

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 14, 20 14

## 1. Call to Order

The council meeting was called to order Monday, April 14, 2014 at 7:00 p.m. by President of Council Daniel Peters.

## 2. Opening Prayer

The opening prayer was delivered by Councilperson Mark Cerreta.

## 3. Pledge of Allegiance

All present recited the Pledge of Allegiance.

## 4. Roll Call

Mr. Peters: Clerk, will you 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 Finance Alger, Director of Law Fox, City Engineer Benekos, Director of Permits & Development Bowles and Clerk of Council Kalpac.

## 5. Consideration

Mayor's Court Receipts – February, 2014  
 Financial Statements – January and February, 2014  
 Public Hearing Minutes – March 24, 2014  
 Council Meeting Minutes – March 24, 2014

Mr. Peters: Alright, may I have a motion and a second to approve as presented, Mayor's Court Receipts, February 2014; Financial Statements, January and February 2014; Public Hearing Minutes, March 24, 2014; and Council Meeting minutes, March 24, 2014.

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

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

No: 0

Abstain: Cerreta.

## 6. Committee Minutes

Mr. Peters: May I have a motion and a second to approve as presented, the following committee report minutes for Community & Economic Development; Finance & Property; Personnel & Safety; Street & Alley, and Water, Sewer & Rubbish, all held March 24, 2014.

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

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

No: 0

Abstain: Cerreta.

**Community & Economic Development Committee:** Please refer to the minutes on file of the Community & Economic Development Committee meeting held March 24, 2014.

**Finance & Property Committee:** Please refer to the minutes on file of the Finance & Property Committee meeting held March 24, 2014.

**Personnel & Safety Committee:** Please refer to the minutes on file of the Personnel & Safety Committee meeting held March 24, 2014.

**Street & Alley Committee:** Please refer to the minutes on file of the Street & Alley Committee meeting held March 24, 2014.

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**Water, Sewer & Rubbish Committee:** Please refer to the minutes on file of the Water, Sewer & Rubbish Committee meeting held March 24, 2014.

## 7. Recognition of Visitors

Mr. Peters: Thank you. At this time is there's anyone wishing to address Council, please step forward, state your name and address. Seeing none, we will proceed to Old Business. May I have a motion and a second to read by title only, third reading of Ordinance No. 24-14?

## OLD BUSINESS:

8. Mrs. Kiesling moved and Mr. Griffith seconded to **read by title only, third reading of Ordinance No. 24-14**. All members present voting:  
Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz, Griffith  
No: 0

**Ordinance No. 24-14 – 3<sup>rd</sup> 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.

Mrs. Kiesling: Yes, this is the third and final reading of the property over by Walsh University that Walsh currently owns. I motion that we adopt.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the third reading of Ordinance No. 24-14**. All members present voting:

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

9. Mr. Peters: May I have a motion and a second to read by title only, the third reading of Ordinance No. 25-14?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, third reading of Ordinance No. 25-14**. All members present voting:

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

**Ordinance No. 25-14 – 3<sup>rd</sup> 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 third reading of the property closest to the "Y". We're just placing the Mixed Use Overlay on top of the Office Business, which is the way the rest of the district is zoned at this moment. I motion we adopt.

Mrs. Kiesling moved and Mr. Griffith seconded to **adopt the third reading of Ordinance No. 25-14**. All members present voting:

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

10. Mr. Peters: Okay, may I have a motion and a second to read by title only, third reading of Ordinance No. 26-14?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, third reading of Ordinance No. 26-14**. All members present voting:

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

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**Ordinance No. 26-14 – 3<sup>rd</sup> 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 property across the street from it. We're doing the exact same thing as the previous piece of legislation. I motion we adopt.

Mrs. Kiesling moved and Mr. Cerreta seconded to **adopt the third reading** of Ordinance No. 26-14. All members present voting:

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

No: 0

11. Mr. Foltz: Okay, do we want to amend this ordinance?

Mr. Peters: Yeah. Could I have – may I have a motion and second to amend Ordinance No. 28-14 to include an emergency?

Mr. Foltz moved and Mrs. Kiesling seconded to **amend Ordinance No. 28-14 to include an emergency clause**. All members present voting:

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

No: 0

Mr. Peters: Okay, now may I have a motion and a second to read by title only, second reading, as amended, of Ordinance No. 28-14?

Mr. Foltz moved and Mr. Cerreta seconded to **read by title only, second reading, as amended**, Ordinance No. 28-14. All members present voting:

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

No: 0

**Ordinance No. 28-14 – 2<sup>nd</sup> 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, and declaring the same to be an emergency.

Mr. Peters: Chairman Foltz.

Mr. Foltz: Yeah, I'd like refer to Mr. Grimes. Was there a request from the school to ....

Mr. Grimes: Yes there was. I checked with the Business Manager Todd Henne....

Mr. Foltz: To move this along?

Mr. Grimes: If we'd of run it normally we'd of been out within a couple of days....

Mr. Foltz: Right.

Mr. Grimes: of when they wanted to start. So he asked if we could move that along on an emergency. And so that's why I requested it.

Mr. Foltz: Okay. I don't see a problem with that. I think we haven't met as of late. So to move their project forward with the summer months or just get it done as quickly as possible, we all know the commitment from North Canton to work with the school district. So I'm very much in favor of this.

Mrs. Werren: That's right.

Mr. Foltz: So I'll make a motion we pass it.

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Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the second reading, as amended** of Ordinance No. 28-14. All members present voting:

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

No: 0

Abstain: Cerreta

Mr. Peters: May I have a motion and a second to suspend the rules, as amended, for Ordinance No. 28-14?

Mr. Foltz moved and Mrs. Kiesling seconded to **suspend the rules, as amended**, for Ordinance No. 28-14. All members present voting:

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

No: 0

Abstain: Cerreta

Mr. Peters: Now may I have a motion and a second to adopt under suspension of the rules, as amended, Ordinance No. 28-14?

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt under suspension of the rules, as amended**, Ordinance No. 28-14. All members present voting:

Mrs. Kalpac: Werren

Mrs. Werren: Yes.

Mrs. Kalpac: Cerreta

Mr. Cerreta: Yes

Mrs. Kiesling: Do you want to abstain, Mark?

Mr. Griffith: Do you want to abstain?

Mr. Cerreta: Wait is this the same?

Mr. Griffith: This is the final.

Mr. Cerreta: Oh yeah, I'm going to abstain. Thank you for asking. Abstain, reverse that "yes" to "abstain".

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

No: 0

Abstain: Cerreta

## NEW BUSINESS:

12. Mr. Peters: Okay, on to New Business. May I have a motion and a second to read by title only, the first reading of Ordinance No. 29-14?

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 29-14. All members present voting:

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

No: 0

Mr. Peters: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. We've talked about this ....

Mrs. Kalpac: Wait, we've got to read it ....

Mrs. Kiesling: We've got to read it.

Mr. Peters: I'm sorry, I'm sorry. Go ahead.

Mr. Snyder: I wasn't paying attention.

Mrs. Kiesling: Neither was Jeff.

Mr. Snyder: I was thinking about that pothole on Salway.

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(Laughter)

Mrs. Kiesling: I'm so excited about this. Let's go.

Mr. Snyder: Yeah I wanted them to fix the pothole and I forgot to read it.

Mrs. Kiesling: Get it done.

**Ordinance No. 29-14 – 1<sup>st</sup> Reading – Finance & Property**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, 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.

Mr. Peters: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. After we talked about that and approved it, I spoke to Superintendent Davis. He seemed to have been able to negotiate an additional – quite a savings on the piece of equipment itself. And the savings was great enough that he was able to buy \$12,000 worth of supplies that go into the machine. So through his efforts – if you see the Superintendent, thank him. He did bring it in under budget including all the supplies. And he's anxiously awaiting approval of the Board. He says as soon as he gets that he'll be out on the street with it. And as you recall, he told you the holes that he fixed are permanent repairs. You're not going to have to go back and look at them again. So the overall savings will be very significant to the City. And the cost of the machine is a little over \$50,000 as it was originally at 69 (69,000). So you did a great job on that and we appreciate that from the Administration.

Mr. Griffith: I had chance to talk to a colleague of mine who is in the paving business, not in our area. And I asked him about these machines in particular and he could not say enough good things about them. He said it's brilliant, it's a smart move. They're working with a lot of smaller towns who will use this as a more permanent fix, because they don't have the money that we do or even less than we do. So I think it was a very good move and we're going to bear fruit for it long term. So ....

Mrs. Werren: Dave, is this the same machine, and I think it is, where they shared within the three townships. Remember we had talked about that when we were doing the budget. I think it was Tallmadge, and Kent, and Stow.

Mayor Held: I don't know if it's the same machine. But I do know that what the City of Cleveland they - they're renting them. They have like three of them that ....

Mr. Grimes: Theirs is different.

Mrs. Werren: Well that's what I wondered.

Mayor Held: Theirs is a bigger one, right?

Mrs. Werren: Well could this later, like once we get used to it and if it's sitting idle, is it something that some of the other townships or entities ....

Mayor Held: Yeah, we could – and that's the thing, we could always – there would be nothing that would stop us from contracting that ....

Mrs. Werren: Right.

Mayor Held: that equipment out. Yeah, that could be ....

Mrs. Werren: Right.

Mayor Held: a great thing for us to do. The thing that's nice and I know that Councilman Werren when you had brought that up about sharing it, we just want to be on the ownership end ....

Mrs. Werren: Yeah.

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Mayor Held: so that we would be able to ....

Mrs. Werren: Right.

Mayor Held: you know make sure that our roads are taken care of first. And then once that's done, then that would be no problem at all ....

Mrs. Werren: Right.

Mayor Held: To arrange to allow other townships or municipalities to use that.

Mrs. Werren: It might just be another revenue stream then, you know to think about.

Mayor Held: Yeah. No, it's a great idea.

Mrs. Werren: But I know – I think they had to do it because they didn't have the money. So it was a joint ownership and it did seem to work.

Mayor Held: Yes.

Mrs. Werren: You know I don't think it's something we should be afraid of in the future. But, I mean it's in our budget and if we can maybe make revenue from it later I think it'd be great.

Mayor Held: No, I think that's an excellent suggestion.

Mr. Cerreta: Maybe we could rent it to the post office for a ....

Mrs. Werren: I know ....

Mr. Cerreta: That would be about a month's worth I would think.

(Laughter)

Mrs. Werren: Maybe they like thought there was a detour ...,inaudible... out. Right?

Mr. Cerreta: It might get broken.

Mayor Held: That could be our test hole. That could be our test hole.

Mrs. Werren: Right.

Mr. Cerreta: Maybe we should. Inaudible... broken or fall in one of those holes.

Mrs. Werren: Right.

Mr. Snyder: That's terrible.

Mr. Foltz: They deserve all the criticism we can muster.

Mr. Peters: Yes, yes they do.

Mr. Foltz: It's aggravating. One last time and I think it's great to collaborate with communities, but the nice thing about this machine is that if we get out – and we had a terrible winter, as everybody knows, you get a February day it's 45 degrees out, we can make our own....

Mrs. Kiesling: Yeah.

Mr. Foltz: Material and put it in the hole and we're ahead of the game. Where other people, there's no other plants running. They're not making that until this time of year. So that's critical. I think that's a great flexibility that we're going to have with this machine. I think it's –save a lot....

Mr. Griffith: It solves the problem earlier.

Mr. Foltz: a lot of effort. So okay.

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Mr. Peters: Okay, with that may I have a motion and a second to adopt the first reading of Ordinance No. 29-14?

Mr. Cerreta moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 29-14. All members present voting:  
 Yes: Foltz, Griffith, Kiesling, Peters, Snyder, Werren, Cerreta  
 No:

Mr. Peters: May I have a motion and a second to suspend the rules for Ordinance No. 29-14?

Mr. Griffith moved and Mrs. Werren seconded to **suspend the rules** for Ordinance No. 29-14. All members present voting:  
 Yes: Griffith, Kiesling, Peters, Snyder, Werren, Cerreta, Foltz  
 No: 0

Mr. Peters: May I have a motion and a second to adopt under suspension of the rules Ordinance No. 29-14?

Mrs. Werren moved and Mr. Griffith seconded to **adopt under suspension of the rules** Ordinance No. 29-14. All members present voting:  
 Yes: Kiesling, Peters, Snyder, Werren, Cerreta, Foltz, Griffith  
 No: 0

Mrs. Werren: Do we know when it's actually going to be here?

Mr. Grimes: No, we'll have to go through the Board of Control and I'll order it. It shouldn't take us too long. Mr. Davis already called me tonight and wondered if he was allowed to order it.

Mrs. Werren: Right.

Mr. Snyder: He's already started up to pick it up tomorrow morning.

Mrs. Werren: Now Jim ....

Mr. Griffith: Are you holding a meeting tonight?

Mr. Cerreta: You can call him now and tell him it's okay now.

Mrs. Werren: Jim, are we allowed to put in our first request streets and the first one in gets the streets done first?

Mr. Benekos: Yes.

Mayor Held: We're going to pass the hat around.

Mrs. Werren: I like that.

Mr. Benekos: Yeah.

Mrs. Werren: I'm going to shoot you a paper airplane.

Mr. Griffith: Is the Board of Control meeting tonight or are you guys going to meet to approve tonight?

Mr. Grimes: No.

Mr. Griffith: Okay.

13. Mr. Peters: Alright, may I have a motion and a second to read by title only, the first reading of Ordinance No. 30-14?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 30-14. All members present voting:  
 Yes: Peters, Snyder, Werren, Cerreta, Foltz, Griffith, Kiesling  
 No: 0

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**Ordinance No. 30-14 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

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.

Mr. Peters: Chairman Cerreta.

Mr. Cerreta: Yeah. And I wasn't here, so Jim correct me if I'm wrong on this about your discussion that this was a waterline that was put there almost 20 years ago and we have not had an easement for it or need to acquire it. Right?

Mr. Benekos: That is correct.

Mr. Cerreta: And so we're just kind of making that right.

Mr. Benekos: Correct.

Mr. Cerreta: Cleaning that up, to use your words. And you guys have discussion about it. If there's any other – non-discussion, I move we move forward with that to adopt.

Mr. Cerreta moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 30-14. All members present voting:

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

No: 0

- 14. Mr. Peters: May I have a motion and a second to read by title only, first reading of Ordinance No. 31-14?

Mr. Griffith moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 31-14. All members present voting:

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

No: 0

**Ordinance No. 31-14 – 1<sup>st</sup> Reading – Street & Alley**

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.

Mr. Peters: Chairman Griffith.

Mr. Griffith: Much in the way that we talked about the Nesbitt pipes already being there, the AEP lines are already there as well. This is an existing easement that AEP wants to update. Jim has agreed to ask instead of the \$5,000, if they'll plant 400 dogwood trees around the City and they have not agreed to that. So we'll take the \$5,000 instead in lieu of that. But essentially there's nothing to do here or than take the \$5,000 and leave the services in place. So I would move its adoption.

Mr. Griffith moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 31-14. All members present voting:

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

No: 0

- 15. Mr. Peters: Alright, may I have a motion and a second to read by title only, the first reading of Ordinance No. 32-14?

Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 32-14. All members present voting:

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

No: 0



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**Ordinance No. 32-14 – 1<sup>st</sup> Reading – Street & Alley**

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.

Mr. Peters: Chairman Griffith.

Mr. Griffith: We have, in our budget, through some ODOT grants, this project which will take place in the 2016 calendar year. So it's not in our current budget. But we need to do the paperwork in order to put that in place now and so this is merely an approval of the project itself. We will do the appropriating for it when we do the budget next year. Jim....

Mr. Benekos: Actually we should not need to appropriate anything. ODOT's taking over this project and they're going to do the design, construction, inspection, right of way acquisition. We just sit back and tell what decorative concrete when they ....

Mr. Cerreta: Decorative stone?

Mr. Benekos: Decorative stone.

Mr. Griffith: Right.

Mr. Benekos: That's all we need to do.

Mr. Cerreta: Any real stone? I keep pushing.

Mr. Peters: It doesn't hurt to ask.

Mr. Griffith: That's right.

Mr. Foltz: I'm with you. I don't think we can get it.

Mr. Griffith: At any rate it's a new bridge, at no cost to the taxpayers with decorative concrete, at least, and some stone. So I would move its adoption.

Mr. Griffith moved and Mr. Cerreta seconded to **adopt the first reading** of Ordinance No. 32-14. All members present voting:

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

No: 0

Mr. Peters: May I have a motion and a second to suspend the rules for Ordinance No. 32-14?

Mr. Griffith moved and Mr. Cerreta seconded to **suspend the rules** for Ordinance No. 32-14. All members present voting:

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

No: 0

Mr. Peters: May I have a motion and second to adopt under suspension of the rules Ordinance No. 32-14?

Mr. Griffith moved and Mrs. Werren seconded to **adopt under suspension of the rules** Ordinance No. 32-14. All members present voting:

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

No: 0

16. Mr. Peters: May I have a motion and a second to read by title only, first reading of Ordinance No. 33-14?

Mrs. Kiesling moved and Mr. Griffith seconded to **read by title only, first reading of** Ordinance No. 33-14. All members present voting:

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

No: 0

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**Ordinance No. 33-14 – 1<sup>st</sup> 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 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").

Mr. Peters: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the property St. Luke's owns. They plan on doing some improvements to their property and need to rezone it - as little - something that wasn't rezoned many years ago. So they're going to rezone it to Parks and Institutions. I motion we adopt.

Mrs. Kiesling moved and Mr. Griffith seconded to **adopt the first reading** of Ordinance No. 33-14. All members present voting:

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

No: 0

17. Mr. Peters: May I have a motion and a second to read by title only, first reading of Ordinance No. 34-14?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading** of Ordinance No. 34-14. All members present voting:

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

No: 0

**Ordinance No. 34-14 – 1<sup>st</sup> Reading – Community & Economic Development**

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.

Mr. Peters: Chairman Kiesling.

Mrs. Kiesling: Yes, we - the Tax Incentive Review Council agreed to continue the incentives for the Reed Funeral Home and the LMD property at 50 percent abatement because they're meeting their standards. And we're going to change the agreement between us and L. T. Parker & Associates to make it 25 percent over the next 5 - the remaining 5 years of the agreement, but it will be looked at from year to year as all the agreements are. So that's the change in the one agreement. Any questions? I motion we adopt. And we do not need this on an emergency so we're giving it three readings.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 34-14. All members present voting:

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

No: 0

18. Mr. Peters: May I have a motion and second to amend the agenda to include Item 18, Resolution No. 35-14 and to waive the rules requiring a committee report?

Mr. Griffith moved and Mrs. Kiesling seconded to **amend the agenda to include Item 18, Resolution No. 35-14 and to waive the rules requiring a committee report**. All members present voting:

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

No: 0

Mr. Peters: May I have a motion and a second to read by title only, first reading of Resolution No. 35-14?

Mrs. Kiesling moved and Mr. Cerreta seconded to **read by title only, first reading** of Resolution No. 35-14. All members present voting:

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

No: 0

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, April 14, 20 14

Resolution No. 35-14 – 1<sup>st</sup> Reading – Finance & Property

A resolution expressing North Canton City Council's support for having Stark County's Court of Common Pleas determine, through a declaratory judgment, the validity of a voter initiative, Stark County Municipal Issue 5, which was placed on the November 6, 2012 General Election ballot, and Ordinance 23-14, as they pertain to City Council's Charter-provided authority to fix the compensation of its members and that of the Mayor.

Mr. Peters: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. As we spoke just prior to the meeting, this is to show our support for the clarity of the – the ambiguity of the two competing parties on this. And we support the judge's opinion however it will turn out.

Mr. Peters: Alright, do I have a motion and a second to adopt?

Mr. Snyder moved and Mrs. Kiesling seconded to adopt the first reading of Resolution No. 35-14. All members present voting:

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

REPORTS – COUNCIL:

Mr. Peters: Okay, reports. Member Werren

Mrs. Werren: I was at a Walsh Luncheon on Friday afternoon, their business students had this lunch and there were over 350 people there. And it was just again another reminder of how important Walsh is to this community and the people. It wasn't – there – it wasn't just students, I mean there were people from all over the community who I saw and recognized and talked with and to have that asset here and be able to use that community room and the parking, it's just tremendous. And we just need to keep remembering how important that is and the Washington Square. And when people say like, oh we don't have things that people visit, they do. I know most certainly that people even went over afterwards and were – they were going to have a drink at Winking Lizard, they were going to go to Walgreen's, stop up and maybe pick their groceries up. And we just have to keep remembering that all those things that we keep doing they do bring people in, and it's a big deal. And I'm real excited to see this with the North Canton tennis courts and our partnership with the schools. I think those kind of things are so important. And I hope that Plain Local, since my kids go to Plain Local and we do not have tennis courts, and have not had them repave forever, see something like this and see that those partnerships between the Trustees and the schools can work and what a good program it's creating for your North Canton Schools. So that's great. I think that's it for now.

Mr. Peters: Member Snyder:

Mr. Snyder: Thank you. A couple of things: number one, I received an email today from Sarah Buell at Stark Parks regarding the grants down there at the Zimber. As you know, we've been working on that for a little over a year. I spoke at length today to Representative Schuring. We've tentatively set a meeting for the 15<sup>th</sup> of May to which we'll have the Director Hoopingarner from the Muskingham, as they're viable partner. They're putting up our share of the grant. He'll be there as well and bring us up to speed on the Army Corp's study of the Zimber and what they're going to be doing. So he'll be there also. And members of the Emergency Management Team of the State of Ohio will be there. The grant has passed through all hurdles with exception of the last one that is now at the Historical Preservation Office. Once they sign off, hopefully by the end of April, it will go into the government for the required okay to FEMA (Federal Emergency Management Agency) to go ahead and begin the distribution of the money. And I think we have – as I told you thirteen homes. We applied for an additional thirteen and were unsuccessful to reach that grant. And we'll see what happens. So hopefully we'll be able to take those and get them done. And we've been fortunate so far, we haven't had the rains or the snow melts in that area. And there is some remedial measuring that goes on in the creek and all the City, it's like a snow alert. They all drive down there and start measuring the water as it rains. But hopefully we'll have this thing ready to go and in the hands of the residents down there by the first of June. So that is on Thursday evening at 6:00 at the Civic Center. Next Tuesday at the Civic Center will be a meeting on the actual trail, which might be encompassed. That's one of the ideas of using some of that land coming through our park and up. That's – there's three proposals and they're going to be at the Civic Center, Stark Parks, next Tuesday, I think at 6:00 to find out how they're going to actually bring that through the City of North Canton to connect eventually here to the "Y". I'm sure a lot of those residents, one of them is up Glenwood, and that's a little tough, and then if you travel Glenwood you know that

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the property lines, they would be a little difficult, they'd by right on their front porch, so - although Glenwood does need sidewalks for safety. It's not maybe the answer to that, but so I would encourage anybody that knows anybody on Glenwood, and I will alert my constituency there to come to that meeting for that purpose. And lastly I spoke to - last time I believe I had the privilege of being with Director Grimes and Engineer Benekos and we were on a conference call to a fellow in California who has the ability, he claims, to support our efforts to do 5 to 9 million dollars' worth of street paving. With your permission, I'm going to ask the Law Director to verify his credentials. He's not done this. He does a lot of bridges, a lot of other things, but not a lot of municipal road work. And that would be done with the monies that we raise from our existing street levy. He would leverage that into several million dollars. And so if I have your permission of the Council to go ahead and ask the Law Director to go ahead and verify it, we'll bring him in here in the next couple of weeks and have him talk to us and then we'll find out. But our roads are in terrible condition, as every municipality is, and we just don't - I don't see where we're going to come up with this money to rebuild a lot of these streets. And this would be set out with our five-year plan and we'd all know where our streets are going to be without any additional cost to the residents. I mean, it's costing them on the average of - they're all paying into that levy which generates a little over \$400,000 right now, and that will be up for renewal this fall. But we want to do that so that we can address that. That's economic development fundamentally without good roads and good streets. Once we fix those up, people fix their homes up ....

Mr. Foltz: Exactly.

Mr. Snyder: And it's a - you know if we let it alone, we start having deteriorating neighborhoods and that puts....

Mrs. Werren: Inaudible... said that, and they want to move.

Mr. Snyder: Yeah, they move, they just - or some of them they can't sell their home because there's a big pothole or the streets are crumbling in. You know when you see - we're the most envied government in the county for the condition of our streets and the way we maintain them. We're starting to slip there a little bit. It's like an old pair of shoes, you've just got to rundown heel and it's just not good. So I hope everybody gets behind us. If works I - you know it sounds good. It maybe sounds a little better than what it should be, but we'll find out. We'll get them here and we'll find out the nuts and bolts on it. But I do appreciate allowing me to venture off with the Director and the Engineer on that. So that's all I have to report right now.

Mr. Peters: Thank you.

Mayor Held: Can you clarify the dates of the meetings again?

Mr. Snyder: The first meeting is next Tuesday, I believe it's the 22<sup>nd</sup>, 6:00 p.m. That meeting will be held by Stark Parks relative to the walking trail that will come down from Stark State and connect to the "Y". They have three alternate plans, I think you were all given a synopsis of the three plans. That's at the Civic Center. And then on the 15<sup>th</sup> of May, with Chairman or Representative Schuring and the Chairman of the Muskingum Conservatory, John Hoopingarner and members of the Emergency Management Team of Ohio, and that's also at 6:00 p.m. We will send to the affected residents and anybody else that would like to be there. I know the one lady comes, there's one lady in Plain Township, in fact Doug was instrumental, she's getting her home bought out. She - because she kept calling and calling and they finally said, well the only way to keep her quiet is put her on the list, so they did. She's on there. So we'll give whatever we can.

Mayor Held: Thank you.

Mr. Snyder: You're welcome.

Mr. Griffith: And that's at the Civic Center?

Mr. Snyder: That's also at the Civic Center

Mr. Griffith: Good.

Mr. Peters: Member Kiesling.

Mrs. Kiesling: No report.

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Mr. Peters: Member Griffith

Mr. Griffith: I have a couple of items. We've had a couple of good meetings the last few weeks relative to some interesting efforts that are being made from an economic development standpoint. Walsh, Board of Education, and the City hopefully in some capacity are going to work on some really neat venture capital kind of efforts. And it was neat to be involved in....

Mr. Osborne (speaking from the audience): Can you speak up? I can't hear you.

Mr. Griffith: I'm sorry. We've had some good efforts to work on some economic development efforts with Walsh and the Board of Education and some other groups like that. So I'm excited about what's going to go on there. And I'm sure we'll talk about that some more. Along those lines, we're going to be working on updates to the public records policies as well. So we'll bring that before everybody so we have a chance to really talk about that. And I want to give kudos to Mark. He's been working with Karen just to get some information relative to the budget next year. And I think we're going to talk a lot about that as we move forward too. So I don't know if you want to expand on that. But that's all I have right now.

Mr. Peters: Okay. Member Cerreta.

Mr. Cerreta: No, I mean, I really don't have too much to say about that at this point. We've got some stuff - people need to bring in on that. Outside of that, I don't have any report. Oh, one thing to say. I missed the meeting last week. And I'm sorry I missed it, but it was reported that I had a, I quoted something. Robert, what was that meeting last week that we had that none of us were at? It was in the paper.

Mr. Cerreta: There was a report last week. It was almost half the page of the *Repository* of a meeting that we had over a year ago. I'm giving you the business right now. I'm not - but ....

Mayor Held: It was a misprint.

Mrs. Kiesling: They put an article in from a year ago.

Mr. Cerreta: And you don't know? You didn't know it was in there?

Mrs. Werren: They did?

Mrs. Kiesling: Yes.

Mr. Grimes: Yeah, Friday.

Mr. Cerreta: We were talking about the Little League fields and the parking on the Little League fields.

Mrs. Kiesling: And Chuck got thrown out. And that's the only reason I knew because one of my friends said, Chuck got thrown out again. I'm like, what the....

Mr. Cerreta: So I'm sorry I missed that meeting.

Robert Wang (*Repository* reporter speaking from the press table): Inaudible...

Mayor Held: That was the "Back in Time" section.

Mr. Griffith: 25 years back in time ....

Mr. Cerreta: I'm just wondering if it takes that long for the *Repository* to report it. That was my issue I was saying....

Mr. Foltz: Inaudible... Thursday.

Mr. Benekos: The best stuff ....

Mr. Cerreta: But anyways, you didn't know, Robert?

Mr. Wang (*Repository* reporter speaking from the press table): No.

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Mr. Cerreta: Oh man, I wouldn't of given you the business

Mr. Wang (*Repository* reporter speaking from the press table): I was out of town.

Mrs. Kiesling: You don't even read your own paper?

Mr. Cerreta: You were on vacation.

Mr. Wang (*Repository* reporter speaking from the press table): I was out of town.

Mr. Cerreta: Okay. That's what they do to you when – they mess with you when you're out of town. No report. Just giving him some ....

Mr. Peters: The business.

Mr. Cerreta: Yeah.

Mr. Peters: Member Foltz.

Mr. Foltz: Thank you, President Peters. Member Snyder, I echo your sentiment about the streets. I got a call over the weekend from Barbara Foltz, no relation. But at 160 Parkview and I think that predates me being here on Council. I remember there was no curbing put down and they expanded some parking at West Park and they just filled in where the sidewalk drops off to the apron just with asphalt. And if you drive down that road it looks terrible, because we had a brutal winter and we kind of patch it up every year. But I'd like to see that be a priority as far as in my ward as far as the list. We need to revisit that or do something with curbing and straighten that around. So I was going to talk to Jim about this and our Administrator and the Mayor to see, I know there are no funds this year, but at least let's see what we can do to clean up the street a little better. And then try to put a capital project together with curbing and to redo the street. She said it's been 30 years and I believe her - or 25. So that's something we can look to do. She also brought up the condition of some of the sidewalks. You know, sometimes in the winter to spring is not our best scenes here, you know, coming out in any community. And hopefully Mike, you can still work on some type of cleanup. I think walking around there's something we can all get involved with and help just clean up North Canton. And there's a lot of debris on the sidewalk. I don't know what the answer is, whether to have a cleanup and get the street sweepers out, because even Portage itself is - really as a main artery in the City it needs some attention. Also, I'll talk to you guys after the meeting, but Frank Colantuono over on Sheraton said he had another backup. It's the second one he's had within a year. And his sewer people ....

Mayor Held: I'm sorry. Say that again, he had a ....

Mr. Foltz: a sewer backup. And they ran it to the main and his contractors are telling him, he said they think it's a main problem at the street. And we had good intentions of having a neighborhood meeting last fall and just didn't get it done, due to timing or just scheduling conflicts. So I want to revisit that Sheraton Avenue, 200 block. I think his address is 259. Just make sure we camera that. You know, we're going to have these heavy rains again, and I don't want to see that street flooded out more than it has to. Obviously, these are acts of God, some of the rain, but we'll see if there is anything on our end we can do, or just, Jim if you can look at that with Jim Davis, just see how that's flowing. Is there anything we can do with that. It just doesn't seem right for him to have two backups; to have some Roto Rooter come out or somebody of that sort just to clear that line twice in six months. So....

Mr. Snyder: Well that was the line that I think those people's names were Snyder, if I'm not mistaken. Remember, they ended up paying like \$20,000 to dig the line up.

Mr. Peters: That was down there on the circle.

Mr. Foltz: That was the circle.

Mr. Snyder: Oh that was that.

Mr. Foltz: This is Sheraton. Sheraton Circle runs a little further south and then ....

Mr. Snyder: Oh yeah, but that was the same problem.

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Mr. Foltz: east of that, yes.

Mr. Snyder: But we have that ordinance where we changed the ordinance where the property owner's responsible ....

Mr. Foltz: Right, as far as the sewer fix.

Mr. Snyder: From the center of the street back.

Mr. Foltz: Back to the main.

Mr. Snyder: Yeah.

Mr. Foltz: Not just the curb.

Mr. Snyder: Right.

Mr. Foltz: No, this is, this is - there's no problem with it operating, it's just getting clogged up and when there is heavy rain, it floods out. I've been down there a few times watching it.

Mr. Snyder: It must be tilted a little bit.

Mr. Foltz: Yeah. So I don't know if we could just check that out. I promised him we'd look into it. So hopefully we can do that. And if we have to have a little neighborhood meeting, I'm all for it, just to educate everybody about what's going on. What we can or can't do or maybe there is some way to modify it.

Mr. Benekos: Do you say it's 259 Sheraton?

Mr. Foltz: Right. I mean that whole block. I think there is a storm that runs out in the backyards and comes up and there is a heck of a grade drop between Wise and that street, if you look at it. And I don't know if water pools up and it just backs up and - just see if we can.

Mr. Benekos: And the name, the property owners' name?

Mr. Grimes: I got it.

Mr. Benekos: You got it?

Mr. Foltz: Yeah. I'll talk to you after the meeting. That's it. Thank you.

Mr. Peters: Thank you. Okay, due to a lack of substantial content of agenda, there will be no meeting on April 21<sup>st</sup> next Monday. We will combine meeting on April 28<sup>th</sup>, Monday 7:00 p.m. And other than that, I have no report.

Mrs. Werren: What will come first, committee or .....

Mr. Peters: We're going to do committee and then legislative. We have a resolution and water.

Mrs. Werren: Okay.

## REPORTS:

Mr. Peters: Law Director

Mr. Fox: Yes, sir. Gayle Bruce in our Income Tax Department has started the counting for our collection on taxes in maybe a more meaningful way so you can see the result of what's happening in Mayor's Court. Each time, each day that she receives a payment for an account that we had to file a complaint in Mayor's Court to compel payment, she's just logging that in each day. And she went back and started that as of January 1<sup>st</sup>, and so far for our first three months this year we've averaged, just in collection of overdue income tax for the City, of \$8,000 each month. So that continues to bode well. We hope eventually once we get these taken care of, the backlog, that number won't be as substantial, but it is promising. We still have a number of those that have neglected to file, neglected to pay, and we'll stay after those. And it was not - it didn't appear overwhelming, I can't speak for the folks ...inaudible... income tax, but it was steady. There was just three, four, or five people just constantly there. As soon as they'd be

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taken care of there would be a couple more. So the filings were very busy today and we certainly anticipate the same thing tomorrow.

Mr. Cerreta: You know, Gayle Bruce, she does a hell of a job. If you would see her, I mean those of you who don't take time to, make sure you take time to make a comment to her about that, because I know she really appreciates that what she does, and that whole group. You guys are doing a wonderful job with that. That's something we never had. So good stuff.

Mr. Peters: Finance Director Alger.

Mrs. Alger: I piggyback on that, Gayle does a great job. She's very - it's a serious job for her. I mean she takes it in accuracy, everything. But like Tim said, we have not been as - as much in lines as we had anticipated and we really think it will be tomorrow. But yeah bear with us we will have probably the lines. But if you want an extension, you have to do that in writing, and it needs to be postmarked by tomorrow. So I thought I'd just let you know. That's it.

Mr. Peters: Okay. Director Grimes.

Mr. Grimes: Our street sweeper has a major break. Even though they've had it ready to go the first time they took it out there was a major problem with it. We're going to get that fixed, obviously. We had the crews out today sweeping the sidewalks between Charlotte and Bachtel on Main Street and scrapping up what they could. They were out on foot with the machine that power washes the sidewalks. So we'll get what we can, but we'll get the street sweeper fixed. That's why it wasn't out there, and you haven't seen it. Nuisance officers already removed this month, 11 junk motor vehicles from different places and they got them out. So you know we're moving on that. We're picking the easy ones right at the beginning to get our process down and then we'll - but we're out there. So we'll be doing that. I'll get a media release out to everybody, but May 12<sup>th</sup> we'll start selling pool tickets here at City Hall, and we'll release that in the next day or two. The price is the same as it was last year, but we'll start selling them here May 12<sup>th</sup>. So thank you, sir.

Mr. Peters: Mr. Mayor

Mayor Held: Yes. first of off I appreciate Council passing this resolution for the Declaratory Judgment. Thank you for doing that. And hopefully one way or another we'll have to file a determination here in the next what 30 to 60 days, hopefully sooner. And also, the State of the City, I think that....

Mrs. Werren: Nice Job.

Mayor Held: Thank you. I appreciate you all coming. It's, you know when you go through that process as Dan and Mark had mentioned, and also all of our Council members about going through our budget and you know that really, doing the State of the City it just forces you to go through every aspect of the budget. Tried to simplify it as best that we could, but we see that we've got a lot of challenges this next year that we simply have to address because the inheritance tax really was kind of like the silent supporter of our budget for many years. I mean on average we would collect \$800,000 a year. It was never below \$400,000. That's a lot of money. And in addition to that, our local government funds, our high point was close to a million, and now we're down to below what, \$300,000? So it's had a significant impact. And not to sound, you know, negative or cynical because at the same time our income tax is going up, but the overall pie is smaller. And the Administrator, and our Finance Director, and Law Director, our Engineer, all the department heads, they've really done a very good job of keeping things cost effective. So I appreciate Council's support on that area. And we will start working early on next year's budget, because we're going to have to make some decisions as far as our revenue, what we're going to do for next year. And also, we did have a TAP (Talk About Potential) that was just the week before, and TAP is Talked about Potential. A lot of community leaders get together. We had Richard Jusseaume that addressed TAP. And Richard has had a lot of success at Walsh. You know, he's built a lot of buildings, the institution has grown. And the purpose of that was to meet and talk about how we can improve the relationship between the City and Walsh, and so Richard has some ideas how we can do that. We'd like to improve communication. The one area that he spoke very highly of was Jim Benekos, our City Engineer. Because when you look at what Walsh is doing in their growth over there, they're going to be widening Market, but at the same time they've wanted to tie in new ingress and egress along Maple there. So that's what Jim's done is tied in the different grants, you know, like we talked about at the State of the City. I'm not quite sure how you do it, but it really doesn't - we don't need to understand it, we just benefit from it. So he's working on tying in different grants so



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that Walsh will be able to align their Westgate along with the traffic that comes from Washington Square. So that will be a real positive. And our President from Walsh was very excited about that and very pleased with the work that you're doing. And so we'll continue. And also Eric has done a very good job with them, and Mike as well. But clearly you know we can always make the communication stronger and improved. He is our - well Walsh is our largest employer, second largest employer.

Mr. Snyder: Largest, aren't they.

Mayor Held: And so - what's that?

Mr. Snyder: Aren't they the largest?

Mayor Held: Well, next to the schools.

Mr. Snyder: They're over 1,000 employees.

Mayor Held: Next to the schools.

Mr. Snyder: Oh they're larger than North Canton Schools.

Mayor Held: Are they? We had them down second. So yeah, we'll say our largest employer....

Mr. Snyder: Yeah, they've got a 1,000 or so....

Mayor Held: I had it reversed on the slide, I had North Canton first. But at any rate, yeah, our - they're a very large employer definitely for the City and they're growing....

Mr. Foltz: They're in the top two.

Mayor Held: And they certainly provide - they're definitely in the top two. But they provide a lot of, you know, tremendous amount of activity for the businesses over there. So we want to continue to work with them, improve our relationship with Walsh. And Jim, you are leading the charge on that because they were very impressed with what you're doing there, so thank you.

Mr. Benekos: Thanks.

Mayor Held: That's all I have.

Mr. Cerreta: I'll second that, Dave because he had talked with me about Jim too, and how he worked with Jim very well and how, you know, the things that we need. And I know that I've talked to Jim that that communication needs to just get better and better.

Mayor Held: Yeah, I think that we can do that.

Mr. Peters: Mr. Engineer.

Mr. Benekos: I'd like to ask for a raise now.

(Laughter)

Mr. Peters: Well I told Jusseaume you won't be around very long.

Mr. Griffith: As long as you can find the money from somebody else to give you the raise Jim, you're welcome to it.

Mrs. Kiesling: That's right.

Mayor Held: Oh, he can do that.

Mr. Benekos: I have no report.

Mr. Cerreta: You could get a grant from that, Jim.

Mr. Peters: Clerk.

Mrs. Kalpac: No report.

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REGULAR

Meeting

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FINAL CALL FOR NEW BUSINESS:

Mr. Peters: Alright. Final call for New Business, seeing none....

ADJOURN:

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

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

No: 0

Meeting adjourned at 7:52 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL