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## CITY OF NORTH CANTON COUNCIL OFFICE

### NOTICE OF MEETING Council Meeting Agenda Monday, August 26, 2013 - 7:00 p.m.

*President of Council  
Jon Snyder*

*Vice President of Council  
Marcia Kiesling*

*Council at Large  
Mark Cerreta*

*Council at Large  
Dan Griffith*

*Councilman, Ward 1  
Doug Foltz*

*Councilman, Ward 2  
Daniel Peters*

*Councilwoman, Ward 3  
Stephanie Werren*

1. Call to Order: 7:00 p.m.
2. Opening Prayer: Deacon Ron Reolfi, St. Paul's Catholic Church
3. Pledge of Allegiance
4. Roll Call
5. Consideration
  - Public Hearing Minutes – June 24, 2013
  - Council Meeting Minutes – June 24, 2013
  - Council Meeting Minutes – July 8, 2013
  - Special Council Meeting Minutes – July 15, 2013
  - Mayor's Court Receipts – June and July, 2013
6. Committee Minutes
7. Recognition of Visitors

#### OLD BUSINESS:

8. **Ordinance No. 49-13 – 2<sup>nd</sup> Reading – Community & Economic Development**  
An ordinance amending CHAPTER 1138 MIXED USE OVERLAY DISTRICT, specifically Section 1138.04 Use Regulations, of the Codified Ordinances of the City of North Canton, permit certain agricultural uses in a mixed use overlay district.

#### NEW BUSINESS:

9. **Ordinance No. 57-13 – 1<sup>st</sup> Reading – Finance & Property**  
An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Project Fund to the General Government – Professional Services Account in the amount of \$45,000 for the current expenses during the fiscal year ending December 31, 2013.

10. **Ordinance No. 58-13 – 1<sup>st</sup> Reading – Community & Economic Development**  
An ordinance accepting the application for the annexation of certain territory in Plain Township, known as the Walsh/Gressel Annexation, containing 1.549 acres of land, more or less to the City of North Canton.
11. **Ordinance No. 59-13 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**  
An ordinance to approve and adopt current replacement pages to the Codified Ordinances, and declaring an emergency.

**REPORTS – COUNCIL:**

Mark Cerreta	At Large	Doug Foltz	Ward 1
Dan Griffith	At Large	Daniel Peters	Ward 2
Marcia Kiesling	At Large	Stephanie Werren	Ward 3
		Jon Snyder	Ward 4

**REPORTS:**

Director of Law Mayor	Director of Finance City Engineer	Director of Administration
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**FINAL CALL FOR NEW BUSINESS:**

**ADJOURN:**

Gail M. Kalpac  
Clerk of Council

8/22/13-gmk

c: Council, Director of Law  
Mayor, Director of Administration  
Director of Finance, City Engineer  
Director of Permits & Development  
Police Chief, Fire/EMS Chief  
Press

RECORD OF PROCEEDINGS

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

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Heid Monday, June 24 6:30 p.m. 20 13

Call to Order:

The public hearing was called to order Monday, June 24, 2013 at 6:30 p.m. by President of Council Jon Snyder.

Mr. Snyder: The request for this public hearing is to amend the zone text amendment to Section 1125.02 to add the definition for "urban farming", and to change Section 1138.04, Mixed Use Overlay District, to add "urban farming." Subsequent to this public hearing, the Council will act accordingly.

Roll Call:

The following members of council were present for the public hearing: Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder, and Werren.

Also present were: Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, City Engineer Benekos and Clerk of Council Kalpac. Mayor Held was not present for the public hearing.

Notice is hereby given that a public hearing will be held by the Council of the City of North Canton on Monday, June 24, 2013 at 6:30 p.m. in the Council Chambers at North Canton City Hall. Any person interested will be provided an opportunity to be heard. A request for an amendment to the North Canton Zoning Ordinance was submitted by Maple Street Commerce, LLC requesting a zone text amendment to amend Section 1125.02 to add a definition for "Urban Farming", and to change Section 1138.04 in the Mixed Use Overlay ("MUO") District to add "Urban Farming" to Use Regulations as a conditional use in the MUO District for the premises known as Parcel No. 10000154. The North Canton Planning Commission, at its March 6, 2013 meeting, by a voice vote 5-yes and 0-no, has recommended to add the definition and apply the text addition to Section 1138.04 Use Regulations for "Urban Farming" as a conditional use. Final action thereon, according to law, will be taken by the Council of the City of North Canton subsequent to the date of said public hearing.

Mr. Snyder: At this time the Council will entertain anybody wishing to speak for the said zone change. Is there anyone in the audience wishing to speak for the zone change?

Mr. Jim Sewell. You're all looking at me like I should say something. Maybe I should, I've had ...inaudible...

Mr. Snyder: Well you're more than welcome, if you'd like to step forward and state your name and address for the record. Did you bring some fresh vegetables with you?

Mr. Jim Sewell: No. You know actually we just moved from Tucson and we brought tomatoes we grew out there this spring. So - but we didn't bring them with us though. My name is Jim Sewell, S-e-w-e-l-l, and my address is 559 North Main Street, North Canton, Ohio 44720. I had to think about my zip code. Some of you got to see me speak last time I was here in March. I know there were a couple of you there. And that was not one of my best efforts because I was in the middle of a really nasty head cold. I flew here from Tucson and literally just got here in time for the meeting and my brain was dead, but it's alive tonight. I'm not really sure what to say. I know you've all had a chance to read through the material here. Basically what we're just asking for is to create the conditions under which we can develop this urban farm on the acreage over there at the Hoover. What we want to do is to bring green space in, local food, educational opportunities in the community, and hopefully grow into some kind of an organization that will bring a market to town and things like that. I don't know what I can really add, and I don't want to take up a lot of your valuable time, if you have any questions, I'd be happy to answer.

Mr. Fox: I would just point out, if I may, Councilman Foltz and I were at that meeting. Also on that agenda was discussion on Little League lights, so there was a lot on the table that evening. And I think overall it received a very positive response from the Planning Commission; I believe their vote was 5-0 in favor. At that point, I made some suggestion of adding a small section in there only to manage an area for composting. And that was a recommendation from the Ohio EPA (Environmental Protection Agency). And it's a really small area, and I just think it's important for Council to consider to include because in

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Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

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Held

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6:30 p.m.

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Ohio, once you go over 300 square feet in composting, it's considered solid waste, and then you get into a lot more regulations. So I just made a recommendation that when we do put that language in there, a small section that I said Ohio EPA had recommended, and it's included with some other cities that are using the same framework. I believe Cincinnati, Cleveland, and Dayton all subscribe to urban farming and use similar types of limits with the composting. Little things such as off-site, other folks can't bring their composting in there and so forth. So I think it's just a minor area. But indeed it did receive a very positive response. I think the only concerns with a couple residents were that I don't believe that they understood some of the how it was going to be developed. They were considered - concerned about the "plume" in the Hoover area, and our guest had discussed that it's going to be a raised platform.

Mr. Sewell: May I speak to that?

Mr. Fox: Yes sir, of course.

Mr. Sewell: You know it's funny, when I go around town and talk to people about our project, and I'm sure you're all familiar with the area we're talking about, that parking lot there north of Hower just by that huge fire special water tower there, it's a four-acre lot. Our plan is to start small, about a half acre to an acre, then grow to a possible four acres over a number of years. Well every time I talk to somebody about it, they love the idea because I mean how can you lose by bringing green space into a community and taking an ugly parking lot and turning it into something very attractive and putting people to work. But they always ask me, well isn't that a brownfield? And the answer is, as far as I can tell no, it's not a brownfield. In fact that used to be the site of the city pool. You might not know that, some of you, but the city pool used to be on that site right there. Actually did some research and found some old pictures of it. I think it was about 1970-71, I believe, about the time they built the pool here across the street, they just paved it over and turned it into a parking lot. There's rumors of dumping back there, but as far as I know - and Eric, wherever Eric is here.

Mr. Bowles: As far as I know, there's no issues with that. So...

Mr. Sewell: But, our plan is to build raised beds regardless because the parking lot offers a really great environment to do this kind of farming because it can extend your season. In the springtime that parking lot will radiate heat and in fall it will radiate heat, so you can literally expand your growing season by about a month or a month and a half just by building a parking lot with raised beds. So the brownfield issue, I don't think is an issue, but it doesn't matter really because we're building raised beds.

Mr. Fox: And I believe that also there was a discussion that this, with the farmers' market that we have throughout the summer and into the fall, that with eventually perhaps year-round growing, be able to expand that with locally grown fruits and vegetables here at our farmers' market.

Mr. Sewell: And I'd like to speak to that as well. My wife and I, this is my wife Lori over here, raise your hand, we actually visited the North Canton Farmers' Market for the first time on Saturday. And you know we're from - well we grew up in this area. We lived out west for a long time and we're used to kind of a different standard, but I was actually very impressed with what they're doing here. It's small, but it's growing, and people are enthusiastic, people are really wanting to have something like this. And the availability of local food on a longer kind of season around here is definitely filling a need, absolutely. So anyhow, I'm open to questions if you have any. If anybody wants to...

Mr. Cerreta: So will there be stuff inside then? Will it be covered? Will it be ...

Mr. Sewell: I'm sorry.

Mr. Cerreta: Will you be building something for like inside growing stuff? Is that what you were...

Mr. Sewell: Nothing will be inside.

Mr. Cerreta: Okay. No tents or anything like that there?

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Mr. Sewell: Have you, are they seen the ...inaudible... Eric? Okay. There might be some temporary kind of literally like tents set up, and they're small, in the summer time, but nothing permanent. We've actually been in negotiations to purchase the house across the street that used to be the microfilming building business over there, I don't recall the name of it, and use that as an office for the farm itself. But as far as building any kind of permanent structure there, no. And no greenhouses or anything like that. Possibly a couple high - what they call high tunnels, if you know what that is - hoop house, things like that, but those are all temporaries. So really nothing, nothing substantially permanent.

Mr. Fox: There was also one area that I suggested at the same time with Mr. Steinhebel, our department head for the Drinking Water Plant, that if there was any concern with any runoff because the not knowing what they may use to enhance growing and so forth. I think Eric and I asked Mr. Steinhebel to take a look at this and he did - indeed he did. And came back that he saw no concerns with any sort of runoff or anything of that nature that would be a concern with the Drinking Water Plant.

Mr. Sewell: Well our goal, of course, is to become organic. That's kind of a lengthy process, but our plan is to be totally organic, organically produce local food. So ...inaudible... and things like that, if anything we'd be helping clean up the water and act as like a filtration system for runoff in the parking lot.

Mr. Snyder: Any other questions?

Mr. Foltz: No. I saw the presentation in Planning and when it was presented to Council. I think it's a wonderful opportunity for North Canton to be educated to raised gardens and urban farming. So, appreciate the efforts and look forward to having you.

Mr. Sewell: Thank you. Appreciate that.

Mr. Snyder: Anyone else wishing to speak in favor? Anyone wishing to speak in opposition? Any other comments from Council? Seeing none, at this time I'll make a motion to adjourn this. This will move to Mrs. Kiesling's committee, I believe, for ..

Mrs. Kiesling: Next week

Mr. Snyder: Next week the first - we'll first go through the reading and it will go to committee and then go on to the July 8<sup>th</sup> meeting for first reading. Right?

Mrs. Kiesling: Right. Yes.

Mr. Foltz: Motion to adjourn.

Mr. Foltz moved and Mrs. Kiesling seconded to adjourn the public hearing. All members present voting:

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

No: 0

The public hearing adjourned at 6:43 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

**RECORD OF PROCEEDINGS**

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24 7:00 p.m. 20 13

**Call to Order:**

1. The council meeting was called to order Monday, June 24, 2013 at 7:00 p.m. by President of Council Jon Snyder.

**Opening Prayer:**

2. The opening prayer was delivered by Reverend Tom Douce.

**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, Kiesling, Peters, Snyder, Werren.

Also present were: Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, City Engineer Benekos, and Clerk of Council Kalpac. Mayor Held was not present for the meeting.

**Consideration:**

5. Council Meeting Minutes – June 10, 2013  
Mayor's Court Receipts – May, 2013

Mr. Snyder: May we have a motion to approve, as presented the council meeting minutes of June 10, 2013, and the Mayor's Court Receipts of May, 2013?

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

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

**Committee Minutes:**

6. Mr. Snyder: Now, may I have a motion and second to approve, as presented, the executive session meeting minutes under Personnel & Safety held on the 10<sup>th</sup> of June and the 17<sup>th</sup> of June 2013, and the committee report minutes for Personnel & Safety and Finance and Property both held June 17, 2013.

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

Yes: Kiesling, Peters, Snyder, Werren, Foltz

No: 0

Abstain: Griffith, Cerreta

**Executive Session for Personnel & Safety Committee:** Please refer to the minutes on file in the Council Office of the Executive Session meetings for the Personnel & Safety Committee held June 10 and 17, 2013.

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 17, 2013.

**Personnel & Safety Committee:** Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held June 17, 2013.

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Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16148

Held

Monday, June 24

7:00 p.m.

20<sup>13</sup>**Presentation – North Canton Playhouse**

7. Mr. Snyder: Prior to the recognition, we have with us this evening the members of the Executive Committee of the North Canton Playhouse. They've asked to step in for a few moments and tell us what they're doing and what they hope to do, and what we may be able to support them in their efforts of maintaining that. Please step forward and state your name for the record.

Ted Paynter: Good evening, I'm Ted Paynter, P-a-y-n-t-e-r, from the North Canton Playhouse, and thank you very much for your time this evening. We have several of our other board members and participants from our organization here as well. I do have – we composed a letter and some information about the theater which I'll just submit for the purpose of minutes, but I'd like to just talk through our organization a little bit and why we're here tonight. So as some of you may know, we've been a viable, nonprofit organization in this community for 37 years. We've been in a series of different homes throughout the area in North Canton, but we've basically been focused very much on our mission, which is to provide entertainment, education, and enrichment, to the residents of North Canton, Stark County and Northeastern Ohio. And feel – which I'll get into some of our programming and we've done a lot of that over the past 37 years. We want to - we think there's an opportunity for us to provide even more to this area and have been a part of many conversations over the past couple of years with members of this Council, with Eric Bowles, with other folks within the Community thinking about the continued efforts around economic development in North Canton. And I think we, as a strong hearts organization, have a role to play in that as we go forward. We've looked at a lot of other communities, both in this region and across the country, who have really centered parts of their economic redevelopment around having a viable destination centered in the arts in their city hub or in a primary spot within their city. I actually was just up yesterday with a couple of folks from our organization to Playhouse Square in Cleveland. It's a perfect example of an establishment in a city center that has really helped generate a lot of economic growth in a rebuilding of a city over the past couple of decades. In our history, since we were founded by Mary McManaway, who is here with us tonight, in 1976, we have basically been a self-sufficient community organization. A lot of our programming funds the majority of what we do. Now we have had help from outside grantors, particularly to establish our current home which is an extension on the Hoover High School Building and some other operational expenses over the years. For the most part, the majority of our operating budget is self-sufficient. We generate revenue from our productions and outreach programs which continue to fund future programming as well. And one of the things that we're most proud of as an organization is we're an all-inclusive theater. So we have programming for children, youth programs, teen programs. We have a senior group that does productions with actors and actresses over the age of 50, which really isn't seniors, but you know. And we'll take those programs out into the community. So we host about 8 or 10 programs on our main stage and in our studio theatre which again are in Hoover High School, but we also do a lot and take a lot of productions out into the community. We've partnered a lot recently with the Palace Theatre in downtown Canton. And have done a lot of very large scale productions down there that have been nice sources of revenue for our organization, but also a nice opportunity for them to bring in a lot of new patrons into their building. We host Walsh University's productions twice a year in our facility. We have a very special program called "Spotlight on Youth" which takes a lot of social issue dramas out into the schools across this community both in Stark County, Summit County, and even North of that, educating students of all ages on different social issues, whether that's domestic violence, eating disorders, drug and alcoholic abuse, etc. And basically as a part of all this programming that we have to offer, we're not only providing what we talked about before, education and enrichment, but in a participatory web, if you will, that grows and grows every year. And there's just dozens and hundreds of people in this community and around the area that participate in the programming that we have to offer every year. Basically though, we're in a situation now where we've had an arrangement that was assisted by some grants to give us a prepaid lease period in the Hoover High School Building. That prepaid lease expires in four years. So in 2017 we're basically going to have to find a new location for our organization and for our theatre. And we know from past history and all the moves that we've done, been in store fronts and different areas, we've been in a lot of different locations, that we'll find a home at some point. But we wanted to come before City Council tonight and I guess solicit some assistance from the City and from City Council in trying to find the right home that has not only advantages for the continuation of our organization and our mission, but for the

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economic viability of North Canton. Because as I said, we think there is a really good opportunity for us if we're in a visible place in the City to not only continue to make the arts present in this city in particular, but to continue a lot of the work that's been done to make North Canton more of a destination and a place to go with your family in the evenings or on the weekends. We've thought about a lot what the potential could be if we're in a very prominent, visible place in the city square. There could be restaurants, other types of things, put right around us that would really help create some traffic into the heart of our City. And so as I think we'll continue to do the things that we do, and we have a very dedicated Board of Trustees, a whole host of student and parent volunteers, that are very eager to continue to help us in our mission as an organization. I think the one thing that we lack is the know how to generate capital, whether it's a capital campaign or to get a lot of momentum from the City behind us in trying to land a more permanent and prominent residence in North Canton. And so that's one of the things that we wanted to present to you guys tonight is basically our hope that we can get some support from the City and from City Council in that effort. We know there's development going on in this area right now, and we'd love to find ways to be a part of that. We were founded in 1976 by Mary McManaway, whom I mentioned before, because she really believed that North Canton should have its own community theatre, should have its own entity that students from our school systems or from the variant around us could participate in. We don't want to lose the opportunities that we provide so many of those children, teens, adults and seniors in our community, and feel like we could be a key component in this City going forward but need some assistance from this group. I think to do that in a way that can advance us to the next level. So with that, I don't know if there's, if you guys have any more questions. Again, we have a lot of information about our organization that I wanted to just touch on tonight, and not go into a lot of details. But we're happy to answer any questions that you might have about the programming that we do or anything else about our theatre that you might be interested in.

Mr. Snyder: I can only say over the last about two years or three, we've participated in the joint venture with the Canton Art Institute in doing small little things at the Civic Center and it's very well received. However, the Mayor - I've had several conversations over the last couple of months with the Mayor. And I know Mr. Bowels is working on some things that the Administration is pretty much committed to find you a permanent home, hopefully sooner than later and they're well aware of the fact you're within a three-year timeframe. And it is the hopes - I know the Mayor told me that he can combine theatre along with some ballet and possibly some local dance people all under one house, that the City of North Canton can have its own little community civic center that does that. And I know he's very much committed to that. Mr. Bowels has a couple of places and I know he's not at liberty to disclose because he's still working on them. But hopefully sooner than later, we're going to do that. And I'm sure - I can't speak - only for myself but my colleagues will probably support you eminently in this goal, because ultimately it's what the residents want. The residents want something culture and they want someplace to go, as you say. We're spending a lot of money downtown and we want to keep them downtown. Any members of Council wish to comment?

Mr. Cerreta: Ted, we're well aware of the assets that the Playhouse has here. Many of us have been there and we agree it's a wonderful place to visit. So you know, I'm all for that and as I'm sure we all are. So we appreciate your coming up and presenting that. We know that there is a big need.

Mr. Paynter: Great. Very good. Well obviously any further conversations we'd love to be a part of and contribute to. And as I said, we have a full board of eager volunteers as well as a lot of families that are very close to our organization and are very eager to help. So it's a full team.

Mr. Snyder: Well as I say, unfortunately the Mayor is not with us tonight, but when he's back, I know he's had several conversations with Mr. Bowles over the last two to three weeks, and as soon as they get that move handled for their new office and he, if there is such a thing of him freeing up some time, possibly over lunch or something, maybe you'll get together with the Mayor and Mr. Bowles and we'll start moving towards telling you what the ideas are and where we have to take them.

Mr. Paynter: Terrific.

Mr. Snyder: Okay...

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COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, June 24

7:00 p.m.

20<sup>13</sup>

Mr. Paynter: Thank you very much.

**Recognition of Visitors:**

Mr. Snyder: Thank you very much. We appreciate it. Okay, at this time the Council will recognize anyone wishing to speak. Step forward and state your name and address. There is a five-minute rule in place and once you give your name the clock begins. And then we can move forward.

Mr. Fox: Mr. President, if I may, just a reminder for them.

Mr. Snyder: Please.

Mr. Fox: Again, the reminder of the timer has the five minutes. We ask that you address your comments to the Chair, the President of Council, Mr. Snyder, and that if you have any questions that you wish to have addressed, Council or Administration will address those once you have completed and taken your seat. Thank you.

Marilyn Davies: My name is Marilyn Davies. I live at 1121 Southwoods Lane SE, North Canton.

Sue Meadows: I'm Sue Meadows. I live at 232 6<sup>th</sup> Street NE, North Canton.

Mrs. Davies: We had talked a few minutes ago with Mr. Foltz about the pool staying open through Labor Day, and I was glad to get to talk to him before the meeting. He said he had a park meeting tomorrow. And I have been talking to the life guards at the pool. And last week, they did put a sign-up sheet for all lifeguards to sign up if they could work, part-time anyway, through Labor Day. And so I think that has been done. I did talk to the head lifeguard today who said that she thought some way we could handle this for the pool to stay open through Labor Day. We weren't sure when Council went on vacation, and we wanted to make sure this maybe got done before Council left for vacation. Did you want to say something?

Sue Meadows: No I just - I was gone for three weeks so I wanted to catch up on what was happening, if anything was new or if they had made any movement for keeping it open through - I believe the other day they had a record of 1199 people. And I'm quite sure today that was broken because they're parking over at my house.

(Laughter)

Ms. Meadows: So it's being used, it's loved and the hottest time of the year is here, and that's when we really, really need it. Declaration Day, not so much. But, this holiday is - and from August 19<sup>th</sup> through we're going to suffer. So, and I don't have air conditioning, it's kind of nice having the pool. So thank you very much.

Mr. Snyder: Thank you very much, ladies.

Ms. Davies: Thank you.

Mr. Snyder: We appreciate your comments and thank you for addressing us. Mr. Foltz...

Mr. Foltz: Yes, thank you President Snyder. Yes, I will bring it up. I know Mike Grimes and Jim Davis and we're going to work and see and proceed with seeing what capability we have to keep it open. I mean that's a promise that we discussed with you and the Mayor during one of the meetings and I think we owe due diligence on that. And hopefully that process is moving forward and we have better results for the next meeting.

Mr. Snyder: Okay. Any other members? Anyone else wishing to speak. Ma'am.

Miriam Baughman. 320 Weber Avenue. The following information is for the record: Senate Bill 343 was signed September 12, 2012 for changes to PERS (Public Employees' Retirement System). One change goes into effect January 1, 2014; members of PERS must earn \$600 a month to receive full service credit for that month towards a pension. Tonight you are voting on Ordinance 47-13 for salary raises for City Council on an emergency. My question is the reason for the emergency. How is a city council salary raise necessary for the preservation of health, safety, and peace of North Canton? And

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furthermore this ordinance has nothing to do with the Board of Election filing deadline. For your purposes, this legislation just needs to be completed before December 2, 2013. You have plenty of time if you pass it to get the salary put into effect before the new council. Tonight's agenda was not emailed until this morning. It's usually emailed every Friday. Many people will not read it until tonight, too late for a chance to give an opinion at Public Speaks. Please, do not pass Ordinance No. 47-13 on an emergency tonight. It is not fair to the residents you represent to not give them a chance to receive and respond to this legislation. After all, they will be the ones paying for the salary increase.

Mr. Snyder: I'd like to respond. Number 1, unfortunately, the Board of Election is, it has to be in place before the filing deadline. It has to be in place by August the 7<sup>th</sup>. If it's not, it's not effective. Secondly, there's an emergency clause in there and it will have at least two readings, if not three, before the passage. So, the residents will have plenty of time to come forward and state. And it has been in the press, and it will be in the press again, I think this week. It's been on the radio, so. But I apologize that you didn't receive your agenda, but it was on the website, I think on Friday afternoon, wasn't it?  
Mrs. Kalpac: Yes.

Mr. Snyder: So – but, there is an emergency clause in it, and it will have at least three readings. And secondly, speaking to that, it was not passed based on the Senate Bill for that. We get 67% credit whether, whatever it is, whatever the amount is, so it was... We've not had a raise since, I believe, 2000 and when was the last one...  
Mr. Fox: It think it was ...

Mr. Snyder: was it 2, 3?  
Mr. Fox: 2002.

Mr. Snyder: And the one before that was in 1989. Again, I represent probably 7000 people, so 6400 people. That's less than a dollar per person per year. At 36 hours a week, or 37 hours a week I put in, and I don't think \$7200 a year is a lot of money. I don't know to get the quality of people that you have that sits on this dais, it's pretty difficult to do it for 45 or \$4800. That's less than a dollar a resident. That's pretty good value to the residents. That's all I have to say. Anybody else like to speak?

Mr. Fox: I would, if I may, Mr. President. And I've looked those over in comparison with others, other municipalities, that do similar duties and responsibilities as our North Canton council members have. And I think it's nearly every morning that we look at the Canton Repository and we see something happening in Canton that kind of leads the way. And North Canton's rate of compensation for its council members is – Canton's members are about three and one-half times the amount that there is for North Canton. And it is difficult to justify it to them to say, no a two hundred dollar rate increase that will bring you within, you know, say you know less than two and one half times of what your counterparts in Canton earn when you basically do the same jobs. Now, I understand that this is a larger populace. However, they have more council members. And they meet regular times as our Council does. They have similar duties and responsibilities. So I think it's difficult and unfair to poke at them when you look at our members of collective bargaining units when they have – they're open for wage negotiations, and none of those have gone beyond two years without a rate increase. Many of those had agreed going into the year 2013 with no rate increase, and we thanked them for that. But the fact is, it is correct that it hasn't been more than two years without a rate increase. Our exempt personnel in the city, haven't had a rate increase since 2008. And here you have council 2002, it's eleven years. And if they don't do it by this time, Mrs. Baughman, it will lapse. They won't be permitted to place that on as a midterm increase in compensation and it will be another two years before they are permitted to do that for the next slate. It will be 13 years that they've gone. And so with this modest increase, I don't think it's too much to ask to bear for the service that they provide.

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

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. On January 23, 2013, the *Repository* ran a story titled, "North Canton grappling with shrinking revenues." The story begins with, and I quote, "due to slackening tax collection, drastic cuts in state aid and the state's repeal of the estate tax, the city's day of reckoning is fast approaching." The story continues with: "...City Council is considering fee increases, cuts in services and possibly

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layoffs of some city employees as the city faces years of growing deficits..." Finance Director Karen Alger presented Tuesday a proposed 2013 budget to City Council which shows that the city's estimated spending exceeds revenue by \$3.6 million. Of that shortfall, \$1.4 million is the deficit for the general fund budget. By next year, assuming the state doesn't further cut aid, the city has to find a way to raise revenue and cut spending by about 1 million and by significantly more money in later years. How does Ordinance No. 47-13, on tonight's agenda, an ordinance to increase the salaries of all eight part-time elected officials of the City, reconcile with the financial realities facing the citizens of North Canton? Is this Council trying to rush ever so more quickly to that day of reckoning? Possible layoffs of city employees became a reality as seen in a March 13, 2013, *Repository* story titled, "North Canton lays off fire inspector." In the March story, Mayor Held cited the city's financial challenges as the reason for the layoff. Can anyone on this council body recognize the gravity of North Canton's financial plight or does personal gain come ahead of fiduciary responsibilities? I must say that I was very much amused at last Monday evening's Council meeting of the Whole meeting when Law Director Fox presented his best argument to support an increase in salaries. The argument was the fact that I, as a member of City Council in 2002, over eleven years ago, had urged a greater salary increase than what was proposed at that time. Is this body now agreeing that my reasoning for voting "no" on the 2002 salary increase was in fact correct? And why is our newly appointed full-time Law Director presenting an argument on behalf of City Council for salary increases? This is not the role for a City Law Director in any municipality under any circumstances. If anyone wants to revisit the discussion in 2002 for a salary increase for the City's part-time elected officials, let me refresh your memory. In 2002 the City had over \$18.0 million in reserves, and was in an extremely sound financial position and future prospects were good. So good that everyone on City Council, except me, voted to spend \$4.2 million the very next year for Arrowhead Golf Course in 2003. As each of you should be very aware, the loss of the Hoover Company, along with more recent revenue losses described above, continue to take a toll on city finances. Reserves are a distant memory and probably will never materialize again. I do not think it is a coincidence that the proposed salary increase being requested for part-time elected officials is coming at the same time that the Ohio Personnel Employment Retirement System is increasing the required minimum monthly salary to \$600 per month to continue to qualify for full-service credit for retirement. Drawing a pension for serving as a council member is an added cost to the city taxpayers and probably is a total unknown to most city residents. The proposed salary increases totaling \$20,100 will result in an annual increase in annual pension costs borne by taxpayers of \$2,814. Given North Canton's strained financial condition and dismal financial prospects in the future, I would urge this council to forgo a salary increase. Hopefully you will do your fiduciary duty and not increase the financial strain on the city and its taxpayers. In the alternative, I would suggest that legislation be drawn up to keep a public record of attendance of council members at council meetings and furthermore limit payment for meetings not attended to two meetings per year. Absences by members of City Council meetings have mushroomed out of control and the public needs a mechanism to track attendance by their elected officials. The statement in the *Repository* story of January 23 lays out a roadmap for North Canton, "...the city has to find a way to raise revenue and cut spending by about \$1 million and by significantly more money in later years." Raising salaries of part-time elected officials so they can continue to qualify for retirement credit under the Ohio Personnel Retirement System is not going to put the city on a fiscally responsible path. Remember, it is all about serving your community. Vote no on Ordinance No. 47-13. Thank you.

Mr. Fox: If I may, Mr. President.

Mr. Snyder: Please.

Mr. Fox: Mr. Osborne did point out and he stated why he believed that the Law Director has no business in discussing what's appropriate for a rate increase. But Mr. Osborne, you're probably not aware, you know, that you served on council that your Law Director is the one that meets with the collective bargaining units and discusses those issues inherently rated to compensation and benefits. And today we spent about half of the day and probably two weeks of preparation in - for to conduct negotiations with one of our bargaining units. That part of that spills over into another. We were in negotiations and mediations and fact-finding. So with those things, I believe what I've done in preparation is look at all the bargaining units and the exempt and all the employees to see what they

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have received, compare them to their peers. So you know I don't think that you were quite prepared for your comments, that you didn't do your research in what my duties and responsibilities are. I also point out when you were a member of Council, you didn't waive any of those benefits yourself. You've run for office in every opportunity since then, and in each of those you did not state that you would waive any of those benefits. So I think it is quite disingenuous for you to...

Mr. Osborne: ...inaudible...

Mr. Snyder: Mr. Osborne, you're out of order, sir. If you speak out again, I'll have you removed from the Council Chambers.

Mr. Fox: I think it's disingenuous for you to come and speak out about the member's service here when indeed you when had the opportunity to receive those things, you, in fact, indeed asked for more. Perhaps believing that you would have been re-elected to a council position. That's all I have.

Mr. Snyder: Any other member? Anyone else wishing to speak to the Council this evening? Seeing none, may I have a motion to read by title only third reading of Ordinance No. 38-13?

Old Business:

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

Ordinance No. 38-13 – 3<sup>rd</sup> 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 and using water from a City hydrant, to establish a meter fee and a refundable equipment damage deposit.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: Yes, this is the third reading. We discussed this several times. This is to require the installation of these meters. For those using bulk, the customers using bulk water from a hydrant, it really prevents contamination and then gets us an accurate reading of how much water is used. So I feel we should move forward on the third reading here of Ordinance No. – make a motion Ordinance No. 38-13 in the third reading.

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

- 10. Mr. Snyder: May I have a motion to read by title only, third reading of Ordinance No. 39-13?

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

Ordinance No. 39-13 – 3<sup>rd</sup> 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

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Mr. Cerreta: Once again, this is the third reading. We've discussed this. This lays out the fee structure for those hydrants and tap-ins. So, I move that we go forward with the third reading of Ordinance No. 39-13.

Mr. Cerreta moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 39-13. All members present voting:

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

11. Mr. Snyder: May I have a motion to read by title only, second reading of Ordinance 41-13?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, second reading** of Ordinance No.41-13. All members present voting:

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

**Ordinance No. 41-13 – 2<sup>nd</sup> 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. Second reading. We've done the negotiations. Tim, unless there's anything more to add to this, everything is the same as it was last. I have no further comment unless Council does. I will motion to approve the second reading.

Mr. Peters moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 41-13. All members present voting:

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

Mr. Snyder: Do we want this passed on an emergency so it doesn't affect ...inaudible...

Mr. Fox: Yes, sir.

Mr. Snyder: As time is of the essence with the, this agreement, may I have a motion to suspend the rules of council for Ordinance 41-13.

Mr. Peters moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 41-13. All members present voting:

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

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 41-13.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt under the suspension of the rules** Ordinance No. 41-13. All members present voting:

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

12. Mr. Snyder: May I have a motion to read by title only second reading of Ordinance No. 42-13?

Mr. Griffith moved and Mrs. Werren seconded to **read by title only second reading** of Ordinance No. 42-13. All members present voting:

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

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Ordinance No. 42-13 – 2nd 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: We've had a good discussion on this. Most of this project is actually done in the county. We're just doing our little piece of it and it's being funded and ready to go. I move for its adoption.

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

Mr. Snyder: As time is of the essence, may we suspend the rules of council for Ordinance No. 42-13.

Mr. Griffith moved and Mrs. Werren seconded to suspend the rules for Ordinance No. 42-13. All members present voting: Yes: Werren, Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder No: 0

Mr. Snyder: Under the suspension of the rules, may we adopt Ordinance No. 42-13. Did I just adopt it? Mrs. Kalpac: Yes.

Mrs. Kiesling moved and Mr. Peters seconded to adopt under suspension of the rules Ordinance No. 42-13. All members present voting: Yes: Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder, Werren No: 0

13. Mr. Snyder: May I have a motion to read by title only, second reading of Ordinance 43-13?

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

Ordinance No. 43-13 – 2nd 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 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've got most of the signs up, they look really good. So, it's probably good that we get these easements approved so that we're kosher. I will move its adoption.

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

Mr. Snyder: As the health, safety and welfare of the citizens is at stake, please suspend the rules of Council for Ordinance No. 43-13.

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Mr. Griffith moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 43-13. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 43-13.

Mr. Griffith moved and Mrs. Werren second to **adopt under the suspension of the rules** Ordinance No. 43-13. All members present voting:

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

No: 0

14. Mr. Snyder: May I have a motion to read by title only second reading of Ordinance 44-13.

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only second reading** of Ordinance No. 44-13. All members present voting:

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

No: 0

**Ordinance No. 44-13 – 2<sup>nd</sup> 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: Once again, this is our second easement at no cost. I would move its adoption.

Mr. Griffith moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 44-13. All members present voting:

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

No: 0

Mr. Snyder: As the health, welfare and safety of the residents is at stake, please suspend the rules of council for Ordinance 44-13.

Mr. Griffith moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 44-13. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to read by title only, second...

Mrs. Kalpac: Excuse me, you have to adopt.

Mr. Snyder: Oh, may we adopt under the suspension of the rules Ordinance 44-13.

Mr. Griffith moved and Mr. Peters seconded to **adopt under the suspension** of the rules Ordinance No. 44-13. All members present voting:

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

No: 0

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

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, second reading** of Ordinance No. 45-13. All members present voting:

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

No: 0

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**Ordinance No. 45-13 – 2<sup>nd</sup> 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 received a very generous gift from the committee that installed that memorial. It's a gorgeous memorial. This is the funds they have left over after their hard work in raising this. This money will be put into a separate checking account marked for the perpetual care of that, just the memorial. The actual other work will be done by the City at the City's expense. I'll entertain a motion to adopt the second reading of Ordinance No. 45-13.

Mr. Foltz moved and Mrs. Peters seconded to **adopt the second reading** of Ordinance No. 45-13. All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence to get this done, we would like to suspend the rules of council for Ordinance No. 45-13.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 45-13. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 45-13.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspend the rules** Ordinance No. 45-13. All members present voting:

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

No: 0

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

Mrs. Kiesling moved and Mrs. Werren seconded to **read by title only, second reading** of Ordinance No. 46-13. All members present voting:

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

No: 0

**Ordinance No. 46-13 – 2<sup>nd</sup> 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 (101), Income Tax (203), and Hoover District (333) Funds, repealing Ordinance 101-10, and declaring the same to be an emergency.

Mr. Snyder: We've done this as a bookkeeping entry. The money is advanced after the work is done prior to us receiving it from the state creating a deficit in the fund account, which we're not permitted to do. And over the last two audits that we've had from the state, they've asked us to change our procedures in funding. So we'll go ahead and transfer this money and when the money comes back from the state, she'll replace it accordingly and we'll no longer have a deficit balance in the fund. And then we'll also eliminate the original ordinance with permitted ...inaudible... deficit. Any questions on that? If not, may we have a motion to adopt the second reading of Ordinance No. 46-13?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 46-13. All members present voting:

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

No: 0

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Mr. Snyder: Since time is of the essence, and we are going to re-audit now, we're preparing, we'd like to do this immediately, we'd like to suspend the rules of Council for Ordinance 46-13.

Mrs. Kiesling moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 46-13. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules, Ordinance 46-13.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under the suspension of the rules** for Ordinance No. 46-13. All members present voting:

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

No: 0

**New Business:**

17. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 47-13.

Mr. Peters moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 47-13. All members present voting:

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

No: 0

**Ordinance No. 47-13 – 1<sup>st</sup> Reading – Personnel & Safety**

An ordinance establishing the rates of compensation for elected officials of the City of North Canton, Ohio, effective December 1, 2013, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters

Mr. Peters: Yes. Just to reiterate President Snyder's comments, there is an emergency clause. We will have at least two readings on this. With that I will motion to approve first reading of 47-13.

Mr. Peters moved and Mr. Foltz seconded to **adopt first reading** of Ordinance No. 47-13. All members present voting:

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

No: 0

18. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 48-13?

Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 48-13. All members present voting:

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

No: 0

**Ordinance No. 48-13 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a revised Supplemental Sewer Agreement by and between the City of North Canton ("North Canton") and the City of Canton ("Canton") for Operations, Maintenance, and Replacement ("OM&R") of sanitary sewers, and to amend the March 22, 1974 Agreement and the series of supplements thereafter, and declaring the same to be an emergency.

Mr. Snyder: We are presently paying our flow rates at about 7.5%. And it has been determined through flow meters and actual flow that we are in the line of about 2.5%. Consequently, the Engineer through some negotiation, along with the Directors of Administration and Finance, have worked this out where we're going to receive a credit of, I think, three hundred and some thousand dollars against our future billing. And we will be billed as soon as this is assigned. We will begin to get billed at 2 ½% rather than 7.5%

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which we originally had estimated it was going to cost us. So that's why we want to move on this and start using that credit which in essence, you know, will ...inaudible... to our residents because they had just, I think they just raised our rates just not too long ago, didn't they? Which we did not pass on to our residents, so that's that story.

Mrs. Kiesling: I motion we adopt.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 48-13. All members present voting:

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

No: 0

Mr. Snyder: Since time is of the essence, may we adopt – may we suspend the rules of council for Ordinance No. 48-13.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 48-13. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under the suspension of the rules for Ordinance No. 48-13.

Mrs. Kiesling moved and Mr. Cerreta seconded to **adopt under suspension of the rules** Ordinance No. 48-13. All members present voting:

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

No: 0

#### Reports – Council:

Mr. Snyder: Alright reports, Member Foltz

Mr. Foltz: Yes, I just wanted to thank the Administration. I had a problem with a few potholes, but over the weekend got some calls and the crews went out and took care of it this afternoon or late morning. So appreciate the quick response. Thank you.

Mr. Snyder: Good. Member Peters

Mr. Peters: Yeah, a couple of things. First off, I wanted to thank Mr. Bowles for helping over in Ward 2. We've been working hard to stay on top of the properties and getting them mowed. And we seem to have found a nice little groove. And so I wanted to thank him for that. And I know, Eric, are you going to be ready next week with the ordinance, or some of the ordinances that were going to be tied to the Housing Review Committee?

Mr. Bowles (speaking from the audience): Because of the move I'm going to say no.

Mr. Peters: Okay.

Mr. Bowles: I've got boxes everywhere right now.

Mr. Peters: Now is, and I know there's a lot tied into that. I want to ask Eric and this Council if we could consider moving forward with at least one component and that being the storage units and the mobile trailers for tear-outs and roofs and that type of thing. What I'd like to do, well we can talk about it in committee tomorrow or next week, but I just wanted to give you guys a heads-up that I'd rather, I'd like to move with that sooner rather than later. And then if we have to tie it in to the...

Mr. Bowles: What is the deadline? Is it Wednesday, Gail?

Mrs. Kalpac: Tuesday.

Mr. Snyder: Tuesday at 4.

Mr. Bowles: Tuesday is tomorrow.

Mr. Snyder: Are you talking about storage units – those little buildings behind people's houses?

Mr. Peters: No. Not storage buildings.

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Mr. Snyder: Oh, you're talking about those little IPOD things.

Mr. Peters: Those little pods. Well, there are little ones and then there are the big ones. And there are some businesses around here, particularly one out on Columbus Road that actually sell them to homeowners to put in their back yard. You know, they're a lot more sturdy and you can lock them down. They're using them a lot in the townships and out in the farm areas, which isn't - I mean I guess it's okay, but, you know, within the City of North Canton we've got a few of those sitting in driveways and off driveways.

Mr. Snyder: Isn't our present, under our present sub - zoning laws, those are prohibited to be left more than for temporary use, are they not?

Mr. Peters: I think it only addresses the roll off trash deal.

Mr. Bowles (speaking from the audience): We don't address, directly address right now in the code, such things as the pods and the storage units. And that was something that we chatted about last, you know early this year when they started to appear. And several of the big box home improvement stores will go ahead and they'll lease those to people and currently we don't have any time limits. And Jeff and I have also talked about dumpsters. Somebody can lease a dumpster and put it on their property and we don't have any time limits on that. We don't charge any fees. The one thing that Jeff, just to give you an illustration, the one that Jeff is talking about is really offensive to that neighborhood. And personally if it were next to my house, I'd find it offensive. If you know the big containers that are on the truck that they ship from overseas, that's what this one household has. And really they're adding another structure to a side yard. And you know, Jeff and I probably saw that pretty much at the same time. We had another issue in that neighborhood, and I remember driving by them. And so that's something that we really need to get a handle on because those, especially those pods, while they're useful, we don't have anything to, you know, any kind of time constraint for people how long they have one on their property if they're moving. We all understand if they're moving or they're renovating their house or something like that but - and then that's one issue. But, what Jeff is also talking about, those bigger containers, that's a very large structure.

Mr. Snyder: Well, let's get - put on committee and discuss it at least. And then we may not be able to, but we can get some ideas where we want to go...

Mr. Foltz: It will also give us a chance for our Law Director to review just the language too, and see if we have something that we can apply towards it right now instead of going through the process of three readings and then changing the code.

Mr. Fox: Sure. I just wrapped up a couple of things that were taking a significant amount of time, and I'll be able to - I could start looking at that tomorrow.

Mr. Peters: And the only reason I bring that up is, you know public speaks was going to be rather long tonight. I've talked to the folks down in that area and told them, you know, hold off, let's - let me make mention of it tonight and we'll get it on for discussion.

Mr. Snyder: Absolutely. Let's get it on there and talk about it next week.

Mr. Peters: Alright, okay. That's all I have.

Mr. Snyder: Thank you. Member Werren

Mrs. Werren: I just want to thank Eric, too because there was a constituent in my neighborhood actually that had worked with you about a possibility of a restaurant in North Canton and just thought you were top notch and handled everything so professionally. So, thank you very much.

Mr. Bowles (speaking from the audience): Inaudible... that restaurant that's been located up north - on the north end...

Mrs. Werren: Yes, we'll hope. Yeah. They just said you were excellent. So, thank you.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

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

Held Monday, June 24 7:00 p.m. 20 13

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

Mr. Snyder: Member Cerreta  
Mr. Cerreta: No report.

Mr. Snyder: Mrs. Kiesling  
Mrs. Kiesling: No report.

**Reports:**

Mr. Snyder: I have a couple of things. Pursuant to the Rules of Council, Council will meet July 1<sup>st</sup> and the 8<sup>th</sup>. And, the two Mondays in August being the 19<sup>th</sup> and 26<sup>th</sup> and we'll be on sabbatical in between. So we will have two meetings in July, two meetings in the latter part of August. Other than that, you are subject to the call of the Chair should there be anything that would be.... Now the other thing that I have, relative, are all members present on the 8<sup>th</sup> or not? So we'll six members present on the 8<sup>th</sup>? Alright. So we're okay on that. Good. Thank you. Director Fox.

Mr. Fox: Yes, sir. As I mentioned, we have been quite busy, Director of Finance and Administration on collective bargaining agreements. Not all the unions have agreed to go forward without wage increases. So we have been very busy in preparation. And today we had some -- a couple of hours of mediation, a couple of hours of fact finding. We'll get an opinion from a fact finder back in just about 30 days. It will impact certainly two, and perhaps three of the collective bargaining unions that we have. Also, we just continue to do really well with our Mayor's Court. And I want to, you know, acknowledge Jane and Justine in the Mayor's Office they help move that along very smoothly, as well as with the tax issues from Director of Finance with Gayle Bruce in there. And certainly recognize our Magistrate there, David Nist. He, I think, really does a wonderful job in some sensitive issues. It's everything from traffic to taxes. And it can be really difficult with some folks, but he really shows compassion and empathy and sometimes hopefully changes some attitudes when they don't think some of the things important and helps them to realize that, gives them an opportunity to resolve it, take this home and think about it, come back in a couple of weeks and I imagine your mind will be changed. So, I think they all do a wonderful job and I wanted to acknowledge them for that.

Mr. Snyder: Thank you. Director Alger  
Mrs. Alger: No report.

Mr. Snyder: Administrator Grimes

Mr. Grimes: Mayor Held, for those who don't know, he calls it, he's on vacation. He's got his wife, his six kids, and four other kids. I don't know if I would want to call that a vacation.

Mr. Snyder: Neither would I. I wouldn't call that a vacation.

Mr. Grimes: That's what he calls a vacation. So he'll be back next week. We are working on the pool. Mr. Davis has, real quick this morning before we went into mediation, and he told me that, you know last year we set some records with the pool, and we set a record both Saturday and Sunday at our pool over this weekend. And he did say he was, wanted to go back over those lists with people to see - check on those lifeguards that were available. And we do have, of course, the July 4<sup>th</sup> parade and the will be at 10:30 in the morning, and of course, the YMCA will have their run before that, and then fireworks later in the evening. So, we do have those festivities on July 4<sup>th</sup>. Thank you, sir.

Mr. Snyder: Thank you. Engineer Benekos.

Mr. Benekos: We are moved into our new facility. We're in boxes. So if you ask me a question, it's probably in a box somewhere. But, feel free to stop in anytime. We'll be glad to show you around. And that's it.

Mr. Snyder: Thank you. Clerk, do you have any comments?

**RECORD OF PROCEEDINGS**

Minutes of **COUNCIL OF THE CITY OF NORTH CANTON** **REGULAR**

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 24 7:00 p.m. 20<sup>13</sup>

Mrs. Kalpac: No comments, thank you.

**Final Call for New Business:**

Mr. Snyder: Anything else to come before the Council? If not, I'll entertain a motion to adjourn.

**Adjourn:**

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

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

No: 0

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

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held Monday, July 8 7:00 p.m. 20 13

**Call to Order:**

1. The council meeting was called to order Monday, July 8, 2013 at 7:05 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: Foltz, Griffith, Kiesling, Peters, Snyder, and Werren. Council Member Cerreta was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, City Engineer Benekos and Clerk of Council. Director of Finance Alger was not present for the meeting.

Mr. Snyder: May I have a motion and second to excuse the absence of Councilman Cerreta?

Mr. Foltz moved and Mr. Griffith seconded to excuse the absence of Council Member Cerreta. All members present voting:

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

No: 0

Mr. Snyder: At this time, I would like to entertain a motion and second to adjourn for a short executive session to discuss the compensation of a public employee and an elected official.

Mr. Griffith moved and Mr. Peters seconded to adjourn into executive session to discuss the compensation of a public employee or an elected official. All members present voting:

Yes: Kiesling, Peters, Snyder, Werren, Foltz, Griffith.

No: 0

Mr. Snyder: We'll be right back. We'll have a temporary adjournment.

Mr. Snyder: Do we got everybody present? Okay, we're back from executive session. May we have a motion to reconvene the regular meeting from executive session?

Mr. Foltz moved and Mr. Peters seconded to reconvene the regular meeting at 7:40 p.m. All members present voting:

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

No: 0

**Consideration:**

5. Financial Statement – May, 2013

Mr. Snyder: The time is 7:40 p.m. and we're back on the record. The first thing is a motion and second to approve as presented, the financial statements from May 2013.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, July 8 7:00 p.m. 20 13

Mrs. Kiesling moved and Mr. Foltz seconded to approve as presented, the financial statements for May, 2013. All members present voting:

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

No: 0

**Committee Minutes:**

6. Mr. Snyder: May I have a motion and second to approve as presented, the following committee report minutes: Community & Economic Development; Finance & Property; Personnel & Safety; Ordinance, Rules & Claims; Water, Sewer & Rubbish all held July 1, 2013?

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

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

No: 0

**Community & Economic Development Committee:** Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held July 1, 2013.

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held July 1, 2013.

**Personnel & Safety Committee:** Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held July 1, 2013.

**Ordinance, Rules & Claims Committee:** Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held July 1, 2013.

**Water, Sewer & Rubbish Committee:** Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held July 1, 2013.

**Recognition of Visitors:**

7. Mr. Snyder: At this time, the Council will entertain anybody wishing to speak. Please step forward to the podium, state your name and address for the record. And please understand the council rules permit you five minutes. There is a timer here which will begin when you begin to speak, at which time it will begin to flash when you are nearing your five minutes. Anybody wishing to speak, please step - ladies.

Susan Meadows: Hi, my name is Susan Meadows. 232 6<sup>th</sup> Street NE, North Canton.

Marilyn Davies: I'm Marilyn Davies. 1121 Southwoods Lane SE, North Canton.

Ms. Meadows: Go ahead.

Mrs. Davies: We were just here. I talked to Matt Johnson at the pool today, and he said that something was being brought to Council tonight. And so I said, oh, well I'll be at Council so I can hear what's being brought to Council about keeping the pool open until Labor Day. Does anybody know? Should we sit down?

Mr. Fox: Just a ...

Mr. Snyder: Just to my knowledge, unless something from Administration is new...

Mr. Fox: Just a reminder, ma'am that with the public speaks, they won't address you until you're completed and take your seat.

Mrs. Davies: So I we should sit?

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 8 7:00 p.m. 20 13

Mr. Fox: Yes, ma'am.  
Mrs. Davies: Okay.

Mr. Snyder: Thank you, girls. Director Grimes, is there anything new relative to ...

Mr. Grimes: We did check our availability with the lifeguards. We're going to be about eight lifeguards down towards the end. We are going to check with the Y. Matt and Jim and I spoke today. I don't have much hope of getting them from the Y, so we're also going to figure out another area that we can get them. So, but we're going to work to keep the pool open as best we can. So...

Mr. Snyder: Pool open.

Mrs. Werren: Mike, is there a way to keep it shorter staffed, or does your pool regulate that you have to have so many on duty ...inaudible... your size?

Mr. Grimes: It's the size of it and how many that we have. And I'm talking the eight before we would have to start counting how many people get in. We're trying to avert that like we did last year ...

Mrs. Werren: Right.

Mr. Grimes: so we can just open the pool and have folks there, so...

Mr. Snyder: Chairman Foltz.

Mr. Foltz: Yes, I did bring it up at the last Rec Board Meeting with Mr. Davis and the existing Board. I know he's working to evaluate everybody as far as the lifeguards work schedules. I would suggest is there a way to advertise, just short-term, just to see who might be available with other pools in the surrounding area to see if that is an option. We'll put that on the table and see if maybe Administration can review that and see if that's a way that we may solve this issue to maybe have this open through Labor Day. Thank you.

Mr. Griffith: Do you mean - are we eight short? I mean ...

Mr. Grimes: Towards the end of the year, we'll be eight short to keep the pool completely open like we would like. So the bad news is we've had this on and off rain forever and you know we've had to close the pool a couple of times. The good news from that is though that we do have funds so we may be able to hire without a problem towards the end of the year.

Mr. Peters: I've got a question. The criteria that we use for lifeguards, if you're - say for example, you're at Malone or Walsh and you're on the swim team or diving team, I mean does that - is there a certain criteria that...

Mr. Snyder: A certificate.

Mrs. Werren: They have to be certified.

Mr. Grimes: They have to be certified. They have to bring their certification - certifications in before we even let them do anything. So, right at the hiring place.

Mr. Peters: Is that an option, maybe going to some of the local colleges?

Mr. Grimes: There's no option. You've got to be certified. And safety comes first, that's the way we'll approach it ...inaudible...

Mr. Peters: Oh, yeah, I get that.

Mr. Grimes: Yeah.

Mr. Peters: But is there - is it an option to go to maybe some of the local colleges that - where these kids have come in...

Mr. Grimes: Oh, yeah. We'll reach out wherever we can reach out ...

Mr. Peters: Okay.

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, July 8	7:00 p.m.	20	13
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Mr. Grimes: and we'll get it advertised out there. And, you know, our goal was to try to keep the pool open, you know, through Labor Day. And that's what we're hoping to do this year.

Mr. Snyder: Okay.

Mrs. Shemenski: You guys took my five minutes. I never see anybody at the pool in the evening.

Mr. Snyder: State your name and address for the record.

Mrs. Shemenski: My name is Patricia Shemenski. 204 Sutton Avenue NE, North Canton, Ohio. I've lived there for 43 years. Raise your hand if you've ever seen more than five raccoons in your back yard late at night. Nobody? Well, a couple of weeks ago I saw five young raccoons in my back yard. I feed the birds and have two bird feeders. This was the second time in two weeks that I had seen five raccoons at once. And this is not even a mile from here. Back in August 2006, I made an appeal to the North Canton City Council to reinstate paying for the services of a certified trapper who would trap nuisance animals - raccoons, skunks, possums, groundhogs, etc. Of course, they declined. But, since early 2010 when I started counting, my husband and I have paid over \$4,000 to ODNR (Ohio Department of Natural Resources) licensed trappers to capture 119 nuisance critters. This is 47 skunks, 41 raccoons, and 31 possums, 19 different animals just since this March. The critter count and dollar amount is probably twice that amount as we paid trappers for at least three years before that, but I did not start keeping a head count until early 2010. I think the City of North Canton should reimburse us for at least some of these critters because some of them may live inside the city sewer system. Our neighbors who live in the Sutton, Briar, Weber Avenues neighborhood should also share in the cost of trapping these animals because we've kept the animals from destroying their property. But some neighbors care more about the poor little animals than they do about the damage the nuisance animals can cause. I have been cursed at and called terrible names because we have the animals trapped and euthanized, which is the law. North Canton does not have a law or ordinance regarding the erecting/building of storage sheds or other structures or outbuildings in residential neighborhoods, there should be. The sheds and structures should be placed on solid foundations made of concrete or gravel or concrete paving squares, etc. to prevent nuisance critters from burrowing under such structures as they did with the shed that elderly neighbors put down. I have a vegetable garden that will soon be producing tomatoes, beans and other produce. There is a two-foot fence around that garden, but that will not prevent raccoons from climbing over that fence and decimating my garden. Even if those five raccoons should be captured in the near future, the critters just keep coming and coming. We have seven grandchildren, six of whom still have college ahead of them. We are helping to pay their college expenses. We cannot afford to continue to pay a trapper to catch nuisance animals that come to our yard from all over the Northeast neighborhood. I will stop feeding the birds once the seed base that attracts the nuisance animals is gone, those critters can roam the rest of the neighborhood and cause destruction elsewhere. The only permanent and legal way to eliminate the nuisance animals is to pay licensed trappers. We cannot shoot BB or pellet guns in the City limits. We cannot even use paintball guns to scare the animals, which ODNR says would be inhumane. The police won't allow paintball guns anyway. Which what I'm asking for and hoping for is that the City of North Canton does something about trying to eliminate the habitats of these nuisance animals. Make it mandatory, if it isn't already, that all, all storage sheds and other outbuildings of any size be erected on permanent foundations that will help prevent animals from burrowing and living under those structures at least for a number of years. Several animal species are content to live with each other in those burrows. Ask North Canton residents to inspect the perimeters of any sheds and outbuildings for evidence of burrowing and do something about it. Another thing I want to talk about, I'd like to see a ban on hand-held cell phones while driving. And is Ben Suarez living up to his deal that he made with the City? Is he still getting a tax break and not having enough people working for him? You know just there's just too many animals, and we're paying a guy \$35 each time he hauls away an animal, and that's just too much. We've been doing that for like 6, 7 years now, and you know we want to be able to give donations to charities and all this kind of stuff, and not pay my husband's retirement fund. He's 75 and I'm 70. We can't keep doing this. Thank you.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

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

Held Monday, July 8 7:00 p.m. 20 13

Mr. Snyder: Thank you, madam for your comments. Okay, anyone else wishing to speak to the Council?

Mr. Osborne: Am I recognized, Mr. Snyder:

Mr. Snyder: Yes, sir. Go ahead.

Chuck Osborne. 307 Fairview Street SE, North Canton, Ohio. I just wanted to comment on today's article on the front page of the Repository. I kind of think it's a sad commentary on the City of North Canton, regarding the brick walls that are falling and falling. Apparently there's no estimate yet on the cost to repair or move or replace the brick walls. And Mr. Snyder, they quote you here in the press that it comes at a bad time because financially we don't have the resources we had 10 to 15 years ago. This is probably beyond the number I can count when I continually hear that this City doesn't have resources or its finances are dwindling. I'd like to see the City conducted in a manner that reflects your repeated statements that we're in dire financial shape. Also, I think it reflects poorly on past Council decisions. It says here that none of the walls were built with proper drainage or foundation. And Mr. Snyder you're quote here is, "I don't think we thought long enough what we were going to get involved in." We have seven people on this Council. They have seven different walks of life. I would think that they would bring their own life experiences and add to the debate. But, there is no debate up here. None. One hundred percent of the ordinances that have been passed by this term of Council have passed unanimously. Not one dissenting vote. Not one question. So, I just think the article on the front page of the Repository reflected very poorly on the City of North Canton. It's how government is conducted, how decisions are made, and I wish we could do better. Thank you.

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

Glenn Sailor, Jr.: 340 Reed Avenue NW, North Canton, Ohio. I've got five minutes to speak so I don't need to rush myself here. I won't use the five minutes. But, I'm a little bit concerned about the use of emergency legislation to pass things in this council. I just use tonight as an example. You have 1, 2, 3, 4, 5, 6, 7 pieces of legislation, six of them are termed emergency. I think that if my dad was still alive and I said, dad, I've got all these emergencies, he'd look at me and he'd say, that's pretty poor planning on your part. And especially number 8 regarding pay raises to city employees, there is no reason that any reasonable person should consider that emergency legislation. If you guys wanted to pass that, you could have very easily started that in May or whatever, and had that passed as normal legislation. The other thing that quite upsets me is the fact that there is no open debate in this council office. You guys go behind that wall there in executive session, and I understand that sometimes that you need to have executive sessions, but then you guys come out here and there is no debate or discussion at all. And that's what Chuck's talking about, you have the 7-0 votes and 6-0 votes because some people aren't here. And that's another subject for another day. So hopefully, and we're going to find out here in a couple of minutes, whether you guys have enough respect for yourself and for the people of this community, and you realize that number 8 on the agenda for tonight is not emergency legislation. And I'm willing to argue on different things as far as whether they're emergency or they're not emergency. And reasonable people can disagree upon a lot of these things, but on this one I can't find any justification how this can be deemed emergency legislation. So whether you've already made up your mind or not, I don't know, I'm not a mind reader. So maybe what I'm saying is a moot point. Maybe you've already decided that it's not, you're not going to do anything with it. Or maybe you've already decided that, hey screw the public, we're going to go through and make it emergency legislation. And if that's the way you feel about it, then I hope you can live with yourself. Okay, because if that's what happens tonight, you guys have lost all credibility with me. Okay? And, maybe you don't care. Okay, and that's fine. But you'd better think about what you're doing and the kind of precedent you're setting if you're going to let this pass as emergency legislation because it's not good. It's not good. And hopefully every one of you people there sitting in the audience, that you talk to your neighbors and friends and you tell them what's happening up here in council and you get more people here to see what's happening, because it's not good. And you know when I was a little kid I knew they played dirty politics in Washington, but I never thought it would happen in North Canton, but it does. It happens wherever you live at the local level, the state level, whatever. Okay? And I know you guys looking at me, oh, this guy doesn't

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, July 8

7:00 p.m.

20

13

know what he's talking about; I don't care. So be it. Okay? I'm going to let my time run out. I'm going to stand up here for the whole five minutes just because I want to take the whole five minutes. So, I'm counting down right now, 13, 12, 11, 10, 5. I thank you very much for your time. I'm going to stay up here until my time runs out. Thank you very much.

Mr. Snyder: Anyone else wishing to speak to the Council this evening?

Larry Tripp: Sorry, my glasses broke. My name is Larry Tripp, 1127 East Maple. Thank you, I enjoyed your speech, and I'm sure.....

Mr. Snyder: Sir, sir, please. Do not address anybody in the audience, sir. You address your comments to me as President....

Mr. Tripp: I tried that last week. Okay. Approximately 9, 10 weeks ago, during an April Council Meeting, I appeared before this Council and voiced my concerns and objections for additional parking at the Little League Ball diamonds on East Maple Street. During the course of my presentation, I attempted to question certain members of Council on matters pertaining to this subject, and was denied by the Council President and Law Director. Taking this in stride, I finished my thoughts and returned to my seat. While returning, a question was directed to me by Councilman Peters. The question was raised, and when I asked if I could answer, if I could reply, I was told in no uncertain terms by the Law Director and Council President, "no". "no". At that time, I thought to myself, what a way to run a meeting. I said to myself, this is my last meeting I will attend, because in no way am I going to be belittled for viewing my thoughts. After the meeting, I was singled out by the Law Director, at which time he apologized to me. My first words to him were, you should apologize. And, I'll say it again, you should have apologized. I still remain uncertain as to whether he was apologizing for his and Council President's actions or apologizing because a council member asked a citizen of his ward a question. Nevertheless, I left that meeting with the thoughts of not to return again and be belittled, wondering who runs Council meetings, and three, wondering why would the Law Director, an employee of the City, now attempts to be a focal point at council meetings. Then on June 15<sup>th</sup>, I read an article about an impasse between Council and the City Planning Commission. Planning Commission voted no for additional parking and Council retaliates, or in my view, belittles the Planning Commission by having the Law Director review the zoning code and clarifying same to allow Council the authority to override the Planning Commission. Then quotes by Council Members, "this has been government at its worst" and another saying, "I would expect North Canton to do the right thing." I would think quite the opposite. I would think this is how government should work, citizens viewing their views. A Planning Commission doing their work and voting for what they consider, in this case, a project not worthy for community enhancement or in other cases voting for projects that will enhance the community. I would certainly hope this becomes a dead issue because it's now my understanding league play is over and tournament ball in progress. Lastly tonight, you will undoubtedly vote for a major pay increase for Council. Ladies and gentlemen, if you -- I don't begrudge a pay increase for anyone, but in this case isn't this really belittling the citizens of North Canton. Wasn't it just last election that North Canton voters overwhelmingly voted to stop paying insurance premiums for part-time employees? A vote for this pay increase negates the voice of North Canton. A vote for this pay increase under an emergency vote assures minimum compliance to qualify for Ohio State retirement benefits. This is what I consider government at its worse. So members of Council, if each of you truly feel that the Planning Commission denial of additional parking was unjust, and that citizen participation and comments were unjust, and that this is government at its worst, by all means vote yes when this matter next presents itself. Believe me, it will. And members of Council, as you will undoubtedly vote tonight for a pay increase, by all means, vote yes if you truly believe that this in some way does not belittle the citizens of North Canton, that this is a topic of such importance that it must be voted on an emergency basis because it enhances the safety and welfare of North Canton. Thank you.

(Bell signifying five minute rule)

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, July 8 7:00 p.m. 20 13

Mr. Snyder: Thank you. Anyone else wishing to speak tonight? Alright, seeing none, we'll move to Old Business. I need a motion and a second to read by title only second reading of Ordinance No. 47-13.

Old Business:

- 8. Mr. Peters moved and Mrs. Kiesling seconded to read by title only second reading of Ordinance No. 47-13. All members present voting: Yes: Werren, Foltz, Griffith, Kiesling, Peters, Snyder No: 0

Ordinance No. 47-13 - 2nd Reading - Personnel & Safety

An ordinance establishing the rates of compensation for elected officials of the City of North Canton, Ohio, effective December 1, 2013, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters

Mr. Peters: Yes, thank you. This will become effective December 1, 2013, it's not midterm. It is for council a \$200 a month increase. And I fully support this, so I'll motion to approve the second reading.

Mrs. Kiesling: And for the Mayor, as well, correct? Mr. Peters: Yes.

Mr. Peters moved and Mrs. Kiesling seconded to adopt the second reading of Ordinance No. 47-13.

Mr. Snyder: Any comments?

Mr. Fox: I will point out that I have seen a couple folks that spoke out against this. These are generally the same folk that speak out of nearly everything that is before Council. However, when other groups, especially the bargaining units were bargaining for the City for raises that average between 2 and 3 percent for each year for the last eleven years when Council chose not to take raises, no one spoke out against those raises. They probably weren't even aware that they were happening. Then at the same time weren't aware that Council was deferring on their own raises, but had no objection for that, but certainly at this point with the way this is going forward with the two readings this is before Council for an entire month, four weeks this has been out there. They have reasons why it needs to be on an emergency to meet the Board of Elections' requirement to meet our charter requirement to place this so it can be enacted into law to set the compensation levels for not this slate of Council but those that will be elected for December 1st of this year and will run for the next two years. So with all of the drama and breathlessness of this, I wonder why there wasn't concern when Council chose not to give themselves raises for the next slate. Why no one spoke out in, hey, aren't you forgetting someone? Aren't you forgetting the next slate of officials that will run for Council? Meanwhile, our City Council falls further and further behind. It's about one quarter of the same salary for the same responsibilities and duties as our neighbors in Canton. And yet at this time, the same folks that will again speak out for just about everything that is before Council, can't resist the opportunity again to take another hack at our Council members for this. But as I said, it's been out here for a month and I can count on a couple of fingers the folks that I've heard complain. Yet plenty of that I've heard that they weren't aware just how far behind it was their peers that serve accordingly. So I just wanted to make sure I put that on the record.

Mr. Snyder: Thank you.

Mr. Peters: And I do have a motion on the floor, I'll wait for a second, but you know....

Mrs. Kalpac: Mrs. Kiesling seconded.

Mr. Snyder: There was a second.

Mr. Peters: Oh, there was a second?

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Mr. Snyder: This is debate.

Mr. Peters: Okay. You know to your point, and you talked about the vocal minority, you know, the one leading the vocal minority, you know is on record. And we've got new folks in the audience here, you know that weren't here in the prior discussions. The last raise that Council got was in 2002. And in that vote, you know, Mr. Osborne voted no. Now on the face, you think he voted no because the raise wasn't justified for an elected official. But no, he voted no because it wasn't enough. And this is all public record, the meeting May 28, Tuesday, 7 p.m. 2002. And I have a copy here if anyone would like to see it after the meeting, you're more than welcome to. But he gives a wide array of reasoning why that last increase was not enough. Now there's been comments that we're doing this - this is an injustice, we're belittling the residents of the City. If we were to be politically - , if we were going to be shysters about it, we would have done it at the beginning of this term and put two years between the time we did it and the next election. We're up against this upcoming election. Okay. If we were trying to be anything but aboveboard about it, we would have done it two years ago, if we were self-servant. We're not. I can speak for myself. I'm not. And I think the folks that live in my ward here that have spoken against it, and I know that there are some that are in this audience that haven't spoken against it, but I know where they stand on it. You know where I stand on it. You know where I'm coming from. This isn't self-serving, not at all. I will read, and I quote, "Mr. Osborn, if you figure just the cost of living increase, this is not going to be effective for another year and a half and the pay scale continues to fall behind the rate of inflation." Then Mrs. Kiesling asks him, quote: "...so you'd like it higher....?" And Mr. Osborne, quote: "...you know when people spend in excess of \$5,000 and there's an individual in this room that spent in excess of \$5,000 four years ago, and I know there are some council people who spend a good 30 to 35 hours a week, the position should pay a little bit more." Now, I can only speak for myself, and this is on my committee and I fully support this. And, I'm putting it out there right before the election. But I'll tell you this, never once have I come to anybody in my ward and asked for any sort of campaign contribution, I've paid for it out of my own pocket, over \$8,000 through all the elections - lost some, won some. My own money - didn't ask Mr. Bertch, didn't ask Mr. Tripp. So I move forward with this with a clear conscience. That's it. Thank you.

Mr. Snyder: Any other comments?

Mr. Peters: We have a motion and a second.

Mr. Snyder: That's right.

All members present voting:

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

No: 0

Mr. Snyder: Let me read the reason that we're running this on an emergency, as they said it's been done by two readings. So everybody understands, I've heard people in the audience over the last four weeks saying that I didn't know what I was talking about relative to the filing. It says clearly in the Charter article. "The compensation of the Mayor and each member of Council shall be fixed at least 30 days prior to the filing date of the nominating petitions for the terms beginning on the next succeeding first of December, and shall not be changed during the term of office or any part thereof." It's incumbent that this be passed on emergency that it reach the 30-day period which is August the 7<sup>th</sup> at the Board of Elections, otherwise, it would not go into effect. It would be illegal. So consequently it has to be done. Time is of the essence. It is done that way whether you interpret the emergency, it is an administrative action unchallengeable by referendum in the first place. It is not an ordinance that's challengeable by referendum if you had 30 days. It is an administrative action, the *Ohio Revised Code* permits that. So consequently we are not trying to stifle any member of the community by putting this through. The Mayor and I have talked about this for 7 or 8 months. I'm privileged every day to see the finances of this City, and when it was determined that it could support \$1600 a month in increases for its elective officials, at that time I went to the Personnel Committee, and at that time it was decided by 7 members of Council to place this on the agenda. Unfortunately, we did not have a year and a half to do it in, so that is the reason for the emergency. It's not to hide referendum. We stand for referendum every two years on the 7<sup>th</sup> day of November as every elected official does. And at that particular time, I'm

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well aware of what it's about. And we stand for election based upon your elected votes cast. So that's the referendum that we'll all stand for in the next couple of months. With that being said, may I have a motion ...

Mr. Peters: Mr. President ...
Mr. Snyder: Yes, sir.

Mr. Peters: One last thing. You are he - Mr. President Snyder is in receipt of a text from our esteemed colleague that is not here today. And just to afford any sort of rumor, he's not here for good reasons. We did not keep him away because we thought he was going to be a no vote.

Mr. Snyder: That's right.

Mr. Peters: If it's okay before we vote on it, if I have the blessing of Council, I'd like Mr. Snyder to read Mr. Cerreta's comments.

Mr. Snyder: I received this text at about 5:30 this evening. It said, "Jon, I'm out of town in Arizona this week, and I will not be there. Could you please read this after the vote for Council increases tonight to show my support as you see fit." And he writes, "sorry I cannot be there tonight. This meeting with my wife was scheduled 30 years ago, as tonight is my anniversary. I commend our team for having the courage to move forward on this increase for Council. This should help attract better participation for future Council leaders and members." Signed, Mark Cerreta.

Mr. Peters: Thank you.

Mr. Snyder: Okay. May for you to suspend the rules of council due to the fact that there is a filing deadline within a 30-day period and time is of the essence.

Mr. Foltz moved and Mrs. Kiesling seconded to suspend the rules for Ordinance No. 47-13. All members present voting:

Yes: Griffith, Kiesling, Peters, Snyder, Werren, Foltz
No: 0

Mr. Snyder: May we have a motion to adopt under the suspension of the rules for Ordinance No. 47-13.

Mr. Foltz moved and Mr. Peters seconded to adopt under the suspension of the rules Ordinance No. 47-13. All members present voting:

Yes: Kiesling, Peters, Snyder, Werren, Foltz, Griffith
No: 0

New Business:

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

Mrs. Kiesling moved and Mr. Peters seconded to read by title only the first reading of Ordinance No. 49-13. All members present voting:

Yes: Peters, Snyder, Werren, Foltz, Griffith, Kiesling
No: 0

Ordinance No. 49-13 - 1st Reading - Community & Economic Development

An ordinance amending CHAPTER 1138 MIXED USE OVERLAY DISTRICT, specifically Section 1138.104 Use Regulations, of the Codified Ordinances of the City of North Canton, permit certain agricultural uses in a mixed use overlay district.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is our first official reading to change the zoning over there for mixed overlay or the zoning to the mixed overlay district to have the urban farming which we are extremely excited about. I motion we adopt.

Mrs. Kiesling moved and Mr. Foltz seconded to adopt the first reading Ordinance No. 49-13. All members present voting:

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Yes: Snyder, Werren, Foltz, Griffith, Kiesling, Peters  
No: 0

10. Mr. Snyder: May I have a motion to read by title only, the first reading of Ordinance No. 50-13?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 50-13.** All members present voting:  
Yes: Werren, Foltz, Griffith, Kiesling, Peters, Snyder  
No: 0

**Ordinance No. 50-13 – 1<sup>st</sup> Reading – Personnel & Safety**

An ordinance amending CHAPTER 135, DEPARTMENT OF FIRE AND EMERGENCY MEDICAL SERVICE, specifically Section 135.03 Personnel, of the Codified Ordinance of the City of North Canton, amend the maximum limits of personnel, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters

Mr. Peters. Yes. We currently have a limit on how many part-time personnel we can have in fire and emergency medical service department. By taking that limit away it gives the Chief a little more flexibility in scheduling and so forth. So this is a good thing. This is going to make the Chief's life a little easier and continue to provide a top-notch service to the residents of North Canton. With that I'll motion for the first reading of 50-13.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 50-13.** All members present voting:  
Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Werren  
No: 0

Mr. Snyder: Time is of the essence to adopt this motion as it is pertaining to the Affordable Care Act, we want to get this into place. So may I suspend the rules of council for Ordinance No. 50-13.

Mr. Peters moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 50-13. All members present voting:  
Yes: Griffith, Kiesling, Peters, Snyder, Werren, Foltz  
No: 0

Mr. Snyder: May I adopt under the suspension of the rules Ordinance No. 50-13?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under the suspension of the rules** Ordinance No. 50-13. All members present voting:  
Yes: Kiesling, Peters, Snyder, Werren, Foltz, Griffith  
No: 0

11. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 51-13?

Mr. Peters: Jon, we need to amend the, do we want to amend this first.....

Mr. Snyder: Oh, yes. I'm sorry. 51-13. May we have a motion to amend Ordinance 51-13, line item, Chairman Peters is....

Mr. Peters: Engineering Clerk, the top rate of 11.88 as opposed to 10.12 as it reads now.

Mr. Snyder: So, we want to amend it to read 11.88 ...

Mr. Peters: That's correct.

Mr. Snyder: Scratch the 10.12.

Mr. Peters: Correct, Engineering Clerk under the Department of Engineering.

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Mr. Snyder: May I have a motion to amend that line item under Ordinance 51-13?

Mr. Foltz: Motion to approve as amended.

Mrs. Kiesling second.

Mr. Griffith: That's a ceiling – just a ...inaudible...?

Mr. Snyder: That's the highest.

Mrs. Kiesling: That's the highest.

Mr. Peters: That's the – yeah, I'm sorry.

Mr. Foltz moved and Mrs. Kiesling seconded to amend Ordinance No. 50-13 under the classification of Engineering Clerk to change the rate of compensation from \$10.12 to \$11.88. All members present voting: Yes: Peters, Snyder, Werren, Foltz, Griffith, Kiesling No: 0

Mr. Snyder: Now, may we have a motion to read by title only, Ordinance 51-13 as amended.

Mr. Peters moved and Mrs. Werren seconded to read by title only, first reading, as amended, of Ordinance No. 51-13. All members present voting: Yes: Snyder, Werren, Foltz, Griffith, Kiesling, Peters No: 0

Ordinance No. 51-13 – 1st Reading – Personnel & Safety

An ordinance amending Ordinance No. 16-13, specifically Section 20, COMPENSATION, to adjust federal and state minimum wage compensation for part-time exempt and non-exempt personnel, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes, thank you. Along with that amendment, it also gives the Engineer flexibility as far as the Special Projects Engineer so he doesn't have to pay the top grade. It gives him the flexibility to stay on the lower end of the scale also. And if there's no other questions or comments in regards to the amendment of the original legislation, I'll motion to approve the first reading of 51-13.

Mr. Peters moved and Mrs. Kiesling seconded to adopt the first reading, as amended, of Ordinance No. 51-13. All members present voting: Yes: Werren, Foltz, Griffith, Kiesling, Peters, Snyder No: 0

Mr. Snyder: May I suspend the rules of council pertaining to Ordinance No. 51-13, as time is of the essence to adopt prior to the recess.

Mr. Peters moved and Mrs. Kiesling seconded to suspend the rules, as amended, for Ordinance No. 51-13. All members present voting: Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Werren No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 51-13.

Mrs. Kiesling moved and Mr. Peters seconded to adopt under suspension of the rules, as amended, Ordinance No. 51-13. All members present voting: Yes: Griffith, Kiesling, Peters, Snyder, Werren, Foltz No: 0

12. Mr. Snyder: May we have a motion to read by title only, first reading of Ordinance 52-13.

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Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 52-13. All members present voting:

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

No: 0

**Ordinance No. 52-13 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Director of Finance of the City of North Canton to make payment to Plain Township in the amount of \$23,274.29 for of property tax reparations due through tax year 2012, and declaring the same to be an emergency.

Mr. Snyder: This is part of years 9, 11, and 12 on properties that were annexed from Plain Township to the City of North Canton is what makes them whole for the taxes that we've taken away from them on the annexation. And these are we've received this bill, I think, on June 23<sup>rd</sup> and it's payable by the first of August. So hence the emergency to get it paid. May I have a motion to adopt the first reading of Ordinance No. 52-13?

Mrs. Werren moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 52-13. All members present voting:

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

No: 0

Mr. Snyder: May we suspend the rules of council for Ordinance No. 52-13 to meet the deadline of payment by August 1<sup>st</sup>.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 52-13. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under suspension of the rules for Ordinance No. 52-13. All members present voting:

Mrs. Werren moved and Mr. Peters seconded to **adopt under the suspension of the rules** Ordinance No. 52-13. All members present voting:

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

No: 0

13. Mr. Snyder: May I have a motion and second to read by title only, first reading of Ordinance No. 53-13.

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 53-13. All members present voting:

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

No: 0

**Ordinance No. 53-13 – 1<sup>st</sup> Reading – Finance & Property**

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, for the Mayor of the City of North Canton to be authorized, through the Board of Control, within the purview of the Ohio Cooperative Purchase Act, to enter into an agreement for the purchase of two (2) Marked Cruisers for use by the Police, at a cost not to exceed \$56,000, and declaring the same to be an emergency.

Mr. Snyder: This is in the 2013 budget for the purchase of two new cruisers. The Director of Administration has authorized the request of the Police Department to replace two cruisers that probably have seen their life expectancy. And again we want to do it on an emergency basis so we can get them ordered and get them into service with some adapted changes to make it a little more comfortable for those men who use those every day. So may we have a motion to adopt Ordinance No. 53-13.

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Mrs. Kiesling moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 53-13. All members present voting: Yes: Griffith, Kiesling, Peters, Snyder, Werren, Foltz No: 0

Mr. Snyder: Since time is of the essence and an emergency exists, may we suspend the rules of Council for Ordinance No. 53-13.

Mrs. Kiesling moved and Mr. Peters seconded to suspend the rules for Ordinance No. 53-13. All members present voting: Yes: Kiesling, Peters, Snyder, Werren, Foltz, Griffith No: 0

Mr. Snyder: May I adopt under the suspension of the rules Ordinance No. 53-13?

Mrs. Kiesling moved and Mr. Peters seconded to adopt under suspension of the rules Ordinance No. 53-13. All members present voting: Yes: Peters, Snyder, Werren, Foltz, Griffith, Kiesling No: 0

- 14. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 54-13.

Mr. Peters moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 54-13. All members present voting: Yes: Snyder, Werren, Foltz, Griffith, Kiesling, Peters No: 0

Ordinance No. 54-13 – 1st Reading – Finance & Property

An ordinance amending PART SEVENTEEN – HOUSING CODE, specifically Chapter 1701 – Minimum Housing Code, of the Codified Ordinances of the City of North Canton, to establish regulations for portable temporary storage units, and declaring the same to be an emergency.

Mr. Snyder: We talked about this last week about the storage units that would be used, I believe, if I have the permission of my colleagues to suspend the rules and allow the Director of Permits Inspector Bowles to address a couple of things, if that's all right with the Council Members. Director Bowles, this legislation you gave me does cover in depth the situation that you want to do. Is that correct? It's presently in the zoning code?

Mr. Bowles: Yeah, it's not in the code if you mean the proposal.

Mr. Snyder: Right. But you want to add it to this part of the code.

Mr. Bowles: Correct. Yes.

Mr. Snyder: And you'll elaborate a little bit on that so that everything's in there when your enforcement that the Law Director needs to ...inaudible... and you're able to do and you're able to enforce it.

Mr. Bowles: Yes, everything is in there. I think the only thing that wasn't addressed was the fees which we can come to that later on ...

Mr. Snyder: Okay.

Mr. Bowles: The actual fees. There was discussion with Council members at the last meeting. I think it was, we were not completely in agreement with what fees we would charge to cover our costs for the inspections. But yeah, that code – and that code I think is consistent with many others that I looked at and I know that the Law Director, Mr. Fox, looked at as well. So that, you know, we don't see this issue coming up. It's getting to be more and more of a problem and if it wasn't, you wouldn't have so many communities across the United States passing legislation to regulate them so they don't become a nuisance. They're not regulated as an accessory use right now and that's part of our issue as far as definition of building

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and accessory buildings, they're not identified. So if somebody could put one of those units on the property especially a container, a shipping container, and leave it on their property for an indefinite period of time. And we really don't have any way to regulate that.

Mr. Snyder: So then let me understand, so the reason we're passing this now on an emergency basis, it's now creating a problem as far as a nuisance into the health and welfare of some of the community. Correct?

Mr. Bowles: Yes. We've seen several instances now of smaller - even smaller portable units being placed for periods of time in the right of way between the curb and the sidewalk.

Mr. Snyder: So it's an obstruction to traffic as well?

Mr. Bowles. Yeah. It causes all different kinds of problems as neighborhood blight and it can cause sight distance issues with traffic, a whole range of issues.

Mr. Snyder: I appreciate your hard work and that of the Law Director. Members of Council, any comments prior to?

Mr. Griffith: This legislation does not include a cost. I'm sorry, we don't have a cost in here for a permit, is that correct?

Mr. Bowles: That's correct.

Mr. Griffith: So, if we pass it tonight and we were going to charge for this permit, it is something that we would have to do subsequently.

Mr. Bowles: Right.

Mr. Snyder: Any comments? Administration, Council. Good. May I have a motion to adopt the first reading of Ordinance No. 54-13?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 54-13. All members present voting:

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

No: 0

Mr. Snyder: As Mr. Bowles stated, it is creating a health and safety problem, it's a nuisance to the community, so we want to suspend the rules of Council for Ordinance 54-13.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 54-13. All members present voting:

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

No: 0

Mr. Snyder: May we adopt under suspension of the rules Ordinance No. 54-13.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 54-13. All members present voting:

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

No: 0

#### Reports - Council:

Mr. Snyder: Reports - Member Foltz

Mr. Foltz: No report

Mr. Snyder: Member Peters

Mr. Peters: No report

Mr. Snyder: Member Werren

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Mrs. Werren: I just have a comment based on one of the people in the audience's comments. And you know it's interesting from really childhood and growing up you're taught to get along and then you're taught to get along in school and then you go out and you get a job, and you're taught to get along and collaborate with people. And that's how I think progress often happens. And I guess before I got on Council, people had told me, oh, you need to be careful. You know, Council has fought a lot up there and it's sometimes it's chaos. The said people don't get along, and there's things not happening. And since I've been on Council, I've seen nothing but collaboration and movement forward. And when we look at the national and state governments and when things don't move people and how people aren't going to get paid, it's because people aren't collaborating, and voting together to try to get things done. So I think it's insulting to say that you would judge us based on our collaboration and working together and movement forward because when I look at these, and I look at the emergency basis, these come up in homes every single day, and that's what happens in Government. And we make decisions based on that. And a six week timeframe does not sometimes bode well for the City. And that's what this government is doing and trying to move forward. So I was just sitting here thinking that is not a right comment. And we're all entitled to our comments, but I've been, I've grown up to get along and work with others, and that's what I've seen these people do on both sides with Administration and with Council and with constituents. So I'm proud of this Council and the group I'm working with.

Mr. Foltz: President Snyder  
Mr. Snyder: Please

Mr. Foltz: Yeah, I echo the statements. And I agree with Member Peters and President Snyder on the other issues we discussed tonight. We've had debate. We debated about pods and I want to say we discussed pods and storage units for an hour and a half.

Mrs. Kiesling: Well it was nauseating. And Chuck left because we were killing it. So...

Mr. Foltz: I mean if that's not government action I don't know what is. We've debated zoning issues.  
Mrs. Kiesling: Right.

Mr. Foltz: Zoning that we all didn't all get along. I mean it was my opinion versus six and we worked out a compromise that developed over three or four months. That's government in action. I mean there are other issues. I think we've done well for this City. I don't regret any decisions I've made, you know, most of my tender here in 18 years. You know and that's Government in action. You know and if we agree on something, I think we hear about it from constituents at home or phone calls if there was really an issue, and I haven't. And that's the way I judge the City for the most part. People are always welcome to their opinions. I expect a different point of view. That's fine. Public Speaks is for that. And I welcome that. But that doesn't mean if we do something different that we're not showing leadership on the issues. And I stand with this Council on moving the City forward. I'm very proud.

Mr. Snyder: Thank you, sir. Member Griffith

Mr. Griffith: I had two quick items. We have a new judge here in North Canton and he's from North Canton or in Stark County and he's from North Canton. I think that's really great and wonderful for the City. So, congratulations to Judge Werren as we'll all have to call him now,

(Laughter)

Mrs. Werren: Not me.

(Laughter)

Mr. Griffith: It's a wonderful thing for the community. Yes, not you, right. Yes, yes. And I feel bad for the triplets who are going to have to be on their best behavior. I'm really glad to hear too that we are working towards, working very diligently towards getting those Labor Day pool hours open. I know I actually had, I've had a couple of people approach

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me about that as well. And if we have to go the extra mile to do that, I think that is worthwhile for sure. It could be good revenue for the City ...inaudible...

Mr. Snyder: Mrs. Kiesling

Mrs. Kiesling: I just want to echo congratulations to Kurt. Please tell him I'm sorry I couldn't be there today, but I'm so excited for him. And that's it.

Mrs. Werren: Thank you. Thank you.

Mr. Snyder: I will agree. My colleague, Mr. Griffith and I had the privilege of being asked to attend. We were there representing my our other colleagues. It was a very, very nice affair. His Honor did a nice job and it's, I'm sure even the criminal community is going to respect that judge. So, he's a good man. Congratulations to you.

Mrs. Werren: Well, thank you. Thank you.

#### Reports:

Mr. Snyder: Director Fox.

Mr. Fox: And, I certainly echo those comments. It's wonderful to have a Judge ...

Mrs. Werren: From North Canton.

Mr. Fox: in North Canton. I wanted to point out if it wasn't mentioned to you earlier, we may, well we certainly will, require a short meeting next week. And it relates to, again what I was speaking of earlier, many times folks don't realize that other pay raises throughout the City are happening because they're built into collective bargaining agreements that happen in certain timeframes within a year and then another year, and so forth. And, it just so happens that we have been in collective bargaining agreement with two of our unions. One active collective bargaining, and the other asked to open it up for wage increase. One is with our patrolmen, and the other is with our dispatch. And the patrolmen we've had a couple meetings that didn't prove fruitful and actually went to a fact finder where each side presents evidence to an independent person who will make a decision. And he had contacted the City as well as the patrolmen's bargaining unit to say he's going to issue a decision on Thursday. And with that the City may either accept or reject, but it must do that within seven days. So I just want to make sure that if we agree that if the issues that on Thursday, that early next week that we would be able to have a quorum. And unfortunately because of the numbers that we would need that it would go and become law within one vote, it has to pass on an emergency again. So that's another one of the reasons that those things pop up as far as emergency legislation. So if you could, if you could give a head count to Gail, if that will work for you or if would like to have them push the release date back because she has an agenda that will need to be out on Thursday and that's when the release time will be. That's all I have.

Mr. Snyder: Okay. Clerk?

Mrs. Kalpac: If you have a special meeting, could you wait until Monday for the fact finder? Also, would you take a vote so that we don't have to deliver packets?

Mr. Snyder: We like to see that little black Honda spinning around the City. We'll do that - we'll do that later. Director Grimes.

Mr. Grimes: Just a couple of things. Soon there will be a garbage letter that we'll be getting out to the citizens explaining the new contract and everything that's going to take place. There will be a reminder again whenever we get ready to do those things. I'll make sure you do get a copy of that letter a little bit in advance, so if you do get any calls. But if there's any question, you know you can direct them to me, of course. Hopefully you didn't get too many calls about the Price Park walking track, we did recoat that. We tried to keep one side open while we did the other, but a little inconvenience for the folks down there, but it did seem to go well. The other thing you might get asked about or see is we are trying the two-person transport with EMS personnel. We've been doing that during the daytime. That's when we're staffed better and working out the kinks and that for

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 8 7:00 p.m. 20 13

scheduling for more shifts. But in case somebody asks you about that, that's what we're doing on that, too. So...

Mr. Snyder: Good. Mr. Mayor

Mayor Held: Yes. First off, I'd like to thank the residents that come up and offer their public speaks. And because I think it's really important that we hear from the public and in some cases as elective officials, or at least for myself, you know we may agree with what you're saying and other times we may not have an opinion at the time or we may disagree. But it takes a lot to come up and speak your mind regardless of what the issue is, and that's really why we're all here to listen to that. And but I want everyone to know that I do appreciate the process too, because I know our new Law Director and this Council has put rules into place so that people can speak. And what I've noticed over the past, with this is like my eighth year as the Mayor and two years as the Administrator, is that the process does protect everybody. It protects everybody's interest to make sure that everybody is heard. And I want to make sure that we address all of your concerns. Mr. Tripp, the concerns that you bring up certainly administratively and Ms. Davies and Ms. Meadows, I can assure you that we want to keep the pool open. And if you know of people that are lifeguards that are interested in working with us at the latter part of the year, have them contact the Administrator. So we clearly understand your issues because I had two people on the parade route, three people, that mentioned that to me, that they want to make sure the pool stays open while I was - while walking through the parade. So that we know that it is definitely an issue that we want to address. And in closing with Council, you know this City really when you look at the challenges that we've faced probably over the past ten years, this is, I believe, the greatest, probably the, most recently the past two years, the greatest challenge that the City has ever faced because our costs, when you look at it from a financial perspective, are higher than they have ever been in the City's history - ever and our revenue is lower. It was much lower back in 2010 and now we're edging on up. When you look at the challenge that cities face, you have municipalities across the country that are, you know, nearing bankruptcy. They can't pay their bills. They just don't have the revenue. And I really am very proud of the Council. I'm very proud of the Administration - all the decisions that have been made. You know, I look back just speaking for myself when I first started serving as Mayor, there's a lot of mistakes as far as how I went about things, the approach that I made. And you learn from it. And what I can say is it went, sometimes it sounds easy when we say, oh, everybody's in agreement. There is so much work that goes into a decision or a proposed piece of legislation, and I know administratively we have learned to be much more sensitive to the wishes of Council. We have learned to be much more sensitive to the residents and what their positions are. Whereas, when I first started, we would propose legislation and we weren't as sensitive. Now we're very concerned about the thoughts and feelings of the residents before we propose something and I think that helps us to find agreement. And when you have agreement with the Council and with the Administration that's when you're able to be productive and get things done in spite of enormous obstacles. And so I would like to thank the City Council, and I would like to thank our residents too, because everybody plays an important part in this. And I think in spite of the obstacles, we're, really we're solid. It's not an easy time at all, financially, but I think that we're stable and we're solid. And that's all I have. Thank you.

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

Mr. Benekos: just have one item. We opened up the bids for the East Maple Street Project and the bids came in over 10% of the engineer's estimate, so we had to reject the bids. The Board of Control did that this evening. We'll be reassessing the project, what we can do. Right now we plan to rebid that in the fall. Hopefully we'll get better prices, but what that means as far as the cost and the grants and so forth, we have confirmation that we will get an extension on the JRS (Job Ready Site) grant until next year. So that doesn't appear to be in jeopardy, but what the City's involvement might have to be financially with the project for next year. And we'll develop that and bring that back to Council after break. And if any of you have any questions on that in the meantime, feel free to call me.

Mr. Griffith: So there's a possibility that we may be able, so it sounds like Number 1, the JRS grant that you were worried about meeting the deadline has been extended. So, we're not concerned about that piece which we were all desperately concerned about.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10140

Held Monday, July 8 7:00 p.m. 20 13

Mr. Benekos: Correct.

Mr. Griffith: Oh that's great. That's really good. And then there's a possibility that if we wanted to add additional dollars because of the cost, we could do that even as far as into next year's budget, is that right.

Mr. Benekos: That's correct.

Mr. Griffith: Okay. To make sure that we keeping the project in the way that we all talked about. That's good news as well.

Mr. Snyder: Appreciate it. Madam Clerk, do you have any additions? May I have a motion to have a - ten minutes is good for your meeting next Monday?

Mr. Fox: Oh, yeah.

Mr. Snyder: And is it convenient to some of the more earlier than later like 5:30 or -

Mrs. Werren: Could we do morning - could we do mornings? Does mornings work for everyone?

Mrs. Kiesling: Not me, no.

Mr. Snyder: Well it won't work for her.

Mrs. Werren: Okay.

Mr. Snyder: About 5:30?

Mr. Foltz: Which date are we talking about?

Mr. Snyder: Monday, is that good. Are we going to do 5?

Mrs. Kiesling: No, I can't get here by 5.

Mr. Snyder: 5:30?

Mrs. Kiesling: 5:30

Mr. Snyder: So we have - we need at least four members.

Mrs. Kalpac: You need six for an emergency.

Mr. Fox: We'll need an emergency.

Mr. Snyder: Well we'll need six members.

Mr. Peters: I can do 5:30.

Mr. Foltz: I'm good for 5:30.

Mrs. Werren: I think so.

Mr. Peters: Mark will be back.

Mr. Snyder: Mark should be back. He can only spend seven days on his anniversary. Well I'll entertain a motion for that please.

Mrs. Kiesling moved and Mr. Peters seconded to **schedule a special council meeting for Monday, July 15, 2013 at 5:30 p.m.**

Mrs. Kalpac: And that's to do the fact finding?

Mr. Snyder: Yes. And if it's not going to come out on Thursday, we'll let you know and we'll cancel the meeting.

Mr. Fox: Yes, I can tell him this evening. He could release it Thursday and we'll have enough time to schedule the meeting to accept or reject..

All members present voting:

Yes: Kiesling, Peters, Snyder, Werren, Foltz, Griffith.

No: 0

**Adjourn:**

Mr. Snyder: And, now we won't be back in until August, is it around the 20<sup>th</sup>, is that the...

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 8 7:00 p.m. 20 13

Mrs. Kalpac: The 19<sup>th</sup>.

Mr. Snyder: The 19<sup>th</sup> of August. Please enjoy your summer and we'll see you next Monday for a pretty short hiatus. But I'll entertain a motion to adjourn.

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

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

No: 0

The Council Meeting adjourned at 8:44 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, July 15

20

13

**Call to Order:**

1. The special council meeting was called to order Monday, July 15, 2013 at 6:14 p.m., by President of Council Jon Snyder.

**Roll Call:**

2. Mr. Snyder: May I have the Clerk please call the roll.

The following members of council responded to roll call for the special meeting: Griffith, Kiesling, Peters, Snyder, Werren, Cerreta, and Foltz.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, City Engineer Benekos and Clerk of Council Kalpac. Director of Finance Alger was not present for the meeting.

3. Mr. Snyder: May I have a motion and a second to waive the rules of council requiring a committee report for Resolution No. 55-13?

Mr. Griffith moved and Mrs. Werren seconded to **waive the rules of council requiring a committee report** for Resolution No. 55-13. All members present voting:

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

No: 0

Mr. Snyder: Thank you. May I have a motion and a second to read by title only, first reading of Resolution No. 55-13?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading of Resolution No. 55-13**. All members present voting:

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

No: 0

**Resolution No. 55-13 – 1<sup>st</sup> Reading – Personnel & Safety**

A resolution accepting the Fact Finding Report dated July 11, 2013, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Union, Case No. 2013-MED-01-0011, by Fact Finder Thomas Nowel, and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters.

Mr. Peters: Motion to approve.

Mr. Cerreta: Second.

Mr. Peters moved and Mr. Cerreta seconded to **adopt the first reading** of Resolution No. 55-13. All members present voting:

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

No: 0

Mr. Snyder: As an emergency exists relative to time, may we have a motion to suspend the rules of council for Resolution 55-13?

Mr. Peters moved and Mr. Cerreta seconded to **suspend the rules** for Resolution No. 55-13. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules Resolution 55-13?

Mr. Peters moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Resolution No. 55-13. All members present voting:

RECORD OF PROCEEDINGS  
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

SPECIAL Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10140

Held

Monday, July 15

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13

Yes: Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder, Werren.  
No: 0

- 4. Mr. Snyder: May I have a motion and second to waive the rules of council requiring a Committee report for Ordinance No. 56-13?

Mr. Foltz moved and Mrs. Werren seconded to **waive the rules of council requiring a committee report** for Ordinance No. 56-13. All members present voting:  
Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Werren, Cerreta.  
No: 0

Mr. Snyder: May I have a motion and a second to read by title only, first reading of Ordinance 56-13?

Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 56-13. All members present voting:  
Yes: Griffith, Kiesling, Peters, Snyder, Werren, Cerreta, Foltz.  
No: 0

**Ordinance No. 56-13 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**  
An ordinance to provide for an election on the adoption of proposed amendment to ARTICLE III – EXECUTIVE AND ADMINISTRATIVE OFFICERS AND DEPARTMENTS Section 3.01 of the Charter of the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairwoman Werren.

Mrs. Werren: We just had a nice discussion about this. It seems that all the facts were presented and the citizen did what he needed to do to get the signatures. And it's on the agenda and I think we're going to move forward. I recommend we pass it.

Mrs. Werren moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 56-13. All members present voting:  
Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz, Griffith.  
No: 0

Mr. Snyder: An emergency exists to meet the required filing deadline by the 7<sup>th</sup> day of August, so I'd ask that we suspend the rules of council for Ordinance 56-13.

Mr. Griffith moved and Mrs. Werren seconded to **suspend the rules** for Ordinance No. 56-13. All members present voting:  
Yes: Peters, Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling.  
No: 0

Mr. Snyder: May we adopt under the suspension of the rules Ordinance No. 56-13?

Mrs. Kiesling moved and Mrs. Werren seconded to **adopt under suspension of the rules** Ordinance No. 56-13. All members present voting:  
Yes: Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling, Peters.  
No: 0

**Adjourn:**

Mr. Snyder: Thank you. The rules of council prohibit any other legislation be considered under a special meeting, but from the Chair I would like to thank each and every member of council for coming on their sabbatical and time off, it's very much appreciated. To the Clerk's Office, for all her hard work in getting this ready. Director of Law and Administration and you Mr. Mayor, Mr. Engineer for doing it, we very much appreciate it, to expedite this and meet it in a timely manner. Thank you. With nothing else being considered, may I have a motion to adjourn?

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

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, July 15

20

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

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

No: 0

The special council meeting adjourned at 6:21 p.m.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

7/29/13-gmk

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## CITY OF NORTH CANTON COUNCIL OFFICE

### EXECUTIVE SESSION MEETING MINUTES

*President of Council  
Jon Snyder*

*Vice President of Council  
Marcia Kiesling*

*Council at Large  
Mark Cerreta*

*Council at Large  
Dan Griffith*

*Councilman, Ward 1  
Doug Foltz*

*Councilman, Ward 2  
Daniel Peters*

*Councilwoman, Ward 3  
Stephanie Werren*

The Personnel & Safety Committee of North Canton City Council met Monday, July 8, 2013 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairman Peters, Vice Chairman Snyder, Member Cerreta, Council Members Griffith, Kiesling, and Werren. Council Member Foltz was not present for the meeting.

Also present were: Mayor Held, Director of Administration Grimes, and Director of Law Fox. Director of Finance Alger was not present for the meeting.

Upon a roll call vote of Council, all present moved into an executive session immediately following roll call at 7:07 p.m. for the purpose of discussing the compensation of a public employee or elected official at 7:07 p.m. The executive session adjourned at 7:40 p.m.

Respectfully submitted,

\_\_\_\_\_  
Daniel Peters, Chairman

\_\_\_\_\_  
Jon Snyder, Vice Chairman

\_\_\_\_\_  
Mark Cerreta, Member

8/20/13-gmk

c: Council, Director of Law  
Mayor, Director of Administration  
Director of Finance, City Engineer  
Director of Permits & Development  
Police Chief, Fire/EMS Chief  
Press

g:\2013 committee report minutes\7-8-13 p&s executive session.docx



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## CITY OF NORTH CANTON COUNCIL OFFICE

### EXECUTIVE SESSION MEETING MINUTES

*President of Council  
Jon Snyder*

*Vice President of Council  
Marcia Kiesling*

*Council at Large  
Mark Cerreta*

*Council at Large  
Dan Griffith*

*Councilman, Ward 1  
Doug Foltz*

*Councilman, Ward 2  
Daniel Peters*

*Councilwoman, Ward 3  
Stephanie Werren*

The Finance & Property Committee of North Canton City Council met Monday, August 19, 2013 in the Council Chambers at North Canton City Hall.

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

Also present were: Mayor Held, Director of Administration Grimes, and Director of Law Fox, upon adjourning from the Board of Control meeting, joined the executive session at approximately 7:10 p.m.

Upon a roll call vote of Council, all present moved into an executive session at 6:45 p.m. to discuss matters pertaining to pending litigation. The executive session adjourned at 7:16 p.m.

Respectfully submitted,

\_\_\_\_\_  
Jon Snyder, Chairman

\_\_\_\_\_  
Marcia Kiesling, Vice Chairperson

\_\_\_\_\_  
Dan Griffith, Member

8/22/13-gmk

c: Council, Director of Law  
Mayor, Director of Administration  
Director of Finance, City Engineer  
Director of Permits & Development  
Police Chief, Fire/EMS Chief  
Press

g:\2013 committee report minutes\8-19-13 f&p executive session.docx



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## CITY OF NORTH CANTON COUNCIL OFFICE

### COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES

*President of Council  
Jon Snyder*

*Vice President of Council  
Marcia Kiesling*

*Council at Large  
Mark Cerreta*

*Council at Large  
Dan Griffith*

*Councilman, Ward 1  
Doug Foltz*

*Councilman, Ward 2  
Daniel Peters*

*Councilwoman, Ward 3  
Stephanie Werren*

The Community & Economic Development Committee of North Canton City Council met as part of the Committee of the Whole Monday, August 19, 2013 in Council Chamber at North Canton City Hall.

Present for the meeting were: Chairperson Kiesling, Vice Chairman Cerreta, Member Werren, Council Members Foltz, Griffith, Peters, and Snyder. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, and City Engineer Benekos. Director of Finance Alger was not present for the meeting.

Item discussed:

Walsh/Gressel Annexation: The Committee authorized legislation, accepting the application for the annexation of certain territory in Plain Township, known as the Walsh/Gressel Annexation, containing 1.549 acres of land, more or less to the City of North Canton.

Respectfully submitted,

\_\_\_\_\_  
Marcia Kiesling, Chairperson

\_\_\_\_\_  
Mark Cerreta, Vice Chairman

\_\_\_\_\_  
Stephanie Werren, Member

8/20/13-gmk



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## CITY OF NORTH CANTON COUNCIL OFFICE

### FINANCE & PROPERTY COMMITTEE MEETING MINUTES

*President of Council  
Jon Snyder*

*Vice President of Council  
Marcia Kiesling*

*Council at Large  
Mark Cerreta*

*Council at Large  
Dan Griffith*

*Councilman, Ward 1  
Doug Foltz*

*Councilman, Ward 2  
Daniel Peters*

*Councilwoman, Ward 3  
Stephanie Werren*

The Finance & Property Committee of North Canton City Council met as part of the Committee of the Whole Monday, August 19, 2013 in the Council Chambers at North Canton City Hall.

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

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, and City Engineer Benekos. Director of Finance Alger was not present for the meeting.

#### Items discussed:

- a. Mayor's Court Receipts – June, 2013: The mayor's court receipts were reviewed and will be placed on the August 26, 2013 council agenda for formal approval.
- b. Mayor's Court Receipts – July, 2013: The mayor's court receipts were reviewed and will be placed on the August 26, 2013 council agenda for formal approval.
- c. Supplemental Appropriation re West Maple Street Widening: The Committee authorized legislation, authorizing the supplemental appropriation of funds, to be appropriated from the unappropriated resources of the Capital Project Fund to the General Government – Professional Services Account in the amount of \$45,000 for the current expenses during the fiscal year ending December 31, 2013.

- d. Alternative Tax Budget: The alternative tax budget was reviewed. The Committee and Council, by a voice vote of 7-yes, 0-no, authorized the Director of Finance to submit it as presented to the County Auditor.

Respectfully submitted,

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Jon Snyder, Chairman

---

Marcia Kiesling, Vice Chairperson

---

Dan Griffith, Member

8/20/13-gmk

c: Council, Director of Law  
Mayor, Director of Administration  
Director of Finance, City Engineer  
Director of Permits & Development  
Police Chief, Fire/EMS Chief  
Press



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## CITY OF NORTH CANTON COUNCIL OFFICE

### ORDINANCE, RULES & CLAIMS COMMITTEE MEETING MINUTES

*President of Council  
Jon Snyder*

*Vice President of Council  
Marcia Kiesling*

*Council at Large  
Mark Cerreta*

*Council at Large  
Dan Griffith*

*Councilman, Ward 1  
Doug Foltz*

*Councilman, Ward 2  
Daniel Peters*

*Councilwoman, Ward 3  
Stephanie Werren*

There was a special meeting of the Ordinance, Rules & Claims Committee of the North Canton City Council Monday, July 15, 2013 in the Council Chambers at North Canton City Hall.

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

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, City Engineer Benekos, and Clerk of Council Kalpac. Director of Finance Alger was not present for the meeting.

Item discussed:

Proposed Charter Amendment re Full-Time Mayor: The Committee authorized legislation, to provide for an election on the adoption of proposed amendment to ARTICLE III - EXECUTIVE AND ADMINISTRATIVE OFFICERS AND DEPARTMENTS, Section 3.01. The Mayor, of the Charter of the City of North Canton.

Legislation to contain an emergency clause, is subject to waiver of the rules of council requiring a committee report, and will be considered at a special council meeting held this date.

Respectfully submitted,

\_\_\_\_\_  
Stephanie Werren, Chairperson

\_\_\_\_\_  
Doug Foltz, Vice Chairman

\_\_\_\_\_  
Marcia Kiesling, Member



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## CITY OF NORTH CANTON COUNCIL OFFICE

### ORDINANCE, RULES & CLAIMS COMMITTEE MEETING MINUTES

*President of Council  
Jon Snyder*

*Vice President of Council  
Marcia Kiesling*

*Council at Large  
Mark Cerreta*

*Council at Large  
Dan Griffith*

*Councilman, Ward 1  
Doug Foltz*

*Councilman, Ward 2  
Daniel Peters*

*Councilwoman, Ward 3  
Stephanie Werren*

The Ordinance, Rules & Claims Committee of the North Canton City Council as part of the Committee of the Whole Monday, August 19, 2013 in the Council Chambers at North Canton City Hall.

Present for the meeting were: Chairperson Werren, Vice Chairman Foltz, Member Kiesling, Council Members Cerreta, Griffith, Peters, and Snyder. Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, and City Engineer Benekos. Director of Finance Alger was not present for the meeting.

Items discussed:

- a. Transfer of Liquor License from Erik W. Ahbel dba Erik's Grocery Bag to Aashi Enterprise Inc. dba Erik's Grocery Bag: There were no objections to the transfer of the liquor permit. Council did not request a hearing. Minutes will suffice to allow permit.
- b. Update of Codified Ordinances: The Committee authorized legislation, to approve and adopt current replacement pages to the Codified Ordinances.

Legislation to contain an emergency clause.

Respectfully submitted,

\_\_\_\_\_  
Stephanie Werren, Chairperson

\_\_\_\_\_  
Doug Foltz, Vice Chairman

\_\_\_\_\_  
Marcia Kiesling, Member



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## CITY OF NORTH CANTON COUNCIL OFFICE

### PERSONNEL & SAFETY COMMITTEE MEETING MINUTES

*President of Council*  
*Jon Snyder*

*Vice President of Council*  
*Marcia Kiesling*

*Council at Large*  
*Mark Cerreta*

*Council at Large*  
*Dan Griffith*

*Councilman, Ward 1*  
*Doug Foltz*

*Councilman, Ward 2*  
*Daniel Peters*

*Councilwoman, Ward 3*  
*Stephanie Werren*

There was a special meeting of the Personnel & Safety Committee of North Canton City Council Monday, July 15, 2013 in the Council Chambers at North Canton City Hall.

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

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, City Engineer Benekos, and Clerk of Council Kalpac. Director of Finance Alger was not present for the meeting.

Item discussed:

Acceptance re Fact Finding Report: The Committee authorized legislation, accepting the Fact Finding Report dated July 11, 2013, regarding the City of North Canton, Ohio, Employer and Ohio Patrolmen's Benevolent Association, Union, Case No. 2013-MED-01-0011, by Fact Finder Thomas Nowel.

Legislation to contain an emergency clause, is subject to waiver of the rules of council requiring a committee report, and will be considered at a special council meeting held this date.

Respectfully submitted,

\_\_\_\_\_  
Daniel Peters, Chairman

\_\_\_\_\_  
Jon Snyder, Vice Chairman

\_\_\_\_\_  
Mark Cerreta, Member



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## CITY OF NORTH CANTON COUNCIL OFFICE

*President of Council  
Jon Snyder*

*Vice President of Council  
Marcia Kiesling*

*Council at Large  
Mark Cerreta*

*Council at Large  
Dan Griffith*

*Councilman, Ward 1  
Doug Foltz*

*Councilman, Ward 2  
Daniel Peters*

*Councilwoman, Ward 3  
Stephanie Werren*

### STREET & ALLEY COMMITTEE MEETING MINUTES

The Street & Alley Committee of North Canton City Council met as part of the Committee of the Whole Monday, August 19, 2013 in the Council Chambers at North Canton City Hall.

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

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, and City Engineer Benekos. Director of Finance Alger was not present for the meeting.

Item discussed:

West Maple Street Widening – Preliminary Design: The Committee authorized legislation, authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement for the preliminary design of the West Maple Street Widening Project (from Ream Street to Main Street), at a cost not to exceed \$45,000.

Subsequent to the meeting, it was determined legislation is not necessary at this time.

Respectfully submitted,

\_\_\_\_\_  
Dan Griffith, Chairman

\_\_\_\_\_  
Daniel Peters, Vice Chairman

\_\_\_\_\_  
Doug Foltz, Member

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 57-13

Passed \_\_\_\_\_, 20\_\_\_\_

8/20/13-tlf  
(Finance & Property)

## Ordinance No. 57-13

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Project Fund to the General Government – Professional Services Account in the amount of \$45,000 for the current expenses during the fiscal year ending December 31, 2013.

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

Section 1. To provide for the current expenses and other expenditures of the City of North Canton, Ohio, during the fiscal year ending December 31, 2013, the following funds, be, and are hereby set aside and appropriated as follows:

Appropriate From:

The unappropriated resources of the 330 Fund CAPITAL PROJECT FUND	\$45,000
--	----------

Appropriate To:

330 CAPITAL PROJECT FUND 330.627.5225 Professional Services	\$45,000
--	----------

Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to issue warrants from appropriations established herein for the payment of vouchers duly approved by the proper departmental authority.

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

Section 4. That this ordinance is necessary to ensure the timely funding of the preliminary design of the West Maple Street Widening Project well before the construction season lapses. Wherefore, it shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH  
Passed:

\_\_\_\_\_  
MAYOR

SIGNED: \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL



# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 58-13

Passed \_\_\_\_\_, 20\_\_\_\_

1.) thence S 02°10'54" W along the westerly line of said First Brethren Church a distance of 129.50 feet to a 5/8 inch rebar with cap set on the northerly line of the cul-de-sac of said Gressel Avenue, a 50 foot public right of way;

2.) thence nontangent to the previous course along the easterly line of said Gressel Avenue 103.22 feet along the arc of a curve turning to the right having a radius of 50.00 feet, a delta of 118°16'48", a tangent of 83.68 feet, and a chord bearing S 07°37'10" E with a chord length of 85.84 feet to a 5/8 inch rebar set at a point of reverse curvature;

3.) thence continuing along the easterly line of said Gressel Avenue 17.45 feet with a reverse curve turning to the left having a radius of 20.00 feet, a delta of 49°59'57", a tangent of 9.33 feet, and a chord bearing S 26°31'16" W, with a chord length of 16.90 feet to a 5/8 inch rebar with cap set;

4.) thence S 01°31'18" W continuing along the westerly line of said Gressel Avenue a distance of 20.56 feet to a point at the northwesterly corner of Lot 106 of Clearview Allotment as recorded in Plat Book 30, Page 118 of the Stark County Recorder's Records, witnessed by a 5/8 inch rebar found 01.10 feet East;

5.) thence N 89°18'51" W through said Gressel Avenue and along the northerly line of said Clearview Allotment a distance of 266.57 feet to a point, witnessed by a 5/8 inch rebar cap found N 89° 18'51" W at a distance of 348.44 feet at the northwesterly corner of Lot 101 of said Clearview Allotment;

6.) thence N 01°32'01" E along the easterly line of land conveyed to Walsh University, Inc. by I.I.N. 1996009329 of the Stark County Recorder's Records, also being the easterly line and Corp. Line of and City of North Canton O.L. 288, a distance of 250.12 feet to a cross cut in pavement found, passing through a 5/8 inch rebar found at a distance of 0.29 feet;

8.) thence S 89°19'52" E along a southerly line of Walsh University aforesaid and Corp. line and O.L. 287 of the City of North Canton, a distance of 261.52 feet to the true point of beginning.

The above described parcel contains 1.549 acres as surveyed under the direction of Timothy J. Briggs, P.S. 7495, Hammontree & Associates, Inc., Engineers, Planners & Surveyors, 5233 Stoneham Road, North Canton, Ohio 44720 in June of 2012. Basis bearing is Grid North, Ohio State Plain Coordinate System, North Zone, NAD83 (1986) based on Stark County Engineer's Office Section Corner markers PLAO59R and PLA072. Subject to all easements and right of ways of public or as otherwise legally established.

Section 2. The certified transcript of the proceedings for annexation with an accurate map of the territory, together with the petition for its annexation, and other papers relating to the proceedings thereto of the County Commissioners and the Courts are all on file with the Clerk of Council of the City of North Canton.

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 58-13

Passed \_\_\_\_\_, 20\_\_\_\_

Section 3. That the Clerk of Council, be, and is hereby authorized and directed to make three copies of this ordinance to each of which shall be attached a copy of the map accompanying the petition of annexation relating thereto and a certificate as to the correctness thereof. The Clerk of Council shall then forthwith deliver one copy to the County Auditor, one copy to the County Recorder and one copy to the Secretary of State and shall send one certified copy of this ordinance to the Board of County Commissioners of Stark County and shall file notice of this annexation with the Board of Elections within thirty days after it becomes effective and the Clerk shall do all other things required by law. No action of Council shall be enacted unless public notice has been fulfilled at least seven days before the final enactment of Council.

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

North Canton, OH

Passed:

\_\_\_\_\_  
MAYOR

SIGNED: \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 59-13

Passed \_\_\_\_\_, 20\_\_

8/20/13-W.H.Drane  
(Ordinance, Rules & Claims)

Ordinance No. 59-13

An ordinance to approve and adopt current replacement pages to the Codified Ordinances, and declaring an emergency.

WHEREAS, certain provisions within the Codified Ordinances should be amended to conform with current state law as required by the Ohio Constitution; and

WHEREAS, various ordinances of a general and permanent nature have been passed, which should be included in the Codified Ordinances; and

WHEREAS, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is before Council in the form of replacement pages to the Codified Ordinances.

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

SECTION 1. That, in accordance with Ohio R.C. 731.23, the ordinances of the City of North Canton, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, titles, chapters and sections within the 2013 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

Section 2. That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law.

## Traffic Code

301.031	Beacon; Hybrid Beacon. (Added)
301.161	Highway Traffic Signal. (Added)
301.17	Intersection. (Amended)
301.181	Median. (Added)
301.26(b)	Private Road or Driveway. (Added)
301.361	Shared-Use Path. (Added)
301.45	Traffic (Amended).
301.46	Traffic Control Device. (Amended)
301.47	Traffic Control Signal. (Amended)
303.01	Compliance With Order of Police Officer. (Amended)
303.99	General Traffic Code Penalty. (Amended)
313.03	Traffic Signal Indications. (Amended)
313.04	Lane-Use Control Signal Indications. (Amended)
313.05	Special Pedestrian Control Signals. (Amended)
313.06	Flashing Traffic Signals. (Repealed)
331.12	U-Turns Restricted. (Amended)
333.11	Texting While Driving Prohibited. (Added)
335.032	Electronic Wireless Communication Device Prohibited. (Added)
335.07	Driving Under License Suspension or Restriction. (Amended)
335.072	Driving Under Financial Responsibility Law Suspension or Cancellation. (Amended)
335.074	Driving Under License Forfeiture or Child Support Suspension. (Amended)
337.01	Driving Unsafe Vehicles. (Amended)
337.09	Lights on Parked or Stopped Vehicles. (Amended)
337.18	Motor Vehicle and Motorcycle Brakes. (Amended)
337.23	Limited Load Extension on Left Side of Passenger Vehicle. (Amended)
337.29	Bumper Heights. (Amended)
339.01	Oversize or Overweight Vehicle on State Routes. (Amended)
339.03	Maximum Width, Height and Length. (Amended)
339.06	Vehicles Transporting Explosives. (Amended)

# RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 59-13 Passed \_\_\_\_\_, 20\_\_\_\_

### Traffic Code (Cont.)

339.07	Towing Requirements. (Amended)
339.08	Loads Dropping or Leaking. (Amended)
341.05	Commercial Drivers' Criminal Offenses. (Amended)
373.02	Riding Upon Seats; Handle Bars; Helmets and Glasses. (Amended)

### General Offenses Code

513.01	Drug Abuse Definitions. (Amended)
513.03	Drug Abuse; Controlled Substance Possession. (Amended)
513.12	Drug Paraphernalia. (Amended)
513.121	Marihuana Drug Paraphernalia. (Added)
517.01	Gambling Definitions. (Amended)
517.02	Gambling. (Amended)
517.06	Methods of Conducting a Bingo Game. (Amended)
517.07	Instant Bingo Conduct. (Amended)
517.08	Raffles. (Amended)
517.09	Charitable Instant Bingo Organizations. (Amended)
517.10	Location of Instant Bingo. (Amended)
517.11	Bingo or Game of Chance Records. (Amended)
517.13	Bingo Exceptions. (Amended)
517.15	Skill-Based Amusement Machines. (Amended)
529.021	Purchase by Minors. (Amended)
533.08	Procuring. (Amended)
533.09	Soliciting. (Amended)
537.03	Assault. (Amended)
537.12	Misuse of 9-1-1 System. (Amended)
549.01	Weapons and Explosives Definitions. (Amended)
549.02	Carrying Concealed Weapons. (Amended)
549.04	Improperly Handling Firearms in a Motor Vehicle. (Amended)
549.10	Possessing Replica Firearms in School. (Amended)

Section 3. That the complete text of the sections of the Codified Ordinances listed above are set forth in full in the current replacement pages to the Codified Ordinances which are on file in the Council Office and are incorporated herein by reference. That any summary publication of this ordinance shall include a complete listing of these sections. Notice of adoption of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

Section 4. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City of North Canton and further necessary for the reason that there exists an imperative necessity for the earliest publication and distribution of the current replacement pages to the Codified Ordinances to the officials and residents of the City, so as to facilitate administration, daily operation and avoid legal entanglements including conflict with general state law; wherefore, provided it receives the affirmative vote of six (6) or more-members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH  
Passed:

\_\_\_\_\_  
MAYOR  
SIGNED: \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL