situation with sanitary and storm?

Mr. Grimes: Yes, sir.

Mr. Foltz: We're working that out to make sure we're don't have any immediate concerns. I know we have long term approach with the study, but we're looking to make sure we don't have any short term problems, right, the next rain?

Mr. Grimes: Yes, sir.

Mr. Foltz: Okay, thank you.

Mr. Snyder: Thank you. Mr. Peters.

Mr. Peters: Yes, just one question in regards to the street resurfacing program this year, not yet prioritized list? When do you anticipate prioritizing that so we can do a little last minute arm twisting?

Mr. Snyder: When are you going on vacation?

Mr. Foltz: He's going on vacation, we can pass this the next two weeks.

(Laughter)

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COUNCIL OF THE CITY OF NORTH CANTON

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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Mr. Benekos: It will be here the Tuesday after Memorial Day. I'll try to have that list to you Monday what our priority is.

Mr. Peters: Okay. And to follow that up, we have the street study done, are we going to use that information or is that going to weigh...

Mr. Benekos: It does guide us a little bit.
Mr. Peters: Okay.

Mr. Benekos: Some of the streets that are way down on the list it's kind of like a waste of time to pave those because that's - in a few years that will just break up again because your base has failed. And I think that's more to look at if - as Mr. Snyder suggested one time, we go out get some bonds and start rebuilding streets or if we wanted to do an assessment process, which streets do we go after first? So, but it does help guide us. We start to look at those streets first and see if there's any benefit just to resurface them.

Mr. Peters: And also, one other question. Who do we have cleaning and maintaining the Dogwood Shelter? Is it the same group as does this building?
Mr. Grimes: Yes.

Mr. Peters: Okay.

Mr. Grimes: We just switched cleaning crews recently.

Mr. Peters: How recently?

Mrs. Loretto: About two weeks ago.

Mr. Grimes: Yeah, about three weeks or so, four weeks maybe.

Mr. Peters: About three weeks ago. Yeah, well, I'll talk with you after the meeting.
Mr. Grimes: Okay.

Mr. Peters: I was just curious if it was still the same crew.

Mr. Grimes: Different group and we are working out problems. We just had a meeting a week ago

...
Mr. Peters: Okay.

Mr. Grimes: where we all sat down. So we're doing that sort of thing to get it to how we want it.

Mr. Peters: Gotcha, okay. That's it. Thank you, sir.

Mr. Snyder: Thank you, sir. Mr. Fox.
Mr. Fox: No reports.

Mr. Snyder: Mr. Griffith.
Mr. Griffith: No report.

Mr. Snyder: Mr. Cerreta.

Mr. Cerreta: Just kudos to Mike again for Main Street. I've been a pain in your backside on that and you've done a nice job in cleaning that - bricks up because I really think strongly we have a beautiful street, something that most communities would love to have, we just need to maintain it and make sure we keep those weeds out of there. So thank you for getting on that, that is well done with that, especially with Memorial Day coming up this month.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: Yes, I would just like to comment. Mr. Snyder made the comment about the crime prevention meeting last Tuesday night and that night on our street a laptop was stolen out of our neighbor's car and an iPod was stolen out of our car. So, unlocked cars are also not a good idea.

Mr. Snyder: That's true.

Mrs. Kiesling: It was the night of the crime prevention meeting; those little buggers. So you just never know.

Mr. Griffith: What a sense of irony.

Mr. Snyder: I apologize for holding that.
Mrs. Kiesling: Yeah, it's all your fault.

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Mr. Foltz: They knew everybody was down here for the meeting.

Mr. Snyder: All the police were down here. They thought you were at the meeting.

Mrs. Kiesling: Yeah, right, in the middle of the night.

(Laughter)

Mr. Snyder: Couple – thank you – a couple things, as you all know we had scheduling conflict with Mr. Renacci and they're working on rescheduling that. I had several residents that wanted to come up. On May 30th the County Commissioners will be here in the Council Chambers. They're making a tour. And you're welcome to come. We want to come out and show our strength. They will do a little entertainment on some flooding issues. And they'd like it to be more on the finances of the County, but we have, as I told you a three-hour meeting last week and they have been apprised of what our situation is here relative to the Zimmer and relative to the northeastern portion of the City in Mr. Foltz's Ward and they're willing to talk about that – we're working on that. So if you get a chance Wednesday night they'll be here.

Mr. Griffith: What time did you say, Jon?

Mr. Snyder: I believe it's at 7:00, here in Council Chambers.

Mr. Fox: That's this Wednesday?

Mr. Snyder: The 30th, a couple weeks. Another thing, relative to Mr. Benekos speaking of the bonds I have to tell you a couple of things. By our Charter the Finance Director is required to submit a preliminary estimate of revenues for the fiscal 2013 and you've been given a copy and our budget has crept up by about \$8,000,000 projected. So, we had a \$48,000,000 budget and predicated on that, we're going to have to do some paring pretty soon because it's fiscally impossible to reach that revenue stage. And it brings to mind what I'm going to have to propose and I know you people aren't going to want to hear this, but there are a couple things that are going to have to happen over the next 30 to 45 days here in North Canton. One is we have a present EMS (Emergency Medical Services) for one and a half mills which will expire December 31st of this year. It was a temporary three-year levy, it will expire, it generates 700 and – \$685,000. If we would not get that levy renewed, it will result in dire, dire consequences for EMS. So we will be talking about that. And I hope to eventually present to you a very comprehensive study where we can take those EMS levies, which now we have three, and put them together in a – you know rather than putting Band-Aids on that situation, let's lay it out and I'll work with Mrs. Loretto and Alger and we'll try to bring that to the Committee and put that out so that it's once and for all. Because three together seem to gen – give you a fraction. There is going to be a County reevaluation of property. The estimate in North Canton is between nine (9) and nineteen (19) percent, countywide it's upwards to almost forty (40%) percent in some areas, so we have to factor that in. And we'll be working Auditor Harold on that, who's been very cooperative and very attentive to our needs and has suggested that we look at that very closely when we look at our levies. So that's something that we're going to be looking at prior to the break because the filing deadline I believe is sometime early August. Relative to the bonds, we are charged by Charter to do at least twenty (20%) percent of our income in capital projects or capital equipment. The last couple years we have not been as attentive to the infrastructure as what we should have been. We had 20 years of very aggressive gutter and curb and resurfacing. Unfortunately the money has not been there. Primary economic development in the city is the infrastructure, the streets and the community. Without that people do not want to live here, they do not want to reside here. I mean if the streets aren't – you go down and you fall in a chuckhole, you know we get criticized, it isn't because we don't want to do it, and you all hear it from constituencies. To do it properly it's going to require a few million dollars. We presently have a one (1%) percent infrastructure levy on the ballot – on the books, it renews every 5 years, it generates about \$350,000, if my memory serves me. What I would like to see and study, with your permission, is an ability to go back into the bond market while interest rates are still low, borrow enough money over the next 5 to 8 years that we can do a very, very detailed infrastructure rebuilding and resurfacing of our streets; bring them to standards of 10 years from now using the money generated from that so it would be no additional, or no additional burden upon the general fund. Everhard Road is going to need to be resurfaced, that probably 6 to \$800,000 minimum. Applegrove will come again. Main Street we just finished. But we need to keep those in order to move north, south, east and west traffic and we have to address it. Your own ward streets and we need to do that. Doing curbs and gutters, it may happen but it won't happen as readily as what resurfacing. So we want to study that. So and possibly we'll take a meeting sometime in a work session night and we'll all storm that and we'll figure out what we're doing because you're all – I would like you all to buy ownership to that and we'll do that. Another thing, I had the privilege of being out at the ball fields and using that walking track, you know I'm trying to get myself in better shape, as I age I don't. But there's a problem out there, we own property to the east of that property, the Luzio property we bought. We're not using it and we have a great ball field there, the kids are using it, enjoying it. We have great neighbors who surround that property and unfortunately we're jamming their streets up. If they need an

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held

Monday, May 14

7:05 p.m.

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emergency vehicle, we're going to be strained to get that. I would like to see and I would hope with your permission, and I would refer to the Chairman of Street and Alley, and the Chairman of Parks, that we could get some money to at least put some gravel on that because that park - they're going to open that and dedicate that section of the Trail I think June 1, and it would be very embarrassing to the City if we're not able to park people who want to come out there and park them in a safe area where their car's not going to get stuck. So...

Mr. Fox: I actually live on that street, on Walsh Avenue and I have residents...
Mr. Snyder: Right.

Mr. Fox: that approach me when it's a busy tournament over the weekend that were cars being parked there. And they're generally respectful and so forth, but there is, you know, because of the increased traffic, there's increased trash and noise and so forth. So they have approached me on several occasions just for what you're asking for.

Mr. Snyder: And I don't know if we can probably pave it, probably not, but maybe we could put a little gravel or something in the.

Mrs. Kiesling: Even it out.

Mr. Fox: They just need additional parking.
Mr. Snyder: Yeah.

Mr. Fox: It's very successful.

Mr. Foltz: Inaudible...

Mr. Cerreta: It's a wonderful piece of property for us.
Mr. Fox: Right.

Mr. Cerreta: And I mean we don't do anything with it and...

Mr. Snyder: No, it just sits there.

Mr. Cerreta: I think we also need to look at what else can be done with that. Just don't throw something in there. Put it where it's strategically a good area there to people can park in very easy and not you know worry about anything down the road.

Mr. Snyder: It'd make a great Menches in there wouldn't it? If we could get any ice cream. Mr. Foltz.

Mr. Foltz: No, I agree, we bought that property for, I think for that complex. So, let's plan it. Let's at least get some aggregate down. We're not going to get hurt with that, it's not like we're going to tear up paving or concrete.
Mr. Snyder: Right.

Mr. Foltz: If we put a base in we can always dig it up and reuse it. But let's try to figure out where we want it long term and give these participants here some relief when they go to the games. It is tough, you're right, you can't get an EMS unit in there.

Mr. Snyder: No, and that's dangerous.

Mr. Fox: They're pulling up over the curbs, parking alongside the fences where they can to get a ...inaudible...
Mr. Snyder: Right.

Mr. Cerreta: And it's happening more and more now because it used to just be opening day. Dave and I were at opening day and if you're going to have to park at the track there, people can't park for the track if something's going on for the tournament.

Mr. Snyder: Right. And that track isn't ...

Mr. Cerreta: And they're having more and more tournaments out there because they have this fantastic ball field now, which is going to bring more and more people in. So we really need some additional parking for the park ...
Mr. Snyder: Right.

Mr. Cerreta: for the trail there. So...

Mr. Snyder: That's an important factor and the relief in the neighborhood.
Mr. Fox: Right.

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 19148

Held

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7:05 p.m.

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Mr. Snyder: As Mr. Fox pointed out, because God forbid somebody would ever have to suffer the use of police or EMS or anything. But we will do that. I appreciate that and the Mayor and Administrator in what you can do and bring that I would appreciate that. And finally, I would just like to commend this Council on this last public hearing we just participated in tonight. I'm thrilled, as many years as I spent here, as when we have the participation of the honorable members that we have and no matter where it comes out, that's the proper way government is best open and transparent and attentive to the residents and to the Ward Councilman. But thank you for your input and I hope that continues. Thank you very much. I have nothing else to come before the body. Anybody else have anything to say?

ADJOURNMENT:

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

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

No: 0

The council meeting adjourned at 7:47 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

5/29/12-bkp

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DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Tuesday, May 29 7:00 p.m. 20 12

CALL TO ORDER:

1. The council meeting was called to order Tuesday, May 29, 2012 at 7:00 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

2. The opening prayer was delivered by the Rev. Michael Gleason, Director of Interfaith Campus Ministry serving Kent Stark and Stark State.

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, Fox, Griffith, Peters, Snyder.

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

CONSIDERATION:

5. Mr. Snyder: May I have a motion and second to approve, as presented the financial statements for April 2012?

Mr. Fox moved and Mr. Peters seconded to **approve as presented the financial statements for April 2012**. All members present voting:

Yes: Fox, Griffith, Peters, Snyder, Cerreta.

No: 0

Mr. Snyder: Prior to the next, I apologize, may we have a motion to excuse members Foltz and member Kiesling, please?

Mr. Fox moved and Mr. Peters seconded to **excuse the absence** of Council Members Foltz and Kiesling.

All members present voting:

Yes: Griffith, Peters, Snyder, Cerreta, Fox.

No: 0

COMMITTEE MINUTES:

6. Mr. Snyder: Thank you. May I have a motion and second to approve as presented the following Committee Report Minutes: Community & Economic Development held on the 14th day of May 2012 and the 21st day of May 2012; Finance and Property; Ordinance, Rules & Claims; and Street & Alley all held 21, May, 2012.

Mr. Peters moved and Mr. Fox seconded to **approve as presented** the committee report minutes. All members present voting:

Yes: Peters, Snyder, Cerreta, Fox, Griffith

No: 0

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office of the Committee & Economic Development Committee meetings held May 14 and 21, 2012.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held May 21, 2012.

Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held May 21, 2012.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held May 21, 2012. **all held 5/21/12.**

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RECOGNITION OF VISITORS:

7. Mr. Snyder: At this time, the Council will recognize anybody wishing to speak. Please step forward, state your name and address for the record. All right, seeing none, we'll move to Old Business. Oh, excuse me. Sir, please step forward and state your name and address for the record.

Mr. Mattocks: On these issues, or others?

Mr. Snyder: Pardon me

Mr. Mattocks: Just these issues that are on the screen.

Mr. Cerreta: No, anything.

Mr. Mattocks: Any issue. Yes, Sherman Mattocks. 1031 Werstler Avenue, North Canton. I spoke a couple of weeks ago here regarding the rezoning of the Postly property. I believe it was misconstrued. My thoughts probably weren't very clear to the Council ...inaudible... persons, so I would like to rephrase it. I do not have any objection to one - someone building north of me on the R-70 lots. The R-2 lots were there when I invested a quarter of a million dollars 21 years ago and the property that I bought. At that time it was R70, and there are still R-70 lots to the north or R-70 lots to the northwest that go all the way out to Applegrove. I do not have an objection to two-family homes. I have 2 of them that were there when I built one lot east or west of me. They have been kept up very well. They were well maintained then, they are today. Our entire northwest neighborhood has two-family homes. I even stated it in that meeting that I thought it was a good way for a young couple to start building, because they can rent out one side and help defray their expenses with a young family; same thing with someone who wants to retire and downsize. So I don't have an objection to two-family. What I have objection to is commercial property within residential area. And the *Repository* said well it was the lights and the noise. No, it is the loss of the R-70 lots. And I was fortunate enough to be able to raise six children in this school district - four of them stayed. Nine of my eleven grandchildren are either in, graduated from, or starting first grade. And, I want to see their grandchildren, my great-grandchildren be able to come back here and find a lot and build. I have a daughter that's young, lives on Werstler just south of me, in three to five years they want to build a new house. They want to stay in North Canton. Her husband is from Jackson. He's sold on North Canton schools. He wants to stay here. We don't have enough R-70 lots to give up. That's my main objection. But in looking at the zoning map, which I was able to get off the internet, and I would assume that zoning map is current, and if we look at the map that was passed out that evening of this rezoning area, there is a lot - Out Lot 231 and Out Lot 232 that is part of this Postly property that's being requested to be rezoned to General Business A. The zoning map show those are R-70's. Nowhere in the request do I see a request to rezone R-70 lots to General Business A. Yet if the zoning map is correct, they're very definitely R-70. If you look at the paperwork that was handed out last week, and Mr. Foltz was kind enough to let me borrow this, the property line of those two lots are 231 and 232, fifty (50%) percent of apartment building 2 and 3 are on building lot 232. The thirteen-car garage and the parking areas are on 231. So, if this zoning is for R-2 to General Business A, how do we throw in all this R-70? Or is the zoning map incorrect? Now, I don't know if it's the Planning Commission's responsibility to research this before they - they quote - they vote on it or whether it is the owner's responsibility to have an accurate request, but somewhere there's a glitch. The R-70 lots that are shown are the entire north to south of that 4.4 acres, and roughly fifty (50%) percent, so I'm going to guess 2 acres. Now, the four lots that we built on, my neighbors and myself, at the end of the cul de sac on Werstler, are basically a little bigger than a third lot. So I don't know the exact square footage requirement for R-70, but in 2 1/2 acres, or even in 2 acres, there are a lot of R-70 lots that we're giving up for rental property. Mr. Snyder, I believe you at last Council Meeting appointed a committee to look at the fact that we have so much multi-family in the City. I looked up online the U.S. Census said we have 32% in North Canton. You're saying it's 36, I'm sorry, you're saying twenty-six (26%) percent. I believe the County Census is thirty-one (31%) percent. So I think it is even greater than what your concern is. And you state that if we go over thirteen (13%) percent it's a problem. Well, if we're at 26 or 32, whichever is correct, why are we going to add 60 more plus or minus rental units and give up all of this residential property? And if we're going to reward the owners of that property by increasing the value of their R-2, are we going to - the City compensate the folks that own the property to the west and to the south that is R-70 that's now going to be contiguous with General Business A? Looking over the entire zoning map, I can't find anywhere except on South Main Street where there isn't a buffer of R-2 between General Business A and R-70. And, I'm sure that was that way when they made the original zoning. So now we are going to throw that out and open Pandora's box to use Mr. Foltz's word, to where, and I think there is some people here with legal background, that once case law is set, or a precedent is set, it's much simpler to do the second one. Yes, this property does not adjoin my property, but the next section may. If this one's approved, then the next one is going to be to the west. The next one could be the one to the south that is right against my property. Once the precedent is set, if that R-70 property is not valuable enough to us to develop as homes for more young families to move into this City, or additional R-2's where the retirees can downsize and stay in the City, do we need that much commercial property? If so, we lose our community. I raised my children in a community. They had fun at the street fairs. They had the community

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YMCA, they had a community pool. My grandchildren have that. I want my great-grandchildren to have that opportunity as well. I don't want a bunch of transients that are going to be here for a year or two, who have no ownership and no desire to help this City because they're only here for the moment. And I still think this is a false application because it does not mention R-70. And I think it needs to be researched if it has not already been so. And I still am very much against it because we need the building lots. If they build right next to me on the north, I bought that land knowing that. I'll gladly have a neighbor in and R-70 right north of me. I'll shake his hand and help him mow his yard. But, I don't want General Business A against my property or my friends and neighbors. Thank you.

Mr. Snyder: I believe that there's two R-70 lots you are referring to have existing housing on them already. So - but they were presented at the Planning Commission as R-70 lots.

Mr. Mattocks: Okay.

Mr. Snyder: They were aware of the fact that they were zoned.

Mr. Mattocks: Well I was not when I was - when I heard ...

Mr. Snyder: They were presented as two R-70's and....

Mr. Mattocks: Okay. But once again, I don't know how we can afford to give up the R-70 lots, the few that we have left in our City.

Mr. Snyder: Thank you sir. Wait Mr. Postiy, this gentleman is next.

Thomas Zucal: Good evening. My name is Thomas Zucal, and I live on 1110 Browning Avenue NW. And I was here last meeting we had here. And I want to thank Mr. Mattocks for that presentation. It was very good. And I'm like him, I don't mind it staying the zoning the way it is right now with duplexes. But to change it, I'm totally against that. I like it the way it is and so does the neighborhood. Thank you.

Mr. Snyder: Thank you sir. Mr. Postiy.

Ron Postiy: I'm the one causing the problem or one of them. But anyway, the situation is on this gentleman's property - I've driven back to where he lives. There is probably approximately a two acre buffer between his property and our property. And he's told everybody that you can see...I can't see Applegrove and I beg all of you to drive back there and take a look. That is no interference with his property. There's another couple of acres there to build residential if someone would want to. It doesn't even come near our property. So there's no connection there. Thank you.

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

Miriam Welch: I'm Miriam Welch, 800 Applegrove Street NW. This zoning proposal change affects me, I, greatly. My whole border borders on Postiy's land. I'm R-70. Mr. Ebert is right behind him. He's R-70. We do not want - it's not good zoning to have business right up on R-70. My property goes all the way back to Browning. People on Browning are greatly affected by what happens up front because if you rezone this GB-A, then their look at my field, which runs right into their street. There is a possibility someday, maybe not tomorrow, maybe not the next day, but someday that field, and even my lot with my house, could be rezoned at the whim of a future City Council. And something as distant as that can have a great effect on the perceived values of these houses back on Browning and Woodrow. You don't have to touch right on or about the property that's being rezoned, you only have to be within the neighborhood. And it takes just one little thing in a neighborhood to make the whole thing go down like a domino game. So keep that in mind. It's not just me, it's everybody else who is going to be effected. Thank you.

Mr. Snyder: Thank you.

Miriam Baughman: 320 Weber Avenue, North Canton. And it's a Miriam following a Miriam which is really strange because you don't hear that name very often. Good people. I have a concern. and I read it in the *North Neighborhood News*. I also stood up here the last meeting and I heard Mr. Lemmon's presentation of his very nice buildings. And I heard the Council say how much money that the City is going to make off the rental of those buildings. People will come in and pay income tax. So it all sounds really good. However, according to Dottie's article in the *North Neighbor's News*, Mr. Lemmon says that he would make sure the site is suitable for development, and that the areas marked by shallow draft coal mines from the last century, which limits development potential. So then I got to thinking and the thing that was missing from his presentation was that no testing has been done to see if those buildings can even be built. So therefore, and I assume your zoning it for his buildings from what I heard; therefore, if you zone it, the testing is done, and it says no, no, no, you can't put three 20-unit huge buildings on top of mines, then you've hung the residents out to dry because then

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the zoning is already changed. You can't build the apartment buildings, so what's going to go in there? Anything could go in there as long as it is permitted use in a GB-A, which the list for permitted use is very long. And if it says permitted use, nobody can change that, not the Planning Commission, the Council, the Mayor, the basketball coach, the football coach – nobody. It's set in stone. So I also read the planning book. Action by Council, you can do three things: You can adopt the recommendation; you can deny the recommendation; or you can adopt some modification thereof. So I'd ask you to think about either tabling this till the testing's done or modify the request to say that the zoning will be changed if the buildings can be built. That way you're protecting the residents and that should really be your main concern as a Council to protect the residents. Thank you.

Mr. Snyder: Relative to that statement, I've had some cursory conversations with Mr. Lemmon on that matter, and I believe that contract does read "if it goes through the first reading and it's moved, he will then test the property." And if the property does not meet that, and the test will be back way before the final reading, and the 30-day moratorium, so at that point we still have sufficient time to act as we do seem. But Mr. Lemmon does his homework and I'm sure he's not going to invest whatever sum he's paying them to build buildings if it's not suitable. As well as Mr. Lemmon stated here and I have no reason to doubt, he has no desire to build commercial on the back portion of that property. As we've talked about, the frontage of the property is very narrow at best and the back part of the property could not support commercial development. It would only be the front and you'd land-lock the back making the front extremely expensive for a commercial development to go in there. So there's a lot of things in play here. But, we do appreciate all your comments. Any questions of Council? But as I say, it will be done and we'll watch as it percolates through the system. The nice thing about zoning changes is it does require three separate meetings. It's going to require a 30-day cooling-off period. And I don't know what Mr. Lemmon's timetable is, but he will test that property in the next couple of weeks as is his intention. So, if there is a problem, we'll talk to Mr. Lemmon and we'll move accordingly. Yes, sir?

Unidentified (speaking from the audience): Mr. Lemmon told me that, like you say, before anything is done, he has to test the property accordingly, and that is on the agenda to be done. I don't know what time frame ...inaudible... But that's part of the purchase agreement. Inaudible... if it's not suitable to build ...inaudible...

Mr. Snyder: We'll call Mr. Lemmon and find out. Yeah, we'll find out what his intentions are. Okay. Alright, we'll move to Old Business. The first thing is may I have a motion to read by title only, the second reading of Ordinance No. 43-12?

OLD BUSINESS:

8. Mr. Cerreta moved and Mr. Fox seconded to **read by title only, second reading** of Ordinance No. 43-12. All members present voting.
Yes: Snyder, Cerreta, Fox, Griffith, Peters
No: 0

Ordinance No 43-12 – 2nd Reading – Water, Sewer, and Rubbish

An ordinance approving, confirming, and accepting a perpetual public utility waterline easement known as Parcel No. 16-19961 by and between the City of North Canton in Ohio Charter Municipal Corporation and any public utility regulated by the Public Utility Commission of Ohio, and successors and assigns and JSG Investment Group LTD in Ohio Limited Liability Company in accordance with the Belden-Whipple Plaza No. 2 for and in consideration of one dollar and other good and valuable considerations.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Yes. We've talked about this second reading. This continues to give us the right to go on that site to maintain our lines. So I move that we approve the second reading of Ordinance No. 43-12.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 43-12. All members present voting.
Yes: Cerreta, Fox, Griffith, Peters, Snyder
No: 0

9. Mr. Snyder: May we have a motion to read by title only the second reading of Ordinance No. 44-12.

Mr. Fox moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 44-12. All members present voting:
Yes: Fox, Griffith, Peters, Snyder, Cerreta
No: 0

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Ordinance No. 44-12 – 2nd Reading – Water, Sewer & Rubbish

An ordinance authorizing the Mayor of the City of North Canton through the Board of Control to enter into a supplemental sewer agreement by and between the City of North Canton and the City of Canton for improvements to the Canton Water Reclamation Facility and to amend the March 22, 1974 agreement and the series of supplements thereafter, and declaring the same to be an emergency.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: Yes. Again we discussed this, this is our portion of the funds to Canton to improve their Water/Sewer Reclamation Facility. I move that we continue to improve – or approve Ordinance No. 44-12 for the second reading.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 44-12. All members present voting:

Yes: Griffith, Peters, Snyder, Cerreta, Fox

No: 0

10. Mr. Snyder: May we have a motion to read by title only second reading of Ordinance No. 45-12?

Mr. Peters moved and Mr. Cerreta seconded to **read by title only, second reading** of Ordinance No. 45-12. All members present voting:

Yes: Peters, Snyder, Cerreta, Fox, Griffith

No: 0

Ordinance No. 45-12 – 2nd Reading - Water, Sewer & Rubbish

An ordinance appointing Jake Tovisi to a three-year term, Larry Klee to a four-year term, Ronald Riolfi to a five-year term and designating the Chairperson of the Water, Sewer and Rubbish Committee as the Council Representative of the North Canton Community Disaster Relief Fund Committee for the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: Yes, this is the second reading to approve these three individuals. As we form the committee, these are the individuals that will be at the first beginning of the Committee. So, I move that we approve Ordinance No. 45-12 on the second reading.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 45-12. All members present voting:

Yes: Snyder, Cerreta, Fox, Griffith, Peters

No: 0

11. Mr. Snyder: All right. May we have a motion to read by title only the second reading of Resolution No. 46-12?

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, second reading** of Resolution No. 46-12. All members present voting:

Yes: Cerreta, Fox, Griffith, Peters, Snyder

No: 0

Resolution No. 46-12 – 2nd Reading – Water, Sewer & Rubbish

A resolution establishing a Neighbors Helping Neighbors Program for the City of North Canton to assist the Greater North Canton Community when special needs present themselves and declaring the same to be an emergency.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: This is the second reading of this new program that we've started. It's a wonderful program to help - really to see who - those people that want to help and those people that are in need and kind of facilitate the matching them together to make our community a little bit better and help the people. I move we approve the second reading of Resolution No. 46-12 on the second reading.

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Mr. Cerreta moved and Mr. Fox seconded to **adopt the second reading** of Resolution No. 46-12. All members present voting:
 Yes: Fox, Griffith, Peters, Snyder, Cerreta
 No: 0

12. Mr. Snyder: May I have a motion to read by title only the second reading of Ordinance No. 48-12?

Mr. Griffith moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 48-12.
 Yes: Griffith, Peters, Snyder, Cerreta, Fox
 No: 0

Ordinance No. 48-12 – 2ND Reading – Community & Economic Development

An ordinance amending personal services B83 of section 112502 – definitions of Chapter 1125 definitions and land use category D2 of Section 112703 schedule of permitted uses of Chapter 1137 – Business District Regulation of Ordinance No. 50-3 Zoning Ordinance of the City of North Canton to exclude tattoos and/or body piercing businesses and the like.

Mr. Snyder: Vice Chairman Cerreta

Mr. Cerreta: Once again, we discussed this. This is really to - as it is here to create the zoning so that we can exclude tattoo and body piercing businesses and the like. I move that we might approve Ordinance No. 48-12 second reading.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 48-12. All members present voting:
 Yes: Peters, Snyder, Cerreta, Fox, Griffith
 No: 0

NEW BUSINESS:

13. Mr. Snyder: Moving on to New Business. May I have a motion to read by title only the first reading of Ordinance No. 49-12?

Mr. Griffith moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 49-12. All members present voting:
 Yes: Snyder, Cerreta, Fox, Griffith, Peters
 No: 0

Ordinance No. 49-12. -1st Reading – Community & Economic Development

An ordinance amending Ordinance No. 50-03 zoning ordinance of the City of North Canton to change the zoning district to the premises situated with frontage on Applegrove Street NW known as parcels 9208676, 9208743, and 9204594 and located in the City of North Canton from R2-F to Family District GB-A – General Business District.

Mr. Snyder: Vice Chairman Cerreta

Mr. Cerreta: Well, this is what we've been discussing. And we had a public discussion on it. And we just had some people that discussed it. This is to change some of the parcels, difference in zoning. I move that we go ahead and have the first reading of Ordinance No. 49-12.

Mr. Fox: Second.
 Mrs. Kalpac: 49.

Mr. Cerreta: 49-12.

Mr. Cerreta moved and Mr. Fox seconded to **adopt the first reading** of Ordinance 49-12. All members present voting:
 Yes: Cerreta, Fox, Griffith, Peters, Snyder
 No: 0

14. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 50-12?

Mr. Griffith moved and Mr. Fox seconded to **read by title only, first reading** of Ordinance No. 50-12. All members present voting:
 Yes: Fox, Griffith, Peters, Snyder, Cerreta
 No: 0

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Ordinance No. 50-12 – 1st Reading – Ordinance, Rules & Claims

An ordinance amending part 17, Housing Code of the Codified Ordinances of the City of North Canton by the addition of Chapter 1705, unsafe buildings.

Mr. Snyder: Prior to returning this to the Chairman, I would like to say publically – first of all I'd like to thank the Chairman and his Committee for all the hard work they've put in this, as well as Mr. Bowles and from the Administration. He did call me, they're somewhat concerned that the Committee and members of Council and the Administration on the actual genesis of this ordinance. And they've asked that it be read today the way it is written. They'll hold meetings amongst themselves here in the next couple of days. And next Monday evening at the Council of the Whole, they'll bring back to the Council for its full discussion with their recommendation, both from a legal perspective and from a resident's perspective, with inputs from other members of Council and its Committee. And gentlemen I do appreciate all your hard work and your efforts in that and I thank you from the Chair for that. Thank you very much. So, I will turn that over to Chairman Griffith on that.

Mr. Griffith: Well, as John mentioned, I think we're all very excited about the project. We want to keep this moving forward and that's very important, but obviously we want to make sure we're putting legislation together that is going to be as effective as possible. As much as some of us like to see healthy legal fees, of course as a Council Member, we don't want to see those. So we want to make sure that we avoid that as much as possible. So generously I think we've had a number of people who have been willing to step through, and we're going to move this thing forward, but it is going to look different than it is. And in order to keep things moving, I would ask that we kind of do that or certainly if other people have strong objections to that, we could do that. But I think that obviously it's not going to pass in finality in the form it is right now, but we're going to make sure that it gets done, So.

Mr. Snyder: I appreciate that.

Mr. Griffith: I would move that it be without objection or concern. I move that we move forward with at least the first reading.

Mr. Griffith moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 50-12. All members present voting:
Yes: Griffith, Peters, Snyder, Cerreta, Fox
No: 0

15. Mr. Snyder: Thank you. May I have a motion to read by title only, first reading of Ordinance No. 51-12?

Mr. Fox moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 51-12. All members present voting:
Yes: Peters, Snyder, Cerreta, Fox, Griffith
No: 0

Ordinance No. 51-12 – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Federal Highway Administration through the Stark County Area Transportation Study for a Grant for the Portage Charlotte Street Improvement Project from Wise Avenue NW to North Main Street, and authorizing the Mayor through the Board of Control to enter into an agreement for said grant, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox

Mr. Fox: Yes sir. This is another opportunity for Mr. Benekos to submit a grant for improvements to our streets. In fact, this first one here is for improvements to Portage and Charlotte. This includes mill and resurface, replace catch basins, curbs, sidewalks, ADA curb ramps and upgrade the signal at Hillcrest as necessary. I just want to point out that this does not commit or spend these funds, this just gives us the opportunity to apply for the grant. And two things that I wish to point out: today given the number of council members we're unable to move as an emergency, so we're going to have a special meeting next week for this.

Mr. Snyder: That's correct.

Mr. Fox: And then we can place it on as an emergency for the vote. And also, I move that we amend Section 1 of this ordinance to increase the total amount from \$275,000 to \$500,200 which consists of professional services going from \$75,000 to \$135,000.

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Mrs. Kalpac: Excuse me, I think you're on the wrong ordinance.

Mr. Snyder: That's the second ordinance. We want to pass the first one and then you can amend that, and you can do 52-12 after that.

Mr. Fox: Oh, I think we're ...inaudible...

Mr. Snyder: Yeah, you've got 51-12 and you want to – so you'll to make a motion to adopt 51-12 as presented?

Mr. Fox: Yes sir.

Mr. Fox moved and Mr. Cerreta moved to **adopt the first reading** of Ordinance No. 51-12.

All members present voting:

Yes: Snyder, Cerreta, Fox, Griffith, Peters

No: 0

16. Mr. Snyder: Chairman Fox, would you want to make a motion to amend the Section 1 on this next ordinance?

Mr. Fox: Correct. Yes, this is to increase the total amount from 275,000 to \$500,200, consists of professional services going from 75,000 to 135,000 in contract payments going from 200,000 to \$365,200.

Mr. Cerreta: Do we need it read first?

Mr. Snyder: No, we're going to first amend that ordinance.

Mr. Cerreta: I see.

Mr. Snyder: Is there a second? And then we'll – as soon as we get a second then we can discuss it.

Mr. Griffith: I'll second the amendment.

Mr. Fox moved and Mr. Griffith seconded to **amend Section 1 of Ordinance No. 52-12 to increase the total amount from \$275,000 to \$500,200, consists of professional services going from \$75,000 to \$135,000 in contract payments going from \$200,000 to \$365,200.**

Mr. Snyder: And if you'd like some explanation I could defer to the Engineer and give you some explanation ...

Mr. Cerreta: Let's do that then.

Mr. Snyder: as to why the uptake in the value of it.

Mr. Benekos: When I developed the legislation to bring before Council, we were still working with the consultant to get the final estimate that we were putting together for the grant application. We finally got that late last week and then I sent out an email requesting the increase.

Mr. Snyder: One thing that's important to note, is on both of these this money is money that we are appropriating because they require it be appropriated to apply for the grant. We're not expending these funds. Should we be successful in obtaining the grant, hopefully the Engineer at that time will apply for an additional grant and monies to offset the monies that we will possibly expend. I think it's in '13 or '14 that money's going to be spent.

Mr. Benekos: '15

Mr. Snyder: '15. So we do have time. So he'll apply for a grant next to offset the money we're going to expend. But we do have to appropriate it to show the State that we do have the money to pay it should we be successful recipient of the grant. Mr. Peters.

Mr. Peters:

Mr. Snyder: '15, so we have time. So, he'll apply for grants to offset the money we are going to expend, but we do have it appropriated, and to show the State that we do have the money to pay it should we be successful recipient of the Grant.

Mr. Peters: Well the FHWA that would be eighty (80%), right?

Mr. Benekos: Correct.

Mr. Peters: And, then the back twenty (20%) percent is the OPWC?

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Mr. Benekos: Yeah, we have to wait until the project is completed, and then we can apply for the OP -- the design is completed, then we can apply for OPWC. But traditionally we come to a OPWC we, say we've got eighty (80%) percent, it's the same approving body that's approved the eighty (80%), it's going to be tough to deny the 20%.

Mr. Fox: Good strategy.

Mr. Snyder: Alright Clerk, will you please call the question on the motion?

All members present voting:

Yes: Cerreta, Fox, Griffith, Peters, Snyder

No: 0

Mr. Snyder: Now, may I have a motion to read by title only, first reading of Ordinance No. 52-12 as amended?

Mr. Peters moved and Mr. Cerreta seconded to **read by title only, first reading, as amended**, of Ordinance No. 52-12. All members present voting:

Yes: Fox, Griffith, Peters, Snyder, Cerreta

No: 0

Ordinance No. 52-12 – 1st Reading – Street & Alley

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Professional Services and Contract Payments Accounts in the amount of \$500,200 for the current expenses during the fiscal year ending December 31, 2012, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox

Mr. Fox: Yes, sir. This is simply the - the approval of the account and to move it from unallocated to allocated with the method we had just discussed.

Mr. Snyder: Thank you sir.

Mr. Fox moved and Mr. Peters seconded to **adopt the first reading, as amended**, of Ordinance No. 52-12. All members present voting:

Yes: Griffith, Peters, Snyder, Cerreta, Fox

No: 0

17. Mr. Snyder: May I have a motion and a second to read by title only, first reading of Ordinance No. 53-12?

Mr. Fox moved and Mr. Peters moved to **read by title only, first reading** of Ordinance No. 53-12. All members present voting:

Yes: Peters, Snyder, Cerreta, Fox, Griffith

No: 0

Ordinance No. 53-12 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Federal Highway Administration ("FHWA") through the Stark County Area Transportation Study ("SCATS") for a grant for the West Maple Street Widening Project (from North Main Street to Ream Avenue NW); and, authorizing the Mayor, through the Board of Control, to enter into an agreement for said grant, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox

Mr. Fox: Yes, sir. Similar to our last ordinance, this again is an ordinance permitting our City Engineer to apply for a grant. This is for improving or widening, of West Main Street. This again covers widening to extend the eastbound left turn lane, the west terminus to be determined based on the available of right-of-way; relocate the overhead utilities underground; and install a new traffic signal at Ream, in fact this is the site almost right around the corner from us. This again, does not have us spending any of the funds, this just permits us to allocate it so that he may apply for the grant and indeed as the last one, this will cover eighty (80%) percent with the possibility of the addition of twenty (20%) percent once the first one is approved. And also with that as it's read, given the number of Council this evening, this won't be placed as an emergency. I move to move forward as written.

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

Held Tuesday, May 29

7:00 p.m.

20¹²

Mr. Fox moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 53-12. All members present voting:
 Yes: Snyder, Cerreta, Fox, Griffith, Peters
 No: 0

18. Mr. Snyder: May I have a motion to amend, Ordinance No. 54-12?

Mr. Fox moved and Mr. Griffith seconded to **amend Section 1 of Ordinance No. 54-12 to increase the amount from \$150,000 to \$298,400 which consists of Contract Payments going from \$100,000 to \$248,400 and Professional Services staying at \$50,000.** All members present voting:
 Yes: Cerreta, Fox, Griffith, Peters, Snyder
 No: 0

Mr. Snyder: Chairman Fox, do you want to explain that?

Mr. Fox: Yes, this as well as the previous one, this is the additional increase. We're asking to increase the total amount from \$150,000 to \$298,400 which covers contract payments going from \$100,000 to \$248,400 and professional services staying at \$50,000.

Mr. Snyder: Any questions? If not, may we have a second to that?

Mr. Cerreta: A motion was made?

Mr. Fox moved to approve this as drafted.
 Mr. Cerreta: Second

Mr. Griffith: We're approving the amendment?

Mr. Snyder: We're approving the amendment to the ordinance.

Mr. Cerreta: There's been a motion and second to the amendment.

Mr. Snyder: Got a motion and a second to the amendment.

Mrs. Kalpac: Yeah, we already did that. Now we're ready for one to read.

Mr. Snyder: Yeah, we didn't call the question. We did? Alright, then we'll take a motion and a second to read, first reading of Ordinance No. 54-12.

Mr. Peters: As amended.

Mr. Cerreta: As amended.

Mr. Snyder: As amended. Excuse me. Thank you.

Mr. Peters moved and Mr. Cerreta seconded to **read by title only, first reading, as amended**, of Ordinance No. 54-12. All members present voting:
 Yes: Fox, Griffith, Peters, Snyder, Cerreta
 No: 0

Ordinance No. 54-12 – 1st Reading – Street & Alley

An ordinance authorizing the supplement appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Professional Services and Contract Payments Accounts in the amount of \$298,400 for the current expenses during the fiscal year ending December 31, 2012, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox

Mr. Fox: Yes, sir. Much like the previous one, this is simply recounting the approval from the unappropriated to the appropriated funds. Move to approve as drafted.

Mr. Fox moved and Mr. Peters seconded to **adopt the first reading, as amended**, of Ordinance No. 54-12. All members present voting:
 Yes: Griffith, Peters, Snyder, Cerreta, Fox
 No: 0

19. Mr. Snyder: Okay. Moving along, may we have a motion and a second to read as presented the first reading of Ordinance No. 55-12.

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DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held Tuesday, May 29 7:00 p.m. 20 12

Mr. Griffith moved and Mr. Peters seconded to read as presented. All members present voting:

Yes: Peters, Snyder, Cerreta, Fox, Griffith

No: 0

Ordinance No. 55-12 - 1st Reading - Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement to develop a Geographic Information Systems ("GIS") Model, at a cost not to exceed \$210,000.

Mr. Snyder: These are budgeted items in the 2012 budget. There's a couple of funds whether it be sewer, storm, sanitary, water, to develop this system that they can track it through satellite and the accounts were listed. And I think they're listed in the ordinance as to where their origination will come from. These are all items that have been budgeted and which will ultimately make the job of the Engineering Department and the men that are on the actual job site easier to identify and to track breaks and future developments and so forth. And everything seems to be done digitally today, and that's what this brings us right up to the current value. Any other questions? If not, I'll entertain a motion to adopt the first reading of Ordinance 55-12.

Mr. Griffith: Actually, I have a quick question.

Mr. Snyder: Yes.

Mr. Griffith: It's more a point of inquiry. Is this system very similar to the one that the auditor uses?

Mr. Benekos: It's based on the Auditor's system. We'll use their base mapping, and they create different layers. So they have layers regarding to the property, so who the property owners are and information there. We're going to create layers on top of that base mapping for our water lines, sewer lines and so forth. We can also utilize, once we create those layers, develop the asset management, which will help in the finance side of it also.

Mr. Cerreta: So, if someone wants to come in and do something, you don't have to go out and draw the lines and everything, you can just look right on that and you'd have it all.

Mr. Benekos: We have a paper map that does that. This will make it easier to maintain. You don't have to go down into the basement and pull out the files. Somebody's out in the field, they have a water main break, they can pull this, see where the valves are so they can isolate an area. It's a very useful tool.

Mr. Griffith: It seems like a great use of, I want to say, collaborative government effort as well, which is really nice.

Mr. Snyder: Yeah, that's good. That's the way it works best. Good point, thank you. Any other questions?

Mr. Cerreta: So moved then.

Mr. Snyder: Please.

Mr. Peters: Second.

Mr. Cerreta moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 55-12. All members present voting:

Yes: Snyder, Cerreta, Fox, Griffith, Peters

No: 0

20, Mr. Snyder: May I have a motion and a second to read by title only, first reading of Resolution 56-12?

Mr. Griffith moved and Mr. Peters seconded to read by title only, first reading of Resolution No. 56-12. All member present voting:

Yes: Cerreta, Fox, Griffith, Peters, Snyder

No: 0

DAYTON LEGAL BANK, INC. FORM NO. 10149

Held Tuesday, May 29

7:00 p.m.

2012

Resolution No. 56-12 – 1st Reading – Finance & Property

A Resolution on submission of request to the Stark County Auditor pursuant to Ohio Revised Code Section 5705.03(B) to certify to the City of North Canton, Stark County, Ohio, as taxing authority for the City of North Canton, Stark County, Ohio the total current tax valuation of the City of North Canton, Stark County, Ohio, as a subdivision and the dollar amount of revenue that would be generated for a renewal tax of one and one-half (1.5) mills pursuant to Ohio Revised Code Sections 5705.19, 5705.191 and 5705.25 for the purpose of providing ambulance service emergency medical service or both, in the City of North Canton, for a period of five (5) years, tax years 2012, 2013, 2014, 2015 and 2016, commencing 2012, first due in calendar year 2013 and declaring the same to be an emergency.

Mr. Snyder: This present levy is in place. It was a two-year levy for 1.5 mil generating about \$683,000 of the \$1,000,009 that it costs to run the EMS Service. That will expire in December. We've asked for a five-year sunset provision versus a two to allow us planning and strategically to look at all aspects of that service to see where we can continue. And the Administration has been very diligent in tightening that up, which we thank you for. Our costs are very controlled there. This is a very, very expensive service. It's a service that's used by the residents. And it's a service that the residents seem to be ultimately satisfied with. However, with the reevaluation of property, we need to get this resolution. There'll probably be some down trod on the actual amount that it will generate due to the property values. So, we're going to have to be diligent at best when we prepare the 2013 budgets. We need this to continue in the long-standing ways we've had with balancing our budgets without any additional income tax or tax increases. I say this is a renewal, it's not a new tax. And hopefully, over the next few months, we'll be able to present this. This is a first step in the process. Once we determine, then we'll go to the ballot. So, is there are any other questions on that? We'll be able to give that about less than ten (10) days, the actual dollar figure so we'll know where we're at. If not, I'll entertain a motion to adopt the first reading of Resolution No. 56-12.

Mr. Peters moved and Mr. Fox seconded to **adopt the first reading** of Resolution No. 56-12. All members present voting:

Yes: Fox, Griffith, Peters, Snyder, Cerreta

No: 0

Mr. Snyder: I'd like a motion and second to schedule a special council meeting immediately preceding the June 4th Council of the Whole meeting next Monday. The meeting will be at 6:45. As Chairman Fox pointed out, we need a quorum of six at least to pass Ordinances 51-12, 52-12, 53-12, 54-12 and the Resolution 56-12 on an emergency so we can move those along. Time is of the essence on all those. I believe June 7th or 8th is the deadline on a couple of those as well as we have to get the other prior to the Council break in July. So, I'll entertain a motion to schedule a special meeting.

Mr. Griffith moved and Mr. Peters seconded to schedule a special meeting Monday, June 4, 2012 at 6:45 p.m. All members present voting:

Yes: Griffith, Cerreta, Peters, Snyder, Fox

No: 0

REPORTS:

Mr. Snyder: Okay. Thank you. Reports, Director of Law.

Mr. Nilges: No report.

Mr. Snyder: Director of Finance.

Mrs. Loretto: No report.

Mr. Snyder: Director of Administration:

Mr. Grimes: Just a couple, Council President. First, as you know, we've had some retirements last year at the Police Department. The Chief is filling the – those holes back and fifteen (15) minutes before Council meeting next week, the Mayor is going to swear in a new full-time officer, Justin Brumbaugh. And he has been working with us for quite a while now, for probably eight or nine months. So he'll fit right in with that military experience and that, but he's been real good for us. So, and in speaking of the military, those of you who stayed in town and didn't have to go anywhere, I think the Memorial Day Parade and event was a pretty nice event. And I think we have Mr. Greg Sarbaugh to thank for that and the Lions Organization. We thank you for, you know, helping us and really working that through. And of course the Mayor, and then we called on Councilman Cerreta and Councilman Fox to do the reading of the soldiers that gave their lives, you know, for us. So, it was a very nice event and that. And the last thing is that – just a reminder that the Stark County Commissioners are going to be holding their meeting here tomorrow night at 6:30.

Mr. Peters: Mike, that swearing in will be at 6:30 then next week?

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Tuesday, May 29 7:00 p.m. 20 12

Mr. Grimes: Yes.
 Mr. Peters: Okay.
 Mayor Held: 6:45.
 Mr. Grimes: No, they have a special council meeting so it's at 6:30.
 Mr. Snyder: 6:30.
 Mayor Held: Okay.

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

Mayor Held: Yes. This Saturday at 9:00 we'll have the annual Mayor's Fishing Rodeo. It is over a 30 year's tradition, so you have a lot of generations of grandparents, parents, grandchildren, I think even a few great-grandchildren. But it's always a nice event. We do stock the pond and all residents in North Canton, their children are able to come and participate in this. And then they do give away prizes. Everybody goes away a winner, even if they don't catch the biggest fish. They get free fishing rods, and tackle boxes. So that's always a nice event. And then our pool, for the first time that we can recall, I'm not sure if Marge or Jon, you've been around a little longer, that this is the first time that we've opened up the pool for Memorial Day weekend and for some time. And it was a great turnout. We had - we collected \$11,800 over the weekend, and we had 2400 people that came to the pool. So it was great weather, great participation and the staff really did work extra hard to make sure and get the pool in place. It will be closed this week because all the lifeguards are still in school, but starting next weekend we'll have it open every day. And then we also had, in addition to that, and again I'd like to repeat what Administrator Grimes mentioned about the Memorial Day Parade, very nice event. And Mr. Sarbaugh, we appreciate all the hard work you put in on that and also Councilman Cerreta and Councilman Fox for participating in that.

Mr. Snyder: Mr. Mayor, I think I would like you to share with the audience and Council what you did for me this morning. You've replaced all the chairs and lounges at the pool...

Mayor Held: Yes.

Mr. Snyder: for what about twenty (20%) percent of the original estimate.

Mayor Held: Yes.

Mr. Snyder: Am I correct in that?

Mayor Held: Yes. And we did have - yes, we - I think the original estimate was about \$200 a chair, and you know those little lounge chairs. So it was in the thousands of dollars to replace those. The good thing is that Jim Davis, our new Service Director, he has a business mindset because he came from the private sector, and we replaced all the chairs for \$1900. And so we have the Adirondack chairs, they're all made out of plastic and they serve the function, just a lot less expensive. And we've got flowers up by the pool which, of course, a lot of the ladies have recognized. I didn't notice it myself to tell the truth, but now I do. And then in addition to that we have all new siding on the pool house, that was done this week. They replaced it, they painted it, we painted all the locker rooms; I mean it really looks nice. They've also put in a new, air conditioning system, actually got the one up and running, which was a little bit deficient. And in addition to that, the pool was much warmer. If any of you went to the pool, we've got the heater working in a much more efficient manner now. And so a lot of people commented on how warm the water was. It may sound like an insignificant issue to you if you're not at the pool, but when you pay and you go to the pool, the residents were really satisfied. Also, the poles, if you noticed, all the poles, the light poles along Main Street, almost all of them are painted, certainly the ones in the parade route were painted

(Laughter)

Mayor Held: And believe it or not, we have so many people that compliment on the poles. I've had more compliments on the poles being painted than I've ever had compliments in all the years I've served as Mayor and I think it's because you have approximately 25,000 cars that drive up and down Main Street, and it's obviously a very noticeable improvement. So...

Mr. Snyder: Was that difficult to put your picture on all those poles?

(Laughter)

Mr. Snyder: I didn't know how hard that actually was.

(Laughter)

Mr. Snyder: I'm sorry.

Mayor Held: Yeah, they're all ...inaudible... semi-gloss. But that's all. Thank you.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, May 29

7:00 p.m.

2012

Mr. Snyder: I'm sorry. Mr. Engineer.

Mayor Held: I'm kind of used to it.

Mr. Snyder: That's good.

Mr. Benekos: Yes, one of the pieces of legislation regarding the GIS, if Council desires we can have ARCADIS come in June 18th at 6:30 p.m. and give a presentation on – well give you some more information on what GIS is, what it can do for us. And we've been developing it over the years, getting prepared for this time.

Mr. Snyder: I think that would be helpful so that everybody understands what we're spending that money – that would be nice if you'd do that.

Mr. Benekos: Sure. Okay. And then the other thing going along with the grants, Board of Control awarded the project for North Main Street Phase Six this evening. That is a project that we have eighty (80%) percent federal funding and twenty (20%) percent state funding on that. The award went to Central Allied. The bid came in at just over \$3,000,000. The estimate was 3.7(million) and now the next bid above them was about 3.3 (million), about a ten (10%) percent lower bid from Central Allied. So, we look forward to getting that project started and inconveniencing the motorists this summer. So...

Mrs. Loretto: Get used to it.

Mr. Benekos: Yes.

Mr. Snyder: Thank you. Mr. Bartos

Mr. Bartos: Well on Saturday not only is the Mayor having his fishing rodeo, but Stark Parks is also celebrating National Trails Day in a big way. They're opening over ten miles of new trail along both the Hoover Trail and the Middlebranch Trail. At 10:00 a.m. they'll be having the event at Hoover High School. The Hoover Pep Band will be there in attendance. After the event there'll be guided hikes, bike rides, music and activities, and events at the YMCA. So, I know the Mayor is going to try to stop by. There's going to be a ribbon cutting...

Mayor Held: Yes.

Mr. Bartos: So everybody is welcome to attend as well. And it's going to be a quick – a quick event there and then it's off to Middlebranch by 12:00 p.m. over in Schneider Park. So, they've got more events over there and they're also taking dry dog and cat food donations for the Stark County Humane Society. So, this is a big project, the City of North Canton was one of over 20 partners that I counted on the flier. So if anyone wants a copy of the flier and that hasn't gotten it let me know.

REPORTS – COUNCIL:

Mr. Snyder: Thank you sir. Mr. Peters

Mr. Peters: Yeah, I have no report, just one quick comment. I was out of town over the weekend, but I had an opportunity to go to the pool on Friday to look at it. And, and, and, I had comments after the fact from friends of mine that were out there and the attention to detail was really what drew everyone in. And so again, Mayor, of your staff, thank Jim, once again, he has a job well done. He did a great job there.

Mayor Held: Thank you. I will pass that on to him.

Mr. Snyder: Mr. Fox.

Mr. Fox: Yes, sir. Speaking as a local veteran, I'd like to thank the Lion's Club for a wonderful Memorial Day Parade. I know everyone that participated had a really nice day out there, and also to the Administration for a very respectful and moving ceremony honoring the local veterans. With all that was going on, as well as the work that is going on in the pool, they left, you know, no stone unturned there at Bitzer Park. It looked like, if you look at it now, like a finely manicured golf course. So, it was in beautiful shape and a really nice ceremony. So, thank you for that.

Mayor Held: Thank you.

Mr. Snyder: Mr. Griffith.

Mr. Griffith: Well, I understand that the 2400 people who went to the pool were there to see Mr. Bartos in his trunks, but they were sorely disappointed. I've actually had several people comment this week about how nice the pool was and Main Street as well. So I would pass along their thanks. People really appreciated it. It goes along with the no weeds and how things were kept up. You guys really are to be ...inaudible... I know we said it, but it really is a great place. And

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REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Tuesday, May 29

7:00 p.m.

20 12

finally, a little nuance, and Greg will appreciate this as well, I was out of town for business, and so my wife took our kids to her parents' house to watch their Memorial Day Parade, and as I came off the plane, the first thing they announced to me was, "daddy, they didn't throw any candy at the parade".

(Laughter)

Mr. Griffith: So once again, I think it is a wonderful testament to our great town that we raise children with high expectations, whether it's academic or at their parades or in their housing...

Mr. Snyder: They wanted a Tootsie Roll or two...

Mr. Griffith: That's right. That's right. They won't ever want to go back. So I'm hoping that we'll have them here for every Memorial Day subsequently. Anyway, nice job, well done, well done.

Mr. Snyder: Mr. Cerreta.

Mr. Cerreta: Same kind of things I had written down here. Greg Sarbaugh, great job. It takes a lot of organization for him to facilitate that. Inaudible... talking ...inaudible...but that's okay. He did a terrific job with that. And Dave, again, nice job talking in front of everybody. You know, that makes us all look good when we have a nice ceremony like that with that kind of people that are around our community, so that's a big deal there. The pool, the weeds, I know I've been pushing Mike for the weeds for weeks now, and it really did look good. And there was a lot of comments about how good Main Street looked and I hope we just continue to maintain that all the way through the 4th of July and into August, because it's not easy, I know that. David mentioned to me on Friday they were working on the pool. So, I went over there to the pool and Rich Rhodes gave me a little tour of the pool. You know many of us grew up here and remember that thing and it looked almost brand new at times. They had painted the walls. They had put new tops on the cabana tops. They were pounding away on Friday about putting new roofs on that. And just the painting and how really nice it looks. They did work very hard on that and we should give them a lot of credit for that. A couple of other things that I wanted to mention here, over the weekend the North Canton Little League site had in probably about 16 teams which brings in about 500 to 1,000 people to our community over the three-day period. And I want to first of all, thank Mike and his group for cutting that lot next to it so they could have additional parking and cutting the front of it so it looked, you know, very presentable and first-class like we expected. That parking on the side, we've entertained that. We're going to continue to entertain that because there were so many people out there that were using that grass parking lot that even the Stark Parks people couldn't find a place to park. So we need to look at that and start opening that up to the Stark Parks because I was down there tonight at a ball game and there was no room for Stark Parks. And those people expect to go there and park. So we need to probably look at maybe working that side into - to help park because we want that part of that park for community people. They're out there every night and we want to make sure the Stark Parks people do have a place. If they do travel that far to be - to come to our parks, we need some parking for them. So let's we'll entertain that as we go. But I want to thank Mike and his group for that also, about helping cut the grass and everything, and the Little League people really appreciated that. And I think that's it. That's all I have. So thank you.

Mr. Snyder: You know, as money has become somewhat tight to say the least, possibly we could determine the price of some gravel to lay on that thing and maybe we could send a little letter off to some more of the philanthropic people in the community and we could raise a little extra money for that purpose, and we could put a little sign there. I don't think it would be that much to put that much gravel down there would it?

Mr. Cerreta: We probably do need a bulldozer though to bulldoze it, to level it out so we put the right pitch, you know, for everything and then put some gravel in.

Mayor Held: Does the grass look smooth until you drive on it?

Mr. Snyder: Until you start to spin..

Mayor Held: Right.

Mr. Cerreta: It's just a beautiful lot that we have, and we need to use it for...

Mayor Held: Yeah, we definitely need more parking in that area because it's just - with the Stark Parks ...

Mr. Cerreta: The residents in the area and I think that Tim can tell you that that it's very much needed. So it is something that we can talk about at our Committee of the Whole moving forward.

DAYTON LEGAL BLANK, INC., FORM NO. 1914B

Held Tuesday, May 29

7:00 p.m.

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Mr. Snyder: The only thing that I want to say is that I know the girls, Hoover High School Girls Softball Team will be playing on Friday at 3:00 p.m. for the semi-final championship. And our own Marcia Kiesling's daughter was put on the second team on the All Federal today I read in the paper. And I believe that's where Marcia is tonight. But - so anybody who has some time on Friday afternoon at 3 at Akron Firestone Field. Hopefully they'll be there Saturday; it will be later in the evening and the Mayor will escort them back in probably Saturday evening. Hopefully they'll win that championship as they did in the past. So anybody able to do that, please go out there and support your team. I don't think there is anything else. Anything else to come before this body? ...Inaudible... Mr. Sarbaugh...

Greg Sarbaugh: 611 Northbury. I do appreciate your gratitude for the parade, but you've got to remember that it's the city's parade. The monies expended are from this body for the people that make the parade happen. I organize it, a lot of members in the Lions' Club helped put it all together, but this body, you know, pays the overtime for the people to come out to close the streets, for the police department. It's not just the Lions' Club. We just - we just help with the parade. Everything else is you guys. So, we thank you too, very much.

(Applause)

Mr. Cerreta: Thanks Greg.

Mr. Snyder: Thanks Greg. I'll entertain a motion to adjourn..

ADJOURN:

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

Yes: Peters, Snyder, Cerreta, Fox, Griffith

No: 0

Meeting adjourned at 8:05 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

6/6/12-bkp

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DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held Monday, June 4 6:45 p.m. 2012

CALL TO ORDER:

1. The Special Council Meeting was called to order, Monday, June 4, 2012 at 6:58 p.m. by President of Council Jon Snyder.

Mr. Snyder: This meeting is a special meeting to consider some matters that need to be taken care of, pursuant to roll call taken last week. I'd ask at this time the Clerk to please call the roll.

ROLL CALL:

2. The following members of council responded to roll call: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, and Snyder

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, Director of Finance Alger, Director of Administrative Services Bartos, Director of Permits & Development Bowles and Clerk of Council Kalpac. City Engineer Benekos was not present for the meeting.

3. Mr. Snyder: First, may I have a motion to read by title only the second reading of Ordinance No. 51-12?

Mr. Fox moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 51-12. All members present voting:

Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta
No: 0

Ordinance No. 51-12 – 2nd Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Federal Highway Administration ("FHWA") through the Stark County Area Transportation Study ("SCATS") for a grant for the Portage/Charlotte Streets Improvements Project (from Wise Avenue NW to North Main Street); and, authorizing the Mayor, through the Board of Control, to enter into an agreement for said grant, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox

Mr. Fox: Yes, sir. This is, as stated in ordinance permitting our - our administration to enter into the application for a grant for improving Portage and Charlotte Streets; includes resurfacing the asphalt, cache basins, curbs, replace the sidewalks and provide ADA ramps and upgrade the signal at Hillcrest. We put it in for the special meeting this evening because the - there were some adjustments to the projection of what we needed to fund it. And importantly this is not expending the money, this is just setting money aside just in anticipation that the grant will be approved. And I recommend that it be approved as written. And so we can move forward declare the same to be an emergency.

Mr. Fox moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 51-12. All members present voting:

Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz
No: 0

Mr. Snyder: May I have a motion to suspend the rules of council for Ordinance No. 51-12?

Mr. Foltz moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 51-12. All members present voting:

Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox
No: 0

Mr. Snyder: May we have a motion to adopt under suspension of the rules Ordinance No. 51-12?

Mr. Foltz moved and Mr. Fox seconded to **adopt under suspension of the rules** Ordinance No. 51-12? All members present voting:

Yes: Kiesling, Peters, Snyder, Fox, Cerreta, Foltz, Fox, Griffith
No: 0

4. Mr. Snyder: May I have a motion to read by title only second reading of Ordinance No. 52-12?

DAYTON LEGAL BLANK, INC., FORM NO. 101-148

Held Monday, June 4

6:45 p.m.

28

Mr. Fox moved and Mrs. Kiesling seconded to **read by title only, second reading of Ordinance No. 52-12**. All members present voting:

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

No: 0

Ordinance No. 52-12 – 2nd Reading – Street & Alley

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Professional Services and Contract Payments Accounts in the amount of \$500,200 for the current expenses during the fiscal year ending December 31, 2012, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox.

Mr. Fox: Yes, sir. This is simply the accounting exercise to move those funds that we're setting aside for the grant from the appropriated to the unappropriated resources. And again so we can move this along, we ask that the same to be declared an emergency. I move to go forward as written.

Mr. Fox moved and Mrs. Kiesling seconded to **adopt the second reading of Ordinance No. 52-12**. All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence, may we have a motion to suspend the rules of council for Ordinance No. 52-12?

Mr. Fox moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 52-12. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules Ordinance No. 52-12

Mr. Cerreta moved and Mrs. Kiesling seconded to **adopt under suspension of the rules Ordinance No. 52-12**. All members present voting:

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

No: 0

5. Mr. Snyder: May I have a motion to read by title only, second reading of Ordinance No. 53-12?

Mr. Fox moved and Mr. Peters seconded to **read by title only, second reading of Ordinance No. 53-12**. All members present voting:

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

No: 0

Ordinance No. 53-12 – 2nd Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Federal Highway Administration ("FHWA") through the Stark County Area Transportation Study ("SCATS") for a grant for the West Maple Street Widening Project (from North Main Street to Ream Avenue NW); and, authorizing the Mayor, through the Board of Control, to enter into an agreement for said grant, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox

Mr. Fox: Yes sir. Similar to the previous one, this is an ordinance to permit the City Engineer, through the Mayor, to apply for a grant from the Federal Highway Association. And this is the widening of West Maple Street from Ream Avenue to Main, including a turning lane, relocating the overhead utilities to underground, and install a new traffic signal at Ream. Again, this is not allocating or spending those funds, it's simply just setting them aside for the application of the grant. And so we can move forward, we ask that this be declared an emergency and that we put it forward as written.

Mr. Fox moved and Mr. Cerreta seconded to **adopt the second reading of Ordinance No. 52-12**. All members present voting:

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

No: 0

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 4 6:45 p.m. 20 12

Mr. Snyder: As time is of the essence, we ask to suspend the rules of council pertaining to Ordinance No. 53-12.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance no. 53-12. All members present voting:
Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith
No: 0

Mr. Snyder: May I have a motion to read by title only, the second reading of Ordinance No. 54-12?
Mr. Griffith: Nope. I think - Gall's
Mrs. Kalpac: Excuse me, we still have to adopt it.
Mr. Griffith: We still have to vote on it.

Mr. Snyder: Oh, I apologize. May I adopt under the suspension of the rules Ordinance No. 53-12?

Mr. Peters moved and Mrs. Kiesling seconded to **adopt under the suspension of the rules** Ordinance No. 53-12: All members present voting:
Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling
No: 0

6. Mr. Snyder: Thank you. Now, may I have a motion to read by title only the second reading of Ordinance No. 54-12?

Mr. Fox moved and Mr. Peters seconded to **read by title only, second reading of** Ordinance No. 54-12. All members present voting:
Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters
No: 0

Ordinance No. 54-12 – 2nd Reading – Street & Alley

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Improvement Fund to the Professional Services and Contract Payments Accounts in the amount of \$298,400 for the current expenses during the fiscal year ending December 31, 2012, and declaring the same to be an emergency.

Mr. Snyder: Chairman Fox

Mr. Fox: Yes sir. Again, this is the county exercise to move the funds from the unappropriated to the appropriated capital improvement funds. Again, so we can move forward, we ask the same to be declared an emergency, and we move to accept as written.

Mr. Fox moved and Mrs. Kiesling seconded to **adopt the second reading of** Ordinance No. 54-12. All members present voting:
Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder
No: 0

Mr. Snyder: As time is of the essence, again may we suspend the rules of council for Ordinance No. 54-12

Mr. Fox moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 54-12. All members present voting:
Yes: Foltz, Fox, Griffith, Kiesling, Peters, Snyder, Cerreta
No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 54-12?

Mr. Fox moved and Mr. Peters seconded to **adopt under the suspension of the rules** Ordinance No. 54-12. All members present voting:
Yes: Fox, Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz
No: 0

7. Mr. Snyder: May I have a motion to read by title only second reading of Resolution No. 56-12?

Mr. Fox moved and Mr. Peters seconded to **read by title only, second reading of** Resolution No. 56-12. All members present voting:
Yes: Griffith, Kiesling, Peters, Snyder, Cerreta, Foltz, Fox
No: 0

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, June 4

6:45 p.m.

212

Resolution No. 56-12 – 2nd Reading – Finance & Property

A Resolution on submission of request to the Stark County Auditor pursuant to Ohio Revised Code Section 5705.03(B) to certify to the City of North Canton, Stark County, Ohio, as taxing authority for the City of North Canton, Stark County, Ohio the total current tax valuation of the City of North Canton, Stark County, Ohio, as a subdivision and the dollar amount of revenue that would be generated for a renewal tax of one and one-half (1.5) mills pursuant to Ohio Revised Code Sections 5705.19, 5705.191 and 5705.25 for the purpose of providing ambulance service, emergency medical service or both, in the City of North Canton, for a period of five (5) years, tax years 2012, 2013, 2014, 2015 and 2016, commencing 2012, first due in calendar year 2013 and declaring the same to be an emergency.

Mr. Snyder: This is the request to Auditor Harold to provide that information to us. It's part of the three-prong process to place this on the ballot this fall. This would be the renewal of an existing one and one half (1½) mill levy, at present generating approximately, I think, \$683,000 to \$685,000. It represents more than thirty-five (35%) percent of the income generated to support the EMS service. It does have a sunset provision of five years. We believe strongly, as the Council did last time, that we go back to the lectern and earn our stripes that we show them we are spending the money judiciously and properly, that we're not squandering it for anything but the public's good and use. So I'm asking you to pass this motion – or this Resolution so it can be forwarded and continue this along.

Mr. Griffith: Just a quick question.
Mr. Snyder: Yes sir.

Mr. Griffith: A couple of people ask me about this. Our vote tonight really is just a request to the Auditor, what would be generated ...
Mr. Snyder: That's correct.

Mr. Griffith: as opposed to actually putting it on the ballot?

Mr. Snyder: That's correct. The next step would be to move it by the August 8th deadline. We would ask that we'll probably pass that on – we'll have at least two readings on that and then move it to the ballot. And ultimately the lectern must decide whether to pass or not. It will be no new tax burden upon the residents, it will a continuation of the existing tax burden. And the big problem, as we talked about from last week, we're looking at somewhere between 5 and 9% re-evaluation because they have a reevaluation in 2012, and hoping that it still generates sufficient funds to support our operation here. The first year of this levy it was the first time in the history of EMS that it was totally supported on its own entity tax dollars. It was not subsidized by a general fund. Last year we subsidized \$25,000. There is a big difference between that and the 700,000 that we got in the past. So, we have to thank the electorate for that and the help they've given us. Any other questions? If not, may we have a motion to adopt the second reading of Resolution No. 56-12?

Mr. Fox moved and Mr. Peters seconded to **adopt the second reading** of Resolution No. 56-12.
All members present voting:
Yes: Kiesling, Peters, Snyder, Cerreta, Foltz, Fox, Griffith
No: 0

Mr. Snyder: May we have a motion to suspend the rules of Council for Resolution No. 56-12 as time is of the essence.

Mr. Fox moved and Mrs. Kiesling seconded to **suspend the rules** for Resolution No. 56-12. All members present voting:
Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling.
No: 0

Mrs. Kiesling moved and Mr. Peters seconded to adopt under suspension of the rules Resolution No. 56-12. All members present voting:
Yes: Peters, Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling
No: 0

Mr. Snyder: There being no other business, as we're prohibited and precluded from doing so...
Mrs. Kalpac: You have to adopt under suspension.

Mr. Snyder: Oh, excuse me - to adopt, please give me a motion to adopt under suspension of the rules Resolution 56-12.

RECORD OF PROCEEDINGS

0341

Minutes of COUNCIL OF THE CITY OF NORTH CANTON SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 19148

Held Monday, June 4 6:45 p.m. 20 12

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Resolution No. 56-12. All members present voting:
Yes: Snyder, Cerreta, Foltz, Fox, Griffith, Kiesling, Peters
No: 0

ADJOURN:

Mr. Snyder: Thank you. Again, there being no other business to be considered and we're precluded for doing said, I will entertain a motion to adjourn this meeting,

Mr. Griffith moved and Mr. Fox seconded to adjourn the Special Council meeting. All members present voting:
Yes: Cerreta, Foltz, Fox, Griffith, Kiesling, Peters, Snyder

The Special Council Meeting was adjourned at 7:16 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

6/7/12-bkp

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City of North Canton, Ohio

Council Office
145 North Main Street
North Canton, Ohio 44720-2587
330.499.3986 • 330.499.2960 Fax

www.northcantonohio.com

email: citycouncil@northcantonohio.com

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES

The Community & Economic Development Committee of North Canton City Council met as part of the Committee of the Whole Monday, June 4, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Kiesling, Vice Chairman Cerreta, Member Fox, Council Members Foltz, Griffith, Peters and Snyder.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, Director of Administrative Services Bartos, Director of Finance Alger, Director of Permits & Development Bowles. City Engineer Benekos was not present for the meeting.

Item discussed:

- a. Retention Grant for CMC (Crawl, Montgomery, Clark): Item was tabled.

Respectfully submitted,

Marcia Kiesling, Chairperson

Mark Cerreta, Vice Chairman

Tim Fox, Member

6/5/12

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FINANCE & PROPERTY COMMITTEE MEETING MINUTES

The Finance & Property Committee of North Canton City Council met as part of the Committee of the Whole Monday, June 4, 2012 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Chairman Snyder, Vice Chairperson Kiesling, Member Cerreta, Council Members Foltz, Fox, Griffith, and Peters.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, Director of Finance Alger, Director of Permits & Development and Director of Administrative Services Bartos. City Engineer Benekos was not present for the meeting.

Items discussed:

- a. Schedule of Anticipated Expenditures for 2013: Chairman Snyder reported that pursuant to **Section 4.03 Fiscal Year and Tax Budget**, of the Charter, Council is in receipt of a copy of the Schedule of Anticipated Expenditures for 2013.
- b. ODOT Sodium Chloride Participation Agreement: The Committee authorized legislation, on an emergency basis, authorizing the Mayor to submit a Participation Agreement and request authority for the City of North Canton to participate in the Ohio Department of Transportation's Contract for the purchase of sodium chloride for the 2012-2013 winter season.

The agenda was amended to include the following:

- c. Gasoline & Diesel Fuel Contract: The Committee authorized legislation, on an emergency basis, authorizing the Director of Administration to advertise and receive bids; and for the Mayor, through the Board of Control, to enter into a contract for the purchase of gasoline and diesel fuel for use by all city departments, for either a one (1) year or two (2) year period commencing June 1, 2012.

Respectfully submitted,

Jon Snyder, Chairman

Marcia Kiesling, Vice Chairperson

Mark Cerreta, Member



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ORDINANCE, RULES & CLAIMS COMMITTEE MEETING MINUTES

The Ordinance, Rules & Claims Committee of the North Canton City Council met as part of the Committee of the Whole Monday, June 4, 2012 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairman Griffith, Vice Chairman Foltz, Member Kiesling, Council Members Cerreta, Fox, Peters, and Snyder.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges, Director of Finance Alger, Director of Permits & Development Bowles, and Director of Administrative Services Bartos. City Engineer Benekos was not present for the meeting.

Items discussed:

- a. Amendment to PART 17 – HOUSING CODE re Unsafe Buildings: Council to consider amending PART 17 – HOUSING CODE re Unsafe Buildings (Ordinance No. 50-12) at their June 11, 2012 council meeting.
- b. Report on Letters to Vacant Building Owners: Director of Permits & Development Bowles reported that his department has sent over 85 letters advising land owners of the new registration law re vacant buildings.

Respectfully submitted,

Dan Griffith, Chairman

Doug Foltz, Vice Chairman

Marcia Kiesling, Member



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STREET & ALLEY COMMITTEE MEETING MINUTES

The Street & Alley Committee of North Canton City Council met as part of the Committee of the Whole Monday, June 4, 2012 in the Council Chamber at North Canton City Hall.

Present for the meeting were: Chairman Fox, Vice Chairman Peters, Member Foltz, Council Members Cerreta, Griffith, Kiesling and Snyder.

Also present were: Mayor Held, Director of Administration Grimes, Director of Finance Alger, Director of Law Nilges, Director of Permits & Development Bowles, and Director of Administrative Services Bartos. City Engineer Benekos was not present for the meeting.

Item discussed:

- a. North Main Street Reconstruction – Phase VI: The Committee authorized legislation, on an emergency basis, authorizing the Mayor, through the Board of Control, to enter into a professional services Agreement by and between the City of North Canton and MS Consultants, Inc., for construction inspection services for the North Main Street Reconstruction - Phase VI Project, in an amount not to exceed \$300,000.

Respectfully submitted,

Tim Fox, Chairman

Daniel Peters, Vice Chairman

Doug Foltz, Member

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

6/5/12-gmk
(Street & Alley)

Ordinance No. 57-12

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services Agreement by and between the City of North Canton and MS Consultants, Inc., for construction inspection services for the North Main Street Reconstruction - Phase VI Project, in an amount not to exceed \$300,000, and declaring the same to be an emergency.

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

Section 1. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a professional services Agreement for construction inspection services for the North Main Street Reconstruction - Phase VI Project, in an amount not to exceed \$300,000.

Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract from the following appropriation:

330	CAPITAL IMPROVEMENT FUND		
330.547.5225	Professional Services		\$300,000

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

Section 3. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the timely completion of the construction inspection services for the North Main Street Reconstruction - Phase VI Project; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH

Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

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RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

6/5/12-gmk
(Finance & Property)

Ordinance No. 58-12

An ordinance authorizing the Mayor of the City of North Canton to submit a Participation Agreement and request authority for the City of North Canton to participate in the Ohio Department of Transportation's ("ODOT") Contract for the purchase of sodium chloride (rock salt) for the 2012-2013 winter season, and declaring the same to be an emergency.

WHEREAS, Section 5513.01(B) of the Ohio Revised Code provides the opportunity for Counties, Townships, Municipal Corporations, Port Authorities, Regional Transit Authorities, State Colleges/Universities and County Transit Board to participate in contract of the Ohio Department of Transportation for the purchase of machinery, material, supplies, or other articles.

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

- Section 1. That the Mayor of the City of North Canton, be, and is hereby authorized to submit and request authority for the City of North Canton to Participate in the Ohio Department of Transportation's Contract for the purchase of sodium chloride (rock salt) for the 2012-2013 winter season.
- Section 2. That the Mayor is hereby authorized to agree in the name of the City of North Canton to be bound by all terms and conditions as the Director of Transportation prescribes.
- Section 3. That the Mayor is hereby authorized to agree in the name of the City of North Canton to directly pay vendors, under each such contract of the ODOT in which the City of North Canton participates.
- Section 4. That the City of North Canton agrees to be responsible for resolving all claims or disputes arising out of its participation in the cooperative purchasing program under Section 5513.01(B) of the Ohio Revised Code. The City of North Canton releases and forever discharges the Director of Transportation and ODOT from all such claims, actions, expenses, or other damages arising out of its participation in the cooperative purchase program which the City of North Canton may have or claim to have against ODOT or its employees, unless such liability is the result of negligence on the part of ODOT or its employees.
- Section 5. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 7. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to meet the submission deadline of the application for the 2012-2013 season; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

6/5/12-gmk
(Finance & Property)

Ordinance No. 59-12

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and for the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the purchase of gasoline and diesel fuel for use by all city departments, for either a one (1) year or two (2) year period commencing June 1, 2012, and declaring the same to be an emergency.

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

- Section 1. That the Director of Administration of the City of North Canton, be, and is hereby authorized to advertise and receive bids according to specifications now on file in the office of the Director of Administration.
- Section 2. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract for the purchase of gasoline and diesel fuel for use by all city departments, for either a one (1) year or two (2) year period commencing June 1, 2012.
- Section 3. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified contract upon receipt of vouchers duly approved by the proper departmental authority from appropriations applicable thereto.
- Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to ensure the continued and efficient operation of all city departments; wherefore, provided it receives the affirmative **vote** of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH

Passed:

MAYOR

SIGNED: _____, 2013

ATTEST:

CLERK OF COUNCIL

Ordinance No. 50-12

An ordinance amending PART FIVE – GENERAL OFFENSES – to include CHAPTER 557 – UNSAFE BUILDINGS and amending PART 17 – HOUSING CODE – of the Codified Ordinances of the City of North Canton and specifically CHAPTER 1701.02 DEFINITIONS and CHAPTER 1701.03 COMPLIANCE AND ENFORCEMENT to the extent such chapters regulate unsafe buildings.

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

Section 1. That PART 5 – GENERAL OFFENSES of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

Chapter 557. UNSAFE BUILDINGS

557.01 BUILDING OR STRUCTURE CONSTITUTING PUBLIC NUISANCES.

The phrase "public nuisance" as used in this Chapter shall mean a residential or commercial building or other structure that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

557.02 INSPECTION; WRITTEN REPORT

Upon receipt of information that a building or other structure constitutes a public nuisance, the Superintendent of Permits and Inspections, shall cause to be made an inspection thereof. If after said inspection it is found that said building or structure constitutes a public nuisance, he or she shall cause to be filed a detailed written report of the condition in the office of the Mayor which shall be a matter of public record and he or she shall cause a written notice thereof to be served as hereinafter provided.

557.03 NOTICE ORDERING ABATEMENT; CONTENT OF NOTICE; SERVICE OF NOTICE

(A) Whenever the Superintendent of Permits and Inspections finds any building or structure or portion thereof to be a public nuisance, the Superintendent of Permits and Inspections shall give written notice to the owner or owners of record or holders of legal or equitable liens on the premises. The notice shall be written and specifically state the defects that cause the building to be a public nuisance and shall require the owner within a stated time to either complete the specified repairs or improvements or to demolish and remove the building or structure or portion thereof, leaving the premises in a clean, safe and sanitary condition being subject to the approval of the Superintendent of Permits and Inspections.

(B) Proper service of the notice set forth in 557.03(A) shall be made by personal service, residence service or by certified mail; provided, however, that such notice shall be deemed to be properly served if a copy thereof is sent by certified mail to the owner's last known address. If a party cannot be located, nor his address ascertained, this notice shall be deemed to be properly served if a copy thereof is placed in a conspicuous place in or about the building or structure affected by such notice and further, a copy of this notice shall be published in a newspaper of general circulation in this county for a period of three consecutive days. If such notice is by certified mail, the time period within which the owner is required to comply with the notice of the Superintendent of Permits and Inspections shall begin as of the date he receives such notice.

(C) No action to demolish any structure or building shall be commenced sooner than thirty (30) days after the service of the notice described in Section (B) or thirty (30) days of the last date of publication of the notice.

(D) Within thirty (30) days of the service of the notice or last date of publication, the owners or holders of any legal or equitable liens of record may enter an agreement with the City to repair or demolish the structure or building provided that all agreements to repair or demolish shall be full performed within sixty (60) days or the agreement shall be void and the City may proceed as described below.

557.04 FAILURE TO COMPLY WITH NOTICE

If the persons served with a notice to repair or demolish and remove such building, structure or portion thereof which has been determined to be a public nuisance should fail to do so within the time stated in said notice, such party shall be subject to the penal provisions of this Chapter and the Superintendent of Permits and Inspections shall request the Director of Law to file an appropriate action in a court of competent jurisdiction wherein the Director of Law shall seek an Order from said court declaring a public nuisance and permitting the City to remedy the public nuisance through demolition or other appropriate means. The building or structure owner shall be liable for all costs of repair or demolition as well as all administrative costs, court costs and attorney fees incurred by the City in enforcing this Chapter. If the City is not reimbursed for such costs, fees and expenses within thirty days after written notice to the building or structure owner the amount thereof shall be certified to the County Treasurer and levied as a special assessment against the property on which the building or structure is located and shall be collected in such a manner provided for special assessments. Such certification shall not, however, preclude any other methods of recovery of such costs, fees and expenses available under law.

557.99 PENALTY

Whoever violates any provision of this Chapter or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder, is guilty of a misdemeanor of the first degree for each offense. Each day such violation occurs or continues shall constitute a separate offense.

Section 2. That PART 17 -- HOUSING CODE of the Codified Ordinances of the City of North Canton, be and the same is hereby amended to read as follows:

"Chapter 1701.02. DEFINITIONS

A. "Accessory building" means a structure, the use of which is incidental or accessory to that of the main building and which is attached thereto or located on the same premises.

B. "Approved" means approved by the Superintendent of Permits and Inspection pursuant to this Housing Code, or approved by any other authority designated by law to give approval to the matter in question.

C. "Communal kitchen" means a kitchen within a dwelling structure used by the occupants of more than one dwelling unit or shared or used by a person other than the members of one family.

D. "Double house" means a detached dwelling arranged, intended or designed to be occupied by only two families living side by side with a partywall between.

E. "Dwelling" means a building intended or designed to be occupied by not more than two families living separately and independently of each other.

F. "Dwelling structure" means a building or structure used or designed or intended to be used, all or in part, for residential purposes.

G. "Dwelling unit" means a group of rooms arranged, maintained or designed to be occupied by a single family and shall consist of: a complete bathroom with toilet, lavatory and tub or shower facilities; complete kitchen or kitchenette with approved cooking; refrigeration and sink facilities; and approved living and sleeping facilities; all of which facilities are in contiguous rooms and are used exclusively by such family or any authorized persons occupying such dwelling unit with the family. The words "dwelling unit," "apartment," "suite" shall be considered synonymous.

H. "Family" means one or more persons related by blood, marriage or adoption who live together in one dwelling unit and maintain a common household; or not more than three persons not related by blood, marriage or adoption who live together in one dwelling unit and maintain a common household.

I. "Habitable Room" means a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, dressing rooms, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, basement recreation rooms and areas used for kitchen purposes. Wherever living, sleeping or eating space is included in a room or area also used for kitchen purposes, the Superintendent of Permits and Inspection shall determine the portion of the floor area used for kitchen purposes and such portion, so determined, shall not constitute habitable floor area in determining the habitable floor area of a dwelling unit.

J. "Hotel" means a building originally designed for hotel purposes and meeting all requirements of State and City laws, rules and regulations in which all or part thereof is occupied, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to pay for transient guests and in which five or more rooms are used for the accommodation of such guests. For the purpose of this Housing Code the word "hotel" includes motels and motor courts meeting these requirements.

K. "Housing Code" means Chapter 1701 of the Codified Ordinances.

L. "Multiple dwelling" means a building containing three or more dwelling units, or two or more dwelling units above the first or ground floor. For the purpose of applying this definition, any building which is being operated as a rooming house pursuant to a City license shall not be classified as a multiple dwelling. The words "multiple dwelling," "tenement house" and "apartment house" are synonymous.

M. "Occupant" means a person over a year of age who is living, sleeping, cooking or eating in, or having actual possession of a dwelling unit or room.

N. "Operator" means a person who has charge, care or control of a dwelling structure.

O. "Owner" means the owner of the owners of a fee interest or lesser estate in the premises, including but not limited to the holder of title thereto subject to contract or purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or lessees of the whole thereof, or any other person, firm, corporation or fiduciary or their agents directly in control of the premises. The person who signs the application for a certificate of occupancy for any premises shall be deemed prima facie to be an owner of such premises as defined herein.

P. "Premises" means a lot, parcel or plot of land including the buildings or structures thereon.

Q. "Rooming house" means any dwelling structure in which one or more rooms are occupied by five or more roomers or lodgers or which three or more rooms are kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for pay. "Roomer" means any person who is not a member of the family nor related by blood, marriage or legal adoption to the operator of a rooming house, to whom space is provided for sleeping or boarding purposes for pay.

R. "Superintendent of Permits and Inspection" shall be construed as though followed by the words "or his authorized agent or representative."

S. "Supply" or "supplied" means paid for, furnished or provided by, or under the control of the owner or operator.

T.) "Two-family dwelling" means a detached dwelling arranged, intended or designed to be occupied by only two families, one of which has its principal living rooms on the first floor, the other of which has its principal living rooms on the second floor."

Section 3. That PART 17 – HOUSING CODE of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

"Chapter 1701.03. COMPLIANCE AND ENFORCEMENT

A. Responsibility for Compliance. The owner as defined herein shall be responsible for compliance with all of the provisions of this Housing Code except where the responsibility therefor is specifically placed elsewhere.

B. Inspection. The Superintendent of Permits and Inspection and other City department heads and their representatives are hereby authorized to make or cause to be made inspections of all structures or premises used for dwelling purposes and all secondary or appurtenant structures to determine whether such structures or premises conform to the provisions of this Housing Code.

C. Right of Entry. Upon presentation of proper credentials the Superintendent of Permits and Inspection and other City department heads and their representatives may, with the consent of the occupant, operator or owner, enter at reasonable times, or at such other times as may be necessary without such consent in an emergency, any dwelling, building, structure or premises in the City to perform any duty imposed on him by this Housing Code. When consent of the occupant operator or owner is not given to enter and an emergency situation does not exist, the Superintendent of Permits and Inspection and other City department heads and their representatives may, when probable cause for an inspection of any dwelling, building, structure or premises exists, seek a search warrant from an impartial magistrate to effectuate entrance and inspection.

D.) Notice of Violation

1. Whenever the Superintendent of Permits and Inspection and other City department heads and their representatives find any dwelling, structure or premises, or any part thereof, to be in violation of the provisions of this Housing Code, the Superintendent of Permits and Inspection with approval Director of Administration shall give or cause to be given or mailed by certified mail to the operator, the owners of record of such property, and to the holders of all legal or equitable liens of record upon the real property on which such building is located, a written notice stating the violations therein. Such notice shall order the owner or operator, within a stated reasonable time, which time shall not be less than thirty days, to repair or improve the structure or premises concerned and shall advise such owner or operator of the City's intention to repair or improve the structure or premises in the event of his noncompliance. Such delivery or mailing shall be deemed legal service of notice.

2. If the person to whom a notice of violation is addressed cannot be found within Stark County after reasonable and diligent search, then notice may be sent by registered mail to the last known address of such person, and a copy of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. Such mailing and posting shall be deemed legal service of notice.

E. Cases of Emergency. Whenever, in the opinion of the Superintendent of Permits and Inspection and the Director of Administration, the condition of a structure or premises or part thereof, constitutes an immediate hazard to human life or health, he shall declare a case of emergency and request the Law Director to cause immediate vacation of the structure or premises or part thereof.

F. Placards. Whenever the Superintendent of Permits and Inspection orders a structure or premises or part thereof to be vacated, he shall cause to be posted at each entrance to such structure or premises or part thereof, a placard ordering such vacation. No person shall deface or remove such placard without written permission of the Superintendent of Permits and Inspection. No person shall enter or use any structure or premises so placarded except as authorized by the Superintendent of Permits and Inspection.

G. Zoning and Building Standards Board of Appeals. The City Zoning and Building Standards Board of Appeals, as established by Charter, Section 3.07(3), shall be the Board of Appeals for this Housing Code.

H. Rules and Regulation; Existing Codes. The Zoning and Building Standards Board of Appeals shall have the power to recommend adoption of such rules and regulations as it may deem necessary to carry into effect the provisions of this Housing Code and to provide for its proper interpretation. Such rules and regulations must be formally adopted by Council and shall not conflict with or waive any provisions of this Housing Code or of any other codes or ordinances of the City.

Such rules and regulations, upon adoption by Council, shall be on file with the Superintendent of Permits and Inspection for public examination. Such rules regulations shall have the same force and effect as all other provisions of this Housing Code and shall continue in effect until amended or revoked by Council.

The Building Code, and all other codes or ordinances of the City prescribing standards for the construction, operation or maintenance of buildings or property, including all amendments thereto, are hereby specifically incorporated into this Housing Code as if their provisions were rewritten and the provisions or standards of such codes or ordinances are applicable to this Housing Code.

I. Other Legal Action Authorized. The imposition of any penalty shall not preclude the Law Director from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance, or to restrain, correct or abate a violation, or to prevent the occupancy of a building, structure or premises, or to require compliance with the provisions of this Housing Code or other applicable laws, ordinances or the orders or determinations of the Superintendent of Permits and Inspection, the Mayor or the Zoning and Building Standards Board of Appeals."

Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2012

ATTEST:

CLERK OF COUNCIL