

MINUTES FROM SPECIAL COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, DECEMBER 1, 2014

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Special Council Meeting Monday, December 1, 2014 8:30pm.

2. Roll Call

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

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

COUNCIL PRESIDENT PETERS: Okay, at this time if you wish to address council please step forward state your name and address.

3. Recognition of Visitors

CHUCK OSBORNE: 307 Fairview Street SE, North Canton, Ohio. I don't know if any of you ever used to listen to Paul Harvey years ago. Later in his journalistic career he had a program he'd called the rest of the story. We've all heard about how wonderful it was that we found a Christmas tree and it's all put up and we're going to have a nice wonderful lighting. And I'm sure that the veteran's memorial will be honored and protected from being trampled on. But I happened to be shopping today at Mohler's Lumber and what I heard from there did not spread much good well. I guess Mr. Cerreta had shopped Mohler's and they did a great deal of research trying to help the city find a tree. And I guess they found a tree and a manufacturer and after spending a great deal of research time and assistance apparently the city went directly to the manufacturer and purchased the tree. They're not real happy over there. I think every employee has shared the story over there. They've been very good to the city I guess the last few years relieving the city of having to hand out bags over a months period you don't have to have an employee sitting around paying them and you've talked it up the last couple of years how they can just go to Mohler's and buy the bags. And of course their hope in offering that service was that people would maybe buy additional items. But that has not turned out to be the case. They're just coming in for the bags and going. And now, now we go over there and let them do some leg work for us thinking they're going to sell a tree and now they read in the paper that we've bypassed them after all their efforts and bought the tree directly from the manufacturer. Hasn't spread a whole lot of good will. Is that what we want to do to neighboring businesses? Doesn't speak very highly of the city and, and here we have an elected official of North Canton doesn't bode well for the city in many ways. And that's just not me this is what the feedback I was given today. So we all like to hear all the positives up here there's enough cheerleaders in this city we all need to hear the rest of the story. And that's the story for this season. Thank you.

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

ROD COVEY: 35 Auburn Avenue SE, North Canton. Here about this close to 500 people in ward 3 that are need some help. They would like to have a meeting to address a couple situations that's been cooking for one for several years and one more recently. But it of course has to do with Auburn Knolls situation the hole we call it down there. That hole is about twice the size maybe you've all seen it or been there but it's about twice the size of this room and I think it's about 9 feet high. And the wall that the builder put in I think was five, six years ago starting to fall apart and it will probably never be built upon is my guess because its apartments are not doing very well in fact. It's by the fact that he built them he said they're going to be the same quality as Auburn Knolls and they are not the same quality. And if you drive by and take a look at it especially the ones surrounding the hole and speak of the hole there are 14 homes surrounding that that look right down in it and even two people who live in the apartment at East Hill and Northfield two people in there have been complaining for months and months and months about that hole and the general look of that corner is just really bad. And overall the sum 400 let's see I think it's about 300 people at least in ward 3 who would like to have a meeting about that. And those homes I've estimated roughly taken a look at Zillow and its guesswork a little bit but we're probably looking at somewhere around the value of those people who are not happy not having a meeting and about \$69 million dollars that's the value of the homes of the people from ward 3 that are wondering about this. So they're probably 250 other people who are who know what has been going on in the city for all sort of reasons as you know and people who have responded to Repository articles. I think there's been 20 this year so far in the Repository alone, the Stark County Political Report, Facebook is loaded with you know if you have 25 friends and you tell them about a certain thing that's going on in North Canton and those 25 tell someone that has 50, etc., etc., etc. That's how Facebook works as you know. So we don't know how many people are reading and commenting on things that go on Facebook but I see a lot but it could be in the 100's. So the numbers aren't important now the number is getting so big. But at the planning meeting held in this room in June if you recall a gentleman sitting right there Mr. Morrow told the three Maple Street Commerce presenters that they did a lousy job and one the famous quotes from it was that "you act like a bunch of third graders in this planning so back to the drawing board". So they went back to the drawing board but they didn't do what the Planning Commission told them to do which was to have a meeting of the people who live in the area just south of the new the big parking lot. That was totally ignored. There was a meeting at the civic center and if I recall you folks all showed up there maybe 10 minutes late because you had a meeting here and then you came over. But, but that, that, that was not the meeting that the Planning Committee asked for. The meeting should have been quiet and sane and had a

professional person in charge would have followed Roberts Rules of Order. But the civic center was chaos the planner set up five or six little positions with little exhibits and things on different things like the hotels and the restaurants and this and that and so forth. But over here on the end where all the people went to talk about it the other people there was nobody at these other stations. They were there to talk about what's going on in the parking lot. That is the 100 families immediately south of the parking lot. So that meeting, that meeting probably should be held and so tonight I'm asking here is there someone in this room that can somehow suggest that that meeting be held and Mrs. Werren I've asked you on seven occasions, emails, personal...

COUNCILWOMAN WERREN: I haven't gotten any emails from you and last week you talked to me and you said you were going to call me because you said we were going to have a meeting and we were going into executive session.

ROD COVEY: No, you didn't get my three emails?

COUNCILWOMAN WERREN: No, I haven't gotten anything from you.

ROD COVEY: They didn't come back.

COUNCILWOMAN WERREN: When did you send them?

ROD COVEY: In June, June and July.

ROD COVEY: And I left a couple of phone messages for you well anyway then the last thing you said I think was that Mr...

COUNCILWOMAN WERREN: Mr. Fox, we've been in contact with that group. I mean we've sent him a letter and do you want to tell where it stands?

LAW DIRECTOR FOX: And I'm unclear because I've spoken with Mr. Covey on several occasions and passed that onto him.

COUNCILWOMAN KIESLING: Yeah, Mr. Covey, you know yeah we've sent him to Mayor's Court we're doing everything we possibly can with Mr. Zablo. I'm 100% behind you we all are we need to follow the law...

COUNCILWOMAN WERREN: I've talked with a couple people in that actual building that looks into it. And we are following the law and Tim has summoned them he's...

LAW DIRECTOR FOX: If you recall last week I told you the very next day the complaint would be filed. So you're aware of that.

ROD COVEY: Oh of course I am but he but he has not come to you yet though.

LAW DIRECTOR FOX: Correct.

COUNCILWOMAN WERREN: But there's...

ROD COVEY: But he didn't recall calls; he doesn't turn calls to anybody.

LAW DIRECTOR FOX: That's correct but he has a summons to appear in court. I can't do more than that.

COUNCILWOMAN WERREN: We are moving forward on it...

ROD COVEY: Yeah.

COUNCILMAN FONTE: Can they turn into it green space for something?

COUNCILWOMAN KIESLING: We're very frustrated.

COUNCILWOMAN WERREN: But we can't it's our property. It's his property so we have to take him to court which we are now doing.

ROD COVEY: The people all they want him to do is to well the Planning Commission said five years ago build or fill it up. Right, Mr. Benekos? I think there were three people in this room who were at that meeting. But that never happened. But five years with a summons was given to him on Eric, Mr. Eric Bowles who's been following this very closely the summons was done on in March of 2013.

LAW DIRECTOR FOX: So Mr. Covey, you came a couple weeks ago and brought this issue to Ms. Werren and from that the city's filed a complaint with him for him to appear and answer to violations of the municipal ordinance. And yet you're still complaining that nothing is being done when indeed there's nothing more than the city can do other than to bring him before a court to answer for those violations. That's what we're doing right now.

ROD COVEY: Well, can you project then when that hole will be filled?

LAW DIRECTOR FOX: No, I can't. Because the court he has the opportunity for due process to appear to determine whether or not he is in violation. And so that...

ROD COVEY: Well how about the my main question is for this legal stuff always goes on and on forever of course but at the planning at the Planning Committee I was here that night and three or four of you Marcia I know you were and Doug the planners yeah that was a Planning Commission anyways planners said you've got one month I'm sorry one year to either build or fill the hole. Now why did it take five years if my grass for example was that high I'd probably get a citation and if I didn't do something you'd have it cut and you'd send me a bill for \$75.00 right? Then so with other violations or parking ticket or a parking fine. But so my question is why, why did five years go by with, with three people in this building so to speak council people why did five years go by and that hole is still not filled?

COUNCIL PRESIDENT PETERS: Mr. Covey, we have summoned him to court and we're going to let the due process take its course.

ROD COVEY: So I can not report to the people then that the people that I'm talking about I can't report to them that the hole will be filled maybe next week, next month, next year?

COUNCILWOMAN WERREN: No.

COUNCIL PRESIDENT PETERS: You can report to them that the due process will be followed.

ROD COVEY: But can you, you must be some guess from experience how long it's going to take?

COUNCIL PRESIDENT PETERS: I'm not going to take a guess. You can report to them the due process will be followed.

ROD COVEY: Yeah.

COUNCILWOMAN KIESLING: And you know do a records request for all of Eric's correspondence with him over the last five years. We've been going around and around with Mr. Zablo it has not gone unnoticed. Believe me I've been 100% against it from day one and you know that. We are trying to follow the law so that when we do decide to tear it down and I'll be glad to go over there with you we are doing it by the law so we can't put it back up again. That is our goal, Mr. Covey. That is what we are trying to do.

ROD COVEY: Well my final question if I may is that can someone tell me why five years went by?

COUNCIL PRESIDENT PETERS: Mr. Covey, she just answered your question. Can you wrap up your comments please?

ROD COVEY: Okay, I'll tell the people that someday it will get filled. Thank you very much.

COUNCIL PRESIDENT PETERS: Thank you, sir. If there's anyone else wishing to address council please step forward and state your name and address. Okay, seeing none we'll move onto old business. May I have a motion and a second to read by title only the third reading of Ordinance No. 83 – 2014?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 83 - 2014.

4. Old Business

5. Ordinance No. 83 – 2014 Water, Sewer and Rubbish Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into a two-year extension of the contract, Ordinance No. 41 – 2012, with Southside Environmental Group for the cleaning of five sludge lagoons and one wash lagoon at North Canton's Drinking Water Plant.

COUNCIL PRESIDENT PETERS: Chairman Cerreta?

COUNCILMAN CERRETA: Yes, this is the third reading after discussion and two other readings. This is contract language allows for mutual consent of two more years on this and with no objection from either Southside for the administration we feel that it's good to go ahead with this. So I move that we take its adoption on the third reading.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes for the adoption of the third reading of Ordinance No. 83 - 2014.

ORDINANCE NO. 83 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the third reading of Ordinance No. 85 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 85 - 2014.

6. Ordinance No. 85 – 2014 Finance and Property Committee

An ordinance authorizing the Director of Finance of the City of North Canton to establish a fund entitled Indoor Firearms Training Range Improvement Fund (Fund #334) for the purpose of accounting for the related revenue and expenditures associated with the updates to the indoor firearms training range.

COUNCIL PRESIDENT PETERS: Okay, Chairman Griffith?

COUNCILMAN GRIFFITH: This for the creation of fund. We've had discussion about it, it is the third reading so if there's any discussion or comments about it. Seeing none I would move its approval.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes for the adoption of the third reading of Ordinance No. 85 - 2014.

ORDINANCE No. 85 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the second reading of Ordinance No. 86 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 86 - 2014.

7. Ordinance No. 86 – 2014 Finance and Property Committee

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated resources of the Permit Fee Fund to the State Building Permit Fees Account in the amount of \$600.00 for the current expenses during the fiscal year ending December 31, 2014.

COUNCIL PRESIDENT PETERS: Chairman Griffith?

COUNCILMAN GRIFFITH: As we had done again good discussion about this, this is additional funding because we've had extra permits which is a good thing. If there aren't any comments I would move adoption for the second reading.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes for the adoption of the second reading of Ordinance No. 86 - 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. 86 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to suspend the rules of council requiring a committee report and three readings of Ordinance No. 86 – 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Ordinance No. 86 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 7 yes to adopt under suspension of the rules of Ordinance No. 86 - 2014.

ORDINANCE No. 86 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the second reading for Ordinance No. 87 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 87 - 2014.

An ordinance repealing and replacing Ordinance No. 55 – 2014 thereby 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 Facilities Account in the amount of \$625,000.00 for the current expenses during the fiscal year ending December 31, 2014.

COUNCIL PRESIDENT PETERS: Chairman Griffith?

COUNCILMAN GRIFFITH: We had allocated these funds for the pool we opted to not to that this year. So we're simply moving the funds back out into the general account. It's a funding mechanism. Any questions? Alright, we'll move its adoption.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes for the adoption of the second reading of Ordinance No. 87 - 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 of Ordinance No. 87 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to suspend the rules of council requiring a committee report and three readings of Ordinance No. 87 – 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Ordinance No. 87 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt under suspension of the rules of Ordinance No. 87 - 2014.

ORDINANCE No. 87 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the second reading for Ordinance No. 89 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 89 - 2014.

An ordinance to make appropriations for current expenses and other expenditures of the City of North Canton, Ohio, for the period beginning January 1, 2015 and ending December 31, 2015. .

COUNCIL PRESIDENT PETERS: Chairman Griffith?

COUNCILMAN GRIFFITH: This is our second reading of the budget we had a good committee meeting earlier. We've had good opportunity to ask questions. So if there aren't any additional questions at this time we'll pass for it for second time. So I would move its adoption.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes for the adoption of the second reading of Ordinance No. 89 - 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 of Ordinance No. 89 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to suspend the rules of council requiring a committee report and three readings of Ordinance No. 89 – 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for

Ordinance No. 89 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt under suspension of the rules of Ordinance No. 89 - 2014.

ORDINANCE No. 89 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. Onto new business may I have a motion and a second to read by title only the first reading for Ordinance No. 90 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 90 - 2014.

10. New Business

11. Ordinance No. 90 – 2014 Personnel and Safety Committee

An ordinance amending Section 20, COMPENSATION of Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances and the City of North Canton, to change the rates of compensation for the Fire Department Paid Part Time (“PPT”) and Special Duty Personnel (“SDP”).

COUNCIL PRESIDENT PETERS: Yes, Director Grimes and Chief Bacon both addressed us last week in regards to this. It’s a slight adjustment in pay but it gives us round the clock coverage for basically the same amount of money. If there’s no questions I’ll entertain a motion and a second to adopt the first reading of Ordinance No. 90 – 2014.

COUNCILWOMAN WERREN: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes for the adoption of the first reading of Ordinance No. 90 - 2014.

ORDINANCE NO. 90 – 2014 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 91 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 91 - 2014.

12. Ordinance No. 91 – 2014 Water, Sewer and Rubbish Committee

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 for the purchase of Water Treatment Plant chemicals for use by the City of North Canton Drinking Water Treatment Plant, and the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the purchase of said Water Treatment Plant chemicals, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Cerreta?

COUNCILMAN CERRETA: Yes, we had talked about this last week in our discussions and its exactly what it says here we need to open up advertise and receive bids for our chemicals for a Water Treatment Plant. And it sounds like an emergency is that what you said Mike cause we need to get the bids in?

DIRECTOR GRIMES: Yes, we’d like to have it passed on emergency.

COUNCILMAN CERRETA: So I’d like to request an emergency clause on that. So I move for its first reading, adoption of first reading.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes for the adoption of the first reading of Ordinance No. 91 - 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. 91 - 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: So moved.

Roll call vote of 7 yes to suspend the rules of council requiring a committee report and three readings of Ordinance No. 91 – 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Ordinance No. 91 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt under suspension of the rules of Ordinance No. 91 - 2014.

ORDINANCE No. 91 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Ordinance No. 92 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 92 - 2014.

13. Ordinance No. 92 – 2014 Finance and Property Committee

An ordinance establishing the court costs for the City of North Canton, Ohio’s Mayor’s Court, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Griffith?

COUNCILMAN GRIFFITH: We had discussed previously raising court costs to basically come in line with what was there. We also talked about the benefits of doing so including improved sound system in here. We had good discussion about it so I would move its first adoption.

COUNCILWOMAN KIESLING: Second.

COUNCILMAN GRIFFITH: I’m sorry we were doing this on emergency because we need to get it done before January 1.

LAW DIRECTOR FOX: Yeah we need...that way we can get it started for beginning of the fiscal year.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 92 – 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. 92 - 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: So moved.

Roll call vote of 7 yes to suspend the rules of council requiring a committee report and three readings of Ordinance No. 92 – 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Ordinance No. 92 – 2014?

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt under suspension of the rules of Ordinance No. 92 - 2014.

ORDINANCE NO. 92 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the first reading of Resolution No. 93 – 2014?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Do we have to vote on the fact finder?

COUNCIL PRESIDENT PETERS: That's what this is.

LAW DIRECTOR FOX: That's what this is.

COUNCILWOMAN KIESLING: We motioned to read it. Right now it's a motion to read it. I second it if it didn't get seconded.

Roll call vote of 7 yes to read by title only the first reading of Resolution No. 93 - 2014.

14. Resolution No. 93 – 2014

Personnel and Safety Committee

A resolution rejecting the Fact Finding Report dated November 28, 2014, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Full-Time Dispatchers and Lead Dispatcher, Union, Case No. 2014-MED-05-0753, by Fact Finder Martin R. Fitts, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Okay, thank you. We all read the fact finder's report we have our recommendation from our law department. At this point I will ask for a motion and a second to adopt the first reading of resolution if you wish to reject it you will answer no. So may I have a motion and a second to adopt the first reading of Resolution No. 93 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Because we need to...

COUNCILMAN CERRETA: Second.

LAW DIRECTOR FOX: Right it's an affirmative you have to reject the way these are setup doing nothing not even responding is agreed is your consent. So...

COUNCILMAN FOLTZ: So a motion I mean a vote to in affirmative rejection is what you're saying? Mr. Law Director?

LAW DIRECTOR FOX: Yes, that's correct.

COUNCILWOMAN WERREN: No.

COUNCILMAN FONTE: No, no, we want to say...

COUNCILWOMAN KIESLING: The motion was to adopt we're going to vote no to reject.

LAW DIRECTOR FOX: No, what you're adopting is the reading of the resolution. You're adopting the first reading which is the resolution is to reject the fact finding report. That's what you're...

COUNCIL PRESIDENT PETERS: No, we've already read it.

COUNCILWOMAN KIESLING: No, it has accepting/rejecting.

LAW DIRECTOR FOX: Okay, so you're yeah accepting/rejecting it's to reject the fact finding report.

COUNCILMAN CERRETA: So we need to read it as resolution rejecting?

LAW DIRECTOR FOX: Exactly, this is your resolution to reject the fact finding report,

COUNCILMAN CERRETA: So we're making a...

COUNCILMAN FOLTZ: So we're making a motion to reject the fact finding report...

LAW DIRECTOR FOX: Correct.

COUNCILWOMAN WERREN: Okay, second.

LAW DIRECTOR FOX: Because that's what we have to send to SERB and the union saying that we're rejecting it through a resolution.

COUNCILMAN FONTE: We only have 7 days to this correct?

LAW DIRECTOR FOX: Correct.

COUNCILMAN FONTE: So this is our only opportunity.

LAW DIRECTOR FOX: Unless you came back to meet again and understand to accept it it has to be accepted by a vote and it's advisory if as I said if you do nothing its treated as accepted in its entirety.

COUNCIL PRESIDENT PETERS: So when you read you read it as a resolution accepting/rejecting?

COUNCIL CLERK BAILEY: Rejecting.

COUNCIL PRESIDENT PETERS: You read it rejecting, okay.

COUNCILWOMAN WERREN: Then he motion then he wrote motion to reject it...

COUNCIL PRESIDENT PETERS: Okay.

COUNCILWOMAN WERREN: I seconded it.

COUNCIL PRESIDENT PETERS: Okay, so then you want to vote on the affirmative then?

COUNCILWOMAN WERREN: Right.

LAW DIRECTOR FOX: Yes, you vote in the affirmative to reject, yes.

COUNCIL PRESIDENT PETERS: Alright we have a motion and a second.

COUNCILMAN CERRETA: Can we just read that again one more time; let's have her read it again.

COUNCIL PRESIDENT PETERS: Alright, read back into the record exactly how you read it to us.

COUNCIL CLERK BAILEY: A resolution rejecting the Fact Finding Report dated November 28, 2014, regarding the City of North Canton, Ohio, Employer, and Ohio Patrolmen's Benevolent Association, Full-Time Dispatchers and Lead Dispatcher, Union, Case No. 2014-MED-05-0753, by Fact Finder Martin R. Fitts, and declaring the same to be an emergency.

COUNCILMAN CERRETA: Thank you, Mary Beth.

COUNCIL PRESIDENT PETERS: Alright, you've already called Peters, I voted yes, carry on.

Roll call vote of 7 yes to adopt the first reading of Resolution No. 93 – 2014.

COUNCIL PRESIDENT PETERS: Thank you. Okay, onto #15 may I have a...

COUNCILMAN FOLTZ: You don't have to do anything on an emergency then?

LAW DIRECTOR FOX: Yes, it needs to be passed on emergency.

COUNCIL PRESIDENT PETERS: Oh, it does?

LAW DIRECTOR FOX: It does.

COUNCIL PRESIDENT PETERS: Oh, Okay, even though we rejected it.

COUNCILMAN FOLTZ: Right.

LAW DIRECTOR FOX: Right, you have to because what your resolution is is to reject it.

COUNCIL PRESIDENT PETERS: I got you, okay, carry on. May I have a motion and a second to suspend the rules of council requiring a committee report and three readings for Resolution No. 93 - 2014?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: So moved.

Roll call vote of 7 yes to suspend the rules of council requiring a committee report and three readings of Resolution No. 93 – 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for rejecting Resolution No. 93 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

LAW DIRECTOR FOX: What you had said was rejecting the resolution but that's just to be clear we're not rejecting the resolution your resolution is to reject the fact finder's report. So what you're doing is to adopt under the suspension of the rules 93 – 2014.

COUNCIL PRESIDENT PETERS: Let me say that again that is correct I did say rejecting motion and a second to adopt under suspension of the rules for Resolution No. 93 – 2014?

COUNCILMAN CERRETA: I'll second that.

COUNCIL PRESIDENT PETERS: I need a motion and a second.

COUNCILMAN GRIFFITH: I'll move it.

COUNCILMAN CERRETA: He moves I motioned it. I second it. I'm ready to move right now.

Roll call vote of 7 yes to adopt under suspension of the rules of Resolution No. 93 - 2014.

RESOLUTION NO. 93 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Thank you. Okay, may I have a motion and a second to read by title only the first reading of Resolution No. 94 – 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to read by title only the first reading of Resolution No. 94 - 2014.

15. Resolution No. 94 – 2014

Community and Economic Development Committee

A resolution transferring from North Canton City Council to North Canton's Zoning and Building Standard Board of Appeals ("ZBOA") a November 7, 2014, appeal of North Canton's Planning Commission's approval of a conditional use permit for the expansion of the Hoover District's south parking lot, PC403-14CU, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairperson Kiesling?

COUNCILWOMAN KIESLING: Yes, this is Mr. Osborne's appeal to us pertaining to the Zoning Board or Planning Commission's approval of the conditional use over at the Hoover District. We have decided as the seven of us that it would be better suited to go before the Zoning Board of Appeals and that's where we are sending it per this resolution for them to set a date for a hearing and precede from there. I motion we adopt.

LAW DIRECTOR FOX: So it's clear now for everyone to understand our charter actually provides for this and even though your ordinance maybe somewhat more restrictive the charter controls. And the charter states that the Zoning and Building Standards Board of Appeals is to hear appeals involving administrative officials or agencies which is clearly the Planning Commission or any other duties as council may designate. So there's a couple provisions available there in your charter and since that is exactly what that board does it has a very well respected litigation attorney that chairs it in William Klein. And I'm sure that he'll do a fine job at evaluating whether the Planning Commission met the requirements that they needed to in their review.

COUNCIL PRESIDENT PETERS: Thank you, the chair has moved and a second?

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the first reading of Resolution No. 94 – 2014.

COUNCIL PRESIDENT PETERS: Okay, may I have a motion and a second to suspend the rules of council requiring a committee report and three readings for Resolution No. 94 - 2014?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN GRIFFITH: So moved.

Roll call vote of 7 yes to suspend the rules of council requiring a committee report and three readings of Resolution No. 94 – 2014.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules for Resolution No. 94 – 2014?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to adopt under suspension of the rules of Resolution No. 94 - 2014.

RESOLUTION NO. 94 – 2014 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

16. Adjourn:

COUNCIL PRESIDENT PETERS: Thank you, as that concludes our meetings for the rest of the year wish all of you a Happy Holidays and a Merry Christmas.

COUNCILMAN FOLTZ: Same to you.

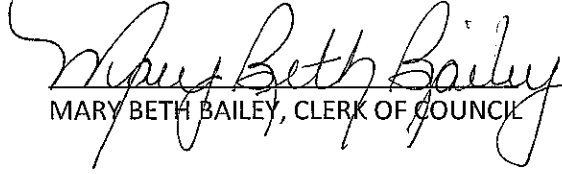
COUNCIL PRESIDENT PETERS: And I will entertain a motion to adjourn this meeting.

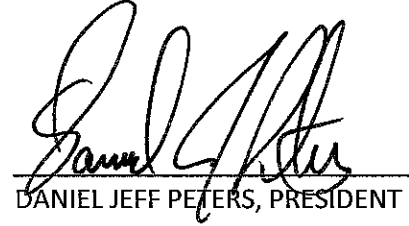
COUNCILMAN CERRETA: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to adjourn.

COUNCIL PRESIDENT PETERS: We are adjourned.


MARY BETH BAILEY, CLERK OF COUNCIL


DANIEL JEFF PETERS, PRESIDENT