

MINUTES FROM COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, MAY 11, 2015

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting Monday, May 11, 2015 at 7:00pm. 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: Thank you very much. May I have a motion and a second to approve as presented:

Committee of the Whole Meeting Minutes: May 4, 2015
Council Meeting Minutes: April 27, 2015
Mayor's Court Receipts – April 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: Thank you. At this time if you wish to address council please step forward state your name, address.

6. Recognition of Visitors

(Rita Palmer read into the record the following)

RITA PALMER: 307 Fairview Street SE, in North Canton. What would you do if the property next to your North Canton home went up for sale as a Hobby Farm? This happened to me last Tuesday. A Hobby Farm is a recreational farm tied to income, according to Heather Neikark, the Ohio State Extension Agent assigned to Stark County. The proper term, she states, should be Urban Farm since this type of farm is in the city and is tied to acreage. So what should we all fear from this Urban Farm in our city? The real estate ad for this .11 acre lot features a barn/stable where livestock are permitted. The "two stall barn (converted garage) and newly fence paddock for small animals (goats/sheep/chickens) are perfect for 4H projects". If the past is a predictor of the future, we can expect lots of baa-ing, an occasional goat wandering in the yard after it breaks the gate lock, the smell of fairground animals without the trip to the fair, the fear of fire from infrared lights heating the garage all night above the straw-filled stalls on cold evenings, and fun watching the goats be lead into their owner's dwelling to go down the steps to the basement to spend the even colder nights out of the ice and snow. And maybe the new owners will house beef cattle or mini horses as well. One can only imagine what those animals will bring to the neighborhood! These images are not ones you would likely post on the Welcome to North Canton website. And if you think this could not happen to you because you do not live in the inner city, let me tell you about my talk with the mayor. In conversing about this issue with Mayor David Held, he mentioned that he would not wish to live next to goats. I asked him if he lived in Bob-o-Link, and he said he did. That's when I told him another .65 acre Hobby Farm is for sale in Bob-o-Link on Fordham Circle for \$339,900. The new farmer owners and possibly their goats could be his neighbors. This North Canton home is in Plain Township just out of the city limits, however, which leads me to my next point. What can be done to protect North Canton citizens who live near urban farms? I spoke to a zoning employee in Plain Township who told me that they are not responsible for false advertising by realtors, and she assured me that no animals could be kept on the Fordham Circle property since the lot is less than one acre. There are not even exceptions for 4-H projects. In fact, if we lived in Akron, Alliance, Canton, Green, Dover, Hudson, Jackson Township. New Philadelphia or even Plain Township, we citizens would be protected from these two urban farms being able to house livestock, as close as three feet from our property line. As you can see from the handout that you received, all these cities and townships except Wooster would not allow these farms to exist within their jurisdictions, on such small lots. But we don't live in those areas. And this leads me to my last point. I would like to ask Council to write an ordinance to regulate urban farms within North Canton city limits. If anyone in the city wishes to raise livestock, then he/she would need a yearly urban farm permit. That permit would be issued only if the lot in question is a minimum of one acre in size. Other logical restrictions would apply, as well such as paddock or pen setbacks from dwellings or property lines. This ordinances is needed now before

current farm properties are sold under questionable circumstances. Council needs to protect us citizens, our property values, and the serenity of our citywide neighborhoods. Thank you.

COUNCIL PRESIDENT PETERS: Thank you, Mrs. Osborne.

LAW DIRECTOR FOX: Ms. Palmer, if you could you mentioned Heather Neikark? (Yes) And which agency is she with ma'am?

RITA PALMER: She is the Ohio State Extension Agent assigned to Stark County.

LAW DIRECTOR FOX: Thank you.

COUNCIL PRESIDENT PETERS: 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. 26 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 26 - 2015.

7. Old Business

8. Ordinance No. 26 – 2015 Community and Economic Development Committee

An ordinance terminating a Community Reinvestment Area ("CRA") agreement between the City of North Canton and L.T. Parker & Associates, Inc., DBA APARCO Security Systems ("APARCO").

COUNCIL PRESIDENT PETERS: Thank you. Chairwoman Kiesling.

COUNCILWOMAN KIESLING: Yes, this is the last reading of our termination of the CRA agreement. Any questions? Motion we adopt.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 26 – 2015

ORDINANCE NO. 26 – 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. 27 – 2015?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN GRIFFITH: Second.

Roll call vote of 7 yes to read by title only the third reading of Ordinance No. 27 – 2015.

9. Ordinance No. 27 – 2015 Community and Economic Development Committee

An ordinance continuing Community Reinvestment Area ("CRA") agreements between the City of North Canton and LMD Property and Reed Funeral Home.

COUNCIL PRESIDENT PETERS: Thank you. Chairwoman Kiesling.

COUNCILWOMAN KIESLING: Yes, these two agreements we were it was recommended to continue with them. So I motion that we adopt.

COUNCILMAN CERRETA: Second.

Roll call vote of 7 yes to adopt the third reading of Ordinance No. 27 – 2015.

ORDINANCE NO. 27 – 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. 28 – 2015?

for payment of the 2015 Street Maintenance Program is increased from \$760,000 to \$810,000.

COUNCIL PRESIDENT PETERS: Thank you. Chairman Griffith.

COUNCILMAN GRIFFITH: This is simply an increase in our appropriations for the street piece. Jim, did you want to chat about that a little bit?

ENGINEER BENEKOS: That's correct. Being an appropriation does it need to be on emergency to pass it tonight?

LAW DIRECTOR FOX: No, an appropriation they suspend the rules requiring it will pass as though it will go into law immediately after the vote and signed by the mayor.

ENGINEER BENEKOS: Okay, great if we could do that. Thank you.

COUNCILMAN GRIFFITH: I think based on the storm this evening Jim is worried that there may be streets washing away as we speak. So I would move its approval.

COUNCILMAN FOLTZ: Second.

Roll call vote of 7 yes to adopt the first reading of Ordinance No. 34 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to suspend the rules of council for three readings for Ordinance No. 34 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to suspend the rules of council for three readings for Ordinance No. 34 – 2015.

COUNCIL PRESIDENT PETERS: Thank you. May I have a motion and a second to adopt under suspension of the rules Ordinance No. 34 – 2015?

COUNCILMAN GRIFFITH: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 7 yes to adopt under suspension of the rules Ordinance No. 34 – 2015.

ORDINANCE NO. 34 – 2015 WAS PASSED BY A ROLL CALL VOTE OF 7 YES.

14. Reports – Council:

COUNCIL PRESIDENT PETERS: Reports?

COUNCILMAN FONTE: I just want to say Happy Mother's Day to all the mothers. I hope you had a great day. Secondly, Jim, thanks for all the grinding I see going on around the city with the roads. Gee whiz it's going to be great to have some nice roads to travel on. And thirdly, Rita concerned about this lot I mean who would think a 50X94 lot would have a farm in it but you know realtors tend to do puffing they call it it's not illegal it's just more exaggerated. And like I mentioned to you I don't think you know it's going to be a big farmland in the city like that, but it does have some issues probably you know with the rules. So maybe some things can be modified. You know I don't know Eric or we could maybe look into that you know. That's all I have.

COUNCIL PRESIDENT PETERS: Thank you. Member Werren?

COUNCILWOMAN WERREN: Rita I appreciated your call as well. And we have talked to Eric and the mayor and Mike and you know I think it was shocking all that when you read it all the graphic details they put in about a hobby farm in the center city. And when and I think I mentioned in a couple weeks...hey, Eric, in a couple when are we having the person come in and do...

ECONOMIC DEVELOPMENT DIRECTOR BOWLES: Next committee meeting.

COUNCIL PRESIDENT PETERS: Next week.

COUNCILWOMAN WERREN: Okay, so they're going to do a review of our ordinances and he thought that would be a really good time to also look at this ordinance and see what we can do. Because just talking to really all of us we all feel that that really doesn't make sense to have a hobby farm in the center city. And maybe I liked a lot of the other provisions. I talked to someone in Plain Township and I liked the acreage because there are some people that purposely want that land around them and they should be able to have a farm. But that acreage is just crazy I drove up and saw and I wouldn't like that either. In our

neighborhood someone had a goat as well but the neighbors didn't know what to do because of the ordinance and stuff. So I thank you for bringing it to our attention and then putting all that there. Someone else had also asked if sprinklers are starting to be run and I checked with Jim with about this they thought it was the North Canton you to have your backflow checked each year. And it's kind of costly \$70.00 to \$100.00 and they put a list together of vendors that we're able to use and then they send it to the city and its quite frankly it's kind of a lot of work for the city to do. And someone thought that it was a big money maker for the city but it's not at all. And it's the EPA that mandates that and they have to do it yearly there isn't a bi-yearly or five it's every single year. So if anyone asks that they have the sprinklers that's what's going on with the sprinklers. That's it.

COUNCIL PRESIDENT PETERS: Member Kiesling?

COUNCILWOMAN KIESLING: No report.

COUNCIL PRESIDENT PETERS: Member Griffith?

COUNCILMAN GRIFFITH: That sounded rather ominous but the State Treasurer has come out with what they call the Checkbook Program which many of you have heard about or seen some promotion about. It allows a lot more financial transparency. Karen and I have had some discussions about it and we're going to move towards that direction I think we're going to put some more policies in place from a privacy standpoint. Tim was kind enough to share tonight which I think would be really good. But after that there will be even more reporting that everyone will have access to online from a financial perspective. So that's going to be from the statewide all the way down to many of the political subdivisions and it would be my and the county's going to obviously be jumping into this big time too. So I would advocate us doing as much as we can with this as well so that we can continue to be as transparent as possible. So we're going to hear more about that later one. Promise not to be too boring about it but it's a good thing just more information out there without having to go through special requests it'll be right there at everyone's fingertips. So just something to look forward to.

COUNCIL PRESIDENT PETERS: Member Cerreta?

COUNCILMAN CERRETA: No report.

COUNCIL PRESIDENT PETERS: Thank you. Member Foltz?

COUNCILMAN FOLTZ: No report.

COUNCIL PRESIDENT PETERS: I have no report. Just to thank Rita I appreciate the homework you did on the other municipalities and townships that's good stuff. We are going to have David Hartt in next week he's going to be in front of council at the very beginning we're going to talk about these are one of the things this is one of the things we're going to talk about amongst others to address our zoning book. We, Eric, we usually address the zoning book every what 6 years, 5 years?

ECONOMIC DEVELOPMENT DIRECTOR BOWLES: Well, the American Planning Association Professional Planners usually recommend you take a look and update your zoning code every 10 years. Our code was started in '01 and I think it was passed in 2003 so we're about at that mark.

COUNCIL PRESIDENT PETERS: Yeah, we're about 2 years overdue so we're going to take a good hard look at it make some changes. Okay, very good.

15. Reports:

COUNCIL PRESIDENT PETERS: Law Director?

LAW DIRECTOR FOX: Yes, Ms. Palmer if you have a moment after the meeting. That's it.

COUNCIL PRESIDENT PETERS: Mr. Grimes?

DIRECTOR GRIMES: And there was a severe thunderstorm warning just issued so be careful when you're leaving here and going home. I too talked with Mrs. Palmer and you know I do agree with her the thing we regulate obviously I think everybody knows is chickens. And we did a great job with that. In fact, two weeks ago we had to tell someone they had seven chickens instead of six. Our nuisance officer is out there doing that sort of thing. So but all the other animals that she's talking about we don't regulate and that might be something that we want to consider on that.

COUNCIL PRESIDENT PETERS: You know that's concerning because when we when we went through that whole rigmarole you remember this we had experts up here saying that six was the preferred there was something that had to do with...

COUNCILWOMAN KIESLING: Yeah there was I don't know it's crazy.

COUNCILMAN FOLTZ: Yeah.

DIRECTOR GRIMES: Yeah, it was different but and then on the backflow if anybody has any questions on backflow call Ann out

at the Water Treatment Plant she's in charge of those and keeps track of those. And many times someone will put in a backflow that's more expensive than what they really need and she's up on that stuff and if you call and contact her or the contractors contact her she might be able to save the homeowner some money on that. So thanks.

COUNCIL PRESIDENT PETERS: Okay. Outstanding, Mr. Mayor?

MAYOR HELD: Yes, the only thing that I have is Rita I did speak with you last week and you know it's pretty clear that we've got to update our zoning ordinance. And one of the things that I think we have to be careful about and I've talked with some of our members of council about this is that we don't want to just address specific issues like we did the last time with the chicken ordinance. Because there was one resident that and other resident that had an issue between them and then council with good intentions and the administration addressed that particular issue. But then obviously as a result you can see that there's other issues that are arising like hobby farms. And it's pretty clear when you have a .10 of an acre or less that you know it's not it can't be used as a hobby farm or you know it's certainly is not ideal. And so Eric is going to have the consultant that worked on our zoning ordinance when he comes up to speak with council give us a proposal maybe not at that meeting but at some point to have a comprehensive review of the zoning ordinance and the councilmembers as our president said you know they're willing to do that. And it's time for that now. So I hope that helps it's not going to we're certainly not going to be able to address it this week or next week because it's going to take a little bit of time because I think the council wants to make sure that they're doing it right as well as the administration.

RITA PALMER: May I speak?

COUNCIL PRESIDENT PETERS: Give it one minute. Jim?

ENGINEER BENEKOS: A report?

COUNCIL PRESIDENT PETERS: Yes.

ENGINEER BENEKOS: Okay, Due to the excellent work of our outstanding finance director who's absent this evening she reported we received \$1.1 million dollars from the Ohio Public Works Commission and reimbursement for the East Maple Street Project so the total reimbursement for the East Maple Street Project through OPWC, ODOT and the JRS Grant is just over \$2 million dollars. So all that money has come back to the city and we have been reimbursed for that. Also it's noted that the 2014 Paving Program has begun. We passed the ordinance to increase the allocation for the 2015 Paving Program, a Board of Control is scheduled for immediately after council meeting to award that contract and they'll get started on that. It's the same contractor so they'll be in town and we'll have our streets torn up here pretty soon. Also Whipple Avenue Waterline is almost complete we have 2 potential new customers out there that have expressed an interest in tying on to our water system. So once that water system is finalized the testing is being done this week and that's done we make final payment and take over control of that waterline we should have 2 new customers out there shortly at least 2. And the waterline on South Main Street is almost complete they're running the services across the street that's going to create some traffic delays a little bit not much worse than they have already. So they're working on that and we're rapidly preparing a few more projects for bidding here shortly. So that's it.

COUNCIL PRESIDENT PETERS: Alright, that's enough. Thank you. Clerk?

COUNCIL CLERK BAILEY: I do not have anything to report tonight.

COUNCIL PRESIDENT PETERS: No report, I thank you for that.

16. Final Call for New Business:

COUNCIL PRESIDENT PETERS: Anything else coming from council?

17. Adjourn:

COUNCIL PRESIDENT PETERS: Alright with that I'll entertain a motion to adjourn.

COUNCILWOMAN WERREN: Rita, had a thought.

COUNCIL PRESIDENT PETERS: Well she can come up after the meeting.

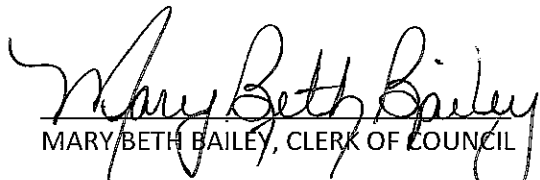
COUNCILWOMAN WERREN: Okay.

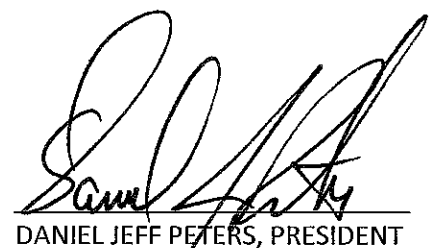
COUNCILMAN FOLTZ: So moved.

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