

MINUTES FROM COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, SEPTEMBER 15, 2014

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting Monday, September 15, 2014 at 7:10pm. The opening prayer the Rev. Eli Klingensmith, Zion United Church of Christ. Welcome.

2. Opening Prayer – Rev. Eli Klingensmith, Zion United Church of Christ gave the opening prayer.

3. Pledge of Allegiance

4. Roll Call

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

Roll call found the following council members in attendance: Cerreta, Foltz, Fonte, Griffith and Peters. Thus having 5 in attendance.

COUNCIL PRESIDENT PETERS: May I have a motion to excuse Councilwomen Kiesling and Werren?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 5 yes to excuse Councilwomen Kiesling and Werren.

5. Consideration

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

Mayor's Court Receipts – August 2014

Financial Statement – August 2014 Month & Year-to-Date General Fund Revenue Analysis

Committee of the Whole Meeting Minutes – August 18, 2014

Council Meeting Minutes – August 25, 2014

COUNCILMAN FOLTZ: Motion to approve as presented.

COUNCILMAN CERRETA: Second.

Roll call vote of 5 yes to approve the reports listed above.

6. Recognition of Visitors

COUNCIL PRESIDENT PETERS: At this time if you wish to address council please step forward state your name and address. Alright, seeing none we'll move onto old business. May I have a motion and a second to read by title only the second reading of Ordinance No. 61 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

7. Old Business

8. Ordinance No. 61 – 2014

Community & Economic Development Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into an Industrial and Commercial Occupancy Grant Agreement with Sanctuary Media Group.

COUNCIL PRESIDENT PETERS: Alright, is there any comments in regards to this before we move? Alright, may I have a motion and a second to adopt the second reading of Ordinance No. 61 – 2014?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 5 yes for the adoption of the second reading.

ORDINANCE NO. 61 – 2014 WAS GIVEN SECOND READING.

COUNCIL PRESIDENT PETERS: Thank you. And this time do I need a motion and a second to adjourn?

LAW DIRECTOR FOX: Yes.

COUNCILMAN FOLTZ: I make a motion to take a brief recess.

COUNCILMAN CERRETA: I'll second it.

Roll call vote of 5 yes to take a recess.

COUNCIL PRESIDENT PETERS: Alright thank you, after a short recess I'd like to reconvene the council meeting Monday, September 15th, 2014 at 7:40pm. Let the record reflect that Member Kiesling has joined us.

COUNCILWOMAN KIESLING: I feel so important that you guys couldn't go forward.

COUNCIL PRESIDENT PETERS: Absolutely. Okay, we're going to move on are we are on Mary Beth? (Yes) Okay, move forward with new business.

9. New Business

COUNCIL PRESIDENT PETERS: May I have a motion and a second to read by title only the first reading of Ordinance No. 69 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only Ordinance No. 69 - 2014.

10. Ordinance No. 69 – 2014

Ordinance, Rules and Claims Committee

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

COUNCIL PRESIDENT PETERS: Alright, if there's nothing further I will entertain a motion to adopt the first reading of Ordinance No. 69 - 2014.

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes for the adoption of first reading of Ordinance No. 69 - 2014.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to suspend the rules of council requiring a committee report and three readings for Ordinance No. 69 - 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to suspend the rules of council requiring a committee report and three readings for Ordinance No. 69 - 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinance No, 69 - 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

ORDINANCE NO, 69 - 2014 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 70 – 2014?

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to read by title only Ordinance No. 70 - 2014.

An ordinance amending Ordinance No. 45 – 2014, the 2014 Street Maintenance Program in the City of North Canton, increasing the appropriation from not to exceed \$460,000.00 to not to exceed \$640,000.00, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you. Chairman Fonte?

COUNCILMAN FONTE: It's just we've been talking about this pretty regularly. We need the extra funds to get the streets done before winter. So it's an emergency, so I move that we if you have any questions we should move on this.

COUNCILMAN FOLTZ: I just want to comment. I want to thank council and the administration for adding Valley Drive. So I appreciate that and also to know that we have a lot more road work to do. Former Member Gary Wetler was here earlier and Portage obviously is in need of some restoration its hopefully something we can look at very closely next year with some of our excess funding we received from state tax that should go into capital funds. But better yet just to do an overview of where we're at next year I asked council I think we're going to go in that direction just try to get these road projects or least on a list earlier so that we can get prices from contractors. I think it's essential that we come out early next year with all the roads that didn't make the cut this year that still needs some work. In everybody's ward obviously but just to do more of a budget for the immediate future three or four years of you know (inaudible) but I appreciate everybody coming forward for that street because the constituents there were very happy that it's on. I'm done, thank you.

COUNCIL PRESIDENT PETERS: Alright, we have a motion on the floor is there a second?

COUNCILMAN FOLTZ: Second.

Roll call vote of 6 yes to adopt first reading of Ordinance No. 70 - 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules of council requiring a committee report and three readings for Ordinance No. 70 - 2014?

COUNCILMAN CERRETA: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 6 yes to suspend the rules of council requiring a committee report and three readings of Ordinance No. 70 - 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of rules Ordinance No. 70 - 2014?

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN KIESLING: Second.

ORDINANCE NO. 70 - 2014 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 71 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to read by title only Ordinance No. 71 - 2014.

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Capital Project Fund to the Contract Payments Account in the amount of \$182,500.00 for the current expenses during the fiscal year ending December 31, 2014, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Griffith?

COUNCILMAN GRIFFITH: This is a corollary to 70 - 2014 which is the additional dollars from the Capital Fund into the such as a check we talked about before. And I approved its adoption.

COUNCILMAN FOLTZ: Second.

Roll call vote of 6 yes for the adoption of the first reading.

COUNCIL PRESIDENT PETERS: May I have a motion and a second to suspend the rules of council requiring a committee report

and three readings for Ordinance No. 71 - 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes for the suspension of the rules of council requiring a committee report and three readings for Ordinance No. 71 - 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinance No. 71 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

ORDINANCE NO. 71 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

13. Reports – Council:

COUNCIL PRESIDENT PETERS: We're at reports, Member Fonte?

COUNCILMAN FONTE: I think we're going to have some updates tomorrow on Zimber Ditch. I hear they are making some progress there. I don't think anybody's heard anything on that yet. I did a little research on that today went down to Stark Parks I'm going to try and have something to updated tomorrow maybe talk to Mary Beth and we can try and get something out to everybody. So I'll update you on that. The Y you know that vacation we have our public hearing on the 20th of October at 6:40pm for whoever wants to attend. My understanding is we can still discuss it and talk about things it's just the action can't come before the public hearing. Is that correct?

LAW DIRECTOR FOX: That's correct.

COUNCILMAN FONTE: Okay.

COUNCILWOMAN KIESLING: Is that council night well we don't know yet depends on how often we meet. Because we could give this first reading that night if it's a council night. But I know if it's a council night. You know it would depend on...

COUNCILMAN FONTE: The 20th at 6:40 is what we talked about so I don't know what day that falls on I hope it...

COUNCILWOMAN KIESLING: If its council night we can give it the first reading.

LAW DIRECTOR FOX: You can actually have readings and you can discuss, you can talk about it in committee meetings. It's just you can't take your final vote on that issue for the vacation.

COUNCILMAN CERRETA: it's a Tuesday it's after Martin Luther King Day so it's a Tuesday. What am I in January for. Alright the 20th is a Monday. So that'll be a third Monday so it's a committee meeting.

COUNCILMAN FONTE: I had another question about the vacation Mr. Fox. I went over there today to take a measurement from the stake and the property the neighbor's property aren't within 200 feet. So there's really no one within 200 feet of that property with the exception of the two parties that agreed. That's it its 250 feet to the nearest neighbor.

LAW DIRECTOR FOX: Okay.

COUNCILMAN FONTE: Just an FYI.

COUNCILMAN GRIFFITH: That's a situation where we don't by law because of they consents that we received required to have a hearing. But we're electing to have one because we wanted to have...

LAW DIRECTOR FOX: Right, but you need to have a public hearing, it's the requirement to have publish it without it its six weeks another two weeks after that and then you can't do it any later than 90 days. But since both owners have signed on the application there's no requirement to go through that publication. Just not the requirement to publish it in the Repository we'll still have it certainly on the agenda for the council meeting.

COUNCILMAN FONTE: So the 20th at 6:40pm.

COUNCIL PRESIDENT PETERS: Member Kiesling.

COUNCILWOMAN KIESLING: I know they've contacted for sure one homeowner because he told me about it. So and he thinks he knows who the other four were contacted but I think there's definitely it's going to be interesting to see who accepts them.

COUNCILMAN FONTE: That's basically they have two phases. The first phase of five houses, the second phase are five houses it just depends on if they take the opportunity it has to be appraised it has to go through the process. And I think I heard that

something happened that we didn't hear about it so I called them and it's true somehow someone made a call without telling us. So I'm trying to get all the facts.

COUNCILWOMAN KIESLING: I don't have a report. Thanks for waiting for me.

COUNCIL PRESIDENT PETERS: Member Griffith?

COUNCILMAN GRIFFITH: No report.

COUNCIL PRESIDENT PETERS: Cerreta?

COUNCILMAN CERRETA: Met with little East Maple stuff over here I met with the people that are donating the trees. So Dr. Michael Thomas is going to be donating trees so I met with him and his arborist his tree guy who happens to live in North Canton too. And so we kind of covered about the trees and I've been talking to our tree people and we are going to take the trees out on the other side and replace them with the same kind of trees going up and down East Maple. That will be like the Cleveland Bradford Pears that they've ordered which will blossom in the springtime and look cool. And they'll kind of be like every catty like every other one not exactly right across from each other. So just an update that we met with those folks and also I'd like to start thinking and its right on the line as maybe have some sort of, of a 100 trees kind of goal to put some trees you know down Main Street especially North Main Street. We've talked about that does not have you know the, the foliage that we would like to see all the way down into ACME. So it's something that we really want to put out there and maybe create we'll talk to the administration about we've kind of been back and forth already to you know make some kind of tree goal or something and we'll plant 100 trees some kind of thing and try to find places that we can put these because we've taken out a lot. And we want to especially at North Main Street so I want to start bringing that up we'll keep bringing that back and I think that's a good thing to do for our city. Outside of that I have no report.

COUNCILMAN FOLTZ: Well I concur we didn't get in the construction planning stages the way I'd like it to happen unfortunately it's done, but I think if we can partner with the corporate entities out there maybe there's some room to put some things there. I know we own some property there which the right-of-way area there...

COUNCILMAN CERRETA: Well that's the thing a lot of this is going to have to be us going up and asking those folks can we put trees because if we put them in between the sidewalk and the road which is the dead zone then and that ends up being under the lines we can't have that again. That needs to go away we need to make sure we don't do that again. So it would have it be on the property owner's side we would have to somehow get the tree and plant it for them and get their permission. That sounds like a pretty good plan and that way you know we've got what we want we don't have the problem of them being under the lines and somebody hacking away 50 years from now and us taking care of it too. You know it costs money if they're in between the sidewalk and ruining our sidewalks and so on. So that's something I think we should revisit and take a look at that for the future.

COUNCILMAN FOLTZ: The idea is at 7th and Main used to be the Rite Aid now it's the Dollar Store but those trees are set back those are pretty decent. That's what you envision. It's off the curb it's off the sidewalk it's not a 2 foot area that you have to build tree vault for, for the roots to expand. Some times in order for it to be done right you have to put gravel and concrete around it you've got to give the trees a fighting chance. So 15 - 20 years from now they're mature trees not having problems with them that you have to cut them down. And the right tree, you put the pears and the street trees they're a little smaller there's a list of them. So yeah...

COUNCILMAN CERRETA: I'll keep bringing it up we might even get some of it done now a great time to plant trees of course is in October and in the Spring. A lot of times October because they're dormant they can sit there then they start coming back in the spring.

COUNCILMAN FOLTZ: Wilkshire Circle I guess it would be both east and west there there's a concrete wall that stockade fence or split railing I should say because that's city's do we own that? We've maintained that north side of Everhard. The wall there's vegetation you can't walk down this street you can't walk down that sidewalk it's going to hit you in the face if you ride a bike or something. Somebody needs to do something and then the railing here and there is starting to go and you know.... The other thing is there's a deer crossing sign and I drove down there and a deer ran right in front of the car which you know I'm going 15 miles an hour but you can't read the sign because it's covered. The general public won't see the sign. You have to make sure you can see. Just to let everybody know. Thank you. Okay, that's all I have thank you.

COUNCIL PRESIDENT PETERS: Something that bears repeating a couple of days ago council and I believe Mayor you were involved in that text Jamie McCleaster, president of the North Canton Jaycees had previously scheduled a fundraiser for Donato's Pizza for tomorrow night from 5 to 9. Where 15% of the proceeds were going to go the Jaycees they are sending those proceeds to the family that lost their home in the fire a couple weeks ago up in Greentown. So if you or your family are hungry tomorrow night at Donato's between 5 and 9 for a good cause. All you have to do is mention the Jaycees. Okay, Director of Law?

LAW DIRECTOR FOX: No report.

COUNCIL PRESIDENT PETERS: Director of Finance?

FINANCE DIRECTOR ALGER: Just to let you know the budget procedures have started and the requests are due to me by Monday of next week. Then I sit down with the administration and one of you, any of you are welcome to sit down and that

will be the first draft and then the procedures continue. So just to let you know. Mid October the fourth week of October you'll probably get the first draft.

COUNCIL PRESIDENT PETERS: Alright, Director of Administration?

ADMINISTRATION DIRECTOR GRIMES: The police department will be having a drug take back day on September 27th between 10 - 2 down in the police department down in the lobby. And no questions asked they just take the drugs back and prescription drugs and actually they take any drugs in fact when I was involved in it we actually had a lot of pet drugs that came in. You know so apparently those are being prescribed it keeps them out of landfills and out of anybody's harm. So if you notice council is getting a little darker and darker it's not our age if you notice outside is the boxes we'll have LED lights put in here within the next week or so and get them they've been up there since the '70's so it's time to change them out and get a little better light in here and little more efficient lighting. And I gave each of you a packet we did strike the gas aggregation price its 4.19 I struck it for the next few years. The packet contains the letter on the strike also a letter that we're going to send out to the residents if they want to opt-out also there's another one in there to residents that aren't in the program if they want to opt-in that letter is in and then there's some FAQ's about the program. So I know a lot of you have been getting contacted directly and I just want to make sure you have all the information that I do. He thinks the price that we got that day is probably the lowest in the state.

COUNCIL PRESIDENT PETERS: Are we going to have something on the utility bill in regards to this...

ADMINISTRATION DIRECTOR GRIMES: We've actually had a lot of people calling us because IGS knew that we were going to go with Constellation Services this time so they've been hitting the neighborhoods pretty hard and we've got a list of people that have called us wanting to know what the price will be. We'll start calling them tomorrow morning and let them know directly the ones that asked for it.

COUNCILMAN CERRETA: So everybody gets this unless they opt-out of that right? That's the question we get all the time.

ADMINISTRATION DIRECTOR GRIMES: Yeah, it's an opt-out program and we think originally sent out because you get a little better price because they figure you know people are in it to opt-out, but it's easy to opt-out you can opt-out at any time there's no charge to opt-out you know. The thing you've got to look at when you opt-in is look at if you've been with another company what is you know they're requirements are you going to have to pay a fee to opt-out of their program or whatever. So but ours is strictly volunteer in and out. So...

COUNCILMAN CERRETA: So what was it last year?

ADMINISTRATION DIRECTOR GRIMES: It was at .85. We're using Constellation Energy this time.

COUNCIL PRESIDENT PETERS: Okay, Mr. Mayor?

MAYOR HELD: Yes, I've got two things. The first is I want to thank Mark for the work that he's done with the trees along Maple Street. There was a lot of time and effort that went into that. The big challenge was just identifying a location to place the trees. I mean what type of trees but he put in a lot of hours with Dr. Mike Thomas who's going to be donating the trees. And so with that we started to talk about other places in the city where we could plant trees and we thought you know the conversation came up about planting a 100 trees within the next 12 months in the city. And that you know the project you have on Maple Street that's a great start because I think that would be like at least 25 new trees. Is that what it is? (Yeah, 25 to 30) 25 to 30 and so what we want to do and this is a collective effort is any locations particularly along the areas where we've widen Main Street that may require you know working partnering with the private property owners because in some of those narrow areas it's a challenge to plant the trees because we've got the power lines over the top. But this is a great start the next 25 to 30 trees right along Maple and we just like to get another 60 or 70 trees planted over the next 12 months along the main areas along Main Street and you know the areas where we don't have enough. There was also talk about you know alternating them and you know as far as the type of trees. Simply because and you know in the event that you get some sort of disease so there's a lot more in that went into it but Mark has headed up the project and has done an excellent job. This is no cost to the city at this point correct?

COUNCILMAN CERRETA: The East Maple is but once we start the other thing you know we'll have to start dealing with what we want to put into it.

MAYOR HELD: Very good work.

COUNCIL PRESIDENT PETERS: Mr. Engineer?

ENGINEER BENEKOS: I want to thank council for the initial funding for the paving program we'll start ripping and tearing the streets as soon as we can and inconveniencing people. And also I want to apologize to Chuck Osborne at the last Planning Commission Meeting he made the statement that an engineer he had hired requested information from our office and I said that he had received that checking the records I was gone the week before and the emails that I sent and received led me to believe that was done. In fact it was not done so I apologize to Chuck for that statement that I made. With that that's all I have.

COUNCIL PRESIDENT PETERS: Council Clerk?

COUNCIL CLERK BAILEY: Two things. First off, we had 22 people sign up for the examination for the police officer and that will

take place next Wednesday, September 24th at 6pm. And the second thing I've been here 2 months as of yesterday.

ENGINEER BENEKOS: Seems like forever.

COUNCILMAN CERRETA: Happy about that.

15. Final Call for New Business:

COUNCIL PRESIDENT PETERS: Thank you very much. Final call for new business to council and if there is not I will entertain a motion to adjourn.

16. Adjourn:

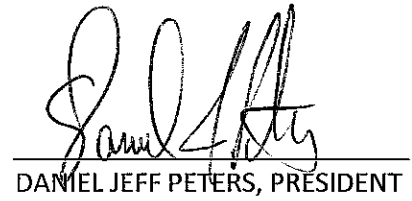
COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adjourn.

COUNCIL PRESIDENT PETERS: Thank you, we're adjourned.


MARY BETH BAILEY, CLERK OF COUNCIL


DANIEL JEFF PETERS, PRESIDENT