

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 25 7:19 p.m. 20 13

Call to Order:

- 1. The council meeting was called to order Monday, March 25, 2013 at 7:19 p.m. by President of Council Jon Snyder.

Opening Prayer:

- 2. The opening prayer was delivered by Rev. David Warren, First Southern Baptist 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: Kiesling, Peters, Snyder, Foltz, and Griffith. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, City Engineer Benekos and Clerk of Council Kalpac.

Mr. Snyder: May I have a motion to excuse Council Members Correta and Warren?

Mr. Griffith moved and Mr. Peters seconded to excuse the absence of Council Members Correta and Warren. All members present voting:  
Yes: Peters, Snyder, Foltz, Griffith, Kiesling  
No: 0

Consideration:

- 5. Council Meeting Minutes – March 11, 2013

Mr. Snyder: Thank you. May I have a motion to consider the council meeting minutes presented for March 11, 2013?

Mr. Foltz moved and Mr. Griffith seconded to approve, as presented, the council meeting minutes for March 11, 2013. All members present voting:  
Yes: Snyder, Foltz, Griffith, Kiesling  
Abstain: Peters  
No: 0

Committee Report Minutes:

- 6. Mr. Snyder: May I have a motion and second to approve the committee minutes for the executive session for Personnel and Safety held the 11<sup>th</sup> of March 2013.

Mr. Foltz moved and Mrs. Kiesling seconded to approve, as presented, the executive session minutes. All members present voting:  
Yes: Foltz, Griffith, Kiesling, Snyder  
Abstain: Peters  
No: 0

**Executive Session – Personnel & Safety Committee:** Please refer to the minutes on file in the Council Office of the Executive Session meeting for Personnel & Safety Committee held March 11, 2013.

- 7. Recognition of Visitors

Mr. Snyder: At this time the Council will recognize anybody wishing to speak. Please step forward, state your name and address for the record.

Gary Wechter: Good evening. My name is Gary Wechter. I live at 730 Portage Street. I'm here tonight specifically to voice my concern about the destruction of some of the trees in our city by agents of the American Electric Power Company (AEP). I'd like to begin with a personal note here, probably ten days ago my wife came home and she said, don't drive on Woodrow, it will make you upset. And I said, I've already driven on Woodrow and I've seen the destruction of the trees on that street, the loss of the canopy that used to exist there, and I'm very upset. And she said, yeah, did you see the two trees that all that's left of them are a trunk? All the limbs are gone; the trunk remains. I went back to look at those today. There is one little limb on each one of those trees left. But why am I upset, I don't live on Woodrow, but I do live in North Canton and to me this is an unnecessary loss of a valuable asset that

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

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25

7:19 p.m.

20 13

our City has, or had unnecessary. Before I make some suggestions on what we might do to prevent this in the future, I'd like to show you some photographs that I took of the trees in my neighborhood. I guess I need one copy for - for myself. Thank you. Did you notice the numbers in the upper right-hand corner of these photographs? In the first one, No. 1, this is the tree across the street from me. Fortunately for me personally, the power lines are on the other side of the street, so none of my trees were damaged. But look at the size of the limbs that were removed from this tree. I measured, some of those limbs were 15½ to 16 inches in diameter. And the tree itself is 16 feet from the power lines. What danger would limbs that far from the power line pose to the power company? In photograph No. 2, I took this at West Park, this is typical of what you can see all over Ward 1. This is their technique of trimming a tree. They've destroyed it. They even cut the leader from the tree. In No. 3, I think is an interesting photo because in the foreground you see a tree on a street in my neighborhood that has been cut by the company working for AEP. And in the background there you see a tree on the property of a 93 year old woman who is really, I think, a hero, she stood in front of those chain saws and said, you're not going to touch my tree. I've seen what you've done to other trees. And they said, ...inaudible... well, I guess you have an option of hiring somebody to do the trimming for you and we'll just come back later and make sure that, you know, doesn't pose a problem. But believe it or not the tree - is that the background there in the photo? That tree has been trimmed and they have approved of the trimming of that tree. So that's why I say, it isn't necessary to have suffered this destruction. This lady realizes that the canopy of that tree is going to provide enough shade and within a period of a year or two she's going to recoup the cost of having that tree trimmed so that it still provides shade ...

Mr. Fox: Mr. Wechter, sir ...

Mr. Wechter: from the morning sun.

Mr. Fox: Excuse me sir.

Mr. Wechter: Yeah...

Mr. Fox: I apologize. You have reached the five-minute point...

Mr. Wechter: Okay.

Mr. Fox: But if the Chair wishes, it can extend...

Mr. Snyder: I'll allow him to speak.

Mr. Foltz: I'll make a motion to approve the additional time for Gary Wechter. He's a former councilman and a great community activist here, so I'll make a motion to do that.

Mr. Foltz moved and Mrs. Werren seconded to allow Mr. Wechter additional speaking time. All members present voting:

Yes: Griffith, Kiesling, Snyder, Foltz, Peters

No: 0

Mr. Snyder: Go ahead Mr. Wechter.

Mr. Fox: Thank you, sir.

Mr. Wechter: Thank you, I'll be brief. In the 4<sup>th</sup> photograph people say, you know why are you concerned because these trees are going to regrow, this is just a temporary situation. There is a tree that was trimmed three years ago by a property owner. So it's not just AEP that is doing the destruction in the City. And that's what it looks like three years later, something out of a horror movie.

Mr. Foltz: No. 4 Gary? Is that what you're saying? No. 4 you're referring to?

Mr. Wechter: Yeah, it's number 4.

Mr. Foltz: Okay.

Mr. Wechter: That's also in my neighborhood. So let me make a couple of suggestions. First of all, I think that we ought to give property owners a notification before AEP comes in and let them know that they have an option. They don't have to suffer this destruction. I would like to ask the Administration if they would look into what options we have as a municipality, because I can't believe that private property owners and the municipality has no control at all over this valuable asset in our community.

Mr. Fox: Mr. Wechter, if I may? They do. The private property owners do. In many situations with AEP or other utility companies for the safety and so forth of the power lines, they do have an easement and they are permitted for a certain area to trespass to go in and trim the trees, but it has to be done in a reasonable manner. And there is, with this private cause of action, that legislature has seen these circumstances that, you know, you've shown us this evening and has an enhanced penalty when they overstep their bounds. Ohio Revised Code, I believe it's Section 901.51, has a provision in there specifically for something like this. It also covers situations where perhaps your limb might go over your neighbor's property and yet they reach over and damage the tree or

RECORD OF PROCEEDINGS  
COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

Minutes of

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, March 25 7:19 p.m. 20 13

shrubs. If they do this in a reckless manner and exceed their bounds, the enhanced penalties is the value of that tree and not just the replacement cost, but you know, the shade and the other things that it provides. But the enhanced penalty is triple the damages of the value of that property. But indeed it is a private cause of action for each homeowner with their trees.

Mr. Wechter: Yeah. I talked to the company who was doing the trimming and they informed me that the power company has the right to trim trees. And I talked to my own tree service person who worked for Cummerling in the 1950's and trimmed trees for the power company. And he said the same thing that you said, they had to do it in a reasonable method or manner, which means that they would not cut a limb back to the trunk.

Mr. Fox: Right.

Mr. Wechter: I mean they would cut a branch back to the limb. And in fact, when a lady called him and he did her tree and that passed muster with AEP.

Mr. Griffith: Well, Gary, I want to say, I mean obviously, I truly appreciate your raising this issue. It's one that is, you know, near and dear to my heart. I have to explain to my little ones why the trees in our front yard on Woodrow have been really massacred. I mean ...

Mr. Wechter: Right.

Mr. Griffith: some of them look like lightning bolts.

Mr. Wechter: Yes, you more than anybody here has suffered the consequences of it.

Mr. Griffith: Which, and I mean, they're bad, they're really bad and we look at it every day as we go past and I'm sure a lot of other people do too. I've had some conversations and one of the concerns I have is that the power companies are being pushed a lot harder by federal regulations to, you know, they get penalized which is a problem. You know, if people come back and look at the trees and say, hey, you didn't cut this far enough. And so they're looking at penalties there. Obviously that is out of our hands and out of their hands to some degree. But you know, from a long-term solution standpoint, I'm really concerned about it, because frankly as I go down on our street now, on the north side, I don't see how any of those trees are going to last till ...

Mr. Peters: They're not.

Mr. Griffith: when my kids graduate from high school, they'll be gone.

Mr. Wechter: When you talk about a reasonable manner, when all you have is the trunk, that - I mean ...

Mr. Griffith: Right. Well it's - I think it's more dangerous...

Mr. Wechter: Put the tree out of its misery.

Mr. Griffith: At that point it's more dangerous. We're going to have a bunch of trees falling over versus limbs that are going to be an issue there. Mike, the problem is one of the only real longterm solutions would be underground utilities which, as we know is really, really expensive, you know.

Mr. Foltz: And Gary's made some good points. The notification of property owners probably should have happened. You know, obviously we'll have a meeting, or even a meeting, but that's not going to be well received because people don't want - and understandably so, they don't want to see their trees trimmed if they don't have to. The silver maples there weren't a great tree to begin with. And they're now at the end of their life cycle. And I'm as much a tree hugger as anyone here, being a park person, and I feel you're better served just to cut the tree down. And if the tree company had the money to give money to the property owner to put a new tree in the front yard if they so wished. You could develop that tree canopy further away from the power lines and it wouldn't need trimmed at all maybe in the future. And still if it was a nice tree species, or variety, which they make now with some of the sugar maples, they're quick-growing, Celebration, there's different ones. I have a few in my yard. That's the way to go here. I mean, those trees, they're all going to reach their lifecycle on Woodrow and will all be cut down eventually. I mean, they're not going to last forever, they're not an oak. And Gary makes the other points too, you have homeowners that are hiring people to just butcher trees on their own regardless if there's any wires around or power areas. So what do you do with this? Do we revisit it maybe a Tree Commission? Do we revisit a way to address this more cohesively as a community, because we're all at stake here, you know. And we understand that utility companies have a job to do too. But I think we're better served to maybe discuss this at a further meeting, maybe come up with some new ideas. I think we've had some new council members here. Maybe we can revisit this and see what we can do and be proactive rather than reactive as you see the damage - or like a storm came through and destroyed everything on one side of the street. I realize Gary's passions and I agree with him. So it's just a matter of what we can do as a Council to help the residents be more proactive in this process.

Mr. Fox: I agree. I think it's helpful to educate them so they understand what the limits are as well  
Mr. Foltz: Right.

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held                      Monday, March 25                      7:19 p.m.                      20                      13

Mr. Fox: and in cases where courts have found this is reasonable and this is not, and so they also understand you know, where these easements are and how far back is a reasonable way to trim the trees so they wouldn't have to come back each year. But you're absolutely right when you're trimming back to the trunk and you're fifteen feet away from the line, it's going to be quite a long period of time before that's going to get back there again.

Mr. Foltz: Mike, do we know are they coming back to do the rest of the City or are they just concentrating on Ward 1 and Ward 2? I know Jeff's had some areas there. Do we have any idea?

Mr. Grimes: I know Ward 1 because I live there and got it. I also had called them and talked to them before they did Woodrow because I knew as soon as they - if they trimmed that like they did what I saw in Ward 1, they were going to get calls. But you can see they didn't pay too much attention to me when they went through there. So...

Mr. Snyder: They're doing the whole city. They were last summer in Ward 4 because they ruined all the pines along the golf course, backside of the golf ...

Mr. Foltz: Right. And the pines aren't even going to come back like a deciduous tree.

Mr. Snyder: But then they ruined the ones in my yard. They did it in - too along East Maple. They ruined all the trees there.

Mr. Foltz: Is there a way we can contact them and at least get a representative in here to sit down with us? I think they owe us that. You know and say, hey listen, these are the concerns. Gary, you're available to meet again, you know, just voice this as a resident; we're elected officials, administrative people. Just say listen, we know you have a job to do, but let's look at the common sense angle here. Don't take as much as you can, leave something. Maybe that means you've got to come back every five years, but at least the tree has a better chance of surviving. It's pretty simple, I mean.

Mr. Grimes: I think we can do that because Woodrow, obviously those trees are the ones in the lawn strips, so they're ours. You know, we carried the wood away and everything else. So we can - I'll contact them.

Mr. Snyder: I would suppose that the person, the vendor trimming the trees, is only operating under the orders of the power company.

Mr. Foltz: I'm sure they have a contract and they're told you do this.

Mr. Snyder: They're not going to cut anything they're not getting paid for. That's for darn sure.

Mr. Foltz: Right, right.

Mr. Snyder: But we'll do that. We'll follow up on it accordingly. Mr. Wechter, we thank you very much, sir. And we'll be back in touch with you and,

Mr. Wechter: I appreciate your concern and I know that I am not alone in this City. There are a lot of people who have these concerns also.

Mr. Snyder: We thank you for your input, sir.

Mr. Foltz: Thanks, Gary.

Mr. Griffith: To dovetail that, I mean, obviously we've got a lot of issues that we work through here. But I haven't, I mean my position is unique, I appreciate it geographically, but I haven't gotten as many calls about anything else that we've done on city council as this. People stopping me in church, stop and share at the grocery store, I mean it's a big deal. So, I really appreciate you bringing ...inaudible...

Mayor Held: And also Mr. President, if I can mention, Gary, I think the picture that's most revealing is No. 3, where you have the one that was done by the AEP Company and then the other, the next picture where the resident stood in front of the tree, and obviously it was cut to unacceptable level. So, I think there's a balance. Trying to achieve that balance. I appreciate that. Thank you for taking the time to bring this to our attention. Thank you.

Mr. Snyder: Thank you. Mrs. Roll.

Melanie J. Roll: 308 Portage Street. I want to speak to the tree issue too, but it will be shorter. I would recommend also, if we could get the company to give the homeowner at least a 24-hour notice of when they come through. So then that gives the homeowner the option of doing the service themselves and having it more as most people would like. And the other suggestion is perhaps one of the service clubs in the City, Kiwanis or one of the others, could have a tree project where they do some planting, or the schools, that would be one of my other suggestions. I don't

RECORD OF PROCEEDINGS  
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 25 7:19 p.m. 20 13

know how that could come about, but it's a suggestion. I have three comments about the value of trees to a community. And they are all quotes from the USDA (United States Department of Agriculture) Forrest Service. And the first one is, "a healthy, mature tree adds an average of ten percent to a property's value." And I stress healthy. And the photos that he has shown and that we have seen around town, they are not healthy trees, and they probably will not survive. The second quote from the same Forrest Service is "the planting of trees means improved water quality, resulting in less runoff and erosion. This allows more recharging of the groundwater supply. Wooded areas help prevent the transport of sediment and chemicals into streams." Third is, "trees properly placed around buildings can reduce air conditioning needs by 30% and can save 20 to 50% in energy used for heating. So it's not just how they look, but they have a value as well, I think to homeowners and to the community. So I would stress that you look for some kind of solution to this and it needs to be, perhaps, quick to remedy more trees being harmed in the community. Thank you.

Mr. Snyder: You know, for many years David Kidd used to come. Gene Hemminger was the Superintendent of Permits who was an arborist himself. And he used to come here and through the Rotary, they planted thousands of trees every year. And we've not done that. So maybe we'll contact David Kidd, if he's still doing that. He'd bring those ...inaudible... children from the schools would plant the trees throughout the City. Obviously it's several years before they matured, but at least it's a beginning. We'll contact him and get a little input from him as well. Anybody else wishing to speak?

Mr. Snyder: Mam.

Lauren Freedman: Good evening. My name is Lauren Freedman, and I'm here as a representative of the Stark County Board of Developmental Disability's levy campaign which will be issue 1 on the May 7<sup>th</sup> ballot. The three key points to know about this levy are: 1) A yes vote will not increase the cost of taxes. 2) Since our last levy we've served increasing numbers of people which currently total over 3300 individuals in Stark County, and 3) We have reduced our budget by 2.5 million dollars and brought in more grants in outside funding sources. Here's a little more information about those three points. Point 1, this will not increase your taxes. The Board has two levies expiring. The goal is to increase the amount of one levy and terminate the second. This levy is equal to the sum of both expiring levies. This will prevent us from coming back to taxpayers with another levy campaign next year. In short, the owner of a \$100,000 home will continue to pay only \$8 a month. Point 2, we serve increasing numbers of people. The 3300 people we serve include children in early intervention programs, young people in our school age programs, people in adult services, which vary from our three workshops to people working in community jobs and paying taxes. And then our seniors programs, where there is currently a young lady which just turned 94 years old. The people we serve include those with Down's Syndrome, Autism, Cerebral Palsy, and people who sustain brain injuries before the age of 22, as well as people with many other diagnosis. We serve individuals who have intensive behavior needs and those who are the most medically fragile. Point 3, we have reduced our budget and are finding more innovative and efficient ways of doing business. We are continually increasing our fiscal accountability. We have implemented numerous cost-cutting measures while bringing increasing amounts of funding from outside the Stark County taxpayers. Looking into the future, our goal is to become even more efficient because we know we have even more individuals to serve. If this levy fails, we will lose two thirds of our local funding which will also decrease the state and federal funding that we receive. Losing this funding would force us to make huge changes. In closing, the Stark County Board of Developmental Disabilities serves more than 3300 people with the most intensive needs in Stark County. This levy will not increase taxes. And it will enable us to continue providing these vital, high-quality services that these individuals and their families rely on. Thank you.

Mr. Snyder: Thank you. You know, I just for the record, the DD (Developmental Disabilities) Board is a very, very intricate part of our community. They have a very nice presence on South Main. We're very honored to have them as employees. The Mayor has a very close place in his heart for that Board, as he does have a challenged child who is probably as adorable as they get. So you know, I personally know and support that 100% as well as my colleagues I'm sure the same.

Mr. Freedman: Thank you so much.

Mr. Snyder: Thank you.

Mr. Snyder: Mr. Osborne.

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. I'd like to compliment Mr. Wechter for his presentation. I've been aware for years how they decimated these trees every time they come through and cut. I have not been up on Woodrow and I'm sure I'd be equally as devastated. That was a showcase street. And I would propose at this point that there be legislation that we would designate an arborist and anytime that they intend to come to the City to do their annual or biannual or whatever it is, cuttings that this individual could oversee or counsel them or something to help preserve these trees and have them trimmed in a reasonable manner like Mr. Fox and Mr.

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25

7:19 p.m.

20 13

Wechter pointed out. So I'd like to just lead off with that. My point also tonight was about the sewer upgrade that we're asked to participate in. I guess it's been about 2½ years ago we were initially hearing that we were going to have to put in measuring devices and various sewer lines that lead down to the City of Canton to measure and truly determine what our level of our flow goes to their sewer plant. I think the cost just to put those metering devices in was anywhere from 4 to \$600,000. And then there were estimates that our costs were going to be anywhere from like 7½ to maybe as high as 10% of that total upgrade cost. I'm gratified to hear it's only going to be 2.15%. But I'd like to know how we got here. And it brings up the question in my mind, are we overpaying for sewer to the City of Canton if it's been estimated initially by our City Engineer that our flow rate was probably between 7 and 10% that we've been overpaying for sewer charges to the City of Canton.

Mr. Snyder: Well just so you know, the Supplemental Agreement that they've - that we're going to enter into forgives any past. So we're going to go from our obligation of about 2½ % to about .83% which is closer to our flow rate. But for them taking us down to the .83 percentile which is where we're getting - of the flow of the 39 million estimated 39 million gallon a day, .835 is our flow. That's our amount. We were paying on 2.5, but our flows weren't that great. But...

Mr. Osborne: So, we've overpaid paid them all those year?

Mr. Snyder: Not necessarily. But we've compromised and we'll go forward.

Mr. Osborne: And now we're realizing...

Mr. Snyder: But, we cannot go back and recoup the monies that we've already paid.

Mr. Osborne: So are we going to adjust what we're currently paying?

Mr. Snyder: Yes. When we enter this agreement predicated...

Mr. Osborne: Our sewer bills are going to go down then?

Mr. Snyder: No. No. No. They're actually going to go up because what we're paying - we've not paid - the individual city resident has not been increased any for this project to this point.

Mr. Osborne: I understand that, Mr. Snyder. But it's been predicated I guess for years that our flow rate was guesstimated 7½, maybe higher and we homeowners have paid sewer charges all this time based on that supposition ...

Mr. Snyder: Yes, but a lot of that flow was from I and I (inflow and infiltration). We've eliminated most of that, have we not?

Mr. Benekos: I can talk with Mr. Osborne later to address his questions. But if Council has questions regarding it, I can answer your questions this evening.

Mr. Snyder: Okay.

Mr. Osborne: I guess, in a nutshell, can you tell me who determined and how did we determine we've gone from a guesstimate of 7 ½% was our flow rate to damn near just 2%.

Mr. Snyder: He'll explain that. We'll get the Engineer explain everything to you. So...

Mr. Osborne: Okay

Mr. Snyder: Okay?

Mr. Osborne: And also Mr. Foltz, I'd like to thank you for extending the extended time to Mr. Wechter. It was only the right thing to do. It shouldn't be an ordeal for anybody to come up here and speak and if they have something intelligent to say. I'm a former councilman myself. I'm battered up here every time I come to speak. And I only hope I get the same courtesy the next time I come up to speak.

Mr. Foltz: I was afraid of that, Chuck. But I think Gary is exception more than the rule. So we're going to leave it at that. As long as there are four votes on Council, we can discuss it. Okay?

(Laughter)

Mr. Snyder: Thank you Mr. Osborne.

Mr. Osborne: You never cease to amaze.

Mr. Snyder: Anybody else wishing to speak? Alright, seeing none, Old Business. May I have a motion to read by title only the third reading of Ordinance 18-13?

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25

7:19 p.m.

20

13

## OLD BUSINESS:

8. Mr. Foltz moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 18-13. All members present voting:  
Yes: Foltz, Griffith, Kiesling, Peters, Snyder  
No: 0

**Ordinance No. 18-13 – Third Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Clearmount Avenue / Fairview Street / Woodside Avenue Waterline Replacement Project, at a total cost not to exceed \$710,000.

Mr. Snyder: Chairman Griffith.

Mr. Griffith: We've had good discussions about this before. I appreciate Jim's working to make sure we get this one going and out of the gate to get the season started. In spite of the weather this evening of course, it is time, right? There we go. So we had a good discussion about it previously. It's in the budget and we're ready to move forward. So are there any questions? I would move that we ...

Mr. Foltz: Motion to adopt the third reading.

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 18-13. All members present voting:  
Yes: Griffith, Kiesling, Peters, Snyder, Foltz  
No: 0

9. Mr. Snyder: May I have a motion to read by title only third reading of Ordinance No. 19-13?

Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 19-13. All members present voting:  
Yes: Kiesling, Peters, Snyder, Foltz, Griffith  
No: 0

**Ordinance No. 19-13 – Third Reading – Water, Sewer & Rubbish**

An ordinance amending Chapter 937 of the Codified Ordinances of the City of North Canton, Ohio, specifically Section 937.01 WATER RATES, in order to provide for an increase in water rates, and Section 937.05 BULK WATER CHARGES, and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Vice Chairman Griffith.

Mr. Griffith: Again, we've had really good discussions about this as well. Movements related to bringing our water rates into line with moves up that we have not made in the past for fear of consensus about reasonable appreciation in those rates. And again, we've had a good opportunity to discuss it, so this would be the third reading. And I think again, we've taken a lot of time to make sure the people have had a chance to talk about it. Haven't had major objections from folks. And so I'm glad people appreciate that we do this reluctantly, but with necessity. I would move its acceptance.

Mr. Griffith moved and Mr. Foltz seconded to **adopt the third reading** of Ordinance No. 19-13. All members present voting:  
Yes: Peters, Snyder, Foltz, Griffith, Kiesling  
No: 0

## NEW BUSINESS:

10. Mr. Snyder: May I have a motion to read by title only first reading of Resolution No. 23-13?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Resolution No. 23-13. All members present voting:  
Yes: Snyder, Foltz, Griffith, Kiesling, Peters  
No: 0

**Resolution No. 23-13 – First Reading – Finance & Property  
(legislation authorized at the 2/19/13 meeting)**

A Resolution by the Mayor and Council for the City of North Canton, strongly opposing the Ohio General Assembly's passing of House Bill 5, which proposes uniformity measures for municipal income tax in the form of unfunded mandates that will result in a substantial loss of municipal revenue, and declaring the same to be an emergency.

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

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 25

7:19 p.m.

20 13

Mr. Snyder: We spoke about this a few moments ago. This would take the control out of the local government and it would go to the State. They in turn would send back to us our share after administrative costs. And I think it would be equally – the purpose is to equally divide the tax amongst the State and that's not the intent of our legislation. So I'll entertain a motion to adopt the first reading of Resolution No. 23-13.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Resolution No. 23-13. All members present voting:

Yes: Foltz, Griffith, Kiesling, Peters, Snyder

No: 0

Mr. Snyder: Since time is of the essence and there seems to be an emergency for the health and welfare of the Community, I'd like to suspend the rules of council pertaining to Resolution No. 23-13.

Mrs. Kalpac: Jon, you can't – you don't have enough present.

Mr. Fox: We don't have the votes tonight.

Mr. Snyder: Oh, we don't have enough votes.

Mr. Fox: We'll have to do another reading.

11. Mr. Snyder: Oh, I forgot. We don't have six. So we'll move on. I need a motion and second to amend the agenda to include Item No. 11, Ordinance No. 24-13, and waive the rules of council requiring a committee report.

Mr. Griffith moved and Mr. Peters seconded to **amend the agenda to include Item No. 11, Ordinance No. 24-13, and to waive the rules of council requiring a committee report.**

All members present voting:

Yes: Griffith, Kiesling, Peters, Snyder, Foltz

No: 0

Mr. Fox: An ordinance accepting the recommendation...

Mr. Snyder: Wait a minute. That was just to amend, I'm going to go for a motion to read by title only, first reading of Ordinance No. 24-13 without minutes.

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 24-13 without minutes. All members present voting:

Yes: Kiesling, Peters, Snyder, Foltz, Griffith

No: 0

Mr. Snyder: Now, you can go ahead.

**Ordinance No. 24-13 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC"), concerning the agreements granting exemptions from property taxation, to continue four of the existing Community Reinvestment Area ("CRA") agreements and declaring the same to be an emergency.

Mr. Snyder: Again, we spoke about this. We have four remaining. They are all in compliance with the original agreement. And they've been recommended to continue accordingly. If there are no questions of the Council, I'll entertain a motion to adopt the first reading of Ordinance No. 24-13.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Resolution No. 24-13. All members present voting:

Yes: Peters, Snyder, Foltz, Griffith, Kiesling

No: 0

12. Mr. Snyder: May I have a motion to read by title only first reading of Ordinance No. 25-13 without council minutes.

Mrs. Kiesling: First we have to amend the agenda...

Mr. Fox: Yes.

Mr. Snyder: May I have a motion to amend the agenda to include Item 12, Ordinance 25-13, and waive the rules of council requiring committee report minutes.

Mrs. Kiesling moved and Mr. Peters seconded to **amend the agenda to include Item 12, Ordinance 25-13 and waive the rules of council requiring committee report.** All members present voting:

Yes: Snyder, Foltz, Griffith, Kiesling, Peters

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

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 25 7:19 p.m. 20 13

No: 0

Mr. Snyder: Now, may I have a motion and second to read by title only Ordinance No. 25-13, first reading without committee minutes.

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 25-13. All members present voting:

Yes: Foltz, Griffith, Kiesling, Peters, Snyder

No: 0

**Ordinance No. 25-13 – 1<sup>st</sup> Reading – Water Sewer & Rubbish**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended Canton-North Canton Sewer Agreement Supplement by and between the City of North Canton, Ohio, ("North Canton"), and the City of Canton, Ohio, ("Canton") for the Phosphorous/Total Nitrogen and Miscellaneous Improvements Project (MBR Procurement and construction) to the Canton Water Reclamation Facility, and declaring the same to be an emergency.

Mr. Snyder: Vice Chairman Griffith.

Mr. Griffith: We had good discussion about this just a few minutes ago. And of course we won't be able to pass it on emergency, but I obviously think it's a sound piece that we've had a chance to really through. So I move to adopt.

Mr. Griffith moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 25-13. All members present voting:

Yes: Griffith, Kiesling, Peters, Snyder, Foltz

No: 0

**Reports – Council:**

Mr. Snyder: Okay. Member Foltz, any comments?

Mr. Griffith: Could we?

Mr. Snyder: Oh, excuse me.

Mr. Griffith: Are we going to pass that then?

Mr. Snyder: Next week.

Mr. Griffith: I know we put it on emergency now, but there's no...

Mr. Snyder: I don't know if, Jim do you need that passed next week? Do I need a special meeting?

Mr. Benekos: If we could. Yes, please.

Mr. Snyder: So, I need a special meeting next Monday night to do that. So may I have a motion to hold a special meeting at 6:55 next Monday evening?

Mr. Foltz: Are we meeting next week or are we...

Mrs. Kiesling: Well we are now ...

Mr. Benekos: Will it be next week?

Mrs. Kiesling: Well, we are down...

Mr. Snyder: Yeah, we're meeting. We didn't have a meeting last week.

Mr. Foltz: There're 5 Mondays in April.

Mr. Snyder: Five Mondays in April. We'll meet one – the first four.

Mr. Foltz: That's March. We have 5 Mondays in April. So we are discussing whether we skip the first Monday...

Mrs. Kiesling: Yeah, they'll be back, they'll both be back Monday night.

Mr. Foltz: So as long as we have the Council personnel here to - I'm sorry...

Mr. Snyder: I need a motion – the rules require that – that will save her from delivering the packet.

RECORD OF PROCEEDINGS  
COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 25 7:19 p.m. 20 13

Mrs. Kiesling: Motion at 6:55 on April 1<sup>st</sup> ...

Mrs. Kalpac: Is that just for the one ordinance? You don't want to do the TIRC one?

Mr. Snyder: We can do them both if you want.

Mr. Griffith: Let's do them both.

Mr. Snyder: We can do all three of them. Then, we'll do it at 6:50. We'll just take all three of them and get them off the agenda. Alright?

Mrs. Kiesling: Alright.

Mr. Snyder: So the motion would be for a special meeting at 6:50 to cover those three pieces of legislation.

Mrs. Kiesling: I'll motion.

Mr. Griffith: Second

Mrs. Kiesling moved and Mr. Griffith seconded to **schedule a special council meeting for Monday, April 1, 2013 at 6:50 p.m.** All members present voting:

Yes: Kiesling, Peters, Snyder, Foltz, Griffith

No: 0

Mr. Snyder: Okay. Now, Member Foltz, any report?

Mr. Foltz: No report.

Mr. Snyder: Member Peters?

Mr. Peters: Yes. Couple of things. To Chuck's point when he came up, you know, I think maybe looking into an arborist as a consultant might not be a bad idea moving forward. I don't know how we'd make that happen or you know -certainly he's not going to be on site for every tree that's being cut down. But you know, maybe this last one is the one doing the cutting, they are a subsidiary of Davy Tree, correct? Aren't they owned by Davy Tree? I mean, I thought that they...

Mr. Foltz: They have to hire an arborist to do their work. That's the funny thing. I know - I can't say specifically that they've done that, but I know that tree companies and the other utilities have an arborist on staff to review their work orders. That's - see that's I think it's a great point that Mr. Osborne made, but do we have money to go around everywhere and do that. We can look at it, but I think we bring in their arborist now and say, do you think that this is proper tree pruning? That's my point to have a discussion with them. Where's your arborist? You come out and look at it after some of our residents, our administration people, our council members, and tell me, is that proper tree pruning? What is the life span of that tree now that you cut off 30% of it? What is the chance that it's going to live, 20%, 30%, with the age of the tree taken into consideration at the end of its life cycle. That's what we're talking about. So, that's why we have to have a meeting on.

Mr. Snyder: Well, you know there are - we considered this maybe, I don't know, maybe ten or twelve years ago, there are designated tree cities. And once you put us in, once you become a designated tree city, the laws change dramatically on how you treat the tree, what we do to the trees, what the - but the problem is at that point you have to watch because it also puts obligations on the homeowners to when they can trim their own tree or what they can do. So you've got to be kind of careful, you know, at what point you start legislating. We had this - the Mayor had a very good point a couple of years ago when that man was killed. We started..

Mr. Foltz: Spoke to Mark Cerreta about trying to get a license together for tree service people...

Mr. Snyder: So, I think the thing - we've got to get a - if you get that David Kidd to come in, who's a designated expert on trees....

Mr. Foltz: Hey, Jon, I'm going to look at Tree City again. I know that Gary Wechter and I discussed that earlier. But with the US Tree City designation or even arborist, they're going to tell you, those trees never should have been planted under power lines to begin with.

Mr. Snyder: Right.

Mr. Foltz: So they would recommend cutting them all down.

Mr. Snyder: Right.

Mr. Foltz: And relocating a tree or having the property owners put the tree in the proper front yard area that's going to be away from that, 'cause you wouldn't have any new trees planted under existing power lines right now. It wouldn't make sense?

Mr. Snyder: That's right.

Mr. Foltz: At least - unless the species didn't grow high enough to get into the power lines.

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

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

Held Monday, March 25 7:19 p.m. 20 13

Mr. Snyder: Yeah, we can pull up some legislation and some guidelines on that. That may be the way to go, because I remember when we planted all those trees on Main Street, they all died because when you pour salt on the street in the winter, it killed them all. So there has to be - if someone wanted to plant dogwoods all up and down the street, and they won't last one winter.

Mr. Foltz: They need a canopy anyway. You can't plant them out in the open.

Mr. Snyder: So we have to - but I think your point is well taken. Somewhere between that and a Tree City is where ...

Mr. Foltz: Yeah, that's where we want to be, and then get this arborist in here and we can just talk to him. The one the tree service uses.

Mr. Snyder: And we'll get that done here. We'll get it done very quickly rather than later. But I think your point was very well.

Mr. Peters: And one last thing, I just wanted to make mention, Miriam Baughman's granddaughter was named Stark County Player of the Year - Kelsey Pierre. Congratulations, and be sure to mention that to Kelsey and Janet. That's huge.

(Applause)

Mr. Snyder: Mr. Griffith.

Mr. Griffith: Miriam taught her how to dunk, I think.

Mr. Peters: Miriam's daughter taught her how to dunk,

(Laughter)

Mr. Griffith: I do appreciate all the talk about trees. I've been a little reluctant to bring it up because it would appear quite self-serving. But the reality is it is hopefully something the people say all the time. So I'm glad to hear that it's a big thing and something that we can spread to the entire City in that respect. And I think it just goes back to government being proactive rather than reactive. I mean, I think clearly what they're trying to do is make it so that they have to come back and trim trees less often, which is fine. I mean it's a cost cutting piece and the utilities are suffering from that. But at the end of the day, it's not good at all. You know, so I appreciate everybody's concern. I think we can come up with some very nice proactive ways that will be good there as well. So, that's what I've got.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: No report.

**Reports:**

Mr. Snyder: Law Director.

Mr. Fox: Yes, sir. Just to, again congratulate Officer Hemric. It's quite an honor that he received this evening, so I just wanted to mention that. Also, welcome Bill Bartos back on his kind words. Really important to a lot of things that we've done here and we certainly miss him. There was a nice income tax story that Mr. Wang had put out in the *Repository*. Just wanted to point out, again, that Jane Housos, Clerk of Court, and Gayle Bruce, our Income Tax Specialist, and of course Magistrate Nist, are essential elements in that. And this evening we had a very positive, again, Mayor's Court. We had eighteen cases came in. It's moving very easily compared to where we were at before. It's a nice routine that we have. We had two people showed up, and they had already filed, they had paid in full so we dismissed the complaints. We had four people that showed up that filed, so we waived the fine. We're going to enter into a payment arrangements. And unfortunately there were six no shows that were served with summons to appear and chose not to. So the Magistrate will be issuing warrants to get their attention to appear. Nothing else.

Mr. Snyder: Thank you. Director Alger.

Mrs. Alger: And to piggyback on Director, Law Director's, we had several calls today because of that article. So we appreciate that article, it came out pretty good.

Mr. Snyder: Good. Director Grimes.

Mr. Grimes: City Hall is closed on Good Friday this week. And you may get asked, that seems to be one of the questions that I always get asked about the garbage. The garbage this week is normal. It's on time just like any other week. Good to see my friend, Bill, back in the house here. Also, we have our Superintendent of Services and Utilities, Mr. Jim Davis in the back. He's the one

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

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held

Monday, March 25

7:19 p.m.

20 13

that, you know, really was concerned about getting the four trucks because of our least experienced drivers usually drive those trucks, and putting them with the, you know, the least mechanical was just not a good idea. So I appreciate. He always has a lot of good ideas, and you know if you have some questions on the parks and the streets, please make sure you give him a call. So, he's always available. Thank you, sir.

Mr. Snyder: Thank you very much. Mr. Mayor.

Mayor Held: Yes. I would like to thank our representative from the Developmental Disabilities, very helpful. Because I think that it's a good idea to get the message out that there is no increase in the taxes. That's just a consolidation of the two levies. So thank you for coming. And Bill, welcome back. At first I thought maybe we could run the contract through our Assistant Administrator for his review before we vote on it, but I'm sure you took care of that on both ends. So - but thank you for coming. And Tracy, thank you for being here also. And also to our residents that had comments about the trees, Gary especially, thank you for your presentation. It's really helpful. And I think the challenge is that, you know, nobody likes to have their power out, you know, due to the trees, it might impinge on the power lines. But then at the same time, we hate to see the trees just cut to pieces, because it does, it really takes away from the community. And we've been through this a number of times throughout the City, and it's really just finding a balance, a reasonable balance between those that are cutting the trees and other impinging on the power lines. But I appreciate you taking the time with the pictures. It's very helpful. Thank you.

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

Mr. Benekos: Two items. Just to keep you aware, two commissions that I'm serving on. One is with the Akron-Canton Airport. And they are doing a noise study. And you'll hear some more about it. And when we get some information, we'll put that on our website where people can go. But I'm representing the City with respect to any concerns we might have regarding the noise generated by the airport in the North Canton area. So if any of you have any concerns about that, please let me know. But there'll be some more information coming on that. We just started that - meetings on that, so I've just been to one of those. The other is SCATS (Stark County Area of Transportation Study). It's put together, or is doing a long range transportation and land use plan on the northern Stark County bounded by North Main, Cleveland Avenue, Wales or State Rt. 41, Greensburg Road, and I believe Portage Road, that area. They look at - they're projecting in the future for more development in that area. They want to do a transportation plan that, if it starts to develop, what transportation improvements can be done. And there are some recommendations here. I'll leave this with Gail if anybody is interested in looking at that. So that's all I have. Thank you.

Mr. Snyder: Tomorrow evening at the Civic Center at 6:30, Mr. Foltz and I will host a Crime Informational Meeting which will be ran by the Chief of Police, Detective Stan Strausser, and also, Chief Bacon will be there. So anybody - I don't know how much room is left, we have probably oversold it by this point; standing room only. But then on Thursday evening we'll have Representative Schuring, Josh from the Emergency Management, our own City Engineer, Mr. Benekos, County Commissioners, a representative of the Mayor's Office, we'll be talking about the Zimber Ditch and things that have happened and that will happen. We've submitted eleven homes for consideration for tear down, purchase and tear-down at market value. So how many of those will survive, we'll know a little better on Thursday evening. So other than that, you are all welcome to attend. Any questions?

Mr. Foltz: Jon, I have a couple more comments. I was out of town, I was in New York, did we get funding for Hillcrest on some waterlines? Or is that...

Mr. Benekos: It's not official yet.

Mr. Bowles: It's not official yet. They - they're meeting...

Mr. Foltz: But it's proposed?

Mr. Bowles (speaking from the audience): The public hearing is on the 20<sup>th</sup>. We were one of the ones that were recommended. It's looking like we're going to ...inaudible...

Mr. Foltz: Okay, thank you for that and your hard work. And then too, I had a chance to go around with Eric Bowles, Director of Permits and Development, with a resident and looked at numerous housing violations; just people that care about the integrity of our neighborhood. I know this Housing Committee has met many times and actually met with our Law Director Tim Fox too, and hopefully we have a few more meetings and bring something positive back that can be used to help with this process to protect our neighborhoods. But if you didn't get it in your packets - I know Eric wrote some nuisance letters and we're just telling you, the gloves are off for these houses. I mean, I think Eric has been very patient. He has been very thoughtful about meeting with people when he can and extending every courtesy and benefit of the doubt. Now is the time, with the backing of our Law Director, if these violations are served, appealed, and processed, and hopefully corrected

RECORD OF PROCEEDINGS  
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 25 7:19 p.m. 20 13

or taking whatever measures we have to make sure that our neighborhoods conform with our housing codes. It's that simple. And I'm glad to see it, and I respect Eric's professionalism and his staffing on this. Anything that we can do to help him with additional staffing would be greatly - it's greatly needed and would be greatly appreciated. But just look through the packet. And I expect some calls and I welcome the calls. Because I think it's a privilege to live here in North Canton. And the very least we can do is keep your housing up to code. So I wanted to thank you Eric on that and ...inaudible... your paperwork and processing.

Mr. Fox: If I may, very quickly, just to piggyback on that. Just this afternoon I met with the Magistrate and Chief Wilder and Administrator Grimes, and we talked about a number of things regarding mayor's courts, and warrants, and so forth and those that don't appear. And I did tell him that the City is looking at the city ordinance regarding housing violations and so forth. That we intend to have that start up in the spring, and probably continue through the summer. So he welcomes that.

Mr. Foltz: Good. Alright. Thank you.

Mr. Snyder: Is the Easter Egg hunt at your house this year, Mayor?

Mayor Held: Yes. In our front yard, yes.

(Laughter)

Mr. Snyder: Happy Easter to everybody. I think that's it. So I'll entertain a motion to adjourn.

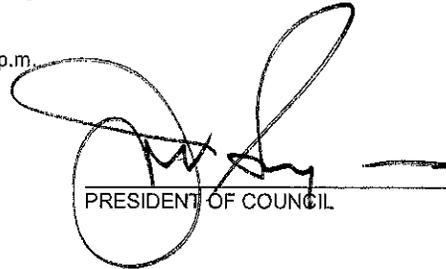
ADJOURN:

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

Yes: Peters, Snyder, Foltz, Griffith, Kiesling

No: 0

The council meeting adjourned at 8:15 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL

4/2/13-bkp