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CITY OF NORTH CANTON COUNCIL OFFICE

NOTICE OF MEETINGS

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

Mr. Jon Snyder, Chairman of the Finance & Property Committee of North Canton City Council, has requested a meeting of said Committee Members, Council, Mayor, Director of Administration, Director of Finance, Director of Law and City Engineer **Monday, September 16, 2013 at 6:50 p.m.** in the Council Chambers at North Canton City Hall.

The purpose of the meeting will be to discuss a grant from the Ohio Emergency Management Agency for the purposes of acquiring and demolishing approximately 10 residential structures in the Zimber Ditch floodplain, located within the city limits. The meeting will be open to the public.

Council Meeting Agenda Monday, September 16, 2013 - 7:00 p.m.

1. Call to Order: 7:00 p.m.
2. Opening Prayer:
3. Pledge of Allegiance
4. Roll Call
5. Consideration

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

6. Committee Minutes
7. Recognition of Visitors

OLD BUSINESS:

8. **Ordinance No. 49-13 – 3rd 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.

9. **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.

NEW BUSINESS:

10. **Ordinance 60-13 – 1st 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.
11. **Ordinance No. 61-13 – 1st 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.
12. **Ordinance No. 62-13 – 1st 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.

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	Director of Finance	Director of Administration
Mayor	City Engineer	

FINAL CALL FOR NEW BUSINESS:

ADJOURN:

Gail M. Kalpac
Clerk of Council

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 16148

Held Monday, August 26 7:00 p.m. 20 13

Call to Order:

1. The council meeting was called to order Monday, August 26, 2013 at 7:05 p.m. by President of Council Jon Snyder.

Opening Prayer:

2. The opening prayer was delivered by Deacon Ron Reolfi, of St. Paul's Catholic Church.

Pledge of Allegiance:

3. All present recited the Pledge of Allegiance.

Roll Call:

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

The following members of council responded to roll call: Cerreta, Foltz, Griffith, Kiesling, Snyder, and Werren. Council Member Peters was not present for the meeting.

Mr. Snyder: I'll entertain a motion to excuse Member Peters.

Mr. Foltz moved and Mrs. Kiesling seconded to excuse the absence of Council Member Peters. All members present voting:

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

No: 0

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

Mr. Snyder: Thank you. Six members present. Prior to starting this meeting, we have a nice thing to do, another - Mayor Heid has a little thing that he'd like to do.

Mayor Held: Yes, thank you, Mr. President. Normally, whenever we hire somebody full time in the City in our Police/Fire/EMS Department or for that matter any position, I like to introduce them to council members. And on the safety side, we always swear in the new police officer or firefighter or paramedic. And in this case, we're not going to do the swearing in because we went ahead and we did it last week because we were so pressed to get this young man started. So we ask Jason to standing up here. Jason has been working with the City of North Canton as a part-time police officer since March. His wife Stephanie is not here tonight and his two boys are three and seven. They were here last week and they were running around here in this Council Chambers when we swore Jason in. Jason grew up in Olmsted Falls which is the neighboring community of where I grew up in North Olmsted. And you can tell that he was on the wrestling team. He's a big fellow. And - but he's also quite a gentleman. We knew it from the first time we interviewed Jason that with his experience, he worked with the Brunswick Police Department for a period of time. He worked eight years with the Stark County Sheriff's Department, and now he's going to be working here full time. And the one thing that I can say about Jason is that I don't think that there has been a city employee that has been as excited or grateful at the news when we told him that we were hiring him full time. And so that makes everything so much better certainly for myself and Mike Grimes. And Chief...

Chief Wilder: Thank you Mayor, Mr. President, ladies, and gentlemen. Again, we were very happy and proud to have Jason join the department. I think he adds a new dimension. Or again, he adds to the five new officers we've hired so the face of our department is changing, and we have a younger generation of officers taking to the streets and servicing our citizens of North Canton. And he brings a lot of experience to the department. We're very excited that he's going to be here. He's on afternoon shift, so you'll see him out there. That's probably one of our busiest shifts, so he's going to get a lot of work during that time. And we're just very happy that he joined our family, and there's a face with the name Jason Babal, Patrolman, for the City of North Canton. Thank you.

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

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

Held Monday, August 26 7:00 p.m. 20 13

(Applause)

Chief Wilder: Thank you for your time.

Mayor Held: Thank you, Chief. Even though he looks intimidating, he really is a nice fellow. Thank you, Jason.

(Laughter)

Consideration:

5. 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

Mr. Snyder: Thank you. Thank you, Mayor. May I have a motion and second to approve as presented the public hearing minutes of June 24, 2013, the council meeting minutes of June 24, 2013, council meeting minutes of July 8, 2013, special council meeting minutes of July 15, 2013, and the mayor's court receipts as presented, of June and July of 2013.

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

Yes: Griffith, Kiesling, Snyder, Werren, Foltz

Abstained: Cerreta

No: 0

Committee Minutes:

6. Mr. Snyder: May we have a motion and second to approve as presented the Executive Session Meeting Minutes for Personnel and Safety held July 8, 2013; Finance and Property held August 19, 2013; Special Committee Report Meeting Minutes for Ordinance, Rules and Claims; and Personnel and Safety both held 7/15/2013; Committee Report Minutes for Community and Economic Development; Finance and Property; Ordinance, Rules & Claims; and Street and Alley all held August 19, 2013.

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

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

No: 0

Executive session meeting minutes for Personnel & Safety: Please refer to the minutes on file for the executive session meeting on Personnel & Safety held July 8, 2013.

Executive Session for Finance & Property: Please refer to the minutes on file for the executive session meeting on Finance & Property held August 19, 2013.

Special Ordinance, Rules & Claims Committee: Please refer to the minutes on file in the Council Office for the special Ordinance, Rules & Claims Committee meeting held July 15, 2013.

Special Personnel & Safety Committee: Please refer to the minutes on file for the special Personnel & Safety Committee meeting held July 15, 2013.

Community & Economic Development: Please refer to the minutes on file in the Council Office for the Community & Economic Development Committee meeting held August 19, 2013.

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 26 7:00 p.m. 20 13

Finance & Property: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held August 19, 2013.

Ordinance, Rules & Claims: Please refer to the minutes on file in the Council Office for the Ordinance, Rules & Claims Committee meeting held August 19, 2013.

Street & Alley: Please refer to the minutes on file in the Council Office for the Street & Alley Committee meeting held August 19, 2013.

Recognition of Visitors:

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

Rod Covey: Good evening – good evening. I love this new positioning. I haven't been here for a while, and it used to be I always had an urgency to turn around because something I wanted to say to two or three people here and I didn't dare do it or I'd lose your attention and I'd probably asked to leave, but thank you, I appreciate that. I've had the pleasure of standing at this podium for 140 times over the past 10 years representing the 32 million dollar Auburn Knolls Condominium Association, presenting ideas for job creation, veteran's affairs and the war memorial. I've held 60 private meetings with council persons plus planning, zoning, legal, financial, economic development and other city officials, Ward 3 citizen's meetings and a dozen other county meetings regarding these above issues. The Auburn Knolls issue is behind, but not really, issues remain. The war memorial stands across the street, but sadly serious issues remain. Helping veterans is ongoing. One of my passions, and that developed because during World War II four of her children served as did their mother. Helping veterans, as I say, is ongoing and so were my efforts to promote and pass levies for the 2010 North Canton school levy and the library. Mainly the library, but there's so many people who are connected with both, that both were helped by the special effort we put in to get the library issue passed. And then of course, the third item, the last item there was drawing visitors to North Canton to hug a very special tree. Even these two, the two items above, the library and schools' thing, have a story to tell. It's interesting how these things kind of, how they're all done and wrapped up, but suddenly they aren't quite done. But that's another story. My biggest success, if I may say so, was gaining national, international attention to the world's largest cucumber tree. Why a tree? Who cares about a tree? Well this tree, as you know, is the world's largest now, and it's only two miles south of here, and just next to the intersection of Everhard and Main. Thirteen years ago something happened and I was in a position to save that tree, it was going to be cut down illegally and irresponsibly. Then I opened the gates, literally, to the public. In five years, 1,650 persons have visited the tree. They've hugged it. They've heard its story, and they've spent \$100,000 in North Canton while they're here to visit people here that they're staying with. Meanwhile TV, magazine, newspaper and internet publicity has told the story of the tree and of North Canton to 3.5 million people worldwide. Of the six projects on which I've worked, all pro bono, only the cucumber tree and helping veterans write their stories (another one of my passions) 1500 Veterans are dying every day in this country. Ninety-nine percent of them are going to die and their stories are gathering dust in the basements and the attics. We've developed four stories, they're done, very successful. They've caught the attention of some people in Washington, and if this is an ongoing program to get people to get that story told for their granddad or their father, or uncle or whoever. But only the cucumber tree and helping veterans, as I said write their stories, then finding a job for the veterans. Finding, helping them find a job as I did at the Memorial Day ceremony and getting benefits due them, due them. Yeah, those projects get an A for success. Others, some as I mentioned get a C, D, or F. What happened with them? What happened to these projects that we're so, we thought successful, but something happened? Other forces interfered - mixed priorities, maybe a little envy, but lots of foot-dragging and the perfect adjective that only fifth grade spelling champs can handle "obfuscation"; a fun word. Look it up, please and use it on your kids or your grandkids, "obfuscation". I love North Canton, always will, and I plan to continue to help make it a great place in which to live and work and love. Thank you.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 26 7:00 p.m. 20 13

Mr. Snyder: Thank you, Mr. Covey. We appreciate your kind words. Anyone else wishing to speak to the Council this evening? Alright, seeing none, we'll move to Old Business. First, may I have a motion and second to read by title only the second reading of Ordinance No. 49-13?

Old Business:

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

Ordinance No. 49-13 – 2nd 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.

Mr. Snyder: Okay. Chairman Kiesling.

Mrs. Kiesling: Yes, this is the second reading of the zone change for the mixed use overlay district to allow for urban farming. We're very excited about it. Any questions? I motion we adopt.

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

New Business:

9. Mr. Snyder: May I have a motion and a second to amend Ordinance No. 57-13 to increase the amount from \$45,000 to \$60,000.

Mr. Griffith moved and Mr. Foltz seconded to **amend Ordinance No. 57-13 to increase the amount from \$45,000 to \$60,000**. All members present voting:
Yes: Cerreta, Foltz, Griffith, Kiesling, Snyder, Werren
No: 0

Mr. Snyder: Now, may I have a motion and second to read by title only, the first reading, as amended, of Ordinance No. 57-13?

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, the first reading, as amended**, of Ordinance No. 57-13. All members present voting:
Yes: Foltz, Griffith, Kiesling, Snyder, Werren, Cerreta
No: 0

Ordinance No. 57-13 – 1st 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 \$60,000 for the current expenses during the fiscal year ending December 31, 2013.

Mr. Snyder: Members of Council, last week we discussed this project, we'll finally call the West Maple Street Project. The request from Administration at this time was for \$45,000 to be transferred from capital to professional services. Consequent to that public meeting, Member Foltz had some ideas which he shared with you last week in the meeting and with his constituents, that he feels strongly that we should explore the fact of possibly the vacation of Ream. It's the estimate of the Engineer that could cost upwards to \$15,000. So we're going to continue movement for that drawings of West Maple and include talking to the stakeholders that are along Ream and developing possibly pedestrian friendly areas and seeing how much, possibly, may be vacated or what we're going to do with that. So we're going to move the project ahead incorporating that into the project. And then we expect Administration,

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through the Engineer, sometime next year as they apply for the grant, which we hope to do the project under - possibly between 80 and 100% under grant money to bring that back to us. But I do appreciate Mr. Foltz's input. He went to his constituents that live in that particular area and they would like to see that possibly. It does help the library and possibly help the new Y child care and move the traffic. So, that's what we're doing. That's the reason for the increase. And I appreciate your patience in allowing us to amend that from \$45,000 to \$60,000. And on the - we did check with the Director of Finance, and she assures us that that money is in capital, so we are able to move forward. So that's the explanation.

Mr. Griffith: Jon, it's important to know that particularly for the public's purposes, we're not moving forward to do any of the closing.
Mr. Snyder: No.

Mr. Griffith: It's truly just to talk about it to decide whether or not it makes sense.
Mr. Snyder: Right.

Mr. Griffith: So, to reach out to the stakeholders and to see who thinks it's a good idea and who thinks it's a bad idea and to go from there. But that's important to clarify.

Mr. Snyder: Actually, if it does move to vacation, we're going to do a few public hearings...

Mr. Griffith: Right. There's a lot of work there.

Mr. Foltz: Thank you for your words, President Snyder and Member Griffith. Yeah, I envisioned public meetings with whoever we decide to give the contract to as far as the architect or - so that we can review it and bring all the stakeholders to the table. We've got banks involved, insurance company, the Y, obviously our Police Department, if they're able to get out, you know, in a quick manner. And I just think it could be really a nice project that ties the City together as far as other parking for downtown as well as alleviating a lot of the traffic congestion with West Maple. So, appreciate Council's support in moving this forward and to look at some ideas and bring some things to the table that the community can invest in and look at.

Mr. Snyder: Anyone else have a comment? If not, I'll entertain a motion to adopt the first reading of Ordinance No. 57-13.

Mr. Griffith moved and Mrs. Kiesling seconded to **adopt the first reading, as amended**, of Ordinance No. 57-13. All members present voting:
Yes: Griffith, Kiesling, Snyder, Werren, Cerreta, Foltz
No: 0

Mr. Snyder: May I have a motion and a second to suspend the rules of council for Ordinance No. 57-13?

Mrs. Kiesling moved and Mrs. Werren seconded to **suspend the rules** for Ordinance No. 57-13. All members present voting:
Yes: Kiesling, Snyder, Werren, Cerreta, Foltz, Griffith
No: 0

Mr. Snyder: I rise to a privileged question to the Law Director. Do I have to articulate that that will be upon the signature of the Mayor that will go into effect?

Mr. Fox: I don't believe that you do.

Mr. Snyder: Okay. Thank you. Okay, thank you for that. May I have a motion and a second to read by title only, first reading of Ordinance No. 58-13?

Mrs. Kiesling: Are you going to pass that on emergency?

Mr. Fox: Yes, we need to pass that one first...

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Mr. Snyder: Yes. Oh, excuse me. We have to pass that. That's just part of the...inaudible... Excuse me. May we have a motion and second to adopt under the suspension of the rules, Ordinance 57-13?

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt under the suspension of the rules**, for Ordinance No. 57-13. All members present voting:
Yes: Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling
No: 0

Mr. Fox: 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 \$60,000 for the current expenses during the fiscal year ending December 31, 2013.

10. Mr. Snyder: Okay. Thank you. We got that adopted in the minutes, so we'll move right along. Now we'll have the first reading of Ordinance No.... First of all, may I have a motion and second for the first reading of Ordinance No. 58-13?

Mrs. Kiesling moved and Mr. Foltz seconded for the first reading of Ordinance No. 58-13. All members present voting:
Yes: Werren, Cerreta, Foltz, Griffith, Kiesling, Snyder
No: 0

Ordinance No. 58-13 – 1st 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 first reading to accept the annexation. It was unanimously approved by the Stark County Commissioners and we're going to go forward with it. And then we'll zone it. It will take forever. So this is the first reading. I motion we adopt.

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

11. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 59-13?

Mrs. Kiesling moved and Mrs. Werren seconded to **read by title only, first reading** of Ordinance No. 59-13. All members present voting:
Yes: Foltz, Griffith, Kiesling, Snyder, Werren, Cerreta
No: 0

Ordinance No. 59-13 – 1st Reading – Ordinance, Rules & Claims

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

Mr. Snyder: Chairman Werren.

Mrs. Werren: We talked about this last week, and this is just really housekeeping. It's just updating what the policemen get each year, and it's all done electronically. Right, Gail? It's a little more expensive, but they need it immediately so that we can get – pass it on an emergency basis.

Mr. Fox: We've - indeed we've seen it in Mayor's Court, circumstance if actually on a ticket, if they don't site specifically the ordinance and tie those together with the explanation, we've seen those cases dismissed.

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DAYTON LEGAL BLANK, INC., FORM NO. 10146

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Mrs. Werren: Oh, really?
 Mr. Snyder: Oh yeah.
 Mrs. Werren: Lawyers.

Mr. Fox: We need to put on notice exactly what ordinance that you're violating. And if they do it incorrectly, it can cause the case to be dismissed. If you don't put them on notice.

Mrs. Werren: Is it correct that they can pull this up in their cars?

Mr. Snyder: On their computers.
 Mrs. Werren: On their computers; amazing. So I move that we move forward on this legislation.

Mrs. Werren moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 59-13. All members present voting:
 Yes: Griffith, Kiesling, Snyder, Werren, Cerreta, Foltz
 No: 0

Mr. Snyder: May I have a motion to suspend the rules of council for Ordinance No. 59-13?

Mrs. Kiesling moved and Mrs. Werren seconded to **suspend the rules** for Ordinance No. 59-13. All member present voting:
 Yes: Kiesling, Snyder, Werren, Cerreta, Foltz, Griffith
 No: 0

Mr. Snyder: As pointed out by the Law Department, an emergency exists for the welfare and safety of the residents, that the police officers have codified ordinances at hand. So consequently an emergency does exist for the welfare and the safety of the people of the City of North Canton. So may we adopt under suspension of the rules Ordinance No. 59-13?

Mrs. Kiesling moved and Mrs. Werren seconded to **adopt under suspension of the rules** Ordinance No. 59-13. All members present voting:
 Yes: Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling
 No: 0

Reports – Council:

Mr. Snyder: Okay. Comments. Member Foltz.

Mr. Foltz: No. Thanks for the study. We had a Rec Board meeting last week, things are progressing well. You've seen all the improvements. I think we talked about it here in Council. I don't know if we - do we know how the weekend did at the pool?

Mr. Grimes: I do not.

Mr. Foltz: Okay. I was out of town so I didn't have a chance to stop. But, we'll get caught up on that for next week. As we know, we have one more weekend that we're going to have it open.

Mr. Snyder: It should be warm. It's supposed to be...

Mr. Foltz: Yep. In fact, it's been warmer in the last two weekends than it was most of August and the last part of July. So that's good on that side.

Mr. Snyder: Member Werren.

Mrs. Werren: No comments. It seems that in my neighborhood and I've had a few comments, but the trash seems to be going well. And it's actually been kind of a case study we're watching them as they come through and they scan the bar code and lift and it how comes, and it's really of fascinating.

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mrs. Kiesling: My kids love them.

Mrs. Werren: The kids, yeah. It's a neat process. And it seems that people are taking them in. The City was really good about those that didn't want them. They picked them up and we seem to be moving forward. So.

Mr. Griffith: I have a quick question for the Engineer relative to our - the coordination of lights for the project. I had a few questions on that the last couple of weeks. I know we originally set a deadline for May, and then we were hoping to get it done by August. I was curious about that. I thought I'd ...inaudible...

Mr. Benekos: Sure. The contractor did not start until July. They have - they are in the process of wiring everything, replacing all the hardware and so forth. I haven't looked at their updated schedule. I'm assuming at this point knowing where they're at in the project, we're looking at probably the end of September, mid-October to be completed with that. And the question came up as far as the street signs that we have further north, Applegrove, they will be on all mast arm poles throughout the City on Main Street. So those nice white signs with the black lettering will be up.

Mr. Snyder: Those are visitor-friendly. Those are nice. Yeah.
Mr. Benekos: Yes.

Mr. Foltz: I have a follow up, Jim. Now refresh my memory, there will be a timer on Main Street?

Mr. Benekos: It'll be...

Mr. Foltz: It will count down?

Mr. Benekos: For the crosswalk, right

Mr. Foltz: For the crosswalks, right. Pedestrian crossing the street.

Mr. Benekos: It will be for all of the areas have crosswalks on Main Street, that time - that countdown will be there.

Mr. Foltz: Okay.

Mr. Benekos: It will be set up that if Council or the Administration desires to have all red at the square, you could do that, but we're not setting it up like that initially. We will put, you know, that will be decided.

Mr. Foltz: But it will be a count-down from like ten seconds or fifteen ...

Mr. Benekos: Right.

Mr. Foltz: Whatever the numeric figure is down so the people will know how much time they have to cross the street.

Mr. Benekos: That's correct.

Mrs. Werren: Jim, are the side lanes effected? I had someone - someone did call me and say they counted from, oh I think where the Hoover plant is all the way down to Easthill, eight lights that were out? Does that - should that be?

Mr. Benekos: Street lights or traffic signals?

Mrs. Werren: Street lights.

Mr. Benekos: That's not a part of the project.

Mrs. Werren: Okay, that's what I wondered. So, they're just - they're just out.

Mr. Benekos: Yeah, they're...

Mrs. Werren: Okay.

Mr. Benekos: There'll be ongoing maintenance that we can pawn off on some other Department

Mrs. Werren: Right.

(Laughter)

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Mrs. Werren: I just wanted to see if it was connected.

Mr. Benekos: Sure.

Mr. Snyder: Transfer that to Eric Bowles. He's not ...inaudible... anyway.

Mr. Griffith: That was the only thing I had, Jon. Thank you.

Mr. Snyder: Member Cerreta.

Mr. Cerreta: Just a comment on the trash again. I talked to the ladies out in front here. They're still getting a few calls to pick them up. But in talking to just constituents around, and some of them are saying hey that's pretty cool, they're not so bad as they thought. And I think we need to make it aware that people who turn theirs in that they can request to get them back without charging them. I think they're - then afraid to get them back because there's been a few people that I've heard that said, you know, my friends said they really like it, I didn't even try it, maybe I should have tried it. So, we probably should make sure that people are aware, maybe on the website, that you can get those back. I don't think we're charging them to get them back.

Mr. Snyder: No.

Mr. Cerreta: And so if they want to get them, they don't feel like they're embarrassed to get them back again. So...

Mr. Snyder: Overwhelming motivating factor, you know, not only their convenience, but right now the thing is \$12.41 you know. And they're picking the trash up in about four hours less than they normally did. So the next bid will probably be a little bit higher, but it will be sky high without those. So that's what, that's the difference. So yeah, they were up the street about 1:00, weren't they? Normally they were out about 5:30 before with 2 to 3 people. Yeah, one person on a truck.

Mrs. Kiesling: I've seen the truck with two, but that may be the first time...

Mr. Snyder: Well, yeah because they had a lot to pick up.

Mrs. Kiesling: Yeah.

Mr. Snyder: The other thing is people don't put their barrel with the hook facing the street. They turn - I see how the truck can turn it around and that takes a lot of time. Once they get used to the fact that the hook goes towards the street...

Mrs. Kiesling: Right.

Mr. Snyder: because he comes with the arm and it catches it. Otherwise, he has to climb out of the truck. And it will take time. This is the third week, isn't it?

Mr. Cerreta: And, it looks real clean too.

Mr. Snyder: Yeah, it's working well.

Mr. Cerreta: That's all.

Mr. Snyder: Thank you.

Mrs. Kiesling: No report.

Mr. Snyder: I have two things. Number one, I'd like to publically thank Administrator Grimes and Operation Manager Rhodes for the new flags that we have here in Council Chambers. The other ones were almost as old as I was. Not quite, but...

Mr. Grimes: They have 50 stars.

(Laughter)

Mr. Snyder: Inaudible... They were approaching it. But, we do appreciate that, and they're very nice new stands and so forth and we thank you for that. The other thing is,

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 26 7:00 p.m. 20 13

next Monday is a holiday, the building will be closed. And as it is the Rules of Council when the building is closed, we don't hold a meeting, so we'll move that as we've already voted to Tuesday night at 7:00.

Mrs. Kiesling: Can I ask a question?

Mr. Snyder: Sure.

Mrs. Kiesling: There's actually five Mondays in September.

Mr. Snyder: Right.

Mrs. Kiesling: So we could either have a meeting on Tuesday or not have a meeting Tuesday and go all the rest of the...

Mr. Snyder: That's entirely at the request of the Council.

Mrs. Kiesling: I'm just curious as to what you all want to do.

Mr. Snyder: If that is the case, we'll have to...

Mrs. Kiesling: Because there are four more Mondays in September. I will not be here next Tuesday if we have it Tuesday, so...

Unidentified: Well we shouldn't have it.

(Laughter)

Mrs. Kalpac: I think Jeff has a problem with Tuesdays also.

Mrs. Kiesling: I know it's committee night and I don't think it will be anything on my Committee, but...

Mrs. Werren: That's fine with me.

Mr. Griffith: Yeah, I would rather meet consistently through September and October.

Mr. Snyder: So, you'll meet four Mondays starting...

Mr. Foltz: So the committee meeting will be September 10th? Is that what we're saying?

Mrs. Kalpac: September the 9th ...

Mr. Foltz: Oh, 9 is it? The 9th.

Mr. Snyder: I don't have a calendar, let me see. September 9th 16th, 23rd, 30th.

Mrs. Werren: I thought it was a pretty light agenda next week too.

Mr. Foltz: Does Administration have anything pressing for committee?

Mr. Grimes: No, sir.

Mayor Held: I'd like to, no, I'm just kidding. No, we're fine. Either way, it's good now. I think it's good idea...

Mrs. Kiesling: Is that ok, Gail? Is there anything on...

Mr. Snyder: I need a motion to do that. I need a motion.

Mayor Held: You're going to be off on a Monday one way or another because it's five Mondays.

Mr. Foltz: I'll make a motion to move the committee meeting from September 2nd to September 9th, 2013.

Mr. Foltz moved and Mrs. Kiesling seconded to move the committee meeting from September 2nd to September 9th, 2013. All members present voting:

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

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, August 26 7:00 p.m. 20 13

Reports:

Mr. Snyder: So, members of the press, members of the audience, we will not meet next Monday or Tuesday. We will have our next meeting on the 9th of September which will be a committee meeting and we appreciate your indulgence in that. That's all I have. Director of Law.

Mr. Fox: Continued success in Mayor's Court with tax collections. We had six cases last week. We're six for six with those.

Mr. Osborne (speaking from the audience): Can't hear you.

Mr. Fox: And - please don't shout from the audience. I ask to find Mr. Osborne out of order. That would, I believe, total approximately 24 years of income taxes coming in for those folks. So I'm working with Miss Bruce and Director Alger, again continuing success with that and more cases out there. But as a result of those, they're being passed on to friends and neighbors and many of those are coming in voluntarily to go ahead and resolve this.

Mr. Snyder: Good.

Mrs. Alger: I know that we have a great relationship between the four different departments, Law Director, Tax Administrator, she's fantastic, administration, and of course the police issues the warrants. We've also increased our collections on delinquency for utilities. We used to have 450 delinquent accounts and we've come down to about 250. So collections on that is going up as well, I guess.

Mr. Snyder: You know I have one question. Member Werren had asked me this, and I apologized to her and to her constituent, I forgot to ask. Presently, if your liability is \$100 or less, you have to file a quarterly return. Is that correct, under a business?

Mrs. Alger: Yes.

Mr. Snyder: We have very few that file that don't have at least say 250 or \$300 worth of liability. Is would it create a burden to raise that ceiling from 100 to say \$200 and cause the other one to file on a semiannual basis under \$200?

Mrs. Alger: I mean it would just have to go through ordinance.

Mr. Snyder: Right. I'm not ...inaudible... the income tax ordinance and the reason to give a little leave to two or three people. In this particular case, this lady has a very small business unable to prepare the return herself, she's not knowledgeable, has to use an outside firm which the cost is greater than her tax liability. So if we raised it to \$200 or \$250, would that, is that still not catch your...why do that, why don't you check with her?

Mrs. Werren: I will.

Mr. Snyder: And then a...

Mrs. Werren: She called, I can't remember the name off-hand right now, but she had called and okay...

Mrs. Alger: I wouldn't want her name right on ...

Mr. Snyder: Yeah.

Mrs. Alger: But just stop by or...

Mrs. Werren: Okay. You probably talked to her. But when I was thinking about it, it made sense. And just what that little bit of money, and then how she had file quarterly. Does that save you time and effort?

Mrs. Alger: Yeah. No, that's something that we would look at. That's ...

Mr. Griffith: How many quarterly filers do you have, Karen? A lot?

Mrs. Alger: Yeah.

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Mrs. Werren: Really?

Mr. Snyder: Well, every business in the City is required; if you have \$100 in liability to file quarterly.

Mr. Griffith: Right. I was thinking individuals though, obsolete small business people would qualify as quarterly. Right, right.

Mr. Snyder: Well, especially if they're, if they don't have a payroll withholding...
Mr. Griffith: Right.

Mr. Snyder: If they live in the community and they don't payroll withholding, they're required to pay quarterly.

Mrs. Alger: And a lot are paid through Gateway and through the internet, so that helps.

Mr. Snyder: I know the girls like that credit card payment.
Mrs. Alger: Yes.

Mr. Snyder: It a - since we've installed that credit card about a year ago, it's brought their work load well in line.
Mrs. Alger: Okay.

Mr. Snyder: But if you check with them and then we can put it on the agenda to amend that income tax thing. So, if you'd do that within the next couple weeks ...
Mrs. Alger: Okay.

Mr. Snyder: We'll pass it on. Okay. Appreciate that. Thank you Director. Director Grimes.

Mr. Grimes: So on garbage if you get any complaints, you know, send them to us. We still know there's some that we haven't been around to pick up on. We're three or four weeks behind on the some of the smaller garbage cans. We have to wait for new ones to be delivered. But we just had a meeting with the Kimble representative this morning and her utility people, and we're going to get around a couple of days a week to - they're going to be up in this area to take care of any issues or problems that we have. So, it's going well. But those folks - we've missed a couple getting their stuff. So if they call you again just let us know so that we know they're on our list to pick them up. Some of them have them in the front and they want them out of their yard and I don't blame them. So we'll get that picked up. The other thing is the front doors of the City Hall, we're beefing up security just a little bit here. The front doors are locked. You have to come in the back way. We're updating our camera system here. So there'll be a few little changes like that. You probably won't notice them too much, but just to help a little bit with security on the building. The other thing is salt. I know it's 80 degrees out, but the nice thing was in 2011 and 2012, our salt bill was like \$51.32 a ton. Last year we did really well at \$37.13, and this year it's going to be \$27.50 a ton. So it went down significantly. The other thing is by that time, we'll have our salt spreading and measuring system on our trucks. We think we can spread less salt and still do the job. But we'll be able to measure that and see it. And also, by the time winter comes, we'll have our GPS on all the trucks so we know where they're at, what they're doing and you know we can cover, do the coverage better. So we've got a good salt crew anyhow, but we think this will just help us fine-tune that a little better. So - and of course we have the salt shed out there that we're able to store the salt in when we get a good deal. And then, you know, but we think that, actually we think the spreaders will pay for themselves, we think in one year. So another thing that we're going to do a little differently this year is the leaf bag. We used to have the folks come to the Civic Center, pick up the leaf bags. We now have, you know, changed the Civic Center a little bit. We're working with Mohler Lumber and we'll get an announcement out, but people can go to Mohler Lumber and pick up the bags there. And they have better hours than we had. And they're going to take care of that, the storage and everything else. And at the end of the day, it's going to cost us about \$6500 less to do it that way. So we're going to give that a shot this year to see if that works, so something that we're going to work at. Brian Hill and Mr. Davis worked that out to try to save us some money and some overhead there. So on Marquardt and 7th Street, we're getting some complaints about

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Held Monday, August 26 7:00 p.m. 20 13

that. We are going to put double yellow lines on the corner. We're getting some complaints - Mr. Peters has been spearheading that down around between Briar and East Berry, there's corners there and people are going across the centerline. We've got the speed down because you can only take it at so much, but we're going to put some double yellow there. Marquardt is another big complaint street for the Police Department. We're going to put double yellow there, which is just a continuation from Plain Township, and then mark the roads 25. And obviously Chief Wilder will still patrol and keep a patrol down there. But some signage stuff that, you know, which should help us out a little bit. And if the .gov addresses, they'll be coming out pretty soon. We've got somebody working on that so the, you know, if you happen to order any business cards or you're wondering why you don't have a .gov address yet, that will be forthcoming. So.

Mr. Snyder: Well good.

Mr. Grimes: Okay, sir.

Mr. Snyder: Appreciate that. Thank you. Mr. Mayor.

Mayor Held: Yes. The recycling program, just as an additional note here, when you look at the program that we have, this is really the wave of the future, because as Councilman or Council President Snyder had mentioned, that when you look at those recycling bins and those trash bins, that's where the industry is moving. It's not a question of whether or not each community is going to have those trash bins with the arm that comes out and picks up the trash for recycling, it's just a matter of when you implement it. The good part about the City of North Canton and the City Council making that very progressive and proactive step to approving such a change, is that our rates are very competitive, and they're very low compared to the other communities. And when you look at the investment that has to be made, it was about a million dollars. Each one of those containers are about \$80 a piece. And you'll also see that our grant funding will probably double or triple because we're going to be recycling so much more. We don't have the - we don't have the statistics yet on the first few weeks,

Mr. Grimes: No, ...inaudible...

Mayor Held: but if you do a visual check as you're driving, there - I'm estimating at least 80%, 8 out of 10 households have the green recycling bin at the curbside along with the trash. And whereas when we had the blue bins, they were much smaller, much less volume, and it was usually around 30% I think participation. So that was a very positive step. I know that it was not, it was a decision that Council had to evaluate very closely, but I think that you'll find that in the near future and the long term, the City is going to be much better off in both areas in that. And then one other comment that I wanted to make, when we hired this new full-time police officer, Jason Babal, I did not mention why he was so excited, and it's because the position opened back in May and we didn't fill it until last week. And I think, you know, that really illustrates how serious the Administrator, our Finance Director, our Engineer, our Law Director, how they, every decision that they make, because in most cases it's a collective decision. You know, do we fill a spot in the City when you have a full-timer whether that retires or resigns, do we fill it? And you know back at our highest level, we had 116 full-time employees and I think now we're at 93, and that number's fluctuated between 91, 95. But, what we try to do is find the optimum level of full-time employees that we can have without compromising the service. And so we, you know, it's real clear that we had to fill that full-time police officer position. But, I think the commitment to cost-savings can also be demonstrated with the leaf bags, because you can see that our department heads went to the effort of trying to establish a way of saving \$6500 in a program that is typically funded by grant funds, which is the leaf bags. And so we've seen the level of service to the residents go up because now they can go to Mohler Lumber at any time the store is open and get their leaf bags. So I think it's just like a synergy that we develop here where we're hopefully increasing the service to the residents and every decision and at least reducing the cost. So I appreciate the work that all you folks do. And also the Council for that same commitment because they are not, it's not always easy decisions to make. But I think, you know, we're seeing that it does work. So, thank you.

Mr. Snyder: Mr. Engineer

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, August 26 7:00 p.m. 20 13

Mr. Benekos: Just one item. I want to make Council aware. This past week the Water Department, they noticed a leak in our 16" waterline that primarily feeds Water Tower #2 up by the airport. They - because it was so deep, it was about 10 feet deep, they had to hire a contractor. But, when they were down there and they checked the pipe out, the pipe is not in good condition. The pipe was installed in 1983. It's ductile pipe. It should be in good condition, but for whatever reason it's not. We are going to assess the pipe, look at it some more, dig some test holes. We may be coming back to you with some emergency legislation to replace that line. We may not. We'll see what the future holds. But I just wanted to alert you to that.

Mr. Snyder: Okay.

Mr. Benekos: That's it.

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. Kiesling seconded to adjourn the council meeting. All members present voting:

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

No: 0

Meeting adjourned at 7:51 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL



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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, September 9, 2013 in the Council Chambers at North Canton City Hall.

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

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

Items discussed:

- a. Financial Statement – June, 2013: The financial statement was reviewed and will be placed on the September 16, 2013 council agenda for formal approval.
- b. Financial Statement – July, 2013: The financial statement was reviewed and will be placed on the September 16, 2013 council agenda for formal approval.
- c. Supplemental Appropriation re Stockert Fund: The Committee authorized legislation, 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.

The agenda was amended to include the following:

- d. Amendment to CHAPTER 191 – INCOME TAX; specifically Section 191.13, 191.19, and 191.22: The Committee authorized legislation, 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.

Respectfully submitted,

Jon Snyder, Chairman

Marcia Kiesling, Vice Chairperson

Dan Griffith, Member

9/10/13-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

STREET & ALLEY COMMITTEE MEETING MINUTES

President of Council
Jon Snyder

The Street & Alley Committee of North Canton City Council met as part of the Committee of the Whole Monday, September 9, 2013 in the Council Chambers at North Canton City Hall.

Vice President of Council
Marcia Kiesling

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

Council at Large
Mark Cerreta

Council at Large
Dan Griffith

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

Councilman, Ward 1
Doug Foltz

Councilman, Ward 2
Daniel Peters

Item discussed:

Councilwoman, Ward 3
Stephanie Werren

West Maple Street Resurfacing: The Committee authorized legislation 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.

Respectfully submitted,

Dan Griffith, Chairman

Daniel Peters, Vice Chairman

Doug Foltz, Member

9/10/13-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 ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 60-13

Passed _____, 20____

9/10/13-gmk
(Street & Alley)

Ordinance No. 60-13

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.

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

Section 1. That Section 3. of Ordinance No. 10-13 for the, West Maple Street Resurfacing Project (Sheraton Drive NW to Wise Avenue), be, and the same is hereby amended to read as follows:

330 CAPITAL IMPROVEMENT FUND
330.546.5229 Contract Payments \$135,000

upon receipt of vouchers duly approved by the proper departmental authority.

Section 2. 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 3. That this ordinance is necessary to ensure the timely increase in the allocation for the West Maple Street Resurfacing (Sheraton Drive NW to Wise Avenue) Project. 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

Ordinance No. 61-13 Passed _____, 20____

9/10/13-gmk
(Finance & Property)

Ordinance No. 61-13

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the 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.

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 212 Fund	
GENERAL TRUST FUND	\$1,100

Appropriate To:

212 GENERAL TRUST FUND	
212.309.5201 General Trust/Stockert	\$1,100

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 General Trust/Stockert Fund for the purchase of materials and supplies for the plaque to be displayed at Price Park. 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

Davison Legal Blank, Inc.

Form No. 30943

Ordinance No. 62-13

Passed _____, 20____

9/10/13-tlf
(Finance & Property)

Ordinance No. 62-13

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.

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

Section 1. That CHAPTER 191 – INCOME TAX, specifically Section 191.13 EXEMPTIONS FROM TAX, be, and the same is hereby amended to read as follows:

191.13 EXEMPTIONS FROM TAX.

The provisions of this section shall not be construed as levying a tax upon the following:

- (a) Pay and allowances of members and retirees from the active or reserve components of the U.S. Army, Navy, Air Force, Marines, Coast Guard, or National Guard, who reside in North Canton, or surviving spouses of military retirees, who reside in North Canton, and who receive income through the Survivor Benefit Plan, together with those exemptions available under the Servicemembers Civil Relief Act. 50 U.S.C. App. §§ 501 *et seq.*
- (b) Payments from pensions, unemployment compensation or similar payments, including social security and disability benefits received from private industry or local, state or federal governments, or from charitable, religious or educational organizations.
- (c) Proceeds of insurance paid by reason of death of the insured; annuities, or gratuities not in the nature of compensation for services rendered from whatever source derived.
- (d) The gross income and gross receipts of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax exempt real estate, tax exempt tangible or intangible property, or tax exempt activities.
- (e) Receipts by bona fide charitable, religious and educational organizations and associations, when those receipts are from casual entertainment, amusements, sports events and health and welfare activities conducted by bona fide Stark County charitable, religious and educational organizations and associations.
- (f) Dues, contributions and similar payments received by charitable, religious, educational or literary organizations or labor unions, lodges and similar organizations.
- (g) Alimony received.
- (h) Earnings and income of all individuals under eighteen years of age whether residents or nonresidents. The individual is subject to tax, in the year in which they become eighteen, from their birth-date until the end of the year.
- (i) Gains from involuntary conversion, cancellation or indebtedness, interest on Federal obligations, items of income already taxed by the State of Ohio and income of a decedent's estate during the period of administration (except such income from the operation of a business).
- (j) Compensatory damages for personal injuries or for damages to property by way of insurance or otherwise.
- (k) Compensation paid under Section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official, to the extent that such compensation does not exceed one thousand dollars annually.

RECORD OF ORDINANCES

Ordinance No. 62-13 Passed _____, 20____

- (l) Parsonage allowance, to the extent of the rental allowance or rental value of a house provided as a part of an ordained minister's compensation. The minister must be duly ordained, commissioned, or licensed by a religious body constituting a church or church denomination, and permitted to perform all sacraments of the church or the religious body.
- (m) Intangible income as defined in Section 191.01(n).
- (n) Income, salaries, wages, commissions and other compensation and net profits, the taxation of which is prohibited by the United States Constitution or any act of Congress limited the power of the States or their political subdivisions to impose net income taxes on the income derived from interstate commerce.
- (o) Income, salaries, wages, commissions and other compensation and net profits, the taxation of which is prohibited by the Constitution of the State of Ohio or any act of the Ohio General Assembly limiting the power of the City to impose net income taxes.

Section 2. That CHAPTER 191 -- INCOME TAX, specifically Section 191.18 DECLARATIONS, be, and the same is hereby amended to read as follows:

191.18 DECLARATIONS.

- (a) Every person who anticipates annual taxable income as defined by this ordinance in excess of \$33,333.00, which is not subject to Section 191.16 hereof, or who engages in any business, profession, enterprise or activity subject to the tax imposed by Section 191.04 hereof, and anticipates annual taxable income as defined by this ordinance in excess of \$33,333.00, shall file a declaration setting forth such estimated income or the estimated profit or loss from such business activity, together with the estimated tax due thereon, if any; provided, however, if a person's income is wholly from wages from which the tax will be withheld and remitted to the City, in accordance with Section 191.16 hereof, such person need not file a declaration.
- (b) Such declaration shall be filed on or before April 15th of each year during the life of this ordinance, except that:
 - (1) No penalties or interest shall be assessed, for not filing a declaration or not making payments or making late payments, on any resident taxpayer who was not domiciled in the City on the first day of January in the year in which they became subject to estimated payments.
 - (2) No penalties or interest shall be assessed on estimated payments if the taxpayer has remitted an amount equal to one hundred percent of the previous year's tax liability, provided that the previous year reflected a twelve-month period, or if ninety percent (90%) of the actual liability has been received.
- (c) Those taxpayers reporting on a fiscal year basis shall file a declaration within 105 days after the beginning of each fiscal year or period.
- (d) Such declaration shall be filed upon a form furnished by, or obtainable from the Director of Finance, or on a generic form approved by the Director of Finance.

Section 3. That CHAPTER 191 -- INCOME TAX, specifically Section 191.19 PAYMENT OF ESTIMATED TAX, be, and the same is hereby amended to read as follows:

191.19 PAYMENT OF ESTIMATED TAX.

- (a) As provided by Section 191.18, such declaration of estimated tax to be paid to the City by taxpayers who are individuals shall be accompanied by a payment of at least one-fourth (1/4) of the Declaration amount and at least a similar amount shall be paid on or before July 31st and October 31st of the taxable year, and January 31st of following year.

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 62-13

Passed _____, 20____

(b) As provided by 191.18, such declaration of estimated tax to be paid to the City by corporations and associations shall be accompanied by a payment of at least one-fourth (1/4) of the Declaration amount and at least a similar amount shall be paid on or before June 15, September 15 and December 15. In the case of a fiscal year taxpayer the second, third, and fourth quarterly estimated payments shall be due on the fifteenth day of the sixth, ninth, and twelfth months of the taxable year, respectively.

(c) In case an amended declaration has been filed, the unpaid balance shown due thereon shall be paid in equal installments on or before the remaining payment dates.

Section 3.

That CHAPTER 191 – INCOME TAX, specifically Section 191.22 INTEREST AND PENALTIES, be, and the same is hereby amended to read as follows:

191.22 INTEREST AND PENALTIES.

(a) Interest: All taxes imposed by this chapter and all monies withheld, or required to be withheld, by employers under the provisions of this ordinance and remaining unpaid after they have become due shall bear interest, in addition to the amount of the unpaid tax or withholdings, at the rate of one-half of one percent (1/2%) per month.

(b) Penalties: In addition to interest as provided in paragraph (a) hereof, penalties based on the unpaid tax are hereby imposed as follows:

(1) For failure to pay taxes due, other than taxes withheld: one-half percent (1/2%) per month or fraction of a month. (No limit.)

(2) For failure to remit taxes withheld from employees: three percent (3%) per month or fraction of a month.

(3) In case of taxpayer failing to file returns when due and who is not otherwise exempt from filing requirements: a civil penalty of Fifty Dollars (\$50.00) for the first instance and One Hundred Dollars (\$100.00) for each subsequent instance, for failure-to-file violation. Interest on an unpaid civil penalty shall accrue at the rate of one-half (1/2%) per month. (No limit.)

(c) Exceptions:

(1) No penalty shall be assessed on additional taxes found on audit to be due when a return was timely filed in good faith and the tax paid thereon within the prescribed time.

(2) In the absence of fraud neither penalty nor interest shall be assessed on any additional taxes resulting from a federal audit for federal income tax purposes provided an amended return is filed and the additional tax paid within three (3) months after final determination of the federal tax liability.

(3) A taxpayer or employer shall have thirty (30) days after receipt of notice of any proposed imposition of interest and penalties within which to file a written protest or explanation with the Director of Finance. If no protest or explanation is filed within the prescribed time, the proposed imposition of interest and penalties shall become and be the final assessment. Upon filing of a written protest or explanation, the Director of Finance shall determine the assessment which may or may not be the same as the proposed assessment.

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 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