

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 28 7:00 p.m. 06
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CALL TO ORDER:

1. The meeting was called to order at 7:16 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by Rev. Eli Klingensmith, Zion United Church of Christ
3. All present recited the Pledge of Allegiance.

ROLL CALL:

Mr. Foltz: Can I have the Clerk please call the roll?

4. The following members of Council responded to roll call: DeOrio, Foltz, Hines, Lane, Magel, Repace, and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Finance Herr, Director of Law McFarren, City Engineer Benekos, Director of Economic Development Bowles and Clerk of Council Kalpac.

5. Consideration:

Financial Statement – June, 2006
 Financial Statement – July, 2006
 Minutes of the Council Meeting: June 26, 2006
 Minutes of the Public Hearing (2007 Tax Budget): July 10, 2006
 Minutes of the Council Meeting: July 10, 2006
 Minutes of the Special Council Meeting: July 12, 2006

Mr. Snyder moved and Mrs. Magel seconded to approve Financial Statements from June 2006 and July 2006; Council Meeting Minutes from June 26, 2006 and July 10, 2006; Public Hearing Minutes from July 10, 2006; Special Council Meeting Minutes from July 12, 2006. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio.
 No: 0

6. Committee Minutes:

Mr. Foltz: Next, committee minutes, request approval as presented the following committee report minutes:

Special Community & Economic Development: Refer to the minutes on file in the Council Office of the Special Community & Economic meeting held August 24, 2006.

Community & Economic Development: Refer to the minutes on file in the Council Office of the Community & Economic Development meeting held July 12, 2006.

Special Executive Session (Committee of the Whole): Refer to the minutes on file in the Council Office of the Special Executive Session meeting held August 9, 2006.

Finance & Property: Refer to the minutes on file in the Council Office of the Finance & Property meeting held August 21, 2006.

Ordinance, Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims meeting held August 21 and July 12, 2006.

Street & Alley: Refer to the minutes on file in the Council Office of the Street & Alley meeting held August 21, 2006.

Water, Sewer & Rubbish: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish meeting held August 21 and July 10, 2006.

Special Water, Sewer & Rubbish: Refer to the minutes on file in the Council Office of the Special Water, Sewer & Rubbish meeting held August 9, 2006.

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

Mrs. Magel moved and Mr. DeOrio seconded to accept the committee report minutes as presented. All members present voting:

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz.
 No: 0

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7. Recognition of Visitors

Mr. Foltz: Please, anyone who would like to speak before Council, step up to the podium, state your name and address.

Mrs. Shemenski: Hi, my name's Patricia Shemenski; I live at 204 Sutton Avenue NE, have been there for 36 years. I have some handouts for you folks. First of all, about 10, 12 days ago I left a - pass them over here ... inaudible... I left a letter for the Council of Whole here with the Council Office and I just wonder if anybody read that? It had to do with wild animal trapping. I mailed a letter to Ms. Magel and the Mayor got a copy and the Director of Administration. And sad to say, I did not hear from any council person. I'm really upset about that. Don't look at me like that, you didn't call me. Not one of you. Not even Ms. Magel, my ward council person...

Mrs. Magel: I was at your house.

Mrs. Shemenski: called me.

Mrs. Magel: You weren't home.

Mrs. Shemenski: You were at my house?

Mrs. Magel: I - my husband and I went to your home.

Mrs. Shemenski: Well...

Mrs. Magel: Rang the doorbell, but you weren't home.

Mrs. Shemenski: Well, apparently I wasn't there. The phone still works. Anyway, I'm here to request that the City consider, once again, hiring a trapper to get rid of nuisance animals in the City. I know that's a point of contention for some people because that would involve trapping on private property, but I believe that the City is partly responsible for these animals coming into the City because you've allowed so much development without considering where the animals are going. You're talking about all the development out there at Walsh, and you know, putting in the walking trails. There's animals living out there. Where do they go? They're coming to my yard; skunks, raccoons, opossums, now a groundhog. It's not just your little bunny rabbits and the squirrels, it's these other animals that are coming. And they're living under neighbor sheds. That's another thing I'd like to have as...as for you guys to consider an ordinance when somebody wants to put in a storage shed, when they go to the permits office and they say "we want to put a storage shed in", I think you should require that they put in some type of permanent foundation so that animals cannot burrow under that because once a groundhog or something burrows under that the skunks move in with them, the opossums, they don't care who's living in there. They all go in and live together. And I have not seen a groundhog in my yard for at least 20 years, but there's a groundhog now. There is a groundhog. And just today, people three houses down, they're new to the neighborhood, they put in a store, they had somebody put in a big, huge storage shed and I think it's right on the property line. I don't think they even, maybe not even got a permit for it, or found out how close to the property line it's supposed to go. But it's right smack at the back of that yard. And...we're just - have animals. I have there a list, I called six different trappers to see what they charge. And we, I have hired somebody, since you guys won't pay for it. When I called the City, I was told that you no longer pay for it so I have hired somebody. In fact, this fellow works for the City, works for the street department. And he's been coming and...you know, that - some of those high prices are outrageous, what they're charging, but, but... I think you should really consider doing something about an ordinance when somebody puts a storage shed in. These things can be retro fitted. One of the trappers I talked to said that you know, even if these, these things you just put right down on the ground, a lot of them. He said that once somebody goes in there and pulls the animals out they can - they can put some kind of wire, put something around there to keep - but with all this development out here at the Sanctuary, and all these places, these animals, you know, where do they go? And if you guys don't want to pay for it then, you know, let's have some type of compromise, share the cost do something, but...by the way, you'll see that the last thing I have there on my little handout. I printed this out from your website today, the North Canton website. It says you guys are paying. It says you guys are paying. And if you're not going to, then get rid of this right now. Don't keep telling me when I call up "we do not pay for it" because your website stills says that you do. And there is a need because I talked to the fellow who was most recently under contract and he said he made hundreds of service calls to North Canton, included one from the North Canton Police Department who called him and said, you know, we need help getting a critter out and he said "I'm not working for you guys anymore". But yet every time I called Administration they oh, you know, call this fellow, he's the, no he's not. But this says that you are. So I think you know, please, think about this. I know, you know, my tax payer money goes to a lot of things I don't use. Or a lot of things I don't want. I don't care

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about streetscape. I don't care about that. I don't use the parks. I don't use the swimming pool. But I do get wild nuisance animals in my yard. Thank you.

Mr. Foltz: Appreciate your comments ma'am, I know we did have a line item this year on that and...we'll maybe have some further discussions to Administration as far as what is no longer being provided as a service, and...hopefully someone will get back to you about that.

Mrs. Shemenski: But I mean, like I say, what – what – what angers me, what frustrates me, what disappoints me, is that not one of you people bothered to call me. I've been here 36 years, I've hardly asked for anything from this City, nobody called. You know, you're responsible to your constituents and – and everybody in here whether they voted for you or not. But nobody called.

Mr. Foltz: Okay, would someone else like to address Council this evening?

Mr. Uhlman: Good evening. My name is Paul Uhlman, my wife Kathy and I live at 1144 Rosewood Street S.E., North Canton. And at the beginning I would like to say we've been a resident of North Canton for approximately six years, I've never lived in a finer community. We're extremely happy. However, there's always a however. However...in the time we lived here, we talked with my other neighbors, we have a problem with Eastwoods allotment. We have deteriorating streets there. I do realize that Council has a lot on their plate as far as money goes, but I think we're starting to look at a safety issue. We – Doug – our councilman Doug, we had a meeting with him, and we talked about this, we knew that streets improvements are like number three on the priority list for allocation of money. I took it upon myself to have a petition signed by our fellow neighbors and some of the people have copies of that, I'd like to submit the original petition tonight and for consideration of Council. ...Some of the streets are very – my street...Rosewood is very deteriorating. I've fallen, some other people, I knew of some children who have fell – fell on their bikes. We're talking about a safety issue...We're not Maple Street, we're not a main thoroughfare, but I think some consideration, some of our neighbors say that we've been, our City Council's been talking about doing improvements there for in excess of 10 to 12 years. We would like to have some consideration for this. At this time, I'm going to have my wife Kathy read, actually just a little paragraph the petition says, with your permission.

Mr. Foltz: Yes.

Mr. Uhlman: Kathy?

Mr. Foltz: Hi.

Mrs. Uhlman: Good evening. This is concerning the Eastwoods Allotment Street Improvement petition. "We, the undersigned, being homeowners in Eastwoods Allotment, in the City of North Canton, State of Ohio, hereby petition the City Council to evaluate and construct new streets in our allotment. Our main concern is for the safety and well being of our children and loved ones. However, we know that these are economically difficult times, but we feel that we have been more than tolerant with the condition of our deteriorating streets. Thanking you in advance for your consideration in this matter."

Mr. Uhlman: Thank you. At this time I'll give this to Doug, the original, and again, you know, we're not a bunch of rebel rousers and we're not going to throw tomatoes at nobody. But we just want consideration, we feel this is important, this represents in excess of 95% of the whole allotment. There's over 70 names here. So we would like to have consideration for this in the future.

Mr. Foltz: Okay.

Mr. Uhlman: Any questions or....

Mr. Lane: I would like to interject if I could...

Mr. Foltz: Sure.

Mr. Lane: and I don't ...

Mr. Uhlman: Yes

Mr. Lane: Just to let you know, and maybe I could check with Mr. Benekos, check the timeline on this, as you know, one of those streets was scheduled to be done this last year....

Mr. Uhlman: Correct.

Mr. Lane: It got lost in the budget wars...

Mr. Uhlman: Yes.

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Mr. Lane: and at the same time, in the midst of all that discussion, Mr. Benekos had a major problem with the underlayment underneath those streets out there. So we appropriated \$25,000 for this year to drill all of those streets to find out what's under them...

Mr. Uhlman: Okay.

Mr. Lane: to determine the best route to go, which streets ...should come first, you know, what that surface should look like...

Mr. Uhlman: Okay.

Mr. Lane: so we don't put quarter million dollars worth of concrete down and find out it's gone in 5 years.

Mr. Uhlman: Great.

Mr. Lane: So I – I'd like to turn it over real quickly to Jim to see where we're at in that process, just so you know that we haven't forgotten you.

Mr. Uhlman: Wonderful, that's – that's – that's all we asked.

Mr. Benekos: Sure. Within the next month you should probably see a - a rig out there boring, taking some boring samples, determine what the – the soil conditions are out there. One of the questions I did have for Council, or for the residents also, is you know, we can rebuild those streets with concrete, which will cost more and you can do less streets at a time, or we could rebuild them with asphalt and - and...we'll get prices for both of those...When the allotment was put in and – and the price of the lots were put together, they were put together based on - on concrete.

Mr. Uhlman: Correct.

Mr. Benekos: I think in the past the...inclination of Council was to replace concrete with concrete. But...you know, at a lower price tag...I don't know how the budget's going to be next year but, you know, when we look at projects I'll present that to Council both and – and at that time probably Mr. Lane will probably speak with the residents to see if – if there would be a willingness to go with asphalt at that time.

Mr. Uhlman: Good, good. Again all we're asking for is consideration in this matter. I think we all agree that the streets are deteriorating. The general consensus of my fellow neighbors, who I petitioned, they do want concrete, however we got to be realistic.

Mr. Benekos: Sure.

Mr. Uhlman: You know, if it's feasible we would like to have concrete put back but I think safety's first.

Mr. Benekos: Okay.

Mr. Uhlman: So thank you very much, gentlemen and I'll give this to Doug.

Mr. Lane: Thank you and I will let you know once I hear from Jim.

Mr. Uhlman: I appreciate that, thank you.

Mr. Lane: Thank you.

Mr. Benekos: Thank you.

Mr. Foltz: Okay, thank you sir. Anyone else like to address Council this evening?

Mr. Beinlich: Good evening all, I'm Paul Beinlich Director at the North Canton Y.M.C.A. 200 South Main Street. I came here tonight on behalf of the Board, staff, and members of the Y.M.C.A. to just thank the Administration and City Council for their cooperation and help this summer for our pool emergency, so to speak, that we had. We really do appreciate it, and everybody does and...at this point in time we're just about – the pool is just about finished, and I think as far as...our...collaboration, so to speak, and your help for us this summer, we're in pretty good shape. I think from what I can tell, everyone had a good...good experience and hopefully you heard that, Kim Cooksey and Matt Johnson were of – extremely helpful and did a lot for us during the summer and we appreciate that and I just want to take this opportunity to

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thank you all for all that help. I think it was good community program and...hopefully there can be some things we can do in the future.

Mrs. Magel: Paul, when do you think you'll be re-opening?

Mr. Beinlich: We should be re-opening, I hate to say exact dates...

Mrs. Magel: Well...

Mr. Beinlich: but I hope it will be the week after...Labor Day weekend, and maybe even, if we're lucky, cross our fingers, Labor Day weekend, but...

Mrs. Magel: Wow, that's great.

Mr. Foltz: This weekend, yeah.

Mr. Beinlich: But it's - it's real good, there's water in the pool, and we're trying to balance it, we got clean up work to do and a few finishing touches that have to be done but...okay.

Mr. Foltz: Appreciate that. Yeah, to echo your same statements...to one of our rec board meetings...Kim Cooksey did say what a smooth transition that was...a nice collaborative effort between the Y and Dogwood Pool, so...

Mr. Beinlich: Yep. Thank you very much.

Mr. Foltz: Glad it worked out for all parties involved.

Mr. Beinlich: Okay.

Mayor Held: Thanks Paul.

Mr. Foltz: You're welcome. Anyone else like to address Council this evening?

Mrs. Haines: Good evening. My name is Helen Haines. I live on Orchard and...recently you redid our streets and...put curbs and did our, I don't know the technical term I call them devil strips, and...as it is, when they came up...they are nothing but weeds and they look terrible. And all of the neighbors are very upset, I gave Kathy a letter with signatures, she took pictures and she said she understood because it is - it's an eyesore. And on the edge of our lawns where we've had our lawns treated where they put seed, it's...the weeds are coming up into our yards, and it's a - it's just a real problem. If you pulled all the weeds you wouldn't have any grass. It's just terrible. And I know they always talk about beautifying North Canton, well it - it doesn't look very pretty. And it - it's just - it's not something we should have to deal with, it...since they went to bother to do this, I think they should have done it right, the first time. As my father used to, if you're not going to do it right the first time, don't do it. So that was my complaint, and Kathy, I said, has the pictures and the letter that I sent, and we would appreciate if they would be redone.

Mrs. Magel: Yes, I - I guess I would like to concur and...read the letter. "Dear Council Members: We the neighbors of the above residential - and that would be 9th, Orchard, Overland - were very pleased with the repairs and improvements to our curbs, streets and sidewalks. The finishing touches left a lot to be desired regarding the work of the damaged yards and - and devil strips. The fill around these areas was not a high grade of topsoil but was a mixture of stone and weed mix...It seems as though this portion of the job was done in a rushed manner. Several residents called about the condition of their yards and the contractor was brought back to re-till and reseedmost of - most, if not all of the areas have been worked on twice, the City's contractors are weed filled. It's hard to believe that this type of work was done on your own properties that it would not have been removed and replaced by now. We would like to have the City re-inspect the properties in an effort to correct the problem for the third time. I went...to her residence, as I did to the other...lady's residence, and...I - I see her position. They have very nice grass in their yards. And then there was the sidewalk and then there's a devil strip and it's weeds, didn't you have this problem?"

Mr. Lane: Yeah, its - its - I think Mr. Benekos will concur with this, that almost every project has, it seems like this happens about six months after the end of the project. That for some reason it's either, I don't know, not high quality seed or something, but I've had it, it happened on Pershing...

Mrs. Magel: Yes.

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Mr. Lane: it happened over on Knoll and a couple of my other ones. So, I don't know ...

Mrs. Magel: And I have it here now. So I would, as I supported you, Doug, I – I would appreciate if Doug would, if Council would support me and please have this looked at. ...It is signed by many residents in the area and I guess, Gail, I can give you a copy and...

Mr. Snyder: Mr. Benekos, I think, and I don't mean to put more sand on someone's face but, if you look at Bonnett, it has the same problem. We talked about this, I mean for a few thousand dollars you, we would require the contractor, in the bid, to use other than highway seed. That grass they put is about 90% crabgrass. With the condition of the atmosphere of this past spring, when you're growing crabgrass in the middle of July there's a problem because you can't use pre-emergent till next spring and there's nothing those people can do. But it should be required when you are doing a – like Bonnett – a \$900,000 project, and we're using \$200 worth of highway seed, that you should be feeding cattle with what's growing up out of there, that – that's really an insult to the integrity of not only the fine job they did, but to the - to the citizens of the city. And I think it should be required that the contract read "residential blue grass seed". And it would...because by the time we get back to it next spring, the actual warranty period is exhausted and it is...I don't have to tell you, and I - and I know, that contractor's very meticulous, but again, he's only following the – the marching ...

Mrs. Magel: Specs.

Mr. Snyder: orders that he gets from the city. If we could do that, I think we could eliminate 90% of our problems. And it shouldn't be that, but again it's – it's a seasonal thing, we normally don't have extremely hot days without rain that you can germinate crabgrass in the middle of July. That's usually, that's a very unusual situation. I do know that's a problem.

Mrs. Magel: Well, you know, it's hanging over the curbs, and it's just not a – it's not attractive and – and she did, she thanked the you know, for the work that was done. But, so hopefully, you know, let's let...

Mr. Foltz: Let's – let's have the administration...

Mrs. Magel: do this for the neighborhood.

Mr. Foltz: look into that, see if there's any contingencies left. I agree with all the comments made by Council, everyone takes care of their yards for the most part here in North Canton. It's tough when you see a curb line, lawn, excuse me, that just doesn't meet the grade of your existing front lawns or side lawns so...

Mrs. Magel: And – and - and that's the case here.

Mr. Foltz: maybe in the future, for our engineer, maybe, if they have to put a quick grass down because they are running late on the project, that they have to come back with a contingency that spring, and replant that so there's better growing environment for that seed. Let's build that into the contracts. You're absolutely right, spend \$900,000 and have a substandard curb lawn is just not acceptable to the City of North Canton. So let's have Administration look at that and we'll see what we can do for you.

Mrs. Haines: Thank you very...

Mr. Foltz: We appreciate your comments here tonight.

Mrs. Haines: Thank you very much.

Mr. Foltz: Okay, thank you. Anyone else like to address Council this evening?

Ms. Garcia: For once I'm not complaining; I just have a question. Kathryn Garcia 1036 Park. When you were talking about lighting up the driveways at – at Walsh. Do you plan to put traffic lights where those cross – or – or lights that they can punch a button within the next couple years after you do that?

Mr. Foltz: I have to defer that to our engineer, he's...the preliminary...

Ms. Garcia: You know they're going to ask for it.

Mr. Foltz: drawings.

Mr. Lane: traffic lights...inaudible...

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Mrs. Magel: It includes lights.

Mr. Benekos: Yeah, the existing traffic signal that's out there, they want to realign the driveway to come into that existing traffic signal.

Ms. Garcia: That's the one that goes into like where the stores and stuff are?

Mr. Benekos: Correct, the Giant Eagle and so forth.

Ms. Garcia: Okay, that's one end.

Mr. Benekos: Yes, that's the one and then on the other end...the east...or the west entrance to the University, and then there's the drive that goes into Hoover Park, the older Hoover Park they're gonna relocate that drive so it matches up with the east entrance, west entrance, excuse me.

Ms. Garcia: So they're not really changing the entrances, they're just going to change the ones on the other side of the street?

Mr. Benekos: Well, the east entrance, they will change...

Ms. Garcia: Yeah.

Mr. Benekos: the one up by the chapel, they'll bring that into the light.

Ms. Garcia: Okay.

Mr. Benekos: The - the west entrance, they'll leave that at the University but the - the driveway to the north into the recreational fields that'll move to that east entrance...

Ms. Garcia: Then you're going to...

Mr. Benekos: the west entrance.

Ms. Garcia: put a light there.

Mr. Benekos: There'll be a light there, yes and they will have pedestrian crossing...

Ms. Garcia: And they'll pay for the light?

Mr. Benekos: Well, that was the discussion.

Ms. Garcia: Okay, just being nosey.

Mr. Foltz: Okay, thank you Ms. Garcia. Anybody else like to address Council? Okay, seeing none, we'll go right into old business.

OLD BUSINESS

8. Mr. Foltz: Do I have a motion to read by title only, the third reading of Ordinance No. 88-06?

Mr. Lane moved and Mrs. Magel seconded to read by title only, the third reading of Ordinance No. 88-06. All members present voting.

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

No: 0

Ordinance No. 88-06 -3rd Reading - Street & Alley

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration for the purchase of rock salt for use by the Street Department, and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the purchase of said rock salt.

Mr. Foltz: Chairman Lane.

Mr. Lane: When we first started talking about this we were a long way from winter and now we're a lot closer, so this is the third and final reading on this and it's pretty self explanatory, I would move that we approve the third reading.

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Mr. Foltz: Is there a second?

Mr. Lane moved and Mrs. Magel **seconded to adopt the third reading** of Ordinance No. 88-06. All members present voting.

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

No: 0

9. Mr. Foltz: May I have a motion to read by title only, the third reading of Ordinance No. 90-06?

Mrs. Magel moved and Mr. DeOrio seconded to read **by title only, the third reading** of Ordinance No. 90-06. All members present voting.

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

No: 0

Ordinance No. 90-06 – 3rd Reading – Water, Sewer & Rubbish

An ordinance authorizing the Aultman Road Water Main Extension, located in the City of Green, Summit County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said water main extension, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes...as I entered into the...to the room...the engineer for...this Aultman Road Water Main Extension, that I suppose is the engineer for the developer, had given me this larger drawing, I gave a copy to all of you. It's the same drawing that we had before.

Unidentified (speaking from audience): Yea, it's probably the same one.

Mrs. Magel: Yeah, it's the same drawing we had before, but it's much larger.

Mr. Wise: Didn't we already do rock salt?

Mrs. Herr: Yes.

Mr. Wise: Guess it was ... 7-0.

Mrs. Herr: Yeah.

Mr. Wise: Thank you.

Mrs. Magel: And a all – all the expenses will be bore at the...by the developer. This is just us extending the waterline onto Aultman, you can see that's the bottom right down there. Does - is there any questions? From a - with this new map, bring up any – anything different for anyone? Now if you recall, we had this on for a first reading for an emergency and Mr. and Mrs. Schilster had asked that we delay this one on emergency until - and they - there was a presentation, a very professional presentation given, and they had asked for three readings, time to go to Green. And I assume that there was time to go to Green. Okay, so at that point in time then I would still then at this point say third reading on the emergency would be fine. So if there's any other questions from...

Mr. Snyder: What, I'm sorry, what did you say?

Mrs. Magel: The third reading, we will put it on emergency.

Mr. Foltz: You just want to adopt the third reading then.

Mrs. Magel: Yes.

Mr. Foltz: Is there a second? Or is that a first?

Mr. DeOrio: I so move.

Mr. DeOrio moved and Mrs. Magel **seconded to adopt the third reading** of Ordinance No. 90-06. All members present voting.

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

No: 0

Mr. Foltz: Before we move forward, did you want to suspend the rules?

Mrs. Kalpac: You don't have to.

Mr. Snyder: You don't need to suspend...

Mr. Foltz: You don't need to, do you?

Mr. Snyder: Well, you just adopted on emergency, he read it as an emergency, it was adopted as an emergency. He read it as an emergency. It was adopted as an emergency.

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Mr. Foltz: I stand corrected then on that...

Mr. Snyder: Yeah.

Mr. Foltz: thank you, Member Snyder.

Mr. Snyder: Thank you, that was ...

10. Mr. Foltz: Alright. May I have a motion to read by title only, the third reading of Ordinance No. 92-06?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, the third reading** of Ordinance No. 92-06. All members present voting.

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

No: 0

Ordinance No. 92-06 – 3rd Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration for the purchase of Water Treatment Plant chemicals for use by the Water Treatment Plant, and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the purchase of said Water Treatment Plant chemicals.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, as discussed the first two readings, ... obviously the Water Treatment Plant needs chemicals and this will allow them to enter into a contract.

Mr. Foltz: Do I have a motion to adopt the third reading of Ordinance No. 92-06?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the third reading** of Ordinance No. 92-06. All members present voting.

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

No: 0

11. Mr. Foltz: Next may I have a motion to read by title only, the third reading of Ordinance No. 93-06?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, the third reading** of Ordinance No. 93-06. All members present voting.

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

No: 0

Ordinance No. 93-06 – 3rd Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to seek quotes for administering a self-insured health insurance program for the employees of the City of North Canton, and for the Mayor of the City of North Canton to be authorized, upon concurrence by Council, through the Board of Control, to enter into a contract for said health insurance.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, this is the third and final reading of allowing us to get the quotes for the health insurance. It was pretty self explanatory, and I would move for adoption of this third reading.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the third reading** of Ordinance No. 93-06. All members present voting.

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

No: 0

12. Mr. Foltz: Next, may I have a motion to read by title only, the second reading of Ordinance No. 95-06?

Mr. Lane moved and Mrs. Magel seconded to **read by title only, the second reading** of Ordinance No. 95-06. All members present voting.

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

No: 0

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Ordinance No. 95-06 – 2nd Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service contract for real estate acquisition services for the Applegrove Road Widening project, at a cost not to exceed \$63,425.

Mr. Foltz: Chairman Lane.

Mr. Lane: We had some discussion on this at the committee meeting last week and this is second reading, there will be a third reading upcoming, possibly we could add an emergency clause on it. But this still gives some people an opportunity to talk to us about it – it's – it's just professional service fees of sixty three thousand, this is not the money that's going to go out to buy up the – the right of way. So I would move we adopt the second reading.

Mr. Lane moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 95-06. All members present voting.

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

No: 0

13. Mr. Foltz: Next, may I have a motion to read by title only, the second reading of Ordinance No. 100-06?

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, the second reading** of Ordinance No. 100-06. All members present voting.

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

No: 0

Ordinance No. 100-06 – 2nd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, Ohio, through the Board of Control, to enter into a contract with a financial institution that has been designated as the central depository for active funds for the City of North Canton pursuant to Ordinance No. 81-97 for the period commencing January 1, 2007 and terminating December 31, 2009.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, this is a second reading on this so that what little monies we have we can put into a central depository.

Mr. Foltz: Do I have a motion to adopt the second reading of Ordinance No. 100-06?

Mrs. Magel moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 100-06. All members present voting.

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

No: 0

NEW BUSINESS:

14. Mr. Foltz: New business. Do I have motion to read by title only, the first reading of Ordinance No. 104-06?

Mr. Lane moved and Mrs. Hines seconded to **read by title only, the first reading** of Ordinance No. 104-06? All members present voting.

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

No: 0

Ordinance No. 104-06 – 1st Reading – Street & Alley

An ordinance amending Section 3 of Ordinance No. 22-06, for the McKinley Avenue Improvement Project, by increasing the amount authorized for the project, to an amount not to exceed \$640,000, and declaring the same to be an emergency.

Mr. Lane: It's pretty self explanatory. We – again, as we discussed this in committee last week, but it – we gotten some cost overrun based on the – or I shouldn't say overruns, but the estimate was a little bit low, so we need the extra funds to get this project underway. Jim, could I ask you, if – if we do approve this, we're going to do waterlines, try to get the waterlines done this year, then go back and finish the street next year?

Mr. Benekos: That's correct.

Mr. Lane: Okay.

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Mr. Benekos: The sanitary, the storm and then the street will be next year.

Mr. Lane: Okay, alright. So it will actually be a two phase project, but this money will roll over, it's not something that's going to come back, this is the price they're going to hold to.

Mr. Benekos: That's correct.

Mr. Lane: Alright. I would move we approve.

Mr. Foltz: Is there a second?

Mr. Lane moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 104-06. All members present voting.

Yes: Foltz, Hines, Lane, Snyder.

No: Magel, Repace, DeOrio

Mrs. Kalpac: That fails then, that's three "no" and four...

Mr. Lane: Is that three "no" or four "no"?

Mrs. Magel: The problem was...

Mr. Snyder: That's three.

Mrs. Magel: the six forty, and I – we didn't get to discuss that.

Unidentified: Yeah, we did.

Mr. Lane: We did last week. In detail.

Mr. DeOrio: And there were, and there were a number of us that said that six fifteen was the low bid and six forty was going above it, but we talked about contingencies built into the bid specs and that this was an extra contingency.

Mr. Snyder: May - may I offer...

Mr. Foltz: Oh, this is defeated as an emergency ordinance then.

Mr. Snyder: No, because the rule, it's – it's passing. That's passed. It's four three.

Mrs. Kalpac: No, no...

Mr. Lane: Yeah, we need to move to suspend, right?

Mrs. Kalpac: it fails with emergency.

Mr. Snyder: pardon me? Pardon me?

Mr. DeOrio: It was...

Mr. Snyder: No, because you haven't suspended the rules.

Mr. Foltz: I haven't suspended, we just approved the first reading.

Mr. Snyder: You only adopted - that's to adopt the first reading. Yeah, that's - that's

Mr. DeOrio: But in - but in the previous motion you said we didn't need to adopt...

Mr. Snyder: Because it was the third reading.

Mrs. Kalpac: Oh, okay.

Mr. DeOrio: to change the rules.

Mr. Lane: Third reading. Okay.

Mrs. Magel: Oh that's cool.

Mr. Snyder: But you, but may I offer an amendment. Mr. President, may I offer an amendment?

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Mr. Foltz: Sure...

Mr. Snyder: To this ordinance?

Mr. Foltz: Yes, you may Member Snyder.

Mr. Snyder: May...can you, can you alter the amount to six fifteen, is that acceptable?

Unidentified: What was the bid?

Unidentified: was it six eighteen?

Mr. Snyder: And then have Administration come back to the other twenty-five thousand if they need it. Would that be acceptable?

Unidentified: Do you remember what the bid was?

Mrs. Magel: Yes.

Mr. Snyder: Mr. President, I move that you change the ordinance to read \$615,000.

Mr. Lane: Do you have to revote?

Mr. Snyder: You have to get a second.

Mr. DeOrio: Second.

Mr. Foltz: Is there a second on that motion?

Mr. DeOrio: Second.

Mr. Foltz: to adjust the...

Mr. Snyder: Now you have to vote.

Mr. Foltz: project money?

Mr. Lane: Can I get the Administration's feeling on that...

Mr. Snyder: Yeah, it's for discussion

Mr. Lane: before voting...

Mr. Snyder: Yeah, absolutely, go ahead.

Mrs. Herr: Six fourteen.

Mr. Lane: just to make sure.

Mr. Snyder: No problem

Mr. Wise: Six fourteen something.

Mr. Lane: Hang on a minute. I remember the discussion; I didn't think it was something that was going to hold up the vote, so I apologize if I misread you.

Unidentified: Okay

Mrs. Magel: Sorry Doug, tried to get in there, but.

Mr. Lane: No, that's alright. We're a deliberated body. We deliberate. What's – what's your feeling on that, Jim, are you alright at six fifteen?

Mr. Benekos: That's fine, if we have to come back, you know, if there's a change order.

Mr. Lane: But it will not affect the contractor's price, right? We are not in a situation where, now that we're coming in at six fifteen, not at six forty, he's going to come back and in Spring and do something different.

Mr. Benekos: Right, yeah he – he said there's no increase in costs. So...

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Mr. Lane: Okay, alright, I can live with that then. So we'll revote then at six fifteen?

Mrs. Magel: Yes.

Mr. Foltz: Yes.

Mr. Lane: Do you have to reread it, read Randy? Do you have to reread it?

Mr. McFarren: No, you're just going to...

Mr. Snyder: No, just amend it

Mr. McFarren: you're just going to amend six forty to six fifteen, correct?

Mr. Snyder: six fifteen, right.

Mr. McFarren: And you've got a motion and a second?

Mr. Snyder: Right, right, now we're ready to vote.

Mr. Foltz: We already read the first reading on the old price.

Mr. Lane: Right.

Mr. Foltz: Okay, so now I want a motion to suspend the rules.

Mrs. Kalpac: No, no, we've got to vote on the amendment.

Mr. Snyder: No I need a – I would call a question on six fifteen, Mr. President.

Mr. Foltz: On six fifteen.

Mr. Lane: Yeah we have that.

Mr. Snyder: Please ...inaudible...

Mr. Lane: We have to revote at six fifteen.

Mr. Snyder: Exactly.

Mr. Foltz: Okay do I ...

Mrs. Magel: But then...

Mr. Foltz: have a motion to read the amended Ordinance No. 104-06?

Mrs. Magel: so moved.

Mr. Snyder: Yeah we do it, I just call quest...Mr. President, if you'll call the roll, we'll...

Mr. Foltz: Okay.

Mr. Snyder: Thank you.

All members present voting (to amend):
Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz.
No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 104-06 as amended?

Mr. Lane moved and Mrs. Magel seconded to **suspend the rules, as amended**, for Ordinance No. 104-06. 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. 104-06 as amended?

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Mr. Lane moved and Mr. DeOrio seconded to **adopt under the suspension of the rules, as amended**, Ordinance No. 104-06. All members present voting.

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

No: 0

15. Mr. Foltz: May I have a motion to read by title only, the first reading of Ordinance No. 105-06?

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, the first reading of** Ordinance No. 105-06. All members present voting.

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

No: 0

Ordinance No. 105-06 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the General Fund to the Law Department Professional Services Account in the amount of \$15,000.00 for the current expenses during the fiscal year ending December 31, 2006, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This is a companion legislation with the next Ordinance 106-06. The intent of both is to provide additional funding for professional legal services and negotiating of the various labor contracts. And I would so move for passage of Ordinance No. 105-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 105-06. All members present voting.

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

No: 0

Mr. Foltz: You wanted that under emergency, correct?

Mr. DeOrio: Yes.

Mr. Foltz: Do I have a motion to adopt, a motion to suspend the rules for Ordinance No. 105-06?

Mr. DeOrio moved and Mr. Snyder seconded to **suspend the rules** for Ordinance No. 105-06. 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. 105-06?

Mr. DeOrio moved and Mrs. Hines **seconded to adopt under the suspension** of the rules for Ordinance No. 105-06. All members present voting.

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

No: 0

16. Mr. Foltz: Next, may I have a motion to read by title only, the first reading of Ordinance No. 106-06?

Mr. DeOrio moved and Mr. Snyder seconded to **read by title only, the first reading of** Ordinance No. 106-06. All members present voting.

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

No: 0

Ordinance No. 106-06 – 1st Reading – Finance & Property

An ordinance amending Section 3 of Ordinance No. 76-06, for legal consulting services during negotiations with the employee collective bargaining units, by increasing the amount authorized for consulting services, in an amount not to exceed \$30,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: I reference my previous remarks and ask that we pass this ordinance on an emergency; No. 106-06.

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Mr. DeOrio moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 106-06. 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.106-06?

Mr. Lane moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 106-06. 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. 106-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 106-06. All members present voting.
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel.
No: 0

17. Mr. Foltz: Next may we have a motion to include Ordinance (Resolution) No. 107-06 to our Council agenda, and to waive the rules of Council required committee report?

Mr. DeOrio moved and Mrs. Magel seconded to **include Resolution No. 107-06 to the Council agenda, and to waive the Rules of Council requiring a committee report.** All members present voting.
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace.
No: 0

Mr. Foltz: Next, may I have a motion then to read by title only, the first reading of Ordinance (Resolution) No. 107-06?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, the first reading** of Resolution No. 107-06. All members present voting.
Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder.
No: 0

Resolution No. 107-06 – First reading – Finance & Property

A resolution Declaring the Official Intent and reasonable expectation of the City of North Canton on behalf of the State of Ohio (The Borrower) to reimburse its Water Expansion Replacement and Improvement Fund for the Water Tower #2 Booster Pump Station and Water System Improvements, with the proceeds of tax exempt debt of the State of Ohio, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Regard my remarks from nearly an hour ago, subject to the special meeting that we had.

Mr. Foltz: The Resolution needs three readings.

Mrs. Herr: That's why we added the emergency clause, so we could get it as soon as possible.

Mr. Foltz: Okay, just wanted to make sure, cause called it an Ordinance previously. Okay with that, do I have a motion?

Mr. DeOrio: I would move for adoption, when you get to that, but if you just want to adopt it now, that's fine too.

Mr. Snyder: I'll second.

Mr. DeOrio moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 107-06. All members present voting:
Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder.

Mr. Foltz: I need a motion to adopt the first reading of Resolution No. 107-06.

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Mrs. Kalpac: I think we already did, wait a minute...

Mr. Foltz: Excuse me?

Mrs. Kalpac: we already adopt – we already adopted it and had a roll, now we need to suspend the rules.

Mr. DeOrio: I would move we suspend the rules.

Mr. Foltz: For Ordinance No. 107-06.

Mrs. Magel: Second.

Mr. Snyder: I'll second, oh excuse me.

Mr. Foltz: Inaudible... the rust off ...inaudible...

Mr. Snyder: Pardon me

Mr. DeOrio: Sorry

Mr. DeOrio moved and Mrs. Magel **seconded to suspend the rules** for Resolution 107-06.
All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Resolution No. 107-06?

Mr. DeOrio moved and Mr. Lane **seconded to adopt under the suspension of the rules** for Resolution No. 107-06. All members present voting.

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

No: 0

Mr. Lane: Mr. President, before we move ahead to 108, 109 and 110, I think it's incumbent that these become emergencies in order to get the paperwork started to get these in where they have to go. Could I suggest we poll the Council before we go through the motions of reading and finding out they're not going to be passed on emergency, if that opportunity is out there?

Mr. DeOrio: I think that's a tremendous idea.

Mr. Foltz: I think that's an excellent idea.

Mr. Lane: Otherwise they're going to die right here on the table.

Mr. Foltz: Anyone not in favor of passing any of these Ordinances under emergency?

Mr. Wise: I'm sorry, do you know...

Mr. DeOrio: I am.

Mr. Lane: All three?

Mr. DeOrio: Mm-hm.

Mr. Lane: Okay.

Mrs. Magel: I have the – whatever the Walsh one is –

Mr. Lane: That's 110.

Mr. Foltz: Inaudible... pass...

Mr. Lane: So I'm assuming...

Mr. Foltz: we'll pass 110 on first reading, emergency on the other two?

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Mr. Lane: we'd have six votes for – Yeah, I'm assuming we'd have six votes then for 108 and 109 to get that project, or at least the paperwork started?

Mr. Repace: No, wait a minute, don't – don't assume.

Mr. Lane: Okay.

Mr. Foltz: That's why we're asking.

Mr. Lane: That's why we're asking.

Mr. Foltz: Okay.

Mrs. Magel: He's not...

Mr. Lane: That's the City/County Paving.

Mr. Foltz: Take your time, Member Repace ...inaudible...

Mr. Lane: This would be the 40% funding we would put into place, roughly \$110,000.

Mr. Foltz: Joint City/County Paving Project included all those streets, you see it, Jim?

Mr. Repace: Yea, I see...inaudible...

Mr. Lane: It should be the second page of 109, actually, 108's just the paperwork.

Mr. Repace: I don't think I have that much of a problem with 109.

Mrs. Magel: 109's the new one?

Mr. Repace: Yeah, I got it right here, I – 109

Mr. Snyder: 108 -108 I think just gives you the funding mechanism...

Mr. Lane: Yeah, that's ...inaudible... 109's the one..

Mr. Repace: I – I don't have a problem with 108, 109, but I do have a problem with 110.

Mr. Lane: Okay.

Mr. Foltz: As an emergency.

Mr. Repace: As an emergency.

Mr. Foltz: Okay, so we know where we stand, so we'll progress forward with that.

Mr. Snyder: Mr. President, may I have the privileged question to the – to the Engineer? Is that - is the one 10...110 –

Mr. Foltz: 110, the Walsh

Mr. Snyder: 110 is required the 15th also, is that...?

Mr. Benekos: Yeah, the two OPWC applications are due on the 15th.

Mr. Snyder: To the members in question is it - is the project worthwhile enough that we scheduleinaudible... have a first reading this - tonight and a second reading next Tuesday, a week? Is that pushing it too quickly?

Mr. Foltz: No, we could always suspend the rules the second reading and pass on an emergency. I think as we, as our Law Director indicated, he'd prefer we just pass it and work ...inaudible...

Mr. Repace: Why does it have to go under an emergency? I mean, what's...

Mr. Lane: Because of his time...inaudible...

Mr. Foltz: I think the - the Administration requests it just to be ready for September 15th. It still can be passed at - through the next Council meeting and have time but yet there's ...

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Mr. Snyder: Oh, I see what you're saying, yeah it's a ...

Mr. Foltz: ...inaudible... to pass as emergency.

Mr. Snyder: That's...

Mr. Foltz: At least the Walsh one.

Mr. Snyder: Okay.

Mr. Foltz: But if there are other questions to be answered, I'm sure we can work on that.

Mrs. Magel: Well I guess the question is by whenever, will we decide if it 50% or 100%. Will that question be answered?

Mr. Benekos: By when?

Mrs. Magel: By the last time we vote on this.

Mr. Lane: Which would be the 11th, correct?

Mr. Foltz: The 11th, September 11th Council meeting?

Mr. Benekos: We should be able to get a letter from Walsh by then.

Mrs. Magel: We will.

Mr. Snyder: Let's tell them...

Mr. Repace: I don't want – I don't want to do anything about ...inaudible..

Mr. Benekos: I can't speak for Walsh. I will request one.

Mr. Snyder: Can you just read it and pass it – if it passes on its own.

Mrs. Hines: Pass it on the second.

Mr. Lane: Just have a first reading tonight.

Mr. Foltz: Why don't we just see where the first reading is tonight...

Mr. Lane: That's fine.

18. Mr. Foltz: Okay. On 110. Okay. Do I have a motion to include Ordinance No. 108-06 to our Council agenda and to waive the Rules of Council requiring a committee report?

Mr. Lane moved and Mrs. Magel seconded to **include Ordinance No. 108-06 to the Council agenda and waiveng the rules of Council requiring a committee report.** All members present voting.

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

No: 0

Mr. Foltz: Next, may I have a motion to read by title only, the first reading of Ordinance No. 108-06?

Mr. Lane moved and Mrs. Magel seconded to **read by title only, the first reading of Ordinance No. 108-06.** All members present voting.

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

No: DeOrio

Ordinance No. 108-06 – First reading – Street & Alley

Ordinance No. 108-06 authorizing the Mayor of the City of North Canton to prepare and submit applications to the Ohio Public Works Commission for a grant for the Joint City/County Paving Project-2007, and authorizing the Mayor, through the Board of Control, to enter into an agreement for said grant, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

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Mr. Lane: Lot of discussion so far. Again, this is just strictly the - to get the funding mechanism under way for to allow the Administration to fill it out. The next ordinance will be actually putting some dollar figures on there. I would move we approve.

Mr. Foltz: Inaudible... move to adopt the first reading of Ordinance No. 108-06. Is there a second?

Mr. Snyder: Second.

Mr. Lane moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 108-06. All members present voting.

Yes: Repace, Snyder, Foltz, Lane, Magel.

No: DeOrio, Hines.

Unidentified: Was that a no?

Mr. Lane: Well that defeats the emergency...

Mr. Foltz: Were there two no's? .

Mr. Snyder: no it doesn't.

Mr. Lane: Two no's, right?

Mr. Snyder: No it doesn't, there hasn't been -

Mrs. Kalpac: No, not yet.

Mr. Snyder: we didn't suspend the rules.

Mr. Repace: Wait - wait a minute.

Mrs. Hines: This is for emergency, right?

Mr. Snyder: No. That passed.....

Mr. Foltz: We...

Mrs. Kalpac: That was just to adopt.

Mr. Snyder: the first reading passed, it has not been suspended.

Mr. DeOrio: We haven't asked for suspension...

Mr. Foltz: We haven't asked for emergency yet...

Mr. DeOrio: of the rules, it passed 5 to 2.

Mr. Foltz: but it's a no vote, then we'll defeat it.

Mrs. Hines: Oh, I want that passed. I'm sorry, I thought it was for the emergency.

Mr. Foltz: You thought it was Walsh? That's the last one.

Mrs. Hines: No, no.

Mr. Foltz: 'Cause - 'cause Member Lane asked earlier who was against it..

Mr. Repace: Wait a minute, let's regroup here a second.

Mrs. Magel: I don't think she wants it passed.

Mrs. Hines: I do so want it the - I was going to pass it on the second reading, was the idea.

Mr. Foltz: You want to pass it...

Mrs. Hines: I want the project to go forward.

Mr. Foltz: at the next Council meeting.

Mrs. Hines: I want them to start on it.

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REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Monday, August 28

7:00 p.m.

06

Held

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Mr. Foltz: We have to pass it at the next Council meeting as emergency or it doesn't get done for the grant.

Mr. Lane: Well that gives him four days to do it.

Mr. Foltz: Right. Just want to let Council know that.

Mr. Lane: And to go through the Board of Controls.

Mr. Snyder: This...

Mrs. Herr: I thought that this was the one that you guys agreed on,

Mr. Lane: That's what I thought.

Mr. Foltz: That's what I recollect earlier but...

Mrs. Herr: it was -- then it was East Maple, Walsh one that you were having questions on.

Mr. Snyder: Right.

Mrs. Herr: Sorry.

Mr. Foltz: No, that's...

Mrs. Hines: To do it, we have to do it on an emergency?

Mr. Snyder: Yes, 'cause of the time line...

Mrs. Hines: There's nothing else, alright.

Mr. Snyder: there's no time

Mrs. Magel: 108 and 109 are the same.

Mrs. Hines: Alright, then I want it to pass.

Mr. McFarren: This is just the grant...

Mr. Lane: Can we do that?

Mr. Foltz: This is just the grant application.

Mr. Snyder: Yeah, the first reading passed...

Mr. Foltz: The additional information has been provided by Administration.

Mrs. Hines: Alright.

Mr. Lane: I mean, can she change her vote?

Mr. Snyder: No, she can stay the way she voted 'cause it passed, now the next call is the suspension...

Mr. Foltz: The next call we need six votes.

Mr. Snyder: of rules.

Mr. Lane: Right.

Mr. Foltz: We want it to suspend the rules.

Mrs. Hines: Okay.

Mr. Foltz: Okay. May I have a motion to suspend the rules of Ordinance No. 108-06?

Mr. Lane moved and Mr. Snyder seconded to **suspend the rules** of Ordinance No. 108-06. .
All members present voting.

Mrs. Kalpac: Snyder

Mr. Snyder: yes

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Mrs. Kalpac: DeOrio
Mr. DeOrio: no

Mrs. Kalpac: Foltz
Mr. Foltz: yes

Mrs. Kalpac: Hines
Mrs. Hines: no

Mr. Foltz: You just ...

Mrs. Kalpac: You just defeated it.

Mr. Foltz: defeated the ...

Mr. Repace: On an emergency. that's what she's saying.

Mrs. Hines: You told me to say...

Mr. Repace: She don't want it to go...

Mrs. Hines: no the next time.

Mr. Repace: on an emergency. She wants to go to another reading, is what she's trying to tell you.

Mr. Lane: I think now it's dead.

Mrs. Kalpac: It's dead.

Mr. Snyder: She can draw her vote back...

Mrs. Hines: Can I withdraw...

Mr. Snyder: She can withdraw her vote and revote.

Mr. McFarren: The – the – the prevailing – the prevailing side here which would be the 'no' vote could come back and ask for a reconsideration.

Mr. DeOrio: After – after it's finished she needs to move to reconsider. Is that what you're saying?

Mr. Snyder: Yeah, she can stand to have the vote recalled.

Mr. McFarren: Because she's the prevailing side.

Mr. Snyder: I thought, I mean, I apologize, I don't mean stand, you can allow it.

Mrs. Magel: But that'll put the emergency on.

Mr. Foltz: It's on emergency now.

Mrs. Hines: Yeah but, we can always withdraw...

Mr. Foltz: Let me – let me ask your intentions....

Mrs. Hines: if we want.

Mr. Foltz: Member Hines...

Mrs. Hines: Yes.

Mr. Foltz: Are you intending to vote for this on emergency tonight? If you're not, then we'll just go first reading.

Mrs. Hines: If there's nothing else we can do, if we have to do it on emergency, but we can later on, if it comes...

Unidentified: This is...inaudible...just do whatever they want.

Mrs. Hines: 'cause we don't know if we're going to get this.

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Mr. Foltz: Yes.

Mr. Snyder: Right.

Mr. DeOrio: Right.

Mr. Foltz: This is just a grant application for the streets ...

Mrs. Hines: Okay then ...

Mr. Foltz: that were...

Mrs. Hines: it can go forward. Alright.

Mr. Foltz: talked about earlier in committee.

Mrs. Hines: Alright. Then tell me when I need to move my motion.

Mrs. Magel: Okay...

Mr. Snyder: But she can... before the - the next vote, she can withdraw that vote and recast...

Mr. Foltz: No one else has voted.

Mrs. Magel: Right.

Mr. Snyder: an affirmative vote. Because there's not been another call of a vote. The rules permit her to re-redraw her "no" vote and cast an affirmative vote.

Mr. Foltz: I'll defer to our Law Director.

Mr. McFarren: Well, I – I think Jon may be correct and also since the action failed, your vote is the prevailing side. You have the right to ask for reconsideration and then to revote it, but to revote was simply to take another vote. Okay.

Mr. Lane: We'd start over again?

Mr. Repace: You can't just correct the vote?

Mrs. Kalpac: But wait, I haven't even finished the roll yet .

Unidentified: My god.

Mr. Repace: She can't just correct her vote?

Mrs. Magel: No.

Mr. Foltz: We don't have white-out. Alright, Member Hines...

Mr. Repace: Doug ... inaudible...

Mr. Foltz: needs to reconsider....

Mrs. Kalpac: No, wait...

Mr. Foltz: reconsider..

Mr. McFarren: Gail – Gail needs you first.

Mrs. Kalpac: I need to finish the roll. There's...yeah...

Mr. Foltz: Need to finish the roll and then ask for reconsider....

Mr. Snyder: No wait, if you finish ...

Mr. McFarren: No, just a second, the roll wasn't...

Mr. Snyder: the roll, you can't ...you can't reconsider the ... motion.

Mr. McFarren: Well, the roll...

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Mr. Snyder: The only way the motion is - the person who cast ...

Mr. Repace: this is kind of ..inaudible...

Mr. Snyder: the vote under Robert's Rules can withdraw her vote...

Mr. McFarren: Right, did we...

Mr. Snyder: before another vote is cast.

Mr. McFarren: stop - did we stop with Susie.

Mr. Snyder: Right

Mr. Foltz: Yes...

Mrs. Hines: Yea.

Mr. Foltz: There's been no other vote.

Mr. McFarren: Okay then -- then you - she can change her vote.

Mr. Snyder: She can withdraw her vote.

Mr. McFarren: if we stopped there.

Mrs. Hines: I withdraw my vote.

Mr. Snyder: And cast an affirmative.

Mrs. Hines: And cast an affirmative.

Mr. Snyder: Now you're alright. But if you move...

Mr. Foltz: Let -- let the record ...

Mr. Snyder: to the second vote that'll...

Mr. Foltz: indicate...

Mr. Snyder: defeat the motion.

Mr. Foltz: that Member Hines withdrew her "no" vote and recast it as a "yes" vote.

Mr. Lane: Can we have a gap in this tape somewhere, just to...

Mrs. Hines: Sorry.

Unidentified (speaking from the audience): Eight -- eighteen - eighteen and a half minutes...

Mr. Lane: Eighteen and a half minutes..

Mr. Foltz: Okay, so we're on the record with that. Who was next on...so you'll have to change her...

Mrs. Kalpac: Lane?

Mr. Lane: Yes

Mrs. Kalpac: Magel?

Mrs. Magel: Yes

Mrs. Kalpac: Repace?

Mr. Foltz: Who was. .who was last?

Mr. Repace: I want to say yes, but if I say no, it'll really mess things up. Yeah, my vote was yes.

Mr. Foltz: Now may I have a motion to adopt, under the suspension of the rules for Ordinance No. 108-06?

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Mr. Lane moved and Mr. Snyder seconded **to adopt, under the suspension of the rules** for Ordinance No.108-06. All members present voting.

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

No: DeOrio.

Mr. Lane: Wow.

Mr. Snyder: This is unchartered water for us.

Mr. Foltz: Next. For a comment, this is the accompany ordinance.

Mr. Lane: This is the one that actually puts the dollar figures in...

Mr. Foltz: that goes with 108 here for....

Mr. Lane: and actually gives the streets...

Mr. Foltz: the...to apply for that ...

Mr. Lane: that we're going to apply for.

Mr. Foltz: grant application for those city streets that were indicated.

Mr. Foltz: So do I have a motion to include the Ordinance No. 109-06 to our Council agenda, and to waive the rules of council requiring a committee report?

Mr. Lane: Where's my gavel?

Mrs. Magel:: Let's all say no now.

Mr. Repace: inaudible

Mr. Lane: That's the same thing it did to me a couple of weeks ago.

Mr. Foltz: Member Lane, it's not operator error is it?

Mr. Lane: That's right. I'm out of this one.

Mr. Foltz: It's an equipment malfunction.

Mr. Lane: Now you can't blame me. Gail, why don't you just take down notes from here on out?

Mr. Snyder: It's working?

Mrs. Kalpac: Four tapes later.

Mr. Foltz: I'm sorry, we ready to go?

Mrs. Magel: Here.

Unidentified: Somewhere its

Mr. Foltz: I don't remember exactly where we were...inaudible...

Mr. Repace: ...really don't need anything

Mrs. Magel: Yeah, they do...

Mr.Lane: Looks like my kids room.

Mrs. Magel: See, West Maple, West Maple goes... inaudible,...right? It will, it will

Mr. Lane: Where - where are we at? Did we vote?

Mr. Snyder: Ready for the next vote

Mr. Foltz: I think

Mayor Held: What was the number on that?

Mrs. Kalpac: You needed a motion and ...

Unidentified : I think I...

Mrs. Kalpac: a motion and a second...

Mr. Benekos: 108-6

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Mrs. Kalpac: to include this and to waive the rules of council.

Mr. Foltz: I think we had motions inaudible

Mr. Repace: Okay

Mrs. Magel: inaudible

Mr. Foltz: Okay, you want me to read that again?

Mrs. Kalpac: You – you need a motion and a second...

Mr. Foltz: Okay

Mrs. Kalpac: to include

Mr. Repace: Inaudible...

19. Mr. Foltz: Do I have a motion to include Ordinance No. 109-06 to our council agenda, to waive the rules of council requiring a committee report?

Mr. Lane moved and Mr. Snyder **seconded to include Ordinance No. 109-06 to the council agenda and to waive the rules of council requiring a committee report.** All members present voting:

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

No: 0

Mr. Foltz: Next, we have a motion to read by title only, the first reading of Ordinance No. 109-06.

Mr. Lane moved and Mrs. DeOrio seconded to **read by title only, the first reading of Ordinance No. 109-06.** All members present voting.

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

No: DeOrio.

Ordinance No. 109-06– First reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton and the County of Stark, by its Board of County Commissioners, for the Joint City/County Paving Project-2007 for road resurfacing and repair of various roads located within the City of North Canton, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: Yeah, this has been much discussed this evening. This is the actual funding and the actual contract that we would enter into if we are approved for this; subject to recall at a later date if anybody's uncomfortable with it when we finally, hopefully do get approved. So I would move that we - we adopt.

Mr. Foltz: Is there a second?

Mr. Lane moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 109-06. All members present voting.

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

No: DeOrio.

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 109-06?

Mr. Lane moved and Mr. Snyder seconded to **suspend the rules** for Ordinance No. 109-06. All members present voting.

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

No: DeOrio.

Mr. Foltz: Next we have a motion to adopt, under suspension of the rules, for Ordinance No. 109-06?

Mr. Lane moved and Mrs. Magel seconded to **adopt under the suspension to the rules**, for Ordinance No. 109-06. All members present voting.

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

No: DeOrio.

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20. Mr. Foltz: Okay for this last ordinance, I want to make sure we are on the record that this is – be without the emergency clause.

Mr. Lane: Correct, you have we would stop at the word to enter into an agreement for said grant.

Mr. Foltz: Just for said grant.

Mr. Lane: So do we have to adopt this as amended?

Mr. Foltz: I still have to - I still have to have a motion.

Mr. McFarren: You can leave the - leave the language alone, just give it a first reading and – and stop there.

Mr. Foltz: Okay, well why don't we just do that then and we're open to next...

Mr. McFarren: You need to get it on the agenda.

20. Mr. Foltz: next, second council meeting we're going to have here in September. So do I have a motion to include Ordinance No. 110-06 to our council agenda and to waive the rules of council requiring a committee report?

Mr. Lane moved and Mr. DeOrio seconded to **include in the council meeting Ordinance No. 110-06 on the agenda and to waive the rules of council requiring a committee report..** All members present voting.

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

No: Magel.

Mr. Foltz: Next may I have a motion to read by title only, the first reading of Ordinance No. 110-06.

Mr. Lane moved and Mr. Snyder seconded to **read by title only, the first reading of Ordinance No. 110-06.** All members present voting.

Yes: Foltz, Hines, Lane, Snyder.

No: DeOrio, Magel, Repace.

Ordinance No. 110-06-- First reading – Street & Alley

Ordinance No. 110-06 authorizing the Mayor of the City of North Canton to prepare and submit applications to the Ohio Public Works Commission for a grant for the East Maple Safety Improvements at Walsh University, and authorizing the Mayor, through the Board of Control, to enter into an agreement for said grant, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: Very similar to the 108, 109 where we're applying for a grant. We don't know yet if we're going to get it. We're asking for 49% grant, 51% would come locally, we're hoping to secure some - some alternative funding on that and that's about the best way I can put it, I guess. That right now the University has offered to spend 50% of that 216...or our local share would end up being 100 and some odd thousand; and we're going to talk to them between now and the second reading and see if we can hammer down some other details on it. So I would move we approve.

Mr. Foltz: Do we have a second?

Mr. Lane moved and Mr. Snyder seconded to **adopt the first reading of Ordinance No.110-06.** All members present voting.

Yes: Foltz, Hines, Lane, Snyder.

No: Magel, Repace, DeOrio.

REPORTS:

Mr. Foltz: Okay with that...we'll go right to reports. Director of Law

Mr. McFarren: The City's one residential dumpster in the front yard is scheduled to be removed Wednesday, or else. The nuisance enforcement stuff has worked its way to the top of my "to do" pile, and Mr. Hemminger has reacted by going on vacation.

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Mrs. Magel: To see his new granddaughter.

Mr. Snyder: I know, he's been on vacation a long time...

Mr. Foltz: I appreciate your work on that ...

Mr. Snyder: twenty years.

Mr. Foltz: Law Director, it helped on our...constituent's concerns, and as we know, Member Snyder and myself and I think most of council supported the exterior housing code. Codes, I should say, and this is just one way that we can clean up our areas in our neighborhoods.

Mrs. Magel: Is – is this the one that was in your ...

Mr. Foltz: Yeah this is the existing dumpster that was there for a number of years on a front sidewalk, so, hopefully there's a remedy to this situation, it will no longer be there by, hopefully within the week. So I appreciate your work on that. Julie, our Finance Director.

Mrs. Herr: No report.

Mr. Foltz: Administrator?

Mr. Wise: No report.

Mr. Foltz: I had a question I know we, we locked in a price for our gas - I mean a price for our customers. Will there be anything going out to our residents to better explain what their options are concerning this?

Mr. Wise: Yes, for those members currently on the program, there'll be opt out letters sent sometime this next month, in September, by Direct Energy if they're on the program they stay on it, if they want off they can opt out. There'll also be a process where new individuals or individuals who are not on the program can get on it I'm not sure whether or not there'll be a second letter sent with regard to that as we get closer toward – towards October or in October...but they can always call Direct Energy direct and be added on to that program.

Mr. Foltz: Okay, so for the - the price takes effect October, new price.

Mr. Wise: It's – it's the gas that is supplied in October, it will be reflected in the bills that show up on November. Or show up in November.

Mr. Foltz: Are we – you'll be sending out that letter in September, so they'll have plenty of time to address it, if they'd like to. Okay.

Mr. Wise: Yes.

Mr. Foltz: Alright, thank you. Mayor?

Mayor Held: Yes, school has begun and we've asked the police department to step up enforcement around the school zones. So we want to make sure that people aren't speeding through the school zones. Also enforcement of the parking, we have "no parking" zones in the school area and just to remind the residents that we'll be stepping up enforcement in that area as well. And then we have a Cleveland Pops Concert which has been a great success in the city for a number of years. They're going to be coming in on September 9th and we have the stage set right here at City Hall. We usually have over 5,000 people that attend that and thanks to Council for appropriating the money so that we could continue that this year. And we still are looking for sponsors. Any businesses or individuals that are interested in sponsoring we do have sponsors right now, but certainly there's - we don't have the – the entire program played – paid for. And - but again, it's a great program and I believe historically too we have had special seating for Council members that have a desire to – to attend that. 'Cause it's usually a bring your own chair for - for the event. And that's all. Thank you.

Mr. Foltz: Okay, thank you Mayor. City Engineer, Jim Benekos.

Mr. Benekos: We opened up bids for Browning Avenue. Board of Control awarded that this evening. And we should be starting that here within the next couple weeks.

Mr. Foltz: How did we come in versus the engineering estimates?

Mr. Benekos: Well, the budget was 200,000, the engineer's estimate was two thousand seven and the bids came in at 190,000. So....

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Mr. Foltz: Alright, that's good news.

Mr. DeOrio: One ninety or one ninety eight?

Mr. Benekos: One ninety. Think it was 189 and some change.

Mrs. Herr: Yeah.

Mr. Foltz: And who was the contractor?

Mr. Benekos: Tucson. Or Tuck-sen as some like to call it.

Mr. Snyder: That's the guy that has the pick-up with the baling wire hanging the fenders on. Is that the guy?

Mr. Foltz: Whose ward is that in again?

Mr. DeOrio: Not with what we're paying him.

Mr. Lane: Yea, and magnetic signs...

Mr. Foltz: Is there a change order for grass seed.

Unidentified: Inaudible...Tuscon.

Mr. Benekos: No.

What did he do? What project did they do?

Mr. Foltz: There'll be a contingency built in, hopefully we get some decent grass seed on this one.

Mr. Benekos: They – they did the Cleveland Avenue project.

Mr. Wise: Tuc - Tuscon has done a project for us this year already. The Cleveland Avenue waterline...

Mr. Foltz: Okay.

Mr. Wise: And that project went very well.

Mr. Foltz: You're happy with their performance.

Mr. Wise: thus far.

Mr. Foltz: Very good. Okay...Inaudible... Gail, our Clerk.

Mrs. Kalpac: No report.

Mr. Foltz: No comments, okay. Member Lane.

Mr. Lane: I've talked enough, I'm done.

Mr. Snyder: I have two questions, Mr. President. One, if you...because of the parks, one of the Administration, I was told that our connector trail at the Washington Square to the Sanctuary is connected through Devon, off Marquardt. The problem being that the residents on Devon petitioned the commissioners twenty six or seven years ago to have that street vacated to whit they did vacate that street. So that would not allow us public access to use that as the connector. However, the commissioners at that time, in their infinite wisdom, or whoever was taking records, did not detail the actual vacation...

Mr. Foltz: Vacation.

Mr. Snyder: of the property. And now they are to have a hearing on the 9th of September, to vacate that property. I think it would be incumbent on us to be there or at least be represent... that is in Plain Township that's not in the city, and without that, we're building an \$80,000 bridge and we have no connector...

Unidentified: A bridge to nowhere.

Mr. Snyder: to nowhere. So I think we best do something very quickly to ... shore us up there.

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Mr. Lane : What day did you say the meeting was?...

Mr. Foltz: Can we get more specifics on that meeting?

Mr. Snyder: I believe it's the 9th.

Mr. Lane: Well that would be Saturday night.

Mr. Foltz: Can you check it?

Mr. Lane: Well maybe it's the 10th or 11th.

Mr. Foltz: We'll have our – we'll have our clerk look into the specifics of that meeting just put it in everybody's council packet.

Mrs. Kalpac: The 9th is a Saturday.

Mr. Snyder: Pardon me?

Mrs. Kalpac: The 9th is a Saturday.

Mr. Snyder: Maybe it's the 11th, I'm – I'm not sure, I – I forget the day I was told last week.

Mr. Foltz: Jon's got three days covered...

Mr. Snyder: I'm a ...

Mr. Foltz: so I'm sure it's one of the three, it's usually...inaudible...

Mr. Snyder: I – I'm not a park side, as you look at me, I don't walk on that connector trail too often, so consequently... it ...

Mr. Lane: We're going to widen it out a little bit for you.

Mr. Foltz: Jon - Jon

Mr. Snyder: I can't tell you if it's the 9th or 20th.

Mr. Foltz: Member – Member Snyder, I expect you there...inaudible...

Mr. Snyder: I'll be there.

Mr. Foltz: Ribbon tying ceremony walk over...

Mr. Snyder: As soon as I stop at the McDonald's on my way down there, I'll get there.

Mr. Foltz: Anything else?

Mr. Snyder: I do have one, excuse me. It's in Plain, Devon's in Plain.

Mrs. Kalpac: Okay, but the meeting ...

Mr. Snyder: The commissioners will be – at the commissioners office.

Mrs. Kalpac: Oh, okay, okay.

Mr. Snyder: Public hearing to vacate...

Mr. Lane: On Tuesdays and Thursdays.

Mr. Snyder: yeah, usually Tuesdays and Thursdays. So they'll be probably 11 to 12. They'll have it – it's a public record. But I have... Director Wise...I know you got a copy, oh he's listening there to the Law Director. Must be discussing a case they have in common. No, excuse me.

Mr. Wise: So far...inaudible...

Mr. Snyder: I – I – I think you got that letter I got as the representative for the fourth Ward on that property we own on Harmon in that blue house. What – I think we appropriated money to – to raze that property, did we not?

Unidentified: On Harmon?

Mr. Wise: Yeah, we have a price to tear that down... Kim Cooksey spoke with me several weeks ago. St. Paul's has a house that they want to raze as well in a very close proximity... to that house ...

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Mr. Snyder: are you going to do them together?

Mr. Wise: and we were going to try to see what St. Paul's plans are to see if we can get whoever's going to do it, to do them both and hopefully get a better price, if they came out once to two houses, so.

Mr. Snyder: 'Cause then you'll...

Mr. Wise: But I don't have any concrete information from St. Paul's yet as to when, or if they really intend to do that.

Mr. Snyder: Yeah, that was my other two things, but I appreciate it.

Mr. Foltz: Alright, thank you.

Mr. Snyder: Thank you.

Mr. Foltz: Member DeOrio.

Mr. DeOrio: Mrs. ... Shemenski is it?

Mrs. Shemenski: Shemenski

Mr. DeOrio: Shemenski. I share your passion for dislike for groundhogs. I've - seems everywhere I move, there's a groundhog and... they - they reap great...destruction. I have a garden as well ... tomatoes just getting, the big ones just getting ripe, it got sixteen in one night. Didn't eat all of it, just takes a bite out of one or two and leaves the rest and kinda moves on. Doesn't like cherry tomatoes, they're too small not worth the effort and...you know, so, I - you know - I support - I don't know if...what - what our policy is on that, but I know we've appropriated...monies, \$6,413 to do it and...I would - I would sure encourage the ...the reevaluation of our policy in getting rid of some these beasts.

Mrs. Shemenski (from audience): That would be nice. Are you guys, apparently you've appropriated money to the Cleveland Pops, I never been to a Cleveland Pops concert down here but I do have groundhogs come...

Mr. Lane: Up until I got your - up until I read your letter, I didn't know we weren't paying for them anymore, but I haven't had any instances this year with people calling me.

Mrs. Shemenski: Well, the, see, see, I was told...

Mr. Lane: I've always referred them to the city and it's been taking care of.

Mrs. Shemenski: Well, that's it I was told you know, two weeks ago they're - you're no longer paying for it but then it's still on your website and the person I talked to kept saying well you know this is the guy who used to do it, call him. And I called him because he has made many trips to our house in the past, you know, we're on first name basis, he said "I'm not doing that anymore" and they keep telling people to call me. But you know, forget that we got bunnies and squirrels too but let's get rid of the raccoons, the opossums, since the trappers been there, he caught two skunks and one opossum, we're still trying for that groundhog.

Mr. Repace: Well if, if the money was appropriated by Council, what happened? Who stopped the practices?

Mrs. Shemenski: I don't know. All I was told is somebody complained because the money was going to be you know,

Mr. Repace: Well can anybody here answer that question?

Mrs. Shemenski: paid for private - private property. But it's - it's - it's in your website and it was in the contracted...inaudible...private property. And it doesn't make any difference where the animals are living its where they're coming to eat.

Mr. Repace: Okay, well who stopped the past practice if the money was appropriated?

Mrs. Shemenski: I don't know.

Mr. Repace: Can - can anybody answer that question?

Mrs. Shemenski: That's what I'd like to know.

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Monday, August 28

7:00 p.m.

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Mr. Wise: Yes, I can.

Mr. Repace: Okay, who?

Mr. Wise: I did.

Mr Repace: You did?

Mr. Wise: Yes sir.

Mrs. Shemenski: Oh.

Mr. Repace: Just, just like that?

Mr. Wise: Well...

Mrs. Shemenski: the fellow that won't return my phone calls?

Mr. Repace: That's good, that's cool.

Mr. DeOrio: I...inaudible...comments.

Mr. Wise: I have a concern about spending taxpayer dollars on private nuisances. Now, do you, if you have a – a wild animal on your property that is living on your property, why should we spend city funds to alleviate that nuisance on one particular resident's property? You know, you can, I don't know that we legally able to do that. Is that a misappropriation of public funds?

Mrs. Shemenski: I don't want them living there. I didn't invite them to live there.

Mr. Foltz: We understand your concerns ma'am. We really, we had public speaks at the beginning of the meeting, you're more than welcome to talk to us after the meeting. I have to keep this consistent with other meetings. So I thank you for your comments earlier, but we'll let Administration's answers address it with this specific Council question, so...thank you. Anything else? Mayor?

Mayor Held: I can – I can comment on this. It really, what's happened, the original intent of the - the appropriation of the funding for the animals were...as I understand it, was for animals that were on...public property, on the city's property. And then...somehow along with period of time, the program evolved to where the city began hiring contractors to trap on – on ... private property. We have had a number of residents that have called and expressed their concerns that the City is...spending.... taxpayer dollars to...trap the animals. And then the next question is, is...which animal is a nuisance? You know, is it an animal that is a rabid animal, and that we have to go out there and address it, ... which we've done that from time to time at the police department. Or is it just any animal that is on the property that can be trapped, or is it an animal that is...burrowed underneath the...the home or the...let's say the shed. And so, really, I think, probably the best thing that we can do is probably have Council address that...in the form of an Ordinance...so that we can clarify really what the City's position's going to be on that.

Mr. Snyder: You know, I think what happened Mayor, no disrespect, it took so long to get a green space ordinance that we ran out of land that was open public space and it all became private land. Maybe that's what happened.

Unidentified: You got that right

Mr. Foltz: It – it still doesn't work.. inaudible

Mrs. Magel: That was a good line.

Mr. Snyder: That's why we...

Mr. Foltz: Oh – Okay. Any other comments, Member DeOrio?

Mr. DeOrio: No I pass to Member Hines.

Mr. Foltz: Okay. Member Hines?

Mrs. Hines: My question is more that, I think we need to understand just who is taking care of the trails? Because at the Main Street Festival, I was approached about...they're having problems at Washington Square on their path and just who is supposed to take care of it. They need surface repaving, costs about \$2000 and Stark Parks said that they would not do it, that they aren't responsible. There's some...over the years there have been different

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agreements and we need to look into that because then now we come into the Devon Drive issue, you know, we've already passed this bridge. We've got to know who is responsible for what, who will take care of what, which connects to the other, because if you look at the Sanctuary, they have a long side, the edge of the Sanctuary, they have the – the Stark Parks going by. But it also connects into on one of the streets. And it – and you go sort of around the corner a little and there's a new street and guess what comes in? Comes in the Sanctuary walking path which I'm sure that they'll assume is just for their people. Now, if Stark Parks comes in on one street and around the corner is only theirs, and - and you're coming into these streets, how do you say what people can use them and what people can't use? And also the timing because I know they've had people on some of these walkways at all sorts of – of times of day and you know, at night, if people are going across the end of your backyard, you don't expect to see people out there after dark. And you know, I understand when that, but we need to figure out...

Mr. Foltz: More of the specifics about who's in charge of what.

Mrs. Hines: and what the rules are of, so we know this ahead of time before we go ahead and...

Mr. Foltz: Why don't we have the Administration review that. Kim Cooksey I'm sure has been...

Mr. Wise: I – I spoke with...Mr. White today...in my office, he's, I don't know if he's in charge of the Association but he's ...

Mrs. Hines: He's the treasurer.

Mr. Wise: or he got elected or – or by default as the spokesman for that Association...and he came in with the covenants, which we looked at. The three asphalt paths that he's talking about, he understands and – and told me that today that in those covenants for Washington Square clearly defines that those easements are to be maintained by the Association, not by Stark Parks nor by the City of North Canton...he is – he came in ... he had a complaint about litter and - and Brian Hill went out and put two additional trash barrels at the end – at both ends of one of those asphalt paths, I don't recall which the one that comes out by Wendy's I believe. That will hopefully alleviate some of the trash there. He had some concern about the – the people not staying on the path, riding bikes in the yards, they're biggest concern, even though he indicated that it clearly spells out that they were responsible for maintaining those, he was asking for some assistance ... from either Stark Parks or the City of North Canton. And I told him that I would - would look into those things and speak with the Law Director. But it's very clear and he understands that it's very clear in the covenants that the Association's responsible for maintaining those asphalt, well, maintaining those easements. I don't think it says anything about they be maintained in asphalt, but...

Mr. Repace: You're talking about the track itself.

Mrs. Hines: But we still have the other track that's right nearby

Mr. Foltz: The trail itself that runs...

Mr. Repace: the limestone track

Mrs. Hines: Yes, and the people use, use both.

Mr. Foltz: My...

Mrs. Hines: We need to clarify somehow.

Mr. Foltz: My understanding...

Mrs. Hines: Either by signs or you know, Washington Square only

Mr. Foltz: Member Hines, is that we are responsible,

Mr. Repace: For Washington Square only

Mr. Foltz: we are responsible for a portion of the City property and ... we contributed to that effect and then we would maintain that area. I think it's – this is unique in the sense that Lemmon and DeHoff, McKinley Development are proponents of the trail for the county and I think they're going to assume some responsibility for that trail on their properties, so...but, you know, we'll get more of the specifics as their Administrator said and...hopefully we'll move from there. I know when we - I discussed this at the planning commission the point was made

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that the trails in the Sanctuary were going to be given to Stark Parks. Well then they're not the City property at all. I don't even know where that's at, so...that didn't answer your entire question, but it just shows you how this is being...

Mrs. Hines: I'm – I'm just saying that they advertise the Sanctuary's...

Mr. Foltz: it's being piecemealed throughout the county with different – different groups and organizations who contribute to the overall trail design, who is specifically is in charge of that, it really falls on those allotments.

Mr. Repace: That – that's – I think what she's trying to say is, is not the asphalt that –

Mr. Foltz: Right.

Mr. Repace: that needs work, it's the limestone trail itself. The asphalt actually, that just goes between the houses.

Mr. Foltz: Right.

Mr. Repace: My understanding, the people wanted that between the houses, because the – the limestone makes too much noise...

Mrs. Hines: That's right.

Mr. Repace: when people are walking on it. And what – what Susie's trying...if I'm wrong, correct me if I am wrong Susie...

Mrs. Hines: No, part of it, yes.

Mr. Repace: But the trail itself, the limestone is getting wore down to the point where there's a lot of dirt, and I think, what some of, 'cause I walk that all the time, as much as I possibly can, I'm a very easy guy to find in case anybody is ever looking for me. But, the – the limestone is really very, very thin, and I've – I've had heard people walking the trail say "wish - wish they would put another coat of limestone on there". It's that crushed limestone.

Mr. Foltz: Right.

Mr. Repace: As far the hours, Susie, I believe the hours are posted...

Mr. Foltz: Posted.

Mr. Repace: right, right at both entrances, so to speak.

Mrs. Hines: But how do you keep people off it, how do you...

Mr. Repace: Well, well you have a gun turret and when they walk in, you shoot. You know, you're right, people do walk at night, now why they would want to walk through that woods at night, I – is beyond me. I don't...

Mr. Foltz: It's probably officially closed, but there would still be an enforcement problem, you're right.

Mr. Wise: Mr. White indicated that – that at least for him, that wasn't a concern, he didn't see a lot of people on the trail at night, I asked him specifically about the hours, whether that was a problem, and at least today he indicated that that was not a concern, at least to him.

Mrs. Hines: But someone else....

Mr. Wise: Okay.

Mrs. Hines: said that to me...

Mr. Wise: Alright.

Mrs. Hines: but that was an issue once. And the dog walking and...

Mr. Wise: And the limestone...

Mrs. Hines: ...inaudible... not being kept up ...inaudible...

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Mr. Wise: The limestone maintenance is - is clearly either us or Stark Parks. I think it's us, but I'll check on that. But his concerns that he brought was the maintenance of the asphalt. He's saying they need redone.

Mrs. Hines: Correct.

Mr. Wise: Is what his complaint was.

Mr. Foltz: The asphalt.

Mr. Wise: On the asphalt path. Those two - those three short easements between homes. He - he wants that redone; or the residents out there.

Mr. Repace: I - I don't know what's wrong with them. I mean I see those - unless he just wants them coated or something.

Mr. Wise: Well...

Mr. Repace: But the asphalt is not chipping away or anything.

Mr. Wise: Correct, he wants them sealed.

Mr. Repace: Okay, alright...

Mr. Wise: I'm sorry...

Mr. Repace: Well I can understand that.

Mr. Wise: He doesn't want it replaced.

Mr. Repace: We could go down to Sears and buy a bucket of asphalt and ... let Council do it. Anyhow that's, that's it.

Mrs. Hines: Okay.

Mr. DeOrio: But Jon was volunteering for some exercise earlier.

Mr. Snyder: That's exactly. I could...

Mr. Lane: Well if he starts at ...inaudible... he could go to Wendy's pretty quick.

Mr. Foltz: Anything else Member Hines?

Mrs. Hines: No, that's it.

Mr. Snyder: That ...inaudible... be doing the work for me.

Mr. Foltz: That's it. Member Repace, you have anything?

Mr. Repace: Just some questions. On my answering machine I had a phone call tonight. A very disgruntled woman about a sinkhole on Lupe. Now, my wife called me at work because this lady was so upset. She called me at work and played this on the phone and I didn't catch it all then somebody beeped in and it cut her off. But when I get home - I haven't been home long enough to listen to it. But I - she said a - a child actually was playing in the sinkhole, which I - I view right there as very dangerous. And - and again, I didn't actually catch the whole conversation. I heard her say that she's afraid. This has been awhile, she's afraid this is going to go on. That the Department of Natural Resources, the City told her that - who is responsible. Which I think that is who is responsible. But...the time frame involved in fixing this, I think is what her concern is. And again, I'll listen to it in detail when I get home. But, do you know anything about this?

Mr. Wise: I, I...

Mr. Repace: Cause I really don't know anything about it.

Mr. Wise: Sure. Yeah, there - there's a sinkhole on Lupe. It's in the asphalt and it's - I haven't been out there in the last couple weeks - it's probably three feet wide in diameter out in the asphalt and butts up against the gutter of the curb and gutter. We have it - barrels around it with tape around it. Been waiting on ODNR to come in and fill it with cement. That's been quite some time now and we haven't heard anything back from them recently. But there

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was a -- I heard several things today. That a child fell in it, that maybe kids were playing in it. Tomorrow morning the Street Department is going to put a steel plate over it ...

Mr. Foltz: That would be good.

Mr. Wise: and you know...

Mr. Repace: That is what I was going to suggest...

Mr. Wise: close it up until ODNR comes in town.

Mr. Repace: Is there -- is there any pressure that can be applied by the City to have -- have this expedited, so we can get this project taken care of...

Mr. Wise: we've called them...

Mr. Repace: before someone does get hurt?

Mr. Wise: Yeah, we've called them, I don't know how many times, but, to try and get them out here...and we've had the residents call, hoping that might increase some pressure.

Mr. Repace: Isn't there a contact person that we could I mean, really apply some pressure to?

Mayor Held: What we're trying to do, is we'd like...expedite the process, we'd like to get it done yesterday, if we could. What we are going to do is that there was, we did check with the police department, there was no...reports at the police department that there was any...hazardous...situation, as the Administrator said as far as a child falling in the hole, that was not the case, but there was -- there was a report that -- that something along those lines had happened, but for the record, that -- that was not the case according to the police department. What we intend to do is...tomorrow, we hope to put a steel plate over the hole so that it's covered up and then that way we can be sure that we're not going to have any problems. And at the same time we will be calling down...to Columbus, to make sure that we get ODNR acting on this, because we cannot have these sinkholes open in the City, because it's not...it's certainly not safe, and...we've got to get these moving along. We've seen these before, we know that we have them in the City, they have been problematic, and we want to get them addressed right away. But thank you for bringing that up, Member DeOrio, or Member Repace, I'm sorry.

Mr. Repace: And I had another call, I don't know why I -- I seem to get all these -- I had another call today from a person who...Sanctuary, who's building a home in the Sanctuary area, and they're putting a track down there. Now who -- who's putting the track, who - who is doing that project, puts the track down, the limestone? Who does that?

Mr. Wise: The -- the walking path?

Mr. Repace: Yeah, who's doing that?

Mr. Wise: I would assume it's Stark Parks.

Mr. Foltz: Stark Parks or the developer.

Mr. Wise: Is putting it in.

Mr. Repace: Okay, is that what's being done out there or is it the blacktop? It's being done out there. Whatever he said, he -- the point he was trying to make is, they weren't doing nothing. Everybody's just sitting in their sitting in their trucks, about every half hour forty five minutes, a truck with some limestone would...yeah, I guess limestone, would show up, it would dump it, go away, everybody'd get back in their trucks and sit for another half hour forty five minutes. He - and his concern was, if the City's paying for this by the hour, we're getting ripped off. I said I have no clue, I'll ask.

Mr. Foltz: We're not involved with that end of the track...

Mayor Held: No, it's the developer...

Mr. Repace: That's good to hear. I'll tell...let him know, 'cause he was really concerned.

Mayor Held: Right.

Mr. Repace: I'll let him know.

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Mayor Held: Yes, that's – that's not the City.

Mr. Foltz: 'Cause Jim, you'd seen the agreement earlier this year, with our portion of it, the second phase up there behind ...inaudible... complex so that was not entered into it...

Mr. Repace: Okay.

Mr. Foltz: the Sanctuary. That's a separate...

Mr. Repace: I'll – I'll let him know, thank you.

Mr. Foltz: You're welcome. Member Magel.

Mrs. Magel: Yes, I was...caught the tail end...Mr. DeOrio, what you saying. Did you say it was \$6,413 was budgeted in the 2006 budget?

Mr. DeOrio: That's correct.

Mrs. Magel: For a line item called...

Mr. Snyder: Nuisance trapping.

Mr. DeOrio: Yeah...professional services, I think it is in the street department, it's...I can give you the exact...

Mrs. Magel: Well we can talk, but...

Mr. DeOrio: It's 2085435225.

Mrs. Magel: Oh, come on. 208 what?

Mr. DeOrio: 5435225.

Mrs. Magel: Okay...

Mr. Snyder: oh, she has a copy.

Mr. DeOrio: Pass that down.

Mrs. Magel: Oh okay.

Mr. Foltz: She has a copy now.

Mrs. Magel: I got it, I see it now.

Mr. Foltz: She has a packet.

Mrs. Magel: Okay, I also was led to believe that there was zero amount in there. Now...I think Jon and...Doug will remember, we have had – Foltz – we have had some situations where...don't laugh Jon – where...we did have...some...in the past practice we have had...nuisance...on private property. And if I recall it was definitely raccoons and definitely skunks. I do not recall...groundhogs? But if I am to believe anything that that Chevy Chase golf movie was...

Mr. Foltz: Only...tonight can we refer to *Caddy Shack*.

Mrs. Magel: Oh *Caddy Shack*. That's it. According to *Caddy Shack*.....

Mr. Foltz: Only tonight.

Mrs. Magel: it appears maybe they are nuisances also, so...I – I would like Council then later, I will get and you know and ask...for some support for this. Also...Jim, I – I'm - going to be needing to talk to you, Jim Benekos...on for my next, for my thing on September 5th, the one that has...5th Street, the sewer connection between Woodside and...Wise. Okay, I went back out there today and I, there is no 5th Street. So...

Mr. Benekos: There's no constructed...

Mrs. Magel: Right.

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Mr. Benekos: Yes, it's a – it's a dedicated street, it's just not constructed. There's several alleys and streets within the City that are on paper, that they're dedicated, but they never were constructed.

Mrs. Magel: But I – I mean, we're having, I spoke with Susie, we're having some problems. Woodside's all connected with sewer and Wise is connected with sewer,

Mr. Snyder: Well 5th runs east and west.

Mrs. Magel: but we're going to go through

Mr. Snyder: It runs opposite of Woodside. 5th Street runs east and west, Woodside runs north and south.

Mrs. Magel: Right. He - they're cutting through 5th Street, between Woodside and what would be imaginary 5th Street. Between Woodside and...Wise.

Mr. DeOrio: You see, we got this and this, it's down there...inaudible...

Mr. Benekos: Right, 5th, the sewer on Wise does not extend up that far.

Mr. DeOrio: just...inaudible...street there....

Mrs. Magel: Okay, so, well, I'll talk to you later, but for sure, we're not going to put a alley, a street, a ...

Mr. Benekos: I'm not.

Mrs. Magel: path.

Mr. Benekos: No, I'll they're asking is to extend the...sanitary sewer.

Mrs. Magel: At this point in time. But there's not going to be like two houses on this side and two houses on this side and a 5th Street made, or a 5th alley made.

Mr. Benekos: It's not my...

Mr. Foltz: Those aren't your intentions at this time?

Mr. Benekos: not mine.

Mr. Foltz: Okay.

Mrs. Magel: Yeah, but is it the developers?

Mr. Benekos: No, I don't believe so.

Mrs. Magel: Has he gone to planning yet?

Mr. Benekos: He didn't even want to put in the sewer.

Mr. Snyder: He has to by law.

Mr. Benekos: Yeah, he has to put in the sewer, he wants to build a duplex on - on that corner.

Mrs. Magel: I – I thought it was a duplex, I mean, what else can I conclude?

Mr. Benekos: But, I'm sure he doesn't want to go through the, any more expense than he has to, and there's no need to build a street, he'd just be losing...

Mrs. Magel: Okay, unless, you know, you could take the lots from here, put a street here, and put two lots, make four lots out of two.

Mr. Benekos: Yeah, right, yeah, he'd have to go to planning commission for that, and he...

Mrs. Magel: And you don't feel there's any intentions for that.

Mr. Benekos: No. No.

Mrs. Magel: Okay, that's all. Thank you.

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Mr. Foltz: That's it?

Mayor Held: Yeah, Mr. President?

Mr. Foltz: Yes.

Mayor Held: I'm sorry, I just have one point of clarification. Mrs. Magel had mentioned about the...the nuisance abatement, and just to clarify again for Council, it might be best if city council addresses this through...through council, because at this point, we're not...the Administration's not going to proceed...until we get further clarification on the trapping of the animals...because really this issue has grown...we – we did, not too long ago, have a resident complaining about deer on her property, and she wanted the City to...remove the deer. And...again, Mrs. Shemanski, I appreciate you coming up, and I spoke with you about this already and...again, I think what we'll need to clarify is what...would be defined as a nuisance animal...and also what animals that the City would...would be interested in removing. And...and whether or not we will be going on private property to do that, contracting with...a private trapper. That's all, thanks.

Mrs. Magel: Guess what I had in my house, yesterday? A bat. And I...went to the place and I said it's in my house. But it was removed.

Unidentified: That's another good one

Mr. Repace: A bat.

Mrs. Magel: A bat, oh my god, was I scared.

Mr. Foltz: Okay, I need a motion to...change the meeting date from next Monday to Tuesday, due to Labor Day, so our committee meeting date will be September 5th instead of September 4th. Do I have a motion?

Mr. Snyder: So moved.

Mr. DeOrio: Second.

Mr. Snyder: Same time?

Mr. Foltz: Same time, same, just Tuesday instead of Monday.

All members present voting:

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

No: 0

FINAL CALL FOR NEW BUSINESS:

Mr. Foltz: Okay, with that you have a final call for new business here from any council members, administration? If not, do we have a motion to adjourn?

ADJOURN:

Mr. Lane moved and Mr. Snyder seconded to adjourn the Council meeting. All members present voting.

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

No: 0

The meeting adjourned at 8:54 p.m.

VICE PRESIDENT OF COUNCIL

Kathleen A. Magel

ATTEST:

Gail M. Repace
CLERK OF COUNCIL