

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 22 7:00 p.m. 20 13

**Call to Order:**

1. The council meeting was called to order Monday, April 22, 2013 at 7:24 p.m. by President of Council Jon Snyder.

**Opening Prayer:**

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

**Pledge of Allegiance:**

3. All present recited the Pledge of Allegiance.

**Roll Call:**

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

The following members of council responded to roll call: Cerreta, Foltz, Peters, Snyder and Werren.

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 consider, as presented ...

Mr. Peters: Hey Jon.

Mr. Snyder: Oh excuse me, I need to excuse both...

Mr. Peters: Yeah.

Mr. Snyder: Members Griffith and Kiesling.

Mr. Peters: I'll motion.

Mr. Peters moved and Mrs. Werren seconded to excuse the absence of Council Members Kiesling and Griffith. All members present voting:

Yes: Foltz, Peters, Snyder, Werren, Cerreta

No: 0

**Consideration:**

5. Council Meeting Minutes – April 8, 2013  
Financial Statement – March, 2013  
Mayor's Court Receipts – March, 2013

Mr. Snyder: Thank you. May I have a motion to consider as presented, Council Meeting Minutes dated April 8, 2013, Financial Statement for March 20, 2013, and the Mayor's Court Receipts dated March 20, 2013.

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

Yes: Peters, Snyder, Werren, Cerreta, Foltz

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: Finance & Property Committee; Ordinance, Rules & Claims; and Park & Recreation, all held the 15<sup>th</sup> of April, 2013.

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

Yes: Snyder, Werren, Cerreta, Foltz, Peters

No: 0

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held April 15, 2013.

**Ordinance, Rules & Claims Committee:** Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held April 15, 2013.

**Park & Recreation Committee:** Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held April 15, 2013

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**Recognition of Visitors:**

7. Mr. Snyder: Thank you. At this time, the Council will recognize anyone wishing to speak.

Mr. Fox: Mr...

Mr. Snyder: Excuse Me.

Mr. Fox: Mr. President, before we begin may I have a quick moment?

Mr. Snyder: Please.

Mr. Fox: Just a reminder for our regular visitors, there is a five-minute time limit. There's a small timer that will be up on the screen. When you reach the five minutes, just simply ask that if you will please take your seat. Sometimes folks will miss it because they'll be engaged in the discussion. There will be a short, audible (ringing of bell). Hopefully you can hear that just to signal that you've reached the five minutes. Don't mean to be rude with that, it's just to let you know that you've reached the five. After speaking with our Prosecutor's Office and other Law Directors regarding extending additional time, with some difficulties that we've had in the past, it's my recommendation to the President that we don't extend additional time that we simply keep it at the five minutes. If you wish to speak to anyone in Council and Administration that's at the dais, they will be available after the meeting or you can continue your addressing Council at the next public speaks. Thanks.

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

Melanie J. Roll: 308 Portage Street. North Canton. Good evening. This evening, I wish to speak to Council regarding the proposed additional parking at the Little League ball fields on East Maple Street. The ball fields, unfortunately, are located on one of the City's well fields. There are EPA (Environmental Protection Agency) guidelines for how all wells should be protected with the Twinsburg EPA having jurisdiction for the wells located in North Canton. And Mr. Raymond, Ground Water Environmental Supervisor of Twinsburg EPA, has recommended that there be no new parking areas at the East Maple Well Field area. It is my understanding that a 300 foot radius surrounding the source water well should be free of structures and parking areas. Somehow those guidelines were not adhered to at the East Maple well field. Folks in the community are unclear as to when the asphalt parking was installed immediately west of that water well, but certainly that asphalt, as well as a portion of Ball Field 8, infringes on that 300 foot rule. Let's not add to an already precarious drainage situation. While I cannot endorse any additional parking at the East Maple well field because of the added potential of harm to the aquifer, I also recognize the need for the safety of folks wanting to visit the ball fields. Has anyone from the City or Little League approached North Canton Church of Christ, which sits just west of the ball fields, if they would permit parking at their facility. Sidewalks from the church to the ball fields would allow safe access to those ball fields without having to cross East Maple Street. The few times a year when there is a weekend tournament, Little League could hire a police officer to assist with an overflow of car and pedestrian traffic. Hopefully we can all agree the integrity of the East Maple well field is paramount to providing safe drinking water to the citizens of North Canton and the folks who purchase water from the City. Added parking could jeopardize this vital resource needed by all living creatures. We need to protect our water, it's vital. Thank you.

Mr. Snyder: Thank you, Madam for your comments. Anyone else wishing to speak to the Council? Sir.

Larry Tripp: 1127 East Maple. While I appreciate your concern for safety concerning additional parking at the little league ball diamonds, I question the haste and expenditures for this project. I would question Council that at the April 8<sup>th</sup> meeting, Council asked Administration to find out how much the Little League would be willing to contribute to this project. Has this been done? And what is the amount they are willing to contribute? Can anyone give us an answer to that tonight?

Mr. Cerreta: They're having a Board meeting, and they haven't got to that. Until their next Board meeting, we're not going to find out. But they already know that they're being required to give something.

Mr. Tripp: That's not what I asked. I asked can you give an amount?

Mr. Fox: Mr. Tripp, actually this time is just to speak. It's not an opportunity to engage.

Mr. Tripp: Oh, I can't question?

Mr. Fox: You can question. But, they won't...

Mr. Tripp: That was a question.

Mr. Fox: No sir, this is ...

Mr. Tripp: Okay, how about...

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Mr. Fox: This is not for debate.

Larry Tripp: Okay, thank you very much.

Mr. Fox: Okay. They'll be here afterwards, though.

Mr. Tripp: Yes. Can he? Okay. Also, at the April 8<sup>th</sup> meeting, Mr. Cerreta states, "the kids aren't playing ball if they have no parking." I didn't understand that statement because the last I heard and I'm sure Mr. Cerreta knows baseball is played on ball diamonds and not on parking lots. Then Mr. Peters says, "if people don't find parking, they are going to park on neighborhood streets." Again, I would question Council as to how many times a year does the present parking lot have an overflow situation? Here it is nearing the end of April and I know the parking lot has not overflowed this year. I know May and June are heavy months for game activity with play starting to slow in mid-July for tournament play. During the course of the season, unless scheduling has changed, I see very few games played on Sunday with no overflow of parking problems. During the course of the season, May through mid-July, I don't believe it is an every night problem of overflow parking. So unless I'm wrong, and I could be if someone could show me exactly how many nights the parking lot overflows. I would guess, and I'm probably over-exaggerating, 20 to 25 nights on a staggered basis. Quite an expensive expenditure for that few nights. Mr. Foltz's concern is people crossing Maple Street. Again Mr. Foltz, can you give me any situation where someone has been hurt crossing Maple going to a ballgame? If safety is such a concern, try once again to lower the speed limit on Maple Street. I would imagine people crossing Maple would be adults with their children. Please give the parents of North Canton some credit in teaching and their - leading their children when to properly cross in walking lanes. And by the way, there are walking lanes on Walsh and Maple. How about some signs on Maple say "ballgames in progress slow down". Perhaps, under police supervision a three-way stop sign could be put at Maple and Walsh Street during game activities. Now Mr. Peters, you state people will be parking on neighborhood streets. Pray tell me where did they park on Friday nights when Hoover is the home team; neighborhood streets. Where is the concern for safety on this? Perhaps we could use the other hundred thousand and level out Dogwood Park for additional parking on game nights. To me a park is a place for serenity and beauty. I would openly - I would again suggest contacting the Stark Parks and partner with them into making this area now being considered for parking, a gateway to an outstanding walking trail. At the Planning Commission meeting the concern was where is this complex heading? I believe there's more coming down the road at the City expense. As I recall, no one from the Little League attended that meeting. You know, only Mr. Foltz soliciting the Planning Commission's support. Thank you very much.

Mr. Snyder: Thank you, sir. Anyone else wishing to speak to us this evening?

Mr. Peters: Jon...

Mr. Snyder: Oh, excuse me.

Mr. Peters: Jon, could I? He's asked a couple of questions of me. You know, you used an example of the parking on the streets for football games, and that's usually on a Friday night after 7 p.m., not in the midst of rush hour on a main artery which is Maple Street. That is my concern. And you are correct and I agree, it is a handful, a couple of handfuls of weekends in the summer. But you've got high density traffic on Maple, and you've got folks parking. And you've seen it, you know, they pull over the sidewalk. You know, they're parking on Walsh. You know, I know you've seen it, you live right there. You know, there is a concern for, you know, the kids riding their bikes, walking, running in the area. So yeah, it is a concern. If it's one weekend and one kid gets hit that's a concern. It doesn't matter if it's 52 weeks or one week. That's my concern. When the light issue came up the two peripheral arguments were sound coming from the loudspeakers and parking. And we made a promise, regardless of what happens with the lights, let that, you know, chips fall where they may there, but we will address that. And we're going to. We're going to do everything in our power to address that. There were some comments made about the EPA and I'm looking at the e-mails from Chuck to Atiur Rahman and from Miriam Baughman to Atiur Rahman and back and forth and not once does he either endorse or not endorse. I mean he's not taking an opinion on it. And there's some background information that is left out of this and I'm assuming it's obviously for a reason. We don't know if Mr. Osborne's discussion with Mr. Rahman used an asphalt parking lot as an example or a porous parking lot. Did you say 300 lots spots or 50 spots? There's a lot of background information missing, but nowhere in this does he say he either endorses or discourages. So, you know it's far...

Mr. Snyder: Excuse me. Do you have that bottom part that came back from him? You may not have that, where he said it was his understanding - he understood from Mrs. Baughman that she was referring to the existing parking lot. It says the content of his email is not an endorsement to build a new parking lot. He doesn't...

Mr. Peters: Well, it still goes to my original question is; what was the background information? Was it the new parking lot? Was he being told it was going to be asphalt or was it porous? And there are some standards that they have in, I can't get technical here because I don't know exactly what it is, but whatever falls at ground level by the time it gets to the aquifer, you know, it naturally cleans itself up. And he could speak to this. But I mean there was no background information on

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that. But bottom line, just so I can – just so I am clear, my main concern is safety on Maple during ball games whether it be mid-week, big tournaments - there's a tournament coming up here, big tournament, 24 teams. And I mean - and Larry, you share the same concern for safety as I do, you're a crossing guard. You know...

Larry Tripp: Am I allowed to talk?

Mr. Snyder: No, sir.

Larry Tripp: Oh, okay. Then, why is he asking questions?

Mr. Peters: No, I'm not asking questions.

Larry Tripp: You said I could talk.

Mr. Fox: It's rhetorical.

Mr. Peters: Well - so yeah, I mean, that's the bottom line, is safety is the number one issue. And once we address that, we're going to address the sound. And I'm sure Mrs. Pucci is happy to hear that also. But we are going to address those two components because those were the complaints we've heard the loudest, other than the lights. Lights are a non-issue right now, it's off the table. No one is even talking about that. But these issues still remain. And we are going to address these issues. Thank you.

Mr. Snyder: Thank you. Mrs. Pucci.

Delma Pucci: Yes, my name is Del Pucci and I live at 1338 East Maple Street, North Canton. I'm not against this additional parking lot. I do know that they need it at the time of the tournaments. They're not supposed to have those tournaments in the lease, but that's beside the point, they have them. So that's when they need the parking. But I was looking at the - Friday night I thought I'd take a walk and I walked over to the ball fields, but coming down my driveway and right across the street is a "No Parking Tow Zone". Now this car is parked there nice and easy and so forth. And as I'm walking to the fields I see a cruiser come by, he stopped, he looked at that car, he walked around it, he left. Nothing was done. I went to the ball fields and watched the Hoover High School playing there, the baseball team is playing there against Boardman, was playing Friday night. Marcia Kiesling was there watching the game. I think that's against the rules in the lease, but that's beside the point, too. But anyway, I come back, that car was there for an hour and a half. It was not towed. It was not ticketed in any way. The parking lot was half full. So you say you are going to enforce this parking. The people just don't want to walk that distance. As I pulled out of my parking or out of my home tonight, a car pulled in again across the street there to leave his kids off so they could go around the fence and go into the field. Now unless that is portrayed or given to Giammarco and tell him or put - I don't know barbed wire across there, these people don't know how to read signs. They're going to park there no matter what. They're going to pull up over the curb. I don't care how many parking lots you put there, you're going to have that problem. The other thing I noticed today and then I went on the internet and it comes up under the North Canton Little League Complex. North Canton Little League Complex posts a variety of sporting events in baseball, basketball and soccer year round. For more information about the facilities, services, or league games, call the number provided. Game times vary and it's a free parking lot. And, this number is Dr. Giammarco's. Are they intending to put basketball and soccer over there, because they're given the address of the Little League ball fields? I think it needs to be checked into. The other thing is, I noticed the other day they have all these posters and signs that are just plastered all over the backfield fence on Route – not Route 8, but Field #8. I hope they're not coming up the side on the fence and toward the street because they look like billboards all back there. I mean it's great for a walking path, everyone can read those advertisements, but I hope they don't come up to the side and then to the front on East Maple. The Luzio property, I happen to pull it up. I'm curious as to why the City pays taxes on that property. I thought all city-owned property you don't pay taxes on, they're tax exempt. Paid \$2,000 this year for that parking, proposed parking lot space. Is the Little League going to pay that? That's taxes. Just concerned about that. When they brought it to the Planning Commission, they had the incorrect parcel number on it. So, I did notice that also. A number of things, but I was curious about the Luzio property. I understand that's still single-family residential? Is that correct? The Cowie property. Mr. Cowie appeared here about a year or so ago that he had bought the property that Walsh University purchased at the present time. It's zoned single-family residential. So I hope if you do put this parking lot in, as I'm sure that you're going to do, I think you need to abide by all the ordinances that says about landscaping the parking lot. It wasn't done on the first parking lot. It needs to be landscaped with trees and shrubs and islands, or are those ordinances that the City doesn't have to abide by, just us? I just had to pay a \$10.00 permit fee to have a cookout in my backyard. So I think if we have to go by these ordinances, I think that the City Council has to abide by the ordinances.

Mr. Peters: Mrs. Pucci.

Mrs. Pucci: Thank you very much.

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Mr. Peters: Mrs. Pucci, I just want to address this, Ordinance No. 70-11, an ordinance establishing the zoning classification of parks and institutions for the premises known as the Luzio annexation. So yeah, it is Parks and Institution and we're addressing that as we speak as far as taxes go.

Mrs. Pucci: Okay. But the Walsh, but the property that Walsh bought, is that single-family?

Mr. Peters: That's single family...

Mrs. Pucci: I didn't see anything noting that it was otherwise.

Mr. Peters: You're talking about Rob Cowie's property?

Mrs. Pucci: Pardon me.

Mr. Peters: You're talking Rob Cowie's property that Walsh bought? That's ...

Mrs. Pucci: Yes,

Mr. Snyder: No, that was just changed just about - that was - that came to go to Planning Commission just about...

Mr. Peters: That's right.

Mr. Snyder: I think it's in the process of being - it's going through the hearings now.

Mrs. Pucci: Okay, because in the past tax ...

Mr. Snyder: The same with the parcel that they bought

Mr. Peters: That's right...

Mr. Snyder: the last home that they bought. Both of them are being changed to a...

Mr. Peters: Yeah.

Mrs. Pucci: At the present time, I think it was single-family residential. So you need to be three to four hundred feet away from it.

Mr. Snyder: Three hundred feet in P and I (Parks and Institutional).

Mrs. Pucci: Three hundred feet, okay.

Mr. Snyder: And let me tell you about the taxes. We pay the taxes and they are rebated. It takes the County time. Once it becomes our property, provided it's not leased, if our property is leased, there is a tax liability on it. So but we have applied for reimbursement of that.

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. North Canton's ongoing push to put in additional parking spaces at the East Maple Street ball fields seems to defy logic as everyone seems to forget that the property is the site of a city aquifer first and foremost. The aquifer is a raw water source for the citizens of North Canton as well as water customers outside the city. The ball fields and the surrounding area are designated as a Source Water Area Protection area. In a designated SWAP (Source Water and Protection) area the Ohio EPA (Environmental Protection Agency) suggests protective strategies to minimize risks in these areas. The Ohio EPA considers parking lots a potential source of contamination. If a SWAP area already has a parking lot, the EPA has recommended strategies in its SWAP assessment reports to deal with these potential sources of contamination. The EPA does not endorse expanding any existing source of contamination such as a parking lot that lies within a SWAP area. One would surely think that with the experience the City of North Canton went through in 2001 with the East Maple Street well - street well field, that protection of our sources of drinking water would be the top priority. On Wednesday, June 13, 2001, the City of North Canton was featured on the front page of the *Repository* with headlines proclaiming, "North Canton well field is contaminated." On Thursday the 14, North Canton again made headlines with, "Water danger zone expands." On Friday the 15, more disturbing headlines concerning North Canton's East Maple Street well field proclaimed, "Well field ruined 'forever.'" The City of North Canton continued to make headlines in the *Repository* for another five days. Citizens in North Canton and surrounding townships were in a panic. North Canton's Mayor announced his resignation as all of this unfolded. One would think that a community that had experienced such a calamity would now want to take extra precautions to protect its water sources from contamination. The East Maple Street ball fields already have parking to accommodate 227 vehicles. There is no reason to increase the level of risk to the City's aquifer with additional parking. In the last week I forwarded to the Clerk of Council an email that I received from the Ohio EPA entitled, "SWAP protective strategies for parking areas." This email clearly defines parking lots as a potential source of contamination. After the near disaster that took place in June 2001, why would you not exercise the utmost diligence to minimize any and all risks to the City's well field? I would

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also like to add that it makes absolutely no sense to spend \$50,000 of the \$150,000 bequest to expand the ball field parking lot when it is known that the liner at the Dogwood Pool needs to be replaced at a cost of \$300,000 or more. Given that the city is struggling financially, the bequest is a godsend for the city and would cover half the cost to reline the Dogwood Pool. Why would a community projecting budget deficits spend public money on a parking lot rejected by its' Planning Commission when there is a need for several hundred - hundreds of thousands of dollars for major maintenance to the Dogwood Park pool? The vacant lots purchased by the city to provide a buffer for the well field against development should not be developed for parking. Doing so undermines the reasoning for purchasing the lots and undermines the credibility of the individuals who gave that reasoning for purchasing the lots. I ask that this council show its residents that the City of North Canton has learned from the past and that everything possible will be done to minimize and or eliminate risk of contamination to its sources of drinking water. There is absolutely no reason to increase the risks of contamination to drinking water sources beyond what exists with the present level of parking. To answer your question Mr. Peters, there was no misleading of Mr. Arturo of the EPA. We're talking about vehicles. Surely the parking lot itself is not wanted or not create a good situation. He was made aware that it was going to be a porous parking lot. The problem is the vehicles that you're inviting in there to sit there and let radiation, radiator fluid, water, oil, transmission fluid drain out into that area. So I don't know what you were trying to imply there. These are the headlines that North Canton received; a total embarrassment to the City. You're interested in economic development? The **Repository** proclaimed to the citizens in the whole area that our water was possibly bad? I ask you not to expand that parking lot.

(Bell signifying five minutes)

Mr. Osborne: As Mr. Tripp pointed out, there is only a minimal number of days and if they will schedule their parking and their games

Mr. Fox: Mr. Osborne...

Mr. Osborne: You will not have the peak overflow.

Mr. Peters: Mr. Osborne...

Mr. Fox: Mr. Osborne, please take your seat.

Mr. Osborne: Thank you.

Mr. Fox: Thank you.

Mr. Peters: Jon, could I respond?

Mr. Snyder: Yes, please.

Mr. Peters: (Sigh) Where do I start? You indicate that you didn't mislead or maybe you weren't full - give full disclosure to Mr. Rahman. While you're in the midst of a presentation that has in big letters "NORTH CANTON RUINED FOREVER, WELL FIELD CONTAMINATED." Which, if this happened today would have been considered a terrorist attack on a fresh water drinking supply. This was one individual. You know the story, but you're tying all of this, all of this, into a park - in - using this to compare it to a parking lot going in. It's beyond shameful. It's embarrassing. You know who did this and you know what he did.

Mr. Osborne: It was very embarrassing....

Mr. Fox: Mr. Osborne.

(Gavel)

Mr. Peters: You know who did it. You know what he did. And then you are comparing this, what would be considered today a terrorist attack to a parking lot at a baseball field. I've heard it all. Thank you.

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

Mr. Peters: It's beyond, beyond the ...inaudible...

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REGULAR

Meeting

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

Held

Monday, April 22

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Adjourn:

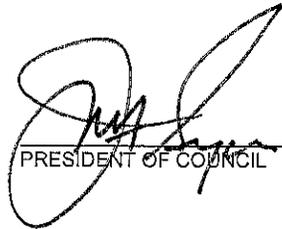
Mr. Snyder: Administration? Council? Madam Clerk, please let the record state that at 7:39 p.m. that Member Griffith did join the Council. Any other comments to the Council? If not, that completes the formal portion of our business, and we'll adjourn from this meeting and go into a committee meeting under Parks and Recreation. So, may I have a motion to adjourn this meeting?

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

Yes: Snyder, Werren, Cerreta, Foltz, Griffith, Peters

No: 0

The Council Meeting was adjourned at 7:53 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL

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