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CITY OF NORTH CANTON, OHIO

IN RE:)
)
NORTH CANTON VIRTUAL)
COMMITTEE OF THE WHOLE)
MEETING)
)
) **TRANSCRIPT OF PROCEEDINGS**
)

Transcript of Proceedings held virtually before
North Canton City Council, taken by the undersigned,
Shannon Roberts, a Registered Professional Reporter
and Notary Public in and for the State of Ohio, at the
offices of North Canton City Hall, 145 North Main
Street, North Canton, Ohio, on Monday, the 29th day of
June, 2020, at 7:00 p.m.

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APPEARANCES:

- Daniel Jeff Peters, Chairman
- Daryl Revoldt, Vice-Chairman
- Mark Cerreta, Member
- Douglas Foltz, Member
- Stephanie Werren, Member
- Dominic Fonte, Member
- Matthew Stroia, Member
- Stephan B. Wilder, Mayor
- Patrick DeOrion, Director of Administration
- Catherine Farina, Deputy Director of Administration
- Timothy Fox, Director of Law
- Jina Alaback, Director of Finance
- Robert Graham, Engineer

1 MR. REVOLDT: All right. Gentlemen,
2 let's call this meeting to order this
3 evening.

4 MR. YOUNG: All right. Then let me go
5 live.

6 MR. REVOLDT: Open her up. Are we ready
7 to go?

8 MS. WERREN: Yes.

9 MR. YOUNG: One moment.

10 MR. REVOLDT: All right. I'll call
11 the -- in the absence of --

12 MR. YOUNG: There you go. You are live
13 now.

14 MR. REVOLDT: In the absence of the
15 Council President, Vice-President will call
16 the meeting to order for the Council of the
17 Whole, June 29th, 2020.

18 Clerk, would you please call the roll?

19 MR. YOUNG: Member Stroia.

20 MR. STROIA: Here.

21 MR. YOUNG: Member Cerreta.

22 MR. CERRETA: Here.

23 MR. YOUNG: Vice-president Revoldt.

24 MR. REVOLDT: Here.

25 MR. YOUNG: Member Fonte.

1 MR. FONTE: Here.

2 MR. YOUNG: Member Werren.

3 MS. WERREN: Here.

4 MR. YOUNG: Member Foltz.

5 MR. FOLTZ: Here.

6 MR. YOUNG: And President Peters is out.

7 MR. FOLTZ: Motion to excuse --

8 MR. REVOLDT: May I have a motion to
9 excuse --

10 MR. FOLTZ: Motion to excuse Member --
11 President Peters.

12 MS. WERREN: Second, Werren.

13 MR. REVOLDT: Seconded. All in favor,
14 say "aye."

15 MR. FOLTZ: Aye.

16 MR. REVOLDT: Aye.

17 MR. CERRETA: Aye.

18 MR. FONTE: Aye.

19 MS. WERREN: Aye.

20 MR. STROIA: Aye.

21 MR. REVOLDT: Opposed?

22 (No response.)

23 MR. REVOLDT: Very good. Well, hopefully
24 he'll join us in progress. First item
25 tonight is street and alley.

1 Dominic.

2 MR. FONTE: Yes. Do we have to read it
3 or anything, or can I just talk about it?

4 MR. REVOLDT: We are just talking about
5 it tonight.

6 MS. WERREN: Talk about it.

7 MR. FONTE: Okay. So this is basically
8 the East -- East -- the East Maple project.
9 It's about a \$2 million project, which
10 includes the road, the bridge, and
11 everything. So Omnipro, LLC would be the
12 construction management services. Because
13 since it's a government grant and all the
14 money involved, they have got to comply to
15 all the regulations, all USA steel. There is
16 a lot of accounting into this with all the
17 products.

18 So with all the money that we'll be able
19 to get between the grants and everything, our
20 allocation will be roughly -- you know, if we
21 get the applied grant that we did, municipal
22 road funding, we might have about \$75,000 out
23 of a \$2 million project. This is to help
24 manage the project in an efficient way, and
25 it should kick off July, August, just in the

1 next month or two.

2 And Rob, Pat, feel free to chime in if
3 you have any more details to add.

4 MR. DEORIO: Yeah, I think there is --
5 this is Patrick. I think there is some
6 internal discussions that have been going on
7 that -- some of the procedures surrounding
8 this that we are not all of the same opinion.
9 So I want to -- we are going to have a --
10 have a discussion about that.

11 But, Rob, can you tell us, what is it
12 that these folks do?

13 MR. GRAHAM: Yes, absolutely, Pat.

14 MR. DEORIO: What is it that needs to be
15 done that these folks can do?

16 MR. GRAHAM: Right. What it is, with the
17 federally -- and Chairman Fonte touched on
18 it. With the federal funds, there is a lot
19 more tracking that needs to be done, above
20 and beyond what our staff can do. You have
21 your construction management, your
22 construction inspection, which is what myself
23 and my department do, but they are going to
24 handle it for this job.

25 There is so much more. There is

1 materials tracking. And an example is every
2 nut and bolt has to be tracked. We can't
3 have any foreign steel. It has to be
4 American made. They literally have to track
5 down to the nut and bolt level --

6 MR. FONTE: Wow.

7 MR. GRAHAM: -- every single bit of
8 material. It's quite the chore. Materials
9 testing, every day the concrete trucks have
10 to have the cylinders made and hard nose and
11 then break them every few days, so you have
12 that ultimate 28-day strength. And we don't
13 have the abilities nor the certifications to
14 do that. They'll handle that for us.

15 Prevailing wage interviews; this is
16 federal money, so we have the Davis Bacon
17 federal wage, so they have to go out there
18 and interview the contractor and all the
19 subs. Also the DBE subs, the disadvantaged
20 business enterprises, we have got an 8
21 percent goal. They have to track that, as
22 well as the additional prevailing wage
23 discussions with the disadvantaged business
24 enterprises.

25 They have to coordinate all ODOT

1 inspections. You know, they show up
2 periodically unannounced, so they have to be
3 prepared for that. And then a ream of
4 federal close-out documentation. There is
5 just a laundry list of tasks that typically
6 it's about 10 percent of construction. And
7 we had estimated it at \$185-. I got the
8 first iteration today at \$179,000. So once
9 they put the agenda together, I was right
10 there.

11 MR. FONTE: Right.

12 MR. GRAHAM: So a lot of tasks. And the
13 fed recognizes that, and that helped us, and
14 our grant money can be used to support that.

15 MR. FONTE: Hey, Rob, that was a good
16 explanation. Thank you.

17 MR. GRAHAM: You are welcome.

18 MR. DEORIO: Rob, we have done other
19 federal projects in the City's history; is
20 that correct?

21 MR. GRAHAM: Absolutely. Yeah.

22 MR. DEORIO: And we had to do these types
23 of services on those projects, as well?

24 MR. GRAHAM: On every one. Since I have
25 been here, we did it on South Main Street

1 paving a couple years ago. But it was under
2 \$50,000, so we just handled it, you know,
3 through administration with a purchase order.
4 We did it on West Maple, just right out, you
5 know, by Saint Paul's parking lot, by the old
6 engineer's office. Again, that was under
7 \$50-. We are literally doing it as we speak
8 on Portage. That's a \$48,000 contract.

9 But since I have been here, this is the
10 first one that has exceeded \$50-.

11 MR. DEORIO: And is that because it's
12 based on a certain percentage, roughly of
13 what the -- what the total project cost is?

14 MR. GRAHAM: Exactly. Rule of thumb is
15 roughly 10 percent of -- of your construction
16 cost, and not so much on a paving, because a
17 lot of that work is done in three or four
18 days, and, you know, an inspector couldn't
19 spend that much. But for a general
20 construction, it's not a simple repave, yes,
21 the rule of thumb is about 10 percent.

22 MR. DEORIO: And when is this project
23 supposed to start?

24 MR. GRAHAM: Well, we got -- the contract
25 documents were actually executed today. So

1 the next step is to have a pre-construction
2 meeting and find out Central Allied, our low
3 bidder's schedule. I mean, they are
4 basically -- can start in a week or two, if
5 they wish. I don't -- they haven't shared.
6 And I have asked a couple times, you know,
7 are we a month out. What's your other
8 workload? We could be started I hope within
9 a month. But I -- I don't have a date yet.

10 MR. DEORIO: All right. And these folks
11 have to be part of that from the -- before it
12 starts; is that correct?

13 MR. GRAHAM: They would -- the next step
14 is once they are on board, they run the --
15 the pre-construction meeting and all ODOT's
16 criteria, right down to the project bulletin
17 board and everything else they have to track.
18 So yes, they would be starting when
19 construction starts.

20 MR. DEORIO: All right. And when you
21 sent this legislative request over to me and
22 I signed it and sent it on, did this include
23 an emergency provision?

24 MR. GRAHAM: I was -- yes, it originally
25 had an emergency, if it was permitted, yes.

1 I would really like to do that.

2 MR. DEORIO: So I'm of the understanding,
3 just today, that -- that -- Tim, you have a
4 different take on that. So I'm going to give
5 you the opportunity to jump in here.

6 MR. FOX: Sure. So late last week, I
7 spoke with Rob about this section, in that
8 this was new, where in our history we have
9 not had this situation where there is an
10 emergency clause proposed. Because the --
11 the statute states that this type of program
12 would not apply, and it gives a couple
13 provisions.

14 And one of those states that when the
15 public authority determines in writing that
16 there is an emergency required, and including
17 but not limited to projects requiring
18 multiple contracts as part of a program
19 requiring a large number of design
20 professional firms, it appears that the
21 statute itself may not be used if -- if you
22 are going to tie it to an emergency clause.

23 MR. REVOLDT: Hey, Tim -- this is
24 Daryl -- I'm looking at the statute now. And
25 I guess I'm going to ask Rob this question

1 first. If I understand this, Omnipro is not
2 engaged in the design work, correct?

3 MR. GRAHAM: Absolutely. A firm called
4 Arcadis did the design work.

5 MR. REVOLDT: Okay. So -- so -- so --

6 MR. GRAHAM: And then another firm that
7 the county had on the bridge. But you are
8 correct.

9 MR. REVOLDT: Okay. So -- so I'm looking
10 at the -- and this goes back to my question,
11 Tim, to you, is that the statute makes
12 specific reference to design services and
13 design build. But it apparently does not
14 reference contract management. Two very
15 different functions.

16 Is contract management wrapped into
17 153.73, and I missed it? Again, I'm looking
18 at the statute and -- and I think it -- I
19 know what it applies to, but I think this is
20 outside the statute.

21 MR. FOX: Well, I believe within the --
22 this -- this section from 65 to 73, it -- it
23 opens up some other areas. And I'm trying to
24 rationalize where just the design management
25 for the necessity of important projects would

1 be the one that would be limited.

2 MR. GRAHAM: Member Revoldt, what you
3 just said is -- is true. My 25 years on the
4 private side, you know, I bid -- not bid, but
5 I was awarded design work and awarded
6 construction management, construction
7 contracts just like this. But if you did the
8 design, your -- ODOT would not allow you to
9 even consider doing the construction
10 management, construction --

11 MR. REVOLDT: Right. They are two
12 separate important functions, check and
13 balance.

14 MR. GRAHAM: Right. Just exactly that
15 reason. Because if you made --

16 MR. REVOLDT: But again --

17 MR. GRAHAM: -- a mistake in the
18 design --

19 MR. REVOLDT: You know, I think --

20 MR. GRAHAM: -- you could cover --

21 MR. REVOLDT: I think -- I think -- I
22 think the issue here is -- what we are
23 looking at is -- and this goes to Pat's
24 question, the one of timing, and that is, if
25 we pursue this through the normal process

1 without emergency, we can string together
2 three meetings pretty quick, or two other
3 meetings, with votes, but we are still not
4 going to be effective for at least 30 days.
5 Whereas if we are allowed to insert an
6 emergency clause and it's effective
7 immediately, and we can tell the -- tell
8 Omnipro to get started.

9 MR. FONTE: Well, is there any problem --

10 MR. REVOLDT: They can begin to hold
11 their meetings and --

12 MR. FONTE: Hey, Daryl --

13 MR. REVOLDT: Yeah.

14 MR. FONTE: -- is there any reason why we
15 can't just pull the trigger? Is it
16 convoluted with -- does it look like they are
17 -- they are not involved in the design side
18 of it, right? So --

19 MR. REVOLDT: That's correct.

20 MR. FONTE: Then they should not -- that
21 should not apply to them in this case, right?

22 MR. REVOLDT: That's my -- that's my
23 question. I don't see anything that -- that
24 requires construction management to be
25 treated the same as design build. The

1 statute references design build. It does not
2 reference construction management. Ergo --
3 we should be able to do this on emergency.
4 Can we? That's my question. I think we can.

5 MR. FONTE: Yeah. Well, if that's what
6 you are saying, and they are not involved in
7 the design, I would think we should be able
8 to move this along pretty timely. Because,
9 like, you want to take advantage of the
10 weather, get everybody busy, get them going.
11 Because they are going to tie it up for a
12 while.

13 MR. REVOLDT: Anybody else have any
14 questions for Mr. Fonte or Mr. Graham?

15 MR. DEORIO: Well, we have another
16 committee of the whole next Monday; is that
17 right?

18 MR. REVOLDT: That's correct.

19 MR. FONTE: That's what I understand.

20 MR. DEORIO: All right. And then -- and
21 then we have a regular meeting on the 13th.
22 So do we need more time to look at this and
23 come back with this next week with another
24 committee meeting and have a week to kind of
25 sort it out?

1 MR. FONTE: That sounds good to me.

2 MR. REVOLDT: I guess the thing of it is,
3 Pat, I would like to do this, and with all
4 deference to Jeff, who is not here --

5 MR. YOUNG: Jeff just joined.

6 MR. REVOLDT: Pardon?

7 THE REPORTER: He's joining, I think.

8 MR. PETERS: I'm on, guys. Can you hear
9 me?

10 MR. REVOLDT: We can, and I am going to
11 surrender the microphone.

12 MR. CERRETA: Well, get him up to date.
13 Get him up to date. Daryl, get him up to
14 date first.

15 MR. REVOLDT: All right. We have got --
16 Jeff, item one, we have a question. The
17 statute says that on design build projects,
18 you can't award the contract on emergency.
19 It's specifically prohibited.

20 However, what we are doing here is we are
21 awarding a construction management contract.
22 Very different. So the question is: Can we
23 do this on emergency? I'm kind of arguing
24 that we can. But I think we -- I think the
25 question, should we take a deeper dive over

1 the next week?

2 MR. DEORIO: Yeah, because, you know, to
3 me -- to me, it looks like a professional
4 services contract, and whether or not --

5 MR. REVOLDT: That's correct.

6 MR. DEORIO: -- you know, it's
7 interpreted --

8 MR. CERRETA: Well, can we put it on and
9 table it? Can we put it on, so we don't
10 waste the time, and then we can table it?

11 MR. FONTE: Yeah, I think we should put
12 it on and --

13 MS. WERREN: I agree.

14 MR. FONTE: This is Dominic. I think we
15 should put it on. Tim, you know, that will
16 give you a few days to make sure we are
17 compliant.

18 MS. WERREN: Yeah, no one seems --

19 MR. DEORIO: It's not until July 13th.

20 MS. WERREN: No. We are going to have a
21 special next week, right?

22 MR. FONTE: I thought next week we were
23 doing --

24 MR. DEORIO: We weren't planning -- we
25 weren't planning on a special next week. We

1 are planning on a committee of the whole next
2 week.

3 MR. CERRETA: Okay.

4 MR. FONTE: Could we do a special after
5 the meeting of the whole?

6 MR. PETERS: I'm okay with that.

7 MR. CERRETA: You can do whatever you
8 want to do.

9 MR. FONTE: Yeah, why don't we do that?
10 Why don't we do the meeting of the whole,
11 give Tim time to research and make sure we
12 are compliant, and then we have a special
13 meeting right after that, and then we pass it
14 on emergency, if in fact that is -- if
15 everything -- it jives correctly.

16 MR. DEORIO: All right. I don't -- I
17 don't -- I guess don't see where we would
18 need to meet on July 13th then. What's going
19 to be on the agenda for July 13th?

20 MR. FONTE: Well, can't we just do it
21 next week, knock them -- knock them both out
22 next week?

23 MR. FOLTZ: Yeah.

24 MR. DEORIO: We have two items on the
25 agenda tonight.

1 MR. CERRETA: Are we going to vote on it
2 next week?

3 MR. REVOLDT: Yeah.

4 MR. FOLTZ: Yeah.

5 MR. REVOLDT: Yeah, you may need the 13th
6 for a third and final vote, Pat, if --

7 MR. CERRETA: Yeah. If we need it, we'll
8 have it. And we'll come back any time; you
9 know that.

10 MR. FONTE: Yeah, we are flexible. We
11 can Zoom in any time.

12 MR. PETERS: All right. That's -- that's
13 what we'll do then. Pat, refer to Tim, let
14 him do some research. But if we have to add
15 another meeting, that's what we'll do.

16 MR. FONTE: Thank you, gentlemen, ladies.

17 MR. DEORIO: Okay.

18 MR. PETERS: Okay. Was that the only
19 question on one then?

20 MR. REVOLDT: Yes.

21 MS. WERREN: Yep.

22 MR. PETERS: All right. We are going to
23 move forward on that one. Next up, finance
24 and property, Chairwoman Werren.

25 MS. WERREN: Yes, these are just

1 supplemental appropriations. We have a
2 capital improvement for land acquisition,
3 thereabouts \$962,000, and then the debt issue
4 clause, about \$13,000, for a total of
5 \$975,000. Jina, any comments or --

6 MS. ALABACK: These will be the remaining
7 part of the -- I'm sorry, the -- the tax --
8 tax anticipation --

9 MR. DEORIO: K-Mart.

10 MS. ALABACK: Yeah, the K -- it's the
11 K-Mart property. And we originally did
12 \$3.425 million. This is the remainder,
13 \$975,000, that we're selling on the market to
14 close on July 8th.

15 MS. WERREN: Jina, we are keeping you
16 busy.

17 MS. ALABACK: Indeed.

18 MS. WERREN: Any other questions?

19 MR. PETERS: All right. On emergency, as
20 well?

21 MS. WERREN: Yep.

22 MR. PETERS: Okay.

23 MR. DEORIO: Hey, Jeff.

24 MR. PETERS: Yes, Pat.

25 MR. DEORIO: Since we are -- it looks

1 like we are done with our official agenda,
2 and before you go on to maybe number three,
3 I'd like to exercise, if possible, the
4 privilege that -- that Council has granted to
5 me in the past to make a committee report on
6 a committee of the whole night -- or make a
7 report on a committee of the whole night.

8 MR. FOLTZ: I'll motion for the
9 Administrator to do that.

10 MS. WERREN: I'll second, Werren.

11 MR. REVOLDT: Revoldt seconds.

12 MR. PETERS: All in favor, say "aye."

13 MR. REVOLDT: Aye.

14 MR. PETERS: Aye.

15 MR. FOLTZ: Aye.

16 MR. CERRETA: Aye.

17 MS. WERREN: Aye.

18 MR. STROIA: Aye.

19 MR. FONTE: Aye.

20 MR. DEORIO: Thank you.

21 MR. PETERS: All right. Motion carries.
22 Patrick, the floor is yours.

23 MR. DEORIO: Yeah. So I want to take a
24 few minutes to bring everyone up to speed,
25 not just here at the dais, but anybody that

1 might be listening in, concerning the -- the
2 park expansion project, Bitzer Park, and all
3 the discussion around trees at -- at Bitzer.

4 So I certainly appreciate everybody in
5 the community that is -- that is so
6 interested in the outcome here. We certainly
7 welcome community engagement in all the
8 issues that we do. And I want to -- we want
9 to assure, not just the Council -- and I know
10 you know this, but assure the community at
11 large that these decisions that we have made
12 or trying to make, you know, are not
13 something we have entered into willy-nilly at
14 a whim. These are things that have gone
15 through great thought process.

16 So I want to let you know what I have
17 done since our last meeting. And I should
18 say that, you know, although the -- the
19 method to my process in moving forward, you
20 know, may not have been fully articulated by
21 myself. I certainly take ownership of that
22 and am responsible. I apologize to anyone if
23 I did not make this clear.

24 But, you know, what I have found is that
25 in a number of projects, you know, one of the

1 things that -- that makes it difficult to
2 move forward is, you know, the process of
3 building consensus. That doesn't mean we
4 don't want to build consensus. We certainly
5 do. But there are certain timetables
6 involved in this project that I -- my fear
7 was, while we were going to be building a
8 consensus around, you know, trying to the
9 save as many trees as possible, that we
10 wouldn't be able to get our bid documents
11 out.

12 And the grants that we had received from
13 the state have a certain timeline on them.
14 And if we don't spend the monies that we were
15 granted by a certain timeline, then the
16 monies are forfeited, and they stay in
17 Columbus. And it greatly affects our ability
18 to get future monies from them.

19 You can imagine all the requests that
20 state senators and state legislators get for
21 funding and they have to say no to. And when
22 a community has funds and sits on the funds
23 and never uses the funds, that puts them in a
24 very difficult spot, and it puts us in a
25 difficult spot trying to get funds from them

1 in the future, when we say we need them and
2 then we don't spend them.

3 So we have gotten this grant from the
4 state, \$750,000, to move forward. And
5 through a whole variety of things, initially
6 around trying to build consensus on this
7 project, we have had difficulty moving
8 forward. So we have -- we have had different
9 architects involved that we were not happy
10 with the -- the progress that was being made.
11 We reorganized and did an RFQ, and ended up
12 with where we are at today, and finally
13 developing a plan and moving it forward.

14 And so in getting the bid documents
15 prepared, I knew that when it came to
16 decisions on the trees, that was going to be
17 made by, you know, the City in its
18 deliberative process that we go through. It
19 wasn't going to be part of the contract that
20 is going to be awarded for this project. So
21 for that purpose, I felt that it was okay to
22 get that out for bid. Since that's not going
23 to be a part of what we are doing, let's
24 figure out what we can do regarding the
25 trees.

1 So to that effect, we have spent a number
2 of meetings in the park with members of
3 Council, going over tree by tree and where we
4 are. So last Friday then, as an additional
5 step, I did -- did invite two other
6 individuals outside of City government, who
7 have a lot of dealings with trees, a lot of
8 expertise on trees, who sit on tree
9 commissions and could just give us an outside
10 view of what they are looking at.

11 And, you know, perhaps because I sit
12 across from Bitzer Park and look out my
13 office window, and have for the last three
14 years, I can see the park and see the trees,
15 I have a bit more view of what the true
16 nature of the trees are there, versus some
17 that may have never spent any time in the
18 park, but still want to preserve our trees.
19 And we certainly applaud that effort.

20 So when we did that on Friday afternoon,
21 myself, these outside individuals, Brian
22 Hill, Catherine Farina, we went tree by tree
23 and allowed them to tell us, you know, what
24 they thought. And then today I met with
25 the -- our park and rec chairman, Doug Foltz

1 over there as well, to review all of this
2 together.

3 And so we have come to a better
4 understanding of where we are with this.
5 And, Doug, do you want to jump in at this
6 point, or do you want me to keep talking?

7 MR. FOLTZ: No. Sure, I'll jump in. I
8 think, you know, really this is the way
9 government should work. You know, our
10 residents have spoken. They wanted us to
11 take another look at this -- or a full look
12 at this, see what we could do to -- to
13 protect some of the mature trees.

14 Obviously, when you do any capital
15 project -- and it's a wonderful capital
16 project, Bitzer. I think everybody is 100
17 percent behind what we are going to do as far
18 as the infrastructure. It's a matter of what
19 we can do to save some of these mature trees.

20 So I applaud the residents for bringing
21 it to our attention, signing petitions, being
22 very sensitive to keeping mature trees in our
23 community. I mean, that's -- that's --
24 that's a must when you can do it.

25 So Pat, Cathy, and I looked at these

1 trees. I think we might modify some of the
2 construction there, but I think the -- the
3 main reason we were doing this is to see what
4 we could save and what had to go. We do have
5 a number of distressed trees there.

6 But I think all said and done, Pat -- and
7 I just wrote some quick notes -- I think we
8 are looking to save three oak trees on East
9 Maple, one oak tree on South Main, a buckeye
10 tree, two locust trees, and at least one
11 maple. So I do not remember exactly; out of
12 18 or 19 hardwood trees -- not decorative
13 trees, not crabapples, not pine trees -- some
14 of those -- this pines all have to go. They
15 are just distressed, and they -- you know,
16 they are not long, as far as their tree life
17 is concerned.

18 We are looking to save eight or nine
19 hardwood trees, and I think that's a doable
20 project. I think we saved some tree canopy.
21 We also removed some distressed trees that
22 will give some of our more mature trees a
23 root structure to expand into and to have a
24 better chance to survive.

25 So I think off the cuff, it was a very

1 productive meeting. I think our residents
2 should be happy that government is working
3 toward their interest and just for the
4 interest of just saving mature trees overall.
5 Obviously, we can't save every one of them.
6 You can see some of them are distressed that
7 need to be taken down. But I think if we can
8 save eight or nine -- I think, Pat, that's
9 kind of where we are at -- I'm very pleased
10 with the direction of where we are going, and
11 I think the residents will be too.

12 MR. DEORIO: Yeah, I think the number was
13 nine. So you said eight or nine. I believe
14 it was nine --

15 MR. FOLTZ: Okay.

16 MR. DEORIO: -- when it -- that we would
17 save. And when Doug says "distressed," you
18 know, breaking it down into maybe -- maybe
19 more laymen's terms, some of them -- you
20 know, a great deal of them are more than just
21 distressed. They are -- they have got
22 interior rot.

23 MR. FOLTZ: Uh-huh.

24 MR. DEORIO: They have -- some are
25 showing that perhaps -- you know, one of

1 them -- the pin oaks over on -- on Maple that
2 is -- you know, its -- its end stages was a
3 result of an automobile accident --

4 MR. FOLTZ: Uh-huh.

5 MR. DEORIO: -- that one of the experts
6 had indicated, and, you know, caused this
7 tree distress that would have shortened its
8 lifespan normally.

9 And to Doug's point, yes, we will modify
10 the project a bit to -- to make this work to
11 save those nine trees. And I'm -- appreciate
12 that, Doug, you have taken a real leadership
13 role. Although we knew that he would. He's
14 that kind of guy.

15 But if anybody has any questions there.
16 I know, Daryl, you were over. Mark, we went
17 over. If anybody else wants to chime in.
18 Otherwise, you know, I just wanted to update
19 everybody. We think that we have what we
20 need to move forward. We'll save nine of the
21 hardwood trees. We will re-modify our plan.
22 We'll work with our architect to come up with
23 that. But the bids will still be due here
24 this week, and we will execute that change
25 too.

1 MR. FONTE: Pat, it's Dom.

2 MS. WERREN: Pat -- oh.

3 MR. FONTE: Go ahead, Steph.

4 MS. WERREN: No. I'm probably just going
5 to say the same thing as you. But I'm
6 thrilled you guys were willing to listen and
7 kind of go look at those. I had gone up on
8 my own, and I wasn't as concerned with the
9 full trees, but those hardwoods, they are a
10 big deal. And they do make the center really
11 nice. So thank you for doing that.

12 And, Doug, I appreciate your effort. You
13 have been doing parks for a long time. And I
14 love what you are doing in the City of
15 Canton, and I just think it shows the
16 flexibility. And, you know, thanks for the
17 people for reaching out to us.

18 MR FONTE: Yeah. Hey, Pat and the Mayor
19 and everybody involved, so as a layman, you
20 know, we always want to save the trees, you
21 know, as much as we can. Because it takes 25
22 years to get them looking like that, and it
23 takes forever to get them -- you know, I
24 don't have as much -- I'm at the fourth
25 quarter, man. I don't have much time to

1 wait. So I want to see them trees stay.

2 So I think by doing the extra effort like
3 that, it just shows that we are not
4 willy-nilly going about this plan. And it
5 makes sense now that you explained it the way
6 you do. Now I understand. We don't want to
7 lose the money that was granted to us if we
8 don't act quickly on that. So -- but the
9 bottom line is we are going to save nine
10 trees that weren't going to be saved
11 initially. So that's nine mature trees. And
12 I would think hopefully the citizens, the 385
13 people that signed the petition, will
14 appreciate that, and especially Joe Blubaugh,
15 who's leading up -- because he is a lover of
16 trees for sure. Thanks again.

17 MR. PETERS: Yeah, Patrick -- Peters
18 here -- thank you so much for putting the
19 effort in to save some of those mature trees.
20 I do have a question, though. The comment
21 was made that when we redo the brick walkway
22 and put the concrete down and lay the brick,
23 or the brick inlay after that, there was talk
24 that it could damage some of the roots. Have
25 we addressed that issue?

1 MR. DEORIO: Yeah, thank you for that
2 question. So let's just talk for a few
3 minutes just about the sidewalks on Maple and
4 Main. So on Main -- on Maple Street, the
5 sidewalk there is 8 foot, 6 inches wide. And
6 that is the width that we have been trying to
7 obtain in our -- our redo, our master plan,
8 and some of the more modern streetscape
9 designs that we have done up further north,
10 and what we have done around City Hall and
11 over in front of Main Street Grille.

12 You know, we are trying to make this a
13 more walkable community. And so that -- that
14 part was done years ago. Now, the bricks
15 that were laid were laid just on the -- on
16 the soil or either maybe, you know, a thin
17 coat of limestone, pressed limestone, but not
18 much. And that's why the roots have up-ended
19 some of the bricks.

20 But that isn't really the case over on
21 Maple. So those trees, planted in their
22 original condition, anticipated a wide
23 sidewalk there. And the roots, from what we
24 can tell, don't seem to be -- to be of a
25 point where if we put the -- the cement down

1 with the brick inlay, that we are going to
2 have a problem on the -- the Maple side of
3 that.

4 Now, on the back side of Maple, there is
5 an embankment. And, you know, at the two
6 ends of Maple, the embankment tapers down to
7 eventually ground level, and there is a pin
8 oak at each end of that that we think will be
9 okay. The pin oaks that are in the middle
10 that have issues that have been marked for --
11 those were the couple that were marked for
12 removal. The embankment on the back side is
13 fairly high.

14 And when this was regraded, the park was
15 regraded for -- to make it proper drainage
16 and -- and seeding and all the things that we
17 are doing, it might have interfered with the
18 roots on the back side of those trees anyway.
19 On the north side, where it goes into the
20 sidewalk, we don't think there is a problem.

21 Now, when we switch over to Main Street,
22 though, now is when we start dealing with
23 some issues. So the sidewalk on Main Street
24 is only 5 feet wide; 60 inches. It's not as
25 wide as the one, by a long shot. And it

1 brings up a couple -- a couple things. As
2 far as the stress that the four pin oaks on
3 that side have endured, the three most
4 northern ones, if you looked at them from
5 across the street, you'd see that they are
6 smaller, stunted, thinner, narrower trunks.
7 And as you get -- work your way from south to
8 north, away from the Y, the -- they -- there
9 is very little left, honestly, for those.

10 Why is that? Why -- why is -- why are
11 those three so different from the fourth one,
12 the one that is closest to the Y? Well, you
13 know, those trees were all planted at the
14 same time. They should all kind of look the
15 same. Well, the difference is that we did --
16 you know, a number of, you know, years back,
17 you know, probably decades, two decades back,
18 you know, Main Street was widened. It was
19 five lanes. It didn't always used to be five
20 lanes. And those trees were farther from the
21 street.

22 So we -- we believe that when the -- you
23 know, the people that were looking at these
24 trees believed that when Main Street was
25 widened, they encountered the root system of

1 those trees, and the three most northern
2 ones, more than the one that's by the -- by
3 the Y. And that has stunted their growth and
4 has affected them long-term.

5 And maybe, you know, 20 years ago didn't
6 think that it would, but, clearly, you know,
7 20 years later, sure enough. When we did the
8 streetscaping brick project, in putting those
9 down, again, they would have encountered
10 roots, and they may have damaged those roots
11 in the process.

12 So the -- the largest of those pin oaks,
13 which is the one by the Y, is in the best
14 condition of those four. It's worth saving.
15 It's one of the ones that Doug was talking
16 about. And its roots are massively exposed
17 right on the edge of that sidewalk. So
18 expanding the sidewalk to make it 8 feet in
19 front of that tree will be probably not
20 possible. So we'll have to narrow it a bit,
21 so that we don't disturb any more of the root
22 system there.

23 One of the things that's contributing to
24 the narrowness of the passage in front of it
25 is that there is a streetlight right in front

1 of that tree. And, in fact, there are two
2 streetlights on that section. And in both
3 instances, you can see where people have
4 walked off of the bricks onto the grass and
5 have worn that out completely by both
6 streetlights, because it's too narrow.

7 The bricks in front of the streetlights
8 narrow to about 30 inches, or 3 feet. And it
9 really makes it, based on our experience with
10 some issues on Everhard last year, not ADA
11 compliant. Getting a wheelchair around those
12 light posts and staying on the bricks, even
13 if they were level there, would be a problem.
14 And evidence is already that they are
15 walking -- they are walking in the grass
16 anyway.

17 So we are going to propose relocating
18 that streetlight away from that tree, to make
19 sure that it's -- if we can't -- you know, we
20 can't -- we know we can't go the full 8 feet
21 there. But if we can go 6 feet, and there is
22 no street light in the way, that should be
23 more than ample opportunity to pass there
24 without damaging that tree further.

25 Does that help, Jeff?

1 MR. PETERS: Yeah. Those were a few of
2 the questions that I was getting on social
3 media.

4 MR. FOLTZ: Right.

5 MR. PETERS: And I think it was the case
6 for all. So I appreciate that detail -- that
7 detailed explanation. Doug, did you have
8 something?

9 MR. FOLTZ: Yeah, President Peters, one
10 more comment. I appreciate everybody coming
11 together, spending time on it. It's
12 important to -- this is the way government
13 should work. You know, our residents weighed
14 in. And I think -- and the -- and another
15 important thing to consider here is that when
16 you have any park development plan or
17 concept, we weren't creating this with
18 nothing there.

19 I mean, we had these mature trees. We
20 had over probably 25 trees there altogether,
21 maybe even a little bit more than that; 30
22 when you look at the pines and some of the
23 crab trees. We have a beautiful veterans
24 memorial there. We have a history of these
25 large mature trees there. And, you know, we

1 are also going to keep those. We keep nine
2 mature trees.

3 We are also winning by planting new
4 trees. They'll have an extended 50-, 75-year
5 life after these unfortunately are going
6 to -- are going to be gone at some point. So
7 that's a great development. When you plant
8 all trees together, and -- and there is
9 something that distresses the trees, whether
10 a tree disease, storm damage or whatever,
11 just age, you have to rebuild. Now we have
12 an opportunity to keep the mature trees and
13 add some newer trees that will grow up under
14 the large tree canopies, to give us another
15 50 years of just great tree planning.

16 This is the way we should plan things.
17 You know, don't throw everything out, save
18 what you can, and look to the future. And so
19 we are doing all of the above, and that's
20 what we should do for the community.

21 MR. PETERS: Okay. Doug, very good.
22 Anybody else?

23 MR. DEORIO: Thank you, Council, for
24 giving us this opportunity.

25 MR. FONTE: Thank you.

1 MR. PETERS: Thank you, Patrick. Seeing
2 no further regarding --

3 THE REPORTER: Jeff, I can't hear you.

4 MR. PETERS: Can you hear me now?

5 THE REPORTER: Yeah, that's better.

6 MR. PETERS: I'm sorry. I'm on my phone.
7 At this time, Council is going to move into
8 executive session for the purpose of
9 discussing with the Law Director an ongoing
10 legal dispute.

11 Member Cerreta, you are going to abstain
12 from this?

13 MR. CERRETA: Correct.

14 MR. PETERS: At this time, can I have a
15 roll call vote -- a motion and a second and a
16 roll call vote to enter into executive
17 session?

18 MR. REVOLDT: Revoldt moves for executive
19 session to discuss a pending legal matter.

20 MR. STROIA: Second, Stroia.

21 MR. PETERS: Ben, roll call, please.

22 MR. YOUNG: Member Foltz, Doug Foltz.

23 MR. FOLTZ: Yes.

24 MR. YOUNG: Member Revoldt.

25 MR. REVOLDT: Yes.

1 MR. YOUNG: President Peters.
2 MR. PETERS: Yes.
3 MR. YOUNG: Member Werren.
4 MS. WERREN: Yes.
5 MR. YOUNG: Member Stroia.
6 MR. STROIA: Yes.
7 MR. YOUNG: Member Fonte.
8 MR. FONTE: Yes.
9 MR. YOUNG: And Member Cerreta.
10 MR. CERRETA: Abstain.
11 MR. YOUNG: One abstention.
12 MR. PETERS: Thank you very much. Motion
13 approved. Ben, I'm on a phone here, so can
14 you put me into the breakout room?
15 MR. YOUNG: Yes, it should still let you
16 into the breakout room.
17 MR. PETERS: All right.
18 MR. YOUNG: I am going to open all the
19 rooms. For everyone watching on live stream,
20 the stream is going to pause until we return.
21 (Whereupon, Council enters executive
22 session.)
23 MR. REVOLDT: Okay. This is Revoldt. I
24 move we adjourn the executive session after
25 taking no action.

1 MR. FOLTZ: Second by Foltz.
2 MR. PETERS: All in favor, say "aye."
3 MR. FOLTZ: Aye.
4 MR. PETERS: Aye.
5 MR. CERRETA: Aye.
6 MR. REVOLDT: Aye.
7 MR. STROIA: Aye.
8 MR. FONTE: Aye.
9 MS. WERREN: Aye.
10 MR. PETERS: Opposed?
11 (No response.)
12 MR. PETERS: Motion carries. And that
13 concludes the agenda. Hello?
14 MR. FOLTZ: We are still here.
15 MR. PETERS: That concludes the agenda.
16 At this time, I'll entertain a motion to
17 adjourn.
18 MR. REVOLDT: Revoldt moves.
19 MS. WERREN: Second, Werren.
20 MR. PETERS: All in favor, say "aye."
21 MR. FOLTZ: Aye.
22 MR. PETERS: Aye.
23 MR. REVOLDT: Aye.
24 MR. CERRETA: Aye.
25 MR. FONTE: Aye.

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MR STROIA: Aye.

MS. WERREN: Aye.

MR. PETERS: Opposed?

(No response.)

MR. PETERS: All right. Motion is
adjourned. Okay. Everyone have a good 4th.

MS. WERREN: Thank you. Happy 4th.

(This proceeding concluded at 7:55 p.m.)

Benjamin R. Young
Clerk of Council

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C E R T I F I C A T E

STATE OF OHIO,)
)
STARK COUNTY.)

I, Shannon Roberts, a Registered Professional Reporter and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within testimony so given was by me reduced to Stenotype, afterwards prepared and produced by means of Computer-Aided Transcription, and that the foregoing is a true and correct transcription of the testimony so given.

I further certify that this proceeding was taken at the time and place in the foregoing caption specified.

I further certify that I am not a relative of, employee of or attorney for any party or counsel, or otherwise financially interested in this action.

I do further certify that I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Canton, Ohio, this 2nd day of July, 2020.



Shannon Roberts, Notary Public
My commission expires February 2, 2023