

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 27, 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 Tom Douce, Interfaith Campus Ministry.
3. All present recited the Pledge of Allegiance.

Mr. Foltz: We'll have our Clerk please call the roll.

ROLL CALL:

4. The following members of Council responded to roll call: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio. Also present were: Mayor Held, Director of Administration Wise, Director of Law Pusateri, Director of Finance Herr, Superintendent of Recreation & Rentals Cooksey and Clerk of Council Kalpac. City Engineer Benekos was not present for the meeting.

5. Consideration:

Minutes of Council Meeting: 2/13/06
Financial Statement – January, 2006

Mr. Lane moved and Mr. DeOrio seconded to approve both the Council Meeting minutes and Finance Statement as presented. All members present voting:

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

No: 0

6. Committee Reports:

Community & Economic Development: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held February 21, 2006.

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

Ordinance & Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held February 21, 2006.

Park & Recreation: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held February 21, 2006.

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

Water, Sewer & Rubbish: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held February 21, 2006.

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

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

No: 0

Mr. Foltz: Recognition of visitors.

Mr. DeOrio: Mr. President. If I could just have a minute before we proceed into recognition of visitors. Two weeks ago when – during Council public speaks, we had Mr. Chuck Osborne, whose – I'd like to call him Mr. Chuck Osborne; everybody knows him as Chuck. But, for formalities, here, Mr. Chuck Osborne was making some of his prepared remarks at the podium, and during the course of that, I interrupted him a number of times. And at the time, I was under the understanding that we had had a limitation on how long someone could speak before Council. Perhaps that's out of my just being involved in politics over the years and watching what other municipalities had done. And through the course of the campaign, it just came to be something that I understood. I was wrong. There is no limit, and I do not propose putting a limit on. I am a believer of following rules, and I thought there was a rule. So, I was wrong in that regard, and I want to apologize to Mr. Osborne for interrupting him during that time and

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regret that he was involved in a misunderstanding on my part. So, I want to make sure that everybody knows that. I'm a big believer that, you know, the apology should be made in the form in which the incident occurred, and he deserves nothing less than that. So, Mr. Osborne, I apologize. Thank you, Mr. President.

7. Recognition of Visitors

Mr. Foltz: At this time, we'll open up to public speaks. Any recognition of visitors here? Please step to the podium and state your name and address.

Mrs. Goldthorpe: I'm Debbie Goldthorpe. I reside at 287 Orion Road, NE in North Canton. I'm speaking tonight as a citizen of North Canton, primarily, and secondarily, as Chairman of the Chamber of Commerce. The City and residents of North Canton have had the security of knowing The Hoover Company has been here for us since it was founded. It's been the anchor – the source of support in all ways and the ultimate good citizen of North Canton. Now we are being faced with circumstances never before experienced by our City. There is negative talk and discussion about the loss of jobs, the resulting loss of income and tax base, the future of the appearance of the center of our town. The list of worries is real and extensive. Because of the current focus on the negative, I want to remind you of the good things which North Canton has to offer. First, we have an actual town with a definable center – an identifiable crossroads that says this is the middle of the City of North Canton. We have excellent schools. People have moved to North Canton for years so that their children could attend our schools. We have businesses which have been here for many years – successful, well-run businesses whose owners believe in North Canton. We have a Chamber of Commerce which has over 400 member businesses. We have a community building YMCA originally provided by Boss Hoover and which has enriched the lives of youth, adults, families and seniors for decades. This YMCA currently serves 15,000 members – all on the square of our City. We have an active faith community. Many churches have been here for years serving generations of families. We have an ever-growing university which has actively initiated progressive conversations about collaborative possibilities and is enthusiastically sharing its resources with the community. We have affordable neighborhoods – many within walking distance of the center of town. We have excellent safety forces. We have a library rated the best in the country for its size. We have cultural activities, both in our community with the North Canton Playhouse and The Little Art Gallery, and easily accessible offerings in larger cities nearby. We have recreational opportunities provided by the City – beautiful parks, pools, walking paths. We are a place that people have always wanted to live. As Council members and our City administration, you have effectively been charged with doing your best to assure that that continues. It is important that you discern the difference between the vitally important and the less important issues and that your efforts stay focused on those issues that would determine the future of North Canton. There is nothing more important than the issue of economic development for this City – not potholes, not streetscapes, not windows put indoors, not power plays. We have an Economic Development Director, a CIC (Community Improvement Corporation) and a plan to make a master plan. A master plan is years late in being created. Our reliance on The Hoover Company to care for our City has backfired, now, and resulted in an unprecedented sense of urgency. This situation requires each of you to look beyond today and be committed to a broader and deeper vision than our City government has ever demonstrated in the past. The most immediate and crucial issue that will positively impact economic development is the passage of the upcoming school operating levy. The passage of this levy is absolutely vital to the sustenance and growth of North Canton. The outcome of this election will tell the world, Ohio, surrounding communities, potential businesses and families whether we really value our youth and families and are willing to invest in their future. I urge this administration and individual members of City Council to actively and unanimously back the passage of the operating levy and then to work to assure its success. You, as well as the citizens of this community, must be open to change and work with it. We cannot go back to the easy days of being cared for. Let's be willing to create an environment that welcomes new industries and technology. North Canton could be the birthplace of the next Google, but not without proactive steps that pursue creative opportunities. I believe that the synchronized program for business retention and expansion is a step in the right direction. The Chamber's Economic Development Committee and its volunteers will team with Mr. Bowles to obtain important information about what our businesses need to stay here. Each of you in the entire community should be very, very concerned about the empty spaces along Main Street. I urge Council to consider, again, the issue of a community sign. Aside from Our Town, the monthly newspaper that Jim Dansizen prints, we have no way to communicate with our citizens and others what is happening here. There is

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no way to promote that we are an active community. Communication can not be overrated. Please act on this issue. The sign ordinance. This sign ordinance, as it now stands, has a potential to drive businesses out of North Canton by declaring many signs out of compliance. The Chamber has done some work on this since Council last addressed it. The issue needs to be addressed immediately before another negative message is sent to our businesses. There's never been a greater sense of urgency and need for broad vision than now. Yes, we need a plan. We've needed a plan for years. Agreement on what the plan will be will require compromise, hard work and some hard decisions. Making the plan come to reality will also require compromise, hard work and hard decisions. My question is, are you up to it? There could be risk involved in thinking out of the proverbial box out of what we've known for years. There could be risk in working toward creative solutions to our issues. But consider the risk of continuing to do what has always been done. North Canton could find itself as the city that used to be a great place to live. So, now, before it is too late, I urge you to take decisive, proactive and progressive steps to assure that North Canton grows with vision and in depth. I urge you to make decisions that are designed to create opportunities which attract young adults and families to live and work in a vibrant North Canton. I challenge you to work together sincerely, unselfishly and cooperatively in efforts focused on specific goals and purpose. These efforts must be based on an established vision of possibilities and opportunities. And the vision must be bigger than the sewer and more broad based than your ward. You are the ones who are determining the future of North Canton. You're making the decisions and studying the priorities. You have the opportunity now to recreate North Canton into a city where young adults and young families provide an educated workforce to meet the needs of new and exciting industries. Thank you.

Mr. Foltz: Thank you for your comments. Anyone else like to address Council tonight?

Mr. Osborne: My name is Chuck Osborne. 307 Fairview Street, North Canton, Ohio. I don't have prepared comments tonight. I'll keep it short, Mr. DeOrio. I do thank you for your public acknowledgment and your kind words. I'm here to speak on Ordinance No. 20-06 – the third reading of the withdrawal from Plain Township. I wanted to speak several weeks ago, but we failed to have concluding remarks from the public the last several meetings. And I'm also prompted to speak today regarding Mr. Michael Hanke's column today. He seems to espouse some kind of voter possibilities of how North Canton voters can structure and control Plain Township. Office holders, I certainly do not agree with that. I think it's difficult enough for voters to keep abreast of their own local politics much less trying to control what goes on in their adjoining communities with regard to their public officials. So, I highly encourage you to, to move ahead and pass on its third reading this ordinance to withdraw from Plain Township. I would like to confide with you something I learned three (3) years ago when I espoused this myself, and I got this straight from the Township Administrator at the time. Every year, the money that we would give to Plain Township – you know what they did with that money? They put that money in their anti-annexation fund. So, we have been actually funding efforts to proceed with annexations against ourselves. I don't know how much they – that fund has accumulated, but as Mr. DeOrio and, I believe, Mr. Repace, has pointed out, just in the last three years, it's close to 80 grand. So, we've been, basically, pulling the rug out from under ourselves for our efforts to survive and grow in this community. So, I applaud you and, again, encourage you to proceed with this. And I also would like to second what Ms. Goldthorpe had said about the North Canton City Schools. Academia is, is going to be the mainstay of this community in years ahead – a strong school system – not only at the grade school / high school arena, but also at the college level, with Walsh and its growth. So, I certainly want to second her comments about the strong school systems and supporting the levy. Thank you very much.

Mr. Foltz: Okay. Thank you for your comments. Anyone else like to address Council tonight? Okay, seeing nobody else –

Mr. Lane: Mr. President, before begin, did those agendas make it around to get signed? The only reason – we've got two very young students here, and I have a feeling, with this agenda being what it is, they're –

Mr. Foltz: Do you want them to get to bed on time?

Mr. Lane: Well, yeah. I'd like them to at least not be here in the morning. So, thanks.

Mayor Held: Mr. President, if you don't mind, could we recognize who the students are that are here, since they took the time to – maybe they could state their names and where they're – what school they're from.

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Mr. Foltz: Yes. You want to step to the podium just to announce their names and one of their parents? Just for Council's knowledge and the administration. Just –

Mrs. Magel: Name and school.

Mr. Foltz: -- name and school.

Mr. Feller: I'm Jared Feller. I go to Orchard Hill Elementary School, and I love to go to school.

Mr. DeOrio: Thank you for coming.

Ms. Horner: Leah Horner, and I go to Orchard Hill Elementary School.

Mr. Foltz: All right. Thank you very much.

Mrs. Magel: Welcome!

Mr. DeOrio: Thank you, Leah.

Mayor Held: Very good. Thank you.

Ms. Cornell: I am Vanessa Cornell, and I'm here from Hoover High School for extra credits.

Mr. Lane: Extra credit. You'll have to wait until we're done (inaudible).

Mr. Foltz: Okay. Thanks for being here also. We always welcome all types of students – all ages and different schools. That's great. Okay, seeing nobody else speaking before Council, old business.

OLD BUSINESS:

8. Mr. Foltz: Member Snyder, I think we've had a brief discussion here, but –

Mr. Snyder: Yes, unfortunately, the ordinance as it was changed somehow didn't get into your packet. The language was changed, and if you feel more comfortable in the language being reading labor and material, in item (b), and in section 3 the word "national" was put in, because it's based on the word "national construction," and the rate changes per year. But if you feel more comfortable, I can leave it on the table and not ask to have it off the table. But it was changed, and it somehow didn't get to your packet, to which I apologize. But per your request last week of the Engineer and myself, we did change those two items where it would be front foot cost shall be based on the cost of labor and material divided by two, and then, section 3, the word national was put in – as based on the national construction cost. But, as I say, if you feel more comfortable and want to hold it off for an additional two-week period, I'll bring it up in two (2) weeks. But, I mean –

Mr. Foltz: Okay. I think Council would prefer that – not to speak for everybody.

Mr. Snyder: Well, then, I'll just let – I will have the Clerk put the proper –

Mr. Foltz: Thank you, Member Snyder.

Mr. Snyder: That's not a problem.

Mrs. Magel: I appreciate that Jon. With 36 items, there's a lot coming at us here at last minute.

Mr. Snyder: That's not a problem.

Mrs. Magel: Thank you very much.

Mr. Pusateri: One less for me to read.

9. Mr. Foltz: Yes. Next, may I have a motion to read by title only third reading of Ordinance No. 8-06.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 8-06. All members present voting:

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

No: 0

Ordinance No. 8-06 – Third 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 inconsistent herewith.

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Mr. Foltz: Member Snyder.

Mr. Snyder: Thank you. This is the third reading. We have now changed it. This will change and go from here to Planning, which will review it and have an open public hearing; and it would be relative to anything of ten (10) acres or greater to require that five percent (5%) of land be placed as public open space for more than two and one-half percent (2-1/2%) used for anything but public playgrounds. There being no question, I urge that we adopt the third reading of Ordinance No. 8-06.

Mr. Snyder moved and Mr. Lane seconded to **adopt the third reading** of Ordinance No. 8-06. All members present voting:

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

No: 0

10. Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 10-06.

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

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

No: 0

Ordinance No. 10-06 – Third 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: This has been around a while. This is the third reading on this. This is the alley area right behind the Harleigh Inn that we're disposing of – sending off into, I guess, permanent green-hood. So, I would move we adopt the third reading.

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

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

No: 0

11. Mr. Foltz: Next, do I have a motion to amend Ordinance No. 15-06 to include an emergency clause?

Mr. DeOrio moved and Mr. Lane seconded to **amend** Ordinance No. 15-06 to include an emergency clause. All members present voting:

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

No: 0

Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 15-06.

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

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

No: 0

Ordinance No. 15-06 – Third 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 and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

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Mr. DeOrio: Yes. The reason for the amendment was per the plan that I didn't feel that it was necessary to forego the three readings allowing the public to hear about it. But it still allows us sufficient time to address these insurance issues before the policies expire in mid-April. So, we had asked on the third reading that we pass it on an emergency. And I would recommend so.

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

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

No: 0

Mr. Foltz: Now, may I have motion to suspend the rules for Ordinance No. 15-06.

Mr. Snyder: Mr. President, the rules only require three readings. They don't have to be suspended on that.

Mr. Foltz: Okay. (Inaudible). All right; thank you, Member Snyder. I appreciate it.

Mr. Wise: Mr. President, if I may, before – if I understand it correct, we're ready for 16-06; is that correct? The excavator?

Mr. Foltz: Yes.

Mr. Wise: If I may – I don't know if I'm out of line, here. I received word from Mr. Oleskey – Joe Oleskey, the Road Superintendent. The individual or the company that we're seeking potentially to buy this from has indicated that they've received word from their supplier that the cost of steel used in the manufacture of this excavator will be going up, or will potentially be going up very soon. And he's asking that – if we could put this on for an emergency reading on the third reading in order to have this signed by the Mayor; and we could go ahead and take it to the Board of Control, maybe even as soon as this week, and get an order put in on this before prices go up on this particular piece of equipment.

12. Mr. Foltz: Okay. Very good. We'll make a motion – do I have a motion to amend Ordinance No. 16-06 to include an emergency clause?

Mr. DeOrio moved and Mr. Lane seconded to **amend** Ordinance No. 16-06 to include an emergency clause. All members present voting:

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

No: 0

Mr. Foltz: Thank you. Now, may I have a motion to read by title only the third reading of Ordinance 16-06, as amended.

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, the third reading of** Ordinance No. 16-6 as amended.

All members present voting:

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

No: 0

Ordinance No. 16-06 – Third 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 use by the Street Department and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: I think it's pretty self explanatory. We can save a little bit of money if we move quickly; so, it's on our – its third reading anyway. I would recommend adoption.

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Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading, as amended**, of Ordinance No. 16-06. All members present voting:

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

No: 0

13. Mr. Foltz: Next, do I have a motion to read by title only third reading of Ordinance No. 17-06?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 17-06.

Mr. Wise: Mr. President, if I may; and I will try not to make a habit of this. In that ordinance – and I didn't catch this until the Police Chief brought it to my attention. We are talking about purchasing three (3) Marked Cruisers through the Ohio Cooperative Purchase Agreement or through a bid process. There's also Revised Code Section, which is §124.04, where if a local vendor – and that's defined – can come up with the same or better price, we can accept that bid as well. And we would like to – or the Chief has asked me to ask for that request. And I apologize that that wasn't in for the first two readings. That was my oversight.

Mr. Pusateri: Do we have to have this ordinance passed today, or can we table it and add that in for the next meeting?

Mr. Wise: I don't see why not.

Mrs. Herr: It's just two more weeks.

Mr. Pusateri: And there's a lot more language to put in there. I think it would be wise for Council to have that language, to see it; if it's not urgent.

Mr. Wise: I think that's fine.

Mr. DeOrio moved and Mrs. Magel seconded to **table** this Ordinance No. 17-06 until the next Council meeting. All members present voting:

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

No: 0

Mr. Wise: Thank you.

14. Mr. Foltz: Next, may I have a motion to read by title only third reading of Ordinance No. 18-06.

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

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

No: 0

Ordinance No. 18-06 – Third 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: Mr. Wise? Just teasing.

Mr. Wise: No, no. Nothing on this one; thank you.

Mr. Foltz: That's why I was looking over.

Mr. DeOrio: I would move that we adopt for the third reading to allow this integration of hardware and software for the Police Department.

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

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

No: 0

15. Mr. Foltz: Next, do I have a motion to amend Ordinance No. 19-06 to include the phrase, "at a total cost not to exceed \$103,500.00?"

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Mr. DeOrio moved and Mrs. Magel seconded to **amend** Ordinance No. 19-06 to include the phrase, "at a total cost not to exceed \$103,500.00." All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to read by title only third reading of Ordinance No. 19-06, as amended.

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

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

No: 0

Ordinance No. 19-06 – Third 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 at a total cost not to exceed \$103,500.00.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Thank you, Mr. President, for addressing that. That would have been my first item of business. So, the purpose of that before was that there wasn't any dollar amount in it; so, now we've corrected that.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 19-06 as amended. 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 third reading of Ordinance No. 20-06.

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

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

No: 0

Ordinance No. 20-06 – Third 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 the withdrawal from Plain Township. We should – Paul, when do you want to do the other? And in what format do we proceed in that?

Mr. Pusateri: Well, this will not take an affect for 30 days; so, I suggest we wait until it takes affect to take the next step, because, arguably, it's subject to referendum for the next 30 days. So, we should just wait until takes an affect, then at that point, if I'm still here, I'll certainly get a petition on it immediately, I mean, to do – what we have to file with the Stark County Board of Commissioners. And before there's a final acceptance, it'll come back to Council. I mean, they have an established procedure in the statute, but I'm treating it just like an annexation where I've – the Law Director is like the agent of the City of North Canton to take the steps to make sure they're all met. So, the next time you vote, it happens. Okay. So, in 30 days if I'm still here, I'll take that next step.

Mr. DeOrio: Thank you.

Mr. Foltz: Okay. Any other comments?

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Mr. Lane: Mr. President, before we vote, this is just primarily because of the number of calls I've been getting, because a number of my constituents are in the Plain district. There is still some confusion – and I can understand why – that some people feel that because we're doing it – since we're doing this that the school boundaries will change. And I've constantly reminded them that's not the case. But just one more reminder, in case anybody lives in Sturbridge or Monticello or in that area that's in the audience, that what we're doing tonight has no effect on the school boundaries at all. That if you're in Plain Township schools now, you will remain in Plain School District even when this passes. So, just wanted to reiterate that. Thank you.

Mr. Pusateri: In reality, nothing changes except for the fact that North Canton no longer pays taxes to Plain Township. I mean, nothing really changes otherwise.

Mr. Lane: I did tell people that were interested in changing to get a hold of you --

Mr. Pusateri: Yes.

Mr. Lane: -- because you have such experience with the Hills & Dales situation, and you're always looking for extra work, so --

Mr. Pusateri: Thanks.

Mr. Foltz: I think the only (inaudible) positive changes, we're not gonna have as many street – or yard signs out for the elections.

Mr. Pusateri: Yeah. That's exactly right.

Mr. Foltz: I think that's a very positive thing for our community.

Mr. Pusateri: Oh, yes; that's true.

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

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

No: 0

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

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

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

No: 0

Ordinance No. 27-06 – 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 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: Yes, I spoke with the Chief last week, and he indicated that it will take some time. This truck has to be built, customized to North Canton. It's going to take a long time to do that – eight, nine months. So, they would like to proceed as quickly as possible. So, I would move that we adopt the second reading of Ordinance No. 27-06.

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

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

No: 0

NEW BUSINESS:

18. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 29-06.

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Mrs. Magel moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 29-06. All members present voting:

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

No: 0

Ordinance No. 29-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton to accept and utilize a donation from Mr. William Fitzpatrick in the amount of \$37,462.32 for the purpose of constructing a shelter and related appurtenances at Price Park in memory of his wife, Olive Fitzpatrick, and declaring the same to be an emergency.

Mr. Foltz: As it reads, we had the committee on this last week, and this is a very generous donation from the Fitzpatrick family. Mr. Cooksey's here in case there's any additional questions to Council; but in meeting with him earlier during our rec board meeting, we did start the process of clearing some trees for us to get started on this as soon as we can so our residents get to enjoy this summer. So, with that, I'll make a motion to adopt the first reading of Ordinance No. 29-06.

Mrs. Magel moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 29-06. All members present voting:

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

No: 0

Mr. Foltz moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 29-06. All members present voting:

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

No: 0

Mr. Foltz moved and Mrs. Magel seconded to **adopt under the suspension of the rules** Ordinance No. 29-06. All members present voting:

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

No: 0

19. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 30-06.

Mr. Snyder moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 30-06. All members present voting:

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

No: 0

Ordinance No. 30-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended Agreement by and between the City of North Canton ("City") and the Stark County Park District ("Park") for the construction, maintenance and operation of an additional 1,200 feet for the Hoover Connector Trail Phase 2a, at a cost not to exceed \$15,912.00.

Mr. Foltz: Yes. I had a discussion with Mr. Bob Fonte, and it worked out better as far as the coordination process for him to attend our committee meeting next week. We'll also have some residents in that immediate vicinity in Ward 2 who could address any questions or concerns they might have. So, that's the reason Bob's not here tonight to discuss this in front of Council. So, with that, I'd like to move for a first reading – a motion for a first reading of Ordinance No. 30-06.

Mr. Snyder moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 30-06. 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. 31-06.

Mrs. Hines moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 31-06. All members present voting:

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

No: 0

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7:00 p.m.

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Ordinance No. 31-06

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be 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 Hoover Park Pedestrian Bridge project, at a cost not to exceed \$75,000.00.

Mr. Foltz: Thank you. Through the committee last week, also, we'd seen a diagram of the second phase of the trail, which is completed up to the bridge portion, as I believe, over the creek. So, with that, without Mr. Fonte here again tonight for any additional questions, I'll make a motion that we adopt the first reading of ordinance No. 31-06.

Mr. Foltz moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 31-06. All members present voting:

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

No: 0

21. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 32-06.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 32-06. All members present voting:

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

No: 0

Ordinance No. 32-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be 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 Override Avenue Improvement project at a cost not to exceed \$210,000.00 and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: We talked about this at length last week with Mr. Benekos when he was here. This is – this was originally gonna be a full project involving three (3) streets. It's going to end up just being Override this year. This could change a little bit, but it's not to exceed \$210,000.00. I would move we adopt the first reading.

Mr. Lane moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 32-06. All members present voting:

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

No: 0

Mr. Lane: And with early bidding being – getting lower cost – I would also move that we suspend the rules of the Council.

Mr. Lane moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 32-06. All members present voting:

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

No: 0

Mr. Lane moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance NO. 32-06. All members present voting:

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

No: 0

22. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 33-06.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 33-06. All members present voting:

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

No: 0

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Ordinance No. 33-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be on file at 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 Browning Avenue and 11th Street Improvement Project, at a cost not to exceed \$200,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is up in Ward 1. This is – it's spelled out in your packet as far as where the money's coming from to come up with the total amount of \$200,000.00, but it's rehab on that street. I would move that we adopt the first reading.

Mr. Lane moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 33-06. All members present voting:

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

No: 0

Mr. Lane: I move we also suspend the rules for the same reason as before – early bidding gets a little bit lower cost.

Mr. Lane moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 33-06. All members present voting:

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

No: 0

Mr. Lane moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance No. 33-06. All members present voting:

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

No: 0

23. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 34-06.

Mrs. Magel moved and Mr. Snyder seconded to **read by title only, first reading** of Ordinance No. 34-06. All members present voting:

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

No: 0

Mr. Pusateri: Before I read this, Mrs. Herr just pointed out a clerical error in the title. Look at the amount of money. It should be \$500.00. There's a 5 missing, and I'll just simply read it with a 500 – it's a simple clerical error. No big deal. Do you see that?

Mrs. Magel: \$265,500.00?

Mr. Pusateri: Yeah. If you look at the amount in Section 3, it should be a 500 added to that. So, there's one digit missing, and I'll read it into the record.

Mr. Lane: I thought you were going to lower our project cost on that.

Mr. Pusateri: No, I've increased it by 500.

Ordinance No. 34-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be 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 resurfacing, repaving, replacement, repair and preventative maintenance of certain streets, alleys and City parking lots within the corporate limits of the City of North Canton, in an amount not to exceed \$265,500.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

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Mr. Lane: This is a, more or less, catchall ordinance. We're going to be doing our normal repaving this summer. We've also set aside \$95,000.00 for the Landsdowne area, and we also had it in there and specified how much we were going to set aside for the parking lots and some of the other smaller projects that we have due. \$265,500.00 is the total not to exceed, and I would move we adopt.

Mr. Lane moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 34-06.

Mr. DeOrio: Mr. President, if I may. Mr. Lane, if you could – and this is just a procedural thing I don't know the answer to, but you veterans would probably know. But, in the budget, we had the line item that dealt with the concrete streets.

Mr. Lane: Indicating yes.

Mr. DeOrio: A specified amount for that. That was 330.544-5228.

Mr. Lane: That was about \$40,000.00.

Mr. DeOrio: Was that something that we do in a separate ordinance later, or is there a reason why it's not included in all of these?

Mrs. Herr: I think usually if they're going to know that they're going to spend more than the 25,000.00 bid limit, they'll come back to Council and do it separately. But, in the past, they haven't spent that much. So, that's why it's not included here.

Mr. DeOrio: Thank you.

Mrs. Herr: Maybe for future, you know, you know, they can put it all together; but I think that's why they haven't done it this time.

Mr. DeOrio: Okay. I didn't want to be overlooking some of those streets, which I know are in your ward.

Mr. Lane: Well, that's going to be a lot more than 40,000. That one I know we'll have to rule on.

Mr. Foltz: All right. We had a second, right?

Mrs. Magel: Yes.

Mr. Lane moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 34-06. All members present voting:

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

No: 0

Mr. Lane: Mr. President, I move we suspend the rules of the Council on 34-06 for bidding purposes.

Mr. Lane moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 34-06. All members present voting:

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

No: 0

Mr. Lane moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 34-06. All members present voting:

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

No: 0

24. Mr. Foltz: Next, do we have a motion to read by title only first reading of Ordinance No. 35-06?

Mr. Snyder moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 35-06. All members present voting:

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

No: 0

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Ordinance No. 35-06 – First Reading

Ordinance No. 35-06 amending Section 935.10 BACKFLOW PREVENTION DEVICE of Water Lines and Hydrants, Chapter 935 of the Codified Ordinances of the City of North Canton, Ordinance No. 40-05, specifically Subsection 935.10(b) and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Foltz: Chairman Magel.

Mrs. Magel: Yes, actually it just came to my attention – I probably should have tabled this prior to the first reading.

Mr. Pusateri: Oh.

Mrs. Magel: I spoke to Rich prior to this. As was noted last week, we wanted better wording for the periodic inspections, and I did get an understanding that if it had to go with the Ohio – the O.A.C. 3745.06, it was to be that wording anyway. And Rich said there's confusion within themselves; and I know E.J. gave me something here tonight, but I just didn't have the time to – with this amount of items – things were being just tossed at me. So, at this point in time, if Council would like, I please ask this to be tabled until we can get the wording straightened out. Rich wants it done correctly the first time.

Mr. Snyder: Can you table after it's been read?

Mr. Foltz: Can we do this?

Mr. Snyder: The procedure is after it's been read, it has to be voted upon. Normally, that's the rules – Robert's Rules. If it would have been tabled prior to the reading, you could've tabled it. But once it's read, it has to be voted – or voted up or down. It's generally –

Mr. Pusateri: Well, I – you know, if we come back and do the first reading again at the next Council meeting, I think we will be fine – one. Or, two, we could just have the option of the first reading amended the second time, Mrs. Magel, if that's – that would suit you. I mean, either way, I'm not too concerned about doing a second first reading at a later date. We'll just scrap my first reading tonight.

Mrs. Magel: Have a first reading and then a first reading?

Mr. Pusateri: Yeah. I mean, it's – the important thing is that it's read three (3) times so the public hears it three times. That's what's important. I mean, you can't lose track of that importance. So, I mean, I –

Mrs. Magel: Okay. I don't want the – I, by no means, want this legislation to go down. This is a very important legislation. However, it does have to be worded correctly. We can't – periodic inspections is too vague, and then to revert back to the O.A.C.'s 3745.06 as annually.

(Inaudible)

Mrs. Magel: The meetings have to be – there has to be some compromise, here. We have to work at the wording of it correctly.

Mr. Foltz: You want to pass a first reading and then amend the ordinance next –

Mr. Pusateri: Just move to table it; and let's table it, if you want to do it that way. And then the next time we'll make sure – we'll discuss it at the next Committee of the Whole meeting and bring it to Council again in two (2) weeks for the first reading.

Mrs. Magel: Whatever you recommend, Paul.

Mr. Pusateri: That's fine.

Mrs. Magel: This is very important, and I –

Mr. Pusateri: That's fine. I'm tryin – That's, that's how we're going to accomplish that.

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Mr. Foltz: The Law Director said we can have a motion to table this. Do we have a motion?

Mrs. Hines moved and Mr. Lane seconded to **table** Ordinance No. 35-06. All members present voting:

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

No: 0

25. Mr. Foltz: Next, do I have a motion to read by title only first reading of Ordinance No. 37-06?

Mr. Pusateri: 36-06.

Mr. Foltz: I'm sorry. No. 36-06.

Mr. Pusateri: A lot of ordinances tonight.

Mr. Lane moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 36-06.

Mr. Foltz: I thought we just tabled 36-06.

Mrs. Magel: We did.

Mr. Pusateri: Yeah, we did.

Mrs. Kalpac: No, we tabled 35-06.

Mr. Repace: We tabled 35-06.

Mrs. Magel: Oh, okay.

Mr. Pusateri: That's what happens when you have four pages of ordinances.

Mr. Foltz: My mistake.

Mrs. Magel: Okay. Wait a minute. I'd like this to be tabled.

Mr. Lane: Let's check with one of the children in the audience. They probably were paying more attention.

Mr. Foltz: Wait a minute. You don't want to –

Mrs. Magel: Yes. I need 30 – I need 25 tabled. I spoke to Jim about this.

Mr. Foltz: 36-06 tabled also?

Mrs. Magel: Yes.

Mr. Foltz: Okay.

Mrs. Magel: I'm waiting for a legal opinion in writing and signed, and I think that will be probably with – I will get that within the next two (2) weeks.

Mr. Snyder: I have a question. Why are we table – why wasn't the committee advised of any of this? I mean, arbitrarily you can't table something after it comes out of a committee without discussion future. Then you refer it back to committee.

Mrs. Magel: Well, actually, we discussed this before. I was trying to get – Earle knows this; David knows this; Paul knows this. I discussed it on Council –

Mr. Snyder: Then it has to be referred back to committee. You can't arbitrarily table – present a piece of legislation that's come through committee. You'll have to refer it back to committee for re-discussion next Monday. If there's nothing –

Mrs. Magel: So when you say –

Mr. Snyder: Well, if you're on – If it's a committee member and you're not qualified with – if you're not happy with it, and it came out of committee with a 3-0 vote, it should be voted up or down. If you don't like that, refer it back to committee for additional discussion.

Mrs. Magel: Then, shall I refer this back to committee for additional discussion?

Mr. Snyder: Absolutely. That's what you want. Yeah.

Mr. DeOrio: Well, if I might. Just before you do that, you've refreshed my memory on 210-05. On 210-05, Mr. Benekos asked that it be tabled for the first time, and when we brought it back up the next time, that had not gone back through the committee. There was no further discussion in the committee.

Mr. Snyder: That went back to committee.

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Mr. DeOrio: It went a third time, but not the second.

Mr. Snyder: It went to – the direction was to go the Chairman for, for quantification, I think. But you can't just arbitrarily table an ordinance in public.

Mrs. Magel: Okay, then I would refer back to the committee.

Mr. Snyder: That's fine.

Mrs. Magel: For further discussion.

Mr. Snyder: That's not a problem.

Mr. DeOrio: As long as we're consistent.

Mr. Foltz: We need a motion on that?

Mr. Pusateri: Yeah.

Mrs. Magel moved and Mrs. Hines seconded to **refer Ordinance No. 36-06 back to committee** for further discussion. All members present voting:

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

No: 0

26. Mr. Foltz: We have that settled.

Mrs. Magel: Just a little vocabulary.

Mr. Foltz: Do I have a motion to read by title only the first reading of 37-06?

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 37-06. All members present voting:

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

No: 0

Ordinance No. 37-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be 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 Water Tower #2 Pump Station project, at a cost not to exceed \$1,140,000.00.

Mr. Foltz: Chairman Magel.

Mrs. Magel: Yes. If you recall, we voted earlier to engineer this project, and we're expecting to – the funds to be approved to us by July for this project. But we'll have the reading now – not on – we wouldn't need an emergency. But I do recommend that this piece of legislation be approved.

Mrs. Magel moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 37-06. All members present voting:

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

No: 0

27. Mr. Foltz: Next, do I have a motion to read by title only Ordinance No. 38-06?

Mrs. Magel moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 38-06. All members present voting:

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

No: 0

Ordinance No. 38-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be 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 Mt. Pleasant/Pleasantwood Waterline project at a cost not to exceed \$300,000.00.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is just the pump station #2 that we just did for the over \$1,000,000.00. That's one leg of the airport project which I am going to have to go back to committee to further discuss. This is the second leg, and notice both of which are not

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on emergency. There's two (2) more projects later on that I will ask the emergency to be taken off until we get that legal opinion in writing. This particular one is for the Mt. Pleasant/Pleasantwood Waterline project, and this is a water expansion project – part of that Airport Agreement and not to exceed \$300,000.00. I would like see this Agreement, as well as these four (4) pieces of legislation, passed; but it has to be done correctly. And there's just some, some things need to be looked at. But I would like this on for – appreciate this to be approved for a first reading.

Mr. DeOrio moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 38-06. All members present voting:

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

No: 0

28. Mr. Foltz: Okay, next. Do I have a motion to read by title only first reading of Ordinance No. 40-36?

Mrs. Magel: 39-06.

Mr. Foltz: Excuse me. 39-06.

Mr. Lane: We're only gonna do the even numbers tonight. That would make this go faster.

Mr. Foltz: Well, we're changing the ordinance language before we get to a reading here. So, my apologies.

Mr. Lane: Find one we can pass.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 39-06. All members present voting:

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

No: 0

Ordinance No. 39-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be 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 Glenwood Sanitary Sewer project, at a cost not to exceed \$125,000.00.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is the Glenwood Sanitary Sewer project from Lindy Lane to Linwood. Anyone knowing the history knows this is a very important project that needs to be done. I would ask that this legislation pass on first reading.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 39-06. All members present voting:

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

No: 0

29. Mr. Foltz: Next, do I have a motion to read by title only first reading of Ordinance No. 40-06?

Mr. Lane moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 40-06. All members present voting:

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

No: 0

Ordinance No. 40-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be 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 Furbee Avenue SW/Lucille Avenue SW/Glendale Street SW Waterline project, at a cost not to exceed \$250,000.00.

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Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. As we discussed, this is Lucille/Glendale/Furbee – an area that was found to have some water that was not 100%, so we are pleased to, as a Council, to replace this waterline at a cost not to exceed \$250,000.00. And I would like to make a motion for the first reading.

Mrs. Magel moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 40-06. All members present voting:

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

No: 0

30. Mr. Foltz: Chairperson Magel, would you like to address Ordinance No. 41-06?

Mrs. Magel: Yes. I would like to refer back to committee for further discussion.

Mr. Foltz: So, we need a motion for a table.

Mrs. Hines moved and Mr. Lane seconded to table Ordinance 41-06 and refer it back to committee for further discussion.

Mr. Snyder: It's just going back to committee, I thought.

Mr. Foltz: We don't need to table?

Mr. Pusateri: You want to move and make a motion and vote on it. (Inaudible) Do you have motion ready for that? And a second?

Mrs. Hines: I'll move whatever needs to be.

Mr. Pusateri: I like that.

Mrs. Magel: Refer back to committee for further discussion.

Mr. Foltz: I don't understand it. We've never done this before.

Mr. Lane: I did see, though, that we were awarded – or are about to be awarded the money for this; correct? From the –

Mr. Snyder: Well, we were awarded.

Mrs. Magel: Hopefully.

Mr. Lane: Yeah. I mean, it was publicized that we were awarded.

Mrs. Magel: Yes.

Mr. Foltz: Okay. So, we have a motion to refer back to committee. Do we have a second?

Mrs. Hines moved and Mr. Lane seconded to **refer Ordinance No. 41-06 back to committee** for further discussion. All members present voting:

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

No: 0

31. Mr. Foltz: I'll ask this question for Ordinance No. 42-06. We wanted to remove the emergency clause.

Mrs. Magel: On both – yes, Ordinance 42 and 43.

Mr. Foltz: Yes. Do I have a motion to amend Ordinance No. 42-06 to remove the emergency clause?

Mrs. Hines moved and Mr. Lane seconded to **amend** Ordinance No. 42-06 to remove the emergency clause. All members present voting:

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

No: 0

Mr. Foltz: Next, do I have a motion to read by title only first reading of Ordinance No. 42-06, as amended?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 42-06 as amended. All members present voting:

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

No: 0

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, February 27, 2006

7:00 p.m.

20 06

Ordinance No. 42-06 – First Reading

An ordinance approving, confirming and accepting a Perpetual Water Main Easement situated in the City of Green, formerly Green Township (T-12N, R-9W), County of Summit, State of Ohio, located in the Southeast Quarter of Section 36 and being part of a 9.843 acre parcel conveyed to Phoenix Packaging Corporation as recorded in reception Number 54135699 of the Summit County Records, and also known as the Brookline/Lauby Road Water Main Easement, for the purpose to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace and renew, at will, a water main for conveying potable water and appurtenances thereto with the right of ingress and egress at any time to and from such water main and all appurtenances thereto on, under and through.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is better known as the Brookline/Lauby Road Water Main Easement. And it also is part of that Airport Agreement, which is why I needed to take the emergency off until we could get that approved and things in writing. But I would make a motion that the first reading be approved.

Mrs. Magel moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 42-06, as amended. All members present voting:

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

No: 0

32. Mr. Foltz: Okay. Next, do we have a motion to amend Ordinance No. 43-06 to delete the emergency clause?

Mr. Lane moved and Mrs. Hines seconded to **amend** Ordinance No. 43-06 to delete the emergency clause. All members present voting:

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

No: 0

Mr. Foltz: Next, do I have a motion to read by title only first reading of Ordinance No. 43-06, as amended?

Mrs. Hines moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 43-06, as amended. All members present voting:

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

No: 0

Ordinance No. 43-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be 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 Cleveland Avenue Waterline (Brumbaugh to Highland Park) project, at a cost not to exceed \$120,000.00.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is what started out the whole thing – that this is the waterline extension. This is the first one that was asked for. This is the Brumbaugh to Highland Park, and it is also part of the Airport project. And I would like to make a motion that the first reading be approved.

Mrs. Magel moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 43-06, as amended. All members present voting:

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

No: 0

33. Mr. Foltz: Next, do I have a motion to read by title only first reading of Ordinance No. 44-06?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 44-06. All members present voting:

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

No: 0

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 27, 2006 7:00 p.m. 20⁰⁶

Ordinance No. 44-06 – First Reading

An ordinance authorizing the Director of Finance of the City of North Canton to establish a Compensated Absences Fund for the purpose of accumulating resources for the payout of accumulated sick leave, vacation and compensatory time off upon an employee's separation from employment; and authorizing various supplemental appropriations and inter-fund transfers for the purpose of funding the Compensated Absences Fund during the current year.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is the fund, as described, to help alleviate some financial liability that we may or may not incur depending on when some of our long-term employees decide to retire. And I would just emphasize the last part of that – that we are authorizing various supplemental (intent) appropriations and inter-fund transfers the rest of the year. I would move that we adopt Ordinance No. 44-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 44-06. All members present voting:

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

No: 0

34. Mr. Foltz: Next, do I have a motion to read by title only first reading of Ordinance No. 45-06?

Mr. DeOrio moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 45-06. All members present voting:

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

No: 0

Ordinance No. 45-06 – First Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Capital Improvement Fund to the Capital Lease – Principal and Interest Accounts in the aggregate amount of \$25,800.00 for the current expenses during the fiscal year ending December 31, 2006.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This was at the suggestion of our Finance Director, Julie Herr, remaining ever vigilant trying to save us some interest cost by accelerating a payment into this year instead of '07. I would move that we adopt the first reading of Ordinance No. 45-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 45-06. All members present voting:

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

No: 0

35. Mr. Foltz: Next, do I have a motion to read by title only Ordinance No. 46-06?

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 46-06. All members present voting:

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

No: 0

Ordinance No. 46-06 – First Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Capital Improvement Fund to the Park Department Facilities account in the aggregate amount of \$37,462.32 for the current expenses during the fiscal year ending December 31, 2006, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

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Mr. DeOrio: This is the sister legislation to what we adopted under the Park Committee ordinance. Our Law Director advised that we should have separate ordinances dealing with the receiving and the expending of these same funds. So, I would move that we adopt Ordinance No. 46-06 for its first reading.

Mr. DeOrio moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 46-06. All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to suspend the rules for Ordinance No. 46-06.

Mrs. Hines moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 46-06. All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to adopt, under the suspension of the rules, Ordinance No. 46-06.

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** Ordinance No. 46-06. All members present voting:

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

No: 0

36. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 47-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 47-06. All members present voting:

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

No: 0

Ordinance No. 47-06 – First Reading

An ordinance repealing Ordinance No. 1-06, an ordinance authorizing an agreement with John D. Suglio, DDS, Inc., providing for a project and real property tax exemption, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio. Excuse me, Chairman Repace, excuse me.

Mr. DeOrio: Wrong one.

Mr. Repace: On February 21, 2006, Dr. Suglio chose to withdraw his CRA (Community Reinvestment Area) tax incentive – his application for CRA tax incentive. I move that we adopt Ordinance No. 47-06 on its first reading.

Mr. Repace moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 47-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 47-06.

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 47-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 47-06.

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** Ordinance No. 47-06. All members present voting:

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

No: 0

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Held Monday, February 27, 2006 7:00 p.m. 20⁰⁶

REPORTS:

37. Mr. Foltz: Very good. Reports – Director of Law.
 Mr. Pusateri: I think I talked enough tonight. Thank you.
 Mr. Foltz: Laryngitis.
 Mr. Pusateri: Yes.

Mr. Foltz: Our Finance Director – Julie.
 Mrs. Herr: No report.

Mr. Foltz: Director of Administration.

Mr. Wise: With regard to the salt budget, at this time last year, we had spent a little over \$100,000.00 in salt. As of, I think, today, unless they're out salting as we speak, which is a possibility –

Mr. Lane: A truck just came by a little while ago.

Mr. Wise: All right. So, we spent a little bit more than what I'm about to say. But about \$42,000.00 this year – so, a little less than \$60,000.00 less than we had spent last year at this time. By the end of the year, I think we had purchased \$240,000.00 worth of salt last year. Now, some of that is what we were using at the beginning of January, but the total amount used so far other than tonight was about \$42,000.00.

Mr. Foltz: That was my question. Well, I know we had emergency legislation to fill up our salt domes last December. So, that's sort of a seasonal cost you're giving us? You say this year – you mean our winter season?

Mrs. Herr: No, that's --

Mr. Wise: No. I'm sorry. January through February 27th; right. Last year – those two months we spent about – a little over \$100,000.00. And this two months this year we've spent about \$42,000.00 plus tonight.

Mr. Foltz: That's very good news. Thank you. Mayor?

Mayor Held: Yes. I'd like to announce that on March 13th we will have our first Economic Development Task Force meeting. And there will probably be anywhere between 15 and 20 members. And what the Committee is going to be charged – or the Task Force is going to be charged with – the responsibility of developing an economic development plan and also considering a master plan for the City. An economic development plan, as I had it explained to me, usually takes between six months – six to eight months. A master plan is a lot more extensive and really includes – a master plan would include an economic development plan. But the first priority that the Task Force will be charged with is establishing an economic development plan. I have spoken with Council members about the Task Force, particularly Mr. Repace, because he is the Chairman of Economic Development, and I asked if he had any interest in serving on the Committee. And he had referred me to Mr. Lane, because he has – Mr. Repace is also serving on the Chamber's Economic Development Committee, and so now Mr. Lane is going to be representing the City – or City Council, rather, on the Task Force. And, really what the Committee is going to do is – this isn't going to be a substitute, or it's not going to replace the work that was done by Imagine North Canton or the work that the Chamber of Commerce has been working on from an economic development standpoint, nor the TAP (Talk About Potential) Committee. Really, what this is going to do is act as a hub for all of the work that all the other committees and community groups have been working on. We want to have one (1) task force that is going to be charged with putting together the City's economic development plan and, of course, including all that input from all the other community organizations. And as things progress, we'll make sure to keep all members of Council up to speed. And, certainly, if Council members would like to come and observe those meetings, there's not a problem with that either. And, so, that will be March 13th at 5:30 p.m. is the first meeting. That's a Monday.

Mr. Foltz: Where's that meeting going to be held?

Mayor Held: That's going to be held down at the Civic Center.

Mr. Foltz: Civic Center.

Mayor Held: And if you have any questions on it, please give me a call. That's all.

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Mr. Foltz: Member Benekos is celebrating his birthday, so he's not here tonight.

Mrs. Magel: A big one!
Mayor Held: Half century.

Mr. DeOrio: He's as old as some of those pipes we got in the ground.
Unidentifiable speaker: That's true.

Mr. Foltz: Member Lane.
Mr. Lane: You have let Gail say if she has a report first.

Mrs. Kalpac: No report.

Mr. Foltz: I'm sorry. Gail, sorry to skip you there.
Mrs. Kalpac: That's okay.

Mr. Lane: Now it's official.

REPORTS - COUNCIL

38. Mr. Lane: I think Debbie, yeah, Debbie, you're still here. I just wanted to publicly thank the "Y" for allowing me to host my neighborhood meeting there. I referred to it last week, but I'd like to get it on the record, publicly when we're rolling tape, typing up notes. But, we had about 35 people that came a couple of Wednesdays ago, and I not only would like to thank them, but also Administrator Wise for taking my report and sending it around and addressing some of those concerns that some of the citizens had already. And I'll get back to them some of the answers we have and continue that. So, I do appreciate it – both the "Y" allowing us to do it there and also your prompt response.

Mr. Foltz: Thank you. Member Snyder.

Mr. Snyder: Nothing. No report.

Mr. Foltz: Member DeOrio.

Mr. DeOrio: I just would like to thank the administration, again, for our – being so helpful in hosting of our intern last week, Justin Kuemerle. We couldn't have provided him a more rewarding experience without your help – Mayor, Administrator Wise, Julie – all your department heads. It was just a real outpouring of compassion for people, and when we said our good-byes, I gotta tell ya, it was a little teary eyed for me. It was just a very personal experience as well. So, thank you again.

Mr. Foltz: Just to follow up, I thank you, Mayor, the administration. I'd seen the young man that next Wednesday at a department head meeting for about three hours. So, he had a full slate. Did he end up down at the Solid Waste District?

Mayor Held: Yes, we took him on a tour of the landfill. And that's always nice to kids on their first tour – well adults, also, on their first tour of the landfill, because sometimes it can – you know, there's an odor there that – it's kind of a new experience. But he held up really well. I was really proud of him. And it was a windy day there. So, any Council members who would like see where our waste is heading to, I'd be happy to give you the tour as well. But it turned out very well.

Mr. Foltz: Thank you. Member Hines.

Mrs. Hines: I'd just like to say that the Personnel Committee has interviewed 20 individuals for approximately 45 minutes each for the Director of Law position. And our next step is to bring in some candidates for the Council to interview. So, I would hope that maybe Thursday evening from – starting at 6:00 p.m. that the Council please clear their calendar. Let me know if there's a problem.

Mr. Foltz: That's this Thursday?

Mrs. Hines: This Thursday. And start into Executive Session to start with, you know, a few interviews of those individuals.

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Mr. Foltz: Has the committee worked out a short list?

Mrs. Hines: We've started on it. We haven't completed it.

Mr. Foltz: Okay. You don't have a consensus yet.

Mrs. Hines: Yes, we may have to do it two nights – you know, one this week and one next.

Mr. Foltz: Okay. Is that date okay with Council members who want to attend that?

Mr. Lane: I would have to excuse myself about 6:30 or so. I have class that night. So, I would like to come for a while. So, put the best ones up first.

Mrs. Magel: How long are we scheduling?

Mrs. Hines: How long?

Mrs. Magel: Yes, is it 45 minutes again, or?

Mrs. Hines: No, no. About 30 minutes.

Mrs. Magel: 30 minutes?

Mrs. Hines: Yeah.

Mr. Lane: I can come back at 8:15. So, I would be happy to do that.

Mrs. Hines: Okay.

Mr. Foltz: Okay. So, what are the parameters – you're looking at 30 minutes per applicant that's going to attend that meeting Thursday?

Mrs. Hines: That's what we think right now.

Mr. Foltz: We don't know how many at this point? Do you have to call and see what, what their schedule allows?

Mrs. Hines: We're still – we're still working on it, yeah. (Inaudible)

Mr. Foltz: Okay. Well, those that can attend, if I don't hear any other comments of Council, will do so. Gail?

Mrs. Kalpac: Do we need a motion and a second to schedule that meeting to be a special --?

Mr. Foltz: We need a motion on that to – excuse me? To go into an executive session. Do we have a motion to set that date?

Mrs. Kalpac: It's not a normal meeting date.

Mr. Pusateri: You'll come here and go into executive session from that meeting.

Mr. Foltz: Okay.

Mrs. Kalpac: But do they need a motion and a second to do that? It's –

Mr. Foltz: You'll need to publish that.

Mr. Pusateri: Okay. That's fine. You're right. That's fine. You want a motion and a second so they – to set the meeting, put it on an agenda and publish it 24 hours ahead of time. Gail, is that correct?

Mrs. Kalpac: Please.

Mr. Pusateri: Okay. So, go ahead and do that.

Mrs. Kalpac: What time?

Mrs. Hines: 6 o'clock.

Mrs. Magel: What's the date?

Mr. Foltz: It's March 2nd, I believe. 6 o'clock, March 2nd for Executive Session.

Mrs. Hines moved and Mrs. Magel seconded to **schedule a special Executive Session meeting** (Personnel & Safety) Thursday, March 2, 2006, at 6:00 p.m., for the purpose of conducting interviews for Law of Director position. All members present voting:

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

No: 0

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7:00 p.m.

20 06

Mr. Foltz: Anything else, Member Hines?

Mrs. Hines: No, that's it.

Mr. Foltz: Member Repace.

Mr. Repace: I do have something. On February 13, 2006, North Canton resident Chuck Osborne approached City Council with comments made, and I quote "there have been certain actions by this Council that are not in the best interest of the residents of North Canton." I believe every resident in North Canton, including Mr. Osborne, has the right to address City Council with their questions, comments, suggestions, concerns, constructive criticisms, criticisms or any other topics. I do feel, though, when someone wants to offer criticism or perceives things the way they choose about City Council, Council should have the right to respond. Although, everyone should be held accountable for what they say, including Council members. During these past two weeks, I have been disturbed over negative and inaccurate comments made by Mr. Osborne to City Council that I feel were unwarranted. I do not disagree with everything Mr. Osborne says, but I do disagree with what I feel was a vicious attack on City Council with the way he perceives some actions taken by City Council. Mr. Osborne suggested that this Council was trying to create anxiety for key City employees by appointing former Mayor Tom Rice to the CIC, including continually making comments of this City Council being a pro-Rice Council. Maybe it's time I remind Mr. Osborne and others that the election is over. The citizens of North Canton elected David Held as Mayor. There is not one person on this Council that has not had a desire to work together with Mayor David Held and his administration. The appointment of Mr. Rice to the CIC was made by six out of seven Council members due to Mr. Rice's knowledge of the operations of the CIC and the value we felt he could offer. There is absolutely no cloak and dagger means to this appointment, contrary to Mr. Osborne's perception. Mr. Osborne also mentioned that the new City Council made a decision to close the door to the Council office and in its place install a service window in an effort to close out the public. Once again, this is Mr. Osborne's perception, along with, again, his comments of this Council being a pro-Rice Council. The service window was installed to increase professionalism and safety to the office, along with giving the office staff some privacy in doing their job without someone hanging over top of them or rummaging through their papers on their desks. Citizens will still be serviced and, if necessary, will be invited in. For Mr. Rice's name to even be mentioned in this issue was ridiculous. Another one of Mr. Osborne's concerns was what he felt the anxiety that this Council has brought on our City government by delaying the appointments of two key officials for weeks with the Finance Director and Law Director. On this issue, I do not totally disagree with Mr. Osborne, but I do disagree with his perception, once again. With four (4) new Council members, I believe there should have been a time frame for everyone to work together and get acquainted. I personally recognized the professionalism and dedication in Finance Director Julie Herr the first time I met her and had the opportunity to work with her. I do understand, though, how there could be concerns on the time frame of her appointment. Since my being elected to City Council, I have had the opportunity to work very close with Law Director Paul Pusateri on various items. I have found Law Director Pusateri to be very professional, along with displaying a tremendous knowledge of the laws pertaining to city government and his promptness in returning phone calls and response to the subject matter. At this time, Law Director Pusateri has not been reappointed and has chosen to resign. It will be a very difficult process to replace Mr. Pusateri with the knowledge and experience he possesses with our City government. I do agree with Mr. Osborne that both these individuals hold the highest degree of competence and professionalism, along with their positions being vital to the day-to-day business of our City. I do understand Mr. Osborne's concern on these appointments. But what I am struggling with is, if Mr. Osborne really believed in these appointments, why, when he was on City Council, did he abstain his vote for the Law Director? As far as the process of interviewing a new Law Director, I have no personal comment without truly understanding the proper procedures. But my understanding is the reason for all the interviews is to give each applicant equal opportunity. I'm sure if the process was being handled in a different manner by not giving equal opportunity, someone would have a derogatory remark about that. In closing, Mr. Osborne failed to mention in his criticisms that this Council has balanced a cost saving budget without compromising all the fine benefits the citizens of North Canton have grown accustomed to. There was no mention of all the water, sewer and street projects that are in the process of getting underway that previous councils ignored. The three (3) new police cruisers, the new ladder truck for the Fire Department, the extension of waterlines to the airport area, North Canton forming its own township, the appropriation of funds for the parks and recreation, along with many other projects. It is very difficult to understand Mr. Osborne's negative perception and comments. But I will say, constructive criticisms and suggestions are always welcome to this Council, and this City Council commits to

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continue to work hard and in the best interest of the citizens of the City of North Canton. If the point in time ever comes where a Council member thinks they are above and better than the people they represent, then they have no business being on City Council. That's all I have.

Mr. Foltz: Thank you, Member Repace. Member Magel.

Mrs. Magel: I really have no report. I just have a fax that came. This was concerning Alley #9 that we just vacated for the third reading, and there's a concern about salt – street crews to remove snow – has spread salt rather than plowing. It's killing the grass and shrubbery. Earle, may I pass this down to you and then –

Mr. Wise: Sure.

Mrs. Magel: -- you can take care of whatever.

Mr. Lane: I'm assuming tonight would have been the last sweep-through with the salt.

Mrs. Magel: Yeah. (Inaudible)

Unidentified speaker: It's supposed to be 60 on Thursday.

Mr. Foltz: Earle, you mean we could only spent \$39,000.00 from this point?

Mr. Wise: We probably could have. I apologize. (Inaudible discussion).

Mr. Foltz: Let me say this about our Street Departments. Once in a while, I'll get comments from some of my constituents about how sidewalks are plowed over, or driveway aprons are plowed over, and that might be unfortunate. We haven't had a lot of snowfall this year, so I don't think that's really – need to be addressed through our residents. But I'd rather have it that way than our trucks not getting down our City streets at all. And, once again, I know we are known – our reputation in government entities in this area – as the best at snow removal and snow plowing and salting for our traffic pattern. So, I'd rather error on the proactive side than a reactive if we have a major snow storm. So, those are my compliments to your crews and just to City employees overall for the last – at least my tenure here on Council. So –

Mayor Held: Mr. President, with that in mind, also, just to remind Council and the residents here – that we do have – when our trucks are out plowing, we do have an observer in the cab which, in most governments, when they have their salt trucks out, it's just the driver. But we do that because we do have – we are very conscious of the curbs and the double strips and, so, we try to keep that truck down the center of the street – not deviating from that – so we put a lot of work on that. That's all. Thank you.

Mr. Foltz: Thank you, Mayor. I have no other comments. New business through Council, here? If not, do I have a motion to adjourn?

Mr. Lane moved and Mr. DeOrio seconded to **adjourn** the meeting at 8:39 p.m.

All members present voting:

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

No: 0

Meeting adjourned at 8:39 p.m.


 PRESIDENT OF COUNCIL

ATTEST:


 CLERK OF COUNCIL