

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 10 7:00 p.m. 20 13

Call to Order:

- 1. The council meeting was called to order Monday, June 10, 2013 at 7:11 p.m. by President of Council Jon Snyder.

Opening Prayer:

- 2. The opening prayer was delivered by Rev. Gary Plauger, Hope Family 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, Griffith, Peters, Snyder.

Mr. Snyder: May I have a motion and second to excuse the absence of members Kiesling and Werren.

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

Consideration:

- 5. Council Meeting Minutes – May 28, 2013

Mr. Snyder: May we have a motion and second to approve, as presented, the council meeting minutes of May 28, 2013.

Mr. Griffith moved and Mr. Peters seconded to approve as presented, the Council Meeting minutes of May 23, 2013. All members present voting:
Yes: Griffith, Peters, Snyder, Cerreta
No: 0
Abstain: Foltz

Committee Minutes:

- 6. Mr. Snyder: May we have a motion and second to approve, as presented, the following minutes of council: the Executive Session for Finance and Property held the 28th of May 2013; Personnel and Safety meetings held 28th May 2013, and 3/6/13; Finance and Property; Street and Alley; Water, Sewer and Rubbish all held 3rd June 2013.

Mr. Peters moved and Mr. Cerreta seconded to approve, as presented, the above minutes of Council. All members present voting:
Yes: Peters, Snyder, Cerreta, Griffith
No: 0
Abstain: Foltz

Executive Session for Finance & Property: Please refer to the minutes on file in the Council Office of the Executive Session meeting for Finance & Property held May 28, 2013.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings held May 28, and June 3, 2013.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 3, 2013.

Street & Alley Committee: Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held June 3, 2013.

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held June 3, 2013.

Mr. Snyder: Thank you. At this time, I believe the Law Director has some comments.

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Law Director's Comments:

7. Mr. Fox: Yes, sir. This evening it is the first meeting of council where we're going to have the rules of courtesy, decorum and propriety, as well as the amendments to the public speaks portions of the meeting. So I just wanted to go over a couple provisions. I'll actually read those for anyone that may not have had the opportunity to read those just before we enter the Recognition of Visitors. In the beginning of the Rules of Courtesy Decorum Propriety, it states that "Council has a significant governmental interest to insure order during its meetings and expects and requires that its guests be respectful and courteous to other guests, city employees and council members. Guests also deserve and should expect a courteous, respectful hearing of their comments and concerns regarding matters under Council's jurisdiction. For those reasons, and so that the City's business may be effectively accomplished without disruption, the meetings shall be conducted in an orderly, efficient and dignified manner. Council must therefore insist that all in attendance do not disrupt Council, Committee, or Special Meetings by physical actions, excessive noise, or other disruptive or distraction behaviors as those actions delay and in some circumstances cease the legislative process. And in the public speaks portion note that each speaker's comments are limited to a maximum of five minutes and shall be directed only to the President of Council. There shall be no debate between the speaker and guests, city employees, or council members. Other guests, city employees or council members shall not interrupt or otherwise engage the speaker during the speaker's five minutes. Only after the speaker has completed speaking and returned to her or his seat, may a council member or city employee who is seated at the council dais, respond to the speaker's comments. When the speaker's five minutes have expired, as indicated both by an audible alarm and a timer visible to all those in attendance in the meeting, the speaker shall promptly cease speaking and shall return to his or her seat or shall exit the meeting. Council members and city employees at the dais are available following the meeting if the speaker so wishes to continue the speaker's comments. The speaker may also resume at the next Recognition of Visitor portion of a council meeting. A speaker that continues beyond the allocated five minutes and who continues to speak despite receiving notice that the speaker's time limit has expired, disrupts the meeting and waives his or her right to remain. To prevent the disruptive individual's further delay or cessation of the legislative process, the President of Council shall expel from that meeting those that persist despite the President's warning to cease the disruptive behavior. If the disrupted individual fails to immediately leave the meeting upon the President of Council's demand, the President shall have the individual removed from Council, Committee of the Whole or Special Meeting by a law enforcement officer in the course of enforcement of the Laws of the State of Ohio. A person who disrupts the Council, Committee of the Whole, or Special Meeting may be prosecuted for disturbing a lawful meeting as provided in the Revised Code 2917.12, a fourth-degree misdemeanor in obstructing official business, a second degree misdemeanor under Revised Code 2921.31. I wanted to make sure everyone was aware of that and to be clear that these rules, these penalties for disrupting a public meeting, I want to make sure that those that attend the meetings understand that it's not Council that put together these rules of the Revised Code, that it's actually Ohio Law, and we would be remiss if we didn't point out that sometimes with the nature of our meetings, the familiarity that you may have with council members, it breeds some informality, if you will. But don't forget that what happens here is council enacts legislation. These are laws that affect our day to day lives. So it's important that the meetings are conducted with a certain bit of courtesy and decorum. It's not quite to the level of a court room, but it's not that far off. And I wanted to make sure that those that participate, that a shout or two from the back might get yourself in some trouble if we can't keep the meetings in order. So with that I'll give it back to the President. I don't have my audible ...
- Mr. Snyder: Timer.

Mr. Fox: timer there, but I'll grab that.

Recognition of Visitors:

8. Mr. Snyder: Thank you, Mr. Law Director. Thank you. At this time the Council will recognize anyone wishing to speak to it. Please step to the podium, state your name and address for the record. Ma'am, please. Oh, sir.

John Curtis - Massillon/North Canton Elks: Yeah, I'm here from the North Canton Elks. Well our official title is really "Massillon/North Canton Elks No. 2029" since they merged with us in the not too distant past when their Lodge was dissolved in Massillon. But anyway, as you probably know, we're headquartered in the Fairways. And we had a chance to get what we called a Community Service Grant, and it goes to like police, fire departments and things like that so I stopped at the Fire Department, I seen Gary Cohen and asked him if there was anything they could use, and he came up with what was a multi-gas detector. So I turned that in and we got a grant here for the Fire Department to use against purchasing most of that. I think I got \$750.00 here, I think he said it was \$810.00 but he was going to try to negotiate a better price. So I've got a check here for \$750.00 on behalf of the North

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Canton...I keep saying North Canton Elks because I just can't say Massillon/North Canton Elks anymore. I've been an Elk so long – a North Canton Elk. But, anyway we got a check here on behalf of our lodge for \$750.00.

Mr. Snyder: Let me ask the Chief of Fire Services...

Mr. Curtis: For the Fire Department.

Mr. Snyder: and you can give it to him.

Mr. Curtis: Pardon.

Mr. Snyder: I said, the Chief of the Fire Service you can give it to him.

Mr. Curtis: OK.

Chief Bacon: Thank you very much. Appreciate it.

(Applause)

Mr. Snyder: Mr. Curtis, on behalf of the City Council, and I'm sure Mayor Held will have something to say, but we do appreciate it and we hope that all our tenants are quite as magnanimous and generous as the North Canton/Massillon Elks are. We appreciate it.

Mr. Curtis: Yeah. And I might add the Elks are a very charitable organization, that's what we're all about. And we did this - I'm what they call the "Exalted Ruler" of the North Canton Elks. And, I'm also PER which is a Past Exalted Ruler and we have trouble getting officers down there anymore. So I – that PER, Past Exalted Ruler, I keep telling them it seems to be becoming Perpetual Exalted Ruler. Anyway we have given before, that Community Service Grant, I think for some fingerprinting stuff to the Police Department, and I think one other time to a Fire Department for an exhaust fan or something like that. So, anyway we really enjoy doing things like that.

Mr. Snyder: Thank you. Mayor Held, did you want to say something?

Mayor Held: Yes. Oh, absolutely. I mean, the Elks have always had historically such a great relationship with the City, and that dated back to the D.A.R.E. Program when you would give out all the ...inaudible... and the kids just loved that. And this will be greatly appreciated. Thank you for the Elks.

Mr. Curtis: You know Herb Brian, right?

Mayor Held: Yes, that's right. That's right.

Mr. Curtis: He said you're his nephew.

Mayor Held: Yeah, well through marriage. Yes, that's right.

Mr. Curtis: Whatever. And he's probably going to give me heck for not asking him to come along tonight because...

Mayor Held: That's right. He might get upset, but that's okay.

Mr. Curtis: I'm what they call the Exalted Ruler and he's next in charge, he's the Leading Knight.

Mayor Held: Well, it sounds like you are informally the Exalted Ruler for now, at least...

Mr. Curtis: Herb was a former Exalted Ruler also, per ...

Mayor Held: He is?

Mr. Curtis: Yes.

Mayor Held: Well, please tell Herb that I said hello, unless I see him first, then I'll tell him you said hello.

Mr. Curtis: Thank you.

Mayor Held: Yes. Thank you.

Mr. Snyder: Members of Council, any comments?

Mr. Cerreta: Fantastic. Thank you.

Mr. Snyder: Thanks again. Madam, now you can step forward. Please state your name and address for the record.

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Marilyn Davies: My name is Marilyn Davies. I live at 1121 Southwoods Lane SE, North Canton. And I'm here to ask about the progress that has been made to keep the pool open through Labor Day. Last time when I was here Doug Foltz wasn't here and I was told he was the one working on this and that he would contact me, but I haven't heard anything. So I just wanted to know. I'm very willing to help and there's many other people at the pool that would be willing to help with coming up with some creative solutions to get this to happen. Have you come up with anything, Mr. Foltz?

Mr. Foltz: Well, I think I'll comment once you take your seat. Correct?
 Mr. Snyder: Right.

Mr. Foltz: I mean, we're going to do this public speaks portion, we should do it.

Mr. Snyder: Right. When you bring your comments to a close, Ms. Davies, then sit down and Mr. Foltz will comment on it.

Mrs. Davies: Okay. Thank you.
 Mr. Foltz: Thank you.

Mr. Snyder: Thank you. Mr. Foltz:

Mr. Foltz: Yeah. We met at the Rec Board Meeting, oh it's probably been three weeks ago, and that discussion occurred. And Mr. Grimes was there, as well as our Park and Rec personnel and hopefully they're going to look at it. I'm strongly in favor of this as the Mayor talked to you about earlier. I think it sits with the Administration to move forward with it as best as they can. I'm willing to do things on Council the best I can. You know, if we need to make some small adjustments, whatever the Administration needs. S, I'm in favor of it. I think we're going to have to get to the point where we survey some of the workers that are there, see what their timeframe is. Hopefully that happens earlier, sooner than later. And then if we have to fill in, then we'll see if what the Administration can do to attract some other lifeguard personnel to keep the pool open during Labor Day weekend.

Mrs. Davies: Thank you.

Mr. Foltz: Thank you.

Mr. Snyder: Thank you, Mr. Foltz. Anyone else in the audience wishing to speak? Madam, please step forward, state your name and address for the record.

Del Pucci: My name is Del Pucci and I live at 1338 East Maple Street in North Canton. I want to tell Council that it's been very quiet in our neighborhood. We've been able to sit on our deck and we haven't heard that loud speaker, and the rock music, and whatever. It's been very quiet and very enjoyable. So whatever all of you have done, I appreciate it very much. Our neighbors appreciate it very much. I'd also like to ask about Item 10 on the agenda this evening in regard to the ordinance that's going to be repealed or changed, or whatever. This is the third reading, and I really haven't heard what you're planning to do with that ordinance. Is there some paper or something that you have all the changes on it that you are going to do? What's going to be taken out of it or repealed, and so forth? I asked someone at the Planning Commission because it regards planning and they know nothing about it, so I didn't know if there was something that you could explain as to what is going to be repealed and so forth. Thank you.

Mr. Snyder: Thank you.

Mr. Fox: I can cover that.

Mr. Snyder: Okay.

Mr. Fox: I did receive a request from Miss Pucci today through our Clerk's Office. And I'll provide those documents for you, but we covered this in the preceding meetings. Basically the way that I understood that that session was covered, it covered conditional use permits and similar uses. The language wasn't clear whether or not council was permitted to have any action regarding conditional use permits or similar use permits. And this simply clarifies that council has the authority to act on each of those and removes the vagueness regarding where it was placed the ability for council to act on those things simply in similar uses, I believe, and through speaking with other members of council, that was originally the intent, that it could apply to each of those. And simply by the way it was placed in subheadings, it could be viewed as though it provided only for similar uses. So I believe in the packet there's actually a draft of what the ordinance would look like simply moving those around so it's clear where council can and can't act. But I'll get you those documents. I'll send them to you or you can stop by and we'll make copies for you, if you like.

Mr. Snyder: Okay.

Mr. Cerreta: Jon, if I might ...

Mr. Snyder: Please.

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Mr. Cerreta: Mrs. Pucci, I'm glad you noticed that the Little League has kind of calmed it down. I think that just shows a little bit about the class of the people over there. They're not out there to cause any issues with any neighbors or anything. Our Little League program is one of the top programs probably in the State. And they're not out here to cause issues with community members. They're just out there to get kids to play ball. So I'm glad you noticed they're trying to do the best they can with, you know, all they're doing is teaching kids how to play baseball. So thanks for noticing that and mentioning it.

Mr. Peters: Jon ...
Mr. Snyder: Please.

Mr. Peters: I wanted to, you know, add on to what Mark was saying. You know, those were the two issues that came up when we talked about the lights, were the noise and the parking. And I've had a few complaints directed towards me about parking tickets. And we are actively addressing that too. So I hope you've noticed also that there haven't been people pulling over that sidewalk and parking along that tree line. That was very important for us too, just from a safety standpoint. So I think everybody has pretty much won on this situation.

Mr. Snyder: Mr. Foltz

Mr. Foltz: I think we've won other than not getting the parking lot done. I'm disappointed in that. I still see cars over there on a regular basis. I at one time counted 30 cars over in that lot. So I think somehow we should get it done, in my opinion. I just think we're doing a disservice to the people that use that park not to provide more of a permanent surface for that. And we're not trying to pave the entire lot. We're putting an aggregate surface down. I guess I would expect North Canton to do the right thing here eventually. So I don't know what other means we have to go forward with. I expect Administration to pursue those really minor capital improvements there. I don't know what else to say. You know, it's still happening. So.

Mr. Fox: And I live not far from Miss Pucci, and I can certainly agree. I've notice a big difference between this year and last year with the speakers. There are certain times, for a short period of time, they make some announcements, the National Anthem, maybe ten minutes and at generally kind of set times. It could be 9 or 10 a.m. on the weekend and maybe 5:30, 6:00 p.m. on a weekday, and then you simply don't hear it. You might hear some crowd noise, but you don't hear the speakers again. So...

Mr. Cerreta: Well, the noise is not going to go away. There is a ball park right next to the thing.

Mr. Fox: Of course.

Mr. Cerreta: But the excessive noise, I believe, has been diminished to the best of their ability. And just my comments on the parking lot, I think that's - I'm embarrassed that that has not happened. I think we all are with that. That is something that just seems so right and seems so easy to do, and it turned into something that seems to be harder to do than we expected. We had the right resources, we had the right place to put it, and it solved a problem that many people came up here and talked about. And I think it's just our government at its worst, if you ask me. I think we need to rectify that. We can do that here. We have good people here on the whole area that believes in that. I think we can go forward. I hope we do. I hope we do.

Mr. Snyder: Well you know, basically speaking, this particular concentrated effort with the cooperation of people like Mrs. Pucci, members of the Council, yourself, and members of the Little League, the Ward Councilwoman, Mrs. Werren, Mr. Peters, I mean as you begin to get the trust to the citizenry back, which I think you've begun to do that, I think you move forward with that and show them that you do what you say you're going to do. And that's what they want to hear. It's their government, and I respect each and every one of you gentlemen as well as the ladies, for the efforts that you've put in, and that's what we'll approach. We do appreciate the Administration and their cooperation in these efforts, because without them those could not be implemented. And it's been done and we appreciate that very much. So I think with everybody pulling on the same oar, you're going to get the job done. And you're right, and that's the way to do it. It's open and honest and forthright with the citizenry, and we'll get it done. But I appreciate everybody's comments. There being anybody else wishing to speak? Sam, did you want to speak? Okay Alright, seeing no other requests, I'll move to Old Business. May I have a motion to read by title only, the third reading of Ordinance 30-13?

Old Business:

- 9. Mr. Peters moved and Mr. Foltz seconded to read by title only, third reading of Ordinance No. 30-13. All members present voting:
Yes: Peters, Snyder, Cerreta, Foltz, Griffith
No: 0

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held

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Ordinance No. 30-13 – 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 franchise contract for a three (3) year period commencing July 1, 2013 and terminating June 30, 2016, for the collection of residential garbage, rubbish, recyclables, and yard waste in the City of North Canton.

Mr. Snyder: Chairman Cerreta

Mayor Held: Excuse me, Mr. President, just so - for the record, I'm going to abstain from this.

Mr. Snyder: Okay.

Mayor Held: And, while you're discussing this, I'll just excuse myself. And then when you're done, I'll come back.

Mr. Snyder: Alight. The record will show that the Mayor has excused himself and recused himself from the meeting and has removed himself from the dais.

Mr. Cerreta: Thank you, Mayor.

Mr. Snyder: Go ahead, Mr. Cerreta

Mr. Cerreta: This is the third reading. We've had good discussions for quite a few meetings on this. Again, this is just the third reading to authorize our Administration to form, or go into a franchise contract for three years. This is not picking out from our standpoint who will be the actual vendor of that. So moving forward, I'd move that we move forward with Ordinance No. 30-13 in third reading.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 30-13. All members present voting:

Yes: Snyder, Cerreta, Foltz, Griffith, Peters

No: 0

Mr. Snyder: Thank you. We'll now ask the Mayor to return. I'll wait till the Mayor joins us again, and then we'll start the meeting again. Unless he stopped for a glass of cold water, or maybe they both stopped for a glass of cold water. We'll move ahead here. We'll move on.

10. Mr. Snyder: Third reading of Ordinance No. 34-13. May we have a motion for the third reading of Ordinance No. 34-13?

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, third reading** of Ordinance No. 34-13. All members present voting:

Yes: Cerreta, Foltz, Griffith, Peters, Snyder

No: 0

Ordinance No. 34-13 – 3rd Reading – Ordinance, Rules & Claims

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the Codified Ordinances of the City of North Canton, specifically CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Who's the vice chairman of that committee? Gail, who's the vice-chairman of Ordinance and Rules? Is it Mark? I'm not sure. Pardon me.

Mr. Cerreta: It think it is - Stephanie is the chairman.

Mr. Fox: I'll get it.

Mr. Snyder: Stephanie's the chairman. It's either.

Mr. Cerreta: Tim is probably the one who should handle this, this is the permits section.

Mr. Griffith: Yeah, we've addressed this.

Mr. Cerreta: We've addressed this a couple of times, but I don't know who the vice chairperson is.

Mr. Snyder: I'll wait until we get a little explanation. So, Mrs. Pucci. Did they all leave? Did Tim leave, too to check? We'll get him to explain ...

Mr. Griffith: Inaudible...

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Mr. Snyder: No, anybody can report on it. I'll just go and ask the Director of Law to explain it again so that...

Mr. Cerreta: It's a cleaning up of a lot of different things.

Mr. Snyder: If I could, would you explain what we're cleaning up here since you are ...

Mr. Fox: Sure. This is what we just went over with Miss Pucci. The conditional use or similar use by just simply the way it was originally drafted, it was unclear whether or not Council had the authority to act in equally in the condition of similar use. After speaking with members that were involved in that initially, that really was their intent. So we just simply just made it clear in the ordinance that Council does have the authority to act in both of those types of permits.

Mr. Snyder: Thank you. Any questions? If not, I'll entertain a motion to adopt the third reading of Ordinance No. 34-13.

Mr. Peters moved and Mr. Foltz seconded to **adopt the third reading** of Ordinance No. 34-13. All members present voting:
Yes: Foltz, Griffith, Peters, Snyder, Cerreta
No: 0

11. Mr. Snyder: Thank you. May I have a motion to read by title only, the second reading of Ordinance No. 38-13?

Mr. Foltz moved and Mr. Cerreta seconded to **read by title only, second reading** of Ordinance No. 38-13. All members present voting:
Yes: Griffith, Peters, Snyder, Cerreta, Foltz
No: 0

Ordinance No. 38-13 – 2nd Reading – Water, Sewer & Rubbish

An ordinance amending CHAPTER 937 – WATER RATES, specifically Section 937.05, Bulk Water Charge, of the Codified Ordinances of the City of North Canton, to require the installation of a meter and backflow device for all bulk water customers using water from a City hydrant, to establish a meter fee and a refundable equipment damage deposit.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: Really, it's exactly how it says here. We require installation of this meter and backflow device so we don't get any contamination. So I move that we move forward with second reading of Ordinance No. 38-13.

Mr. Cerreta moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 38-13. All members present voting:
Yes: Peters, Snyder, Cerreta, Foltz, Griffith
No: 0

12. Mr. Snyder: Thank you. May I have a motion to read by title only, second reading of Ordinance No. 39-13?

Mr. Peters moved and Mr. Cerreta seconded to **read by title only, second reading** of Ordinance No. 39-13. All members present voting:
Yes: Snyder, Cerreta, Foltz, Griffith, Peters
No: 0

Ordinance No. 39-13 – 2nd Reading – Water, Sewer & Rubbish

An ordinance amending CHAPTER 935 – WATER LINES AND HYDRANTS, specifically Section 935.02 Connection Charge Other than by Assessment and Section 935.07 Use of Water from Fire Hydrants, of the Codified Ordinances of the City of North Canton, to establish fees and usage policies.

Mr. Snyder: Chairman Cerreta

Mr. Cerreta: This is just part of the other one. This just lays out the fee structure for the tap-in charge and I believe it's \$25.00. So I again move forward with the second reading of Ordinance No. 39-13. I move we move forward.

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Mr. Cerreta moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 39-13. All members present voting:
 Yes: Cerreta, Foltz, Griffith, Peters, Snyder
 No: 0

NEW BUSINESS:

13. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 41-13?

Mr. Peters moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 41-13. All members present voting:
 Yes: Foltz, Griffith, Peters, Snyder, Cerreta
 No: 0

Ordinance No. 41-13 – 1st Reading – Personnel & Safety

An ordinance amending Ordinance No. 98-11, Collective Bargaining Agreement ("CBA") by and between the City of North Canton ("City") and the North Canton Clerical, Fiscal & Accounting Specialists Employees ("Union") to enter into a Memorandum of Agreement ("Agreement") regarding wage reopener, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters

Mr. Peters: Yes, thank you, sir. This regards the wage reopener which they were allowed to by contract. And both sides negotiated. They both agreed to not go forward with the wage increase for the current contract. And this is under an emergency clause, and I'll motion to approve the first reading of 41-13.

Mr. Peters moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 41-13. All members present voting:
 Yes: Griffith, Peters, Snyder, Cerreta, Foltz
 No: 0

14. Mr. Snyder: Thank you. May I have a motion and second to read by title only, first reading of Ordinance No. 42-13?

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 42-13. All members present voting:
 Yes: Peters, Snyder, Cerreta, Foltz, Griffith
 No: 0

Ordinance No. 42-13 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Project Agreement by and between the City of North Canton and the Board of Stark County Commissioners for the improvement of Applegrove Street (from North Main Street to Whipple Avenue) and Whipple Avenue (from Applegrove Street to Wise Avenue) at a total cost not to exceed \$75,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Griffith.

Mr. Griffith: Thank you. We had a good discussion about this last week. This is our small portion of a very large project and it looks like we're going to really not going to have to pay that much for it either. So Jim if you want to talk about it some more, you're welcome to, but it's pretty straight forward.
 Mr. Benekos: Nothing new.

Mr. Griffith moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 42-13. All members present voting:
 Yes: Snyder, Cerreta, Foltz, Griffith, Peters
 No: 0

15. Mr. Snyder: May I have a motion and second to read by title only the first reading of Ordinance No. 44-13.
 Mr. Griffith: 43.
 Mr. Peters: 43-13.
 Mr. Snyder: 43-13, excuse me.

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Mr. Griffith moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 43-13. All members present voting:
Yes: Cerreta, Foltz, Griffith, Peters, Snyder
No: 0

Ordinance No. 43-13 – 1st Reading – Street & Alley

An ordinance approving, confirming and accepting a Perpetual Entry Sign Easement Agreement, located in the Southeast Quarter of Section 5, Plain Township, County of Stark, State of Ohio, and known as being part of Parcel No. 5503025, from the McKinley Development Company, LTD., to the City of North Canton, for and in consideration of one dollar, necessary to construct and maintain, alter, inspect, repair, remove, and replace at will a concrete block and brick masonry entry sign with the right of ingress and egress at any time through said property, and declaring the same to be an emergency.

Mr. Snyder: Chairman Griffith.

Mr. Griffith: We obviously aren't going to do the emergency this evening. But this is the result of some great negotiation that was done for the signs that have been Mr. Cerreta's great work and the work of several others. We're not paying anything for them and I saw that one of the signs was already under construction. So we'd best pass this and get it underway. We'll also have a good adverse possession ...inaudible... I would move its adoption.

Mr. Griffith moved and Mr. Foltz seconded to adopt the first reading of Ordinance No. 43-13. All members present voting:
Yes: Foltz, Griffith, Peters, Snyder, Cerreta
No: 0

- 16. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 44-13?

Mr. Griffith moved and Mr. Cerreta seconded to read by title only, first reading of Ordinance No. 44-13. All members present voting:
Yes: Griffith, Peters, Snyder, Cerreta, Foltz
No: 0

Ordinance No. 44-13 – 1st Reading – Street & Alley

An ordinance approving, confirming and accepting a Perpetual Entry Sign Easement Agreement, located in the City of North Canton, County of Stark, State of Ohio, and known as being part of Lot 3270, Parcel No. 9205243, as recorded in Brentwood Hill Allotment #2 (P.B. 34, Page 153 of the Stark county Records), from Sheraton Towne Apartments, LTD., to the City of North Canton, for and in consideration of one dollar, necessary to construct and maintain, alter, inspect, repair, remove, and replace at will a concrete block and brick masonry entry sign with the right of ingress and egress at any time through said property, and declaring the same to be an emergency.

Mr. Snyder: Chairman Griffith

Mr. Griffith: This is the other sign location. I would move its adoption.

Mr. Griffith moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 44-13. All members present voting:
Yes: Peters, Snyder, Cerreta, Foltz, Griffith
No: 0

- 17. Mr. Snyder: May I have a motion and second to read by title only, first reading of Ordinance No. 45-13?

Mr. Griffith moved and Mr. Cerreta seconded to read by title only, first reading of Ordinance No. 45-13. All members present voting:
Yes: Snyder, Cerreta, Foltz, Griffith, Peters
No: 0

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 10 7:00 p.m. 20 13

Ordinance No. 45-13 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to accept and utilize memorial funds from the North Canton Veterans Memorial Committee, in an amount not to exceed \$12,186, for the repairs, replacement and maintenance of the current Veterans Memorial and its appurtenances, including but not limited to, memorial plaques, soldier statue, and brick and cement work, and declaring the same to be an emergency.

Mr. Snyder: We graciously accept this \$12,186 from the Committee, who has done a very good job erecting the park which we are very proud of. This money will be put into a special account to be solely for the perpetual care of that memorial. The general upkeep of the memorial is the responsibility of the City, but for those items mentioned is what the money will be used for.

Mr. Foltz: President Snyder, if I may make a comment.
 Mr. Snyder: Please.

Mr. Foltz: I just can't envision that corner without that memorial being there now. It's beautiful. The Committee did an excellent job. I remember a discussions five years ago of how this wasn't the right spot, or we had all these other problems and challenges. And it just seems - it's just nice as we mentioned earlier to see the majority of elected officials and administration and citizens come forward to do the right thing in this town. It's refreshing. It really is compared to a lot of other government entities.

Mr. Snyder: I appreciate that. It is very nice. Thank you. There being no other questions, I'll entertain a motion to adopt the first reading of Ordinance 45-13.

Mr. Griffith moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 46-13. All members present voting:

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

18. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 46-13?

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, first reading** of ordinance No. 46-13. All members present voting:

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

Ordinance No. 46-13 – 1st Reading – Finance & Property

An ordinance amending Attachment A of Ordinance No. 7-13, permanent budget for fiscal year 2013, to reclassify \$163,000 for the Hoover District improvements from an advancement to a transfer within the General Fund (101), Income Tax (203), and Hoover District (333) Funds, repealing Ordinance 101-10, and declaring the same to be an emergency.

Mr. Snyder: As we spoke last week, this will allow the Director of Finance put her accounts in balance. Presently, money is advanced prior to the reimbursement of the State which leaves her funds in a negative balance which she's not allowed to do; as one would understand that sends up red flags. When the auditors were here, as a courtesy, they reminded and did not write us up on it. But we want to do this prior to the next audit. Otherwise it will become a matter of an accounting note, and be placed into our findings. So we want to do that prior to that. So that's what that is for. Any questions? If not, may I have a motion to adopt the first reading of Ordinance No. 46-13?

Mr. Griffith moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 46-13. All members present voting:

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

Mr. Snyder: A couple of things. Number one, please let the record show that we were all, including the Mayor, were given a copy of the "Preliminary Estimated Expenditures for Calendar Year 2014, as required by the Ohio Revised Code and then required by our Charter. She has issued that effective of June 10th, and we appreciate your hard work in getting that to us in a very timely manner. So you'll have a copy from that. Those are estimated numbers that are projected for '14 and should be adopted. Also, I would like to have the Council and the Mayor joining me in thanking Director of Finance and Director of Administration both in their efforts in saving the city \$198,239.36 through their efforts through electric aggregation for our street-lighting program alone. That's a monumental number, and I do appreciate that as the Finance Chairman and my colleagues, I'm sure the

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Mayor joins with me in thanking you both for your diligence and your efforts in saving the City that type of money. That's very much appreciated. Also, I was told by the Director of Finance that we have another good, we have about \$78,000 coming back from the State of Ohio under our Workers' Compensation. If those bills are paid in a timely manner and through the efforts of the Administration and its management in keeping our claims down, we returned another \$78,000 in refunds. So, I mean, those numbers in a \$44,000,000 budget are not that large, but collectively that's over a quarter of a million dollars. And that would go a long way to plug the hole of \$440,000 that we project our - some of our funds to be short. So as we move that way, it's encouraging. And the Mayor and his Administration bringing new jobs for the Director of Economic Development, I think the second half of this year should shine very well on the City of North Canton. And we applaud everybody's efforts and everybody who's joining in that. Thank you. Mr. Foltz.

Reports – Council:

Mr. Foltz: I wanted to thank Council and Administration, Donner was finished, I believe for the most part or at least 95% finished. I know they – Jim, do you – they need to do some core work in the middle to replace...

Mr. Benekos: The manholes. They need to adjust those.

Mr. Foltz: Somebody asked me, why do we do that this way. We're doing it on existing streets now, is that correct?

Mr. Benekos: Right. It makes for a smoother...

Mr. Foltz: transition around the manhole covers?

Mr. Benekos: Right.

Mr. Griffith: It's nice.

Mr. Foltz: Okay, because, and I said I thought that was it, but I wanted to go and get, you know, an accurate opinion on it from our engineer. So but it's just nice that project came together over the last three or four years in different phases. I appreciate Council's support. We don't have a lot of money, but Council did support the improvement there and they knew it was badly needed, and it's just refreshing to get it done here the first of June where the kids can ride their bikes, and you know ...inaudible... outside school with the good weather, because really it was a hazardous area in my opinion with the degree the street was in and the sidewalks. So, thank you to everybody and kudos that we got it done this early. It's really nice. So that's it. I thank you.

Mr. Snyder: Mr. Peters

Mr. Peters: Yes. First of all, thanks to Director of Administration and Finance Director on the gas, or I'm sorry, the electrical aggregation. Very nice. Well done. Civil Service – there's an EMP-T/ Firefighter test June 27th. Registration begins June 11th at 8:30 a.m. And, you must register in person - \$20.00 fee. And that's it.

Mr. Griffith: I just wanted to say thank you to Mrs. Pucci. I know we don't always have people come and thank us for doing the right thing. That's probably appropriate sometimes, I'm sure that's true. But I appreciate you coming out and particularly in that concern. That's always good. And I deeply appreciate that. So thank you for that. And that's all I've got.

Mr. Cerreta: No report.

Mr. Snyder: I have nothing. Law Director.

Reports:

Mr. Fox: Yes, sir. The Law Department has been very busy the last couple weeks resolving labor and employment issues. And certainly want to thank those union representatives that have been certainly willing and able to help us resolve issues at the lowest possible level, it helps, certainly, both sides. So we appreciate that. Also, for those that may be behind in your income taxes, there was just a little bit of lull when we were going through the regular season, having those things processed, but we're at a time where we're certainly going to go after the habitual and the worst offenders. But if you go ahead and contact the Finance Office, contact my office, we can work with you and help you resolve those things. But if you choose not to, we're certainly going to follow those through Mayor's Court. There's a penalty, certainly for that. We'd rather resolve that in simply filing and working those payments out, but if not, unfortunately we'll have to go through the Mayor's Court, and there is some penalties. So if you can, contact our office, contact the Finance Department and let's get those resolved before they become too problematic for you.

Mr. Snyder: Thanks for your comments. Director of Finance

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Director Alger: Actually, no report.

Mr. Snyder: Director of Administration

Director Grimes: I just want to say, the North Canton Clerical/Fiscal Accounting Specialists, they're the employees that work for you, they don't work for me, but just to let you know, when they come in to negotiate obviously they work for finance, they knew what our finances were, but they were very straight. They were, you know, just glad to have a job here in the City and were very straight up and you know it was a very good bargaining agreement with them. So and they acted, you know, very professionally, so I think you should know that. So the other thing is I don't think we should become complacent with winning. You know the girls won their softball championship today, or yesterday, and they had the parade through the City, and you know I think that's a good thing, you know. But we've done it so many times, but I think each time it gets even better. So, thank you.

Mr. Snyder: Well, they were the first school in the State to ever have that many undefeated season and win three championships. It's unbelievable.

Director Grimes: Yeah.

Mayor Held: Yeah. If I can add to it, it was a real nice event. They've won it seven times. This - the last three, they've won three in a row, you know, State Championships. And it was, it's really impressive. And then, you know, they had a shutout season, I mean undefeated. So there's - and I think they're ranked No. 4 in the country right now. And I mean, the way they play, I'd like to invite No. 1 to North Canton and let them play. They're ranked the No. 1 rank.

(Laughter)

Mayor Held: You know, but when - typically when we have a state championship team, the City historically has become somewhat an informal tradition where we give them an escort. And when we had a fire truck that was a little bit lower, the older fire truck, they would climb up on the ladder and ride in on a ladder. But the newer fire truck, it's a little bit elevated and too close to the power lines and the traffic lights. So, you know, we have one of the local companies provide a flatbed truck and they come in on the truck and, you know, the athletes love it. I mean, some of them told us that was the best day of their life coming in on the City escort. And so the residents love it. We're very proud of them, and I must add from an economic development standpoint, you can't get greater exposure than when people keep commenting about our softball team across the State and even a couple of people outside the State of Ohio. So it's great PR for the City, too. We will have them...

Mr. Snyder: Next week. Yes. They've asked and we'll have a ceremony at 7 o'clock next Monday night for them.

Mayor Held: Okay. Recognize them. Thank you.

Mr. Snyder: Maybe you'll invite them to ride in the parade on the 4th of July.

Mayor Held: Hey, I'll tell you. They're - those girls are impressive. And you know what else is real nice, too, is they're great students. They're great, just great young ladies. Just very respectable. And great athletes. That's all.

Mr. Snyder: Thanks, Mayor for your comments.

Mayor Held: Oh, one other point, too. We had - Councilman Cerreta and I had a meeting here just prior to this meeting. And one thing that we want to work on with the City is trying to improve the communication that we have with the Chamber, and also with the TAP (Talk About Potential) with some of the other community organizations. And, you know, in the City we never like to announce - and this, I think I can speak for Council on this also, we never like to announce any economic development projects until they're finalized because so often you'll have a project that will, you know, it's in the process and then it doesn't come to fruition. And that happens probably, you know, 80% of the time unfortunately. So we found that it's just best to wait until there's an agreement and then once that is finalized, then we announce it. At the same time, everybody likes to have updates with, you know, where we're at, and so we want to do that with the Chamber. We also want to do that with the people in the City. And we still do not have any final word on the project across the street where we're going to be bringing in, or IRG will be bringing in apartments and retail. That's not finalized at this point, but it's very hopeful and we're confident, according to the information we're getting from IRG and from the State of Ohio that this project will come about. But again, it's - there's nothing, no final agreement at this point. But as Mark and I had discussed earlier, you know we're trying to come up with some ideas. Maybe we'll have like a quarterly meeting with some of the members of the Chamber. Historically, we did have a representative from the Administration that would serve on the Board at the Chamber just to kind of open up that dialogue, and as well with Walsh. But Walsh, that's gone very well. Had a lot of meetings with the

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City Engineer to keep them up to date on their project and also the Administrator. So it's just all about trying to keep the information flowing and keeping everybody up to date. So thank you for that partnership.

Mr. Snyder: Thank you. Mr. Engineer.

Mr. Benekos: Our tentative move in date to the Civic Center is next Thursday and Friday. The party will be Friday night.

Mr. Foltz: We'll give you a discount rate on the meeting room.

(Laughter)

Mr. Benekos: Thanks.

Mr. Griffith: Speak for yourself.

Mr. Benekos: We'll let you know when the Open House is.

Mr. Griffith: No discount.

Mr. Cerreta: Engineers go crazy when they start ...inaudible...

Mr. Foltz: Well, I know ... Maybe I ought to rethink that, extra security.

Mr. Benekos: That's all I have for this evening.

Mr. Snyder: Do you have XM radio built in there?

Mr. Benekos: No.

Mr. Snyder: Thank you. Madam Clerk, any comment?

Mrs. Kalpac: No report. Thank you.

Final Call for New Business:

Mr. Snyder: Call for business. Last call. I'll entertain a motion to adjourn.

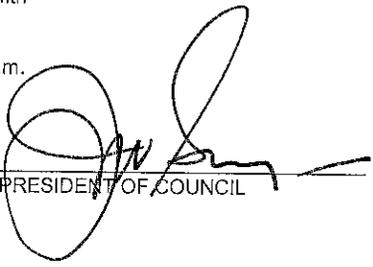
Adjourn:

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

Yes: Peters, Snyder, Cerreta, Foltz, Griffith

No: 0

The council meeting adjourned at 8:01 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

6/19/13-bkp

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