

RECORD OF PROCEEDINGS

0013

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 101-B

Held	Monday, August 27	7:00 p.m.	07
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CALL TO ORDER

1. The meeting was called to order at 7:00 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by Michele Schafer, Walsh University.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. Mr. Foltz: Okay, as we know, Gail's on a vacation trip out west so Elaine's here tonight to help us through the meeting and with that, would you please call roll.

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

5. Consideration

Council Meeting: July 9, 2007
Public Hearing: July 9, 2007 and August 20, 2007

Mr. Foltz: I ask Council to consider approving the Council meeting minutes of July 9, 2007; the Public Hearing of July 9, 2007 and the Public Hearing of August 20, 2007.

Mr. DeOrio moved and Mrs. Hines seconded to **approve the council meeting and public hearing minutes as presented.** All members present voting.

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

No: 0

6. Committee Minutes

Mr. Foltz: Committee Minutes. Before we address Committee minutes, I think we might want to address one of the minutes from the Chairman; I'll defer now to Chairman Snyder...

Mr. Snyder: Thank you Mr. President.

Mr. Foltz: If you're so ready?

Mr. Snyder: I am sir, thank you. I noticed in the...it was brought...excuse me, I - let me reclass, it was brought to my attention in the actual minutes, and we - I - I would defer to the Law Director on this, we wanted to change only 3(b). It's now made 3(d) conditional. And we only wanted to change 3(b) to make banks and accessory drive-through lanes conditional and it's now changed Section 5 allowing drive-through facilities in association with permitted uses which it was. It was blank originally and now it's got a "C". It - I would - I don't know if it was the intention to say that that would be conditional by - by application, but I would like, and the Committee's wishes would be if we could strike (d)(5) completely from the ordinance and leave drive-throughs not even accessible in Office Business, leaving them in Main Street and General Business as conditional, if that's possible. Is that - could I amend my minutes and - to read as such? Do you follow me? That may be a little convoluted, I know I...

Mr. McFarren: What I'm concerned about is is when we started working on this, there were three sections that are impacted by this change, and then you have the problem of you don't want to say that you're only going to permit a bank with a drive-through because what happens to a bank that doesn't want a drive-through? So there were those three sections. I don't know what to do with - what to do with your minutes on this thing. As far as the ordinance goes tonight, we can give it a first reading, we can talk about it again next week and - and see that we get - get this right.

Mr. Snyder: Well, I could - I could always, correct me, I could come back at any time and amend my minutes to reflect that, or put them through another Committee of the Whole.

Mr. McFarren: Or just let your minutes - just let your minutes ride until the next meeting and then...

Mr. Snyder: And then approve according to...would you be comfortable with that if I don't approve - we don't approve that - that section of the minutes?

Mrs. Hines: Right.

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Mr. Snyder: We'll give a first reading to that ordinance and then we'll change it.

Mrs. Magel: My vote will be no.

Mrs. Hines: Yeah, so will mine.

Mr. Foltz: On the first reading?

Mrs. Hines: Yeah.

Mrs. Magel: Yes. I'm not voting on something I don't know what I'm voting on.

Mr. Snyder: Well I can – I – why can't I amend my Ordinance to strike 3(d) then – 5(d)? And if it – at that point?

Mr. McFarren: Let me – let me go pull it and see what we've got.

Mr. Snyder: Okay.

Mr. Foltz: Do you want to...

Mr. McFarren: I suggest you....

Mr. Foltz: You want to review that while I...

Mr. McFarren: Yeah, we can let this slide...

Mr. Foltz: I – I – I – we'll table the Ordinance Rules & Claims minutes from August 20th?

Mr. Snyder: Yes, do.

Mr. Foltz: And go through the rest of them?

Mr. Snyder: Yeah.

Mrs. Magel: Oh, okay.

Mr. Foltz: I – I won't even read those.

Mr. Snyder: Yeah, that'll be fine.

Mr. Foltz: And then we'll come back and see what readjustments our Law Director advises to do.

Mr. Snyder: Right, I appreciate that.

Mr. Foltz: Okay?

Mr. Snyder: Thank you.

Community & Economic Development: Refer to the minutes on file in the Council Office of the Community & Economic Development meetings held August 20, 2007.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held August 20, 2007.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety meeting held August 20, 2007.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley meeting held August 20, 2007.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish meetings held August 20, 2007.

Mr. Foltz: Very good. So next we have approval of Committee Report Minutes. Request approval as presented the following committee report minutes of Community & Economic Development, August 20, 2007; Finance & Property, August 20, 2007; Personnel & Safety, August 20, 2007; Street & Alley, August 20, 2007; and Water, Sewer & Rubbish, August 20, 2007. Do I have a motion to approve as presented?

Mr. DeOrio motioned and Mr. Repace seconded to approve the committee minutes as presented. All members present voting.

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

No: 0

7. Recognition of Visitors

Mr. Foltz: Next, recognition of visitors. Anyone would like to address Council and the Administration this evening, please step up to the podium, state your name and address and feel free to speak in front of...inaudible...

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Ms. Kalb: You can start passing the papers around the – around the table.
Mr. Foltz: I see you have a helper passing things out?

Ms. Kalb: He's – he's going to pass some notes. Hi.
Mayor Held: Okay, good job there, buddy.

Ms. Kalb: My name is Keely Kalb and I live at 1066 Park Avenue NE in North Canton. I live in an older neighborhood. I believe the homes were originally constructed to house the Hoover Company employees. Most of them are...

Mr. Foltz: Thank you.

Ms. Kalb: small ranch style, bungalow homes.

Mrs. Magel: I have one, thank you, just give it to him.

Ms. Kalb: And I'm here tonight because I'm pretty concerned with our property values. Because of the square footage and the style of those homes, how they were built, a lot of them have been converted into rental units. And I'm seeing more and more often as I drive through that neighborhood...

Mrs. Herr: Pass this to Doug.

Ms. Kalb: that many of the houses that have now become rental properties are not very well maintained. And naturally with the closing of the Hoover Company and Blockbuster going out and Spitzer going out and the gas station that's empty at the top of the road, I think it - it's really important that the owners of the properties try to maybe do something to better maintain some of these – some of these buildings that don't get regular mowing or – or cleaning or pick-up, so I'm just here to – to kind of voice my concern. Thank you.

Mr. Foltz: I appreciate your comments. I know that – thank you for addressing Council and the Administration. I know that Member Snyder as well as the rest of Council, we've supported strengthening some of our exterior housing codes which will affect the rental units also. I know I got a couple calls over the weekend about homes that have been abandoned for anywhere from three to five years, that they just mow the grass and no one's really maintained the integrity of the house. So that is a challenge for us but, just to let you know that you do have Council's support on this. I know our Law Director Randy McFarren's worked very hard on these issues so...

Ms. Kalb: Can I add one more thing?

Mr. Foltz: Well, yeah, you haven't left so that's – that's fine, you can follow up with...

Ms. Kalb: Oh I didn't know I was supposed to –

Mr. Foltz: any questions.

Ms. Kalb: I didn't know I was supposed to sign off, I've never been in before. I just want to make it clear that on those photos, those houses are just general depictions of some of the buildings. I didn't want to get really specific...

Mr. Foltz: Sure.

Ms. Kalb: I don't want to name names. I'm not trying to – to – you know, harm anybody or make defamation. I just want it to be known to you guys...

Mr. Foltz: Okay.

Ms. Kalb: that I think it's a problem.

Mr. Foltz: Well if you do have specific addresses, feel free to call the Council Office, or I'm sure the Administration...

Ms. Kalb: I heard.

Mr. Foltz: Office and they can forward it to the right personnel to review that.

Ms. Kalb: Okay.

Mr. Foltz: Okay?

Ms. Kalb: How do I sign off?

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Mrs. Magel: She's in my ward and without getting specific, I – I visited for approximately half an hour. Her complaint is valid. And I – I have some pictures, actual pictures here, however they don't even do it justice. These were taken in the winter and by the time the summer had come, the property's not kept. The front wasn't kept, the back wasn't kept. So when she, you know, it – that this is not an – this is as – valid complaint...

Mr. Foltz: Okay.

Mrs. Magel: and I had said to her that there are other ward members also, we are having problems with this and we will be, you know, in the – we're in the process of addressing that and as I said, you're timing was impeccable.

Mayor Held: Okay.

Ms. Kalb: Well thank you Kathy...

Mr. Foltz: Okay

Mayor Held: Thanks.

Ms. Kalb: thank you all for your time.

Mrs. Magel: You're very welcome.

Ms. Kalb: I don't know how I sign out, but.

Mr. Foltz: Okay.

Mayor Held: Yes, Keely, also just for the record, as you had explained to me before the Council Meeting, that these pictures are not pictures of a house in North Canton.

Ms. Kalb: They're just a general representative of that type of frame building...

Mayor Held: Right.

Mr. Foltz: Okay.

Mayor Held: Okay.

Ms. Kalb: it's – they're all single story, very small.

Mayor Held: Right. Okay.

Ms. Kalb: Okay? Thank you.

Mayor Held: Thank you.

Mr. Foltz: Okay, so these – these residences are not North Canton now, is that what you're saying?

Mayor Held: Those pictures are not North Canton homes, right.

Mr. Foltz: I feel a little better.

Mayor Held: Right.

Mr. Snyder: Mr. President?

Mr. Foltz: I know we do have some challenges out there.

Mrs. Magel: No – the – I have the actual valid pictures.

Mr. Foltz: Okay.

Mrs. Magel: but for obvious reasons she didn't want to get specific.

Mr. Foltz: Very good. Alright then

Mr. Snyder: Mr. President, if I may? One thing...

Mr. Foltz: Yes, yes Member Snyder.

Mr. Snyder: that we had hoped to bring sooner than it is now later, but through the blessing of the Law Department and the – Mr. Hemminger who is now – has become – taken ill, he's not been able to participate but we are trying to put together a – an actual housing code for rental properties, that would enforce the licensing of rental properties in the city and that would – at that point would give us a little more teeth to – if we know a little more about it hopefully we'll be able to get that soon, and that – we're working on it. But I don't know that that area is zoned other than single family, is it? That's all single family zoning there, is it? It's not multi-family.

Mr. Foltz: I believe...

Mrs. Magel: There are – there are duplexes.

Mr. Foltz: A few duplexes in there?

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Mrs. Magel: Yes.

Mr. Snyder: But it's not zoned for that, it's only zoned single family, I think.

Mrs. Magel: I believe it's zoned single family, but when we drive through there, there's duplexes.

Mr. Snyder: Yeah, yeah. And that's – I know Mr. Foltz, we did...

Mr. Foltz: Right.

Mr. Snyder: we looked at taking – in the area here and along West Maple the same problem and we reverted back to single family zoning, which eliminates the ability for people to take a home and put two and three families into a single family home. That's when...

Mrs. Magel: This particular one is – is single family.

Mr. Snyder: Yeah, but we will hopefully bring that out, hopefully out of committee to get that – I know Mr. DeOrio had some great ideas on that as well, and so we're going to try to get that forward as soon as we possibly can.

Mrs. Magel: Is there a timetable?

Mr. Snyder: Pardon me?

Mrs. Magel: Is there a timetable?

Mr. Snyder: Well we had hoped...

Mrs. Magel: Estimated?

Mr. Snyder: prior to the – but with Mr. Hemminger and the situation...

Mrs. Magel: Yes, I know.

Mr. Snyder: I would probably, maybe have to get to the Mayor and Director of Administration to see what we might do. I know Mr. McFarren's been forthcoming in getting me as much zoning law as he can, but again, we have to get the initial template to him so he's able to craft the legislation. And we – we have not got that as of yet, but I'll get with the Mayor and Mr. Wise and maybe we can move forward. Because I don't know about Mr. Hampton's ability too much on that, what they intend to do, so but we'll try to move that forward as quickly as possible.

Mr. Foltz: Member Magel, you know Member Snyder brings a good point. Him and I have supported that and I think that's been successful in those areas. If – if there's a duplex and that's sold, it should revert back to single family and that's going to bring back, I think, the better ownership opportunity for that – for the integrity of the neighborhood so I'd be very much in favor of that wherever it is in the city. Okay. Thank you. Anyone else like to address Council this evening?

Ms. Keene: Hello. My name is Carol Keene and my mother and I live at 162 Hallum Street S.W. in North Canton. And my mother, my sister and I are requesting a no parking area in front of house at 162 Hallum. We have a problem in that people are parking in front of our house, and we no control over this and we feel that the situation is a loss of freedom for us and it has at times prevented us from having our grass cut we want it or need it and we don't want people to think that's us parking out there like that and it's not esthetically pleasing to us to have to look at a stranger's car parked in front. And Hallum is such a narrow street and traffic backs up at times when someone is parked there and we have absolutely no objection to people parking in front of their own home. And that's all I want to say. Thank you.

Mr. Foltz: Okay, thank you. Member Snyder, that's your ward, do you have any comments?

Mr. Snyder: Thank you Mr. President. I – I've had that occasion to speak to the young lady and I know exactly the – we have an incidence of one individual who lives on that street who has a tendency to have more vehicles than, and more drivers in his home than the average. I think he's up to four now, and, so – which he's capable of parking in his driveway but chooses to park them on the street and the Administration has actually stepped up the enforcement of it and he's now – but during the day he does it now I suppose more than at night. Is he doing it during the daytime now too?

Ms. Keene (from audience): Inaudible.

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Mr. Snyder: Yeah. And that street is only about 22 feet wide and that and two or three other streets in that particular area of the city, again, Mr. McFarren and I have worked on what we like to term a special distressed parking area that we could determine somehow in the near future to address that problem there, because it is a major problem. Hallum should be "no parking" on both sides, it is – actually it's one of the busier streets in that area. It takes the bus and emergency vehicles and with cars parked on both sides it's almost – as well as – a very active commercial building at the end of the street and they use semi's and it's almost impossible to pass a vehicle through there and God forbid somebody needs an ambulance some day, they're no going to be able to get in there, that's going to be the next problem so. Ma'am I – I would just ask you to bear with us a little bit. We're very slow at moving in things like that because it impacts the whole community, so we have to go at it very judiciously and very slowly. So it does take a little time. But we will address it, we'll try to get your problem solved for you.

Mr. Foltz: Okay.

Mr. Lane: I – I can beat your record with four. I have somebody I was dealing with this weekend with eight vehicles.

Mr. Snyder: Oh geez.

Mr. Lane: So you can imagine how much fun we were having.

Mr. Foltz: Eight vehicles where, Member Lane?

Mr. Lane: In one – at one house.

Mr. Foltz: At one house?

Mr. Lane: Yeah, and they were all driven.

Mr. Foltz: In the driveway or in the front lawn?

Mr. Lane: Well, they're a little bit of everywhere, so...

Mr. Foltz: On the patio?

Mr. Lane: we're – we're dealing with that. It's a fleet.

Mr. Foltz: Okay.

Mrs. Magel: I would just like to add, from where I live, it's a very uncomfortable feeling when somebody else's car is parked in front of your house. You just don't know when they're coming in or coming out or you know...

Mr. Lane: The man's in Monticello.

Mrs. Magel: what activity, so you know, I would support whatever we could do.

Mr. Snyder: Wow.

Mr. Lane: ...inaudible...and she's got two...inaudible...

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

Mr. Wise: Mr. President...

Mr. Foltz: Yes, yes sir.

Mr. Wise: if I may just very quickly, Mr. Snyder, is there curb and gutter in front of her house there on Hallum? I – I was thinking curb and gutter was all the way up and down Hallum.

Mr. Snyder: It is. Yes sir.

Mr. Wise: And – and Mrs., is it King?

Ms. Keene (from audience): It's Keene.

Mr. Wise: Keene. You said you had problems getting your yard mowed. Were people actually physically parking in your yard or its – I didn't understand when you said...

Mr. Snyder: Well, there's no place for the – she has lawn service – there's no place the...

Mr. Wise: Okay.

Mr. Snyder: the operator to park his vehicle...

Mr. Wise: Alright, thank you.

Mr. Snyder: because she – you know who I'm referring to parks his cars and his kids' cars and the government vehicle right there and that's the end of the whole deal. That takes the street up.

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Mr. Foltz: Okay, sir you want to address Council?

Mr. Covey: Yes, please, thank you. My name is Rod Covey and I live at 1 - 35 Auburn Avenue S.E. in Auburn Knolls and I represent 132 persons who organized to oppose the four buildings at the two corners of Auburn Knolls. One at the - on South Main, two buildings there, one of which is going up now, as you all know. And the other two would be on the northeast corner bordering - bordered by Easthill and Northfield. Those are the four buildings in question. This issue is well into month 43 and NUPAK, the acronym for Neighbors United to Preserve Auburn Knolls, remain opposed to the venture. Brief - first - here are brief comments on two positive issues related to economic development. One is direct and one is kind of indirect. The magnolia tree in Auburn Knolls continues to attract media attention. Anthony McCune, one of the members of the press sitting here to my right, wrote an in depth article in a recent issue of the *North Canton Reporter - Jackson Observer*. It told how the tree escaped destruction six years ago and is now 427 years old and declared by the U.S. Forestry Association as the largest tree of its...species in the whole United States. That's quite a feather in the cap for North Canton. We've had Canton folks visit and we've had Stark County folks visit and already they're trying to steal it from us and say, oh this is the greatest thing ever happened at Stark County, and this the Canton tree. No, no, it's the North Canton tree. We straightened them out on that real fast. Anyway, it has fostered visits by the Ohio Forestry Division and a professional arborist, and both of them say that tree is healthy as could be and it should be there for another hundred years or so, take - give or take five. More publicity is planned state wide and nationally. Number 2, the Australian firm that desires to set up a North American operation in North Canton may soon announce an event which could make this dream come true. We've talked about this several times at these meetings but there's always some little hitch and we haven't - put all the - dotted all the "t"s or - or "i"s" and crossed all the "t"s", but there's something going on now that I cannot disclose because of Australian law and some things that are going on there. But that we hope will happen soon. And of course if this happens, we hope this would create jobs and revenue for North Canton should SteelSafe USA be the first to occupy space in the new Hoover incubator. Mr. Repace, is that possibly true?

Mr. Repace: There's talk.

Mr. Covey: Okay, oh, of others I hope?

Mr. Repace: Yeah...

Mr. Covey: Oh, okay. Okay, you can't talk either.

Mr. Repace: you understand.

Mr. Covey: I understand, thank you. The main reason I'm here, please, is to point out that NUPAK continues to oppose the buildings at the northern corners of Auburn Knolls. Two dozen of the petitioners have died or moved away. That's what happens when something goes for - for almost four years. They left disappointed that the process to approve the buildings went forward after being denied the year before. This...process spawned a long list of unresolved issues, and NUPAK will present these to the Planning Committee at its next meeting and deliver the same day to the members of City Council and key city managers. A monumental bit of irony occurred two weeks ago at the dedication of the South Main Street bridge, and it's tribute to Mr.Herbert Hoover. And if I remember correctly, five of you were there, a very nice ceremony., and the Mayor presented some very nice thanks, as we all did to Nan Demuesy who's brains and dollars made this thing happen. But the irony of is - as the photographer's snapping photos of the - Nan and the Mayor and - and the five councilmen and others, up in the left hand corner of that viewfinder was a big, big building and I point the irony out there because the engineer who laid out the plat of the four acres - I - I'm sorry, who snapped Nan Demuesy and the 40 - 40 guests, the huge building almost...made it's way into the left side of their viewfinder. Yes, the original landowners, the - the Hoover family, the initial developer, the designer of the 34 acres subdivision and the engineer who laid out the plat, that of course Mr. Eddie Juenemann Jr. who we lost just a few months ago, all knew that the four acres were to remain green as a buffer between busy South Main Street and Auburn Knolls homeowners. So here we are celebrating the beautiful bridge and now the Hoover Bridge that - that's what people see now when they come down Everhard and come up north into North Canton. Mr. McCune wrote a - an in depth piece in the August 9th edition of the *Jackson Observer and North Canton Reporter*, this is that publication. Quite a long piece but he uncovered after interviewing the developer, the current developer and several others, he uncovered serious issues that may derail plans for the two buildings at the northeast corner of Auburn Knolls. So we're kind of half way there. We're still concerned about the other two buildings. As the press, as I say, we think this may derail those plans and as this process moves into - move into month 44, we certainly hope so. Thank you.

Mr. Foltz: Okay, thank you sir.

Mayor Held: Thank you.

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OLD BUSINESS

8. Mr. Foltz: Anyone else like to address Council this evening? Okay, seeing none, we'll get right into old business.

Unidentified: Where's Charles?

Unidentified: Law school.

Mr. Foltz: May I have a motion to read by title only the third reading of Ordinance No. 85-07?

Mr. DeOrio moved Mrs. Magel seconded to read by title only, the third reading of Ordinance No. 85-07. All members present voting.

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

No: 0

Ordinance No. 85-07 – 3rd Reading – Finance & Property

Ordinance No. 85-07 authorizing the Mayor of the City of North Canton to apply for a grant from the Stark-Tuscarawas-Wayne Joint Solid Waste Management District and then authorizing the Mayor, through the Board of Control, to enter into a 2008 Recycling Program Grant Agreement by and between the City of North Canton and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District for the purpose of accepting and utilizing the grant to provide funding for portions of the recycling program.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, as you recall, we've gone through the process of applying for - or submitting an application to the Solid Waste District. Based on what has been submitted as part of that application, the Solid Waste District decided to award North Canton a grant for the 2008 period and this legislation would authorize the acceptance of that grant and for the Mayor to enter into a agreement with the Solid Waste District. I looked through the 2007 Recycling Program Grant agreement and although I have not read the 2008, I believe that the language is fairly boilerplate from what I've looked at various contracts before. It's pretty much stipulates in the agreement that the award is based on what has been put in the application for that. But if you have any questions, now would be a good time to ask them, while – as this is our third reading.

Mrs. Magel: I have a question. I'm trying to look for it in the minutes, but, the very last of it says, utilizing the grant to provide funding for portions of the recycling program. Have we defined exactly which portions of the recycling program...

Mr. DeOrio: Well, I'll take a shot at that...

Mrs. Magel: would be funded?

Mr. DeOrio: but I'll let the Administration weigh in, but I would think that - that the actual agreement itself, at least from the 2007 one, didn't seem to stipulate the specifics. I think they leave that up to the municipality to decide how to fill that in, although they do reference the grant application itself.

Mrs. Magel: Well, there's a – well, I guess I should go back to the Administration. But I – in the minutes the – that were in our package, there was a statement made that there's certain items that the grant money can be used for and we must stick exactly to those and – and not go – I'm – this is not verbatim, but we could only use it for that which we defined. And I just want to make sure that did we define it for bags, did we define it for bins, did we define it for the leaf program, did we define it for the extension of the leaf program, newsletters? Do we have a list of what – or is it all of the above?

Mayor Held: Really what – really what the objective is, is to make sure that the grant money's used for recycling and – and yard waste collection, composting. I mean, that's really what they're looking for. Oftentimes what has happened in the past, you have municipalities or townships or other political subdivisions that have applied for a grant and then of course they weren't using it for a recycling program or yard waste collection. They went out and bought a piece of equipment that really had nothing to do with their recycling or yard waste collection program. So the goal is to make sure that when you receive a grant that you're obviously utilizing it for – for one of those two areas. And the district historically has not been putting pressure on the political subdivisions to specify whether it's a bag or a bin...

Mrs. Magel: Okay.

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Mayor Held: you know, we're trying to – we're trying to be a little bit more formal than we have in the past. Certainly in the past there was a lot of latitude. So we're really trying to structure our grant program which was a requirement by the Ohio EPA. So we're moving in the right direction. As long as it's for composting, yard waste collection, or a recycling program and we really should be okay. And Julie, Julie Herr, our Finance Director did call and speak with – spoke with our grant administrator earlier today just to clarify any issues in that area.

Mrs. Magel: Okay, because I believe this was your quote, Mr. Mayor, and I know you're in charge of the...

Mayor Held: Right.

Mrs. Magel: the people who are going to give us the grant.

Mayor Held: Right.

Mrs. Magel: And I want to make sure that...

Mayor Held: Right.

Mrs. Magel: since it was your quote saying that we have to specifically...

Mayor Held: Right. Well, and...

Mrs. Magel: Okay, so you're saying it's pretty general.

Mayor Held: No, really what – what I wanted to clarify is that when you're looking for the – when I was speaking that – would – what I wanted to clarify for Council is that when we're looking for a yard waste or a composting grant, in order to receive the full amount, and we'll be able to get a copy of that, you can receive up to \$25 a ton for yard waste collection. The base rate is ...\$15 a ton for yard waste. If you have a newsletter, that informs the resident, all the residents at least one time a year, then you make yourself eligible for an additional \$5 a ton, but you have to speak about mulching and – and composting in the newsletter. And then in addition to that, you have to have a program that runs 9 months out of the year...

Mrs. Magel: right.

Mayor Held: rather than just – so that – that's a requirement that really isn't specified in the grant but it's just a requirement of the Ohio EPA and that's what I was speaking to last week.

Mrs. Magel: Okay. Well you know, I – I – I get pretty specific.

Mayor Held: Right, understand.

Mrs. Magel: And it – I – I found it. It says Council received a grant, \$62,000 which specifically – that's what threw me.

Mayor Held: Okay.

Mrs. Magel: Spells out how that money is to be spent.

Mayor Held: Right.

Mrs. Magel: Then it says so that – that tells us how we're going to spend the grant money because we can't deviate from that...

Mayor Held: Right.

Mrs. Magel: so – but – it's safe to – to be this...

Mayor Held: Right.

Mrs. Magel: general and this...

Mayor Held: Right, and yeah.

Mrs. Magel: okay.

Mayor Held: I – I think I'm comfortable with how that's progressing but thanks for bringing that up.

Mr. Foltz: Mayor, you're under a – a timeline here aren't you to get this application filed, seeing your approval, you're under a timeline here for the fall? I don't know when the application deadline is.

Mayor Held: Well – well really – we're going to – fortunately North Canton is in a really comfortable position because we are going to receive our \$62,000 grant for next year as all the other political subdivisions – they have received their stipend for next year. For whatever amount we're receiving this year, we'll get the same amount next year, that's in transition funding. It's 2009 where we're going to be held accountable for the amount of tonnage that we

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recycle. So now the only reason we wouldn't get our \$62,000 stipend plus the 3% increase for the rate of inflation would be if our recycling exceeded the amount that would be above 62,000 so if we recycle so much that we're above the 62,000, then next year we can just go off of that grant program and go right directly to the tonnage.

Mr. Foltz: Okay.

Mayor Held: So there – there is some transition funding, but still we need to go through the formal process and – and get that in.

Mr. Foltz: Okay, that was my question, I know you had to fill it out yet and send it in...

Mayor Held: Right.

Mr. Foltz: you have yet to do that and we can see, not to get into all of that right now, but...

Mayor Held: Right.

Mr. Foltz: just for the record, you and I have discussed this...

Mayor Held: Right.

Mr. Foltz: grass clipping situation and we're coming to an agreement with it...

Mayor Held: That's correct.

Mr. Foltz: and we're still working that out so, we've been very cooperative with each other to move forward with this yard waste slash...

Mayor Held: that's – that's correct.

Mr. Foltz: grass clipping recycling program, just so everyone's aware of that, so.

Mrs. Magel: Thank...

Mr. Foltz: that said...

Mrs. Magel: Well I just want to thank you Mr. DeOrio...

Mr. Foltz: Yeah, thank you for bringing that up

Mrs. Magel: I needed to throw that out.

Mr. DeOrio: Well, if there's nothing else, I would move for adoption of Ordinance No. 85-07.

Mr. DeOrio moved and Mrs. Hines seconded to adopt the third reading of Ordinance No. 85-07. All members present voting.

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

No: 0

9. Mr. Foltz: Next may I have a motion to read by title only the second reading of Ordinance No. 90-07?

Mr. DeOrio moved and Mr. Lane seconded to read by title only the second reading of Ordinance No. 90-07. All members present voting.

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

No: 0

Ordinance No. 90-07 – 2nd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to enter into a contract for professional auction services for the sale of equipment and miscellaneous items which are no longer required for municipal purposes and for the sale of unclaimed property in the custody of the Police Department.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, as you recall, periodically the City of North Canton dispenses with equipment and other miscellaneous items which we don't need. A lot of times that includes some vehicles...

Mr. Foltz: Inaudible

Mr. McFarren: I'll try to explain it.

Mr. DeOrio: and two years ago is when we did our last auction and typically the - in an auction house arrangement, the auctioneer retains a percentage fee based on the amount that is sold. And being that's the case, unless there's any questions. Julie, who is the auctioneer? Do we know that yet?

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Mrs. Herr: Kiko.
Mr. DeOrio: Kiko.

Mrs. Magel: Is there a date set?

Mr. Wise: Yes.
Mr. Lane: October something.

Mr. Wise: I just looked through October, I – it's in October, Jim do you know the date off hand?
Mr. Benekos: No.

Mr. Wise: I don't have it written in my calendar.

Mrs. Herr: Sometime in October.
Mr. Wise: Yeah, it's in October.

Mrs. Magel: You can tell me some other time.
Mr. Foltz: Okay.

Mr. DeOrio: With that I would move for adoption of Ordinance No. 90-07.

Mr. DeOrio moved and Mr. Lane seconded to **adopt the second reading** of Ordinance No. 90-07. All members present voting.
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace.
No: 0

NEW BUSINESS:

10. Mr. Foltz: Okay, next may I have a motion to read by title only the first reading of Ordinance No. 95-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 95-07. All members present voting.
Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder.
No: 0

Ordinance No. 95-07 – 1st Reading – Community & Economic Development

An ordinance implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of a community reinvestment area in the City of North Canton, designating a housing officer to administer the program, creating a community reinvestment housing council and a tax incentive review council.

Mr. Foltz: Chairman Repace.

Mr. Repace: What this is, is we want to expand the – the CRA to include Orchard Hill area and also use Eric Bowles as the administrator, as we have on our other CRA programs. So with that, I would like to adopt the first reading and move this on into the second reading.

Mr. Repace moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 95-07. All members present voting.
Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio.
No: 0

11. Mr. Foltz: Before we read the next ordinance, we asked the Law Director to review our previous request during the Committee Reports to – what his advice would be for this ordinance ruling – this first reading for Ordinance No. 96-07.

Mr. McFarren: You need to amend Chapter 1137.03 (b) (3) and (d) (5). And you need to amend Chapter 1145 (b) – 1145.06 (b) because you changing your definitions. And you can't change the definition one place and not change the other places. You're going to have some real conflicts and also you don't want to get into the situation where if you say a bank and that's why 1137.03, if you look there under the front – the first page of your ordinance, 1137.03 (b) (3), it used to say bank. Now it says bank or bank with accessory drive-through lanes. It's still a...a conditional use, it's not a permitted use, but you have to have both of them in there because if you just put bank in there, then they're just going to say well you can't have a drive-through and if you put a bank with a drive-through in there, then somebody's going to argue that you can't have a bank without a drive-through. Okay.

Mrs. Magel: That...

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Mr. Snyder: I – Mr. McFarren, I – I – I – I concur there. The question I think – and as again I said, maybe I didn't make myself clear. If you drop down to (5) under the (d) section, we don't want conditional use in Office Building District, it never used to be there in the drive-through section, on that same ordinance, (d) (5).

Mrs. Magel: Yeah, that's where the problem is, (d) (5) is the problem.

Mrs. Hines: It should be that little square should be blank.

Mr. Snyder: It is no conditional use in the – not permitting drive-throughs only to the banks, nothing else.

Mrs. Hines: But they...

Mr. Snyder: No...

Mrs. Hines: but you are adding other than banks from what was originally in the schedule of permitted uses.

Mr. Snyder: but by the way it's written, you're talking about.

Mrs. Hines: From - from the original one...

Mr. Snyder: Yeah, well we want to strike that to get that...

Mrs. Magel: Yes.

Mr. McFarren: Right, okay. Now – now I see where you're going with that.

Mr. Snyder: See I thought, see, I don't think I made myself clear to you.

Mr. McFarren: You're – you're right. I'm looking at the original...

Mr. Snyder: Right.

Mr. McFarren: I don't know whether we got...

Mr. Snyder: We got one too many uses.

Mr. McFarren: We got one too many "C's".

Mr. Snyder: Right.

Mrs. Hines: Right.

Mr. McFarren: We would just drop the letter "C"

Mr. Snyder: Yes sir.

Mr. McFarren: in (d) (5)...

Mr. Snyder: That's correct.

Mr. McFarren: permitted drive-through – drive-through facility and associated with permitted use.

Mr. Snyder: That's correct. That's – if we...

Mr. McFarren: Other than a bank, and banks already covered up above, so...

Mr. Snyder: Right.

Mr. McFarren: you just drop the "c" out of there.

Mr. Snyder: Yes sir, that's my – that's what our request would be, if any.

Mr. McFarren: Okay, so then, a motion to amend to drop the "C" out...

Mr. Snyder: Yes sir, that's – that's exactly it.

Mr. McFarren: would be appropriate.

Mr. Foltz: Any other comments from Council?

Mrs. Magel: Did the originals all have "C's" in the other columns?

Mrs. Hines: No.

Mrs. Magel: They – it was just blank in the...

Mrs. Hines: Oh, yes.

Mr. Snyder: Yes there...inaudible...

Mrs. Hines: The other ones were all "C's"

Mr. McFarren: Yes I've got 3 "C's" going across my...

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Mr. Snyder: Actually they're permitted use...
Mr. McFarren: code.

Mr. Snyder: as a General Business District B anyway. But that's – they're – they're in here as a conditional which is fine, so that – which means in order to put a drive-through in, they're going to have to come to Planning Commission...

Mr. McFarren: Right.
Mrs. Magel: Right.

Mr. Foltz: Okay, why don't we...
Mrs. Magel: Okay so no...

Mr. Foltz: I'm sorry, go ahead.

Mrs. Magel: No, we're going to drop that first "C" out, so that we don't have drive-throughs all through the Office Building District.

Mr. Snyder: Except for banks.
Mrs. Magel: Yeah, but that's in...

Mr. Snyder: That's in the upper portion.
Mr. Foltz: That's in (3).
Mrs. Magel: you're right.

Mr. Snyder: Other than that, there's no drive-throughs permitted in Office Business.
Mr. McFarren: Right.

Mrs. Magel: So now is that wording correct? Drive-through facility and association with permitted use...

Mrs. Hines: And then there was...
Mrs. Magel: Other than banks.

Mr. Hines: other than banks was added.

Mr. Snyder: Right. Other than banks was added, so that you would not be conflict with the upper portion.

Mr. Foltz: So – so you would then be allowable in Main Street District and General Business...
Mrs. Magel: yeah
Mr. Snyder: Right.

Mrs. Magel: As it was before.
Mr. Foltz: inaudible GB-A, GB-B, right?

Mr. McFarren: As a conditional use.
Mr. Foltz: Okay.
Mrs. Magel: Yeah.

Mr. Foltz: So see, why don't we read the Ordinance, we'll amend it then to reflect, we'll put on the record again and then...
Mr. Snyder: That's fine.
Mrs. Magel: and then you'll have...

Mr. Foltz: do a first reading.

Mrs. Magel: do - somehow you amend your minutes at a later date.
Mr. Foltz: Right.

Mrs. Magel: Okay.
Mr. Snyder: Exactly. That's fine.

Mr. Foltz: Okay? May I have a motion to read by title only the first reading of Ordinance No. 96-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 96.07. All members present voting.
Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz.
No: 0

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Ordinance No. 96-07 – 1st Reading – Ordinance Rules & Claims

Ordinance No. 96-07 amending Land Use Category (b) (3) and (d) (5) of Section 1137.03 SCHEDULE OF PERMITTED USES of Chapter 1137 Business District Regulations and Area, Width and Yard Regulations for Conditional Uses Category (b) of Section 1145.06 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS of Chapter 1145 Conditional Use Regulations, and amending of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton by changing Category (b) (3) to include "with accessory drive-through lanes", Category (d) (5) to C – Conditional use in an Office Building District...

Mrs. Magel: No, that...

Mr. Foltz: inaudible...we'll amend it.

Mr. McFarren: and Category (b) to include "with accessory drive-through lanes."

Mr. Foltz: Okay, now we need a motion on the floor to amend this Ordinance.

Mr. Snyder: Mr. President, I'd like to rise to amend Ordinance 96-07 to strike the verbiage Category (d) (5) to C – Conditional use in an Office Building District and Category (b) to include...no we want Category (b) to stay.

Mr. Foltz: No, we want that one.

Mr. Snyder: Just that one line, thank you, please.

Mr. McFarren: So we're going to delete – delete the "C", the conditional...

Mr. Snyder: (d) (5) to "C"

Mr. McFarren: the conditional use under Office Building which is 1137.03 (d) (5) delete the "C" in that column.

Mr. Snyder: Yes sir

Mrs. Magel: Yes.

Mr. Foltz: Correct, that's the motion on the floor.

Mr. McFarren: We're understood.

Mr. Foltz: Is there a second?

Mr. Snyder moved and Mr. DeOrio seconded to amend Ordinance 96-07 to delete Category (d) (5) to C – Conditional use in an Office Building District.

Mrs. Vanderground: Lane?

Mr. Lane: Yes.

Mrs. Vanderground: Magel?

Mrs. Magel: Category B to include, what's that next line and Category B?

Mr. DeOrio: Well there can't be...there's a motion on the floor...

Mr. Foltz: Yeah, we can't...

Mr. DeOrio: and the roll has been called, you can't ask any questions at this point.

Mr. Foltz: can't ask any questions. Okay, if we don't have it all right this time, we'll get it next time but I think we got it.

Mr. McFarren: Sure.

Mrs. Magel: Okay I'll...

Mr. Foltz: Okay?

Mrs. Magel: For a first reading I'll say yes.

Mr. Foltz: This is first reading.

Mrs. Vanderground: Repace?

Mr. Repace: Yes.

Mrs. Vanderground: Snyder?

Mr. Snyder: Yes.

Mrs. Vanderground: DeOrio?

Mr. DeOrio: Yes.

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Mrs. Vanderground: Foltz?
Mr. Foltz: Yes.

Mrs. Vanderground: Hines?
Mrs. Hines: Yes.

Mr. Foltz: Very good. Now do I have a motion to read by title only the first reading of Ordinance No. 96-07 as amended?

Mr. DeOrio moved and Mr. Snyder seconded to read by title only the first reading as amended of Ordinance No. 96-07. All members present voting.
Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane.
No: 0

Ordinance No. 96-07 – 1st Reading – Ordinance Rules & Claims

Ordinance No. 96-07 amending Land Use Category (b) (3) of Section 1137.03 SCHEDULE OF PERMITTED USES of Chapter 1137 Business District Regulations and Area, Width and Yard Regulations for Conditional Uses Category (b) of Section 1145.06 SCHEDULE OF MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS of Chapter 1145 Conditional Use Regulations, and amending of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton by changing Category (b) (3) to include "with accessory drive-through lanes", and Category (b) to include "with accessory drive-through lanes."

Mr. Snyder: Thank you Mr. President, Mr. McFarren for your courtesy.

Mr. Foltz: Well, now we need to approve the first reading. Okay? Do I have to motion...

Mrs. Magel: Counting your horses...

Mr. Foltz: to adopt the first reading of Ordinance No. 96-07 as amended?

Mr. Lane moved and Mr. DeOrio seconded to adopt the first reading as amended of Ordinance No. 96-07. All members present voting.
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel.
No: 0

12. Mr. Foltz: Very good. Next, may I have a motion to read by title only the first reading of Ordinance No. 97-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 97-07. All members present voting.
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace.
No: 0

Ordinance No. 97-07 – 1st Reading –Water, Sewer & Rubbish

An ordinance authorizing the vacation of a twelve (12') foot waterline easement located in the Dressler Road area - Dressler Road NW area and as recorded in Volume 3579, Page 49 of the Stark County Recorder's Office, no longer needed for municipal purposes.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, we discussed this last week, to jog your memory, I believe this is what we would call Cheeseburger Paradise? So I think the conversation...

Mr. Snyder: Jimmy Buffet.

Mrs. Magel: then will ring a bell as what we had discussed. There's a 12 foot waterline easement that is not in use currently and there will – there's no need at this point to think that we will need it in the future. Cheeseburger (in) Paradise had – had requested that we vacate this easement on their property. Any questions?

Mr. Foltz: None?

Mrs. Magel: None.

Mr. Foltz: Then may I have a motion to adopt the first reading of Ordinance No. 97-07?

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Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 97-07. All members present voting.

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

No: 0

13. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 98-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 98-07. All members present voting.

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

No: 0

Ordinance No. 98-07 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Quaker Steak & Lube / Levin Furniture Shopping Center Waterline Extension, located along Promler Avenue NW approximately 700 +/- feet north of the intersection with Dressler Road NW in the NE Quarter of Section 13 in Jackson Township, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said waterline extension, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, this is a new shopping area that's going in down by Dressler. If you're going up over the bridge towards the Strip take a gander to your right, you'll see it's under construction at this time. They're asking our – to have our waterline extension, and keep in mind it will be an outside water rate, and all the expenses will be born to the developer. We're – I'm asking this to be on emergency to – in cooperation with the Administration since they're – we had been on vacation and it – they need to start putting their waterlines in.

Mr. Foltz: Okay. May I have a motion to adopt the first reading of Ordinance No. 98-07?

Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 98-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 98-07?

Mr. DeOrio moved and Mr. Lane seconded to suspend the rules for Ordinance No. 98-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 98-07?

Mr. DeOrio moved and Mrs. Hines seconded to adopt under the suspension of the rules for Ordinance No. 98-07. All members present voting.

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

No: 0

14. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 99-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 99-07. All members present voting.

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

No: 0

Ordinance No. 99-07 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Fiddler's Creek Condominiums Waterline Extension, located in Lake Township, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said waterline extension, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

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Mrs. Magel: Very similar to the last Ordinance. This one is Fiddler's Creek Condominiums...also asking for our – a waterline extension to be on own water. It will be at outside rates and also again, all expenses will be born to the developer. I'd ask that this be on an emergency also to cooperate with the Administration and make sure that the developer has time – put – get – get through – get their waterlines in.

Mr. Foltz: Any other comments? Then may I have a motion to adopt the first reading of Ordinance No. 99-07?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 99-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 99-07?

Mr. DeOrio moved and Mr. Snyder seconded to **suspend the rules** for Ordinance No. 99-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 99-07?

Mr. DeOrio moved and Mr. Snyder seconded **adopt under the suspension of the rules** for Ordinance No. 99-07. All members present voting.

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

No: 0

15. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 100-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 100-07. All members present voting.

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

No: 0

Ordinance No. 100-07 – 1st Reading – Finance & Property

An ordinance authorizing the City of North Canton Fire/EMS Department to trade-in one (1) 1999 Freightliner FL50 Medium Duty Horton Type 1 Ambulance, in the amount of \$20,000 to be applied toward the purchase of a new ambulance the purchase of which was authorized by Ordinance No. 13-07, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, the authorization for the new ambulance was done early in the year, you can tell by the ordinance number 13-07, it was one of the first ones that we done and I'm sure that the department is anxiously awaiting this and to speed it along we need to do this on an emergency and I would move for adoption of such Ordinance No. 100-07.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 100-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 100-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 100-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 100-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 100-07. All members present voting.

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

No: 0

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16. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 101-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 101-07. All members present voting.

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

No: 0

Ordinance No. 101-07 – 1st Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to seek quotes for Cleaning Services for the period February 1, 2008 through January 31, 2010 for the City of North Canton and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for said cleaning services.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: There's not much that I can add to this. We did it a couple years ago and we benefited from low rate, adequate services and we hope for success in another two year period. With that, I would move for adoption of Ordinance No. 101-07.

Mr. DeOrio moved and Mrs. Magel seconded to adopt the first reading of Ordinance No. 101-07. All members present voting.

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

No: 0

17. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 102-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 102-07. All members present voting.

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

No: 0

Ordinance No. 102-07 – 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 Sewer Revenue Fund to the Note Repayment Account and Interest Payment Account in the aggregate amount of \$208,500 for the current expenses during the fiscal year ending December 31, 2007, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This is you recall in our discussions last week, this is companion like legislation to the legislation we had done earlier in the year before the break to pay down some of our notes and the funding is available. It just had not been yet appropriated so we need to do that now so that we can continue on the execution of this pay down. And with that, I would...or move for passage of Ordinance No. 102-07.

Mr. DeOrio moved and Mrs. Magel seconded to adopt the first reading of Ordinance No. 102-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 102-07?

Mr. DeOrio moved and Mrs. Hines seconded to suspend the rules for Ordinance No. 102-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 102-07?

Mr. DeOrio moved and Mr. Lane seconded to adopt under the suspension of the rules for Ordinance No. 102-07. All members present voting.

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

No: 0

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COUNCIL OF THE CITY OF NORTH CANTON

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Meeting

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18. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 103-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 103-07. All members present voting.

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

No: 0

Ordinance No. 103-07 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a one (1) year Lease Agreement commencing September 29, 2007 and expiring September 29, 2008, by and between the City of North Canton and The...Chancellery 340 Home Corporation, fna The Knights of Columbus, Bishop McFadden Council 3777, North Canton, Ohio, to lease lot No. 3998 and part of Out Lot 177 in the City of North Canton for various recreation facilities within the City of North Canton, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes this is a long standing piece of legislation, it's been going on for years allowing recreational use, particularly with baseball, softball, some of our available lots and I would move for adoption of Ordinance No. 103-07.

Mr. DeOrio moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 103-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 103-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 103-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 103-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 103-07. All members present voting.

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

No: 0

REPORTS:

Mr. Foltz: Before we get into reports, we need to do some housecleaning here. Not housecleaning, just an announcement. As we know next Monday is Labor Day, so I need a motion to change the September 3, 2007 Committee Meeting date to Tuesday, September 4, 2007. Do I have a motion to do so?

Mr. DeOrio moved and Mrs. Magel seconded to **move the Committee of the Whole meeting from September 3, 2007 to September 4, 2007**. All members present voting.

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

No: 0

Mr. Foltz: Okay, very good. With that we'll go right to reports. Director of Law?

Mr. McFarren: Nothing.

Mr. Foltz: Director of Finance?

Mrs. Herr: No report.

Mr. Foltz: Director of Administration?

Mr. Wise: Yes, as you all know, Kim Cooksey retired at the end of July. We have not at this point replaced his position. We have through – the tentative plan is at least through the end of this year, to have Tom Chufar take over some, not all of – of Mr. Cooksey's responsibilities. He is an Operations Manager, he remains an Operations Manager and he knows this is a temporary position. There are some other individuals, Brian Hill, who is taking over some of his responsibilities too with supervision to some of the employees, but that is something we

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are continuing to assess and we'll see how that goes and we'll keep you advised. Stark Parks has requested to use Council Chambers for a meeting that they want to have on Wednesday October 17th. That is at I think 7:30? 5:30. At 5:30 I – I don't think this one of their normal regular monthly board meetings that they're just going to now have in the evening, but they're having a series of meetings around the county to update people after their - just to get input and – and give input as to their direction after the levy failure in May of this year. So they have requested permission to use Council Chambers. I have tentatively given them permission if anyone has any issue with that, just let me know and I'll – I'll get right back to them.

Mr. Lane: I just do have a question. With that being on the ballot now, and the ballot being certified between now and then, does that turn into any kind of a – a positive political meeting as opposed to just a – a get acquainted meeting and back and forth situation? Just a question.

Mr. Wise: Yeah I ...

Mrs. Magel: That's a good question.

Mr. Wise: I – I don't know, if Randy...

Mr. Lane: Yeah. It might put us right in the middle of something we don't necessarily want to be in I guess is what I'm trying to say.

Mayor Held: Inaudible.

Mr. Lane: Just a thought, maybe you could check it out.

Mr. Wise: Alright. I could do that.

Mr. Wise: Also with regard to Main Street, there was a – a company that came in and ground and then paved South Main Street, did that the Friday and Saturday actually of the Main Street Festival. There was a base coat of asphalt down the length of that from Easthill to Mississippi, no actually to Rose Lane. All – all the structures are in place, what they're doing this week hopefully is adjusting the level of the manholes in the street, they have to have those at precise level so when they put the final coat of asphalt on they'll be flush with the final coat of asphalt. There are 20 to 25 loop detectors in that section of road either on the main road or the side streets that need to be placed in the base course of asphalt before the top coat can be put down. Hopefully all of that work can be completed this week if not early next week and of course asphalt, particularly top coat is very weather dependant, and they will be in to asphalt that just as soon as they're done and the weather permits.

Mr. Foltz: Okay, we're all looking forward to that completion and I know the Administration's worked hard with the contractor to move that along as quickly as we can so.

Mr. Wise: Thank you.

Mr. Foltz: Alright, that said, Mayor Held?

Mayor Held: Yes, I'd like to thank our Administrator and also our city employees. There was another very successful year at the Main Street Festival. We did get a letter from Cathy Dunlap at the Chamber of Commerce and she was very appreciative of the – of the program that we put together. It was a collaborative effort. Saturday was really successful, as I understand, they broke a record in attendance, I'm not quite sure how they evaluate that but – but that's what they had shared with us. Sunday was a little bit more difficult because of the rain and they had to cut it short, but according to the vendors they were pleased with – with the turnout and...certainly it was a – a profitable event for them which is one of the reasons why we keep having it year after year. Also the Cleveland Pops Orchestra, Saturday, September 8th at 7:30 p.m. – Saturday, September 9th at 7:30 p.m. We certainly welcome all of our residents from the City of North Canton and Stark County. It's free to the public and we certainly would ask all of our council people to be in attendance and historically we've always had a nice front row spot there if anyone chooses to take advantage of that. And the rain date will be September 9th - September 9th at the same time, at 7:30 p.m. and this of course will be held on the stairs of City Hall. So it's a real nice event and – and all are welcome. Also I received a letter from the Stark County Health Department and they provided us with an educational – an educational video in reference to the pandemic flu. This DVD was put together by high school students at Perry High School, certainly if any council members are interested in reviewing this we'll have it available in our office. Just talks about the – in an entertaining somewhat humorous fashion, deals with the serious issue which is the history of the pandemic flu, respiratory etiquette, social distancing, isolation, quarantine and certainly they wanted us to share that with – with our elected officials so that's available in our office if anyone would like to review that. And then lastly, we have Eric Bowles. Is Eric in attendance

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here? Eric. Again, you did a fantastic job on the CRA. The CRA, excellent presentation, very well put together, and I know you worked very hard on that as well as Brett Pendleton. And Brett is, some of you may have met Brett. Nice young fellow that worked this whole summer, did a great job, and now he's off to get his master's degree in Political Science at Miami...Miami University, so he must have – it must have been encouraging enough for him to move ahead with masters in Political Science, and so great job Eric. Job well done.

Mr. Snyder: I notice he didn't attend any meetings here.
Mrs. Magel: I was just going to – Jon, I was just going to say that.

Mr. Lane: We could dissuade him pretty fast.

Mr. Foltz: I think if he attended one he was going to change majors.
Mr. Snyder: I heard he's going into the priesthood I think...inaudible...

Mayor Held: And then also I would like to recognize Brian Paulus. Brian, if you'd like to stand up and say hello. Brian is a new resident in North Canton and Brian, how long have you lived in North Canton now?

Master Paulus: A month.

Mayor Held: A month? Okay and what school are you going to be attending?

Master Paulus: North Canton Middle School.

Mayor Held: North Canton Middle School. Okay, very good. Well, we'd like to welcome you and thank you for coming to our council meeting.

Master Paulus: Thank you.

Mr. Foltz: Okay.
Mayor Held: And that's all.
Mr. Foltz: Okay, thank you.

Mrs. Magel: Mayor?
Mayor Held: Yes.

Mrs. Magel: What's the length of that DVD?
Mr. Wise: Pass it down, sign Brian's agenda.

Mayor Held: It's about...inaudible....
Mr. Foltz: It's about 4 by 6.

Mrs. Magel: Oh that's...

Mayor Held: It says 25 – 25 minutes.
Mrs. Magel: I fell into that. Pardon me?

Mayor Held: 25 minutes.
Mrs. Magel: Okay, half an hour.

Mayor Held: Yeah, half hour.
Mrs. Magel: So...

Mayor Held: So we'll have it available. I mean I'm not sure if we have the equipment to make copies of it here at this point.

Mrs. Magel: No, that's fine. I just wanted to know how much time to a lot.

Mr. Foltz: Maybe on a light evening maybe we'll show it. I don't think that ever happens though.

Mayor Held: Well we've got time this evening. And yeah, so that's 25 minutes. Okay?

Mr. Foltz: Very good. City Engineer?
Mr. Benekos: No Report.

Mr. Foltz: I might have something for you out...
Mr. Wise: Uh-oh.

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Mr. Foltz: just kidding. I'm thinking, I did meet...I know – I think you went down Jim, or one of the inspectors and looked at Donner, especially between Florence and West Maple and you kind of reviewed it and said you saw the curbs and everything and it's pretty much a mess in different spots. We're looking to – to do that road at a future date here but there's a very nice gentleman there, his wife has osteoporosis, his name is Larry Towner and he lives at 203 Donner N.W. and he just has some huge chunks out of the apron, curb, in fact there's – it's not even an apron, it's curb he runs over and 3/4's of his curb's missing around his sidewalk. And then his neighbor at 157, the same thing. He's just looking at if we could patch that or put asphalt in or if you think we have a little bit of concrete money, someone skilled enough you can hire to do that. She has a hard time when he – when he runs over that, he might even lose a tire. He's a nice older gentleman here, he's in his mid to late 70's and he's trying to take care of his wife, so I told him I'd address it with Administration here.

Mr. Benekos: Just the driveway approach?

Mr. Foltz: Just – you know, he's not looking put asphalt the whole length of his property line but you know, there's rebar sticking out of it too. I mean, there - there is a hazard there if some mail truck or somebody could drive up there. If we could fill that in with asphalt short term or concrete or whatever you guys think we can do.

Mr. Wise: Get out there and take a look at it.

Mr. Benekos: Okay.

Mr. Foltz: Just look at that, I'd appreciate that so.

Mr. Wise: Yes sir.

REPORTS – COUNCIL:

Mr. Foltz: With that said, Elaine any comments for Council?

Mrs. Vanderground: No report.

Mr. Foltz: Member Lane?

Mr. Lane: Yeah, E.J. I do have those addresses on Clearmount, I'll give you as soon as we're done. But then the other question I was asking, we talked a little bit about natural gas last week, and there was a rumor floating...

Mr. Wise: Thank you.

Mr. Lane: around on Friday...

Mr. Wise: Yes, thank you.

Mr. Lane: that you got close to striking a price. Is that true?

Mr. Foltz: I heard he locked it in.

Mr. Wise: Yes, thank you, I – I completely forgot about that, I've been thinking about nothing else for about two weeks. We did strike a price for natural gas at \$9.76 per mcf. Now that is for the winter months, that is November through April. That price will appear on the December through May bills. Any gas that people use in November will be at 9.76 but their November bill will reflect 11.23, last year's or this year's price. But it's 9.76 for the – for the winter months, it was 9.75 for the whole year. So at a penny difference, I – I decided under, with advice of our consultant to strike at the winter only and then we'd float in the summer which is historically lower than – than those rates. And then we do have – or we'll have to put together a bid package for working with someone then after next year. And we'd like to do that...

Mr. Lane: You know if – if somebody pulled out of the program, they maybe got a little lower than the \$11.00, do they come back in or do they have to opt back in? I can't remember how that works.

Mr. Snyder: They have to opt in. Once you opt out, you got to opt back in.

Mr. Lane: Okay.

Mr. Wise: Right, and – and there is ...

Mr. Lane: And then they would receive that rate.

Mr. Wise: there is a provision and I don't have with me, I have it over there, I completely forgot about it. For those people over 65 years of age, or 65 years of age or older and one other provision which I can't recall but it's – it's very minimal have a ten cent reduction in that, it would be 9.67 per mcf.

Mr. Lane: Worth getting old.

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Mr. Wise: No, but there'll be letters and press releases going out with regard to that.

Mr. Snyder: Do I have to show my driver's license?

Mr. Wise: I – I don't know. Do you?

Mr. Snyder: No, I don't know, I'm not close to that age, I'm not the oldest man in the room so...

Mr. Wise: Can't believe I forgot all about that.

Mrs. Hines: I'm not there yet either.

Mr. Foltz: I'm sorry, Member Lane, do you have any other comments?

Mr. Lane: No. I just was asking about that. Thank you.

Mr. Foltz: Okay, Member Snyder, you must have had something I missed.

Mr. Snyder: Oh yes, we – I'm just having a little fun.

Mr. Wise: 1066 Park...inaudible...

Mr. Snyder: Excuse me. One thing I have to bring up is, and I would address that to the Administration. You don't know when I may be able to get with Mr. Hemminger because we have a problem waiting to happen here. Two things. Number one, the sign ordinance change is January 1, and that is a minimum of six weeks of readings in a public hearing.

Mr. Lane: I thought it was June.

Mr. Snyder: What's that?

Mr. Lane: I thought it was June.

Mr. Snyder: No, it's January, January 1, '08.

Mr. Lane: I thought sure it was June.

Mr. Snyder: No, it took – it takes affect January the first.

Mr. Lane: You're talking about taking the signs down?

Mr. Snyder: Right, and they have – they're not – they no longer – they wouldn't be grandfathered. So we must move along and decide what we're going to do in the very, very near future because, I mean, it depends, obviously we don't enforce it – it takes effect, but we're going to have to start looking at what we want to do and because we – this is a zoning situation and it does take – we have to follow the guidelines so...

Mr. Foltz: Right

Mr. Snyder: Director Wise do you have any idea when he – what his timeframe may be? Or should I – would you think that I would be better served - in my discussion with him, which was about the last time, around 5 weeks ago, he, you know, he felt comfortable whichever way we went. You think that it's a possibility that it might be better to discuss this with the Chamber to see what – what kind of direction they want as their members have put a lot input into that and bring it to Council. Ultimately it is our decision but we don't want to impact from an economic standpoint any – anybody who has a Main Street or a sign.

Mr. Wise: Right. Yeah, I haven't had an opportunity to speak with Mr. Hemminger for about two weeks. I – I hope to hear from him tomorrow or get some report as to whether he'll be in this week at all, and I will speak with him about that and get back with you here in the next – next couple days.

Mr. Snyder: I'd appreciate that way we can – I can get ready to get with some committee meetings and get – I'd...inaudible...my only fear is the time element. That's all Mr. President, thank you.

Mr. Foltz: Alright, thank you. Member DeOrio?

Mr. DeOrio: Yes, I was wondering tonight whether a long standing tradition in Council was going to be broken or kept and I see that it was – it was kept that the comments that come the – the Clerk's office were very short tonight.

Mr. Foltz: Short or nonexistent.

Mrs. Magel: and quiet.

Mr. DeOrio: Yes, I notice you didn't – you didn't even ask her though, so, you know, it didn't really count I guess.

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Mr. Lane: Just less to have to retype.

Mr. Foltz: You know, we're on top of our game, there's very little to say, so.

Mr. DeOrio: I have nothing. Thank you.

Mr. Foltz: I appreciate Elaine filling in tonight, done a great job so, it's nice we have Gail there and you're a good team and I think we're quite pleased with what's happened in the Council Office, so. That said, okay, Member Hines?

Mrs. Hines: I just would like to also say about the Main Street Festival. I was there on Sunday in the rain and the food was just as good or almost better in the rain, and I know the people that I spoke to were very pleased with how it went the day before and you know, hope that we continue it because I think it's one of those things that our community by having, gives it that special place to...

Mr. Snyder: I don't know...inaudible...

Mrs. Hines: to be, to live, to learn, to play and it's...

Mr. Lane: This one is 18 minutes...inaudible...

Mrs. Hines: it's one of the nice things that our community does that other people looking to come here...

Mr. Lane: I didn't mean to step on toes.

Mr. Snyder: Oh no, no, no, you're on that committee.

Mrs. Hines: would want to be here because of things like that.

Mr. Foltz: Okay, thank you.

Mr. Wise: Member Hines...

Mr. Repace: No report.

Mr. Wise: if I – if I may, next year during the Main Street Festival I have a spot for you on barricade on South Main.

Mrs. Hines: Okay.

Mr. Wise: That may give you just a bit different view of – of Main Street Festival...

Mr. Snyder: It won't rain outside...inaudible...

Mr. Wise: but no, it went very well. Thank you.

Mr. Foltz: Okay, no report from Member Repace.

Mr. Snyder: Member Magel?

Mrs. Magel: Same thing. I have nothing scientific, Mayor, as to how many people were there, but I was there Saturday and from all the years that I've gone, I – you couldn't hardly walk without bumping into somebody. It was that crowded. I'd like to go back to something Jon, Ordinance No. 96-07? I tried to get to it, but I obviously was a little late.

Mr. Snyder: That's alright.

Mrs. Magel: We're probably going to have to amend that again.

Unidentified: What's going on?

Mrs. Magel: To be precise, we said one of the important things was the "or". And if we look at that chart, it says bank or bank with a – with accessory drive-through lanes. The original says bank. So we have to add "or bank with accessory drive-through lanes".

Mr. Snyder: Are you talking about in the genesis of the ordinance at the top? Where – where do you want...

Mrs. Magel: I'm looking at the 96-07 first reading where he – in our – that needs to be amended. I didn't look at the – at the way he – the Law Director read it.

Mr. Snyder: And – well – and we'll note that and then when they type the new one...

Mrs. Magel: That's correct.

Mr. Snyder: we'll put that in.

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Mrs. Magel: When we – when we get to the second reading it actually should say...
Mr. Snyder: Bank or...

Mrs. Magel: Yes.
Mr. Snyder: with accessory drive-through lanes.

Mrs. Magel: Right. I – I caught that but as was pointed out to me we had already.
Mr. Snyder: I appreciate...inaudible...

Mrs. Magel: Alright, that way that'll make it clean...
Mr. Snyder: Right.

Mrs. Magel: and it'll be the – the all important or will be in there.
Mr. Snyder: That's fine
Mrs. Magel: Thank you. That's all.

Mr. Foltz: So members of Council, we're comfortable with it, we don't need another committee discussion with Chairman Snyder. Okay.
Mrs. Magel: No.

Mr. Foltz: Law Director, we're – you know what our intentions are for second reading in two weeks?

Mr. McFarren: I'll – I'll get – I'll get with Jon. I'll get with Jon, because...
Mrs. Magel: Jon, you know what I mean?

Mr. Snyder: I know exactly what you mean, thank you.
Mr. McFarren: 'Cause I've got another problem with this too, so when we clean it up, we'll clean it up.

Mr. Foltz: Okay.
Mrs. Magel: Right, that's what I was thinking, when we clean it up, let's do it right.

Mr. Foltz: Okay, is that it? As I indicated earlier, we're working out the dynamics of the Yard Waste Recycling Program and hope to have some news out. Appreciate the press with some positive coverage on this for our residents, 'cause it's all about being a green city. Council has championed this cause and the Mayor's supporting it, we want to move forward in a positive fashion here for our community so, maybe even after the meeting we'll have some firm dates. I'll get to talk to Administrator Wise, and Mayor Held again to finalize that, so. That said, final call for new business, from Council or administration?

Unidentified (from audience): Can I...

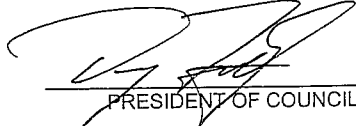
ADJOURN:

Mr. Foltz: Seeing none, do we have a motion to adjourn?
Mr. DeOrio: So moved.

Mayor Held: Wait, we have...inaudible...
Unidentified: She can't talk.
Mr. Foltz: No, is there a second?
Mr. Lane: Second.

Mr. DeOrio moved and Mr. Lane seconded to adjourn the meeting. All members present voting.
Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder.
No: 0

Meeting adjourned at 8:19 p.m.



PRESIDENT OF COUNCIL

ATTEST:



ASSISTANT CLERK OF COUNCIL