



145 North Main St. · North Canton, OH 44720
Phone: 330-499-3986 Fax: 330-499-2080
citycouncil@northcantonohio.com

CITY OF NORTH CANTON COUNCIL OFFICE

President of Council
Daniel J. Peters

Vice President of Council
Doug Foltz

Council at Large
Mark Cerreta

Council at Large
Dan Griffith

Council at Large
Marcia Kiesling

Councilperson, Ward 3
Stephanie Werren

Councilperson, Ward 4
Jon Snyder

NOTICE OF PUBLIC HEARING AND MEETINGS

Notice is hereby given that North Canton City Council will hold a public hearing on Monday, March 24, 2014, at 6:45 p.m. in Council Chambers at North Canton City Hall. Any person interested in the following subjects will be provided an opportunity to be heard:

St. Luke Lutheran Community ("St. Luke") requests an amendment to the North Canton Zoning Ordinance for the premises located at 160 Applegrove Street NE, Parcel No. 9208695. The premises is presently zoned OB, Office Building, and St. Luke requests that it be rezoned to P&I, Parks and Institutional.

The North Canton Planning Commission, at its January 8, 2014 meeting, by a voice vote 5-yes and 0-no, recommended that the property be rezoned from OB to P&I.

North Canton City Council will make a final determination on the matter, according to law, following the public hearing.

Council Meeting Agenda Monday, March 24, 2014 – 7:00 p.m.

1. Call to Order: 7:00 p.m.
2. Opening Prayer: Rev. Tom Douce (Retired)
3. Pledge of Allegiance
4. Roll Call
5. Consideration
Public Hearing Minutes – February 24, 2014
Council Meeting Minutes – February 24, 2014
Council Meeting Minutes – March 10, 2014
6. Committee Minutes
7. Recognition of Visitors

OLD BUSINESS:

8. **Ordinance No. 23-14 – 3rd Reading – Finance & Property**

An ordinance amending the health insurance benefits provided to North Canton's elected officials such that an elected official may receive single-rate, City-paid health insurance benefits only when the elected official does not have health insurance benefits provided by the elected official's full-time employer; that single-rate, City-paid health insurance benefits for elected officials shall be provided only as primary, and not as a secondary form of health insurance; and that City-paid health insurance benefits are not provided to elected officials' family members unless an elected official's spouse is also a City employee and entitled to City-paid health insurance benefits.

9. **Ordinance No. 24-14 – 2nd Reading – Community & Economic Development**

An ordinance establishing the zoning classification of Parks and Institutional (P&I), as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as the Walsh/Gressel Annexation, containing 1.549 acres of land, more or less, annexed by Ordinance No. 58-13.

10. **Ordinance No. 25-14 – 2nd Reading – Community & Economic Development**

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated on East Maple Street and known as Parcel No. 9209516, to add and to overlay the Mixed Use Overlay District (MUO) to the existing Office Business District (OB).

11. **Ordinance No. 26-14 – 2nd Reading – Community & Economic Development**

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated on East Maple Street and known as Parcel No. 10000416, to add and to overlay the Mixed Use Overlay District (MUO) to the existing Office Business District (OB).

NEW BUSINESS:

12. **Ordinance No. 28-14 – 1st Reading – Park & Recreation**

An ordinance authorizing the Director of Finance of the City of North Canton to make a one-time payment to the North Canton Board of Education in the amount of thirty-six thousand, six hundred sixty-seven (\$36,667.00) dollars for the resurfacing of the tennis courts located on Hoover High School property.

REPORTS – COUNCIL:

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

REPORTS:

Director of Law
Mayor

Director of Finance
City Engineer

Director of Administration

FINAL CALL FOR NEW BUSINESS:

ADJOURN:

**Committee of the Whole
Meeting Agenda
Monday, March 24, 2014**

North Canton City Council will meet as a Committee of the Whole **Monday, March 24, 2014 immediately following the council meeting** in the Council Chambers at North Canton City Hall.

Items will be discussed as time allows, not necessarily in the order indicated.

1. Community & Economic Development Committee

Chairperson: Marcia Kiesling
Vice Chairperson: Mark Cerreta
Members: Stephanie Werren
Doug Foltz
Dan Griffith
Daniel Peters
Jon Snyder

- a. Zoning Amendment – St. Luke’s 160 Applegrove Street NE, Parcel No. 9208695 from Office Business District to Parks & Institution
Marcia Kiesling
- b. Tax Incentive Review Council/CRA Housing Council Recommendations
Marcia Kiesling

2. Personnel & Safety Committee

Chairperson: Daniel Peters
Vice Chairperson: Jon Snyder
Members: Mark Cerreta
Doug Foltz
Dan Griffith
Marcia Kiesling
Stephanie Werren

Amendment to Exempt/Part-Time Ordinance
Daniel Peters

3. Street & Alley Committee

Chairperson: Dan Griffith
Vice Chairperson: Daniel Peters
Members: Doug Foltz
Mark Cerreta
Marcia Kiesling
Jon Snyder
Stephanie Werren

- a. Supplemental Right of Way and Easement Agreement
Dan Griffith
- b. Easthill Street Bridge Replacement Project (PID 97410)
Dan Griffith

4. Water, Sewer & Rubbish Committee

Chairperson: Mark Cerreta
Vice Chairperson: Dan Griffith
Members: Jon Snyder
Doug Foltz
Marcia Kiesling
Daniel Peters
Stephanie Werren

Perpetual Water Line Easement – Parcel No. 5503231
Mark Cerreta

5. Finance & Property Committee

Chairperson: Jon Snyder
Vice Chairperson: Marcia Kiesling
Members: Dan Griffith
Mark Cerreta
Doug Foltz
Daniel Peters
Stephanie Werren

- a. Mayor's Court Receipts – February, 2014
Jon Snyder
- b. Financial Statement – January, 2014
Jon Snyder
- c. Financial Statement – February, 2014
Jon Snyder
- e. Presentation & Purchase of a Portable Road Patch Machine
Jon Snyder



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CITY OF NORTH CANTON COUNCIL OFFICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that North Canton City Council will hold a public hearing on Monday, March 24, 2014, at 6:45 p.m. in Council Chambers at North Canton City Hall. Any person interested in the following subjects will be provided an opportunity to be heard:

St. Luke Lutheran Community ("St. Luke") requests an amendment to the North Canton Zoning Ordinance for the premises located at 160 Applegrove Street NE, Parcel No. 9208695. The premises is presently zoned OB, Office Building, and St. Luke requests that it be rezoned to P&I, Parks and Institutional.

The North Canton Planning Commission, at its January 8, 2014 meeting, by a voice vote 5-yes and 0-no, recommended that the property be rezoned from OB to P&I.

North Canton City Council will make a final determination on the matter, according to law, following the public hearing.

BY THE ORDER OF THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Gail M. Kalpac
Clerk of Council

Published in the Repository: February 14, 2014

g:\public hearings\st. luke's re ob to p&i 2014.docx

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____ Passed _____, 20____

3/14/14-gmk
(Park & Recreation)

ORDINANCE NO. 28-14

An ordinance authorizing the Director of Finance of the City of North Canton to make a one-time payment to the North Canton Board of Education in the amount of thirty-six thousand, six hundred sixty-seven (\$36,667.00) dollars for the resurfacing of the tennis courts located on Hoover High School property.

WHEREAS, the North Canton Board of Education is desirous of resurfacing the tennis courts located on Hoover High School property, and;

WHEREAS, the North Canton Board of Education is desirous of the City of North Canton sharing the cost of this project, and;

WHEREAS, the North Canton Board of Education shall make the courts available for use by students and community residents.

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

Section 1. That the Director of Finance of the City of North Canton, be, and is hereby authorized to make a one-time payment to the North Canton Board of Education in the amount of thirty-six thousand, six hundred sixty-seven (\$36,667.00) dollars for the resurfacing of the tennis courts located on Hoover High School property, pursuant to a Letter of Understanding by and between the City of North Canton and the North Canton Board of Education, as attached hereto and incorporated herein.

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 shall take effect and be in full force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2014

ATTEST:

CLERK OF COUNCIL

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated at 160 Applegrove Street NE and known as Parcel No. 9208695, and located in the City of North Canton from Office Building District ("OB") to Parks and Institutional ("P&I").

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

- Section 1. That Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, be, and the same is hereby amended to change the zoning district of the premises situated at 160 Applegrove Street NE and known as Parcel No. 9208695, and located in the City of North Canton from OB to P&I.
- 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 shall take effect and be in full force from and after the earliest period allowed by law.

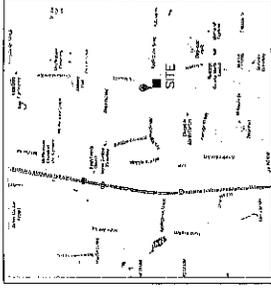
North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2014

ATTEST:

CLERK OF COUNCIL



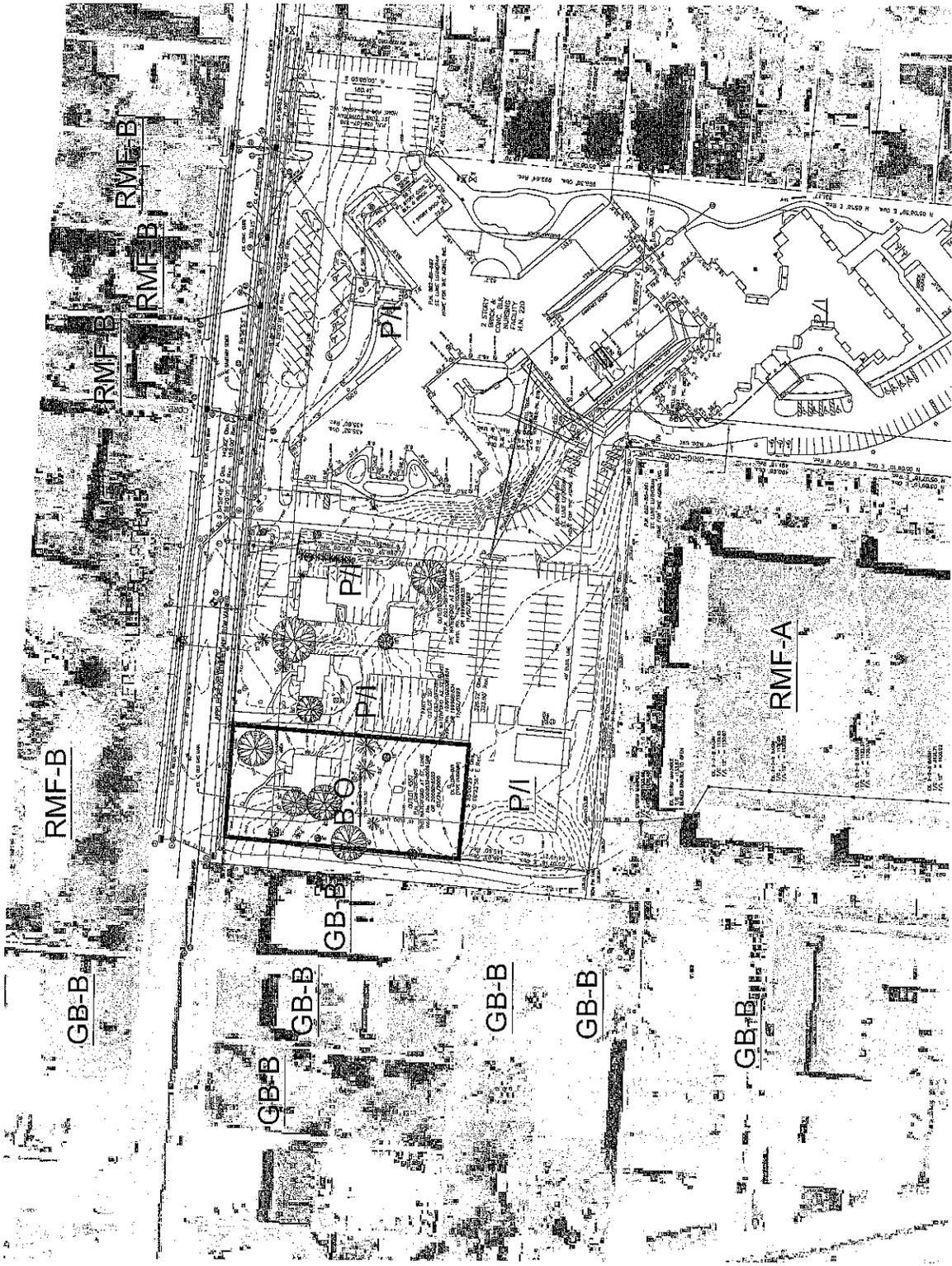
STATE OF OHIO
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF PROFESSIONAL ENGINEERS
No. 125722
Exp. 01/01/2022

DATE	12-12-13
JOB #	1101
PROJECT	ST LUKE LUTHERAN COMMUNITY
DESIGNED BY	JIC
CHECKED BY	
APPROVED BY	
REVISIONS	

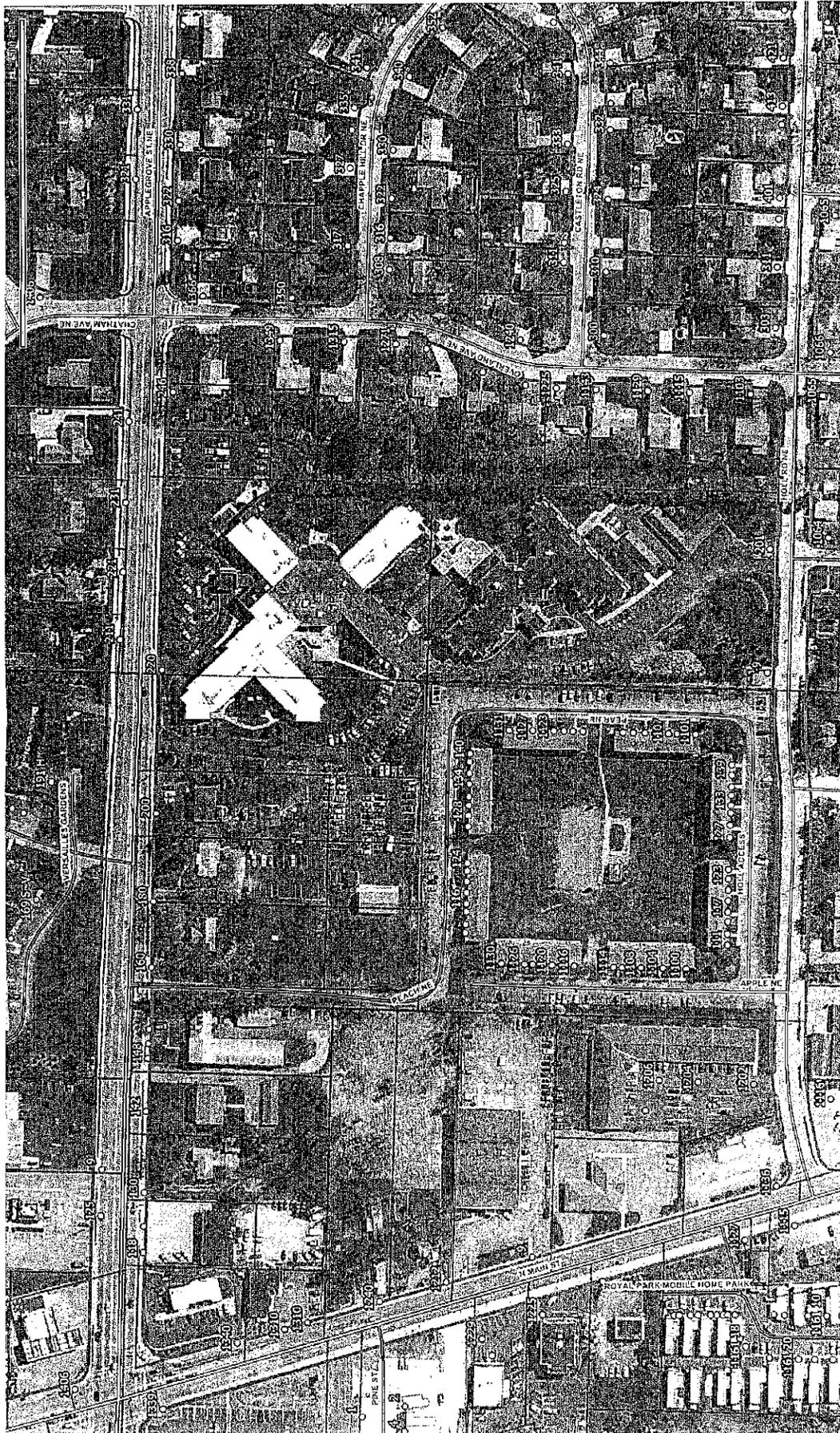
1-1



REZONING PLAN
SCALE: 1" = 100'



110
111





City of NORTH CANTON, OHIO

145 NORTH MAIN STREET
NORTH CANTON OHIO 44720-2587
(330) 499-3465

PLANNING COMMISSION

Page 1

TO: All Council Members
Gail Kalpac
Applicant

Re: Planning Commission Actions – Meeting of January 8, 2014

Members Present: J.D. Flechtner, Ray Shanabruch, Tom Serra, Tim Morrow, Jerry Geib

Also in Attendance: Jim Benekos, Eric Bowles, Michael Grimes

Agenda was amended to include swearing in of Ray Shanabruch for a new 5 year term and an organizational meeting. In addition, PC144-13MA/SP will be separated into 2 items; PC 144-13MA and PC145-13SP. The map amendment will be reviewed separately from the site plan for 200 Applegrove St. NE.

Ray Shanabruch was sworn in for new term by Mike Grimes.

Agenda was amended with a motion by R. Shanabruch, second by T. Serra to hold yearly organizational meeting. Nominations, motions and seconds were received to retain/re-elect Denny Flechtner as Chairman and Ray Shanabruch as Vice-chairman; all members voted in favor.

No minutes were submitted for approval.

The remainder of the agenda followed:

PC143-13SP Site Plan application for building addition by Walsh University – Timken Science Building

Planning Commission **granted Conditional Approval**. City Engineer needs:

- Utility Plan
- Stark Soil and Water review of SWWP
- Drainage
- Note setback of 430' on site plan

PC144-13MA Map Amendment application to rezone 160 Applegrove St NE – Parcel #9208695 from OB (Office Building) to P/I (Park and Institutional).

Planning Commission **RECOMMENDS Council REZONE** as requested to Park and Institutional.

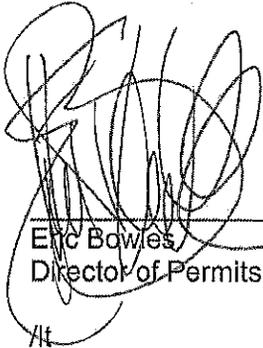
(continued on Page 2)

PC145-13SP

Application for site plan for proposed building addition to St. Luke Lutheran Community @ 220 Applegrove St NE.

Planning Commission **granted Conditional Approval**. City Engineer needs:

- Site will require a replat
- Stark Soil and Water review of SWWP
- Water service notes
- Sanitary (possible lift station located in interior mechanical room)



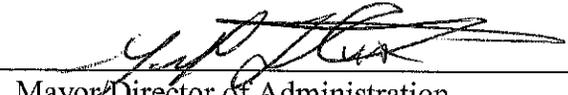
Eric Bowles
Director of Permits and Development

LEGISLATION REQUEST

To: Jeff Peters, Council President

Subject: Tax Incentive Review Council (TIRC) recommendations for monitoring of active tax incentive agreements for the FY 2013 Tax Year reviewed in 2014.

Requested by: _____ **Date:** March 18, 2014
Eric T. Bowles/CRA Housing Officer

Approved by: _____ **Date:** March 18, 2014

Mayor/Director of Administration

Background: The Tax Incentive Review Council (TIRC) met on Tuesday, March 18, 2014 to review the three (3) active commercial/industrial Community Reinvestment Area Tax Incentive Agreements located in the City of North Canton's Community Reinvestment Areas. Attached, please find a spreadsheet that lists the agreements reviewed and the recommendations from the TIRC.

Request: City Council to accept the recommendations of the TIRC.

EMERGENCY REQUESTED: Yes X No _____

City of North Canton
Tax Incentive Review Council Recommendations
For Projects Reviewed in FY 2014 for the 2013 Tax Year

Business/Agreement	Address	Original Date Approved	Incentive Percentage	Incentive Term	Tax Incentive Review Council Recommendations to North Canton City Council
Barry P. Kindy	502 South Main Street	06/11/2003	50%	10 Years	Expired – No Action Needed
LMD Property	881 & 825 South Main Street	09/16/2005	50%	12 Years	Continue Agreement
L.T. Parker & Associates	435 Applegrove Street	07/13/2007	50%	10 Years	Modify Agreement
Reed Funeral Home	801 Pittsburgh Avenue N.W.	07/01/04	50%	10 Years	Continue Agreement

City of North Canton

Department of Economic Development

Memo

To: City Council Members, Mayor David Held, Director of Administration Mike Grimes
From: Eric Bowles, Director of Permits and Development/CRA Housing Officer
Date: March 18, 2014
Re: Recommendations of the Tax Incentive Review Council/CRA Housing Council

The North Canton Tax Incentive Review Council (TIRC) met on Tuesday, March 18, 2014 to conduct their required annual review of all agreements granting exemptions from property taxation within the City of North Canton's Community Reinvestment Area (CRA).

The meeting was attended by the TIRC Members and the requirements for a quorum were met. Staff of the Department of Permits and Economic Development provided all TIRC Members with a binder of review materials including a completed Project Status Report Form and a project- by- project analysis. The TIRC reviewed Three (3) active Community Reinvestment Area Tax Incentive Agreements within the City. Attached with this memo please find a schedule of the current agreements with the TIRC's recommendations.

Under the 5709 of the ORC, based on the determinations, on or before the first day of September of each year, the TIRC shall submit to each legislative authority written recommendations for continuation, modification, or cancellation of each agreement. City Council can accept the recommendations as presented or modify them if they choose.

Also, please be aware that the City will electronically submit to the Ohio Development Services Agency the City's required annual report of all residential and commercial/industrial community reinvestment area agreements. All Commercial CRA projects were reviewed as per the requirements of the CRA Program. The results of the TIRC will be included within the required annual report submitted to the Ohio Development Services Agency before March 31, 2013.

Please contact me if you have any questions regarding these agreements.

An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC"), concerning the agreements granting exemptions from property taxation, to continue two (2) and modify one (1) of the existing Community Reinvestment Area ("CRA") agreements and declaring the same to be an emergency.

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

- Section 1. That the recommendations of the City of North Canton TIRC, concerning the agreements granting exemptions from property taxation, to continue two (2) of the existing Community Reinvestment Area agreements for LMD Property and Reed Funeral Home, be, and the same shall be accepted.
- Section 2. That the recommendations of the City of North Canton TIRC, concerning the agreements granting exemptions from property taxation, to modify one (1) of the existing Community Reinvestment Area agreements for L. T. Parker & Associates, be and the same shall be accepted.
- Section 3. That a copy of this Ordinance shall be forwarded to the Ohio Department of Development.
- Section 4. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council or of any of its committees that resulted in such formal action, were in meetings open to the public, compliance with all legal requirements.
- Section 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary to meet the deadline for submission of the TIRC recommendations; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2014

ATTEST:

CLERK OF COUNCIL



C/W: 3/24/14
Item 2

145 North Main St. · North Canton, OH 44720
Phone: 330-499-3466 Fax: 330-499-2960
karen@northcantonohio.com

CITY OF NORTH CANTON

Karen Alger
Director of Finance

March 18, 2014

To: Daniel J. Peters
President of Council

Re: Legislation Request

I am requesting that Council place on the March 24, 2014 agenda for consideration, the passage of an ordinance to authorize compensatory time for exempt employees with retroactively approval to January 1, 2014 and to adjust the maximum regularly scheduled hours for part-time employees. In addition, I am requesting the entire ordinance amending Chapter 155 Personnel Regulations be approved in its entirety. In order to accrue compensatory time, I would request that Council pass this on an emergency basis.

Respectfully submitted,

Karen S. Alger
Director of Finance

An ordinance amending Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, as amended, specifically Section 1. GENERAL PERSONNEL REGULATIONS; and to establish a compensatory time policy for full-time exempt personnel, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

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

Section 1. That Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, be, and the same is hereby amended to read as follows:

GENERAL PERSONNEL REGULATIONS

1. These Personnel Regulations shall apply to all exempt City employees and those non-exempt unclassified personnel who are not subject to a collective bargaining agreement.
2. Full-time exempt personnel shall work the necessary hours to properly discharge all duties involved in their respective positions, subject to the direction and discretion of the appointing authority, supervisor or department head. For hours exceeding 40 hours per week, full-time exempt personnel shall be granted compensatory time pursuant to Section 21 of this ordinance.
3. Nonexempt personnel shall work the necessary hours to properly discharge all duties involved in their respective positions, subject to the direction and discretion of the appointing authority, supervisor or department head. Part-time personnel shall work hours as scheduled.
4. All exempt and nonexempt unclassified personnel who are not subject to a collective bargaining agreement are employed "at will". "Unclassified personnel" means those persons identified as being in the unclassified service by R.C. 124.11(A) and the Rules and Regulations of the Civil Service Commission of the City of North Canton, Ohio.
5. "Full-time" personnel means personnel other than non-exempt Fire, E.M.S. or Seasonal personnel who are regularly scheduled to work at least thirty- seven and one half (37.5) hours per week.
6. "Part-time" personnel means personnel other than nonexempt Fire and E.M.S. personnel who are regularly scheduled to work less than twenty-nine (29) hours per week and nonexempt Fire and cross-trained E.M.S. personnel who are regularly scheduled to work less than fifty-three (53) hours in a seven (7) day tour of duty in an individual job classification.
7. "Seasonal" personnel means person hired by the City with the expectation that such persons' employment would last no longer than nine (9) months of any calendar year and who are scheduled to work less than twenty- nine (29) hours per week.

Section 2. **ANNUAL UNIFORM ALLOWANCE**

An annual uniform allowance of one thousand (\$1,000.00) dollars shall be paid for the positions of Chief of Police and Chief of Fire and Emergency Medical Services. An annual uniform allowance shall also be paid for the following positions, in the following amounts:

Radio Dispatcher C

First year: \$200.00 paid at time of employment. Each year thereafter, \$200.00 to be paid January 20th.

Special Patrolman

First year: \$300.00 paid at time of employment. Each year thereafter, \$300.00 to be paid January 20th.

Auxillary Patrolman

First year: \$150.00 paid at time of employment. Each year thereafter, \$150.00 to be paid January 20th.

Section 3. EDUCATION BENEFITS

1. The City will provide reimbursement to full-time City employees for tuition, registration and laboratory fees upon successful completion of college, university or other educational courses which are considered applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City as determined by the responsible departmental authority.
2. This ordinance shall not affect any instruction or training required by State Law.
3. Reimbursement for expenses permitted is contingent upon appropriation of funds.
4. Prior authorization must be given in writing by the responsible departmental authority to qualify for reimbursement. Upon successful completion of education courses so authorized, the departmental authority will authorize the reimbursement to the employee and it shall be paid by appropriated funds. Prior authorization by the departmental authority shall be conclusive that authorized educational courses are applicable and beneficial to the City in the performance of the employee's assigned duties and employment with the City.
5. Under no circumstances will the employee be permitted to take education courses during the normal working hours.

Section 4. LONGEVITY PAY PLAN

1. That there shall be a longevity pay plan for full-time employees of the City of North Canton. Annual longevity payments of \$70.00 per year of service shall be made during the first half of the month of December to all permanent, full-time employees who shall have completed at least five (5) years of continuous service and who shall be in the employ of the City as of November 30th of the year in which the longevity payment is made. Determination of longevity pay shall be from December 1st to November 30th.
1. Full-time employees of the City of North Canton, hired after August 1, 2006, shall not receive longevity pay.

Section 5. HOLIDAY ALLOWANCES

1. The following paid holidays will be observed by all full-time employees of the City of North Canton and City Offices will be closed on:

New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day
President's Day	Friday after Thanksgiving Day
Good Friday	Day before or day after Christmas
Memorial Day	Christmas Day
July 4 th	
2. Holidays listed in Subsection 1. of the within Section which may fall on Saturday, which is normally not a working day, shall be observed on the preceding Friday.
2. Holidays listed in Subsection 1. of the within Section which may fall on Sunday, which is normally not a working day, shall be observed on the following Monday.
4. Holidays listed in Subsection 1. of the within Section shall be considered as a day worked for accrual of fringe benefits.
5. On or before the first day of November of each year in respect to the

holiday of the day prior or the day after Christmas, the Mayor shall, by administrative order, establish which of the days shall be the paid holiday. If the Mayor fails to make such designation by November 1st, the holiday shall be deemed the day prior to Christmas.

Section 6. PERSONAL DAY ALLOWANCES

1. Full-time employees shall receive sixteen (16) hours personal time per year off work with compensation; such personal time to be designated by the employee with the approval of the proper departmental authority. (Can be taken in one (1) hour increments.)

2. An employee hired prior to July 1st will receive two personal days that year. An employee hired after July 1st and prior to September 1st will receive one personal day that year and an employee hired after September 1st will receive none for that year.

3. Full-time employees shall receive, in addition, a maximum of three personal days provided they have accrued a minimum of four hundred (400) hours sick leave with the City. Said three personal days to be charged to sick leave. Personal days may be taken in no less than four (4) hour increments.

Section 7. SICK LEAVE REGULATIONS

1. Sick leave shall be defined as an absence with pay necessitated by: 1) illness or injury to the employee; 2) exposure by the employee to a contagious disease communicable to other employees; and/or 3) illness, injury or death in the employee's immediate family.

2. Allowance for sick leave for full-time employees of the City of North Canton shall accrue at the rate of 4.615 hours for every 80 hours paid not to exceed 120 hours per year and may accumulate such sick leave to an unlimited amount.

3. Sick leave allowance cannot be converted to vacation leave or used to provide wage extension pay or severance pay upon termination of employment for any reason other than retirement.

4. Upon retirement, a full-time employee of the City of North Canton hired on or before August 1, 2006, shall (a) be paid for fifty (50%) percent of all sick time accumulated on or before the pay date that ends August 6, 2011, as certified by the Director of Finance, that is not subsequently used; and, (b) shall receive an additional amount equal to twenty-five percent (25%) of all unused sick time accumulated after the pay period ending August 6, 2011, as certified by the Director of Finance, up to a maximum of two hundred forty (240) hours.

5. Upon retirement, an employee hired after August 1, 2006 shall be paid for twenty-five percent (25%) of accumulated unused sick time up to a maximum of two hundred forty (240) hours.

6. Sick leave shall not be used where injury is service connected, but shall be covered by disability pay: DISABILITY PAY Section of this ordinance.

7. Any sick leave day(s) shall be considered as a day(s) worked for accrual of fringe benefits.

8. Sick leave may be taken in one-quarter hour increments.

9. Sick leave shall be effective on the first day of the month following the employee's date of hire.

Section 8: PUBLIC ACCOUNTABILITY SALARY DEDUCTION

To the extent permitted by law, exempt employees who are entitled to accrue personal leave and sick leave will have their salary reduced for absences of less than full work days when accrued leave is not used by an employee because: (1) permission for its use has not been sought or has been sought and denied;

(2) accrued leave has been exhausted; or (3) the employee chooses to use leave without pay.

Section 9. **RETIREMENT PROVISIONS**

1. For the purpose of administering Section 7. of the within ordinance, retirement is defined as eligible retirement as determined by the Public Employees' Retirement System of Ohio and the Police and Firemen's Disability and Pension Fund.

2. Disability Retirement is defined as recognition of eligible disability retirement from the Public Employees' Retirement System and the Police and Firemen's Disability and Pension Fund.

Section 10. **VACATION REGULATIONS**

1. For the sole purpose of the application of this Section 10., full-time employees who were employed by the City of North Canton in a calendar year prior to January 1, 2003 shall be deemed to have a service date of January 1 of that year in that year in which their employment commenced.

2. Full-time exempt personnel may be granted a paid vacation allowance during the first year of employment up to a maximum of two calendar weeks at the discretion of the appointing authority.

A. Full-time employees having been employed less than one year, but not yet employed on January 1st, may be granted one (1) day of vacation for each full month remaining in that calendar year, to a maximum of ten (10) vacation days, effective on the first day of the first full month of employment during the calendar year, without the requirement of accrual.

B. Full-time exempt employees having been employed less than one year, but employed on January 1st, may be granted a paid vacation allowance of up to two (2) calendar weeks in that calendar year of employment, effective January 1st, without the requirement of accrual.

3. Full-time employees having been employed one through four years by January 1st shall be granted a paid vacation allowance of two calendar weeks in that calendar year of employment.

4. Full-time employees having been employed five through nine years by January 1st shall be granted a paid vacation allowance of three calendar weeks in that calendar year.

5. Paid vacation allowances for those who have been employed ten through fourteen years by January 1st shall be granted four calendar weeks and fifteen through nineteen years by January 1st shall be granted five calendar weeks; twenty years or more shall be granted six calendar weeks.

6. All vacation allowances shall be granted at a time approved by the department head and with concurrence of the Director of Administration or the Director of Finance for the Finance Department or the President of Council or Clerk of Council for the Council Office.

A vacation schedule based on the seniority standing of employees will be made up by the department head each year with vacation periods so staggered that the employee's absence will not seriously jeopardize the departmental work schedule for the year.

7. An extra day of paid vacation allowance will be permitted for all paid holidays falling within a selected vacation period.

8. When the normal work week is forty hours, the paid vacation allowance will be based thereon.

9. Three weeks of paid vacation allowance may be carried over to the next calendar year. The three weeks shall be the maximum amount which may be carried over regardless of the year to which the allowance is attributable.

10. Any employee who shall resign, retire or be laid off shall be entitled to be paid for vacation allowance earned in the previous year and eligible to be taken in the current year plus vacation earned in the current year at the pro-rata amount of one-twelfth (1/12) for each full month worked subsequent to January 1st.

11. Vacation shall be used in increments of one week or more except that vacations may be used in lesser increments when authorized by the proper departmental authority; however, vacation may not be taken in lesser increments than four hours.

Section 11. MILITARY LEAVE

Military leave shall be granted in accordance with all federal and state laws, and specifically O.R.C. 5923.05.

Section 12. DISABILITY PAY

Any full time employee of the City of North Canton injured in the line of duty, whose claim is allowed by the Bureau of Workmen's Compensation, shall receive from the City the difference between the amount allowed by the Bureau of Workmen's Compensation and his or her regular pay. There shall be a twelve month limit on the amount the City shall pay.

Section 13. FUNERAL LEAVE

1. Three days excused absence with pay upon the death of the employee's mother, father, sister, brother, wife, husband, son, daughter, grandparent, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepmother, stepfather, stepchildren, grandchild and grandparent-in-law.

2. With permission of the department head and the concurrence of the Director of Administration or the Director of Finance for the Finance Department or the President of Council or Clerk of Council for the Council Office, the employee may be allowed one day for a funeral other than that of a relative. This time off shall not be charged against sick leave or vacation allowance but shall be leave with pay.

Section 14. HOSPITALIZATION, MEDICAL INSURANCE, DENTAL, OPTICAL & PRESCRIPTION DRUG PROGRAMS

Full time personnel, and those part-time personnel designated by Council, shall be eligible for medical benefits in accordance with the City's group health benefits plan, according to the terms of such plan, as amended from time to time.

Section 15. LIFE INSURANCE

Full time personnel, and those part-time personnel designated by Council, shall be eligible for life insurance in accordance with the City's life insurance plan, according to the terms of such plan, as amended from time to time.

Section 16. JURY DUTY LEAVE

1. Any employee who is called for jury duty, either Federal, County or Municipal, shall be paid his or her regular salary, less any compensation received for jury duty, as provided for in the OHIO REVISED CODE when said jury duty conflicts with her or his work schedule.

2. It is understood that Paid Jury Duty Leave will not exceed eighty hours per year without approval of City Council. It will be the employee's responsibility to present to the City the necessary documents, including pay vouchers/check from the Clerk of Courts.

Section 17. MATERNITY LEAVE

This policy shall apply only to those employees not eligible for maternity leave pursuant to Family Medical Leave Act of 1993 ("FMLA"). Employees eligible for

FMLA maternity leave shall receive leave pursuant to that Act in the manner described in the City of North Canton Personnel Handbook. Maternity Leave shall include pregnancy, childbirth and related medical conditions.

Upon written request to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, a pregnant employee may be granted a leave of absence without pay, subject to the following rules.

A. Length of Leave: Leaves of absence for maternity leave shall be limited to the period of time that the pregnant employee is unable to perform the substantial, material duties of the employee's position. This period may include reasonable pre-delivery, delivery and recovery time, as certified in writing by a physician, not to exceed one hundred and eighty days. Such leave shall not include time being requested for the purposes of child care following the recovery of the employee.

B. Physician Certificate: A pregnant employee requesting a leave of absence without pay must present, at the time the request is made, a physician's certificate stating the probable period for which the employee will not be able to perform substantial, material duties of the employee's position due to pregnancy, childbirth or related medical conditions.

C. Sick Leave Usage: Upon request to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, and in accordance with the rules of the City of North Canton with regard to sick leave, a pregnant employee shall be permitted to use any or all of the employee's accumulated sick leave credit only for the period of time as certified by the physician's certificate that the employee isn't able to work as a result of pregnancy, childbirth or related medical conditions. An employee using sick leave credit shall not be prevented from receiving a leave of absence for maternity leave purposes without pay for the remainder of the period.

D. Service Credit: Authorized leaves of absence under this rule for maternity leave without pay will count as service credit for all purposes related to seniority, provided the employee has properly returned to service and is not serving a probationary period. Employees that do not return to service from a personal leave of absence for maternity leave shall not receive service credit for the time spent on such leave.

E. Employee Benefits: Hospitalization and life insurance benefits will remain in effect as long as the employee is on maternity leave as provided for herein.

F. Return to Service: Upon completion of a leave of absence for maternity leave purposes, without pay, the employee shall be returned to the same or similar position within the employee's former classification.

G. Failure to Return: An employee who fails to return to duty upon completion or valid cancellation of leave of absence without pay and without explanation to the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable or their representatives, may be removed from the service of the City. An employee who fails to return to service from a leave of absence without pay and is subsequently removed from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

H. Abuse of Leave: If it is found that a leave is not actually being used for the purpose for which it was originally granted, the Director of Administration, Director of Finance, President of Council or Clerk of Council, whoever is applicable, may cancel the leave and direct the employee to report for work by giving written notice to the employee.

Section 18. **PENSION PICKUP**

1. Any employee of the City of North Canton who is a member of the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund shall have her or his compensation reduced by an amount equivalent to that employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, and that the amount of the employee's contribution to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund; as the case may be, be paid by the City of North Canton on behalf of the employee; and that the amount of the contribution so paid on behalf of the employee by the employer be added to the salary or wage of the employee in the calculation of pensions and other benefits and is subject to the City of North Canton income tax. The employee is not given the option of choosing to receive said amount directly instead of having them paid directly to the Public Employees Retirement System of Ohio or the Ohio Police and Fire Pension Fund.

2. In respect to the employee's contribution to the Public Employees Retirement System of Ohio, that contribution shall be the employee's contribution to the employee's savings fund defined at Section 145.47 of the OHIO REVISED CODE.

Section 19. **LEAVE OF ABSENCE**

Leave of Absence without pay may be granted upon written request and approval of the department head. Attendance at job related conferences, meetings, seminars, etc., which result in absence from work, require prior written request and approval from the responsible departmental authority.

Section 20. **COMPENSATION**

Full-Time Schedule of Compensation: Full-time employees shall be paid an amount equal to or less than the amount set forth in the following schedule:

Position	Bi-Weekly Compensation
Director of Administration	\$3,510.86
Director of Law	\$3,076.92
Director of Finance	\$3,463.99
City Engineer	\$3,463.99
Chief of Police	\$3,210.72
Chief of Fire & EMS	\$3,210.72
Supt., Permits & Inspection	\$2,599.32
Director of Permits & Development	\$2,599.32
Supt., Utilities & Services	\$2,599.32
Supt., Streets & Parks	\$2,599.32
Superintendent -- Drinking Water Plant	\$2,769.24
Supt., Recreation, Buildings & Grounds	\$2,599.32
Operations Managers:	
Recreation, Buildings & Grounds	
Streets & Parks	
Water & Sanitary Sewer	
Drinking Water Plant	\$ 2,465.68
Chief Building Officer	\$2,465.68
Clerk of Council/Law Dept.	\$ 2,146.82
Deputy Director of Finance	\$1,962.01

Administrative Assistant/Payroll Clerk	\$1,730.00
Administrative Assistant	\$1,730.00

At all times the position of Director of Permits & Development is filled, the person serving in the capacity shall also hold the title of Superintendent, Permits & Inspection at no additional compensation.

Public Safety – FIRE / EMS

Assistant Fire Chief	\$ 14.96
Fire Captain	\$ 14.60
Fire Captain / EMT – Paramedic	\$ 14.60

Fire Captain / EMT – Basic	\$ 14.60
EMT – Paramedic	\$ 14.60
Firefighter / EMT – Paramedic	\$ 14.60
Firefighter / EMT – Basic	\$ 14.13
Firefighter	\$ 14.13
EMT – Basic	\$ 14.13
EMT Personnel on Standby	\$ 2.21
Manned at Station:	
Firefighter / EMT - Paramedic/Basic	\$ 12.00

EMT and/or Paramedics manned at station shall not receive Standby Wages; hours will be a minimum of 5 hours/day, maximum of 10 hours/day, 30 hours/week.

Public Safety – Police

Dispatcher C	\$ 12.21
School Crossing Guard	\$ 11.77
Auxiliary Police	\$ 11.04
Special Patrolman	\$ 14.96

Financial & Clerical

Fiscal/Clerical Specialist	\$ 11.88
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Department of Engineering

Engineering Clerk	\$ 11.88
Special Project Inspector	\$ 16.82

Engineering Clerk, Special Project Inspector, and Nuisance Officer shall be paid an amount equal to or less than the amount set forth in the schedule listed above

Building & Permits

Building Inspector	\$ 24.08
Nuisance Officer	\$ 17.00

Municipal Swimming Pool

Pool Director*	\$6,288.71
Assistant Pool Director*	\$4,666.12
Concession Stand Mgr.*	\$4,891.26
Pool Personnel	Minimum Wage
Lifeguard I	Minimum Wage + 3.5%
Lifeguard II	Lifeguard 1 + 3.5%
Lifeguard/Instructor I	Minimum Wage + 15.3%
Lifeguard/Instructor II	Lifeguard/Instructor 1 + 3.5%
Head Lifeguard I	Minimum Wage + 23.1%
Head Lifeguard II	Head Lifeguard 1 + 3.5%
Pool Maintenance	Minimum Wage

*Paid for Season

General Government

Summer I	Minimum Wage
Summer II	Minimum Wage + 7.3%
Intern	Minimum Wage + 25.3%
Skilled Worker	\$ 14.50
Laborer	\$ 13.00

Laborer shall be paid an amount equal to or less than the amount set forth in the schedule listed above

Recreation

Class "A" Instructor	\$ 11.00
Senior Program Director**	\$ 203.50

**Paid bi-weekly

- A. In the event the Senior Program Director works less than 20 hours in a bi-weekly pay period, the actual hours worked will be paid at his/her applicable hourly rate.
- B. That there be and is hereby established an overtime rate of time and one-half after a scheduled eight (8) hours or working a holiday for part-time police officers and part-time radio dispatchers.
- C. Effective January 1 of each year, any employee receiving minimum wage shall have their hourly compensation automatically adjusted to reflect the applicable Federal or State minimum wage, whichever is higher.

Section 21. **COMPENSATORY TIME:**

1. Full-time exempt personnel shall earn compensatory at a rate of one-for-one, for required work hours in excess of 40 hours per week, retroactive to January 1, 2014.
2. Full-time exempt personnel must receive approval by the appointing authority, supervisor, or department head for all required work hours in excess of 40 hours per week that qualify for compensatory time.
3. Full-time exempt personnel shall record earned / used compensatory time on their timesheets.
4. Compensatory time shall be earned / taken in a minimum of half hour increments and may not exceed a maximum of 40 hours at any given time; shall not be used to extend an employee's date of resignation or retirement; and shall be used before an employee is granted a leave of absence without pay.
5. Earned compensatory time shall not be transferred between employees, converted for payment, or converted to another form of vacation time or compensation. Employees forfeit compensatory balances upon transfer, termination, resignation, or retirement.
6. For the purpose of computing compensatory pay, holidays, vacations and funeral leave days shall be counted as hours and days worked.

22. **DRUG TESTING POLICY**

1. Drug screening or testing shall be conducted upon reasonable suspicion. This testing shall be solely for administration purposes and the results obtained shall not be used in any criminal proceeding. Under no circumstances may the results of the drug screening or testing be released to a third party for the use in a criminal prosecution against the affected employee. The following procedures shall not preclude the employer from other administrative action.

2. Drug testing shall also be authorized when an employee is involved in an on-duty motor vehicle accident which results in bodily injuries to any vehicle occupants or the employee, or when the employee has discharged a weapon while on duty.

3. All drug screening tests shall be conducted by medical laboratories licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The procedures utilized by the testing lab shall correspond to accepted medical practice. Any positive result shall be confirmed by a mass spectrophotometry procedure (GS-MS), or any approved subsequent state-of-the-art confirmatory test.

4. Drug screening tests shall be given to employees to detect the illegal use of controlled substances as defined in Section 3719 of the Ohio Revised Code. If the initial screening is positive, the employee's sample shall be subjected to a confirmatory test that shall be administered by a medical laboratory licensed by the State of Ohio and accredited by the College of American Pathologists or other mutually agreed upon entity. The employee may have a second confirmatory test of the split sample done at a lab of his choosing, at this expense. This test shall be given the same evidentiary weight as the previous test, provided a neutral chain of custody remains unbroken.

A. If all the screening and confirmatory tests are positive, then the employee involved may be required to enter into rehabilitation referral. The City shall maintain the right to discipline the employee in addition to mandating rehabilitation.

B. Prior to any notification by the Employer for drug screening or testing, an employee may elect to participate in a rehabilitation or detoxification program, as determined by appropriate medical personnel. The cost of the program will be covered according to the provisions of the employee's health insurance plan.

C. An employee who participates in a rehabilitation or detoxification program shall be allowed to use sick leave, vacation leave, or personal days for the period of the rehabilitation. If no such leave credit is available, such employees shall be placed on leave of absence without pay for the period of the rehabilitation leave.

D. Upon completion of the program, and provided that a retest demonstrates that the employee is no longer illegally using a controlled substance, and/or subject to any disciplinary action that may be taken pursuant to this Article, the employee shall be returned to his position. Such employee may be subject to random retesting upon return to his position for a period of one (1) year from the date of his return.

E. Any employee in the above-mentioned rehabilitation program will not lose any seniority or benefits should it be necessary that he be required to take a medical leave of absence without pay for a period not to exceed ninety (90) days.

F. If an employee refused to undergo rehabilitation or detoxification pursuant to a lawful order, or he fails to complete a program of rehabilitation, or if he should test positive at any time within one (1) year after his return to work upon completion of the rehabilitation program, the employee shall be subject to disciplinary action.

G. Except as otherwise provided herein, the cost of all drug screening shall be borne by the City.

H. For the purpose of this Article "periodic" shall mean not more than three times per year, except that a drug test may be performed at any time upon "reasonable suspicion" of drug use. An employee may be tested more frequently during the one (1) year period after his return from a rehabilitation program.

5. For the purpose of implementing the provisions of this Article, each employee shall execute medical releases in order for the City to obtain the results of the drug screening provided for in this Article. The release referred to in this Section shall authorize only the release of examination results pertaining to the drug screening test. Such medical releases shall be provided by the employer."

Section 23. That any and all legislation inconsistent herewith, be, and is hereby repealed.

Section 24. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely amendments to the General Personnel Regulations and to establish the compensatory time policy for full-time exempt personnel; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2014

ATTEST:

CLERK OF COUNCIL

DRAFT



145 North Main St. · North Canton, OH 44720
Phone: 330-499-8223 Fax: 330-305-0603

CITY OF NORTH CANTON

Michael J. Grimes
Director of Administration

Legislation Request

To: Daniel J. Peters, Council President

Date: March 18, 2014

Subject: Supplement Easement Agreement with American Electric Power

Request of Council authorizing the Mayor, through the Board of Control, to enter into a Supplemental Easement and Right of Way Agreement with American Electric Power ("AEP") revising and granting and conveying a right of way and easement ("Supplemental Right of Way and Easement Agreement") for the right to construct, reconstruct, operate, maintain, alter, inspect, patrol, protect, repair, replace, renew, upgrade, relocate along the centerline of the Easement Area the following described lands being known as Parcel No. 5280106 owned by the City of North Canton located in Southwest Quarter of Section 19, T-11, R-8, County of Stark, Township (Plain).

AEP is requesting this Supplemental Agreement to update and revise an already existing easement on this property. AEP is offering payment of \$5000.00 for updating the easement agreement.

It is the opinion of this writer that any agreement should also contain a stipulation that the any use of herbicides or other foliage controlling chemicals only be used with prior City written permission and that entry onto this easement will be only after notification to the City of North Canton. This area contains drinking water wells owned and operated by the City of North Canton.

EMERGENCY REQUESTED ___ YES X NO

Respectfully Submitted


Michael J. Grimes

RECEIVED

MAR 18 2014

COUNCIL OFFICE
NORTH CANTON, OHIO

Copy: File

Line Name: Wagenhals-West Canton

Line No. TLN160:00066

Easement No. ____

SUPPLEMENTAL RIGHT OF WAY AND EASEMENT

THIS SUPPLEMENTAL RIGHT OF WAY AND EASEMENT, made by and between **City of North Canton**, State of Ohio, whose address is 145 North Main Street, Canton, Ohio 44720, herein called "Grantor", whether one or more persons, and **Ohio Power Company**, an Ohio corporation, being a unit of American Electric Power, whose principal business address is 1 Riverside Plaza, Columbus, Ohio 43215, herein called "Grantee".

WHEREAS, Grantee is the owner of a right of way and easement under the terms of the following agreement recorded in the Stark County Recorder's Office, by and between John C. Syler and Ann Syler, husband and wife, and The Ohio Power Company, a predecessor in title to Grantee, dated October 18, 1954 and recorded in Volume 2289, Page 288, (hereafter the "Original Easement"); and,

WHEREAS, the Grantors herein are the successors in interest to all or part of the lands affected by the Easement.

NOW, THEREFORE, in consideration of the sum of One and NO/100 Dollars (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which Grantor hereby acknowledges, the Grantor and the Grantee hereby agree to supplement and amend the Original Easement (insofar as it encumbers property of the Grantor) situated in the State of Ohio, County of Stark, City of North Canton, located in the Southeast and Southwest Quarter of Section 19, T-11, R-8 and being the same premises as described in Deed Volume 3357, Page 481, of the Stark County Recorder's Office. (Parcel No. 5280106) as follows:

1. Grantor and Grantee agree to revise, amend and clarify the location, width and boundaries of the Easement Area for the allowance of rebuilding transmission and distribution lines, and communication lines. The new Easement Area shall be as described and depicted on "Exhibit A", which is attached hereto and made a part hereof.
2. Grantee has the right to construct, reconstruct, operate, maintain, alter, inspect, patrol, protect, repair, replace, renew, upgrade, relocate along the centerline of the Easement Area, remove and replace poles, towers, and structures, made of wood, metal, concrete or other materials, including cross arms, guys, anchors, anchoring systems, grounding systems, counterpoises, and all other appurtenant equipment and fixtures, and to string conductors, wires and cables, together with the right to add to said facilities from time to time, and the right to do anything necessary, useful or convenient for the enjoyment of the Easement Area herein granted, together with the privilege of removing at any time any or all of said facilities erected on the Easement Area.
3. Grantor further grants to Grantee the right in Grantee's discretion to cut down, trim, and otherwise control, using herbicides or tree growth regulators, or other means, and at the Grantee's option, to remove from the Easement Area any and all trees, overhanging branches, vegetation, brush, or other obstructions. Grantee shall also have the right to cut down, trim, remove, and otherwise control trees situated on lands of the Grantor which adjoin the Easement Area, when in the opinion of the Grantee those trees may endanger the safety of, or interfere with the construction, operation or maintenance of Grantee's facilities or ingress or egress to, from or along the Easement Area.
4. Grantor shall not place, construct, install, erect or permit any temporary or permanent building, structure, advertising device, sign, dumpster, light pole, swimming pool, deep well, storage tank, structure or obstruction, or use or store any hazardous/flammable material within the Easement Area. No shed, road, driveway, mounding, fill, excavation, water impoundment or tree plantings shall be permitted within the Easement Area without the written permission of the Grantee. Any such item placed in the easement area may be removed by Grantee.
5. The failure of Grantee to exercise any of the rights granted herein, including but not limited to the removal of any obstructions from the Easement Area, shall not be deemed to constitute an abandonment or waiver of the rights granted herein.
6. Grantor further grants to Grantee the right of unobstructed access, at any and all times, over, across and along the Easement, and the right of ingress and egress to and from the Easement Area from a public road in, on, over and across existing or future access roads and lanes and other reasonable routes outside the Easement Area across Grantor's adjoining land. In the event there is no existing access road or lane to the Easement Area, the Grantor will provide a mutually agreed upon reasonable ingress and egress route over the Grantor's lands, and any of the adjoining lands of the Grantor, for the purpose of exercising and enjoying the rights granted herein.

7. Grantee agrees to repair or pay the Grantor for damage to growing crops, fences, gates, field tile, drainage ways, drives, lawns, or structures caused by the Grantee in the exercise of the rights herein granted. Grantee further agrees to pay the prevailing market price for standing timber for any marketable trees cut down outside the Easement Area during construction or maintenance of Grantee's electric transmission, distribution, and communication lines.
8. The failure of Grantee to exercise any of the rights granted herein, or the removal of any facilities from the Easement Area, shall not be deemed to constitute an abandonment or waiver of the rights granted.
9. Except as supplemented and amended herein, the original Easement shall remain in full force and effect.
10. The original Easement, as supplemented and amended by this instrument, contains the agreement, expressed or implied between the parties herein and shall inure to the benefit of and be binding on their respective successors, assigns, heirs, executors, administrators, lessees, tenants, and licensees.

(This area intentionally left blank)

IN WITNESS HEREOF, the Grantor has executed this Supplemental Right of Way and Easement to be effective as of the last date set forth below.

GRANTOR(S):

City of North Canton, State of Ohio

By: _____

Name: David J. Held

Title: Mayor of North Canton, Ohio

Dated: _____

STATE OF OHIO §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____ 2014, by **David J. Held, Mayor, of the City of North Canton, State of Ohio**, on behalf of said City.

Notary Public
Printed Name: _____
My Commission Expires: _____

GRANTEE:

OHIO POWER COMPANY

By: Thomas Schaffer
Manager, Transmission Right of Way
American Electric Power Service Corporation
Authorized Signer

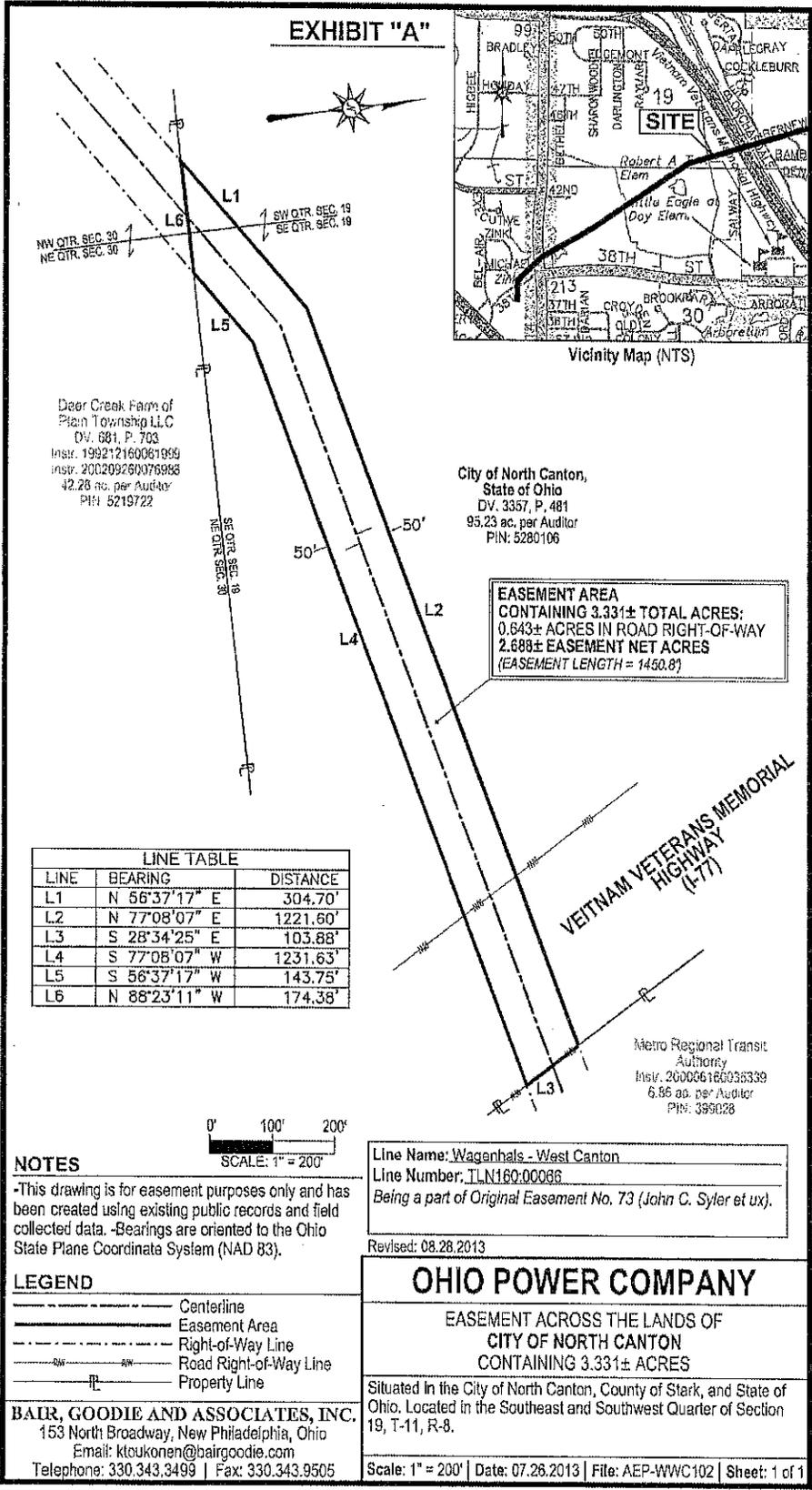
STATE OF OHIO §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____
2014, by Thomas Schaffer, Manager, Transmission Right of Way, American Electric Power
Service Corporation, as Authorized Signer for Ohio Power Company, an Ohio corporation, a unit
of American Electric Power, on behalf of the corporation.

Notary Public
Printed Name: _____
My Commission Expires: _____

THIS INSTRUMENT PREPARED BY OHIO POWER COMPANY

EXHIBIT "A"



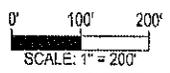
SW QTR. SEC. 30
SE QTR. SEC. 30

Dear Creek Farm of
Plain Township LLC
DV. 681, P. 703
Instr. 199212160061999
Instr. 200209280076988
42.28 ac. per Auditor
PIN: 5219722

City of North Canton,
State of Ohio
DV. 3357, P. 481
95.23 ac. per Auditor
PIN: 5280106

**EASEMENT AREA
CONTAINING 3.331± TOTAL ACRES:
0.643± ACRES IN ROAD RIGHT-OF-WAY
2.688± EASEMENT NET ACRES
(EASEMENT LENGTH = 1450.8')**

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 56°37'17" E	304.70'
L2	N 77°08'07" E	1221.60'
L3	S 28°34'25" E	103.88'
L4	S 77°08'07" W	1231.63'
L5	S 56°37'17" W	143.75'
L6	N 88°23'11" W	174.38'



NOTES

-This drawing is for easement purposes only and has been created using existing public records and field collected data. -Bearings are oriented to the Ohio State Plane Coordinate System (NAD 83).

LEGEND

- Centerline
- Easement Area
- Right-of-Way Line
- Road Right-of-Way Line
- Property Line

BAIR, GOODIE AND ASSOCIATES, INC.
153 North Broadway, New Philadelphia, Ohio
Email: ktoukonen@bairgoodie.com
Telephone: 330.343.3499 | Fax: 330.343.9505



Vicinity Map (NTS)

**VIETNAM VETERANS MEMORIAL
HIGHWAY
(I-77)**

Metro Regional Transit
Authority
Instr. 200066160038339
6.86 ac. per Auditor
PIN: 395028

Line Name: Wagenhals - West Canton
Line Number: TLN160-00086
Being a part of Original Easement No. 73 (John C. Syler et ux).

Revised: 08.26.2013

OHIO POWER COMPANY

EASEMENT ACROSS THE LANDS OF
CITY OF NORTH CANTON
CONTAINING 3.331± ACRES

Situated in the City of North Canton, County of Stark, and State of Ohio. Located in the Southeast and Southwest Quarter of Section 19, T-11, R-8.

WHIPPLE AVE NW

PROPOSED WAGENHALS WEST CANTON ROAD

SWITZ
DEER CREEK FARMS
LLC, TOWNSHIP, LLC

NORTH COUNTY

VIETNAM VETERANS MEMORIAL HWY
(IR-77)

DALE DR NW

©218877
PILOT MARY E

296926

10-12-54

T
81

THIS INDENTURE, made this 5th day of October, 1954, by and between John C. Syler and Ann Syler, husband and wife, parties of the first part, and the Ohio Power Company, a corporation organized and existing under the laws of the State of Ohio, party of the second part,

WITNESSETH: That for and in consideration of the sum of One Dollar and other good and valuable consideration in hand paid to the parties of the first part, the receipt of which is hereby acknowledged, said parties of the first part hereby grant, bargain, sell, convey, and warrant to the party of the second part, its successors and assigns forever, a right of way and easement in, over, through and across the lands of John C. Syler situated in Plain Township, Stark County, Ohio, and being parts of the northeast, southeast and southwest quarters of Section 19 of Township 11 North, Range 6 West of the Ohio River Survey; said right of way and easement being 100 feet in width, that is to say, 50 feet on either side of the following described center line:

Beginning at a point on the boundary line between the right of way of The Baltimore and Ohio Railroad and the lands of John C. Syler, said point being located southeasterly, on said boundary line, a distance of 2549.22 feet from an iron pin on the quarter section line between the southeast and northeast quarters of said Section 19; running thence southwesterly, at an angle of 105° 42' turned southwesterly from said boundary line and extending a distance of 1225.88 feet to an angle point; thence deflecting 20° 30' to the left and extending southwesterly, a distance of 217.62 feet to a point on the boundary line between the lands of John C. Syler and the lands of Mary Yurasko Gelesky, said boundary line also being the section line between Sections 19 and 30, said point being located easterly, on said boundary and section line, a distance of 822.01 feet from the southwest corner of the lands of John C. Syler.

Together with the right to place, erect, maintain, inspect, repair, and renew, upon the center line of the above described right of way,

RECEIVED FOR RECORD
OCT 15 1954
at 9:43 o'clock A.M.
RECORDED OCT 18 1954
in Stark County Records
V 2289 Page 288
W. BRANS COMB Recorder FER 251

one steel tower with crossarms and other fixtures; the right to erect, operate, maintain, inspect, repair, renew, add to the number of, and relocate wires and cables upon said tower and across, through, and over the above described right of way; the right to cut and remove from the above described right of way and the lands of John C. Syler adjoining the same on either side, any trees, overhanging branches, brush, undergrowth, or other obstructions which might endanger the safety or interfere with the erection, maintenance, operation, or use of said tower, crossarms, fixtures, wires, or cables; also the right of ingress and egress in and over existing ways and lanes to the extent suitable and other reasonable routes for the enjoyment of the rights hereinabove set forth; and the right to remove, at any time, any or all of said towers, crossarms, fixtures, wires, or cables erected upon, over, through, or across the above described right of way.

ENTERED FOR TRANSFER
NOT NECESSARY
OCT 15 1954
WDE YODER
AUDITOR STARK COUNTY
Deputy

Party of the second part agrees that, except in emergencies, in exercising its right of ingress and egress over the lands of the parties of the first part as provided herein, it will use such reasonable route or routes as shall be designated by the parties of the first part, or either of them, their tenants, heirs, successors and assigns, and said parties of the first part, for themselves, their heirs, successors and assigns, hereby agree to designate such reasonable route or routes when requested by the party of the second part, its successors and assigns, so to do.

It is intended to erect, upon the center line of the above described right of way, one steel tower with crossarms and fixtures, said tower to be approximately 28 feet square at the normal ground line; and to attach to said tower and string over and across the above described right of way, at least 28 feet above the surface of the ground, wires, cables and appurtenances for the transmission of electric energy thereover for any and all purposes for which electric energy is now or may hereafter be used.

A map showing the location of the premises and the transmission line to be erected thereon is attached hereto and made a part hereof, identified as Drawing No. C-277060.



TO HAVE AND TO HOLD the same unto the party of the second part, its successors and assigns forever.

By the acceptance of this instrument the party of the second part assumes and agrees to perform the obligations herein by it to be performed.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands the day and year above written.

Signed and Acknowledged in the Presence of:

Alice S. Landon
Alice S. Landon

H. Richard Kauffman
H. Richard Kauffman

John C. Syler
(John C. Syler)

Ann Syler
(Ann Syler)

STATE OF OHIO)
) SS:
STARK COUNTY)

Before me, a Notary Public in and for said County, personally appeared the above named John C. Syler and Ann Syler, husband and wife, who acknowledged that they did sign the within instrument and that the same is their free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 9th day of October, A.D., 1954.

Alice S. Landon
Notary Public.

ALICE S. LANDON
Notary Public, Stark County, Ohio
My Commission Expires Feb. 4, 1955

EASEMENT PAYMENT SCHEDULE

Easement #: 73 Map #:
 Work Order: 4191924003
 Line Name: Wagenhals-West Canton

THE UNDERSIGNED:

GRANTOR: City of North Canton, State of Ohio

ADDRESS: 145 N. Main Street, Canton, Ohio 44720

HEREBY OFFER to accept amount as determined in accordance with the schedule below in full payment for right of way and easement for an electric transmission, distribution and communication line or lines, in, over, under, upon and along the land of the undersigned under an easement dated _____, 20__, from the undersigned to the Company to wit:

PAYMENT SCHEDULE

Description	Amount
Easement Area 3.331 / Acres, m/l <i>X</i>	<i>\$5,001.00</i>
<i>\$1,500.00 PER ACER = \$4,996.50</i>	
Less Easement Consideration	\$1.00
Total Amount Due	<i>\$5,000.00</i>

The amounts so determined are in full payment of the price specified by said easement for right of way. Any construction damages will be paid separately unless noted above.

In the event the provisions of this agreement as to the payment of the amounts so determined in any way conflict with any of the provisions of said easement, this agreement shall control.

ACCEPTED ON: _____, 20__

Property ROW, LLC

Grantor(s):

Sign: _____

Print: _____

Ohio Power Company

By: _____

For Office Use Only:

Dept. ID		cc		Proj. ID		Acct		WO		ABM Act.	
GL Unit			PC Bus. Unit		TRANS	Check No.				Check Date	
						AP BU				ZIP CODE	

Damage Agreement

Eas.	73	Map		Structure		Line	Wagenhals-West Canton
WO #	4187560405				Parcel ID:	5280106	
Grantor:	City of North Canton, State of Ohio				Address:	145 North Main Street, Canton, Ohio 44720	
Present Owner					Address:		
Tenant					Address:		
Cash Crop							

Damages Estimated to be the following:

Nature of Damages	Estimate

Remarks: Total Estimated Damages

The undersigned landowner agrees to compensate any tenants for their share (if any) of this damage payment.

In accordance with the terms of the easement of record, the undersigned, being duly authorized, hereby agrees to accept \$ _____, in full payment of all damages, except possible tile damage accrued in the construction/maintenance of a line for the transmission of electric energy which has been constructed over and across said property by virtue of said easement.

Accepted on: _____, 20__

Property ROW, LLC

Grantor(s):

Sign _____

Print Name _____

Accepted: Ohio Power Company

For Office Use Only:

Dept. ID		cc	999	Proj. ID		Acct.		WO		ABMAct.
GL Unit		PC Bus. Unit	Trans	Check No.		Check Date				

227842

STATE OF OHIO
SS:
STARK COUNTY

IN THE COURT OF COMMON PLEAS

CITY OF NORTH CANTON, OHIO

CASE NO. 112587

DEC 2 3 1968

PLAINTIFF

VS.

JOURNAL ENTRY

RECEIVED FOR RECORD
DEC 2 1968
3:58 o'clock P.M.
RECORDED DEC 24 1968
in Stark County Records
Vol. 3357 Page 481
LAWRENCE E. MORRIS
Recorder

RAY C. OSTER and
MARY E. OSTER

DEFENDANTS

It appears to the Court that the owners of the property for which the City of North Canton, State of Ohio has petitioned to appropriate, such property hereinafter described, have agreed with the said City of North Canton, State of Ohio, upon the amount of compensation and damages due said owners by reason of said appropriation and have agreed to accept the amount of Two Hundred Forty-Five Thousand Dollars (\$245,000.00) in full payment thereof, payable as hereinafter stated and that said owners of the property do hereby release all claims for further compensation or damages to any property or part thereof that said owners retain for their own use or purposes.

In conformity to said agreement, It is hereby ordered, adjudged and decreed that the City of North Canton, State of Ohio, shall pay to said

property owners the sum of Two Hundred Forty-Five Thousand Dollars (\$245,000.00)

JOE YODER
AUDITOR STARK COUNTY

November 30, 1968, Sixty-Two Thousand Dollars (\$62,000.00)

November 1, 1969, Fifty-Eight Thousand Five Hundred Dollars (\$58,500.00)

November 1, 1970, Forty-One Thousand Five Hundred Dollars (\$41,500.00)

November 1, 1971, Forty-One Thousand Five Hundred Dollars (\$41,500.00)

November 1, 1972, Forty-One Thousand Five Hundred Dollars (\$41,500.00)

ENTERED FOR TRANSFER
DEC 27 1968
JOE YODER
AUDITOR STARK COUNTY

IN COMPLIANCE
WITH ORC § 53202
DEC 2 1968
JOE YODER
AUDITOR STARK COUNTY

SPLIT OUT - F 101.39
TAKEN 95.25 ac
LEASE 6.14 ac - RSW - 19-11-2 (plain)

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Supplemental Right of Way and Easement Agreement ("Easement"), for and in consideration of One Dollar and other valuable consideration, the City of North Canton, State of Ohio, ("Grantor") with Ohio Power Company, an Ohio corporation, being a unit of American Electric Power, ("Grantee"), to revise and grant and convey a right of way and easement, owned by the City of North Canton, located in the Southwest Quarter of Section 19, County of Stark, Township 11 (Plain Township), Range 8, and known as Parcel No. 5280106.

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

- Section 1. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into an Easement, for and in consideration of One Dollar and other valuable consideration, the Grantor with Grantee, to revise and grant and convey a right of way and easement, owned by the City of North Canton, located in the Southwest Quarter of Section 19, County of Stark, Township 11 (Plain Township, Range 8, and known as Parcel No. 5280106, for the right to construct, reconstruct, operate, maintain, alter, inspect, patrol, protect, repair, replace, renew, upgrade, relocate along the centerline of the Easement area.
- Section 2. That a copy of said Easement is attached hereto and incorporated herein as if fully rewritten here.
- 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 shall take effect and be in full force from and after the earliest period allowed by law.

C/W: 3/24/14
Item 3b

RECEIVED

MAR 17, 2014

ADMINISTRATION
NORTH CANTON, OHIO



City of NORTH CANTON, OHIO

145 NORTH MAIN STREET
NORTH CANTON OHIO 44720-2587

LEGISLATION REQUEST

March 17, 2014

To: **Daniel J. Peters, President**
City Council

Subject: Easthill Street Bridge Replacement Project (PID 97410)

Requested By:
City Engineer

Date: 3/12/14

Approved By:
Director of Administration

Date: 3/17/14

An ordinance authorizing the Mayor, through the Board of Control to enter into a cooperation agreement with ODOT for replacement of the bridge on Easthill Street SE over West Branch Nimishillen Creek (SFN 7670907) - to be known as Easthill Street Bridge Replacement Project - PID No. 97410 – STA-OBPP FY2016.

EMERGENCY REQUESTED: Yes X No _____

RECEIVED

MAR 18 2014

COUNCIL OFFICE
NORTH CANTON, OHIO

PRELIMINARY LEGISLATION

Consent

Ordinance/Resolution# _____
PID No. 97410
County/Route/Section STA-OBPP FY2016

The following is _____ enacted by the City of North Canton of Stark
(An Ordinance/a Resolution) (Local Public Agency)
County, Ohio, hereinafter referred to as the Local Public Agency (LPA).

SECTION I - Project Description

WHEREAS, the (LPA/STATE) has identified the need for the described project:

Replacement of bridge on Easthill Road over West Branch Nimishillen Creek (SFN 7670907)

NOW THEREFORE, be it ordained by the City of North Canton of Stark County, Ohio.
(LPA)

SECTION II - Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project.

SECTION III - Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the above described project as follows:

The LPA shall be responsible for all financial resources necessary for those items outside the scope of the project, as stated above.

SECTION IV - Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION V - Maintenance

Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION VI - Authority to Sign

I, _____ of said _____ is hereby empowered on behalf of
(Contractual Agent) (LPA)
the _____ to enter into contracts with the Director of Transportation which is
(LPA)

necessary to complete the above described project.

Passed: _____, 20____
(Date)

Attested: _____
(Clerk) (Contractual Agent of LPA - title)

Attested: _____
(Title) (President of Council)

This _____ is hereby declared to be an emergency measure to expedite
(Ordinance/Resolution)
the highway project(s) and to promote highway safety. Following appropriate legislative action, it shall take effect and be in force immediately upon its passage and approval, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

CERTIFICATE OF COPY
STATE OF OHIO

City of North Canton _____ of Stark _____ County, Ohio
(LPA)

I, _____, as Clerk of the City of North Canton _____
(LPA)
of Stark County _____, Ohio, do hereby certify that the forgoing is a true and
correct copy of _____ adopted by the legislative Authority of the said
(Ordinance/Resolution)
City _____ on the _____ day of _____, 20____
(LPA)

That the publication of such _____ has been made and certified of
(Ordinance/Resolution)
record according to law; that no proceedings looking to a referendum upon such
_____ have been taken; and that such _____
(Ordinance/Resolution) (Ordinance/Resolution)
and certificate of publication thereof are of record in _____ Page _____
(Ordinance/Resolution Record No.)

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, if
applicable, this _____ day of _____, 20____

CITY SEAL

Clerk

_____ of _____, Ohio
(LPA)

(If the LPA is designated as a City then the "City Seal" is required. If no Seal, then a letter stating "No Seal is
required to accompany the executed legislation.)

The afore going is accepted as a basis for proceeding with the project herein described.
For the _____ of _____, Ohio
(LPA)

Attest: _____, Date _____
(Contractual Agent)

For the State of Ohio

Attest: _____, Date _____
Director, Ohio Department of Transportation

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Cooperation Agreement by and between the City of North Canton ("City") and the Ohio Department of Transportation ("ODOT") for the replacement of the bridge of Easthill Street SE over West Branch Nimishillen Creek, known as the Easthill Street Bridge Replacement Project ("Project") and declaring the same to be an emergency.

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

- Section 1. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a Cooperation Agreement by and between the City and the ODOT for the replacement of the bridge of Easthill Street SE over West Branch Nimishillen Creek (SFN 7670907), known as the Project PID No. 97410 – STA-OBPP FY2016.
- Section 2. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified cooperation agreement from the applicable appropriation upon receipt 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 hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and peace of the City of North Canton, Ohio, and further necessary for the timely execution of the cooperative agreement between the City and ODOT; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2014

ATTEST:

CLERK OF COUNCIL

RECEIVED

MAR 11 2014



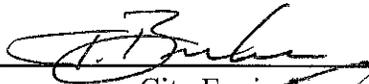
City of NORTH CANTON, OHIO MAYOR
145 NORTH MAIN STREET NORTH CANTON, OHIO
NORTH CANTON, OHIO 44720-2587

LEGISLATION REQUEST

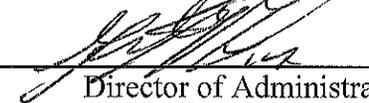
March 10, 2014

To: **Daniel J. Peters, President**
City Council

Subject: **Perpetual Water Line Easement**
(Parcel No. 5503231)

Requested By: 
City Engineer

Date: 1/10/2014

Approved By: 
Director of Administration

Date: 3/10/14

An ordinance authorizing the Mayor, through the Board of Control, to accept the perpetual right of way, easement and all appurtenances associated with Perpetual Water Line Easement/Parcel No. 5503231. (See attachment)

NOTE: This waterline was authorized by Ordinance No 110-92; however an easement was not acquired at that time.

RECEIVED

MAR 11 2014

COUNCIL OFFICE
NORTH CANTON, OHIO

EMERGENCY REQUESTED: Yes X No _____

PERPETUAL WATER LINE EASEMENT
Parcel No. 5503231

For and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, **Nesbitt Enterprises, LLC**, an Ohio limited liability company, GRANTOR, does hereby give and grant unto **THE CITY OF NORTH CANTON**, an Ohio Municipality, its successors and assigns, GRANTEE, the perpetual right of way and easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will, a water main for conveying potable water and all appurtenances thereto with the right of ingress and egress at any time to and from such water main and all appurtenances thereto on, under and through the following property:

SEE ATTACHED EXHIBIT "A"

It is agreed by and between Grantor and Grantee as follows:

1. That the Grantee shall have the right to remove fences, shrubbery, plants, trees, landscaping, lawns, driveways, walks, and paving within the easement area during initial construction or future maintenance of the water main and all appurtenances thereto. The Grantee shall be responsible to restore the surface area of the easement as closely as possible to its condition at the time of construction or maintenance. The Grantee will pay damages for items that cannot be restored or repaired. If the amount of said damages cannot be mutually agreed upon, the same shall be ascertained and determined by three disinterested persons; one appointed by the Grantor, one by the Grantee, and the third by the two so appointed. The award of such three persons shall be final and conclusive.
2. That no building or structure of any kind shall or will be erected within the easement by Grantor, nor shall anything be placed in the vicinity of the easement that might be injurious to the water main. However, nothing herein shall interfere with the right of Grantor to place driveways, parking areas, sidewalks in said easement. Grantor shall not change the ground elevation, within the easement area, without approval of Grantee.
3. That Grantor may extend across, or grant easements to others to extend across said easement area, electric lines or pipelines for gas, sewage or storm water subject, however, to minimum acceptable clearances.
4. That upon removal of said water main and all appurtenances thereto, the premises shall be restored as closely as possible to its then condition at the time of removal.
5. This easement from Grantor to Grantee shall not be used as evidence or in any other manner by the Grantee, it's representatives, successors or assigns, to assist the Grantee in the annexation of the property of Grantor, through eminent domain or any other government taking.

- 6. That this grant shall be binding upon the Grantor and Grantee and shall inure to the benefit of their respective heirs, executors, administrators, successors and assigns forever.
- 7. This easement is subject to all matters of record.

IN WITNESS WHEREOF, the undersigned have caused their name to be subscribed to this City of North Canton Easement this 5 day of March, 2014.

GRANTOR

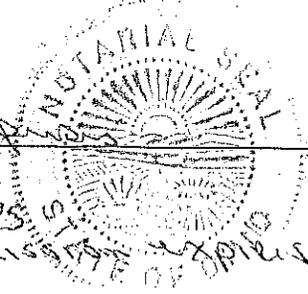
Thomas M Nesbitt
 Thomas M. Nesbitt, President of Nesbitt Enterprises, LLC

STATE OF OHIO)
) SS:
 STARK COUNTY)

Before me, a Notary Public in and for said County, personally appeared **Thomas M. Nesbitt**, who acknowledged that he did sign the foregoing instrument on behalf of Nesbitt Enterprises, LLC, an Ohio limited liability company as President, and that it is the free act and deed of the company and himself personally.

IN THE TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal a this 5 day of MARCH, 2014.

Robin Caspeck
 Notary Public
 Robin Caspeck is
 My Commission Expires
 12/13/14



This instrument prepared by:

City of North Canton
 145 North Main Street
 North Canton, OH 44720



1359 MARKET
AVENUE NORTH
CANTON, OHIO
44714

COOPER & ASSOCIATES, LLP / ENGINEERS & SURVEYORS

PHONE: (330) 452-5731

FAX: (330) 452-9110

BRYAN J. ASHMAN
JEROLD E. GEIB

EXHIBIT 'A'
16 FOOT PERPETUAL WATERLINE EASEMENT
FOR: CITY OF NORTH CANTON

Known as and being part of a 9.556 acre tract of land presently owned by Nesbitt Enterprises, LLC as recorded in Stark County Recorder's Image Number 2002/08220066357. Subject tract is located in part of the Northeast Quarter of Section 6, Township 11 (Plain Township), Range 8 in Stark County, Ohio and is more particularly bounded and described as follows;

Beginning for the same at a point, at the southeast corner of the Northeast Quarter of said Section 6 in Plain Township;

Thence N85°03'15"W on a portion of the south line of said Northeast Quarter Section a distance of 464.38 feet to a point on the north right-of-way line of Orion Street N.E., at the southwest corner of a 0.717 acre tract of land now or formerly owned by E. & B. Coombs as recorded in Official Record Volume 1086, Page 976 of the Stark County Deed Records and being the true place of beginning for the tract of land herein to be described;

Thence N85°03'15"W continuing on a portion of the south line of said Northeast Quarter Section, and the north right-of-way line of said Orion Street N.E. a distance of 16.00 feet to a point;

Thence N04°45'45"E parallel with and 16.00 feet west of a portion of the east line of the previously stated 9.556 acre Nesbitt Enterprises, LLC tract of land a distance of 276.54 feet to a point on the south line of an 11.643 acre tract of land now or formerly owned by Bayberry Woods Condominiums as recorded in Stark County Recorder's Image Number 1995/036771;

Thence S85°03'15"E on a portion of the south line of said 11.643 acre Bayberry Woods Condominiums tract of land a distance of 16.00 feet to a point;

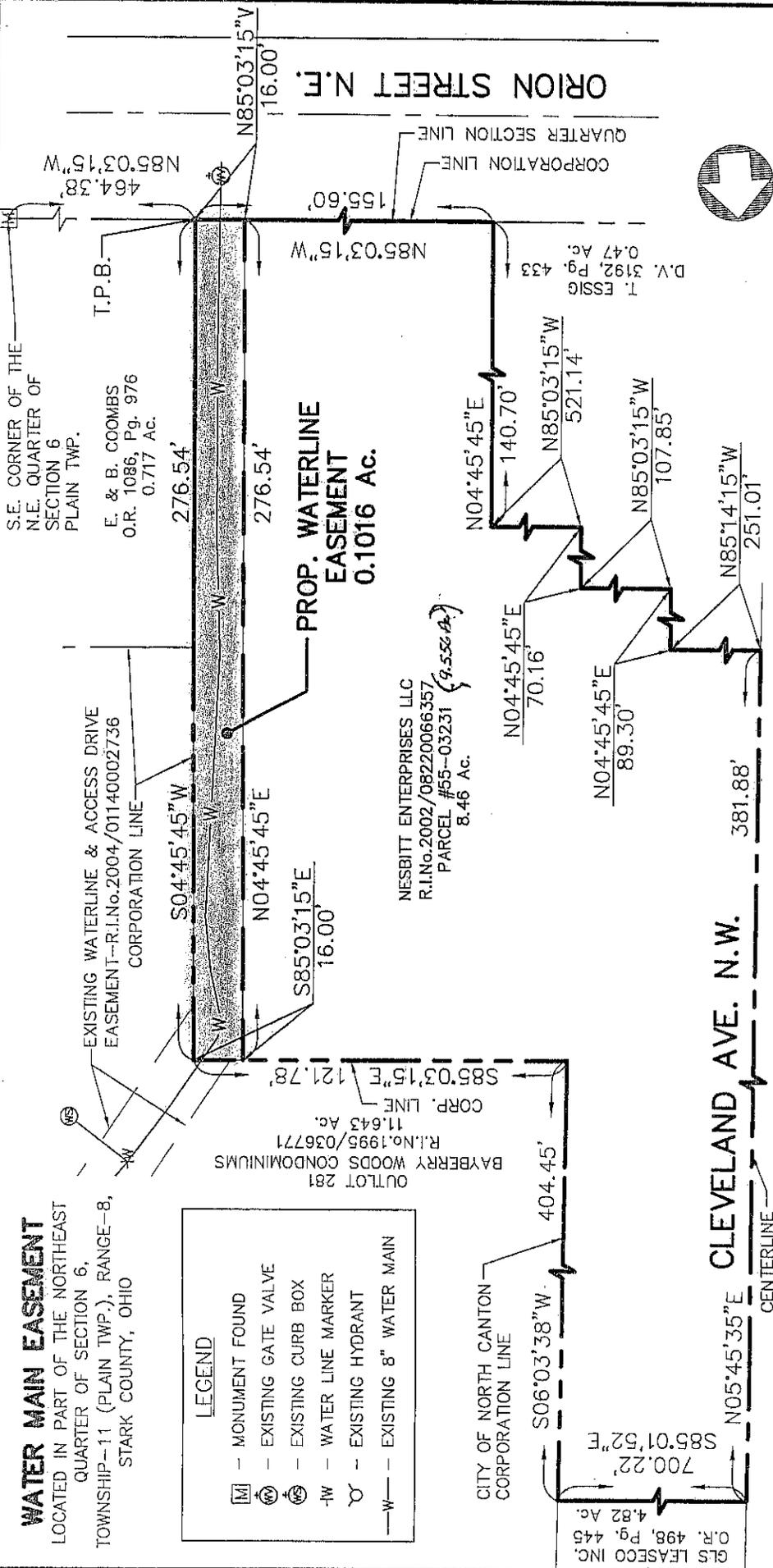
Thence S04°45'45"W on a portion of the west line of said 11.643 acre Bayberry Woods Condominiums tract of land and the west line of the previously stated 0.717 acre E. and B. Coombs tract of land a distance of 276.54 feet to a point, at the southwest corner of said 0.717 acre tract of land, being the true place of beginning and containing 0.1016 acre of land more or less (4,424 S.F.).

Subject to any and all easements, reservations, or restrictions that may be of record pertaining to the above described tract of land.

WATER MAIN EASEMENT

LOCATED IN PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP-11 (PLAIN TWP.), RANGE-8, STARK COUNTY, OHIO

LEGEND	
[M]	MONUMENT FOUND
[V]	EXISTING GATE VALVE
[B]	EXISTING CURB BOX
-W-	WATER LINE MARKER
⊙	EXISTING HYDRANT
—	EXISTING 8" WATER MAIN



<p>EXHIBIT 'A'</p> <p>PAGE 2 OF 2</p> <p>PROJECT 07164</p>	<p>WATERMAIN EASEMENT PLAT</p> <p>FOR: THE CITY OF NORTH CANTON</p>	<p>COOPER & ASSOCIATES, LLP ENGINEERS AND SURVEYORS 1359 MARKET AVE. NORTH CANTON, OHIO 44714</p> <p>PHONE: (330) 452-5731 FAX: (330) 452-9110</p>	<p>SCALE: 1" = 40'</p> <p>DRAWN BY: S.D.H. CHECKED BY: R.R.D.</p>
---	--	---	---

An ordinance approving, confirming, and accepting a Perpetual Public Waterline Easement ("Easement"), granted by Nesbitt Enterprises, LLC, an Ohio limited liability company, ("Grantor") to the City of North Canton, an Ohio municipality, its successors and assigns, ("Grantee"), the perpetual right of way and Easement located in part of the Northeast Quarter of Section 6, Township 11 (Plain Township), Range 8, and declaring the same to be an emergency.

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

- Section 1. That Grantor has granted to Grantee its successors and assigns, the perpetual right of way and Easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will, a water main for conveying potable water and all appurtenances thereto with the right of ingress and egress at any time to and from such water main and all appurtenances thereto on, under and through the property located in part of the Northeast Quarter of Section 6 Township 11 (Plain Township), Range 8, be, and the same is hereby approved, confirmed and accepted.
- Section 2. That a copy of said Easement is attached hereto and incorporated herein as if fully rewritten here.
- 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 hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and further necessary for the timely approval, confirmation and acceptance of the this Easement Agreement; wherefore, provided it receives the affirmative vote of six (6) or more members of Council elected thereto, this ordinance shall take effect and be in force immediately upon its adoption by Council and approval by the Mayor.

Trans#..	Name.....	Date....	Check...	Bank.	Amount....	Accts Dist.	Amts
	CMC CANTON MUNICIPAL COURT	03-07-14	002022	CS	142.50	IDAC	142.50
	CITY CITY OF NORTH CANTON	03-07-14	002023	CS	10722.17	OF	4032.00
						CC	6094.73
						INT	0.44
						OP	30.00
						COMP	565.00
	ST STATE	03-07-14	002024	CS	4033.50	SBD	100.00
						IDSF	2620.00
						MVCC	332.50
						VC	981.00
***					14898.17		14898.17

RECEIVED

MAR 10 2014

COUNCIL OFFICE
NORTH CANTON, OHIO

Bank.	Account	Description.....	Beg-Mo-Bal..	Mtd-Receipts	Mtd-Withdr..	Mtd-Adjust..	Balance.....
CS	10%B	10% BOND	0.00	0.00	0.00	0.00	0.00
CS	B	BOND	0.00	0.00	0.00	0.00	0.00
CS	BC	BANK CHARGES	0.00	0.00	0.00	0.00	0.00
CS	CC	COURT COSTS	0.00	6035.50	6094.73	59.23	0.00
CS	COMP	COMPUTER ACCOUNT	0.00	560.00	565.00	5.00	0.00
CS	CTCOP	CERTIFIED COURT COPY	0.00	0.00	0.00	0.00	0.00
CS	EXP	CITY EXPUNGEMENT ACCT	0.00	0.00	0.00	0.00	0.00
CS	EXPS	EXPUNGEMENT TO STATE	0.00	0.00	0.00	0.00	0.00
CS	GR	GENERAL REVENUE	0.00	0.00	0.00	0.00	0.00
CS	IDAC	INDIGENT ALCOHOL	0.00	142.50	142.50	0.00	0.00
CS	IDSF	Indigent Defense Support Fund	0.00	2595.00	2620.00	25.00	0.00
CS	INT	MONTHLY BANK INTEREST	0.00	0.44	0.44	0.00	0.00
CS	LOCDFE	LOCAL DEFAULT	0.00	60.00	0.00	-60.00	0.00
CS	MVCC	MOVING VIOLATION COURT COST	0.00	332.50	332.50	0.00	0.00
CS	OF	ORDNCE FINE	0.00	4032.00	4032.00	0.00	0.00
CS	OP	OVERPAYMENTS	0.00	0.00	30.00	30.00	0.00
CS	OTHDFE	OTHER DEFAULT	0.00	34.23	0.00	-34.23	0.00
CS	PHONE	AT & T STMT	0.00	0.00	0.00	0.00	0.00
CS	RBLFEE	FORFEITURE RELEASE FEE	0.00	0.00	0.00	0.00	0.00
CS	SBD	SEAT BELT DRIVER STATE FINE	0.00	100.00	100.00	0.00	0.00
CS	SBP	SEAT BELT PASSENGER STATE FINE	0.00	0.00	0.00	0.00	0.00
CS	SC	NSF SERVICE CHG	0.00	0.00	0.00	0.00	0.00
CS	SF	STATE FINE CHILD RESTRAINT	0.00	0.00	0.00	0.00	0.00
CS	STDEF	STATE DEFAULT	0.00	34.00	0.00	-34.00	0.00
CS	VC	VICTIM CRIME	0.00	972.00	981.00	9.00	0.00
***			0.00	14898.17	14898.17	0.00	0.00
***			0.00	14898.17	14898.17	0.00	0.00

FirstMerit Bank, N.A.
 295 FirstMerit Circle
 Akron Ohio 44307-2359

FIRSTMERIT
 Bank

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Page 1 of 2

ADMINISTRATION
 NORTH CANTON, OHIO

Statement Period
 Feb 1, 2014 to
 Feb 28, 2014

MAYOR CITY OF NORTH CANTON
 145 N MAIN ST
 N CANTON OH 44720-2501

Primary Account
 [REDACTED]
 Questions?
 1-888-554-4362

A

143341 - 33

4

Summary of Accounts

Deposit Accounts

INTEREST CHECKING	[REDACTED]	14,221.13
Total Deposit Accounts		14,221.13

INTEREST CHECKING

MAYOR CITY OF NORTH CANTON

Account Summary

Beginning Balance as of Feb 1, 2014	14,424.42
13 Deposits and Credits	14,787.73
3 Withdrawals and Debits	14,991.46
Interest Paid	0.44
Ending Balance as of Feb 28, 2014	14,221.13

Checks

Date	Number	Amount	Date	Number	Amount
Feb 13	2019	✓10,497.46	Feb 14	2020	✓144.00
Total Checks		10,641.46			
Total Number of Checks		2			

Indicates there is a gap between check numbers

Other Transactions

Date	Description	Withdrawals	Deposits
Feb 3	PAYPAL TRANSFER		630.00
Feb 5	DEPOSIT		2,265.00
Feb 7	DEPOSIT		1,677.00
Feb 7	PAYPAL TRANSFER		430.00
Feb 10	PAYPAL TRANSFER		847.00
Feb 10	PAYPAL TRANSFER		130.00
Feb 12	8201OHIOTOSREPT REPROT EFT	✓4,350.00	
Feb 13	DEPOSIT		420.00
Feb 18	PAYPAL TRANSFER		650.00
Feb 19	DEPOSIT		2,300.00

Other Transactions (continued)

Date	Description		Withdrawals	Deposits
Feb 21	PAYPAL	TRANSFER		1,619.00
Feb 24	DEPOSIT			1,833.00
Feb 26	PAYPAL	TRANSFER		413.23
Feb 28	DEPOSIT			1,573.50
Feb 28	Interest Paid			.44

Daily Balance Information

Date	Balance	Date	Balance	Date	Balance
Jan 31	14,424.42	Feb 12	16,053.42	Feb 21	10,400.96
Feb 3	15,054.42	Feb 13	5,975.96	Feb 24	12,233.96
Feb 5	17,319.42	Feb 14	5,831.96	Feb 26	12,647.19
Feb 7	19,426.42	Feb 18	6,481.96	Feb 28	14,221.13
Feb 10	20,403.42	Feb 19	8,781.96		

Interest Detail

Interest Paid Year-to-Date	0.90	Annual Percentage Yield Earned	0.05%
Interest Paid this Period	0.44	Days in this Period	28
Interest Earned this Period	0.44		

NOTE

ALL CHECKS ARE LISTED AS PAID AS OF THE POSTING DATE. IN THE EVENT A CHECK IS RETURNED, THE REVERSING ENTRY WILL SHOW AS A CREDIT ON THE NEXT POSTING DATE.

Failure to report discrepancies, forgeries, or alterations within 14 days may result in forfeiture of any claims.

IN CASE OF ERRORS OR QUESTIONS ABOUT YOUR ELECTRONIC TRANSFERS

Telephone the number listed on Page 1 of this statement or write using the address listed on Page 1 of this statement as soon as possible, if you think your statement or receipt is wrong or if you need more information about a transfer on the statement or receipt. We must hear from you no later than 60 days after we sent you the FIRST statement on which the error or problem appeared.

- (1) Tell us your name and account number.
- (2) Describe the error or the transfer you are unsure about, and explain as clearly as you can why you believe there is an error or why you need more information.
- (3) Tell us the dollar amount of the suspected error.

We will investigate your complaint and will correct any error promptly. For consumer accounts only, if we take more than 10 business days to do this, we will recredit your account for the amount you think is in error, so that you will have use of the money during the time it takes us to complete our investigation.

*Thank you for choosing FirstMerit as your financial partner.
We appreciate your business.*

City of North Canton Statement of Cash from Revenue and Expense

From: 1/1/2014 to 1/31/2014
Funds: 101 to 873

Include Inactive Accounts: No

Code	Description	Beginning Balance	Net Revenue YTD	Net Expense YTD	Unexpended Balance	Encumbrance YTD	Ending Balance	Message
201	GENERAL FUND	\$1,928,687.24	\$99,909.70	\$512,345.99	\$1,516,250.95	\$399,777.84	\$1,116,473.11	
203	INCOME TAX FUND	\$1,688,829.22	\$607,281.15	\$25,237.40	\$2,270,872.97	\$15,127.94	\$2,255,745.03	
204	FIRE OPERATING FUND	\$142,721.35	\$30.00	\$49,651.63	\$93,099.72	\$24,778.97	\$68,320.75	
205	EMS OPERATING FUND	\$417,904.05	\$49,372.17	\$143,362.70	\$323,913.52	\$89,070.23	\$234,843.29	
206	COMPUTER TRUST FUND	\$8,740.81	\$495.00	\$675.88	\$8,559.93	\$660.15	\$7,899.78	
207	ENFORCEMENT AND EDUCATION FUND	\$13,756.75	\$159.00	\$0.00	\$13,915.75	\$0.00	\$13,915.75	
208	STREET CONST M & R FUND	\$572,640.52	\$62,803.42	\$76,831.77	\$558,612.17	\$162,678.30	\$395,933.87	
209	STORM SEWER IMPROVE LEVY FUND	\$628,805.14	\$0.00	\$27,099.42	\$501,705.72	\$134,648.01	\$367,057.71	
210	STREET IMPROVE LEVY FUND	\$335,262.73	\$0.00	\$237,436.74	\$297,825.99	\$94,098.80	\$203,727.19	
211	MUNICIPAL ROAD FUND	(\$115,856.32)	\$117,636.55	\$0.00	\$1,780.23	\$0.00	\$1,780.23	
212	GENERAL TRUST FUND	\$190,612.58	\$0.00	\$0.00	\$190,612.58	\$4,000.00	\$186,612.58	
213	LAW ENFORCEMENT TRUST FUND	\$27,493.05	\$656.50	\$0.00	\$28,149.55	\$0.00	\$28,149.55	
214	COMPENSATED ABSENCES FUND	\$857,126.53	\$0.00	\$0.00	\$857,126.53	\$0.00	\$857,126.53	
215	CONTINUING PROF EDUCATION FUND	\$540.00	\$0.00	\$0.00	\$540.00	\$0.00	\$540.00	
216	COMMUNITY DISASTER RELIEF	\$1,364.67	\$0.00	\$0.00	\$1,364.67	\$0.00	\$1,364.67	
330	CAPITAL IMPROVEMENT FUND	\$4,980,311.12	\$323,460.31	\$543,573.82	\$4,760,197.61	\$949,043.50	\$3,811,154.11	
331	PARK DEVELOPMENT FUND	\$53.03	\$0.00	\$0.00	\$53.03	\$0.00	\$53.03	
332	ISSUE 2 IMPROVEMENT FUND	\$202,578.21	\$0.00	\$0.00	\$202,578.21	\$0.00	\$202,578.21	
333	HOOVER DISTRICT IMP. FUND	\$80,429.48	\$192,576.80	\$192,576.80	\$80,429.48	\$2,700.00	\$77,729.48	
650	WATER REVENUE FUND	\$2,134,233.43	\$477,301.05	\$642,143.12	\$1,969,391.36	\$1,016,509.58	\$952,881.78	
651	WATER EXP, REPLACE & IMP FUND	\$2,172,578.11	\$0.00	\$288,623.84	\$1,883,954.27	\$492,390.35	\$1,391,563.92	
652	SEWER REVENUE FUND	\$2,753,654.82	\$227,654.78	\$252,234.04	\$2,729,075.56	\$633,902.17	\$2,095,173.39	
654	GARBAGE SERVICE FUND	\$237,958.46	\$88,688.20	\$12,804.18	\$313,842.48	\$211,357.71	\$102,484.77	
761	INSURANCE FUND	\$1,004,881.09	\$99,152.66	\$116,350.81	\$987,682.94	\$332,485.50	\$655,197.44	
870	NORTH CANTON CIC ESCROW FUND	\$457,000.00	\$0.00	\$0.00	\$457,000.00	\$0.00	\$457,000.00	
871	PERMIT FEE FUND	\$615.79	\$159.89	\$0.00	\$775.68	\$879.13	(\$103.45)	
873	REQUIRED DEPOSITS FUND	\$68,161.62	\$900.00	\$143.79	\$68,917.83	\$0.00	\$68,917.83	
Grand Total:		\$20,891,083.48	\$2,348,237.18	\$3,121,091.93	\$20,118,228.73	\$4,564,108.18	\$15,554,120.55	

C/W: 3/24/14
Item 5b

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COUNCIL OFFICE
NORTH CANTON, OHIO

CITY OF NORTH CANTON
FUND BALANCE RECONCILIATION

January 31, 2014

Consolidated Fund Balance \$20,118,228.73

Less Treasury Investments Held at Cost:

	<u>INTEREST</u>	<u>PRINCIPAL</u>
Federal Gov't Securities (UBS)	\$0.00	\$10,026.34
StarPlus	101.58	598,683.37
Chase Money Market	6.08	144,151.39
Huntington Bank (CDARS)	0.00	1,000,000.00
Huntington Bank Ck'g	0.00	25.00
Huntington Bank Money Market	179.45	\$1,056,645.88
North Canton CIC Escrow,	0.00	457,000.00
First Merit CD various maturity	0.00	5,556,297.84
First Merit Money Market	247.73	2,011,818.35
Morgan Stanley - CD various maturity	0.00	2,200,000.00
Freddie Mac Govt	0.00	250,500.00
Sweep Account	147.33	2,480,000.00
Payroll Bank	0.00	360,001.68
	<u>\$682.17</u>	<u>\$16,125,149.85</u>

Total Treasury Investments \$16,125,149.85

Adjusted Consolidated Fund Balance \$3,993,078.88

Book Balance

AR Box Not Booked \$855.30
 MEDI Matched not book (3,001.21)

-\$2,145.91

Total Fund Balance Reconciliation \$3,990,932.97

Check Book Balance \$4,028,521.25

Minus: Outstanding Checks: (\$39,208.78)

NSF's In Transit \$365.66
 PAYPAL In Transit 1,114.84
 PAYPAL Overdraw (\$60.00)
 Misc. Reconciling Item 200.00

\$1,620.50

Adjusted Bank Balance \$3,990,932.97

OTHER CITY ACCOUNTS:

Mayor's Court \$14,424.42
 Escrow 126,037.58
 Total in Other City Acco \$140,462.00

Respectfully submitted,

Karen S. Alger

Karen S. Alger
 Director of Finance

CITY OF NORTH CANTON
INVESTMENT REGISTER
FOR THE CALENDAR YEAR 2014

PURCHASE DATE	FINANCIAL INSTITUTION	SECURITY/ACCOUNT NUMBER	INTEREST RATE	PAR AMT/ CARRYING VALUE	BEGINNING VALUE	Analysis Seattle		PURCHASE (REDEEMED)	INTEREST	REVENUE NUMBER	DAYS HELD	ENDING BALANCE
						Change	Domestic Wire					
1/31/2014	Paine Webber, Inc.	CLM9153J	7.00	\$ 28,771.16	\$ 10,026.34			\$ -	\$ -		60	\$ 10,026.34
3/31/2014	Star Plus	6880	0.22	\$ 598,581.79	\$ 598,581.79			\$ 101.58	\$ 101.58	1434	30	\$ 598,683.37
1/31/2014	Chase Bank - Money Market	9104	0.05	\$ 144,145.31	\$ 144,145.31			\$ 6.08	\$ 6.08	1434	30	\$ 144,151.39
3/28/2013	Huntington (CDARS)	7166	0.30	\$ 1,000,000.00	\$ 1,000,000.00			\$ -	\$ -		365	\$ 1,000,000.00
1/31/2014	Huntington - Money Market	5179	0.20	\$ 1,056,287.01	\$ 1,056,466.43			\$ 179.45	\$ 179.45	1434	30	\$ 1,056,645.88
1/31/2014	Huntington Checking	2370		\$ 25.00	\$ 25.00			\$ -	\$ -		183	\$ 25.00
1/31/2014	N.Canton CIC Escrow Account	3646	Various	\$ 457,000.00	\$ 457,000.00			\$ -	\$ -		30	\$ 457,000.00
1/31/2014	First Merit Bank - Companion Acct	0040	0.15	\$ 2,011,570.62	\$ 2,011,570.62			\$ 247.73	\$ 247.73	1434	30	\$ 2,011,818.35
11/4/2013	First Merit Bank - CD	2333	0.20	\$ 4,556,297.84	\$ 4,556,297.84			\$ -	\$ -		181	\$ 4,556,297.84
9/26/2013	First Merit Bank - CD	9352	0.22	\$ 1,000,000.00	\$ 1,000,000.00			\$ -	\$ -		180	\$ 1,000,000.00
10/11/2013	Morgan Stanley - CD due Oct 24, 2014	1824	0.45	\$ 250,000.00	\$ 250,000.00			\$ -	\$ -		377	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due Oct 19, 2015	1824	0.75	\$ 250,000.00	\$ 250,000.00			\$ -	\$ -		737	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due Oct 17, 2016	1824	1.20	\$ 250,000.00	\$ 250,000.00			\$ -	\$ -		1101	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due Oct 17, 2017	1824	1.55	\$ 250,000.00	\$ 250,000.00			\$ -	\$ -		1466	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due Oct 17, 2018	1824	2.10	\$ 250,000.00	\$ 250,000.00			\$ -	\$ -		1837	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due May 20, 2015	1824	0.55	\$ 250,000.00	\$ 250,000.00			\$ -	\$ -		545	\$ 250,000.00
11/20/2013	Morgan Stanley - CD due Nov 26, 2015	1824	0.75	\$ 250,000.00	\$ 250,000.00			\$ -	\$ -		730	\$ 250,000.00
11/15/2013	Morgan Stanley - CD due Nov 21, 2016	1824	1.25	\$ 200,000.00	\$ 200,000.00			\$ -	\$ -		1096	\$ 200,000.00
11/20/2013	Morgan Stanley - CD due Dec 6, 2018	1824	2.00	\$ 250,000.00	\$ 250,000.00			\$ -	\$ -		1834	\$ 250,000.00
11/25/2013	Freddie Mac Govt due Dec 19, 2018		2.05	\$ 250,500.00	\$ 250,500.00			\$ -	\$ -		1847	\$ 250,500.00
1/31/2014	First Merit Bank - Sweep	Sweep 4424	0.10	\$ 6,975,000.00	\$ 6,975,000.00			\$ -	\$ -	1434	30	\$ 2,480,000.00
1/31/2014	Balance			\$ 20,278,172.46	\$ 20,259,613.33			\$ 534.84	\$ 682.17			\$ 15,765,148.17

City of North Canton Statement of Cash from Revenue and Expense

From: 1/1/2014 to 2/28/2014
Funds: 101 to 873

Include Inactive Accounts: No

Code	Description	Beginning Balance	Net Revenue YTD	Net Expense YTD	Unexpended Balance	Encumbrance YTD	Ending Balance	Message
101	GENERAL FUND	\$1,928,687.24	\$1,357,092.17	\$1,127,314.34	\$2,158,465.07	\$255,135.22	\$1,903,329.85	
203	INCOME TAX FUND	\$1,688,829.22	\$1,112,328.53	\$1,485,724.54	\$1,315,433.21	\$9,087.81	\$1,306,345.40	
204	FIRE OPERATING FUND	\$142,721.35	\$100,030.00	\$89,115.44	\$153,635.91	\$14,963.91	\$138,672.00	
205	EMS OPERATING FUND	\$417,904.05	\$141,369.91	\$258,423.50	\$300,850.46	\$74,112.44	\$226,738.02	
206	COMPUTER TRUST FUND	\$8,740.81	\$1,055.00	\$1,083.57	\$8,712.24	\$765.96	\$7,946.28	
207	ENFORCEMENT AND EDUCATION FUND	\$13,756.75	\$429.00	\$0.00	\$14,185.75	\$0.00	\$14,185.75	
208	STREET CONST M & R FUND	\$572,640.52	\$163,352.30	\$161,515.48	\$574,477.34	\$125,581.90	\$448,895.44	
209	STORM SEWER IMPROVE LEVY FUND	\$528,805.14	\$0.00	\$35,648.55	\$493,156.59	\$151,248.88	\$341,907.71	
210	STREET IMPROVE LEVY FUND	\$535,262.73	\$0.00	\$238,539.36	\$296,723.37	\$52,996.18	\$243,727.19	
211	MUNICIPAL ROAD FUND	(\$115,856.32)	\$117,636.55	\$0.00	\$1,780.23	\$0.00	\$1,780.23	
212	GENERAL TRUST FUND	\$190,612.58	\$25.00	\$2,980.00	\$187,657.58	\$1,020.00	\$186,637.58	
213	LAW ENFORCEMENT TRUST FUND	\$27,493.05	\$656.50	\$0.00	\$28,149.55	\$0.00	\$28,149.55	
214	COMPENSATED ABSENCES FUND	\$857,126.53	\$0.00	\$0.00	\$857,126.53	\$0.00	\$857,126.53	
215	CONTINUING PROF EDUCATION FUND	\$540.00	\$0.00	\$0.00	\$540.00	\$0.00	\$540.00	
216	COMMUNITY DISASTER RELIEF	\$1,364.67	\$0.00	\$0.00	\$1,364.67	\$0.00	\$1,364.67	
330	CAPITAL IMPROVEMENT FUND	\$4,980,311.12	\$599,135.31	\$590,360.48	\$4,989,085.95	\$1,746,714.84	\$3,242,371.11	
331	PARK DEVELOPMENT FUND	\$53.03	\$0.00	\$0.00	\$53.03	\$0.00	\$53.03	
332	ISSUE 2 IMPROVEMENT FUND	\$202,578.21	\$0.00	\$0.00	\$202,578.21	\$0.00	\$202,578.21	
333	HOOVER DISTRICT IMP. FUND	\$80,429.48	\$192,576.80	\$195,276.80	\$77,729.48	\$876,610.00	(\$798,880.52)	
650	WATER REVENUE FUND	\$2,134,233.43	\$986,496.38	\$1,458,365.00	\$1,662,364.81	\$819,160.60	\$843,204.21	
651	WATER EXP, REPLACE & IMP FUND	\$2,172,578.11	\$462,500.00	\$468,044.08	\$2,167,034.03	\$302,652.61	\$1,864,381.42	
652	SEWER REVENUE FUND	\$2,753,654.82	\$458,269.67	\$434,126.56	\$2,777,797.93	\$427,970.35	\$2,349,827.58	
654	GARBAGE SERVICE FUND	\$237,958.46	\$164,133.82	\$220,058.18	\$182,034.10	\$13,406.78	\$168,627.32	
761	INSURANCE FUND	\$1,004,881.09	\$200,348.20	\$203,202.40	\$1,002,026.89	\$255,633.91	\$746,392.98	
870	NORTH CANTON CIC ESCROW FUND	\$457,000.00	\$0.00	\$0.00	\$457,000.00	\$0.00	\$457,000.00	
871	PERMIT FEE FUND	\$615.79	\$599.02	\$340.37	\$874.44	\$538.76	\$335.68	
873	REQUIRED DEPOSITS FUND	\$68,161.62	\$1,170.16	\$353.95	\$68,977.83	\$0.00	\$68,977.83	
Grand Total:		\$20,891,083.48	\$6,059,204.32	\$6,970,472.60	\$19,979,815.20	\$5,127,600.15	\$14,852,215.05	

C/W: 3/24/14
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COUNCIL OFFICE
NORTH CANTON, OHIO

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CITY OF NORTH CANTON

FUND BALANCE RECONCILIATION

February 28, 2014

Consolidated Fund Balance \$19,979,815.20

Less Treasury Investments Held at Cost:

	<u>INTEREST</u>	<u>PRINCIPAL</u>
Federal Gov't Securities (UBS)	\$0.00	\$10,026.34
StarPlus	91.77	598,775.14
Chase Money Market	5.49	144,156.88
Huntington Bank (CDARS)	0.00	1,000,000.00
Huntington Bank Ck'g	0.00	25.00
Huntington Bank Money Market	162.12	\$1,056,808.00
North Canton CIC Escrow	0.00	457,000.00
First Merit CD various maturity	0.00	5,556,297.84
First Merit Money Market	223.78	2,012,042.13
Morgan Stanley - CD various maturity	0.00	2,200,000.00
Freddie Mac Govt	0.00	250,500.00
Sweep Account	100.77	2,605,000.00
Payroll Bank	0.00	360,001.68
	<u>\$583.93</u>	<u>\$16,250,633.01</u>

Total Treasury Investments \$16,250,633.01

Adjusted Consolidated Fund Balance \$3,729,182.19

Book Balance

AR Box Not Booked	\$433.94	
EMS online not booked	204.83	
Fund 7095 Qtrly Mun Ta	<u>10.85</u>	
		<u>\$649.62</u>

Total Fund Balance Reconciliation \$3,729,831.81

Check Book Balance \$4,012,456.19

Minus: Outstanding Checks: (\$282,775.17)

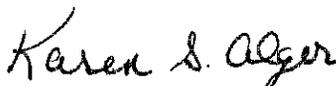
NSF's In Transit	\$210.81	
PAYPAL Overdrawl	(60.00)	
OPERS In Transit	<u>(0.02)</u>	
		<u>\$150.79</u>

Adjusted Bank Balance \$3,729,831.81

OTHER CITY ACCOUNTS:

Mayor's Court	\$14,221.13
Escrow	<u>126,042.03</u>
Total in Other City Accoi	<u>\$140,263.16</u>

Respectfully submitted,



Karen S. Alger
Director of Finance

CITY OF NORTH CANTON
INVESTMENT REGISTER
FOR THE CALENDAR YEAR 2014

PURCHASE DATE	FINANCIAL INSTITUTION	SECURITY/ACCOUNT NUMBER	INTEREST RATE	PAR AMT/ CARRYING VALUE	BEGINNING VALUE	Analysis Settle Charge Domestic Wife	PURCHASE (REDEEMED)	INTEREST	REVENUE NUMBER	DAYS HELD	ENDING BALANCE
1/31/2014	Paine Webber, Inc.	CLM9153J	7.00	\$ 28,771.16	\$ 10,026.34		\$ -	\$ -		60	\$ 10,026.34
1/31/2014	Star Plus	6880	0.22	\$ 598,581.79	\$ 598,581.79		\$ 101.58	\$ 101.58	1434	30	\$ 598,683.37
1/31/2014	Chase Bank - Money Market	9104	0.05	\$ 144,139.04	\$ 144,145.31	\$ -	\$ 6.08	\$ 6.08	1434	30	\$ 144,151.39
3/28/2013	Huntington (CDARS)	7266	0.30	\$ 1,000,000.00	\$ 1,000,000.00		\$ -	\$ -		365	\$ 1,000,000.00
1/31/2014	Huntington - Money Market	5179	0.20	\$ 1,056,287.01	\$ 1,056,466.43		\$ 179.45	\$ 179.45	1434	30	\$ 1,056,645.88
1/31/2014	Huntington Checking	2370		\$ 25.00	\$ 25.00		\$ -	\$ -		183	\$ 25.00
1/31/2014	N.Canton CIC Escrow Account	3646	Various	\$ 457,000.00	\$ 457,000.00		\$ -	\$ -		30	\$ 457,000.00
1/31/2014	First Merit Bank - Companion Acct	0040	0.15	\$ 2,011,570.62	\$ 2,011,570.62		\$ 247.73	\$ 247.73	1434	30	\$ 2,011,818.35
11/4/2013	First Merit Bank - CD	2233	0.20	\$ 4,556,297.84	\$ 4,556,297.84		\$ -	\$ -		181	\$ 4,556,297.84
9/26/2013	First Merit Bank - CD	9352	0.22	\$ 1,000,000.00	\$ 1,000,000.00		\$ -	\$ -		180	\$ 1,000,000.00
10/11/2013	Morgan Stanley - CD due Oct 24, 2014	1824	0.45	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		377	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due Oct 19, 2015	1824	0.75	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		737	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due Oct 17, 2016	1824	1.20	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		1101	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due Oct 17, 2017	1824	1.55	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		1466	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due Oct 23, 2018	1824	2.10	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		1837	\$ 250,000.00
11/20/2013	Morgan Stanley- CD due May 20, 2015	1824	0.55	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		545	\$ 250,000.00
11/15/2013	Morgan Stanley- CD due Nov 16, 2015	1824	0.75	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		730	\$ 250,000.00
11/20/2013	Morgan Stanley- CD due Nov 21, 2016	1824	1.25	\$ 200,000.00	\$ 200,000.00		\$ -	\$ -		1096	\$ 200,000.00
11/25/2013	Morgan Stanley- CD due Dec 6, 2018	1824	2.00	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		1834	\$ 250,000.00
11/25/2013	Freddie Mac Govt due Dec 19, 2018	Sweep 4424	2.05	\$ 250,500.00	\$ 250,500.00		\$ -	\$ -		1847	\$ 250,500.00
1/31/2014	First Merit Bank - Sweep		0.10	\$ 6,975,000.00	\$ 6,975,000.00		\$ -	\$ 147.33	1434	30	\$ 2,480,000.00
1/31/2014	Balance			\$ 20,278,172.46	\$ 20,259,613.33	\$ -	\$ 534.84	\$ 682.17			\$ 15,765,148.17
2/28/2014	Paine Webber, Inc.	CLM9153J	7.00	\$ 28,771.16	\$ 10,026.34		\$ -	\$ -		60	\$ 10,026.34
2/28/2014	Star Plus	6880	0.22	\$ 598,581.79	\$ 598,683.37		\$ 91.77	\$ 91.77	1576	30	\$ 598,775.14
2/28/2014	Chase Bank - Money Market	9104	0.05	\$ 144,139.04	\$ 144,151.39	\$ -	\$ 5.49	\$ 5.49	1576	30	\$ 144,156.88
3/28/2013	Huntington (CDARS)	7266	0.30	\$ 1,000,000.00	\$ 1,000,000.00		\$ -	\$ -		365	\$ 1,000,000.00
2/28/2014	Huntington - Money Market	5179	0.20	\$ 1,056,287.01	\$ 1,056,465.88		\$ 162.12	\$ 162.12	1576	30	\$ 1,056,808.00
2/28/2014	Huntington Checking	2370		\$ 25.00	\$ 25.00		\$ -	\$ -		183	\$ 25.00
2/28/2014	N.Canton CIC Escrow Account	3646	Various	\$ 457,000.00	\$ 457,000.00		\$ -	\$ -		30	\$ 457,000.00
2/28/2014	First Merit Bank - Companion Acct	0040	0.15	\$ 2,011,818.35	\$ 2,011,818.35		\$ 223.78	\$ 223.78	1576	30	\$ 2,012,042.13
11/4/2013	First Merit Bank - CD	2233	0.20	\$ 4,556,297.84	\$ 4,556,297.84		\$ -	\$ -		181	\$ 4,556,297.84
9/26/2013	First Merit Bank - CD	9352	0.22	\$ 1,000,000.00	\$ 1,000,000.00		\$ -	\$ -		180	\$ 1,000,000.00
10/11/2013	Morgan Stanley - CD due Oct 24, 2014	1824	0.45	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		377	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due Oct 19, 2015	1824	0.75	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		737	\$ 250,000.00
10/11/2013	Morgan Stanley - CD due Oct 17, 2016	1824	1.20	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		1101	\$ 250,000.00
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11/15/2013	Morgan Stanley- CD due Nov 16, 2015	1824	0.75	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		730	\$ 250,000.00
11/20/2013	Morgan Stanley- CD due Nov 21, 2016	1824	1.25	\$ 200,000.00	\$ 200,000.00		\$ -	\$ -		1096	\$ 200,000.00
11/25/2013	Morgan Stanley- CD due Dec 6, 2018	1824	2.00	\$ 250,000.00	\$ 250,000.00		\$ -	\$ -		1834	\$ 250,000.00
11/25/2013	Freddie Mac Govt due Dec 19, 2018	Sweep 4424	2.05	\$ 250,500.00	\$ 250,500.00		\$ -	\$ -		1847	\$ 250,500.00
2/28/2014	First Merit Bank - Sweep		0.10	\$ 2,605,000.00	\$ 2,605,000.00		\$ -	\$ 100.77	1576	30	\$ 2,605,000.00
2/28/2014	Balance			\$ 15,908,521.77	\$ 15,890,148.17	\$ -	\$ 483.16	\$ 583.93			\$ 15,890,631.33



145 North Main St. · North Canton, OH 44720
Phone: 330-499-8223 Fax: 330-305-0603

CITY OF NORTH CANTON
Michael J. Grimes
Director of Administration

Legislation Request

✓ To: Daniel J. Peters, Council President
Date: March 18, 2014
Subject: Presentation & Purchase Authorization for Portable Road Patch Machine

Please place the above subject matter on the Committee of the Whole agenda at your earliest convenience for a presentation to Council by Superintendent James Davis on consideration for a purchase of a portable road patch machine.

If Council wishes to move forward, I ask consideration for an ordinance authorizing the Mayor of the City of North Canton through the Board of Control to purchase one (1) Portable Road Patch Machine that will be utilized by the street department not to exceed sixty-five thousand dollars (\$65,000.00).

The request is to purchase this machine through the Ohio Cooperative Purchase Agreement, or be authorized to advertise and receive bids or purchase from a vendor if they are at a lower price for equivalent terms, conditions and specifications.

The purchase has been budgeted in the 2014 budget under Street Construction & Repair Line Item # 208.543.5500 - \$65,000.00.

EMERGENCY REQUESTED X YES NO

Respectfully Submitted,

Michael J. Grimes

Copy; Finance Director Karen Alger
Supt. Services & Utilities James Davis
File

RECEIVED
MAR 18 2014
COUNCIL OFFICE
NORTH CANTON, OHIO

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into an Agreement for the purchase of one (1) portable road patch machine for use by the Street Department from a vendor or, in the alternative, pursuant to the Ohio Cooperative Purchase Act, and declaring the same to be an emergency.

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

Section 1. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to purchase one (1) portable road patch machine, for use by the Street Department, within the purview of the Ohio Cooperative Purchase Act.

Section 2. In the event a purchase through the Ohio Cooperative Purchase Act is not feasible in the discretion of the Director of Administration of the City of North Canton, that the Director of Administration, be, and is hereby authorized to advertise and receive bids according to specifications now on file in the Office of the Director of Administration and for the Mayor, to be authorized, through the Board of Control, to enter into an Agreement for the purchase of one (1) portable road patch machine for use by the Street Department.

Section 3. That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to purchase one (1) portable road patch machine for use by the Street Department, from a vendor if it is at a lower price than state contract and it is at equivalent terms, conditions, and specifications as authorized by Ohio Revised Code 125.04.

Section 4. That the Director of Finance of the City of North Canton, be, and is hereby authorized to draw funds necessary for the payment of the above specified agreement from the following appropriation:

208	STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND	
208.543.5500	Equipment	\$65,000

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

Section 5. 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 6. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety, and peace of the City North Canton and further necessary for the timely purchase portable road patch machine and to ensure continued efficient operation of the Street Department; wherefore, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING
Held: February 24, 2014

The Community and Economic Development Committee, as part of the Committee of the Whole meeting, was called to order Monday, February 24, 2014.

The following committee members were present for the Community and Economic Development Committee meeting: Chairperson Kiesling, Vice Chairperson Cerreta, Committee Members Werren, Foltz, Peters and Snyder. Committee Member Griffith was not present for the meeting.

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

Mr. Snyder: First item on the agenda is Community and Economic Development. Chairman Kiesling.

Mrs. Kiesling: Can I request that we amend the agenda now and add those – the zonings which we just got done speaking about it?

Mr. Snyder: Whatever you want.

Mrs. Kiesling: Wouldn't that be easier?

Mr. Snyder: That's fine.

Mrs. Kiesling: Before we lose our train of thought. So I would like to amend the agenda to include rezoning the Walsh/Gressel Parcel to Parks and Institutions, and that's the parcel out by Walsh University. I'll make that motion.

Mrs. Kiesling moved and Mr. Foltz seconded to **amend the agenda to include consideration of the rezoning the Walsh/Gressel Parcel to Parks and Institutions**. All members present voting:

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

No: 0

Mrs. Kiesling: Maybe we should make a motion to excuse Mr. Griffith.

Mr. Snyder: May we have a motion to excuse Member Griffith?

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

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

No: 0

Mrs. Kiesling: Okay. So we've spoke about changing the zoning to Parks and Institution which coincides with everything around it. And I'd like to place it on for its first reading on the 10th. Any questions/concerns? Alright, I'd like to amend the agenda to include Parcel No. 9209516 over beside the "Y", the Maple Street Commerce, is currently zoned Office Building.

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We were - spoke in the public hearing about adding the mixed use overlay. I'd like to place that on the agenda to speak about it. I motion to do that.

Mrs. Kiesling moved and Mrs. Werren seconded to **amend the agenda to include consideration that a Mixed Use Overlay District be applied to Parcel No. 9209516 for the premises located on East Maple Street, presently zoned OB, Office Business District.** All members present voting:

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

No: 0

Mrs. Kiesling: I would like to - any questions, concerns to moving that portion to the agenda to give it its first reading March 10th. Everybody okay with that? That's the one right here, right by Bitzer Park. All right, place it on the agenda and give it its first reading. These all will require three readings. All right, we'd like to amend the agenda to include Parcel 10000415, no, no, no. 10000416 which is currently office building which is the car ports to add mixed use overlay on top. I'd like a motion to amend the agenda to speak about that.

Mr. Peters: That's the covered parking? Right?

Mrs. Kiesling: That's the covered parking.

Mr. Cerreta moved and Mr. Peters seconded to **amend the agenda to include consideration that a Mixed Use Overlay District be applied to Parcel No. 9209516 for the premises located on East Maple Street, presently zoned OB, Office Business District.** All members present voting:

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

No: 0

Mrs. Kiesling: Everybody okay to if we place on the agenda March 10th for its first reading?

Mrs. Werren: Yes.

Mrs. Kiesling: All right. Then I'd like to amend the agenda to speak about the North Canton, amending the zoning Ordinance No. 1135.05(e) to remove Notes (a) and (b). I'd like to amend the agenda to place that on the agenda. Amend the agenda to put it on the agenda.

Mr. Cerreta moved and Mrs. Werren seconded to **amend the agenda to include consideration that Section 1135.05(e) be amended to remove Notes (a) and (b).** All members present voting:

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

No: 0

Mr. Peters: Marcia, when we talk about that on the 10th, you know, to Chuck's point....

Mrs. Kiesling: We can talk about it right now, it's on the agenda.

Mr. Peters: Okay. It is on the agenda, that's right. To Chuck's point, and that rang a bell with me where you said about what they were going to build there where the clubhouse was.

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Can we get some history on that? I'm curious how that, how those part (a) and (b) affected that, if it did in fact affect it. I mean,

Mrs. Kiesling: Off the top of my head I do not remember and I certainly don't have ...inaudible...

Mr. Cerreta: Do you remember when that was Chuck?

Mrs. Kiesling: Above it, in the code, it talks about the feet you know the required setbacks for every portion of it. I don't know why those notes were there to begin with. Obviously they're a little bit bigger of a setback, but it's very convoluted, I mean you heard me read it. So the part up here just gives it a little like everything else in the book where you're RMFA and you're placing up against R-70, R-50, R-2F District, it tells you what your setbacks are. And then the little notes down here tell you even more. Planning Commission felt as if these up in here covered it all in the totality and felt very comfortable nixing Notes (a) and (b). I don't remember – I must not have been at that meeting, but I don't think it was - I think they were completely in favor of it because I think it did make that whole conversation very complicated.

Mr. Peters: I hope it's not going to get any more complicated. I just - I'm wondering why that was put in there after the fact. If it was in fact, after the fact.

Mrs. Kiesling: Oh I don't – right I don't know. Eric, do you remember even when those notes were even placed in our code? Yeah....

Mr. Bowles (speaking from the audience): Before my ...inaudible...

Mrs. Kiesling: Yeah right, I wasn't around when they put those notes in there.

Mr. Peters: Okay.

Mrs. Kiesling: So it's taking away, except that when the length of a building wall facing the lot line is longer than 50 feet, so imagine where that barn was on Applegrove. Okay, they were talking about putting multi-family like right where that barn is or right in that vicinity. If the lot line is longer than 50 feet, which it most certainly would have been because it's that whole Sanctuary development right now, the setback from the project boundary shall be increased by one additional foot of setback for every two feet of wall length greater than 50 feet. So obviously that was a lot greater than 50 feet. And every two feet greater than 50 feet, you increase the setback by a foot. That is a huge setback. If that was a - I mean, I think, Chuck is right, I think it made that project almost impossible to do.

Mr. Snyder: What it does is decreases the density.

Mrs. Kiesling: Yeah.

Mr. Peters: Yeah.

Mr. Snyder: Because if you've got four per acre, you can probably only get three....

Mr. Peters: Didn't they apply that to the...

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Mr. Snyder: It decreases the density. It decreases the density on that property.

Mr. Peters: Down on Knoll? Or not Knoll....

Mrs. Kiesling: We didn't, on Knoll, no.

Mr. Peters: No, the Zablo....

Mrs. Kiesling: You mean Zablo on Everhard? Or you mean Zablo and Northfield.

Mr. Peters: Northfield.

Mrs. Kiesling: I don't know that we got that out of the one on Northfield. If we got – if we decreased the density. Do you remember, Jim?

Mr. Snyder: Well, that property could only hold two units.

Mrs. Kiesling: Yeah. I mean the property's so small anyway....

Mr. Snyder: It wasn't large enough....

Mr. Peters: Oh, that's right

Mrs. Kiesling: Yeah, it doesn't have 50 feet....

Mr. Snyder: You're talking about – RMF4 you're talking about

Mrs. Kiesling: Yeah.

Mr. Snyder: four units an acre.

Mrs. Kiesling: The only project that probably affected it was that, where that barn was. And they wanted to put some stuff in there.

Mr. Osborne (speaking from the audience): May I add something?

Mrs. Kiesling: Come to the podium, please.

Mr. Foltz: Isn't it committee now?

Mrs. Kiesling: It is Committee, I apologize.

Mr. Foltz: You've got to make a motion if it's Committee.

Mrs. Kiesling: Hold on, Chuck, it's Committee Meeting.

Mr. Foltz: Just to be consistent.

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Mr. Osborne: Oh, I'm sorry. It just keeps the neighborhood from having to look at a 100 foot long wall.

Mrs. Kiesling: Got you.

Mr. Osborne (speaking from the audience): They should move it farther away from that lot line....

Mrs. Kiesling: Right, that was – I think ...inaudible... said it, but I think it's very well covered in the above. But, that's up to you if you'd like to look at it a little bit closer. It's definitely very. Once I read it, it's not convoluted, but it's a lot, it's huge. It's almost like you couldn't build anything. And certainly, yeah, definitely affects the density which, I'm not sure we're again, we certainly want to affect density. But that seems so restricted that a property owner couldn't, on a huge piece of property. So we can look at it again in two weeks and talk about it further once you all have ...inaudible... I'll get clarification. Maybe talk to people on Planning Commission. That's fine.

Mrs. Werren: Good idea.

Mrs. Kiesling: So we won't - I'll put it back on the agenda in two weeks in committee, not legislation.

Mr. Snyder: Okay.

Mrs. Kiesling: All right, that concludes that parcel. Inaudible... Now we'll go to the Economic Development Agreement.

Mr. Snyder: Yes.

Mrs. Kiesling: At this point we obviously do not have the votes to pass the 50 year Economic Development Agreement. So I'll place the agreement back on the agenda that is from the attorney stating, obviously no timeframe in it and that everything - the only thing that is really different is that we will agree to go to them if we have anybody who wants to come into the City, to try to work on the JEDD (Joint Economic Development District) or CEDA (Cooperative Economic Development Agreement) whether that will come to fruition or not, is not our problem or their problem. We're just going to agree to agree. We'll put no constraints on anybody. If we don't agree, then we can - the property owner can annex a straight-up annex. Obviously last week Mr. Heiser came forward and stated he would like to be part of the City, which seems to have changed a few people's minds. I know Mr. Heiser has been talking about that for a while, and there are, he does have two pieces of property that he has to obtain before he will become contiguous to the City of North Canton. So I'm not quite sure how that's going to happen either. However, I would like to send something over to Jackson Township, Plain Township, and Canton letting them know that we would love to agree with them, that we would love to work on Economic Development with them. That is I think the whole purpose of that whole, long drawn out almost year, well actually 10 year project that we would love to agree and try to work on some projects in the future. At this point, that's what I'm placing on the agenda. I did see in the North Canton News though that Louie Giavasis has already scheduled his public hearing to revamp their agreement and take us out of it, so that's already a done deal if we don't pass the original one tonight, you know

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they're moving forward. So regardless of what we send over to them, it appears as if everything is in motion to exclude us from any agreements in the future which I think is, you know, frustrating on all ends because we've all tried very hard to agree, to work on deals and JEDD's and CEDA's and become friends. I think Canton put a huge roadblock in our way and unfortunately Jackson let them and here we are. Scott Haws did say maybe they would look at this agreement and speak among themselves, but Scott is a hopeful kind of guy and Louie said absolutely not. So who knows what will happen. And all we can do is put it on the agenda tonight to give it its first reading or pass it on emergency, either way I do not care. I would love to just send something back and send a message to the community, to the newspaper, to the radio, you know that we're doing everything in our power to agree and work on economic development in the corridor. I guess we'll leave it in their hands as to whether they want to amend their agreement with us as well. And we'll lay it in their hands.

Mr. Cerreta: So this agreement is the same one with Bricker and Eckler sent us?

Mrs. Kiesling: Correct. Everybody okay with placing that on the agenda? So now this is the Committee. We still have to talk about it again. You guys okay? All right.

Mr. Peters: What are your feelings Mayor? Are you all right with that?

Mayor Held: Yeah. We're talking about....

Mrs. Kiesling: The second one from Bricker and Eckler

Mayor Held: Putting the proposed agreement from putting the proposed agreement from Bucher and Eckler on the agenda, which I'm - I've been fully supportive of that.

Mrs. Kiesling: All right. That concludes my committee.

Mr. Snyder: You're welcome. All right. Moving on. Finance and Property. The first thing on the agenda is the Mayor's Court Receipts. You were given a copy of the January 2014 Mayor's Court Receipts. If there are no questions of this Committee, I would like to move it to the General Agenda next week for approval as it was presented.

Mrs. Kiesling: That's fine.

Mr. Snyder: Item B is a donation of City Property for educational purposes. You see in front of you fire equipment from the Fire Suppression Department of the Fire Department. The equipment has now been through its life expectancy. It would normally be cut up and destroyed. However, Chief Bacon has asked us, through the Administration that we donate this to, I believe Canton City, and Portage Lake Career Center. They both have something in fire science and this equipment would be used to teach the young students who are enrolled in fire science. And, the law, normally you could just give something, but the law does require City Property to go through Council to be disposed of and the Mayor will sign an order in so doing that. As you can see, that's again they serve no purpose to the general welfare, safety of the residents or the fire department. Did he want that on emergency Mr. Grimes? Or is he....

Mr. Grimes: If you could, Sir. We could get it....

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Mr. Snyder: Okay. I noticed that it was not on the agenda of the Council Meeting. Does he want that moved through quickly?

Mr. Grimes: Yes. He would like it to get there.

Mr. Snyder: Okay. So, we'll just amend the Council Meeting Agenda to include that item without minutes and pass it through. Is that okay with Council and the Committee? All right, Item c: Healthcare Initiative. Prior to me elaborating on this, I'd like to read into the record some of my own personal feelings on this matter that I, not only myself, but members of Council and Council as a Whole have found themselves in. So, please bear with me while I do that. Over the past couple of weeks, there have been accusations launched by residents regarding City-paid health insurance for its elected officials. I would like to take a moment to address that issue right now by explaining the circumstances around it, and to suggest a solution that I hope will put the issue to rest. Because it appeared to be at odds with the City Charter, months ago I requested that the Law Director prepare a legal opinion regarding the proposed healthcare initiative, also known as 2012 Stark County Issue 5. Although I'm not permitted to disclose the contents of the opinion, I can assure you that as a result, through research and analysis as well as from consulting with various authorities on the subject, Council was certain that the proposed initiative would violate the supremacy clause because the initiative is in contravention to a key charter provision. The proposed initiative ordinance is therefore void and unenforceable. Regardless of that fact, our elected officials have considered the issue beyond the aspect of enforceability and have concluded that they will, indeed, abide by the initiative spirit and intent, not its enforceability. As a result, elected officials have been altering and in some cases, terminating their City Health Care Benefits in accordance with the perimeters of the proposed initiative. I've been the last official to complete the necessary paperwork to alter my coverage. But, the reason for my delay is not that I'm trying to continue a benefit of which I am entitled, but because I've found the process to be nearly incomprehensible. At my age, several additional factors make my choices much more complex than that of my fellow elected officials. For example, Medicare and how it ties into the Affordable Care Act and the uncertainty of how any private plans will transition with the Affordable Health Care Act. They go together with a seemingly endless amount of information on how to choose the appropriate plan. Well, frankly it has caused me to be more cautious and thereby to make my selections more slowly than perhaps I should have. I apologize for my delay. I'm embarrassed. Not for accepting something that I believe I'm entitled, but for simply not transitioning as timely as my peers. Therefore, as an expression of my desire to put my own and future elected official's affairs in line with what my peers and I believe is the desire of the residents, I have put my health insurance coverage in line with what the initiative proposed. I've paid back any amounts the City has expended on my behalf in that manner. And, I will introduce legislation to put into place what the proposed initiative was unable to accomplish, that being a valid enforceable healthcare ordinance for elected officials. This ordinance will not only contain the same guidelines and parameters as the proposed initiative, but will do so in a manner that fully complies with the City's charter. I asked the Law Director to draft such an ordinance, and I believe Council will adopt it without delay. I thank you for your patience and my fellow elected officials for your willingness to remedy this proposed initiative and for similarly putting their affairs in order. And, again, I offer my humble apologies to not only the members of the community and electorate, but the members of Council. Thank you. At this time, as you see on the agenda, we have an Ordinance that more than more than mirrors the petitioner's request for an Ordinance that would mandate and eliminate health care as it was originally requested by the petitions. And

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if after this, the people need explanation on what the particular items, most people know where the particular thing is in the Charter. And, this will put it in with a flag, and it will be signed by the Mayor and take effect. Any questions on that? All right. Seeing none, that completes that portion of the Council of the Whole, I'll entertain a motion to adjourn.

Mrs. Kiesling moved and Mr. Cerreta seconded to adjourn the Community and Economic Development Meeting. All members present voting:
Yes: Snyder, Werren, Cerreta, Foltz, Kiesling, Peters
No: 0

RECOMMENDATIONS: Based upon the above discussion and debate, the Committee recommended the following actions:

The agenda was amended to include the following:

- Item 1a: Mutual Economic Development Agreement:** The Committee recommended Ordinance No. 22-14 be considered at the council meeting held this date, authorizing the Mayor of the City of North Canton to enter into a Mutual Economic Development and Annexation Agreement by and between the City of North Canton, City of Canton, Jackson Township, and Plain Township.
- Item 1b. Establish Parks & Institutional Zoning for the Walsh/Gressel Annexation:** The Committee recommended legislation be placed on the March 10, 2014 council agenda to consider, establishing the zoning classification of Parks and Institutional (P&I), as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as the Walsh/Gressel Annexation, containing 1.549 acres of land, more or less, annexed by Ordinance No. 58-13.
- Item 1c. Addition/Overlay a Mixed Use Overlay District to Parcel No. 9209516:** The Committee recommended legislation be placed on the March 10, 2014 council agenda to consider, amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated on East Maple Street and known as Parcel No. 9209516, to add and to overlay the Mixed Use Overlay District to the existing Office Business District.
- Item 1d: Addition/Overlay a Mixed Use Overlay District to Parcel No. 10000416:** The Committee recommended legislation be placed on the March 10, 2014 council agenda to consider, amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated on East Maple Street and known as Parcel No. 10000416, to add and to overlay the Mixed Use Overlay District to the existing Office Business District.

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- Item 1e: Zone Change of Parcel No. 10000415 from Part Office Business and Part Residential Two-Family to All Office Business:** The Committee recommended placing the request to permit the zoning of Parcel No. 10000415 to be changed from part Office Business District and part Residential Two-Family District, to entirely OB, Office Business on the March 10, 2014 Committee of the Whole agenda for further consideration.
- Item 1f: Addition/Overlay a Mixed Use Overlay District to Parcel No. 10000416:** The Committee recommended placing the request to change the zoning district of the premises situated on East Maple Street and known as Parcel No. 10000415, to add and to overlay the Mixed Use Overlay District to the existing Office Business District on the March 10, 2014 Committee of the Whole agenda for further consideration.
- Item 1g:** The Committee recommended placing the request to amend the North Canton Zoning Ordinance 50-03, specifically Section 1135.05(e) Site Development Regulations, to delete Notes (a) (b) on the March 10, 2014 Committee of the Whole agenda for further consideration.

MARCIA KIESLING, CHAIRPERSON
COMMUNITY & ECONOMIC DEVELOPMENT
COMMITTEE

ATTEST:

CLERK OF COUNCIL

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RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING
Held: March 10, 2014

The Community and Economic Development Committee, as part of the Committee of the Whole meeting, was called to order Monday, February 24, 2014.

The following committee members were present for the Community and Economic Development Committee meeting: Chairperson Kiesling, Vice Chairperson Cerreta, Committee Members Werren, Foltz, Griffith, Peters and Snyder.

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

Mr. Peters: Community & Economic Development.

Mrs. Kiesling: Yes, this is an amendment that came from Permits and Inspections to the Planning Commission that they unanimously approved regarding Section 1135.05(e) SITE DEVELOPMENT REGULATIONS, to delete Notes(a) and (b). And the reasoning given was that it made it extremely complicated when potential developers came in and looked at all the setbacks plus the little notes. So as a Council we can either accept the – what the Planning brought over, or we can deny what the Planning brought over, we can ask them to amend it. And I think because it's – we don't particularly understand it until it actually becomes an issue. And the only issue I can think of in the twelve years I've been here is the building – is the barn out on Applegrove that this – these notes truly affected. I would like to put it back in Eric's (Director of Permits and Development) to see if he could come up with a little bit of an amendment that would make everybody happy. Not completely striking the notes but maybe changing it up in the actual language of the R-MFA, R-MFB. If you guys are comfortable with that I will just send it back to him to look at it a little more closely and bring it back to us when he's ready. Is that okay?

Mr. Fox: Perhaps Eric could also get the minutes of the meeting that the Planning Commission had so Council would be able to see what their concerns were.

Mrs. Kiesling: Yep.

Mr. Peters: I've got another question too. If it's possible Eric, it was mentioned that (a) – if you took (a) out of it in the body of the text it addresses also. If you could maybe point out where in 1135.05 it addresses the same thing that Notes (a) and (b) address, because I read it and I really can't see where

Mrs. Kiesling: It is very complicated

Mr. Peters: I know....

Mrs. Kiesling: And convoluted all at the same time. So we'll send that back to Eric to sort of give us a clarification and maybe an amendment on what the Planning proposed or sent over. Okay everybody? Alright, so that's what I'm doing with that piece of – piece of whatever. I don't know what to say.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING
Held: March 10, 2014

Mr. Snyder: That's it.

Mr. Peters: Alright, that concludes the Council. Do I have a motion to adjourn?

Mr. Cerreta moved and Mrs. Kiesling seconded to adjourn the Committee of the Whole for Community and Economic Development Committee meeting. All members present voting:

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

No: 0

RECOMMENDATION:

Item 1: Amendment to the Zoning Code re Section 1135.05(e) Site Development Regulations to delete Notes(a)(b): At the request of the Committee, Director of Permits and Development Bowles to provide clarification of the proposed amendment to delete Notes(a)(b) of Section 1135.03(e) and/or an amendment to the Planning Commission's original recommendation.

MARCIA KIESLING, CHAIRPERSON
COMMUNITY & ECONOMIC DEVELOPMENT
COMMITTEE

ATTEST:

CLERK OF COUNCIL

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Meeting Minutes: FINANCE AND PROPERTY COMMITTEE MEETING
Held: February 24, 2014

The Finance & Property Committee of North Canton City Council, as part of the Committee of the Whole meeting, was called to order Monday, February 24, 2014.

The following members of council were present for the meeting: Chairperson Snyder, Vice Chairperson Kiesling, Committee Members Cerreta, Foltz, Peters, and Werren. Committee Member Griffith was not present for the meeting.

Agenda Items:

Item 3a. Mayor's Court Receipts – January, 2014

Item 3b. Donation of City Property – Educational Purposes

Item 3c. Health Care Initiative

Mr. Snyder: Okay, moving to Finance and Property. The first thing on the agenda is the Mayor's Court Receipts. You were given a copy of the January, 2014 Mayor's Court Receipts. If there are no questions of this Committee, I would like to move it to the general agenda next week for approval as it was presented. Okay. Item B, is a donation of City property for educational purposes. You see in front of you fire equipment from the Fire Suppression Department of the Fire Department. The equipment is now been through its life expectancy. It would normally be cut up and destroyed; however, Chief Bacon has asked through the Administration that we donate this to, I believe, Canton City and the

Mrs. Kiesling: The Portage Lakes Career Center.

Mr. Snyder: Portage Lakes Career Center. They both have something in fire science and this equipment would be used to teach the young students who are enrolled in fire science, and the law. You know normally you could just give something, but the law does require City property to go through Council to be disposed of. And the Mayor will sign it and order so doing that. But as you can see, that's that – because again, they serve no purpose to the general welfare or safety of the residents or the Fire Department. Did he want that on an emergency, Mr. Grimes or is he....

Mr. Grimes: If you could, sir.

Mr. Snyder: Okay. I noticed....

Mr. Grimes: we could get it to ...inaudible...

Mr. Snyder: I noticed that it was not on the agenda, the Council meeting is - does he want that moved through quickly?

Meeting Minutes: FINANCE AND PROPERTY COMMITTEE MEETING
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Mr. Grimes: Yes, he would like to get it there so they could start ...inaudible...

Mr. Snyder: So we'll just amend the Council meeting agenda to include that item without minutes and pass it through. Is that okay with Council and the Committee? All right. Item C, health care initiative. Prior to me elaborating on that, I'd like to read into the record some of my own personal feelings on this matter that I not only myself, but members of Council and Council as a whole have found themselves in. So, please bear with me while I do that. Over the past couple of weeks, there have been accusations launched by residents regarding City paid health insurance for its elected officials. I would like to take a moment to address that issue right now by explaining the circumstances around it, and to suggest a solution that I hope will put the issue to rest. Because it appeared to be at odds with the City Charter, months ago I requested that the Law Director prepare a legal opinion regarding the proposed health care initiative, also known as 2012 Stark County Issue 5. Although I'm not permitted to disclose the contents of the opinion, I can assure you that as a result through research and analysis, as well as from consulting with various authorities on the subject, Council is certain that the proposed initiative would violate the supremacy clause because the initiative is in contravention to a key Charter provision. The proposed initiative ordinance is therefore void and unenforceable. Regardless of that fact, our elected officials have considered the issue beyond the aspect of enforceability and have concluded that they will indeed abide by the initiative spirit and intent, not its enforceability. As a result, elected officials have been altering, and in some cases terminating their City health care benefits in accordance with the parameters of the proposed initiative. I've been the last official to complete the necessary paperwork to alter my coverage. But the reason for my delay is not that I'm trying to continue a benefit of which I'm entitled, but because I've found the process to be nearly incomprehensible. At my age several additional factors make my choices much more complex than that of my fellow elected officials. For example, Medicare and how it ties into the Affordable Care Act and the uncertainty of how any private plans will transition with the Affordable Health Care Act, together with a seemingly endless amount of information on how to choose the appropriate plan. Well frankly it has caused me to be more cautious and thereby to make my selections more slowly than perhaps I should have. I apologize for my delay. I'm embarrassed. Not for accepting something that I believe I'm entitled, but for simply not transitioning as timely as my peers. Therefore, as an expression of my desire to put my own and future elected officials' affairs in line with what my peers and I believe is the desire of the residents, I've put my health insurance coverage in line with what the initiative proposed. I've paid back any amounts the City has expended on my behalf in that matter. And I will introduce legislation to put into place what the proposed initiative was unable to accomplish, that being a valid enforceable health care ordinance for elected officials. This ordinance will not only contain the same guidelines and perimeters as the proposed initiative, but will do so

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in a manner that fully complies with the City's Charter. I asked the Law Director to draft such an ordinance and I believe Council will adopt it without delay. I thank you for your patience and my fellow elected officials for your willingness to remedy this proposed initiative and for similarly putting their affairs in order. And again, I offer my humble apologies to not only the members of the community and the electorate, but to the members of Council. Thank you. At this time, as you see on the agenda, we have an ordinance that more than mirrors the petitioners' request for an ordinance that would mandate and eliminate health care as it was originally requested by the petitioners. And if after this, if people need explanation on what the particular, I can see where most people know where the particular thing is in the Charter and this will put it in with the plan. And it will be signed by the Mayor and take effect. Any questions on that? All right, seeing none, that completes that portion of the Council of the Whole. I'll entertain a motion to adjourn said.

Mrs. Kiesling moved and Mr. Cerreta seconded to adjourn the Committee of the Whole meeting for Finance & Property. All members present voting:
Yes: Snyder, Werren, Cerreta, Foltz, Kiesling, Peters
No: 0

RECOMMENDATIONS: Based upon the above discussion and debate, the Committee recommended the following actions:

Item 3a. Mayor's Court Receipts – January, 2014: The Mayor's Court Receipts were reviewed and will be placed on the March 10, 2014 council agenda for formal approval.

Item 3b. Donation of City Property – Educational Purposes: The Committee recommended legislation be placed on the March 10, 2014 council agenda to consider, declaring that certain Fire Department equipment owned by the City of North Canton, Ohio, is no longer required for municipal purposes; and, authorizing the Mayor of the City of North Canton to make a donation of said Fire Department equipment, namely, 5 jackets and 4 pairs of pants to Canton City Schools, and 4 jackets and 4 pairs of pants to the Portage Lakes Career Center.

Legislation to contain an emergency clause.

Item 3c. Health Care Initiative: The Committee recommended the agenda be amended to include legislation and to waive the rules requiring a committee report, to consider amending the health care insurance benefits provided to North Canton's elected officials such that an elected official may receive single-rate, City-paid health insurance benefits only when the elected official does not have health insurance

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benefits provided by the elected official's full-time employer; that single-rate, City-paid health insurance benefits for elected officials shall be provided only as primary, and not as a secondary form of health insurance; and that the City-paid health insurance benefits are not provided to elected officials' family members unless an elected official's spouse is also a City employee and entitled to City-paid health insurance benefits.

JON SNYDER, CHAIRPERSON
FINANCE & Property COMMITTEE

ATTEST:

CLERK OF COUNCIL

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Meeting Minutes: PARK AND RECREATION COMMITTEE MEETING
Held: February 24, 2014

The Park & Recreation Committee of North Canton City Council, as part of the Committee of the Whole meeting, was called to order Monday, February 24, 2014.

The following members of council were present for the meeting: Chairperson Foltz, Vice Chairperson Stephanie Werren, Committee Members Peters, Cerreta, Kiesling and Snyder. Committee Member Griffith was not present for the meeting.

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.

Agenda Items:

- a. **Discussion – Resurfacing Tennis Courts**
- b. **Waiver of Rental Fee – Dogwood Shelter**

Mr. Snyder: All right. Parks and Recreation, Chairman Foltz.

Mr. Foltz: Okay. I guess we'll discuss theinaudible....I wasn't aware we were going to put the other one on.

Mrs. Werren: I think we'll do that next week.

Mr. Foltz: I misunderstood you then.

Mrs. Kiesling: That's okay.

Mr. Peters: Which one?

Mr. Foltz: But we can discuss it and I can get clarification.

Mrs. Kiesling: You've got it.

Mr. Foltz: We're putting on, I guess Resolution 22-14 as an addition to vote up or down 21-14. Is that correct? Okay. All right. Forgetting where I'm at here. Discussion only was the tennis courts, correct?

Mr. Cerreta: Yes. Resurfacing tennis courts.

Mr. Foltz: Right. Okay. In your packet, then you received the letter of request from Todd Henne. He was at our Park Board Meeting and discussed this in front of the - or excuse me, the Rec Board. And he shows you the quotes for - the two contractors are looking at. I prefer to stay discussion because of this. You can read through it, but at the bottom, he gives the synopsis of when we cooperated with the school district. And I do remember doing that. I don't remember the exact year, and I'm not saying this isn't right. He has approximately 1997, and

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

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he's asking for a third of these renovations process, which is \$36,667. I'd like to find that in our original history, because I know for sure - to my memory we did donate one third of the cost towards building those tennis courts, if they were open to the public, and they were. And then what we did was actually look down the road, at least I did, and look to change the tennis courts there at Dogwood to become a skate park and basketball area. So that's what happened to my memory. But I'd rather find it, be comfortable, and bring it back to everybody so you know we originally participated a third. So if that's okay, you guys can weigh in on the discussion, but I'd prefer to bring it back and have Gail do some more research on that, if that's okay with everybody. Okay. And then, I'll bring, you know somebody from the School Board here.

Mr. Cerreta: For the record, it's open all the time, right?

Mr. Foltz: It is open all the time. It is not locked.

Mr. Cerreta: The Community and the school play their games there.

Mr. Foltz: And I haven't had a chance to look at the surface I'm not debating whether it needs done or not, it probably does. But with so much snow and just recently, it's melted so I think we owe it to look at it and review it. But I want to see the original agreement. If we even have one or at least show it capital somewhere. Jon, was that your memory of that?

Mr. Snyder: Yeah, I remember because

Mr. Foltz: I do remember that being – and a sticking point was to me, you've got to watch when you combine government funds with school funds. But the reason it was agreed upon is because it was a public court. It wasn't just locked up and just used for the high school or the middle school students. So....

Mr. Snyder: We also, at the same time, we put into an agreement for salt. Remember that? We worked a deal with them because they have an exceptional salt storage and we didn't have any.

Mr. Foltz: Right.

Mr. Snyder: And we stored some salt there, and that was at the same time we had that agreement. So....

Mr. Foltz: And for the record, I believe the Rec Board was in favor of doing this. And if we do do it, we'd have to look at our capital expenditures for that 2014. And what we were going to do was just wait on maybe doing the tennis courts over at Strausser Park to find some of the money. We allocated \$21,600 to our capital improvements for parks this year. That wouldn't make up the \$33,000. but it would be two thirds of it. So....

Mr. Snyder: If I may interject, Chairman Foltz....

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Mr. Foltz: Yeah.

Mr. Snyder: on the Council healthcare, there's like \$15,000, 15,000 maybe 400 or 500 that had been in a temporary budget that will come out of the budget which would....

Mr. Foltz: That will free up some additional money, is that what you're saying?

Mr. Snyder: Only \$15,000.

Mr. Foltz: Okay. So....

Mr. Snyder: So that would probably put you within your target range.

Mr. Cerreta: How many are over there again? How many tennis

Mr. Foltz: Five.

Mr. Cerreta: Yeah, it's five. So if you look at this for \$37,000, is that what you're looking at?

Mr. Foltz: Well, it's \$36,667. They're estimates.

Mr. Cerreta: Okay. \$37,000. We're getting five brand new tennis courts that we're going to be able to use all the time – continue to use all the time.

Mr. Foltz: That's correct. That was the mindset in the late 90's. We've just got to find it....

Mr. Cerreta: Right, right.

Mr. Foltz: And Gail did look, it's time consuming to go back. And I don't know if there was an agreement made or we just kind of discussed it on capital and....

Mr. Peters: They are used a lot.

Mr. Foltz: Yeah. It's near your neck of the woods so you can see it....

Mr. Peters: Yeah.

Mr. Foltz: Okay. All right. Very good. Next, the Canton Jaycees, as you know, requested permission to rent half of Dogwood facility for their Easter Egg Hunt on April 19, 2014. I believe Mike has addressed – and Mr. Grimes too, our Administrator. And we discussed this at the Rec Board Meeting also and the reason we did is because we also had a request in November from the North Canton Garden Club to waive our rental fees because they have a plant sale. And they're very hands on with the community. Not that the Jaycees aren't. I think the Easter Egg Hunt is wonderful for the Community, too. But the problem is, and I believe, as I could do some

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research on that, I think that when we passed Ordinance No. 31-13, we took out some language for nonprofits to use Dogwood at a reduced rate. Since that time, I believe, that the Jaycees have rented the facility. Jim is that correct, do you know? They paid the fee? So if anything, they already paid, and we'd waive it and reimbursed them. But I'm of the opinion, and the Rec Board was also, that we did not waive it for the North Canton Women's Club. In fact, I offered to make a donation, but I believe they found donations for their plant sale from another agency. So maybe that's the way to go. You know, the Jaycees are a great organization, but there's a lot of great organizations out there. And once you give it to one, you feel almost obligated to give it to others. And there are Girl Scouts, Boy Scouts, cure cancer, it doesn't matter what the cause is, there's a lot of great nonprofits that do great work in the community. But as you know, we're tight on the budget. We've spent a lot of money remodeling the Dogwood Shelter and are still going to make some improvements over there. So I would personally rather make it my, a donation from Doug Foltz to that group than to waive the fees. They might have been waived in the past, maybe not to our knowledge, but now it's right out front that we know every rental agreement that's being made there, and I think this is the way government should be – transparent. And unless we decide to co-chair this as the City of North, the Rec Department has spoken saying, why waive theirs and not - And I would heartedly agree. So it would be my opinion not to waive it. But I'll – looking for anybody else who wants to weigh in on this.

Mr. Peters: I know when the Wishes Can Happen came to us to rent the Civic Center, you know, we didn't waive it for them. And at that point we approached Giant Eagle and Giant Eagle....

Mr. Cerreta: Right.

Mr. Peters: covered the cost. So I would, you know, I would guess there's plenty of either private donation or businesses.

Mr. Snyder: Right.

Mr. Foltz: That's my mindset on that. Anybody else want to weigh in?

Mr. Cerreta: You've got to be fair.

Mrs. Werren: Yeah, I think it's hard.

Mr. Foltz: I think that we have to be consistent.

Mrs. Werren: Yeah.

Mr. Foltz: And really what's hard is it comes back to us and we have to review it all the time. And if that's our rule fine, but I prefer that they know there is not going to be a waiver.

Mrs. Werren: Right.

Meeting Minutes: PARK AND RECREATION COMMITTEE MEETING
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Mr. Foltz: Does Administration want to weigh in on this? I mean, unless we co-chair an event....

Mayor Held: I agree.

Mr. Foltz: or it's a City event, obviously we're not going pay our fees for our own usage, but...

Mr. Grimes: Yeah, there's something in the ordinance that says that it can come back for a waiver, it's just that they always ask where the starting point, which is Council. And that's where they would have to come back to. But nothing is in there as a procedure to come back and ask for or anything else. It's pretty much set in stone, and that's kind of the way it is.

Mr. Foltz: Well I prefer that they get the message, you know, versus - kind of like the moral op situations we used to have as well. Put it in front of Council. It gives somebody some additional I guess hope, or it's another channel of bureaucracy to go through, but we're not going to change it.

Mrs. Werren: Was there ever a nonprofit rate?

Mr. Foltz: I don't know the specifics of that. But you have to watch here because then you get loaded up with nonprofits taking your key days. And we're - while we want to serve the entire community, we also don't want to take away from the residents

Mrs. Werren: Right.

Mr. Foltz: or private groups that want to use the facility at a more reasonable cost to us to operate. So...

Mr. Cerreta: But every time it's used, it's being appreciated.

Mr. Foltz: Exactly.

Mr. Foltz: Right? So if – but if there's a group of citizens who want to put something together, ask us. I'd be glad to hear some kind of formula to put it together for a nonprofit. I'd be glad to hear that, but to be subjective

Mr. Foltz: But even then, Mark....

Mr. Cerreta: about it is very difficult.

Mr. Foltz: Even then, I'd say if that ever happened, we'd limit it or we would have usage that would take away from our

Mrs. Werren: Right.

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Mr. Foltz: operating expenses when, as we know, they're going to be very tight and we're looking to find money next year....

Mrs. Werren: Right.

Mr. Foltz: for all of our departments, right.

Mr. Peters: What's the total they're looking for?

Mr. Foltz: One hundred dollars. But like I said, they've already paid it. They had ...inaudible... in mind so the Easter Egg Hunt will happen this year, which is a good thing.

Mr. Peters: Yeah.

Mr. Foltz: That's a very honorable group and that's not - that's not the deterrent to do it. The deterrent is to be consistent

Mrs. Werren: To be consistent, right.

Mr. Foltz: with everybody, not only nonprofits out there. So

Mrs. Werren: You did good.

Mr. Foltz: Okay. Thank you.

Mr. Snyder: You're welcome.

RECOMMENDATIONS: Based upon the above discussion and debate, the Committee recommended the following actions:

- a. **Discussion – Resurfacing Tennis Courts:** Item was discussed and will be placed on the March 10, 2014 Committee of the Whole agenda for further consideration.
- b. **Waiver of Rental Fee – Dogwood Shelter:** The Committee elected not to waive the rental fee of the Dogwood Shelter for the Jaycees annual Easter Egg Hunt.

DOUG FOLTZ, CHAIRMAN
PARK AND RECREATION COMMITTEE

ATTEST:

CLERK OF COUNCIL

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Meeting Minutes: PARK AND RECREATION COMMITTEE MEETING
Held: March 10, 2014

The Park and Recreation Committee, as part of the Committee of the Whole meeting, was called to order Monday, March 10, 2014.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, City Engineer Benekos, Director of Permits & Development Bowles, Superintendent of Streets & Utilities Davis, and Clerk of Council Kalpac.

Agenda Item:

Resurfacing of Tennis Courts

Mr. Peters: We're going to go out of order here, we're going to start with

Mr. Foltz: Okay. Thank you, President Peters. Do we need to call roll again?

Mr. Peters: Oh yeah. I'm sorry.

The following committee members were present for the Park and Recreation Committee meeting: Chairperson Foltz, Vice Chairperson Werren, Committee Members Peters, Cerreta, Griffith, Kiesling and Snyder.

Mr. Peters: Parks and Recreation.

Mr. Foltz: Okay, thank you President Peters. We invited Todd Henne. If he'd like to come up and address Council if there are any questions. Basically this was reviewed with Council during the committee discussion on February 24, so I'm passing out this information again in case you didn't have a chance to review it. And also on your committee packet, Gail did a great job researching when we first had a commitment as a collaborate effort with North Canton schools and that was in 1999. Mayor Revoldt was the mayor at the time. And if you want to look through that we did at that time partner with them as far as building the tennis courts. Because eventually we repurposed the tennis courts at Dogwood to put a skate board facility, that I was very much in favor for and supported and that's what happened. I think it's been a win all the way around because the five tennis courts at the high school are open to the public and that was expressed through a letter to the Mayor and also an ordinance. So with that background obviously we have in front of us a new commitment of \$36,667. And Todd since you came tonight, if you want to give us just a little overview of your plans, the timing, feel free to do that.

Todd Henne: Thank you very much. Todd Henne, 1227 Linwood Avenue SW, representing the North Canton City School District. Thank you for the time. The tennis courts installed that time just after the opening of the new Hoover High School. Certainly that was a much more difficult project at the time because of the foundational work that needed to go into. But happy to report that the foundation work, the fencing, and things like that have certainly held and we look to reuse those things again. The bid that has come in at \$110,000 is highly recommended by our tennis coach, Coach Shaffer. As you can see this is a company that specializes in this sort of work. I think as much as the budgets are tight for everyone, that makes us only that much more important that we work together. What's going to happen in the next 15 years with tennis courts in the City of North Canton, only those that can see the future are going to know that. This least puts the City in a great position to tackle those issues and prioritize them in knowing deep down that there's five tennis courts that are going to be done state of the art, top notch, and they're going to be open the balance of all times for the residents of North Canton. So – trying to catch myself here – certainly some notes there at the bottom of the page for you guys to look at as well.

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But we're very confident that the overall plan will be for the North Canton City School District to fund one-third, of the request to the City of North Canton is one-third, and then we're also looking for private boosters, namely the Sideliners, the Tennis Boosters, and then a couple other private donors as well to package the last one-third for this project. The goal is for the Board of Education to approve the one-third mark at the Board of Education meeting next Wednesday night that is the hope. And then at that point in time the Treasurer will sign off on the contract for work to commence sometime in the summer, hopefully as early in June as possible so that the work can get started as soon as we have the funding commitments from all three sources; hopefully enough to get us the \$110,000.

Mr. Foltz: Okay, thank you. Any questions for Todd from anybody here on Council?

Mr. Cerreta: So Todd, thanks for coming first of all. These are five courts, is that what's over there?

Mr. Foltz: Yes.

Mr. Henne: Correct it's five courts

Mr. Cerreta: Okay.

Mr. Henne: And just the nature of high school tennis is important or almost mandatory that there's five at a time. There's three varsity singles matches at one time, two varsity doubles matches at one time. So every court is as important as the other court. It's not like just well we'll just do two courts and these will be our important courts. No every court is as important as the next court. So....

Mr. Cerreta: And for the most part percentage wise, when do you think they're open for the public? Like for any North Canton person to come over there? Just so we – people's aware of how much these are used by the city people.

Mr. Henne: Well a couple things – number one, is they're open all the time. We don't lock the gate ever on that. Certainly we do run our own tennis programs in the spring and in the fall. And our practices will begin around August 1st. But even at that that practice is only going for two hours at a time. The girls are in the fall and the boys are in the spring. We're fortunate enough that with booster money when it rains and things like that, they'll head down to the indoor courts at the Hall of Fame or something like that. Our tennis coach, and obviously this is certainly a biased anecdote, one of his things he likes to do is find an excuse to always drive by the tennis courts in town because he wants to know which ones of his players are playing, just to kind of keep an eye out. He's well aware that those courts are well used both by players and city members and then quite frankly obviously people from outside the city we know can come in there and use those at any point in time. I've not heard any complaints about any abuse on the part of the school district, and our kids on the tennis courts to the point of locking people out. And that's the nice thing, if you're going to meet somebody at 9:00 a.m. on a Saturday in June to play tennis and you're going to go somewhere where there's one or two courts, there's a very good chance you'll get locked out. When there's five courts, you've got a level of certainty that you're gonna be in good position. So I look at this as being a great, great – a great partnership for hopefully the next 15 years or more. We have invested in the last five or six years some money in the 8 to \$10,000 range on some seals. Obviously that wasn't the best use of money or it didn't give us the duration we were looking for and now it's time to do it right.

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Mr. Cerreta: But you guys take care of every – all of it all the time, right?

Mr. Henne: Absolutely, yeah. From the nets

Mr. Cerreta: You have your insurance on it and everything like

Mr. Henne: From the nets to obviously the fencing, which there's been very limited issues with that, yeah.

Mr. Cerreta: And like if the nets – I know at one point when the nets go bad....

Mr. Foltz: Right.

Mr. Cerreta: that's you guys all on that, right? You guys totally take care of it.

Mr. Henne: Yeah. I've never been aware of us going to the City for that, yes.

Mr. Cerreta: Is there a sign that shows where those are? The reason I'm asking that you know, I mean, maybe we need a sign for the public to see that we have tennis courts back there. Maybe that's something we can consider as we go forward with this.

Mr. Henne: Yeah, I'm certainly open to that. Certainly the signs outside of Hoover High School both on 7th Street and 10th Street are a little aged right now. And I'm certainly happy to look at that as we look at spending my budget for the next coming year

Mr. Cerreta: Yeah.

Mr. Henne: and making sure that we can address that.

Mr. Cerreta: Okay. Good.

Mr. Foltz: And I think that that's a good point, I think that we should even update our facility information on tennis courts available to the public. I'm not quite sure if they're even included in that. Even though it's not a park, it's still a public entity that we want the public to enjoy.

Mrs. Werren: I have a comment.

Mr. Foltz: Yes.

Mrs. Werren: I'd just – I think it's a great idea. I love the ownership of the three different groups. And I'm sure you already have kind of the Sideliners hopefully engaged and saying

Mr. Henne: Absolutely, yes.

Mrs. Werren: yes, we're willing to do this.

Mr. Henne: They've been engaged, yes. No firm commitment on the final dollar, but through private funds that's the goal we're very confident we can hit that.

Mrs. Werren: Well and I think sometimes, I mean this facility - you've had great tennis programs for years. I just read in the paper today I think one of your tennis coaches is being honored as

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the top tennis coach, you know, in the County. And my kids go to Glenoak and we haven't had those kinds of courts. And I hope that they can see something like this. And I know there are some things that they're talking about as well. But it just seems in this day and age everybody has to work together and it's not just on one person anymore. So I really applaud you guys for moving forward with this and getting everybody engaged from the parents, to the Board, to us, the community. And you have a great program.

Mr. Henne: Thank you.

Mrs. Werren: Thank you.

Mr. Cerreta: Todd, as Operation Director, we're open to things in the future. You and Walsh and we should all be doing stuff to save money. Just like we get five tennis courts for \$36,000, that's fantastic for a city this size to get that. So keep asking.

Mr. Henne: Yeah, absolutely. Keep calling – keep calling anytime, anytime.

Mr. Foltz: Yeah, really for \$2,400 a year and that's what we're looking at, and it did save, it gave us the ability to create, like I said inline skating or a skateboard park facility that we didn't have before because we just utilized that tennis court that was already setup with fencing and the asphalt. So I guess I would ask that we have to find money. Now I know Councilmember Snyder alluded to the \$15,000 and some change, 224 I believe, that was available with the healthcare changes. We discussed as a Rec Board, even though it was in the budget we just approved on you know for our appropriations for the year, to maybe wait to do Strausser if we were going to pick one of the parks not to reseal. That would – if we had to find additional money we would use some of that to go towards the North Canton High School courts. So if that's okay with everybody we will put – or Jon

Mr. Snyder: Mr. Foltz, I will say that due to the realignment of a few requests from the Administration in the '14 budget, monies were extracted from the '14 budget and returned to the capital improvement fund sufficient enough to cover the – well it's less than figure the healthcare and what was paid back, it's probably about \$12,000. There's sufficient funding in that. I'd rather see you take additional capital improvement funds and not – because once we get behind in those parks

Mr. Foltz: Okay.

Mr. Snyder: We can't catch up.

Mr. Foltz: Well you don't have to tell me twice about that. I'm not going to cut park money unless....

Mr. Snyder: No. But I don't know if a darn thing about a park other

Mr. Foltz: I was willing to swap out a little bit but

Mr. Cerreta: I heard you say it.

(Laughter)

Mr. Snyder: I appreciate it. But I think we're better off to

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Mr. Foltz: If you've got money there Jon, that's

Mr. Snyder: We've got money, we can accomplish that.

Mr. Foltz: I'd be more than happy to spend it there. Okay. Is that alright, Karen?

Mrs. Alger: It's in there. It's in there – it's already in there.

Mr. Foltz: Alright. So we'll maybe put an ordinance together for the next council meeting, if that's okay.

Mr. Cerreta: When do you want to do this? By June then – is that when – is that your

Mr. Henne: Yeah. The goal is to get on their timetable so that we can get it done early enough that we're finished by August 1st. Certainly whenever it's official from the City, we'll be happy to accept that. We'll get our red tape in order so that we're green-lighted for the Treasurer to sign off. And obviously we just won't mail the contract in until we have all the money accounted for. So you know proceed at your pace, the sooner the better.

Mr. Foltz: Okay. Well thanks for coming up. I appreciate everybody's support.

Mrs. Kiesling: Thanks for talking to us.

Mr. Henne: Thank you.

Mr. Foltz: Thank you.

Mr. Snyder: Good.

RECOMMENDATION: Based upon the above discussion and debate, the Committee recommended the following actions:

Item 2. Resurfacing Tennis Courts: The Committee recommended legislation be placed on the March 24, 2014 council agenda for consideration, to authorize the Director of Finance of the City of North Canton to make a one-time payment to the North Canton Board of Education in the amount of thirty-six thousand, six hundred sixty-seven (\$36,667.00) dollars for the resurfacing of the tennis courts located at Hoover High School.

DOUG FOLTZ, CHAIRPERSON
PARK AND RECREATION COMMITTEE

ATTEST:

CLERK OF COUNCIL

RECORD OF PROCEEDINGS

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

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held Monday, February 24, 20 14

The public hearing was called to order Monday, February 24, 2014 at 6:35 p.m. by President of Council Jon Snyder.

The following members of council were present for the public hearings: Cerreta, Foltz, Kiesling, Peters, Snyder, and Werren. Council Member Griffith was not present for the public hearings.

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

Notice is hereby given that a public hearing will be held by the Council of the City of North Canton, Monday, February 24, 2014 at 6:20 p.m. in Council Chambers at North Canton City Hall. The purpose of the hearing will be to establish zoning for the recently-annexed Walsh/Gressel property area. The North Canton Planning Commission, at its December 4, 2013 meeting, recommended that the area be zoned P&I, Park and Institutions. North Canton City Council will take final action on the above issue at its Committee of the Whole and, if necessary, City Council meeting, at date(s) following the public hearing.

Mr. Snyder: Let's see where we're at on this thing, where we're starting at. Marcia doesn't seem to be here, so we'll get started.

Unidentified: She's back there. She's talking to Jim back there

Mr. Snyder: Yeah, here he comes. Is she coming now? Alright, we're open on the public hearing.

Mrs. Kiesling: Thanks. Sorry. So we'll do Walsh/Gressel first. It is, and I don't have my computer on yet, I apologize, I needed to ask Jim a question. Regarding the property that was annexed over by Walsh University, it was previously

Mr. Foltz: It's up on the screen.

Mrs. Kiesling: There it is. It was - it went to Planning Commission, they recommended we rezone it Parks and Institution (P&I), which is what Walsh University is zoned currently, and approved it unanimously. It's coming back here tonight for a public hearing to discuss the zoning here for the City of North Canton. So Jon, you want to ask if anybody wants to....

Mr. Snyder: You know I know that was a residence that they purchased.

Mrs. Kiesling: Right.

Mr. Snyder: They included it in their master property. I don't know if they've done anything with it, per say, but....

Mrs. Kiesling: I don't think they've - they haven't brought - well they're waiting - it needs to be zoned.

Mr. Snyder: Yeah.

Mrs. Kiesling: And all that good stuff before they can do anything

Mr. Snyder: I don't think anything's happened. Is there anyone in the audience wish to comment on that particular zone issue? Oh, excuse me, anybody in the audience wishing to speak in pro or con on the Walsh-Gressel?

Mr. Osborne (speaking from the audience): Can you point out the property?

Mr. Snyder: Yes, we can. I think we have a pointer, if you'll just wait one moment.

Mrs. Kiesling: Can you point it out Jim? Thank you.

Mr. Benekos: It's right here, the parcel that's highlighted. This is East Maple Street, this is Walsh University, and this is the parcel that was recently annexed.

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Mr. Osborne (speaking from the audience): Thank you.

Mr. Snyder: Anyone else? Okay. Then you'll move that to your committee.

Mrs. Kiesling: Yeah. We didn't put it on the agenda. So we'll have to amend the agenda to talk about it tonight. It's not on the agenda, so we'll do that. And we aren't going to vote on it tonight though too, because that's just too quick of a turn around. We'll put it on to vote March 10th, but we'll talk about it tonight and authorize it tonight. Okay. Alright. Well I guess we can start the second public hearing, and that's on - which one? Maple Street, what's the number?

Maple Street Commerce, LLC requests an amendment to the North Canton Zoning Ordinance for the premises located on East Maple Street, Parcel No. 10000415, permitting its zoning classification to be changed from OB, Office Business District, to MUO, Mixed Use Overlay District.

The North Canton Planning Commission, at its November 13, 2013 meeting, by a voice vote 5-yes and 0-no, recommended that Parcel No. 10000415 be rezoned in its entirety to OB, Office Business District.

Mr. Snyder: Yeah, that's from OB, part of R-2F to residential, two-family to entirely OB.

Mrs. Kiesling: Correct. So - alright - so Maple Street Commerce, this is the parking lot over behind the Y. Do we have maps for that? Thank you. It is currently zoned Office Business, and we'd like to....

Mr. Benekos: Do the aerial. No the aerial, the second - the second aerial. The one in the - no, the next one, to the left.

Mrs. Kalpac: Okay, this one?

Mr. Benekos: No, to the right of that. Yep, that one. There we go.

Mrs. Kiesling: Alright. Can you point out this parcel, Jim?

Mr. Benekos: This is the parcel on the west of McKinley. It's Parcel No. 9209516.

Mrs. Kiesling: Yes.

Mr. Benekos: It's currently zoned OB and the request is to add a mixed use overlay to that. So it would OB with the mixed use overlay on top of that. So it's not really changing it, it's adding the mixed use overlay to it. So again, it's this parcel right here.

The North Canton Planning Commission, at its November 13, 2013 meeting, by a voice vote 5-yes and 0-no, in accordance with Section 1127 Establishment of Districts and Map; and Section 1138 Mixed Use Overlay District Regulations, recommended MOU, Mixed Use Overlay District be applied to said properties.

Mr. Peters: Those are the covered parking?

Mr. Benekos: No.

Mrs. Kiesling: No.

Mr. Benekos: The covered parking is to the east of McKinley. This is McKinley.

Mr. Peters: Oh, okay. Alright, I've got it. Okay.

Mr. Benekos: Yeah.

Mrs. Kiesling: Yeah. It's right beside the Y, right by the pool.

Mrs. Werren: Oh.

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Mrs. Kiesling: Yeah.

Mr. Peters: Okay.

Mrs. Kiesling: Yeah, the parking lot that nobody's allowed to park in.

Mr. Benekos: It's the existing parking lot.

Mr. Foltz: That's Bitzer Park over there, right?

Mrs. Werren: Yeah.

Mrs. Kiesling: So at the Planning Commission it was unanimously approved to be – to add the mixed use overlay to this parcel. So if anybody here wants to speak in favor of adding mixed use overlay to that parcel that is currently zoned to OB. Anybody here would like to speak against the mixed use overlay being added to that parcel that is currently OB. Seeing none, I will, we'll move that and amend the agenda and add that to our agenda tonight as well.

Maple Street Commerce, LLC requests an amendment to the North Canton Zoning Ordinance for the premises located on East Maple Street, Parcel No. 10000415, permitting its zoning be changed part OB, Office Business District and part R-2F, Residential Two-Family District, to entirely OB, Office Business

Mrs. Kiesling: Alright. Now this is Parcel No. 10000415. It is currently - oh, this is the R-2F one. This is in the back. Let's leave, should we leave that for last?

Mayor Held: Probably.

Mrs. Kiesling: Yeah. We're going to change. We're not going to go to that.

Maple Street Commerce, LLC requests an amendment to the North Canton Zoning Ordinance for the premises located on East Maple Street, Parcel No. 10000416, permitting its zoning classification to be changed from OB, Office Business District, to MUO, Mixed Use Overlay District.

The North Canton Planning Commission, at its November 13, 2013 meeting, by a voice vote 5-yes and 0-no, in accordance with Section 1127 Establishment of Districts and Map; and Section 1138 Mixed Use Overlay District Regulations, recommended MOU, Mixed Use Overlay District be applied to said properties.

Mrs. Kiesling: We're going to go to Maple Street Commerce and it's Parcel No. 10000416 permitting zoning classification to be changed from OB, it's not really being changed from OB, it's staying OB and we're putting mixed use overlay on top of that district. And Jim is showing what parcel that is right at the moment. So it's right across the street from that parking lot. That's where the carport is or ports. So currently zoned OB, going to place mixed use overlay on top. Anybody here wishing to speak in favor of this zone addition?

Mr. Osborne (speaking from the audience): Did you say that's 415?

Mrs. Kiesling: No, we're on 416. I skipped 415, that's the R-2F. So it's 416, it's right across from where the carport is - where the ports are.

Mr. Osborne (speaking from the audience): That's 416? You sure?

Mrs. Kiesling: Well, I can't see that far away...

Mr. Osborne (speaking from the audience): I thought it was 415.

Mrs. Kiesling: No.

Mr. Benekos: 415 is down here.

Mrs. Kiesling: This one – this is 415, this is 416.

Mr. Osborne (speaking from the audience): Okay.

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Mrs. Kiesling: Anybody here wishing to speak in favor of? I think I've already asked that. Anybody here wishing to speak against? Okay....

Mr. Osborne (speaking from the audience): Well I'll say something?

Mrs. Kiesling: Okay.

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. I just want to address the general topic of mixed use overlay. I don't know if anybody understands this. I - it's taken me several years to get a grasp of this. But really when you overlay mixed use overlay over a previously zoned piece of property, you're basically undoing the zoning of that previous classification and saying anything goes. I'd just like to say that I don't like this. You basically take away the value of the previous classification. So that's all I'm going to say on that one right now.

Mrs. Kiesling: Okay. And I guess I'd like to add placing the mixed use overlay on top of the Office Building actually makes it tougher for them to do whatever they'd like because it makes them bring back a site plan for off-site parking where they wouldn't have had to with - it makes them all conditional uses. So the site plans have to come back to Planning Commission if they want to make any changes on the parking lot across the street, which previously they wouldn't have to bring changes. So that gives the public another opportunity in a Planning Commission to look at their site plans and tell the Planning Commission what you do and do not like about those site plans. So that is three opportunities as opposed to two. So when we ask them to place the mixed use overlay on it, we did it purposely. We created that district because we wanted to have more oversight on certain districts in the area and that is one of them. So I disagree with you Chuck, I think it gives us more....

Mr. Osborne (speaking from the audience): Well that may be one advantage, but....

Mrs. Kiesling: Well that is the biggest advantage. That's the main reason that you're all here is the site plan.

Mr. Osborne (speaking from the audience): But there are some negatives - there's some negatives as well. I thank you.

Mrs. Kiesling: You're entitled to your opinion, but at this point everybody is really worried about the site plan, I'm sure of it, which we won't be discussing tonight because the site plan doesn't come to us. But it will give you the opportunity to actually speak in front of Planning Commission. It will give us the opportunity to actually tell the Planning Commission members once we see the site plan, because I'm sure we're all going to go to that meeting, and tell them what we'd really like to see in that site plan as far as setbacks, the height of the buffers, how far the buffers have got to be. You know, they've still got to worry about the Stark Parks and moving the Trail. I mean there's a whole lot going on here. Tonight we're just, you know, adding the mixed use overlay to the Office Business which we believe is a good thing.

Mr. Osborne: I hope you're right. I hope that's worth something.

Mr. Peters: Hey, Marcia.

Mr. Fox: Mr. Osborne, if you would. If you'd just speak from the podium, otherwise, your comments may not get on the record.

Mr. Osborne: Thank you.

Mr. Fox: Yes, sir.

Mr. Peters: Along with the conditional uses, do the restrictions also fall in line there too, because there are some things that are restricted.

Mrs. Kiesling: In Office Buildings.

Mr. Peters: Well in - it - is there - I guess my question is in a mixed use overlay, are there a laundry list of things that are specifically restricted?

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Mrs. Kiesling: Yes. It's in our zoning. I can't think of anything off the top of my head, but I mean they have to bring back all their plans if they want to place any buildings on there, if they want to do any type of landscaping. Everything is very, very particular in the mixed use overlay. Like their setbacks....

Mr. Peters: For like an example, just say they wanted to put a gas station....

Mrs. Kiesling: Yes.

Mr. Peters: Is that

Mrs. Kiesling: Well that, that takes OB, but all because they want to put a gas station on OB with a mixed use overlay on top, it has -- it all has to come back with a site plan. Regardless, everything has to come back. Where before without it, off the top of my head, I don't think a gas station's allowed in Office Business, but if it were....

Mr. Snyder: Well gas stations are GBB....

Mrs. Kiesling: Yeah, those are in GBB. But, a car wash maybe would be allowed in Office Business, I don't know, but it would be allowed in Office Business and they would just go ahead and do it. Now we've placed a mixed use overlay on top, they have to come back. Which they have to come back to build anything on pieces of property anyways.

Mr. Peters: Right.

Maple Street Commerce, LLC requests an amendment to the North Canton Zoning Ordinance for the premises located on East Maple Street, Parcel No. 10000415, permitting its zoning be changed part OB, Office Business District and part R-2F, Residential Two-Family District, to entirely OB, Office Business.

The North Canton Planning Commission, at its November 13, 2013 meeting, by a voice vote 5-yes and 0-no, recommended that Parcel No. 10000415 be rezoned in its entirety to OB, Office Business District.

Mrs. Kiesling: But that's not the intent, obviously they're going to make it a parking lot and we all know that. So and mixed use overlay is only going to be useful in very particular areas in the City which is, you know, right here. So that was the purpose of the zoning. And we added that, you know, what six or seven years ago into our zoning code. So okay, I think we did for and against, didn't we? Alright. The next one is first. We have to -- the portion that is currently zoned R-2F and it's the parcel is 415. And we want it - they would like a zone change and Planning unanimously approved a zone change from R-2F to Office Building to make it, you know, contiguous with the rest of the property over there. So first we have to move that out and agree that we want to put that on committee and that will be a whole separate vote. But, is anybody here who would like to speak in favor of changing R-2F to Office Building on Parcel 415?

Mr. Benekos: If I could say....

Mrs. Kiesling: Yes.

Mr. Benekos: that's part of that parcel. So part of the parcel....

Mrs. Kiesling: Right. Part of the parcel is OB already.

Mr. Benekos: and part is R-2F....

Mrs. Kiesling: It's like split in half.

Mr. Benekos: So they wanted to make the whole parcel OB.

Mrs. Kiesling: Right. Do you guys understand that? It's like split right in half, OB, R-2F. And it abuts, you know, R-50 and R-70, but mostly R-50, I think.

Mr. Peters: Yeah. I've actually walked that property.

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Mrs. Kiesling: Right. I have, as well.

Mr. Peters: Yeah, you have.

Mrs. Werren: I have.

Mr. Peters: You have. Mark, have you been over there?

Mr. Cerreta: Yes.

Mr. Peters: And Doug? No, not yet. What - and I don't want to step on anyone's toes, for or against here, but I'll just come out and say, I am against this and the reason being is in that area they're talking about, first of all we've had some flooding issues, some drainage issues. And I'm sure, you know, it could be argued that those would be fixed, but more importantly where they're talking about, and how close it's going to come up to, if you look at the topography of the land, not only is there a huge incline, if they're bringing back the parking lot as far back as what I'm anticipating they're - they want to do, and they're going to also have to move the Stark Parks trail back too. Not only are you going to lose, I mean you're going to have to dig into the ground. You're going to have level that out. And I can't even imagine how many cubic tons of topsoil that is, but you're going to lose about 500 trees. And you're going to come real close, the one home, I believe it's Mark Hipp's home, Officer Hipp. If they come back, and correct me if I'm wrong, but the way it looked to me is if they come back to where they - I think they're going to come back to, you're literally going to have to have a retaining wall, probably 40 to 50 if not higher, feet straight up and ten feet off, not ten feet off, well maybe it would be ten feet off his property, but those are all questions....

Mr. Foltz: Okay,

Mrs. Kiesling: It wouldn't be.

Mr. Foltz: Okay. So what's showing you is this you don't see the trees there, but obviously that's a very heavily wooded and hilly area.

Mrs. Kiesling: Right. All of R-2F is very heavily wooded.

Mr. Foltz: And you come right up on top of the neighbors in that vicinity, right?

Mrs. Werren: Yes.

Mr. Foltz: On the south and east sides.

Mr. Snyder: My question, Madam Chairman, if we change this to Office Business as requested, you've simply said that the people there would have no input as to what went in there. They would not have to submit a site plan to the Council or to anyone. Consequently they could stick anything in there that meets the zoning requirement of Office Business. The neighbors would have no say or no standing to object to what went into their property.

Mrs. Kiesling: Well the next step is replacing mixed use overlay on that as well.

Mr. Snyder: Well you have to do something to protect the residents that the site....

Mrs. Kiesling: And I guess I want to be clear, and I want to make sure I'm right, Eric and Jim, because I tried and I think I clarified this today, in Office Business a setback or in R-2F the setback to residential is 20 feet.

Unidentified: Right.

Mrs. Kiesling: In Office Business, the setback to residential is 40 feet on a rear lot.

Mr. Bowles (speaking from the audience): 40 - 40 feet for zoning, yes.

Mrs. Kiesling: So actually going to Office Business requires a bigger setback.

Mr. Peters: And I think that's what the Planning Commission was looking at.

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Mrs. Kiesling: Yes.

Mr. Peters: They were looking at, but the problem is you're going to have to move that trail back too.

Mrs. Kiesling: Right. I know.

Mr. Peters: You know so the parking lot per say wouldn't, you know, you would have a setback as far as asphalt, if they wanted to extend that parking lot.

Mr. Bowles: Yes the way, and I'm not a designer. I'm certainly not designing for this developer their representatives are here tonight if you want to ask them any questions. But that said, they're allowed to move in their agreement, as I understand it, the Stark Parks Trail one time, and that would probably be at the rear of the lot. And then there are screening requirements that for the Office Business district that will have to be, you know, in place - placed upon however they design the parking lot in the OB district with the overlay that's now R-2F. So you're, you know, you're going to have, per our code, you're going to have the residential screening requirement, plus you're also going to have the require - the Stark Parks Trail in there adding an additional screening and separation from the residential.

Mr. Cerreta: Eric, do you know how large that wall would be?

Mr. Bowles: No, and I don't think the developer does yet.....

Mr. Cerreta: Because if you put a Starks Park trail on top of that wall to go with it, that could be an issue. Somebody with their bike....

Mrs. Kiesling: No, they're going to put it in front of the wall.

Mr. Cerreta: They'll put it in front of the wall, the trail?

Mrs. Kiesling: It will be in front of the wall and then the wall.

Mr. Benekos: I think....

Mrs. Kiesling: Go ahead, Jim.

Mr. Benekos: I think you're way ahead of yourself....

Mrs. Kiesling: Right. That comes back on the site plan.

Mr. Benekos: They haven't submitted a design

Mr. Cerreta: Okay.

Mr. Benekos: You know it's not definite you know that they're going to come....

Mr. Cerreta: But these are things we should know though, before we make some

Mr. Benekos: Well that will go to the Planning Commission.

Mrs. Kiesling: Again.

Mr. Benekos: That will be reviewed by the Engineering Department.

Mr. Bowles: Well not for the zoning question. That's a design question that the Planning Commission reviews.

Mrs. Kiesling: So parking is a conditional use in R-2F. So if we left it R-2F, they could still come and try to make that as parking, and if they got it, which I don't know if they would, they'd only have a 20 foot setback. So I think Eric and Jim and the developers have done a very good job. They want to protect, you know, the surrounding area, and with OB, it is a 40 foot setback. I'm not saying I want parking on that property because I think it's - I would love not to, but....

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Mr. Foltz: You're saying it's legally zoned for parking now?

Mrs. Kiesling: Correct.

Mr. Foltz: Which means it's only a 20 foot setback. If you change it, it becomes a 40 foot setback. Is that what you're saying?

Mrs. Werren: And, if we left it the R-2F, they don't have to come back to us a third time, only two times?

Mrs. Kiesling: I don't know. It says it's conditional in R-2F. Is that correct?

Mr. Benekos: Right. It comes back to the Planning Commission.

Mrs. Werren: Okay.

Mr. Benekos: It doesn't come back to Council.

Mrs. Kiesling: It never comes back to Council.

Mr. Benekos: Site plans don't come to Council.

Mrs. Werren: Okay.

Mrs. Kiesling: So it is a conditional use in R-2F. So if we don't rezone it they come back to Planning and ask for conditional use whether they get it or not, they get it, they come back with site plans. Now Planning could require bigger setbacks, is that correct, Jim?

Mr. Benekos: Right.

Mrs. Kiesling: Even without the mixed use overlay?

Mr. Benekos: Because it's conditional use, Planning Commission could impose any conditions they so wish on them. So if they come in and let's say they meet the minimum requirements of 40 feet, but it doesn't

Mrs. Kiesling: It doesn't look right.

Mr. Benekos: doesn't look right, they're not comfortable with it, they can impose a greater setback or a better buffer, or along those lines. But conditional use, they can impose conditions.

Mrs. Kiesling: Right. So - hold on Chuck, it's - this is where we're at, it's their property. They're asking us to rezone it. I think we've done our due diligence as to what we, you know, the best case scenario we could possibly perceive for the City of North Canton. We have changed our zoning, thankfully six or seven years ago that, you know, provided us with this misuse overlay. That means that they have to come back with a site plan, which you know in the essences are our buffer because, you know obviously we can't tell the Planning Commission what to do, but I think they've done a very good job in the past at protecting us and our residents. And we also can all be here as residents and speak, you know, on the record.

Mr. Peters: I guess my concern is, and I'm not in any way, shape, or form, you know, taking a shot at the Planning Commission because I think that they were looking at

Mrs. Kiesling: Oh, right.

Mr. Peters: You know, what they thought that you know, from a buffer standpoint, what was the best scenario. My only - my concern is, you know they want more parking because they're going to put more businesses in there. And that's a good thing. That's more income tax for us. I guess my question is, has this - has the discussion even come up or come to the fact where you could park on the other side? I mean, has that even been mentioned? Parking, you know, on the other side of the building.

Mrs. Werren: Inaudible... the buildings.

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Mr. Peters: You know, utilizing all that space on the other side? Because my concern is, you know, when the Hoover Company had three 3,000 plus jobs there, you know Maple Street, you know, that little road was able to handle that because they had three shifts. You're going to have, our goal is to probably come close to that number, but more likely than not, the majority of them are going to be first shift. You know, and that's a

Mrs. Kiesling: Well that's their parking issue.

Mr. Peters: Well, it - but you could put it on the other side and....

Mrs. Kiesling: Eric has a comment about that.

Mr. Bowles: Well here again, you know in our meetings with the developer, their parking plans they are developing the parking on the north side of the lot. And based on their projections, and as you know we worked with them, we've discussed parking facilities, we've discussed parking authorities, that may be coming to pass in the future depending upon the build-out. But it's looking like their parking is going to be very strained on both sides of Taft Street which is a nice problem for the City to have. And one of the considerations for this location or the other location could be some type of multi-car parking deck depending upon its feasibility. So the developer has looked at that, and they brought that up and we - Jim and I have been in meetings with that. So that's all being taken into consideration. And one thing that when Hoover was up and operating, and when they had their maximum 42 or 4300 jobs, they were on shifts. So they were able to move the parking around and accommodate their parking requirements. But most of the people that are going to be parking here, they're going to be 8 to 5. So there's going to be a need for additional parking, and they are going to take advantage of those north lots.

Mrs. Kiesling: I guess we'll move to, if there are no more questions, let's get some input those of you speaking for. I've done that first. Anybody want to speak against?

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. To address the immediate remarks by Mrs. Kiesling here, and I, that was my interpretation when the Planning Commission ruled on this, it would add increased setbacks. But folks we're looking at nearly a 1,000 car parking lot. Does 20 feet really make a difference here? Now there's some other issues here, drainage. This parking lot is drained by a very antiquated storm line. And it zigzags all the way down. Part of that storm line passes through the back yard of a resident, and it collapsed here about four years ago, and the homeowner fell in it and had to be rescued by our squad. So I dare say you would probably have to build a whole new drainage line all the way down to the detention basin where it dumps into. And then that brings up another issue. I don't know whether that detention basin at the end of Wise can even handle this increased amount of flood waters. All that trees and ground does absorb some water here. To clarify, the residential two-family actually extends into the present parking lot. I would ask you to modify the requested zoning to expand it to the current parking lot limits now to make that OB. Now I've talked to Stark Parks, they're not happy. They didn't get word on any of this until late in the game. And they're not, they've already told me they can't relocate the trail. They're not going to put it over top of known mines. So the \$121,000 that they spent designing and building this trail from the High School to the Y, I daresay most of that, and I can't swear because I haven't walked it, I don't know it, but I daresay a good part of it is city streets and sidewalks. The terminus is I guess the trail part of it. So if they're going to have to move their trail, they're going to end up having to move it and just say in this sidewalk down East Maple is a trail. Do we need to actually spend \$121,000 to call a sidewalk a trail? You jeopardize the whole stretch of that trail from the Y. Now let's get to the parking. Again, we're talking a nearly a 1,000 car parking right here in the middle of the City. Now the young lady from Stark Parks, Sarah Buell, that I've talked to, again they're not happy. And she's telling me in her own words, "you remove all this vegetation and this trail atmosphere right here in the core of the City, you're going to change the whole character of downtown." Now we plan a lot of improvements on East Maple. I don't think it's enough of an improvement. It's still going to end up being a two lane road. Can this two lane road handle a thousand car parking lot? I think not. So you have major drainage problems. How are you going to get the water to the detention basin? Whether this detention basin will handle it? And then last of all, in my selfish point of view here, we're losing our buffer. Now our neighborhood is already declining. And you're going to destroy what little values we have in our properties now. Mr. Benekos, can you point your pointer up there to the southern end - that gray area right around Mr. Hipp's house, all that area is what

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they want to add for parking. That whole gray area, that whole gray rectangular area. We can't lose all this vegetation and trees and buffer. Obviously, they will have to put in upgraded lighting and more lighting. It won't be livable there. And you're changing the whole atmosphere and character of the whole area, and that's the words from Sarah Buell. So I would ask you now, I've walked the area with Mrs. Werren, I thank you for coming out, Mrs. Kiesling, Mr. Peters. At least, I'd like you to table it, and I'd like to ask what the rest of you all around there. Barring that, I would ask you to modify it, to expand the OB to the edge of the current parking lot and leave that hillside and all the treed area Residential Two-Family and let it go at that. I think that's all my concerns, the lighting, the loss of the buffer, the congestion. East Maple is wholly inadequate. My street, Fairview, I have traffic running up and down my street, and I'll have to admit I do the same thing. If I'm going to anywhere in this City, I avoid the square. All that East Maple, West Maple traffic is hell. I avoid it at all cost. And that's what people are doing all over this City. So they're coming down my street and zigzagging around McKinley. And you're just going to add to the, the, the inconvenience to the residents and losing their peace and tranquility if you allow this - the footprint of this whole Hoover District to widen and come right up to the edges of residential homes. Now you know your homes is where we have our major investment. It's where we go for solace and peace and tranquility. There's not going to be any of that. Now if you think back over the years, this Council has been very proactive really in preserving neighborhoods. You have left dead-end streets dead-ended. Briar, Weber years ago, you know, you wouldn't allow anything to go through there. So I would ask you to continue that vein because if we can't maintain our neighborhoods, the serenity and peacefulness and tranquility, you're not, who cares how many little retail shops you're going to have around that Hoover District. Nobody is going to be able to walk over there because they're not going to want to, they're not even going to be living in their homes around there. People are going to be fleeing this City. We're all interested in fostering some growth, and some activity, but please not at the expense of homeowners and neighborhoods. When I went to get the maps of the drainage system, the Engineering Department had a hard time finding them. That whole drainage system, that drains, part of it drains East Maple, there's a storm drain up there off of East Maple, it comes all the way across that parking lot, and it's probably 90 years old. I don't know, I'm just guessing. I was just told that it was very antiquated. And again, I know and maybe some of you remember, it collapsed, literally within from me to Mrs. McGrew from somebody's home, a 24 or 36 inch line collapsed. Who would want all that storm drainage coming off a nearly thousand car parking lot, coming right by the foundation of their home? So if you were to approve something like this, how many millions would the City be on the hook for now to rebuild that entire drainage line? And we'd have to get some expertise from Mr. Benekos because that detention basin at the end of Wise, we've had flooding over there, storm lines and sewer lines, right there just two or three doors down from that detention basin. There's more to this than to just a simple expand the parking lot, and we're home free. Anybody have any questions? So I beg of you, please. I'll get down on my knees here and beg, you can't do this to the neighborhood. I was going to take fliers door-to-door Saturday, but I'm going to wait and see where this goes. But all those homes around there, it won't be fit to live in. You'll create a ghetto there. I guess that would probably fit in with the meth house three doors down from my house, and the arson house and all the other foreclosures and rentals. But please, this would be the death blow for this neighborhood. Do not expand that. Thank you.

Mr. Snyder: Well Madam Chairman, you know completing the public hearing portion of this request would be fine. He brings a very good point. I would ask you that we don't move that to the agenda this evening, allowing us to go there and visit the site so that we can actually see what we've got over there. I mean, you've completed that legality of hearing the public hearing. The others you can move to your agenda and the other we could, sometime in the next couple of weeks, get over there and look at that property and see what we've got over there and go from there. I think - yes, sir.

Mr. Peters: I've got one more question. And Jim maybe you can answer this. I don't know if Chuck touched on it, is there a mine possibly running along that back side of the....

Mr. Benekos: My understanding, there is a mine back in there. I haven't seen it myself but I've been made aware that there is a mine back there. And it doesn't surprise me that there is.

Mr. Peters: It runs east, west, correct?

Mr. Benekos: I'm not sure how it runs back there.

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Mr. Cerreta: Jim, how many additional parking spots are they talking about with this?

Mr. Benekos: That I'm not sure. They're here, I don't know if you'd like to ask any questions of...

Mrs. Kiesling: Yeah, if you go on the record, state your name and address, please.

Carol Smith: My name is Carol Smith. I work for IRG representing the developer. My address is 1443 Clearview Road, Lyndhurst, Ohio - that's my home address. So for parking spaces right now, all we have planned back there, if we end up doing the parking, is 100 - about 165 spaces is what we would gain. So we're just asking for the overlay piece so that it matches the rest of the property back there. And we understand that we would have to come forward with a site plan and address all the questions and concerns that would be there. We understand that the hillside is there. And although that parcel is showing you the entire parcel that we're asking to be overlaid, does not mean that the entire parcel is going to be made into parking. We understand the risk back there with the trail and with the hillside and all of that. So although it's being depicted as parking back there, it does not mean that all of that is going to be parking. We're planning 165 spaces.

Mr. Foltz: Okay. I have a question for Jim. Jim, if that is developed into any type of parking, is there going to be a detention, retention basin that's required?

Mr. Benekos: It would be required.

Mr. Foltz: Okay. And what about infrastructure? Are the developers on the hook then to modify the infrastructure to meet the demand of the parking?

Mr. Benekos: Well that would part of the retention. They wouldn't have to upsize the pipes downstream to accept that additional flow. Their detention would reduce the flow going downstream. So the pipes downstream would not have to be increased. You know the condition of the pipes downstream is not, you know, a function of what they're doing or what they're proposing to do. You know, if that's in poor condition as it is now, in some areas as is, you know, any isolated areas on the storm sewer system are, the City would be required, you know, as we find out about it to repair those and upgrade those. But as far as having to wholesale replace the line downstream that would be their responsibility, unless they had to replace the line. But I don't think they'll have to. Again, we haven't seen any plans. Nothing's been submitted. But the storm would be a part of that review process.

Mr. Foltz: Okay.

Mr. Cerreta: What about the increase in lighting? Is that planned for that also?

Carol Smith: We don't have any current plans for that, but we would depict any of that on the site plan if we felt it was necessary for safety and security of the area.

Mr. Cerreta: Jim, is there additional lighting going to be needed back there?

Mr. Benekos: Well any lighting is covered by the zoning, what they can put in, how they have to position it, cutoff lighting, and what's allowed to escape the property and so forth. And again, that's a condition that can be put on by the Planning Commission. But if they put something up that is intrusive to the neighbors, that that would have to be revised.

Mr. Peters: Jim, you were addressing the drainage pipe that goes down in between the homes and all the way down to

Mrs. Kiesling: Wise.

Mr. Benekos: Correct.

Mr. Peters: Wise. How old is that? How big is it?

Mr. Benekos: Off the top of my head, I do not know. We haven't, you know, again they haven't presented plans so we haven't really researched that. I'm thinking it's on the neighborhood of 24 to 36 inch pipe maybe. But

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Mr. Peters: And is there a formula that you use that if you add more square footage of hard surface

Mr. Benekos: There are several methods of determining the size of pipe based on the area of drainage and the intensity of rainfall. Now we need to size a pipe, you know, you have the different rainfall events - you have a one year rainfall event for the probability of a rainfall occurring every year, every two years, every ten years. So you know the ten year event is a much greater event, more than the one year event. So when you're designing the storm sewer system, you don't design it for the hundred year event because your pipes would be enormous. That pipe is probably designed maybe for a five to ten year event. But we would look at that when they submit their plans, we'd see what's the impervious area now and what's the runoff coefficient and what you predict what the current runoff would be. Then you would determine what the run off coefficient would be after they develop it. How much area are they making impervious? And then you determine what that flow would be and then you look at the pipes. What's the slope of the pipe? The greater the slope, the more water it can handle. We look at all those factors. It all gets factored into the equations and the methodology of sizing storm sewer pipes.

Mr. Osborne (speaking from the audience): I have some maps here. Some of that pipeline is 18" and goes to a 36, but I would think that you'd have to reroute the pipe, because like I said, this goes within 6 feet of somebody's foundation. And I have the proposed plans, so to say there's no plans that have been submitted. I got them from your office, Mr. Benekos.

Mr. Benekos: They have not been submitted to be reviewed for Planning Commission.

Mr. Osborne (speaking from the audience): They actually submitted maps.

Mr. Benekos: They submitted maps. It's a conceptual plan. We get conceptual plans all the time. They never come to fruition. As far as, you know, the pipes close to somebody's house, how long, what's the date on that map that you showed?

Mr. Bowles (speaking from the audience): It's from the Planning Commission meeting ...inaudible...

Mr. Benekos: No, the pipe map. That pipe's been there, existing there for several years. It's not going to change if you know....

Mr. Osborne (speaking from the audience): Decades. I dare say it's 60 years old or more.

Mr. Benekos: Yeah. And that's not going to change because they put a park - an addition to the parking lot or they don't put an addition to the parking lot.

Mr. Osborne (speaking from the audience): There's already flooding issues there now. If you add - and look at that, that looks like it's probably 40%

Mr. Benekos: But that's an issue that we will review with the Planning Commission. It's not a zoning issue.

Mrs. Kiesling: Right, it's not a zoning issue. Anybody else, do you have any other questions for - anybody wishing to speak against? I think that's where we're at.

Mr. Snyder: Mrs. Osborne does.

Mrs. Kiesling: Go ahead Rita.

Rita Palmer: 307 Fairview Street, North Canton, Ohio. I have a question, does anybody know if, if you kind of conceptualize it, the brick wall at the top is where Hipp's house is, and I'm down here, and that's give or take where the parking lot is, and there's a trail and then there's parking lot. The trail has to move in, and now we do have a little more distance this way, but we move the trail in, or I understand that's what they want to do. Does that trail, and you're telling me there's 40 feet out, I don't know whether it's coming down the hill or coming out like the crow flies, but 40 feet out, and we have this trail. So the buffer's 40 feet and then the trail and then the parking lot or does the trail go into the 40 feet which gives me as a resident, 25 or 30 feet and then 10 feet of trail. Does anybody know where the trail is

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supposed to go? Does the trail go in the 40 feet or on the other side maybe giving us 50 feet?

Mr. Benekos: Again, everybody worried about that because it's not part of the zoning. When it goes to the Planning Commission and they submit it, we'll review it at that time, where they finally decide to request to put the trail.

Rita Palmer: Okay. I guess my concern is it matters to me because the whole point of changing the zoning was you're going to have a bigger buffer. Well I want to know what a bigger buffer is as regards that extra 10 feet because it's 5 or 6 feet and you have one or two sides, you know, of grass or whatever.

Mr. Benekos: The question is can the trail be within the 40 foot buffer?

Rita Palmer: Yeah, I guess that's the question.

Mr. Benekos: Okay. I haven't looked at that.

Rita Palmer: Okay.

Mr. Benekos: I mean will it make a difference whether you want it there or not?

Rita Palmer: No I -it's part of the whole issue. I don't want it moved. I want it to stay, but I want to know that, okay, let me try to work with you. Let's think of compromise. And if you're saying look at that 40 feet isn't that wonderful, and the trail is in there, then let's just forget the whole thing about the trail and talk, you've got 40 feet. But if it's going to be outside the buffer, then maybe we have 50 feet.

Mr. Benekos: Right.

Rita Palmer: And so that is a concern. And nobody has been able to tell me if it goes in or it goes out. And the other point is, are there mines there? And having lived there all my life and the spot exactly in question is where my father's garden was, where I worked as a kid. I know the area and yes, there are mines all the way through there. I can show, which I did to the three who were here, you know, came out to the house, where you can - the opening of the mine was, where it fell on the Stern property, where it fell on the Gunther property, where it fell on the property where the, where all these sink holes were, and how it runs. And it runs all the way to where it opens. The mine used to come up to have an opening. You could see the wood, you can't anymore, but you used to be able to when I was a kid. And it runs down that whole area which is in this hole, imaginary hillside that we're cutting into, and say, okay, let's put a wall on that, oh oops, there's a mine there. I mean that's going to be a concern somebody would have to, as they did for Bitzer, the street, they had to dig all the holes to find out where it is, and fill it in, or do whatever. So those are my additional concerns.

Mrs. Kiesling: Thanks.

Rita Palmer: Thank you.

Chuck Osborne (speaking from the audience): Stark Parks has already said they're not going to relocate their trail in the buffer. I'm sorry, but again Sarah Buell's already told me that they're not comfortable. They will not relocate their trail up on the buffer area. They're not going to take that risk. So I just want to clarify that. So you....

Mrs. Kiesling: Anybody else wishing to speak?

Mr. Cerreta: You know there's a lot of things here not answered. And I know it does matter to us, I think this information that we don't know before we say let's zone this thing. It does to me. And I think we need to go out there, like Jon said, take a look. It matters to me whether it's 10 feet from that person's line or 20 feet or 30 feet before we zone it. So I would like to see. And maybe we're putting the tail before the, you know, the dog or whatever, but....

Mrs. Kiesling: Well I guess the one

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Mr. Cerreta: I'd like to see some more information about what we're

Mr. Foltz: Well we can table it. I'm comfortable with tabling it.

Mrs. Kiesling: The main question is, if we leave it R-2F, that back portion, the parking is a conditional use on R-2F. They can still park, they could still bring a site plan and come to Planning Commission and put parking on R-2F whether we rezone it or don't rezone it. Correct?

Mr. Benekos: That's my understanding.

Mrs. Kiesling: And so...

Mr. Snyder: Well here, why can't you do this?

Mr. Cerreta: Inaudible... property?

Mrs. Kiesling: R-2F. .

Mr. Snyder: Why can't you just complete the public hearing

Mr. Cerreta: They can do whatever they want, right?

Mr. Peters: Right.

Mr. Snyder: and then we don't have to put it on the agenda until we go view it. And then you can view it and then you can make a decision.

Mr. Foltz: I agree, I'd like to see it.

Mr. Snyder: A couple or three weeks.

Mrs. Kiesling: Okay. I completely agree with that. But I just need you all to realize that this is, been planned for months and so

Mr. Foltz: Inaudible... this is more restrictive zoning, that's what you're telling us, because it could be 40 versus 20 feet setback.

Mrs. Kiesling: No, it's more restrictive.

Mr. Foltz: That's what I just said. Yes.

Mrs. Kiesling: Yes. But you guys did have an opportunity to go out. I mean we went out six weeks ago to look at this. So....

Mr. Cerreta: Yeah, we know what it looks like, but we didn't know what their plans are to do with it.

Mrs. Werren: We don't know either though.

Mrs. Kiesling: I mean ...inaudible...

Mr. Cerreta: I mean I know what it looks like. I've been here all my life. I know exactly what. I've been on the trail a hundred times. So - but, what do they plan to do with it? But they do own the property.

Mrs. Kiesling: Correct. And they're asking for the zoning change and really that's, you know, all we're here to discuss. The site plan will come back to Planning, but that's, you know, I don't know that you're going to get your questions answered before I put it back on the agenda, other than you're got to go out and look at it which you could have done in the last six weeks. So I guess that I'm a little disappointed that, you know. Go ahead, Tim.

Mr. Fox: Mr. Benekos, the dimension of the mines. Are these the - similar to the shallow mines that we had discussed on the properties on Applegrove about a year ago? Are these - are we talking 6 feet or perhaps something deeper than that?

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Mr. Benekos: Inaudible... on that scale.

Mr. Fox: Okay. So shallow mines approximately 6 feet would be, if someone unfortunately step in a sink hole and they - approximately 6 feet.

Mr. Benekos: It could be. In that neighborhood.

Mr. Fox: Give or take. But it is a shallow mine?

Mr. Benekos: That's my understanding. Yeah.

Mr. Fox: Okay.

Mr. Benekos: And you know as we recommend to anybody that would build in an area where there are mines, that they would do their due diligence. That they would sink, bore holes, to determine where the voids are and mitigate it before they put anything on it.

Mrs. Kiesling: Right. They aren't going to want their employees to fall....

Mr. Fox: Yeah. It's certainly a bad day even stepping in a shallow mine.

Mrs. Kiesling: Exactly.

Mr. Fox: But the difference between six feet and thirty feet is a bad day....

Mr. Benekos: Right.

Mr. Fox: And your day's done.

Mrs. Kiesling: Very true.

Mayor Held: Okay. Yes. Yeah, I think what the challenge is right now is that there's a process that requires where there's a request in zoning, and the next step is the site plan. They can go through and propose a site plan as it is or we could come up with a more restrictive zoning code. But it's pretty clear that there's a lot of questions that our residents would like to have answered before we even move ahead with the first step, which is to change the zoning. So - and even though it's a short period of time, maybe we can get some of those questions answered from IRG prior to making a decision on the zone change. You know it might ease, you know, make things a little bit easier.

Mrs. Kiesling: Well we're - definitely we're not reading any of them tonight.

Mayor Held: Right.

Mrs. Kiesling: It's not coming back for two weeks.

Mr. Foltz: We're not losing anything, really in two weeks....

Mrs. Kiesling: Right, right.

Mr. Foltz: I'm going to walk the property with the Osbornes. I'll be happy to do that. And it will just be first reading anyway. Correct?

Mrs. Kiesling: Right. In two weeks, we'll just do the first readings. It requires three readings.

Mr. Cerreta: I'm not passing it off on emergency. So, okay.

Mrs. Kiesling: So am I placing it on the agenda tonight to talk about it at committee, even though I don't know that we have a whole lot more to talk about, is that okay? Or do you want to hold it up? Whatever you want to do.

Mr. Snyder: Let's just hold it until the two weeks. Do the other ones and hold this one for a couple of weeks.

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Mr. Cerreta: Inaudible... discussion for tonight.

Mrs. Kiesling: Well, we need to put in on committee if we're going to authorize legislation for two weeks from now.

Mr. Foltz: For two weeks from tonight. As long as every other week

Mrs. Kiesling: Because, I'm not going to put it on committee and read it in two weeks.

Mr. Foltz: Schedule it -- I'm really not in favor of it, so that's the problem.

Mr. Peters: I'd rather not.

Mrs. Kiesling: You'd rather wait?

Mr. Peters: Yeah, I'd rather wait.

A request for an amendment to the North Canton Zoning Ordinance for a text amendment was submitted by the North Canton Planning Commission, requesting Section 1135.05(e) Site Development Regulations, be amended to delete Notes(a)(b).

The North Canton Planning Commission, at its December 4, 2013 meeting, by a voice vote 4-yes and 0-no, recommended that Section 1135.05(e) Site Plan Development Regulations, be amended to delete Notes (a)(b).

Mrs. Kiesling: So, we'll put it on the committee, this portion of it, to rezone R-2F to OB, and then that would hit the next one to rezone -- to put onto OB the mixed use. We'll hold those back. We've had our public hearing, but we won't talk about it until the 10th. Is that my understanding? Okay. Moving on, the North Canton Planning Commission requested an amendment to the North Canton Zoning Ordinance Section 1135.05, Site Development Regulations to delete Notes(a) and (b). I've got to find 1135.05. I just have a quick question on that inaudible... I'm looking at 1130.05, and I apologize, I forgot to ask you about that today, in Section (e) is Schedules -- Site Development Regulations, what are Notes(a) and (b)? What did you say? They're down.... Well, there is no bottom on my zoning book which is 2003, but it's current.

Mr. Bowles (speaking from the audience): Schedule 1135.05 cites development regulations under the RMFA and the RMFB. The Planning Commission recommended to the deletion of the Notes 1135.05(a) and (b). They're at the bottom of the schedule. They're basically adding more difficult language to develop multi-family sites in the RMFA and the RMFB. I can read this to you if you'd like.

Mrs. Kiesling: Well come up here and look at my zoning book and show me what you're talking about because I have this in front of me and I'm thinking. What is (a) and what is (b)? So here's 1135.05(e), so it is these two little notes. Okay. It's way over the other side. Got you. I wanted to confirm that. Okay. So we're going to get rid of (a) which says, "Except that when the length of the building wall facing the lot line is longer than 50 feet. the setback from the project boundary shall be increased by one additional foot of setback for every two feet of wall length greater than 50 feet."

Mr. Bowles: Correct. The Planning Commission thought that the current requirements for setbacks in the schedule from RMFA and RMFB were adequate.

Mrs. Kiesling: So we didn't need those little notes?

Mr. Peters: Right. We have for the past few years, we have cleaned up the language that we found that was either inaccurate or there were some issues taking those to the Planning Commission such as the sign regulations and things like that....

Mrs. Kiesling: Right.

Mr. Bowles: We've made recommendations.

Mrs. Kiesling: Okay. (b) says, "Except that when the length of the longer of the two building walls facing each other is longer than 75 feet, the spacing between the two walls shall be

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increased by one additional foot of setback for every two feet of wall length greater than 75 feet." So we have that somewhere else in the code that addresses it and we're going to get rid of (a) and (b)? It's up above?

Mr. Bowles: Well the Planning Commission thought that this up here if the requirements for the setbacks were sufficient, these were – they were just one more hindrance for a lack of a better word. I mean we're adding one more, you know, requirement over and above the current setbacks, they thought what was in the language now was sufficient.

Mrs. Kiesling: Got you. Alright. Anybody wishing to speak for getting rid of text (a) and (b), Note (a) and (b), do you want... Hold on, Chuck.

Mr. Peters: I have a quick question. Who requested this to the Planning Commission?

Mrs. Kiesling: I think Planning Commission. Who requested it, Eric?

Mr. Bowles: Department of Permits and Development.

Mrs. Kiesling: Okay.

Mr. Bowles: This is one of the things that we requested over the last couple of years to clean up things that we found in the zoning regulations.

Mr. Osborne: The only thing that I can add here, as I recall here about three or four years ago, there was a development plan over where the clubhouse for the golf course there on Applegrove....

Mrs. Kiesling: The Sanctuary.

Mr. Osborne: The Sanctuary. It was located....

Mrs. Kiesling: Oh, where the barn is....

Mr. Osborne: They had planned a real long building. And I think this, and I'm just trying to guess from my memory here, but I think that language factored into killing that project. All I can do is just rely that Permits or whoever's planning, is working on our behalf. Mr. Bowles says that that language, those restrictions are handled elsewhere, but they seem to come in handy in killing that project about four years ago, which is a good thing it got killed. But anyway I guess flip a coin and see what you want to do.

Mrs. Kiesling: Anybody else? Anybody wishing to speak against it? Okay. Alright. Well we'll amend the agenda and place it on. Alright. I think that's it.

Mr. Snyder: Thank you. At this time, I will close the public hearings. The time is – I can't see, it looks like it's about 7:30 – is that right?

Mrs. Kiesling: 7:30.

Mr. Benekos: 7:29.

Mr. Snyder: 7:29

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

3/10/14

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0441

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

BEAR GRAPHICS 800-325-8084 FORM NO. 10149

Held Monday, February 24, 2014

1. Call to Order

The council meeting was called to order Monday, February 24, 2014 by President of Council Jon Snyder.

2. Opening Prayer:

The opening prayer was delivered by Council Member Mark Cerreta.

3. Pledge of Allegiance:

All present recited the Pledge of Allegiance.

4. Roll Call:

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

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

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

5. Consideration - None

6. Committee Minutes

Mr. Snyder: May I have a motion to approve as presented the summary of meeting minutes for January 29, 2014, the committee minutes for Community and Economic Development; Finance and Property, both held February 3, 2014?

Mr. Foltz moved and Mrs. Kiesling seconded to approve, as presented the summary of meeting minutes and committee report minutes. All members present voting:
Yes: Cerreta, Foltz, Kiesling, Peters, Snyder, Werren
No: 0

Committee of the Whole for Finance & Property: Please refer to the minutes on file in the Council Office for the Committee of the Whole for Finance & Property Committee meeting held January 29, 2014.

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office for the Community & Economic Development Committee meeting held February 3, 2014.

Finance & Property Committee: Please refer to the minutes on file in the Council Office for the Finance & Property Committee meeting held February 3, 2014.

7. Recognition of Visitors:

Mr. Snyder: At this time is there anybody in the audience wishing to speak to the Council? Please step forward, state your name and address for the record.

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. I see on the agenda you do have a proposed health care law. And that you tell us it mirrors the one that was passed by the voters. And in it you state that that health care law is void. We still need to see the basis on which you're saying it's void. Also, in here you have it on an emergency. I guess that gets to be a rubber stamp for everything that passes here. As we all know you can't change your health care benefits in the term you're in. So whether this is passed on an emergency or not it's still not going to become effective until December 1st of 2015. So I don't know whether you're still trying to spin this and make the public think that you're quickly rectifying your admitted error or whether this is oversight in the legalese of the ordinance that you now intend to pass. I guess I

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should say that when this was all started in May of 2012, before you start this process, the ballot language must be presented to the City to alert you that the clock is ticking, although there's no time limit for collecting signatures for an initiative. The signatures are turned into the City for study and review. The City then has to actively send those signatures to the Board of Elections for validation. After the sufficient number of signatures are validated, Council has to affirmatively pass a resolution forwarding the ballot language to the Board of Elections, which you did. So City government, Council, was a party to all this. Had no objections through months, and months, and months, of the process that was followed to the letter. It passes, the votes are certified, it becomes law five days after the vote is certified, which would of made it like December 2nd of 2012. We're talking how months back is that, fifteen months ago? It's just by chance that another citizen, not me, I had casually thought about this but I have too many things that I'm working on from week to week, another citizen found this, discovered two of you were collecting the benefits, in direct opposition to the duly enacted ordinance. And then we discovered two additional ones. So how can you be a part – party to the process and nurture it along and participate in a process. And then for a whole year never, we still have never heard publicly that this is invalid for such and such a reason. I have to wonder what a city law director does, because I'm confused. I've been up here 13 years and I've seen many city law directors come and go. I guess in my child's point of view of government and everything, a city law director works for everybody, works for the entire city, the citizenry. But what we're seeing here is our law director is private counsel to City Council. So how can you be a party to the process, you've nurtured the process, you moved it along, and then 15 months later say you don't like it. I don't understand, I don't understand. But my original point for coming up here is, take it out – the emergency out. I mean why is it on an emergency? You know, every single one of you, it won't become law and come into effect till the new term of the next council. So are you trying to make the public think that you're quickly rectifying your own oversight? I call that spin, I call it being disingenuous. Thank you.

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

Glenn Saylor: My name is Glenn Saylor. I live at 340 Reed Avenue NW, North Canton, Ohio. I too come tonight to talk about Issue 5. The actions of the Law Director was a poke in the eye to the citizens of North Canton. And if that wasn't bad enough, the actions or rather inactions of City Council poked the other eye of the citizens of North Canton. No wonder residents are upset at what happened at City Hall. Law Director Fox should have notified the public of his decision not to include Issue 5 in the municipal ordinance. And that notification should have been done in a timely manner. Ordinance 34-10 defines the duties and the responsibilities of the Law Director. One of these duties is as follows: "communicates legal policies, procedures and decisions to City Council, City officials, and the general public." So clearly the Law Director is allowed to communicate decisions to the general public. And in this case he had an obligation to notify the public, since it was the public that had approved the ordinance in the first place. It was not City Council it was the voters of North Canton. And contrary to what Mr. Fox says, and I'm not a lawyer, but I don't think there was any attorney client privilege that prevented him from making this decision known to the public. In addition, the Law Director had an obligation to notify the public in a timely manner. Remember that Issue 5 was passed in November 2012, not November 2013. So a reasonable person would be expected – so a reasonable person would expect that the Law Director could of made his decision known to the public early 2013 at the latest. This would of given the public the opportunity to press Council to adopt legislation consistent with Issue 5 so that on December 1, 2013 it could take effect. Law Director Fox finally notified City Council in executive session, based upon the *Repository* article, late 2013. We don't know the exact date of that session, so I would ask that Council tonight put that into record exactly the date that that executive session occurred and the members that were present. But what did Council do? You did nothing. Surprisingly there was no attempt to draft legislation and pass it on an emergency basis so that it could become law effective December 1. Council loves to pass all sorts of legislation on emergency basis, but in this case, a case where a true emergency existed, Council stood silent, did nothing and told no one. And in doing so, doing nothing, four members of Council, for their own personal benefit received health care insurance, which they should not have been able to receive. Certainly these members could have, if they wanted, found alternative health care insurance plans. After all, Councilman Foltz, Mayor Held, were able to do so. And you had over a full year to do that, to get that all lined up. Less I forget, I'd like to thank the citizens of North Canton that brought this issue to light and I'd also like to thank Mr. Wang and the *Repository* for the excellent reporting that they did. So where do we go from here? Well at

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least we started to see some action here. I was quite disappointed that all I've heard was a lot of excuses and political spins, but no apologizes. But one thing that still hasn't been done is to read into the minutes Mr. Fox's opinion. So I would like that to be done tonight. Based upon the **Repository** article, you have the ability to do that, and contrary to what Mr. Snyder has said. So I'd like at least one councilman to be brave enough to do that, put that in the public record and as well as state the date of the executive session and the individuals present at that executive session. Thank you.

Mr. Snyder: Anybody else wishing to speak? Madam.

Rita Palmer: 307 Fairview Street, North Canton, Ohio. I want to begin and say I did hear Jon's very sincere apology and I want to recognize that. But I didn't know that when I wrote this. I was dismayed to hear on WHBC late last week that a group of citizens protesting the lack of enforcement of the North Canton health care ordinance was publicly chastised for not bringing the issue to Council before taking it to the media. Hearing that, I was dumbfounded that Jamie McCleaster's and my speeches delivered on February 10, 2014 before Council in this Chamber were evidently not actually heard by the Council and its President. Because words composed by ordinary citizens do not seem to matter to this Council, I wish to read into the verbatim Council record what the **Canton Repository** Editorial Board published on February 21, 2014 on this health care issue: "Residents should be mad as hell. North Canton's Law Director and City Council members owe their voters an apology. Then they need to fix the problem they created when they ignored the outcome of a citywide vote in November, 2012. Yes, ignored. It is a stunning, audacious subversion of the election process. North Canton residents should be mad as hell about it. More than 70 percent of voters favored Issue 5, which limited City health insurance coverage for the Mayor and the seven Council members. The ordinance barred part-time elected officials from enrolling in the City plan if they could obtain insurance elsewhere. Nor could they sign up family members at all. Residents who voted for Issue 5 went to bed on election night assuming that they had put this change in motion. The City had plenty of time to take care of the rest, as the ordinance wouldn't take effect until December 1, 2013. But last month a resident who had requested public records discovered that one Council member and his family and another Councilman's wife were still covered under the City's plan in violation of the ordinance. Then the revelations came thick and fast. At least three other Council members didn't drop city coverage until weeks after the December 1 deadline, when the timing better suited them. And the City never added the ordinance to the municipal code. How could these officials feel so comfortable about acting in their own self-interest, disregarding the voters' decision? Because Law Director Tim Fox had written a confidential legal opinion and told Council in a closed meeting last year that the ordinance violates the City Charter, that only Council members can change elected officials' benefits. Mind you, this opinion came well after the election and everyone who wrote, heard or read the opinion kept it secret. In what universe can officials simply bury legislation approved by voters and pretend it doesn't exist? When Council Clerk Gail Kalpac asked Fox about posting the ordinance to the City's website, he basically said it wasn't our ordinance, she said. Fox still won't make his legal opinion public. He cites lawyer-client privilege, even though every taxpayer and every resident who voted on Issue 5 has a stake in this issue. And what now? Council should pass an ordinance that mirrors the one voters approved. Officials should repay any taxpayer funds that were used to provide insurance in violation of the ordinance. Council members should apologize, pledge never to keep the public in the dark this way again, and put their Law Director on notice that he's not to do so either. Finally, Council members should stop being complicit in this travesty. They should make public their copies of Fox's legal opinion. If these things don't happen, why should North Canton residents trust the people at City Hall? We wouldn't." I hope that you all heard me, this time in this Chamber. Thank you.

Mr. Snyder: Mrs. Palmer, if I may comment again. My apologies, my comments on the radio station were - maybe not articulated as clearly because they use stipites. As anybody knows that's ever talked over the telephone to the radio. My comments were basically what you read into the record tonight. But I also said, "they had released a press release prior to the -- that was prior to the February 10th day that you and Mr. McCleaster and everybody else spoke of that. That was my intention. If I did not articulate that clearly, again may I apologize. It's

Mrs. Palmer: And perhaps I misunderstood about when the press release

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Mr. Snyder: No, you're entitled to that. I'm not – I'm not saying....

Mrs. Palmer: I thought the press release came out after this council meeting.

Mr. Snyder: No it came out, because I have a copy of the one sent to the *Repository* and the one sent....

Unidentified: Inaudible....

Mr. Snyder: Yeah, it went to the *Akron Beacon Journal*. I have copies of them and they were in advance of that. I think they were the Thursday prior to you coming here. But that doesn't make a difference and I'm not trying to make anything right or wrong. You know with - there's no question, we owe you the citizens, an apology and we're offering that and that's where we stand on that issue. Anyone else wishing to speak to us?

Rod Covey: I had some remarks, but I kind of tucked them away because it seems meaningless now. So I don't know if I should take the notes out and finish them or should I just leave quietly like the rest of us are going to do here shortly. Would any – would you folks care to raise your hand or something if you think I should just get up and leave quietly or maybe read these comments?

Mr. Osborne (speaking from the audience): It's your decision.

Unidentified (speaking from the audience): Read them.

Mr. Covey: I have one vote. If I have three I'll do it. I've got nine, I'll do it. You know the reason I'm doing this is I'm concerned about the citizens who are bothered by this. And as I look around and see these six young people over here, I'm wondering what's going through their mind? What is this all about? Why did it happen and why is it ending this way? What is going on here anyway? What's wrong with this City? Or is there anything wrong with the City? Well maybe there is. So if I may, I think – I think I'll just read them because the citizens deserve it and some of the people who uncovered this are going to walk out and their last six weeks of energy and diligence and civility and intelligence and digging this out will be for not. But I'm willing to put my reputation on the line and get back to this, if I may. And I hope the young – and one other young man was here last when several – two weeks ago when several of us spoke and he was all alone and he sat here there. And when he got up and left I went over and said hello to him, introduced him, and he was going for his Eagle Scout. Now you know what the Eagle Scouts are all about and I know because my son and second son are Eagle Scouts. And it means a lot to those men or those young boys who will be men someday and they're going to be very, very honest. And my two sons have been that way because of that Eagle Scout. But I chatted with him briefly about that and I kept wondering, wonder what he's thinking about this as he's leaving, hearing this stuff that we talked about two weeks ago. Anyway, last week several persons and I addressed Council on the issue of the year, if not of the decade. My remarks underscored the hope of all that the issue would be resolved quickly, not drawn out for weeks and months with heated rhetoric and back and forth legal and procedural maneuvering ad nauseam, it appears the resolution will be swift. A little swifter than we thought, or is it. This past weekend surpassed the media blitz unequalled since we changed our name of this City from New Berlin to North Canton, 90 years ago. Media swiftly catapulted the issue to all of northeast Ohio, not just Canton, Ohio, thanks to Mr. Wang and Mr. Olson, and WHBC and so forth. They took it to all northeast Ohio and world because they internet and the Facebook. I don't know how many of you are on Facebook, but I've been watching it very carefully this the past week and the comments in effect are saying we're very unhappy about this and we wonder what else is wrong. And they're implying that other things wrong, but not covered the way Mr. Wang and Mr. Olson and these other four people on the Committee did. But I'll finish with just a couple comments here then. Oh and when last did a Cleveland investigative reporter from CBS Channel 19 and a camera crew drop in on a North Canton official for a little chat, like Mike Wallace used to do? But the big one, the "H" bomb, was the *Repository's* explosive editorial based on Robert Wang's intense, in-depth article. If I had a vote I'd call the Pulitzer Committee and say give that gentleman a prize. It was enough that one person told me she envisioned a huge mass of North Canton folk gathered in the parking lot out here chanting a typical five-syllable, big crowd style "we want our City back – we want our City back". And we do.

Mr. Snyder: Anyone else wishing to speak?

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Jamie McCleaster: 710 Pierce Avenue NW. Contrary to what was reported on the Rep or WHBC, two weeks ago I stood here to make public a situation that was discovered accidentally by a concerned citizens group looking for ways to improve the City's financial future. I'm referring to the health insurance for the City's part-time elected officials. First, we'd like to thank those on the Council who did the right thing by returning the cost of the insurance premiums. In the past two weeks it seems that over \$6,000 has been returned to the City. We figure that over \$30,000 should be saved this year. And I think we heard about how some of that money is going to good use for the tennis courts, right? It is unfortunate, however, that two weeks ago after I and two other citizens discussed this issue, not a single councilperson uttered a word. In fact, my presence was never acknowledged until I was threatened with a law suit for proffering false statements after the meeting. Judging from what has transpired these past two weeks, guess my statements weren't too off base were they? The private concerned citizens for whom I speak have a few suggestions. Before Council makes more knee-jerk reactions based on unfounded legal opinions, we urge you to heed the voice of the voters and think about what you're doing. We urge you to vote no for any proposed legislation that goes against or alters the will of the people who voted in November 2012. Since then you've been operating on a legal opinion, not a legal determination or ruling. Before anything, since you disagree with Issue 5, it should be incumbent onto you to have an actual ruling or determination made in regarding this law. This should have been done in the very first place; by doing so once and for all, you will receive sound, unbiased, legal advice on this matter. Tonight we want to acknowledge the great reporting of the *Repository's* Robert Wang, Martin Olson from the *Stark County Political Report*, 19 Action News and WHBC. Thank you for revealing the details of this situation and enabling the voice of the people to be heard. Members of Council and Administration, thank you. We the people have spoken loud and clear. We trust you to make the right decision on this vital matter going forward.

Mr. Snyder: Thank you. Anybody else wishing to speak?

Dennis Coy: Good evening. I'm Dennis Coy at 214 Wise Avenue NE. I'll give us a break from health care for a moment. This evening I'm here representing the Jaycees. I'm the President and Chief Executive Officer of the Ohio Junior Chamber of Commerce, also known as the Jaycees, and here locally, I'm the Chairman of the Board. And I do want to thank Councilman Foltz and the Committee for undertaking our request this evening to waive that fee. And I know it's just a nominal fee, but to us it's a big fee. We spent about \$25,000 invested in this community each year. The Easter Egg Hunt kicks off our season of events. That event serves about 1,500 to 2,000 children each year. We don't charge for it. We collect a few hundred pounds of food for the Stark County Hunger Task Force during that event. From there we move into our Special Olympics where we spend thousands of dollars to put on an event for six counties worth of Special Olympic track teams. That event's held at Hoover High School at the stadium and that fee is waived by the Board of Education. We then move into the Jaycee Fair and I don't think I need to explain that event to anyone here in this room. It's a great event. But then we move into our 4th of July events and this is where the majority of our funding goes toward. And frankly it's fireworks. It's about \$10,000 that we spend for our fireworks each year for the community. And we have absorbed all of that cost after our partner, the City of North Canton, had to pull out for financial reasons years ago, which we completely understood. For a couple years we had some sponsors helping us out. But the last few years we've been able to maintain that cost on our own. Going back to the egg hunt, we've never paid a fee before. Our account – or our chairpersons have always just called, reserved the shelter and that was it. The Police Department, or I'm sorry, the Street Department was always kind enough to block off the entryway for us, for children's safety. But that was it. They opened up the shelter for us, closed it up later in the day, and that was it. So it was a surprise to us this year with this new procedure. And that's why I reached out to Administrator Grimes to say, you know is there something new going on here that we need to be aware of. And I do understand the process, because it's the same process we deal with, with the Board of Education for those waivers as well. So I understand the process and the need to be steady across the board, but I'd be remiss in my duties if I didn't say something publicly. So thank you all very much.

Mr. Snyder: Thanks you sir. We appreciate it. Mrs. Baughman.

Miriam Baughman: 320 Weber Avenue NE, North Canton. As you all know I was on the Charter Committee so I can read the Charter backwards and forwards and in my sleep. The Charter first came to North Canton in 1961. There was never any mention of health

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benefits in the Charter, it addressed salaries and bonds. Health benefits did not come until 20 years later per my research in 1981 and it came by Ordinance 34-81 and that ordinance said that the Council had the power to grant part-time elected officials health insurance, which they did. So it was not set by the Charter, it was set by an ordinance. Issue No. 5 was an ordinance and what I think is that the Issue 5 Ordinance negated the Ordinance 34-81. So it didn't need a Charter change, it was a change in the ordinance.

Mr. Snyder: Thank you, Miriam. Anyone else wishing to speak?

Kim Peters: 1041 Bachtel Street SE, North Canton, Ohio. I didn't come tonight prepared with anything. I don't have figures or anything, I just have a long standing residency in this town, and my husband as well. Our families are born and raised here. I have never been so embarrassed by a city government as I have been over the last couple of years with different things. I don't understand this economic development thing. This seems to me that this has been going on for quite a while and it seems like we're now at the last minute raising an issue. I'm not saying it's not a valid issue, but why do we take so long? The health care issue, I've lost a lot of trust in a lot of you. I don't really know any of you personally, like I have some council members in the past. But you've really destroyed my trust and I think the trust of a lot of the other people who are here. And I think you really are going to have to buckle down and work hard to get that trust back.

Mr. Snyder: Thank you, madam.

Larry Tripp: 1127 East Maple. About five to six months ago our Law Director really ridiculed one our citizens in calling his speech and you know the terminology he used. I spoke about two weeks later and I said you know unless this is curtailed this really going to cause an embarrassment to North Canton. Well it has folks, it has. If nothing else, at least you brought out a lot more people than you know five or six months ago that were coming to Council meetings. Now you have a chance to rectify it. The past is done. The past is done. Only you can make it go forward in the right direction. Thank you.

Mr. Snyder: Thank you, sir. Appreciate your comments.

Mrs. Kiesling: Thank you, Larry. And I'd like to take this moment to personally apologize as well. We all have our reasons for what happened and we all have the opinion, but I'd like to personally apologize. I'm shocked at how this has all come about. It wasn't anything any of us did purposely. You know, so I very much apologize. I certainly -- and Melanie you rolled your eyes so let me explain. We all had our reasons. And quite honestly, you know, it's the law when you want to continue your benefits, I truly did not believe that this would be an issue, that I needed to continue my benefits because Aultman wouldn't let me change until January 1. Complete oversight on my part. I completely apologize. I truly did not believe it would be this much of an issue and I apologize. And, I have to go to the bathroom.

I've been here three hours.

Mr. Snyder: To the people that spoke tonight, we have heard your word and we respect it. Again, I will, from my colleagues and myself, I humbly apologize. We all had, as she said, our own reasons. Obviously they weren't very valid. And it's encouraging to see you come out and speak to us and hold us to the line. And some of you may think it's just simple words that we're saying, but we appreciate your input. And if I've embarrassed anybody with any of my statements, again I apologize. Sometimes I get a little hot, and I don't have the privilege of doing that. So again, I'm sorry. And we hope that we can begin to earn your trust back once again. And I assure you that is a matter of priority. Again, thank you very much. Okay, seeing no other public comment, we'll move to the first thing on the agenda here -- let me get it. My computer went south on me here, it doesn't seem to have it. Under Old Business, may we have a motion to read by title only, second reading of Ordinance 18-14?

OLD BUSINESS:

8. Mr. Foltz: We doing 18-14?

Mr. Snyder: 18-14 is the budget, under Old Business.

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Mr. Peters: Hold on a second.
Mr. Foltz: We waiting on somebody or there's not a motion?

Mr. Snyder: No, we can go ahead.

Mr. Peters moved and Mr. Foltz seconded to read by title only, second reading of Ordinance No. 18-14. All members present voting:
Yes: Foltz, Peters, Snyder, Werren, Cerreta (Mrs. Kiesling was not present for the vote)
No: 0

Mr. Fox: We're waiting for Marcia. We need one more.

Ordinance No. 18-14 - 2nd Reading - Finance & Property

An ordinance to make appropriations for current expenses and other expenditures of the City of North Canton, Ohio, for the period beginning January 1, 2014, and ending December 31, 2014, and declaring the same to be an emergency.

Mr. Snyder: We've had some changes. Hopefully the Director of Finance has given you those. There were about six of them. Most of them had no actual impact. The dollars are identical, with the exception of the one I proffered earlier, which I'm having her strike the health care from the Council budget the amount of \$15,400. The other detail, which we combined together, is under the income tax department. We've put in there for a Magistrate \$3,000 and we also have a collection action in there for \$2,000 to the attorneys at Buckingham, Doolittle, combining at \$5,000. So there is sufficient monies there as the present Magistrate has been working more than his agreed upon contract, which was to hear traffic court and minor citations from the police, such as dog barking and so forth. So he's now spending a majority of his time, along with Director of Law Fox, in taking care of people that are in delinquent in income tax. To date we've collectively been assessing around \$200,000. We haven't collected all that, but it's in the process. So that number is combined together. So that may be a little different number. Other than that the numbers are all identical. Now, and I will tell you as we move forward I know there may be still some questions on the budget, which is fine. However, by the 10th of March when we're back here in session, I would hope, and I actually asked you to please have those if you have any additional questions, get them to myself or Director Alger that we may answer those, because we'll have to have that budget in full place by the end of March. And the problem that we start to build up now is we had a temporary budget and we've now begun to go over those figures. So we're going to have to make some supplemental changes. And it does require a lot of excess work. So again, if there's no questions tonight or if there is questions, we'll try to entertain them for you. One area that we're going to probably have to look at, and we're a victim from everybody is, this weather is our street condition. It's in - they're in deplorable shape. I don't know what it's going to cost us to put them back into - but we're going to have to get a quick assessment of that and see where we're headed in that direction, because we may have to move some capital dollars around to free up money. And I know Mr. Davis has in the budget that machine that supposedly will expedite - and that thing will probably be working 24/7 here for the way it's going. But Everhard, the condition of the road is terrible. It's not due to be paved till 2015. And there might not be much of it left by then. We might be down to the original dirt that it was laid upon. The problem there was it has the underlayment and the top piece comes off and leaves the rest. So it's like an orange, as you peel one piece it keeps going down. So - but we may have to look at that individually in the next couple of weeks. Is there any other questions on that at all? If not, I'll entertain a motion to adopt the second reading.

Mr. Foltz moved and Mr. Cerreta seconded to adopt the second reading of Ordinance No. 18-14. All members present voting:
Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz
No: 0

- 9. Mr. Snyder: All right. Under Old Business, may I have a motion to read by title only, the second reading of Ordinance No. 19-14?

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Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, second reading of Ordinance No. 19-14**. All members present voting:
 Yes: Peters, Snyder, Werren, Cerreta, Foltz, Kiesling.
 No: 0

Ordinance No. 19-14 – 2nd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement and, provided there are no additional costs to or burdens upon the City, to take all actions necessary to accept the donation of real property from Sandra K. Kean, and known as Parcel No. 9200116, City Lot 2781, located in the City of North Canton and contiguous to Price Park.

Mr. Snyder: Again, we talked about this two weeks ago. Mrs. Kean is an heir to the estate of her father. It's a very small piece of ground. It adjoins some other ground they own. However, they would like to give it to the City. It has no actual value. It could not be built upon. And she wants to donate it to the City for an additional portion of our park. It is totally contiguous to the park. There are no outstanding taxes or liens against the property. So it is a simple transfer and it's a gift that, you know, she wants to give. Any questions? If not, may I have a motion to adopt the second reading of Ordinance 19-14?

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the second reading of Ordinance No. 19-14**. All members present voting:
 Yes: Snyder, Werren, Cerreta, Foltz, Kiesling, Peters.
 No: 0

10. Mr. Snyder: Did we want to defeat this ordinance is what you want, Chairman Kiesling? Is that

Mrs. Kiesling: Yeah, I think so.

Mr. Snyder: Alright. This is the first resolution that was submitted and was passed on one reading. This is the second reading and can I ask for a motion and second just to defeat it? It has to be read doesn't it? I think it has to be read.

Mrs. Kiesling: I think it has to be read as well.

Mr. Snyder: Yeah. May I have a motion to read by title only, second reading of Resolution No. 21-14?

Mr. Cerreta moved and Mrs. Kiesling seconded to **read by title only, second reading of Resolution No. 21-14**. All members present voting:
 Yes: Werren, Cerreta, Foltz, Kiesling, Peters, Snyder.
 No: 0

Resolution No. 21-14 – 2nd Reading – Community & Economic Development

A resolution authorizing the Mayor of the City of North Canton to enter into a Mutual Economic Development and Annexation Agreement ("Agreement") by and between the City of North Canton ("North Canton"), City of Canton ("Canton"), Jackson Township ("Jackson"), and Plain Township ("Plain"), and declaring the same to be an emergency.

Mrs. Kiesling: Yes, this is the agreement that we voted on two weeks ago with the 50-year statement in it with no way, you know, no for sure JEDD or CEDA. So

Mr. Cerreta: May I comment?

Mrs. Kiesling: Yeah, go ahead.

Mr. Cerreta: Well I want to thank, first of all, some of the community members who have stepped forward on this. And I also want to thank the Council for listening on this. This is exactly the kind of way it should be run when we have one issue on one side and the belief on the other side and listening to our people in our communities to do the right thing for the community. So I want to thank everyone involved with that and

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especially former Mayor Johnson and the other folks that were here last week. So thank you very much. I think it's the best thing for us.

Mr. Snyder: Okay, any other comment?

Mr. Foltz: No. I concur with Member Cerreta. I changed my mind. And also Mr. Heiser's positive comments to wanting to join North Canton, that's something to very seriously consider. He is the property owner out there. And hopefully that happens in the very near future as he came up and stated he'd like to do so. So - and there's a lot more, but I'll get into it a second - when we look at the second agreement I believe. So

Mr. Snyder: Any other comment? If not I'll entertain a motion to defeat Resolution 21-14.

Mr. Foltz: What's the motion, Jon?

Mr. Cerreta: The motion is to - we just to vote it down?

Mrs. Kaipac: It would be to adopt

Mrs. Kiesling: We have to adopt it and vote it down.

Mr. Snyder: Yeah. You vote no. Motion to adopt it as presented?

Mrs. Kiesling: Motion.

Mr. Snyder: And a second.

Mrs. Kiesling: Somebody has to second so we can vote no.

Mr. Foltz: It will die if it doesn't get a second.

Mr. Cerreta: We second to vote no, is that what we do?

Mr. Snyder: Yeah, that's the end of it.

Mr. Cerreta: I'll second it then.

Mr. Snyder: Well, now we have to call...

Mrs. Kiesling: We have to vote....

Mr. Cerreta: Vote it up or down....

Mrs. Kiesling moved and Mr. Cerreta seconded to **adopt the second reading of Resolution No. 21-14.** All members present voting:

Yes: 0

No: Cerreta, Foltz, Kiesling, Peters, Snyder

Abstain: Werren

NEW BUSINESS:

11. Mr. Snyder: Alright, may I have a motion to read by title only, first reading of Resolution 22-14.

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading of Resolution No. 22-14.** All members present voting:

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

No: 0

Resolution No. 22-14 - 1st Reading - Community & Economic Development

A resolution authorizing the Mayor of the City of North Canton to enter into a Mutual Economic Development and Annexation Agreement ("Agreement") by and between the City of North Canton ("North Canton"), City of Canton ("Canton"), Jackson Township ("Jackson"), and Plain Township ("Plain"), and declaring the same to be an emergency.

Mrs. Kiesling: Yes, this is the second agreement that was sent to us from Brickler and Eckler. I'm just going to spell out the changes, because there aren't actually many: Article 2 in the annexation portion, Section B states the same, "...North Canton and Canton agree

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if they intend to engage in any annexation of the property contained in Jackson or Plain Township, they will provide prior written notice to Jackson and Plain Townships. And will first negotiate in good faith, with said Townships, for an agreed annexation or some other means of economic development such as a Joint Economic Development District or Joint Economic Development Zone...." So that – just so you all know, that says the exact same thing that has not changed. So I – you know....

Mr. Foltz: Right.

Mrs. Kiesling: The thing that has – the only thing that has changed and I looked at her – their copy and our – you know what's in tonight, is actually Article 8, Length of the Agreement, and the old one I'll read first. Article 8 in the old agreement states, "...the parties agree that due to the expensive nature of municipal service to be extended to property and because this agreement is intended for the long-term future to set a cooperative basis for agreements between the parties, the initial term of this agreement shall be for 50 years from the date of an acceptance of an annexation, JEDD, CEDA, or other agreement of property by North Canton or Canton by ordinance or resolution. In the event such annexation or other agreement shall occur in separate proceedings, the initial term shall be 50 years after the...." That almost seems like the new one.

Mr. Foltz: It is exactly like the new one.

Mrs. Kiesling: Yeah, that is the second. That is the second one. I apologize, I said it wrong. So the 50 years is still in there, but it's once we agree and work on an agreement together. Once we have a set agreement with them, then for 50 years we agree not to annex without cooperating first.

Mr. Snyder: On that individual parcel, is that it?

Mr. Foltz: I don't know if it says that, Jon.

Mrs. Kiesling: It doesn't say that and

Mr. Foltz: It says that once you make the CEDA it's a 50 year CEDA.

Mr. Snyder: Well I thought that was what we didn't want....

Mr. Foltz: That's why I'm not going to vote for it.

Mrs. Kiesling: Right, yeah, it's not changed. So that's why I was confused how you all thought it was much different. So....

Mr. Foltz: I mean that – we can discuss the whole merits of everything if you want.

Mr. Cerreta: Right, right. Each parcel one at a time. We take our own – at our own pace.

Mrs. Kiesling: Right.

Mr. Cerreta: So we don't need to

Mrs. Kiesling: Right. It's the same thing. So I was very confused by ...

Mr. Cerreta: It just had – really it was just a different way of 50 years. It took the 50 year out....

Mrs. Kiesling: Generalized 50 years.

Mr. Cerreta: Generalized. And when we decided to agree it was 50 years.

Mrs. Kiesling: Right.

Mr. Cerreta: But we don't need to do that either.

Mr. Snyder: That's trickery.

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Mr. Foltz: I'll make some comments.

Mrs. Kiesling: That came from the attorney though. But go ahead.

Mr. Foltz: Yeah, when you read the agreement, I mean the agreement, but the legal opinion, which I reread and I do appreciate all the residents, TAP (Talk About Potential) members, former mayors, property owners within the JEDD and just outside the JEDD or excuse me CEDA, really brought to light the importance that North Canton has in this community, and to not give our future away. And I know Member Cerreta's been right there from the get go with it and the Mayor. And I applaud you for that. I got on the fence because Heiser created a sense of urgency to have a developer want to come in the City. And I always thought why was that lacking in the past? Well obviously because we can present more to – than even a CEDA will to this individual. To me that's a monumental stake in what we need to decide here tonight. When I reviewed the Bricker and Eckler, I guess law opinion, basically and I did some other research, basically the agreement is incomplete because we don't have a JEDD that accompanies it. Member Griffith did a great synopsis of "what if", and I respect his opinion. I respect President Snyder, Member Kiesling, getting involved with discussions with the Townships, with the City of Canton. But it is incomplete. I mean we're taking a leap of faith for 50 years that we're going to sit down and agree on a JEDD or a JEZZ or some other kind of economic development tool. We can always do that, but why lock away 50 years. You know if it was five years, I'd maybe look at it, but it's not five years it's 50 years. The property owner, Mr. Heiser, is not in favor of it. And I think that's one of the first things you look at towards any agreement. The property owner within the CEDA agreement is not happy, a major property owner that has over 12 acres. That's a very strong consideration when looking at this legislation. I don't like that we want to modify it. And here again, President Snyder, Marcia Kiesling, Council members got involved, brought it to our attention, but we still have a voice, the rest of Council. And I'm not going to be dictated by, by another Township official as far as there's a hard and fast deadline. That is not the spirit of cooperation. Modification of the agreement should not have a deadline and all the entities, government entities should show a spirit of cooperation, if we have some other concerns that we want addressed. Obviously that's not going to happen. And that's disappointing. So when we look for cooperative development between entities, I think it weighs heavily on me that there should be more of an open mind towards our response to the JEDD agreement once it was first introduced to North Canton Council members and weighing in of North Canton Council residents and property owners. That speaks volumes to me. Also, as former Mayor Johnson indicated, we had been very cooperative to this community. There would be no development without our water in most of the surrounding areas. So to say that we haven't been cooperative with government entities is not a true statement. We've given away North Canton infrastructure at an increased rate but not – but it's not helping our general fund, it's not helping our other fund interests at this point. So we've been very cooperative. And once you give that away, the only way you get it back is if they sign – the property owner signs an annexation agreement, which they have, which I'll be more than happy to quote. Line 10, Water Service Agreement – "....I agree upon request by the City of North Canton to sign an annexation petition to annex my property described herein, served by the North Canton water systems to the City of North Canton. I hereby appoint the Office of the Mayor and the City of North Canton my irrevocable Power of Attorney to executive any such annexation petition upon my behalf. I further agree to sign a document in recordable form making the annexation requirement a covenant running with the land...." So if we so choose, as a spirit of cooperation when we gave water to any business entity outside the City limits, or property owners, residential included, to invoke this water service agreement, no one forced them to sign it, they signed on their own merit, their own behalf knowing we were giving away a city infrastructure gain to them. And I did the research we increased our property taxes years ago to build our water plant. This affected everybody in North Canton. So I think it's only fair that that statement holds true when we decide to use it, because you could not have any development without our water. And that's why I was so happy to see that that clause is still being engaged with business interests in the surrounding area. So for those various reasons I am voting no for Resolution 22-14.

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Mr. Snyder: Okay. Alright, we've read that, now may I have a motion to adopt 22-14?

Mrs. Kiesling: So moved. If you want to vote it down, we've got to vote it down.

Mr. Snyder: Well there's not a second it don't go

Mrs. Kiesling: Or it just dies ...inaudible...

Mr. Snyder: It dies.

Mrs. Kiesling: Alright.

Mr. Snyder: Alrighty. I need a motion and a second to amend the agenda to include Item 12, Ordinance 23-14, and waive the rules of council requiring a committee report.

12. Mrs. Werren moved and Mrs. Kiesling seconded to **amend the agenda to include Item 12, Ordinance No. 23-14 and to waive the rules requiring a committee report.** All members present voting:

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

No: 0

Mrs. Kalpac: We need a motion to read, that was to amend the agenda.

Mr. Snyder: Oh. May I have a motion to read by title only, Ordinance 23-14?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading of Ordinance No. 23-14.** All members present voting:

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

No: 0

Ordinance No. 23-14 – 1st Reading – Finance & Property

An ordinance amending the health care insurance benefits provided to North Canton's elected officials such that an elected official may receive single-rate, City-paid health insurance benefits only when the elected official does not have health insurance benefits provided by the elected official's full-time employer; that single-rate, City-paid health insurance benefits for elected officials shall be provided only as primary, and not as a secondary form of health insurance; and that the City-paid health insurance benefits are not provided to elected officials' family members unless an elected official's spouse is also a City employee and entitled to City-paid health insurance benefits, and declaring the same to be an emergency.

Mr. Snyder: At the request of a resident, we will not suspend the rules and adopt this on an emergency. It will go for three readings. And I would think that my learned colleagues and myself will assure you that even though by Revised Code and by Charter your point is well taken as far as the ability to enforce it in term. However, I think very comfortably I speak and I apologize, I'm speaking for that we will do everything in our power to enforce this ordinance as it is presented today. That I don't think anybody will violate the spirit of that ordinance. That being said, any comments?

Mr. Foltz: Yeah, I think it allows for other public comment on this and that's more than welcome. So I agree, I would not have passed this on emergency. I'm going to be hard pressed to pass anything on emergency, as I said, when we just have the committee meetings introduced. I want to revisit this whole twice a month scenario anyways. So I concur.

Mr. Snyder: Anyone else? Okay. May I have a motion to adopt the first reading of Ordinance 23-14?

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the first reading of Ordinance No. 23-14.** All members present voting:

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

No: 0

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REPORTS – COUNCIL:

Mr. Snyder: Reports – Mr. Foltz.

Mr. Foltz: Yes, bear with me while I find my notes. I think everybody looked through the emails and the North Canton Post Office was an abomination with a car. You see the pictures of the car from Mr. James Dahler, I believe. And he was very – really I was surprised, very cordial and not upset on the phone. He was very opinionated, but very collected on this. And I think Eric's been on top of it, at least to get the grate back on top of the parking area. I don't know if the rest of those potholes have been filled, but I would ask someone to look at that, if not then send another letter and give them a timeframe or see if we can haul them into Mayor's Court, because there's just no excuse for this anymore. We're all frustrated by it. I think we've all worked the channels as best we can, but God forbid someone could of got killed driving in there in that scenario. And it's on the property owner to take care of these things. It shouldn't be us calling or other constituents upset and calling their council members, they should want to do the right thing and there's no excuse why they haven't. The crews have been out filling potholes over the weekend, there's a sense of urgency there. And I like I said, I haven't seen it. Maybe they've done it, if they did, well they finally did their job for once. But I would recommend that we fine them or haul them into Mayor's Court if they haven't done anything yet with the rest of that. It's inexcusable.

Mr. Snyder: Mr. Foltz, I know Mr. Bowles has spoke to

Mr. Foltz: Yes he has.

Mr. Snyder: Spoke to them.

Mr. Foltz: I talked to Eric about it.

Mr. Snyder: Yeah. And secondly, that was a grate on the....

Mr. Foltz: Right.

Mr. Snyder: manhole on the storm drain that the snowplow knocked out. And I think he's on top of that. And Mr. Bowles, you want to step up and address that?

Mr. Bowles: Yeah, obviously there was almost a tragedy with the missing storm grate. Apparently it looked like a plow had skimmed it off, but it wouldn't of happened if the parking lot had been maintained. Those of us that all go to the parking lot you can see the pavement is missing around the storm drain. In contact with the managers, they are going to go ahead and email that they're going to go ahead and pave the lot this year. They were told by their asphalt maintenance company that they cannot the last 10 years. So that's what I have an email to that affect and we'll hold them to that. And obviously we'll have to wait till the weather improves that they can do that, but do have an email to that affect that they're going to go ahead and get that paved this year.

Mr. Snyder: Good.

Mr. Fox: I don't know if they've cold patched since, but I was there Friday and I saw the grate was in, but it just looks like a lunar surface otherwise. It's in really poor condition.

Mr. Foltz: They haven't filled the rest of the holes.

Mr. Cerreta: I was there today, it's the same.

Mr. Foltz: They need fined. They need brought in here.

Mr. Fox: It's an abomination.

Mr. Foltz: You could fill that with limestone. You can find something to put in there. People shouldn't have to drive around it. So I would ask the Administration to look into that. Eric, if you could have time if you could. If there is something enforceable there, we ask that that happens immediately.

Mr. Snyder: Thank you, sir. Mr. Peters.

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Mr. Peters: No report.

Mr. Snyder: Mrs. Werren.

Mrs. Werren: Yeah. I just want to say, too, I apologize for all the health care issue and the time that it's taken from really getting North Canton business done. I have only been a councilperson for a year and I had the health insurance. And I had always been on private insurance and the deadlines were always December. And I didn't really – honestly it never occurred to me that November was the cutoff. We had already taken means in October to get rid of it and so when any conversation came up it never mattered to me because I was always getting off really from the onset. So I apologize. This is not, I know how anybody wants to be seen and what we want to waste your time with. And if we – I wish we would done things differently. So I'm sorry.

Mr. Snyder: Mr. Cerreta.

Mr. Cerreta: No report.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: No report.

REPORTS:

Mr. Snyder: Director of Law.

Mr. Fox: No report.

Mr. Snyder: Director of Finance.

Mrs. Alger: Just that the State Auditors are continuing to do 2013 budget and it seems to be going smooth right now.

Mr. Snyder: Alright. Director Grimes.

Mr. Grimes: Thank you for allowing the kids to utilize the obsolete clothing. It will give them a chance, you know, to touch and feel the real thing. Obviously we had a precautionary boil alert for one small section north of the City earlier. And that went very well. It was precautionary only. It was good at the time. It was good later when we checked, but we wanted to make sure we're always going to err on the side safety. And I want to thank Mr. Wang for calling and waiting to help me get that message out. We also went a little above and beyond because we had houses up there 150 north of the City, the Fire Department brought some volunteers in to go up and knock on each door, leave a flyer with each person up there. So – and then of course we contacted the 22 businesses up there by a person too. So we just wanted them to know what was going on and what was happening. So – but we're back fully restored and everything. And everything was good and it still is good. Thank you, sir.

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

Mayor Held: Yes, I'd like to recognize Mike Grimes and the City department heads and the employees how they handled the boil alert, because it really – they took every precaution to make sure that the residents and the – those that were receiving water, that everything was safe. And so they were right on top of it from the very beginning. They went out door to door and notified all the residents. So I truly appreciate how you folks handled that Very nice job. And secondly, I appreciate Council's consideration for the economic development agreement with Plain, Jackson and Canton. I mean our goal is to really find the best way that we can work with our neighbors in Jackson, Plain and Canton, so that we can grow from an economic development standpoint throughout the county and at the same time make sure that that alliance with the interest that we have in North Canton. So I thank Council for their review. It's a, the issue is probably the best way that I would compare it to, it's like when you're signing a mortgage for a home, you've got like 40 different pages that you have to initial and sign and you have an individual that's telling you you're signing this

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page for this reason, but you don't really always read it and then you go on to the next page, and the next page. And this agreement, I think or the multiple agreements that we were looking at, the two, is very similar because you can read it, but it's not very clear as far as what the implications are next year or 10 years down the road or 50 years down the road because I know myself, it's taken me a long time, I've been at this now for at least 8 years and it's not an easy agreement to interpret. And so that's where we have our Economic Development Director review it, our City Engineer reviews it, our City Administrator, we have our legal counsel, then we had additional, outside legal counsel from Columbus that are experts in this are review this. And I think that's where the process itself was very time consuming and, but I think that our Council did an excellent job in reviewing it and I'm very pleased that we're moving in the right direction. And I'd also like to thank our residents that spoke up, particularly Mayor Johnson, because of your long-standing history which dates back to extending water to Belden Village. And North Canton is a great partner for economic development in this county for one main reason, our water - waterlines. And that's all. Thank you.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Yes, I just wanted to clarify my comment about the bike path and the clear zone. It's not that I didn't care about that issue it's just that I didn't look at it with respect to the rezoning. I will look at that and respond to Council, have an answer for you by the next council meeting.

Mr. Snyder: Thank you. Clerk.

Mrs. Kalpac: No report. Thank you.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Again, thank you to the residents that spoke here before us tonight. We heed your word. And again, any member of Council, anything else? If not I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The meeting adjourned at 9:06 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

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REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

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1. Call to Order:

The council meeting was called to order Monday, March 10, 2014 at 7:00 p.m. by President of Council Daniel Peters.

2. Opening Prayer:

The opening prayer was delivered by Council Member Mark Cerreta.

3. Pledge of Allegiance

All present recited the Pledge of Allegiance.

4. Roll Call:

Mr. Peters: Gail, please call the roll.

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

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Fox, Director of Finance Alger, City Engineer Benekos, Director of Permits & Development Bowles, Superintendent of Streets & Utilities Davis, Police Chief Wilder, and Clerk of Council Kalpac.

Mr. Peters: At this time, I will turn it over to the Mayor and Chief Wilder.

5. Proclamation – Sandra Jencks

Mayor Held: Okay. Alright. Thank you, Mr. President. First off, I'd like to thank all of you for coming here tonight. You know, at first when you take a look at all of the police officers here, you might think, boy what's on the agenda? Why do we have so many police officers here? It's not for security purposes. It's because we want to recognize our police officers here this evening for their top performance and at the same time, the first person that I would like to introduce, Sandy if you don't mind coming up here. You know in the City of North Canton what we believe is that, and what we know, is that the people, the employees - Sandy has served the North Canton Police or the North Canton EMS for 22 years. Well you've also served the Police Department too, for 22 years. She started out as a part-time EMT, and then she worked her way up into a - was it a full-time paramedic and you've done a great job. And what a lot of people don't realize, is that when you look at the Proclamation, there's a picture of the EMS building, but that picture's probably blazoned in your minds, because you've been there

Ms. Jencks: Heart.

Mayor Held: In your heart and your mind because you've spent so many years here. The EMS personnel, they sleep at the EMS Department. So when they're on shift, it's 24 hours. And when there's a call, they get up and they go. And you know so often we underestimate, well I should say I think that our EMS personnel easy to underestimate what you do for the community, because when you're on the receiving end and you are in an emergency and a crisis, it is the EMS personnel, our fire personnel, all of our police officers, everybody are like angels to the people that are in need. And I've been on the receiving end more often than I would like, you know with family and friends and that's how it comes across. And what we wanted to do tonight is just recognize you for your service. And I think also what is special with Sandra is that tradition of excellence you've passed on to your son Zack. Do you want to raise your hand? Zack serves as a Dispatcher for our Police Department. And so whenever you see people that are in public service, you can see that they hand that down from one generation to the next. So you started a good thing. There is a strong legacy there. If you don't mind, I'd like to read this. I'm going to put my glasses on so I can read it. "Whereas, I, David J. Held as the Mayor of the City of North Canton, Ohio, hereby thank and recognize Sandra Jencks for her 22 years of continued service to the City of North Canton. Whereas, Sandra Jencks

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began her career with the City of North Canton on December 9, 1992 as a part-time EMT. She joined the department full time in July of 1998 and has served the public with dedication and professionalism. She will retire with our respect for a job well done on February 28 (which has already occurred). Sandra Jencks' responsibilities included billing, updating the Emergency Operations Plan manual, and continually updating employees' driver licenses and EMS state certifications. She has answered many calls for residents using her patient care skills. Whereas, Sandra Jencks willingly and cheerfully helped make our EMS Department, cheerfully that's true, very cheerful, helped make our EMS an outstanding service to our residents. Now as she retires, the City wishes Sandra, our North Canton resident, to continue to enjoy scrapbooking, drawing, and being involved in her church activities. Now, therefore, I, David J. Held, as the Mayor of the City of North Canton, do hereby proclaim February 28th, 20 as a day of recognition for Sandra Jencks and for all of you to join with me in doing so."

(Applause)

Mayor Held: And if you're wondering about the date on this, originally what February 28th was actually the last day that Sandra has served the City. And we just thought that it would be appropriate to invite her up so that we can have our Council recognize her and all of the people here in the public. And with that, Chief if you don't mind standing. Whose phone is that? Please turn off your cell phones. That's my phone, I'm just kidding. What we'd like to do is, you know here in the City there are a number of things that people always compliment, at least to myself and I know the Council members, are the snow plowing during the winter, they love our snow plowing, and they love the community because it's a nice, safe community. And the reason that it's so safe is because we have excellent police officers. I mean we have the best police officers in the state and I believe in the country because they're - you know when there's a call, if any of you have ever called and needed police, you know you wonder why they get there so quick. Number one because their time and response, but number two, because they are all over the City, which is a good thing. So with that, we do have - we'd like to recognize our police officers, and so I'm going to turn that over to Chief Wilder.

Recognition -- Traffic Officers / Officer of the Year

Chief Wilder: Good evening everyone. Sandy, again congratulations on 22 years of service to the City of North Canton, that's outstanding. Folks, the City is safe, even though we have a number of our officers here; we still have officers on the road, okay. So, please - please relax. But I come to you tonight; the following police officers are being recognized by the Stark County Safe Communities Committee in cooperation with the Ohio Traffic Safety Office for their efforts and contributions pertaining to the city and county traffic law enforcement. Each officer is receiving an Award of Excellence Certificate in Recognition of outstanding dedication and commitment to traffic safety in Stark County and a job well done. My first officer, well I'll call their name, please stand up and I'm going to have the Mayor present you with your Award of Excellence Certificate is: Patrolman Matthew L. Buzzard. Matthew, he's got a year and a half on for us, and finishing up on two years. Next Patrolman I'd like to recognize is Justin D. Brumbaugh. Justin, again a year and a half on our department, coming up on his two year anniversary. Thank you. Patrolman Scott E. Carrel. Scott is a 17 year veteran, still out there hammering on the streets. I can't ask anything more from an office with that tenure on our department. Patrolman Cody R. Dollinger. One and one half years, going on his second year anniversary. Cody, thank you again. You don't see him; he's on midnights, unless you're out after midnight. Okay. Patrolman Chad E. Marceric. Chad's coming up on his second anniversary. Thanks again, Chad. Chad works afternoons. And Patrolman Phillip Taylor. Phil's got 14 years on, 8 with Hartville and 4 with us - 6 with us, excuse me. And he had his certificate already presented to him at an earlier banquet recognition. Please remain standing there fellows. The next person I'd like to recognize is Patrolman John R. Hemric. John, would you please stand here please. He was selected to receive the Stark County Safe Communities 2013 Traffic Officer of the Year Award. So he's our top traffic officer for Stark County contributing with these officers here towards the promotion of safety, traffic safety, and traffic enforcement. And so John, once again, 2013 that's an outstanding that is an outstanding mark for us. And he's been with us for 14 years. And again, when you have a veteran like that still out there willing to, you know, enforce traffic laws and promote safety, that's an outstanding accomplishment. A plaque to recognize you with that again, John. It reads: "Stark County Traffic Officer of the Year

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2013 presented to John R. Hemric, North Canton Police Department in recognition of outstanding dedication to traffic safety from the Stark County Safe Committees Coalition." Thanks again, John.

Officer Hemric: Thank you, thank you very much.

(Applause)

Chief Wilder: Again, traffic enforcement is one of our many duties that we perform. But I'd like to just bring this to closure on this point, through their efforts and willingness to promote traffic safety and traffic law enforcement, these officers led the way for our Police Department to help this year. City-wide traffic crashes declined by 18%, we are down about 99 crashes, almost 100 from last year, and that involves property and public crashes. Our OVI (Operating a Vehicle while Impaired) arrests, for operating a vehicle while impaired, that increased by 13%. We arrested nine more people for violating driving impaired. Overall our traffic citations increased 5%; we had 1901 issued this year. And to come to - and to go along with that they also wrote written warnings that increased 7%. We have 3,998 written warnings issued to motorists. So I think it's an even, pretty even work out there in the amount of citations issued and warnings given to individuals to remind them to drive safely and cautiously. Congratulations to each one of them. My sincere appreciation for their efforts in promoting traffic safety and enforcement of traffic laws with the goal of making the City of North Canton again a safe, desirable place to live, work, and visit. Thanks again for your time.

(Applause)

Chief Wilder: Oh, one other thing. Their families are here to support them. And just remember too, behind them is our Dispatching Center too, our communications, because as much as they're working on the road, there's always somebody in the Communication Center answering the questions, getting things entered. And I want to thank the families for their graciousness to allow them the time away from families. Yes they're compensated for their time away, but it's still I appreciate the graciousness that you share as a family member allowing them to perform some extra work for our City. Thanks again.

Mayor Held: Also, you know, when you take look at our police officers here, and the ones that are the ones in the back, somebody had asked me if we have a height requirement for the Police Department. And we don't, but you know what's nice is that, and I remember a number of these officers I had the opportunity to hire, and you know they are very physically imposing individuals, you can tell. But if you're a bad guy, you wouldn't want to mess with this bunch. But at the same time they're all, they're gentle giants, you know. They're very kind and they're respectful to the people in the City, which you know you've got to be able to do that and then turn it on when you need to. So we absolutely appreciate the service that you folks provide to us. We feel really safe. Chief, thank you.

Chief Wilder: Thank you, Mayor. Thanks, Council. If your families have to leave, because I see you've got little ones, go right ahead, please. Thank you. Thanks again for your time.

6. Consideration
Council Meeting Minutes -- February 10, 2014
Mayor's Court Receipts -- January, 2014

Mr. Peters. Okay. Moving along, could I get a motion and second to approve, as presented the council meeting minutes February 10, 2014, and the Mayor's Court Receipts, January 2014?

Mr. Foltz moved and Mrs. Kiesling seconded to approve, as presented, the council meeting minutes and the Mayor's Court receipts. All members present voting:

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

No: 0

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7. Committee Report Minutes:

Mr. Peters: And could I also have a motion and second to approve, as presented the Executive Session Meeting minutes for Personnel and Safety Committee held 2/24/14 and 3/4/14, summary of Committee of the Whole for Community and Economic Development Committee Meeting held 2/18/14, Committee Report Minutes, for Community and Economic Development and Finance and Property, both held 2/10/14.

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

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

Abstain: Griffith

8. Recognition of Visitors:

Mr. Peters: Anyone wishing to address the Council? Please step forward, state your name and address.

Larry Tripp: 1127 East Maple, North Canton. I too, along with Mayor Held, you know, just feel very comfortable with the group of officers we just saw tonight, from Mr. Grimes down to Chief Wilder, and excellent. Over 25 years I've gotten to know some of them from being a crossing guard, just walking the neighborhood, always friendly. You know, just a super bunch of guys from what I can gather. Just a super bunch of guys. So you know, your training paid off and it's paying off with Chief Wilder. So thanks. Just very briefly, I had about a four page letter here, and I was going to read it, but I think I would probably go over the five minutes. But, I've been coming to meetings for about, oh five years now, and I've seen things happen. I've gotten the work ethics of the Council members and their work towards the City. I've heard remarks from many of the North Canton residents. Seen new faces on the Council and Administration. And do I feel more comfortable now with local government than I did five years ago, two years ago, a year ago, even two weeks ago? Absolutely not, no, huh uh. Over the five years, I've appeared before this Council and voiced my opinion on the issues of concern such as additional parking at Little League. Council voting themselves a pay raise, and more recently the proposed park levy. I too was one of the 70% of North Canton who favored Issue 5. I too was one of the North Canton residents who read the article in the Canton Repository that said the citizens should be mad as hell. I was one of those people. In fact tonight I was hoping and would have expected the four council members who violated the mandate of North Canton citizens would have, and should have resigned. Ironically, an article appeared in the Canton Repository titled, "The Art of an Apology" written by Nicole Simms. Two sentences really caught my eye. The first being, "Never make a person say they are sorry unless they are truly, unless they truly mean it." And the other celebrity apology in which one does something out of the ordinary and believes a simple, "I'm sorry" gives them a free pass. Mrs. Baughman, in her search of public records forced their hand and basically forced their public apology. This, in my opinion, did they really mean it or was this just an easy way out? I have watched some videos on the Stark County Political Report Website, and I just, I really did not feel comfortable with the apologies. Now we speak of more transparency, I've watched the video in which Council President Peters says we're going to be having. Let's just assume now that Mrs. Baughman, with her eagle eye, had not spotted where council members were receiving insurance benefits. Would this have continued by some of the four in violation? Would it have continued until each had met their own personal agenda hoping this never would have happened, met the public eye, thus never an apology. That's why I made reference to the article, "The Art of an Apology". Never make a person apologize unless they are sorry. I went back and reviewed some other minute meetings, particularly the one of July the 8th and with Councilman Peters had kind of a rebuttal towards some remarks I made. And basically we had thought that night would be belittling the City. Well, I really feel belittled now after what just transpired with this, you know after 70% of the voters say, you know say, no insurance, and this continues. And then, you know, we elect - we give him a presidency when he was in violation and missed, lost my trust. I could go on and on. We could bring out the point of the Law Director being hired. I believe that Councilman Peters, you were President at that time of the Personnel Committee. You know, if I'm wrong, tell me. But maybe someday you can catch me with coffee and you can tell me how this one went down. But really in closing, the last two council bodies with terms of 2011 and 2013 and 2013 and 2015 have created their legacy already, that being mistrust, unorganized, and self-serving. North Canton deserves a lot better. Thank you.

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Mr. Peters: Anyone else wishing to address Council?

Jamie McCleaster: 710 Pierce. Members of Council, I'm here this evening in my official capacity as the spokesman for the Concerned Citizens of North Canton Political Action Committee (CCNC). It was exactly one month ago that I first spoke of the health insurance situation here in North Canton. In that time we have seen over six thousand dollars repaid to the City, a savings of well over \$30,000 for this year alone, and many structural changes here in Council. These are all positive actions and we commend you for moving in the right direction. However, tonight you were set to vote on the second reading of Ordinance No. 23-14. CCNC pack urges you to table this, or at the very least not vote for the Ordinance as it is currently presented. City Council has acted, or should I say not acted, based upon faulty legal opinion. Given the situation we're all now in, a situation you collectively put the City in, City Council should ask for an actual legal ruling or determination before any more health care ordinances are passed or outright ignored. At the time that the initiative petition was presented to Council and ultimately sent to the Board of Elections, you had two attorneys on Council and long-time municipal attorney Roy Battista was the acting Law Director. They all saw it. Why no action then? With Mr. Batista's 30 plus years of experience as a Law Director, would he have sent the initiative petition to the Board of Elections if it was flawed? Additionally, how can you just arbitrarily determine which law is valid and which one is not solely on one attorney's opinion without having an actual ruling made? If you decide to not ask for an actual ruling or determination, but instead choose to continue down the shifting sandy path of your current legal opinion, you should at least consider changes to the ordinance such as - because itself is flawed. Before voting Sections 1 and 2 should be removed. It was the Law Director that determined that the initiative petition is void, not Council. And we see where his advice has gotten you, don't we? Both Sections 1 and 2 refer to the initiative petition as proposed. It isn't proposed. It was a lawfully and active petition passed by 72% of the electorate and certified by the Board of Elections. Two weeks ago when this was first read, wasn't the emergency provision removed? Why does 23-14 (Ordinance) appear tonight as an emergency? What is the actual purpose of this Ordinance? Are you trying to trick the citizens into thinking that you actually acted on this issue? Furthermore, if you decide to pass this ordinance, whether by emergency or with two more readings, it won't take effect until 2015, so why the rush? Don't you want to get it right this time lest we end up in the same situation sometime down the road? Thank you for your time.

Chuck Osborne: 307 Fairview Street SE, North Canton, Ohio. I too have some concerns here with 23-14 (Ordinance). And I would like to ask this Council to just think for yourself. When Issue 5 was first brought to the City, I believe it was May 9th of 2012, that's required by law. The City was put on notice that signatures were going to be collected for a proposed taxpayer initiated law. No concerns were raised. Each and every one of you were on Council. We had Mr. Griffith on Council as an attorney. We had Mr. Fox on Council as attorney. And at the time we had Hans Nilges as the Law Director. Nobody questioned it. The petitions were turned in, 1,109 signatures, I think and all but 19 were validated. They were turned in mid to late June. They were on display for study and evaluation. This Council, the Clerk of Council, I'm sure she's acting on your behalf, sent these signatures down to the Board of Elections. Again, I'm sure this was - this body was very well aware of the process. The signatures came back. This Council passed a resolution putting this issue on the ballot. No issues were raised. No criticisms. In that interim, Mr. Batista, a former longstanding City Law Director takes office as Law Director in, I believe it was late June, it might have been into July. So he was the Law Director July, August, September. He had no criticisms, no concerns. Our present Law Director assumes the role of Law Director. Again, does he raise any concerns here? So it goes to the ballot in November. Again, as it's been repeated over and over 72% of the voters approved. And on late November, it was, the vote was certified and by state law this became official law December 2nd of 2012. Again all of you in place, and now we've gone through three Law Directors. In February of last year, I wrote a letter to Mr. Fox asking why this didn't appear on the City's website as an ordinance, a lawfully enacted ordinance for 2012. I never got a response. So February, March, April, May, June, July, August, September, October, November, December, January. Thank goodness for this group, Concerned Citizens for North Canton. They discovered it. The City just thought they could put their head in the sand like an ostrich I guess and hope everybody would forget this. So you long since passed your opportunity to raise this issue. Clearly some of you recognized it and respected the will of the people and the law that was passed. We passed every hurdle required by State Law and North Canton City Charter. And obviously

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a few of you respected that and did not take the coverage. I don't know why simultaneously while the Finance Director was issuing letters to allow people to enroll in their own full-time employer's coverage, simultaneously, she was enrolling people to continue on the City's health care coverage. I'd like to thank Mr. Foltz, the Mayor, for respecting the law that was passed. And it's still a lawfully-enacted law. Until you openly challenge this and get a ruling from a judge, it's still a lawfully-enacted law. The public should not be required to jump through all the hoops and get an issue passed and then beyond that, have to prove to you that it's a lawfully enacted law. It's ludicrous. So Mr. Fox, from the time he was on Council in May of 2012, until this was revealed early this year, he must not think much of his opinion because he doesn't want to stand up and hold it up to the world and say, "I challenge your law". As far as 23-14, Mr. Snyder, as former president, you said you would remove the emergency off of this, I don't know why that's still there. Again as Mr. McCleaster pointed out, you're not kidding anybody.

Mr. Snyder: I don't control the agenda. I'm sorry. I have no control over the agenda.

Mr. Osborne: As we all know, whether it passes today or three months from now, it won't become effective until the next term of Council in December of 2015. So if you're trying to make the public think that oh, you're trying to right your wrongs, you haven't. So I would ask you to think for yourself. You've long since passed up any opportunity to challenge this. So I ask you to recognize Issue 5 which is law now, and to derail 23-14 because it's meaningless. Thank you.

Mr. Peters: Anyone else wishing to address Council?

Rod Covey: 35 Auburn Avenue SE, in North Canton. Events of the past few weeks have become known as Insurance Gate, is almost behind us, but the enormous media coverage, newspaper, television, radio, the internet, and even the water cooler talk all around North Canton, Stark County and Northeast Ohio and because the internet, beyond the borders of this State. But we feel it's time for healing of the fine image this City has enjoyed for more than a 100 years based primarily on the gentleman who had the ingenuity and generosity and character of a man, his name was Hoover, and known to friends and neighbors as Boss as we all know. To understand one needs only to read the inscription of the plaque under his statue across the street. It set forever the image of New Berlin later, North Canton, as a caring, welcoming industrious community. That image has been and is as precious to tens of thousands of North Canton men and women and children, but an image is a very delicate asset, very delicate, easily tarnished and must be protected at all costs. The bottom line of my 60 years in PR, Marketing and Research for 150 companies and 30 non-profits, all of which I served as pro bono of course, the biggest task for me was growing and protecting their images. But who can protect the image of a city, the coalition of all the churches and synagogues, how about the two political parties or some spin-off of one of those parties, like a tea party for example, the schools, the Chamber of Commerce, can they do it? How about the Jaycees, or the Kiwanis, the League of Women Voters? If the League of Women Voters could do what they'd like to do, they would probably be the greatest single force that could make some change. Women have a way of doing that, don't they guys? Historically, only the people can effect change, informed, resolute, dedicated people like our colonists who sent a strong message to King George III, the marches in Selma, Alabama and North Canton people who skewered the Kaiser by changing the name of their city, New Berlin. The recent change in the Chamber was a result of six people who sent the message that was amplified by the media to tens of thousands in the City, County and Region. Yes, our image has suffered, but it's not beyond repair. Six concerned citizens and their followers will see to that by building on the many unique assets of our cities. Let's build a more informed citizenry. It started, but may we suggest absolute openness in all affairs of Council and Administration? No stalling or changing of transmission procedures, more sunshine, not less sunshine. And finally Concerned Citizens of North Canton has developed a communications plan that will raise to new heights the number of citizens who will attend meetings, become more involved, and more supportive of everything that will make our city – make our great city greater than even Boss Hoover would have imagined. Thank you. Thank you.

Mr. Peters: Anyone else wishing to address Council?

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Melanie J. Roll: 308 Portage Street. Different topic. It has to do with Ordinance 25-14 and 26-14 that you're going to vote on tonight. I realize that Maple Street Commerce wants these changes. And I realize also that we cannot have a dialogue among you and myself during Public Speaks. But to my understanding by looking at the parcel numbers, this does not include Parcel Number ending in 415 which would be on the southern border of this property abutting the Hipp property.

Mrs. Kiesling: Correct.

Mrs. Roll: Thank you. I thought that was omitted and you weren't going to vote on that tonight, but I wanted to verify that

Mrs. Kiesling: Correct.

Mrs. Roll: and what you will be doing with that property will perhaps come to light at a later time.

Mrs. Kiesling: From the communication that I got this week from the owners, they were looking into how, if it could even become a parking lot. They were going to do some testing and maybe do some plans, and we're hoping to maybe sit down with the residents in that area before we bring it back to Council.

Mrs. Roll: Would it come back to Council or Planning?

Mrs. Kiesling: If it stays as it is, it will come back to Council because it has already gone through Planning. If they want a different change, it will have to start all over. Or they can pull their request and leave the zoning as is without doing anything else.

Mrs. Roll: Zoning is difficult to understand.

Mrs. Kiesling: Yes.

Mrs. Roll: I think myself and many others are opposed to having that property that's on the southern border next to the Hipp property, changed as far as trees, large wall and that kind of thing. I just wanted to verify that you were not going to vote on that part this evening.

Mrs. Kiesling: Correct. We are not voting on that parcel tonight.

Mrs. Roll: Thank you.

Mr. Peters: Is there anyone else wishing to address Council? Seeing none, we'll continue with Old Business. May I have a motion and second to read by title only, third reading of Ordinance No. 18-14?

Old Business

8. Mr. Cerreta moved and Mr. Griffith seconded to **read by title only, third reading of Ordinance No. 18-14**. All members present voting:
Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz, Griffith
No: 0

Ordinance No. 18-14 – 3rd Reading – Finance & Property

An ordinance to make appropriations for current expenses and other expenditures of the City of North Canton, Ohio, for the period beginning January 1, 2014, and ending December 31, 2014, and declaring the same to be an emergency.

Mr. Peters: Chairman Snyder.

Mr. Snyder: Thank you. We've looked at this for several weeks and now almost into months. As I told you originally, it has to be in place by April the 1st, that's the State Law. We've pretty much depleted the temporary budget that was passed in early January, the funds. We're not to a state where we're now appropriating by supplemental appropriation to fill those accounts. No one has contacted me outside of the change which I had the Finance Director note to you. We moved 15,224 I believe is the number, from Council

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Healthcare to Capital Improvements. I know there was some money being looked at for additional paving of tennis courts, and that is about almost 50% of that total cost. The only other thing in question, I know there's a line

item in there for the officers' range. And no one's - I haven't heard if that wants to stay or we're going to strike that or what the pleasure of Council is on that. That is a commitment of one fifth, incidentally. That will be each year for the next five years will be \$50,000 to accomplish that. Just so you understand the big picture in it. And what they - what their intentions are is to escrow that money until they eventually get the \$250,000 and are able to move ahead with the

Mrs. Werren: I mean I have done some research on that and there are some different options. And I've talked to some of the other chiefs in the various townships and counties and the Sheriff, and there are some options for us to collaborate and share. There's even a truck that comes down from Cuyahoga County, the big semi, and the Sheriff has used it and Canton City has used it. It's a free truck, and you can shoot in that. I don't know if we've had that here before or not. So I really just think that some of it is communicating with the other chiefs and having our Chief talk to Canton's and see what kind of arrangements could be made.

Mr. Griffith: The bottom line from a budgetary standpoint though is that we don't necessarily have an objection to leaving the appropriation in knowing that, by consensus, we want to have further discussion on it before....

Mrs. Werren: Right.

Mr. Griffith: anything is actually spent

Mrs. Werren: Right.

Mr. Griffith: So I mean personally I don't have an objection to leaving it in the budget and then we'll have further discussion about it.

Mrs. Werren: Yeah. It definitely seems like there are other options. So I'd like to investigate it further and get our Chief talking to someone else, and see what else is out there.

Mr. Snyder: Well I would caution you on one thing, and that's fine to leave it there, because it does bump up against the maximum appropriation that could be spent. However, prior to that being spent I would like a caveat added to this ordinance that that money not be spent until it comes back the approval of Council. Another thing is you know we're going to be facing, within probably at the very most two weeks, is the condition of our streets. And unfortunately we're going to have to start using the \$300,000 that's appropriated for road repaving. We're going to probably have to use some of that money to fill some of the potholes. One of the things in the budget contains some type of sophisticated equipment that will fix the pot holes more permanently than what we've been doing them. So Mr. Davis and his crew have done well over the last ten days getting the holes that they're able to address because I don't know the technical reason, but that stuff just doesn't stick. With this new equipment hopefully we're able to address that. So we - I think what we - we leave any money in there, and it gives us time to appropriate that and we look at it at that point to make sure that we're all in that comfort zone that we want to spend that money. I think that would be better, a little wiser than to just say, well, it's there and let's go forward with it. Is that - and you'll continue to do that?

Mrs. Werren: Yes.

Mr. Snyder: So I offered an amendment to that said ordinance that it says that that be required to be returned to Council to be spent, to be appropriated. Mr. President, I ask you to call the question there, please on that amendment.

Mr. Peters: A motion has been called to Ordinance 18-14 in regards to the expenditures of \$50,000 line item for the firing range. Motion and second to amend?

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REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 10,

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Mrs. Kiesling moved and Mr. Griffith seconded to **amend Ordinance No. 18-14 that all encumbrances/expenditures of the \$50,000 budget reserve for the indoor firearms training range shall require City Council authorization.** All members present voting:

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

No: 0

Mr. Snyder: Thank you.

Mr. Peters: Okay, so a motion and a second to adopt the third reading, as amended.

Mrs. Kiesling moved and Mr. Snyder seconded to **adopt the third reading of Ordinance No. 18-14 as amended.** All members present voting:

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

No: 0

9. Mr. Peters: Alright, thank you. Can I have a motion and second to read by title only, the third reading of Ordinance No. 19-14?

Mrs. Kiesling: Do we have to put that on emergency to get it done by the end of March or we don't.

Mr. Snyder: It is an emergency in it.

Mrs. Kiesling: Oh, the emergency's in it. Got you.

Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, third reading of Ordinance No. 19-14.** All members present voting:

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

No: 0

Ordinance No. 19-14 – 3rd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to enter into an agreement and, provided there are no additional costs to or burdens upon the City, to take all actions necessary to accept the donation of real property from Sandra K. Kean, and known as Parcel No. 9200116, City Lot 2781, located in the City of North Canton and contiguous to Price Park.

Mr. Peters: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. Again, we've talked about this. It's a lady whose father died and left a small parcel of land which is contiguous to Price Park. And the inherent value's to the City not to the property owner. So they want to get that to the City, and it's been clear through both Engineering and Administration and I move its adoption.

Mr. Cerreta: Second.

Mr. Snyder moved and Mr. Cerreta seconded to **adopt the third reading of Ordinance No. 18-14.** All members present voting:

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

No: 0

10. Mr. Peters: May I have a motion and second to read by title only, the second reading of Ordinance 23-14?

Mr. Snyder: Mr. President, I rise to amend 23-14.

Mr. Peters: Yes, sir.

Mr. Snyder: I request that you strike the sentence "declaring the same be an emergency".

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Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10146

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Mr. Snyder moved and Mrs. Werren seconded to **amend Ordinance No. 23-14 to delete "declaring the same to be an emergency"**. All members present voting:
Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Werren, Cerreta
No: 0

Mr. Fox: An ordinance amending

Mrs. Kalpac: Excuse me, You just amended it to remove the emergency. We have to move to read by title only.

Mr. Peters: Got you. Alright, a motion and second to read by title only, second reading of Ordinance No. 23-14 as amended.

Mr. Griffith moved and Mrs. Werren seconded to **read by title only, second reading of Ordinance No. 23-14, as amended**. All members present voting:
Yes: Griffith, Kiesling, Peters, Snyder, Werren, Cerreta, Foltz
No: 0

Ordinance No. 23-14 -- 2nd Reading -- Finance & Property

An ordinance amending the health insurance benefits provided to North Canton's elected officials such that an elected official may receive single-rate, City-paid health insurance benefits only when the elected official does not have health insurance benefits provided by the elected official's full-time employer; that single-rate, City-paid health insurance benefits for elected officials shall be provided only as primary, and not as a secondary form of health insurance; and that City-paid health insurance benefits are not provided to elected officials' family members unless an elected official's spouse is also a City employee and entitled to City-paid health insurance benefits.

Mr. Peters: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. The intent of this ordinance is to mirror the intent of the electorate and there is some question on that ordinance, and I'm sure somewhere along the line it will, by the prior of fact it will be determined. However, to make sure that the electorate gets exactly what they thought they voted on, we're replacing this ordinance into - and it's true, it will not take effect until the next session of the Council as the Revised Code prohibits in term changes in compensation. But other than that, that's it, Mr. President.

Mr. Peters: A motion and second to approve the second reading of Ordinance No. 23-14, as amended.

Mr. Cerreta moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 23-14. All members present voting:
Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz, Griffith
No: 0

11. Mr. Peters: May I have a motion and second to read by title only, the first reading of Ordinance No. 24-14?

Mrs. Kiesling moved and Mr. Griffith seconded to **read by title only, the first reading** of Ordinance No. 24-14. All members present voting:
Yes: Peters, Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling
No: 0

Ordinance No. 24-14 -- 1st Reading -- Community & Economic Development

An ordinance establishing the zoning classification of Parks and Institutional (P&I), as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as the Walsh/Gressel Annexation, containing 1.549 acres of land, more or less, annexed by Ordinance No. 58-13.

Mr. Peters: Chairman Kiesling

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Mrs. Kiesling: Yes, this is the property contiguous to Walsh University. They purchased the land from the Gressel family. We are going to rezone it Parks and Institution which is what it currently abuts in North Canton. So I motion we adopt the first reading.

Mrs. Kiesling moved and Mr. Griffith seconded to **adopt the first reading** of Ordinance No. 24-14. All members present voting:
 Yes: Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling, Peters
 No: 0

12. Mr. Peters: A motion and second to read by title only, the first reading of Ordinance No. 25-14.

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 25-14. All members present voting:
 Yes: Werren, Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder
 No: 0

Ordinance No. 25-14 – 1st Reading – Community & Economic Development

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated on East Maple Street and known as Parcel No. 9209516, to add and to overlay the Mixed Use Overlay District (MUO) to the existing Office Business District (OB).

Mr. Peters: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the parcel right beside the YMCA, the parking lot that is gated off right now. Nobody - well, it has been opened up here and there. But usually you're not allowed to park there. This is that parcel we're going - that is currently zoned OB, we're going to place mixed use overlay on top of it. And just to clarify what mixed use overlay, the intent of mixed use overlay, the three main categories for this zoning code is to protect and preserve the appearance and character of the community, to reduce the impact between zoning districts, and to provide interest along the streetscapes, hoping to result in the creation and maintenance of a town center area west of City Hall. So it's all just only in this area that mixed use overlay can be placed onto a current zoning. And I motion we adopt.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the first reading** Ordinance No. 25-14. All members present voting:
 Yes: Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder, Werren
 No: 0

13. Mr. Peters: May I have a motion and second to read by title only, the first reading of Ordinance No. 26-14?

Mrs. Kiesling moved and Mrs. Werren seconded to **read by title only, first reading** of Ordinance No. 26-14. All members present voting:
 Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Werren, Cerreta
 No: 0

Ordinance No. 26-14 – 1st Reading – Community & Economic Development

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated on East Maple Street and known as Parcel No. 10000416, to add and to overlay the Mixed Use Overlay District (MUO) to the existing Office Business District (OB).

Mr. Peters: Chairman Kiesling

Mrs. Kiesling: Yes this is the piece of property across the street where the car ports currently sit. That is currently zoned Office Business, we're going to place the mixed use overlay on top of that as well. I explained to you what the intent of the mixed use overlay is and it will keep it contiguous with the other properties. I motion we adopt.

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

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Mrs. Kiesling moved and Mr. Cerreta seconded to adopt the first reading of Ordinance No. 26-14. All members present voting: Yes: Griffith, Kiesling, Peters, Snyder, Werren, Cerreta, Foltz No: 0

14. Mr. Peters: May I have a motion and second to read by title only the first reading of Ordinance No. 27-14?

Mr. Foltz moved and Mr. Cerreta seconded to read by title only, first reading of Ordinance No. 27-14. All members present voting: Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz, Griffith No: 0

Ordinance No. 27-14 – 1st Reading – Finance & Property

An ordinance declaring that certain Fire Department equipment owned by the City of North Canton, Ohio, is no longer required for municipal purposes; and, authorizing the Mayor of the City of North Canton to make a donation of said Fire Department equipment, namely, 5 jackets and 4 pairs of pants to Canton City Schools, and 4 jackets and 4 pairs of pants to the Portage Lakes Career Center, and declaring the same to be an emergency.

Mr. Peters: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. We had talked about this in the Committee. Normally that equipment has served its life expectancy; it would be destroyed and shredded. However, Chief of the Fire Service talked to these two entities, they have feeder classes that train these young men and women to be firefighters. They don't have the funds to purchase the equipment, and it serves – it's in such a condition that it will serve them well. And I don't know if I emphasized last time in my committee report that we'd like this on an emergency simply for the fact that they are training and they do need it to continue their education. I know we are somewhat reticent to pass things on emergencies, but this will move the equipment down there immediately and let them start using it.

Mr. Peters: May I have a motion and second to adopt the first reading for Ordinance No. 27-14?

Mr. Cerreta moved and Mrs. Kiesling seconded to adopt the first reading of Ordinance No. 27-14. All members present voting: Yes: Peters, Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling No: 0

Mr. Peters: May I have a motion and second to suspend the rules for Ordinance No. 27-14?

Mr. Cerreta moved and Mrs. Kiesling seconded to suspend the rules for Ordinance No. 27-14. All members present voting: Yes: Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling, Peters No: 0

Mr. Foltz: May I have a motion and second to adopt under suspension of the rules Ordinance No. 27-14.

Mr. Foltz moved and Mrs. Werren seconded to adopt under suspension of the rules Ordinance No. 27-14. All members present voting: Yes: Werren, Cerreta, Foltz, Griffith, Kiesling, Peters, Snyder No: 0

COUNCIL – REPORTS:

Mr. Peters: Next up reports - Mrs. Werren.

Mrs. Werren: No report

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Mr. Peters: Mr. Snyder.

Mr. Snyder: Thank you. One thing, my question is, I was privileged to get an email from the Engineer relative to a company that's probably able to fulfill one of my fondest dreams and that is the ability of the City to lay out a five-year plan for the reconstruction and resurfacing of all our streets. Historically, I've pitched it be done with a - some type of borrowing. However, there is now a company that claims that they can do this on a five to eight year cycle using our existing municipal road levy which brings in around \$400,000 a year. And I would ask the indulgence of Council and ask the privilege of the Engineer to invite the people here that we can see a first-hand presentation and be able to begin that five-year program without costing the citizens of North Canton any undue leverage burden on their taxes. So if Council would extend that privilege, I'd appreciate it.

Mr. Foltz: That's a great idea, Jon.

Mr. Cerreta: That's precisely the kind of thing we need to think about, way out in the front like that. So

Mr. Snyder: Right. And they contacted us. The Engineer was kind enough to forward the information to me and so we're going to move. If that would be all right with you, Jim, and sometime in the next few weeks we'll get that started. But I appreciate that. Thank you.

Mr. Peters: Mrs. Kiesling.

Mrs. Kiesling: Are you ready for me? Oh, no report. Sorry I thought - I was thinking, wow you got me already. No report.

Mr. Foltz: Forgot you were in the council meeting.

Mrs. Kiesling: No report.

Mr. Peters: Mr. Griffith.

Mr. Griffith: Just briefly. We had a good discussion relative to updating and clarifying what some of our public records standards are so that we can bring those out front to modernize it and we had a good discussion about that. Tim has provided us with some additional information, and we're going to work on that some more too. But I think the more we clarify that, and get on the same page with that, we're going to be in good shape. So I want everyone to know that we're working on that, and we'll have that to you soon. So....

Mr. Peters: Mr. Cerreta.

Mr. Cerreta: Last Tuesday, I think it was, the Mayor and I had the privilege to present Dr. Tim Novelli with a Proclamation. We did it at his - for the Patriot Project that he has been, actually the - he started the whole thing. So it's a very honorable project where Chiropractors and physicians will serve military - will treat military people at no charge. And we were - we did it at his place because he had a meeting with all these Generals that came in to see him. So we represented the City with that. And I want to make sure - he was going to come here tonight, maybe it would have been a little more private, but I wanted the Council to realize that so if you see Dr. Tim Novelli, you know, give him a good congratulations for the Proclamation. The Mayor did a wonderful job at presenting it to him. So outside of that no report.

Mr. Peters: Mr. Foltz.

Mr. Foltz: Yeah. I had a constituent call me on wanting a sign, and Mike and Jim you can weigh in as Administrator and Engineer. Coming from the west city limits, traveling east up Portage, you come to the intersection of Pittsburgh and Portage. And I know there's some decals in the street, but they're looking for a sign along the side of the road, that would be the right hand side that would have directional arrow to go left onto Pittsburgh and then one to verify you can go straight ahead. Maybe even look the other way too, travelling west through that intersection. I thought it was a great idea. Because we're familiar with it, I'm familiar because I drive that road all the time, but it would give more notice to people traveling up the hill that you need to get in the right lane. So I know like I

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said, we have it marked on the road, but see if we have money in the budget to look for a few signs either direction going east and west for that intersection indicating that there is a turn at Pittsburg. I'd appreciate that. That's it.

Mr. Peters: Director of Law.

Mr. Fox: No report.

Mr. Peters: Director of Finance

Mrs. Alger: No report.

Mr. Peters: Director of Administration.

Mr. Grimes: We will look at the signage on Portage. I know that's an issue sometimes. There's a small sign, but it doesn't catch people's eyes. Also, Stark Parks, just before our meeting, held an informational meeting on connecting the park walkway between Dressler and the Y. And I do have the slide presentation on that, I'll be passing out to Council so you're at least aware of it. I did call the parks and ask them the next time they have a meeting to take into account our Council meeting so that we can attend, and they said they would do that. But tonight was their first meeting. But I will pass that around so that you at least know what was presented at that meeting.

Mr. Peters: Thank you. Mr. Mayor.

Mayor Held: Yes, two things I have - well actually three. First off, I appreciate Council taking the time to recognize our police officers and EMS because that's, you know, why our City's so safe. And in addition to that I have Mark Cerreta, he invited me over there to Dr. Tim Novelli's office, Chiropractor. And what an incredible business that he has there of service, you know, to the residents of North Canton, but and also to the wounded warriors. So it was a very nice event and I appreciate you allowing me to take the opportunity to recognize Dr. Novelli. And also a special thanks to Council for the budget. A lot of work went into the budget. It's not an easy budget to pass when you consider the state funding continues to go down, the property taxes declined, the income taxes; again, they're moving in the right direction, it's positive, but still a very, very tight budget. And I know that the Council members, all of our Council members, take a very active role in putting the budget together. But I'm very proud of the work that was done by Mike Grimes and Karen and Tim Fox, Jim Benekos, Jim Davis, Eric, all of our department heads came together and we have a balanced budget. And so I appreciate everyone's hard work on that. And lastly, hopefully, one last little hurrah here for snow on Wednesday and hopefully that's the last one. And - but I think that, you know, our roads did take a - they took beating this year. And so as you consider all the streets that you're going to put together for Jim Benekos, if you would prioritize them it would help. You know whether it's 10, 15, 20 streets - there's a lot of streets that

Mr. Benekos: Everybody gets one street.

Mayor Held: Oh yeah.

(Laughter)

Mr. Benekos: A small street.

(Laughter)

Mayor Held: But I think what's important is that we want to make sure that we're considering all of the input of the elected officials and so prioritization is important. Right?

Mr. Benekos: Yeah.

Mayor Held: Just trying to help you out there, Jim.

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Mr. Benekos: Thanks.

Mayor Held: And that's all.

Mr. Peters: Engineer.

Mr. Benekos: I want to thank you for the budget. We will get busy prudently spending those funds on improvements in the City. So thank you.

FINAL CALL FOR NEW BUSINESS:

Mr. Peters: Alright. Final call for New Business, and if there is none, I'll entertain a motion to adjourn.

ADJOURN:

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

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

No: 0

The council meeting adjourned at 8:06 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL