

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF NORTH CANTON, OHIO

CITY COUNCIL MEETING

TRANSCRIPT OF

FEBRUARY 24, 2020, MEETING

- - - - -

Transcript of Proceedings of the North Canton City Council, taken by me, the undersigned, Laurie Maryl Jonas, a Registered Merit Reporter and Notary Public in and for the State of Ohio, at the North Canton Civic Center, 845 West Maple Street, North Canton, Ohio, on Monday, February 24, 2020, at 7:00 p.m.

- - - - -

1 APPEARANCES:

- 2 Daniel Jeff Peters, Council President, Ward 2
- 3 Daryl Revoldt, Council Vice President, At Large
- 4 Doug Foltz, Ward 1
- 5 Stephanie Werren, Ward 3
- 6 Dominic Fonte, Ward 4
- 7 Mark R. Cerreta, At Large
- 8 Matthew Stroia, At Large
- 9 Patrick A. DeOrio, Director of Administration
- 10 Timothy L. Fox, Director of Law
- 11 Jina Alaback, Director of Finance
- 12 Robert G. Graham, Engineering Services
- 13 Catherine A. Farina, Deputy Director of
Administration and Development
- 14
- 15 Stephan B. Wilder, Mayor

16 - - - - -

1 MR. PETERS: Okay. I'd like to call to order
2 the council meeting Monday, February 24, 7 p.m.
3 Reverend Peck is not here. Mark, would you like to
4 lead us.

5 MR. CERRETA: Sure.

6 MR. PETERS: Everyone please stand.

7 MR. CERRETA: Lord, thank you for bringing us
8 here this evening with our healthy mind, bodies and
9 souls. Thank you for giving us this wonderful
10 community and the responsibility to help make it the
11 best it could possibly be. Give us the strength of
12 listening, give us the strength of understanding, and
13 the courage and the determination and the compassion
14 to really help the entire community move forward in
15 Your name. In God's name, we pray. Amen.

16 (The Pledge of Allegiance was recited.)

17 MR. PETERS: All right. Ben, could you call
18 the roll, please.

19 MR. YOUNG: Member Revoldt?

20 MR. REVOLDT: Present.

21 MR. YOUNG: Member Fonte?

22 MR. FONTE: Here.

23 MR. YOUNG: President Peters?

24 MR. PETERS: Here.

25 MR. YOUNG: Member Foltz?

1 MR. FOLTZ: Here.

2 MR. YOUNG: Member Werren?

3 MRS. WERREN: Here.

4 MR. YOUNG: Member Stroia?

5 MR. STROIA: Here.

6 MR. YOUNG: Member Cerreta.

7 MR. CERRETA: Here.

8 MR. YOUNG: Seven present.

9 MR. PETERS: All right. Thank you, sir.

10 For your consideration, I need a motion and a
11 second to approve, as presented, committee of the
12 whole minutes February 3, 2020, the special council
13 minutes February 3, 2020, and council minutes
14 February 10, 2020.

15 MR. FOLTZ: Motion to approve as presented.

16 MR. REVOLDT: Second.

17 MR. PETERS: All in favor?

18 ("Aye" in unison.)

19 MR. PETERS: Opposed? Motion carries.

20 All right. At this time, recognition of
21 visitors. If you wish to address council, please
22 step forward, state your name and address for the
23 Record. A friendly reminder, we have a five-minute
24 time limit.

25 MR. BLUBAUGH: Good evening. My name's

1 Joseph Blubaugh. I live at 256 Glenwood, Southwest,
2 so Ward 4. I'm here to encourage the council to
3 create a tree commission to better take care of our
4 trees that are on city property. So they're
5 considered an urban tree forest, and you each have a
6 presentation I put together. Since I only have five
7 minutes, I'm going to have to go through it real
8 quick, and I also drafted a tree ordinance that I'd
9 like you to consider that I'll talk about that --
10 I'll talk about that more.

11 So in this presentation that you have, it
12 talks about the value of urban trees. It talks about
13 what a tree commission is; a tree ordinance, which
14 creates the tree commission; the benefits and the
15 cost of having a tree ordinance and a tree
16 commission, and then a program called Tree City USA,
17 which is run by the Arbor Day Foundation.

18 Okay. So the value of trees. Trees, the
19 city trees, trees that are on city property is really
20 an infrastructure, just like the buildings that the
21 city owns, and the difference is they actually
22 increase in value as they get older, unlike
23 buildings. And some of the values that -- some of
24 the value that trees give back to the city is there's
25 health benefits with having more trees; there's

1 community benefits, it creates more of a community;
2 there's environmental benefits and there's financial
3 benefits, and then it also leaves something for the
4 next generation.

5 So then I go on to talk about some of the --
6 some of those specific benefits. There's studies
7 shown that trees help lower stress around people in
8 neighborhoods. It reduces crime. It also just
9 enhances the beauty of the communities, and then
10 continuing on, there's also environmental benefits
11 for trees. Trees, you know, they help wildlife,
12 birds, and so on. They help mitigate the effects of
13 climate change, they clean the water in our water
14 table, and they clean the air that we breathe.

15 And then some of the other economic values
16 are trees help property values. Even the trees on
17 the city lawn next to your property, it can help
18 benefit the value of your property, the city trees
19 can. And then there's also -- there's all kinds of
20 other benefits like reduced air-conditioning costs
21 because of the shade they provide. And there's
22 different studies that try to calculate the actual
23 financial benefit, but one of the studies showed that
24 40 -- after 40 years, a hundred trees, after you take
25 in all the costs of, like, taking care of the tree,

1 planting the tree and removing the tree when it dies,
2 the total benefit of those hundred trees over 40
3 years is \$72,000.

4 Okay. So then a tree commission is a group
5 of volunteer citizens that just coordinate the city
6 trees. They create a plan for management of trees,
7 planting the trees, maintaining the trees, and then
8 getting rid of dead trees. They work with the city
9 council and they work with the parks department,
10 because right now the parks department manages all
11 the trees but they do a lot more than just trees. So
12 this commission would just be dedicated to managing
13 the trees that are on city property.

14 And then the tree ordinance, which again, you
15 have a draft of which I put together from a number of
16 sources, including the city of Louisville, which I
17 think is pretty similar to North Canton, they have a
18 very successful tree ordinance and a tree commission
19 so I've modeled a lot of it off of that, but also the
20 Ohio Department of Agriculture forestry department
21 has an urban tree program and I got a lot of
22 information from them as well. They provide a course
23 on urban trees that I'm in the process of taking, so
24 putting all that together, I drafted that tree
25 ordinance that you have and I'd like you to consider.

1 And then the next section is about the
2 benefits and costs of trees. There are -- there was
3 another study -- oh. It's recommended that a city
4 our size spends about \$2 per person per year on
5 trees. And so doing that, I did some calculation of
6 what that would benefit. And that's not new money.
7 We probably already spend \$2 per person on trees in
8 our parks department but it's just, you know,
9 dedicating it to trees.

10 And then in the last few seconds, the last
11 section is talking about this Tree City USA, which is
12 a program run by the Arbor Day Foundation. And
13 there's many Tree City USAs around here, including
14 Louisville, Green, Canton, and a number of others,
15 and so I think North Canton should also be one of
16 them.

17 So I have my contact information there. I've
18 been working with my council member, Dominic Fonte,
19 and we're available for any questions that you might
20 have later on. Thank you.

21 MR. FONTE: Thank you, Joe.

22 MR. PETERS: Thank you, Joe. Did everyone
23 get a copy?

24 Okay. Anyone else? Rita?

25 MS. PALMER: My name is Rita Palmer. I live

1 at 307 Fairview Street, Southeast, North Canton.

2 I'm here tonight to deliver a speech written
3 by my husband in his own voice. I've offered to do
4 so because this issue should not be dismissed as a
5 petty feud but as an issue of chicanery and sleight
6 of hand that should not be used in North Canton or
7 any city's government and should not be allowed to
8 continue.

9 I quote, I speak as my husband to you tonight
10 regarding what I believe is unprofessional and
11 unethical conduct on the part of North Canton's law
12 director when he manipulates the delayed delivery
13 feature of e-mail. What Mr. Fox has been doing for
14 several years, when it suits his desires, is to send
15 certain e-mails as delayed delivery, which generates
16 a sent receipt for himself. Mr. Fox then rescinds
17 delivery of the e-mail. When questions arise later,
18 Mr. Fox produces a sent receipt for the unreceived
19 e-mail. The surreptitious sending of e-mails in this
20 manner by North Canton Law Director Tim Fox is
21 grossly unprofessional and unethical.

22 Mr. Fox revealed his manipulations of e-mail
23 to North Canton's former council clerk some years
24 ago. I only learned about this last year from the
25 former clerk when I shared with her my difficulties

1 in getting the city to comply with my requests for
2 public records. The occasion of the revelation by
3 Mr. Fox to the former clerk occurred some years ago
4 when my attorneys had a meeting with the law director
5 at city hall. My attorneys had expected documents
6 from Mr. Fox prior to that meeting but had never
7 received them. At that meeting, Mr. Fox pulled out
8 an e-mail receipt purporting to show that he had
9 e-mailed the requested documents to my attorneys
10 several days before the scheduled meeting. The
11 former clerk shared with me that when Mr. Fox
12 concluded that meeting with me and my attorneys and
13 returned to the council office, he was nearly giddy
14 with exuberance. Mr. Fox was so thrilled with his
15 deception that, after telling her what he had
16 orchestrated, he even went so far as to demonstrate
17 how it can be done.

18 The former clerk was uneasy with what she
19 learned that day and reported the questionable
20 conduct to the then-president of city council. With
21 this newfound knowledge of the actions of the law
22 director, I then understood why I had not received
23 certain public records from the city in the spring
24 and early summer of 2019. In June 2019, I filed a
25 complaint with the Ohio Court of Claims to force the

1 city to provide me with many public records that had
2 not been provided for weeks, and in some cases, for
3 months. This led to a telephone mediation
4 conference. In the midst of that July 30
5 teleconference with the court mediator, Mr. Fox
6 stopped the mediation discussion and offered to
7 e-mail one of the public records currently under
8 discussion. However, the e-mail he sent was never
9 received during the remaining time of the mediation
10 conference. Nor did I receive it ever. Days later,
11 in the records provided by Mr. Fox to me via my
12 attorney, it's interesting to note that included was
13 an e-mail receipt purporting to show that Mr. Fox had
14 indeed sent an e-mail during the mediation hearing.
15 This is but one example of an e-mail that Mr. Fox
16 proclaimed he sent to me but, like many others, I
17 ultimately never received.

18 How is it that Mr. Fox was able to generate
19 that e-mail receipt time stamped during a court
20 mediation hearing and then include that sent receipt
21 in records later sent to my attorney? Law Director
22 Fox answered that question years earlier when he
23 revealed his deceitful e-mail manipulations to the
24 city's former council clerk. Having never forgotten
25 the revelation of North Canton's law director to her

1 years earlier, the former clerk shared with me what
2 Mr. Fox had told her and demonstrated to her.

3 Similarly alarmed as North Canton's council
4 clerk was years earlier, I filed a complaint to the
5 Stark County Bar Association last fall over what I
6 believe are highly unprofessional actions by the law
7 director. North Canton's former clerk of council,
8 city council president and my attorney are listed as
9 witnesses for this complaint, yet they were not
10 interviewed by the bar's grievance committee.
11 Instead, the bar association ignored my complaint,
12 choosing to view my concerns not in terms of the
13 actions of Attorney Fox but on the basis of a citizen
14 who did not receive requested public records in a
15 timely fashion.

16 MR. PETERS: Mrs. Palmer, can you wrap it?
17 Your time is up.

18 MS. PALMER: I certainly will.

19 Unfortunately, the authorities did not feel
20 obligated to interview witnesses or sift through the
21 evidence.

22 Members of city council and Mayor Wilder, are
23 you comfortable knowing that our city law director is
24 capable of --

25 MR. PETERS: Mrs. Palmer, we get the idea of

1 it.

2 MS. PALMER: Okay. And I would ask that
3 North Canton's citizens deserve better.

4 MR. PETERS: Thank you.

5 MS. PALMER: Thank you.

6 MR. FONTE: Thank you.

7 MR. PETERS: Okay. Anyone else?

8 MS. SCHNABEL: Hi. Brandy Schnabel. 472
9 Hillcrest Avenue, Northwest.

10 I'm going to finish what Rita was reading.

11 Unfortunately, the authorities did not feel
12 obligated to interview witnesses and sift through the
13 evidence before ruling on this complaint.

14 Members of city council and Mayor Wilder, are
15 you comfortable knowing that our city law director is
16 capable of this kind of unethical and unprofessional
17 behavior when working with court mediators, attorneys
18 and everyday citizens. Don't North Canton citizens
19 deserve better? Thank you. Chuck Osborne.

20 MR. FONTE: Thank you.

21 MR. PETERS: Okay. Anyone else? Larry? Are
22 we good?

23 Okay. Moving on to old business. May I have
24 a motion and a second to read by title only second
25 reading Ordinance 7-20?

1 MR. REVOLDT: So moved.

2 MR. FOLTZ: Second.

3 MR. PETERS: All in favor?

4 ("Aye" in unison.)

5 MR. PETERS: Opposed? Motion carries.

6 Tim?

7 MR. FOX: An ordinance authorizing the
8 appropriation of funds of the City of North Canton to
9 be appropriated from the unappropriated resources
10 from the general fund and the insurance fund for
11 current expenses during the fiscal year ending
12 December 31, 2020.

13 MR. PETERS: Thank you. Chairman Werren.

14 MRS. WERREN: We've talked about this, and
15 Pat gave a really good explanation a couple of weeks
16 ago, different funds going to police permits,
17 economic development, engineering, administration and
18 general government. Are there any other questions or
19 concerns? Daryl?

20 MR. REVOLDT: Yes. If there are no
21 objections, could we amend this to include emergency
22 clause and dispense with it this evening?

23 MR. PETERS: I don't see any reason why we
24 can't.

25 MRS. WERREN: Sounds good.

1 MR. REVOLDT: I would make that motion if
2 there are no objections or questions.

3 MR. PETERS: Is there a second?

4 MR. FOLTZ: Second.

5 MR. PETERS: All in favor?

6 ("Aye" in unison.)

7 MR. PETERS: Opposed? All right. Motion
8 carries. It is amended to include emergency clause.
9 Okay.

10 MR. REVOLDT: I think you need a motion then
11 to adopt in Ordinance No. 7-2020 as amended.

12 MR. FOLTZ: Second.

13 MR. PETERS: All in favor?

14 ("Aye" in unison.)

15 MR. PETERS: Opposed? Motion carries.

16 May I have a motion and a second to suspend
17 the rules of council.

18 MR. REVOLDT: So moved.

19 MR. FOLTZ: Second.

20 MR. PETERS: All in favor?

21 ("Aye" in unison.)

22 MR. PETERS: Opposed? Motion carries.

23 And finally, a motion and a second to approve
24 under suspension of the rules.

25 MR. REVOLDT: So moved.

1 MR. FOLTZ: Second.

2 MR. PETERS: All in favor?

3 ("Aye" in unison.)

4 MR. PETERS: Opposed? Motion carries. Thank
5 you, Daryl.

6 Okay. Reports. Deputy director of
7 administration?

8 MS. FARINA: No report.

9 MR. PETERS: Director of administration?

10 MR. DEORIO: No report.

11 MR. PETERS: Mr. Mayor?

12 MAYOR WILDER: Not at this time. Thank you.

13 No.

14 MR. PETERS: We're moving.

15 MS. ALABACK: No report.

16 MR. PETERS: Rob?

17 MR. GRAHAM: Sure.

18 MR. PETERS: We were on a roll.

19 MR. GRAHAM: Just a couple quick things.

20 We've had three bid openings since we were
21 here last. Back on Valentine's Day we opened the
22 Pineview reconstruction bids. That one we
23 allocated -- I was a little heavy in that, I thought
24 at the time. We had allocated 600,000. Our low bid
25 was a little over 315,000 from Superior Paving &

1 Materials, Inc., so a savings there.

2 Also that day we opened the Northfield
3 sanitary sewer replacement project. That one we were
4 a little closer on. We allocated 750,000. Wenger
5 Excavating was our low bid at a little over 745, so
6 we're right there.

7 Then lastly this Friday -- or last Friday we
8 opened the 2020 street paving bids. There we had
9 allocated 350,000, and with the alternate with the
10 Mr. Manhole adjustment method we were about 329,000.
11 Again from Superior Paving. And that's the one we
12 had a lot of debate on the streets in The Sanctuary.
13 Superior was out front on Applegrove, and we got a
14 great price. I think that kind of paid off with our
15 construction dollars.

16 MR. PETERS: Good. Good.

17 MR. GRAHAM: I'll have a board of control
18 meeting tomorrow where I'll make a little more
19 detailed presentation and I suspect all three will be
20 awarded.

21 MR. PETERS: Outstanding. Thank you, Rob.
22 Any questions for Rob? All right. Good stuff.

23 Member Revoldt. I'm sorry. Tim. Director
24 of law.

25 MR. FOX: No report.

1 MR. PETERS: Member Revoldt.

2 MR. REVOLDT: No report.

3 MR. PETERS: Member Fonte.

4 MR. FONTE: Joe, thank you for putting the
5 effort into it. I'm open for anything that's
6 beautification for the city. There's other members
7 that aren't probably there yet so you might have to
8 just talk to them and convince them how good of a
9 plan it is and how it saves on trash pickup and
10 different things like that. So thanks for your
11 effort. That's all.

12 MR. PETERS: Yeah, I'll echo his comments.
13 Joe, good stuff. This is good information. And the
14 draft ordinance we will have our law director look at
15 and so we'll be reaching out to you. So thank you
16 very much. Appreciate it.

17 MR. FOLTZ: Just to piggyback, thank for your
18 work on this. I know Canton is a Tree City. I'm
19 very involved with that at different levels with the
20 Canton park and rec system there, so I think it could
21 be worthwhile for our residents to look at this.
22 It's all how you approach it, I think, and how
23 open-minded you are with the residents because,
24 unfortunately, we haven't had a real tree ordinance
25 out there for years addressing some of these

1 concerns, but it's an educational tool, too.

2 Obviously you just want people to know that
3 you just can't plant any tree under the AEP easement
4 areas because they end up getting hacked and cut back
5 every year, and it's even uglier. You should just
6 cut the tree down and plant a tree the right way.
7 That might be somebody's front yard versus the devil
8 strip, we'll call it, or lawn strip between the
9 sidewalk and the curb. So all that needs to be
10 looked at here. And I haven't had a chance to read
11 it since you passed it out, but thank you for your
12 efforts. We'll move forward with it, I'm sure, to
13 some degree.

14 MR. PETERS: Member Werren.

15 MRS. WERREN: Just the same thing as Doug.
16 Thanks for presenting. I love the colors and the
17 information and it was so clear and concise. And I
18 just have to read it, but I was in Canton myself and
19 loved my neighborhood because of all the trees and
20 really value that. So thank you.

21 MR. PETERS: Thank you.

22 Member Stroia?

23 MR. STROIA: Yes. Thank you, Joe. I echo
24 the same thing and I look forward to reading it.

25 I thank you, Rita, and Brandice, and everyone

1 for coming.

2 I noticed there's a lot of polling location
3 comments going around in the community, so make sure
4 that you check your registration. There's at least
5 two changes, so just wanted to bring that up.

6 MR. PETERS: Member Cerreta.

7 MR. CERRETA: Thanks for everyone again. No
8 report.

9 MR. PETERS: All right. Okay. Looking at
10 the March meeting schedule, I need a motion and a
11 second we're going to -- we do two of these. How
12 about a motion and a second to cancel the March 30
13 committee of the whole fifth Monday.

14 MR. REVOLDT: You need a motion?

15 MR. PETERS: I need a motion.

16 MR. REVOLDT: So moved.

17 MR. FOLTZ: Second.

18 MR. PETERS: All in favor?

19 ("Aye" in unison.)

20 MR. PETERS: Opposed? Motion carries.

21 And then I want to move the committee of the
22 whole March 16 into the 23rd. That is the week that
23 this venue is being rented. We have a couple
24 options, but talking to the director of
25 administration, he has no issues with us moving, as

1 far as legislative requests, moving it to the 23rd if
2 needed. So I need a motion and a second for that.

3 MR. REVOLDT: So moved.

4 MRS. WERREN: Second.

5 MR. PETERS: All in favor?

6 ("Aye" in unison.)

7 MR. PETERS: Opposed? Motion carries.

8 Okay. Now, this executive session, there's
9 two items for discussion. I'm going to need a
10 separate motion and roll call vote for each one. So
11 I need a motion and a second moving into executive
12 session for the purpose of considering the purchase
13 of the property for public purposes.

14 MR. REVOLDT: So moved.

15 MR. FOLTZ: Second.

16 MR. PETERS: All in favor?

17 ("Aye" in unison.)

18 MR. PETERS: Opposed? Motion carries.

19 MR. REVOLDT: Roll call.

20 MR. PETERS: I'm sorry. Ben, roll call that
21 for me, please.

22 MR. YOUNG: Revoldt?

23 MR. REVOLDT: Yes.

24 MR. YOUNG: Fonte?

25 MR. FONTE: Abstain.

1 MR. YOUNG: Peters?

2 MR. PETERS: Yes.

3 MR. YOUNG: Foltz?

4 MR. FOLTZ: Yes.

5 MR. YOUNG: Werren?

6 MRS. WERREN: Yes.

7 MR. YOUNG: Stroia?

8 MR. STROIA: Yes.

9 MR. YOUNG: Cerreta?

10 MR. CERRETA: Yes.

11 MR. YOUNG: Six for, zero against, one
12 abstaining.

13 MR. PETERS: Thank you. A motion and a
14 second to discuss then the appointment, employment or
15 compensation of a public employee.

16 MR. REVOLDT: So moved.

17 MR. FOLTZ: Second.

18 MR. PETERS: Ben.

19 MR. YOUNG: Revoldt?

20 MR. REVOLDT: Yes.

21 MR. YOUNG: Fonte?

22 MR. FONTE: Yes.

23 MR. YOUNG: Peters?

24 MR. PETERS: Yes.

25 MR. YOUNG: Werren?

1 MRS. WERREN: Yes.

2 MR. YOUNG: Stroia?

3 MR. STROIA: Yes.

4 MR. YOUNG: Cerreta?

5 MR. CERRETA: Yes.

6 MR. YOUNG: Foltz?

7 MR. FOLTZ: Yes.

8 MR. YOUNG: Seven for.

9 MR. PETERS: All right. Executive session
10 will not be open to the public and we are in
11 executive session downstairs. We'll meet downstairs.
12 We'll come back and get Member Fonte.

13 (Council entering executive session at 7:24
14 p.m.)

15 (Member Fonte joining executive session at
16 7:43 p.m.)

17 MR. PETERS: Okay. All right. Can I have a
18 motion and a second to adjourn the executive session?

19 MR. CERRETA: So moved.

20 MR. FOLTZ: Second.

21 MR. PETERS: 8:15 p.m. All in favor?

22 ("Aye" in unison.)

23 MR. PETERS: Opposed? Motion carries.

24 Let the Record reflect Member Fonte joined us
25 for the second piece, and also let the Record reflect

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

no action was taken.

Final call for council new business. Seeing none, I'll entertain a motion to adjourn this meeting.

MRS. WERREN: So moved.

MR. CERRETA: Second.

MR. PETERS: All in favor?

("Aye" in unison.)

MR. PETERS: Opposed? We are adjourned.

- - - - -

(Meeting adjourned at 8:15 p.m.)

- - - - -

Attest:


Benjamin R. Young
Clerk of Council


Daniel Jeff Peters
City Council President
~~Council Vice President~~

