

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON SPECIAL Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

CALL TO ORDER:

1. The Special Council Meeting was called to order at 7:00 p.m. by President of Council Doug Foltz.

ROLL CALL:

2. 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.
3. Mr. Foltz: Okay, first we need to amend the Ordinance No. 217-05 to add an emergency clause and make the change as discussed at last night's meeting. So, do I have a motion to do that?

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

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

No: 0

Mr. Foltz: Now, may I have a motion to read by title only the third reading of Ordinance No. 217-05.

Mr. DeOrio moved and Mr. Lane seconded to **read by title only, second reading** of Ordinance No. 217-05. All members present voting:

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

No: 0

Ordinance No. 217-05 – Second 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, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Are we ready for some discussion again? Or what are you looking for?

Mr. Foltz: Well, do you want to just – if there's no discussion, we go right into the motion.

Mr. DeOrio: Well, I just wanted to – I did want to just – I didn't get a chance to last night, because it went longer than it should have. And I wanted to give Mayor Held an opportunity to just to – he and I have spoken kind of privately on some things, and I just want to kind of bring that out and be open that – just, for the benefit of everybody else, Mayor, are you satisfied with the job that we have done in analyzing this budget – in putting it together?

Mayor Held: Well, first off, I appreciate the time that you folks put into it. I think, you know, certainly, it's – whenever you're cutting the operational aspect of the – of the budget, it makes it difficult, obviously, on our side, because you have the department heads that want to do the best to provide the service. But, at the same time, they have to have the funding. On the other hand, I know that we really need to control our spending as a City. And it's just – it's not an easy thing to do. I mean, it's just a – whenever you're going to cut the spending or cut the expenditures, everybody has to pitch in. And I just found that in our staff meeting yesterday that it's gonna take an effort on behalf of all the department heads and on behalf of the – of every worker. And I ask them, in areas where their operational budget is being cut, to get creative and find new ways to provide the same level of service with fewer financial resources. So, from that respect, I – I'm comfortable with what you folks have done, and I do appreciate the work that you've put into it – all of you, and Julie, also. The area that I'm concerned about is in the street projects, I know that our City Engineer Jim Benekos said that it's an aggressive list. But I do want

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Council members to know that, you know, we'll do our best to make sure that all of those projects are met. But, it is, you know, when you look at the history of this City, there's times when some projects do not get completed, whether it's because of the weather or – more often times it's the weather – or the timing of the particular projects. And right now we – there was a list of projects that was presented to City Council, and the list that we presented changed. And I think we discussed those reasons. Obviously, our position was to support the budget that Mayor Rice had presented; and that's been changed. But, of course, we're willing to work with City Council and their recommendations. And that's all I have.

Mr. DeOrio: I'd also like to thank you, Mayor, for making available for Council, the department heads and other employees, to allow us to speak with them and, you know, allowing them to speak candidly to us in addressing some of these issues that we were able to – you know, things that we weren't aware of that we were able to fix, and that type of thing. And that takes a lot of confidence in your department heads, and we have – we really appreciate that.

Mayor Held: Thank you. And, also, I would like to – just to reinforce that – we have an open operation over here. And, like I had told our department heads, we would never prohibit any City worker from talking to another person. Anyone can talk to anybody at any time. But what we do ask is that everybody follow the process -- members of Council and the City workers, because as long as we follow the process and the reporting procedures, then I think it keeps everybody in a more comfortable position. But we're a small city, and, you know, things don't have to be so rigid and so tight. I think it's just that everybody wants to be kept in the loop and so it's fair to everyone. In addition to that, the street projects – is there going to be further discussion on the street projects? Or is this –

Mr. DeOrio: Not at this time.

Mr. Snyder: Mr. Chairman, I'd like to just be heard one moment, if you could give me privilege and make one more round here. In my creative thought process, I would ask you to indulge me for three or four minutes, and let me present something.

Mr. DeOrio: I will give you three or four minutes, but if, if this is gonna break down to what we had last night, then, you know, you'll expect to get the question called.

Mr. Snyder: No, I – as you know, and we're all aware of, the promises that we make, and pursuant to that, to just pave the streets of Landsdowne, alone, there's two (2) ways they can be done. A paving that would last two to three years or paving that would last eight to ten, and I would hope not to do the eight to 10, simply for the fact that the infrastructure of water and sewer is not there. However, and it's still no snow, and if you get the opportunity, and the engineer will confirm my statement, those roadbeds are in very terrible shape – the worst in the City. And I doubt they'll get through the – really get through the winter. So, what I'm asking in – to compromise, is there's \$250,000.00 in the paving budget. And I'm asking for the support of this Council and to uphold the honor of the previous Council and the members that have carried over – to at least pave those streets this year at a cost of approximately \$95,200.00 of that \$250,000.00 appropriate line item, and please give me a commitment now rather than in June when the street process comes out and everybody says, well, I gotta get this little street done or that street done. But I'm asking you, as the ward councilman, and I'm also asking you on behalf of Mr. Foltz and Mr. Lane, as we did promise those people to honor at least that much of it to begin, and, hopefully, that you possibly could draw a two-year budget going forward that we can, at least in the next year or so, get the infrastructure done for those people. Now those homes are large. Most of them sit between probably 200 feet off the street, and God forbid we'd ever need a problem where we had to follow with fire suppression in there, because there's just not the amount of area to bring it in. So, I'm asking you to please, please give that some consideration that I can go back and talk to these people. They're very reasonable people, I'm sure. But, at least it'll bring their properties within the realm that they know we do try, and we do care about them as citizens. Thank you. That's all I have to say on that.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Lane: And I can add just from the street and alley standpoint, if I could, that I think that sounds reasonable and certainly would cover us for a two to three-year period while we look at some other, other funding and some other things. And that particular amount of money is in the budget. It doesn't blow it. It doesn't add to it, but I think it's – everybody has to be comfortable with that. But I don't think it's a bad choice.

Mr. Snyder: As well as most projects, historically, from the engineer's estimates to the actual – fortunately, not so much as last year, but usually there's several thousand dollars higher than the actual bid coming in, and that that money couldn't be put around and brought back into the paving program to augment the shortfall asking for some forty percent (40%) of it.

Mr. Foltz: No, I – Member Lane, I concur. I don't have a problem. I brought it up last night. We need to pave that for a short duration until we can actually get to that project somewhere down the line. I'm not ready to make a commitment when that will be, but at least get the roads in good shape so that the residents can, you know, they deserve that.

Mr. Lane: Well, they're an embarrassment.

Mr. Foltz: And any of our roads in any of our wards.

Mr. Lane: Yes.

Mr. Foltz: So that's not a big problem on my side. So --

Mr. DeOrio: Well, then –

Mr. Foltz: But that'll come out of the paving fund – the \$250,000.00.

Mr. DeOrio: I understand. So, how do you want to handle this, then, as far as –

Mr. Foltz: We don't have to make any changes at this time.

Mr. DeOrio: Well, you know, if I --

Mr. Foltz: Because –

Mr. DeOrio: I know we don't have to, but –

Mr. Foltz: Member DeOrio, there will be a list put together by the ward council people and administration, and that could be one of the roads that are paved out of the \$250,000.00.

Mr. DeOrio: Okay. But what I'd like to just say for the record is, you know, part of why I had this – asked for this list to be compiled as an attachment or appendix – and I'm not sure which one we're – in any event, was so that people would know specifically what this body has voted on. And what I would like to do, and I'd like Julie to help me out, here, but – or Engineer Benekos, I guess – if we reduce the street maintenance program asphalt line item by the \$95,000.00 that Member Snyder is asking and we add – added another line there specifically identifying this, would – that works?

Mrs. Herr: Yeah. I mean the attachment that I gave you that's the listing of the capital projects, that's not actually an official part of the appropriation ordinance.

Mr. DeOrio: Okay.

Mrs. Herr: So, it's not – if it's changed, it's not subject to going back to Council or anything. But I can change it on there so that it's, you know, and give copies to everyone so that it's, it's known, and we can change the description in the budget document and put that \$95,000.00 as – and take, reduce the \$250,000.00 and then have the \$95,000.00 be for Landsdowne. But it's not changing the actual appropriation that Council is passing tonight.

Mr. DeOrio: Okay.

Mrs. Herr: So, I can amend that part of the budget document, but it won't have any affect on the actual appropriation ordinance, because it's – the total's not changing.

Mr. DeOrio: Right.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, December 20, 2005 7:00 p.m. 20⁰⁵

Mrs. Herr: It's just the description.

Mr. DeOrio: Yes. I would like – I would like to have the description there so that it's very clear to the – to the public – exactly what we are approving or what we – and what we are committing to.

Mr. Foltz: Do we need to amend this again, then?

Mr. Pusateri: No.
Mrs. Magel: No.

Mr. DeOrio: No, because what she said that just – but I want, I want that clear so that –

Mrs. Herr: Is it 90 – how much?

Mr. Snyder: \$95,200.00.

Mr. Benekos: I guess the question I have is if Landsdowne repaving comes in at \$96,000.00, does that create a problem? Or if it comes in at 9 - \$90,000.00, can we use that additional \$5,000.00 back into the regular resurfacing without having to come back to Council?

Mrs. Herr: Uh huh. Yeah. Because you're gonna bid it out – or you're gonna bid it out with the regular –

Mr. Benekos: Right, we'll bid it out all together.

Mrs. Herr: Yeah, so what it can be is it can be, you know, we can list that in the appropriate – in the ordinance where we're advertising for bids and just put that dollar amount. But, yeah, it can be, you know, it doesn't – if one goes under and one goes over, I mean, you can go back and forth. So –

Mr. Foltz: That still comes up to Council again –

Mrs. Herr: Yes.

Mr. Foltz: Through another ordinance.

Mrs. Herr: Yes. Yes.

Mr. Foltz: So we're to talk with Daryl, see what we're doing.

Mr. DeOrio: Okay.

Mrs. Herr: So –

Mr. Foltz: We're gonna have a list of other streets that we're gonna review and then pass at some point here – probably early summer, mid-summer.

Mr. Benekos: Early spring.

Mr. Foltz: Early spring. Good.

Mr. Benekos: We'd like to bid that out. I'll be coming to you in January or February for your list.

Mr. Foltz: That's even better. Okay.

Mr. Lane: And the only other question I would have if for Mr. Benekos. The shelf life on the Landsdowne engineering is, in your estimation, four or five years?

Mr. Benekos: It would depend if any changes occur out there. It should be good until then, but what you'll see over the next two or three years is that asphalt that we just put in, there'll be a lot of patches because of the waterline breaks, and it will start to deteriorate after three years, probably.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON SPECIAL Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Lane: But, but we could still go back if, if we do decide as a body or the next Council does, to do this that that engineering that we have in place would be good for that project. We don't have to go back and come up and do engineering?

Mr. Benekos: It would depend. If you decide to do the whole project, or part of it, and what part you decide. Right now, the plans will be finalized as a whole project. If you come back and say, well we just want to do the waterline and/or the storm line or we want to do this street or that street, we're going to have to revise the plans at that time, because we don't know how you may want to break it up in the future. We're gonna get a full set of plans.

Mr. Lane: Well, I think the wise thing, in going back to what Mr. Repace said last night, is we make a commitment, we get it done, and we can find the money to do it. But it's not gonna be this year. And probably not next year. But certainly, at least, the streets will be habitable. Right now they're an embarrassment to the City. I think Mr. Foltz concurs with that from previous Council. So –

Mr. Foltz: Any other discussion? I'd just like to thank Chairman or Member DeOrio and Member Magel and the administration and Finance Director Julie Herr – all her hard work here. This is probably the most extensive research that this Council body has ever done in my terms up here. And I just appreciate the hard work and just everybody having healthy dialogue on this, and we're not all happy with all aspects of it; but that's what councils do. They discuss the matters at hand and learn to live with it. And, overall, we're, you know, it's gonna be a better, better year for our citizens, our constituents. So, I'm very – I'm very proud of that from this Council body. So at this point, then, I guess I'll look for a motion to adopt the third reading of Ordinance No. 217-05.

Mrs. Hines moved and Mr. DeOrio seconded to **adopt the third reading of Ordinance No. 217-05**. All members present voting:
Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines
No: 0

Mr. Foltz: Now, I don't need to make a suspension of rules for emergency, right, as we discussed?

Mrs. Kalpac: No.

4. Mr. Foltz: Okay. Very good. Next on the agenda would be – can we have a motion to read by title only the third reading of Ordinance No. 218-05.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, third reading of Ordinance No. 218-05**. All members present voting:
Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane
No: 0

Mr. DeOrio: 217-05?

Mr. Snyder: That did pass, because you don't have to suspend the rules (inaudible discussion).

Ordinance No. 218-05 – Third Reading

Ordinance No. 218-05 establishes that all matters to be placed on the Council of the Whole, Committee of the Whole agenda shall be reported to the Clerk of Council by 4:30 p.m. six (6) working days before the Committee of the Whole meeting and establishes that the Committee of the Whole agenda and supporting paperwork shall be available by 4:30 p.m. on the Wednesday before the Committee of the Whole meeting.

Mr. Foltz: Chairman Snyder?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON SPECIAL Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Snyder: Thank you. This is, in effect, will change the rules of Council. At present they are required at 4:30 on Wednesday prior to the week that we'd meet as committee – council committee as a whole. These will be ready six (6) days previous to the packets now going out, I believe, beginning sometime first of February, I believe, or latter part of January – will be available, per that calendar you were given, on Wednesday. This will afford the committee chairman and members of that committee additional time to research items that are placed on the agenda by either the President of Council or that committee chairman. And I think, it's gonna – in hopes of the President at this time – that each person will do due diligence and be able to report out on that particular item that lists on that committee – that they do their homework. And this will take some pressure off the clerk's office – administration and all committee chairmen. And, that being said, I ask that we adopt the third reading of Ordinance No. 218-05.

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

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

No: 0

ADJOURN:

Mr. Foltz: Okay, with that I'd just like to thank everybody and wish everybody a happy holiday season. And see everybody early next year. With that, we'll adjourn the meeting. I'm sorry. I need a motion to adjourn.

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

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

No: 0

The Special Council Meeting adjourned at 7:21 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL