

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

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting Monday, March 23, 2015 at 7:00pm. The opening prayer by Deacon Ed Laubacher, St. Paul Catholic Church. Welcome.

2. Opening Prayer – Deacon Ed Laubacher, St. Paul Catholic Church.

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: Thank you very much. May I have a motion and a second to approve as presented:

Special Committee of the Whole Meeting Minutes: March 9, 2015

Council Meeting Minutes: March 9, 2015

Mayor's Court Receipts for February 2015

COUNCILMAN FOLTZ: Motion to approve as presented.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to approve the above reports.

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

6. Recognition of Visitors

(At this time Mr. Osborne read into the record the following prepared statement).

CHUCK OSBORNE: 307 Fairview Street SE, North Canton, Ohio. Twelve years ago city council ratified a total rewrite of the City's zoning code. The vote was unanimous for passage; two current members of council were among the seven who vote for passage Doug Foltz and Marcia Kiesling. Codified in the zoning code for the last twelve years is Chapter 1177.11; which is titled Appeal to Council. Written in plain English Chapter 1177.11 states and I quote "Any person who is adversely affected 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. Council shall establish appropriate rules and procedures to hear and decide such appeals." On October 10, 2014 city residents impacted by the expansion of the Hoover District South Parking Lot appealed a Planning Commission approval of a "Conditional Use" permit that allowed the developers to greatly expand the parking lot. The appeal was made prior to commencement of construction. Typically an appeal would be heard in a timely manner to be fair to all parties. This has been the case. Midway through the 30 days allowed for submission of an appeal, the city asked that the appeal be resubmitted. The second appeal was resubmitted within the 30 days. On December 1, 2014 and without a hearing date yet set, city council passed an emergency resolution transferring the appeal to the City's Zoning Board of Appeals. This was followed by another emergency resolution on January 12, 2015 rescinding the earlier emergency resolution. Despite the long delay, it was thought that council would at some point follow the law and allow citizens a hearing on the appeal that is clearly guaranteed in the City's zoning code. Sadly, North Canton City Council was refusing to allow an appeal hearing. Not now, not ever. On February 23, 2015 Resolution No. 2 – 2015 received the first of three readings dismissing the appeal. Tonight Resolution No. 2 – 2015 is on the agenda for its third and final reading. City council's action denying an appeal hearing is one of the most flagrant actions of a group of elected representatives I have ever seen in my lifetime. Clearly, there is no sense of duty or obligation to the public they have sworn to represent. Sadly, for North Canton citizens their elected representatives are going to outdo themselves in their anti-citizen actions. Also on the agenda tonight is the second reading of Ordinance No. 17 – 2015. This ordinance seeks to remove entirely from the City's Zoning Code any chance of appeal to council that is delineated in Chapter 1177.11. If successful, city council will never again have to deal with the citizen protections that have been in the code for over thirteen years. Chapter 1177.11 of the zoning code is a safety net for citizens who believe that they have been adversely affected by decisions made by the Planning Commission. It allows for appeals directly to their elected representatives. Mr. Griffith, at the council meeting of February 23, 2015 stated and I quote "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." I beg the differ. Our entire process of government is political. How do you think you have come to sit on this council body? You are elected by the people through a political process. And on taking office you have taken an oath to

represent the people. Council action refusing an appeal hearing and removing the right by citizens to appeal to council is not representing your constituency. In regards to the removal of the appeal process you stated and I quote "one of the reasons that we are taking that appeal away is because those decision shouldn't be political decisions." How do you think the zoning code came to be in the first place? The Planning Commission does not craft the code. It was council through a political process. North Canton's City Charter states and I quote "the Planning Commission shall have the powers as may be conferred on it by ordinance of Council." The citizens of North Canton should be able to trust that their elected representatives are making decisions for them. Your statements at the February 23, 2015 meeting turned democracy upside down and put citizens at the mercy of unelected officials of the Planning Commission. This council should act like representatives of the people and quit acting like pawns of the city law director. Comply with the City's zoning code as it is presently written. Give your constituents a hearing and discontinue removal of citizen protections that have been put in the City's Zoning Code. They were put there for good reasons. I might also add Mr. Foltz...

COUNCIL PRESIDENT PETERS: Mr. Osborne, your time is up.

CHUCK OSBORNE: Ten seconds is all I need. You were very close with Kathy Magel years ago and you know how extremely hard and how much time she devoted to this she would be turning over in her grave to see what's happening now.

COUNCIL PRESIDENT PETERS: Mr. Osborne, we're done, we're done. Thank you, Mr. Osborne.

CHUCK OSBORNE: Yeah, we've been done a long time ago Mr. Peters.

COUNCIL PRESIDENT PETERS: Thank you, Mr. Osborne. If there's anyone else wishing to address council please step forward state your name and address.

MIRIAM BAUCHMAN: 320 Webber Avenue. The handout I'm giving you is the new protocol for the sunshine audits. As of March 11th of this year individuals no longer have to go to court if requests for public records are denied. If an individual's public record request or a mediation request is denied an open government council will review the complaint and make determinations. This new protocol brings more sunshine into the sunshine law.

COUNCIL PRESIDENT PETERS: Thank you, Miriam. If there's anyone else wishing to address council please step forward state your name and address. Alright seeing none we'll move onto old business. May I have a motion and a second to read by title only the third 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 third reading of Ordinance No. 14 - 2015.

7. Old Business

8. 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: Well I'm pleased to report that after a great deal of time and effort and even a greater deal of discussion we're here at third reading and we're ready to move forward I sincerely hope. As we're all aware this is a moralization of the agreement that we will have collaborative effort we'll have with North Canton YMCA to operate the pool. I'm very excited about it. We're looking at here are the actual terms and hopefully everyone's had a chance to review the contract. We got it several weeks ago we had a chance to go back and forth several of us reviewed it then Tim reviewed it. We looked at it again. Ben and his staff, Ben Wheeler and his staff at the YMCA and legal counsel have reviewed it. Ben, I believe that's a correct statement. And we've come to what conclusion makes the most sense for all of us. So I welcome any questions or concerns from the floor right now relative to the legislation.

COUNCILMAN FOLTZ: Just a follow up 4.1 for prices we modified that paragraph to make adjustment to eliminate what the season day passes shall be priced at the same level as the 2014. Is that correct? Tim, what was the modification done do we have it?

LAW DIRECTOR FOX: I believe the choice was just to remove that language and that part regarding prices can be negotiated without having to put that into the management agreement.

COUNCILMAN FOLTZ: Okay, so everyone that sentence has been eliminated from that, okay.

COUNCILMAN GRIFFITH: The point of that sentence originally was ensure that we ensured the people in the city knew that they weren't going to be charged additional fees that prices would indeed be less. Now we've got that assurance and of course we will come to a conclusion relative to that as we move forward. And we're going to have a subsequent discussion committee meetings about what the prices should be relative to that. But as we'll see when we look at the ordinance itself it's

pretty big and clunky. And so we want to it might make sense to not make a reference there anyways. Are there any other questions or concerns relative to the contract or the terms itself?

COUNCIL PRESIDENT PETERS: Dan, did we address the language as far as the all YMCA members throughout the county are able to get the discount? Is that clear in that are you comfortable with that?

COUNCILMAN CERRETA: It's a regional, it's a regional the YMCA the region of the YMCA which does include I don't know help me out there what all does it include...

COUNCILMAN FOLTZ: Ben, do you want to come up to the microphone?

BEN WHEELER: North Canton YMCA is an entity of the YMCA of Central Stark County Corporation. So this would affect the region of people who have a regional membership to the YMCA of Central Stark County. We do have a few branches like Minerva that a little farther away from that have a branch only membership that only allows access to the facility they would not fall under this agreement. But people who have a regional membership that has access to all the other YMCA's they would qualify as a YMCA member. All North Canton YMCA members have a regional membership that's all that we sell in North Canton. So...

COUNCILMAN GRIFFITH: Technically the terms of the contract refer to North Canton YMCA members and as I would understand the interpretation is anyone who is a member of the regional Y or the countywide I should say not regional...

BEN WHEELER: Correct in Stark County you know that's one of the benefits of course of the number of facilities that we have is that we have families who may have signed up their membership at the Eric Snow YMCA because they happen to work downtown but they live in North Canton and they would utilize it from there. So for those purposes it's seamless as far as the transition between facilities for some of the regional memberships. So we don't want to limit somebody as far as based on where they live where they happen to sign up for their membership initially.

COUNCILMAN GRIFFITH: And the rate structure as I'm sure we'll talk about it but its anticipated that regardless of where someone would live if they live up in Lake Township outside of the district then they would even though they were a member of the countywide they would still fall under our traditional structure of outside the district, outside the city, etc., etc. So...

BEN WHEELER: Correct.

COUNCILMAN FOLTZ: If you lived in Jackson the Jackson Y is included?

BEN WHEELER: Correct

COUNCILMAN FOLTZ: Yeah, so the rate structure would be instead of \$400 under the old rates 25% discount would be a \$300 membership to...

BEN WHEELER: Right.

COUNCILMAN FOLTZ: So everyone's clear where this is going?

LAW DIRECTOR FOX: And in fact the statistics that you provided us at the previous meeting regarding the percentages that was based on Central Stark County. Correct?

BEN WHEELER: Right.

COUNCILMAN GRIFFITH: That's right.

COUNCILMAN FOLTZ: 38% okay, thank you.

COUNCILMAN GRIFFITH: Are there any questions or issues relative to the contract? Again, I just want to say again a big thank you to Ben and all of his staff been at meetings that we've had Ben's hauled over probably half the people that work next door. And I know that almost everybody that has worked over there has been touching this project one way or another. I can imagine some of the janitors over there going through some of the information and parceling out information that we've thrown out there too. Ben, I appreciate your efforts and again I think this is a great example of collaborative efforts that we can have as a city moving forward. So if there are no other question I would happily move its approval.

COUNCILMAN CERRETA: Second.

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

ORDINANCE NO. 14 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

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

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

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

9. 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, this is the third and final reading of the...our resolution denying the appeal of the Planning Commission’s decision. Any questions? I motion we adopt.

COUNCILWOMAN WERREN: Second.

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

RESOLUTION NO. 2 – 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 second reading of Ordinance No. 15 – 2015?

COUNCILMAN CERRETA: We’d like to just stop for just a second here we’d like to go back I’d like to make a motion to go back and I don’t know how that works but declare that Ordinance No. 14 – 2015 because it is declared to be under emergency we had stated that in there. I think that’s important that we do pass that to get the timing going on this thing because it is under a strict guidelines or strict timing of some of the decisions that have to be made.

LAW DIRECTOR FOX: You mean Ordinance No. 14? (Yeah) It was passed under emergency however because it had three full readings had a committee report there were no rules to actually suspend so there was no requirement to suspend or adopt under the suspension of the rules. It is still passed as emergency legislation.

COUNCILMAN FOLTZ: There’s not a 30 day wait?

LAW DIRECTOR FOX: Correct.

COUNCILMAN FOLTZ: For the mayor to sign. Okay.

COUNCILMAN CERRETA: That’s what we were talking about because the hiring that needs to be required and everything we need to make sure that moves forward. Okay. Never mind.

LAW DIRECTOR FOX: Yes, normally stating that you’re adopting under the suspension would be for the three readings or committee report those were already resolved so it’s treated as emergency legislation.

COUNCIL PRESIDENT PETERS: Alright, may I have a motion and a second to read by title only the second reading of Ordinance No. 15 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 15 - 2015.

10. Ordinance No. 15 – 2015

Ordinance, Rules and Claims Committee

An ordinance amending TITLE THREE – LEGISLATION, of the Codified Ordinances of the City of North Canton specifically CHAPTER 111 – COUNCIL and to repeal Section 111.02 COUNCIL STRUCTURE.

COUNCIL PRESIDENT PETERS: Thank you very much. Chairwoman Werren?

COUNCILWOMAN WERREN: We’ve talked about this a number of times now and this cleans up who the director of finance, the clerk, the law director report to. It just moves everything to Mr. Peters. If there aren’t any questions I move it to a third reading.

COUNCILMAN FOLTZ: Motion to approve a second reading. Second.

Roll call vote of 7 yes to adopt the second reading of Ordinance No. 15 – 2015.

ORDINANCE NO. 15 – 2015 WAS GIVEN SECOND READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the second reading of Ordinance No. 16 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 16 - 2015.

11. Ordinance No. 16 – 2015 Ordinance, Rules and Claims Committee

An ordinance amending TITLE FIVE – ADMINISTRATION, of the Codified Ordinances of the City of North Canton specifically CHAPTER 1171 – ADMINISTRATIVE POWERS AND DUTIES, and to repeal Section 1171.05 CITY COUNCIL.

COUNCIL PRESIDENT PETERS: Thank you very much. Chairwoman Werren?

COUNCILWOMAN WERREN: Again, we've talked about this the past two meetings and just about the powers of council and appeal process. Tim, was there a question of whether this was a resolution? I had it as an ordinance the last time as well?

LAW DIRECTOR FOX: Yeah, I believe it is an ordinance the only resolution I believe that was on there was Resolution No. 2 – 2015.

COUNCILWOMAN WERREN: Yeah, from the last one...

LAW DIRECTOR FOX: Right, I believe it was an ordinance and as we had mentioned in North Canton what's unique in our rules we have three readings rather it's a resolution or an ordinance. Statutory municipalities' resolutions normally receive only one reading; ordinances receive three. So our supreme court looks at it not what you call it, it looks at really what the if you will the meat and potatoes of it if its required to be an ordinance or if its required to be a resolution if what you passed was necessarily an ordinance you called it resolution you only read it once you can have some problems with that here in North Canton because we read them each three times whether it's a resolution or an ordinance is actually mute. But I believe it's an ordinance.

COUNCILWOMAN WERREN: Okay, I had it down as an ordinance. So if there aren't any questions I move...

COUNCILMAN GRIFFITH: I just want to make a quick comment too. When it comes to zoning I think that the creation of zoning itself is a very political process and it should be. When we create the rules everyone's input is very important and I've been pleased to be on this dais with some great people who have had some really and good diverse thoughts about zoning for example on that the parcels up at Applegrove. We had great discussion about came to a wonderful solution because we had different ideas and we heard from people. But once that political process is done and we agree what the rules are going to be the rules need to be enforced equally and that is not a political process. The rules enforced being enforced themselves aren't any different than policemen or women picking us because we're speeding. We don't decide who gets pickup for speeding because we like the color of their car or how much they've done to help the community. We enforce those rules equally for everybody. And so what we're doing here is we're removing more opportunity for people to insert that political process into what should be an enforcement of the rules that is the same for everybody. And that's what I was trying to infer to before even if I may have done so unartfully. But that's all I wanted to say.

COUNCILMAN CERRETA: Well said.

COUNCILWOMAN WERREN: So I move that we adopt the second reading.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 7 yes to adopt the second reading of Ordinance No. 16 – 2015.

ORDINANCE NO. 16 – 2015 WAS GIVEN SECOND READING.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to read by title only the second reading of Ordinance No. 17 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to read by title only the second reading of Ordinance No. 17 - 2015.

15. Ordinance No. 17 – 2015 Ordinance, Rules and Claims Committee

An ordinance amending TITLE FIVE – ADMINISTRATION, of the Codified Ordinances of the City of North Canton specifically CHAPTER 1177 – CONDITIONAL USE PERMITS AND SIMILAR USES, and to repeal and delete Section 1177.11 APPEAL TO CITY COUNCIL.

COUNCIL PRESIDENT PETERS: Thank you. Chairwoman Werren?

COUNCILWOMAN WERREN: This eliminates the ability to appeal to council and we've talked about unless Dan do you have any more thought on anything?

nice thing to do 8:00am in the morning early it's a good thing for the community. Third, Karen and I've been discussing as soon as the first quarter finishes up we're going to do a preliminary kind of financial where are we for everybody. So where are we on income taxes, where are we on expenditures kind of getting revved up for the Mayor's State of the City too, but really kind of the digging deep the stuff that Dave isn't going to want to spend time talking about at the state of the city because it isn't much fun. So we'll be looking forward to that too. And finally I've heard a couple reports on the traffic lights on Main Street Jim and people do think things are now going better. So including one of the tellers at our office who was ready to kill me. So she is no longer ready for that well for other reasons now. But anyways that's all I have.

COUNCILMAN CERRETA: That's enough.

COUNCILMAN GRIFFITH: That's good yeah that's enough.

COUNCIL PRESIDENT PETERS: Member Cerreta?

COUNCILMAN CERRETA: No report.

COUNCIL PRESIDENT PETERS: Member Foltz?

COUNCILMAN FOLTZ: Just to echo some other statements dirt patcher out Woodrow looks great. Put Werstler down when you turn in off of Portage I'm sure it might be on the list now but I appreciate that. And Stephanie's right when you go and drive around in other cities it's a nightmare and we thank we have a great administration and council and we spend the money as bad as our roads are they're excellent compared to a lot of the communities. It's nice that we have a way to fix them up even when they do deteriorate till we get them paved. So job well done for everybody there. Thank you.

COUNCIL PRESIDENT PETERS: Yes, thank you, and I'll just echo that. Jim, well done to you and your staff it's you can tell you guys have been working hard and we appreciate it.

15. Reports:

COUNCIL PRESIDENT PETERS: Director of Law?

LAW DIRECTOR FOX: Yes, for those of you not in the know today was a bit of significance for our housing ordinance. We had a long running complaint with a resident. It was a particularly frustrating because the city was trying to work with the resident the issue was something the resident needed to repair. And it simply got to a point where the resident refused to comply and it did cause harm to neighbors and those who would view the property so the city was left with filing a complaint in Mayor's Court. The individual continued to refuse to repair the property as a result he asked for a trial we sent it to the Canton Municipal Court. He had the resident had a pre-trial today and he did have the knowledge that if you resolve the issue before the trial that the city would dismiss its complaint. And late Saturday evening he finally complied so we called the prosecutor's office and said that it's in compliance therefore the prosecutor can then go ahead and dismiss the complaint. So that issue has been fully resolved and we're you know somewhat sorry it had to go to that level but it really was a bit of a struggle and so we had to you know someone put it to the test and bring it to municipal court. And that got the property owner's attention. So that issue is resolved.

COUNCILMAN FONTE: A lot of happy people on that street.

COUNCILWOMAN WERREN: That's great.

LAW DIRECTOR FOX: Nothing further.

COUNCIL PRESIDENT PETERS: Very good. Director of Finance?

FINANCE DIRECTOR ALGER: I just remind you guys it's about two and a half weeks until income tax so make sure you get your tax forms in. We're about little bit short on taxes but on forms coming in but the dollar amounts are there. Just a friendly reminder.

COUNCIL PRESIDENT PETERS: Thank you very much. Director of Administration?

DIRECTOR GRIMES: Earlier we were talking about the budget you gave the police department two marked cruisers we brought that back to council. Obviously that going to be \$50,000 or more. We did promise you that we would let you know about the unmarked cruisers that you said they could have make there was no objection to that even though it's not going to rise to the \$50,000 threshold. And they did find two 2015 Fusions they're going to be a state bid, they're \$16,850 a piece they had some sitting on a lot. They took the colors that they had down there. We did check with the local area though too and the closest we come to that was about \$4,000 more. So that's what we're going to get two of those they're going to be Fusions. So we're going you gave us \$50,000 to do we did it for \$33,700 for those cars.

COUNCILMAN FONTE: Sweet.

COUNCILWOMAN WERREN: Mike, I didn't hear the last part what was the extra \$4,000?

DIRECTOR GRIMES: It was \$4,000 more to find one in this area than we could at the state bid price down there. So...but I just wanted to let you know about that because we said we would bring that back. Also we did have a business open up in town

and I just want to let you know I'm happy for them I hope they do well I patronized them last week. The newspaper made it sound like they were waiting on an inspection and I can say just from my folks from the inspection people also from the fire department they were there all the time trying to help those folks open up. So they stayed after the 4:30 hours. So they did they went above and beyond so sometimes that doesn't get translated but we do everything we can to get those businesses open. Sometimes those businesses don't help us like they should. But fortunately we were able to come together and get that open. But I didn't want you to think in the paper like we were holding anybody up. We went basically above and beyond what they could the inspectors did. So and the third and final thing is we did hire someone for operations manager for the street department Mike Battershell. If you'll stand up Mike he's our operation manager for the street he replaced Rich Rhodes who retired. Mike knows he has big shoes to fill with Rich and he's already made contact with Rich and Rich has promised to work with him and you know pass on that knowledge that he has. So Mike came from Alliance I think he was there about 9 years. What I like about Alliance does a lot of sewer work over there and that's what we're going have to get on here. So but he's been working for us for a couple weeks and we're actually going to pay you this week. So... But always feel free to call him like you did Rich and you know bother him. I think the happiest person that we've hired is Mr. Davis because he was running around crazy there for a few weeks trying to do several jobs. But I think he's going to be a good addition to us and you know he's running operating everything so he not only can manage but he's going to be out there also helping to do the work. So thanks.

COUNCIL PRESIDENT PETERS: Welcome Mike. Mr. Mayor?

MAYOR HELD: Yes, I appreciate council's remarks as far as the streets because the you know the winter that we had with the freezing and the thawing I mean it really wreaks havoc on roads. I mean even the newer the roads but even some of the cracks that we're seeing you know with the new rubberized asphalt that should we're told will close in a little bit. But Jim Davis and what's that? Well you see some of the those, those like smaller fractures in there and the ones that don't close up what we're going to do is have the cracks sealed that we put in those cracks that keeps the water out so we don't have chuckholes. All of the roads throughout the state of Ohio suffered greatly this year. But as you all know there's a lot of other municipalities suffering even greater than we are. But I think that what the City of North Canton has done over the years is we've paid a lot of attention and the council members that have been here for a while understand this that we reinvest in our infrastructure and the water and the sewer lines. And that makes a big difference and when we replace a water and sewer line we also in most cases replace the street and the gutter. And so we want to keep with that same tradition of excellence because once you get behind on that it's really, really tough to recover. And the other thing that's a big difference too and as we as Dan had mentioned in preparation for the state of the city you know you start to reflect on what we've accomplished and where the city is going. And you know what's really nice is we are seeing our income tax collection its going up and it's not because we raised the income tax at all; we've kept it the same. But we continue to edge upward. We have the Timken Company which is now in the city that's 100 jobs, IT jobs. We've got TD Tailgates along with a whole series of new businesses that are up on North Main Street. So it's very positive. And secondly from an operation standpoint this winter was rough and Jim Davis did an excellent job and he was short Rich Rhodes well the city wasn't short Rich Rhodes because Rich is now over at the fire department so Chief Bacon that was to your benefit, right? You probably have the cleanest fire department it was always clean but now it's really clean. If you see Rich's Rich Rhodes' garage its cleaner than probably most operating rooms suites I think. But you know it just goes to show you that when we make changes when people retire in the city we have Mike Grimes and all the department heads we get excellent people coming up through. And that's what and you see that you know generation after generation of very competent people and that's really what made the difference in the city is the people that we have. So you know I appreciate everything that you're all doing and I certainly appreciate council and the cooperation that you all give because it's through some very difficult years when we are our head is above water. We want to stay that, right? So thank you.

COUNCIL PRESIDENT PETERS: Mr. Engineer?

ENGINEER BENEKOS: Sure, if you could pass around that one sheet. Both parks you're familiar with the Hoover Trail coming from Stark State; here's a schematic of what they're looking at. And what they wanted was because this phase of the plan is going to end at Price Park they just ask for a letter of support from the city. So I'll just go through it with you quickly up here on the left side is the Hall of Fame Bridge coming down Dressler Road to Whipple and then it'll come on the south side of Glenwood there will be a 10 foot wide concrete path on the south side of Whipple. It'll go on the Aultman side by the hill they'll dig into the hill they'll put a retaining wall hopefully it'll hold the dirt not like our brick walls downtown.

COUNCILMAN FONTE: Tell them to drill like little weep holes there.

ENGINEER BENEKOS: I'll tell them that. Then they'll go down into Price Park you know just before the bridge about where the flagpole is and it will cross over into Price Park. Because they're federal funds and it's going to be affecting a parkland they need a letter of support for that. So barring any negative comments I'll provide that for them. If you have any questions or any comments feel free...

COUNCILMAN FONTE: So the bridge I see you have it marked down bridge here.

ENGINEER BENEKOS: Right.

COUNCILMAN FONTE: Which bridge is this again?

ENGINEER BENEKOS: its right at Price Park just to the east of Price Park.

COUNCILMAN FONTE: Okay, so you're going to go up Glenwood then? Head up Glenwood?

ENGINEER BENEKOS: Correct. Go past Lucille, past Furbee, pass the entrance to the park and then you know where the new flagpole is? (Yeah) It will cross over into the park right about there.

COUNCILMAN FONTE: And it's coming off of where over here at the...so where I mean I'm just trying to...

COUNCILMAN CERRETA: Kent Stark, it's coming from Kent Stark.

COUNCILMAN FONTE: So it's coming down Kent Stark?

COUNCILWOMAN KIESLING: Across the bridge.

COUNCILMAN FONTE: Across the bridge and then Glenwood that's short jaunt? Okay.

COUNCILMAN FOLTZ: This is 77 that's the Hall of Fame Bridge so you're going to go east from there down on the south side of Dressler to Whipple.

COUNCILMAN FONTE: Okay, so it's just that short jaunt then to get over to Price Park? (Yes) I think it's awesome.

COUNCILMAN CERRETA: So where does it go from there?

ENGINEER BENEKOS: Well this is the first phase.

COUNCILMAN FONTE: Do we get any sidewalks?

COUNCILWOMAN KIESLING: They haven't decided yet.

ENGINEER BENEKOS: That's up to Stark Parks and where it goes from there and they're future funding. Now the route that they was a preferred route was going towards the golf course and back up and over. Ultimately it ends up at the YMCA. Now it will be it will be signed on city streets to get to the Y until they complete the rest of the path.

COUNCILMAN CERRETA: And when is this expected to be done?

ENGINEER BENEKOS: I believe they'll start construction next year.

COUNCILMAN FOLTZ: And you said its 10 feet wide concrete?

ENGINEER BENEKOS: 10 feet wide concrete, right. And also the bid opening for the street program for 2015 is April 10th.

COUNCILMAN FONTE: If we need a little more money we can get a little extra money to wrap up some of those roads so we get a good jump start for next year.

ENGINEER BENEKOS: Okay, when we open the bids we'll see where we're at on that. We have some ideas what we can do; but if we do need more money we'll bring it back.

COUNCILMAN FONTE: I'm excited.

COUNCILMAN FOLTZ: Jim did you hear when will they start making regular summer asphalt? Do you know?

ENGINEER BENEKOS: I haven't heard typically it's the middle of April.

COUNCILMAN FOLTZ: Okay, because they might depending on the weather, right?

ENGINEER BENEKOS: Correct.

COUNCILMAN FONTE: Jim, you know one of the things that I don't understand what's going on I know we had rough winters but the roads would normally last 13 to 15 years a good asphalt road and it seems I'm only seeing one or two years I'm seeing a lot of imperfections. Is there a way we can hold them to a minimum standard that we're not you know paying double money even though they're the lowest bid I'd rather spend a little more and just get a longer job. So how do we go about putting the pressure on them not necessarily the timeframe as much as just backing up their product or their workmanship a little bit?

ENGINEER BENEKOS: Yeah, ODOT a couple years ago came out with a performance spec and it was like okay we'll pay you but you have to guarantee it for so long. That's gone by the way side I haven't heard anything.

COUNCILMAN FONTE: I can see why I just wish that we could somehow get a little more put more pressure on them.

ENGINEER BENEKOS: The other item when it's a resurfacing project a lot of it the asphalt is only as good as the base underneath. We have a lot of base that's not good I mean it's a matter of you need to dig out a foot of street and rebuild it from the bottom up. The resurfacing is just a band aid that's only as good as what's underneath. So you know we know we have some poor areas but we don't have the money to rebuild the streets. We can only you know we'll go through and we'll dig out areas of problems you know where there's a lot its obvious distress. But that's where a lot of the issues come from its base failure.

COUNCILMAN FOLTZ: Jim, you've been happy with say curb and gutter we've done since '96 where we got the right fill-in. Sometimes there might have been slag but in their other amenities around some of the older sewers or sanitary lines I think when we did do curb and gutter when we started this project in mid '90's the late '90's we made sure the base was better for long term you know excellence with the road so to speak. If you go to a lot of communities will just throw something in as a base and then go over it. So I think the curb and gutter hopefully we're seeing the curb projects that are 15 years old or so those roads are in better shapes than the ones we haven't done. Just repaved through the years.

COUNCILMAN FONTE: I just think we need to put a little more pressure on these guys to get you know give us some longevity here because we're just it's just like chasing your tail.

COUNCILMAN FOLTZ: Well I think the key is to get it done and you know before December. You know get it...

COUNCILMAN FONTE: Right, right and I think we're on track this year we're going to be all over it in May the school buses will be angry but we'll get it done.

COUNCILMAN CERRETA: You know another things going to come up along with that because of the winters is our sidewalks. They've moved a lot this winter. So we're really need to take a look in the future here about how we know who's responsible for them but how do we you know enforce that? And how do we get our community better or so it's not dangerous for a kid to ride his bike especially during the evening hours and all of sudden he hits that one sidewalk that's sticking up 5 inches. Or someone who's walking and trips on it you know or towards the evening hours. So I think we're going to see a little bit more of this more because of this year and we're going to have to take a look at that. So...

COUNCILMAN FONTE: You know the pumping system works really well the A-1 pump. I used that for years and it holds up really well. That's an inexpensive fix if it's in good shape. The other thing is the wall's falling in I think that's going to be a liability for us. The streetscape wall that's falling in. So I don't know what we're going to do about that but that needs to be addressed.

COUNCILMAN CERRETA: That could be a whole session.

COUNCILMAN FONTE: Yeah, we'll have to cover that next meeting.

COUNCILMAN CERRETA: Make it happen.

COUNCILMAN FOLTZ: One last comment, Dutch can you guys hear us in the back? I've heard positive comments.

CHUCK OSBORNE: There's nothing coming out of these speakers over here.

COUNCILMAN FOLTZ: Okay.

MAYOR HELD: Just one other comment I didn't get a chance to I think the decision that council made to move with the partnership with the YMCA I think it's a great move. And Ben Wheeler I know that you initiated this and we had Mark and Dan and Doug also following up on this and then council all of our council members got involved with this. But its partnerships like this when you've got one of the best YMCAs in the country, top 10 right? I mean it's a great resource for us and so I think it was great move. So Ben we appreciate the work you did. Thank you.

COUNCIL PRESIDENT PETERS: Jim, are you done?

ENGINEER BENEKOS: I'm done.

COUNCIL PRESIDENT PETERS: Madame Clerk?

COUNCIL CLERK BAILEY: I actually don't have anything report tonight.

COUNCIL PRESIDENT PETERS: Very good, well thank you very much.

16. Final Call for New Business:

COUNCIL PRESIDENT PETERS: Okay, final call to council for new business? Seeing none I'll entertain a motion to adjourn?

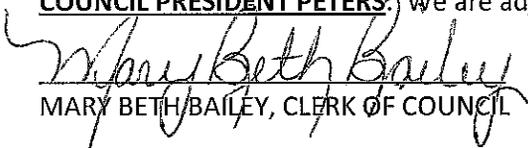
17. Adjourn:

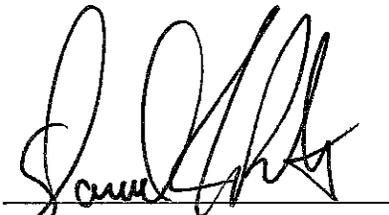
COUNCILMAN FOLTZ: Motion to adjourn.

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