

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

## CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by Rev. Don Rice, St. Luke Lutheran Community.
3. All present recited the Pledge of Allegiance.

Mr. Foltz: If our Clerk would please call the roll.

## ROLL CALL:

4. The following members of Council responded to roll call: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder. Also present were: Director of Administration Wise, Director of Law McFarren, City Engineer Benekos, Director of Finance Herr and Clerk of Council Kalpac. Mayor Held was not present.

5. Committee Reports:

**Finance & Property:** Refer to the minutes on file in the Council Office of the Finance & Property Committee held April 17, 2006.

**Ordinance, Rules & Claims:** Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee held April 17, 2006.

**Personnel & Safety:** Refer to the minutes on file in the Council Office of the Personnel & Safety Committee held April 17, 2006.

**Street & Alley:** Refer to the minutes on file in the Council Office of the Street & Alley Committee held April 17, 2006.

**Water, Sewer & Rubbish:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee held April 17, 2006.

Mr. Snyder moved and Mr. Lane seconded to approve the Committee Report minutes as presented. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

6. Mr. Foltz: We have consideration of minutes of Council meeting for April 10, 2006.

Mr. DeOrio moved and Mrs. Magel seconded to approve the Council Meeting Minutes of April 10, 2006, as presented. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

7. Recognition of Visitors.

Mr. Foltz: Anyone like to speak before Council, please come up, state your name and address. Thank you.

Ms. Vanvranken: I don't know if Council can do anything about this or not. I'm Charlotte Vanvranken, 403 Heatherwood, SW, and I've been traveling all over the country and have been to a lot of post offices. And I came home, and I think North Canton has the worst post office of any place I've seen. Have you been in there lately? There are holes this deep. You can't hardly – it's dangerous to go in.

Mr. Foltz: The parking area out front?

Ms. Vanvranken: The – yeah. And I think they should – you should get with the government and get 'em to buy Spitzer's old place. That would make a wonderful post office with lots of parking. But I just – I – really, truly, that post office is a disaster. That's it.

Mr. Foltz: I appreciate your comments.

Mr. Lane: Mr. President, I got a letter from one of my constituents as well. I put a call – an e-mail into Rob Mullen from Congressman Regula's office this morning, and I haven't heard back from him yet. The postal service is a separate part of government. It really operates independently. But I thought if anybody could get to the bottom in finding out if there's any improvements coming, it would be the Congressman. So, if I hear something back, I will let

## RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20<sup>06</sup>

you folks know as soon as possible. Or if you want to initiate another inquiry, that might at least let them know how important it is.

Mr. Snyder: I can tell you – I can address both your comments. Number one, the Spitzer property is too small for the post office. They are presently looking for space – will only entertain space of six (6) acres or more, because they're going to add two (2) additional zip codes to this post office. And until they find six – greater than six acres in the area they want, it will not locate. So that Spitzer property won't make it.

Mr. Lane: (Inaudible)...Is it pot hole repair, though?

Mr. Snyder: Well, that's, that's the – they don't own that building. That's a – they lease that building.

Mr. Repace: Plus there's some problems buying this – that Spitzer lot also.

Mr. Snyder: Well, he won't – the fella doesn't want to sell it.

Mr. Repace: Yeah. Right. It's very unsafe pulling in and out of that post office. I don't think there's anybody in the City who will disagree with you.

Mr. Foltz: Well, hopefully, they're making hot mix now. Maybe that was the holdup. I'm being very optimistic, I guess, so – (inaudible discussion). That's good to send a letter, Member Lane, and we'll try to stay on this the best we can. Thank you for your comments, ma'am. Anyone else like to address Council this evening?

Mrs. Magel: Did Eric want to speak?

Mr. Repace: Eric – I think Eric's got something to say about the post office.

Mr. Covey: Thank you. Mr. Chairman, members of North Canton City Council and guests, my name is Rod Covey. I live at 35 Auburn Knolls, SE; and I've lived there for 22 years. I'm one of the pioneers there. That community, as you know, was carved out of roughly one (1) square mile – 34 acres, which the developer, then – in 1982, purchased of the Hoover family. And, then, since, it's been built out, and there are now 83 condominiums there. But we're running into some – a problem in that for 28 months, I've been here at most of the Planning Committee meetings representing a group of 119 persons who have signed a petition saying, simply, we just think these buildings don't fit. For the moment, we care about and are concerned with all of the traffic problems and the environmental problems and the noise and so forth; but, basically, the buildings just don't fit. And early on at the Planning Commission, Kelli Young, who, as you know, used to represent The Repository here and did such a great job on reporting. She wrote an article that said, in effect, 28 months ago, the Planning Committee said, you know – and she quotes the chairman that says – assistant chairman and so forth – and they say, in effect, you know, this is not very neighborly. These buildings just don't fit. These buildings are huge. They're more like apartments -- condo is only a financial reading, but it's not a physical. So, there are 14 persons who live at Auburn Knolls who will be looking right down on top of this. Is it proper to pass something around, if I may?

Mr. Foltz: Sure.

Mr. Covey: Okay. Let me pass this around, if I may, first, because it's an aerial view we commissioned of Auburn Knolls about two (2) years ago. Shall I start –

Mr. Foltz: You can start with Member Lane.

Mr. Covey: And this square mile I spoke of – you know, visitors coming from that a way, through up – through Belden Village and turning and come up North Main – you know, you're greeted by a green belt – a green space. That green space is a quarter mile of Auburn Knolls. But it's been slowly deteriorating. And, as of this morning—as late as five o'clock this afternoon – there are two (2) back hoes in there with a bunch of guys with chain saws, and they're taking out a huge swath of more green space. At least 119 persons – we know we can get 10,000 more, if you wanted to in this City, which would be ludicrous. We feel that 119 is enough to let the Planning Commission and this, I guess, body, know that we're not too happy about this. So, we formed a group. And I'm the unofficial, unpaid, unappreciated chairman of NUPAK – Neighbors Against – Neighbors United to Preserve Auburn Knolls. And there are 68 people from Auburn Knolls and 51 from the neighborhood, including four (4) homes on the east of the proposed Easthill buildings. Auburn Knolls, like many neighborhoods, has changed since the original developer built the first 36 units. Of

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 24, 2006

7:00 p.m.

20

06

the 36, only 10 are still there. Twenty-six (26) have moved on or died. Auburn Knolls is now built out, and Unit #83 will be occupied momentarily. People there have always enjoyed the good life there. And if any of you have friends there or have visited, I think you might agree with the survey taken of the residents there in 1989 – what do you like best about this community? They love North Canton, and they love Auburn Knolls, because the quietness, the security and the ambience of a well-planned community. Most of the things that bother us has to do with the green space, the traffic, these four big buildings, which will be facing 14 of our families at Auburn Knolls. And one of the young men who lives in one of those four buildings facing these big buildings on Northfield made a computerized drawing of these four homes – these are small, single-family homes, and he superimposed a building at 1616 South Main Street. It's interesting to see how these buildings will look to those people and their children (inaudible)... in the yards looking out. Oh, excuse me. Sorry, Doug. This one. Another – if I may – one other thing. Early on, we felt, eventually, this is gonna hurt property values, and a lot of people kind of pooh-poohed that – especially real estate people. No, no. That's not gonna affect – people don't know about it and so forth. But, you know, people do know about it, because in the last 27 months, thanks to Dottie McGrew and Kelli and now Edd Pritchard, there have been like 70 articles in The Repository, Our Town and the Beacon Journal. The sum of the circulation of all those articles about this 28-month fiasco is in the millions and millions. So, as someone once said, well, Rod, you know, we shouldn't talk about things like property value, because that's gonna hurt us, hurt North Canton and hurt these people. But, wrong. People already know about it. But let me cite what's goin on right now to put some teeth or some numbers on the Auburn Knolls situation. Currently, there are – and I almost wish our friends from fourth estate wouldn't report on this. And perhaps they won't, because I'm just a visitor. But presently, there are 12 homes for sale there. The sad part is these homes are selling for much, much less than the asking price. And I won't – if I may, I'll just name the street and the number and give you the amount of money that the seller has lost from the asking price to the price that they got or the price that they're asking to. 7 Bentley. They lost \$99,000.00; 9 Bentley - \$29,000.00; 14 Bentley - \$80,000.00; 13 Bentley - \$90,000.00; LaSalle – 10 LaSalle - \$110,000.00; 44 LaSalle - \$88,000.00; and there's one outside in the Magnolia Estates, but it's right next to us. It faces the south end of South Main, and the building would be seen there. This poor gentleman is losing \$100,000.00. And, then, there's two (2) more on Auburn – one for \$78,000.00; one for \$41,000.00. And the biggest, single problem we face is that the people at Auburn Knolls – the some 160 persons there – almost every single one are an age – and I'm in that group (and my wife) – we're at an age whereby if we have to sell because of a death of a spouse or if one of us dies, it goes to the estate. Or, if suddenly my wife and I want to move to North Carolina to be with the grandkids – that's happened a lot, as you know – when that happens, the house must go up for sale, and that's what's happening. And what it is, people come in, try to steal it. And real estate people are going to – their main concern is to sell the house, and he'll take a low offer and so forth. So, if I may conclude with this. We don't know how best to convince whoever it would be that these buildings should not go up. The buildings are just too big. They're ugly. We still don't know what they're going to look like. We just know they're going to be very, very big and that there's going to be a lot of trees gone. There's going to be more noise. And, so, I'm working with Mr. Wise, the Planning Commission, and our Council has been very supportive of us. And I'm just here to share where we stand right now, and we hope that, somehow, somewhere in this wonderful city, either the administration or the Council or the community will get together and say, you know what? Those homes really don't – those buildings really don't belong there. Thank you very much.

Mr. Foltz: Thank you.

Mr. Lane: Before Eric begins, I just – we've had many conversations with Rod's group. But, as a Council, our Charter and our laws don't allow us to overturn a Planning Commission approval of a site plan. But there are other things, obviously, in play. One of them is today with the, with the bulldozers down there. And I know Mr. Benekos and Mr. Wise have checked in with Mr. Zablo in trying to get to the bottom of where they came from and what they're doing. But, there are some other avenues, as I know Rod knows, and the legal system and some other things, but it is going to keep us up to date. Thank you.

Mr. Bowles: Hi. I just wanted to comment on the residents' concerns regarding the North Canton Post Office. First off, Councilman Lane and Councilman Snyder were both correct. First off, that there is really no method right now because of the funding situation with our Congressman. The Congress because the funding for postal service is separate. It's not a line item of the congressional budget. There's really no leverage that any Congressman would have to help us, so we investigated that. And, also, Councilman Snyder's comments regarding the buildings that are out there that are available in the City. First off, the property owners aren't interested in leasing those properties; and, also, their size doesn't fit. However, I will say that that Administrator Wise and myself have had a number of phone calls regarding the condition of the parking lot. We are aware of that. We did place a call to

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

the Post Master, William Donaldson. I had a long conversation with him. He's indicated to me that they are going to take care of that parking lot, and it's their policy now, as they do not lease facilities; they're looking to build another facility. As we all know, the North Canton – we are very high on the priority list in this district. The problem is is that we're competing against all the other districts, and even if we were funded tomorrow, you might not see another post – a new postal building in North Canton for another three (3) to five (5) years. The process just takes that long. Last year they had an issue where their capital funds were frozen, and so they've lost time on that. But just be aware that we're working on the problem. A solution was proposed to the Post Master, and they were very interested in hearing from us. So, we're working on that right now. So, we are aware of the residents' complaints. We've had a great deal of complaints about that parking lot, and I agree with you.

Unidentified Speaker: Facility.

Mr. Bowles: So, and, unfortunately, it's going take a long time to straighten out that issue. But I just wanted to let everybody know that in the administration, we are aware of that, and we're trying to work on that to solve the problem.

Mr. Foltz: Appreciate your information update.

Mr. DeOrio: If I could ask Eric --

Mr. Foltz: Yeah, Member DeOrio.

Mr. DeOrio: Just to get a sense of the size of the need for six acres. What's the size of the K-Mart facility in that space?

Mr. Bowles: I don't know off hand what the size of the K-Mart facility is.

Mr. Snyder: I think that's just a little over four (4) acres. So, that's a – there's a large space.

Mr. DeOrio: Six acres is a big, big track of land. And if we don't have it, chances are we're not going to get the post office.

Mr. Bowles: Well, there are a couple ideas that we did have. The land in question is not in the City's control. And, once again, there's an opportunity, maybe, at the north end of town. But we are aware of a lot of the residents' interest in having a post office located somewhere closer to the center of town. So, we're trying to come up with a solution to that. No guarantees, but just make sure everybody knows that it's a very slow process when working with the postal service, and that's the way that they work. In every community you may have – and in this district – North Canton's need might be number one. But what happens in the long run is that when that's kicked up to the next level, then you're competing against a number of other districts. So, here again, we have some ideas, and we're gonna push those forward to see if we can't create a – or get a facility that, quite frankly, would be more in keeping with all of our needs in North Canton.

Mr. Foltz: Okay. Thank you, Eric. Mrs. Burnett.

Ms. Burnett: Yes. I'm Suzanne Burnett from Pierce Avenue, NW. I'd just like to point out to you that there are some facilities for buying stamps and mailing packages at the Acme Store. And there's lots of parking there, and it's easy to get in and out of with even traffic lights and turn signals – which would help at our post office. But we can't – if we're gonna wait for three to five more years, try the Acme Post Office. And there's also a post office on farther up on Cleveland Avenue to which I have gone. But I find it so convenient to go to the one at Acme that I don't go on beyond. So, just for what it's worth.

Mr. Foltz: Anyone else like to address Council?

Mr. Osborne: My name is Chuck Osborne. 307 Fairview Street, North Canton, Ohio. I'd just like to come up and publicly put my support behind Mr. Covey and the homeowners at Auburn Knolls. I've sat and watched this ordeal of Mr. Zablo trying to force development into areas that are clearly not in the best interests of the City for every reason you can think of. And why our government leaders, Planning Commission, Council, has not – City Engineer has not tried to steer that development away from this long ordeal and stressing people out for no reason, kind of is beyond me. But I just want to offer my support for the people of Auburn Knolls, and I do hope that any development is distorted in that area. Thank you.

Mr. Foltz: Thank you. Sir, you've got some comments?

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

Mr. Repace: Yeah, while he's on his way up, I just want to make a comment. From the very first day I heard about this project, I was against this. This, this should not be happening. It's gonna ruin the looks of that area. Mr. Covey's right. Their property value's going to go down. The only problem is, I've talked to Mr. Flechtner from the Planning Commission, and he told me that under the guidelines of the Planning Commission, that they are kind of locked into letting them do this. Am I right saying that, Doug?

Mr. Lane: Within – there are a couple of lines in there that allows – and this was put on their – I think right after Jon left and right before I left Planning. But the new ordinance does allow the Planning Commission to make an argument that something might not fit with the neighborhood and deny it. Now, that does leave them open to potential civil action or a court action to have somebody take the City to court for that. But that clause is in there, but it has to be very, very, very narrowly defined, if I'm right on that, Jon.

Mr. Snyder: That's true. (Indicating yes).

Mr. Lane: Okay. That was not in there prior to this, so –

Mr. Repace: Well, something needs to happen. We need to get together somehow and some way to help these folks, because you wouldn't want those big buildings in your back yard any more than I would. So, I don't know what can be done, but, you know, we've got to try and do something there to help.

Mr. Lane: The big concern today is the fact that those were conditionally approved – the ones on Main Street for a County Sewer Permit and for a FEMA (Federal Emergency Management Agency) Permit. The County Sewer Permit, I believe, did come through; the FEMA Permit has not yet. So, Mr. Zablo claims he was clearing brush, and that's pretty big brush to be cleared. But I know Jim and Earle did go down there and had talked to him, and I'm not sure where things stand. And this probably isn't the right forum for that discussion. But I did know you're aware of that, and we're trying to get to the bottom of it. But they showed up out of the clear blue, so there wasn't anything to notify you about until today.

Mr. Foltz: Administration, any comment?

Mr. Benekos: As far as I know, there's no grading out there. They did just clear brush. If he is grading, he'd be in violation right now. And he has disturbed the soil and the vegetation there. And he's going to have address the erosion control from that standpoint.

Mr. Foltz: The Soil and Water Conservation Office will be contacted?

Mr. Benekos: Correct.

Mr. Foltz: Very good. I would just say we will have our Law Director look things over. If we see any interpretation of our planning or zoning ordinances, we can – if we see a better fit here from the Law Director –

Mr. Repace: Even if there's – even if there's some legal action that can be taken to put a hold on this project while it's being looked at further. You know, I don't know that part. That's up to Randy, but something's got to be done to help these folks.

Mrs. Magel: Jim, I would like to put a stoppage on that clearing or whatever they're saying they're doing, because a lot of damage can be done. And if he didn't get that FEMA report, it's already cleared.

Mr. Benekos: Well, he can clear the vegetation. It's no problem. But as far as re-grading the contour of the ground, he would not be allowed to do that. My understanding is he has not done that. I haven't been able to get down there yet, but we'll check that out tomorrow.

Mrs. Magel: Is that due to the road situation? Or why haven't you been able to – or because –

Mr. Benekos: I didn't find out about it until later today, and –

Mrs. Magel: Okay.

Mr. Foltz: This is as looking to it – the right-of-way with –

Mr. Benekos: No.

Mr. Foltz: With the Street Project. Okay. Someone else wanted to address Council? Yes, sir.

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 24, 2006

7:00 p.m.

20

06

Mr. Pritchard: I'm actually here. I don't know if I'm in the right place or not, but I have a business just on the other side of the bridge. Okay. And the bridge, for all of us small business people on both sides of it, are, is causing a big problem. And I just talked to Eric, I believe. And, you know, he said that there's some things going to be addressed about that. But I, as a businessman, would have appreciated – and I don't know if it's you guys' responsibility or not – a notice on that bridge prior to a closing of the closing date. And all of my customers that were heading to my business would have also appreciated it from the other side. You know, there was never – still is not – any notice on that bridge saying closed dates, open dates. What's the projection? You know, so, not only has it cost me business now, but it could cost me business three (3) months from now because people don't know it's back open again. You know, and they're just trying to avoid the whole mess that that cost. I'd like to add that I also don't think that the whole bridge should have been shut down. There's so much driving population on that road. I mean, that's a main thoroughfare from Canton to North Canton to Akron, all the way up. And, again, there was no notice. I mean, I do a business that has about a half a million a year in business, and I've already lost a quarter percent – or twenty-five percent (25%) of my business just in a short period of time, because I had no time to – right now I'm trying to react to what happened. I had no foresight. I mean – and I'm sure you guys put in the paper, based on the legal requirements, that, you know, the bridge was going to be closed. But small business owners don't have time to read a newspaper. I don't go home at night and read the newspaper. By the time I get home, I sit in front of the TV for a half an hour, and I'm sleeping. You know, and that's just the way small business is. So –

Mr. Foltz: Sir, where's your business located? Is it in Plain Township?

Mr. Pritchard: Yes.

Mr. Foltz: So, just north of Fisher Foods; is that correct?

Mr. Pritchard: Yes.

Mr. Foltz: Okay. I just want to make sure.

Mr. Pritchard: Thanks.

Mr. Wise: Sir, what's your name?

Mr. Pritchard: Ted Pritchard.

Mr. Wise: Ted Pritchard. Thank you.

Mr. Foltz: Maybe you can talk to the Administrator after the meeting and see what else we might be able to do as far as notification, but, we're basically – what, Jim? A month into this, and we're looking at July to have this completely finished at some point, if things go well.

Mr. Benekos: The bridge was closed April 3rd, and they have ninety (90) days to complete that. So --

Mr. Foltz: Okay.

Mr. Benekos: But the project will continue on beyond that – the closure.

Mr. Foltz: Right, but the bridge will be open for –

Mr. Benekos: It's scheduled 90 days.

Mr. Pritchard: Well, I'm sorry. Just one more thing. I mean, the thing about the notification is, is, you know, in this season – in this area of the country, we don't have a very long good season in the automotive repair business. And right now is my biggest part of my year. You know, getting into spring, getting into summer – that's when people have liquid money that they can spend on their vehicles. You know, it's not like right after Christmas where they just got their Christmas bills. It's not like just before Christmas where they're getting ready for Christmas, and they're spending all their money on their Christmas. It's not like, you know, right before the school season where they're spending all their money on their kid's school stuff. You know, this is my season. And, basically, without notification, I've just been robbed of my best season, you know.

Mr. Foltz: We appreciate your comments, and hopefully this will go smoothly as it can for you. Thank you. Anyone else want to address Council?

Unidentified Speaker: Yeah.

Mr. Foltz: You already addressed Council. We'll have somebody else first, sir.

Unidentified Speaker: Of course. Thank you.

Mr. Lee: I'll only be a minute. Thank you. My name is Robert Lee. I live at 3470 Mt. Pleasant. I'm actually here to bring up old business about the Burkey Road water extension from Mt. Pleasant to Pleasantwood. And several years ago, we had taken a petition to the Council and had that approved – that it, obviously, was going to be in the works. And what my concerns are is with – actually, you're going to read it in the old minutes now for a second reading – the easement on Mt. Pleasant and Pleasantwood and also what's going to



# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 24, 2006

7:00 p.m.

20

06

happen with the hotels between Summit County and Stark County. Is that actually going to be part of the system also? And I'd like to know where we're at as far as the extensions to the Burkey Road water.

Mr. Foltz: I'll defer to the administration if they have any updated information.

Mr. Benekos: I guess I don't understand the question, specifically.

Mr. Lee: Okay. We were – we had petitioned for the extension from LaDonna Circle, Lee Street, Burkey Road down to Pleasantwood –

Mr. Benekos: Right. Okay.

Mr. Lee: -- to be tied in. And that was, actually, supposed to be brought forward to – for installation dates – and Ross Vukovich, who was actually heading that committee at that time.

Mr. Benekos: Yeah. That was done about five (5) years ago originally.

Mr. Lee: No. It was shorter than that. It was only about 2-1/2 years ago.

Mr. Benekos: Shorter than that? Okay. But, I mean, originally, that was done five or six years ago and then brought back a few years ago.

Mr. Lee: Yes.

Mr. Benekos: A waterline is not installed by petition. I mean, they can request that, and it's Council – whether they want to spend the funds on that or not – unlike a sewer. If a sewer is installed, the property owners are required to tie into that, and they can assess that. A waterline is not, so it's a gamble on Council whether they want to invest the money or not. Mt. Pleasant – last year Council authorized the design of all those waterlines. This year Council funded the construction of Phase I of those waterlines, which will, basically, come down Mt. Pleasant and then west – I mean south on Pleasantwood and then go west on Mt. Pleasant. The rest of those waterlines are in Phase II, which was not funded by Council for this year's construction. That would be – if Council so desires to fund that, it would be in subsequent years.

Mr. Lee: Okay. So, it's going to actually initially start from Cleveland Avenue and move west.

Mr. Benekos: No. Phase I is just coming down Pleasantwood, and then it will go west on Mt. Pleasant.

Mr. Lee: Okay. But it will not go north – or, excuse me – east to the Burkey Road at all.

Mr. Benekos: Correct. Correct. Phase I will not do that.

Mr. Lee: And that – when it's heading west, you say, and that is feeding towards the Diebold area.

Mr. Benekos: Correct.

Mr. Lee: Now, is that going to actually pick up the hotel that's going in out at the strip by Timken and the Airport?

Mr. Benekos: The hotel over on Lauby Road – there is a waterline already on Lauby Road, and the water will come from that waterline.

Mr. Lee: I see. Now is that going to change something in your – the engineering with the volume that's going to be used for that new strip plaza going in? Is that what we're looking at as Phase II?

Mr. Benekos: No. No. Phase II will not affect that.

Mr. Lee: Okay. Well, the reason I'm here, sir –

Mr. Benekos: We can continue on with this. I can gladly meet with them and sit down.

Mr. Lee: The reason I'm here is because I – the water at that area is really – it's not foul completely. It has an incredible amount of iron in it. It tears up all the fixtures in most of the homes there. And we've been there – I've been in that house since '68. So, I'm kind of used to it, but my wife's not used to it. I'm raising my son there now. And a lot of the surrounding neighbors are pretty much tired of it. And rather than dig a new well or go deeper, I sure would like to know if that water's coming down soon enough so we can go ahead and run copper out to the street and say, hey, we're ready. It's tied in.

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

Mr. Foltz: Sir, why don't you leave your name and number with me or with our engineer, and we can see if we could follow up at some point --

Mr. Lee: Okay. That'd be great. I can --

Mr. Foltz: As far as a time frame. That's fine. Or Administrator Wise.

Mrs. Magel: Well, I would like to speak to you -- ask you a question. Your original statement was we were having our second reading tonight. That's my committee.

Mr. Lee: Oh, I saw that -- well, I know I saw the second reading here on item 12 of your "Old Business."

Mrs. Magel: Yes.

Mr. Lee: Okay. And that was for an easement.

Mrs. Magel: Do you have any questions, specifically, on that?

Mr. Lee: No, ma'am. I'm sorry. I was wondering how that affected -- without my question was going to be --

Mrs. Magel: Because --

Mr. Lee: I didn't want to answer the same question twice.

Mrs. Magel: Okay.

Mr. Foltz: Very good. Thank you. Anyone else want to address Council?

Mrs. Schilstra: Mary Schilstra, 601 Linwood. I want to thank Mr. Wise for -- thank you for going to the EPA meeting we had with the Airport extension right before Easter. I know that was quite a learning experience for me and I'm sure it was for him, too. I've learned more than I wanted to know about storm water, water, sewage the last couple of months. My only concern is I know the extension will happen, and I know that the 35 acres will be drained. I know I can't worry about the animals and the plants and things. They did not address the storm water issue. And I would like the City to keep up on that. I know two days before that I went to the Nimishillen Creek Watershed meeting they have with NEFCO (Northeast Ohio Four County Regional Planning & Development Organization). I was happy to see that Mike Miller went to those meetings. I was kind of sad that no one is replacing him. I plan on going to all the meetings in the future. I'm in the process of reading their draft proposal, and it does mention the Zimber and the West Branch; and it mentions our storm water problems. I think it would be nice if the Airport had a meeting with the public about the storm water situation, especially since we've had two days of rain. I'm watching that creek go up and down, up and down. And I know there's other problems, but it's kind of hard living with it. And you were talking about the storm water -- the soil erosion over on the other branch. It all comes together. So, I would appreciate if the City would take an interest in it and keep looking at the storm water issue. Thirty-five acres is a lot of water to be drained. And they tell us they're going to put in underground storage tanks -- that may not be the best thing for the quality of the water. And I know on the proposed draft is one thing they are looking at -- it's not only quantity, it's quality. So, thank you.

Mr. Foltz: Okay. Thank you. Anyone else? You're tag teaming us tonight. Okay.

Mr. Schilstra: Ken Schilstra, 601 Linwood. And it brought -- something brought to mind when you talked about the Airport and the strip that's gonna go in there and the hotel and so forth. Has anybody looked to see what the City of Green is doing for storm water detention for that new area that's now going to be hard surfaced? Since you're selling them water, I think you have a fiduciary duty to us folks down stream. I think the Ohio ditch law applies to that, because you're selling them water to facilitate development. So, I'd appreciate who would look into that? Has anybody reviewed it? I called the City of Green, and they just kind of gave me a blank telephone stare.

Mr. Foltz: As far as the development process there? They have to have a Planning Commission and --

Mr. Schilstra: Dealing with storm detention.

Mr. Foltz: They have to -- that has to be approved through --

Mr. Schilstra: It's the City of Green. It's not the County of Summit.

Mr. Foltz: Oh, I understand that. Through Green's Planning Commission -- I'm sure they have -- wouldn't they, Engineer Benekos?

Mr. Schilstra: Has anybody inspected (inaudible)...

Mr. Benekos: I think so.



## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

Mr. Foltz: I'm just – I see the parallel, here, with ours.

Mr. Benekos: That'd be my understanding that they would have to, but I haven't been involved with Green to know what their process is.

Mr. Schilstra: I think we need to get the facts. Not, you know, a guess. So, could we have someone look into that?

Mr. Wise: Absolutely.

Mr. Foltz: Sure. We'll have Administrator Wise check that out. Thank you. Anyone else like to address Council this evening? Okay.

#### OLD BUSINESS:

8. Mr. Foltz: May I have a motion to read by title only the third reading of Ordinance No. 35-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 35-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

#### Ordinance No. 35-06 – Third Reading

Ordinance No. 35-06 amending Section 935.10 BACKFLOW PREVENTION DEVICE of the Water Lines and Hydrants, Chapter 935 of the Codified Ordinances of the City of North Canton, Ordinance No. 40-05, specifically Subsection 935.10(b) and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Foltz: Chairman Magel.

Mrs. Magel: Yes. This is, again, the request that came from the Water Department, Rich Steinhebel, and written by Administrator Earle Wise. And I believe everything – it took us a while, but all the i's were dotted and the t's were crossed; and this is now is exactly what Rich had been requesting. So, I would appreciate it if Council would support the third reading.

Mr. Foltz: Do I have a motion to second?

Mrs. Hines moved and Mr. Repace seconded to **adopt the third reading** of Ordinance No. 35-06. All members present voting:

Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane

No: 0

9. Mr. Foltz: I'd like to request a motion to amend Ordinance No. 53-06 reflecting changes of Paul Beinlich's Letter of Understanding, dated April 7, 2006.

Mr. DeOrio moved and Mrs. Magel seconded to **amend** Ordinance No. 53-06 to reflect changes in Paul Beinlich's Letter of Understanding, dated April 7, 2006. All members present voting:

Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel

No: 0

Mr. Foltz: Now, may I have a motion to read by title only the third reading of Ordinance No. 53-06, as amended.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 53-06, as amended. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

#### Ordinance No. 53-06 – Third Reading

An ordinance authorizing the use of the City of North Canton Dogwood Pool by the North Canton YMCA for the 2006 pool season pursuant to a Letter of Understanding and to provide a reduced admission rate on agreed days and times.

Mr. Foltz: Based on that, I have nothing else to add. I think we amended the ordinance to reflect the additional language that was necessary. So, with that I'll look for a motion to approve.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the third reading** of Ordinance No. 53-06, as amended. All members present voting:

Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder

No: 0

10. Mr. Foltz: May I have a motion to read by title only second reading of Ordinance No. 57-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 57-06. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

## **Ordinance No. 57-06 – Second Reading**

An ordinance establishing the zoning classification of GB-B, General Business B, as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as the B.P./East Maple Annexation, containing 0.765 acres of land, more or less, annexed by Ordinance No. 203-05.

Mr. Foltz: Member Snyder.

Mr. Snyder: Thank you. As is required, the zoning is close to the zoning as it is established when we annexed the property which was B-2, I believe, which is commercial in the township. So, we are zoning it General Business B.

Mr. Foltz: Okay. With that, do I have a motion to adopt the second reading of Ordinance No. 57-06?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 57-06. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

11. Mr. Foltz: Next, may I have a motion to read by title only the second reading of Ordinance No. 60-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 60-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

## **Ordinance No. 60-06 – Second Reading**

An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC") concerning the agreements granting exemptions from property taxation to continue the existing eight (8) Community Reinvestment Area ("CRA") agreements.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This is a culmination of a number of meetings with members of the Review Board, Jon Snyder and myself representing Council. And we looked these over and feel that the eight recipients are worthy of going another year and taking a reexamination of a couple, in particular, at the next opportunity. And I would move that we adopt Ordinance No. 60-06.

Mr. DeOrio moved and Mr. Snyder seconded to **adopt the second reading** of Ordinance No. 60-06. All members present voting:

Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane

No: 0

12. Mr. Foltz: Next, may I have a motion to read by title only second reading of Ordinance No. 61-06.

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, second reading** of Ordinance No. 61-06. All members present voting:

Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel

No: 0

Held Monday, April 24, 2006 7:00 p.m. 20 06

**Ordinance No. 61-06 – Second Reading**

An ordinance approving, confirming and accepting a Perpetual Water Utility Easement, known as being part of the Southwest Quarter of Section 31, Township of Lake (T-12, R-8) County of Stark and State of Ohio, Parcel No. 2015167, and also being part of a 0.344 acre parcel conveyed to Steven D. and Angela Shankel as recorded in Instrument Number 20029200075468 of the Stark County Recorder's records, and also known as the Mt. Pleasant/Pleasantwood Easement, for the purpose to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace and renew, at will, a water main for conveying potable water and all appurtenances thereto with the right of ingress and egress at any time to and from such water main and all appurtenances thereto on, under and through, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Do you need a drink of water after –

Mr. McFarren: We're going to shorten these titles.

Mrs. Magel: You know, all of this is a fancy word for this is an easement. And it's for that Mt. Pleasant/Pleasantwood Road that the gentleman who came up to speak was discussing. And we had already passed the waterlines for this; and, so, I would ask, then, on the second reading, we could go through on an emergency.

Mr. Foltz: Okay. Do I have a motion to adopt the second reading, then, of Ordinance No. 61-06?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 61-06. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

Mr. Foltz: Now, may I have a motion to suspend the rules for Ordinance No. 61-06.

Mrs. Magel moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 61-06. All members present voting:

Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 61-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance No. 61-06. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

13. Mr. Foltz: Now may I have a motion to read by title only the second reading of Ordinance No. 62-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 62-06. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

**Ordinance No. 62-06 – Second Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a two (2) year Agreement by and between the City of North Canton ("City") and the Stark County Combined General Health District ("Board") to provide activities related to Phase II Storm Water of storm sewers located within urbanized area of the City at a total annual cost not to exceed \$5,750.00 and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: As discussed, this is the County that's going to come in and doing the, at this rate, the 3 – up to 300 of our storm sewers – check them out. And it's almost like – Jim, wouldn't it be like an unfunded mandate? This has to be done?

Mr. Benekos: Right.

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

Mrs. Magel: Right. So, if that – knowing that, and we would sure like to cooperate with the County and make sure our storm waters are fine, then I would also ask that on the second reading we approve this on an emergency basis.

Mr. Foltz: Do I have a motion to adopt the second reading of Ordinance No. 62-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 62-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 62-06.

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 62-06. All members present voting:

Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 62-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance No. 62-06. All members present voting:

Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel

No: 0

## NEW BUSINESS:

14. Mr. Foltz: Do I have a motion to read by title only first reading of Resolution No. 63-06?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Resolution No. 63-06. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

**Resolution No. 63-06 – First Reading**

Resolution of the Council of the City of North Canton of Stark County, Ohio, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: That's a short title.

Mr. McFarren: It made up for some of the easement type.

Mr. DeOrio: The Ohio Police & Fire Pension Fund has notified the City that Council must adopt a separate resolution regarding the employer pick-up or the pre-tax retirement contributions for Fire Department employees that contribute to the Ohio Police & Fire Pension Fund. And this is the ordinance that will do just that.

Mrs. Magel: The resolution?

Mr. DeOrio: Or the resolution, for that matter – would do that as well. And I would recommend that we adopt this on its first reading.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 63-06. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Resolution No. 63-06.

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Resolution No. 63-06. All members present voting:

Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder

No: 0

Mr. Foltz: Now, may I have a motion to adopt under the suspension of the rules for Resolution No. 63-06.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Resolution No. 63-06. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

15. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 64-06?

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 64-06. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

## Ordinance No. 64-06 – First Reading

An ordinance establishing a schedule of fees pursuant to Section 1171.06 of the Zoning Ordinance of the City of North Canton, and for permit fees, mechanical heating and cooling permit fees, plumbing permit fees and electrical permit fees pursuant to the One, Two and Three-Family Dwelling and Building Code of the City of North Canton, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you. Again, we're trying to be a little more proactive and bring the fees more within line of the actual cost of issuing the permit and the inspection of the permit; and it hasn't been done for a couple of years. We did it a couple years ago, and prior to that, it had been several years. And at that, I urge and ask that you adopt the first reading of Ordinance No. 64-06.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 64-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

16. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 65-06.

Mr. Lane moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 65-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

## Ordinance No. 65-06 – First Reading

An ordinance amending Section 3 of Ordinance No. 19-06 for the three (3) year street re-striping contract by an increase in the allocation in a total amount not to exceed \$113,997.00 for the three-year contract and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is pretty self explanatory. The low bid came in a little higher than what we originally had planned on spending. So, this increases our amount. It comes out to \$37,999.00 a year to stripe the streets for the next three (3) years. I move we approve it.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 65-06. All members present voting:

Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane

No: 0

Mr. Lane: And I would move we suspend the rules, because we've got to buy the paint to (inaudible) the streets to get that done quickly.

Mr. Lane moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 65-06. All members present voting:

Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel

No: 0

Mr. Foltz: Do I have a motion to adopt under the suspension of the rules for Ordinance No. 65-06?

Mr. Lane moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 65-06. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

17. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 66-06.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 66-06. All members present voting:

Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder

No: 0

**Ordinance No. 66-06 – First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Contract for Sale and Purchase of Real Property Agreement with William H. Leed II and Peggy L. Leed for the purchase of right of way (Parcel 1 WD) within the corporation limits of the City of North Canton necessary for the South Main Streetscape Project, in an amount not to exceed \$23,938.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: I do have one question. Last week – just to clarify this – last week it was said that this was going to be OPWC (Ohio Public Works Commission) money. But under the ordinance, this is local money, correct? Or are we getting this money back?

Mr. Benekos: Yes. Yes, there is OPWC funds on this project, and we will apply for reimbursement.

Mr. Lane: But, at this point in time, the money is coming out of our pocket.

Mr. Benekos: Right. Refund the funds.

Mr. Lane: All right. Again, self explanatory. This is the area on South Main just before you get to Easthill – that would be the second phase or the next phase of construction on South Main, and we need a small area along that curbing there to widen the intersection. And I would move we approve.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 66-06. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

Mr. Foltz: Do I have a motion to suspend the rules for Ordinance No. 66-06?

Mr. Lane moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 66-06. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 66-06.

Mr. Lane moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance No. 66-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

18. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 67-06.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 67-06. All members present voting:

Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane

No: 0

**Ordinance No. 67-06 – First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Contract for Sale and Purchase of Real Property Agreement with James P. Connor and Irene M. Connor for the purchase of right of way (Parcel 2 WD) within the corporation limits of the City of North Canton necessary for the South Main Streetscape Project, in an amount not to exceed \$600.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

Mr. Lane: This is the next property up from the Leed's property – same story, just a different ordinance. I move we approve.

Mr. Lane moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 67-06. All members present voting:  
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel  
No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 67-06.

Mr. Lane moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 67-06. All members present voting:  
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace  
No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules Ordinance No. 67-06.

Mrs. Hines moved and Mrs. Magel seconded to **adopt under the suspension of the rules** Ordinance No. 67-06. All members present voting:  
Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder  
No: 0

19. Mr. Foltz: Now, may I have a motion to read by title only the first reading of Ordinance No. 68-06.

Mr. Lane moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 68-06. All members present voting:  
Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio  
No: 0

## Ordinance No. 68-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Contract for Sale and Purchase of Real Property Agreement with Jack N. Russell for the purchase of right of way (Parcel 3 WD) within the corporation limits of the City of North Canton necessary for the South Main Streetscape Project, in an amount not to exceed \$4,402.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is the last parcel we need to finish this lane on the east side of the street, and I'd move we approve.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 68-06. All members present voting:  
Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz  
No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 68-06.

Mr. DeOrio moved and Mr. Snyder seconded to **suspend the rules** for Ordinance No. 68-06. All members present voting:  
Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines  
No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 68-06.

Mr. DeOrio moved and Mr. Snyder seconded to **adopt under the suspension of the rules** Ordinance No. 68-06. All members present voting:  
Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane  
No: 0

20. Mr. Foltz: Do I have a motion to read by title only the first reading of Ordinance No. 69-06?

Mr. DeOrio moved and Mr. Repace seconded to **read by title only, first reading** of Ordinance No. 69-06. All members present voting:  
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel  
No: 0



## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

**Ordinance No. 69-06 – First Reading**

Ordinance No. 69-06 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended agreement (change order) in an amount not to exceed \$28,000.00 for the Marquardt Sanitary Sewer Project and authorizing an increase in the allocated amount for the Marquardt Sanitary Sewer Project, as per Section 2 of Ordinance No. 183-05, for a total project cost not to exceed \$1,228,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is a change order on the Marquardt Sanitary Sewer Project – more specifically Irondale – where we're entering into an agreement with the project manager and North Canton that there was damage done on Irondale through the concrete. And at this point in time, we're gonna do the cul-de-sac.

Mr. Foltz: Okay. Any comments?

Mr. Snyder: Is that, is that money now coming from the Concrete Fund? Not the Sewer Fund; is that correct?

Mrs. Herr: Yes. Correct.

Mr. Lane: That's going to leave us 12 grand, correct?

Mrs. Herr: Yup.

Mr. Lane: Okay. Jim, could I ask a question? When we bore Eastwood to determine the possibility of doing something next year, where is that 25 grand coming from? Is that a different –

Mrs. Herr: That's a different line item.

Mr. Lane: Okay. Just wanted to make sure we weren't boring into negative territory.

Mrs. Herr: No.

Mr. DeOrio: We needn't do that.

Mr. Lane: I felt that that was assured. That's why I asked.

Mr. DeOrio: Thank you.

Mr. Foltz: Any comments? Do I have a motion to adopt the first reading of Ordinance No. 69-06?

Mr. DeOrio moved and Mr. Repace seconded to **adopt the first reading** of Ordinance No. 69-06. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 69-06.

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 69-06. All members present voting:

Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 69-06.

Mr. DeOrio moved and Mr. Repace seconded to **adopt under the suspension of the rules** for Ordinance No. 69-06. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

No: 0

21. Mr. Foltz: Do I have a motion to read by title only the first reading of Ordinance No. 70-06?

Mr. Wise: Mr. President, if I may before we move on to the next, I'd just like to thank Council for passing that on an emergency. We requested that. That was work that the contractor was out there doing, so by passing it on emergency, we can get it done right now while the contractor's still out there. We got a quote from them to do the rest of the circle, in addition to the part that they had to tear up to do the work. And that will be done, then, in a timely fashion while they're still out there. So, I appreciate that. Thank you.

Mr. Foltz: Motion on the floor – is there –

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

Mr. DeOrio: I'll move for adopting Ordinance No. 70-06 or, if we're gonna read it first, I'll move for that.

Mr. Foltz: Okay.

Mr. DeOrio: We're moving. Let's move.

Mr. Foltz: Okay. I didn't think we had a second. I just asked for it.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 70-06. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz

No: 0

#### **Ordinance No. 70-06 – First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to exercise the option to extend the existing franchise contract for a two (2) year period commencing July 1, 2006, and ending June 30, 2008, for the collection of residential garbage, rubbish, recyclables and yard waste in the City of North Canton.

Mr. Foltz: Chairman Magel.

Mrs. Magel: Yes. I – before we begin on this, I would like all of you to turn your attention to something that was in front of our seats. It's the addendum, and I thank the Administrator, Mr. Wise, for this – to give us this tonight on the first reading. I appreciate it.

Mr. Wise: You're welcome.

Mrs. Magel: This is the actual contract that will be an addendum to the original contract. So, all we're asking is for the two-year agreement, and it will – all the other options and agreements from the very first one will remain the same. Also, if you'll – I also asked the Administrator to break it down for us. And it will be – it is on the last page where we have the curbside, the recyclable and the leaf recyclable – that will total the \$10.70. And this will be part of, then, the ordinance; right? This will be attached?

Mr. Wise: That's entirely up to Council. Whatever Council wishes.

Mrs. Magel: Okay. I would wish that. Now, we can talk about committee on the second reading if need be. But this will be the contract. And, so everybody understands, this is what we're doing. And thank you for having it.

Mr. Wise: If I may, I put this together, and I think Randy has seen it. This is, certainly, what I put together as a draft. If you have any suggestions or changes, I have faxed this to Rod Coyle with Republic. He hasn't gotten back to me yet. But I just got it to him, here, recently. I will bring any changes back to Council either at committee or at the next reading, if there are any. This is, certainly, something that I'm recommending. The price of \$10.70 is about \$2 – it is \$2.20 more than our current existing contract that was entered into in 2003. There's been a very significant rise in the cost of fuel since then. But even back in 2003, we had two (2) other bidders. One of the bidders was in the mid to high \$9.00 a month range; and one of the bidders back in 2003 was already over \$10.00. This \$10.70 price, while a significant increase for the residents, I think is a much better deal than we would have gotten had we gone out to bid. The backyard pickup has gone up additionally. But, at \$13.70 – still, I think, a very, very good price for what we would have gotten had we gone out to bid. And there's certainly no guarantee we would have gotten these prices from Republic had we gone out to bid.

Mrs. Magel: And you even put in the Addendum there will be no diesel fuel surcharge.

Mr. Wise: And that's exactly what Mr. Coyle told me previously.

Mr. Lane: Could I just add – I know you don't want to turn this into a committee meeting, but maybe something to think about before next week when we discuss this before the second reading. We're paying .75 cents for leaf recycling. Now what happens when we get, hopefully, another grant for leaf recycling this fall? Is this a 12-month cost? In other words, can we recycle leaves year round this way if you've got leaves that fall at different times?

Mr. Wise: The leaf recycling program is for a six-week period, is my understanding.

Mr. Lane: Right. But what's this .75 cents we're paying 12 months a year for?

Mr. Wise: Well, that's the cost of the six-month program.

Mrs. Herr: It's spread out.

Mr. Snyder: It's just prorated over 12 months.

Mr. Lane: Okay. All right.

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

Mr. Wise: A prorated share, I guess.

Mr. Lane: So, this is incorporated within this as opposed to a separate –

Mrs. Magel: Yes.

Mr. Lane: Okay.

Mr. Wise: Right. The leaf recycling program pricing, I guess, doesn't fit into that format, but that's the format that they put it in or broken it down into that format --

Mr. Lane: Okay. I understand that. Thank you.

Mr. Wise: -- to show a monthly bill.

Mrs. Magel: Doug, I had the same questions when I first saw the contract.

Mr. Lane: Maybe there's a way you can incorporate a line in here somewhere so if somebody reads this down the road, they're gonna not ask you the same question for the third time or something. So –

Mrs. Magel: Well, I would ask that before the second reading we'll have this tied down, then, exactly – that there will be no changes. But this I appreciate. So, with that –

Mr. Foltz: Do we have a motion to adopt the first reading of Ordinance No. 70-06?

Mrs. Hines moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 70-06. All members present voting:

Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines

No: 0

22. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 71-06.

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 71-06. All members present voting:

Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane

No: 0

#### **Ordinance No. 71-06 – First Reading**

Ordinance No. 71-06 repealing Ordinance No. 30-04 pertaining to the Assistant Director of Law position and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairperson Hines.

Mrs. Hines: At the Committee-of-the-Whole meeting last month or last week, we had some ideas of changing several of the ordinances. But after talking with Randy, we decided that, really, the only one that needs to be done is the one that listed an Assistant Director of Law. That, at this point in time, it would be better just to leave the position available in case we need it. But, at this point in time, we are not declaring any Assistant at the moment.

Mr. Foltz: Very good. Do we have a motion to adopt the first reading of Ordinance No. 71-06?

Mrs. Magel moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 71-06. All members present voting:

Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel

No: 0

#### **REPORTS:**

Mr. Foltz: Director of Law?

Mr. McFarren: I feel like I'm slowly catching up with you. I really appreciate the people who have stopped in to see me. The opportunity for an extended conversation increases the value of the communication, and I really appreciate that.

Mr. Foltz: Thank you.

Mr. Foltz: Director of Finance.

Mrs. Herr: No report.

Mr. Foltz: Director of Administration.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 24, 2006

7:00 p.m.

20

06

Mr. Wise: Yes. The Mayor sends his greetings today from Florida. I spoke with him a while ago, and it was 85 degrees on the beach, and he was ready to go parasailing. So, he will be back next Monday for the Committee of the Whole. The South Main construction – I think I have spoken with everyone. Beginning this evening at 9:00 p.m. through about 2:00 or 3:00 or 4 o'clock in the morning, we're gonna be closing South Main between Easthill and Everhard. There are water surfaces that are only about 18 inches deep, and we need to dig those out and make them deeper so they don't freeze underneath the street, and we would have to dig them out next winter or the following winter under our new street. That will go on maybe through Thursday. It will be open through the day, as it is now. But as many days as we need to through Thursday – we hope to have that done before that – but, potentially, through Thursday. Construction on the Summit Street – that's just a waterline, correct?

Mr. Benekos: Correct.

Mr. Wise: It's scheduled to begin next Monday. I spoke with Bob Tscholl today. He's an attorney in Canton. And it's my understanding, and the administration concurs, that it's Council's wishes to inquire of him as to whether he's interested in representing the City in labor negotiations coming up. I'm scheduled to meet with him informally tomorrow at 11 o'clock – strike that – I believe it's 10 o'clock. I'll look at my calendar, but I think it's 10 o'clock tomorrow morning. I've spoken with a number of individuals, but if there's any opposition to that from Council, if you'd let us know. I'd also be interested in any input that you would have either now or later on – on a one-on-one basis as to what we're looking for. And I'll have a report – I'll get back to each of you, individually, as to my meeting with him. Finally, last Wednesday, I believe it was, we had a fire on south – or Sunfield, SE.

Mr. Lane: It's Sunford. Sunford.

Mr. Wise: Sunford? Did I say Sunflower?

Mr. Lane: Sunfield.

Mr. Wise: Sunford. Thank you. Southeast off of Schneider. There's an apartment building down there. There's actually four or five buildings. This was a seven-unit apartment building. There – the sidewalls were, in fact, masonry; so, they functioned as a firewall. But the fire, which started in the kitchen – grease fire – blew out a sliding glass window, and it went up the walls to the roof. And it could have easily spread to the other units, but the quick and professional response of the North Canton Fire Department prevented that. I went down there. I was on the scene pretty quickly, and it really was amazing. They do this every time they go out, but it's the first time I had seen it. And they prevented any injury, any further damage. There was slight smoke damage in the two adjoining apartments. The apartment that was damaged was pretty extensively damaged. But it's amazing to see if you've never seen it, and they do a wonderful job. And I would just like to commend them on that.

Mr. Foltz: Thank you. City Engineer.

Mr. Benekos: No report.

Mr. Foltz: Our Clerk.

Mrs. Kalpac: No report.

## REPORTS – COUNCIL:

Mr. Foltz: Member Lane.

Mr. Lane: I just want to thank the administration for their help on keeping me up to date, not only on that fire, but also the situation we have going on with the traffic flow and all of that. We're about a month into it, and we've got just a couple more tweaks that, hopefully, we'll get done in the next week or so. And that should take care of business for about another six to eight weeks, I hope. And then we'll be in good shape. Is that project still running ahead of schedule? Are we still –

Mr. Wise: We had a meeting Thursday, and the bridge has gone very, very well. I would classify it as ahead of schedule. I don't know how far ahead of schedule, but it's going very well at this point.

Mr. Lane: Okay. Well, if the weather holds up, we'll be in good shape. And just to clarify, too – when we say the bridge is open, we're just opening one (1) lane each direction; correct? Or, are going to have four (4) lanes open?

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 24, 2006 7:00 p.m. 20 06

Mr. Benekos: The roadway won't be completed, so it'll probably still be one lane in each –

Mr. Lane: Right.

Mr. Benekos: -- direction until everything is done.

Mr. Lane: I just don't want people to think there's a panacea come 90 days into this project, and everything's all done; because, as you mentioned earlier, things could go on through October.

Mr. Benekos: Correct.

Mr. Lane: So, there will still be some traffic backups here. But at least we'll be able to traverse up and down Main Street. So, again, thank you very much. Appreciate you keeping me up to date and working with it.

Mr. Foltz: Member Snyder.

Mr. Snyder: My only question – I notice that that meeting for tomorrow night is now moved to a Council meeting. Is that what I'm under the understanding with that notice? That was an EPA meeting, I thought.

Mr. McFarren: It's an EPA meeting. But I think you've got a problem if you don't do it as a Sunshine Law, because it's a pre-arranged meeting that's going to have more than a majority of this body present.

Mr. Snyder: I see what you're –

Mr. McFarren: And there will be discussion of City business. So, when there are certain things that – when you make a mistake, you –

Mr. Snyder: There is no City – that is – there is no administrative or legislative authority over that property. There is no City business in that meeting.

Mr. DeOrio: But, if we all talk about it –

Mr. Snyder: Well, yeah. But as a citizen –

Mr. McFarren: There's a possibility that even though you may decide to do something –

Mr. Snyder: We're standing – do we have to do something? That's not in the jurisdiction –

Mr. McFarren: Well, you have – you all – in that meeting, you would be just expressing your concerns.

Mr. Snyder: Personal opinion.

Mr. McFarren: Okay. But how you address those potential problems up there would be City business. When you're talking about a Sunshine situation, go – err on the side of openness. Same thing with public records. I'd rather be criticized for being too open and too public than the other way. Okay.

Mr. Snyder: I think that's all.

Mr. Foltz: Member DeOrio.

Mr. DeOrio: Yeah. I'd like to just commend the administration for their work on the trash contract. And I know we hashed it a little bit about it again tonight, but I think that sometimes that's necessary, because sometimes members of the media don't always attend every meeting. And they miss a lot of the conversation that we had. And it really is an important savings for residents. And I would just – doing a lit bit more checking in the nature of my business today, but, you know, the price of gas is going up 20% in the last seven (7) months. It's doubled in the last three (3) years. Wages have increased 10% in the last three (3) years, and there's just really – with the work that Director Wise has done in calling around to all municipalities around here and seeing what they're paying recently and what they're getting bids for. He's really underselling it when it probably would have been north of \$13.00, \$14.00, which is a significant move from where we're at presently. So, it's a really good arrangement that they have, and I appreciate Director Wise – particularly, his efforts in that. I also want to say that I've been working with the administration. This is really an update for Council members on the general insurances for the City which we bid out – or I should say we requested quotes for, and we've – Board of Control has awarded that, and I was pleased to be invited by the administration to assist in that. And we are going to work together in a collaboration on giving the City a first-class review and assessment of our policies and our coverages. And we believe that there would be some sizable savings in premium if we undertake this mission. So, I appreciate the opportunity to work with Earle and the rest of the staff over there – and with Julie's help as well. That's all.

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 24, 2006

7:00 p.m.

20

06

Mr. Wise: I'd like to thank you, Mr. DeOrio, for your help on that. It was very helpful, absolutely. The Mayor does as well.

Mr. DeOrio: Thank you.

Mr. Foltz: Okay. Member Hines.

Mrs. Hines: Well, I'll just go along with the group and thank E.J., too, for keeping me updated on what detours I need to make, as I drive to the Whipple-Everhard area every day.

Mr. Foltz: It seems like everything at once, especially down at Portage, now, too. That's been (inaudible).

Mrs. Hines: It's not helping.

Mr. Foltz: You know, the public has a right to be upset sometimes when they see everything – you know, it's the summer months, and that's when work has to take place. But, unfortunately, we have to work with detours to see how we're going to get where we need to go to. So, Member Repace.

Mr. Repace: All this thanking, I'm about in tears.

Mr. Foltz: We can start singing kumbya.

Mr. Repace: Yeah, I'd like to. I have no report.

Mr. Foltz: Member Magel.

Mrs. Magel: Yeah. Just to clarify things. Despite what you may have previously heard, there will be a public hearing. It's tomorrow. It's not at Council. It's at 6:30 at the North Canton Library, and it's with the A – with the EPA, and it's discussing the Bob-O-Link Wastewater Treatment Plant discharge. And it is open to the public. Thank you.

Mr. Foltz: Okay. Thank you. Any call for new business to Council or administration? If not, do we have a motion to adjourn?

Mr. DeOrio moved and Mr. Lane seconded to **adjourn the meeting**. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace

No: 0

The meeting adjourned at 8:19 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL