

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 12 7:00 p.m. 20 07

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. Dick Scherpenisse, (retired) Presbyterian Pastor.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. The following members of Council responded to roll call: DeOrio, Foltz, Hines, Lane, Magee, Repace, and Snyder. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Herr, City Engineer Jim Benekos, Economic Development Director Bowles, and Clerk of Council Kalpac.
5. Consideration

Council Meeting: January 29, 2007

Mr. Foltz: Thank you. Ask Council to consider our Council Meeting minutes for January 29, 2007.

Mr. DeOrio: Mr. President, I have a couple comments on that, if I may?

Mr. Foltz: Sure, Member DeOrio.

Mr. DeOrio: Go on the bottom of page 142...Mr. Snyder is...commenting and there's a -- a word in here that's...I don't think is the one he used, and I'm hoping he'll -- his -- he'll have a strong recollection...it says here, this was...in response to the -- I think the Fairways but it says "it only appreciates in value, you know, 'cause we have...philosophically we differ, you and I agree, he differs, but -- and it's one of those things, but I don't think the City and I would differ to Mr. Chairman DeOrio" and I think you meant to say defer.

Mr. Snyder: I did, sir.

Mr. DeOrio: Okay, and...so I'd like us, 'cause there's a big difference between differ and defer.

Mr. Snyder: Yeah there is.

Mr. DeOrio: and I didn't want us to be on the opposite...sides there, so I would hope that we would be able to make that correction. And then...course this was the night that we were passing our budget, and...when we had got to that section of the...meeting, we were in the process of doing the motion and...Chairman Foltz was recognizing me to speak on behalf of the ordinance and while I was doing that, there apparently was a conversation going on across the aisle that many of the, I certainly wasn't aware of, I don't know that anybody in Council was, and I would hope that you would have read your minutes prior to it, but for those that were in the audience and don't have privy to -- to read this, I'm gonna just read it into the record now. Mayor Held says Jim, I don't have to sign the budget. Mr. Benekos says no, you don't. Mayor Held says ten days and it becomes effective, right? An unidentified says ten days, you have ten days to sign the legislation. Mr. Benekos says you might want to think about it. Unidentified voice says probably not a good idea. Mr. Benekos says this will make the papers. Mayor -- Mayor Held says that's alright. Mr. Benekos says think hard. Barely a -- a few breathes later, we get a thank you...from the Mayor for all of our hard work on the budget, for Benekos, for Earle Wise, for Julie Herr, for the department heads, and for City Council. And it goes on to say that he's -- it's nice to see that the budget has passed right now. Well it seems clear to me that -- that from the get go, before the vote was even announced, before it even took place, Mayor had decided that he wasn't going to sign the budget, and that's okay...

Mayor Held: That's correct.

Mr. DeOrio: but we were waiting for...word on that, and of course nothing appeared in the paper until the Mayor initiated a -- a call or spoke to Dottie McGrew at the Beacon Journal, which wrote an article on February 7th indicating that the Mayor wasn't sure whether he was going to sign it, not sign it, veto it, and then also on that date, you received in your packet a -- a letter from the Mayor to the Council dated February 7th, on the day that the article appeared in the Beacon Journal in which he says that he's decided not to sign it. But, I want to make sure that everybody's aware of what I would feel are the inconsistencies in what has transpired there.

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Mr. Foltz: Okay, with that, do I have a motion to approve the minutes as corrected and as noted?

Mrs. Magel: Well, I - I gotta get oriented here. You're reading into the record - we -

Mr. Lane: It's already on the record.

Mrs. Hines: Yeah.

Mrs. Magel: we were doing Ordinance 7-07.

Mr. DeOrio: Yeah.

Mrs. Magel: Okay, so when you said Mr. President Foltz was - we were having our first reading, okay, and then there was a conversation across the aisle, during the reading.

Mr. DeOrio: Yeah, 'cause when you come back and look at this, it's - when you read it, it looks like that we're all having a conversation back and forth with each other, and that was not the case. So I just wanted to make sure that everybody was aware of that.

Mrs. Magel: Okay, so the Mayor says Jim I don't have to sign it, no, I have ten days, oh, we're having a conversation within a conversation. I see. Ten days before it comes into effect. Ten days you have to sign the legislation. You may want to think about that. It's probably not a good idea. This will make the papers. That's alright. Think hard. Okay, now then you're jumping to the reports. I'd like to thank council members for their - for their hard work on the budget. It's nice to see that it passed right now. Okay. I'm oriented. So, he was actually against it, before he was for it, before he was undecided, before he was against it. Thank you.

Mayor Held: If I could add, it's pretty clear that...our recording system's working well here at - in North Canton. As far as my position on the - on the budget, I think I've made it real clear what I objected to through the Administrator...as far as what I objected to through the budget. And I was reviewing the decision to decide whether or not to veto the budget, whether to sign the budget, or not sign the budget. And I did not make a determination at that time. And I was - all that is correct. The dialogue that - that is presented on the recorder in the minutes, that's a discussion that I had with Mr. Benekos. Wanted to clarify whether or not I was able to veto it or not, and...so that's all true. That's correct. And I did decide not to sign the budget, which would allow it to become law, and the reason I did that is because the - the budget process went past December: We submitted our budget November 17th. It was approved at the end of January. We had various department heads that were waiting for their funding. There are a number of items that I did not agree with in the budget, however, because of the time constraints, we passed it on an emergency basis, right at the end of January. Because of that, I didn't want to have to have Council come back, have another meeting, and then at the same time, we have departments that are depleted in their funds. So I decided not to sign it, and there are issues, particular issues like the Lipton Street issue and the Police Department, the cutting of the Police Department, which I had conveyed to City Council through...an attached memo, and - and I plan to resubmit those requests so that City Council can reconsider the cutting of the Police Department because I do not feel that it is appropriate. I would also ask that City Council reconsider funding the Lipton Street project because I don't feel it's appropriate not to fund the - the design or the construction of the storm sewer on that street. So those are two definite issues that I will be proposing for reconsideration, or for Council to reconsider.

Mr. DeOrio: Well, you know...

Mayor Held: But thank you for pointing that out to me.

Mr. DeOrio: But you know by not signing the legislation, you made the department heads wait ten days more.

Mayor Held: Right.

Mr. DeOrio: I'm sure you're not the only mayor that's...that has had a disagreement with the budget.

Mayor Held: Right.

Mr. DeOrio: I'm sure there have been other mayors...

Mayor Held: But I didn't approve of it and that's why I didn't sign it.

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Mr. DeOrio: and so we had to wait ten days more...

Mayor Held: That's correct.

Mr. DeOrio: in order that to go into effect. And if the Lipton project was such a concern, why didn't your Administration put it on to begin with?

Mayor Held: Because on November 17th we had limited information and we certainly didn't have the funds at that time that we knew we had in January when City Council made the adjustments.

Mr. DeOrio: And your Administrator spoke on the floor of Council that even if he had the money for it, Lipton was not the priority.

Mayor Held: And when was that date?

Mr. Wise: I – I didn't say that.

Mayor Held: When was that?

Mr. DeOrio: Well, I believe we've had that – that section transcribed, that there were...

Mayor Held: Yeah, well, when was the date of that?

Mr. DeOrio: other projects that were other – there were four other projects that would come ahead of Lipton.

Mr. Lane: I think it was in my committee meeting, Pat.

Mr. Wise: Those were – those were waterline projects.

Mr. Lane: I think – I think you're referring to my committee meeting...inaudible....Street & Alley...inaudible...

Mayor Held: You know, what – what I'd like - what I'd like to clarify for...

Mr. DeOrio: No, I'm not, I'm not referring to the committee meeting, I'm trying to refer to some consistencies.

Mr. Lane: 'Cause that did come up in our committee meeting, we talked about prioritizing projects, and I...heard Mr. Wise did go through a number of them, that was included, but it was a lower priority...

Mayor Held: Right.

Mr. Lane: at that time.

Mayor Held: And – and also too, I'd like to clarify again, when we submitted the budget, it was November 17th, there's a lot of new information that we received....after November 17th.

Mr. Benekos: Inaudible

Mayor Held: Number one, we do have additional funds in our budget that we did not have available when we were producing the budget back in September, October, November. Is that correct?

Mr. DeOrio: Yes, that is correct. We did....

Mayor Held: So we do have additional money now, that we didn't have back in September, October, November. Correct?

Mr. DeOrio: Yes, and we've allocated those monies.

Mayor Held: Okay, so, and then since then, I have also visited the homes on Lipton, which you have also done and some other members of Council have done. Is that correct also?

Mr. DeOrio: I can't speak for every other member of Council, but I was there.

Mayor Held: But you were there. So you were able to witness that they do not have storm drainage on that street. Is that correct?

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Mr. DeOrio: As many other streets do, that is correct.

Mayor Held: Right. And you can also see too, that the level of the homes are well below the...level of the street.

Mr. DeOrio: That is correct.

Mayor Held: And that's why we have the flooding. And you could also see that the people on the street, when they do have flooding in their basement, have no place to pump their flood waters to, because they don't have a storm sewer on the street. Is that also correct?

Mr. DeOrio: Again, not a unique situation.

Mayor Held: It's unique in the -- in the respect that you do have a home, at least one home....

Mr. Snyder: Mr. President.

Mayor Held: that is flooded habitually...inaudible...

Mr. Snyder: ...inaudible...privileged...inaudible...Mr. President...

Mr. Foltz: Yes, Member Snyder.

Mr. Snyder: I -- I beg to, we're out of line here, sir, we're out of order. I -- I think there...

Mr. Foltz: Waiting for the ...

Mr. Snyder: was a motion, there's a motion on the floor...

Mr. Foltz: fortunately we had a -- I had a motion to approve...

Mrs. Kalpac: inaudible

Mr. Foltz: the minutes as corrected and noted and we've had a long discussion that maybe we won't have to revisit through the rest of the meeting at some point, but...I -- I'll have that -- do I have a motion to approve the minutes as corrected and noted?

Mrs. Hines moved and Mr. DeOrio seconded to approve the minutes as corrected and noted. All members present voting.

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

No: 0

6. Committee Minutes

Executive Session Personnel & Safety: Refer to the minutes on file in the Council Office of the Executive Session Personnel & Safety Committee meetings held February 5, 2007.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held January 22, 2007 and February 5, 2007.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims meeting held January 22, 2007 and February 5, 2007.

Personnel & Safety: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings held January 22, 2007 and February 5, 2007.

Street & Alley: Refer to the minutes on file in the Council Office of the Street & Alley Committee meetings held January 22, 2007 and February 5, 2007.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish meeting held February 5, 2007.

Mr. Foltz: And I also request approval as presented the following committee report minutes from Executive Session Personnel & Safety, February 5, 2007; Finance & Property, January 22, 2007 and February 5, 2007; Ordinance Rules & Claims, January 22, 2007 and February 5, 2007; Personnel & Safety, January 22, 2007 and February 5, 2007; Street & Alley, January 22, 2007 and February 5, 2007; and Water, Sewer & Rubbish, February 5, 2007. Do I have a motion to approve those Committee Report Minutes?

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Mrs. Hines motioned and Mr. Lane seconded to approve the committee minutes as presented. All members present voting.

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

No: 0

7. Recognition of Visitors

Mr. Foltz: As I made note at the committee meeting, we will have public recognition of visitors, but I will not tolerate members or citizens speaking out from the audience. We will have a professional meeting here. I pride myself on that with a positive image of North Canton. We can agree to disagree, but there are parameters of Robert's Rules of Order that we must abide by. I think we owe it – that to...to ourselves and to our residents that we all represent. So with that said, I will not hesitate to remove somebody here that doesn't abide by those simple rules of professionalism. With that, do I have anybody here that would like to address Council this evening?

Mr. Feller: Chris Feller, 1291 Lipton. I'm sure everybody's aware of my name and my address by now. As everybody is aware, I'm here representing the residents of Lipton Avenue. We have been working with City Administration and Council on trying to get some road projects completed with on our road and some surrounding streets. I was told here two weeks ago that if we didn't see some sort of surveying work or initial study work being conducted by the end of February, we probably would not see any work commence on our road for again this year, make that about eleven years straight now. I would like to ask Council, number one, if any funds have been allocated on paper to this point, as to any design work being constructed on our road, as everybody's well - well aware, there's limited firms in the county that do this kind of work. We are now behind every major city and township in our county with regards to that matter. So my first question would be, have any funds been allocated to this? My second question or comment would be, I'm not sure if under the consideration of Council meeting minutes if that's the place to...address where newspaper articles are placed and repeat things that are the minute but – minutes, but I would certainly hope that if that kind of due diligence was taken in maintaining our minutes and correcting previous month's minutes, that the same due diligence was taken in evaluating funds for the Lipton Avenue project. I've talked to several gentlemen here within the room, that we're looking at various grants through Stark County Regional Planning. I guess, yeah, that's a long term solution, but being the triennial process that the Stark County Regional Planning works on, the earliest that we would see any spending plans submitted for grant money would be the fall of '08 with monies not being allocated 'til spring of '09. That now puts us at least two solid years 'downstream' of this project. I just wanted to know if I could get Council's feedback on where we stand with this, what kind of due diligence has been paid to this project, and if anything has been put on paper with as far as planning or future work is concerned. Thank you.

Mr. Foltz: Okay, thank you sir. Now, if anyone would like to address that? The committees or Member Snyder, your ward.

Mr. Snyder: Thank you, I appreciate it Mr. President. Thank you, Mr. Feller. Pursuant to your request, I have talked to Chairman DeOrio who's the Chairman of Finance with...some of the ideas that were forwarded to me. I've had conversation with the Director of Finance, the Administrator, the Engineer, and Mr. DeOrio has, in fact a littler this evening, has assured me that I'll receive a phone call tomorrow, relative to what we can do and we're still hopefully, as I say, even if we got the money for the 25,000 approved next week...I don't know how soon we – hopefully by March when the snow leaves we can begin the staking. But...we have not forgot you, I assure you, you know that that's uppermost on mind. And I know that Nick and Amy are concerned about the rainy season. There are plans afoot to address that one specific house initially, no matter what happens. Contrary to some people's belief, they feel that I've heard told to me that the flooding is a one house issue, it's not. Every house on Lipton receives water, there is absolutely no storm drainage, no ditch. It is a problem, all of it fortunately doesn't seep into every home. But it is not a one basement problem. It carries from the far southern end to the far northern end, and is relative to Director Bowles which I'm bullied by his willingness to help us with county grant money. That's for the whole area. We have to address Lipton separately right at this present time. It is a priority, it's my priority, and we have not forgot you and I appreciate you coming up and continue to speak. But every member of Council, we find that money, we'll do that project and I think they'll ...inaudible...up.

Mr. Foltz: Thank you Member Snyder.

Mr. Snyder: Thank you.

Mr. Foltz: Anyone else like to address Council this evening?

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Mr. Davies: I'm Jeff Davies, I live at 1121 Southwoods Lane. In regards to the \$25,000 for the study, I suggest you take the money that was earmarked for the community sign and use that. I sit on the Economic Development Council in the Chamber of Commerce, and...I'm well aware, we've talked a lot about the community sign, and it was decided in that group, particularly in the subcommittee headed by Cathy Dunlap, that they don't want the City to pay for the sign, they want the community to pay for it themselves. They've not asked for any money. And I don't quite understand how you can earmark money for a sign that we don't know who's going to own, we don't know when it will be put up, we don't know who's going to maintain it and we don't know where it's going to go. So you got \$25,000 that ain't going to be spent this year anyway. Why not change the designation and get these -- get this study going and get these people taken care of. You know, Mr. DeOrio, you talked about grandstanding, and what you did with that article in the paper was the biggest grandstand scheme I've ever seen. 'Cause nobody asked you for that money. You did that on your own. It's not true, 'cause I talked to Cathy Dunlap.

Mr. DeOrio: And I talked to Cathy Dunlap and Ron Kindy and a...number of other Chamber people and just to bring you up to speed on how this -- on...

Unidentified: It's true.

Mr. DeOrio: how this developed. I talked with the Chamber, going back into, oh, sometime in the last...fourth quarter of last year. I think that was it, that what -- what is it that City -- City Council can do for the Chamber, are you guys working on anything, what's the plan. They gave me a list of their top 3 priorities, the Chamber...

Mr. Foltz: Mr. Davies, we're not going to have a debate here.

Mr. Davies: No, no, I'm just going to say, talk to Cathy Dunlap because...

Mr. Foltz: You had -- you had your public speaks...

Mr. Davies: they do not want the money.

Mr. Foltz: he will address your concern and then you can talk to us after the meeting. Thank you.

Mr. DeOrio: And approached them about it, they said that the community sign was something that they were very much still interested in, would like to see it work. I spoke with Ron Kindy, who...gave me some materials that he had presented, had saved over the years to show the history of this...effort, to see where - identify areas where it had failed, I had researched this through looking at the Council records, examining the arguments that were made over the last four years to see if...there was some way we could work around these objections. One of the objections was...if the City owned the sign, there were free speech issues, addressed that with Cathy Dunlap and...the Chamber agreed that they would -- they would take responsibility for maintaining the sign, they would take responsibility for the content. That was another objection. We talked about - another objection was where would it be located if it was going to be on city property, that brought up the same free speech issues. I spoke with the Law Director on numerous occasions for many lengths of time to work out some of these details. We felt that it was best that that be located on private property. Consulted with the members of Council to see if that was the -- they would not have an objection to that, got back to Cathy Dunlap and said, and convinced her that Council felt...that it would be best if it was on private property. The other issue that was brought up and some of these eventually did get discussed on the floor of Council. You may not have been here at those meetings, but in any event, they were discussed, we talked about finally, last time there was an effort to spend \$50,000 on this project. Some of the Council members at that time had said that...they wanted to see more community buy in, they weren't sure that some of the pledges that were made would ever be collected upon, so...I had a suggestion that we...based upon our budgetary constraints, that I felt 50,000 was not something that was going to work but 25 might be a number that Council could live with and then with the 25,000 we would...propose it on a matching basis. I'm not sure if the Chamber has finalized or the design of the sign or -- or where they are in the beginnings of the stages of putting this project together. Maybe the sign they design and come up with only costs 40,000, I don't know, but the pledge that -- that we were looking at was at we would have to have, you know, real money collected from real people in the community for this sign before we were going to put any money into it. I spoke with Finance Director at length about if we could establish, it would be best to verify these funds that if the Chamber established a separate bank account somewhere opening it up in the name of the "build the sign foundation" or whatever they want to call it, so that deposits could actually be made into that account that we could witness to say that it was actually money being raised. And then the most of our commitment would be \$25,000. I have been in contact with the Chamber on a regular basis, they have not indicated any change of heart to me. I spoke with Cathy Dunlap as late as this weekend, and she indicated that she would like everything to

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remain the status quo. Now, I know that the...Berry Kindy and Ron Kindy and Jim Dansizen and the individuals that came up and made a presentation before this Council have not changed their mind. I don't know what capacity you're acting in behalf of the Chamber or if this is just your opinion and if it is, I respect your opinion, I receive phone calls from people all the time that they would allocate things a little differently. That's fine. We can have a difference of opinion on that, I – the budget represents many things to many different organizations of which the Chamber is an active partner in this community and I'm going to continue to foster that relationship, so we work together on various projects of which this – this one that begins a new chapter. Thank you for opportunity to respond.

Mr. Foltz: Thank you, Member DeOrio.

Mr. Repace: Doug.

Mr. Foltz: Member Repace.

Mr. Repace: Yeah, let me – let me say something. Mr. Davies, I'm also in those meetings, and I can remember early on when discussing this community sign it was mentioned at those meetings it'd be nice if the City could – could put some kind of funding in place for those signs. There were – there were members of the TAP committee that – that have addressed Council. It was agreed to – to match certain dollars. You know, if – if – if that committee says that they don't want any part of – of Council putting any – any money towards that sign, you know, I think that collectively, they should either come here or – or contact Mr. DeOrio because he was left with the impression. And second of all, you – you – you mention about grandstanding, that article that was in the paper was an article, was an interview that took place probably a month before that was even put in the paper. And in – it's been brought to – to least to my attention, you know, everybody can have a disagreement. There's nothing wrong with that. But I don't think this is anything that should become an issue of where – where people should be humiliated or bashed over it. And I do know for a fact that you have done that to Mr. DeOrio. In fact, you've done it to me too. But you've done it to Mr. DeOrio. All he's trying to do is his job. And like I said, if it's brought to his attention by that committee, which – which I know he has just talked to the – some of the committee members, because Cathy and I had a discussion over it. And honestly, I got the same impression that you have. That maybe that wasn't the right thing to do with that 25,000. I got a hold of Pat, and I said I'm a little confused here, I think – I think we need to find out if this is the right direction. Pat said he would contact some of those members, and I just heard now, he – I – he obviously did. But I – I think if people have something to say, you know, any issue can – there's no issue that's – that's too big or – or too little that can't be talked out. Very easy to just discuss it and then let's do the right thing. It doesn't have to become a situation where people are – are – are getting upset with one another. Just talk about it. Let's make it right, whatever it is.

Mr. Foltz: Alright, thank you for your comments, and we'll wait and hear back from the Chamber if that's their – their direction they want to go in now.

Mr. Osborne: Chuck Osborne, 307 Fairview Street S.E., North Canton, Ohio. It's very...disconcerting and unnerving to hear that...this City's discussing an agreement now with a township on the east side of the City as considering, you know, how the one on the west side of the City was...went down in flames. Why this City would even consider something in this nature. When you start down this path, of setting up an agreement or a CEDA, you're basically saying, we're satisfied with our borders, we're never going to grow, and we're just going to take what we can get. There are many things that are said up here that I think are factually incorrect. Mr. Snyder, property taxes, as you, I'm sure you know, go to the school district. Property taxes don't vary with municipal boundaries, they vary, I guess, or they – they – depend on the school boundaries, school district boundaries.

Mrs. Magel: Speed it up.

Mr. Osborne: And about three quarters of your property taxes go to the schools, so there's very little, in terms of...property taxes for the cities to fight over. They support school systems. So you can take property taxes basically out of the equation. Mr. Foltz says...this is a win – win for Plain Township. I don't see how that it is when...Plain Township...residents are going to end up having to pay an income tax, and yet they're really not part of the City. And I guess they get very little in the way of services. You're basically wanting to take taxes from them, but you're not willing to give them much in the way of services. Mr. Repace, you seem to kind of, by association, imply that the Law Director...is behind this agreement. I think Mr. McFarren, if you could correct me if I'm wrong, you simply draw up whatever contract Council asks you to draw up. Is that correct?

Mr. Foltz: Mr. Osborne, just finish your comments then we'll address them when you're finished. Thank you.

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Mr. Osborne: Well, I think, Mr. Repace was trying to imply that the Law Director...is behind this, supports this, the Law Director does not set the policy of the City. He's not elected official. And whatever his decision is, or his feelings are on this issue, are irrelevant. You are basically throwing in the towel on a ballgame that hasn't even started when you start down this path. I don't know why this City is not highly, highly embarrassed. You have the City of Canton every week, we read about an annexation here, annexation there. We've watched the City of Massillon, probably double in size in the last twenty years. And we see other communities around us annexing. But for some reason a community that desperately needs to grow a little bit, if you're going to find a place to land a business, is doing nothing. Concerning...Mr. Wise's comments at the – there's some areas off of Salway that would like to annex in the City. As I blurted out, and I apologize...at the Committee Meeting, and I might like to add that nobody counseled Mr. Giavasis for speaking out of the audience. I don't think your policies are being applied fairly to me up here, but anyway, you annex residences, you get income taxes. To sit here and say we get nothing from that, I think, and – and everybody else sits up here and just lets it pass. You do get income taxes from those property owners who have jobs. And if they're elderly, like you quickly thrown in, we don't know that for a fact, you just said they're mostly elderly, we don't know that. Well, when they die, you get estate taxes. So to sit here and say, nah, that doesn't work for us, we don't get anything out of it, how can any of you...you remaining six people, sit by and say oh, he must be right. When you know that isn't factual. Although I guess Mr. DeOrio did second you, yeah, we don't get any income taxes from...annexing people. Mr. DeOrio, I think you know better than that. There are income taxes when you annex areas, property, residential properties.

Unidentified (from audience): try to...inaudible...somewhere else.

Mr. Osborne: So I hope this City doesn't go down this path, I'm quite alarmed that...Mr. Repace appears to be abdication his responsibility to the citizens of this City first, and pandering to his political friends, who by the way, we've seen them parade in here supporting Mr. Repace, and it's no wonder why he – they won't – they're supporting Mr. Repace, he's up here working on their behalf.

Mr. Foltz: Mr. Osborne, you're out of order. You're making allegations. Finish your comments.

Mr. Osborne: I said it was appearances.

Mr. Foltz: Finish your comments, please, without that rhetoric, we don't need that.

Mr. Osborne: Well, there's been an admission that Mr. Giavasis has been meeting with...Mr. DeOrio, Mr. Repace over the past several months. That is suspect to me, and I would think it looks suspicious to a lot of other people as well. This City is providing services outside its boundaries, the law is on it's side, we should be doing some annexations. There are several areas of Jackson and Plain which they cannot service...efficiently, and that's where we should be able to sit down and talk with them and see about conceding some of that area. It would be good for them and good for us. But to throw in the towel now, before we've even thought is – is just unbelievable. Thank you.

Mr. Foltz: Okay, anyone else like to address Council this evening, or ...inaudible...comments?

Mr. Repace: Yeah I want to ...

Mr. Snyder: I have one comment if I may. Two things...

Mr. Repace: Go, go on.

Mr. Foltz: I'm sorry sir, you'll – you'll be next after Council's comments.

Mr. Snyder: Number one, the City only receives 9% of the...real estate taxes, the Township operates on I think about 24 - 25, which we're under the new Ohio law obligated to return to them, and relative to the income tax, there is reciprocity in this state, the majority of the people do – there - live – do not work in the City, so consequently the taxes will immune to the municipality that they work in, so it actually would cost us money to annex rooftops into the City at this – under the present situation.

Mr. Osborne: Well you can change the law on that.

Mr. Foltz: Please remove him from the proceedings. You're gone. You're gone. You had to push it. But finish your comments Member Snyder.

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Mr. Snyder: Thank you...you know, and relative to that, the thing is, in my experience, that I've sat here as councilman, when we've done ambush annexations, we've ended up in protracted litigation, which far exceeded the actual amount of money that we received in income tax or any type of tax that we would have gotten had it been a cooperative agreement of some sort. And I mean, really, if we're going to start thinking more of a business aspect, rather than a government to where we just spend, spend, spend, we have to do it predicated on the ability of return on investment. And if there's not an adequate return on our investment, it really, to tax our safety and services additionally, which will result in increasing either the income tax or some type of levy...and I think at this present time, it's all exploratory anyway, I don't know that we're just looking at every venue we can possibly look at. That's all I have to say, thank you.

Mr. Foltz: Okay, thank you Member Snyder. Member DeOrio?

Mr. DeOrio: In – in – yeah, to just dovetail in – on a couple things. The City of Canton...yes they have done annexations, as Mr. Osborne had said, but they haven't thrown in the towel. They're also doing a CEDA out there in...East Canton with Osnaburg Township. And it looks like they're going to be fashioning some type of other agreement...with Plain Township regarding the Park Farms, so I mean, it's – it's something that they're approaching and looking at as well. You know, one of the differences between – though between Canton and Massillon is by who we're surrounded by. No disrespect intended to these other townships, but you know, Tuscarawas Township, Sugar Creek Township, Bethlehem Township, that surround Massillon, they don't have a lot of money. And out there in East Canton, Osnaburg Township, and these are the smaller townships in the – in the county. They don't have a lot of financial resources to fight litigation. That's not the case with Plain and Jackson. I mean, if they're, if – if they do – if they want to object to an annexation, they'll fight it in court, and we'll be tied up for years...with it. And then finally, I'm sure Member Magel would want to say this, but...you know, if we'd – we have to take a look at...the – the in – the investment payback...scenario that Jon was looking at, and part of that is also how it affects our water rate. So you're taking basically outside customers and making them inside customers and cutting their rates significantly, that's good for them, but it – it also lowers...the revenues to our water fund. Thank you.

Mr. Foltz: Thank you. Member Repace.

Mr. Repace: Well I want to clear the air on a couple things. First of all, Mr. Giavasis was an invited guest, as...

Mr. Foltz: As you noted.

Mr. Repace: And he was ask – he was asked a question, he responded to that, so he didn't blurt anything out. Make that real clear. Second of all, Mr. Osborne one - once again, is trying to accuse me of violating a law, which – which there – there is no violation. I think that needs to be made clear. Not trying to insinuate that the Law Director is in favor of this, but I - I think the Law Director's smart enough to – to say that if this isn't a good...document, if this isn't the right direction to go, I think he's going to say that to us. We – we finally are trying to do something different. We're trying to do something to move forward to bring revenue into this City, as I have already said. You know, Mr. Osborne doesn't seem to want to try to do anything different, make – and make changes. Try and go into a positive direction. I've yet to see him come up to this microphone and agree with anything. Just because he says it, that's the way it's supposed to be. There's people up here, levelheaded people, on both the Administration and – and...this side of the table, and Council, that are reviewing this. This is something we need to do, this is something we need to – to – to attempt to – to – to enter into this agreement. This agreement doesn't lock you in for life. This is an agreement that – that allows us to make change, to move forward, to bring revenue into the City. If it doesn't work out, there's an escape clause. I mean, it doesn't take a rocket scientist to see that. So, that – that's – that's all I got to say.

Mr. Foltz: Any other comments from Council? Member...Finance Director Julie Herr, I had a comment. The Sanctuary CEDA agreement that we just recently had with Plain Township, would you consider that a profitable one to our - our general revenue stream?

Mrs. Herr: When I did the calculations, yes it was.

Mr. Foltz: And it was – that made it very favorable for us to vote for that...

Mrs. Herr: Yes.

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Mr. Foltz: and as I remember, as a council member, so that being said, I look forward to any future CEDA or JEDD agreements with – with Plain Township that are negotiated in good faith by both sides as – as we discuss at the...committee meeting. That said, anyone else like to address Council this evening? Yes sir.

Mr. Spencer: Good evening. Betty and Neil Spencer, we live at 221 Summit S.W. Betty and I want to thank the Council for your action last year that resulted in our portion of Summit Street getting new 8" waterlines. They're great. Thanks especially for the way you handled driveway aprons and sunken sidewalks. We hope that the curbs and gutters that were...petitioned last year might now be possible this year. Thank you.

Mr. Foltz: Okay, thank you for your comments sir. Always refreshing to hear some positive... responses from our – our residents, isn't it?

Mr. Snyder: Cute guy, huh?

Mr. Giavasis: Lou Giavasis, 2600 Easton Street, Canton, Ohio 44721. I'm President of the Plain Township Board of Trustees. I've sat back tonight and I've listened to a lot of pros and cons on both sides of the story. And I commend this Council and Administration first – first of all, hearing out the things because I know what it's like to sit up there and hear people talk that don't necessarily know what all the facts are, just what they perceive to be the facts. I think this is the first time that I think...a Trustee from Plain Township has ever been able to walk into North Canton City Council Chambers and not having to worry about having an armed guard with him when he walked in to the – the Council. And it's a very refreshing thing for me to be able to come into Council and look at the Administration and Council as a whole, and be able to talk to you folks openly about areas of cooperation, because that's what the future holds for both of our communities. I think Council, and I don't want to be redundant by what was said, but nothing is going to be...accomplished by all the legal wrangling and the appeals and you spending the legal fees and us spending the legal fees, where we ultimately want the same thing. We want the best for an area, whether they want to be annexed or the Township wants them to remain part of the Township. Just to give you a perfect example, the...the Heatherwood annexation that – that – that – I think was discussed earlier. If the City would take that piece of property and there's more to it than just taking over the roads and the infrastructure. You're going to extend waterlines, which I think is, my belief is what the main issue of those residents want in the annex into the city is going to be. But when you factor in what the Ohio Revised Code says, it's not just a portion that the city's going to collect once they become part of the township. The Revised Code is very specific. They're going to – the city is responsible to reimburse the township their full tax valuations as if it was never annexed. That means our police, fire, road, any other levy that we may have on the ballot including our inside millage. Now the City of North Canton, you guys did a great job, in my personal opinion, I'm biased towards it, you became your own township to save yourselves from spending \$36,000 a year needless tax revenue to Plain. Why in the world wouldn't you sit down at the table with the township whether it be Jackson or Plain, and work on an agreement where you don't have to pay those taxes? And the reason why Plain – Plain Township sent a bill to the City of North Canton, and I'm apologetic for it, but statutorily I was obliged to do that. And the reason why there was such a disparity in the amount that the City of North Canton owns from annexations that were done unilaterally versus Canton, is because our annexations with Canton were done through cooperative agreements. And a cooperative agreements, the township border, Hoover Township in your case, wouldn't extend into Plain Township. That allows for those taxes still to be collected by the County Auditor. That means that the property owner is still responsible to pay for those taxes. If you annex it outright, that means you're taking Hoover Township into Plain. Those taxes drop off the tax duplicate and the only recourse for reimbursement if any, comes out of the City's general fund. So when you factor in your cost to an annexation, whether it's commercial or retail, the retail's going to even be larger, 'cause if you take an area like Walker's Mountain, which our tax revenue's in excess of \$400,000 a year. You take 80% of that for the first three years, the City's going to pay Plain Township over \$300,000 a year, just to annex the hotels on top of the hill. There's areas that we can do this in that's not going to cost the City that revenue, it's going to augment your budget, our budget, we're all in the same predicament, financially. But your expanding outwards, but the same token, you have to expand your cities, whether it be safety services and things like that. I heard talk about police officers. You can't do that without the additional revenue. If you're not bringing in the revenue and Plain Township's collecting the revenue, how are you going to extend those services? The whole thing is about cooperation, and I really want to commend this Council as a whole, and Member Repace because...I take a little bit personal that I'm here doing this as a personal and you know, favor to...any one individual. I'm doing this as a resident of Plain Township. My mother is a resident of the City of North Canton. She's a taxpayer here also. So I have an invested interest in that also because of my parents. They live here. I just so happen to live in Plain Township next door. We could all go back in time to previous administrations where we couldn't stand in front of each other and talk civilly and talk about areas, about cooperating. We're not talking about entering into any one particular agreement here, we're talking about sitting down, agreeing to agree, that we're going to look for areas contiguous with North Canton, it's going to assist the City financially, and is

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also going to assist the Township financially. And that goes well beyond just the CEDA or JEDD. We could augment our – our safety services. We could do immediate response agreements, like we have with Jackson Township, that could augment the North Canton Fire Department and visa versa. There's areas of Plain Township that North Canton could augment ours. There's things we could do with our police services. There's a number of different things that we could do with that agreement once it's passed beyond just a CEDA or a JEDD. And I think this Council, in the paper, and publicly should be commended for finally sitting down at the table and recognizing that fact, and it's going to do what's in the best interest of their constituents. Thank you very much.

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

Unidentified (from audience): Okay.

Mr. Foltz: You're – you're next.

Mrs. Magel: Not a gentleman.

Mr. Lindower: My name's, excuse me, my name's Dave Lindower, 908 7th Street N.E. I don't have anything as complicated as what Lou just went through here, but maybe at the risk of digging up some old coons, I'd like to make some comments about the sign that's being discussed again. I personally believe that any advertising that we can do with current events going on in the City...which will...bring revenue to the City or to the business places in the City's a good idea. I always did think that. I'm not even going to get into the idea of discussing the cost of that sign, however, I have to agree with Mr. Davies, that if there's \$25,000 involved from the City, I feel that probably that should be directed in...in the direction of people down on Lipton also, if it's possible. The only concern that I really have about the whole issue is a safety issue, believe it or not. And I...brought this up a couple years ago when this was being discussed also. I drive probably as many miles in this city today as I used to ten years ago. And the concern that I have is with the increase of traffic that we've got...and driving in front of and behind people, who are talking on cell phones and putting make-up on and that sort of thing. Is there anything I can do about that? Probably not. The issue I have with the sign is, if we put a sign in some sort of an area, where it's going to be distracting to any persons driving, it's just...I'm sorry, an added hazard. I think that that's the only thing I want to take into consideration. When we discussed this before, or the Council discussed it before...Bitzer Park and the City Hall where talked about as possible locations to put a scrolling sign, you know...neat idea and everything, however I feel that a safety issue should be taken into consideration also. So, you know, having said that, I think, you know, in all the consideration that's being given to...erecting a sign somewhere in the city, and I haven't heard any ideas where this could possibly be placed now, I would be totally against Bitzer Park or the City Hall obviously, but if – I think that should be taken into consideration in the placement of something like that as far as traffic safety. Okay? Thank you.

Mr. Foltz: Okay, thank you, thank you.

Mr. DeOrio: and...If I could, just...

Mr. Foltz: Member DeOrio.

Mr. DeOrio: Mr. Lindower, yes, as far as Bitzer Park and City Hall, no, no – no city property would we want the sign to be located on, because it opens up the – the – the Pandora's box of the – of the free speech, if it's a city controlled sign, or if it's even on city property, can an adverse organization come in and put on a message that, you know, is not really a nice one. So I think that takes it out if it's maintained by a private organization on private property. I talked with Gene Hemminger about that, as well, and – and how...the setbacks are a concern that we can't have it...really, you know like at the intersection of...Main and Maple, you know, right on the – right on the corner...

Unidentified: Side and so forth.

Mr. DeOrio: because it's – it – it – you know, obstructs point of views from turning, takes away from people looking at the traffic lights, it has to be, you know, conformed to our sign code and the ordinance we got and it has to be put somewhere where it wouldn't – wouldn't do that.

Mr. Foltz: Okay, thank you, Member DeOrio. Mrs. Garcia.

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Mrs. Garcia: Yes sir. Gee, welcome home, it sounds like the elections coming up pretty quick, huh? I'm kind of confused, and - and I'd like to remind you that one time I stood here and begged you to be careful of the CEDA thing that you were doing and - and annexing the Sanctuary and all that stuff. Remember? And I'd like to ask Jon to repeat what he just said. Because he used to stand up here and tell you we got to annex that place, we're gonna get millions of dollars in income. So, Jon...you want to tell us that fairy tale again?

Mr. Foltz: Mrs....Garcia, when you're finished, he'll respond.

Mrs. Garcia: I'm finished.

Mr. Foltz: You're finished? Thank you for your comments.

Mrs. Garcia: And I'm glad to be home.

Mr. Foltz: Okay.

Mr. Snyder: I still think, Mrs. Garcia, as you like to refer to me as a snake oil salesman.

Mrs. Garcia (from audience): Yes.

Mr. Snyder: I think the deal at the Sanctuary is still very profitable to the City. First of all, it was a negotiated annexation. So the property taxes in fact stayed with the township and the other stayed with the North Canton City School. And the projected...income taxes, I think, \$157,000 plus, if you recall, you're a direct beneficiary of that, why we were able to repair the Holl Road lift station, by my efforts, to raise the tap-on fees to a thousand dollars on the sanitary sewer. Had I not done that or spearheaded that, that Holl Road lift station would be overflowing right today and...the people would - would - a lot of people have sanitary sewer problems, would have problems, that in fact made that fund Holl and put additional dollars. But it was a good negotiated annexation, but that was a negotiated. Relative to the water, I still feel very strongly that the City should control the waterlines, however, that had been done prior to any negotiation to annex the property, so we had no control over that. So I hope that answers that.

Mr. Foltz: Thank you Member Snyder.

Mrs. Magel: Wait - wait I'd like toread Mrs. Garcia's mind. I think what she was going to say is, it was promised that Holl Road was going to be - Holl Road station was going to be eliminated. We promised her that.

Mrs. Hines: Yeah.

Mr. Snyder: I think Mayor Rice promised her that, if I recall.

Unidentified (from audience): No.

Mr. Snyder: and I - I think Mayor...

Mrs. Magel: We all did.

Mr. Snyder: as you go back, Mayor - no, no, no, no, no. I don't think you'll find any Council minutes, I think Mayor Rice promised her that on a sidebar. You check the minutes of the Council, I think you'll find that I - I don't, my memory's usually infallible.

Mrs. Magel: I think...

Mr. Foltz: And - and for the audience, I appreciate your concern, and wanted - wanted to respond, but I have to be consistent, even Mrs. Garcia with - with how we're running the meeting tonight, 'cause it has been very much more cordial,

Mr. DeOrio: ...inaudible...

Mr. Foltz: so, with - anyone else like to address Council?

Mr. Schilstra: Ken Schilstra, 601 Linwood. Jon has an infallible memory...institutional memory is a wonderful thing. Two weeks ago, at City Council meeting when the people from - we're talking about the flooding in basements in Holl Road. The Mayor made a very nice comment that anyone with water in their basement should get first sessions. Now the institutional memory part of this comes from when I asked the Mayor, when he was running for

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mayor, what his position was with regard to adding the detention ponds which had been designed by the City in Price Park, and he was against it. The only question I have for the Mayor and the Administration is, is it time to go back and revisit that based on your recent statements. Thank you.

Mr. Foltz: Okay, thank you.

Mayor Held: If I could...

Mr. Foltz: Any comment Mayor? Yes.

Mayor Held: Yeah, I'd like to comment on that. And I appreciate what you brought up Mr. ...Schilstra. In reference to the...the water retention...basins in Price Park, at this point I would not be in support of that. What we've done is the County, in cooperation with the Federal government has placed two water retention basins...upstream and – and hopefully we're going to be seeing some relief from that.

Unidentified: Half a pint of vodka...inaudible...

Mayor Held: I'm not sure if – if both have been completed yet at this point. But...at least according to the Army Corp of Engineers, we're going to see relief down in that area.

Mr. Schilstra (from audience): That's not...inaudible...

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

Mr. Snyder: Might get out of here by 10:30.

Mr. Lane: ...inaudible...

Mrs. Schilstra: Mary Schilstra, 601 Linwood. My husband and I went to the...inaudible...thing, for the retention basin, over on Aultman? And the Colonel, the head guy, in the uniform outfit and I had a discussion and he told me you do know this will not solve your problem. You may not have a foot of water in your basement, but you'll have half a foot of water in your basement. We also talked about, with the addition of more development going on and with draining of the wetlands at the airport, this will not solve the problem. They're putting a band aid, a very small band aid on a problem. And I very clearly remember talking to him. If you go down to Price Park, you can see what's happening with the flow of water and the stream banks erosion. You're losing Price Park. You're losing the people's property.

Mr. Lane: You want...inaudible...

Mrs. Schilstra: I was on the bridge yesterday and if you look over at the people's, the little fancier house on the bridge,

Mr. Snyder: yeah

Mrs. Schilstra: over to your left with the fence. If you go there, you can see it, but you can see where dry soil has eroded onto the snow. So it's happening even now with the freezing of the ice and snow. So if you think that's going to solve the problem, it isn't. And it's really hard to look at people and say I'm not going to do something at Price Park, I remember Mr. Snyder had talked about maybe we could buy land over by the old furniture place, that has not happened. And if there's going to be continued growth, it's not going to get better, and yes, I'm glad to know we're going to have a foot of snow 'cause that foot of snow's going to have to melt and then we – we're gonna have rain. And then we'll just continue to have the flooding. So I think the City needs to put a little pressure on the County, they need to put...pressure on the Army Corp of Engineer, and you can't wash your hands of this, 'cause you know what's going to happen, so...

Mayor Held: Right.

Mrs. Schilstra: but yes, I remember talking to the Colonel who said, this will not solve the problem, so.

Mr. Foltz: Okay, thank you for your comments. Yes sir.

Mr. Covey: My name is Rod Covey, I live at 35 Auburn Avenue S.E. in North Canton, and I'm here to update the Council if I may, please, on two items. One is the Steel Safe situation. If you recall, that's the Australian company that has asked us to, our firm to find someone in this country to build and market these...units, which about \$4,000 in a market...grow.in tens of millions. At the last meeting...Mr. Repace asked for some information, which I sent to him

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background and some marketing information on this product, and we do hope that sometime it – it will – will happen. I've been at this 2 ½ years and so far haven't found...the number of investors. We do have people who can make the product and will make the product, and I just spoke last evening with the inventor and the – the President of the company in Melbourne, Australia. He updated me with some pretty good news. It's kind of good, there's only one little teeny negative. As before, I mentioned that Canada seems to be the forerunner in showing interest in this product. The Canadian people would make it for Canadian and maybe ship it down here with NAFTA getting stuff down here free, etcetera, etcetera. But also there's another country in Europe that's interested to serve Europe, and there's...the – the...Australian government, an Australian...forces have begun to – to get more and more active and it looks good in Australia. And then, lo and behold, China is interested. And I, maybe Mr. Repace and I can chat sometime about that and see how, somehow that might fit in with what's going on there. We'd love to see a – a nook at the Hoover plant initially with 20 people, good paying positions, eventually 200 persons, again, high paying positions down there. So, we feel good about that. The other issue please, is Auburn Knolls. Things aren't too good down there. There's a lot of people are very upset. I mentioned before they're stressed. I know these people well. They're people, they don't sleep. They're people who have crying spells, property values continue to go down. The highest one loss so far is \$110,000, the average is \$72,000. And the biggest problem in my mind is that there are about 60 families there of the 83 who live at Auburn Knolls, 60 families are in the position whereby if and when they pass on, this is the biggest asset, and many have told me this, and I've seen some tears flow, and their children would – are going to lose from this too, that property value. And the – the – the – the value, I'm sorry, the problem with property values was brought up at a planning commission meeting more than once, early on, and that if it's going to affect property values, this is something maybe shouldn't happen. That was made in a general sense. I did find something interesting just the other day, that has to do with Magnolia Estates, which, as you know, is the development just south of Auburn Knolls, which originally was part of the some 50 acres of the Hoover property, 34 acres became Auburn Knolls, and the 10 to 12 acres below that became Magnolia Estates. It seems in...I want to be sure I get my dates right here, I spoke to Mr. Roush, as you know, was City Engineer and later Administrator in 1979 I believe up to 19 was it 1900, Jim? Mr. Roush left?

Mr. Benekos: to 2000.

Mr. Covey: 2000? 2 – yeah, thanks. I asked him about this because his name was on it. But it so happens that...the...the subdivision regulations of the North Canton...City calls for a developer donating 5% of that to park land or some recreational value to the people who will be moving into that area or – or – if you don't want to do that, just pay the city...X dollars for that – that – that land if you want to use and not give it into park or recreation for the people. That firm Spartan decided...it would pay the money and it did pay \$19,000 to the City of – of North Canton to start the development there. Now, bringing up to date, Mr. Visconsi who shelled out a million dollars to the Hoover Company to buy that land, he said he did not want the South Main area, anything built on that. He wanted it to stay green. On the other part over there that on Northfield and Easthill, which is going to be two more buildings, he said, I don't want anything there because those four private homes there, ranch homes, I don't want to disturb them, they've been there a long time, and let's keep it that way. He was a pretty nice guy. But what happened, somehow this got lost in the shuffle, and so the developer said, no, I'm going to go ahead and put two apartment buildings on South Main, I'm going to put two over there, even though that land...was supposed to be free from any building at all and tomorrow I'd like to meet with key persons in Administration and see if there's not a document to match the document for Magnolia Estates that shows that Mr. - Mr. Visconsi and the people who laid out Magnolia...sorry, Auburn Knolls, did in fact say, we want to keep this green. And I think there's some paper somewhere, in some file, and I'd like to look in that tomorrow. At the last meeting, December 11th I suggested that maybe...to Mr. - Mr. Lane that we ask the Law Director take a look at whether or not the Council can somehow overrule or – or decide or do something, something to – to save the situation at Auburn Knolls. And I chatted with Mr. McFarren Friday night briefly and...I'm not sure yet he's going to...an actual decision forthcoming on – on that, on whether...

Mr. Foltz: Well, when you're finished sir, we'll address all of your comments, okay, to be fair to everybody here.

Mr. Covey: Oh, okay, okay.

Mr. Foltz: Thank you.

Mr. Covey: Of course, I understand, okay. I did read the city charter four times, and I read the – the North Canton zoning ordinance, chapter 1175 as you know, part 09, and after reading, if you read any of these things several times, it suddenly it all gels. This was the intent, why else would City Council then put out this development plan review 1175 which says in six...paragraphs in effect these buildings just don't fit. And in February 204 (2004), at the

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planning council meeting, I was here of course, that the chairman, the assistant chairman, and one other member all said in effect this isn't neighborly, these buildings don't fit, why – why we putting up these apartment type buildings and – and ruining it? One final comment, if I may, we – we – we aren't green as we used to be. Auburn Knolls as you know is a square mile exactly. It is green all around. And people coming from Belden Village coming north into town, they see a lot of green. That green is going fast. You been there lately? This week? Last week? A lot more trees are coming down. It's a – it's a shame. If you get on Google, Google earth, how many here are familiar with Google earth? Good. It's – it's the most fascinating thing on the internet. If you don't understand it, ask your kids or grandkids, they'll – they'll show it to you. Anyway, if you get on Google and I've done it, and – and click up what downtown Canton, go up Cleveland Avenue all the way, come into North Canton, keep going. There's no green anywhere anymore. Except there was a nice piece of green at Auburn Knolls, it's – it's going fast.

Mr. Snyder: Gone.

Mr. Covey: Thank you very much.

Mr. Foltz: Okay, thank you sir. Anyone wanted to address any comments?

Mr. Lane: Yeah, Randy, you want to...because I – I following that meeting that Mr. Covey talked about I did do a written request on that, and you and I have chatted about it a couple of times off the record, but I didn't know if you were any more closer to giving us an opinion or not.

Mr. McFarren: Mr. Covey and I have discussed this...situation a number of times at length, most recently Friday night. I guess, I don't remember what day it was but I do remember we talked for about a half, excuse me, about half an hour. The gist of the conversation went – went this way. What Mr. Covey is asking me to do is to review every decision that was made by this Council and the building and planning and zoning and all of that kind of stuff, and you know there are times where your Law Director's opinion means something, and there's a time where it doesn't mean anything. And there's a statute of limitations on almost everything in our society except murder. And if there was...an error that was made, not just a misjudgment, if there was a legal error that was made at some point in time, the remedy for that would have been an administrative appeal under chapter 27 of the Ohio Revised Code. We're talking about decisions that were made years ago. Not 30 days ago, 60 days ago. Mr. Covey and I've discussed the fact that according to him, that there is a deed restriction that limits the density on this area and I advised him that that was his best remedy. And in – in fact, if it exists, he has a readily available remedy...that – that is peculiar to him and to anybody who resides on the land that was originally part of that – that...deed restriction. And that's a private matter, has nothing to do with zoning, has nothing to do with what's right and what's wrong with the city, that's a private matter. If there was a restriction on that property, it runs with the land, it's for the benefit of the property owners. This is just one of these things were we can argue until the cows come home about whether this is a good decision or whether this is a bad decision. The facts are that the decision's been made long time ago, and nobody has given me the slightest shred of information that would cause any action on behalf of the city, let alone for me to attack decisions by everybody involved in the whole process.

Mr. Foltz: Okay.

Mr. McFarren: I've looked at this thing repeatedly, if somebody comes up with something new I'll look at it again, but there's nothing new in the equation.

Mr. Lane: Yeah, I think the only, the only question that I had asked was that whether or not the Council had the authority to override anything on Planning, beyond what specifically is pointed out in there, things along the line of street closings and – and zoning matters. But as far as the site stands...

Mr. McFarren: Not in this matter.

Mr. Lane: Yeah, I think it was the...

Mr. McFarren: The horse is long since out of the barn.

Mr. Lane: the predecessor. Okay.

Mr. Foltz: Okay, with that...

Mr. Snyder: Well there is, there is actual, that's the way it was drafted, that you know, council, less council has privy to review it, it has no power to override, by super vote or not, and that's – it was designed specifically to keep it apolitical. And unfortunately, you know, you have to change the subdivision to regs to change that.

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Mr. McFarren: We've got another matter I'm working with a local council on now where he's – he's arguing...that we're trying to basically...retroactively zone, apply zoning. And it's just one of these things where, you know, you can't induce somebody to go forward with a project and then somewhere down the line you – you jerk them up short, they're going to come back at you like a junk yard dog and justifiably so. Again, whether this is a good decision, bad decision, I won't...argue that, it's just a matter of the time for challenging this is long since gone. If there's something wrong with the project that is not complying with existing...regulations, I'm sure Mr. Hemminger and Mr. Benekos would...advise us of that. That's not the case.

Mr. Foltz: Any other comments? Anyone else want to address Council?

Mrs. Hohenberger: My name is Amy Hohenberger and I live at 15, sorry, 1428 Lipton Avenue. Anybody who doesn't know me, I live in the home that is being discussed on Lipton with the crumbling basement. Just a note, we were here two weeks ago, and spoke to the Council and there's been a lot of talk of what they're going to do with our street and yet me and my husband are left in the dark. We have not been told what's happening. I would ask that the Council keep us updated with what's going on, trying to sleep at night, wondering what's happening and what's going on becomes very difficult in our home. So I'd ask, be it on public record, be it after the meeting, that please keep us updated with what's happening...so we understand what's happening to our road and to our home, so that's all I'd like to say.

Mr. Foltz: Okay, thank you. Okay with that, we'll get into old business.

OLD BUSINESS

8. Mr. Foltz: Do we have a motion to read by title only, the second reading of Ordinance 5-07?

Mr. DeOrio moved and Mrs. Magel seconded to read **by title only the second reading** of Ordinance No. 5-07. All members present voting.

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

No: 0

Ordinance No. 5-07 – 1st Reading – Finance & Property

An ordinance authorizing the retention of the overpayment of fines and court costs to the City of North Canton Mayor's Court where such overpayment is ten dollars (\$10.00) or less in excess of the obligation due.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, as you recall, this is a measure to...do a little better job in housekeeping on some overpayments of fine that are much of a nuisance to...try to return.

Mrs. Herr: I think I have this, but I...inaudible...

Mr. DeOrio: And I would encourage us to ...adopt under its second reading Ordinance No. 5-07.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 5-07. All members present voting.

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

No: 0

NEW BUSINESS:

9. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 8-07?

Mr. Lane moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 8-07. All members present voting.

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

No: 0

Ordinance No. 8-07 – 1st Reading – Street & Alley

An ordinance increasing the amount authorized for construction management services for the South Main Street Everhard Road Improvement (STA-CR66-6.30) Project, originally authorized by Ordinance No. 8-05, to an amount not to exceed \$210,466.99, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

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Mr. Lane: Yeah, we talked about this last week in committee and...it's basically a \$9,000 increase and...it - it goes back to work that's already been completed, we owe the money, and because of the situation where we had to carry some - some of the time frame over, it increased the amount, so I would move that we...we approve the ordinance.

Mr. Foltz: Is there any discussion for the...

Mrs. Magel: Yes, I have a question on this, in - I just didn't get an opportunity...well, last week we couldn't. Let's go over this...Ordinance 8-07. It's an ordinance...for construction to increase the amount, you say \$9,000. If I recall, that's what we discussed last week.

Mr. Lane: Right.

Mrs. Magel: For construction management, for the South Main Street Everhard originally authorized by 8-05, in an amount not to exceed \$210,000.

Unidentified: Is it on paper, I think...inaudible...would you...inaudible...certify...inaudible...

Mrs. Magel: I looked up that ordinance No. 8-05, and it has \$185,000.

Mrs. Herr: Let me check, I think I have that.

Mrs. Magel: So, if it goes from 185 to 210, unless there's an ordinance in between...

Mr. Lane: Are we referring to the right ordinance? Maybe we dropped the ball somewhere.

Mr. Snyder: I think we....

Mr. Lane: I thought we increased it at one time.

Mr. Snyder: we increased it once before by forty some thousand dollars, wasn't it? From the...

Mrs. Magel: I couldn't find it.

Mr. Snyder: from the original. Well, the original one was done and then it was set aside because we felt that we could not begin it in a timely manner and finish by November under the 05. And then we did increase it once before.

Mrs. Magel: Okay...

Mr. Snyder: This is for the management of it, this is not for the actual construction.

Mrs. Magel: That's correct.

Mr. Snyder: And if my memory serves me, did they not come back from Central Allied and say they would hold the price but they'd have to raise some of the management, they could hold the actual unit cost but the management had to go up or they couldn't hold it to the following year. It was like 25 or \$30,000, the increase that we had to give them to order them because we weren't going to start it in late July of early August and finish it before Christmas. And I think Central Allied said they would hold the unit cost but the management cost had to go up...that's - and we did increase it at that time.

Mrs. Magel: Okay, so is there another ordinance other than...

Mr. Snyder: Same ordinance, it would be...

Mrs. Magel: 8-05?

Mr. Snyder: well, a...it would be 8-05 it - there'd be a supplementary ordinance to 8-05, I'm sure, increasing it.

Mr. Lane: Jim, what's your memory on that, do you have a...?

Mr. Benekos: Well the management is - is URS, it's not Central Allied.

Mr. Snyder: Yeah.

Mr. Benekos: Central Allied did hold their unit prices through the year...

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Unidentified: What a surprise.

Mrs. Herr: I don't remember that there was another...anything since 8-05, but I'd have to go back and double check.

Mrs. Hines: In – in the...

Mrs. Magel: I tried to find it, or I wouldn't brought it...

Mrs. Hines: In the backup material it has Ordinance No. 21-05.

Mrs. Magel: No that's different.

Mr. DeOrio: No, that's something different.

Mrs. Hines: I must have been...

Mr. Snyder: I thought sure we increased...

Mr. DeOrio: This is the construction management source. I looked through the ordinances for '05 and '06, and I couldn't find a supplement to 8-05.

Mrs. Hines: This was the widening.

Mr. DeOrio: yeah.

Mr. Lane: But I do remember the \$200,000 figure, and not the 180.

Mr. Foltz: Member Lane, is it maybe, do we want to pass this on the first reading and research this?

Mr. Lane: Yeah, we could do that.

Mr. Foltz: This...Council's willing to do that.

Mr. Lane: This is the first I heard any of the – any of the concerns.

Mr. Foltz: We'll – we'll – we'll try to get some answers here, so everyone's at a comfort level.

Mr. Lane: That's fine.

Mrs. Magel: Well, that's fine but...then Jim, or...I also have a...what Susie brought up. It's Ordinance No. 21-05. And that one came from the minutes of the Board of Control meeting, February 5, 2007. I think that's what you're thinking of, Susie. That went up, oh by the way...

Mr. Foltz: It's in our packet.

Mrs. Magel: yeah, it's in our package, yeah.

Mr. Foltz: It's in our packet, isn't it?

Mrs. Magel: It's dated February 5, 2007. Council received it February 9th. Ordinance 21-05...that's a change order, and we're adding \$10,478.01. I just didn't know, Doug if you knew that. That's sorta tied...

Mr. Lane: No, this is the first...inaudible...we've had a week to think about it. I haven't heard about it 'til tonight, so...

Mrs. Magel: Yeah, oh, I understand. I...

Mr. Lane: So, I – I'd just as soon table to be honest with you and we'll bring it up in another week or so.

Mrs. Magel: Okay...

Mr. Lane: If you've got this many concerns, but them down, we'll look through them piece by piece.

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Mrs. Magel: Okay, can I – then I have a couple questions maybe I could ask you, between now and...

Mr. Lane: That's fine.

Mrs. Magel: Okay, thank you.

Mr. Foltz: We – we read it already, do we just make a motion to table it and that's fine?

Mrs. Magel: Oh, sorry.

Mr. Foltz: Okay, do I have a motion to table Ordinance No. 8-07?

Mr. DeOrio moved and Mr. Lane **seconded to table** Ordinance No. 8-07. All members present voting.

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

No: 0

10. Mr. Foltz: Okay, next, we have a motion to read by title only the first reading of Ordinance No. 9-07?

Mr. DeOrio moved and Mrs. Hines **seconded to read by title only the first reading of** Ordinance No. 9-07. All members present voting.

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

No: 0

Ordinance No. 9-07 – 1st Reading – Finance & Property

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 to be authorized, through the Board of Control, to enter into a contract for the purchase of gasoline and diesel fuel for use by all city departments, for either a one (1) year or two (2) year period commencing June 1, 2007.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: At the Committee of the Whole meeting, we talked a - a bit about this...Director of Administration would like the ability to do this on a one year and a two year bid, and then make a decision. There was one correction that needed to be made to the ordinance, looks like it's just a typographical one, but in section 2 in the last sentence, it says either a 1 year or 2 year period commencing June 1, 2005, that should read June 1, 2007. Goes along the line with what was listed in the title, so, this is not on an emergency, so we could give this its reading and amend it for next time.

Mr. Foltz: Very good, do I have a motion to adopt then the first reading of Ordinance No. 9-07?

Mr. DeOrio moved and Mrs. Magel **seconded to adopt the first reading of** Ordinance No. 9-07. All members present voting.

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

No: 0

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

Mr. DeOrio: So moved.

Mrs. Magel: Before we have a reading, I would like it to be – to have...

Mr. DeOrio: Okay.

Mrs. Magel: since it's on emergency, if we could include the...

Mr. Foltz: You want to include the...price?

Mrs. Magel: Dollar amount, to say not to exceed?

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Mr. DeOrio: Okay, then what we would be looking for is – is to amend the title and the body...probably in section 3, That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract to purchase one (1) Dump Truck, at a amount not to exceed \$110,000.00, for use by the Water Department. Then reflect that in the...in the title. Is that what you're looking for?

Mrs. Magel: Yes, thank you.

Mr. Foltz: Gail, for clarification, should we read the title as amended, or do we go to the first reading...

Mrs. Kalpac: Well, you have to make a motion to amend it and then read it as amended, make another motion...

Mr. Foltz: Okay.

Mrs. Kalpac: to read it as amended.

Mr. Foltz: Okay, so we have to go back and do I have a motion to amend the...Ordinance 11-07?

Mr. DeOrio: This is...

Mrs. Kalpac: It's 10, isn't it?

Mr. DeOrio: 10-07. But I would...

Mr. Foltz: Excuse me, 10-07.

Mr. DeOrio: I would move to amend as stipulated.

Mr. Foltz: Is there a second?

Mrs. Hines: Second.

Mr. Foltz: We have a motion to amend and then we have to...

Mrs. Kalpac: Yeah, and then we'll have to have a motion to read by title only...

Mr. Foltz: motion to read as amended.

Mrs. Kalpac: Yes.

Mr. Foltz: Okay, do we have to repeat Chairman DeOrio's statements?

Mrs. Kalpac: No, I....

Mr. Foltz: Okay, do I have a motion then to...

Mrs. Kalpac: We need a roll.

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

Mr. DeOrio moved and Mrs. Hines **seconded to amend the title** of Ordinance No. 10-07 as stipulated. All members present voting.

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

No: 0

Mr. Foltz: and do I have a motion to read by title only the first reading of Ordinance No. 10-07 as amended?

Mr. DeOrio moved and Mrs. Magel **seconded to read by title only the first reading of Ordinance No. 10-07 as amended.** All members present voting.

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

No: 0

Mr. McFarren: So we're going to purchase one dump truck not to exceed 110,000, okay.

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Ordinance No. 10-07 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to purchase one (1) Dump Truck, not to exceed \$110,000.00, for use by the Water Department, within the purview of the Ohio Department of Transportation Cooperative Purchasing Program; 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 to be authorized, through the Board of Control, to enter into a contract for the purchase of one (1) Dump Truck, not to exceed \$110,000.00, for use by the Water Department and declaring the same to be an emergency.

Mr. Foltz: Okay, Chairman DeOrio.

Mr. DeOrio: I think that said it all.

Mr. Foltz: Do I have a motion then to adopt the first reading of Ordinance No. 10-07 as amended?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 10-07 as amended. 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. 10-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 10-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under suspension of the rules for Ordinance No. 10-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under suspension of the rules** for Ordinance No. 10-07. All members present voting.

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

No: 0

Mr. Foltz: I believe then we'll have to amend the next two ordinances if that's the wishes of Chairman DeOrio and Council member Magel, so...

Mr. DeOrio: Yes.

12. Mr. Foltz: May I have a motion to amend the title for the first reading of Ordinance No. ...inaudible...body of the first reading of Ordinance No. 11-07?

Mr. DeOrio: I would move for amendment of Ordinance No. 11-07 to reflect in the title of the ordinance and in section 3, that the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to enter into a contract to purchase one (1) Ford F550 4x4 XL Superduty Bucket Truck, in an amount not to exceed \$90,000.00, for use by the Street Department.

Mr. DeOrio moved and Mrs. Magel seconded to **amend the title for the first reading** of Ordinance No. 11-07. All members present voting.

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

No: 0

Mrs. Herr: I don't know about...inaudible....

Mr. Foltz: Now do I, motion to read by title only the first reading of Ordinance No. 11-07 as amended?

Mr. Wise: ...inaudible... typing it up

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 11-07 as amended. All members present voting.

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

No: 0

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Mrs. Herr: Gail is...inaudible...

Ordinance No. 11-07 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to purchase one (1) 2007 Ford F550 4x4 XL Superduty Bucket Truck, in an amount not to exceed \$90,000.00, for use by the Street Department, within the purview of the Ohio Department of Transportation Cooperative Purchasing Program; 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 to be authorized, through the Board of Control, to enter into a contract for the purchase of one (1) 2007 Ford F550 4x4 XL Superduty Bucket Truck, not to exceed \$90,000.00, for use by the Street Department and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: It says it all.

Mr. Foltz: Then do I have a motion to adopt the first reading of Ordinance No. 11-07 as amended?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 11-07 as amended. 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. 11-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 11-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 11-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 11-07. All members present voting.

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

No: 0

13. Mr. Foltz: Next, may I have a motion to amend the title and body of first reading of Ordinance No. 12-07?

Mrs. Magel moved and Mrs. Hines seconded to **amend the title and body of the first reading** of Ordinance No. 12-07.

Mr. DeOrio: What was the motion? I'm sorry I had a....

Mr. Foltz: To amend...

Mrs. Magel: To amend.

Mr. Snyder: To amend.

Mr. Foltz: the title.

Mr. DeOrio: That's what I thought you said. You want me to read?

Mrs. Kalpac: Magel?

Mr. McFarren: What's the dollar amount?

Mr. DeOrio: Don't we have to....

Mr. Repace: ...inaudible... Magel, yes.

Mr. DeOrio: it's \$100,000.

Mr. Foltz: in case we went for like ...inaudible...

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Mr. McFarren: For...12, 12-07, is 100,000?

Mr. Wise: Yes.

Mrs. Magel: And you want it in section 3 also?

Mr. DeOrio: No, I'd like it in section 1.

Mrs. Magel: Section 1?

Mr. DeOrio: That's shorter than section 3.

Mrs. Magel: Okay.

Mr. DeOrio: Should I read what the amendment language?

Mr. Foltz: I'll ask the Clerk, we can read this now?

Mr. Snyder: You have to vote to amend it first.

Mrs. Kalpac: Yeah.

Mr. DeOrio: Wouldn't you have to know what the amendment is?

Mr. Snyder: Yeah.

Mr. DeOri: That the Mayor of the City of North Canton, through the Board of Control, be, and is hereby authorized to purchase four (4) Marked Cruisers, for use by the Police Department, at an amount not to exceed \$100,000.00.

Mrs. Kalpac: Okay.

All members present voting.

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

No: 0

Mr. Foltz: Now, may I have a motion to read by title only the first reading of Ordinance No. 12-07 as amended?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 12-07 as amended. All members present voting.

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

No: 0

Ordinance No. 12-07 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to purchase four (4) Marked Cruisers, for use by the Police Department, not to exceed \$100,000.00, within the purview of the Ohio Cooperative Purchase Act; or, authorizing the Mayor of the City of North Canton, through the Board of Control, to purchase four (4) Marked Cruisers, for use by the Police Department, not to exceed \$100,000.00, from a vendor that if they are at a lower price than state bid contract and if they are at equivalent terms, conditions, and specifications as authorized by Ohio Revised Code 125.04; 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 four (4) Marked Cruisers, for use by the Police Department, not to exceed \$100,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Well said.

Mr. Foltz: Well said? Then do I have a motion to adopt the first reading of Ordinance No. 12-07 as amended?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 12-07 as amended. All members present voting.

Yes: Snyder, DeOrion, 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. 12-07?

Mrs. Hines moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 12-07. All members present voting.

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

No: 0

Mr. Foltz: Now may I have a motion to adopt under the suspension of the rules for Ordinance No. 12-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 12-07. All members present voting.

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

No: 0

REPORTS:

Mr. Foltz: Okay, very good. A couple reports here...as we know, next Monday is President's Day, so I would like a...voice vote, excuse me, to change the meeting date from Monday, February 19, 2007 to Tuesday, February 20, 2007, same time 7 p.m.

Mr. DeOrio moved and Mr. Lane seconded to **change the Committee of the Whole meeting** from Monday, February 19, 2007 to Tuesday, February 20, 2007. All members present voting.

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

No: 0

Mr. Foltz: Also to note...we have our usual meeting, it's going to be tomorrow at the Civic Center Mack Room, at 5:45 for the CIC meeting which is open to the public. I believe at that time, at this time, excuse me, we'd like to...have a motion to waive the rental fees, for us to have our meeting there. Just so we're crossing "t's" and dotting "i's" here, so. Do I have motion on the floor that the CIC can meet there, with a waiver of fees?

Mr. Snyder: Are you going to get behind the Girl Scout?

Mr. Foltz: No motion? I guess we won't be meeting there.

Mrs. Hines: I'll move. Now second. It's city, isn't it?

Mr. Foltz: We'll follow the wishes of Council, if not we'll meet here. I - I don't know there's a - there's time to change this date with the public. Gail, I'll defer to you, what do you think? I don't see any support from Council to waive that fee, so.

Mrs. Kalpac: Randy?

Mr. McFarren: I think you got a notice problem.

Mr. Foltz: We have a notice, 'cause there's not 24 hours before the meeting?

Mr. McFarren: Yep, change in location.

Mr. Foltz: Well, what we'll do then is...

Mr. Repace: I'll - I'll just second it so we can have our meeting. It - it's a second. I'll second her motion.

Mr. Foltz: Second that motion?

Mr. Repace: Yeah.

Mrs. Magel: Conflict.

Mr. Foltz: I need the votes yet.

Mrs. Herr: That's half the battle.

Mrs. Kalpac: Lane?

Mr. DeOrio: Is this a one time? Are we voting, or is there more discussion?

Mr. Lane: yeah, we're voting.

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Mr. DeOrio: We're voting?

Mrs. Hines: Right now, it's a one time.

Mrs. Kalpac: Lane?

Mr. DeOrio: Is this a one time? Is that how you read it?

Mr. Snyder: Wait a minute, before they get to ...inaudible...

Mr. Foltz: Well, we met, the first meeting was there.

Mr. DeOrio: So you're waiving that one?

Mr. Foltz: I mean, if there's - if there's a...

Mr. Repace: How 'bout this? If -- if this is going to become an issue...

Mr. Foltz: Just meet out here.

Mr. Repace: then let's find another place to meet, but let's -- let's get through the meeting...tomorrow and then...for the future, you know, maybe not meet there, if that's going to become an issue.

Mr. Lane: Well here's the thing...

Mr. Repace: 'Cause I don't think anybody's trying to create...

Mr. Foltz: Right. I don't....

Mr. Lane: But they've been having regular...

Mr. Repace: controversy.

Mr. Lane: meetings there anyway, so why --

Mr. Foltz: Excuse me?

Mr. Lane: They've been having regular meetings there anyway. Why wouldn't we be invited to that meeting, why do we need to...

Mr. Foltz: You are invited to the meeting tomorrow.

Mr. Lane: No, I'm saying, why would there be a cost to us? Because if they're having regular meetings there anyway. You're saying this is a special meeting for that night?

Mr. Foltz: No, we've had -- we had the first meeting there last month...I think there's -- it was brought to my attention just to...clarify that we do charge for that.

Mr. Snyder: Well, the ordinance is very clear that the property is to be charged for anytime it's used and the rental fee is waived, but they pay for the cleanup. The CIC, if I recall, is a separate entity, it's not public entity. That's a private entity 5013c. Incorporated in the...federal and state of Ohio, it is not a city owned company. That is private entity, same as the Girl Scouts, Boy Scouts, anyone else. And the ordinance is very clear that the property only can be used free of charge, if the waiver is given by Council.

Mr. Foltz: I believe we met at the Mack Room last month 'cause there was a conflict with a -- there's a Thursday night meeting here....inaudible...

Mr. Snyder: Well, you know, the thing is, the simplest thing is to do is if, you know, is if you're going to have a meeting there is, a week or two before the meeting, send a note in, the fee can be waived. That's not a -- I don't think it's a problem of the fee -- I think it's a procedural call.

Mr. Repace: Yeah, but I don't want to get in the habit of...waiving the fee for, you know, what about the next group that comes forward...

Mr. Lane: Exactly.

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Mr. Repace: with the same argument? You know, if this is going to be a one time shot, then you know, since it's been advertised and everything to this point, I think, you know, maybe we should take that under consideration, but if it's going to become a fact of life here, I - I think we need to find another place to meet. 'Cause - 'cause I - I don't want another group to come forward say wait a minute, what makes you better than us?

Mr. Lane: Absolutely.

Mr. Foltz: You know, we can meet tomorrow night or move the meeting and meet at - if we could meet here. I - I don't care at this point.

Mr. Repace: I don't care where we meet, we could meet out in the parking lot, I don't care...

Mr. Foltz: But there's...

Mr. Repace: it don't matter.

Mr. Lane: Bring - bring a snow shovel.

Mr. Foltz: if - if we're - if we're going to meet tomorrow, we - we can't meet tomorrow unless it's there, I mean...

Mr. Repace: Bring your snow shovels.

Mr. Foltz: Yeah, Member...Repase, we can't meet there tomorrow if we don't have an approval through Council, because we'll...

Mr. Repace: Well, and that's...

Mr. Lane: Well, you can meet there, you just have to pay the bill.

Mrs. Hines: How much, how much is it?

Mr. Foltz: We need - we need to notify the public.

Mrs. Hines: How much is it? The rental for the Mack Room?

Mr. Snyder: Probably about 550.

Mr. Lane: No, not for that room.

Mr. Foltz: No, that - this is the small room, the Mack room. No.

Mr. Snyder: Oh, the Mack - I thought you were in the big building.

Mr. Foltz: This isn't the Civic.

Mrs. Hines: No, the Mack room.

Mr. Snyder: A couple hundred.

Mr. Repace: I think the public would understand, you know that - that - that this isn't going to become a habit, and we're, you know, since it's been advertised, you know, maybe go forward...

Mr. Foltz: Well, if...

Mr. Repace: If - if Council feels that way. I'm not trying to...

Mr. Foltz: I understand.

Mr. Repace: You know, I've been called a bully; I don't want to try to bully anybody up here. You know, it just it's - it's been publicly announced. We met there last time, and you know...

Mr. Snyder: inaudible...

Mr. Repace: I don't think any of us really thought of that being an issue. Now that it's been brought to our attention we need to address it, we need to do what's right, and let's do what's right...

Mrs. Herr: Yeah really, that's true.

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Mr. Repace: and end it.

Mr. McFarren: Yeah. Somewhere the train jumped the track...

Mr. Foltz: No, I agree, so it's a matter of whether we're meeting here tomorrow or meeting somewhere else later in the week. So...

Mr. Lane: Well, you've got a number of people on this committee I think that are going to be making a presentation. Correct? Isn't that what part of this is tomorrow night? Maybe I'm confusing meetings. But I thought the – the Task Force, right?

Mr. Foltz: Eric, if you want to address the content...

Mr. Bowles: Yeah.

Mr. Foltz: of the meeting to...

Mr. Lane: Yeah, can you explain?

Mr. Foltz: Council, you can come up and address...inaudible...

Mr. Lane: That would help us make a decision.

Mr. Bowles: There'll be some new business and old business and part of the new business will be...a sub-committee at the North Canton Area Chamber of Commerce will be presenting recommendations to the CIC.

Mr. Foltz: Okay, so, if Council wants to allow us, we'll waive the fee for tomorrow, then we'll pick – we'll – we'll meet somewhere...next meeting.

Mr. Lane: What does our Law Director feel, are we opening the door on this thing?

Mr. McFarren: Well I think the train jumped...

Mr. Lane: Because of what Mr. Snyder said?

Mr. McFarren: I think the train jumped the track here somewhere, and I'm not quite sure where.

Mr. Lane: Well, I'm sure it wasn't intentional.

Mr. McFarren: If – if this is – if this is a private entity, then why are we concerned about notice and public meeting ...

Mr. Foltz: ...inaudible... we have public...

Mr. McFarren: and all that kind of stuff.

Mr. Snyder: The by – the bylaws of the CIC require that the meetings be held open to the public. It does not necessarily say, and I'm not an attorney...

Mr. McFarren: Right.

Mr. Snyder: but it doesn't say...

Mr. McFarren: You're right, there is a distinction there, Jon.

Mr. Snyder: Right,

Mr. McFarren: There is a distinction.

Mr. Snyder: Right, it does not say that it's subject to the Sunshine Law which would be needing notification and place. It does say that they will advertise to the public and permit the public to attend unless they're going to executive session.

Mr. McFarren: Eric?

Mr. Snyder: But nowhere does it say that they have to – that they're subject to the Sunshine Laws.

Mr. McFarren: Help, Eric.

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Mr. Bowles: Councilman Snyder's correct, the meetings are open to the public, however, the regulations of the North Canton Community Improvement Corporation indicate, and they do state clearly, that the meetings are to be...notice for the meetings are being – to be conducted the exact same way as special meetings for the City Council.

Mr. Snyder: Then you're stuck.

Mr. Bowles: ...inaudible...

Mr. McFarren: Well, that's a distinction – that's a distinction we were just discussing here, you can have the same requirements. Go ahead and waive on it on this one, and we'll sort it out afterwards. But something's amiss.

Mrs. Kalpac: Ready?

Mr. Foltz: Yeah, is there a motion and a second to waive it...for tomorrow evening?

Mrs. Kalpac: Lane?

Mr. Lane: Yes.

Mr. McFarren: For tomorrow night.

Mr. Foltz: Right, right.

Mrs. Kalpac: Magel?

Mrs. Magel: Did you already vote?

Mr. Lane: Yeah, yes.

Mrs. Magel: No.

Mrs. Kalpac: Repace?

Mr. Repace: Yes.

Mrs. Kalpac: Snyder?

Mr. Snyder: Yes.

Mrs. Kalpac: DeOrio?

Mr. DeOrio: No

Mrs. Kalpac: Foltz?

Mr. Foltz: Yes.

Mrs. Kalpac: Hines.

Mrs. Hines: Yes.

REPORTS :

Mr. Foltz: Okay, with that done, we'll move on to reports. Law Director?

Mr. McFarren: No report.

Mr. Foltz: Finance Director?

Mrs. Herr: No report.

Mr. Foltz: Administrator?

Mr. Wise: No report.

Mr. Foltz: Mayor:

Mayor Held: Yes, I'd like to thank...Township Trustee Lou Giavasis for his attendance at the meeting and I do look forward to...working cooperatively with Plain Township in any areas that...would be a joint venture as far as service to our residents in Plain Township and also ways that we can cooperate in order to bring about...cost savings, not only to the City of North Canton, but also to Plain Township. Thank you, that's all.

Mr. Foltz: City Engineer Jim Benekos?

Mr. Benekos: No report.

REPORTS – COUNCIL:

Mr. Foltz: Gall, any comments?

Mrs. Kalpac: No.

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Mr. Foltz: Member Lane?

Mr. Lane: I'm assuming we're set for tomorrow. Right? That's snow-wise, not the meeting, but snow...

Unidentified: salt?

Mr. Lane: which could cancel the meeting.

Mr. Wise: Yes.

Mr. Foltz: You know, that might happen anyways, so.

Mr. Lane: Exactly right.

Mr. Foltz: We can't drive down the streets...

Mr. Lane: Could – could be on saving grace in this one so...

Mr. Foltz: we won't be able to attend the meeting...inaudible...

Mr. Lane: yeah, but I – I think it's anywhere 7 to 14 inches of snow, I've heard between tomorrow afternoon and...

Mrs. Magel: What?

Mr. Lane: and Wednesday, so it'll be our first biggie...

Mr. Repace: We're getting a lot of snow.

Mr. Lane: I think for awhile.

Mr. Wise: If we get that much snow, salt's not going to be the issue.

Mr. Lane: No, I'm not talking about salt, I'm talking about plows.

Mr. Foltz: Right.

Mr. Snyder: We have plenty of salt. We got enough.

Mr. Foltz: You won't put salt down for awhile.

Mr. Wise: I – I – I think Joe's already lining up the drivers and the ...inaudible...

Mr. Foltz: Member Snyder?

Mr. Snyder: No. I have nothing.

Mr. Foltz: Member DeOrio.

Mr. DeOrio: Yes, one of the...equipment ordinances that we didn't have included tonight was for the ambulance, just an update, that – that Julie's getting information on the leasing part of that and as soon as we have that completed we'll – that should be out, hopefully soon. Also got a – a fax from...Eric Bowles regarding, and I'm going to update Council on this, regarding the...CDBG funding for the Woodrow Waterline Improvement project. And there's, as – I think you recall that he had updated us...not in the too distant recent past here of...timetables being compressed and we needed to kind of get something moving. He talked about...working out something with Regional Planning, if we could...find a way to...get that project engineered that we would likely get a grant for I think it was a 50% grant for half of that. Talked with Julie today a little bit about that and of course, as you recall, one of the line items that we put...in Council's budget was for grant applications, and we put \$125,000 in there...so I would just direct you that that's already been appropriated, wouldn't, doesn't require any...you know, supplemental appropriation, it's already been accounted for if – if that's some – something you feel is worthwhile and you want to apply for it out of there, then Administration can you know, go right to town on it. So, just want let everybody in Council know that, that that was the reason why we, one of the reasons why we created that line item is to put some money there, and as they find grant opportunities they can apply for them.

Mrs. Herr: Can I say something about that?

Mr. Foltz: Sure, Finance Director.

Mrs. Herr: That is correct, I – I did mention that to him, that we do have that funding, but after talking with...Engineer Benekos, he kind of reminded me that this is a waterline, ultimately that is being constructed and...I would prefer to use water funds to pay for the design for this project and...

Mr. DeOrio: Okay.

Mrs. Herr: even though we don't have money, similar money in the budget for the water funds...there is money that can be appropriated because there's been some cost savings on a project that we encumbered, we pay for the upsizing for the waterline with the Gateway Development, and we're saving about \$55,000, that's going to go back into the water expansion replacement improvement fund. And so, and this I just learned since talking with

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you and that's – and I didn't have a chance to tell you, but I would prefer...that we would...do a supplemental appropriation for the 35,000 or whatever the amount of the design is out of that fund rather than taking it from that grant money that was...in the capital improvement fund, since it is a waterline that is – is going to be constructed. And again this money that we just found out that we'll be saving through that...project and – and I would like to use that money and re-appropriate that.

Mr. Foltz: For the record, I will say that...this was brought up within recent weeks and I'd like to go on record to say there was four projects to look at, one would be Lipton, the other one would be...it's on Eastwoods, I believe, Member Lane, the other one being Irondale, and I guess this – this project here, and I was on the record to look, make sure we had money for all of them, to do any of them. With that – it's a request from the Administration and Eric Bowles, I'd be more than happy to entertain...inaudible...council, what I'd like to see the legislative request or the – the budget transfer come from the Administration on this. Okay? That said, any other comments?

Mr. DeOrio: That's it.

Mr. Foltz: Member Hines?

Mrs. Hines: I just want to mention that the Charter Review Commission continues...Thursday the 15th at 7 in Council chambers...this week they will be discussing Article 3, sections 3.01 and 3.02, with the roles, powers of mayor and director of administration and ...they are not just rubber stamping everything that's in there, taking a thorough investigation into possibilities. And anyone is welcome to come and you can – you need to sign in, I think to do public speaks, which is after the meeting is...

Mr. McFarren: ...inaudible...

Mrs. Herr: ...inaudible...

Mrs. Hines: – is conducted but not quite over.

Mr. Foltz: Very good, thank you. Member Repace?

Mr. Repace: No report.

Mr. Foltz: Member Magel?

Mrs. Magel: Yeah, I would like to thank the Administration...I received a phone call from a Willa Goodlet from Ashford Circle, apparently the street department was there...all day today, busting up...ice...it's in the Chatham area and ...as I had said, that the entire Chatham area also is having – experiencing flooding and...sewer problems. Apparently an entire street was...iced over from the overflow...and the street department did the right thing and had them call their chairperson and I will be meeting her and she will be putting this in writing so, I appreciate you, anything that you did for – for her and the street department did for her. Thank you.

Mr. Foltz: Very good. Any final call for new business from Council or Administration?

ADJOURN:

Mr. Foltz: Seeing none, do I have a motion to adjourn?

Mr. DeOrio moved and Mr. Repace seconded to adjourn the meeting. All members present voting:

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

No: 0

Meeting adjourned at 8:52 p.m.

PRESIDENT OF COUNCIL

ATTEST:

Gail M. Repace
CLERK OF COUNCIL

2/23/07 ev