MINUTES FROM COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, FEBRUARY 23, 2015

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting Monday, February 23, 2015 at 5:35pm. The opening prayer by Councilman Cerreta.

2. Opening Prayer – Councilman Cerreta.

3. Pledge of Allegiance

4. Roll Call

COUNCIL PRESIDENT PETERS: Clerk, 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.

5. Consideration

COUNCIL PRESIDENT PETERS: Alright, thank you. May I have a motion and a second to approve as presented:

Special Committee of the Whole Minutes: February 17, 2015
Council Meeting Minutes: February 9, 2015
Executive Session Minutes: February 9, 2015
Public Hearing Minutes: August 25, 2014 and January 5, 2015

COUNCILMAN FOLTZ: Motion to approve as presented.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes, 1 abstain to approve the above reports. Peters voted to abstain.

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

6. Recognition of Visitors

JAMIE MCCLEASTER: 710 Pierce Avenue NW. I'm here tonight on behalf of the North Canton Jaycees; we actually have fellow Jaycee member with us tonight Nicole Thompson. And believe it or not even though it's 6 degrees outside I'm here to talk about July. I guess as I'm trying to think about July it's not making me any warmer but here to talk about the July 4th Celebration in the Park that we've hosted for a number of years. I'm sure many of you know that in the past the City of North Canton had actually paid for the fireworks. And after belts started to get a little bit tight and checkbooks started to dry up a little bit the Jaycees took over and we've been paying for the fireworks with the help of our sponsors for the past number of years. And it's something that we are excited to do and to be quite honest with you I think one of the coolest things is actually being able to sign on a piece of paper to buy $8,000+ in fireworks; they still don't let me shoot them off though. But needless to say the reason I'm here tonight is we're actually looking for sponsors. I don't know that it's in the city's budget to help us this year or in future years but we do need help. The main source of income that the Jaycees have is from our Jaycee fair. And to be quite honest we're probably one bad week of the Jaycee fair away from not being able to do the fireworks for the City of North Canton anymore. Over the past couple of years last year we had one sponsor not a co-sponsor but it was a generous sponsorship from a physicians group out in the Belden Village area. Year before we had no sponsors this year we again I mean it is only February but we don't have sponsors as of now. So that means that this night costs us about $10,000 and it is it's a great party that we put on for about $10,000 so to speak but it's a cost that we can take this year but going forward and like I said we're one bad week of the fair away from not being able to continue this event any more. So I'm here tonight just to get the word out that we are looking for sponsors really we look for business sponsors anywhere from between $500 all the up to $3,000 gets a co-sponsorship and co-naming rights with the fireworks. So if you guys know of anybody who might be willing to sponsor the Jaycees please send them my way or if the city does find some money and they wish to contribute please let me know as well. So thank you so much for the time. Thank you.

MAYOR HELD: Mr. President, can I introduce Steve Altieri?

COUNCIL PRESIDENT PETERS: Yes.

MAYOR HELD: Okay, Steve. If you don't mind standing up Council and members of the audience we just sworn in a new police officer Steve Altieri. And what makes Steve special for the City of North Canton if that Steve has a lot of public service experience. He started out he graduated from St. Thomas, St. Thomas High School and then he worked with the City of Canton for 9 years in their service department and then worked 9 years as a reserve officer for the sheriff's department and then went

on to become a full-time officer most of the time which was spent as an officer or a deputy for Plain Township. So he has a lot of experience working in this region. Then after he retired in 2013 he started to work here in North Canton as a special patrolman which is great for the city because we have somebody that has 25 years of experience and now working in the city. So he decided to go one step further and come back and work full-time for the city. So it's perfect for North Canton's Police Department because we have like we have two segments we have those that are close to retirement and then we have a lot of young people that have been here for like a year, two or three years. And so you know as Daryl Revolt always says when somebody retires they've still got a lot of tread left on those tires. So Steve has a lot of tread on those tires right, so he's ready to come back and serve. What was also interesting is Steve had 2 awards at the sheriff's department by the Buckeye League Association safe driving awards. So for 5 years twice no chargeable offenses and that's impressive. So he drives safe, he's got a lot of experience and we have his wife Cathy who is here and his Antoinetta who is a student at Kent State. So we're really glad to him and we had sworn in Steve earlier today and we had probably I think all of the police officers here most all of them gathered just for a short period time, just a few minutes and now they're back out on the streets. So when do you officially start? (Tomorrow morning) Tomorrow morning, okay great so you had a chance to meet all of our council members and you'll be seeing them you know more I'm sure and then we have folks here from the city so we appreciate having you. Thank you, Mr. President.

COUNCIL PRESIDENT PETERS: Yes, no problem. Alright if there's anyone else wishing to address council please step forward state your name and address.

JAMES BLAINE: I live at 404 McKinley Avenue SE. This is the first time I've addressed council I did go to the planning board and voiced my opposition to the widening, expansion of the Hoover parking lot which fell on deaf ears. At which time as a group several of our neighbors got together and appealed this decision. To my extreme disappointment I've heard that this has been a hot potato type of situation between you guys and dropping it back over to the Planning Commission and back to you guys and nobody wants to make a decision. In the meantime you have a bunch of constituents that are living in limbo. You're doing everything you want to do but you have this appeal in front of you and doing nothing about it. I first off as I stated before they started it the our traffic in neighborhood would increase. I took it upon myself with a couple of neighbors to do a traffic study on our own. And I spoke with our council member and she said it wouldn't be admissible you'd have to do your own which is fine I understood that. They did place a traffic counter out one time never heard anything from it again. We had made complaints to the police department about the stop sign violations and the speed in the neighborhood. As part of the traffic study I'm a retired police officer from the City of Canton and I went down to a friend and called in a favor and borrowed a K55 radar gun for the day. And I sat out in front of my residence for the entire day 8 hours and I clocked every car that went up and down our street. Personally. And the average speed on McKinley which we all know is 26 mile an hour street is 48 miles an hour. Now in 4 houses at the end of the street there's 11 kids we had one child struck this summer and the police department does a wonderful job I'm never going to bad mouth the police department I was a police officer I know what a tough job they've got they can't do it all themselves. You guys are in charge to do something about it. I have inside contacts at the police department I won't disclose but they were sitting on the four way stop by the Y and were ordered by chief of police to cease this action because the people at the Y were distressed because they were getting so many tickets. I know this officer he's been an officer for a long time wouldn't lie about it. Also so we made the complaint and the chief did place a car out for several days out front. I was talking to some of the officers as well as one of them happened to be Steve who I worked for with for over 25 years as a police officer. And said this is ridiculous it's like shooting ducks. Nobody stops at that stop sign coming out of the Y parking lot coming from the Hoover parking lot or coming down off of I'm drawing a blank on the name of the street right now but Bitzer yes. So we have a problem there now we're going to turn around and we're going to make this parking lot bigger and increase the parking and increase the traffic even more because nobody goes out where we've approved what four traffic lights in a two block area? Nobody's going to go out there and sit through that stuff. And no matter how much we time it in the world you've got million dollar computers you're never going to clear up that congestion and you're going to and there's a warrant being issued for I think a third one now or fourth one right there for the new parking lot where you tore up the front lawn of the Hoover Company. So that puts another traffic light out there. Nobody wants to go out there everybody wants to go out the easy way out back through the private neighborhood. And it gets to be a zoo they come out and they go the wrong way on the one way on the alleys. Excuse me and they just do whatever they can do to get through. The traffic that I counted we got 3,472 cars in an 8 hour period on McKinley Avenue. Now my residential street I don't feel needs any more traffic than that at all we're going to have a lot because we have the Y and we understand that. But I don't think there's near that traffic on any one of your streets. And this is a major problem that shouldn't just be swept under the bridge. And there's other things you know you have an ordinance saying that you can't have parking more than 200 feet from the business. That is way over 200 feet. That additional parking that you brought up could have been up on the opposite side of the building in a non-residential area that's already a parking lot and improved and gotten more parking spaces than you got by carrying tearing down the woods. But onto the final thing I'm running out of time here is I'm upset about the whole appeal process. And I don't know this fully I've tried to get copies of the minutes from last week but I was understood there was criteria to make an appeal. And we have met every single one of them but the last criteria being we must present our appeal to the council or to with a lawyer. Now I don't see how that could be possible in the United States of America. I can represent myself civilly or criminally through the Supreme Court but I need a lawyer to address the common matter to this council. I don't see how that could possibly be true. And you know I would just would like some answers I don't it want it brushed under the table I want you know would like reason. That's it.

COUNCILMAN CERRETA: Jim, Jim, based on right now the traffic do you see a solution for that?

JAMES BLAINE: Oh yeah, solution you could close off make that McKinley a dead end street which would defeat the whole purpose of everybody bailing out of that.

COUNCILWOMAN WERREN: But off of Bitzer you wouldn't turn right?

JAMES BLAINE: You couldn't if you came out of the alley which is a private alley out of the parking lot if you could not turn left onto McKinley you'd have to go up to Bitzer they would never do that...

COUNCILWOMAN KIESLING: Make McKinley a one way.

JAMES BLAINE: Right.

COUNCILMAN FONTE: When you did the traffic count was that when the Maple Street thing was closed over there?

JAMES BLAINE: No, no, this was way before that.

COUNCILWOMAN WERREN: You have all the numbers?

JAMES BLAINE: I do have them.

COUNCILWOMAN WERREN: Could you send them and then we had like a count done and then we have the numbers as well. We could show you. If you want to send them to me I could forward them.

COUNCILMAN FONTE: I was thinking the 3472 you know I didn't' know if that during when some of the roads were closed off cutting through.

JAMES BLAINE: No, everything was opened; I'm sure during the Maple and during the construction up on Main Street much, much higher.

COUNCILMAN FONTE: Yeah, I know people were zipping through there I like the signs that were out there to slow down for kids.

JAMES BLAINE: Well Chuck Osborne paid for those out of his own pocket.

COUNCILMAN FONTE: That was nice I liked that.

JAMES BLAINE: And which was and you know they weren't much but at least there's something you know we're trying to do something and like I said we have a child struck in that neighborhood this year. And my kids are older now I really don't have to worry about them but like I said there's 11, 14 kids under the age of 11 in that neighborhood right now. And that's not counting the bottom half I don't even know how many kids are down there. So, well, thank you very much.

COUNCIL PRESIDENT PETERS: Thank you, Mr. Blaine. Anyone else wishing to address council please step forward.

GLENN SAYLOR, JR: I reside at 340 Reed Avenue NW, North Canton, Ohio. Come before council tonight to discuss Resolution No. 2 – 2015 which is item 15 on tonight's agenda. At last week's council meeting Councilman Kiesling made a presentation claiming that the applicants had no standing to appeal to council because amongst other things they did not participate on the record with legal counsel at one to the Planning Commission meetings. Having majored in political science in college I've heard that term standing used on a number of occasions but always when dealing with court cases. College was admittedly a long time ago so I'm going to defer to Councilman Kiesling since she has recently researched the subject. She stated at last week's council meeting and I quote "standing requirements exist to prevent courts from being used to excerpt the authority of political branches and limit judicial process". Let me repeal that again with my own emphasis and commentary added "standing requirements exist to prevent courts" and that is the keyword courts "from being used excerpt the authority of political branches". So clearly Councilman Kiesling by your own definition you agree that standing refers to cases brought before a court. Therefore to dismiss the appeal to council because of lack of standing on these grounds is a tenuous proposition at best. Rather these individuals who have a right to appeal to council based upon the requirements in North Canton Ordinance 1177.11. Council admits this when they recently passed Resolution No. 1 – 2015 unanimously. So lets us look at 1177.11 and its requirements the ordinance reads: any person who is adversely effected by a decision made by the Planning Commission according to the procedures set forth in this chapter may appeal such decision to council within 30 days of the Planning Commission's decision. The requirements are pretty cut and dry the applicants were adversely effected and they properly appealed to this council within 30 days so they fulfilled the necessary requirements. Let this council not procrastinate on this issue any further it has been an excess of 120 days since these individuals made their appeal to city council. Therefore I request that Resolution No. 2 – 2015 be rejected by this council and that the applicants be immediately afforded all rights granted under 1177.11. I will close with a quote that my father would always say to me and I think it's pretty applicable in this case you spent more time trying to get out of doing something than it would have taken to actually do it in the first place. Thank you.

RITA PALMER: I live at 307 Fairview Street SE. I don't know how to accurately describe my deep disappointment with the appointed and elected city officials before me. For 55 years I have proudly lived in this city, educated you and your children and loved this city. But you have lost your way. You are supposed to represent citizens, help them and protect them from big business interests. Which of you has helped me receive a hearing before this group as a whole so that I and 16 others could explain how unfair it is that IRG has been allowed to narrow parking spaces in their lot by one foot each. How unfair it is that IRG unlike the YMCA has not been required to install islands with trees on the lot. How unfair it is that IRG was able to reject the OB office building zoning in favor of residential R2 zoning so that the buffer to the neighborhood could be as small as possible. How unfair it is that IRG was able to extend the parking lot beyond 400 feet so that if a business customer parked at the south end of the lot he would be forced to walk beyond the maximum limits allowed by zoning. How unfair that citizens were arbitrarily denied the right to speak at a Planning Commission meeting on October 8, 2014 that had an agenda item

marked public speaks. And most significantly how unfair that the lot construction was not stopped on October 10, 2014 when our appeal was filed. On Tuesday, February 17, 2015, nine months after this zoning issue began you stooped to a new low instead of setting an appeal hearing date you orchestrated a charade of disqualifying all 17 residents who sought this appeal. When I asked you how I could get the set of Supreme Court standards that you used to judge me unfit to appeal you said it's on the internet I asked what do I look under and Mr. Fox whose salary I pay with my taxes said "ask your lawyer". When I responded "I don't have a lawyer" he stated to me in front of several council members in no uncertain terms "I am not your lawyer". I have no law director to help me, I have no counsel to represent and help me fight big business. But I was told by council members that I could take the issue to Common Pleas Court. What kind of advice is that? That costs me money, that costs the city money and that enriches the city law director. I have heard from more than one source that the law director was hired to get Chuck Osborne under control. I guess that means you want to get Rita Palmer under control too. Let me say your attempts to do so are unprofessional, ruthless and unconscionable. They smack of a vendetta. If you were true representatives of citizens you would set a hearing date tonight. But instead you seek in the next meeting to stop all future citizen appeals to council on zoning issues because we citizens can always go to court. Perhaps in the future IRG can tear down a couple houses on Hartman and put in a gas station or a well next to the parking lot. The volunteers on the Planning Commission can change the zoning and the residents can be buffered by 10 fir trees. It won't matter to you until the residents drag you into court. Is that what you want? Let me remind you the Hoover District cannot vote you in or out of office but we 1,000's out of control citizens hiding behind a few fir trees can. Thank you.

MELANIE J. ROLL: 308 Portage North Canton. This evening I would like to speak to two issues Ordinance No. 14 – 2015 and Resolution No. 2 – 2015. My concern is the process of how each of these pieces of legislation made their way to tonight's agenda. First I believe the outdoor swimming pool is an asset to the community I supported a park levy to help fund the pool and the city's parks because I believe they contribute to the quality of life of citizens. And a partnership with the YMCA to manage the pool could be good for all. One year agreement will give both parties a chance to evaluate that partnership. What I'm disappointed about is the process of overlooking the Park Board in coming to this decision. Citizens give their time to serve on this board they should have been part of the discussion not eliminated. Second it would have been fairly easy for council to hear the appeal of the conditional use permit of the south parking lot; schedule a meeting time, hear the testimony of those appealing and call a vote. It has been the conclusion of most citizens that the appeal would be denied after all the property belongs to IRG. However, you decided to change the rules of the appeal process midstream those appealing have had to meet a set of standards not published in the zoning code. How was one to know an attorney had to accompany a citizen to the planning meeting? The seven of you are elected to serve the citizens of this community I'm not so sure you take it very seriously. Please explain to me how changing this appeal process serves North Canton citizens. And in the future maybe you or somebody in your neighbor will want to use that appeal process and it will no longer be possible. So I don't understand when you get to the item here on the agenda please explain to me I'd like to hear from each one of you why did you change it midstream. It could have been easy. Thank you.

COUNCIL PRESIDENT PETERS: Anyone else wishing to address council please step forward state your name.

ROD COVEY: 35 Auburn. I believe this is my 155 time in front of council and more than once I've said I almost wish this podium was turned like at an angle so that I could also speak to these people. I feel so close to these people and I feel totally alienated over the 155 meetings I've attended of the Planning Commission and the city council. I have met with many things I was going to bring up tonight but I am so I'm just a little bothered frankly after what you've just heard and but what I did say last week I understand Doug you said that after I spoke two weeks ago that I wasn't able to get a response but I would next day or so. Two weeks I still haven't heard an answer on my complaint about the hole, this hole is I pass these around but I won't now but anyway the hole is bigger about the size of a football field it's been there for over 5 years it was supposed to be filled or built on but the developer didn't do a damn thing. And then the law director took over and things went downhill from there so now five almost six years later the hole was still there it's a its nuisance and I could go on for more but again whatever was said before I second the motion. Thank you very much.

COUNCIL PRESIDENT PETERS: Do you want to address that? Doug?

COUNCILMAN FOLTZ: Yeah, Mr. Covey, I appreciate your comments but I think our law director did address the situation spent probably like five minutes on it after you were done with your public speaks. So hopefully if there's any other questions please come up and hopefully he can answer them or someone from the administration.

ROD COVEY: But he did not address them sir.

COUNCILMAN FOLTZ: Well, we'll just leave it at that for now. You can come up after... Melanie I appreciate your comments about the Park Board Councilman Cerreta and Ben Wheeler did attend tonight's meeting and we addressed the pool collaborative issue with the Y. We had a very good structural meeting; so I wish it would have happened earlier but we'll take it now and move forward and enjoy public comment on it. So thank you for your comments. Thank you.

COUNCIL PRESIDENT PETERS: Anyone else wishing to address council please step forward and state your name and address.

CHUCK OSBORNE: 307 Fairview Street SE, North Canton, Ohio. I have two issues I want to address. The first since we were just talking about the pool I just want to put it on the record that your efforts to stymie losses for the Dogwood Pool by partnering or joining in with the Y is not going to benefit the city. The Y will benefit because they're going to have access to another resource to generate some funds for themselves. You're already losing money on this pool now you're partnering with the Y and right off the top you're going to have to give them $16,000 a year you said to help them cover their administrative costs. So that further deepens the city's losses here. As I understand it I haven't seen the contract; nobody has seen anything and there's been very little discussion as usual on many decisions up here that are major impact on the city. You

just rush into them willy-nilly. People with Y membership are going to be able to have Dogwood passes as I understand it at discounted rates. So there's further loss in revenue for the City of North Canton. The public doesn't care who they're buying the tickets from so what's to generate more ticket sales? And it's a little municipal pool how many people can you cram in there? How much more revenue can you generate? I'm hoping that the city is going to try this before you spend $800,000 or more on that pool. This is a pool that's available what 70 days a year? And it's used by a small minority and I bet even smaller minority of city residents. We all used roads old, young in between every day of the year 24 hours a day that's where you need to be putting this money. These streets are falling apart at a calamitous rate. So I just want to get it on the record and then I don't want to use the term I told you so but you're not going to see any increase revenue there's no reason for people to run and get pool passes just because they're buying through the Y rather than buying them from the city. I think we had a true accounting here last week when you talked about the three or four months that the city service director spends up there. Are you allocating his salary and all of his costs to the cost of that pool? I don't think so. The people that you hire to sell tickets up here set up all day and sell pool passes. Are you allocating all their cost? I doubt it. So anyway you're going to do what you got to do you always do it. I see no benefit have you done any cost benefit analysis you're making wild assumptions of oh my God and you use the word partnership or there's another that Mrs. Werren likes to get all excited about and everybody just swoons oh wow a partnership. It's got to work then if it's a partnership. Also I want to talk about the appeal. I this council has been described as the worst council in all of Stark County by the Stark County Political Report. I mean for the last two years that's all we've seen is decisions and actions that totally ignore the public, the health care, the public records and now the denial of an appeal hearing. Could you have at least put on a charade and say yeah, we'll give you an appeal we know in our hearts we're going to turn you down, but just go through the motions. You're not even smart enough to think that up I guess. And now I see in tonight's agenda you're going to take away the entire appeal process. Let me just tell ya this appeal process was put in the zoning code in 2003 we spent $55,000 and waited six years to get this zoning code entirely re-written. Mr. Foltz you voted for it. Mrs. Kiesling you voted for it. There's a protection in there for a reason. Conditional use permits allow activities in a district that normally are not permitted. This gives an appeal directly to this council who oversees the Planning Commission to listen to the residents and as it has been pointed out we were shut out at the Planning Commission meeting when they talked about the conditional use permit. You go back and read all the minutes from May 7th to October or September 3rd and then October 8th. There was never discussion about conditional use permits and Mr. Flechtner sets up here who Mrs. Kiesling and I you and I have talked about this 10 years ago and agreed privately that Mr. Flechtner has a conflict of interest. This has been going on up here for years. But there was no discussion about conditional use permits and when we came to speak on October 8th Mr. Flechtner just deemed it a housekeeping issue. And in 30 seconds after the meeting had started they'd already voted. We had 100 people at each of these meetings in opposition to this many of them spoke. The Planning Commission at their May meeting was totally in opposition to this they wanted to see major changes to the plan. And then in a course of three months they come back in September every argument they raised and the public raised suddenly evaporated. And they suddenly approved it. Wonder how that happened Mr. Held? I'm sure pressure has been put on them you're riding the coat tails of what Mr. Lichter does over here and that's how your that's your entire economic plan. Your entire economic development plan. So clearly politics interceded here. You are elected representatives no matter what the law director tells you, what the mayor tells you, what Mr. Grimes tells you, you should be looking at all these issues from your constituents point of view. Mrs. Werren they don't even your vote on any of these issues you could at least put up a charade and say I want to stand up for my constituents in ward 3. Mr. Foltz certainly does and he stood out there alone on all these and swayed council on some of the issues in ward 1. You need to resign, you have done nothing for ward 3. Here's the zoning code that we passed in 2003 with that Section 1177.11 in its appeal to city council and fabricating these rules Mrs. Kiesling I'm not impressed with your legal research. You were choking on your words as you read whatever Mr. Fox gave you. I would be totally embarrassed. Totally. So not only do you not want to hear the appeal and by the way I want to give you this council's notice already I've already engaged an attorney so you want to see more litigation and have your reputations dragged through the mud some more be my guest. Bring it on.

COUNCIL PRESIDENT PETERS: Wrap it up Mr. Osborne.

CHUCK OSBORNE: Just has it has been pointed out in this council it says any person...

COUNCIL PRESIDENT PETERS: Mr. Osborne wrap it up, wrap it up

CHUCK OSBORNE: Who's adversely protected can appeal to council. You're not welcome.

MAYOR HELD: Can I address?

COUNCIL PRESIDENT PETERS: One minute, is there anyone else wishing to address council? Please step forward and state your name. Mayor?

MAYOR HELD: Yes, just to address some you know the situation we've had a number of issues brought up as far as IRG and where I stand as the mayor and where the council members stand. And I'm hearing a couple of things. First of all, when it comes to the procedure you know I understand there's frustration as far as the procedure I'm not going to comment on the procedure at all because that's not that's really not my area of expertise. But at the same time I will comment on your position as far as IRG and I have and Jim I spoke with you and the other residents down in that area I fully supported and I still support the parking lot expansion and I know it's frustrating for the residents along Fairview because you would of rather not had the parking lot expanded preserve those trees. And with my goal was from the city's perspective is I wouldn't like to say that we're just catering to big business. I mean really what our job is is to bring jobs to the city because when you have jobs in the city people pay taxes, when people pay taxes you get to hire police officers, fire, EMS and so the challenge is trying to keep that delicate balance of continuing to bring in funding and let me just as a reminder back in 2000, 2001 our city income tax was just over 7 million dollars. That was the income tax. And then you go back 10 years later when Hoover left our income tax was $5.4 million. So we saw like over a 23% reduction in the city's revenue. I mean that chokes the city's operation absolutely

choked the operation. So what we had to do is go from 116 city employees down to 92. Now I think we're hovering at like 94 maybe 93, 94 full-time employees. So I want you to know that I am sensitive to the frustration that you folks are going through on Fairview because we don't want 3,000 cars speeding up and down the street. I don't want 3,000 cars speeding up and down any street. We don't any cars speeding anywhere. I mean but there's no reason why we would want that. The police chief saying that you know whether there's word in the police department we're not going to write tickets or write tickets again usually what happens in the police department if you find a particular area where residents are frustrated where cars are traveling at a high rate of speed or there's a perceived high rate of speed we do a couple of things. We'll go in with the device that measures the cars, the volume of the cars and then it measures the speed, then it gives an average rate of speed and then it gives the highest speed, then it gives the lowest speed. So it does give us it's similar to what you did Jim with the with your radar detector. But this does it on a computerized basis. So it's not like we're ignoring it but I can say that Fairview Street isn't the only street that we have complaints where people speed. I mean we have those complaints throughout the whole the entire city and Jim you know that as a police officer. So it's not like we're ignoring it but it is trying to find a balance in bringing jobs to the city not being totally insensitive to the residents that are affected by that. Because I try to put myself into your shoes. But at the same time I have the responsibility of making sure that all the streets are paved, that we have jobs here in the city and I just want you to know that I, I fully supported the parking lot expansion and I feel badly if and Chuck I know it's very frustrating for you we've went through this discussion on you know numerous discussions about this. And so again but my hope is is that with the cars that are traveling up and down Fairview there has to be something that we can do I don't know exactly what the answer is but there's got to be something that we can do maybe to fix that. And the other thing is too when you look at all the elected officials they're making the best decisions that they believe is best for the greater good of the city. And sometimes it is frustrating it's frustrating for you folks on Fairview it's frustrating for them but I can assure you personally that they're not sitting back saying "hey, how can we offend you know the residents on Fairview or on any street or what can do to just ignore people". I don't think that is the case at all. I think that they're trying to follow the process that's presented by the law director. I believe that they are all doing personally I believe that they're all doing the very best that they can but at the same time I know that it's not necessarily the outcome that, that everybody would want. And I know that that's what I'm trying to do. So again what we want to do is try to make if we can make a difference over on Fairview and McKinley and again I don't want to act like we're just you know I think closing off the street is a real drastic measure because once you close off one street then you're just likely to redistribute that traffic down another street. So your street might be happy but know the people over on the next street traffic can just down over to theirs. So but its tempting sometimes when you have a group of residents that are frustrated to take quick action and to do something which...

(Mr. Osborne spoke out from the gallery)

COUNCIL PRESIDENT PETERS: Mr. Osborne you've had your time to talk.

MAYOR HELD: So again the and any time after the council meeting if you folks want to talk to me or ask any of the questions I know I'm probably not going to tell you what you want to hear but at least you know that I think that the officials are all trying to do the best that we can give the circumstances. That's all.

COUNCIL PRESIDENT PETERS: Thank you, mayor. Is there anyone wishing to address council please step forward state your name.

JIM BLAINE: 404 McKinley. Just a rebuttal to what you said Mr. Mayor, I'm not against the parking lot myself. I am for jobs I understand the situation. I am saying there is a better way to go about it than what we going about it right now. Just shutting off the input of the citizens denying an appeal process instead of saying you know what can we do to make this a more easier pill to swallow. I agree I'm going to have to swallow that pill I know it I'm an adult and I worked in in this arena for a very long time probably more than a lot of you on the council. So I know what's going on. The problem is there are better avenues better ways of doing of it. You said I thought about shutting McKinley and you said there are no other houses on that street so you wouldn't be creating another problem. It was thought of if you send them right up Bitzer they have there's no houses on Bitzer in that one block. So you're not creating a problem. And by redirecting traffic flows you're forcing them back to the main thorough fairs rather than through the neighborhoods. That's what I'm trying to say.

MAYOR HELD: I see what you're saying. So you're saying not to cut off the Fairview Street but to cut it off at McKinley...

JIM BLAINE: You cut it right at McKinley you could either make it a one way or you could just dead end it. Which is probably not feasible with the fire department regulations and what have you. But there are ways around it. You know if it was one way would I like it one way up McKinley? No it would be a pain in my butt. But do I want 3,000 to 4,000 cars coming down my street? I mean as a house homeowner I have to weight that that decision. And that's what I'm saying just by throwing willy-nilly throwing out appeals processes and you know it looks bad. It doesn't it may not be an intention of anybody and I don't believe it is an intention of everybody but it looks from the outside looking in it looks like I don't want to be bothered with these people. So we'll just cut it off so and the thing that really upset me was the comment that I had to be represented by an attorney. Like I said I live in the United States I'm a United States Marine I'm a retired police officer I can go to the Supreme Court without an attorney and Mr. Fox am I right?

LAW DIRECTOR FOX: When you're finished.

JIM BLAINE: Okay, I can do lots of things without attorneys, a lot of attorneys will like you to believe you can't but you can do a lot of things without attorneys. Thank you.

COUNCIL PRESIDENT PETERS: Chuck, we're going to rehash this.

CHUCK OSBORNE: You allowed a second discussion by Mr. Blaine, I'd just like to recap. Mayor...

COUNCIL PRESIDENT PETERS: No, you're not going to recap anything, Chuck, you're out of order please have a seat.

CHUCK OSBORNE: You allowed Mr. Blaine to come back up and speak. The traffic will have to be...

COUNCIL PRESIDENT PETERS: Chuck, please sit down.

CHUCK OSBORNE: Stay on the main thorough fair.

COUNCIL PRESIDENT PETERS: Chuck, you are out of order please sit down or I'll have you removed.

CHUCK OSBORNE: Why didn't you gavel Mr. Blaine?

COUNCIL PRESIDENT PETERS: Please sit down or I will have removed.

CHUCK OSBORNE: You have no answer do you?

COUNCIL PRESIDENT PETERS: Your answer was please sit down or I'll have you removed.

CHUCK OSBORNE: Thanks for nothing.

COUNCIL PRESIDENT PETERS: Is there anyone else wishing to address council please step forward and state your name. I want to make a few comments in regards to all this. And Chuck to your comments the first Planning Commission I was at when they talked about this and they said major changes were needed. And I'll even expand on that Tim Morrow even called it amateur hour. And it was. Subsequent meetings that we had at the site and in Planning Commission here addressed all most of those most of those issues. You wouldn't know Chuck because you were at the meeting in the parking lot as most of us were. You wouldn't even come anywhere near the tent you stood out in the rain because you didn't even knowledge all the professionals that were there. Mine experts, hydrologists, you know they would have talked circles around you and that's why you didn't come underneath the tent. And they answered quite a few questions. There's no minutes to that meeting but most of us were there I believe. They addressed the flooding issue. There will be no run off they didn't have to do that but they did that. And I'm not you know talking them up but that was one of the byproducts of this expansion is they were going to address the flooding issue. Mr. Angelo, Judy, they're not going to get runoff into their backyards anymore. It's going to...

(Mr. Osborne was speaking out from the gallery at this time)

COUNCIL PRESIDENT PETERS: Chuck, speak out one more time and I'll have you removed. You've had your time. Not only is the expansion that they're proposing going to address the flooding issues but it's going to take some of the pressure off the storm sewer that goes down by Mr. Angelo's house. Which you've well documented he's had issued. It's going to take the pressure off of that. You have known that if you would come into the meeting. But instead you were there but you wanted to stay a 100 feet away. I don't know why you were asked to come to in. Now we've read the minutes for those that weren't at the meeting that read the minutes from the two Planning Commission the two subsequent meetings. There were three but there were two where public input was allowed. In our opinion and I agree with the mayor we are in favor of that and they addressed everything. They are within the law. Now Mr. Blaine in regards to your comments about officers being pulled off sitting on that intersection we will address that. That's inexcusable if that did happen. And possibly shutting that down and doing a one way or maybe a break away dead end where safety trucks could get through but regular traffic not. That's something to look at. And I wouldn't be opposed to considering that. We do care about the safety of the children in that neighborhood. The fact that we're denying his appeal doesn't mean that we don't care about the kids in that neighborhood. You know I've heard quotes we've lost our way, stoop to a new low, we hired the law director to get at Chuck Osborne. All sensational headline grabbers. I mean come on really? You think we're up here making these decisions just to screw Chuck Osborne over? You've got to be kidding me.

LAW DIRECTOR FOX: If I may while you're researching.

COUNCIL PRESIDENT PETERS: Hold on.

LAW DIRECTOR FOX: Okay.

COUNCIL PRESIDENT PETERS: Rita, you also had a comment about they rejected OB what in favor of R2 to increase the buffer. Was that right?

COUNCILWOMAN WERREN: That's what she said. But it was the opposite they wanted to have a bigger buffer.

COUNCIL PRESIDENT PETERS: That's right; they wanted to have the bigger buffer.

COUNCILWOMAN WERREN: Yeah.

COUNCILWOMAN KIESLING: But they did pull back and asked not to have it rezoned.

COUNCIL PRESIDENT PETERS: Right.

COUNCILWOMAN KIESLING: However they...

COUNCIL PRESIDENT PETERS: And there was going to be a battle because I think they wanted to avoid that battle. Ms. Roll and I think even Chuck suggested that we put on a show and a charade just to put on a show that we care. We are in favor of the parking lot the Planning Commission we believe ruled properly. If you don't feel that way then you take it to the Court of Common Pleas. But we're not going to sit up here and have a charade just to be in subsequent meetings and public speaks to be called out for having that charade. That's not how we operate. We operate in a professional manner. We operate because we care about this community and the neighborhoods that we live in. And to even suggest that we would just have this charade to appease who? For what? Are you kidding me?

(At this time Rita Palmer spoke out from the gallery)

RITA PALMER: Are you speaking to me?

COUNCIL PRESIDENT PETERS: I'm talking you were looking at me when you were talking, you were looking at them. This has become all too familiar. With you Chuck in particular and maybe that's why I didn't give you a second crack to come up here and beat us over the head. At least Mr. Blaine was being respectful. And Mr. Saylor you say that we are you're quote was "we're trying to get out of doing something". No. We're not trying to get out of doing anything what we're doing is denying the appeal in this ordinance. That's doing something we don't agree with it. We agreed with the Planning Commission. That's doing something. By not having the charade that Chuck and Melanie suggest we have doesn't mean that we're not doing something. We just chose not to have the charade we agreed with the Planning Commission decided. We are in favor of the parking lot. We are in favor of economic development in this community. Filling jobs into that building over there is not a perfect scenario the perfect scenario is having one company, three shifts like it was rooted in the community giving back to the community. We don't have that. We've lost our way.

COUNCILWOMAN KIESLING: Before Tim comments can I make a comment?

COUNCIL PRESIDENT PETERS: Yeah, have it.

COUNCILWOMAN KIESLING: No, I just like to that yeah it's been 100 and however many days that we've talked about this and quite honestly it's been 100 days that we've talked about this. So the seven of us have really tried to figure out how to go about this process because it is not clearly defined in our charter. I for one was one who said of course we're going to have the hearing of course we're going to hear what they have to say of course we're going to try and figure this out. And I was at all the Planning Commission hearings. But the more I look at it and the more I think back on our history which is what everybody says we should do in life I remember the last time we had an appeal in this council and a person in a kangaroo suit appeared. And that appeal had no boundaries either because our charter didn't give it its boundaries. We should of never have went forward with that appeal and the whole process. It should of went somewhere else. The seven of us are not attorneys Dan's the only one who's an attorney I certainly would do not want to be a part of such a huge decision as this zoning issue. And to for you guys to sit there and say we didn't take it seriously is makes me wonder why the heck I put my time and energy into this. I respect all of you sitting out there but to stand up there and disparage us is very unfair. Because I certainly didn't disparage you. I wanted to give you your day and we all decided it's not in the best interest of the City of North Canton. Because then if we didn't do what we were supposed to do legally then we could be held liable or IRG could be held liable. We have all these silly, crazy rules in the law field that I can't stand but we have to live by them for some reason. Because everybody sues everybody and everybody has an ax to grind. Therefore we have to follow all these stinking rules that are 1,000 pages long that I don't understand. But I have to, have to trust the opinion of my attorneys that work for me and have discussions with me. We most certainly did not try to excerpt your appeal process. We have no appeal process in the City of North Canton it is not in our charter. It just says you can appeal to us. We've already been down that road it doesn't work. So we decided we're going to go back to the Ohio Revised Code which is our charter says we should do if it's not there and that's what we relied on. It had nothing to do with any of you personally we most certainly don't want anybody killed over there especially a child. It is unbelievable to me that you guys believe that we do things to hurt you. That's absolutely crazy. And I'm extremely disappointed and I wonder why we even sit up here and do this. That's all I have to say.

COUNCILMAN GRIFFITH: So I thinks essential that we go back to what the rules are at the very beginning. And as I thought about it this week and Rita and I had a chance to talk about this at length after the meeting last week and I hope that our conversation was helpful and I tried to stay and answer as many of the questions as you had. So I'm and I'm happy to do that for anybody who has questions or issues. But we have to go back the people have been talking about what the charter says and what our ordinances say. And those are certain relevant but I was a political science major too Glen and as we all know nothing in the charter and nothing in the ordinances is able to supersede what is listed out there and restricts us in the Constitution. The 5th Amendment to the Constitution talks about depriving people of life, liberty and property. And that's what zoning does. And so as a result the United States Supreme Court and our local Supreme Court here in the State of Ohio say if you're going to enforce zoning and thereby restrict rights on people you've got to do it in a certain way. And that means allowing finality that means protecting the property rights of people who are there. That means protecting the property rights of people who are there. That means protecting your property rights, my property rights and everybody's. And in fact sometimes it needs protected the property rights of people that you may not like very much. But there's a reason for that. And let's go back and think about it in a different way. If I'm going to build a garage and I'm going to come to the Zoning Commission and say I'd like to build it 38 feet tall as opposed to what the restriction is there and the Zoning Commission hears what I have to say and they decide well that sounds fine, that's alright it's not a problem. Then zoning itself is restricting what I'm allowed to do to my property. I mean if I wanted to build a 38 foot garage otherwise I'd be allowed to do that. But zoning tells me I can't do it because it's an agreement that we all have together that says for the betterment of all of us we're going to restrict each other's property rights. But we're going to only do that if we provide each other with certain due process. And that due process is a finality if I come to the Zoning Commission and I say I'm going to build that garage and it's going to be really tall who's allowed to object to that? Is somebody from out of town allowed to come in and say I'm against garages? Is

somebody down the street allowed to come in and say that? It's somebody who doesn't even know what's there somebody who just maybe doesn't like me, a relative who lives far away. The Supreme Court says in order to not violate the 5th Amendment to the Constitution you can only allow certain people to object to zoning rules that pertain. I don't like that because we want to hear from people; we want to hear what people say. That's exactly what Marcia was talking about. When we decided are we going to have an appeal so that we can hear what people have to say our natural inclination is to say of course why wouldn't we do that. But if we did we would be violating the property rights of people and if we did it for these folks we would be at risk of violating the property rights of every single person in this room and everybody in the entire City of North Canton. And that would be wrong. We have been appropriately criticized over time because we have not done what was right even though it would have been difficult. We didn't want to do this in the sense that we weren't inclined actually it wasn't that the easy thing to do. But it was the right thing to do. And that's what I think is so essential for people to hear. If we had a choice our decision was to hear this appeal and the question that becomes before us is did the Zoning Commission have enough to make the decision that they did. We can't we can't put ourselves into the Zoning Commission's shoes and decide what we think makes the most sense. All we're deciding is did they have enough evidence to come to the conclusion that they did. And frankly that's one of the reasons that we're taking that appeal away because those decisions shouldn't be political decisions. They should be decisions that are based on the health and safety and benefit of what's there and it's the Zoning Commission's restriction and job to do that. And if they don't do a good job with that the courts will tell them that they didn't and that's the court's job. And they do that all the time. Absolutely all the time. The decision about whether to do something when it comes to zoning or whether or not to do something shouldn't be a political issue. It should be a matter of what's right and appropriate and that's where taking the politics out of it is a better way to go from a policy standpoint. If you look at the zoning restrictions and rules it's almost every one of the zoning resolutions for our surrounding townships and almost all the local political subdivisions that are around here the bodies that make the decision the legislative bodies are not involved in the political decisions relative to zoning appeals about if there's a decision relative to zoning, rezoning yes, they are and we should be and we're taking that away. That is a decision that the group makes as the city and the community makes as a whole. I just think it's absolutely essential for people here to say we're not trying to silence anybody's voices. We knew the people would be here tonight and would give their opinion on this as they have as you have given your opinion in many of the other forms and venues. We're not looking to silence that and we welcome you to hear that. But to suggest that we go through a process that would be politically expedient and would look good even if it was inappropriate that's wrong. It is absolutely wrong. And even though we were given the opportunity we refused to do it. And I hope that you understand even if you disagree why we came to that conclusion.

COUNCIL PRESIDENT PETERS: Anyone else on council wishing to make comments?

LAW DIRECTOR FOX: That was well said Councilman Griffith and you know I won't add anything to that other than stating that for those of you in the audience that believe they wish to avoid this in some way I'm telling you it's entirely not the case. That was my recommendation because my recommendation was that you follow the rule of law and not someone else's opinion or intuition or how you should do that or even if it's easy to have this appeal or just why don't we just do this so we can do it and get it over with. My recommendation was that you not waive the rights of others. That have the right to require anyone to appeal to have standing. And Mr. Blaine it is a requirement according to the Ohio Supreme Court to have standing in a zoning issue that you be presented by counsel that you own property that's adjacent and contiguous and that you attend the meeting and put on the record that you oppose the issue. And state that you are represented by legal counsel. The only case that I've seen outside of that is when the person who came was a property owner fulfilled all the other requirements and was an attorney himself. And that was a case not only a month ago in the 5th District Court of Appeals. So for again for those of you that thought that they tried to avoid or push it off in some way that's absolutely not the case. My recommendation as the attorney for the municipality the City of North Canton is not to open yourself up to litigation for this issue. And litigation that you likely would not win. So it was my recommendation that you follow the rule of law, the rule of law going through the text looking for property owners that attended, that participated with counsel there were zero. So of those individuals that signed on none of them had standing to appeal. There are further requirements for standing but at that point the issue is mute. If you don't reach at that point you might as well stop it right there. For Ms. Palmer it's not unique for residents to contact law directors and ask for legal advice. Law directors are prohibited by law for providing legal advice because they represent a municipality it would be a conflict of interest it would be against the rules of professional responsibility you could lose your law license for that. Again, you would also open yourself up to litigation in creating this conflict of interest against the city. That was the recommendation you do have legal counsel your husband simply stated that he's ready to sue the city for this issue. But that does not influence council in making the recommendation to deny the appeal. Simply the threat of litigation from Chuck Osborne opens up litigation from the rights that we would be waiving by accepting this without standing. For Mr. Covey as I stated at the beginning or at the end of when you spoke last week I've spoken to you a number of times on this issue. There actually is no hole there there's not a pit there's not a depression the ground is level I don't believe that you've gone there and looked at it it's a retaining wall. There's no hole I've driven my car there accompanied by the director of administration. And I've done that recently. Its flat there's no hole for anyone to fall into I know you're shaking your head but I'm, I'm I'm...

(Mr. Covey out from the gallery)

COUNCIL PRESIDENT PETERS: Mr. Covey.

LAW DIRECTOR FOX: I'm really certain that there's no hole there's a retaining wall and you stated that nothing had been done with this. Indeed there was a criminal complaint filed against the owner of the property and they've entered into an agreement to resolve that issue the complaint is still standing. Mr. Bowles met with the owner and entered into an agreement on behalf of the city. I've told you that but you come again each time with that same issue. I don't know how to resolve further than that but that's the answer to that question. That's all I have on those issues.

COUNCIL PRESIDENT PETERS: Okay, we're going to move onto old business but one last comment and I've got to this out here when anyone comes up during public speaks addresses council regardless of what you have to say I mean we've been attacked up from so many different angles and called so many different things we don't interrupt you we let you have your say unabated. I shouldn't have to sit up here I should only to use this at the beginning and the end of meetings. You are grown men and women you know Robert's Rules of Order. Chuck Osborne come on you know you are all about procedures. You know this probably more than anyone it's inappropriate it's out of line it is out of order you know this. Yet you continue to do it. Mr. Covey the same with you. You know better than that, you're better than that. My four daughters all under the age of 13 act better than that. Okay, onto old business. May I have a motion and a second to read by title only the third reading of Ordinance No. 7 – 2015?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 7 - 2015.

7. Old Business

8. Ordinance No. 7 – 2015 Street and Alley 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 and authorizing the Mayor of the City of North Canton through the Board of Control, to enter into a contract for the Woodside Avenue (East Maple to 7th Street) Improvements Project at a total cost not to exceed $500,000.

COUNCIL PRESIDENT PETERS: Thank you, Chairman Fonte?

COUNCILMAN FONTE: Okay, we're replacing curb, gutter, resurfacing the street from East Maple down Woodside to 7th Street. And that's coming out of the that won't be the street fund is that from the water I believe. What fund is that being paid for? Do we know? Jim's not here. But it's not coming out of the street fund. I think it's the utility water.

MAYOR HELD: It's water, yeah because we're replacing the water lines.

COUNCILMAN FONTE: That's what it is waterlines, curbs and gutter. So that will be paid for out that section of money. I move that approve it the third reading.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 7 – 2015.

ORDINANCE NO. 7 – 2015 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. 8 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 8 - 2015.

9. Ordinance No. 8 – 2015 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, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Dogwood Avenue NE (7th Street to Holl Rd NE) Waterline Replacement Project, at a total cost not to exceed $650,000.

COUNCIL PRESIDENT PETERS: Thank you very much. Chairman Cerreta?

COUNCILMAN CERRETA: Yes, this is part of the plan water replacement projects that we have for this year is budgeted. We've had several discussions on it and two readings so I move we move forward with the third reading.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 8 – 2015.

ORDINANCE NO. 8 – 2015 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. 9 – 2015?

COUNCILMAN CERRETA: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 9 - 2015.

10. Ordinance No. 9 – 2015 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, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Linwood Avenue SW (Glenwood to Chandler) Waterline Replacement Project, at a total cost not to exceed $400,000.

COUNCIL PRESIDENT PETERS: Thank you very much. Chairman Cerreta?

COUNCILMAN CERRETA: Yes, this once again is a planned water replacement project. This one will go from Glenwood Street on Linwood all the way to the city limits on top of Chandler. So I again this is the third reading we've had good discussion I move that we go forward with the third reading.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 9 – 2015.

ORDINANCE NO. 9 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 9 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. 10 – 2015?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 10 - 2015.

11. Ordinance No. 10 – 2015 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, and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the State Street (Cleveland to Chalford) Waterline Extension Project, at a total cost not to exceed $275,000.

COUNCIL PRESIDENT PETERS: Thank you very much. Chairman Cerreta?

COUNCILMAN CERRETA: Once again this is a plan this is a water extension project. Really it's just to supply future water and stop at dead end where we don't like to have that. So again we've had good discussion on this this is the third reading I move that we go forward with it.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 10 - 2015.

ORDINANCE NO. 10 – 2015 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. 12 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 12 - 2015.

12. Ordinance No. 12 – 2015 Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into a contract for professional auction services for the sale of equipment and miscellaneous items which are no required for municipal purposes and for the disposition of unclaimed property in the custody of the Police Department.

COUNCIL PRESIDENT PETERS: Thank you very much. Chairman Griffith?

COUNCILMAN GRIFFITH: This is the annual auction that we have for property that is found by the police that needs auctioned off. We've talked about the last two readings so I will move for its approval as read.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 12 - 2015.

ORDINANCE NO. 12 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

COUNCIL PRESIDENT PETERS: Okay, thank you. Onto new business No. 14 – 2014 we have an emergency clause but we are going to have two at least two readings on this. So may I have a motion and a second to read by title only the first reading of Ordinance No. 14 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 14 - 2015.

13. New Business

14. Ordinance No. 14 – 2015 Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton to enter into a management agreement to have the North Canton YMCA manage the City's Dogwood Swimming Pool and associated facilities day-to-day operations, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you very much. Chairman Griffith?

COUNCILMAN GRIFFITH: I would defer to Doug to you part chair do you want to talk a little bit about the discussion that was had or Mark earlier today?

COUNCILMAN FOLTZ: We'll probably weigh in but do you want to start?

COUNCILMAN CERRETA: I'll go first. Looking at this first of all I think the process of this has probably been the most thorough process I've ever seen. Just because it's not out in the open doesn't mean we didn't cover all our basis on this. Dan and I went through this with every department whether it be that the finance, the administration, the law director, we talked to the mayor with it, we brought it up to several other councilmen we went back and forth with the YMCA. We presented it last week and the parks department was asked to come to that. And one of them did come. This week I have met with the YMCA board folks their executive board. And of course they're on for it too there's a win there. And then today we had our park board meeting which we haven't had one for a while. And so we presented there with Mike and Jim and everybody that was a part of this thing. In every instance though it's been known as a win, win, win we've discussed some things exactly how it's supposed to be we've debated some things back and forth. And this is a one year trial and we want to do you know the way our community is right now we're not as big as we were we don't have mama taking care of us we need to partner with I shouldn't say we're partner but we need to look at things where we can cut our costs and still increase the whole end of the thing is to have a wonderful place for our community people. That's really the bottom line to this. It's not about making a lot of money it's a park and we'll take care of that part of it. But it's a service to our community people and it's a privilege to have a pool like that. So I will let you move on from there.

COUNCILMAN FOLTZ: Okay and I agree with the end result. I think everybody up here wants to provide the best recreational resource we can for the community. But sometimes the devil's in the details and I think the Y is a wonderful organization and if this was like I said at the meeting if this was ABC consulting firm I might have more questions and be more less you know aggressive in wanting to do this. But since it's the Y they are the benefit of the doubt they're a wonderful asset to our community but saying that I think we owe it to just make sure that we all know the form of the management agreement. We are going to spend close to $800,000 on a pool liner. If things go right this year. And I think we're going to have our, our service rec. director come up and discuss this. But in my mind some things out there that we have yet to discuss is a 25% discount it's been discussed internally at the park board meeting but I guess the Y made it clear to me and maybe Mark and Dan but that means anybody that has a Y membership in the county will receive a 25% discount. I think there's merit to decide whether it's just our North Canton residents or it is the entire community. We are going to provide administrative fee of $16,000 if they are going to be paid to do this. Now I know there will be cost savings from the operational expense end of it. And I'm hoping that makes it up obviously. But in my mind when we're spending $800,000 we almost need to discuss are we going to increase the rates? Because if we don't increase the rates then there's going to be say a family of 4 here that's a $160 you'll get a 25% discount which will be $120 to attend the pool. We're going to lose revenue. I'm not about revenue at all cost but I think when you're spending that kind of money it is out of our general fund. And maybe we just should have some other discussion on it. If council decides to do it that's fine. I'm more in favor of looking at the rate structures to increase this year knowing that there would be a 25% decrease for people that belong to the Y but everybody has to individually have to make that decision. Maybe then this year isn't the best year to do it maybe it is next year. But I think we should have other discussion on that. I'd like to do that at a committee meeting next week for those that will be able to attend. I think we owe it that. I think this is going to be a great venture for us especially I like it's only going to be a year. Because that will allow us to come back to it and see whether there might have been some short comings or see what we need to adjust. There's nothing wrong with that. You don't want to lock down any contract in my opinion for 5 or 10 years even with a great organization that the Y is that we've all belonged to. So those are some of my thoughts. I'm excited about it but I also think the Y can provide additional weeks that the pool can be opened. I think that's what I'm excited about. Because we've heard back from some of

our constituents and members of the pool that want to see that happen. I think with the Y's involvement that can happen just that and it happen this year. We need other discussion with the pool liner. I think we're going to have that discussion later tonight. So hopefully we can address three things at one time kind of fine tune this contract so we're in a better place with it and move forward. So I'm happy with the progression where it's going.

COUNCILMAN CERRETA: And we can change the rates at any time we still have control over the rates we are going to have control over. But I and I would like to go forward with this to get this going with two readings so we can have time to discuss. But at the same time if we are going to do this there's some lee time that needs to come into play here. That they're going to have computers and everything to order because they have buying a lot things at the gate and get their people in line. So but yeah whether it's the Y or not we all kind of you know we grew up here that's why we went through every one of these processes. I don't care if I'm cousin Vinnie it's we went through the process of the law department, the finance department and the administration and Jim Davis and everybody that's involved with the pool to make sure is this going to be good for us. And that's really the whole outcome not good for us but the city in general. So we can talk about you know the Y being great and God I'm one of the biggest proponent of the Y but is it going to work for us. And by looking at everything that we looked at so far and that's why this year we'll find out if it doesn't work for us it's a win, win, win right now. So that's I'm optimistic about it and I think most of you are but I'll listen to you. Dominic?

COUNCILMAN FONTE: Well I just going to say you said $800,000 for the liner. Jim took me underneath one freezing day and I got to see really what they're going to do and it's actually the mechanisms and the plumbing. So there's a ton of...

COUNCILMAN FOLTZ: We've discussed it it's the intake valves it's the concrete around it it's a whole new system.

COUNCILMAN FONTE: Yeah, its serious business.

COUNCILMAN CERRETA: And we're going to do that no matter if the Y comes in or whatever. I mean that's our goal.

COUNCILMAN GRIFFITH: On the finance side I think it's really important to know we in anticipation of this we drilled down our numbers relative to the pool frankly that we have never pulled out historically before. And I think we have a much better idea of what the pool has generated from the revenue standpoint, the cost particularly associated with the pool as many ways as we could. On the Y side you know not only we were developing our own performers on our side to decide do we think that there are additional revenue opportunities are there cost savings, are we going to be able to offer a better services. But on the Y side they were doing the same they were going through the same decision making process for them. So I think that's another benefit is not only we were saying I think this is sensible from an independent analysis from the city's standpoint but we also have the Y saying that we think it makes sense for them and we were both also looking to make that we didn't harm the other party. So this is truly win, win scenario and if it isn't the loss that we have will be limited to one year if it's in any form. But I would be very, very surprised even with any and all the expenses and the costs that we have if we would suffer a loss in any form even if we have the existing rates. I just really think based on the performance that's it's likely to be a win, win for both parties.

COUNCIL PRESIDENT PETERS: And I just want to add you now we are going to have two readings it is on emergency the last and final reading would be on the 9th. We'll have committee on the 2nd to talk about it and that will be the legislation schedule.

COUNCILMAN GRIFFITH: I would move its approval for the first reading.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 14 – 2015.

ORDINANCE NO. 14 – 2015 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and second to read by title only the first reading Resolution No. 2 – 2015?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the first reading of Resolution No. 2 - 2015.

15. Resolution No. 2 – 2015 Community and Economic Development Committee

A resolution dismissing the appeal of North Canton's Planning Commission's approval of a conditional use permit, Hoover District South Parking Lot, PC403-14CU.

COUNCIL PRESIDENT PETERS: Thank you, Chairperson Kiesling?

COUNCILWOMAN KIESLING: Yes, I think we went into detail on this tonight. Any further questions or comments we're giving it its first reading. I motion we adopt.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the first reading of Resolution No. 2 – 2015.

RESOLUTION NO. 2 – 2015 WAS GIVEN FIRST READING.

16. Reports – Council:

COUNCIL PRESIDENT PETERS: Thank you. Reports Member Fonte?

COUNCILMAN FONTE: Zimber Ditch update I talked to Font over at Stark Parks and the five appraisals for the first five houses are in and they were being distributed to them here in the last week or so. So they have 30 days to accept it or contest it. And they're working then towards the next five to get the appraisal going there. So I'll stay on top of that and let you guys know as I hear more information, okay? That's all I have.

COUNCIL PRESIDENT PETERS: Thank you. Member Werren?

COUNCILWOMAN WERREN: No report.

COUNCIL PRESIDENT PETERS: Member Kiesling?

COUNCILWOMAN KIESLING: I actually have to say thank you my husband told me I had to and he normally doesn't really care what I do when I come up here. But this weekend when we had all that snow he was out shoveling several times because our driveway has to be pristine which I truly appreciate and as the plow drivers come by and plow us back in you know it is what it is. But he said they were very kind twice they sort of plowed off to the side and avoided him while he was out there. So he wanted you to know he truly appreciated that.

COUNCILMAN FOLTZ: So he didn't get buried in the snowdrift?

COUNCILWOMAN KIESLING: He didn't get buried.

COUNCILMAN FOLTZ: Okay, good work guys.

COUNCIL PRESIDENT PETERS: Member Griffith?

COUNCILMAN GRIFFITH: I'm sorry that Jim Benekos isn't here. I sat through an entire rotation and a half at Woodrow today trying to turn left without the light and it wasn't green at all. And Chuck called me about the same thing happening at Bachtel. And it's a major problem there too. So I really do think that we're really going to need to talk about...

COUNCILWOMAN WERREN: We've talked about this though.

COUNCILMAN FONTE: They're supposed to be taking care of this.

COUNCILWOMAN WERREN: Yeah, I thought he was taking care of it.

COUNCILMAN FOLTZ: So you didn't go left on red?

COUNCILMAN GRIFFITH: I did not.

COUNCILWOMAN KIESLING: But then tonight at Bachtel it was fine. So it only took less than a minute and the light changed.

COUNCILMAN GRIFFITH: I think we're going to need a good briefing on where we are on the process and how it's going because I've had other people express frustration about it as well.

COUNCIL PRESIDENT PETERS: Member Cerreta?

COUNCILMAN CERRETA: Good kudos to Mike and his crew and Jim you know these guys have been up all night plowing and they've done a heck of a job getting us through this winter. So a nice job Mike leading those guys Jim. And just a little comment maybe on Jim Blaine's concerns you know we do need to look at some of the areas that are speeding. And I've been you know pushing a lot for these signs that show how fast you're going. I would like to some those somewhere so we can see if they work. You know we had the issue on Portage where we go way too fast. You know to try out maybe one or two these signs that work from you know the sun's rays or whatever and shows your miles per hour what the speed limit is and what the miles per hour. Now you know the people down at Bexley have tried this well people all over the place and they have an at Bexley the same thing because they have the school there and they put those out there at least they're trying to do something. I think we should be looking at everything whether it be closing off a road or putting up some of these signs as a warning you know people see how fast they're going and that kind of opens up. Because a lot of these people are flying to the Y or flying away from work and everything and at least it's something to look at some of these areas. I would suggest Portage first of all and then that area down there for a trial run. That will be it for reports this evening.

COUNCIL PRESIDENT PETERS: Member Foltz?

COUNCILMAN FOLTZ: Thank you. Yeah, when the street road truckers the plowers plow our aprons shut that's an unfortunate price of success. Because I'm surprised anybody called and it was tough to get back in you had to shovel it out or you had to have the blowers or something. But you know I thank them that we have the services that we do here because we're known

for it throughout this county and Summit County with me working there now. So I do want to always applaud what we do and I know they don't do anything intentially to harm anybody or upset them someone just cleaned out their apron. But it is refreshing though that we have nice streets to drive through as far as when the snow removal is concerned. Also Jamie McCleaster I appreciate him coming up and talking about I'd love to see this council and the administration look to see if we do have any additional revenue I think we've turned the corner in some respects with the Hoover site with more jobs. I think if they're struggling a little bit with sponsorship maybe we can step up and help them this year. So I'll ask all of us to look at the budget and see what we can do to help share the cost again. Because we were proud to do that while we could and maybe it's time to revisit that. Thank you.

17. Reports:

COUNCIL PRESIDENT PETERS: Director of Law?

LAW DIRECTOR FOX: Yes, couple meetings ago I said I'd give you some early numbers on income taxes through mayor's court. And I wanted to give you an update on that in 2014 mayor's court income tax cases we recovered just under $50,000 of unpaid but due municipal income taxes. The court costs and fines were another $8,800 some of that is on payment plans but about $6,200 of that thus far has been collected. So somewhere around $56,000 of unpaid income tax has been brought back into the city. Last year we focused a little bit more on failure to file than failure to pay that's what we had done in the year prior because there's a statute of limitations to recover unpaid income taxes and so we went looking for more of those than for the failure to pay. Once you have file you have the obligation to pay and your statute of limitation starts to total at that time. So going after unfiled returns there's been a little bit more than 260 additional income tax returns that came through through mayor's court cases. Traffic resulted in $135,000 brought into the city for violations of the municipal ordinances. Also the administration and the finance director and the law department have been busy the past few months on negotiated and collective bargaining agreements. Six of the seven unions were up August 1st we've been negotiating with those six unions. We just finished three conciliation hearings and the result of those is we either have agreements actually with all three of those there was only one issue with one union that we actually went into the hearing. The rest of it was enter into an agreement the conciliator makes it a part of their report. There's no requirement for the union or city council to vote on those but the highlights of those are the patrolmen's union negotiated a 2% wage increase for each of the next three years. However they did agree to give up a $500 stipend that they receive that's the equivalent of about 1% of their wages. Sunday overtime has been that has been an issue because in the previous agreement Sunday overtime was automatic. Now it's been reduced to comp time the Me Too clause that has always been difficult in negotiation with other unions if you have a Me Too clause if you negotiate with another union provide something that you didn't provide to the previous union they received that. All three both the patrolmen, the lieutenants and sergeants and dispatch have given up that provision in the new contract. There are increases in the amount that union members pay for health insurance it used to be 8% of the cobra rate it's been increased to 11%; the deductibles and the co-pays have increased as they will all for all the employees. The big issue that we had for the use of personal days and the way that that should be calculated had been resolved to reduce that from 2 ½ to the 2 days. The contract normally in negotiations they get back dated to the time that the contract had expired that would have back dated this contract to August 1st. You know taking more than six months off the contract they agreed that we would start it as of January 1st. So we have a three year contract with each of those unions covering us from 2015 through 2017. The lieutenants and patrolmen's matches the lieutenants and sergeants matches the patrolmen's except that the differential for sergeants will increase from 9 to 10%. They also gave up the stipend. Dispatch is a little different whereas in the other two unions the 2% was across the board for dispatch it only relates to the highest level of the dispatchers the dispatcher A and the lead dispatcher. The uniform requirement or the payment that they would receive is being reduced each year and will be phased out at the end of this contract. They've also waived a $1,000 stipend that they have been receiving the same numbers with healthcare and the beginning of the contract three years from January 1st. We have three other unions that have delayed negotiating and typically they wait to see what happens with the safety forces and then they make recommendations based on those agreements. If Mr. McCleaster if you're available to speak after the following meeting the committee meeting I have some ideas for you regarding sponsorship. But the city may be able to participate in some other recommendations. That's it.

COUNCIL PRESIDENT PETERS: Director of Finance?

FINANCE DIRECTOR ALGER: I looked up your answer Councilman Fonte the Woodside Avenue improvement is the capital fund and the sewer fund. Other than that no report.

COUNCIL PRESIDENT PETERS: Thank you. Director of Administration?

DIRECTOR GRIMES: Thanks for the kinds words the snow plowers they've been long events so they've been out there quite a long time. And the weekend before they're out there and then we have a 12 inch waterline break at the same time. So we had pull some of those folks off to do that. They were out there tonight on another waterline break and handling that. It's one of those when things go back everything goes bad at once. But they've been out there they've been showing up and you know just getting it out there. So we appreciate the kind the words on that. They are equal opportunists they'll bury me just like they bury everybody else. So they've done that. And thanks to the council clerk bright and early this morning she had the our sound person back in again we're going to get another two mics in to try something like that. One for her and one for the law director and we're working so we don't get any feedback we're just working at that you know and checking the mics out on that. So but we are trying to work on that and get some sound out there. Thank you, sir.

COUNCIL PRESIDENT PETERS: Mike, I do have a question. How are we doing on salt levels?

DIRECTOR GRIMES: Salt?

COUNCIL PRESIDENT PETERS: Yeah.

DIRECTOR GRIMES: We've gone through salt pretty good and trying to get the deliveries because they don't have it stockpiled apparently they're getting it from the mines again. But Mr. Davis was rather forceful today on the phone and we should be getting some deliveries here. So...

COUNCIL PRESIDENT PETERS: Okay, very good.

DIRECTOR GRIMES: Yeah, we can handle an event we just don't want to get that low that's our issue.

COUNCIL PRESIDENT PETERS: Alright, Mr. Mayor?

MAYOR HELD: Yes, we have just a few issues here. With the traffic system I was sitting at Orion and Main and the light on a couple cycles so I had to take the right hand turn and go through it. So there is clearly a problem with the traffic lights as you all know. So we're going to address that we'll have a meeting with the company that put those in. From what I understand there's a problem between the contractor and the software company. But we're going to get that taken care because it's not working. It's working the way that it's intended and it's simply actually more disruptive at this point than even working the way it's intended to. So we're going to get that taken care of. And I know Tim Fox is you know going to help us with that too if he has to. So but yeah that's gotten that's that's exhausted you know all patience at this point. The and Chuck I also did your message on that too. Because you had the same situation here on Main Street and had to go through it. So the next is speed signs I think that's a really good idea. When you look at the signs that we've had here in the city particularly the library and then also Maple. You know we've experimented with a few things we know that the signs those rubber signs that are in the middle of the street by the library good idea they don't last too long. Because they get hit they get you know they get destroyed so you can see when you go up by in front of the library the sign that's in the middle of the street in the median is not there. However the signs those bright green fluorescent ones those are there and they're great attention getters. At least for me if it gets my attention then I think that's a good sign system. And the same thing with Maple Street the flashing lights and that's made a tremendous difference you know probably one of the complaints is that there they're too visible that when they're so bright and flashing that it can be somewhat of a distraction. So we don't want that but at the same time I think the people clearly slowdown in those areas due to the signs. So same with the speed signs we can put those up if it's working down in Bexley we should put one or two up and see how it goes. I think that those are a deterrent they help you know to reduce speed in those areas. And then lastly with the fireworks the Jaycees I mean these, these folks are tireless workers. They put in hours and hours and hours behind the scene that others simply you know do not even realize what you put in. And with I mean and Jaime you had mentioned all the events that you cover and I'm not even going to through the list because I know I'll forget you know so many of them. But it's a long list but when you look at the fireworks that has been a long standing tradition in the City of North Canton. I mean the fireworks display is excellent it really is a city event because you know we put our police, fire, EMS I mean we've got all hands on deck street department for that. So we want to proceed with that and I'm glad that council has brought up about sponsoring that. In the past I believe that we split it 50/50 and we can look at you know what sources of revenue that we have. But we want to make sure that you folks get the support that you need and you know continue to get sponsors because that will help with you the other events that you folks do too. So certainly we would support that and maybe with our law director, finance director we can look at the funding.

COUNCILMAN FOLTZ: I'd like to see us come up $5,000 see if what we can work out off that number.

COUNCILWOMAN WERREN: What's the total cost?

COUNCIL PRESIDENT PETERS: About 10.

COUNCILMAN FOLTZ: So let's look for $5,000 that would be my suggestion.

MAYOR HELD: Because I think it was usually $10,000 like we split it half but then as you guys were coming up with your money then that total amount was reduced because it was more difficult.

(Jamie McCleaster spoke from gallery which was not captured by the microphone.)

MAYOR HELD: Absolutely, it's a great day so we can do that we can find we'll find the $5,000.

COUNCILMAN FOLTZ: Let's revisit it so they know what they can do with their budget. Okay.

MAYOR HELD: We will that we will look as Councilman Foltz mentioned for $5,000 in one of the funds so that we can help to sponsor that. Okay, and then lastly the you know to our residents that are here I know it that it's not easy to come up and speak when there's something that's troubling your streets or troubling your kids or your family or your home. Because none of us like you know it's a hard thing to do but we do appreciate you folks coming up and voicing your concerns. Because that's what we're here for. You know we're here to try to do the best that we can to try to address your issues and I think again when we look at Fairview Street as Mark Cerreta and other council members had mentioned we can find some other you know avenues that I think would work. Because we do not want all of us up here have kids little kids and I remember particularly I live on a dead end street and I thought people were driving too fast. I'm live on the cull-du-sac and I thought people were driving too fast when my kids where two, three, four years old. And so I understand completely what that's like you know I can't even imagine what it's like the through streets or it's not a dead end. So we do I certainly do and we appreciate you coming up here. That's all I have

COUNCIL PRESIDENT PETERS: Council clerk?

COUNCIL CLERK BAILEY: I only have one item and that is I have a civil service lieutenant's promotional exam tomorrow at 1:00pm in council chambers. And we have four individuals that will be taking the test. That's it.

18. Final Call for New Business:

19. Adjourn:

COUNCIL PRESIDENT PETERS: Okay, final call to council for new business anyone, once, twice. May I have a motion to adjourn?

COUNCILMAN FOLTZ: Motion to adjourn.

COUNCILMAN CERRETA: 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