

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by Rev. Tom Douce, Interfaith Campus Ministry.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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 Law Pusateri, Director of Finance Herr, City of Engineer Benekos and Clerk of Council Kalpac.

5. Consideration

Minutes of Council Meeting: November 14, 2005

Minutes of Council Meeting: November 28, 2005

Minutes of Public Hearing: November 28, 2005

Minutes of Organizational Meeting: December 3, 2005

Financial Statement: November, 2005

Mr. Pusateri: Mrs. Magel posed an interesting question, being that four (4) Council members were not on Council for a number of these minutes and really aren't able to confirm that the minutes are accurate. So, I suggested to her that those four members abstain for those particular minutes, and the abstention will go along with the rest of the vote – the other voters who vote for the approval of the minutes.

Mr. DeOrio: Are these going to be done in a series of individual motions, then?

Mr. Pusateri: It's typically not.

Mr. Foltz: All together. Do you have one you want to –

Mr. DeOrio: Well, the organizational meeting notes – Gail, I believe, submitted a revised record of the minutes.

Mr. Foltz: Record of the proceedings?

Mr. DeOrio: Yes, so that whatever motion is made in that, we need to make sure it reflects the revision.

Mr. Foltz: Why don't we look for approval process of the other minutes of Council as indicated other than the organizational meeting. So, do I have a –

Mrs. Magel: Well, wait. Let's do the – okay.

Mr. Foltz: Everything but the organizational meeting. We'll come back to that.

Mrs. Magel: But the Financial Statement of November, 2005 – I think we were –

Mr. Foltz: That's included.

Mrs. Magel: We were there. The other -- first three we have to abstain.

Mr. Pusateri: The one in November, 2005 – that was one that you were involved in?

Mr. Foltz: Well, it was brought into Committee last week, so yes.

Mr. Pusateri: Okay.

Mr. Foltz: Okay, then I will – we'll just consider the minutes of the Council for November 14, November 28 and a Public Hearing of November 28, 2005.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Mrs. Magel: Right.

Mr. Lane moved and Mr. Snyder seconded to approve the Council meeting minutes for November 14, 2005 and November 28, 2005 and minutes of the Public Hearing of November 28, 2005. All members present voting:

Yes: Foltz, Lane, Snyder

Abstain: Hines, Magel, Repace, DeOrio

No: 0

Mr. Foltz: Consideration of Financial Statement of November, 2005.

Mr. Snyder moved and Mr. DeOrio seconded to accept the Financial Statement of November, 2005 as presented. All members present voting:

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

No: 0

Mr. Foltz: Now, Organizational Meeting of December 3, 2005.

Mr. Snyder: As amended?

Mr. Snyder moved and Mr. DeOrio seconded to approve the Organizational meeting minutes of December 3, 2005, as amended. All members present voting:

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

No: 0

6. Committee Reports

Committee of the Whole (Executive Session – Finance and Property) : Refer to the minutes on file in the Council Office of the Committee of the Whole Executive Session held December 5, 2005.

Finance and Property Committee: Refer to the minutes on file in the Council Office of the Finance and Property Committee held December 5, 2005.

Ordinance, Rules and Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules and Claims Committee held December 5, 2005.

Street and Alley Committee: Refer to the minutes on file in the Council Office of the Street and Alley Committee held December 5, 2005.

Mr. Snyder moved and Mr. DeOrio seconded to approve the committee report minutes as presented. All members present voting:

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

No: 0

7. Recognition of Visitors

Mr. Foltz: Okay, at this time we'd like to recognize anybody who would like to come up and speak to Council. Please address Council by giving your name and address.

Mr. Feller: Chris Feller. 1291 Lipton Avenue – Ward 4. I've got a couple concerns in my neighborhood that I know have been expressed over previous Council meetings. And I'd also like to express – I know I've talked to Mr. Snyder in the past with regards to some of these. One of these to be 1313 Lipton – right down the road from my residence. I've got vehicles continually parking in the yard all days of the week. I've got trash cans and debris that lay in the yard on a regular basis, most of the time, seven (7) days a week. I've also got the residence in general disarray – peeling paint, storm windows lying outside the house, garden hoses, lawnmowers, things of that nature. Directly across the street at 1310 Lipton, I've got an unlicensed vehicle that has been parked in the driveway now for several months. Just recently it was moved at the request of Zoning. However, that vehicle was just moved across the driveway to the front yard. They also are the same trash cans,

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, December 12, 2005

7:00 p.m.

20 05

debris, things of that nature, laying in the yard. Then directly adjacent to them, on the corner of Lipton and Maplecrest, there is a new home being constructed by Nisley Homes. They have had an unexcavated area next to the road for some time now. It is considered a hazard to many of the children, parents who walk down that road, as well as cars and the slippery conditions that we've had as of late. Both the northwest and southwest corners of that property where they're doing construction does have an excessive amount of construction debris as well as downed trees that have been there for an extended time. And I wanted to address Council and Mr. Snyder and ask if there is a corrective action plan in place to address these issues. Thank you.

Mr. Snyder: President Foltz, if I may –

Mr. Foltz: Yes, go ahead member Snyder.

Mr. Snyder: -- address that. Thank you. I do appreciate coming up and speaking before the Council, Chris. About four weeks ago – 3-4 weeks ago, your neighbor was here, Silverthorn. This has been an ongoing thing for – I would want to think 15 months, 16 months, pursuant not only to the many requests I've had to Mr. Hemminger's office relative to the property at 1310 Lipton, and the property at 1291 Lipton, and we have an extensive file on that. I did take pictures, and I shared them with the Council. I shared them with Mr. Hemminger. He did send certified letters. The property right next to you – I think they did remove the bed springs and, unfortunately, that took a little time. We got rid of that little situation. The property at Maplecrest with the wood was addressed and taken care of. However, Mr. Pusateri can appreciate this, the fellow – it's an absentee landlord. He's an attorney. He feels he is not subject to our zoning ordinances. It is his son who lives there. He's had at least seven (7) certified letters relative to his trash – putting it out. He chooses to ignore it. At this particular time, and as far as the aesthetics of the home not being painted and the storm door – I mean we do have an ordinance and we do have a procedure that we'll have to go to the law department to have it ruled as a public nuisance. And we can take it to the municipal court and have the property razed if he does not cooperate, and it's probably vastly approaching that situation. The person across the street from you with that minivan was notified. There is a City Ordinance in place that requires all vehicles to be placed in the driveway or on the street between the hours prior to 10:00 p.m. with a license – current registration. They didn't move it, so they probably felt that that was – it must have been downtown Canton where you'd park and you move your car, and you don't get ticketed. However, I did – Mr. Silverthorn did contact me. I contacted Gene, and he was going to follow through on that. It seems somewhere – and I've said this – I've had that conversation with Mr. DeOrio. I know Mayor Held and I have had that conversation. Someone has to have the authority to knock on that door and explain to that resident what our laws are, and we have to use, more judiciously, our ordinances that are on the books. And, I mean, I realize we don't want to now become the trash police or police where we're going to knock on people's doors and say well, you put this bag...some people inadvertently do it. But this has become a habitual problem. I mean I happen to represent a very nice ward. The people all take care of their properties. We spend thousands of dollars upgrading the streets and the infrastructure. The people do likewise, and it only takes one or two homes to bring down the actual value of your property. I don't know how to honestly address your problem at the corner of Maplecrest and Lipton. That's under the department of building permits. There is – I think our laws – and Mr. Benekos can address that. Our present ordinances require some type of trash receptacle on the premise to pick up construction debris. I don't know what I can do for you there, but I will promise you by Wednesday I'll have an answer for you. I would tomorrow – I won't be in town, but I will, by Wednesday, get an answer to that problem. But the other ones, we are diligently working and hopefully we'll now be able to move forward, because you're not an isolated – we have pockets in the City that have the same problem. And we need to do that. And, you know, they creep up, and we let them – honestly, we err on the side of being nice to the resident, but, again, these properties are both rental properties. And I don't want to go on the record. I'm not a big proponent of rental properties, because that's exactly what happens when you have absentee ownership. So, but I promise you, sir, we'll, as they say, kick it up a notch and see what we can do about it. I don't know if

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

2005

anybody else concurs with me on that, but that's about the best – but that property – we may have to take action through the court. And there are rules on the books. We had that problem at 515 Church and through – when we forced – we were two (2) days away from tearing the property down, and it got fixed up. And it's a beautiful home today. It was sold, and people maintain it – different owners – and sometimes that's what we have to do. But, again, sir, I do appreciate your comments. Any members of Council have any –

Mr. Foltz: I concur, member Snyder. I think we just have to be persistent with the legislative roles that we have and the ordinances, and I think Gene is good to work with – Gene Hemminger from our Building Inspection Department. So, we'll just stay on top of this the best we can. So, okay, anybody else like to address Council tonight?

Ms. Collins: Cheryl Collins. I'm 153 Bonnett Street, S.W. I have spoken to Council before because of the quality of our water, and I'm here on behalf of my family again, and there's a lot of members of Bonnett Street here tonight. You didn't speak of it earlier, but we have heard that you're considering splitting our repair in half. We've waited 20 years for this repair, and I don't know – the consideration of splitting this job in half and only doing it – a little bit of it right now – I don't know, it doesn't agree with me and my family. We've been more than patient waiting for this repair to be done. We've continued to pay our taxes and our water bills on time, even though we can not depend on the quality of our water for 20 years. Ward 4 is slated for a lot of projects, but that's because we have been neglected for a long time – our streets. You're saying that you want to tear up our street now for water lines, throw some asphalt down and then come back and tear it up again later on. And that does tear up our lives, too. We have waited a long time, and I want to put this to you. Put yourself in our place. Okay, you've been – you're drinking orange water, your ruining your clothing, you're plumbing is corroded and caked, your white porcelain sinks, toilets and tubs are permanently stained orange. And you've waited 20 years for this repair. Would you want to hear that only half of the job is gonna get done? And can you look us in the eye and tell us right now that you – that you will definitely do it the next year and finish the job? We're asking that we've waited long enough, and we are – we would like not to be put off any more. Thank you.

Mr. Foltz: Okay, thank you. Please step to the podium, sir.

Mr. Sogan: My name is John Sogan. I'm 237 Bonnett. We moved to Bonnett Street in early 1963. That's over 42-1/2 years, and as Mrs. Collins said, our street has not had too much repairs done to it. Now, it was chipped and sealed a few years ago. It was supposed to have new water lines. They did not – they postponed that. Now we're getting the runaround again and, hopefully, it's on the agenda for 2006. I hope we get it done. I hope we get the water lines done and the street done at the same time, like the rest of the North Canton community. That's all we're asking. James Street did last year or this year – they got a complete job; we want a complete job. And if you want to come and see our water, it's pathetic. That's all I have to say.

Mr. Foltz: Thank you, sir.

Mr. Scott: I don't have anything new to add to that. I'm Ward Scott, 247 Bonnett. We have – I have lived on Bonnett Street for approximately 50 years, and it's, this water situation, of course, as you've already heard, has gotten worse. And John has indicated to you that James Street was taken care of. James Street is a closed street at the end. It's – it comes to an end. Bonnett Street goes through – we have buses going to the school – going up Bonnett Street and around. If Bonnett is torn up twice, then that means that the school buses are going to have to reroute themselves. It means we're going to have to reroute ourselves. It does not seem fair that this should be put off, and it seems to me that you would save money by doing it all at one time and as soon as possible. Thank you.

Mr. Foltz: Okay. Thank you.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20⁰⁵

Mr. Michael: Good evening, Council. My name is Todd Michael, 351 Bonnett, S.W. Just to echo what my neighbors say, we've been there about 20 years, and, you know, the trade I'm in – I'm a contractor. You know, we don't go in and build half a house and then put the plumbing in later and rip the basement floor out. It just doesn't make sense. Mr. Repace put it well. We're not a bush league city here. Let's just do it and do it right. Get it done the first time. Why rip the street up twice? You know, a top 100 community. We can't do water, curbs and sewer all at the same time? It just doesn't make sense to me. Thank you.

Mr. Foltz: Thank you.

Mr. James: Good evening. Doug James, 1227 Lynhurst. I'm at the corner of Bonnett and Lynhurst, and as Mr. Snyder had mentioned earlier, we want to keep our City, you know, up to speed. Mr. Repace mentioned that also. I would implore all of Council to drive down Bonnett three times a day – possibly five times a day on the weekend, as my wife does, hauling teenage students around on the weekend – and see what your tires look like at the end of a week. In addition to that, I would implore you to come over to our house and look at our whites to see what those look like and our drinking water. We moved into our residence in March of 1992, and in June of '92, Bonnett Street was just paved. The water lines, I understand, are the fourth or fifth oldest in the City, and it's really unconscionable. So I implore Council to take a hard look at this and get this job done. Thank you.

Mr. Foltz: Okay. Thank you, sir.

Mr. Schwallie: My name is Mike Schwallie. I live at 120 Bonnett. It's not only the water line; it's a problem with storm sewers. People on Bonnett have been promised for the last 15 years they're going get their water lines replaced, which hasn't occurred yet. The runoff when it rains from Bonnett runs down – runs a (inaudible) on Main Street. The curb lane going south is totally unusable. At 10 miles an hour you can hydroplane. From Bonnett to Rose Lane, the curb lane is almost impossible to use from a runoff – one or two catch basins on Main Street is not going handle the runoff when it rains. Bonnett, from Main Street to about Lynhurst, is so wide it's ridiculous. If they'd put curb and gutter in, what they'd save on narrowing the road would offset the cost of curb and gutter and pavement. Then it goes to a cow path on Lehigh. I challenge anybody on Council at 8 o'clock – try to come from Orchard Hill School to Bonnett on Lehigh when the school buses are going down there. I mean it's – you're taking your life in your own hands the way the school bus drivers drive, to start with. And, I mean, it gets so narrow right there, it's just – somebody's going get creamed. And it's pretty much all I have to say other than I've talked to a few people on Council prior to this administration, and – (inaudible). I find it rather ironic that they're discussing spending hundreds of thousands of dollars for a new fire truck when there's water lines in town that can't supply enough flow to put out a fire. I think before they start spending money for new equipment and stuff, they ought to start thinking of infrastructure first and take care of the water line problems that need to be taken care of. Some of the older parts of town – it's just ridiculous what the volume is. Thank you.

Mr. Foltz: Thank you, sir. Anyone else to speak before Council tonight? Okay, we'll just address – (inaudible) We'll going to go over our capital expenditures a little later in the evening, and obviously, Bonnett is on the agenda to look at. So, I am very much in favor of replacing the water lines. It's just a matter if we have enough money to do the rest of the street at this time. And I'll talk about this later. I represent Ward 1, as well as other members represent the specific wards, and Jon has done a good job with a lot of projects in the past. It's just there's a lot on the table. There's a lot to consider here. There's a lot of projects in other wards to consider also. So, that would be the only stepping point I see, or as far as how this is looked at through this Council. So, member Snyder, I think we'll come back to this and discuss this at a later time, unless you have a comment.

Mr. Snyder: No, I appreciate that. And, as I say, as our conversation went today, I can make a very good case for the people of Bonnett. I do appreciate them coming up. I didn't – honestly did not realize they would be here, but the street is in bad shape. And I realize that members that represent other wards feel that the lion's

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20⁰⁵

share is going to the fourth ward. When it comes time, I think I can adequately explain to you why that was a fact, and some of you members did vote for that prior to, and, you know, there are certain things that have to be done. We'll talk about that when the time comes. But I do appreciate that ability to address my constituents' problems.

Mayor Held: Mr. President, if I may comment on that. I'd like to thank Mr. Feller for bringing those issues to our attention, and then, also to the residents on Bonnett – Ms. Collins and Mr. Sogan, and Mr. Michael and Mr. Schwallie for bringing that up. Just so that, Council, when you're making your decisions on the street projects in reference to the budget, Bonnett Street does meet the three (3) criterias that we've formulated in the City as far as priority. The number one priority is the water lines. Any street that has a four or six-inch water line needs to be upgraded. What we'd like to have is a minimum of an eight-inch water line on every street throughout the City. I believe that all the two-inch water lines have been now replaced; is that correct?

Mr. Benekos: We have one on Promway.

Mayor Held: Okay. There's one. So, the reason that the size of the water lines are critical is – number one, because of the fire flow. We want to make sure we have sufficient flow for fire suppression. The other is that the – usually when it's an older line, that's where you get the rust, and you get the sediment buildup. What we've found is when we do replace those lines with a newer eight-inch water line, the residents are less inclined to have the rusty water. The second priority that is addressed there on Bonnett is the storm sewer. We do have drainage problems on Bonnett. And so it does meet category number two – or priority number two. And the third is also the street. And the street is clearly in need of curb and gutter. So, when Council is reviewing this, I would just ask them to keep in mind that it does meet the Bonnett Street, just like other streets in our City – it does meet the – all three categories. Thank you. Thank you for coming.

Mr. Foltz: Okay. Thank you, Mayor.

Mr. Repace: Doug, are we allowed to comment on this?

Mr. Foltz: Definitely.

Mr. Repace: I'd like to make one comment. When we were campaigning for this office, the residents on Bonnett – they talked to us about their water problems. I had a gentleman that actually wanted to invite me into his home to show me the color of his water and that he had no water pressure. And I didn't have to do that. I obviously believed the individual. But I can tell you this. I know at least three of us sitting up here, when we were running for this office, we told the residents on Bonnett that we would look into their situation. There's a lot of issues throughout the City that need to be addressed. Two of the major issues that I can see are the water problems on Bonnett and the flooding of the Zimber Ditch. If one more house gets flooded because of the Zimber Ditch problem, then shame on us – that's one house too many. There are issues that need to be looked into. We need to commit to these people that we are going to take care of their problems. That's what we're here for, and if we're not gonna do it, we have no business sitting here. I would not want to have discolored water in my home. I would not want to have my clothes ruined because of discolored water. I would not want my children to be afraid to drink the water because of the – not knowing what's in it. Therefore, we need to commit to these people that we're going to take care of their problem. And I will do – I can commit to you that I'm going to do everything that I can to try and help you, and I know that some other people up here will do that also.

Mr. DeOrio: And if I might add that – yes, we were on Bonnett, and there is a tremendous problem with water, but, and not only there, there's – on Lucille and Furbee – we were there, and went in the house and looked at the water. It's just inexcusable. It's unconscionable that in this City that we would have to pass out tablets for people to do their wash. That's just – it just – I just can't accept that as a standard in this community. So I will echo Mr. Repace's comments that we will do

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005 7:00 p.m. 20 05

everything we can to make sure that everybody in this City has water that they can drink, water they can wash their clothes with, and just water that they can use.

OLD BUSINESS:

8. Mr. Foltz: Okay. Any other comments from Council? Okay, with that, we'll go ahead with our old business of ordinances. May I have a motion to read, by title only, the third reading of Ordinance No. 205-05.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 205-05. All members present voting:

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

No: 0

Ordinance No. 205-05 – Third Reading

An ordinance authorizing the Director of Administration of the City of North Canton, Ohio, to advertise and receive bids according to specifications now on file in the office of the Director of Administration for a three (3) year franchise agreement for sanitation and recycling for North Canton residents commencing July 1, 2006 and ending June 30, 2009, with an option to extend said franchise agreement for an additional two (2) year period.

Mr. Foltz: Chairman Magel, do you –

Mrs. Magel: Yes, this is our third and final reading, and I would agree with last Council's first two readings. I'd just like to specify why on earth December 12th would we be doing something for a contract in July 1st of 2002. And I would like to explain that. Right now we have a – our bids are with Republic, and we have an option to extend the previous three (3) years to also to extend it to another two (2) years. While we are negotiating with Republic, we would also like to receive and advertise bids, because it takes a certain set of time; and we would like to have our options on the table July 1, 2006 so we have the best of both worlds. So, are there any questions to Council?

Mr. DeOrio: Member Magel, am I understanding you correctly – did you ask the question that why are we negotiating this contract at this time when it doesn't commence until 2006?

Mrs. Magel: Yes.

Mr. DeOrio: So we don't have – you do or do not have an answer to that?

Mrs. Magel: That's what I was saying.

Mr. DeOrio: -- from the administration?

Mrs. Magel: The purpose is that while we're negotiating the second two (2) years with Republic right now – the extension of two years – they're going to give us their bids – their, you know – whatever their options to – if we can or can not – if we want to accept a two-year extension. That they're going – this is from the previous three (3) years. We have an option to extend two years. As we are discussing with them, we would like to also receive and advertise bids for others so that we have the best of both –

Mr. Snyder: I believe that contract precludes you from doing that. They have an exclusive contract with the City prohibiting us to inquire or to search other companies while they have an active contract. That's the reason they put a two-year extension onto their contract. They have an exclusivity. We would be in breach if we went to another hauler and negotiated prior to the expiration of the existing contract. But the extension – the zoning negotiating for the two-year additional – at the end of the period prior to the exhausting of this contract, they will come to you and ask for permission to bid other people against Republic. But if we

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005 7:00 p.m. 20 05

would go to bid with another firm prior to the culmination of this contract, we're in breach.

Mrs. Magel: I did not mean simultaneously.

Mr. Snyder: Oh. Oh, I, as I understood, you wanted –

Mrs. Magel: Okay. No, I meant if we didn't like the terms of the two-year extension.

Mr. Snyder: Oh, we're not, we're not forced to accept that.

Mrs. Magel: That's correct.

Mr. Snyder: Oh, yeah. That's right.

Mrs. Magel: That's correct.

Mr. DeOrio: So, we are negotiating a two-year extension at this time?

Mrs. Magel: We're looking into it.

Mr. DeOrio: We're looking into it?

Mrs. Magel: That would be the administration.

Mr. Wise: Yes.

Mr. DeOrio: Well, if I could bring up a point for you to consider in that. And, you know, I certainly can't speak for every, every member here or every resident, but I would certainly – you know, those of you who are here, that to certainly spread the word to ask your fellow residents if they could comment on this quandary that I have. I live on Arnesby Circle up there behind Discount Drug Mart. We petitioned to be annexed into the City just a few years ago, so we're relatively new here. But in this year of 2005, I can recall five instances where the trash on my street, Arnesby, and the other street in my allotment, Eastwind, was not picked up on the day specified. It wasn't – not my house – I mean every street on my – every house on my street and the adjoining street was not picked up. Now, how do I know this? It is because I was the difficult one who called into City Hall and complained of this. Where is the trash pickup? In three of those five instances, it didn't come – it didn't get picked up the next day. Now, this is not in a holiday week either. So, it wasn't because everybody got screwed up on my street and put their trash out and forgot that it was a holiday. This was excluding the holiday kind of pickup. And what I have a little problem with is that since we have an ordinance now that tells people how long they can leave their trash out before it's picked up, I think what's good for the goose is good for the gander. If I can't put my trash out, and I certainly don't want to more than the day in advance, I don't like it being left out more than a day afterwards. So, I would like to see something addressed in this – in these negotiations – if possible, some type of, for lack of a better word, a penalty clause, that, you know, if you fail to pick up on streets, you know, there should be some compensation or some sort of redress for that. It's just not acceptable. I can't believe I'm the only street in the City that this has happened to, so for those of you who are here – and I'll certainly open that up to the other residents of the City – if you've experienced this problem, please, please don't sit in silence. Bring it forward. Thank you.

Mr. Foltz: Okay. Any other comments? Do we have a motion to adopt the third reading of Ordinance No. 205-05?

Mr. Snyder moved and Mr. Lane seconded to **adopt the third reading** of Ordinance No. 205-05. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

9. Mr. Foltz: Okay. May I have a motion to read by title only the third reading of Ordinance No. 206-05?

Mr. Snyder moved and Mrs. Magel seconded to **read by title only, third reading of Ordinance No. 206-05**. All members present voting:

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

No: 0

Ordinance No. 206-05 – Third Reading

An ordinance authorizing participation in the Ohio Department of Transportation contracts for the purchase of machinery, material, supplies or other articles which the Department has entered into pursuant to Ohio Revised Code Section 5513.01(B).

Mr. Foltz: Chairman DeOrio?

Mr. DeOrio: Yes, this is for a third and final reading. And it essentially allows the City to participate in Ohio Department of Transportation contracts in which they are able to get a better price on various types of machinery, materials and supplies, and we can avail ourselves of that opportunity. I'd like Council to adopt this on our third and final reading.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading of Ordinance No. 206-05**. All members present voting:

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

No: 0

10. Mr. Foltz: May I have a motion to read by title only the third reading of Ordinance No. 207-05.

Mrs. Hines moved and Mrs. Magel seconded to **read by title only, the third reading of Ordinance No. 207-05**. All members present voting:

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

No: 0

Ordinance No. 207-05 – Third Reading

An ordinance amending Land Use Category (d) of Section 1137.03 Schedule of Permitted Uses of Chapter 1137 Business District Regulations of Ordinance No. 50-03 Zoning Ordinance of the City of North Canton by the addition of a similar use category to (d)(17) as a conditional use in GB-A, General Business A District and a permitted use in GB-B, General Business B District.

Mr. Foltz: Chairman Snyder?

Mr. Snyder: Thank you. As you remember some months ago, a lady wanted to put a pet grooming service in the City in a General Business A District, which would not permit it. And the Planning Commission, I believe, by a 6-0 vote – 5-0 vote, pardon me, recommended that pet groomings be a conditional use, which they would be controlled – they would have to submit to the Planning Commission for approval. So, that would have the – someone from the government looking at their proposal, and it would be a permitted use in General Business B, which is a very – the most liberal of our zoning in businesses. So, which would be along Main Street and so forth. It is zoned General Business A. However, unfortunately, the lady, for reasons – I think that she said the gasoline was too expensive to travel to and from her pet grooming. I didn't realize they had to tank up those dogs, but somehow they have to do that. So she withdrew her petition. But for a means that should something come out in the future, we'll have the mechanism in place. And, again, there's stop gaps there – it would go to the Planning Commission. It would be scrutinized, so I'm sure it would be judiciously looked at and properly placed without any problem. So, with that I would ask that and recommend that you adopt the third reading of Ordinance No. 207-05.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005 7:00 p.m. 20 05

Mr. Snyder moved and Mr. Lane seconded to **adopt the third reading** of Ordinance No. 207-05. All members present voting:

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

No: 0

11. Mr. Foltz: Okay. May I have a motion to read by title only the second reading of Ordinance No. 210-05.

Mr. Snyder moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 210-05. All members present voting:

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

No: 0

Ordinance No. 210-05 – Second Reading

An ordinance amending Section 935, specifically 935.02, connection charge other than by assessment of the Codified Ordinances of the City of North Canton, Ohio, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you. Again, I thought that was for front foot charge.

Mr. Benekos: The way it's set up, it is –

Mr. Snyder: -- for front footage. That's what my understanding – presently, it's on the books at \$10.00 --

Mr. Benekos: Right.

Mr. Snyder: -- per front foot; correct?

Mr. Benekos: That is correct.

Mr. Snyder: And we – and our actual cost is in excess of \$23.00 per square foot – per foot.

Mr. Foltz: Lineal foot.

Mr. Snyder: Lineal foot. And we want the option to assess what our cost plus any inflationary pressure would be on it, and we would look at that every year; is that correct?

Mr. Lane: Every year the price index would be revised on that. But if I could ask Council, I'd like to have Council table this ordinance for right now. There's a few things I'd like to review with Council at a future Committee Meeting on this legislation.

Mr. Snyder: Mrs. Hines, do you have any problem if we table this?

Mrs. Hines: No. That's all right.

Mr. Snyder: Council, I would think – I don't feel that right now we're going to place any water lines within the next few weeks, anyway. So, we have – and if you'll do that, then just notify the Clerk when you're ready, we'll – I'm sure the President will move it back, so at that point, I would ask a motion to table Ordinance No. 210-05 for future review.

Mr. Snyder moved and Mr. DeOrio seconded to **table for future review** Ordinance No. 210-05. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005 7:00 p.m. 20 05

12. Mr. Foltz: May I have a motion to read by title a second reading of Ordinance No. 211-05?

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, second reading** of Ordinance No. 211-05. All members present voting:
Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane
No: 0

Ordinance No. 211-05 – Second Reading

An ordinance amending the current City Vehicle Use Policy and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Hines?

Mrs. Hines: This is an amendment to the Vehicle Use Policy that's currently in effect. And former City Administrator Miller and Police Chief Grimes met and discussed this policy about how and when to use the city vehicles and what happens when they are misused. Law Director Pusateri then put it into legislative form, and this should help by the word changes made to help us in case of any litigation.

Mr. Foltz: Okay. Do we have a motion to adopt the second reading of Ordinance No. 211-05?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 211-05. All members present voting:
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel
No: 0

13. Mr. Foltz: Next item – may I have a motion to read by title only a second reading of Ordinance –

Mayor Held: Mr. President, I'm sorry. I don't mean to interrupt. If I may ask of the Law Director on this particular ordinance – would this also – would this ordinance, then, automatically amend our Personnel Handbook, or would that be in order to include that in a Personnel Handbook?

Mr. Pusateri: Well, this would – anything that is inconsistent with the handbook, this would take priority. Does that make sense?

Mayor Held: Okay. So we would make an amendment then (inaudible).

Mr. Pusateri: Sure. Yeah.

Mr. Foltz: City Employee Handbook, you're discussing?

Mr. Pusateri: Yes. If there's anything inconsistent with this and the handbook, this would take priority.

Mayor Held: Okay.

Mr. Foltz: Okay. That answers your question?

Mayor Held: Yes, thank you.

Mr. Foltz: Okay. May I have a motion to read by title only the second reading of Ordinance No. 212-05.

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, second reading** of Ordinance No. 212.05. All members present voting:
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace
No: 0

Held Monday, December 12, 2005 7:00 p.m. 20 05

Ordinance No. 212-05 – Second Reading

An ordinance amending Ordinance No. 155-03 Collective Bargaining Agreement between the City of North Canton and the North Canton Professional Firefighter and Paramedic Association, IAFF Local 3489, by the addition of Article 30-A, Residency.

Mr. Foltz: Chairman Hines?

Mrs. Hines: The Collective Bargaining Agreement from 2003 between the City of North Canton and the Firefighters and Paramedics submitted a non-residency clause in their contracts. However, the North Canton Civil Service did have a residency clause. So, former Personnel Chairman Lindower, although not agreeing with the non-residency clause, believed, as I do, that we need to honor the Collective Bargaining Agreement to have harmony between the two – there needs to be a clarification of the “no residency.” Therefore, I ask that we pass the second reading of Ordinance No. 212-05.

Mrs. Hines moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 212-05. All members present voting:
Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder
No: 0

14. NEW BUSINESS:

Mr. Foltz: Okay. May I have a motion to read by title only, the first reading of Ordinance No. 215-05.

Mrs. Magel moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 215-05. All members present voting:
Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio
No: 0

Mr. Pusateri: Now, before we officially read this, we have to make a motion to change it to an emergency ordinance, because, I think we authorized a non-emergency in the last Council of the Whole, I believe, and we've learned since that in order to purchase this property, we have to have that contract signed by the 21st of December, I think it is.

Mr. Lane: I'll make that motion.

Mr. Foltz: Excuse me?

Mr. Lane: I'll make the motion.

Mr. Foltz: You'll make the motion?

Mrs. Magel: Question, Jim, what was the official reason why it had to be on an emergency?

Mr. Benekos: It's what the church wanted in order to donate the property.

Mr. Lane: I think they want to get it cleared up by year end.

Mr. Foltz: They wanted a formal resolution or ordinance by December 21st, if I remember correctly.

Mr. Benekos: Correct.

Mr. Foltz: Okay. And you were going to check on that, you did, and I'm sure that's the date they want it done by. So –

Mrs. Magel: Okay.

Mr. Foltz: Okay, with that said, I guess the Law Director can read title?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m. 2005

Mr. Pusateri: Well, we have to first motion –

Mr. Snyder: I'll second the motion.

Mr. Pusateri: -- to amend it to an emergency.

Mr. Lane moved and Mr. Snyder seconded to amend Ordinance No. 215-05 to an emergency ordinance. All members present voting:

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

No: 0

Mr. Pusateri: And we took a vote to read it, then, right? I think, already?

Mr. Foltz: Yes.

Mr. Pusateri: Okay. As amended.

Mr. Foltz: Do we need another motion?

Mr. Pusateri: Yeah. We probably should have.

Mr. Foltz: The motion to read title – the first reading of Ordinance 215-05 as amended for emergency.

Mr. Lane moved and Mrs. Magel seconded to **read by title only** the first reading of Ordinance No. 215-05 as amended for emergency. All members present voting:

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

No: 0

Ordinance No. 215-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract of sale agreement for the purchase of the premises known as Lot Number 4236 located in the City of North Canton, Stark County, Ohio, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, I can't add too much more than what we've already just said, but there was an attachment to the legislation request that I think everybody has had a chance to take a look at. So I would move that we adopt this on the emergency basis in order to comply with the wishes of the church.

Mr. DeOrio moved and Mr. Lane seconded to **adopt the first reading on an emergency basis** of Ordinance No. 215-05. All members present voting:

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

No: 0

Mr. Foltz: Okay, Clerk. That's all we need.

Mr. Snyder: To suspend the rules.

Mr. Foltz: We have to suspend the rules. Do I have a motion to suspend the rules for Ordinance No. 215-05?

Mr. DeOrio moved and Mr. Lane seconded to **suspend the rules** of Ordinance No. 215-05. All members present voting:

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

No: 0

Mr. Foltz: Now may I have a motion to adopt under the suspension of the rules Ordinance No. 215-05.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005 7:00 p.m. 20 05

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance No. 215-05. All members present voting:

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

No: 0

15. Mr. Foltz: Next we have a motion to read by title only the first reading of Ordinance No. 216-05.

Mr. Snyder moved and Mrs. Magel seconded to **read by title only** the first reading of Ordinance No. 216-05. All members present voting:

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

No: 0

Ordinance No. 216-05 – First Reading

An ordinance amending Land Use Category (b)(6) of Section 1133.03 Schedule of Permitted Uses of Chapter 1133 Single-Family and Two-Family Residential District Regulations of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to allow public parks and/or playgrounds to be a permitted use rather than a conditional use in R-70 and R-50, Single-Family districts.

Mr. Snyder: We did discover when we placed a park in a R-70 district that it was a – had to be a conditional use. In other words, any time that we built – it's actually in conflict with our subdivision regulations which require parks be placed in R-50 and R-70 in our two districts. So we would have to go to the Planning Commission for every park that we put in. So after we'd seen that oversight, we ask that it be changed – that parks be permitted uses in all single family and residential multi-family districts, as – and would be in concurrence with our subdivision regulations. So, if there are no new questions to that, we would like to clean that up and move ahead. And I would recommend that we adopt the first reading of Ordinance No. 216-05.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt the first reading of** Ordinance No. 216-05. All members present voting:

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

No: 0

16. Mr. Lane: Mr. President, could I make a suggestion, since we've been here a couple hours now? Can we move ahead and go to 218, because we're going to have to change the agenda for that and maybe take a five minute break, because I think we're going to be here for a while longer on the budget.

Mr. Foltz: Okay. Can I have a motion to read by title only the first reading –

Mr. Snyder: Excuse me, Mr. President. May I – first may I recommend that we amend the agenda to include Ordinance No. 218-05.

Mr. Snyder moved and Mr. Lane seconded to amend the agenda to include Ordinance No. 218-05. All members present voting:

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

No: 0

Mr. Snyder: Mr. President, may I move that we make a motion that we read this without minutes of the committee?

Mr. Snyder moved and Mrs. Magel seconded to read Ordinance No. 218-05 without minutes of the committee. All members present voting:

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

No: 0

Mr. Foltz: Now, do we have a motion to read by title only the first reading of Ordinance No. 218.05?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held MONDAY, DECEMBER 12, 2005 7:00 p.m. 20 05

Mrs. Hines moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 218-05. All members present voting:

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

No: 0

Ordinance No. 218-05 – First Reading

An ordinance amending Resolution No. 8-78, as amended, Rules of Council, specifically Section 115.01(d)(9) of the Codified Ordinances of the City of North Canton, to change the date and time that all matters to be placed on Council of the Whole agenda will be forwarded to the Clerk of Council and to change the day for distribution of Council of the Whole packets and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Snyder?

Mr. Snyder: Thank you. We had this here a little earlier, as you said. We're going to try to not only step up the procedure, but we're going to lengthen the procedure, requiring that everything be in the office of the Clerk six (6) days prior to the meeting. The packets will be ready downstairs, as they always are, on Wednesday versus Friday. It will give the members of Council more time to work with their committee and work through the administration should they have any questions of department heads or people in authority. And I would ask that we adopt the first reading of this ordinance as well as the next one will be amended at that time – for the typos and so forth. You were all given, I think, a copy of a tentative sheet, and there seem to be no objections, so I would urge that we adopt the first reading of Ordinance No. 217 -- 218-05.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 218-05. All members present voting:

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

No: 0

Mr. Wise: Mr. President, if I may, just as – with regard to this 218-05 – the last ordinance, I'm looking at a chart which is in the agenda. That's the same thing we're talking about, is that correct?

Mr. Snyder: Yes, sir, it is.

Mr. Wise: As I read section 2, it indicates that the date and time that all matters to be placed on the Council of the Whole agenda shall be reported to the Clerk by 4:30 p.m. six (6) working days prior to the Committee of the Whole meeting. I guess I'm confused. I see that as being ten (10) days before the Committee Meeting as it relates to this chart.

Mr. Snyder: I think those include a weekend. That's the reason you got 10.

Mr. Wise: Okay.

Mr. DeOrio: We went with business days.

Mr. Wise: Okay.

Mr. DeOrio: Six business days.

Mr. Pusateri: Working days, yes, business days.

Mr. Snyder: Well, actually it's the Tuesday prior to the meeting. Now that gives you four (4) – it's actually earlier than that. It's the Thursday prior to the week before, because you have five (5) days the week before, and you have the Friday before. So it would be that Friday, right? At 4:30.

Mr. DeOrio: Right. right.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MONDAY, DECEMBER 12, 2005

7:00 p.m.

20 05

Mr. Wise: And then the packets are then to be picked up or be available for pickup on the following Wednesday before the meeting on the following Monday?

Mr. DeOrio: Monday.

Mrs. Magel: Yes.

Mr. Snyder: And, again, that's not to preclude – I think what it is, Director Wise, is the fact that things that are budgeted items that are projects and so forth that they arrive, you know, in a way that the chairmen have more time to – the things such as salt or contracts that come up day-to-day are not – they're exempt from that. I think that's the case. Am I correct in my thought process, or am I wrong there too?

Mr. DeOrio: Well, no, I think what we're trying to say here is that if there was an emergency, that, you know, Council would certainly take that into consideration and move that process along. But for items that really aren't emergencies, that are just normal everyday operational things that need to be put on Council's agenda for the Council of the Whole, that we have some sort of thoughtful process here. And, again, in the past, the packets would be available on Friday. They couldn't be available any earlier, because there were still being requests put on that Friday. And members of Council could pick up their packets on Friday at the close of business, but then with Saturday and Sunday following, there would be no way to reach anybody in the administration or any department head to talk about items that are being put on the agenda. You know, so that basically gave us – gave Council members a Monday to try to work out all the quirks and any of the questions that they have, let alone talking to other members on their committees, for questions that they might have on certain agenda items. So, you know, again, presently, as member Snyder stated, present Council Rules say that it should be turned in by the Wednesday before that meeting. But they're not getting turned in by Wednesday before the meeting, they're getting turned in Friday before the meeting. And even if they were turned in on Wednesday before the meeting, it still doesn't alleviate the problem that Council doesn't have a sufficient amount of time to properly and thoroughly address the requests that are being put on our agenda. So, we need to pick the packets up on Wednesdays so that we have Wednesday, Thursday, Friday to meet with you and figure out what we need to do. It gives us the weekend to, you know, talk, get our agenda together and then Monday, if there's any last minute wrap-up, to reach somebody before the meeting. So, it's designed to try to bring some more thought and thoroughness into the process.

Mr. Wise: I understand and I just was unclear as to the chart. That chart is correct as it relates to the last day for items – legislative items to be placed on the agenda.

Mr. DeOrio: And Gail did a super job in putting that together, and, you know, we took into account, you know, holidays – that's not a business day. So, we've had a little variance there on that.

Mr. Wise: Thank you.

Mr. Foltz: Okay. This leaves us with one last ordinance to review – that's our budget, obviously appropriation ordinance. So, do we have a motion to read by title only the first reading of Ordinance –

Mr. Lane: We're not going to take a break?

Mr. DeOrio: And I got so engrossed in the discussion, I lost track of – did we have to vote on anything there, or did we do that already?

Mr. Lane: No, we did that.

Mr. Foltz: We already did that, and the administrator and mayor had a comment, I believe.

Mr. Lane: I'm just suggesting that what – we've got 10 more pages to go through, and we've been here over two hours. I just suggest to take a break.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005 7:00 p.m. 20 05

Mr. Foltz: Do you want to take a break? Is that what you're saying?

Mr. Lane: About a five (5) minute break, yeah. No big deal. Just enough to stretch a little bit.

Mr. Foltz: That's fine.

Mrs. Magel: Oh, yeah.

Mr. Foltz: We'll recess for about five minutes.

17. (Meeting reconvened). Mr. Foltz: We will resume the Council meeting. May I have a motion to read by title only the first reading of Ordinance No. 217-05?

Mr. DeOrio moved and Mrs. Magel seconded to **ready by title only** Ordinance No. 217-05. All members present voting:

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

No: 0

Ordinance No. 217-05 – First Reading

An ordinance to make appropriations for current expenses and other expenditures of the City of North Canton, Ohio, for the period beginning January 1, 2006 and ending December 31, 2006.

Mr. Foltz: Chairman?

Mr. DeOrio: Welcome back.

Mrs. Magel: Kotter.

Mr. DeOrio: To where we left off, and that was on page 28 of the draft budget. And let me say that, you know, I don't – I don't believe that we intend to complete this entire process this evening. And what I envisioned was that next Monday that we have a special meeting, I guess, of Council following our Committee Meeting, to do the second reading of this Ordinance No. 217.05. And what I would like Council members to consider is scheduling a third reading, if needed, on December the 20th, the next day. And if you can be looking at your calendars, we can, perhaps, get that ready. And, then, on the 19th if we're – we've made enough progress, we feel we're okay, we can just go ahead and pass it on an emergency that night and cancel the meeting if needed. But I would like to at least have that contingency out there so that we give everybody a chance to participate that wants to. So, on page 28, then, getting back to the equipment, you know, let's try to keep our comments to the items that we see in the equipment line item, which ends in 5500. I think we've pretty much covered – now, on page 28, which is where we left off, the last discussion was on the catch basin including the sweeper.

Mr. Repace: Doug, I have a question. Can we deviate from equipment for just a second? I have a question. A little confused on something here. On the \$325,000.00 for Bonnett. Do you see that?

Mr. DeOrio: Indicated yes.

Mr. Repace: And then down below, another \$200,000.00 for Bonnett.

Mr. DeOrio: Indicated yes.

Mr. Repace: Can you explain to me what that entails – that money – what all that's for – appropriated for?

Mr. DeOrio: Go ahead, Julie.

Mrs. Herr: The \$325,000.00 for Bonnett represents the street portion of the improvements, and the \$200,000.00 down below represents the storm sewer

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

December 12, 2005

7:00 p.m.

20 05

portion of the improvements for that street. So we separated out – we separated out the storm sewer portion. Obviously, the water would be in the Water Fund. The sanitary sewer would be in the sanitary sewer fund, and then the street portion is also separated. So, for a project like Bonnett, if there's four (4) aspects to it, you'll see it four different places.

Mr. Repace: Okay. Now what did – I want to write – the 325 is for what now?

Mrs. Herr: The \$325,000.00 is for the street – the resurfacing, the reconstruction.

Mr. Repace: Okay.

Mrs. Herr: And the \$200,000.00 is for the storm sewer. Storm sewer – any work related to that.

Mr. Repace: Okay. Thank you.

Mr. DeOrio: And I would just add that those particular items – we will get to those when we discuss the capital improvement projects which are next.

Mr. Repace: Okay. I just was curious with the discussion that we had here earlier tonight.

Mr. DeOrio: Page 29, page 30, 31.

Mr. Lane: 30 – Excuse me, (inaudible). That drive-up drop box – this is what we talked about the last couple of years, right?

Mrs. Herr: Yes.

Mr. Lane: So, obviously, we've gotten by without it. This is just another attempt at (inaudible).

Mrs. Herr: Yes. It's something that I would like to see, because I think it would be a big convenience --

Mr. Lane: It's a very good idea.

Mrs. Herr: -- for our residents. The problem is that it is going to involve redesigning of the parking lot, possibly forfeiting one or two parking spaces. So, it's not as easy as it would appear, but I would like to keep the option up there in case, you know, we do – you know, they want to do it, because I think it would be a good idea for our residents.

Mr. Foltz: Chairman, does anybody have a comment?

Mr. DeOrio: Yes.

Mr. Foltz: I think one thing we need to look at there is not so much the drive-up box, it might be a good idea to do it down the road. But we need to develop that sidewalk for a ramp just to have it more handicap accessible to this building. So, you know, I don't know if the administration's looked at that or maybe we could use some money in some account to that degree. But I think we have a real need just to have it be handicap accessible.

Mr. Lane: Where's that at?

Mr. Foltz: Just the front of the building – the sidewalks. I don't know if there's a ramp out there now or just – or just an area that with a hand rail and it's a little easier for people to get into the building.

Mr. Snyder: Well, there's a line item in the budget for concrete repairs; is there not? Like \$25,000.00?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Mr. Lane: \$40,000.00.

Mr. Snyder: \$40,000.00?

Mr. Lane: Yes.

Mr. Snyder: Yeah, I would think that that account would more than be adequate to -

Mr. Foltz: The reason I brought that up now - I want to see that done - but also if we'll look at the drive-up box, I don't - I want that incorporated somehow that that's not in the way - we have other people who need to have easier access to our facilities here. That's all.

Mr. DeOrio: Page 31.

Mrs. Magel: Wait, wait, wait - page 30. Do we all have a handle on this 4-6 86 and water treatment improvements and - I mean, these are high ticket items here.

Mrs. Herr: That's a debt service. Those are our debt payments. (Inaudible)

Mr. DeOrio: This isn't - this isn't the equipment. We're trying to -

Mrs. Magel: Okay. Okay.

Mr. DeOrio: -- to stick with the equipment. Page 31.

Mrs. Magel: \$10,000.00 miscellaneous?

Mrs. Herr: That's for maintenance of facilities. That's basically for any type of maintenance for water lines. We usually do put something in there as - in the event of an emergency or something. But that is where they do all their maintenance of water lines.

Mr. Snyder: May I interject one thing. One thing that we must keep in mind, I would think, in water operating - it is paid by water itself. It's not a general revenue expense. Anything on there is paid by what we bill the resident. It's its own little profit center and its own operating center. So, it does serve itself.

Mr. Foltz: Its own entity (inaudible).

Mr. Snyder: Right. Actually, it's not paid by the revenues that we collect.

Mr. DeOrio: What I assume in the - that in buying a washer and dryer - that we would buy something local.

Mr. Foltz: What do you mean by local?

Mrs. Magel: North Canton.

Mr. DeOrio: I assume that, you know, we would buy a Maytag brand? (Inaudible)

Mr. Repace: You want to debate that one with me?

Mr. DeOrio: Page 32. The 4x4 pickup with plow to replace van number 65. Can anybody help me with that information?

Mr. Snyder: Normally, we - all departments work on snow removal and snow control. And a couple years ago, we made an actual decision that all equipment, no matter where it's placed in every department, has the ability to adapt a snow plow so that they are able to respond on an emergency for the whole city. And if it's an all call, they all come out. So that's the purpose of that. Those plows are all interchangeable with one another.

Mr. DeOrio: Thank you. 33? 34? 35?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Mrs. Magel: Julie, the – is that 13 or 15,000 miscellaneous? This is getting small.

Mrs. Herr: \$13,000.00, yes. Again that's for sanitary sewer, any type of sewer repairs – that's where that's going to come out of.

Mr. DeOrio: 36? And I believe that's the last page that had any footnotes. All right, so, basically, where we're left at that – is I've got a list of items that Council is going require some additional information on, and I will work with the administration and the department heads to find out that information. I will bring it back to Council so that we can address that. But other than that, then I'd say we're done with the equipment needs. And I had wanted to do projects next, but I'm going to deviate just a minute to take the easy one first and do personnel. I had one issue in personnel that I wanted us to consider, and I had a slide – I thought, perhaps, maybe, Jim, if you have the one that has the overtime analysis?

Mrs. Herr: Yeah, that's it.

Mr. DeOrio: Is that it?

Mrs. Herr: Yes.

Mr. DeOrio: I can't see without my glasses, so I have no idea. Hey those work pretty good (inaudible). Thank you. Okay, and you also have the handout that Julie had prepared for you. And what I would like to do is just confine ourselves to the discussion just on one item. And I'm really trying to do everything that I can now – and I think we all are – to try to preserve employment levels here. And wherever we can cut that can help do that, that's the idea. And, you know, kind of doing this budget is like steering a great ocean liner. It's very difficult to make sharp turns on a dime. But with good vision and planning and forethought, we can make sure we steer clear of the icebergs when we see them. Now, in this particular illustration here, what I was looking at was the line items that deal with overtime in each, in each department. And what I would like to do is get a better handle on the nature of our overtime. I would like to do an overtime assessment. And we might be able to do that internally. Julie and I might be able to work on that to get the information that we need. That's going to be our first recourse is to do that internally. And what I'm trying to find out is why do we have so much overtime in various areas, some more critical than others? If it illustrates that, perhaps, there's the wrong employment levels there, then that is something that we need to address. If there's other issues involved with overtime, we hope to bring those to light. What I would like Council to consider is to budget for 2006 the overtime that we expended in 2005, unless the request for that particular line item was less than what we've budgeted – I'm sorry. It was less than what we expended in 2005. So let me repeat that. What we're looking at to do in the budget for '06 is try to limit the number to the amount of the expenditure from '05; or, if the department has requested a smaller line item, go with the lesser of the two numbers. And when Julie ran this table here, it ended up, as a result, in a savings of \$26,971.00. I don't – I don't think that there was any – this is a situation where overtime was denied to anybody in '05. I think it's a pretty good year to kind of base from. I'm not trying to go back any years more than that. So, if you take a look at that, I think it's something that, you know, you heard the folks here tonight. They've got concerns that don't always correspond to what we think, and we need to serve the people. And wherever we can trim a little bit without sacrificing the operational efficiencies of any of these departments, I'd like us to consider that.

Mr. Snyder: Mr. Chairman, may I ask a question?

Mr. Foltz: Yes, sir.

Mr. Snyder: Thank you. My question was more to the administration than it is to you, sir. I notice – and this always bothers me – on the EMS line – 2005 EMS was \$159,600.00, which we have 100, approximately, our levy brings, I think the yield's around \$168,000.00, which our overtime is almost what our levy is. So, that means we subsidize EMS to about \$1,500,000 – \$1,600,000 from the General Fund, which takes from other services the City provides. My question is, and maybe the

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

administration can get that answer, is there a reason – is there – the protocol calls for as much response as what we respond to. I just don't think that that's – honestly, I'm not a medic; I'm not a doctor. So, the last thing I'd ever want to do is lessen the service. But there's something wrong there. I mean, when you have 10% of your total budget running in overtime alone, either somebody – something is wrong. I'm not going to publicly accuse anybody of anything – but there's something wrong there. I beg to differ, especially when the line item is greater than our income. I mean, that – that has – that's a serious problem. Obviously, the protocol on the answering the call is too much response that you have to back it up, and, I mean, I think that item right there, alone, sticks out like a sore thumb. And, possibly, you may give that to Chairman DeOrio on what the actual – it must have a published protocol on – and if there's minimum standards and there's over-standard.

Mayor Held: If I could comment on that.

Mr. Snyder: Yes, sir.

Mayor Held: Member Snyder brings up a good point in reference to the – in reference to the overtime on the EMS. And I'm not sure how extensive the overtime assessment is going to be, but certainly we would welcome any analysis that – whether we do it through a private contractor or consultant, or whether we do it internally, we're open to looking at that. I know that there may be some union issues that would also have to be considered also in reference to response. But I do know that in North Canton, we do have an excellent response with our paramedics. We will have – we have three people in an ambulance – at least one (1) paramedic, I believe, and it could be as much as three (3) paramedics or a paramedic and three EMTs. And how that compares to other communities, that's something that we can look into. But, again, we are open to it. And any ways that we can cut the overtime, we'd be happy to work with Council or whoever takes up the assessment in reference to the overtime.

Mr. Lane: Can I just add, too, with the upcoming contract negotiations, and I realize you don't want to pull your card right now, but I would assume that overtime might be looked at when we start to get into those – that would certainly take some of these figures down.

Mayor Held: That's right.

Mr. Lane: I mean, that should be a priority, I would think.

Mayor Held: Right. Very good. Thank you.

Mr. DeOrio: Thank you, Mayor. We look – I look forward to working with you, and I think it's – as member Snyder said, there's some glaring things here that need to be addressed. So, if that's okay with Council for the interim period of time, would it be all right to make the changes as reflected here that Julie has put together. Yes, Julie.

Mrs. Herr: Yes, I wanted to make a mention. I – as I'm looking at this, I did realize that I should have accounted for the Engineering Department. We had split – I think I mentioned this before, or maybe last week. We had split a portion of their salaries from just the General Fund, and we put a portion in the Water Department and Sewer. Those numbers were reflected in my budget figures for '06, but because I used my formula, I basically ignored that and used the lesser amount. And, so, I need to go back and fix that to account for the portion of the overtime that's going to be added to the water administration budget and the sewer administration budget for the Engineering Department. And I know that the budget that we came up with for engineering, itself, was just \$5,035.00 for 2006; but if you look at the annualized engineering, it's \$14,254.00. So, a portion of that is going to be made up with the budgeted funds in the Water and the Sewer, but if we keep that – the engineering at \$5,035.00, obviously, with the number of projects that they're doing, if it's consistent with what it was last year, that's something that might be unavoidable. So, I just wanted to bring that to your attention as well. But I at least want to correct the ones

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

for the Water and Sewer to properly reflect the additional overtime amounts that we've included in there.

Mr. DeOrio: That would be great if you could make those corrections. And as far as the Engineering Department goes, I think I'd like to save the discussion on the revision of that until we actually see what projects we end up doing.

Mrs. Herr: Okay.

Mrs. Magel: Just for clarification. What you're doing is taking columns four, columns five, comparing them. We're using column seven, which is the lesser of the two.

Mrs. Herr: Yes. But I'm going to correct –

Mrs. Magel: Yes, I know that needs those corrections.

Mrs. Herr – for those two line items.

Mr. DeOrio: Okay?

Mrs. Herr: So, I will replace the overtime amounts in the budget document with these figures here and then correct the Water and Sewer portions.

18. Mr. DeOrio: Yes. If that's all on that, then I think that brings us to the main event, and that is the – what was the third component, which is the capital improvement projects. So, I'm just going to throw that open on the floor. I don't really have any format I'm following on that, so if we want to just start with – you know, there were a lot of revisions to this, and I should say – let me say this, too. There were a lot – you know, we started out, I'm sure, in '05 with a list of capital improvement projects, and along the way that list got changed. And then I think it got changed again. And I think this thing has been changed, you know, a lot of times. So I'm not even sure what is the correct one to be looking at in this respect. And that really brings up something that I just want to throw out for the record here. There is a better way to do this, and, unfortunately, it can't be done at this time – today. But, I think as we get into '06 and we start preparing for the budget for '07, what I want to see us work on is basically taking this five-year capital improvement project plan – and I know each year another year gets added on, and other projects get added on. But we need to actually understand, when we're adding a project on, what it really means. In other words, these projects haven't actuarially been studied to whether or not the City has the necessary revenues and expenditures to actually do these projects. It hasn't been studied in that respect. It's just been done, you know, kind of a year at a time, and that tends to make it very difficult to reach a consensus on it. And what I would like to see us do – and I will do in working with the Finance Department and the administration – is come up with a, basically a five-year budget. Granted, we can't get as great a detail five (5) years from now as we have today. But we can certainly look at what we would project our revenues to be and what we would project our expenses to be based on historical patterns and taking into account, perhaps, changes in the economy and running different scenarios. And when you come up with that, then you're able to figure out how much money you really have to do projects. And if we know how much money we have to do projects, then we can make the capital improvement project list more of a – more of a reality. And right now, I think, a lot of it tends to become false hope. We tell people, oh yeah, we've got your project ready – get your project – we'll get your project – not this year, next year. And the next thing you know, those people come in her to Council saying they've been coming here for 25 years. And we've just given them false hope. We can't do that. There's a better way, and I intend for us to go that direction. For now, though, we need to discuss which of these projects are in or out.

Mr. Snyder: Mr. Chairman, may I present my case?

Mr. DeOrio: Yes, sir.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

2005

Mr. Snyder. I appreciate that. I'll do this without any preparation, but – because I'm sure everybody – and I honestly speak as a councilman, not as a Ward Councilman. I mean I can politicize the situation and make an argument for the fourth ward and turn this into the fourth ward Capital Improvement Project Budget. That's not a problem, but the problem is in back, I believe it was, in June, we met in this chamber under the administration of Mayor Rice with the residents in Landsdowne, and we formulated and passed 7-0 Ordinance No. 127-05, which said that \$1,500,000.00 would be borrowed, and Landsdowne would be done at one project. Landsdowne was promised to me for the last three (3) years. It is the most – and, again, I'm not – this is political. Please understand, Landsdowne is the most affluent area in the City of North Canton. And I'm sure that the Finance Director will tell you they pay more income tax per household than anybody else in the City and been paying for years. Their streets are the worst in the City – the structure of the street. However, we promised those people that we would take that money and in '05 we would borrow it, and we would do their project in one time. At that time, Director Miller and Engineer Benekos called me and said there's not enough money to do those projects. Will you give up half of it? I said I will give up half of it if the other half goes to Bonnett to do the other part of Bonnett that we have to do the water lines, sewer and storm. Otherwise, I'd want all of Landsdowne done as we agreed to do. And that was \$875,000.00 for half of it. The project to do the Glenwood sewers mandated by the EPA – we have no choice in the matter. We've pushed that off for five (5) years, and we're going to end up in a penalty, and we're going to be fined, because the County is no longer going to service the water running from the storm into the sanitary sewer. The \$125,000.00 at Glenwood is a mandate. The Cordelia water line is a water project – can only do a four-inch – those people are drinking – and that superintendent of water service lives on Cordelia. And that, again, is a water – it already has curb and gutter. So it's simply going to get a water line for \$195,000.00. And that brings me to Bonnett. Bonnett, again, as they tell you, their water is rusty. It's \$800 some thousand – a \$845,000.00 project, to-wit, \$545,000.00 is water and storm. The \$300,000.00, which is only a portion of the \$875,000.00 that I gave up, will cover the infrastructure portion of the job. And that's all that Wad 4 is getting at that – it's not all, I mean, it's two (2) projects. I realize dollar wise, against the other wards, it seems a lot. But to do design, we have presently on the shelves in the engineering offices, design for Landsdowne, Stratavon, McKinley, Bonnett, Pineridge, Override and Bachtel. To do – continue to do design work and shelve it is a joke. You're talking about politicizing it, we're never going to get to it, and by the time we get to it, the prices and the design are antiquated. So to spend the people's money is not only wrong, but it's sinful. Why do design when we know we have no intention of doing the work for two or three years or four years, anyway. But we have those designs on our shelves in the engineering office. And, again, I will say, if you don't want to do Bonnett or the water line, then put my 875 back in Landsdowne, and we'll do the million five in Landsdowne like we – but it's not fair to the people on Bonnett. And I have water lines that people are drinking rusty water. And to design projects and to put them on the shelf when – and then say we'll do them in '07 when we know we already have \$3,000,000.00 targeted before we add these other projects on there – I gave up Landsdowne two (2) years ago to do Ninth Street. I did it to do your streets on Knoll, and now you're coming back and asking me to give up Bonnett and give up Landsdowne when these people have been paying taxes, waiting faithfully, drinking rusty water, under the pretext of last fall when we brought them in here. And you all agreed. The Mayor sat there and said are you sure you can go along with it, and you said yes. You said yes, sir. We did Bel Air at a cost of \$900,000.00 on an emergency. All the street. I didn't say don't do the street, but you guys said yes. And now you want to turn around and be disingenuous with me and take away from me the project that I promised these people, and you all promised along with them. And I don't think that's very fair. And I am upset about it, because to go to design Chatham when we have no intention of doing Chatham next year. We don't have two and a half million dollars to do Chatham. So, why should we spend \$100,000.00 of people's money to put a design on the shelf and never do the project? Not to say that Chatham is not a priority. I agree with it. I fought for four (4) years to do Middlesworth the same way. I kept giving it up. But finally, thank God, the people backed me up. We did Middlesworth at a cost of two (2) projects. It cost us \$3,000,000.00. But for the last 22 years, the people in the fourth ward have suffered. They have been politicized, ostracized and cut out of everything.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Either the job was traded – and I never traded a vote to be the President of Council such as my predecessor did. And he did that for seven or eight years – promised those people streets, and they're drinking rusty water. And I don't think it's fair to those people. And I was bullied and I was encouraged by the remarks of both members Repace, Hines and DeOrio, saying they talked to those people. You know, it's like looking at people without a job. They've got rusty water – I mean they're paying ridiculous taxes and then they say they turn their water on, and rust flows out of it. I mean, I could tell ya. I remember when I came – I was on Bonnett, and they told me. I was lucky that anybody on Bonnett voted for me. They probably didn't, because they say you promised me, you promised me. Well, you know, how many times can I promise them? But I – I apologize for being somewhat loud or boisterous, but I can't just tell you how much it's not fair to those people to do it any other way. I mean, it reaches a point where it can't be politicized. And if – that levy – if you can come up with an idea that takes the political portion of it out, you shouldn't trade projects for votes. You shouldn't promise people we're gonna do something. I know you want Pineridge, Override – or Pineview, Override – they've only been in the City five (5) years. If you want to start saying scale of equity, they have brand new water lines there. You're only asking for cosmetic. You're asking for – I gave half of Landsdowne to you to do McKinley, but we can't, we can't put test – you're talking about concrete streets, the people who live on Rose Lane, Override – they promised them, Mayor Rice promised them, Daryl Revoldt promised, and I, unfortunately, promised them, too. They're still waiting for concrete streets.

Mr. Lane: Well, yeah. Let me echo a few of those comments, because ever since this first budget came out and we've looked at it, I think you remember me saying that I thought a million five for Landsdowne was (inaudible), and I didn't think we were messing around with anything other than – that million five for anything but that.

Mr. Snyder: That's true. You did.

Mr. Lane: Oh yeah. And I remember you supporting it. But this goes back – it's an ongoing situation. And, again, sometimes when you end up with an election year, you end up with a lot of promises being made. And the one thing I never did was promise anybody anything that wasn't either engineered or on that five-year draft that then was coming forward. McKinley has been put off for, I think, almost ten (10) years now. It might even be longer than that. Somebody might be able to correct me on that. But that one has to be done, and it's a four-inch line. The Pineview, Override and Bachtel, we did engineer that. Eastwoods is a concrete situation, and not to bore everybody, but that area and Heritage Estates has always had an ongoing situation where we've tried to redo one of those streets every four or five years on an equitable basis. And for one reason or the other, my predecessor didn't stick us with that, and there were many things, as Jon was indicating, traded off on some other things. So, I'm stuck with the situation – it's almost an asphalt street, because it's got so much asphalt paving in the middle of the old cracks. So, you know, I had a million four that I had looking at for this year, and I've had a conversation with Mr. Benekos last week in the spirit of all of this to try and share some of this with everybody, and I've even looked at the possibility of just doing the McKinley water line this year. But that will probably put us about 30 grand over, as we have to reseal the road and do some other things, but we can come back next year. Between Pineview, Override and Bachtel, Override is the worst street that's got some terrain situations and some flooding yards and some other things. And out of the three, I suggested, possibly, we could do that this year and do the other two next year. Eastwoods – Jim has some concerns about the concrete base, so we talked about doing some borings this year, again, with the understanding that once we figured out exactly what we needed, we could come back and do it next year. And Grassmere is a drop in the bucket – its about 20 grand in engineering, and that's another street that needs to be done at some point and time, but when we're talking million dollar figures, it's not that big of a deal. But what concerns me is I'm willing to live with all of those cuts and take my million four that originally was in that budget down to somewhere around a half million, I think is what we figured. But the problem is, and Pat alluded to it, next year when we all come back here, there's going to be four (4) new projects pounding on our door,

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

and we're not going to finish all of Jon's yet; Doug's got two or three out there; and then, these two or three that are half done aren't going to be finished. And I think that that was some of the comments we had earlier. If we're gonna do it, we ought to do it right. So, if we do it half way, then we need to make that commitment that it has to be finished next year. I can live with that, and I think most people would understand we have a very tight situation right now and some very fluid numbers that we're dealing with. But if we put it off and only do half this year and don't come back next year, I mean our word's not good any more. And I think there were too many promises made over too many years.

Mr. Foltz: What area are you referring to – doing it half?

Mr. Lane: Well, doing the McKinley – doing the water, which is the worst situation, and then coming back next year and finishing the sewer and the roads. And then the same thing with Pineview, Overridge and Bachtel – all three streets, as Jon mentioned, have got some new lines in there, but Overridge is a real problem right now – a lot of flooded yards and some other things because of the terrain on that street. It starts high, ends low and –

Mr. Foltz: Isn't it more costly – isn't it more costly to bring it up twice?

Mr. Lane: It's a little more – in the McKinley situation, it's about 30 grand more. I think Jim figured that out. But, again, if you're divvying it up over two (2) years and you lookin at that sacrifice, it's an extra 15 grand a year to do it this way. Otherwise, you're taking a whole, roughly almost five and a half -- \$550,000.00 out to do McKinley. There's nothing left in the ward for anything.

Mr. DeOrio: Well, then, what we need to keep in mind, too, is that we only have so much money to work with.

Mr. Lane: Exactly.

Mr. DeOrio: There is, there – we can't be in a position where we're increasing the expenditures in this. I mean the original – I'm not even sure if it's an original draft of this – but at some point, one of these drafts told me that the total combination projects for '06 was \$2.8 million. And I'm not sure. I think Finance Director Herr could tell me – I think there's some version of this out here where we're over that. And, you know, that's just –

Mrs. Herr: Yeah. There were versions where it was much higher than that. So –

Mr. DeOrio: So, we, we only have so much to work with, and we just –

Mr. Foltz: Right.

Mr. DeOrio: -- can't do everything. And I think we can all agree that – that the problem here was all with our predecessors. That's where the problems is.

Mr. Foltz: If I may make a couple comments, Chairman. We've spent a lot of money in this City on infrastructure between North and South Main and the neighborhood streets. Julie just gave it to me, and I can pass it down –

Mrs. Herr: And I have given this to everybody.

Mr. Foltz: Yeah. Everyone's got this, and I've just asked her for it. So it's not sharing information in any sense. So I appreciate Julie doing that. The problem is, and I'll just give the ward totals, and it's not all about the ward totals, it just puts it in perspective. The last six (6) years we've spent \$16,000,000.00 on infrastructure. Now that's a good thing, because we've addressed a lot of problems in our neighborhoods. A lot of people that had water or sewer – storm problems – and we've done that. And I'll just give it by ward. Jon, you – you know, \$6,494,000.00. I'm second, \$4,901,000.00. I'm more or less the older part of the City in most parts. So, it's mostly from the central Main – Maple area we go out. And, Jon, you have a large ward. I understand that. Square footage wise, you have a large ward.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Mr. Snyder: Well those – yeah. That was only spent since 2000 in my ward.

Mr. Foltz: It's just since '99. It's '99 –

Mr. Snyder: Yeah, but they didn't spend a dime before that.

Mr. Foltz: Well, not much got done everywhere else. Let's face it. I mean – Ward 2 was \$2,944,000.00 and Ward 3 was \$2,615,000.00. So, through this process, decisions were made that this street was only done in this ward before this other street. I looked at things in my ward. Jon, you looked at things in Ward 4. We've been around the longest in our wards – obviously here sitting here today. I've been here ten years in a ward; you've been here eight. Right? Correct?

Mr. Snyder: Indicated yes.

Mr. Foltz: So, we have the history of knowing how these projects came to be. And, yet, yeah, the formula – hey – people who had problems, we addressed them. We sat down there and divvied them up as best we could, and that's where we came up. And, Chairman DeOrio, yes, \$16,000,000.00 is a lot of money to spend. But what it also did was appreciate our property values in those neighborhoods. It's finished those neighborhoods off, and you can ask anybody around in this area, I don't think it was a waste of money in any way, shape or form. We just put the money back into our infrastructure that was solely needed – sorely needed, I should say. So, I voted for all those projects as a member of Council and besides from a ward – so we've done a lot. The problem we have now is – and Jon, I'm not here to pick on you, it's – we're looking at \$2,000,000.00 there. I mean – and I know those projects are needed. I'm for replacing all the water lines that are bad. I have – I've a water line I'm not even gonna put on this year. You know, there's other ones you have for next year. But we really don't have – the problem is we don't have the accompanying money to go – to finish the job. So I don't know the way around that. I'm all for doing Bonnett yesterday if we can do it. It's just how do you finish, finish the whole street when you're looking at that kind of money. (Inaudible).

Mr. Snyder: Here's my scenario, and I appreciate what you're saying. But I don't think you can look at it proprietarily as a ward by ward. We had a million and a half dollars to spend in Landsdowne, but you've heard him say – so I've taken \$875,000.00 of Landsdowne and gave it back. But it has to be used only for curb, gutter and street resurfacing. So why would we tear up Bonnett and not finish it for 300,000 – I'm still giving you a half a million dollars back. I'm at – I'm saying if you want to do Bonnett that way, let's do Landsdowne for the million and a half, and do Bonnett at the 500,000 and then see which – and his project – his takes 575, and your – you're going to come – you're going to drive the capital budget up another \$300,000.00. I'm giving it up – I'm giving back \$900,000.00. This rightfully belongs to the people – that – the money was borrowed with that fact in mind to do that.

Mr. Foltz: I understand that, Jon. My point is, \$6,000,000.00 in projects put Bonnett where it is today. It needs done, but \$6,000,000.00 other dollars got -- taking care of in other projects in the ward. And –

Mr. Snyder: But if you –

Mr. Foltz: As far as a priority system, that's my point. Now, all of a sudden, this has to get done and the whole street at the same time. I don't see the money to do it.

Mr. Snyder: Yeah, but I also recall you saying in this Council chamber many times that you'll never open up a street and not do it totally. You would not just do waterlines. You've said that many times.

Mr. Foltz: I've said that, but when we had the money. I don't see where we had a budget of almost \$3,000,000.00 – to try to get it all done at one time. That's all. These are big – Landsdowne is a huge project.

Mr. Snyder: That's what I'm saying –

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20⁰⁵

Mr. Foltz: You know, Middlesworth was a huge project; right? That was split twice, obviously.

Mr. Snyder: But see, but the problem is, we can't spend money – capital money on projects that don't include water and sewer that are direct to (inaudible). To just – to do steady street work, now you're asking – you want to come back, and I know Browning's on there, but I'm just – put the water line in there. You want to aesthetically do the street work on there, don't you? Is that –

Mr. Foltz: No, Browning didn't have the water line done.

Mr. Snyder: I thought we just did that a couple years –

Mr. Foltz: That was the other section of Browning.

Mr. Snyder: Oh.

Mr. Foltz: I'm going Browning north of Woodrow.

Mr. Snyder: All right. But then you want to do Chatham, which is a flooding problem, I understand. But they don't have bad water there. McKinley has a problem with the sewer, and all of McKinley should be (inaudible) in water too, and that should be done.

Mr. Foltz: I understand that, Jon. But we can't do all the streets with – do all the streets with four-inch water lines, totally curb and gutter – replace everything on it in one (1) year. That's just not gonna happen. We don't have the money to do it. So, what's the solution?

Mr. DeOrio: Well, I – I'm sorry, go ahead, member Repace.

Mr. Repace: Listen, I think we all agree that that we cannot let those residents on Bonnett go with rusty water any longer.

Mr. Foltz: Absolutely. Do we all agree on that?

Mrs. Magel: Yes.

Mr. Repace: Okay. The problem now is are you going to do the whole street, or are you going to piecemeal it and do a portion of it – I don't like that idea. I honestly don't. Now, understand, I'm a rookie here. So, I might need corrected on some things, and I can accept that. But, to me, these people have been promised – you know, they have waited a long time patiently. This project should get done, and we need to find a way to get it done. I don't even know what you're talking about on these other streets, to be honest with you. But, let – just listening to you, it sounds like you're giving up those dollars to put into the Bonnett project.

Mr. Snyder: I gave up 875 and put 300 in Bonnett.

Mr. Repace: And you're still going to have some money left by doing that.

Mr. Snyder: Right, and give the other 500 back to some -- to Doug so he can do some of his streets – or somebody else who's gonna get it done.

Mr. DeOrio: Well, again –

Mr. Foltz: Maybe Julie can answer that – (inaudible) Julie, the 1.5 million – it says various capital projects. Does it not?

Mrs. Herr: Street improvements.

Mr. Foltz: Various street – let me pull it out.

Mrs. Herr: Yes.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Mr. Foltz: Various – so can we all have a copy of that?

Mrs. Herr: Yes, various purpose notes, but it's for street improvements.

Mr. Foltz: You had that in one of the – and I can pass mine down. Okay. Does that go to just the streets, or is that – you're saying that goes through any of the enterprise funds, too.

Mrs. Herr: No. No, it's for street improvements. It's not for water or for sewer; it's street improvements.

Mr. Foltz: Okay. So, Jon, your solution is to take some of that money and spread it around in the other wards, as well as getting these other projects done, because we're using enterprise funds for streets, storm and sewer; is that what you're saying?

Mr. Snyder: I'm saying, I'm saying – here's my statement – it is what my request is, I should say. I'm only – have a request. I think it's only fair that we had a million and a half for the project. We're only going to do the infrastructure, which I'm going to have a hard time convincing those neighbors down there, anyway, because their road is crumbling. But, we're going to do their waterlines, sewer lines – their storm water and their sewer lines. That's 875. That leave 875. 300,000 to do the topping and the finishing of Bonnett.

Mr. Foltz: Right.

Mr. Snyder: That leave 575,000. A portion of that is going to him to finish McKinley, and I don't know where the other portion is going.

Mrs. Herr: Well, keep in mind that our share of the South Main landscape is 700 –

Mr. Snyder: Yeah. There's 300 – there's \$3,000,000.00, and that's half of yours and half of mine – that's everybody's.

Mrs. Herr: Yes.

Mr. Snyder: I mean, we factor here – you're doing 3,000,000 – we generally don't do those projects – all those projects. And I'll sign on right now and I'll gladly sign any statement that we do these other projects next year. And if you finish Landsdowne and I don't get any other projects, that's fine. I'm fine with that.

Mr. Foltz: The problem with that, Jon, is that you've got another four-inch line on Summit that probably needs addressed.

Mr. Snyder: Probably.

Mr. Foltz: And I have one on Westfield, according to the records. I don't know if there's anything else out there four inch that we'd have to refer to the engineer and administration.

Mr. Snyder: Well, here's another –

Mr. Foltz: But we don't have the money to finish the whole street.

Mr. Snyder: Here's another solution. Let me – and Julie's gonna come out of her chair when she hears this.

Mr. DeOrio: She might not be the only one.

Mr. Snyder: You have in the projected budget right now a payback of a million five – of \$500,000.00. Reduce that to \$200,000.00. That will fee another \$300,000.00 for some of these –

Mr. Foltz: Street projects.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

20 05

Mr. Snyder: -- street projects. And I -- and I think that -- that's -- that gives you another \$300,000.00 whether you design her project or give him one at 200 and yours at 200, or whatever you want to do there. There's three -- you have a \$500,000.00 payback on that Note.

Mr. Foltz: Yes.

Mrs. Magel: Jon. We're -- we're just tossing numbers around. You're saying out of the 1.5 million --

Mr. Snyder: Right.

Mrs. Magel: -- you're only using 825.

Mr. Snyder: 875.

Mrs. Magel: But that includes 450 in water.

Mr. Snyder: Yeah, but I'm only using -- how much of that is street for Lands -- how much --

Mrs. Herr: Actually, for Landsdowne --

Mr. Snyder: We're doing that all on its own.

Mr. Foltz: 830 is next year -- 2007.

Mrs. Herr: Yeah. As far as the 1.5 million goes --

Mrs. Magel: Yes. Let's go right there.

Mrs. Herr: It's a combination of the 775,880 for the South Main Street scape.

Mrs. Magel: Say that again.

Mrs. Herr: 775,800.

Mrs. Magel: Okay. That's South Main.

Mr. Foltz: That comes right off the 1.5.

Mrs. Herr: That comes right off the 1.5.

Mrs. Magel: There --

Mr. Snyder: Well, see, but you, you, you've taken it away from my project. Where you used it at, that -- no, not you -- I'm saying you're taking it away from the project which was there. The million and a half was there for the project.

Mrs. Magel: Okay. Where's the --

Mrs. Herr: Yes. That's what the intent was, and then since we split that out and we're not doing the street improvements to Landsdowne --

Mr. Snyder: So that frees the 700,000.

Mrs. Herr: He had to find, you know, one and a half million dollars to use -- to use those Note proceeds on, and that's where the 775,880 and then we also used the 80,000 for -- excuse me, that was storm sewer. Forget that one. It's 325,000 for Bonnett.

Mr. Snyder: Indicated yes.

Mrs. Herr: And the \$260,000.00 for McKinley.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Mr. Snyder: Indicated yes.

Mrs. Herr: And then the 150,000.00 that's coming out of capital for our normal street maintenance program.

Mr. Snyder: Right.

Mrs. Herr: So those make up the one and a half million that we borrowed the money for for street improvement projects.

Mr. Snyder: Right. For the Landsdowne project.

Mrs. Magel: All right. Now how much money is billable to us for water?

Mrs. Herr: For water?

Mrs. Magel: Yes.

Mrs. Herr: Well, none of that one and one-half million was towards –

Mrs. Magel: I know. I know.

Mrs. Herr: But –

Mrs. Magel: Like, for instance, Landsdowne has 450,000 for water.

Mrs. Herr: Yes.

Mrs. Magel: And we're discussing Bonnett's water.

Mr. Snyder: Well, Bonnett's got – water will pay itself.

Mrs. Herr: Yes. I mean the water has already been factored in.

Mr. Snyder: Water will pay itself, there's no question on water.

Mrs. Herr: Because the water – the water – in order to do all the projects in the Water Fund, both inside waterlines and all the outside waterline projects, we're going to borrow money to do all those projects. Probably looking anywhere from 1.8 to 2 million --

Mrs. Magel: That's one point –

Mrs. Herr: -- in addition to what we've already borrowed. So, but that's all factored in and that's the, you know, the projected borrowing includes the projects that are in there now currently which include Landsdowne and Bonnett and so forth for the water portion.

Mr. DeOrio: All right. Well if I could just keep us a little bit back on track here. All right. Spending money we don't have is not the direction to go, and if we were – I'm just to disagree here a bit, but, you know, to reschedule debt payment so that we can spend more money is not a successful formula. We need to – we should -- quite frankly, you know, we shouldn't have borrowed the money, probably, to do the street project. But that's hindsight. We got it. We're gonna pay it back, get out of that debt, and we'll just have deal with that. But to go and say, well let's, let's pay that back over 15 years. This is like, you know, refinancing your house, here. I mean, we're just getting more leveraged, and it's not a good – it's not good. We can't afford to keep doing that. The fundamental problem here is that we don't have a priority; we don't have an agreed upon priority of what, what type of project needs to be done. I'm going to go back to something that the Mayor said at a meeting, I believe, ago. And please correct me if I'm wrong, Mayor, but we thought that the view from the administration is that water – water is the name of the game here. Water quality, water quantity is what it's about. Now, there's projects, and I'm going to, you know, I guess, stir up a can of worms here, but, you know, we're talking

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

20 05

about projects that are already looked at that are on the books. You know, I'm looking at, you know, the problems with water on Cordelia. But, guess what? That's in Ward 4. And we went down and walked on Lucille and Furbee and Glendale, they got just as orange of water as anybody else. Guess where that's at? It's in Ward 4, and that's –

Mrs. Magel: Plus the flooding.

Mr. DeOrio: Plus the flooding. These are things that aren't even addressed. The water has got to be the issue. Now, why we have a problem here – to pick up on what Mr. Repace is saying, it would be nice to go in and just do the whole project and get it done. But, if I – just bear with me – but if I – if you commit to do the street at that time because it makes sense to save money, that's somebody that's going without the water. That's somebody that's given up their water quality for another year. I think you've got to tackle as many water projects in this City that you can. I know there's some stuff on here, and I am going – I'd like to meet with the administration and Mr. Benekos at some point to talk about those outside waterline projects and if there's a way to not do some of those so that we've got more water – more money to do the water projects inside the City. I mean, it's just inexcusable that we have to deal with this with the water. And I'm sorry that if somebody's street doesn't get done at the same time that the waterline is being put in – but I would ask them to be, you know, we will fix their water problem. And I would ask that they be considerate of the other members of this community that don't have as good a water. That there's a different Council here; there's a different administration; and we want to fix the people's water. And that's really what we should focus on. And I will be happy – and I know the good folks of Bonnett came here to talk about they want the whole project done. But we just don't have enough money. And so if we, if we're able to take away some of it from there and get another water project done, and I don't care if it's – you know, where it is, I just want to get them done. So, I would, you know, appreciate some commentary on whether or not, you know, that is the priority that we should be focusing on. What we don't have is a priority here on what type of project we really want to do. We're still just scrappin over if we get any projects.

Mr. Foltz: Jim, let me ask you this, since you've been around as the engineer. Are all the four-inch lines listed on the five-year plan?

Mr. Benekos: To my knowledge, it is.

Mr. Foltz: Okay, so the problem we have now – and that's the lowest or smallest capacity waterlines we have – is the priority would be to replace the four-inch lines.

Mr. Benekos: Correct.

Mr. Foltz: Just off the – you know, we're going to increase water flow. Obviously, Bonnett needs done this year, as we've seen it. It's designed. So, is that the – and McKinley is involved with that? I think...West Park. Jon has another one – Schneider –

Mrs. Magel: Cordelia.

Mr. Foltz: Cordelia. This year – we've got Summit next year.

Mr. Benekos: Bachtel also.

Mr. Foltz: Bachtel?

Mr. Snyder: On the west side – on the east side.

Mr. Foltz: Which side?

Mr. Snyder: We just replaced this – the west side. (Inaudible)

Mr. Foltz: Which ward?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m. 20 05

Mr. Lane: You're in my ward.

Mr. Foltz: You're Ward 3. Where was that? Down the road on the five-year plan?

Mr. Lane: I think it's a couple years down, isn't it? (Inaudible)

Mr. Snyder: You know, here's the problem.

Mr. Foltz: The problem is, they're gonna run out of water.

Mr. Snyder: The problem is, also, to do any additional water projects this year, you have no engineering. You have the complete engineering on Bonnett and McKinley. Now to -- you don't have -- you'd have to go out and re-engineer projects, and that will never be done in a timely manner to do it this year. Not only that, here's the catch 22 -- you add additional projects -- the projects that you're giving the engineer now, it will be all he can do from his office to complete. And then you're -- you can't -- you start cutting his overtime, you're gonna have to hire more people, because you need inspectors, and it just -- we've done that. We've been over zealous on projects. The South Main Project, alone, is -- and two (2) other projects -- should be about it. We don't have any business doing all these projects. We don't have the manpower. We don't have the money. And we don't -- that's how we get back and in two years or ten years down the road, they call up because they put the wrong gravel in there, because we didn't catch it. It costs us \$40,000.00 -- we gotta dig the street up, because we don't have the adequate people watching the job and watching our back. All those jobs need qualified personnel, and when you start hiring temporary inspectors, I mean he'll tell you about a temporary employee. You know, they're here today, and they're gone tomorrow. I mean --

Mr. Lane: And part of the problem, too, with Main Street is that we're dealing with somebody else's time table and somebody else's money. And that's forced us into this.

Mr. Snyder: Plus you're dealing with the economy of the City. If you don't do Main Street April to September, you, you think -- you can blow a tumbleweed up and down Main Street, there won't be a merchant left. (Inaudible)

Mr. Foltz: I think we just -- we just summarized it. We're doing Main Street, where we took a break from Main Street and got into this other money in the wards, and that was the last six (6) years.

Mr. Snyder: That's right.

Mr. Foltz: When did we do Main Street?

Mr. Snyder: We had done Main Street in 8 years -- 10 years.

Mr. Foltz: '98, probably. '97. I mean that's the last time we did it. Now we're trying to do Main Street as well as --

Mr. Snyder: Plus all the other projects.

Mr. Foltz: -- (inaudible)...neighborhood, and that's why we're in the situation we're in.

Mr. Snyder: Exactly.

Mr. Foltz: We're not -- we're not saying, all right, the neighborhood's are going to wait a year or Main Street -- we're doing them all at once. That's why we don't have enough money.

Mayor Held: Mr. President, just for a point of clarification. First off, I 100% agree with Mr. DeOrio in reference to the waterlines, because that clearly is a priority as far as the administration is concerned. Because water does affect the residents

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

year round. And the other point that I wanted to bring up is the – if we hold back on a street project, that doesn't necessarily – well, it does not give us more money on the water project, because they're separate. But, again, I completely agree that the four-inch waterlines are a priority. And we don't like to cut open the street and place a new waterline down the middle, but if that's the best that we can do at a particular time, then I would fully support that.

Mr. Snyder: Here's another scenario no one seemed to bring up about Main Street, and let me – my little knowledge is limited, and the engineer will concur with me. We just finished, as you heard him, finished James. We've flushed all the water from James either on Main Street or into the back yards of the people who live on Bonnett. Now you open Bonnett and do only the sewer and the water and not do the street entirely back with curbs and gutter, you're going – and we're going to spend \$4,000,000.00 doing Main Street. We're going to flush all that water and all that mud on Main Street. We might as well just not even do Main Street and just say, well, we'll do Bonnett. We'll do the street again. We'll do some other water projects, because you're going to have – you'll tear up that road bed in no time at all with all that water coming down on Main Street, because there's a lot of surface. As he told you, that street is probably – what? Was that – it's almost 35 or 40 feet wide. There's a lot of water coming on a hard surface down there.

Mr. Foltz: Let me ask you something. Just because the waterline is a four-inch line, that doesn't mean they're – all the people with four-inch lines are getting rusty water.

Mr. DeOrio: No.

Mr. Foltz: Okay. That's right. Well, what we've got to focus on, then, is getting rid of the rusty water – number one. We know it's Bonnett. Are there other areas that have rusty water?

Mr. Lane: McKinley has problems? Not as bad as Bonnett, by any means

Mrs. Hines: Cordelia?

Mr. Foltz: Cordelia. Okay. If we fix – if we fix the waterlines in the street on Bonnett, then we still have to deal with, with the waterlines on Cordelia, correct?

Mr. Snyder: That's already in the budget, yes.

Mr. Foltz: It's already in the budget. Okay. And you need to finish a project on McKinley.

Mr. Lane: It has to start. It hasn't even – (inaudible).

Mr. Foltz: Okay. Then can you – then can you attack other areas to change the four-inch lines that maybe the streets aren't as bad as – as what Bonnett is – and cut the street open, put the water lines in, then come back later on and finish the street. Do you understand what –

Mr. Snyder: Well, the problem – we don't have the engineering.

Mr. Foltz: I'm saying?

Mayor Held: Absolutely. Mr. President, if I might add here. The – just to give Council an overview – again, the goal is to have a minimum of an eight-inch waterline in every part of the City's water system. Most of the waterlines that are outside of our municipality are eight-inch water lines, because they're an expansion of our water system. Therefore, they're newer water lines. When you start to get into the core of the City of North Canton municipality, and we do have a colorized map that our engineer, hopefully, could bring at the next meeting to show everyone, which outlines the waterlines. We had it colorized so it shows the four-inch waterlines, the two-inch waterlines, which, I believe, they're all eliminated now, and then we have the six-inch waterlines, and, then, of course, we have the newer eight-inch

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

waterlines. The reason that we get the rusty water is because the sediment builds up within the lines. And the sediment builds up because they're older lines, being the four-inch and the six-inch waterlines. So, two-inch, I believe they're eliminated already. The next priority would be the four-inch waterlines, and we're coming close to eliminating most of those. The next would be the six-inch waterlines. Now we do have the cast six-inch waterlines, which is a priority. And I believe Bonnett – Mr. Benekos, is the – is Bonnett a six-inch cast waterline?

Mr. Benekos: That's correct.

Mayor Held: The cast waterlines are more prone to problems than the six-inch waterlines that are made out of – is that the ductile iron? Or –

Mr. Benekos: Yes. That's an iron (inaudible) line.

Mayor Held: Okay. So the cast waterline – the cast six-inch waterlines are clearly a priority, because they are more prone to break, and they have a tendency to carry a little bit more sediment which, of course, leads to the rusting of water.

Mrs. Magel: I think we all agree to waterlines on Bonnett.

Mr. Foltz: We're talking about the street, though, too.

Mr. Snyder: Where is the \$150,000.00 for water exploration at Oster? Where's that? Is that in the Water Fund?

Mrs. Herr: Yes.

Mr. Foltz: I had some questions on that, Jon.

Mr. Snyder: Yeah, I don't know. Honestly, I don't know what we're going to do with all that water. We don't have anybody ourselves doing it?

Mr. Foltz: I think the problem is, like they said, we've got Main Street, Landsdowne. We've got other streets – we don't have enough street money to finish the jobs.

Mr. Snyder: Well, you know, the situation – here's the other situation. And, you know, in putting it back on ward councilmen. And I appreciate it and become proprietary once again. But if you do this project of Landsdowne, McKinley, Bonnett, as it is set up in this particular project right here, those estimates of his are far from being conservative. They're very generous in his estimate. And if we pass this, and he goes out to bid now, I'm sure there'll be additional money released that you can then do the engineering on some other projects. And, then, possibly, Mr. DeOrio would be gracious enough to look at doing a two-year capital budget, or you figure – or even a three-year capital budget – or you can only do a two, because we're only here two years at a time. And, then, at that point, you can address his concerns – her concerns – your concerns and everyone else's concerns. I mean, that's a lot of work to do a two-year capital budget. But, yet, if you do that, you'll have some additional funding where you can engineer projects – the problem is, we're so zealous in our projects, we fool around – we don't get started on them until middle of July or August, and we're foolin around when the snow's flying. But if you have them ready to go, and you start timely and you limit them to what his office can handle in a given year, and you know what the next year's gonna be, as we did on Middlesworth. We were fortunate enough – the same contractor had all his equipment –

Mr. Foltz: Right.

Mr. Snyder: -- on the site.

Mr. Foltz: And he got the second bid.

Mr. Snyder: He bid it. We get a better price, because they're – they know they're gonna be there.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Mr. Foltz: They're set up there (inaudible)

Mr. Snyder: And it works out to – but it all comes back to initial planning. I mean, right now we can't jump off the horse and jump on the winner, because it's already left the pack.

Mr. Foltz: I guess, Jon, I respect – I guess my last comment would be, though, you know, when you're elected a ward and there's other ward problems, I have a letter here from Browning that was sent to me last year about water backing up because she has no storm drains. And in an area signed by nine or ten people. I mean, I could show Council. It's just a matter of where we're all at in this mix. And when you look at \$2,000,000.00 here, and you look at whatever Main Street is, that's \$2,000,000.00. That's \$800,000.00 through us, right?

Mrs. Her: Indicated yes.

Mr. Foltz: Because we're getting some kind of a grant –

Mrs. Herr: Yes, O.B.W.C.

Mr. Foltz: And then you look at the other wards – very minimal spending. But how do we make it all work? How do we make it even?

Mr. Snyder: Well, unfortunately, you can't – it's not any different than, you know, the longer we wait, as we waited for many years in the fourth ward, we've let those lines go and we kept pushing it off. And when I say we, the City is letting them alone. Now, all of a sudden, you know, you take somebody to dance, you're going to have to pay to dance with them. And we've taken a lot of people to that dance, and we just now have to pay. You have flooding problems. And they're all –

Mr. Foltz: Yes, there is. There's other problems other than the water, but, you know –

Mr. Snyder: I mean, and we spend a lot of time jacking around suing municipalities or rights to our own Zimber when we should be taking the problems or worrying about how we keep the water out of people's basements --

Mr. Foltz: Doggone right.

Mr. Snyder: -- instead of fooling around arguing with people – something we can't even win anyway. But that's another time, another place. But, you know, the thing is, all those – all the times that you keep postponing the fourth ward with curb and gutter, you're forcing more water into the Zimber somewhere, or into the Nimishillen, because it's not channeled properly. And why would you want to spend all that money on Main Street and not do the tributaries that are supplying the water to Main Street to take it away?

Mr. Foltz: Jon, I respect that, but we've spent 6 – over \$6,000,000.00 in your ward in the last five (5) years to take care of other –

Mr. Snyder: Yeah, but you didn't spend nothing the other 20 years.

Mr. Foltz: other infrastructure – (inaudible).

Mr. Snyder: And we spent in your ward, her ward and his ward.

Mr. Foltz: No, no, we haven't. No. And the infrastructure project – that's the problem. I mean, we can't say we haven't done anything in Ward 4. We have.

Mr. DeOrio: Here's where I would like to go with this, then. I'd like to wrap this up. And here's, I think, a possible something that we can do. Since we're basically down to the part of the budget that deals just with these projects, what I would think would be good is to draft up – in just dealing with these projects – a number of different scenarios. Take this – heck, and we can even give them all names. We'll

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

give it the Snyder scenario. We'll let the Lane scenario. We'll get – everybody's got their scenarios, okay? And we're going to see what they total – see what the numbers are. And then try to find the common ground between each one of the scenarios. See what we can agree on to get done, and then, I think if we could come back with that to this body for the second reading, I think that we could probably, you know, find a lot more agreement than what we're gonna find here right now.

Mr. Snyder: And let me add one – can I add to that? I don't understand how we're supposed to look at the people at Landsdowne and the people of Bonnett after we've promised them – gave our word. And you were cautioned – you and you – that we would do that project. And now you want to renege on that project.

Mr. Foltz: Jon, I remember why – I might be mistaken, but I remember --

Mr. Snyder: No, you told – I'll have the Clerk pull the minutes.

Mr. Lane: We did a million five – that's what it was. That's what I voted for.

Mr. Foltz: (Inaudible) Landsdowne – Landsdowne. Yeah, I believe, I understand.

Mr. Snyder: That's a million five.

Mr. Foltz: Right.

Mr. Snyder: Well, then I'm saying, do the million five at Landsdowne –

Mr. Foltz: But we looked at the engineering on Bonnett and –

Mr. Snyder: And then we'll do the water only and sewer on Bonnett. I'll concede, but do the million five at Landsdowne like we promised.

Mr. Foltz: Well, well I'm not saying that, Jon. I think we should do Landsdowne. But, but the problem is, we've got so much money to spend –

Mr. Snyder: A million five we've got to spend.

Mr. Foltz: You know, and –

Mr. Lane: Well, I've already taken my request down from a million four to about 600,000. So, I think that's pretty generous right there.

Mr. Foltz: That's what I'm saying. We can look at this plan. If we want to do that, put it on paper –

Mr. Lane: But, again, part of mine is predicated on doing the rest of it next year, and that's – that's just like this gentleman said earlier – can you look me in the eye and say, yeah, we're going to do it next year. I don't think anybody up here can.

Mr. Snyder: No, you can't.

Mr. Foltz: And I'm looking at 200,000 on Browning, and I don't know what ward Kathy is going to look at – in Ward 2, specifically, but she has to answer to her constituents, too.

Mr. Lane: Absolutely.

Mr. Foltz: I mean we have a priority to get these jobs done, but we also have ward council people that have to answer to their constituents at whatever problems they have in the ward. There has to be some middle ground to try to take care of those -

Mr. Lane: Well, the other problem is that most people love a nice looking Main Street, but that's not where they live. They drive through there.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m. 20⁰⁵

Mr. Foltz: Right. Right.

Mr. Lane: Then they drive off of Main Street, and they get on a rotten road, and they go home and they turn on orange water and they don't want to look at a brick street scape.

Mr. Foltz: That doesn't help them with bad water or, or –

Mr. Lane: It doesn't help – it helps the City, and I'm not saying we shouldn't do it.

Mr. Foltz: -- or culverts or backed up on storm – storm water in their basements. It doesn't help.

Mr. Lane: Absolutely. That's not where their priorities are. Their priority is when they pull off of Main Street and go home.

Mr. Foltz: Right.

Mr. Snyder: So, then, again, no one seems to want to answer my question –if we promised those people, and we're gonna renege on our promise?

Mr. Foltz: On which promise?

Mr. Snyder: Both the promise to the people on Bonnett, and we promised the people on Landsdowne. And you say bring all these scenarios back, but, I mean, the people were promised. They sat here and everybody concurred.

Mr. Foltz: Member Magel, do you have something to add?

Mrs. Magel: No, I'm just – again, we're just throwing numbers away – out. What did we – I promised – but what was promised to Landsdowne?

Mr. Snyder: No. Because you were here – you know that --

Mrs. Magel: No, actually I was in the other –

Mr. Snyder: Landsdowne – yeah, but the promise of Landsdowne was to do the complete rehabilitation of the streets – water, sewer, infrastructure, curb and gutter.

Mrs. Magel: For 1.5.

Mr. Snyder: At 1.47, to be exact.

Mrs. Magel: Okay, but it's some reason, that's not –

Mr. Snyder: Well, that's because I've consented to give up half of it and allow them to – so they can do other projects in the City. And I could have said, no, I'm fighting for it. I want the 1.47 to go to Landsdowne, and then, you know, we'll do that project – the complete project, just like we promised and borrowed for. And like the people over there expecting us –

Mrs. Magel: Well, who's the one broke the word, then?

Mr. Snyder: No, I haven't broke – I'm trying – I'm gonna go there. I'll settle for the 1.47. We'll do the Landsdowne. We'll do the water and sewer on Bonnett. That's okay.

Mr. Repace: You want to do the street on Bonnett.

Mr. Snyder: Yeah. And it's only intelligent to do that. Mr. Foltz sat here many times and said we never open a street without completing it. I'll never do that, you said.

Mr. Foltz: But we had the money.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Mr. Snyder: Well, yeah, but see now you play out of both sides of your mouth now.

Mr. Foltz: No, no, no.

Mr. Snyder: You're being very disingenuous.

Mr. Foltz: You can't do two jobs –

Mr. Snyder: No, sir. You are.

Mr. Foltz: All you can – just do one job, then. That's all I'm saying.

Mr. Snyder: Why should I be penalized so that you can engineer jobs in the City that we can't do the jobs for anyway?

Mr. Foltz: I'm not engineering anything, but I'm just saying –

Mr. Snyder: No, I mean we don't have engineering on your – any other streets.

Mr. Foltz: There's \$2,000,000.00 –

Mr. Snyder: Here's the problem, sir. You want to do Browning. We have no engineering. We couldn't do it this year anyway.

Mr. Foltz: It's 250 – we can do it.

Mr. Snyder: How we – how can he physically do it? Mr. Benekos, can you do more projects than were on the list? Truthfully?

Mr. Benekos: (Inaudible)

Mr. Snyder: Without being political about it. Tell the truth.

Mr. Repace: You know, Jon. Wait a minute, you guys. Listen. This is good dialogue, but what we need to do is prioritize what really needs to be done.

Mrs. Magel: Wait. Jim didn't answer.

Mr. Repace: Now let's, let's do that. We don't have – we don't – I think the Mayor asked Jim here to have some, some documents ready for us – color documents on the waterlines. Why don't we look at that. Why don't we talk about the projects that you've looked into that have the engineering portion of it done. And let's go from there and prioritize that. We're just jumping around here with this, and we're not getting anywhere. That's a wrong thing to do.

Mayor Held: Mr. President?

Mr. Foltz: Yes.

Mayor Held: First off, I appreciate the vigorous discussion today.

Mr. Snyder: Spirited dialogue.

Mr. Foltz: It was professional. I respect that.

Mrs. Magel: Oh, yeah.

Mayor Held: But what I would propose is that keeping in mind our priorities – our top three (3) priorities, which is the waterlines, the sanitary and storm sewer lines in the second priority and the street improvements as the third priority. What we could do is have Mr. Benekos identify all the projects that were discussed and see which projects need all three and then go from there?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

2005

Mr. Snyder: I think Mr. Repace just said that very intelligently. If you have the engineering done, that's where you want to look. If they're not engineered, why are gonna look at a project if you don't have the engineering on the shelf? We're gonna spend more money to engineer –

Mr. Foltz: You're talking about the –

Mr. Snyder: Any job.

Mr. Foltz: Well, I had Stratavon engineered. I'm not saying I want to do it.

Mr. Snyder: No, well we shouldn't do that.

Mr. Foltz: Okay, but here you just said do all the ones engineered.

Mr. Snyder: No, I'm saying that they're engineered, they should be done.

Mr. Foltz: Well, that's what you just said, right?

Mr. Snyder: No, but, I mean Stratavon –

Mr. Foltz: Should I put Stratavon on and argue all night about it?

Mr. Snyder: Well, you know that –

Mr. Foltz: No, we're not doing that.

Mr. Snyder: No.

Mr. Foltz: As I'm having some - I'm entering some common sense into this whole equation here. We don't have the money to do it – spend on Stratavon. It's just not gonna be there. This would be – if we do ...

Mr. Repace: I've got to learn these streets ... inaudible...

Unidentified: You know, let's just look...

Mr. Snyder: Let's call ...inaudible...

Mr. Foltz: All right. Well, that's healthy dialogue. I'll refer back to Chairman. We should wrap this up. It's 9:30.

Unidentified: It's about time.

Mr. Foltz: Let's – we'll get some other ...

Mr. Lane: Aren't you glad we took that break?

Mr. Pusateri: We have to vote.

Mr. DeOrio: Yes, I am.

Mr. Snyder: We'll change the ...inaudible...

Mr. Foltz: Yeah, we have to vote for a first reading, here.

Mr. Pusateri: Vote, yeah.

Mr. DeOrio: No, what I would like to do is come back again on the 19th with our second –

Mrs. Magel: Round 2?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m. 20 05

Mrs. Kalpac: We didn't adopt the first reading.

Mr. Foltz: Is that agreeable to everybody – excuse me?

Mr. DeOrio: The second

Mr. Foltz: Is that agreeable to everybody – excuse me...

Mr. DeOrio: I would like to put the scenarios together with every member...

Mrs. Kalpac: We did not adopt the first reading.

Mr. Pusateri: We're gonna vote. Yeah, we're gonna vote.

Mr. Foltz: We have to vote first?

Mr. Pusateri: Yeah, you've got to vote first.

Mrs. Kalpac: No, we need a motion ...

Mr. Foltz: A motion?

Mrs. Kalpac: and a second to adopt the first reading.

Mr. Foltz: The first reading, and then we can go over the committees and council meetings next week.

Mr. Lane: That was a long time ago. I thought we did that.

Mr. Foltz: No, we didn't. We just read by title only. We didn't have a motion for a first reading.

Mrs. Hines: So moved.

Mr. Snyder: They shut the lights out in here or what?

Mrs. Magel: Second.

Mr. Foltz: We have a motion to adopt the first reading of Ordinance No. 218.05.

Mrs. Kalpac: Who made the first?

Mr. Foltz: Who first – who motioned it? Councilwoman Hines and Kathy seconded it.

Mrs. Hines moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 218-05. All members present voting:

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

No: 0

Mr. Snyder: Inaudible...

Mr. Foltz: Okay.

Mr. Snyder: Are we going to get a new, clean document?

Mr. DeOrio: Yes.

Mr. Foltz: Before reports, then, what's at the – do we want to have our next council – do have a motion for a council meeting next Monday at 7 o'clock in these chambers?

Mr. Pusateri: Do you mean six?

Mr. Snyder: A meeting or a ...

Mrs. Herr: Is there going to be a committee meeting first?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Mr. DeOrio: At 6...

Mr. Foltz: There will be a committee meeting first ...inaudible... papers.

Mr. Pusateri: Make it 6.

Mr. DeOrio: There's a committee meeting that Monday –

Mr. Foltz: Also.

Mr. DeOrio: Also.

Mr. Lane: Why don't we just move everything back and start at 6?

19. Mr. Foltz: Okay. We'll do this. Let's have a motion. And I know the administration wants to add something too, as far as salt, on the committee, because we're in dire need of obtaining more salt for our streets here (inaudible).

Mr. Lane: Let's get through the easy stuff first and go after the budget.

Mr. Foltz: Let's have a motion for a 6 o'clock committee meeting to address the appropriation ordinance and also emergency legislation for salt.

Mr. DeOrio: Yes.

Mr. Snyder moved and Mr. DeOrio seconded to call a **6 o'clock committee meeting** on Monday, December 19, 2005, to address the appropriation ordinance and also emergency legislation for salt.

Mr. Wise: Thank you Mr. President.

Mr. Lane: Will there be other things on the Council of the Whole?

Mr. Snyder: This is just for Council of the Whole.

Mr. Foltz: Council of the Whole.

Mrs. Kalpac: That's a normal Council of the Whole night. Would this be for a special Council meeting afterward?

Mr. Snyder: No, it was just moved up.

Mr. Foltz: We'll have a special Council meeting after that. I just want to – we want to start the committee meeting at 6 o'clock.

Mrs. Kalpac: Okay.

All members present voting:

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

No: 0

Mr. Snyder: Mr. Chairman, I move that we have a special Council meeting immediately following the Council of the Whole meeting on Monday, the 19th day of December, 2005.

Mr. Snyder moved and Mr. Lane seconded that a **special Council meeting** be held immediately following the Council of the Whole meeting on Monday, December 19, 2005. All members present voting:

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

No: 0

Mr. Snyder: We can do it anytime ...inaudible... it would be alright that way.

Mr. Foltz: Now, Chairman DeOrio wanted to have another meeting set up. We can do this now, I guess, for Tuesday, the 20th at 7 o'clock, if needed, for a third reading on the appropriation ordinance.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20 05

Mr. DeOrio: Yes, Mr. President, I'd like that just as a contingency in the event that we need it.

Mr. Foltz: We can always change that next Monday. So, is there a motion to that?

Unidentified: Inaudible... volunteered your services Chuck.

Mr. DeOrio moved and Mrs. Hines seconded a meeting for Tuesday, December 20, 2005 at 7 o'clock for a third reading on the appropriation ordinance.

Mr. Snyder: As a point of information, I would suggest that you not do that, because if you're not gonna have the meeting, you'll have published it. The Council Rules permit you to call that meeting as long as you call it 24 hours prior. And it would be better for the Council President to call that meeting, if you need it, like on Sunday or Monday. Because once you've set that meeting, you'll have to have that meeting.

Mr. Foltz: We can't cancel that meeting?

Mrs. Hines: But we won't know.

Mr. Foltz: We're not gonna know until that night.

Mr. Snyder: We'll he'll know ...inaudible... He can call as long as he knows Monday morning – or Sunday. You'll know –

Mr. Foltz: I don't think we're gonna know what we want to do until Monday night.

Mr. Snyder: Well, then, you'll have to meet. Once you establish –

Mrs. Magel: Well, we can come and then leave in five minutes, if we have to.

Mr. Snyder: Then you'll have to come and ...inaudible...

Mr. Foltz: You want to have it a 7:00 or do you want to have it earlier?

Mayor Held: Inaudible...

Mr. Foltz: What's – does 7:00 fit everybody's agenda? Administration and other directors?

Mrs. Kalpac: On the 20th?

Mr. Foltz: We're on for 7:00; is that fine with everybody? Okay.

Mrs. Kalpac: And this will be just to address the budget?

Mr. Foltz: Third reading of the appropriation ordinance.

Mrs. Kalpac: Okay.

Mrs. Herr: And there will be a special request for legislation for appropriated money for salt.

Mrs. Kalpac: That will be on the 19th.

Mr. Foltz: That will be on Monday, the 19th.

Mrs. Herr: Yes. Yes.

Mr. Foltz: We won't need it done Tuesday.

Mrs. Herr: No, it will be passed. Sorry, I'm getting tired.

Mrs. Magel: Just getting?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m. 2005

Mr. DeOrio moved and Mrs. Hines seconded to schedule a meeting for Tuesday, December 20, 2005 at 7 o'clock (on an as-needed basis) for a **third reading on the appropriation ordinance**. All members present voting:
 Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz
 No: 0

REPORTS:

Mr. Foltz: Okay. Reports.

Unidentified: Thank you.

Mr. Foltz: Director of Law?

Mr. Pusateri: I have not report. Thank you, Mr. President.

Mr. Foltz: Director of Finance?

Mrs. Herr: No report.

Mr. Foltz: Director of Administration?

Mr. Wise: No report.

Mr. Foltz: Mayor?

Mayor Held: Yes. I'd like to inform Council that I was contacted by the Maytag Corporation – a representative, David Steiner. He's a governmental liaison, I believe is his title. Is that correct Jim? And he requested that we – that I be present at a meeting that is going to be scheduled December 19th at 1:30 at The Hoover Company. And he would not get into the details, but he did state that it would be an information sharing and not a public announcement. It would be an information sharing with myself, and they also invited representatives from the Governor Taft's office, and they invited the – Senator Schuring, as well as, yes, State Representative Oelslager, I believe, and the County Commissioners. And I believe what they're going to share with us is what their footprint for the future is. And after we get that – again, the meeting will not be public, and that's at the request of Maytag. But, at the end of the meeting, of course, I'm sure there will be a lot of people with questions. And I'll be happy to share all the information that we have. Jim, if you'd like to comment on that.

Mr. Repace: Dave – David, if you recall, I told you that was going to happen –
 Mayor Held: Yes.

Mr. Repace: -- that they would be calling you. I also mentioned that – don't let them dictate who's going to be in what meeting. I told you about these people. They're vicious. They're treacherous. They're cruel. They're ruthless – everything else you can possibly – words you could come up with. I also asked you if – if they call that meeting that I think it would be appropriate if you asked me to be there also. Because if I'm there they're not going to be able to tell your group just anything they want to say. Because that meeting that's gonna be held with you is going to be held with me earlier in the day with Maytag.

Mayor Held: Right.

Mr. Repace: I think I told you that also.

Mayor Held: That's correct.

Mr. Repace: So I'm still, and as I see, I guess I'm going to be Chairman of the Economic Development Committee.

Mayor Held: Correct.

Mr. Repace: As Chairman of the Economic Development Committee, I would like to attend that meeting with you and the rest of the individuals that you mentioned.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20⁰⁵

Mayor Held: Okay. What I'll do is I'll give Mr. Steiner a call tomorrow. And I did not ask that of him at the time that he called. I just didn't think of it, quite frankly. Because once you had mentioned to me that they were going to be meeting with you at 9:30 – I think it's 9:30 in the morning?

Mr. Repace: I don't know. They haven't set their agenda yet.

Mayor Held: And then – and they had mentioned that to me also, so I'll be happy to give them a call and...

Mr. Repace: You don't need to mention I'll be there. You don't need to mention to them that I'm gonna be there. What can – they will not permit it. I mean if you want to, that's fine.

Mayor Held: No, I'm not quite ...

Mr. Repace: That's fine.

Mayor Held: I'm not quite clear as to what you're asking.

Mr. Repace: You said you were gonna call this guy back from –

Mayor Held: You're saying that you would like to be present in the meeting, correct?

Mr. Repace: Yes.

Mayor Held: Okay. And you're –

Mr. Repace: As, as, you know, Councilman-At-Large and the Chairman of the Economic Development Committee – not as President of the Union. Because that meeting I will have been in earlier in the day. Because they're liable to tell you something completely different than what they – what they tell me. And I can tell you their footprint to the future exactly what that is.

Mayor Held: Well, one consideration – do you think that they allow me to be in the meeting - would I be able to attend the meeting, the 9:30 meeting?

Mr. Repace: Pardon me?

Mayor Held: Do you think it would be possible if I attended the 9:30 meeting?

Mr. Repace: I could make that request.

Mayor Held: I was just thinking then if there's any conflict in what they're saying that

Mr. Repace: Is there a problem? Do you see a problem with me being at the later meeting?

Mayor Held: Well, I think that - I guess what they'll ask is whether you're representing the Union or are you representing the City?

Mr. Repace: I'll change my hat.

Mayor Held: Now, myself, I don't have any problem at all with who attends the meeting. I mean, really, what I'm there for is just to make sure that we get the information. And, so, the only thing is, I'd like to disclose whatever the City's intentions are, I'd like to make sure that everybody's aware of it. And I don't want to – I certainly don't want to put anybody in an uncomfortable situation, whether it be City Council or the Mayor or Maytag. I just would like to make sure that everybody's fully aware of what we're –

Mr. Foltz: I have a suggestion. Maybe the Mayor and Chairman of Community and Economic Development can work this out, you now, maybe.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20⁰⁵

Mayor Held: We can talk about that more.

Mr. Foltz: So we'd have fair representation there, obviously. I'm not saying there's not.

Mayor Held: Right.

Mr. Foltz: A council member is not there, but a member of Council maybe should be there at the latter meeting. That I would defer to Jim Repace on that as councilman of that committee. So, that said, anything else Mayor?

Mayor Held: No, that's all.

Mr. Foltz: Mr. Benekos?

Mr. Benekos: No report.

Mr. Foltz: Okay. Member Lane – or, I'm sorry – Clerk?

Mrs. Kalpac: No report.

REPORTS – COUNCIL:

Mr. Foltz: Member Lane?

Mr. Lane: I don't have a report other than just to say, Dave, if for some reason that doesn't work out, I'm Vice Chairman of the committee, and I'd be happy to go. So –

Mayor Held: Oh, thank you. Thank you.

Mr. Lane: Just let me know.

Mr. Foltz: Member Snyder.

Mr. Snyder: Thank you. I only want to thank all of you for tolerating my –

Mr. Lane: Your ranting and raving?

Mr. Snyder: My ranting and raving. And I appreciate that very much, and I apologize. I'm not used to being in the general admission seat where I don't get my way. But I'm sure as hell trying.

Mr. Lane: Try this seat. You see where I was?

Mr. Snyder: That's right, damn it, and I don't like it here.

Mr. Lane: I've got Foltz's little garden growing right here.

Mr. Snyder: I say that very respectfully to all my colleagues, but thank you for indulging. Jim, I know how you feel.

Mr. Foltz: Okay, Mr. DeOrio?

Mr. DeOrio: Okay. Is the part where I can do new business?

Mr. Foltz: If you want to, yes.

Mr. Pusateri: Yea, it is.

Mr. DeOrio: I would like just to clarify one thing in regards to the amendment of the minutes. And in - at the ceremonial swearing in on Saturday, I want to thank the Mayor for all of his hard work in putting together such a splendid event that really showcased the City and everybody was so proud to be a part of. But there was a lot of exuberance that day, and we all got, I think, a little bit excited, and maybe we were all a bit unsure of what process to follow, but there was one thing that we kind of missed. And we checked the Council – I had Gail check the tapes today to see if I was correct, and I was. And that is, when – when the Mayor was conducting the

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005 7:00 p.m. 2005

meeting and we were electing the President of Council, we called for the – the motion was made, it was seconded, then Member Snyder moved that nominations be closed and I seconded that. And then we voted on that. And that was it. We didn't come back and actually vote for the President of Council. So, the Mayor said, well, congratulations, we have a new President of Council. That was a bit – we left out one little thing there. So, what I would like to do right now is I would like to nominate – I'm sorry, I would like to defer to Member Magel at this time to –

Mrs. Magel: Hey, Jon. Is this your way of a second chance, here?

Mr. Snyder: Inaudible... Before we – before we have this vote, I'd like to include inaudible... that's Greek ...inaudible... the capital budget.

Mr. Foltz: He wasn't – you wasn't for anything in Ward 2.

Mr. Lane: He takes back everything he said.

Mr. Snyder: Yeah, forget that last statement.

Mr. Lane: It was evil Jon speaking.

Mr. Snyder: Let me put my collar on and I'll...

Mrs. Magel: I would like to nominate Doug Foltz for President of Council.

Mr. Snyder: Second. Oh, excuse me, Mr. DeOrio ...

Mr. DeOrio: That's fine. Go ahead.

Mr. Snyder: I'll second.

Mr. DeOrio: I would like to move that nominations be closed and that a unanimous ballot be cast for Doug Foltz for President of Council.

Mr. Lane: I'll second that.

Mr. DeOrio moved and Mr. Lane seconded that nominations be closed and that a **unanimous ballot be cast for Doug Foltz for President of Council.**

All members present voting:

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

No: 0

Mrs. Kalpac: Congratulations!

Mrs. Magel: Another cake?

Mr. Foltz: Question for our Law Director. These meetings did count?

Mr. Pusateri: Oh, yeah. Yeah.

Mrs. Magel: No, let's start over again.

Mr. Foltz: Anything else?

Mr. DeOrio: Nothing else. Thank you.

Mr. Foltz: Okay, Member Hines?

Mrs. Hines: No report.

Mr. Foltz: Member Repace?

Mr. Repace: No, I'm done.

Mr. Foltz: Member Magel?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005 7:00 p.m. 20 05

Mr. Repace: If they print what I just said, I'm probably more than done.

Mrs. Magel: You have no idea what you mean by that.

Mr. Foltz: Inaudible... off the record. Go ahead.

Mrs. Magel: I have two things: Number one, I have a request from the Council – or from the administration – when you asked for the salt, would you promise for no more snow?

Mr. Wise: Yes.

Mrs. Magel: At least til the end of the year.

Mr. Foltz: We'll see what we can do.

Mrs. Magel: Okay. Thanks. The other thing is, Mr. Benekos, there's a couple questions you didn't answer tonight. I'm kidding you - I'm kidding you. There's a gentleman from the AEP – this is concerning the end of Briar and Weber. And remember those utility easements?

Mr. Benekos: Correct.

Mrs. Magel: Okay. He said that he would be sending you some new drawings –

Mr. Benekos: Okay.

Mrs. Magel: And if he does, could you give me a call and let me review those so we can get that up and going?

Mr. Benekos: I will.

Mrs. Magel: Okay, I can't remember the gentleman's name right now, but it's –

Mr. Benekos: Dan Thouvenin.

Mrs. Magel: Yes, if you can't pronounce the last name...

Mr. Benekos: Yea.

Mrs. Magel: that's who it is. So, if you have the updated drawings, I would appreciate it. I guess there is a third thing. Jon, what made you say we – I tolerated this?

Mr. Snyder: I beg your pardon?

Mrs. Magel: No, I'm kidding. He said, thank you for tolerating that.

Mr. Snyder: Oh, yeah. Just - oh, for tolerating my –

Mr. DeOrio: What makes you think she did?

Mrs. Magel: All right. That's all.

Mr. Snyder: Well I hope she did.

Mr. Foltz: This will wrap it up. I appreciate ...

Mr. Snyder: I sure hope they forgive me.

Mr. Foltz: Council's candor, honesty and lively debate. And, no, there's no hard feelings here. You know, obviously, we're all working to be productive for our City and with the administration, and I think we had a quite positive Council meeting tonight. So I want to thank the ...

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, December 12, 2005

7:00 p.m.

20⁰⁵

Mr. DeOrio: I agree.

Mr. Foltz: other Council members here and administration and our other directors here present. Hopefully we can continue this through the very near future, and I think we will. So, with that said, let's make a motion to adjourn the meeting.

Mr. Snyder: I would – I thought – I didn't see where you left that pizza. I was looking for it when I came in.

Mr. Pusateri: Inaudible... yea, a vote here and a second.

Mr. Foltz: Is there a motion – vote – motion.

Mrs. Kalpac: Who made the motion?

Mrs. Magel: Second.

Mr. Pusateri: Who made the motion?

Mr. DeOrio: I'll make the motion.

Mr. DeOrio made a motion and Mrs. Magel seconded to adjourn the meeting at around 9:45 p.m. All members present voting:


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

No: 0

Meeting adjourned at around 9:45 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL