

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 13, 2006 7:00 p.m. 20 06

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by Rev. Gary A. Smith, Zion United Church of Christ
3. All present recited the Pledge of Allegiance.

Mr. Foltz: Gail, will you please call the roll.

ROLL CALL:

4. The following members of Council responded to roll call: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder. Also present were: 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: 1/23/06
Mayor's Court Receipts: December, 2005

Mr. Snyder: Mr. President, I move that we accept the minutes as presented and the Mayor's Court Receipts as presented.

Mr. Snyder moved and Mr. Lane seconded to accept both the Council Meeting minutes and Mayor's Courts Receipts as presented. All members present voting:

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

6. Committee Reports

Executive Session (Finance & Property): Refer to the minutes on file in the Council Office of the Executive Session (Finance & Property) Committee meetings held January 17, 2006 and February 6, 2006.

Executive Session (Personnel & Safety): Refer to the minutes on file in the Council Office of the Executive Session (Personnel & Safety) Committee meetings held January 27, 2006, February 6, 2006 and February 8, 2006.

Finance & Property: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held February 6, 2006.

Ordinance & Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held February 6, 2006.

Street & Alley: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held February 6, 2006.

Water, Sewer & Rubbish: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held February 6, 2006.

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

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

7. Recognition of Visitors

Mr. Foltz: Please step forward anyone who would like to speak in front of Council and state your name and address.

Mr. Osborne: My name is Chuck Osborne. 307 Fair View Street SE, North Canton, Ohio. The new membership of the North Canton City Council has been in office for seventy-five (75) days as of today. In this short time, there have been certain actions by this Council that I believe are not in the best interest of the residents of North Canton. City Council actions which ignore the wishes of the electorate limit the public's access to public business and create anxiety for key City employees are not what the public

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expects. At the Council meeting of January 23, 2006, Councilwoman Susie Hines nominated former Mayor Tom Rice to serve as a member of the CIC. To make this appointment with the knowledge of the acrimony the City of North Canton endured under former Mayor Tom Rice and of Mayor Rice's treatment of former City Administrator David Held, now Mayor, flies in the face of the mandate of the voters. This appointment was noticed by The Repository editorial board in an editorial on Thursday, January 26, 2006. The editorial referred to the appointment as a provocative choice. Many people, including myself, would describe it as a repudiation of the wishes of the voters. I applaud Councilmember Jon Snyder's vote against this appointment. Another recent action of this new City Council is the decision to close out the public from the Council office. Last week, the door to the Council office was closed to the public and, in its place, a window was installed. This action has been rumored for weeks, and no one seems to know the reasoning for this action. I find it quite interesting that former Mayor Tom Rice kept the doors to the Mayor's office locked. And now, to use a term from The Repository editorial noted earlier, that a pro-Rice Council is elected, the doors to the Council office are closed. I might add that with the election of a new Mayor, the door to the Mayor's office is now open again. It looks like musical locked doors at North Canton City Hall depending on one's political affiliation. The doors to the Council chambers have been open to the public for as long as I remember. This is where citizens come to meet their elected officials. They do not expect to stand at a window in a wall in a hallway next to the copier machine to ask questions from their elected officials regarding the public's business. And where is this window to the Council office? It is behind a closed door that leads back to the Finance Department. And next to the Council window is the now closed office door. The installation of this barrier to the public – I mean window – resulted in the expenditure of \$375 and the reconfiguration of City Hall to suit the whims of someone on City Council. The funny thing is, I have been unable to find out who requested the installation of the Council window. I was assured by the Mayor's office several weeks ago that this request will be discussed publicly in Council. Unfortunately, that never happened. I spoke to Councilmember Jon Snyder, and he had no knowledge of the plans to install a window in the Council office. Former Councilwoman Marcia Kiesling has relayed to me that Councilmember Pat DeOrio does not know who signed the invoices authorizing the installation of the Council window. By chance, I spoke to Councilwoman Susie Hines coming out of the Council office last Monday regarding the Council window, and she, too, did not know who authorized the Council window either. Her response was that the Council window would increase efficiency. I will let you ponder the efficiency response yourself. It went right over my head and out the Council window. My last concern is the anxiety that this Council has brought on our City government by delaying the appointments of two (2) key City officials for weeks. In the past, the Finance Director and the Law Director have been reappointed at Council's organizational meeting on December 1st. After a delay of six (6) weeks, the City's Law Director announced publicly on January 9, 2006, that he would leave the position he had held since September, 2003. On January 23, 2006, after a delay of nearly two (2) months, this newly elected Council did confirm the appointment of the Finance Director –

Mr. DeOrio: Mr. President, we have reached our five-minute limitation.

Mr. Osborne: -- who has held this position for four (4) years. Both of these individuals have served this City with the highest degree of competence and professionalism. Each is vital to the day-to-day business of this City. Is this any way to treat employees of this caliber? I hope you know the answer to that question. Why have these appointments been handled in this manner? What is this Council's agenda? Many of you on this Council are brand new to North Canton City government. What direct knowledge did you have that caused you to doubt the job performance and professionalism of the current Finance Director and Law Director? Your actions have created needless anxiety for these vital City employees, the people who work with them and –

Mr. DeOrio: Mr. President, we're at six (6) minutes now.

Mr. Osborne: -- the stable process of City government that has been ongoing here in North Canton for many years. Now, the City finds itself looking for a new Law Director. In your search for a new Law Director, I believe you are abusing the privilege of calling executive sessions under Ohio's Open Meetings Act. Invoking the subject of personnel is a valid exception under the Open Meeting's Act, but it can not be a catchall for any and all personnel issues under Ohio's Open Meetings Act, and I believe that is what is

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happening in your search for a new Law Director. Three (3) years ago in the search for a Law Director, executive sessions were limited in the time in executive sessions used effectively. The present Personnel Committee has invoked no fewer than five (5) executive sessions –

Mr. DeOrio: Mr. President – seven (7) minutes. I think we've reached a point where we're granting things to one that we may not grant to another. We have to enforce our own rules.

Mr. Osborne: -- each lasting several hours, and two (2) more executive sessions are planned later this week. The Personnel Committee has taken on the task of interviewing all twenty-two (22) applicants for the position of Law Director.

Mr. Foltz: Mr. Osborne, how much further do you have to discuss?

Mr. Osborne: I have just about three (3) more paragraphs.

Mr. Foltz: Please finish, then.

Mr. Osborne: To me, you are giving false hope to all the applicants in failing to effectively utilize your time. Putting in a window to the Council office may be someone's idea of efficiency, but interviewing all 22 applicants for the Law Director position is certainly not my idea of efficiency. In a review of the resumés of all the applicants, I did not see any applicant who was as qualified as the present North Canton Law Director. Mr. Pusateri has almost three (3) years experience on the job and has served this City well. It is too bad that your politics have led you to now need to reinvent the wheel. It is a shame we are losing the knowledge and experience that the present Law Director has attained here in North Canton. The City of North Canton, at present, has a new Mayor, a new City Administrator, and the majority of the members of the present City Council are new. With this lack of experience and depth of knowledge spread through all three branches of North Canton City government, it does not make much sense to let Mr. Pusateri's knowledge and experience leave our government. I trust that this pro-Rice Council will surprise us all and be a pro-North Canton Council in all of its decisions – now and in the future. Thank you.

Mr. Foltz: Thank you. Comments from Council, or I'll go to the next person who wants to speak before us. Okay. Anyone else like to address Council tonight? Okay, seeing none, we'll go to old business.

OLD BUSINESS:

Mr. Foltz: Do I have a motion to read by title Ordinance No. 4-06?

8. Mr. Lane moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 4-06. All members present voting:
Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines
No: 0

Ordinance No. 4-06 – Third Reading

An ordinance authorizing the vacation of all of West Bachtel Street SW from the east line of Hillcrest Avenue to the west line of Fair Oaks Avenue SW located within the corporate limits of the City of North Canton, Ohio.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is the third and final reading on this. We've discussed it for quite a – quite a few weeks. Planning Commission approved it. We approved it after a public hearing. I would move we approve the third reading on this.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the third reading** of Ordinance No. 4-06. All members present voting:
Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane
No: 0

9. Mr. Foltz: Do we have a motion to read by title only the third reading of Ordinance No. 5-06?

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Mrs. Magel moved and Mrs. Hines seconded to **read by title only, third reading** of Ordinance 5-06. All members present voting:

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

No: 0

Ordinance No. 5-06 -- Third Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Easement and Right of Way Agreement with American Electric Power ("AEP") granting and conveying a right of way and easement ("Easement") for electric, other energy, or communication purposes for current and/or future uses, the following described lands being known as Lot No. 6686 and 6685 situated in the City of North Canton, located in Section 8, Township (Plain) 11N and Range 8, as defined by a map on file in the office of the City Engineer.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is the area at the end of Briar and Weber as it -- it runs adjacent to The Sanctuary. We've discussed this. And this is the third reading on this. Mrs. Magel, anything new since the second reading?

Mrs. Magel: Mr. Pusateri, I would like to ask -- the first reading there was some words in. The second reading, you took some words out. And then, the third reading, you said it may or may not. Now, is it in or out at this time? Is that what you meant?

Mr. Lane: Yeah. I mean this doesn't involve (inaudible) these discussions. I just to make sure before we passed it on the third reading, here, that everything was copasetic with you.

Mr. Pusateri: Yeah. No, I -- we still haven't -- we looked at the -- we still need to look at the Agreement and decide that language that was originally part of the ordinance if it needs to be there or not. I haven't gotten to that point yet, but that language is no longer in the ordinance -- the language that was originally in the ordinance -- if I'm correct; right, Jim?

Mr. Benekos: Correct.

Mr. Pusateri: I mean it's not --

Mrs. Magel: Being the third reading, it will be out.

Mr. Pusateri: Yeah, yeah. That's correct. It's out. It's not in there.

Mrs. Magel: Okay. Okay.

Mr. Pusateri: Sure.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the third reading** of Ordinance No. 5-06. All members present voting:

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

No: 0

10. Mr. Foltz: Prior to reading this next ordinance, I'd like to have a motion on the floor to include the term "public open space" in the title -- Section 1 and Section 2.

Mr. DeOrio moved and Mrs. Magel seconded to **amend** Ordinance No. 8-06 to include "public open space" in the title, Section 1 and Section 2 of Ordinance 8-06. All members present voting:

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

No: 0

Mr. Foltz: Now may I have a motion to read by title only second reading of Ordinance No. 8-06.

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, second reading, as amended**, of Ordinance No. 8-06. All members present voting:

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

No: 0

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Ordinance No. 8-06 – Second Reading

Ordinance No. 8-06 amending Section 1107, specifically 1107.03(c) OUTLINE OF PROCEDURE and 1107.05(e) DESIGN STANDARDS, regarding open space and public open space, and repealing any and all legislation consistent herewith.

Mr. Foltz: Chairman Snyder:

Mr. Snyder: Thank you. This is in regards to the five percent (5%) set aside, I think, on ten (10) acres or more. This will be the second reading. We'll have an additional reading at which time it will be sent to Planning with the – hopefully a 7-0 vote – with the fact of be getting their blessing with a public hearing – coming back to us, then, for a public hearing and adoption in the subdivision regs. With that, I would ask that you adopt the second reading of Ordinance No. 8-06.

Mrs. Magel: Jon, did you mean, hopefully, 5-0 vote for Planning?

Mr. Snyder: We – we'll send ours 7-0.

Mrs. Magel: No? Okay.

Mr. Snyder: Hopefully, as you know, with a supermajority, 6, they'll understand, and I will attend that Planning Commission meeting and give testimony to the fact that it is the wishes of the Council that this be adopted –

Mrs. Magel: I appreciate your putting that on record. Thank you.

Mr. Snyder: -- as presented. Yeah. That's the way that, you know, sometimes that gets a little confused, as the Planning Commission is an appointed body versus an elected body; and this, basically, is the result of both the legislative and private and public input. So, we'll want it adopted as we present it. So, I'll – I will give you that, and I will go there and give testimony there. So, again, I'll reiterate. I move that we adopt that.

Mr. Snyder moved and Mrs. Magel seconded to **adopt the second reading, as amended**, of Ordinance No. 8-06.

All members present voting:

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

No: 0

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

Mr. Lane moved and Mrs. Magel seconded to **read by title only, second reading of** Ordinance No. 10-06. All members present voting:

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

No: 0

Ordinance No. 10-06 – Second Reading

An ordinance authorizing the vacation of a portion of Alley No. 9 from the south end of the alley and running in a northerly direction to the southern property line of Lot 930 on the west and the southern property line of Lot 938 on the east.

Mr. Foltz: Chairman Lane.

Mr. Lane: It's the area behind the Harleigh Inn, and the Planning Commission had a public hearing on it. We had a public hearing on it. We've discussed it. This is the second reading, and I will move we approve.

Mr. Lane moved and Mrs. Magel seconded to **adopt the second reading of** Ordinance No. 10-06. All members present voting:

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

No: 0

12. May I have a motion to read by title only second reading of Ordinance No. 15-06.

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Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, second reading** of Ordinance No. 15-06. All members present voting:

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

No: 0

Ordinance No. 15-06 – Second Reading

An ordinance authorizing the Director of Administration of the City of North Canton to request quotes for general liability, personal injury, liability, automobile, building and contents, equipment floater, crime, boiler and machinery, and firemen's errors and omissions insurance according to specifications on file in the office of the Director of Administration and for the Mayor to be authorized, through the Board of Control, to enter into a contract(s) for the policy/policies.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is our second reading, and the policies expire in mid-April. And it was our intent at our third reading, then, to pass this with the emergency clause, but I wanted to make sure that we gave it its full three (3) readings, and that still gives plenty of time to obtain some quotes.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 15-06. All members present voting:

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

No: 0

13. Mr. Foltz: Next, may I have a motion to read by title only second reading of Ordinance No. 16-06.

Mrs. Hines moved and Mr. DeOrio seconded to **read by title only, second reading** of Ordinance No. 16-06. All members present voting:

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

No: 0

Ordinance No. 16-06 – Second Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement for the purchase of one (1) Excavator for use by the Street Department, within the purview of the Ohio Cooperative Purchase Act; or, in the alternative, authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into an Agreement for the purchase of one (1) Excavator for the use by the Street Department.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This is for the purchase of an excavator. I believe the cost in the ordinance was not to exceed \$43,000.00. It gives the administration the flexibility to purchase through the Ohio Cooperative Purchase Act, or, if they can get a better price, to advertise and receive bids. I would move that we adopt, for its second reading, Ordinance No. 16-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 16-06. All members present voting:

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

No: 0

14. Mr. Foltz: Next, may I have a motion to read by title only second reading of Ordinance No. 17-06.

Mr. Lane moved and Mr. DeOrio seconded to **read by title only, second reading** of Ordinance No. 17-06. All members present voting:

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

No: 0

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Ordinance No. 17-06 – Second Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement for the purchase of three (3) Marked Cruisers for use by the Police Department, within the purview of the Ohio Cooperative Purchase Act; or, in the alternative, authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into an Agreement for the purchase of three (3) Marked Cruisers for use by the Police Department.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This was to purchase three cruisers at a cost not to exceed \$75,000.00. I would move that we adopt for this second reading Ordinance No. 17-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 17-06. All members present voting:

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

No: 0

15. Mr. Foltz: Next, do I have a motion to read by title only second reading of Ordinance No. 18-06?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, second reading** of Ordinance No. 18-06. All members present voting:

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

No: 0

Ordinance No. 18-06 – Second Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service contract with CMI for computer hardware and software upgrades for use by the City of North Canton safety forces, in an amount not to exceed \$37,000.00.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This was for the Police Department, and we resolved some hardware/software issues in awarding a professional service contract. I would move that we adopt Ordinance No. 18-06 for its second reading.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 18-06. All members present voting:

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

No: 0

16. Mr. Foltz: Next, may I have a motion to read by title only the second reading of Ordinance No. 19-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 19-06. All members present voting:

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

No: 0

Ordinance No. 19-06 – Second Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a three (3) year contract for the re-striping of various City streets.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio. Yes, on this one I'd like to throw a little curve ball out – wake up some mundane reading, here. But, no, actually, I would like to make an amendment to this, this ordinance. In this ordinance, we did not specify a dollar amount in association with

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this contract. And I would like to amend it to do so at this time. In the past, when this contract was last renewed, the cost was \$32,500.00 per year for three (3) years, which is \$97,500.00. I would like to amend the ordinance to read with a clause adding that – to not – at a cost not to exceed \$103,500.00.

Mr. Pusateri: For a year – is that – I mean –

Mr. DeOrio: For – in the aggregate – in a three-year contract.

Mrs. Herr: So, if the bids come in more than that, then we can't do it then.

Mr. DeOrio: Well, it would have to come back. I'd like to – I don't want to award just a blind bid not knowing what it is, because once it leaves here without any specification to dollar amount, it goes to the Board of Control. And you could appoint – you could – if it's a \$500,000.00 contract, you could sign it. And that might not be exactly what Council had hoped for. So, we could specify by dollar per year or a three-year aggregate, but if it comes in under the \$103,500.00, I think that's a reasonable increase. That's like, I think, a \$2,000.00 a year increase. We only bid it out just three (3) years ago.

Mr. Foltz: Chairman DeOrio, that was a three –year?

Mr. DeOrio: Indicated yes.

Mr. Pusateri: We could put the amount in for the three-year contract, and then, also, but there's not a special appropriation for this?

Mrs. Herr: It's included in with our Street & Maintenance budget, so, there's not a specific dollar amount tied to it in the budget, it's just part of the \$250,000.00 we've put in the budget for street maintenance.

Mr. Pusateri: That's fine. We could do that. Why don't we amend it for the next meeting. This is the second reading – and before the third reading, amend it. And by then, we can put that new language in the ordinance; right, Gail? Is that good, Mr. DeOrio?

Mr. Foltz: Why don't we make the amendment before we read the title.

Mr. Pusateri: Before we read the third reading. Is that fine with you?

Mr. DeOrio: Okay. That would be fine.

Mr. Pusateri: Okay.

Mrs. Magel: Excuse me. Could you repeat the number?

Mr. DeOrio: \$103,500.00.

Mrs. Herr: For the three years.

Mr. DeOrio: For a three-year aggregate.

Mr. Pusateri: Yes. It just approved the second reading. And then before the third reading, amend it, with the new amount in it, and –

Mr. Snyder: That's a twenty percent (20%) increase – that's a pretty – that's a sizeable safety net.

Mr. DeOrio: It's better than flyin blind. That's the thing.

Mr. Snyder: Oh, yeah.

Mr. DeOrio: There were some --

Mr. Pusateri: Yeah. That will work.

Mr. DeOrio: Okay.

Mr. Foltz: Was there any discussion with administration?

Mayor Held: No. That's – that'd be all right with us.

Mr. Foltz: Okay. Is there a motion to approve the second reading?

Mrs. Magel moved and Mr. DeOrio seconded to **adopt the second reading of Ordinance No. 19-06.** All members present voting:

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

No: 0

Mr. Foltz: Next, do I have a motion to read by title only second reading of Ordinance No. 20-06?

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Mr. DeOrio moved and Mr. Lane seconded to **read by title only, second reading** of Ordinance No. 20-06. All members present voting:

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

No: 0

Ordinance No. 20-06 – Second Reading

An ordinance authorizing the Director of Law of the City of North Canton to prepare a petition to be filed with the Stark County Board of Commissioners for a change of township lines in order to make them identical, in whole or in part, with the limits of the City of North Canton.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is our second reading of our withdrawal from Plain Township, and the question that I would like to put to Law Director Pusateri would just be on – at what point do you want us to decide upon a name?

Mr. Pusateri: I don't know the answer to that question, sitting here today. But...I don't know. But I'm sure when we go to --

Mr. DeOrio: Okay. Well, I don't know if you needed it before the third reading, or, it comes after that, or --

Mr. Pusateri: No. I wouldn't think so. No. It would be needed before we file with the Board of Commissioners, but I will look into that. That's a good question.

Mr. DeOrio: Okay. Well, at this time I would move that we approve Ordinance No. 20-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 20-06. All members present voting:

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

No: 0

NEW BUSINESS:

17. Okay. It's new business. Do I have a motion to read by title only the first reading of Ordinance No. 21-06?

Mr. Lane moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 21-06. All members present voting:

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

No: 0

Ordinance No. 21-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Bonnett Street SW and Lynhurst Circle SW Improvements project at a cost not to exceed \$845,000.00 and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is the first of many opportunities we have to fulfill the promises we made in the – at least in the Street & Alley portion of the budget, and we discussed this at the committee meeting and during the budget process. It's about 800 – well not to exceed \$845,000.00. This is the Bonnett Street Improvement – much, much needed. I would move that we pass this on a first reading.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 21-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 21-06.

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Mr. Lane moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 21-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules Ordinance No. 21-06.

Mrs. Hines moved and Mrs. Magel seconded to **adopt under the suspension of the rules** Ordinance No. 21-06. All members present voting:

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

No: 0

Mr. Snyder: Mr. President, may I have a privileged question, sir?

Mr. Foltz: Certainly.

Mr. Snyder: I would like to, on behalf of the fourth ward – represent – the fourth ward councilman, to my colleagues, especially the three members at large who supported this, members of Council, administration, thank you very much for your kind support on that. The people of Bonnett and Lynhurst will be very appreciative. I just want to publicly thank everybody for that. I appreciate that very much.

Mr. Foltz: Thank you, Member Snyder. I think you'll be thanking us a lot.

Mr. Snyder: I think so. I think I just got some new thank you cards and a little golf outing in (inaudible).

Mr. Lane: No golf. (Inaudible) your golf outing.

Mr. Snyder: I won't be there, but you guys will have a good time.

18. Mr. Foltz: Okay, next, do I have a motion to read by title only the first reading of Ordinance No. 22-06?

Mr. Lane moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 22-06.

All members present voting:

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

No: 0

Ordinance No. 22-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the McKinley Avenue Improvements project, at a cost not to exceed \$580,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: We're under reverse order from 4 to 3. This is – I notice there's only one more on here. I didn't know if that was intentional or not. But, anyway, this is a very, very much needed project, just like Bonnett. It's a mess over there, and I'm happy we're finally going to be able to get this one done. So, I would move that we approve the reading on this.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 22-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 22-06.

Mr. Lane moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 22-06. All members present voting:

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

No: 0

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Mr. Lane: I would like to thank my colleagues for that support on that one as well.

Mr. Foltz: We won't thank you as often, but you're welcome.

Mr. Lane: Every now and then when 3 pops up, I like to make a big note of it.

Mrs. Magel: Please remember this when 2 comes up, so – (inaudible)

Unidentified: You're up next?

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 22-06.

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** Ordinance No. 22-06. All members present voting:

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

No: 0

19. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 23-06.

Mrs. Hines moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 23-06. All members present voting:

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

No: 0

Ordinance No. 23-06 – First Reading

An ordinance amending Section 3. of Ordinance No. 142-05, as amended, for the 9th Street NE/Orchard Avenue NE/Overland Avenue NE Improvements project by an increase in the allocation in an amount not to exceed \$749,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is something for Ward 2. Get a little extra for you. Jim, this is 29,000 additional, if I remember right from last week, or am I wrong? I just want to make sure we get the figure right, so --

Mr. Benekos: I believe that is correct.

Mr. Lane: Yeah.

Mr. DeOrio: I thought it was 22.

Mr. Lane: 22?

Mr. Benekos: 24.

Mr. Lane: All right. Split the difference. \$24,000.00 additional dollars to wrap this project up, which, apparently, has been leading with rave reviews. So, I would move we approve.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 23-06. All members present voting:

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

No: 0

Mr. Foltz: Do I have a motion to suspend the rules for Ordinance No. 23-06?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 23-06. All members present voting:

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

No: 0

Mr. Foltz: Now may I have a motion to adopt under the suspension of the rules for Ordinance No. 23-06.

Mrs. Magel moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance No. 23-06. All members present voting:

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

No: 0

20. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 24-06.

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Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 24-06. All members present voting:

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

No: 0

Ordinance No. 24-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Summit Street Waterline Project at a cost not to exceed \$110,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This, again, is our first chance as Council to fulfill what our philosophy was that we were going to clean up the waterlines. This particular one is for Summit Street Waterline, and I would ask a motion that this be passed.

Mrs. Hines moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 24-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 24-06.

Mrs. Magel moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 24-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of rules for Ordinance No. 24-06.

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** Ordinance No. 24-06. All members present voting:

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

No: 0

21. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 25-06.

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 25-06. All members present voting:

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

No: 0

Ordinance No. 25-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Cordelia Street SW Waterline Replacement project at a cost not to exceed \$205,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is, again, same type of situation as with Summit Street. We also felt Cordelia Street needed new waterlines, and we were happy to put this in. The \$205,000 – the vast majority is for new waterlines, and a small portion of it is for sewer work. And I would like to have a motion to please – for the first reading.

Mr. Snyder moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 25-06. All members present voting:

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

No: 0

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Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 25-06.

Mrs. Hines moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 25-06. All members present voting:

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

No: 0

Mr. Foltz: Next, do we have a motion to adopt under the suspension of the rules Ordinance No. 25-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** Ordinance No. 25-06. All members present voting:

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

No: 0

22. Mr. Foltz: May I have motion to read by title only first reading of Ordinance No. 26-06.

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 26-06. All members present voting:

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

No: 0

Ordinance No. 26-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended professional services agreement for additional construction and inspection services for the Backwash Holding Tank/Generator Project, as authorized per Ordinance No. 87-05, at a total cost not to exceed \$77,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. I believe this is an increase from Ordinance 87-05 of last year -- \$5,000.00?

Mr. Benekos: Correct.

Mrs. Magel: Okay, so what we're authorizing is \$5,000.00 on top of the last one to get this Backwash Holding Tank Project done. And may I have a motion, please, to accept the first reading.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 26-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 26-06.

Mrs. Magel moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 26-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 26-06.

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** Ordinance No. 26-06. All members present voting:

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

No: 0

23. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 27-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading**, Ordinance No. 27-06. All members present voting:

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

No: 0

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Ordinance No. 27-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration for one (1) Ladder Truck for use by the Fire/EMS Department at a cost not to exceed \$750,000.00 and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a lease-purchase agreement for said Ladder Truck.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This ordinance would allow us to get the ladder truck. And I understand it takes time to get built, and that's why it's not requested on an emergency. I would ask for – to move for approval of Ordinance No. 27-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 27-06. All members present voting:

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

No: 0

24. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 28-06.

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 28-06. All members present voting:

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

No: 0

Ordinance No. 28-06 – First Reading

Ordinance No. 28-06 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended contract by and between the City of North Canton and the Stark County Public Defender Commission for the purpose of providing legal counsel to indigent persons in Canton Municipal Court, specifically Item 3 of the contract, Terms of Service, changing the duration of the contract to a period of one (1) year and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This ordinance brings us into compliance with the State Public Defender's Office. It's requesting us to have a contract for a period of one year, since we do not do a bi-annual budget here. So, I would move that we approve Ordinance No. 28-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 28-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt the first reading under the suspension of the rules for Ordinance No. 28-06.

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 28-06. All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to adopt under the suspension of the rules for Ordinance No. 28-06.

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** for Ordinance No. 28-06. All members present voting:

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

No: 0

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REPORTS:

Mr. Foltz: Director of Law.

Mr. Pusateri: No report, Mr. President. Thank you.

Mr. Foltz: Director of Finance.

Mrs. Herr: No report.

Mr. Foltz: Director of Administration.

Mr. Wise: Two items: Marquardt Street on the east side of the City is going to be closed beginning next Monday, the 20th (President's Day), for approximately three (3) weeks. This has to do with the sewer line that is being run up through the – now through the Avenido property – was the Avenido property – purchased by the City. They're just about to Marquardt. They will run up Marquardt 1,200 feet –

Mr. Benekos: Approximately.

Mr. Wise: Approximately 1,200 feet up the street to an easement which will then allow them to take the sewer line into the property, which will be The Sanctuary allotment. So, they're planning closing it beginning February 20th for about three weeks. We hope to not have it closed that long, but we're planning on three weeks. The second issue – I got a call today from Councilman Lane. There was an issue with a resident at Pershing and Schneider. This was a catch basin for the storm sewer. There are a number of them throughout the City that are sinking, and they do that on occasion. They have to be repaired. They lift them up, put new concrete or mortar in. They can't do that to properly let the concrete set and cure until it's a sustained warm period of time. There are cones or metal plates over these. That particular one, the cones were stolen or misplaced. So, someone called Councilman Lane. But that is an issue throughout the City, and the reason we're not fixing those right away is the weather. Just so Council knows that if any other constituents call them. And that's all I have. Thank you.

Mr. Foltz: I have a question, if I could. Mrs. Garcia came up and asked me about this. That Marquardt area?

Mr. Wise: Yes.

Mr. Foltz: She was concerned about on the corner of Marquardt and Applegrove – what was going on with the creek. And I hadn't been out there to see it. Jim, are you aware of this?

Mr. Benekos: At Marquardt and Applegrove – through the property there?

Mr. Foltz: Right. Or is that what you discussed previously?

Mr. Wise: No, what I discussed was the sewer line – we're closing Marquardt to bury the sewer line underneath Marquardt right at Seventh Street – just about 1,200 feet, then, north of Seventh Street – long before you get to Applegrove.

Mr. Foltz: No, this is the Applegrove area.

Mr. Wise: Okay.

Mr. Foltz: If we could check that out, and maybe we could get back to her.

Mr. Snyder: The Creek's east of that. Isn't the creek east of Applegrove? 1,200 – 1,500 feet east.

Mrs. Magel: Yes, it is.

Mr. Snyder: Yeah, it's quite a distance east of that.

Mr. Foltz: But I was informed there was something going on in that corner today right before the meeting, so, maybe we could address it after the Council meeting. We can get some other information from Mrs. Garcia.

Mrs. Magel: I was there on Sunday, and there were trucks there. There was something going on about that bridge.

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Mr. Wise: At Market (Marquardt) and Applegrove?

Mrs. Magel: Yes, there was, there was even somebody directing traffic.

Mr. Foltz: That's technically short of Plain Township.

Mr. Snyder: Correct.

Mr. Wise: There was a, there was a problem with the lift station yesterday, but I don't think they would have been directing any traffic at Marquardt and Applegrove. I'll look into it; I'm not sure.

Mr. Foltz: If you'll follow up on it. I appreciate that, Administrator. Mayor?

Mayor Held: Yes, I would like to just bring up the issue with the township – establishing our own township. And as Councilman Repace suggested when we first brought up the idea of separating into our own township, and we were looking at the name, the information that I'm getting from residents – one name that is coming up regularly – is the same that Mr. Repace suggested, which is "Hoover Township." And I would ask that this body consider calling the new township Hoover Township, because they have been a part of the community for over 100 years. The Hoover family has made thousands and thousands of dollars in contributions to this community. The Hoover name goes hand-in-hand with the schools. And I'm not sure that Council has really decided on a process to consider this, but I certainly would encourage and support the naming of the township "Hoover Township." And that's all I have.

Mr. Foltz: Okay. Thank you. Engineer?

Mr. Benekos: No report.

REPORTS - COUNCIL

Mr. Foltz: Gail?

Mrs. Kalpac: No report.

Mr. Foltz: Councilman Lane.

Mr. Lane: Just a reminder about street paving. What's your deadline, Jim, is it like next week or week after – for the street paving?

Mr. Benekos: The sooner the better.

Mr. Lane: The sooner the better?

Mr. Benekos: I think the following week.

Mr. Lane: Okay. So, you've got some time in there. Again, if you don't have time to give them to Jim, give them to me. I'll get them (inaudible). Also, my wife's birthday is today, so want to officially wish her a happy birthday and thank her for putting up with me for as long as she has.

Mr. Snyder: You want us to take up a little collection for you?

Mr. Foltz: Valentine's Day tomorrow, birthday today – that'll wipe you out! (Inaudible)

Mr. Lane: Every year – back-to-back. That's all I have.

Mr. Foltz: Member Snyder.

Mr. Snyder: Thank you, Mr. President. One thing. I'm pleased to notice that, again, with us tonight we have students from the government department at Orchard Hill School, as we did last week, and I represent that area. And, again, I'm glad they're here. I hope they keep coming back. It's very nice to see them. One thing I think the Clerk has given you that Engineer Benekos and I worked on that proposal, as you charged us on 210-05, and we'll be back next Tuesday evening, I believe, to ask that be placed back on, and hopefully, address that situation and move ahead.

Mrs. Kalpac: It's going in the packet.

Mr. Snyder: Oh, it's going – I apologize. It will go in your packet. I'm sorry. But we did reach average weight (cost) over the last 15 years. It comes out – we placed it at 25. It's weighted cost of \$22.00 to \$24.00. So, you'll be receiving that with the proposed and the existing. That's all I have. And, again, thank you.

Mr. Foltz: Member DeOrio.

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Mr. DeOrio: Yes, to answer the Mayor's inquiry regarding the process for naming the township, I assume that we would just make – somebody would make a motion, and we would place a name and nomination kind of thing. Just vote on it here. Those of you that get the – I'm sure all of you get the copies of the appropriation expenditure report, the revenue reports, that Julie provides us all with, and it's not just to print off a bunch of sheets of paper. I'm sure she has other things that she'd rather do. But it's for our benefit to review these items and make sure that we're not getting ourselves in a situation where we have a rapid ramp up in expenditures that might not last the year. So, I'd ask everybody to make sure that you're looking through that as I am in looking into some of the areas where there may be some cause for some questions to be addressed at a later time. So, I'd like everybody to do their homework. That's all.

Mr. Foltz: Thank you. Member Hines?

Mrs. Hines: No report.

Mr. Foltz: Member Repace.

Mr. Repace: No report.

Mr. Foltz: Member Magel.

Mrs. Magel: Several things. First of all, Paul and Gail, I'd like to thank you for putting the dollar amounts in the titles. It allows, now, for all three readings that we know, you know, what's the dollar amount, and we don't have to keep going back to the – so I want to thank you for that. It's a tremendous help. There's four Council members that I have spoke to about – concerning signing the letter that I had typed up. So, I have it here tonight. Please don't leave without signing that. I'd like to get that in the mail as soon as possible. Third, I guess I'd like to say "Happy Birthday, Amy!" And the fourth is, Jim, as we had discussed I think it was Friday or Thursday, I have some problems with that 210-06 (210-05), and we'll have to maybe work that out before the 21st. That's all.

Mr. Foltz: Thank you, Member Magel. A couple of things for me. First, I need a motion. We have a Committee of the Whole meeting next Tuesday instead of Monday, because Monday, as we know, is President's Day.

Mr. DeOrio moved and Mrs. Magel seconded to change the next Committee of the Whole meeting from Monday, February 20, 2006, to Tuesday, February 21, 2006, due to offices being closed Monday in honor of President's Day. All members present voting:

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

No: 0

Mr. Foltz: Next, I don't know if you have it in your packet yet – the Legislative Bulletin that was passed out. You might want to look at that. I've talked to some people where I work daily, and if we turn the page, so it's the back sheet – under "State Issue Local Nightmare," second paragraph, there's been a proposal put forth by Secretary of State Ken Blackwell and some other people on a committee, and to pass any future school levies, park levies, police, EMS, fire, whatever you want to pass as far as a levy in any, I guess, township or city, the local tax levy, and I'll read right from the page, here, the second paragraph: ...would require a majority vote of all electors in a jurisdiction. Though all elections in Ohio history require just a majority vote, voters who vote on election day, this proposal actually says a local tax levy of any sort must be passed by a majority of all the voters registered in the jurisdiction. What that says to me is, if you don't come out and vote that day, it's a "no vote." I think that's inherently unfair to any issue that we present to the public.

Mr. Snyder: It's also unconstitutional.

Mr. Foltz: I would hope so. But, you never know what happens in the language of some of these legislative things down at the State, so I would just keep an eye on this; and maybe we could come up with a letter and voice our displeasure. I don't want to speak for Council, but I just think it's inherently unfair that people who do not vote, even though they're registered, would be a "no vote" towards any issue.

Mr. Snyder: Doesn't that require an affirmative vote of the legislative body also after it's passed? The particular legislative body, I think, has to also affirm the electorate's vote. So, it really takes it away from the electorate and places it – if the electorate passes it, and the legislative body of the municipality says we don't want it, it's no longer – it wouldn't be effective. So, really, you're taking the vote away from the people. And I

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think it's -- the State's exempt from that. I remember reading that. It's a pretty convoluted law.

Mr. Foltz: Yes, it is. I just wanted to make sure that our voices are heard, if you agree with me --

Mr. Snyder: That's a good point.

Mr. Foltz: -- that, you know, there should be something to show the vote.

Mrs. Magel: Thank you for bringing that up.

Mayor Held: Mr. President. Also, we have two appointments to the Tax Incentive Review Council, and there needs to be concurrence from the members of Council for the two appointments which I've made, which would be Councilmember DeOrio and Councilmember Snyder. And, so we had requested that the best way to get concurrence, I would think, is just to get the signatures of the Council members. So, if you don't mind, if you're all okay with that, if you could just sign off on that, and we'll send it down to Regional Planning Commission.

Mr. Foltz: Okay. Thank you, Mayor. Lastly, this will address something at public speaks. There was a consensus on Council to put the window in. I am the one who asked administration to do it, and it does not prohibit or preclude anybody from obtaining any information from Council office. Gail and Laurie are running the office as they see fit. If they want to ask somebody in and they're willing to do so, that's fine. I just think it adds some professionalism to our office. I'm speaking from Pat's experiences in the City of Canton. You go through a metal detector, you have to show I.D., you get on an elevator, and every office -- it can be Auditor, Civil Service, Community Development, Law, Mayor's Office, Council on the Plaza floor -- you do not just walk into an office. So, I'm pleased with the way it's set up. I thank the administration for working this out for us. So, those are my comments on the issue. Any new business in front of Council here for Council members? Okay, if not, do we have a motion?

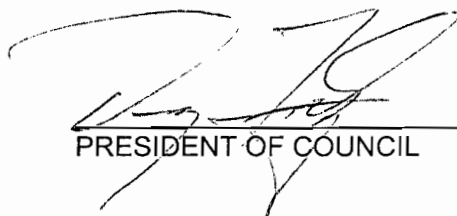
Mr. DeOrio moved and Mrs. Magel seconded to **adjourn** the meeting. All members present voting:

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

No: 0

Meeting adjourned at 8:03 p.m.

ATTEST:


PRESIDENT OF COUNCIL


CLERK OF COUNCIL