MINUTES FROM COUNCIL MEETING
CITY OF NORTH CANTON
MONDAY, SEPEMBER 12, 2016

1. Call to Order

COUNCIL PRESIDENT PETERS: I'd like to call to order the Council Meeting, Monday, September 12, 2016, 7:05pm.

2. Opening Prayer – Pastor Walter Poe led the opening prayer.

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, Kiesling, Peters and Werren. Thus having 6 in attendance.

COUNCIL PRESIDENT PETERS: Motion and a second to excuse Member Griffith.

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to excuse Councilman Griffith.

5. Consideration

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

Council Meeting Minutes: August 22, 2016
Special Committee of the Whole Meeting Minutes: August 22, 2016
Reappoint Jordan Greenwald to the Civil Service Commission for 6 year term.

COUNCILMAN FOLTZ: Motion to approve as presented.

COUNCILMAN CERRETA: Second.

Roll call vote of 5 yes, 1 abstain to approve the above minutes and appointment. Kiesling abstained.

COUNCIL PRESIDENT PETERS: Thank you very much.

6. Recognition of Visitors

COUNCIL PRESIDENT PETERS: Alright, thank you. At this time our recognition of visitors, Mr. Revoldt, please.

DARYL REVOLDT: 1565 Ambler SW, North Canton. Jeff, I want to thank you before I begin my remarks about for the courtesy of returning my call on Saturday. You were on vacation, and I appreciate the time that you spent. I'm here tonight to ask council to consider tabling Ordinance 52 – 2016. The proposed legislation which deals with CRA essentially mirrors what it replaces. And particularly it's the section 5 of 107. If one argues that the North Ridge apartment was allowable under 107-09, 5-10, then I think we can agree that the old language and the new language which are almost identical lack transparency, accountability, and oversight. I'd like to urge council to consider reviewing 5 CRA ordinances from surrounding communities. Each of these is slightly different in emphasis. For example, in Hudson there's no residential CRA permitted. Stow only allows residential CRA in what's called a mixed use. And in Wooster, you can only receive an abatement on remodeled property. And apartment complexes are deemed commercial which require negotiation with the school system. I think on one of these CRA documents you will find a solution to your dilemma here. I want to make sure that with all the comments that surround this that council understand how important it is to have a CRA ordinance in place. Clearly for the commercial and residential side it is critical for redevelopment, particularly as you look along Main Street. Which is where it was originally established. It's very important to have it. But again, what's important is that the process for that CRA be open and transparent. That is absolutely critical if we're to have the confidence of the taxpayers. Because clearly at the end of the day, we inherit conflict when we abate taxes with our school district. And we clearly understand how critical that school district is to our own wellbeing as a city. So, that concludes my remarks I would certain encourage you again to table this Mr. Peters. I have a copy, its hot off the press, you're welcome to it. Thank you very much for your courtesy.

COUNCIL PRESIDENT PETERS: Thank you. As it relates to 52 – 2016, you know, it's on the agenda under an emergency we're going to have the first reading tonight to keep things moving along. But we are going to discuss this in committee next week. So, anyone else wishing to address council please step forward, Ms. Baughman?

MIRIAM BAUGHMAN: 320 Weber Ave. I just heard 3 minutes ago that Ordinance No. 49 – 2016 will be tabled. But I prepared remarks and I'm going to go ahead and say them because it will, then you will know why you will table it hopefully. When all you took the oath of office you swore to uphold the charter, ordinances and resolutions and the laws of the State of Ohio. The City charter, the City ordinances and the Ohio Revised Code are the infrastructure of North Canton City government. Tonight you have the third reading a zoning ordinance in violation of 1181.04 of the zoning ordinance. And I forgot to give you my handout. On page 1 is the actual copy out of the zoning book, which shows 11.81.04 which says after the adoption of a resolution by council the motion or resolution shall be reviewed and considered by the Planning Commission. The word is shall, which is a very strong legal term. It doesn't say may, maybe or can, it says shall. So if you want to change the zoning to allow parking in someone's front yard then it has to go to Planning Commission to be reviewed first. So on page 1 that tells what our ordinance is. If you go to page 2, it's the Ohio Revised Code 713.10, which talks about when you change zoning and this 713.10 also captures 713.07 through 713.09. And the second paragraphs says, the legislative authority of such municipal corporation may amend or change the number, shape, area or regulations of or within any district but no such amendment or change shall become effective unless the ordinance proposing is first submitted to the Planning Commission. Again, the word shall. Doesn't say may, doesn't say maybe, doesn't say can. And then I'll direct you to page 3 which is 713.07, and in this which is also part of .10 it says, other structures and premises. And if you go to page 4, it's the Merriam Webster Dictionary which says what a premise is. The simply definition of premise, is a building and the area of land that it is on. So this ordinance refers to also the land. So I hope indeed that you do table this ordinance so that you can follow the ordinance in ORC, send it to the Planning Commission where it goes through the process. And I guess my big question is, why are you even doing this? If this is...

COUNCIL PRESIDENT PETERS: I can answer that, Miriam.

MIRIAM BAUGHMAN: What?

COUNCIL PRESIDENT PETERS: I can answer that for you, if I could interject here for a minute.

MIRIAM BAUGHMAN: No, that's okay, I'd like to continue. (Okay) I think you're shooting a mosquito with a cannon. Why are you changing the whole city ordinance for one person? We have a Zoning Board of Appeals. And as long as the neighbors on each side or across the street have no problem with what these people want to do, the Zoning Board of Appeals will okay it. You're going to open yourself wide open to make it citywide. Think about it, you're going to have cars parked that don't run, you're going to have cars parked there that are for sale. And it's going to look terrible, to have parking lots in the front yard. And if it's citywide people will take advantage of it. Thank you.

COUNCIL PRESIDENT PETERS: I'm not sure exactly what you guys got in your packet, but in my agenda it's to motion, a motion and a second to table. So it must not have made it onto your packet. But I have mine right here, it says we are tabling, that was our intent. I had it put on the agenda to table, I didn't want to leave it hanging out there. As it relates to opening up a can of worms, and you were here for those discussions in prior meetings and hear when the young lady requested that. One of the things that came up was, you know we have older housing stock that are on smaller pieces of property, single car driveway, single car garage. And that's the home that my wife and I first bought, and we were two drivers and it was a pain moving cars in and out. And you know as if the family has children and they have a third child or a first child and a third car then you're going to have, you're going to have issues. And you know, I don't want, what this council is trying to do is to preserve the housing stock, not have rentals up and down the main corridor where this really is a problem. So I think it's a it's a commonsense measure that we're going to put in place to effectively make some of those properties along the main corridor more attractive to younger families, and not just investors looking to rent them out. But I appreciate the comments. If there's anyone else wishing to address council, please step forward.

GLEN SAYLOR: 340 Reed Avenue, North Canton. Come to talk about CRA tonight. First, I'd like to talk about the application that was submitted to the county auditor in regards to the abatement of North Ridge Place, which I believe is a illegal document the way its filed. And you can easily get this document either from, I got a copy from Mr. Grimes, I also got a copy from the Stark County Auditor's office. But on the first page of that document it says exemption sought for North Ridge Place and it has there whether you're specifying its new construction or remodeling. Mr. Bowles "x" right beside new structure, okay, besides remodeling he put "n/a". Also on this document you have to specify the section of the Ohio Revised Code. So on page 2, he uses section 3735.67(d)(1) or (d)(2). I'd like you guys to write that down again and do some homework tonight, 3735.67(d)(1) or (d)(2). If you look at those sections of the Ohio Revised Code they refer to remodeling. Nothing about new construction. So clearly Mr. Bowles has submitted to the County Auditor's office a document that's been falsified. And I plan to contact the auditor tomorrow and make this known to him, but I thought out of courtesy to this council that I'd let you guys know tonight. So hopefully tomorrow some action is done to go to the auditor's office and have this abatement removed. The auditor's office does have the ability to go back and reinstate those back taxes that have been abatement. He's got that authority. And I think that's, you need to press the law director to do that. I also find it interesting that in the document package that I got from the auditor's office that Mr. Bowles references Ordinance 22 – 1999 as the reason for the abatement. Not 5 – '10. But it doesn't really matter because if you look at section 5 in all the ordinance that over CRA, there's three specifications. So again, look at section 5, and do your own work, do not take the advice of the law director in this matter. It says plainly there in section 5, 10 years, section 5(a) of the ordinances, any one you want to pick, 10 years for remodeling of dwellings of two units. Section b, 12 years for remodeling of more than two units. In section c it says 15 years for construction of dwellings as described in 3735.67(d)(3). If you look at that section of the Ohio Revised Code it refers to historical buildings. Okay, and it actually refers back to (d)(1) and (d)(2), saying that you can give them more exemption because they're historic buildings. So plainly there is nothing in any of the ordinances that cover new construction. And Mr. Fox's claim at the last meeting that he went back and looked at through all the proceedings for all of these ordinances it doesn't matter. Okay, you have to strictly look at the ordinance

and what's in there. There's nothing specifying new construction for residential property being abated. It's just not there and I challenge Mr. Fox tonight to read specifically out of the ordinance where that is said. Because don't you think its might strange that you're giving them a 12 year abatement on new construction? Why aren't you giving them 15 years? That's all I have to say, thank you.

JESSICA STRAIA: 638 Portage Street. I'm here to address council, just to ask maybe for their assistance in helping to name the street that goes right behind our house. We're new residents who bought the house in April, and due to just complications with delivery and just overall issues with understanding that our back door is our main door. Because being directly on Portage makes it a little hard for deliveries, anytime Amazon which we are very avid Amazon orders. They do have to stop on Portage that causes a little complication there's a bus stop right in front of our house. We are hoping to not cause any confusion or hopefully no accidents. So my goal is to maybe address council to ask what would be the next step, I know that I've talked about it before. But I am more than willing to help any of the footwork to naming it and obviously have a suggestion for the name. But I know there are obvious steps that need to be taken. And I'm more than willing to be patient with those steps. But I will, I just, my goal is to help maybe take that next step. So thanks guys for all your work.

COUNCIL PRESIDENT PETERS: Thank you for coming up, and I'm glad you brought that up. I thought the ball was rolling it was going to be Aiden's Way. Is that correct?

JESSICA STRAIA: Yeah, I just, there are a lot fun things that you all are addressing that I think are very stressful things to think about. So naming a street in North Canton, I'm sorry.

COUNCIL PRESIDENT PETERS: No, thanks for bringing that up.

MAYOR HELD: Yeah, lets, what we'll do is we'll check and see where we're at as far as you know, what has been done or what needs to be done on that. And that would be with the engineering department.

JESSICA STRAIA: Yeah, I know it's with the engineering, but I know it probably has to be overseen. So, thank you guys, I appreciate that.

DIRECTOR GRIMES: Council President?

COUNCIL PRESIDENT PETERS: Yes.

DIRECTOR GRIMES: Yeah, it would take a council action to change the name and rename it. I have, it's on my list of things to do. I've got the property defined, there are probably I think there's 6 owners that abut that property. So I didn't if council wants to at least notify all the owners that are around there so that they would know that. And some, I think most of the owners that own the property don't actually live there. So there's that too. You may have some residents that live on there, but they're not the owners. So I've been trying to comply that to send to council, so then you, and then once it's there then it's yours. But I'm trying to get that in case you want to notify those folks.

COUNCILMAN FOLTZ: I appreciate that, can we maybe, if it's not ready next week maybe one of the next committee meetings we can discuss it and go forward. I appreciate that, whenever you do have all that information collected.

COUNCILWOMAN WERREN: Does it, it doesn't have a street name right now, does it?

COUNCILMAN FOLTZ: No, it does not.

DIRECTOR GRIMES: its two different alley names. You would combine it into one street name probably.

COUNCILMAN FOLTZ: Okay, thank you.

COUNCIL PRESIDENT PETERS: Okay, there you go, we'll talk about it next week then. Thank you. Ms. Roll?

MELANIE ROLL: 308 Portage Street. Again, the CRA, many of us contend that Ordinance No. 52 – 2016 is an attempt to redo what was done in error. And as Glen has pointed out, section 5(c) on how that, those ordinances were invalid on the form that Mr. Bowles submitted to the auditor for North Ridge. On page 2 of 52 – 2016, I want you to note that section 5(c) 15 years the Ohio Revised Code numbers and the numbers that he was referencing are omitted from this. So it seems too many of us that this is a maneuver. So would you please think about what you're doing to the schools? The schools do not want new construction. So when you're going forward please consider that. All of us are responsible for educating our young, and you have the authority to make sure that the money that voters vote for when they vote for a school levy actually goes to the schools. Rather than an entity that's in my opinion doesn't need it. So let's make sure when voters vote for a school levy that money goes to the district and not developers. Thank you.

COUNCIL PRESIDENT PETERS: Melanie, I want to comment on that real quick. This is not a maneuver. I mean this pretty straightforward. Repealing the ordinances that don't have state certifications. That's all we're doing is cleaning it up. The other ones do have state certificates. You can see that, it's on record. But there is no maneuver here. And we're only having one reading, or we're having the first reading it's not going to be on emergency. So we're going to slow walk this. And we're going

to discuss further next week. Okay.

COUNCILWOMAN WERREN: Melanie, one question. Do you think the schools don't want commercial or residential new? You don't think they want anything? Or you're just referring to residential?

MELANIE ROLL: Am I allowed to speak?

COUNCIL PRESIDENT PETERS: Yes, she's asking you a question.

COUNCILWOMAN KIESLING: Come up so you're on record.

COUNCIL PRESIDENT PETERS: Come up.

MELANIE ROLL: It's my understanding with conversations from, with the schools they do not want any new construction in this CRA that the current boundaries Main Street, Valley View. So it is no new construction that's particularly for residential, unfortunately North Canton has apartment complex zoned residential.

COUNCIL PRESIDENT PETERS: Thank you. And I want to make very clear, this council has gone on record and say that we're not, that we are opposed to new residential. And you know that's not what this, that's not what the CRA was intended for and you know I discussed it at length with Mr. Revoldt. And but I want to make very clear too, for some of the folks and Daryl I'll give you a minute here. I want to make very clear some of the folks that aren't here don't understand the process. We are a legislative body, okay, we are not an administrative body. We legislated the CRA ordinance, we enacted them. You know, it was up to the way it's written, the way the state statute is written that the Housing Officer implements those. The thing that Glen that you had at the that you brought from the state auditor, we didn't see that. That's not under our purview. It's an administrative function. So, but I'm very interested in seeing that, and I appreciate that. Daryl, come up, I know you wanted to make some more comments. I mean, listen this whole thing is that important to everybody up here for us, for everybody to be clear? I mean we've been accused of making maneuvers or whatever. This is pretty serious and we care about this. So that's why I'm allowing Daryl to come back up.

DARYL REVOLDT: Thank you. The difference between a residential CRA and a commercial industrial, is that under the latter you collect income tax. And that little phrase about negotiating with the school board, the agreement which you approve in effect establishes a PILOT, payment in lieu of taxes. So you can go out and abate, if you will, a commercial or industrial property. But what you would be doing then is collecting the income tax and returning a portion, negotiated portion of that or all of that to the school to make it whole. The issue with North Ridge unfortunately is it the tax was abated and there's no PILOT. There's no payment in lieu of taxes. So they're out the cash. That's where I think this in the materials that I presented to Jeff, I think if you take a look at it you'll see the nuance where various other communities are attempting to protect their schools, but yet simultaneously promote economic development. I think it will be there, and I think you'll find a path. Thank you.

COUNCIL PRESIDENT PETERS: Thanks Daryl. Alright, anyone else wishing to address council? Yes, sir.

GARY STONE: 373 Pershing Ave NE. I know this is going to be off topic since it's not about zoning. But one of the things that I've noticed when you're driving westbound towards 77 over at Pittsburg and Portage, you can barely see that light. And you end up stopping there just because you don't know whether it's red or green. And it becomes very dangerous if you don't know whether it's red or green. Because what if someone thinks its green, they just drive through and cause an accident just because they couldn't tell. A traffic light has to be distinctive, you should easily be able to tell whether it's red or green. And not just guess. Which is many cases now, because if I'm driving there I'm slowing down just to see where the light is. And I figure if I can't see its red and if I can barely see on the bottom it's green. This is not a safe situation. I see it that way for a while, it needs a different light that you can see that is a lot safer and could avoid accidents.

COUNCIL PRESIDENT PETERS: Yeah, is that the light, which, Pittsburg?

COUNCILMAN FONTE: By Ernie's Bicycle?

GARY STONE: Yep.

COUNCILMAN FONTE: Okay, that's an old light, maybe we need a new one. It's by Ernie's Bicycle Shop.

COUNCILMAN CERRETA: So you're saying both lights is what you're saying.

COUNCIL PRESIDENT PETERS: Yeah.

GARY STONE: You can't see either one, no. Both have the exact same problem.

COUNCILMAN FONTE: Cause of the sunset, the sun setting.

COUNCILMAN CERRETA: Alright, let's take a look at it.

GARY STONE: I even had problems this morning.

COUNCIL PRESIDENT PETERS: Going west, towards...

GARY STONE: Yep.

MAYOR HELD: Gary, what direction are you traveling in when you're saying it's not visible?

COUNCILMAN CERRETA: South on Pittsburg Road you're saying, you're coming to Portage.

GARY STONE: Like I'm coming from here over to the freeway.

COUNCILWOMAN KIESLING: West on Portage.

COUNCILMAN CERRETA: Oh that's west on Portage then.

GARY STONE: Right.

COUNCILMAN FONTE: Right where Ernie's Bicycle Shop is.

MAYOR HELD: So you have Ernie's Bike to the right there, so when you're looking at that light there and when you're coming up on it, you're saying whether it's red or green.

GARY STONE: It's on the right hand side just before you get to the intersection Ernie's Bike Shop.

MAYOR HELD: Okay, so it's not that you can't see the light, it's that you can't see the color which one is on.

GARY STONE: Right, you can't tell whether it's red or green.

MAYOR HELD: Right, because of the brightness of the light or the bulb that's in there. Okay, that makes sense.

GARY STONE: Right, and it causes a dangerous situation.

MAYOR HELD: Oh absolutely, you're right.

COUNCILMAN FONTE: You know the newer lights have the black square in the background so it reflects better. Maybe it just replaced or something new.

DIRECTOR GRIMES: We do that for east and west traffic, I'll check and make sure that's there. Also the LED bulb, I'll make sure that we have LEDs in there that's brighter. We'll check it out, sir.

GARY STONE: Thank you.

COUNCILMAN FOLTZ: You're right, we did that on West Maple on Hillcrest and West Maple, we couldn't see the light in the trees. We put a yellow background behind it and then everybody caught that light better. Depends on the situation. So thanks for looking at it.

DIRECTOR GRIMES: And we even changed the color of the actual light hanging up a little bit to help.

COUNCIL PRESIDENT PETERS: Yes, ma'am.

SUE PLATT: 801 Briar in North Canton. And I just have a question on this, the North Canton City Council the Economic Development Committee it says in the third one down exhibit "a". I don't see an exhibit "a", is there an exhibit "a" whereas there has been prepared and submitted to this city council.

COUNCILWOMAN KIESLING: I don't think "a" is done yet, is it? The map, the new map?

LAW DIRECTOR FOX: I don't have the smaller version, what it is, is the map of the two other ordinances that you had in the '99 and 2000 and 2003.

SUE PLATT: So you're voting on something that we really haven't seen the map. I mean...

COUNCILWOMAN KIESLING: It's the same map, so we're only voting on the Valley View and the North Canton CRA that are currently in place right now. That is the only CRAs that are in place and that's what we're repealing the other two that aren't in place. So, correct, we don't have a map of the two that we're repealing.

SUE PLATT: I just wish that there had been a map, so everything was clear.

COUNCILWOMAN KIESLING: I thought we were going to get one at some point. This is only the first reading, but we do want to downsize or downscale map, correct.

SUE PLATT: Yes, I'd like everything to be out in open and I would like to see exhibit "a".

COUNCILWOMAN KIESLING: Yeah, that's the plan.

SUE PLATT: Thank you.

COUNCILMAN FONTE: Thank you.

CHUCK OSBORNE: 307 Fairview Street SE, North Canton, Ohio. It's very interesting to see how the rules change here from week to week. You've had all kinds of interaction here, follow up, so much to talk about here I don't even know where to start. But since we're talking about the CRA, it's quite interesting Mr. Peters that now you acknowledge that the state never certified previous CRA ordinances. So that doubly backs up what Mr. Saylor said. And I've seen those documents, Mr. Bowles just basically falsified for whatever reason they're totally invalid. I don't know what you're fancy attorneys down in Columbus are telling you. You guys are in world of hurt. The mayor has told you, you guys are all onboard with him. It was stupid, there's no valid reason to even do it. And yet you're turning around and spending taxpayer's dollars when you should be telling Mr. Lemmon he owes the money back and the abatement should be terminated. As well as the one on Harmon. So I doubly back up Mr. Saylor has said, what former Mayor Revoldt has said. And let's get to Mrs. Baughman, you're amending the zoning code, again without following the zoning code itself. To amend the zoning code is like a six month process. Mr. Foltz has been through it with me, Mrs. Kiesling has been through it with me, and you did it a year ago. And I'll never forget the words Mrs. Kiesling "oh, it never should have been there so we're just going to take it out". You have bypassed two public hearings, you have bypassed input from your Planning Commission and you're just running ahead. So taking away the appeal to council last year isn't worth the paper it's printed on. Because somebody could litigate that and appeal to council. Because you guys did it totally wrong. And you're doing it again now. And you're trying to stop in the middle of the process and say "we'll make a side trip over the Planning Commission". What does that tell them? Do they have any value in this process? Hell, no. Okay, we'll let them give their two cents worth and then we're just motor right along. Now, Miriam didn't come up with a word, it's a variance. Try it on an experimental basis. Help this woman get a variance, if the Zoning Board of Appeals will approve it and see how that works out. But you're going to destroy the city if you start letting people create a parking pad right in front of their house in their front yard. And these dinky little yards as it is. I think the code or your ordinance says 40% of the front yard can be a parking pad. Be fair to the future of the city, give her a variance and see how that's going to work out. But people know this when they buy the home, these are the restrictions. What you should be doing is doing away with R-50 housing. These homes will never be adequate in the future. I've told you, there's no place to park. If you've got multiple cars you've got to shuffle cars. There's no place to put your snow when you shovel. You could not fight a fire from either side of the house. You could only fight it from the front or the back. R-50 is totally antiquated and should be left in the dirt. Regarding another recommendation as far as getting rid of R-50. Why don't you start enforcing your zoning requirements? I called our permits and inspection today to report this neighbor about a block and a half down the street. And I'll give you this, because I made two of them. He's got an engine block hanging off of a carrier. This car's been on blocks at least for a week. And I think it's a rental property. And I called down there and Don, I forget his last name, said "well, our part-timer is on vacation, he might be able to come over and get a picture of it, he may not." But anyways, here's a picture. Instead of giving abatements to multimillionaires who have investment property, commercial property please think about what you're doing, you should not be led down the path by a law director, and I don't know who he's marching to. But, anyway, you're not following process, procedure and it makes you just want to go home and blow your brains out. Because this is pathetic up here. It depresses the hell out of ya. I can't depend on a single soul up here.

COUNCIL PRESIDENT PETERS: Mr. Osborne, I wouldn't recommend that, please. Is there anyone else wishing to address council please step forward state your name and address.

LARRY TRIPP: 1127 East Maple, North Canton. Regarding the Ordinance 49 – 2016 third reading, before you pass this just drive down East Maple Street. The two houses in Plain Township, across the street from me. A lot of you know where I live, 1127 East Maple. Drive down East Maple Street, across the street from me its Plain Township, understand Plain Township. They rented out this property to Walsh students. What did I tell you earlier, Mr. Grimes? I've seen as many as 8, 9 cars in their driveway when I wake up in the morning. This would be about in the, I'm 1127 probably in the 1122 category on East Maple. A guy by the name of John Mundorff and he passed away a couple of years ago. It's right in the same block where your sister-in-law lives.

COUNCIL PRESIDENT PETERS: Yeah, Jeff Rabbitt bought it from the Mundorff estate.

LARRY TRIPP: It's terrible, then across the street to the east of me two doors down they also rent to Walsh College students. I've seen as many as 7, 6, 7 cars, they drive across their yard to get out of the driveway. So before you even think of passing this, think of the consequences what Mr. Osborne, what it's going to do to the city down the road. You're opening up a real can of worms. I've had one on my side of the street from some oriental people, I've got pictures in my cellphone, unfortunately my printer doesn't work or I would have had copies. Again, they just put in concrete that abuts almost up their neighbor's lot. So they could park additional cars. And now they were parking the cars would come out on the sidewalk, the back ends. So think before you even go any further with this. Thank you very much.

COUNCIL PRESIDENT PETERS: Is there anyone else wishing to address council, please step forward state your name and address. Okay, onto old business. May I have a motion and a second to ready by title only the third reading of Ordinance No. 47 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the third reading of Ordinance No. 47 – 2016.

7. Old Business

8. Ordinance No. 47 – 2016 Community and Economic Development Committee

An ordinance authorizing the vacation of a portion of Orchard Street NE and Witwer Street NE, located within the corporate limits of the City of North Canton.

COUNCIL PRESIDENT PETERS: Chairwoman Kiesling.

COUNCILWOMAN KIESLING: Yes, this is the third final reading of the abatement over by the Hoover District. Any questions, concerns. I motion we adopt.

COUNCILMAN FONTE: Is this the road right?

COUNCIL PRESIDENT PETERS: Vacation.

COUNCILWOMAN KIESLING: Vacation, did I say abatement, I meant vacation.

COUNCILMAN FONTE: Yeah, I have a question, so this is the third reading on the vacation of the lot. I was just I've been bugging everybody to see if we could get an update on Hoover. I know this is an important thing for the church and Hoover for the apartments, right? So they can have the parking. I would just like to see the corner and I'd like to get an update. So I don't know if we have that yet, but I think that would be real important.

COUNCIL PRESIDENT PETERS: We'll have that in reports.

COUNCILMAN FONTE: Okay.

COUNCILWOMAN KIESLING: Alright, motion we adopt.

COUNCIL PRESIDENT PETERS: Is there a second?

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to adopt the third reading of Ordinance No. 47 – 2016.

ORDINANCE NO. 47 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you very much. May I have a motion and a second to table Ordinance No. 49 – 2016?

COUNCILWOMAN WERREN: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to table Ordinance No. 49 – 2016.

9. Ordinance No. 49 – 2016 Ordinance, Rules and Claims Committee

An ordinance amending CHAPTER 1133 – SINGLE FAMILY AND TWO FAMILY RESIDENTIAL DISTRICT REGULATIONS, of the Codified Ordinances of the City of North Canton, specifically Section 1133.08(c)(3) Additional Regulations for Garages, Parking Areas, Driveways and Vehicles.

ORDINANCE NO. 49 – 2016 WAS TABLED BY A ROLL CALL VOTE OF 6 YES.

10. New Business

COUNCIL PRESIDENT PETERS: Alright, thank you very much. Now onto new business, may I have a motion and a second to read by title only the first reading of Ordinance No. 52 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 5 yes, 1 abstain to read by title only the first reading of Ordinance No. 52 – 2016. Fonte abstained.

11. Ordinance No. 52 – 2016 Community and Economic Development Committee

An ordinance repealing ordinances 5-10 and 107-09, reviving ordinances 71-04, 22-99, and 106-00, and implementing sections 3735.65 through 3735.70 of the Revised Code, thereby reducing and dividing the North Canton Community Reinvestment Area ("CRA") into the former and now revived Main Street CRA established under ordinances 22-00 and 106-00 and the former and now revived Valley View CRA under ordinance in 71-04, within the City of North Canton, re-designating a Housing Officer to administer the programs, reestablishing a Community Reinvestment Housing Council and Tax Incentive Review Council ("TIRC"), repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you. Chairwoman Kiesling.

COUNCILWOMAN KIESLING: Yes, I'm looking back at my minutes, I have in my minutes that its 105-2000. Am I wrong? Tim?

LAW DIRECTOR FOX: No, its 106, I believe there's a typographical error in your last one.

COUNCILWOMAN KIESLING: Okay, because that's what I wrote in my notes and that's what I read in the minutes. Okay, so it is 106, alright. So I'll explain it the way I know and if Tim wants to give any if I'm wrong or incorrect. In Ordinance No. 107 – '09 in 2009 we repealed that one immediately with Ordinance No. 5 – 2010, however those two which is really one ordinance never went down to the state and we never received the certificate certifying that CRA area. So we are currently going to repeal that CRA area that really doesn't truly exist, but we're going to get it off our books. It does not exist on the auditor's or the state's community development website. We never received the certificate which we confirmed through Jim, therefore they really truly don't exist. We need to get them off our books. With this ordinance that is what we're doing.

LAW DIRECTOR FOX: Correct, I have confirmed with the Department of Development with what certifications that we have. And they're related to those prior ordinances, the 5 –'10 and the 107 – '09. The only difference between those two is the 5 – '10 instead of having a meets and bounds property description you have a map. And everything else involving that are exactly the same. I have no evidence that the Department of Development received that or denied anything. There's, all I know is there's not a certificate. Except for those earlier ones for the 22 – 2000, 106 – '00 and the 71 – '04, essentially the Main Street CRA and the Valley View. Those ones we have certificates, you have to have the authority of the state in those certificates to issue those tax abatements. And so if you leave the ordinances that you have as far as 5 - 2010 there's the presumption for someone to believe that expanded area is available for a CRA, which indeed it's not. It would be no different than if it was sent and for some reason there was a mistake. And maybe there was but the only evidence that I have is just the lack of a certificate. And so if you had sent it and there was some error and the state didn't approve it you wouldn't be invalidating any of your prior certified Community Reinvestment Areas. So what in effect this is trying to do is just make it clear and transparent for anyone that needs to understand where we do have Community Reinvestment Areas and what's available there that they line up with the ordinances that we have in place. And that's what this will do. As Councilman Griffith has stated, once you revived those repeal the other ones then you have the opportunity if you wish to then amend those. You can be very specific, you can state then in those in your amendments whether or not you will permit new construction for residential, commercial or industrial property. You may even be very clear and I think that is the problem that we've had with the North Ridge CRA, is defining exactly what is residential and what is commercial property. So you may state in there that if you're going to permit new construction for residential property, you can state and for the purposes of the CRA that no more than say 4 units in a property would be considered residential. Anything above must be considered commercial. And so that others are aware the issue of whether or not the Housing Officer has the authority to grant the tax abatement, once its determined Housing Officer is able to make that determination based on what we have in our housing codes whether or not a property is residential or commercial. If it's deemed residential by state statute, and it was put in place for the reason to move the politics from there, only the Housing Officer is the one that has the authority to approve or deny. It can't go to council, the Supreme Court in interpreting those rules and with the state legislature has put in there is for the purpose of removing any politics. Not having councilmembers decide whether or not a tax abatement for residential property should or should not be approved. The state legislature has determined that that is the sole decision of your Housing Officer. So what you're attempting to do here with these ordinances, as I said, is just make it clear that you don't have certifications for those broaden areas that happened in '09 and '10. And this brings it back to make it clear that those that are in effect are those prior ordinances.

COUNCILWOMAN KIESLING: One other question, would it be appropriate to in committee next week amend this legislation, you know talk about amending this legislation on its second and third reading to make the changes that we'd like to see or would it be better to finish this out and then go back and amend?

LAW DIRECTOR FOX: That's a terrific question. The reason why you need to revive these is because if you wish to amend the meat of those in determining whether or not residential property is included for new construction or to change the thresholds or the time periods for those that may receive abatements then you would be required to send that amendment then to the

state and ask the state, okay for those that we do have certifications we would like to amend what we have in place for some of those variables. You make that application, if the state approves it and it has done that it's exactly what happened in the earlier ones for the Main Street CRA. There was absolutely in the 106 and the 22 there was an amendment. And we have a certificate for the amended CRA. So we shouldn't amend the legislation, because in effect what we're asking to do is to revive it. And I think you're making it kind of messy and even more confusing than it maybe in saying we're reviving and it we're doing that, we're amending it and we're also sending it to the state for certification. So I think the steps are regardless whether or not you change and revive and repeal these ordinances, we know it's clear that we only have authority to grant the abatements for which we have the certification. And those are for the '99 and 2000, and '04 for the Valley View.

COUNCILWOMAN KIESLING: Okay, any questions? We're not passing this on emergency obviously, we will bring it back up to amend. But it appears as if we do need to repeal the two CRAs that really, truly don't exist.

LAW DIRECTOR FOX: Yeah, it's not, think of it not necessarily repealing the CRAs because we have those in place with the state. We have certifications that permit us to award those abatements. But what you do have is a, an attempt to amend those and expand those in an ordinance that that ordinance has not received the certification from the state. So it's as though they're on our records but they're ineffective because we have no authority to give the abatement unless we have the certificates.

COUNCILMAN CERRETA: Can we have the maps by next week then? Is that, of the ones that will occur?

COUNCILWOMAN KIESLING: I mean we have the old map, they exist.

COUNCILMAN CERRETA: I know, but just for transparency.

LAW DIRECTOR FOX: Oh sure, and the maps are the ones for those prior ones. What I had asked to do to make it a little cleaner is if the engineer could take and put on one map the Main Street CRA in one color and then the Valley View in the other. They each would be on the same map. He's done that it just when an engineer makes a map it's about the size of the table. We want it in something 8 1/2x11. We should have that by next week.

COUNCILWOMAN KIESLING: Anybody else? Alright, I motion we pass the first reading.

COUNCILMAN CERRETA: Second.

Roll call vote of 5 yes, 1 abstain to adopt the first reading for Ordinance No. 52 – 2016. Fonte abstained.

ORDINANCE NO. 52 – 2016 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Alright, thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 53 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 53 – 2016.

12. Ordinance No. 53 – 2016 Ordinance, Rules and Claims Committee

An ordinance authorizing all action necessary to support the continuation of a governmental natural gas aggregation program with opt-out provisions pursuant to Ohio Revised code Section 4929.26, directing the Mayor of the City of North Canton to execute a Consulting Agreement with Independent Energy Consultants, Inc., and authorizing the Mayor to enter into a supply agreement(s) with a certified supplier(s) to continue the City's Natural Gas Aggregation Program beyond November 30, 2016, when the current supply agreement ends, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you, Chairwoman Werren.

COUNCILWOMAN WERREN: So we've talked about this before, and really it's just kind of a natural process that we do. And it just gives Director Grimes the opportunity to go out and get new bids for our contract that's going to end November 30, 2016. And I know you want it on emergency.

DIRECTOR GRIMES: Yes, if I could pass it on emergency because I am getting to a due date, if I don't get it passed.

COUNCILWOMAN WERREN: Yes, you are.

COUNCILMAN FONTE: Is the contract one year at a time?

DIRECTOR GRIMES: The contract for the Independent Energy Consultants is one year, you can get out of it, it's been a perpetual

one there's certain times that you can get out of that one. The one I was concerned with was the 2012 because it mentioned 4 years, it wasn't real clear to me so I wanted to make sure I could come back and you know get the four years in there. The company that actually supplies the gas in this particular is whatever we sign with. Obviously we can't go more than four years. I don't know that we would go four years, probably would go with one or two years. And I'm looking probably at a two year contract for that.

COUNCILWOMAN WERREN: Okay, so I move that we adopt.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 53 – 2016.

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. 53 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to suspend the rules of Council for three readings for Ordinance No. 53 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, now may I have a motion and a second to adopt under suspension of the rules Ordinance No. 53 – 2016?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 53 – 2016.

ORDINANCE NO. 53 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 54 – 2016?

COUNCILWOMAN WERREN: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 54 – 2016.

13. Ordinance No. 54 – 2016 Personnel and Safety Committee

An ordinance amending Section 20 COMPENSATION, of Chapter 155 Personnel Regulations of Part One – Administrative Code of the Codified Ordinances of the City of North Canton, in accordance with North Canton Ordinance No. 37 – 2016, to increase the bi-weekly compensation for the position of Director of Permits and Development, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Thank you, and I spoke to the mayor earlier today and we've got somebody onboard and ready to roll and we just need to get this, and that's why this is on emergency. We're going to offer him the job tomorrow, correct?

DIRECTOR GRIMES: Yes sir, if you pass it.

COUNCIL PRESIDENT PETERS: Yep, very good, so looking forward to this. So if there's no further questions, I'll entertain a motion and a second to adopt the first reading.

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 54 – 2016.

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. 54 – 2016?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to suspend the rules of Council for three readings for Ordinance No. 54 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, finally may I have a motion and a second to adopt under suspension of the rules Ordinance No. 54 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 54 – 2016.

ORDINANCE NO. 54 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 55 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 7 yes to read by title only the first reading of Ordinance No. 55 – 2016.

14. Ordinance No. 55 – 2016 Personnel and Safety Committee

An ordinance authorizing the Mayor of the City of North Canton, Ohio, to enter into a successor collective bargaining agreement between the City and the North Canton Service and Clerical Employees ("Service and Clerical Union"), and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Yes, thank you, we discussed this at committee last time. Again, I want to thank the law director for all his hard work and diligence on this. He not only I think was able to strike a fair deal for all involved, but saved us a ton of money in the process. So I appreciate your hard work on that.

LAW DIRECTOR FOX: Thank you.

COUNCIL PRESIDENT PETERS: With that I'll entertain a motion and a second to adopt the first reading of Ordinance No. 55 – 2016?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 55 – 2016.

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. 55 – 2016?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to suspend the rules of Council for three readings for Ordinance No. 55 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to adopt under suspension of the rules Ordinance No. 55 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 55 – 2016.

ORDINANCE NO. 55 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 56 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 56 – 2016.

15. Ordinance No. 56 – 2016 Street and Alley Committee

An ordinance approving, confirming and accepting a perpetual storm sewer and drainage easement known as Parcel No. 5609242, and being part of Open Space "C", by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and The Sanctuary Owners Association, Inc., Grantor, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Fonte.

COUNCILMAN FONTE: Okay, so we're going to shine for a perpetual storm sewer easement there at the backside of the Sanctuary. And it's on emergency so I move that we adopt the first reading.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 56 – 2016.

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. 56 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to suspend the rules of Council for three readings for Ordinance No. 56 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, finally may I have a motion and a second to adopt under suspension of the rules Ordinance No. 56 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 56 – 2016.

ORDINANCE NO. 56 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 57 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 57 – 2016.

16. Ordinance No. 57 – 2016 Street and Alley Committee

An ordinance approving, confirming and accepting a perpetual storm sewer and drainage easement known as Parcel No. 10006042, and being part of a 9.40 acre tract of land, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and Villas at Kings Creek Condominium, Grantor, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Fonte.

COUNCILMAN FONTE: Okay, so this is just you know an ongoing water main perpetual easement for the parcel there where the Kings Creek Villas are. And I move that we adopt the first reading.

COUNCILMAN FOLTZ: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 57 – 2016.

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. 57 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to suspend the rules of Council for three readings for Ordinance No. 57 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to adopt under suspension of the rules Ordinance No. 57 – 2016?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 57 – 2016.

ORDINANCE NO. 57 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 58 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 58 – 2016.

17. Ordinance No. 58 – 2016 Street and Alley Committee

An ordinance approving, confirming and accepting a perpetual storm sewer and drainage easement known as Parcel No. 10006130, and being part of a 4.70 acre tract of land, by and between the City of North Canton, an Ohio charter municipal corporation ("City"), Grantee, and Kings Creek Associates, L.P., Grantor, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Fonte.

COUNCILMAN FONTE: This here again, this is an easement water main easement ongoing perpetual agreement for the Kings Creek Association villas back there. So I move that we adopt the first reading.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 58 – 2016.

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. 58 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to suspend the rules of Council for three readings for Ordinance No. 58 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to adopt under suspension of the rules Ordinance No. 58 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 58 – 2016.

ORDINANCE NO. 58 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 59 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 59 – 2016.

18. Ordinance No. 59 – 2016 Street and Alley Committee

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit an application to the Ohio Public Works Commission ("OPWC") for the West Maple Street Widening Project, and authorizing the Mayor, upon Board of Control approval, to enter into an agreement for said grant, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Fonte.

COUNCILMAN FONTE: Okay, so this is a good one. This is where they were talking about Ream, Ream to Main right there next to the bank, making an expansion there. This is a grant that we're trying to get, or we are going to get hopefully. But the deadline is September 16th and it's like $650,000. So it's on an emergency, so I move that we adopt this as soon as possible, like right now.

COUNCILMAN FOLTZ: I'll second.

Roll call vote of 6 yes to adopt the first reading of Ordinance No. 59 – 2016

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. 59 – 2016?

COUNCILMAN CERRETA: So moved right now.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to suspend the rules of Council for three readings for Ordinance No. 59 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to adopt under suspension of the rules Ordinance No. 59 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 59 – 2016.

ORDINANCE NO. 59 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 60 – 2016?

COUNCILMAN CERRETA: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 60 – 2016.

19. Ordinance No. 60 – 2016 Water, Sewer and Rubbish Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, for the City of North Canton Drinking Water Treatment Plant Clarifiers' Motor Replacement Project ("Project"), and authorizing the Mayor, upon Board of Control approval, to enter into a contract for the Project, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Cerreta.

COUNCILMAN CERRETA: Dan's not here, I'll take over, but has anyone been able to go over and tour the EMS unit. This is the

for EMS.

COUNCILMAN FONTE: It was supposed to be tonight at 6:00.

COUNCILMAN CERRETA: Right, okay, and I've been able to be over there and Chief Bacon has taken me through it. And they want to add some living quarters. Its needed living quarters, if you go over and take a look at it.

COUNCIL PRESIDENT PETERS: That's the next one.

COUNCILMAN CERRETA: Oh, that's the next one. Never mind, I guess I was doing it right now and I shouldn't of.

COUNCIL PRESIDENT PETERS: This is the Drinking Water.

COUNCILMAN CERRETA: Oh on our Drinking Water thing, okay, well this is also then, this is to put out bids for Administrator Grimes for the Clarifiers the Motor Replacement Project. Mike, do we need this?

DIRECTOR GRIMES: Yeah, the motors that are in there now are 45 years old. We hope to get that for the next ones, but...

COUNCILMAN CERRETA: I mean do we need this on emergency, cause of the bid process?

DIRECTOR GRIMES: We would like to get that bid process out, yes sir.

COUNCILMAN CERRETA: Okay. So I move that, I make a motion that we go ahead and approve this on the first reading.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt the first reading for Ordinance No. 60 – 2016.

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. 60 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to suspend the rules of Council for three readings for Ordinance No. 60 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to adopt under suspension of the rules Ordinance No. 60 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 60 – 2016.

ORDINANCE NO. 60 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 61 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 61 – 2016.

20. Ordinance No. 61 – 2016 Finance and Property Committee

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, for the City of North Canton EMS Building Addition Project, and authorizing the Mayor, upon Board of Control approval, to enter into a contract for the EMS Building Addition Project, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairman Cerreta.

COUNCILMAN CERRETA: I was saying right now that this is for the EMS building over there on 7th Street. They're in need of

some, really living space now. They're sharing, female and male sharing spaces over there, you know sleeping quarters. So I've been over there and I've seen it, and Dutch has taken me through it and I really do feel that there is a need. And if any of you wish to go over there you could make an appointment with Dutch and he'll bring you in. But I think this is important for our people that are over there, and they're spending a lot of time over there you know, on call at all times. So we can at least some kind of living quarters where are somewhat comfortable. And I invite anybody to just go look at that based on what I saw here, it really need some improvement to it. So I move that we go ahead and approve this at least on first reading.

COUNCILWOMAN KIESLING: Second.

COUNCILMAN CERRETA: Any discussion first of all?

COUNCILMAN FONTE: No, I saw it.

COUNCILMAN CERRETA: Okay.

COUNCILMAN FONTE: Yeah, I did.

COUNCIL PRESIDENT PETERS: Long overdue. And thanks Dutch for bringing that to us.

COUNCILMAN FONTE: What was the amount for it, do you remember?

COUNCILWOMAN KIESLING: $190,000.

Roll call vote of 6 yes to adopt the first reading for Ordinance No. 61 – 2016.

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. 61 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to suspend the rules of Council for three readings for Ordinance No. 61 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to adopt under suspension of the rules Ordinance No. 61 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Ordinance No. 61 – 2016.

ORDINANCE NO. 61 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Ordinance No. 62 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 6 yes to read by title only the first reading of Ordinance No. 62 – 2016.

21. Ordinance No. 62 – 2016 Finance and Property Committee

An ordinance authorizing the Mayor of the City of North Canton, pursuant to Ohio Revised Code 9.48, to participate in joint purchasing programs with other political subdivisions for the purchase of machinery, materials and supplies used by various City departments, and specifically to join the National Joint Purchasers Alliance for said purpose.

COUNCIL PRESIDENT PETERS: Since Dan isn't here, Mike do you have a little more information on this?

DIRECTOR GRIMES: Yeah, we're just asking to be able to bid these things out through a national purchasing cooperation. And we already have Ohio but we'd also like to do the national one. We've looked at that and a couple things we've seen right away is when we resurfaced the tennis courts and that type of thing, we think we can get cheaper prices that way. So Mr. Davis asked that we add that as one more option when we're bidding out our projects.

COUNCIL PRESIDENT PETERS: Okay, will be the first thing you look at then or?

DIRECTOR GRIMES: We'll look at Ohio then we'll look at national that will be the first two things that we look.

COUNCIL PRESIDENT PETERS: Okay, I got ya, this is separate from...

DIRECTOR GRIMES: Separate from the Ohio one, yes, that we'd have an extra one to look at.

COUNCILMAN FONTE: So someone from out-of-state would come over and do the job?

DIRECTOR GRIMES: No, your local vendors also bid on the national contracts too. So...

COUNCIL PRESIDENT PETERS: Alright, very good. Any other questions? We're going to have three readings on this, so... I'll entertain a motion and a second to adopt the first reading.

COUNCILMAN FOLTZ: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to adopt the first reading for Ordinance No. 62 – 2016.

ORDINANCE NO. 62 – 2016 WAS GIVEN FIRST READING.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to read by title only the first reading of Resolution No. 4 – 2016?

COUNCILWOMAN KIESLING: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to read by title only the first reading of Resolution No. 4 – 2016.

22. Resolution No. 4 – 2016 Ordinance, Rules and Claims Committee

A resolution to impose a moratorium on granting building permits or certificates of occupancy for any building, structure, use or change of use, which would authorize the cultivation, processing, or retail sale of medical marijuana for an initial period not to exceed six months from the effective date of this resolution, thereby permitting City Council and the Planning Commission to more fully analyze applicable federal law, Ohio statutes, and North Canton's ordinances relative to such use, and declaring the same to be an emergency.

COUNCIL PRESIDENT PETERS: Chairwoman Werren.

COUNCILWOMAN WERREN: Last time Tim did a really nice job explaining kind of where we are with this. And it really just gives us some extra time to understand what the law regarding medical marijuana does. So it looks at all the statutes and gives us six months, which is kind of on a hold right now. But I think we want to do it under emergency so that if anybody does try to have any permits or lease any space we've already got it handled.

COUNCILMAN FONTE: Could we just like make this go on till infinity if we want?

LAW DIRECTOR FOX: Well when the six month moratorium is up if we wish to extend it, if it appears that there isn't sufficient information at that time, certainly you may extend it. Right now, I see everyday municipalities throughout the state are either doing a moratorium or they're outright banning. Some are remaining quiet and those maybe that their plan is to not do any additional type of local ordinances. But nevertheless, nearly everyday newspapers are reporting how municipalities are acting. I think the vast majority are going the route of the moratorium unless they have already decided that they intend to ban.

COUNCILWOMAN WERREN: So right now with what we know I move to adopt.

COUNCILMAN FONTE: Okay.

COUNCILWOMAN KIESLING: Second.

Roll call vote of 6 yes to adopt the first reading for Resolution No. 4 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to suspend the rules of Council for three readings for Resolution No. 4 – 2016?

COUNCILMAN FOLTZ: So moved.

COUNCILMAN CERRETA: Second.

Roll call vote of 6 yes to suspend the rules of Council for three readings for Resolution No. 4 – 2016.

COUNCIL PRESIDENT PETERS: Thank you, may I have a motion and a second to adopt under suspension of the rules Resolution No. 4 – 2016?

COUNCILMAN CERRETA: So moved.

COUNCILMAN FOLTZ: Second.

Roll call vote of 6 yes to adopt under suspension of the rules Resolution No. 4 – 2016.

RESOLUTION NO. 4 – 2016 WAS PASSED BY A ROLL CALL VOTE OF 6 YES.

23. Reports – Council:

COUNCIL PRESIDENT PETERS: Thank you. Reports, Member Fonte.

COUNCILMAN FONTE: Okay, so we just passed the Witwer, Orchard Street for Hoover and the church. Mainly Hoover, for the apartments. And I just got to say I'm beating this to death and I just want to go on the record one more time. Stu Lichter's an awesome guy, he can do a lot of good things and he gets things done like this. I'd like to see before winter why can't we get the Hoover project done on the outside. I mean September is a perfect time to grade it, put a base layer of blacktop down. Take that ugly fence down. Just it would clean it up and make it look so much nicer while we're working on getting funding or whatever they're trying to do to get the inside. So I think it would be good to ask them to give us a report and see if they would at least do that before winter. And it would clean up the outside and then give us an update on the progress, and is there anything we can do as council to help speed this process along. Because I know we're couple years overdue. That's just my opinion.

COUNCILMAN CERRETA: May I make a comment on that? I did make contact with her through texting and she said either the 19th or the 26th. I asked her if she could be here tonight, she never responded. I told her the 19th would be better, but I've never heard a response back. So...

COUNCILMAN FONTE: Could we get Stu to come in or somebody the high power guys?

COUNCILWOMAN WERREN: Dave has a report.

COUNCILMAN FONTE: Dave has a report? Oh, I'm sorry, I jumped the gun here. Sorry, I just want to see it get handled soon, or what can we do, I mean what's happening?

MAYOR HELD: Yeah, I actually called them after I spoke with you, and got a hold of Chris Semarjian. So Councilman Cerreta is working with Carol Smith to set up a meeting. Because Carol is usually the person that manages the projects and handles all the inquires, and then we have the two partners Stu Lichter and also Chris Semarjian. Chris Semarjian lives here in Ohio, where as Stu Lichter lives in California. So called both of them and Stu Lichter said that he was going to look into it. And then talked to Chris Semarjian right after I spoke to you which was between what, 6:00 and 6:30pm and Chris said that they're working on getting the financing complete for the IRG project. And I said well the front's looking pretty messy, you know, maybe we should pave it or put grass in it to straighten it out until this financing gets complete. And they said that they plan on having apartments available in the spring. And I said "well, you know, we've heard that before" and he said you know these development deals they just take time and...

COUNCILMAN FONTE: I'm looking at Hall of Fame, and I drove by there last week and this week and everything's demoed. Like that, boom. Just like that, so I'm thinking this would like a one day project for them to do the outside.

COUNCIL PRESIDENT PETERS: Isn't it amazing how fast that's going?

COUNCILMAN FONTE: Yeah, I mean I drive by there all the time and I am amazed at what can happen when you put your mind to it. So I'm just saying, you know, I know that there's finances and all that but can we just do the landscaping and just get the outside cleaned up?

MAYOR HELD: I made it real clear to him too, I said because really what's going to happen is it's not going to look so good. You fellows done a very good job as far as you know redeveloping that property, but when you look at the outside portion right on the corner it just doesn't look good. I mean it's just not something that we want sitting like that.

COUNCILMAN FONTE: I'm telling you, a guy at that power level could knock this out on a Saturday and a Sunday.

MAYOR HELD: Right, so we're going to meeting with them, Mark's got a meeting set up with them so we made contact with

them.

COUNCILMAN FONTE: Yeah, whatever we can do to help, let's get her done.

COUNCILMAN CERRETA: I think it's clear we're all very frustrated and we'd like it done. I don't think there's anybody that questions that at all. So we just need to keep pushing at every avenue we have.

COUNCILMAN FONTE: Just have them come to talk, tell us what's going on, communicate with us. Nothings communicated, that's what bugs me.

COUNCILMAN CERRETA: So I'll try to confirm with her and then we'll see where we go. In a very polite way, of course.

COUNCIL PRESIDENT PETERS: Member Werren.

COUNCILWOMAN WERREN: No report.

COUNCIL PRESIDENT PETERS: Member Kiesling.

COUNCILWOMAN KIESLING: No report.

COUNCIL PRESIDENT PETERS: Member Cerreta.

COUNCILMAN CERRETA: Well first of all, I think we should wish last, two weekends ago I believe Jessica got married. So Jess are you still married, Jess? Good stuff, and that went well I take it. It was a destination wedding, I wasn't invited, I don't know why. Congrats Jess. Some of you may have saw the people working on the guard shack out there. I've talked to Steve Coon over the last couple of weeks and he told his guys he wanted it done by Friday, this Friday. And usually when he tells them that it happens. But you can see there's a local painter out there, a guy volunteered to work with Steve and do that. But they've got some things they've got to do. Dave McDaniels is the president of the Heritage Society and they're basically now taking control of that and then they're going to put panels in the window before and after of North Canton. Show the heritage and the Heritage Society will kind of showcase some of the heritage of North Canton with it. So they'll be taking the air conditioner out, so nobody wracks their head on it, some kid. And they'll be you know kind of straightening up some of the things that was bent during the move. But for the most part, the inside is going to look just like it. The Heritage Society does not want to touch the inside, they want people to look in and see 19 whatever. So we'll get that going you'll see that going. As far as the pool is concerned, we've got people, if you've been out there, they're digging away out there. Our guys jumped right on there after it was closed. We're putting some drains in around the side, some extra concrete. First of all, the drains and everything are minimal cost but the contractor's paying for the majority of all this. They're going to be reseeding it with a split seeder with some of the top seed, it's like sports seed. Because some of those areas, we do not want to be sitting here talking about grass next spring. So they're really on that and we're putting in some extra concrete for, they weren't, they didn't take into consideration when people were waiting in line they went back into the grass and that dripped water and that created a lot of wearing out of the grass. So you're just extending the lines area right there. So Jim Davis and his crew is on that, and I was out there today and they're really going at it. So that's good and hopefully the contractor will be seeing it this week. Lets' see here. And I think that's all I had for reports. That will do it.

COUNCIL PRESIDENT PETERS: Member Foltz.

COUNCILMAN FOLTZ: No report.

COUNCIL PRESIDENT PETERS: Quick note here, I left my I think I left my phone at home and I asked some of my friends to text me to see how the streaming, the livestreaming was going.

COUNCILWOMAN KIESLING: Oh it's going very well, we're watching it.

COUNCIL PRESIDENT PETERS: The audio's good?

COUNCILWOMAN KIESLING: I haven't heard, it's about a 15 second delay, but...

DIRECTOR GRIMES: Depends on the speaker, how loud they speak. We're still playing with it, we've got a couple mixers that we're using.

COUNCILWOMAN KIESLING: It's looking good.

COUNCILMAN FOLTZ: Hello world.

COUNCIL PRESIDENT PETERS: And you, what you're saying about how many people?

COUNCILWOMAN KIESLING: Three, including me.

COUNCIL PRESIDENT PETERS: So it shows you how many people are on there? Very good. Well, I anticipate, I anticipate more

and more in the future.

COUNCILWOMAN WERREN: I think people will once they know, if you can put it in the newsletter that it's streaming, I think that's a great spot to announce it. I just don't think people know.

COUNCIL PRESIDENT PETERS: And I think we're, and the reason I mentioned that, I wanted, I just want to make note that because I cringed a couple of times today. And I know we've been doing this a lot, and you know we've very careful with our words. We've very measured I think. You know, sometimes we you know as politicians you talk too much. But there were two references tonight that made me cringe, and I would just ask those two gentlemen and you know who you are just choose your words a little more carefully. Because there are people that maybe watching that might be a little more sensitive to that than maybe you as well. So...

COUNCILMAN CERRETA: I'm sure that some of the schools are going to use it to show their government classes and so on.

COUNCIL PRESIDENT PETERS: Yes, yes, so that's it. Director of Law?

24. Reports:

LAW DIRECTOR FOX: Yes sir, I just want to be clear there were some allegations about what some think in judging what they believe maybe the law director's opinion on some things. And I don't know if they know exactly what those opinions maybe because I've not given to them because indeed they're not public officials. But what I do want to be clear about is that the City is looking quite closely at those very issues and for maybe the past three months it feels as though I've worked on little else but that. But at this very moment it doesn't appear appropriate to give full disclosure of everything that I've evaluated and what I've looking at now. I can only assure you that the legislation that they're trying to put forward is as I said simply to make it transparent the areas that we have state certification to offer the tax abatements. We have looked at the application absolutely, and your Matlock search there disclosed the same thing that it disclosed to us. There are issues with that application. And we're looking at those quite closely. The, I think where perhaps someone may have misled you a little bit, is that we don't have as a municipal body the authority to take away a tax abatement simply like that. There's a process. And we'll be obligated to follow that process. And we're looking at it quite closely because indeed so much is at stake. So we wish to do it correctly. And that dovetails into one other issue in that we have been waiting for an opinion from Judge Haas regarding the parking lot expansion at the Hoover South Lot. And we've been actually waiting for a bit of time on that, but the time was I guess well spent. We were simply trying to show that we believe our Planning Commission followed the rules correctly, and that Council's determination in affirming the Planning Commission's decision to award the conditional use permit to expand the parking lot was correct. And indeed the Common Pleas Court agreed with Council and affirmed its decision. So we're happy about that. It appears that the parking lot expansion will remain because the process was followed and we had the affirmation from an independent third party. So that's good on our Planning Commission, its good on Council, it shows we followed the rules and implemented those correctly. So that's all I have.

COUNCIL PRESIDENT PETERS: Thank you, sir. Director of Administration.

DIRECTOR GRIMES: First off, the engineer, just for the record he's off tonight because I sent him home. He's quite ill even though he was here till about 6:00 tonight making sure his grant was ready to go in case he doesn't make it in. But we didn't want him around because he'll infect the rest of us. So that's why he's not here tonight. And the chief is out here and instead of setting up a particular time, the chief said that you know any time during the day or early evening hours if you want to visit the EMS just go there you don't need to call him. He's fine with you just showing up and you know any of the captains can take you through and show you anything that you want to see there. So you know we're pretty much above board on what we need there. So and I know many of you have been through that anyhow quite a bit. And the last thing is I just appreciate you passing what we really need to be passed on emergency, I appreciate you doing that. So thank you.

COUNCIL PRESIDENT PETERS: Thanks Mike. Mr. Mayor.

MAYOR HELD: Yes, just to comment on the, on a few items. The first one is the CRA, just to give a brief summary on where we are with the CRA. The CRA, clearly there's no councilmember here, myself, previous mayors', because I've talked to Daryl Revoldt at length over this, and I've talked to previous councilmembers about this. The CRA clearly there was no one that intended for the North Ridge Apartments to have an $860,000 plus abatement for 13 years. As Mr. Saylor mentioned it should be 15 years, if we were being consistent with the ordinance. And we did discover that, actually Tim Fox our law director discovered that when he was doing his comprehensive review of the CRA, that particular one. And on top of that just to make sure that we're covering all the basis, we did get Bricker and Eckler, which is a very reputable firm to also do an overall assessment of the work that Tim Fox is doing. So I'm confident that we're going to handle this correctly. But it's similar to and then as Mr. Peters had mentioned council does pass the legislation. They pass it and then we administer it. And when you look at the administration of this clearly myself and Mike Grimes and the new permit superintendent there are things that we would not do the next time around. My daughter Aubrie who's in 8th grade she said "dad, can I have a few friends over" and I said "oh, I think you can". And then I pull in the driveway and there's about 35, 8th graders in the cul-de-sac. And I'm thinking "what's going on, is there a parade here?" Of course, not even thinking that it could be my child that is the cause of all this. And I asked my daughter "what's going on", she said "well you said I could have a few friends over." And I'm thinking well a few of them, I'm thing 3 or 4, but you know, one person texted another and before you know it you've got a whole group of kids there. Well you know, its 9:00 at night it's not like I send them all home. Because many of them were driven in by their parents. So it's a similar thing with this CRA. You

know it's pretty clear that it wasn't intended by this council or Mike Grimes or myself or the law director, and so now as we go through and we try to correct it we've got to make sure that we're doing properly. Because you have to keep in mind, that you do have the recipient of the CRA. And you know there are documents that have been signed and approved for the next 13 years. Which should have been 15 if we were being consistent with that. And so now we've got to make sure and correct it. But you know, we could have went through and I did think about this, oh we'll hold a Housing Council and we'll overturn it. Well, and Melanie I spoke with you about that, and Miriam. You know, number one that would be a decision of the Housing Council but let's say that they did do that, it doesn't necessarily mean that it would hold up in court. So we are strategically going about this following the process and we're going to make sure that this gets resolved. And the next thing is, when you look at the traffic light, Gary, thank you for bringing that up. Because often times there's things that people can drive by you know, every day. I don't go that route very often so it's something that I wouldn't have noticed. So I'm glad you took the time to bring that up, and we'll make sure that we get that corrected. The zoning on the no parking, Mr. Tripp, you brought that up too. You know, keep in mind that in North Canton, we're one of the few political subdivisions when you look at townships, municipalities, villages that has no parking at night. Any night during the week there's no parking. Which is a good thing because it's easier for our police officers to patrol. But at the same time it puts an extra burden on residents that have to put multiple cars in a driveway. So I appreciate council looking at this. Our intention is not to degrade the City, it's to make, and it's to improve it. Being sensitive to all the residents and at the same time enhancing. And then Gary Fry, he's going to be starting tomorrow. He'll be the Superintendent of Permits and also the Director of Development. So he'll be in charge of economic development, he'll be in charge of permits, inspections, nuisances. Very impressive guy, whenever we hire somebody in the City we look at their character first and then secondly we look at their talent. Their ability. And he's got a very strong character, very good reputation, and he's also very talented too. Because he was a community planner for two municipalities in Utah. But he's lived in North Canton now I believe well over ten years, and he has 5 kids, he's a good man. And so we're looking forward to him starting tomorrow. And then lastly, you know, with Tim Fox. Tim, myself, I think that he does an excellent job as an attorney for the City. And I think that you know, Tim's approach is a pretty technical, he's a very legalistic attorney and that he doesn't shoot from the hip at all. Anytime that I've asked him for anything or Mike Grimes has asked him for anything, you know, he does, you know, kill mosquitos with sledgehammers I think sometimes. Because he'll give you every Supreme Court decision that was ever written on a particular subject. And I know you're laughing, you know, because it's true. He does do the over, you know, what I would consider to be the overkill. But when you're covering yourself legally that's what you need. You know, and it is a little bit different administratively, as Mike Grimes says, that sometimes you have to shoot for 80%, because you just don't have, you have so many decisions to make. You can't make everything perfectly. But I know Tim really does strive to make all the legal opinions perfect. There's no doubt about that. And as I look at this, you know, when I first started as Mayor, I had a rough first two years. As most of you know, because I was pretty intense and I think I was insensitive at times. I mean it wasn't because I was trying to be mean, it's just you know, I'm trying to prove myself. In some areas I didn't feel as confident as I would have liked. And so you try to overcompensate at least I did for being a little more intense. And I think with Tim, he was when he got started here he was you know intense. I mean he's an intense guy, I think "wow that was rough". And I think maybe he was you know insensitive to people in our audience. And I've talked to him about that. And, but I think he's making a, he's made a change. And so what I'd ask Larry, and Glen, and Melanie, and Chuck, I mean Chuck and I we've had the opportunity to groom our relationship over 15 years. And it has been not an easy thing. But we are very civil with each other. Often times we don't always agree but like on the North Ridge we definitely agree on that. So the thing is, I just as I'm just this is just my own observation, my opinion, I think that Tim Fox does an excellent job as an attorney, and I think that he's very, very intense, and I think that his approach in the council chambers when he first got started just like when I first got started very, very intense. And sometimes maybe insensitive to the people in the audience. But I think he's made a big change and he's working on it. And just as I am working on it, and everybody else here is working on it. So, what I would ask is you know, I think Melanie, you know, it's like give everybody a chance. And I think that Tim's improving, and I think also you know, it's up to you, you can all take whatever approach you want. You can laugh about it, I don't think it's funny though. I mean I think it's really about you know having a respect for people and some of the comments that were made tonight were really, really upsetting to me. And I found personally offensive, Chuck, the comments that you made. I found them really personally offensive. Now see my intense side is coming out right now because when I get personally offended it starts to come out. Which is probably not a good thing. So I'm going to back off because I've got more experience since I've been here now a few years. Just like Tim is starting to back off, but I think the same thing should be extended to the people here. And so now that I'm going to leave my intense side back, Chief, if you don't mind coming up here and giving us a quick update on the, on a positive thing.

COUNCILMAN FONTE: Hey Dave, could I just say one more quick thing. (Yes) Like just from the little bit I've been with everybody here, I know we get gigged a bit for not being you know, diversified enough. But I can say right now, just I know the heart of the guys I work with up here including Attorney Fox. And you know, even though the perception some time's not right, the heart is always in the right spot. And I know that everybody here wants to do it right. So if we make a mistake and its brought to our attention we don't want it to be wrong. We want it to be right. And we're not all experts in all fields, you know, we're laymen we have jobs, families, so we want to become good at what we do. So that's why we go to the law director, we go to someone that's more experienced. And like I said, even you know Chuck he's very knowledgeable about things and if Chuck brings something to me that "hey, you need to do this", I'll look at it. You know, if it's something that's correct, then let's do it. We don't want to do things wrong, we want to do it right. We're here for the people, we're not here for ourselves. It doesn't pay near enough for the headaches sometimes we go through. But that's just my two cents I wanted to chime in. Okay, sorry about that.

MAYOR HELD: No, I agree, it's always you know, we always like to judge everybody by their actions. But then we want people to judge us by our intentions. It's like "well, my intentions were good". So it's like sometimes you've got to step back and look at that. That's just my own opinion. And chief if you don't mind just sharing we've got an open house. Two of them coming up,

right?

FIRE CHIEF BACON: You should have gotten your invite.

MAYOR HELD: Yes, I'm looking at it right here. I did get invited, I did get invited. We're going to be covering Monday, October 10th, 6:00pm to 8:00pm, and October 12th on Wednesday, 6:00pm to 8:00pm. And also a reminder replace smoke alarms every 10 years. And we'll have refreshments there too, right?

COUNCILMAN FOLTZ: I had one comment. I know Halloween's coming up, could we get some oil on the squeaky doors?

MAYOR HELD: Yes.

COUNCILMAN FOLTZ: And we probably should discuss when Halloween is going to be again. Before it gets too far away from us.

MAYOR HELD: Yes,

LAW DIRECTOR FOX: We've received calls already. The clerk has.

MAYOR HELD: Normally again, what we do is...

COUNCILWOMAN WERREN: I thought it was already deferred to the Sunday. I thought it was already posted, 3 to 5.

DIRECTOR GRIMES: Time of day, what time.

MAYOR HELD: Yeah, we'll check with the county.

COUNCILMAN FOLTZ: Last year we went a little later in the evening, I don't know...

COUNCIL PRESIDENT PETERS: Halloween is Monday this year, the 31st. But my kids would really like to have it on the weekend. Whatever you can do for us, mayor.

MAYOR HELD: Yeah, what we'll do is we'll check to see when this, I love this Halloween issue. But here's the thing just so you know we'll go through the process here. Normally, like I had mentioned years previously whatever the county does that's normally what we follow. If you folks are not happy with what the county is doing, but let's just confirm that. And then if that's amenable to us then we'll do what the county does, and if not then the council you know, we can take a recommendation.

COUNCILMAN FOLTZ: Has the county announced, do we know?

COUNCILWOMAN WERREN: I thought the county said 3 to 5.

COUNCILMAN FOLTZ: On Sunday?

COUNCILWOMAN WERREN: Yeah.

COUNCIL PRESIDENT PETERS: On Sunday 3 to 5?

COUNCILWOMAN KIESLING: That's the norm.

MAYOR HELD: Are you folks okay with 3 to 5?

COUNCILMAN FOLTZ: I rather it be a little darker. I thought we pushed it so you'd have a little dark night.

COUNCILMAN CERRETA: Didn't we go 5 to 7?

COUNCIL PRESIDENT PETERS: Yeah, but then they have school. Because last year we had it Saturday night.

COUNCILWOMAN KIESLING: Did we do Saturday night?

COUNCILWOMAN WERREN: You only did it because it was Halloween.

MAYOR HELD: Yeah, you know, the, I did, speaking of Halloween, I did get a lot of positive comments from parents when it was held on a Saturday rather than a Sunday.

COUNCILWOMAN KIESLING: Saturday night is a great time to do it.

COUNCILMAN FONTE: Let's do it Saturday night.

COUNCIL PRESIDENT PETERS: It's a party.

COUNCILWOMAN KIESLING: 6 to 8, it's still a little...

MAYOR HELD: Yeah, because you know Sunday is rough when you have little children, and then they have to, they're running around, they're eating a lot of candy and then you've got to get them in bed, you know, for school. So, does anybody have any...?

COUNCILMAN CERRETA: Plus it's usually right in the middle of the Browns game.

COUNCILMAN FOLTZ: Well we might need a sugar...

COUNCILWOMAN KIESLING: I think 5 to 7.

COUNCILMAN FOLTZ: Let's put it on the committee for next week, lets figure this out next week.

COUNCILWOMAN KIESLING: I think 5 to 7.

MAYOR HELD: Okay, yeah, I think we can do that.

COUNCIL PRESIDENT PETERS: 5 to 7 on Saturday the 29th?

MAYOR HELD: Yeah, that's it.

COUNCIL PRESIDENT PETERS: You heard him say it.

MAYOR HELD: I think that's a good idea. That's a good compromise.

COUNCIL PRESIDENT PETERS: Madame Clerk?

COUNCIL CLERK BAILEY: Last Friday was the deadline for Civil Service Patrolmen sign up and we had 14 that signed up. So that was great. That will be Thursday, September 29th at 6:00pm at the Civic Center. And that's it.

25. Final Call for New Business:

26. Adjourn:

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

COUNCILWOMAN KIESLING: So moved.

COUNCILWOMAN WERREN: Second.

Roll call vote of 6 yes to adjourn.

COUNCIL PRESIDENT PETERS: We are adjourned.

[Let the record reflect Charles Osborne set up a tripod and appeared to videotape the Council meeting.]

MARY BETH BAILEY, CLERK OF COUNCIL

DANIEL JEFF PETERS, PRESIDENT