

MINUTES FROM COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, OCTOBER 13, 2014

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting Monday, October 13, 2014.

2. Opening Prayer – Reverend Sarah Taylor Peck, Community Christian gave the opening prayer.

COUNCIL PRESIDENT PETERS: Reverend Sarah Taylor Peck, Community Christian. Welcome.

3. Pledge of Allegiance

4. Roll Call

COUNCIL PRESIDENT PETERS: Clerk, will you please call the roll?

Roll call found the following council members in attendance: Cerreta, Foltz, Fonte, Griffith, Kiesling, Peters and Werren. Thus having 7 in attendance.

COUNCIL PRESIDENT PETERS: Thank you.

5. Consideration

COUNCIL PRESIDENT PETERS: May I have a motion and a second to approve as presented:

Mayor's Court Receipts – September 2014

Financial Statement – September 2014 Month End Report

Committee of the Whole Meeting Minutes – September 29, 2014

Council Meeting Minutes – September 29, 2014

COUNCILMAN FOLTZ: Motion to approve as presented.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes, 1 abstain to approve the reports listed above. Cerreta abstained.

6. Recognition of Visitors

COUNCIL PRESIDENT PETERS: Thank you very much. At this time if you wish to address council please step forward state your name and address.

JAMIE MCCLEASTER: 710 Pierce Avenue NW.

(Jamie McCleaster read the following into the record)

I'm here this evening as the Spokesman of Concerned Citizens of North Canton Political Action Committee. Tonight, I'd like to talk about comp time for the city's exempt employees. All documents and supporting information that I reference, as well as our recommendations will be provided to you this evening for you to review at your leisure.

In January of this year then Council President Jon Snyder, and the Mayor, without a committee discussion, passed ordinance, or any public mention took it upon themselves to grant comp time to exempt city employees. We have many hard working employees here in North Canton. I'm not here tonight to discuss whether or not they should have comp time, but rather the manner in which this policy, so to speak, was enacted.

Through a public records request from the Ohio Auditor's office, we have received a chain of emails sent between Finance Director Alger, the Auditor's Office, Law Director Fox, Administration and all Council members beginning in late March of this year. Finance Director Alger asks the Auditor's office how the city would authorize the comp time "policies." On March 24, 2014 Lori Hoffman from the Auditor's office replied that, and I quote, "in order for the city to follow the [policies], they would have to be approved by council. If they aren't approved by council at a public meeting, we would not recognize them as being valid ordinances." This response was forwarded by Finance Director Alger to all of council as well as Law Director Fox and the Administration. What's of particular interest is the responses that Mr. Fox gives to the Auditor's office. It's been well documented and reported that Mr. Fox thinks that the Attorney General's opinion in regards to Ohio's Sunshine Laws is "ridiculous," and judging from his response to the Auditor's office, he must feel that their opinion is ridiculous too. In the end, on April 2, 2014, Mr. Fox, after citing a previous legal case he felt that showed he was still in the right, relented and said that the city will treat this as an ordinance.

That was over six months ago. Why has this ordinance not been brought to committee and ultimately passed? Has Mr. Fox convinced Council that he is right and the Auditor's office is being ridiculous, and that no ordinance is needed? Something needs to be done now to protect our city employees. I would hate to see these dedicated, hardworking employees have to repay the city or have their vacation or sick time adjusted for their comp time usage because they were illegally given a benefit by someone who wasn't able to solely grant said benefit.

Unfortunately the inaction described here is becoming a pattern with this council. Earlier this year council failed to act when 4 members elected to continue taking health insurance benefits that they weren't entitled to take, and action only came after public outcry. This summer, all members of council sat idly by as Law Director Fox failed to follow Ohio's Sunshine laws, and suppressed citizens requests for electronically transmitted public records. Are you receiving bad advice from your Law Director on this and other issues affecting our city? Something needs to change. The previous inactions were a public embarrassment to the city, and cost three of you financially when repayment of health benefits was necessary. Now, I'm afraid your inaction may cost our hard working employees financially. We ask that you bring this issue up for discussion and do right by your constituents and employees at your earliest opportunity.

While you are discussing the subject of comp time we ask that you look into not only what the federal and state governments consider to be an exempt employee and how they can and can't be compensated based upon hours worked, but also what our peer cities listed in the annual audit do in regards to comp time. Wadsworth and Fairview Park offer no comp time to their exempt employees, whereas Perrysburg utilizes flex time which is utilized, quote, "very sparingly, per supervisor approval and according to work load." It's worth noting that the cities that we contacted that do offer comp time do so through ordinance, not via resolution or memo from the council president. Even given that the current exempt ordinance for the City of North Canton specifies that the exempt employees of the city "shall work the necessary hours to properly discharge all duties involved in their respective positions," the members of Concerned Citizens of North Canton PAC urge you to honor these hard working employees, and to adopt a policy of flex time, such as what is employed in the city of Perrysburg going forward. We would recommend that if flex time is issued to an employee, that it be used within the pay period earned, or the period that immediately follows. At the end of the day, whatever your decision, don't fail to act on yet another important issue!

COUNCIL PRESIDENT PETERS: Thank you is there anyone else wishing to address council please step forward state your name and address.

MIRIAM BAUCHMAN: 320 Weber Avenue. I also want to say a few things about comp time, but I have to wait till everybody gets their little handout. When you get your handout if you could turn to this page which says comp time usage for exempt employees. Okay, I want to direct your attention to employee "c", employee "c" earns a salary of \$88,400 a year. Like Jamie said the exempt ordinance says shall work the necessary hours to properly discharge all duties for their respective positions. You'll also notice that employee "c" has earned a 115 hours of comp time and that's between February and the first part of September. I think its responsible to say that if someone is earning \$88,000 plus a year that they would be expected to work at times more than an 8 hour day. In private industry I know this happens. Our city is not private money its taxpayer money. And I will tell you I know that many of our taxpayers earn a salary, they work more hours than the money that they earn, they do not have a benefit of comp time or flex time. So if you are going to consider comp time and I know that the employees that plow the streets and work all night they do deserve that. There's no question about that. We hope that you'll think of flex time but if you are going to consider comp time first of all it needs to be put in the exempt ordinance like what the auditor said it needs to be. There needs to be specific guidelines as to there needs to be a maximum you earn per year not carry on books but the actual earning it, how its earned with supervisor approval, how its used. And I would think that the exempt employees who are making salaries like \$88,000 wouldn't be earning comp time right away. That there would be a number of hours that they would have to be working overtime and then comp time would kick in. I'll leave you with this thought this is the City of North Canton we're not Santa Clause, the Easter Bunny and the Tooth Fairy. Thank you.

COUNCIL PRESIDENT PETERS: Mayor, care to comment?

MAYOR HELD: Yeah, if you don't mind if I could address Jamie and also Miriam. Just so that we're clear for the record here you know what we're talking about at least as I understand the point you're bringing up. First off I agree with you I think that the best way that we should operate in the city is accountability. We have to have all the exempt employees the salaried employees held accountable for their time. This whole process started because when you look at the time sheets that are presented now there's no specific times its just 8, 8 hours, 8 does that mean 8 on Saturday, 8 on Sunday, if you have a water main break on a Saturday and a Sunday and they're putting in those hours the problem is that lets use the example of snowplowing we have exempt employees that are plowing snow Saturday and Sunday like straight through over 12 hours a day. If the administrator goes to send them home on Monday to go to sleep because they've already put in time how are they not viewed as not showing up for work on Monday. And then did they put in they worked 8 hours on Saturday and they work 8 hours on Sunday according to our timesheet or should they put 12 or 15? So the challenge is not its not that we don't have the exempt employees putting in theirs hours because I can assure you they're putting in well over 40 hours a week here. The challenge is account for their protection that indeed they are putting in those hours. Because when you look at you know Monday nights when you have Monday night meetings these fellows are here the engineer, the law director, the city administrator, the finance director you know lets say they come here 7:30, 8:00 well not they're not going to be leaving until 9:00 or 9:30 afterwards which is okay that's part of their job, that's what they get paid to do. But at the same time if we have somebody that's working additional hours and lets say Mike is up all night tonight for a water main break or another emergency he has to sleep so if he's sleeping on Monday from 7 to noon what does he put on his timesheet there's no mechanism under the under that timesheet to reflect that's what, that's what my concern is and that was the original concern. But when you start to look at reflecting that in the timesheet there are other considerations that have to be brought up like whether its comp time or whether its flex time. Flex time we're within a pay period. But let say you've got 12 hours a day your

plowing snow you're not going to send them home. You see so these are issues that we have to go through but my point is I agree with the accountability everybody here does, but its how do you properly reflect the hours that they are working. If Mike is the administrator once to know is the water superintendent or the water distribution is he putting in more hours than really is a safe is it a safety issue? Is he up all night and he's working during the day how do we even account for that? How do you account for that? Presently there is no way to account for that. (You're reading our thoughts) Absolutely so your point is well taken. But what I just wanted to clarify this isn't because guys aren't working enough its, its just that we're not the mechanism that properly account for it I agree with you. So we need to improve that for the employees. That's all. Thank you.

COUNCIL PRESIDENT PETERS: Is there anyone else wishing to address council please step forward and state your name, address. Okay seeing none we will move onto old business. May I have a motion and a second to read by title only the second reading of Resolution No. 72 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCIL PRESIDENT PETERS: Second.

Roll call vote of 7 yes to read by title only Resolution No. 72 - 2014.

7. Old Business

8. Resolution No. 72 – 2014 Personnel and Safety Committee

A resolution authorizing the Mayor of the City of North Canton to enter into a Memorandum of Understanding (MOU) by and between the City of North Canton Police Department and the University of Akron Research Foundation to join and be a participating member of the Stark County OVI Task Force, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Okay, yes, I believe this is we're going into our fourth year with the partnership with the University of Akron. There are no changes to this agreement that we have. The difference from the prior agreements and if anybody here has any questions Chief Wilder is here. If not I'll entertain a motion and second to adopt the second reading of Resolution No. 72 – 2014.

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes for the adoption of the second reading.

RESOLUTION NO. 72 – 2014 WAS GIVEN SECOND READING.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the second reading of Ordinance No. 73 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only Ordinance No. 73 - 2014.

9. Ordinance No. 73 – 2014 Street and Alley Committee

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Supplemental Sewer Agreement with the City of Canton for the Allenford Drive Sewer Improvements Projects, at the City of North Canton's total cost of not to exceed \$50,000.00, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Fonte?

COUNCILMAN FONTE: This is the Allenford project it's a 1,000 foot of pipe that needs to be replaced. It's a joint venture with Canton City, Stark County and our portion is 1.89% of the \$2.5 million dollar project and our portion is \$50,000. And I make a motion that we move to adopt this.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes for the adoption of the second reading.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the second reading of...

ENGINEER BENEKOS: Excuse me, could we do that on emergency?

COUNCILWOMAN WERREN: It does say emergency.

COUNCIL PRESIDENT PETERS: Oh yeah it does. Okay, is that the only Jim? (Yes) Okay, okay, may I have a motion and a

second to suspend the rules of council oh I'm sorry a motion and second yeah to suspend the rules of council for Ordinance No. 73 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to suspend the rules of council requiring a committee of the whole report and three readings of Ordinance No. 73 - 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinance No. 73 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

ORDINANCE NO. 73 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the second reading of Ordinance No. 76 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only Ordinance No. 76 - 2014.

10. Ordinance No. 76 – 2014 Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton, to enter into an agreement between the City of North Canton and Stark County Park District (Stark Parks) to participate and provide the City's share in the Hazard Mitigation Grant Program (HMGP), and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Griffith?

COUNCILMAN GRIFFITH: This is the legislation that in which we would appropriate the \$60,000 obligation its our portion of the Zimber Ditch project. We've got a good chance to talk about it does anybody have any questions about it? If not I would move its adoption.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to adopt the second reading of Ordinance No. 76 – 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules of council for Ordinance No. 76 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to suspend the rules of council requiring a committee report and three readings of Ordinance No. 76 - 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinance No. 76 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

ORDINANCE NO. 76 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 77 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only Ordinance No. 77 - 2014.

11. New Business

12. Ordinance No. 77 – 2014

Ordinance, Rules and Claims Committee

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract by and between the City of North Canton and the Stark County Public Defender's Office for the purpose of providing legal counsel to indigent North Canton persons in Canton Municipal Court for a period of one year commencing January 1, 2015 and ending December 31, 2015.

COUNCIL PRESIDENT PETERS: Chairperson Werren?

COUNCILWOMAN WERREN: This is something we do every year it just allows the city to have legal representation for a rate of \$200 per case for indigent persons in North Canton. So I move that we take it to a second reading.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 77 – 2014.

ORDINANCE NO. 77 – 2014 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Resolution No. 78 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only Resolution No. 78 - 2014.

13. Resolution No. 78 – 2014

Finance and Property Committee

A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Griffith?

COUNCILMAN GRIFFITH: As you know we're getting ready to put a few renewal ballots or excuse me renewal levies on the ballot these are simply certifying those amounts and sending them to the county auditor to further that process. I would move its adoption.

COUNCIL PRESIDENT PETERS: Do we have a second?

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the first reading of Resolution No. 78 – 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules of council for Resolution No. 78 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to suspend the rules of council requiring a committee report and three readings for Resolution No. 78 – 2014.

COUNCIL PRESIDENT PETERS: Okay, may I have a motion and a second to adopt under suspension of the rules for Resolution No. 78 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 7 yes to adopt under suspension rules Resolution No. 78 – 2014.

RESOLUTION NO. 78 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

14. Reports – Council:

COUNCIL PRESIDENT PETERS: Thank you. Reports, Member Fonte?

COUNCILMAN FONTE: I don't have really much to report I have a question. I wanted to ask if Mike Grimes to look into the

aggregate for the electric company because the gas company seems to be a great deal. And if anybody's not did everybody get their letter in the mail for the \$4.19? Did everybody sign up for it yet? For the gas, its real easy to do and I was wondering if there's a possibility if we could...

COUNCILMAN FOLTZ: You don't have to sign if you have to opt-out.

COUNCILMAN FONTE: Just opt-out?

COUNCILMAN FOLTZ: Yeah, if you don't want it but I think most people are going to want a better rate.

COUNCILMAN FONTE: Okay.

COUNCILMAN CERRETA: We do it automatically so if you don't want our price you can opt-out.

COUNCILMAN FONTE: It's a great price, but I was wondering can we do that with electric? I've been getting some calls about the electric service. Now they de-regulated rates are real high...

COUNCILWOMAN WERREN: We've had looked into, we've tried.

COUNCILMAN FONTE: Could we look into it again and see if we could do better...

ADMINISTRATION DIRECTOR GRIMES: It would be again because we brought it to another council and...

COUNCILMAN FONTE: How many years ago?

COUNCILWOMAN KIESLING: It's only been a couple of years.

COUNCILMAN FONTE: Can we try it again?

COUNCILWOMAN KIESLING: Not even that long ago.

COUNCILMAN FONTE: Can we try again Mike you did a good job with the gas. Can we try that again?

ADMINISTRATION DIRECTOR GRIMES: Sure.

COUNCILMAN FONTE: Cause I don't really like my electric bill lately.

ADMINISTRATION DIRECTOR GRIMES: Neither do I.

COUNCILMAN FONTE: So I would like to see that happen and then I have one quick question for Tim unless I can... Tim on the Chuck Osborne was asking about the appeal for the planning committee's ruling on the parking lot. Is that something that you know I wasn't sure really what the answer was he asked me about that.

COUNCILWOMAN WERREN: Eric was going to talk about it too wasn't he?

COUNCILMAN FONTE: Okay, we'll wait till Eric it comes around to Eric.

LAW DIRECTOR FOX: Yeah, he's giving you a memo on that.

COUNCILMAN FONTE: Okay.

LAW DIRECTOR FOX: It's right in front of you.

COUNCILMAN FONTE: Okay. Oh very good.

COUNCILMAN FOLTZ: Did we want Eric to address that?

COUNCILWOMAN WERREN: Eric, do you want to talk about that?

ECONOMIC DEVELOPMENT DIRECTOR: The part of the appeal or the conditional use approval? What specifically?

COUNCILMAN FONTE: Yeah.

COUNCILWOMAN WERREN: Conditional use.

ECONOMIC DEVELOPMENT DIRECTOR: Basically there was some question about the conditional use approval by the Planning Commission. They took care of the housekeeping measure last week at the Planning Commission meeting. There is through our code and the Chapter 1177 that can be appealed to City Council by a resident that's been aggrieved. There is no additional there was some confusion today and I spoke to a couple council people Chapter 1177 does not basically in the chapter it refers to similar uses where there would be additional approval following a conditional approval by council. But when the Planning Commission approves something conditionally that's it. There's no other action needed by city council. Mr. Osborne obviously filed for an appeal per the Chapter 1177 a resident aggrieved were allowed to do that.

COUNCILMAN GRIFFITH: So your for my clarification too because I read it if you read it on its own it looks like there's a right to appeal to us. But you're saying that the right to appeal is limited to the award of a similar use as opposed to conditional use.

ECONOMIC DEVELOPMENT DIRECTOR: Correct if you, if you look under 1177.09 and its not as clear probably as it needs to be in the code but 1177.07 that is where its stops for the terms and durations in the conditional use permit, 1177.08 basically gives a developer or someone who's applied for the conditional use permit if they've been turned down they can come back in 12 months. 1177.09 and 1177.10 they're referring to similar uses and it actually says in 1177.10(c) if council approves a similar use. So in there it would seem to be that following a conditional use approval by the Planning Commission there is additional action needed by council but there isn't. That's just for the similar uses.

CHUCK OSBORNE: That is not what you told my attorney.

COUNCIL PRESIDENT PETERS: Mr. Osborne, you are out of order we are not debating this.

COUNCILMAN FONTE: Thank you.

COUNCILWOMAN WERREN: Thank you.

COUNCIL PRESIDENT PETERS: Thank you. Report, Member Werren?

COUNCILWOMAN WERREN: No report.

COUNCIL PRESIDENT PETERS: Member Kiesling?

COUNCILWOMAN KIESLING: No report.

COUNCIL PRESIDENT PETERS: Member Griffith?

COUNCILMAN GRIFFITH: Just a thank you to Karen who left to go to a conference but Mike sat with me again for 2.5 hours this afternoon. At some point not to soon but I appreciate their time and effort for sure. So thank you.

COUNCIL PRESIDENT PETERS: Member Cerreta?

COUNCILMAN CERRETA: A couple things mostly with the front of the Hoover Company over there and the East Maple Street project. I'll tackle the first one which is the Christmas Tree you know because they're going to have to they're digging into the front yard we're going to have to make a decision on the Christmas Tree. I mean its already made it its got to come out somehow. And they offered to take it out the landscapers that they're using will not warranty it though that it will grow back or they will buy us a new one. A new one with a similar kind that is less prone to disease. But we should probably talk about where we want that Christmas Tree on our terms. They will put it just about anywhere on their property more the north side. But we need to probably get together with the community members and I've talked to the chamber, I've talked to some of the people and the mayor and so on. So I'd like to get anybody's input on where we would want that to have our own you know I mean it's a very big deal for us in our community to have that tree and put it in a position where the community gathers together and creates the community spirit that we usually have during that holiday. So I'd like to get some feedback from any of you don't just say something go out there and take a look at it and because this is something that's probably going to be put in place. And there's a couple of things that we've talked about the mayor and I that, that you know we could box it even and put it anywhere we want for the season until the spring comes so we know what they're doing over there. They're not really sure where that lawns going to be there's pipes that's going to be going underneath a lot of that grass that Jim has informed me. So there's only a couple of areas that can be planted in the front lawn over there. So we're going to have to talk about that. So I wanted to just throw that out throw it out to anybody actually out there in the community. The other thing is the trees they were going to go in on East Maple you know part of its probably my fault with miscommunication but the trees are Cleveland Select Pears not that Bradford Pears and not pears that produce pears. So people have been calling and saying that the pears fall off and they're really messing and everything. This is not that kind of tree. I wanted to make sure that was official. Alright, they've had their if you look on the East Maple they've had the trees removed they've had their bushes removed. The church group removed all those bushes behind that brick kind of structure that they under the white building. So that's actually very pretty that shows that brick it does go in line with ours. And they've talked to me about putting more fencing and any other (inaudible) that would tie into our side with their side so you kind of know what's going on over there. Also met with Kathy Fernandez the Heritage Society we set up a meeting with the IRG people about their guard shack. They want to talk to them about that. And they have agreed to cut the line and do anything we want with it. But the heritage society they'd like to keep it there actually. So we're going to have a discussion about that. So anybody who wants to tie in on that so where do we go if we do move it. That's the other thing. You know where it goes but we need to come up with an idea and that's it. That's everything that I have on my side.

COUNCIL PRESIDENT PETERS: Alright, thank you, Mark. Member Foltz?

COUNCILMAN FOLTZ: Just that when they said that they're willing to relocate or put a new tree in where exactly are they talking about?

COUNCILMAN CERRETA: Wherever we want it but they were think more further north on their property if they would like to.

COUNCILMAN FOLTZ: When you say further north then.

COUNCILMAN CERRETA: Well on the lawn if you see the parking lot that comes through there'll be some grass you know more towards the church.

COUNCILMAN FOLTZ: Okay.

COUNCILMAN CERRETA: Alright, that seems to be getting away from the square but you know so there are some locations there are of course Blitzer Park which we're crowding up in that area. We're putting too much in there. There's this area here between the there is a tree right here the tree that you guys have put in beforehand it's a pretty nice tree. That might have to possibly could be the tree for this year and see how it goes. So you know I wanted it in the square I know some people mentioned areas that were not in the square you know like down at the Price Park. Well, the thing that makes our community so special is that we have the square and we do things in the square. Any park can have a Christmas Tree anywhere. So I kind of balk when I hear that so I really would you know I think a lot of you will agree that this is our area that makes this community right here. So not that it totally makes this community but it's a very we're very proud of that when we do have that.

COUNCILMAN FOLTZ: It's been a tradition for us.

COUNCILMAN CERRETA: So that's just a thought that the communication has come by so please put some thought to where we want to put that.

COUNCILMAN FOLTZ: Thank you for clarifying that for me. Okay, just a follow up on my end Dan came in last week in his committee but the wall there on north side of Everhard, Wilkshire between Wilkshire Road north okay east and west. I did walk it today and it needs to be trimmed back. If somebody would walk down or riding a bike it would knock them off. So I guess it would be directly across from Alberta that concrete wall that runs in between the split rail fences. I brought it up a couple meetings ago but I haven't had a chance to see if we can fit that into the crews schedule. Also anything down on Ambler or running that way we can cut that there's some signage we joked about the deer crossing but just something to notify anything we can do to get it you know more vegetation off the road right away because it is a tight area there. And...

COUNCILMAN CERRETA: You're saying the walls has an issue, Doug?

COUNCILMAN FOLTZ: Not the wall itself but the vegetation growing over the wall there's pine trees, there's a couple other bushy trees that if you walk down there...

COUNCILMAN CERRETA: That's a resident that owns that?

COUNCILMAN FOLTZ: Whoever owns even the fence but I think we used to maintain the stockade or split rail fence down there. At least Sam thinks we did.

MAYOR HELD: We did.

COUNCILMAN FOLTZ: And then when we put the sidewalk in its not a 5 foot wide sidewalk its probably close to 3.5 feet. But the concern is and Sam's right someone's riding a bike down there and doesn't get down low enough it'll knock them off. You sure don't want them to fall in the street not Everhard Road. So if we could just send the crews out and trim it up its not going to take more than half an hour if our guys are interrupted. There's some other things he brings up on occasion on South Main there's some wires against poles they're probably not our responsibility but they are in the right-of-way and just a follow up to maybe the cable company or AT&T or whoever. It's not electrical lines but I think its down by the Hoover Bridge or south of it. Just to send somebody out to look at that to take care of what he's asking for.

ADMINISTRATION DIRECTOR GRIMES: Yeah, Sam calls our office three times a week as a follow up.

COUNCILMAN FOLTZ: I'm sure he'll give us an update. Alright, thanks.

COUNCIL PRESIDENT PETERS: Director of Law?

16. Reports:

LAW DIRECTOR FOX: No report.

COUNCIL PRESIDENT PETERS: Michael?

ADMINISTRATION DIRECTOR GRIMES: We're just going through the budget process so we're getting that down. We've been talking to the department heads again and as Councilman Griffith said he was in on some talks today and he set a pretty aggressive timetable but we will achieve that. So but we'll have something to bring to you at some point here. So we're also in the continuing with our union negotiations with various groups. And if you did get a letter from Constellation that says you know to call them to get on the aggregation my advise is to call them to make sure you're on. If there's any problems

whatsoever you know obviously you can call the 800 number that we have our website for Constellation. But if you have problems call the mayor's office and we'll double check for you or work out any problems that you have on that. So, thank you.

COUNCIL PRESIDENT PETERS: Mayor?

MAYOR HELD: Yes, first I wanted to thank Councilman Cerreta for the work on the Christmas Tree trying to find a location on that. Because he has stated you know we've had a long standing tradition of having our Christmas tree lighting right here on the square. Now its been at different locations you know whether its on the steps of city hall or over on the Hoover front lawn or Bitzer Park but its really been in that, that Main Street, Maple Street square. So we want to keep the tradition going obviously somewhere in that area. And we also have to decide as Mark had mentioned what we do with the tree. Or get a new one and plant it. Then the second thing also we put a tremendous amount of time in on the preserving the guard shack. As far as we do with that you know a number of ideas maybe moving it down to where the Hoover House is at on Walsh's property or working with the Heritage Society. But there's no doubt that we want to preserve both. So your input would be very helpful its not there's a specific plan just you know just trying to get some direction. So I appreciate you working on that Mark. The other is what's the other oh yes when we're looking at our city employees again I just want to touch on that you know accountability is a great sanitizer. And we want to make sure that we're able to demonstrate, document the hours that people are putting in. So again its not a concern that we have that the exempt employees are not putting in the sufficient time because they're putting it in. And I always them and I know that council members recognize this for their exempt employees if you're in a leadership role you are responsible 24/7. Whether you're at work or you're at home that water treatment plant is your responsibility. You know the police, fire, EMS, our police chief is back here he is responsible for that police department even if he's on taking leave down in you know vacation house in Florida or something. He's still responsible for what goes on in the department. So even but then you also deserve time off too. And if you working on a weekend or an emergency event or snowplowing we just have to be able demonstrate that if they are at home and Mike tells them to return home you know to sleep that if the truck is sitting in the driveway then indeed they're permitted to do that. The other is the detour we appreciate everybody's patience with the detour with all the construction going on Maple Street. And with Chuck I talked with you on a number of occasions trying to funnel that traffic and I also talked with your wife Rita. And we really do want to try to keep the traffic flowing down the best route. The challenge is that we can't block a road and say "you're not permitted to drive down those roads". But so what we've done Mike Grimes had the street department add additional detour signs on Pershing, so there's detour signs as you're traveling south on Pershing just before you get to the intersection Pershing and Fairview there's detour signs that are there. Then just pass Fairview we added another sign right? So its directing people here's the detour go down Pershing and then go up Bachtel right? Up the hill to Bachtel so stay off the side streets. But then if you're coming down Bachtel we did add a sign going when you're traveling east on Bachtel you put some at McKinley and Bachtel right?

ADMINISTRATION DIRECTOR GRIMES: And west they're supposed to put one of those up today too.

MAYOR HELD: Okay, so that regardless what direction you're going in we're trying to focus the traffic in a you know down and around that keeps them off of Fairview Street, Chuck's street and some of the other ones. But at the same time they're going to go down another street the traffic is going to go down another side street. That really if you live on that street its not going to be preferred but we don't really you know we don't have a choice we just try to direct it the best way that we can. But I know that Mike Grimes and Jim Davis and Rich Rhodes they've been very responsive to those questions and concerns. So we're hoping Chuck was mentioning today that probably wasn't the best indicator because it was a holiday here today. So we'll see how tomorrow goes but I appreciate you folks in the department that has taken the time. And questions that the council members have or ideas or concerns you know certainly call Mike and try to work it out. That's all.

COUNCILMAN CERRETA: So Dave what are we looking at 30 days, 40 days for this detour? Jim?

ENGINEER BENEKOS: Well the official detour time is 45 days. (Okay) If you've been out there they have the intersection the west intersection completed. They have the first crosswalk completed they'll be working on the so the west end will be opened up believe later this week. And then they'll start working on the east end they'll shut off the intersection to Taft and they'll do the other crosswalk. So it took them I think less than two weeks to complete that hopefully another two to three weeks and they'll have the street open. But that's they have longer than that if they need to.

COUNCIL PRESIDENT PETERS: Dave, Mike, I appreciate your time and patience you guys have done through this whole thing. I mean I drove that detour prior to anything any changes you guy have made and it was you had two detours signs right before you got Fairview. I mean it was very clear, it was very clear.

MAYOR HELD: You can't miss the detour signs.

COUNCIL PRESIDENT PETERS: No, you couldn't miss it at all and I came both ways from Main Street and from Maple and it was crystal clear. So you know...

ADMINISTRATION DIRECTOR GRIMES: And the police chief put up crossing so you know who stops and doesn't and we've had about half a dozen of those put up. So he's monitoring it too.

COUNCILMAN CERRETA: You know it's a pretty big deal that we work on something like this of course hopefully that will never be closed probably in our lifetime. But we're going to have to have it closed for a little bit. I mean you're going to have to take the car somewhere. So there's we just have to keep the speeds down and make sure that there's no issues with the cars going but they've got to travel on a road. And we figured out if we put them on the best road to go on and that's what we have to

do. So I'm happy we're doing the project and of course I'm not happy that the residents have to deal with that but that's what we have to do for 30 or 45 days.

COUNCIL PRESIDENT PETERS: Engineer?

ENGINEER BENEKOS: On Marquart Court Street, I don't know if anybody drove down there today it was paved on Saturday. We will be striping double yellow line down there hopefully later this week. The traffic signals at Marquart and Maple which has been on flash they have to get in cut into the loops and hopefully and that's scheduled to be done this week. Then speed sign we had to take a speed sign down and hopefully I think that's going to get up tomorrow a 25 mile an hour speed limit coming south bound. People do have the tendency to speed there and I believe that the police department is stepping up enforcement there. So be careful if you're out there.

COUNCILMAN CERRETA: I've got a question about that Jim. Because I have been approached by people that live on that because it has been a very fast road. Can we think about putting one of those signs that I've talked about now for years of you know that actually shows the speed limit and shows the speed? This is a great opportunity to put it on a solar thing and I'd like to see one of those on Portage coming into our city. And so it might be an opportunity to do something like that. These people I've had two or three people that live there said this because the road's so nice now people are going to fly down there. So and we can't expect the police to sit there all day long and I mean it just doesn't work. We need to remind people this is the speed limit, this is what they're going. That usually brings it down. So...

ADMINISTRATION DIRECTOR GRIMES: The chief and I talked about last week we're different corridors and maybe over a couple of years putting those signs up. I'd seen a couple down in Cincinnati and the Hamilton area when I was down that way. We're also going to have a traffic survey done down that way too to see how pedestrians get across the street more that are using our trail. We've got a little issue there because 7th and Marquart is not all in the city. And some of those things have to be journalized with the commissioners but we are I had called the planning and told them we were doing that. I also called Stark Parks to let them know if they get any complaints phone them to us. But we're going to take a look at that too because...

COUNCILMAN CERRETA: Right because they have crossing there for that Stark Parks; maybe they can throw in some of that. I think those signs are \$3,000, \$4,000 I remember when we looked at them last. Something like that. Which is nothing compared to the safety that we need kind of put in there. So...

COUNCILMAN FONTE: Yeah, Jim, on the blacktopping the projects that got approved. How are we coming on those?

ENGINEER BENEKOS: Those should be starting here in the next week or so.

COUNCILMAN FONTE: So they're going to mill everything first and then hit them all with blacktop.

ENGINEER BENEKOS: Well the delay right now is replacing the catch basins on those streets. They have to order those catch basins so they replace them then they'll be milling and there's a lot of curb repairs. All that work gets done before we do the milling and the resurfacing. It's just milling and resurfacing that doesn't take too long but it's the prep work.

COUNCILMAN FONTE: So they think they'll get in this fall?

ENGINEER BENEKOS: We're hopeful. We'll see how the weather holds out.

COUNCILMAN FONTE: Thank you.

ENGINEER BENEKOS: But we did get a late start this year.

COUNCILMAN FOLTZ: As a follow up a constituent asked but the intersection of Woodrow and North Main that the light does not it will skip cycles if you're at Woodrow and you want to go north or south. Is that design?

ENGINEER BENEKOS: No, we're having issues with the lights. We're meeting with the contractor, the supplier of the equipment and the designer tomorrow to discuss the issues that we're having the lights right now.

COUNCILMAN FOLTZ: So that's not the only issue we're having you have some other ones you're doing. Okay.

COUNCILMAN GRIFFITH: I have noticed that they do seem a little more coordinated maybe is it my wishful thinking or...?

ENGINEER BENEKOS: Yes.

COUNCILWOMAN KIESLING: It's better but there's still tripping or not tripping. It's like you can't tell what the heck is going on.

ENGINEER BENEKOS: Right.

COUNCILWOMAN KIESLING: I've got them all figure out my way and they're all messed up.

COUNCILMAN FONTE: You just jump out of the car and hit the button real quick and jump back in.

COUNCILWOMAN KIESLING: I can tell they're not right yet.

COUNCIL PRESIDENT PETERS: Clerk?

COUNCIL CLERK BAILEY: The only thing I have is that tomorrow I will be with you guys for 3 months.

COUNCILMAN FONTE: Alright.

COUNCILMAN CERRETA: Did you bring up Trick or Treat did we bring it up last week?

COUNCILWOMAN KIESLING: Is it the Sunday before...

COUNCILMAN FOLTZ: It's Sunday I think.

ADMINISTRATION DIRECTOR GRIMES: I thinks the 26th between 3:00pm and 5:00pm.

COUNCILMAN FONTE: Are we going to ever go back to dark like 6:00pm to 8:00pm?

COUNCIL PRESIDENT PETERS: No.

COUNCILMAN FOLTZ: Are in favor of that because I am.

COUNCILWOMAN KIESLING: It was so fun.

COUNCILMAN FONTE: I think we should consider that. We'll ask the police officer, the chief there.

COUNCILMAN FOLTZ: It doesn't have to be 6:00pm to 8:00pm, it could be 4:00pm to 6:00pm.

COUNCILMAN FONTE: It gets dark at 4:30pm. I say 4:00pm to 6:00pm.

COUNCILMAN GRIFFITH: Would you have objection to 4:00pm to 6:00pm chief?

COUNCILMAN FONTE: Chief, is 4:00pm to 6:00pm.

POLICE CHIEF WILDER: That's up to legislation.

COUNCILMAN CERRETA: See how smart he is?

COUNCILMAN FOLTZ: I think lets look at it for next year, really.

COUNCILMAN FONTE: I would like it. I would probably put a uniform on.

COUNCILWOMAN KIESLING: Would you do it the Sunday before or the Saturday before?

COUNCILMAN FOLTZ: I'd keep it the Sunday. I think its coordinated through different townships because you don't want you want to spread out the trick or treaters. I know we have a popular city and people from other communities do attend our streets. I know cause I get over 200 on my street.

COUNCILMAN FONTE: I want to know who has the big candy bars. That's where I'm going.

COUNCILMAN FOLTZ: But...

COUNCIL PRESIDENT PETERS: I know I've got a list for you.

COUNCILMAN FONTE: Okay.

COUNCILMAN FOLTZ: But if we grew up with it, it was always at night. It was the night of Halloween.

COUNCILMAN FONTE: It was awesome.

COUNCILMAN GRIFFITH: Would it be a problem to do 4:00pm to 6:00pm this year?

COUNCILWOMAN WERREN: It's too late.

COUNCILMAN FONTE: Why's it too late?

COUNCILWOMAN WERREN: I think neighborhoods probably started in planning and church groups and...

MAYOR HELD: That's input from a mom.

COUNCILWOMAN WERREN: Yeah, the calendar's been set.

MAYOR HELD: I mean historically what we've done is we've went with the county and they go with the daytime hours from a safety perspective. That's you know there's light. And unless the council would like to change that we'll just continue going with the county at least from our perspective you know but we're open to ideas. I think its just a matter of you know but at

least for this year we'd like to keep it.

COUNCILMAN FOLTZ: I only brought it up because we talked about it before.

COUNCILMAN FONTE: Okay, so for 4:00pm to 6:00pm would be good next year then.

COUNCILMAN FOLTZ: No I think we should look into a day and see at least an hour of darkness so you can see a jack-o-lantern on somebody's porch, lights.

COUNCIL PRESIDENT PETERS: My suggestion if you're going to do later hours I would make it Saturday.

COUNCILWOMAN KIESLING: We go up to Cuyahoga Falls every Saturday before and they trick-or-treat 5:00pm to 7:00pm and we have a blast.

COUNCILMAN FONTE: They do it in Parma that way its really a lot of fun.

COUNCIL PRESIDENT PETERS: Sundays are tough school day the next day all jacked up on candy.

COUNCILMAN CERRETA: Hey, we all had to put up with that.

COUNCILMAN FOLTZ: If Halloween was Monday when we were kids we went to school the next day.

16. Final Call for New Business:

COUNCIL PRESIDENT PETERS: Alright final call for new business.

17. Adjourn:

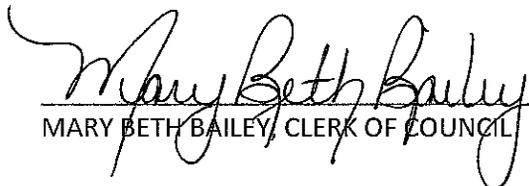
COUNCIL PRESIDENT PETERS: Seeing I'll entertain a motion to adjourn.

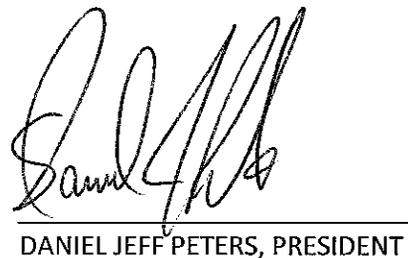
COUNCILMAN CERRETA: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to adjourn.

COUNCIL PRESIDENT PETERS: We are adjourned.


MARY BETH BAILEY, CLERK OF COUNCIL


DANIEL JEFF PETERS, PRESIDENT