

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 16 7:00 p.m. 20 13

**Call to Order:**

1. The council meeting was called to order at 7:10 p.m. by President of Council Jon Snyder.

**Opening Prayer:**

2. The opening prayer was delivered by Rev. Gary Plauger, Hope Family Church.

**Pledge of Allegiance:**

3. All present recited the Pledge of Allegiance.

**Roll Call:**

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

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

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, City Engineer Benekos and Clerk of Council Kalpac.

**Consideration:**

5. Council Meeting Minutes – August 26, 2013  
Financial Statements – June and July, 2013

Mr. Snyder: May we have a motion to consider, as presented, the Council Meeting Minutes of August 26, 2013, and the Financial Statements as presented June and July, 2013.

Mr. Foltz moved and Mr. Cerreta seconded to approve as presented the council meeting minutes and financial statements. All members present voting:

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

No: 0

Abstain: Peters

**Committee Minutes:**

6. Mr. Snyder: May I have a motion and a second to approve as presented the following Committee Report minutes: Finance & Property; and Street and Alley both held 9/9/13.

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

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

No: 0

Abstain: Kiesling

**Finance & Property Committee:** Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 9, 2013.

**Street & Alley Committee:** Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held September 9, 2013.

**Recognition of Visitors:**

7. Mr. Snyder: Thank you. At this time, the Council will recognize anyone wishing to speak. Please step forward to the podium, and state your name and address for the record. Step up here, Miss McMann and state your name and address at the podium, if you would please.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 16 7:00 p.m. 20 13

Ms. McMann: My name is Ruth McMann. I live at 524 Harmon St. SW. I'm a retired educator from North Canton Schools, and proud of it. And I am here because I have a concern in my neighborhood and I wanted to share my concern with you. When I - I'm a snowbird, so I came back from Florida in April. We have a critter problem, a serious critter problem. I brought this as my visual aid. Can you hear me if I step away from the podium? This will show you just a glimpse of some of what we have. We have bad critters. We don't have cute cats and cute dogs. We have groundhogs. We have possums. We have raccoons. We have skunks. We have, at this point in time, in this carrier alone, I went to North or Hartville, I bought the biggest, wide trap they had because I saw what the size of the groundhogs were. When I went and I bought this and put this out, we have now in this alone, caught 20. A combination of five possums - sorry, six possums, one, two, three, four, five, six raccoons; and by the way, in case you don't know, they are carnivorous, they live chiefly on flesh. Groundhogs, and I asked our esteemed Chief of Police to come because he came and visited me and saw the groundhog. How big was the groundhog officer?

Chief Wilder: It filled the cage.

Ms. McMann: It filled the cage.

Chief Wilder: It was big.

Ms. McMann: Now, if you can imagine a groundhog filling that cage, that's what was living behind my house. Skunks, many, many, many skunks; however, they seem to keep theirs on the opposite side of Harmon Street. There was going to be another gentleman join me, oh there is another gentleman joining me, and he has been taking care of the trappings on that side of the street. So I haven't been involved with the skunks quite as much as Dave. If you like, he could tell you how they smell. No, I don't think you want to do that. But what we want to ask of you is this, the house that faces out on Church Street that is abandoned is no longer lived in. That's not where the critters are living. They are living in the area behind the house, all the way back to where Mr. and Mrs. Mohler live. If you happen to drive down Harmon and make a left, you will see that there is an abundance, am I underestimating that, Dave? An abundance of trees that have been cut down, huge amounts of trash and it is just a habitat. That's all I can call it. I know that there is a controversial thing going on about the house and what should happen to the house, but I will tell you in my opinion, it's not the house that I am worried about. I happen to have a beautiful family that lives behind me. Their daddy was here last week, but he didn't come tonight unfortunately. They have three beautiful little girls. They have a play set out in their back yard. I was at my kitchen window and I looked out and there was one of the little girls going (motioning) I knew what she was doing. I raced out of my house and I went back because one of these critters could kill one of those beautiful little girls. I am all over with goose pimples, but that is the truth. They are vicious. They are wild animals and they are living in North Canton, Ohio. And if they kill one of the children on Harmon Street, you're going to see me back here. Thank you for listening. I appreciate the offer to come and I hope that I can answer any questions that you have following this.

Mr. Snyder: Thank you, ma'am.

Mr. Cerreta: Ruth ...

Ms. McMann: Yes.

Mr. Cerreta: Ruth, what would you like to see done?

Ms. McMann: I beg your pardon.

Mr. Cerreta: What would you like to see done?

Ms. McMann: I would like to see that whole area behind that house cleared. It is brush up to here. It is a perfect habitat for all these creatures to live in and never, never ever be seen and they come out at will. I would like to see our City clear that habitat. That enormous amount of limbs and trees and brush and - I almost said a bad word...

(Laughter)

Ms. McMann (speaking from the audience): Junk - just junk. And it is - it is absolutely a disaster and it should be cleared. And I would be the first one to offer to help.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 16 7:00 p.m. 20 13

Mr. Snyder: Councilman Cerreta, let me bring you to speed on ....

(five minute public speaks bell)

Mr. Snyder: exactly what has transpired with Mrs. McMann. Of course she - I have known about this property prior to her contacting me. Director Bowles and I were there at least four times. But after I had a meeting with Mrs. McMann and Dave and some people last - along with the Mayor and Eric Bowles and I think the Law Director Fox. And I suggest that we contact the Fire Department under prevention possibly. They had a meeting on Tuesday morning, had prevention there, but at that point they said it did not meet the level to have it cleared by fire prevention. However, we're precluded from just entering the property and cleaning it. That's trespassing. We've cited them to Mayor's Court and they were cited with a \$200 fine with a \$300 - \$500 fine, \$200 immediately, \$300 held in abeyance if they cleaned it up. They didn't clean it up. They sent the \$300 addition fine. I believe they've been cited to court again with the idea that if it doesn't, if they don't, and again there's a time element that we have to allow the clock to tick before we can enter the property, but at that point we will hire or use our own City crews to go in and clean the property, raise the limbs on the trees, and level and open and clean the brush. They do maintain the front of the yard and the sides. However, the back Mrs. McMann and is not exaggerating, is a densely area, and of course like most people that would have the luxury of that much land in the back of their house that they can't view from the house, they throw everything back there. So you know, unfortunately - fortunately, there's not a food source on the property. But they're living there, you know as they go out at night to seek their food source. So, they're leaving it.

Mr. Peters: Jon, you mentioned that fire prevention stated that it didn't rise to the level of clearing. What is the level? What is the benchmark?

Mr. Snyder: I'd have to defer to the Law Director. I wasn't there Tuesday morning. I don't know.

Mr. Fox: I'd ask the inspector.

Mr. Snyder: Eric, did he tell you the level that it must rise, Chief Bacon or Captain Cohen tell you?

Mr. Bowles: Yes. Well, Chief Bacon and the Fire Inspector Gary Cohen came out to the site and I was there with the Nuisance Inspector, we met at the same time. They said that the fire risk was pretty low. There was a lot of green there at the time and, you know, based on their professional opinion, they didn't think that it posed a fire risk at this point in time. I did want to mention that I had a great meeting with Ruth, Dave and Mr. Dyke, your neighbor the other night, and we documented all the issues on the property. We all walked through the property and documented the issues that are their concerns. And those pictures were sent on to the Zadinskys, the owner of the property. And that's the minimum expectation that the neighbors have. So that we can enforce because as far as our codes, that is debris, it does qualify as debris on the property. So that's what we're going to ask them. And I think that the neighborhood would - they were - we all came to an agreement on what would be the minimum that we would expect property owners to do.

Mr. Snyder: And she has been - the problem is that the owners of the property, the husband died several years ago, the wife is now elderly, she's infirmed. I don't know how cognizant she is, I've never spoke to her. She is in Cincinnati. Her daughter and son-in-law they live in a rural area. So, they only come up as pressure is applied to them to cite them to mayor's court. This time they've been cited with the fact again, and I believe threatened, is that correct Director of Law, Law Director, they've been cited with the fact the next provision will be to raze the property and remove the property as a blighted nuisance in the City. And again, and most people understand it takes time. You can't just go in there and arbitrarily knock their house down or clear their lot without due process, because we'd end up getting sued. So hopefully this first go-round, which I - is that a 30-day window Eric? To notify? So, hopefully, by...

Mr. Bowles (speaking from the audience): It's been 26 days now since the letter was sent.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held Monday, September 16

7:00 p.m.

20 13

Mr. Snyder: How many days?

Mr. Bowles (speaking from the audience): Twenty-six they've had now.

Mr. Snyder: So, we have like four or five days left?

Mr. Bowles (speaking from the audience): Well no, because they've got 26 days ...inaudible...

Mr. Snyder: So they have approximately three weeks at which time if it's not cleared to the satisfaction, we will at that point either have the City do it or contract and have it added to their property tax.

Ms. McMann: Thank you very much.

Mr. Snyder: But please come, if you have, please stay informed with us and we'll keep you informed of what we're doing and I appreciate your patience as I understand your plight too. Yes, Ma'am.

Mrs. Werren: Is it so bad, you know, groups are always looking for projects to do. Do the same rules apply as far as trespassing or would they be able to call this family and say, can we come and clean up your yard? Or is it so severe that like a church group couldn't do it?

Ms. McMann (speaking from the audience): Oh, we call it very severe.

Mrs. Werren: Okay, okay

Ms. McMann (speaking from the audience): I would call it very severe.

Mrs. Werren: Okay.

Ms. McMann (speaking from the audience): I mean, you know, I hadn't even thought about this until someone brought it to my attention, if a car was driving down the street, what street is that?

Mr. Snyder: Church

Ms. McMann (speaking from the audience): Okay. If they were going to - no, that's Church Street at the front, but the one that comes along the side, if you know we have cars and trucks coming into our village all the time for work and you know, all kinds of things, without thinking, taking a cigar, a lit cigar, throwing it into that, it would be an inferno - it would be an inferno. It is that bad - it is that bad. I don't think I'm exaggerating. I don't.

Mr. Snyder: No, I don't think so.

Mr. Cerreta: Ruth, thank you for caring.

Ms. McMann: Thank you.

Mr. Snyder: Thank you, Ruth.

Mr. Fox: If I may, understand I inspected the property as soon as we were told of this last week. And if you drove by, you wouldn't notice it and the reason being is because the owners have been diligent in caring for the part that you would see - the front yard, the side yard is regularly mowed, they have it contracted out. Actually, when I was there it looked like it was just finished. And to see this you actually have to step up to the lot, to the tree line, because it is a dense row of trees and be trespassing and look in to see this. And once you do see that, you can see, yeah they took an easy way out for that back lot. Some brush and so forth have been moved back there, but that's the area and certainly that is of concern, because once you're in there and you look through the dense tree limbs, you can see this, and certainly when you have a groundhog problem, that's pretty easy to see, they make some large holes and so forth. But an important aspect is before the City can come in and do that, you have to give them an opportunity to be heard, that's their due process right. Otherwise, you can result in a trespass charge that's going to slow things down. So we'll do it properly and hopefully they'll work with us to get that resolved. And it does need - the residence itself does need a great deal of care. And hopefully we can convince them to, you know, to go through a process either to sell the

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 16 7:00 p.m. 20 13

property or to bring it up to code or we'll bring in the Health Department and see if it can be declared a nuisance. Go through that process and probably eventually be necessary to raze it - to level the property.

Mr. Snyder: Mr. Foltz:

Mr. Foltz: Just a follow-up, President Snyder. Was that the same property that we were dealing with ten years ago?

Mrs. Kiesling: Yeah, it is.

Mr. Snyder: The same one.

Mr. Foltz: With Roy Batista. So ...

Mr. Snyder: We had it in Common Pleas Court and were ready to go to court with it when they came in and brought it up to satisfactory code. The Judge said, well it's based on the work they did. There is nothing I can do, I can't raze it. We were ready to have the house razed.

Mr. Foltz: I think that's the frustrating thing. I know there's due process, and there's laws and rules, regulations we have to abide by, it's just the timeframe that all this enters into and the frustration you have looking at something that's borderline dilapidated or even just you know, a nuisance in a backyard setting that the neighbors have to put up with. So, I encourage us to always look at our avenues to see what we can do to be more proactive in that approach dealing with our housing. I think we're doing a better job now. And I'll compliment our Law Director Mr. Fox and then Eric Bowles. And I think there's always hopefully another tool in the tool box if we find it to put it in there to hasten these situations so we can correct them for our neighbors that are here long term and provide good housing for the entire community.

Mr. Snyder: Well a similar situation at 281 Maplecrest...

Mr. Foltz: Right.

Mr. Snyder: We were - we already had the demolition order on the door. We were ready to tear it down. Somebody bought it and ...

Mrs. Kiesling: Fixed it up.

Mr. Snyder: plunked a \$100,000 in it and now it's a great property.

Mr. Foltz: Well that's great in that instance. This one's been ten years. So...

Mr. Snyder: Yeah, it was...

Mrs. Kiesling: Yeah.

Mr. Griffith: Well part of the efficiency there is the legislation that passed earlier in the session last year which allows for a more rapid response than what happened a decade ago. So again, you know, it takes a while to get some of what we worked on before, but the work that we did a year and a half ago is going to make a difference.

Mr. Snyder: In fact, that's what we're using. We're using that initial ordinance that you - where the architect helped to get it done. That's right. Okay. Thank you. Thank you, Ms. McMann. Anyone else wishing to speak to Council? Mr. Osborne.

Mr. Osborne: My name is Chuck Osborne. 307 Fairview Street SE, North Canton, Ohio. Tonight I would like to address the poor attendance of some of members of North Canton City Council and make recommendations for legislation that will help to make Council attendance at public meetings more transparent and economically fair for taxpayers. I have spoken privately to Council President Snyder on this subject on numerous occasions and recently to Mr. Peters, Chairman of Council's Personnel and Safety Committee. I will preface my remarks by stating that in my two-year term on City Council, I do not recall any absences of the seven members of Council during the entire two-year term that was December 1, 2001 through November 30, 2003. Mr. Snyder has told me that his

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 16

7:00 p.m.

20 13

recollections, that this is his recollection as well. Sadly, that is not the case today with the members of the current City Council. Almost weekly there are at least one and sometimes two council members absent. On February 11, 2013 voting on legislation scheduled for passage as an emergency was delayed for an hour until a sixth member of council arrived to garner the required minimum votes for passage. Apparently the declaration that legislation was needed in an emergency meant little for this late arriving member of Council. This situation was repeated at another council meeting on April 15, 2013 when only five of seven council members were present to vote on emergency legislation scheduled for passage at a special council meeting. More often than not each week a vote is taken to excuse a council member, sometimes two council members from scheduled meetings that require their attendance. Apparently North Canton City Council places loyalty to its members above service to city residents as members of council are routinely excused. And whether a council member is absent or not from a publically scheduled meeting, all members are paid just the same. How many of us in the real world get paid for not showing up for work? Rhetorical questions as well as we all know that no work means no pay. And that if one is habitually late or absent from work, one will find him or herself no longer employed. Two years ago I began tracking the attendance of council members and this is what I have discovered: Mr. Snyder, I would say you would qualify for a gold star, as by my calculations you have missed or been tardy from only 3 of 127 publically scheduled council meetings which equates to 98% attendance. Mr. Peters ranks second, missing or being tardy for eight out of 127 meetings equating to 94% attendance. Mr. Foltz ranks third, missing or being tardy for nine out of 127 meetings equating to 93% attendance. Mrs. Werren ranks forth as she has missed or been tardy six out of the 65 meetings since her appointment in midterm which equates to 91% attendance. Mr. Cerreta and Mr. Griffith tie for fifth as each has missed 13 out of 127 meetings which equates to 90% attendance. Mrs. Kiesling ranks at the bottom as she has missed or been tardy for 35 of 127 publically scheduled meetings equating to a 70% attendance rating. I guess I'm getting old as I harken back to an earlier time period and remember when people had a different work ethic. We all remember an aging relative who would tell us how things used to work. I would urge at this time that Council put in place legislation that requires the Clerk of Council to keep attendance of council members at all publically scheduled meetings. Further, I would ask that members of Council not be paid for meetings which they do not attend. I would also like to say that continuing to approve of nonattendance of council members at publically scheduled council meetings could make council party to what could be termed theft in office, as the taxpayers are paying for services that are not being rendered in an ongoing - as an ongoing matter of business. Mr. Snyder, I would like to thank you for your fine attendance record. For the rest of Council, you made a commitment to your constituents to represent them. Showing up four evenings a month for city council meetings is what you promised your constituents and it is the very least that the public expects from you. Members of North Canton City Council should show in every way that they're loyalty is to city residents first and foremost. Thank you.

Mr. Snyder: Anyone else wishing to speak to the Council this evening? Okay. Seeing none, we'll move to Old Business. May I have a motion to read by title only, the third reading of Ordinance No. 49-13?

**Old Business:**

8. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 49-13. All members present voting:  
Yes: Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling, Peters  
No: 0

**Ordinance No. 49-13 – 3<sup>rd</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, to permit certain agricultural uses in a mixed use overlay district.

Mr. Snyder: Chairman Kiesling

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 101/48

Held Monday, September 16 7:00 p.m. 20 13

Mrs. Kiesling: Yes. This is the third and final reading of our urban farming district. We're very excited and I see we're going to start in spring, right or February, March. Alright. So, we're very excited to give it its final reading. I motion we adopt.

Mrs. Kiesling moved and Mrs. Werren seconded to adopt the third reading of Ordinance No. 49-13. All members present voting: Yes: Werren, Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder No: 0

- 9. Mr. Snyder: May I have a motion to read by title only, second reading of ordinance No. 58-13?

Mrs. Kiesling moved and Mr. Cerreta seconded to read by title only, second reading of Ordinance No. 58-13. All members present voting: Yes: Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder, Werren No: 0

Ordinance No. 58-13 - 2nd 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.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the second reading of the annexation behind Walsh College or Walsh University, I apologize. And we did send a notice to the Repository to let them know that we're in the process of accepting the annexation. I motion we adopt.

Mrs. Kiesling moved and Mrs. Werren seconded to adopt the second reading of Ordinance No. 58-13. All members present voting: Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Werren, Cerreta No: 0

New Business:

- 10. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 60-13?

Mrs. Kiesling: Do we need to amend it? Mr. Griffith: You want to amend it.

Mr. Snyder: Oh, yes. I beg your pardon. I do have a piece of - where is that legislation she gave me. My apologies, I do have it here. Yes, we need a motion and a second to amend Ordinance 60-13 to include account number 211.543.5229 in the amount of \$130,000 and 330.546.5229 in the amount of \$5,000 for a total amount of \$135,000. First account number for the \$130,000 as you know is under municipal road funds, the other \$5,000 for 330 would be a capital improvement, as the project is \$5,000 greater than the estimate. Is that correct?

Mr. Benekos: Five thousand more than the muni road funds.

Mr. Snyder: Oh, five thousand more than what we had. Mr. Benekos: Correct.

Mr. Snyder: So, we're short \$5,000. And that of course is the West Maple Street resurfacing.

Mr. Griffith moved and Mr. Peters seconded to amend Ordinance No. 60-13 to include account number 211.543.5229 in the amount of \$130,000 and 330.546.5229 in the amount of \$5,000 for a total amount of \$135,000. All member present voting: Yes: Griffith, Kiesling, Peters, Snyder, Werren, Cerreta, Foltz No: 0

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, September 16

7:00 p.m.

20 13

Mr. Snyder: Now, may I have a motion to read by title only, Ordinance 60-13, as amended.

Mr. Griffith moved and Mr. Peters seconded to **read by title only, first reading, of Ordinance No. 60-13, as amended.** All members present voting:

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

No: 0

**Ordinance 60-13 – 1<sup>st</sup> Reading – Street & Alley**

An ordinance amending Section 3. of Ordinance No. 10-13 for the West Maple Street Resurfacing Project (Sheraton Drive NW to Wise Avenue), to increase the allocation to an amount not to exceed \$135,000.

Mr. Griffith: We ...

Mr. Snyder: Go ahead, please.

Mr. Griffith: I don't want to speak out of turn.

Mr. Snyder: That's alright.

Mr. Griffith: We talked about the fact that we're getting \$130,000 in grant money. We got the estimates in and the bids in and the Engineer's estimate was \$180,000, but the bids came in just over what we're getting in grant money. So we added \$5,000 of our allocation so we'll be able to do the project with \$130,000 of outside money and \$5,000 of North Canton money. So this is just to get the project started. I would move its approval.

Mr. Griffith moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 60-13, as amended.** All members present voting:

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

No: 0

Mr. Snyder: Alright, I would like to have a motion and a second to suspend the rules of council requiring three readings of the ordinance since this is appropriation measure requiring only one reading.

Mrs. Werren moved and Mr. Peters seconded to **suspend the rules for Ordinance No. 60-13, as amended.** All members present voting:

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

No: 0

Mr. Snyder: Now, may I have a motion and a second to adopt under the suspension of the rules Ordinance No. 60-13, as amended.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt under suspension of the rules Ordinance No. 60-13, as amended.** All members present voting:

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

No: 0

11. Mr. Snyder: May I have a motion and a second to read by title only, first reading of Ordinance No. 61-13?

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, first reading of Ordinance No. 61-13.** All members present voting:

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

No: 0

**Ordinance No. 61-13 – 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 General Trust Fund to the General Trust/Stockert Account in the amount of \$1,100 for the current expenses during the fiscal year ending December 31, 2013.



RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

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

Held Monday, September 16 7:00 p.m. 20 13

Mr. Snyder: We have – we'd like to purchase a sign and a plaque to commemorate the walking path for Mr. Stockert, who you know has given money to the City with the designation that it be used for recreational purposes or the parks. So through the Recreation Board they decided to get that, and now we want to appropriate the money or move it as supplementally appropriated from the trust account into the general account so that this bill can be paid. Any questions? If not, I'll entertain a motion to adopt the first reading of Ordinance 61-13.

Mr. Foltz moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 61-13. All members present voting:  
Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Werren, Cerreta  
No: 0

Mr. Snyder: I would like a motion to suspend the rules of council requiring three readings of this Ordinance as it is an appropriated ordinance and only requires one reading.

Mr. Griffith moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 61-13. All members present voting:  
Yes: Griffith, Kiesling, Peters, Snyder, Werren, Cerreta, Foltz  
No: 0

Mr. Snyder: May I have a motion and second to adopt under suspension of the rules Ordinance No. 61-13.

Mr. Cerreta moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 61-13. All members present voting:  
Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz, Griffith  
No: 0

- 12. Mr. Snyder: May I have a motion and second to read by title only, first reading of Ordinance 62-13?

Mrs. Kiesling moved and Mrs. Werren seconded to **read by title only, first reading** of Ordinance No. 62-13. All members present voting:  
Yes: Peters, Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling  
No: 0

**Ordinance No. 62-13 – 1<sup>st</sup> Reading – Finance & Property**  
An ordinance amending CHAPTER 191 – INCOME TAX, specifically Section 191.13 EXEMPTIONS FROM TAX, 191.18 DECLARATIONS, AND 191.22 PAYMENT OF ESTIMATED TAX, of the Codified Ordinances of the City of North Canton.

Mr. Snyder: You know, Member Werren has brought to our attention that a constituent had spoken to her relative to the filing of quarterly estimates of income in the City of North Canton subject to municipal income tax. Some of them are less than the actual cost to file the forms. So Member Griffith did bring this up and he worked diligently to put this little program on with the Finance Director and the Director of Law into the thing that will not only require a cumulative income of 33,000 or above so thus exempting people that make less than that to file quarterly estimates. And we found by reviewing this this was a practice, not an actual ordinance, so we are now bringing it into ordinance form and our income tax ordinance which will require and we'll have enforceability and the people will be notified by simply by the fact that they will not be reminded that they are due a quarterly return. So consequently, they will not have to file it. Those subject to the law now will be reminded. And should they fail to, they will be cited into the Mayor's Court. So, it's actually – I'd appreciate both of you in that. It's bringing it into a more manageable way of doing things and it gives us enforcement policy that we didn't have prior to that. So that being said...

Mr. Peters: Hey, Jon...

Mr. Snyder: this will receive three readings.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 16 7:00 p.m. 20 13

Mr. Peters: I've got a quick question, and how would they be reminded?

Mr. Snyder: They'll be sent a letter...

Mr. Peters: Okay.

Mr. Snyder: with a form

Mr. Peters: With a form from finance.

Mr. Snyder: that they'll have to file through finance.

Mr. Peters: Okay.

Mr. Snyder: And - so if they don't receive that, obviously if they're under that income threshold, they won't receive anything. The majority of people, the majority being probably somewhere in the high 80's if not higher, do have a W-2 income, so their employer does file their taxes. They're required to by - some of them depending on the aggregate amount more often than others.

Mr. Peters: Well, the reason I ask is my employer doesn't. And I missed two quarterly payments last year, and I had to pay the ...

Mr. Snyder: The fine.

Mr. Peters: At the - the fine at the end. And, I didn't...

Mr. Fox: Yeah. And understand here, no one goes to mayor's court ...

Mr. Peters: Right.

Mr. Fox: for simply missing. It would be missing after several notices that you've missed, and you should contact us and help us resolve this and only after we've received no response.

Mr. Snyder: He doesn't hold out your liability at all.

Mr. Cerreta: Have we thought about doing something along the line of like a payment booklet? Sent out and that might not be a ...

Mr. Snyder: You mean like the IRS sends you a ...inaudible...

Mrs. Kiesling: I thought they did at one - gosh when we filed.

Mr. Peters: We did at one point.

Mrs. Kiesling: Yeah...

Mr. Peters: Back in '02 or '01, I used to...

Mrs. Kiesling: We did, I remember with the business we had one.

Mr. Peters: I used to have them. And you know when I'd paid my bills, I'd look into that and I'd see the date on it.

Mr. Snyder: You still get a form. Businesses get a form.

Mrs. Kiesling: Yeah, but you know big businesses...

Mrs. Alger: No, we don't usually send out forms. It's on the annual statement and it tells you the dates and it's on the website, but that has ceased before me. So with this issue and problem...

Mr. Peters: Oh, this is '01, '02?

Unidentified: Yeah.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 16 7:00 p.m. 20 13

Mr. Cerreta: You can even have a blank form and then people just put in. I mean my accountant does it for me and he puts in. And it's just a blank form so that you have four of them estimated. I mean, you don't want Gayle out front there to be doing everybody's taxes. That's not her -- that's not her deal. But to have a blank form that they could fill or get it online would be pretty simple to give them some way of reminding themselves if that's something that they need. But it is everyone else's own responsibility to do that. It's not ours.

Mrs. Werren: Yeah, I like the online version.

Mr. Snyder: Yeah, they can just print one out.

Mrs. Werren: Yeah, and then it's up to ...inaudible... to maybe get an e-mail and...

Mr. Griffith: Because, if you're estimating for us, you're estimating for state and federal purposes, too. So you're probably filing for that reason, just like you would be ...

Mr. Peters: Yeah, if you're a private business owner, yeah.

Mr. Griffith: Right, yeah.

Mr. Peters: But in my case, where my employer doesn't take it out, it's and then you don't think about that. Is there any way maybe to get on an email list for an email notification instead of, you know, take the paper completely out of it, if you request to be on a notification? If you're in a situation like I am, you know just get a quarterly email, hey it's time to pay.

Mrs. Alger: Yeah, I don't see why that would be...yeah, that probably could be - we could implement something like that.

Mr. Peters: Alright.

Mr. Snyder: Just do a blast ...

Mrs. Alger: That's the first we've heard of it.

Mr. Peters: Yeah, you know, take the paper out of it. Don't even worry about that. Just, boom, done.

Mrs. Alger: Good idea.

Mr. Peters: Okay.

Mr. Snyder: We'll look into that. Thank you. Okay, being a question, may I have a motion to adopt the first reading of Ordinance No. 62-12?

Mr. Peters moved and Mrs. Werren seconded to **adopt the first reading** of Ordinance No. 62-13. All members present voting:

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

No: 0

Mr. Snyder: Madam Clerk, do we need to put this letter on the agenda, or that just goes automatically along with the fiscal officers' report?

Mrs. Kalpac: It doesn't require legislation. I think we determined, that didn't we Karen?

Mr. Snyder: OK. Thank you. Okay, reports. Member Foltz.

**Reports – Council:**

Mr. Foltz: A couple of things. Thanks, President Snyder. Thank the crews for the expedient work they did on Werstler as far as the catch basin repairs, as far as putting additional asphalt down, repairing the curbs. It just settled when they put it in earlier. And then you got the memo. I'll talk to Administrator Grimes, Engineer Jim Benekos, gotten a lot of calls about the 200 to 300 block of Sheraton Drive, it's flooding out on just moderate rainfall. So hopefully we can solve that problem. Went down there personally a few times.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

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

Held Monday, September 16

7:00 p.m.

20 13

I know we've had a lot of rain this summer, but two tenths of an inch of rain shouldn't create a road to be flooded out that you can't drive a car down. So hopefully we'll find some solutions to that. Also, it was an eleventh hour message on my phone and I think there was something here when I got to Council last Monday, but wasn't quite happy with AEP trimming trees at 11:30 to about 3:30 in the morning. Don't understand that process. If it comes up again, if we're notified, I would be very upset if we continued that process in the City. I hope the administration says it's not going to – it's not allowable. You're going to have to shut the road down or make other arrangements with our Police Department, but you're waking a lot of people up. And you think the chippers bad, but the saw's just as bad. And it was a very warm night and when your electric is out you're going to open your windows, you're going to even hear it even more. If your windows are shut with air conditioning, you've got a better chance, but I just don't think that it was a smart move. So, as much as we want to work through these problems with AEP, I appreciate them having a better plan to trim trees on some of our major streets and at least notify some of the immediate residents they're going to affect, that maybe have some kind of a process at home where you need things plugged in. It could be an emergency medical devices that they might need and they're shut down. So, I just think there's a better plan than to do this. So, I hope we'll evaluate that process with them the next time if they decide to call the Mayor's Office or Administrator's Office, or if I don't get the message in time. There wasn't a lot of time to do anything when you hear about it a few hours before it's going to happen. So that said, that's all I have. Thank you.

Mr. Snyder: Thank you. Member Peters.

Mr. Peters: Yes, I want to echo Doug's comments on AEP. The public utilities aren't exempt from our noise ordinances, are they? You know, I think maybe we ought to send them a kind letter just gently reminding them that the next time they decide to do that, we'll be sending the police down there and handling it through law enforcement. I mean that's and the way they did it last minute, that was unacceptable - completely. Another thing, I want to thank Ruth for coming out, but the thing that concerns me, and I'm having the issue in my neighborhood too and down around Briar and Weber, we have, I can't believe how many critters that are being caught and disposed of – skunks. I mean they are all over the place. And in my back yard I'm up against, you know the former Bob-O-Link Golf Course, Sanctuary Development. Well, Phase 2 and 3 haven't happened so there's a lot of grass growth back there, and there - I'm not exaggerating, I'll bet there are 50 groundhogs just within 300 feet of my house. And you know we clear out that issue, they're going to go somewhere.

Mrs. Kiesling: Right.

Mr. Peters: And I talked to a gentleman a couple of weeks ago by the name of Fred Elsass. He has trapped or hired a contractor to trap these animals and because he's giving them so much business, he's lowered his rate. I think he was getting either 40 or 35 dollars per animal. And it might not be a bad idea maybe to, if you have this issue, and I'm going to look into it in my neighborhood, is - and Marsha mentioned it earlier, get together with your neighbors and hire one of these contractors if you - instead of having them come out for one, two, or three, if he's coming out for 30, 40, he might give you a better rate. I mean, I don't know what else to say, but I feel your pain. I see it in my back yard every night. So...

Mrs. Kiesling: Yeah Jeff, that's exactly what we did, there was 7 of us homeowners. There were skunks, raccoons, they were just getting horrible. And we - we hired a trapper and he trapped, oh, well we ended up spending almost a thousand dollars between the seven of us, you know split the thousand dollars between everything he caught in like a two-week period.

Mrs. Werren: Did it make a difference?

Mrs. Kiesling: Oh, yeah. Actually knock on wood, this summer has been great. So, he got rid of them for at least a year. They'll be back.

Mr. Peters: Yeah. Well, and on top of that, we had a beaver problem down off of Creekside. We had to have a whole gaggle of those things taken out before they really tore that whole back property up by the ball fields. And it seems that this year is - I've never seen it you know, like this and I've lived in this town all my life. So.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16148

Held Monday, September 16 7:00 p.m. 20 13

Mr. Snyder: Well you know, as development starts back up on this peripheral of the city, and they start building on vacant lots...

Mr. Peters: Right.

Mr. Snyder: Those animals are driven into the city for refuge and for food.

Mr. Peters: Right.

Mr. Snyder: Pursuant to that, I've had some conversation with the Mayor, and it's the intent to place in the '14 budget. For many, many years as I can remember we had a line item for nuisance trapping. And under I believe one of the administrators, he took - took it out. And I asked after I saw that it was out and he said it was because a couple of the neighbors were abusing it. You know, 15-20 times we were there. But we need to get some control of it because what the problem is, it's not only are they a nuisance, as Mrs. McMann tells you, they present a threat to the safety of small children. They don't know the difference between a raccoon and a puppy. And God forbid if somebody would be bit. And depending on the time of the day, there's a possibility that they're rabid. And so we're going to look at placing money back in there for that purpose of some type of animal control and nuisance trapping.

Mr. Peters: I would certainly support that, but I would be cautious as to how we go about that because...

Mr. Snyder: Well that's why we have - that's why we just didn't start because the next thing people will be calling us and we'll be camping over there with the traps.

Mr. Peters: Yeah. Just in my back yard, as I said, there's a hundred total groundhogs there. You know, at \$40 a pop, that's...

Mr. Snyder: Well there'll be may be an amount of money put into each ward and used up and when it's gone, it's gone. The problem is, if you live near an open area like the Sanctuary or Arrowhead, I mean there's a haven for those animals.

Mr. Peters: Yes. Right.

Mr. Snyder: Because at night, they're not bothered. And they are nocturnal, the majority of them. So, but we appreciate. So any ideas that you have, please filter into the Mayor's Office because if we could come up with some type of idea to get them. But we have to start addressing them because they are becoming - and as development continues it will get - in your area they're doing those apartments and houses and starting to drive them out of those areas.

Mr. Peters: Thanks, Jon. Inaudible...

Mr. Snyder: Mrs. Werren

Mrs. Werren: Thank you again for coming. I love your teacher aspect and your "show and tell". That makes it nice. We have the same issues in our neighborhood and up at Easthill. I mean, I bet this summer, I don't know if there wasn't a dead possum or something on the road every single, you know, day. And then you think about small kids or small animals, small puppies like you said, small dogs, you just don't know what's going to happen. And we have foxes over there as well. But I like, Marcia, your idea about collectively using it in the neighborhood. And so I'm thinking at our next neighborhood association meeting, maybe we'd bring that up and I like your idea of a grouping getting together. It was something that I didn't think about, I just thought that we had to live with the animals. So I thank you for that idea. Appreciate it.

Mr. Snyder: Thank you. Mr. Griffith.

Mr. Griffith: I have a couple of things. One, I just want to echo the AEP sentiment. I really think that it was extremely poorly handled. And I reiterate how they are not exempt from any of our nuisance rules or violations. I would be fully supportive of making sure that we go after that in the future. That's just the kind of stuff that makes North Canton a good city if it's done well, and makes it a really frustrating place if it's not done well. So I

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 16

7:00 p.m.

20 13

empathize with those folks a lot. So on the good side, you mentioned 281 Maplecrest the house that really I think is a great story for what's happened in the City in the last three or four months, maybe even further. That was an extreme eye sore. And now that house, there's actually a website for it. I don't know if you've seen it or not, but there is one there and it's beautiful. The guy who's worked on it has done a great job and has done a great service for everybody in the City from a property value standpoint. So and I think he's got it sold too. So we'll see, but it looks like it. So that's really, really going good. And I also wanted to say that I did have a chance to meet Gary and their group the council with the of ministers, the North Canton Ministerial Association; a great group. And one of the things that they asked about was kind of what the Mayor did put out there a while back which was helping out with situations like clearing brush. Maybe they're interested in volunteering to help trap animals. We'll see. That could be a nice thing to do. But I think we probably need to do something to get them involved and get them up to speed on that too, because I think there is some potential there, even though it's really hard to do. But they were definitely interested.

Mrs. Werren: But there are always projects.  
Mr. Griffith: Right.

Mrs. Werren: You know, people are always looking and a way to get involved and I just feel like even if when the pool and weeding times, or the schools, there are definitely things that we can help with and facilitate.

Mr. Griffith: I told them that we needed them all to get certified as life guards actually.  
Mrs. Werren: Nice.  
Mr. Foltz: There you go.

Mr. Griffith: Anyway, that's fine.

Mr. Snyder: Incidentally, that fellow on that house, I think Mr. Bowles has taken him to two other homes that are on the foreclosure list, and he's talking about buying both of those and rehabbing them and putting them back into adequate stock. So I know Eric is working with him on and hopefully bringing that to fruition. So the article in the Rep paid off. Thank you very much. We appreciate it. Mr. Cerreta.

Mr. Cerreta: Last week I had mentioned about the Walsh Intelligent Community Seminar that they're having. In front of you, I put some information. They have invited us as their guest that night for the President's Dinner. I think it would be a really good show of collaboration and support for them. It's very important to them and to our City, this whole project. So take a look at that in front of you there. And because of that we'd like to see if we maybe change the time and the date of the meeting, so we'll be discussing that down the road there.  
Mr. Snyder: Very good.

Mr. Cerreta: That's all. Nothing more to report.

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

Mr. Snyder: Again, Miss McMann, appreciate your talking. We have the full support of the Council, Administration, and the Mayor's office. So hopefully at this point, we're going to get something done. And we'll keep you apprised through Mr. Bowles or Mr. Fox exactly where we're at. Hopefully in the next 26 days we can take care of that problem short of calling Jungle Larry or somebody to get that done. But to the Council Members, I do appreciate all your support on the Zimber Ditch. Mr. Mayor, your office is the same way. And Director Grimes and Engineer Benekos, Director of Law Fox, and of course our Finance Director have all helped. And the Clerk, she's done all the letters for me, so I appreciate that very much. And again, that meeting will be on the 26<sup>th</sup> at 7:00 p.m. at the Civic Center. Mr. Fox.

Mr. Fox: A dozen cases scheduled for tax Mayor's Court for next week representing about 48 years of income taxes that we'll be bringing in. The Mayor recently requested that I draft a policy and procedures manual for information technology. Recently completed that. We'll be adding it to the Employee Handbook. Also working overall on

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 16 7:00 p.m. 20 13

that updating the handbook as well. And as well as updating our ordinances for our Utilities Department to perhaps make that clear process procedures for meter reading and so forth, opening and closing accounts, and streamlining the collection process for the folks in that department as well. That's it.

Mr. Snyder: Director Alger.

Mrs. Alger: I just wanted to bring up, we've had some issues on back door or backyard refuse. We continue to communicate with Kimble. In their defense, we've had a lot of residents that have gone from the curbside to the backdoor. But, we'll continue, like I said, to work with them. And then I just want to thank Council Members Werren and Griffith and the President for getting that income tax change and updated in a professional and efficient manner. I appreciate it.

Mr. Snyder: Thank you.

Mrs. Werren: How many people have asked for the backdoor service? What's the increase?

Mrs. Alger: Oh lord. I don't know.

Mrs. Werren: Hundreds?

Mr. Cerreta: A lot more.

Mrs. Alger: A lot more. I wouldn't want to say.

Mr. Snyder: Well, we had very few...

Mrs. Werren: Well the price is so close.

Mrs. Alger: Yes.

Mrs. Werren: You'd almost like ...

Mr. Snyder: A couple dollars.

Mr. Cerreta: I don't think people knew about it to be honest with you..

Mrs. Werren: I think that's it.

Mr. Peters: Yeah, I think that was it too.

Mrs. Werren: Right. Well good.

Mr. Snyder: Inaudible... probably some elderly people would probably like it.

Mrs. Werren: Oh yeah.

#### Reports:

Mr. Snyder: Director Grimes, welcome back.

Mr. Grimes: Thank you. Engineer Benekos held down the fort really well last week. But if there's something he missed, I'll be on it this week to get it done for you. You haven't been called by your friend that's had us on speed dial from Penhurst Circle, they did get their sign here shortly so, it's up and they seem to be okay with that. There's a Board of Control right after this meeting, so we want to get to that. If you're getting asked about gas aggregation, that is out there. We - I am working with our broker that's doing that, you know we have to have this done by December 1<sup>st</sup> and lead time before that to get it out. So gas price is rising this winter, I'm hoping that it will be under five dollars but that's what I'm aiming for, but it is going up and we're watching that closely. So we are working on that. So and I did hear about the trees and one thing to take from that is they said they did try to call some residents and they had old phone numbers for them. So if you do want to keep them apprised of your phone number, if you've changed, do that because you know they do, they may give you a call on that. But apparently the Administration was notified late and they went out and their excuse was, I guess, that they were going to shut power off and that was the best time of the day to do it. So but they know that we're displeased but we'll make sure they know that we're really displeased. Thank you.

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 16 7:00 p.m. 20 13

Mr. Snyder: Thank you.

Mr. Cerreta: Hey Mike, for the gas aggregation, are we just – are we tied to one year on that or did we ever look at multiple years?

Mrs. Kiesling: I think we've done one.

Mr. Grimes: Normally it's one year or less ...

Mr. Cerreta: One year? Okay.

Mr. Grimes: on those things so...

Mayor Held: We could look at - I'm sure we could probably look at, you know, an extended period of time.

Mr. Snyder: It's a very volatile thing.

Mr. Grimes: Yeah, it was so volatile that it - that's why we even do it in three month groups or something. But we try to get that one year.

Mr. Cerreta: Yeah. Well that's why I asked. If it's low and it's volatile.

Mrs. Kiesling: Inaudible... lock in.

Mr. Cerreta: Lock in, yeah. Alright.

Mr. Snyder: Mr. Mayor.

Mayor Held: Yes, just a few announcements. Councilman Kiesling, we welcome you back.

Mrs. Kiesling: Oh, thank you.

Mayor Held: Glad to see you. And also Councilman Werren, congratulations on your promotion.

Mrs. Werren: Thank you.

Mayor Held: Assistant Director at the Stark Leadership.

Mrs. Werren: Yes.

Mayor Held: Stark County Leadership. Very nice. Saw that in the paper.

Mrs. Werren: Easier title.

Mayor Held: What's that?

Mrs. Werren: Just an easier title.

Mayor Held: Yes. Well that's nice too. Doing a lot of nice work down there.

Mrs. Werren: Thank you.

Mayor Held: And we also, you know in reference to the critters, that's one of the thoughts that we can contact the state for their suggestions as far as how to manage the critters that are in the City of North Canton. You know in the past, as the Council President mentioned, we did appropriate money and we no longer appropriate money for the trapping. But I'm sure that we can explore, you know, ways to manage the critters because it does become a problem in, you know, certain areas of the City. And so we will definitely check into that to see what kind of suggestions they might be able to offer to us so that we have a comprehensive approach because as our Council President mentioned the last time, we were appropriating money it just – it kind of took its own course. And it was very expensive and it's not what I would say, I wouldn't consider it to be like a comprehensive approach. It was really, you know, targeted homes that, you know, would use the service. It just became expensive and I'm not sure if we really addressed the problem in the way we needed to. The - also, the Council approved the mixed use overlay for the urban farming, and I appreciate you folks doing that. You know, really what we've done over at the Hoover District has really been nothing short of incredible. When you look at a vacant industrial building like the Hoover facility; and now we have over a thousand jobs in there since 2008. That project is really moving along very well.



## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Monday, September 16 7:00 p.m. 20 13

and we are still presently working with some other organizations to get them to relocate to the Hoover facility too. So hopefully we have continued success in that area. And lastly, we did have a situation today, some of you may have heard, where we had one of the contractors that was doing some storm sewer catch basin work, one of the employees that was managing the traffic was hit by one of the vehicles, but as I understand he was up and walking around, which is a good thing. But, you know, just as a reminder, we do not take safety lightly here in the city because our city workers, we have 93 full-time employees and then a number of part-time employees and when you look at the work that they're doing for storm sewer catch basin replacement, sanitary sewers, storm sewers, I mean it's – it can be a very dangerous work site. And so we take it very seriously. I know the Administrator has top priority for safety for not only the employees, but to the extent that we can offer it to the contractors. We want to do that also. And so keep that employee in your thoughts and in your prayers that he recovers quickly. But you know, again, that's a number one priority here, safety to our employees and safety to our residents. And that's all I have.

Mr. Snyder: Thank you. Mr. Engineer

Mr. Benekos: No report this evening, sir.

Mr. Snyder: Thank you. Anything else to come before this body? If not, I'll entertain a motion to adjourn.

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

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

No: 0

The council meeting adjourned at 8:02 p.m.



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PRESIDENT OF COUNCIL

ATTEST:



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CLERK OF COUNCIL