



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

NOTICE OF MEETINGS

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

Mr. Jon Snyder, Chairperson of the Finance & Property Committee of North Canton City Council has requested a meeting of said Committee Members, Mayor, Director of Administration, Director of Law, Director of Finance, City Engineer, and Clerk of Council, **Monday, April 14, 2014 at 6:50 p.m.** in the Council Chambers at North Canton City Hall.

The purpose of the meeting will be to consider authorizing a resolution of support for a declaratory judgment regarding the validity of Issue 5 and Ordinance No. 23-14. The meeting will be open to the public.

Council Meeting Agenda Monday, April 14, 2014 – 7:00 p.m.

1. Call to Order: 7:00 p.m.
2. Opening Prayer: Pastor Gary Plauger, Hope Family Church
3. Pledge of Allegiance
4. Roll Call
5. Consideration

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

6. Committee Minutes
7. Recognition of Visitors

OLD BUSINESS:

8. **Ordinance No. 24-14 – 3rd 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.

9. **Ordinance No. 25-14 – 3rd 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).
10. **Ordinance No. 26-14 – 3rd 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).
11. **Ordinance No. 28-14 – 2nd 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.

NEW BUSINESS:

12. **Ordinance No. 29-14 – 1st 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.
13. **Ordinance No. 30-14 – 1st 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.
14. **Ordinance No. 31-14 – 1st 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.

15. Ordinance No. 32-14 – 1st 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.

16. Ordinance No. 33-14 – 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 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”).

17. Ordinance No. 34-14 – 1st 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.

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:

Gail M. Kalpac
Clerk of Council

4/10/14-gmk

g:\2014 agendas\4-14-14 cm agenda.docx

(Finance and Property)

Resolution No. -14

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.

North Canton City Council met in regular session on the 14th day of April, 2014, with the following members present: Mark Cerreta, Doug Foltz, Dan Griffith, Marcia Kiesling, Daniel Peters, Jon Snyder, and Stephanie Werren.

Member _____ moved for the adoption of the following resolution:

WHEREAS: The citizens of North Canton adopted the municipality's first Charter on November 8, 1960.

WHEREAS: The City's Charter serves as its constitution, by which all other City laws, ordinances, and policies are subservient; and

WHEREAS: The Charter provides that City Council shall have the power to fix the compensation of its members and that of the Mayor; and

WHEREAS: The Supreme Court of Ohio holds that health care benefits shall be deemed as compensation; and

WHEREAS: Issue 5 appears to conflict with the City's Charter; and

WHEREAS: City Council passed Ordinance 23-14, which mirrors Issue 5, so that the spirit and intent of the proposed initiative ordinance could be properly enacted into law; and

WHEREAS: City Council supports a declaratory judgment from the Stark County Court of Common Pleas so that it may determine the legality of Issue 5 and Ordinance 23-14.

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

Section 1. That North Canton City Council supports having Stark County's Court of Common Pleas determine through a declaratory judgment the validity of Stark County Municipal Issue 5, which was placed on the November 6, 2012 General Election ballot, and Ordinance 23-14, as they pertain to the

Charter's provision that City Council shall have the power to fix the compensation level of its members and that of the Mayor.

Section 2. That this resolution 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

DRAFT

0471

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24,

20 14

The public hearing was called to order Monday, March 24, 2014 at 6:45 p.m. by President of Council Daniel Peters.

The following members of council were present for the public hearing: Foltz, Griffith, Kiesling, Peters, and Snyder. Council Members Cerreta and Werren were not present for the meeting.

Mr. Peters: Can I have a motion to excuse Members Werren and Cerreta?

Mrs. Kiesling moved and Mr. Griffith seconded to excuse the absence of Council Members Werren and Cerreta.

Yes: Griffith, Kiesling, Peters, Snyder, Foltz

No: 0

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 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.

Mrs. Kiesling: Right. This is a public hearing to potentially rezone where St. Luke's Lutheran Community is on North - in North Canton on Applegrove. They currently are, this parcel is currently zoned Office Business. We have the little map here that shows that the current little sliver that is yellow is the only parcel on their, in what they own, that's zoned Office Business. It was zoned that way many years ago and we're not quite sure why it stayed that way. But they want to do improvements and an addition and we need to accurately zone it for the addition. So they requested a zone to P and I (Parks and Institutional) which is what the rest of it is currently zoned. And it went through the Planning Commission without any issues. So I guess is anybody here wishing to speak for the zone change? Alright, anybody here wishing to speak against it? Okay.

Unidentified: That seemed fast.

Mrs. Kiesling: Yeah well, it's on the agenda tonight to speak about it again as well. So it won't get its first reading tonight though.

Mr. Peters: No.

Mrs. Kiesling: So the first reading will be the 14th - the 14th of April will be its first reading. Okay? Alright, that's it.

Mrs. Kiesling moved and Mr. Foltz seconded to adjourn the public hearing meeting. All members present voting:

Yes: Kiesling, Peters, Snyder, Foltz, Griffith

No: 0

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

0472

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24,

14
20

1. Call to Order

The council meeting was called to order Monday, March 24, 2014 at 7:00 p.m. by President of Council Daniel Peters.

2. Opening Prayer

The opening prayer was delivered by Rev. Tom Douce (Retired).

3. Pledge of Allegiance

All present recited the Pledge of Allegiance

4. Roll Call

Mr. Peters: Clerk, can you call the roll?

The following members of council were present for the public hearing: Foltz, Griffith, Kiesling, Peters, and Snyder. Council Members Cerreta and Werren were 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.

Mr. Peters: May I have a motion and a second to excuse Members Cerreta and Werren?

Mr. Foltz moved and Mrs. Kiesling seconded to excuse the absence of Council Members Cerreta and Werren.

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

No: 0

5. Consideration

Public Hearing Minutes – February 24, 2014
Council Meeting Minutes – February 24, 2014
Council Meeting Minutes – March 10, 2014

Mr. Peters: Thank you. May I have a motion and a second to approve as presented the public hearing minutes of February 24, 2014, council meeting minutes February 24, 2014 and council meeting minutes held March 10, 2014.

Mr. Snyder: Mr. President, may I have the privilege of a question please?

Mr. Peters: Yes sir.

Mr. Snyder: In the future I would request that the minutes, when there's a read statement from a person from the audience, that minutes so reflect that the statement is being read from prepared text. That it's not given verbatim, that is read from a prepared text.

Mr. Peters: Okay.

Mr. Snyder: I would request that be done in the future.

Mr. Peters: Clerk, make that notation. Thank you. Do I have a motion and a second?

Mr. Foltz moved and Mrs. Kiesling seconded to approve the public hearing and council meeting minutes as presented. All members present voting:

Yes: Foltz, Kiesling, Peters, Snyder

No: 0

Abstain: Griffith

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, March 24, 2014

6. Committee Minutes

Mr. Peters: Alright, may I have a motion and second to approve, as presented, the following Committee Report minutes: Community and Economic Development Committee Meetings held 2/24/14 and 3/10/14; Finance and Property Committee meeting held 2/24/14; Park and Recreation Committee Meetings held 2/24/14 and 3/10/14.

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

Yes: Peters, Snyder, Foltz, Kiesling

No: 0

Abstain: Griffith

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meetings held February 24, 2014 and March 10, 2014.

Finance & Property Committee: Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held February 24, 2014.

Park & Recreation Committee: Please refer to the minutes on file in the Council Office of the Park & Recreation Committee meetings held February 24, 2014 and March 10, 2014.

7. Recognition of Visitors

Mr. Peters: Alright, at this time if there's anyone wishing to address Council, please step forward, state your name and address for the record.

Chuck Osborne (reading from a prepared statement): 307 Fairview Street SE, North Canton, Ohio. On February 27, 2014, North Canton Mayor David Held released a confidential legal opinion given by Law Director Tim Fox regarding the 2012 Initiative to limit healthcare benefits for part-time elected officials. This action by Mayor David Held was carried out despite the Law Director's written admonition to Council members not to make the opinion public. The release of the opinion contained a cover letter from North Canton's highest ranking elected official that stated the following, and I quote, "The people of North Canton spoke clearly on the matter and I believe that the people of North Canton have a right to know the implications of the November 15, 2013, legal opinion on their vote in order to preserve the integrity of the election system. I personally followed that decision and I encourage all elected officials to follow that decision. Furthermore, I am releasing the November 15, 2013, legal opinion on the matter because I believe that a transparent discussion will follow and allow the City to resolve the matter and move forward. I do not believe that the ordinance approved by the voters of North Canton on November 6, 2012, should be challenged", said the Mayor. "I believe that we should adopt the ordinance by personal practice in this term and ratify it for future effective terms." The recent discovery that four councilmembers deceptively continued to use the City's health plan after the initial or after the December 1, 2013, deadline was termed unconscionable in a March 2, 2014, Repository editorial titled, "Citizen's request for public records led to disclosures." A previous Repository editorial on February 21, 2014, titled, "Residents should be mad as hell," the Editorial Board asks, and I quote, "In what universe can officials simply bury legislation approved by voters and pretend it doesn't exist?" Four members of North Canton City Council have attempted to fix the problem they created when they ignored the outcome of a citywide vote in 2012. Most taxpayer monies have been returned to City coffers. And I thank you. Admitting wrong is hard for anyone, even harder for public officials who know the admission of wrong is going to undercut the trust the public has in them and in the institution they are a part of. In recent weeks, City Council has agreed to abide by the 2012 Initiative, which we all know is a duly enacted North Canton ordinance that became effective December 2, 2012. Although taxpayers have recovered most of the public funds that were taken to provide insurance in violation of the ordinance, the next

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24,

2014

question that presents itself to this body is this: Should North Canton City Council expend taxpayer funds fighting the taxpayers in a lawsuit? The return of thousands of dollars to the City coffers by four Councilmembers and public apologies is recognition of the healthcare ordinance passed by the voters of North Canton. What will be gained in fighting the taxpayers at this point? You and members of Council must show voters that you respect the election process by ending the subversion that has gone on. The residents you are sworn to represent will gain nothing from any litigation on this issue. Council will be abdicating their duty to safeguard and spend public monies wisely if City Council chooses to challenge the healthcare ordinance. I ask at this time that City Council follow the expressed position taken by North Canton Mayor David Held and not challenge the ordinance approved by voters on November 6, 2012, and codify the ordinance passed by the voters. It is not worth the financial expense to taxpayers nor is it worth the further erosion of trust of City Council or the loss of political capital that you yourself will suffer. Thank you.

Mr. Peters: Thank you. Is there anyone else wishing to address Council?

Mr. Osborne: And by the way, that was prepared remarks. Just wanted to make that clear.

Mr. Peters: Anyone else wishing to address Council?

Larry Tripp: 1127 East Maple Street. Mayor Held, thanks in advance for getting those 26 lights fixed.

Mayor Held: Yes, we're going to take care of that.

Mr. Tripp: I just happened to catch the Mayor right before the meeting and said, just ask him to give me a little rundown on what was going on across the street. And I said well give me what you can, and he - we kind of grinned. And I said, but what you can give me immediately is service on fixing 26 lights that are out on South Main. So we just had a little joke about it. But what I would like to address tonight is, you know, little things like this happens to an aging city. And one of the first meetings I came to five, six years ago, I recommended that North Canton have a city cleanup on a two, twice a year, spring and fall. I recommended that to the Administration one of the first times that I spoke to Council. Nothing ever came of it. As I had conversation tonight with one of the citizens, North Canton has lost its beauty, its real beauty, the trees, flowers. Actually Main Street is not a very nice looking street anymore. It really isn't. You have walls falling down. Mr. Foltz, the tennis court on Glenwood, the little park we have there, I've never seen that used. You know, why couldn't something like this be taken up, the tennis court, the swings moved to Price Park, and have that as a citizen garden if you would, a little community garden. Dig it up. Little things like this bring back a community. And I would recommend that each one of the Council Members take a look at your certain area and see what you can really see. Just a small thing, a small thing like, you know city clean-up. You could get Boy Scouts, churches. There's a lot that can be done. But right now, North Canton, in beauty-wise, I think is going downhill. So that's all I had tonight, but I did want to thank you.

Mayor Held: Thank you.

Mr. Tripp: Have a good one.

Mayor Held: Can I respond?

Mr. Peters: Yes sir.

Mayor Held: Larry, first off I thank you for your comments. And just as an update, what - recently what our Administrator and Service Director has done is, when the weather broke we did send out all the city service workers and they had a cleanup all the way down Main Street. And so it wasn't the same city-wide that I think that you were requesting where we have, you know, the whole community take part in a particular day. But we certainly, what we've done recently, is we've had all the city service workers, the full and part-time that were available, they went all up and down Main Street with garbage bags just picking up all the litter. And then that's going to follow with our street sweeper which we run you know

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10146

Held Monday, March 24,

20¹⁴

throughout the season. So - but I appreciate your comments, and I think that having a city-wide cleanup is a great idea. We've done it from time to time for volunteer groups that would want to pick up a in a particular area or region like over in Dogwood Park, the branches. And so we've had a number of cleanup events in particular regions throughout the City. But I think that your point is certainly well taken, Larry. Thank you.

Mr. Peters: Thank you, Mayor. Is there anyone else wishing to address Council at this time? Alright, seeing none we will move on to old business. May I have a motion and a second to read by title only, the third reading of Ordinance 23-14?

OLD BUSINESS:

- 8. Mr. Griffith moved and Mrs. Kiesling seconded to **read by title only, third reading of Ordinance No. 23-14.** All members present voting:
 Yes: Snyder, Foltz, Griffith, Kiesling, Peters
 No: 0

Ordinance No. 23-14 – 3rd 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 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. This again is the third reading of the mirrored ordinance that was voted on in November of '12. This will put this into play. It will become, this ordinance will become effective not in this term, but in the term of 12/1/15. Although I think every council member has pledged to abide by this particular ordinance starting at this particular time. And I think the rest of it speaks basically for itself. And I'll make a motion to adopt the third reading of Ordinance No. 23-14.

Mr. Snyder moved and Mrs. Kiesling seconded to **adopt the third reading of Ordinance No. 23-14.** All members present voting:
 Yes: Foltz, Griffith, Kiesling, Peters, Snyder
 No: 0

- 9. Mr. Peters: Alright, may I have a motion and a second to read by title only, the second reading of Ordinance 24-14?

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

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.

Mr. Peters: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the second reading of the property over by Walsh University. Any questions? I motion we adopt.

Mrs. Kiesling moved and Mr. Griffith seconded to **adopt the second reading of Ordinance No. 24-14.** All members present voting:
 Yes: Kiesling, Peters, Snyder, Foltz, Griffith
 No: 0

- 10. Mr. Peters: Alright, may I have a motion and a second to read by title only, the second reading of Ordinance No. 25-14.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24, 20¹⁴

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

Yes: Peters, Snyder, Foltz, Griffith, Kiesling

No: 0

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).

Mr. Peter: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the second reading of the piece of property right beside the "Y" to add the mixed use overlay over the office building. Any questions? I motion we adopt.

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

Yes: Snyder, Foltz, Griffith, Kiesling, Peters

No: 0

11. Mr. Peters: May I have a motion and second to read by title only, second reading of Ordinance No. 26-14.

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

Yes: Foltz, Griffith, Kiesling, Peters, Snyder

No: 0

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).

Mrs. Kiesling: Yes, this is the second reading of the zone change. This is the property that has the carpools on it and we're just adding the mixed use overlay. Any questions? I motion we adopt.

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

Yes: Griffith, Kiesling, Peters, Snyder, Foltz

No: 0

NEW BUSINESS:

12. Mr. Peters: Moving on to New Business. May we have a motion and second to read by title only, the first reading of Ordinance 28-14?

Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 28-14. All members present voting:

Yes: Kiesling, Peters, Snyder, Foltz, Griffith

No: 0

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.

Mr. Peters: Chairman Foltz.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

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

Held Monday, March 24,

20¹⁴

Mr. Foltz: Yes, as we discussed in Committee and had some representatives from the high school come up, we're going to enter into another agreement with the high school to refurbish their five tennis courts, we did approximately 19 - I think it was '98 or '99. So if there are any questions from anybody, we'll move forward with that. We do have another letter from the Superintendent on this too, just explaining what the dates that the practice is used and the matches with the high school and other times and dates that the courts will be available to the public. If there are no other questions, I'll make a motion to approve.

Mr. Foltz moved and Mr. Griffith seconded to **adopt the first reading** of Ordinance No. 28-14. All members present voting:

Yes: Peters, Snyder, Foltz, Griffith, Kiesling

No: 0

REPORTS - COUNCIL:

Mr. Peters: That concludes New Business. Reports, Member Snyder.

Mr. Snyder: Inaudible....

Mr. Peters: Reports.

Mrs. Kiesling: Report.

Mr. Snyder: Yes, thank you. I will just say that I was privileged to have a meeting today with the Director of Administration and Engineer relative as I told you at the last meeting, we are working diligently on our road situation. It's in deplorable shape as most municipalities are in the area. It has always been my dream to create a program that we can eventually fix the majority of streets there that are in sort of fallen in sort of disrepair. The firm we spoke to, they'll continue to work with, giving them the numbers that we work with are between four and five hundred thousand a year in road repaving and that's kind of a small budget for a city of our size. They tell us that they can leverage that eight to ten times, which would give us between three to five million dollars to be spent in fiscal '14 this year. So hopefully within the next 60 day period we'll come to you with a program to show you that we'll begin to address the streets and with paving and rebuilding of the streets that are in shape. But, I appreciate the Administration and I do appreciate the Engineer following through on my wishes and the Council's support on that. So we'll get back to you and hopefully with some very good news on that. So....

Mr. Peters: Thank you. Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Peters: Member Griffith.

Mr. Griffith: No report.

Mr. Peters: Member Foltz:

Mr. Foltz: As Larry indicated in public speaks, I've been in favor of trying to do some kind of community cleanup. It's just a matter of when it would happen. I think there was a - we no longer participate with the spring cleanup do we, with the grants? I think I seen that memo come out. Some resident was asking. It's just how we would do it. I'd like to have further discussion on that. Maybe just make North Canton cleanup day. But I don't know what that would entail from the Administration as far as everyone brings their trash out there'd be another day of someone driving trucks around to clean it up because we all do not want trash out sooner than it has to be for the regular pickups. But I think there is merit to just having community groups or organizations walking up and down all the sidewalks, throughout all the wards and just doing some cleanup because it is that time of year when we're coming through the winter to spring and the City does look its worst in those time periods before the grass grows and just the snow all melts and litter is everywhere. So I'd love to see us put something together. Just look for the Boy Scouts, Girl Scouts, other community - whoever wants to get involved on a certain day. It could be a Saturday. Maybe sponsor the trash bags, or litter picks and gloves, and kind of meet somewhere and say this is where we're going to go. Mostly stay on the sidewalk or the streets right of way, but just pick some things up. Because maybe there are residents that can't do it; they're older. Whatever the reasons

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24,

20¹⁴

are, I think we owe it to ourselves just to go out there and do it, put the best face we can for North Canton. So maybe it's not too late to try to do something this year yet, even April or early May. Maybe we'll have some discussions about that later. Appreciate that.

Mr. Griffith: I remember participating in one that I think the Chamber and Rotary put on together. And I remember we planted like 10 or 12 dogwood trees. That was a part of our - we did cleanup some other stuff.

Mr. Foltz: Was it like Earth Day?

Mr. Griffith: I don't know when

Mrs. Oh yeah....

Mr. Foltz: Late April is Earth Day and it usually coincides with the cleanup.

Mr. Griffith: It was a great idea. And I agree we should really look at it again.

Mr. Foltz: Even not to even plant trees, just to go out and clean everything up.

Mr. Griffith: Right.

Mr. Foltz: You know

Mr. Griffith: But downtown Canton has a cleanup they do every year where they put flowers in and do a bunch of other stuff

Mr. Foltz: Yes, they do.

Mr. Griffith: inaudible... the Hall of Fame and things like that. And I think it wouldn't be a bad thing for us to look at either. People donate a lot of material.

Mr. Peters: What you referenced, who was the lead group on that?

Mr. Griffith: I don't remember. I know the Chamber was involved, the Rotary was involved. But I think it was a group of people here who looked ...inaudible...

Mr. Foltz: Maybe we'll get the Chamber and Rotary. Mike Grimes maybe you can contact them and see if we can go forward and get some other community groups involved and we'll just set a time a day whoever can get make it be involved.

Mr. Fox: Sometimes groups will challenge each other.

Mr. Foltz: Right. They'll have a contest how much trash they can pickup....

Mr. Fox: They'll have an agreement that they're going to do this, they get their own tee-shirts for these things

Mr. Foltz: Yeah.

Mr. Fox: and perhaps the Administration can find at the end of the day you have a barbeque at Price Park for all the volunteers that stayed.

Mr. Foltz: I've had park cleanups that would involve corporations.

Mr. Fox: Right.

Mr. Foltz: There's Make A Difference Day. There's Earth Day....

Mr. Fox: Earth Day -- great idea.

Mr. Foltz: A month, six weeks out, we could probably organize something. Even if it's early May....

Mr. Fox: Sure.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, March 24,

20¹⁴

Mr. Foltz: The way this winter is going, we might be mowing the grass by then. But I think that gives us enough time at least to put something together and then maybe have it an annual event, you know, because it does, I agree, I've had comments before so....

Mr. Tripp (speaking from the audience): May I just say one thing?

Mr. Peters: Yes.

Mr. Tripp (speaking from the audience): My personal plans would be North Canton has Main Street running north and south, you have Everhard, Glenwood, Maple and Applegrove coming from the west, and you have Applegrove, Maple, Schneider, and 55th Street coming from the east. To me, if those were the concentrated areas the first year, because those are the first things that people see when they come into North Canton. And I would want - I would suggest that you have your best dress on when somebody comes right into the City. That's just my opinion. To me, those are the areas I would really think North Canton should concentrate on first. When you have somebody showing the Hoover District, you have them coming in on those streets. The first impression means a lot. Thank you.

Mr. Foltz: Just a follow up. We could do that and maybe see how many, what it takes is someone to organize once you know how many groups are involved. You'd be surprised if you have four people that will walk down Portage. They're going to do Portage, and then they're going to do some secondary streets.

Mr. Tripp (speaking from the audience): Yes.

Mr. Foltz: They're going to have time to do that. If you have enough bags laid out, or you say maybe they're responsible to bring all their bags over to Price Park or our Rec Park area there on the corner of, you know, Lindy Lane and Maple. Maybe that's a good way to drop it off by the dumpster out there and everyone could be responsible just to take their trash there. That way it's not sitting out three or four days.

Mayor Held: Right.

Mr. Foltz: I mean let's see if we can get something organized

Mayor Held: I think it's a great idea.

Mr. Foltz: We've got some good energy going here, let's make it positive for us.

Mr. Peters: I envision a Team Osborne possibly out there.

(Laughter)

Mr. Peters: Director of Law.

Mr. Fox: I don't have the exact numbers with me, but I'll have them for the next meeting, but surprisingly we had some really remarkable numbers in tax collection for January and February, approximately 15K for each month. So it continues to plod along. Gayle Bruce in the Tax Department, Jane Housos in the Mayor's Court, and of course the Magistrate Nist. It's really clicking well. It's in a good place right now and with the ...inaudible... that have just been issued to me recently, there's plenty more to get after. So we'll stay on this. Nothing more. Thank you.

Mr. Peters: Director of Finance.

Mrs. Alger: Nothing, but something real small. That we did save about 2900 in Bureau of Worker's Comp, just from what they call lapse of filing. Just meaning it's filed early. Plus, we went green. You pay online and you get a discount as well. So, it's about 2900 we saved. That's it.

Mr. Peters: Very nice. Director of Administration

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24,

20¹⁴

Mr. Grimes: Just that the Superintendent Davis did have our folks out already this year this last week walking up and down Main Street if anybody saw them out there picking up some stuff, because we wanted to get it a little bit cleaner. I think he also has some plans that once we do that, once the weather breaks, he's going to use the water truck and go up and down and clean the sidewalks. And hopefully get rid of winter for good out of our sight. So....

Mr. Peters: That's good news. Mayor.

Mayor Held: Yes. Again, I think the cleanup days are a great idea and it's a good way to get our volunteers and get them together to just clean up litter and recyclables and I think that's a good program we should pursue. That's all I have.

Mr. Peters: Engineer.

Mr. Benekos: Two items. One on the Main Street signal project, everything's in, almost. So the cameras and then they came and they were installing the software. Well the software is updated software but it doesn't quite match up with the cameras. So they're going to have to look at either updating the cameras, no cost to us, but they just don't, different updated software. So we're still not synced up and the cameras still aren't feeding information and running properly. But we hope to get that fixed soon.

Mr. Griffith: Jim, I hesitate to ask a question, but do they have a timetable in place for that?

Mr. Benekos: No.

Mr. Griffith: Alright.

Mr. Peters: Jim, I've got a question too. Was there also a glitch? I was at the square and there was a fire truck that had come down and usually the lights turn red both ways....

Mr. Benekos: Right.

Mr. Peters: And they did not.

Mr. Benekos: They did not.

Mr. Peters: I think it took some people kind of off guard.

Mr. Benekos: Okay.

Mr. Peters: I was coming from this way and to come between the building and you can't really see or hear.

Mr. Benekos: Yeah. The preemption, I'll get - I'll check on that and see where they're at on that. And then the other item, the East Maple Street project, has been awarded. We had a preconstruction meeting with the contractor. I just received their schedule and it is preliminary, but they're looking to start here the beginning of April and start ripping and tearing. They're going to be two short periods that East Maple will be closed. We'll set up detours for that, and we'll get notices out at that time. But right now it's looking July 7th to the 25th, there'll be a closure from McKinley to Taft. There will be access to the parking lot from one side or the other. And then there'll be a closure from August 15th to the 20th. Now I need to check with Doug Lane on when the Main Street Festival is, see if we can - be sure that they have the section open from Main to where the existing McKinley is so they can utilize that area. But I'm going to be meeting with the contractor to see what they can accommodate us on that.

Mr. Peters: Jim, when we do that, when we direct the traffic, where are we going to direct the traffic to?

Mr. Griffith: The vehicular traffic will probably go up Pershing and across Hower. I think that's how we've detoured it in the past.

Mr. Peters: Okay.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 24,

20¹⁴

Mr. Benekos: Truck traffic, we'll try to pick up out on Market and route theinaudible... end to Schneider or north probably up to Applegrove.

Mr. Peters: What about south, if they're heading south if

Mr. Benekos: South from

Mr. Peters: Will they - will you send them up around behind the YMCA?

Mr. Benekos: No.

Mr. Peters: Okay.

Mr. Benekos: Yeah, because that's private in through the parking lot. We don't want to do that. We'll keep them on the public streets.

Mr. Peters: Okay.

Mr. Benekos: And that's it.

Mayor Held: I'm sorry. I do have one more announcement. We did swear in a new full-time police officer today, Michael Ataya. And typically what we like to do is have the new officer introduced to Council. However, he had so many family members here during the swearing in ceremony that they all had planned to go to dinner afterwards. And so we're going to bring him up at the next Council meeting. But Michael is a Glenoak high school graduate. He's served as a North Canton police officer for the past two and a half years on a part-time basis. And he was on the top ten to be hired for the City. And he was recommended by the Police Chief and the Sergeant and Lieutenant and also by our City Administrator, Mike Grimes. He does a great job for the City, very dedicated. And he was very excited to start working full time. And what that will do, is that will transition with one of our police officers that we expect to retire later at the end of this year. So it allows for a smooth transition so that we don't have any gaps in employment to keep our Police Department fully staffed. But you will meet Michael at our next Council Meeting. That's all.

FINAL CALL FOR NEW BUSINESS:

Mr. Peters: Alright. Final call for new business.

Mr. Foltz: I have one thing to add. I don't remember specifics, I didn't read it, someone told me about it, but is there a grant opportunity with our park system with Jim Davis through Macy's?

Mr. Grimes: Yes.

Mr. Foltz: Okay. Do you know more information on it? If you purchase things at Macy's, they match it dollar for dollar, is that right? And it goes into a fund that will help with our parks system? Is that correct?

Mr. Grimes: Yes, just this month of March. It started the 7th. We got it on our web page and we put it out to folks that

Mr. Foltz: Okay.

Mr. Grimes: They'll ask you when you make a purchase if you'd like to donate. And they choose - asked us for a park we chose Dogwood Park

Mr. Foltz: Okay.

Mr. Grimes: Or Price Park, Price Park.

Mr. Foltz: Price Park, okay. That's good to know. Anything that will help fund the park and recreation. So that's good.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, March 24, 2014

ADJOURN:

Mr. Peters: Alright, any other business to come before Council? If not, I'll entertain a motion to adjourn.

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

Yes: Snyder, Foltz, Griffith, Kiesling, Peters

No: 0

The council meeting adjourned at 7:39 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

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

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

The following committee members were present for the Community and Economic Development Committee meeting: Chairperson Kiesling, Committee Members Foltz, Griffith, Peters and Snyder. Vice Chairperson Cerreta and Committee Member Werren were 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, Superintendent of Streets and Utilities Davis, and Clerk of Council Kalpac.

Agenda Items:

Item 1a. Zoning Amendment – St. Luke’s 160 Applegrove Street NE, Parcel No. 9208695 from Office Business District to Parks & Institution

Item 1b. Tax Incentive Review Council/CRA Housing Council Recommendations

Mr. Peters: Thank you. Okay, we will go back to Community and Economic Development. Chairman Kiesling.

Mrs. Kiesling: Yes. This is the zoning amendment we talked about in the public hearing tonight. St. Luke’s has asked for a zone change on one of their parcels from Office Business to P & I (Parks and Institutional). Any questions or concerns? I’ll put it on the agenda to give it its first reading on the 14th of April then. We’re ready to roll. Alright, the second item on my committee, Jon is going to go over, he’s part of the committee so he’s going to go over the recommendations.

Mr. Snyder: Thank you, Chairman Kiesling. Last Wednesday morning – Tuesday, excuse me, we met the TIRC - the Tax Incentive Review Council as we’re charged by the State to every year review existing CRA (Community Reinvestment Area) agreements that we have. At the present time we have three remaining: One, the DeHoff property on South Main, LDM. The property is in total compliance with the initial layout. The payrolls are over \$100,000 higher than what the projected it was. And they have employment numbers more than to substantiate that. The second of the three is Reed Funeral Home. And again, they’ve successfully through - Mr. Bowles has installed an ADP system where their people come in, they clock in when they’re working in North Canton. When they leave to go back to their Canton funeral home, they clock out and their time in North Canton is charged. And their employment numbers have come up about 22 percent. And their employment dollars

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

are well within the guidelines of the projected as well as the employment levels. The third of the three remaining is Larry and Ruth Ann Parker, Limited Liability Corp. Mr. Parker had a ten-year, 50 percent abatement, operated the alarm company there and then last year, he had the privilege of selling his company to a firm and after a couple of months they did leave him there with an empty building. It started out the years that Mr. Parker has had that have been since, I believe '09. I don't have the exact number, but he's been there – here they are, he's had it since '09 through last year, he was in total compliance. He signed an agreement with us that his payroll would be \$402,000 plus, plus employees. Now that it's gone, he's unfortunately on the cusp of not - well he's obviously he's about \$300,000 short on his payroll numbers. It was thoroughly discussed and thoroughly vetted at the TIRC Review Council with the blessing of the school. Originally the Council was made up of about four members of county government. So they don't really so much understand the logistics or the personalities of the North Canton residents. And I asked the Chairman at that time, since this body was the one that granted the original abatement, we should be the body that decides where the abatement would go rather than, as Mr. Parker is a taxpayer in North Canton, that's why. And what we are recommending at this present time is a year of probation with a reduction in the actual amount of the abatement to 25 percent for five years allowing him this next year to get moving and bring more people. He's, so far since January, he's gotten two new tenants in there. And it's a matter of - and I realize this probably doesn't always factor in, but Mr. Parker does have a mortgage on the property, and this is allowing him to make his mortgage payments timely and still look out, and reach out, and get additional tenants which are taxpayers. Two taxpayers that he brought from Plain Township and their payrolls bumping up around \$50,000 right now. And these two little there's - one's a seasonal company, one's a year round. The taxes placed on the property are about \$6700 which \$2900 is forgiven and we're asking that that be reduced by half of that would be about \$1500, right? But it would still allow him time over the next year to fill it up, report back to the TIRC Council next March with the numbers, and then report to Council again the latter part of March telling us. It's giving him time to get that up to speed. And as I say, we could have that right at the TIRC Council, but I felt strongly since we did originally okay the tax incentive, that we should be the ones that determine that particularly, and they agreed with that. And that's about it.

Mr. Griffith: So just to clarify, just so I understand. Excuse me. We're going to do a reduction of 50 percent to a 25 percent with the understanding that that will be a one year piece and we'll review it again next

Mr. Snyder: We'll review it again and see how it's moving along, right.

Mr. Griffith: Okay. Alright.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

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

Mr. Snyder: Now it - now also have to make that particular thing, and Mr. Parker, I think knows that, and so the Council members know that, we cannot go back to the original 50 percent. Once the property is built that's wherever we reduce it, will be the life expectancy of his agreement. He cannot go back to half off again. I mean it will be – if he'll fulfill the last 48 months or four years at 25 percent that's the recommendation I bring back to the Council. Thank you, Mrs. Chairman.

Mrs. Kiesling: Thank you.

Mr. Snyder: Madam Chairman, excuse me.

Mrs. Kiesling: Any discussion, I completely agree with the recommendation. Dan.

Mr. Griffith: I think that's fine. Yeah. I mean, it's a relatively inconsequential amount of money from our overall perspective. So one day's worth of work with Jim Davis' crew, right?

Mr. Snyder: That's right.

Mrs. Kiesling: Right.

Mr. Snyder: Well if you go down Applegrove, which he's a party to the Applegrove corridor, and Mr. Foltz will attest to that. That's becoming a very focal portion on the northern part of our City, and he's got a beautiful building there. He's an asset to the - there's the building right there

(Mr. Parker is holding up a photo of his building)

Mrs. Kiesling: There it is. Thank you.

Mr. Snyder: He's an asset to the community. And you know – I'm - and he's a corporate neighbor up there, so they're happy with him. So....

Mr. Foltz: Good.

Mrs. Kiesling: Yep.

Mr. Snyder: I appreciate that thank you.

Mrs. Kiesling: Alright, we'll put it on the agenda for the 14th. And we need - do we need that on an emergency, Eric? Do we need that on an emergency?

Mr. Foltz: No.

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

Mr. Bowles (speaking from the audience): No.

Mrs. Kiesling: No, okay, I didn't think so. Alright.

Mr. Peters: All set?

The Community & Economic Development Committee meeting adjourned.

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

- Item 1a. Zoning Amendment – St. Luke's 160 Applegrove Street NE, Parcel No. 9208695 from Office Business District to Parks & Institution:** The Committee recommended legislation be placed on the April 14, 2014 council agenda for consideration, to amend 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 to Parks and Institutional.
- Item 1b. Tax Incentive Review Council/CRA Housing Council Recommendations:** The Committee recommended legislation be placed on the April 14, 2014 council agenda for consideration, to accept the recommendations of the City of North Canton Tax Incentive Review Council, concerning the agreements granting exemptions from property taxation, to continue two (2) and modify one (1) of the existing Community Reinvestment Area agreements.

Marcia Kiesling, Chairperson
Community & Economic Development Committee

Clerk of Council

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

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

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

Also present for the meeting 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.

Mr. Peters: And a motion and a second to excuse Council Members Werren and Cerreta.

Mrs. Kiesling moved and Mr. Foltz seconded to excuse Members Werren and Cerreta. All members present voting:

Yes: Griffith, Kiesling, Peters, Snyder, Foltz

No: 0

Agenda Items:

Item 5a. Mayor's Court Receipts – February, 2014

Item 5b. Financial Statement – January 2014

Item 5c. Financial Statement – February 2014

Item 5d. Presentation and Purchase of a Portable Road Patch Machine

Mr. Peters: Okay. And Jon, we're going to start with you.

Mr. Snyder: Not a problem.

Mr. Peters: Okay.

Mr. Snyder: Thank you. Let me get lined up here I got a little too far ahead of myself, I apologize.

Mr. Peters: No problem.

Mr. Snyder: Alright, you've all been given a copy of the Mayor's Court Receipts for February, 2014. If there are no questions, or additions, or corrections, with your permission I present that on the agenda as presented next three Mondays from now or two Mondays or – the 14th, I believe. Is that the next meeting? That's

Mrs. Kiesling: Did you motion?

Mr. Snyder: Okay.

Mrs. Kiesling: You motioned, I second. You're allowed to motion ...inaudible... if that was a motion....

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

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

Mr. Snyder: That was a motion.

Mrs. Kiesling: I'll second.

Mr. Snyder: Thank you.

Mr. Snyder moved and Mrs. Kiesling seconded to place the Mayor's Court Receipts for February, 2014 on the April 14, 2014 council agenda for formal approval. All members present voting:

Yes: Kiesling, Peters, Snyder, Foltz, Griffith

No: 0

Mr. Snyder: Item b. and c., I'll take collectively, if I may, are both financial statements presented to you - one January 2014 and the other financial statement February 2014. You were given a copy plus the expenditures for those periods. And if there are no questions or corrections, again I would like to place those on the agenda for full approval as presented next Monday, and that's in the form of a motion.

Mr. Snyder moved and Mr. Foltz seconded to place the Financial Statements for January 2014 and February 2014, on the April 14, 2014 council agenda for formal approval. All members present voting:

Yes: Kiesling, Peters, Snyder, Foltz, Griffith

No: 0

Mr. Snyder: Item d., in the 2014 budget was a piece of equipment. I'm not sure of the technical portion of it, but it is designed to patch the streets that are in terrible disarray. It's the type that once they patch it, I think it has a, like a three or four year life expectancy versus a couple of months that we're getting out of this other stuff. So the equipment is about \$69,000. I know that Member Werren had expressed some interest in us sharing with another municipality this equipment. Unfortunately when the equipment is needed, it's needed by everybody at the same time. We're all in the same weather belt so we all need it. So there's really not a reason that they would – that would work. However, the Superintendent of Services Davis has done some serious research, along with the administration, it advises that we purchase this equipment. The man hours that will be saved as well as the actual life expectancy of the pothole that it fits, it's put down hotter and seals with the proper amount of emollient, and so forth. As I said the technical, I apologize, I don't, I'm not a student of it, but I do know that it can pay for itself in a couple of years. And we'll have it around. It might pay for itself this year as far as that goes.

Mr. Peters: What's the cost?

Mr. Snyder: \$69,000. The savings, the immediate savings, are in manpower. We're challenged on manpower first of all. Our departments are about 30% under what their strength is. So just in manpower alone it will probably pay for 25 to 40% of the cost of the equipment right now doesn't take as much manpower. The average hole has about what, six men on it, two trucks and manpower to go out and patch a little hole. This will eliminate the majority of the manpower. The actual life expectancy of filling the hole increases by, what two, two and a half years. So those two factors alone will pay for the machine.

Mr. Griffith: Basically, I mean again, I'm also ignorant on these issues, so I apologize. But essentially as I understand, it will eliminate the need for us to ever use cold mix again.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

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

Mr. Foltz: Right.

Mr. Griffith: So we'll be able to use hot mix and permanently replace. I mean on Woodrow, of course where I live, the guys have been great about trying to get out there. There have been holes and you know, once or twice a week sometimes they'll get out there and try to replace them and then get in there. And I know it's a heavily traveled street. So this would give them an opportunity to become much more permanently do so which long term would be a cost savings for sure. So....

Mr. Grimes: Yes. Superintendent Davis is here and he has a short presentation

Mr. Snyder: Well I didn't say – I apologize.

Mr. Grimes: if you'd like to see it.

Mr. Foltz: Yeah, bring him up.

Mr. Peters: Thanks, Jim.

Mr. Davis: Thank you.

Mr. Snyder: We've got a little show and tell there.

Mr. Davis: Alright. Hopefully this will answer all your questions. Alright, this is what our streets look like here, pretty much everywhere you go. Alright, this is like in the curb and gutter, and this is eventually what's going to happen, okay, if we don't fix them. Alright, it's kind of humorous, but this is actually what we're trying to dodge, especially with this type of winter.

Mr. Fox: There's one over in the Giant Eagle parking lot now right now and it's about that size.

Mr. Davis: This, I think is the post office. Alright, well anyway, I'd like to start out with a little bit of humor with everything that I do. Alright, so here's what we've got right now, our current operation is we use HPM (High Performance Asphalt) mix. As you can see there on the right is a picture of our street crews putting hot asphalt in the roads, and we've got a roller it in, which really compacts it in. Now in the theory of a pothole, you'd have basically two walls of material, you've got cold asphalt which is the road, and then you've got that hot HPM. And you're trying to smash it together as much as you can, but you still have this crack in that surface, okay, all the way down to the bottom of the pothole. And you're thinking, why in the heck is the street crew on my same location three or four times a winter? Well, because the water gets in that crack freezes, our plows hit it, peels it right off. I mean eventually - again then you have a bigger pothole. So right now we use on a - if we have a full crew, we use about three tons of HPM which is High Performance Asphalt. Alright, it takes about three or four road personnel to do that, minimum three. Mainly it's more like four of five, realistically. Alright, we've got a truck, a roller, some hand tools, and for the costs of the day, it's about \$1200, you're talking labor, everything. That's what we do right now. Okay, now the future operation is that machine that you see on the right there is called a Dura Patcher. There's a couple products or double, a couple of manufacturers that do that. But what it does, and I've got a video here that I'll show to you here in a minute, but what it does it takes liquid asphalt, it's called emulsion, and sprays it in the hole - a liquid, a hot liquid and

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

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

then integrates aggregate, like stone, like number nine's or eight's or whatever we determine is appropriate in with it. It's air-fed, so it's forced into the material. It's kind of like chip and seal. Remember I told you about it's kind of like a glorified chip and seal machine. Well this is really what it is. Well now all of a sudden, remember you talked - I talked about the theory of a manhole where you've got two sidewalls? Now all of a sudden you have a hot liquid now that's forming around the hole, and it's bonding even to the interior walls of your pothole. So as you fill it now there's no way water can get into it. It's like caulking the windows of your house. Okay? So that's what keeps it from a new pothole or an existing pothole becoming a new pothole even though you visit the same thing. You can get away with three road personnel on this particular vehicle. You've got a truck, the patching machine, some hand tools. Now this here is around \$1500 a day. Alright, so now you're thinking, okay Jim, you said earlier it was \$1200 a day and now this is \$1500 a day. You're not taking into account the three, four times we've got to visit the same hole under the old situation compared to a permanent fix at \$1500. So you take that \$1200 times three. Yeah.

Mr. Foltz: Real quick, we have our own materials then, we don't have to wait on a plant to go get HPM or go to Northstar ...inaudible... is that correct?

Mr. Davis: That is....

Mr. Foltz: You can have these materials on the ground in stock....

Mr. Davis: That is exactly right.

Mr. Foltz: on the grounds – the City's grounds so you don't have to wait in line. If it's a great - a good afternoon opens up, you can schedule the crews and just go do this. You're not waiting on a plant to go purchase something.

Mr. Davis: That's exactly right.

Mr. Foltz: So that's a key thing to discuss. I think that's awesome.

Mr. Davis: You're exactly right. So like right now we use a truck similar to like the one that you see right now. It's about an hour and fifteen minute round-trip

Mr. Foltz: Right.

Mr. Davis: for one guy to wait at an asphalt plant to get this material. And it's got to be used that day because it stays hot. So you can only use what you've got. Once you're done with it, or let's take Friday. We actually had material in our truck when we had that instant snow storm. Okay? We actually, we got caught, you know with a lot of material that we had to get down right away after the snow storm. So now you've got four or five guys you're trying to figure out what to do why this truck's making its round trip? So yeah, thank you. Okay, so yeah right here, so we can get this stuff that you plug it in, it's preheated, bam you schedule it, you can be on the road like 7:15 in the morning immediately doing it, any kind of the weather, it doesn't matter when. We can do it all year round, 365 days a year, whatever you want. Now the one on the left is going to be the video that we took of a demonstration. Now this is the one up here at the Civic Center in the parking lot. I don't know if you can hear it or not, but right now the machine comes with a compressor, or a blower. So it basically blows all the debris like leaves and stuff that you can see right now, loose gravel, all that type of thing. Now this machine here is ergonomically correct

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

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

where it's all the weight of that hose is supported by a line. The operator, all he has to do is just kind of like steer the hose. There's no weight to the operator whatsoever. So then, I don't know if you can see it, okay, so right now then he's going to be spraying the hot emulsion down onto the pavement. It's just like a spray. So you can see right there on the screen, you can see the - you know it's almost like a sealer that you're doing inside that pothole or anything. Now this here is actually a crevice in the Civic Center Parking Lot. So like if we have water ditches that sunk, we can actually go in and level them, up to like a half an inch thick or even a quarter of an inch. So you don't have those road bumps anymore. So now what it's doing now is that it's forcing stone now down into that liquid. So now you can see the edges that it had before. When we're done, there are no edges whatsoever. You know, we got that issue right there on Applegrove going down the hill from McDonalds where the trucks set off the guys house alarm all the time because of that divot. With this machine, we've patched it twice now. With this machine, I can go in there and make it all level, make it smooth and it will stay there forever.

Mr. Snyder: Have you been monitoring that particular pothole at the Civic Center?

Mr. Davis: Yeah, on the next slide we'll show the demonstration on the right, and then I'll show you the results of after the winter. Just last week, I took some pictures. Alright Mike, let's go to the one on the right, if you could please. Okay, so that's mainly what we do on the roads. So the one on the right is on Church and Lindy Lane. Now how many times do we see these crevices in our curb and gutter? Just drive up Maple Street, especially after we clean it. Okay, so now he's putting down that emulsion right there. Okay. So we come out from the hole a little bit. It's kind of like waterproof city, he sprays all that in there. Now he's putting stone and material with that emulsion inside that curb and gutter. This is actually in front of somebody's driveway. Now we've got a lot of these issues too where residents are trying to pull out of their driveway, they've got a hole in their curb and gutter and cement will only last so much. If you look up and down Maple we tried to cement that last year, last fall because of some issues, and it's already, you know, torn out.

Mr. Fox: Applegrove really seems to suffer from that. That curb and gutter that they have, when it plows each year it just takes more and more off that spot. That's terrific.

Mr. Davis: Yeah, exactly. So now like this form of this curb and gutter, we actually kind of form this a little bit, you know, so esthetically look nice and it would do water drainage. Now, both these pictures are both on Church and Lindy Lane. This was taken last week. The one on the left, I did half of the trench with the machine and left half undone, and we did HPM with that. As you can see, there's no HPM left. But the patch further down the street towards my truck, right where that mouse is located, the pointer, that is unscathed. It's as smooth as when we put it in. And we actually did have HPM on this front side. We actually did a test, and it's all gone, it's probably in the person's yard. Okay, so now the one on the right, right there just right above the mouse, is the hole that we did last fall. Okay, so it's gone through every single snow event, all the snows, all the plows, all that stuff, and it is still exactly how we did it.

Mayor Held: That's impressive. And that - excuse me, that's like at least what 60 snow events for salting and

Mr. Davis: We've had, well including the last one, was 69 snow events. Yeah.

Mr. Foltz: Thanks Jim, I think it's a great system. Is there a way esthetically that we could match the concrete color? I think, down the road, if you're looking at curb, it's all whitish....

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

Mr. Davis: Right.

Mr. Foltz: You know what I mean? It's just - I don't know how that would look esthetically. It's going to function the right way, but what can we do to - and I think that's going to be maybe brought up. That's all I would say. You know. How would we address that?

Mr. Davis: You know that's always one of those questions. Is what do you want to spend your money on?

Mr. Foltz: Right.

Mr. Davis: You know it's either you want to fix it, and I can fix it permanently for you. Is it going to look gold-plated, maybe not. Or you know, if we use a cement bi-product, we will be revisiting it using material, labor, and all that type of stuff. So it's really depending on, you know, the avenue that you really want to go.

Mr. Snyder: Well, where the curb plate is, you could put some like a paint, or you could put something on that before you begin to spray that, some type of a roll out laminate that would, that you could just remove. It's breaking away from the plate. That's where the problem is, right at the curb and then there's the street plate, and that's where the part is separating from, or it's the fill underneath the street. I don't know what they put it there before. We had that problem on Main Street, at the cracks that had come through. But couldn't you lay something on the curb plate before you sprayed it?

Mr. Davis: Oh, yeah like

Mr. Snyder: Then you wouldn't spray the curb....

Mr. Davis: Oh no, that nozzle is very controlled. It's not just like a pump sprayer where it just goes everywhere. That nozzle is very controlled.

Mr. Snyder: So, you won't be spraying everything all over.

Mr. Davis: No, like we didn't get anything at all on that guys driveway.

Mr. Snyder: Oh well then

Mr. Davis: Yeah.

Mr. Foltz: Even at Price Park, there was a car right next to the demo, you didn't get anything on the car. That was probably there to show how defined that spray is. Jon, my point was that if we do curb patches and they're, you know ...inaudible...

Mr. Snyder: Oh, you're talking about the actual concrete?

Mr. Foltz: Yeah, in the concrete areas, how does that look esthetically, even though it's functioning right. That was my point.

Mr. Snyder: I misunderstood you.

Mr. Foltz: That was purposefully done to fill that hole in, you know because it's more permanent.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: FINANCE AND PROPERTY COMMITTEE MEETING

Held: March 24, 2014

Mr. Snyder: I misunderstood you. I apologize.

Mr. Foltz: That was my question.

Mr. Davis: You know, one of those things, to your point exactly, is then you know, to fix it properly, is we're going to have to tear it out.

Mr. Foltz: Well, I didn't know if there was a solvent we can go over to kind of match the color afterwards. As much as that is going to be used on the curbs.

Mr. Davis: Yeah.

Mr. Foltz: Is it just curb use there or is it just more or less the street, the asphalt area?

Mr. Davis: It can be used really for filling anything. You know, if you use a paint on that or something, it's going to wear

Mr. Foltz: Yeah.

Mr. Davis: It will wear off.

Mr. Foltz: I'm just looking for something to soften the drastic changes.

Mr. Davis: Yeah. But anyway, that's their performance of the machine. The vendor that we do have Jon, I've just been talking with this week. Actually, he emailed me Thursday. They're getting a new STS (State Term Schedule) contract number for it and I think it's going to be about ten grand less.

Mr. Snyder: Oh, good.

Mr. Davis: Yeah. So, it's probably going to be close to \$56,808 and some change or something like that. The thing we're waiting for right now is for them to get approved by the state. They were approved by the state for a contract. They had a contract number from the state on last years' machine under the old price. So I'm going to see when they get approved in April for the STS number for the new machine price. So we'll see how that goes.

Mr. Snyder: Mr. President, I think it's my understanding they want to move faster than slower in purchasing this equipment. I would like this committee to entertain emergency legislation so that they can go to the Board of Control on this and get it into service hopefully mid to late April, so that when the time is ready to go. Otherwise, it will be sometime in June before we got it ready to go and we would, if you'll please consider that request on that. I do know they want to go to the Board of Control as soon as possible on it.

Mr. Peters: Everybody okay with that? Okay.

Mr. Snyder: And that concludes that portion. Thank you very much.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

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

The Finance and Property Committee meeting adjourned.

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

- Item 5a. Mayor's Court Receipts – February, 2014:** The Mayor's Court Receipts were reviewed and will be placed on the April 14, 2014 council agenda for formal approval.
- Item 5b. Financial Statement – January 2014:** The Financial Statement was reviewed and will be placed on the April 14, 2014 council agenda for formal approval.
- Item 5c. Financial Statement – February 2014:** The Financial Statement was reviewed and will be placed on the April 14, 2014 council agenda for formal approval.
- Item 5d. Presentation and Purchase of a Portable Road Patch Machine:** The Committee recommended legislation be placed on the April 14, 2014 council agenda for consideration, authorizing the Director of Administration to advertise and receive bids and for the Mayor to be authorized, through the Board of Control, to enter into an Agreement for the purchase of one portable road patch machine for use by the Street Department from a vendor or, in the alternative, pursuant to the Ohio Cooperative Purchase Act.

Jon Snyder, Chairman
Finance & Property Committee

ATTEST:

Clerk of Council

\\sbs2k11\redirectedfolders\gall\2014 minutes\3-24-14 finance & property.docx

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

The Personnel & Safety Committee of North Canton City Council, as part of the Committee of the Whole meeting, was called to order Monday, March 24, 2014.

The following members of council were present for the meeting: Chairperson Peters, Vice Chairperson Snyder, Committee Members Foltz, Griffith, and Kiesling. Committee Members Cerreta and Werren were 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, Superintendent of Streets & Utilities Davis, and Clerk of Council Kalpac.

Agenda Item:

Item 2. Amendment to Exempt/Part-Time Ordinance

Mr. Peters: All set? Alright, next Personnel and Safety Committee. That would be myself, we're talking about amendments to the exempt, part-time ordinance regarding compensatory time for exempt employees. And you know we've been talking to Karen about this and there are some benchmarks that the State Auditors want to see. And Karen, I can bring you in real quick if you'll kindly give us a quick overview. I know that the auditors would like to see this in ordinance form I would imagine, and be placed into the handbook or just in an ordinance.

Mrs. Alger: If we place it in the handbook, then it still has to be passed by Council.

Mr. Peters: Okay.

Mrs. Alger: They just want to know that all - there's more than just one person making that decision. If it's in Council through the handbook, that's fine. But they just want - because it was originally in an ordinance, they just wanted to see some form of response from the Council. So it has been implementing, but that's, I'm coming back from more of the housekeeping procedures so that Council is authorizing it as well.

Mr. Peters: Okay. Now I've spoken with the Mayor. Mayor, I'd like you to jump in on this. We talked about not only you know putting this ordinance in place, which I don't have a problem with, but how are we going to address it in the time cards and that type of thing. And you can address it.

Mayor Held: Here's the - this problem actually - well this issue dates back to when I was serving as the Administrator. And if you look at the present time cards of our exempt employees, it shows Saturday through Sunday, I believe. And typically the exempt or the salaried workers, which are usually the supervisors, they do not get overtime. And according to the city ordinance, the City Administrator can have the exempt personnel work the necessary hours in order to sufficiently or adequately do their duties. Now we know that we've got a 24/7 operation, so at the Police Department, it's operating 24/7; Fire, EMS, 24/7; Water - Water Department - Water Treatment, that's 24/7. However, the supervisors or the

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

department heads for those particular departments are responsible for that department 24/7. With that in mind, in some cases if you have snow plowing that's taking place or there's snow plowing on a Saturday for 18 hours straight. You have supervisors that are available or aren't on duty for Saturday and Sunday. It could be from Sunday from let's say 5:00 in the evening till, you know, 9:00 or let's say 7:00 the next Monday. The problem is that our present timesheets and this dates back again when I was the Administrator, and I had initiated to have a more accurately reflective time card. But it never really was implemented because at that time the Finance Department, this is previous to our present Finance Director, felt that it was easier to calculate the timesheets when you have Monday through Friday, 8, 8, 8. But again, it didn't accurately reflect the hours that the exempt employee was working. So since Mr. Grimes has been in as Administrator what he has brought up and what we've, you know obviously purposed to do at the beginning of the year, is to accurately reflect the hours that the exempt employees are working. So if it is 18 hours on a Saturday or on a Sunday, then that's the hours that are reflected. Under the present situation if they're working 20 hours on a Saturday and Sunday, the only way that they could catch sleep at home on a Monday morning is they'd have to take vacation, or take time off which, you know, of course we're not going to have them do that. Typically, what would happen in the past is they just wouldn't put the 18 hours down on Saturday or Sunday, but they would mark that they were, you know, working on Monday. And again, this is - it's just been a accepted practice. So what we're attempting to do is trying to align ourselves with the AG's Office, the Attorney General, the way that they manage it and the way that other municipalities manage it, the way we do down at the Solid Waste District. We've done that for, gosh 10 years there. As they put down the hours that they're working, you know within a half hour time frame, and then at the same time they can carry that additional time up to - with the Attorney General's Office they have 240 hours, you know, as some of our council members have mentioned, that's not necessary. They would say up to 240 hours of additional time. It cannot be paid out, it can never be paid out. We don't need that. I think it was mentioned like at 40 hours where they can't exceed 40 hours on a payroll for the comp time. And what that does, is that an individual is able to carry that additional time, but they can only take it when the City Administrator or the appointing authority approves that. There's no guarantee that they get the time. It's just that it does allow, gives that latitude to the leadership to say, okay you can take, you know Wednesday off because you've been snowplowing for three days, you know at 10 or 12 hours a day, which in some cases we need that. With some employees, if they have, we have plenty of exempt employees, they've got 5, 6 weeks' vacation, they don't even use their vacation time. So in those instances, it's not going to matter because they're just not even using all their vacation time, because they can't. In some cases where you have newer personnel that have less vacation time, then they would be able to utilize that. But again, I'd like to remind all of our Council members that if you are the City Administrator and you're vacationing in Myrtle Beach, he's still responsible for the daily operations of the City. If you're the Water Superintendent and you take a vacation, you are still responsible. The same thing with the Finance Director. Just their absence from the facility or the building itself does not relieve them of their responsibility for the department. So this is not going to lead to any payout. It is a one for one time, whereas with our other departments, they get a one hour, for a one and one half hour of comp time or pay. So there's no cost to the City on this, but it does - really what it does is it allows us to accurately reflect the hours that somebody's

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

putting in. And rather than writing down that they're working Monday through Friday from 8 until 4:30, 40, when that in most cases is not the case. They can just accurately reflect their time. And you know that's what our goal is. Originally, myself and the Council President Snyder, he had signed the letter in addition to the Administration, because of course we were advised by the Law Director that we did not have to have an ordinance for this. It's just, you know, an executive policy which we're entitled to do – to do that for the daily operations of the City. We don't always have an ordinance to say how we pick up the phone, you know, or what we're going to say. So it's an executive policy. But then as our Finance Director, Karen Alger had mentioned, that she would be more comfortable after talking with the State of Ohio. If we have, not necessarily a resolution, but even a – not necessarily an ordinance, but a resolution recognizing what we're – what we've been presently doing.

Mr. Fox: You can have a - it's more appropriate, I think, because it's clearly an administrative action. And North Canton's got into the habit of providing a ... - an ordinance for everything versus a resolution. Because an ordinance does cover everything that a resolution would, but a resolution doesn't necessarily cover as much as an ordinance. The Ohio Supreme Court has said, we don't care what you call it, tomato, tomato, we're going to look at the meat of it and regardless if you said it was an ordinance or resolution, dependent upon what its purpose is, we're going to determine whether or not it should have been a resolution or an ordinance. Here, in an administrative action adopting a policy regarding pay and vacation and so forth, it's in my mind, it's clearly a resolution. But it doesn't matter either way, it's something that you would implement in a policy that would go into your employee handbook and when that's revised it will be a part and parcel event.

Mr. Peters: Okay. So one of the things that we're going to get is a more accurate timesheet; we're going to be in compliance with what the State Auditors want to see. And I guess all we really have to decide is, you know, how do we want to structure this? Is, you know, do we want to cap it at 40 hours? You know, and the Mayor made the comment, it doesn't matter what it is. They're not taking the time off unless the appointing authority, you know, approves it. And a lot of times, in Mike's case, it's going to be probably for safety reasons. You don't want someone coming and working an 8-hour shift on a Monday if they've been plowing for 18 hours in a row. So you know that's...

Mayor Held: And the other thing to keep in mind, you know historically for our departments, we would have up to like 6 or 7 supervisors. Right now in our Service Department we have 3. We've got 1 Superintendent of Services and 2 operations managers. And you know with vacation, that they are obviously entitled to, and with water main breaks, and snow plowing particularly when we had 69 events. I mean the number of hours, it was just, it was really incredible the hours that they had - the additional hours above the 40 hours that they had to put in. And that's really one of the things that we recognized that we have to accurately reflect to those hours. Whereas, you could have another exempt employee that, you know, does not do the snowplowing or the water main breaks, you know they've – you know they're obviously not going to accumulate those times where, that you do in the Service Department. But again, it's - we've got to accurately reflect the time. One example, if we had an employee that was walking and fell and broke their arm, you know, and there's a, you know, it's filed

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

with the Workmen's Comp claim, we've got to be able to reasonably demonstrate that they were working on the clock. But under the present scenario, if it happened on a Saturday while they're out snowplowing, there is no record. There is no time clock. There is nothing to reflect that they worked that Saturday or Sunday under the present system. So it's really to be fairly and accurately the times in a manner that our Finance Department is in agreement with, and that the State Auditor is in agreement with, and that is legally permissible according to the AG's Office and our Law Director. But again, the - I think the AG's Office has 240 hours which we, you know, it just would never get to that point. We don't, you know we've just got a small group of employees. Is that correct?

Mr. Fox: That's correct. I think one of the ancillary benefits that you're going to receive from this as well is by tracking all of that time you're going to be able to see from your exempt employees what you would be able to see from those in the bargaining units. If you're going to have a department where one department head has 400 hours that, you know, they can only get up to that 40, but it's, they're - they keep putting that on their time sheet that they're working another 10, 15, 20 hours in every, any week period, if you're going to see something significantly lower in another department it's probably going to tell you that....

Mayor Held: Yes.

Mr. Fox: one probably needs some assistance and the other maybe not so much.

Mayor Held: Yes. If I can add, that's a very good point. Because right now when we go to assess our department heads, you know for example at the water - Water Superintendent or our Water Distribution, there is no way that we have presently documented the number of additional hours that that superintendent places for water main breaks and/or snow plowing. It's just not documented. So when an exempt employee says I'm working a lot of hours, we believe they're working a lot of hours, but we have no way to accurately determine that. And whereas in one department it could be very high, and one it could be you know less. That gives the Administrator the opportunity to assess that department as far as the leadership needs.

Mrs. Kiesling: I have a couple questions.

Mr. Peters: Yeah.

Mrs. Kiesling: Question as far as vacation time, because I can't remember the answer. Do they carryover all their vacation time from year to year?

Mr. Grimes: One week is what's allowed.

Mrs. Kiesling: So one week can carryover. So the next year they have

Mr. Benekos: Three weeks.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

Mayor Held: What's that – that's three weeks?

Mr. Grimes: Up to three, yeah.

Mrs. Kiesling: four weeks, but they don't - go ahead.

Mr. Grimes: Three, yeah. I'm sorry, up to three.

Mrs. Kiesling: So you can carry over three weeks. Okay. The second question is, and I can't remember this either, when they retire, what do we pay out? Sick and vacation or

Mr. Snyder: Yes, sick and vacation.

Mrs. Alger: Sick and vacation, but you have to be here 10 years to be paid off for sick.

Mrs. Kiesling: But you can get your vacation?

Mrs. Alger: Yes, you get vacation.

Mr. Peters: Twenty-five percent. Correct?

Mrs. Kiesling: For sick.

Mrs. Alger: That's sick and that depends on when you got hired.

Mrs. Kiesling: Then you get all your vacation.

Mayor Held: Correct.

Mrs. Alger: Correct.

Mrs. Kiesling: So I think you know where I'm leading on this. So my concern is and you know I work in the private sector where I am salaried and it doesn't matter how much time I put in my check is my check. I do believe there are some safety issues as far as these guys out snowplowing, and yeah, they need to get some sleep, and yeah, they shouldn't be using their vacation time. I think you know there's got to be some guidelines. So comp time, are we giving you guys comp time for being at our meetings, because that's part of your job? You know, I need to know what is considered time above and beyond your job duties....

Mayor Held: Yeah, and

Mrs. Kiesling: that would be considered comp time, because obviously you can use all your comp time in a year and carryover three weeks of vacation every year, and that's a nice little hefty payout that I would love to have when I retire that, you know, I can't do. So that worries me a bit. I definitely like the cap as far as the 40 hours. However, you made the comment

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

that once they use 5 hours in 4 hours, they can add another 4 hours. I don't agree with that. I believe there should be a cap in the year. It should be 40 hours per year, or I may even bend to 80 hours per year, but I just can't even imagine going beyond that. I realize what they do as far as the snow plowing. And I think there are exceptions and I don't – I think that exceptions can be made, you're their boss. They can say, my god, it is not safe for you to come in today. You're - you get the time off. There is nothing wrong with that. But I can't go be - I'm even struggling beyond 40 hours in a year that you can accrue comp time. And I do need to have – I need - I do need to figure out what the guidelines are. Are - is it these meetings? Is it Planning Commission meetings? Is it, you know, where are we going with the comp time?

Mayor Held: Okay. And to answer that question, it would be if they are working here in the City that is time that is eligible for that. And because there is a lot of hours that are put in. And those hours vary from one person to the next. So when we're sitting here for a committee meeting or council meeting, which is a part of their job and a part of their salary, but then when we also have a Planning Commission meeting or Board of Zoning Appeals meetings, you know you could have numerous meetings within a one week period of time. And then when I say to Mike Grimes, you know, hey, you've put in 60 hours this week, just take off on Friday. Well technically he doesn't want to do it unless he is taking vacation time, which is really - it doesn't make any sense. But historically what has happened in the past, those individuals would take off time, but it just wasn't accurately reflected. I mean we're just not accurately reflecting

Mrs. Kiesling: Oh, I agree with you on that.

Mayor Held: the time right now. And so you know, what our goal is, is certainly all of the personnel that work, they all work at the pleasure of the appointing authority. There is no protection. So if there was an individual that was, you know, abusing their time, number one, you know, we just have a limited of number supervisors in the City, you can't go without a supervisor. Somebody has to be overseeing the Street Department or Sewer Department, or the Water Treatment Plant, or the Water Distribution Plant. In many cases you have one person that can be overseeing multiple departments. So what we're doing, what we're trying to do, is you know you can always find a flaw where, you know, where there's particular loopholes that could lend itself to, you know, an abusive situation, and you know clearly what we're dealing with are exempt employees that are under the direct appointing authority and their supervision, so it would really be up to the appointing authority to make sure that there is, you know, that obviously there's not a system that's being taken advantage of or certainly abused. On the other hand, we also believe that the employees, because this is a 24/7 operation, when they're writing down their hours, they are attesting to the time that they are putting in. When they say that you know, we've put in this many hours on a particular date, it's no longer 8, 8, 8. You know, and some maybe it was less, some maybe it was higher, and really we don't believe that there's anybody that was doing less. It's always more, but some a lot more than others. And so....

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

Mrs. Kiesling: Well, that's where I need to get clarification because you say there's no financial ramification. Well there really is because if you start accruing, and you start using, you know so the question is, when you schedule a vacation which we all schedule a vacations, essentially or well, I have to schedule my vacations. I know you guys can say a day ahead of time, hey, I'm taking a vacation day. In my life I can't do that, it has to be scheduled three or four months in advance unless something, you know, crazy comes up. Therefore, I am using my vacation time. So I guess my question is, and I don't get comp time, but how would you, you know, would you make them use their vacation time for a scheduled vacation or would they be allowed to use their comp time

Mayor Held: Absolutely.

Mrs. Kiesling: instead of their vacation time? And see that's where I have.....

Mayor Held: No that's – that's absolutely what we would allow them to do.

Mrs. Kiesling: Alright.

Mayor Held: The - I think the point that you are making though, which is a good one, is on the vacation payout.

Mrs. Kiesling: Yeah. It could be huge.

Mayor Held: That is something, you know, if you're looking at the end of the year where - and I see where you're coming from that if there was a vacation payout, which I think there is an adjustment that we could make to that, you know. But I think the difference is when you look at the private sector and the public service sector, the snow has to be plowed. If you....

Mrs. Kiesling: But I'm a nurse. And people have to be taken care of.

Mayor Held: And I understand that.

Mrs. Kiesling: So you know....

Mayor Held: No, but I – and here's

Mrs. Kiesling: you can't make it even with me.

Mayor Held: No, but I'm going to make a comparison here and I'm going to tell

Mrs. Kiesling: You can compare, but it's apples to oranges, David.

Mayor Held: No, but I'll tell you why. Is that if you have somebody who is a salaried employee at the hospital, whether a nurse or physician, just like my wife, they are not going to be working consecutive weeks of 60 hours in that particular profession.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

Mrs. Kiesling: If you are a supervisor, yes, you most certainly could be. I'm just....

Mayor Held: And ...

Mrs. Kiesling: I'm just begging to differ with you, David.

Mayor Held: Okay. So my point is this, is that you know I guess you could look at a particular position.

Mrs. Kiesling: Right.

Mayor Held: But, there is an accepted level of performance that you have to have for every position and the rate of pay that you have to have. But when you are looking at, and I guess probably a hospital maybe would be a bad comparison.

Mrs. Kiesling: Yes, I think it would be.

Mayor Held: Because they are also emergency personnel. But the thing is, it's like the City has to operate. I mean it has to function. It's got to be open at midnight when the snow is falling. It doesn't matter if these guys were up last night plowing from 2 a.m. till all the way through, if it's snowing again at midnight, somebody is going to show up and they have to have a supervisor. They can't go without a supervisor.

Mrs. Kiesling: We're the same way. I agree.

Mayor Held: So you just have a limited pool of people. Now at some point, you know we could say you're exempt and oh if you don't pick up the phone, then well, you're not going to be working. But you know, you'd like to give them some sort of, you know.

Mrs. Kiesling: I don't disagree. Yeah.

Mayor Held: I mean some sort of means to say, hey, I know that you've worked

Mrs. Kiesling: Right.

Mayor Held: every weekend here for the past five weeks. You can take some time off without using your two weeks of vacation considering that you've put in some cases 60, 65 hours or 70. This isn't like a - this is just something so that we can properly manage the supervisors and at the same time, most importantly, accurately reflect. Because if you want, we can go back to the way we've done it in this City for years, but it's just not an accurate reflection of their time. And I certainly wouldn't recommend that, especially after our City Administrator fell and you know during work hours, and I'm thinking to myself, we really don't have under the present timecard, there is no way to accurately reflect when he broke his hand because it is, it was, I think after normal hours.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

Mr. Griffith: Well, I want to respond to that in particular. But let me begin by saying, I think that us updating and correcting this process is really a wise way to go. I don't think that it's smart for our folks to put down they're working eight hours when they're not. I mean if they're working more than that then we've got to accurately reflect that too. But for any of us who are salary, if we fall in the line of duty, is it worth – I hate to describe anything what I do in that ...inaudible... phrase, but if I'm at the office on Saturday, and I fall and break my hand, then it's pretty clear that that's a Worker's Comp claim, unless I was there you know to withdraw 20 bucks on the front side. But - so I think that's an issue that we can resolve without worrying about this comp time because there's plenty of case law out there relative to Worker's Comp, etc., etc. But I wonder, I just want to make sure that we really understand the financial aspects of what this means one way or the other. Because I think for us to make an informed decision, we've got to really appreciate that. From a when are people going to use vacation and anything like that too. So I don't have any problem moving forward with the discussion, but I think there are a couple of other questions that we can ask off line that we – it will allow us to kind of talk about this some more too.

Mr. Peters: Well and it's important too because I've had quick conversations with Members Werren and Cerreta, and they do have opinions and they do want to weigh in on this.

Unidentified: Right, right.

Mr. Peters: So I think the conversation certainly is going to continue. I don't think we're ready to move forward right now. Does anyone else have....

Mrs. Kiesling: Mike, do you have something?

Mr. Grimes: Yeah, I was just going to say. It's a mechanism that we can use to keep track of time. For instance like tonight, you know you voted a couple of councilmen aren't here, that's fine. You have a mechanism to excuse them and

Mrs. Kiesling: Right.

Mr. Grimes: then you know that everybody is going to get paid and everything else. That's what we're trying to get is a mechanism on our side. If you're worried about carrying vacation over, just limit the number of hours you can use at one time to, one day, two days, or whatever. And then you won't have that because they won't go out of state or have long vacations, that way you've narrowed that back to just using it for what it's intended for.

Mr. Griffith: Well I think there are a couple really good solutions which is kind of as we talked about it to ...inaudible... this out. And beyond that I think that it's also a good idea to track time. Some of us have lives where we've got to track or historically at least had to track every minute in six minute intervals of what we did and how. And that was relative to our billing and that does get you to think differently about the way that you use your time, and how efficient it is, etc., etc. And I think independent of whether we decide to do comp time,

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

whether it makes sense as a measuring mechanism for evaluating ...inaudible... that's a great way to do it. I don't have any objection to that either. And it's pretty easy to say, well I was here from this time to this time and we're going to write that down somewhere, one way or the other. So I fully support us doing that from now on no matter what. You know that was we're accurately recording how much time somebody is and where they are. I think that's a good thing one way or the other. So....

Mr. Snyder: I thought when we purchased this new computer software there was a component there that tracked the time by you know what time the employee arrived and what time the employee left. Do we not have that system put in there?

Mrs. Alger: We have not purchased that portion of it. We are looking into a time and maintenance or time and management that would tie right into

Mr. Snyder: Where we actually knew....

Mayor Held: You were saying to break out the amount of time whether it's an employee is working for the Sewer Department or the Water Distribution.

Mr. Snyder: No, it would – you could – it would do that also, but it would tell what time the employee arrived, what time the employee left. If they left at 4:30 or twenty after four, we'll know exactly the time they left because they're required to enter and exit by electronic capture.

Mayor Held: Yeah.

Mr. Snyder: So at that particular time as far as them sneaking, you know, if there was a fear of getting an extra fifteen minutes of comp time, it would be eliminated. Well it eliminates any ambiguity in the time.

Mrs. Kiesling: How would you do the Chief of Police and the Chief of Fire? Will they be included in this, because wow that seems - I mean, you talk about 24 hours it's like

Mayor Held: Yeah, right.

Mr. Grimes: Yeah, we would do it just like we do, like we're doing – like we want to do on the timecard or like the timesheet. Yeah we would do that. Everybody has to write down the times they work beyond that eight hours or that forty hours and why they worked it and everything else and get it approved.

Mayor Held: And so what we're looking at really is a better accounting for the time, but then I also hear what your concerns are as there has to be some sort of limitation on the amount of time that is used and when it's used.

Mrs. Kiesling: Right.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

Mayor Held: Yeah, and what we can do is take a look at that and come up with a more accurate way to use that time.

Mr. Fox: But I imagine what you're going to see when those numbers are tabulated is that you have a concern about the Chief of Police and the Fire Department that we know the Administrator is their supervisor, probably puts in about the equivalent of at least 20 additional days with - council meetings would come out to another 12 days a year that are not compensated for. Include Board of Control, Planning Commission, Zoning, all of the other meetings that the Administrator, as the Supervisor, and generally in those circumstances they set the salary, base salary, high enough that those that work for them aren't going to accumulate in their overtime even to reach that because you expect them to be there until it's done. If we're going to stay here until 2 a.m., he's going to be here. And he's not going to be compensated for it. However, if it was someone in a bargaining unit working side by side with Rich Rhodes plowing, they're getting time and a half doing the exact same thing....

Mayor Held: Yes.

Mr. Fox: that he is doing. He doesn't need to be there, he could say

Mrs. Kiesling: I know.

Mr. Fox: but he's a dedicated City employee.

Mr. Griffith: And we're saving money because he's there. And we're saving money because he's there.

Mrs. Kiesling: I get that, yeah.

Mr. Fox: Of course, yeah, right, because we don't have one other, and we bargained for that to permit him to do it, but he doesn't have to. But I think when you're looking at some of those it may have not contemplated in setting those how much time is really utilized in the meetings and so forth that they need to be there and need to say what's happened with other those – other department heads that aren't there.

Mayor Held: And then one example, you know, recently in one of our departments where we had a retirement and we were seeking a new Superintendent, the problem was that the employees in that department with the overtime were making more than what the Superintendent was making. So there is very little incentive based on our present salary, to have that filled by an internal candidate. And but one of the areas that we were looking at is that at least we could accurately reflect that flexibility in the time, not that we were giving away time, it's just again if we have our Water Superintendent that is working a shift for an absent water operator, you know for let's say for a 12 or you know 20 hour period, but they would at least be able to take that time off, you know, later in the week or at some point rather than just working 60 hours or 70 hours, you know, that week. So that's really what we

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: PERSONNEL & SAFETY COMMITTEE MEETING
Held: March 24, 2014

- that's what we're – that's what our attempt to do is to have better accuracy, a better tool to assess our supervisors and the time that they put in. And at the same time we don't – we want to make sure that it's not a situation that is abused, which I am confident that it won't be because you know we have the Administrator and myself and the Council that whoever signs timesheets, and you'll be able to see what the hours are, and what they're taking. But we can take another look at this to address the concerns that you brought up.

Mr. Peters: Yeah. I think we'll definitely have to continue the conversation if that's okay with....

Mr. Snyder: The rest of Council.

Mr. Peters: With Council. Is that okay?

The Personnel & Safety Committee meeting adjourned.

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

Item 2. Amendment to Exempt/Part-Time Ordinance: No action taken. Item will be placed on a future Committee of the Whole agenda for further consideration.

Daniel Peters, Chairperson
Personnel & Safety Committee

ATTEST:

Clerk of Council

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: STREET AND ALLEY COMMITTEE MEETING
Held: March 24, 2014

The Street and Alley Committee of North Canton City Council, as part of the Committee of the Whole meeting, was called to order Monday, March 24, 2014.

The following members of council were present for the meeting: Chairperson Griffith, Vice Chairperson Peters, Committee Members Foltz, Kiesling and Snyder. Committee Members Cerreta and Werren were 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, Superintendent of Streets & Utilities Davis, and Clerk of Council Kalpac.

Agenda Items:

Item 3a. Supplemental Right of Way and Easement Agreement

Item 3b. Easthill Street Bridge Replacement Project (PID 97410)

Mr. Peters: Okay. So let's move on, Street and Alley. Chairman Griffith.

Mr. Griffith: I have a couple of brief items here. One - incidentally, the Main Street Festival, Jim, is going to be the 16th and 17th of August.

Mrs. Kiesling: So that falls right in there.

Mr. Griffith: So there you go – there you go. Right just in our court for a time.

Mrs. Kiesling: Yeah.

Mr. Griffith: We should probably make sure the lights on Main Street are working well so that people who are using that traffic would....

Mr. Benekos: Yes.

Mr. Griffith: I'm just – just a suggestion. Two quick items on the Street and Alley Committee, we have a supplemental right-of-way and easement agreement which is new information on Applegrove. Do you just want to talk about that one, Jim, a little bit?

Mr. Benekos: Yes.

Mr. Griffith: Feel free to proceed.

Mr. Benekos: The right-of-way agreement - the easement for the waterline - sorry, it's late

Mr. Griffith: Well let's – I think the one we're talking about is the

Mr. Benekos: For United Glass.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: STREET AND ALLEY COMMITTEE MEETING
Held: March 24, 2014

Mr. Griffith: the AEP (American Electric Power) one on 38th Street

Mr. Benekos: Oh the AEP one?

Mr. Grimes: Oh the AEP? Okay.

Mr. Benekos: You want to handle that?

Mr. Grimes: Yeah, AEP contacted us. They're updating their right-of-ways, easements. We have the one at the Oster property. They want to update that, have us sign an agreement with them, pay us \$5,000 for our time and trouble. We put that on there we know it's going to be a slow process because we're looking at everything. We're looking at them old maps, making sure the new maps match up. The contract that we have in there, we will make sure that it has things like herbicides and the fact that they just can't come on the property without contacting us because that's where we have our water well, so we'll very much guard those wells. But AEP is already there with an easement. This is the same size easement, the same place. We are working with the Engineer getting the old maps and overlaying them and making sure that there's nothing in the new one that wasn't in the old one or vice versa. So we were just asking to put that on and we were to keep bring information to you and we do not need it as an emergency because we're going to make sure that everything's lined up right before we would proceed with it or ask you to give us permission to proceed with it.

Mr. Foltz: This is a new easement for a new property they want.

Mr. Griffith: No.

Mr. Foltz: No.

Mr. Grimes: It's the exact same easement that they've had....

Mr. Foltz: This is just an overlay or just clean up the language

Mr. Grimes: I think they're just updating all their easement agreements.

Mr. Foltz: For our time and trouble, they're going to pay us additional easement money.

Mr. Grimes: Yeah. I'm not worried about the money as much as I am to make sure that everything lines up correctly.

Mr. Griffith: Well we talked about, it does appear if the easement is identical to the other one....

Mr. Grimes: It does.

Mr. Griffith: And they'll allow us to add our additional pieces on top which I think is important. And a lot of these utilities are - the old easement is really old. If you look in the packet, you'll see that the information there is pretty old. So I think a lot of these utilities just want to make sure their rights are secured so they're kind of doing the update. They'll pay us the \$5,000. We did joke about – Doug and I made a joke before about you know how we have some

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: STREET AND ALLEY COMMITTEE MEETING
Held: March 24, 2014

objections to the way that they have acted within the City, and maybe this would be a good opportunity to kind of share those....

Mr. Foltz: Right.

Mr. Griffith: at the end of the day. We don't have much of a hand to play, because of course they could say, well never mind and the easement's still in place and they've got it. So I think we should probably not play hardball too much, but at the end of the day, I think we – we do – we should avail ourselves of the opportunity to remind them of the frustrations that existed here particularly last summer.

Mr. Foltz: Right.

Mr. Snyder: Plus the PUCO (Public Utilities Commission of Ohio) won't allow you to refuse their easement anyway. They'll just automatically grant the easement.

Mr. Foltz: Well we're thinking about putting a clause in of no midnight tree clearing clause

Mr. Snyder: We'll get these moved no matter what, so it doesn't....

Mr. Foltz: So the residents don't have to hear chainsaws at two in the morning. But we can research that.

(Laughter)

Mr. Griffith: Well one way or another it appears we're in good shape there, not much to chat about. Second of all there's a - we've gotten money, as we've talked about previously, to do - redo the East Hill Street Bridge replacement. It looks like the project will move forward in 2016 unless money becomes available this year, rather year 2015, wait, it's a 2016 project.

Mr. Benekos: Fiscal '16 which.....

Mr. Griffith: Right, right. So there may be funds available to do it a little bit earlier, but we need to enter into the contract right now. That's really all that it is entering into the contract for that piece.

Mr. Benekos: ODOT (Ohio Department of Transportation) needs to know that we're committed to letting them do the project within the City so they can expend the funds to start the process. If you've seen the ODOT process, it's not a quick process. So for them to hire a consulting firm, but they're paying for everything 100 percent.

Mr. Griffith: Including improvements that Jim, I want to give him kudos for that, got to make sure that the bridge itself is the stamped concrete just like the other one on South Main. So that will be a nice addition for improvements to make the City look beautiful or continue to look good. So that's important stuff; so really just administrative at this point. So without objection we'll add that to the agenda as well.

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: STREET AND ALLEY COMMITTEE MEETING
Held: March 24, 2014

The Street and Alley Committee meeting adjourned.

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

Item 3a. Supplemental Right of Way and Easement Agreement: The Committee recommended legislation be placed on the April 14, 2014 council agenda for consideration, to authorize the Mayor, through the Board of Control, to enter into a Supplemental Right of Way and Easement Agreement, for and in consideration of One Dollar and other valuable consideration, the City of North Canton, State of Ohio, with Ohio Power Company, an Ohio corporation, being a unit of American Electric Power, 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.

Item 3b. Easthill Street Bridge Replacement Project (PID 97410): The Committee recommended legislation be placed on the April 14, 2014 council agenda for consideration, 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 and the Ohio Department of Transportation for the replacement of the bridge of Easthill Street SE over West Branch Nimishillen Creek, known as the Easthill Street Bridge Replacement Project.

Legislation to contain an emergency clause.

Dan Griffith, Chairperson
Street & Alley Committee

ATTEST:

Clerk of Council

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: WATER, SEWER AND RUBBISH COMMITTEE MEETING
Held: March 24, 2014

The Water, Sewer, and Rubbish Committee of North Canton City Council, as part of the Committee of the Whole meeting, was called to order Monday, March 24, 2014.

The following members of council were present for the meeting: Vice Chairperson Griffith, Committee Members Snyder, Foltz, Kiesling and Peters. Chairperson Cerreta and Committee Member Werren were 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, Superintendent of Streets & Utilities Davis, and Clerk of Council Kalpac.

Agenda Items:

Item 4. Perpetual Water Line Easement – Parcel No. 5503231

Mr. Griffith: Then in Mark's stead tonight, I bring up the perpetual water line easement on Applegrove. Again, really more administrative in nature, but other than if you want to expand on that or talk about that at all.

Mr. Benekos: Sure. It - the water line was put in over 20 years ago. There was just never an easement acquired for it. We're just cleaning up an old issue.

Mr. Griffith: It - the owner has kind of graciously agreed to do that without cost or expense, and to just sign it over which I think is good too, and we appreciate that from him as well.

Mr. Foltz: Correct.

Mr. Griffith: Of course he still gets his water. So that helps. Anyway, that's all I have.

Mr. Peters: That concludes the Committee of the Whole meeting. Do I have a motion to adjourn?

Mr. Snyder moved and Mrs. Kiesling seconded to adjourn the Committee of the Whole meeting. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS – COMMITTEE OF THE WHOLE

Meeting Minutes: WATER, SEWER AND RUBBISH COMMITTEE MEETING
Held: March 24, 2014

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

- Item 4. The Committee recommended legislation be placed on the April 14, 2014 council agenda for consideration to approve, confirm, and accept a Perpetual Public Waterline Easement, granted by Nesbitt Enterprises, LLC, an Ohio limited liability company, to the City of North Canton, an Ohio municipality, its successors and assigns, the perpetual right of way and Easement located in part of the Northeast Quarter of Section 6, Township 11 (Plain Township), Range 8.

Dan Griffith, Vice Chairperson
Water, Sewer & Rubbish Committee

ATTEST:

Clerk of Council

\\sbs2k11\redirectedfolders\gall\2014 minutes\3-24-14 water, sewer & rubbish committee minutes.docx

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30943

Ordinance No. 30-14

Passed _____, 20____

3/25/14-gmk
(Water, Sewer & Rubbish)

Ordinance No. 30-14

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.

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 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

g:\2014 legislation\30-14 water/line easement.docx

RECORD OF ORDINANCES

Ordinance No. 31-14

Passed _____, 20____

3/28/14-gmk
(Street & Alley)

Ordinance No. 31-14

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.

North Canton, OH
Passed:

MAYOR

SIGNED: _____, 2014

ATTEST:

CLERK OF COUNCIL

RECORD OF ORDINANCES

Davison Legal Blank, Inc.

Form No. 30043

Ordinance No. 32-14

Passed _____, 20____

3/28/14-gmk
(Street & Alley)

Ordinance No. 32-14

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, which will expedite the bridge replacement project, thereby promoting highway safety; 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

RECORD OF ORDINANCES

Ordinance No. 33-14 Passed _____, 20____

3/28/14-gmk
(community & Economic Development)

Ordinance No. 33-14

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

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 34-14

Passed _____, 20____

3/28/14-gmk
(Community & Economic Development)

Ordinance No. 34-14

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.

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 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

g:\2014 legislation\34-14 tirc recommendations.docx