

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, February 26 7:00 p.m.

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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. Thomas L. Douce, Interfaith Campus Ministry.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. The following members of Council responded to roll call: DeOrio, Foltz, Hines, Lane, 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, Assistant Clerk of Council Vanderground and Clerk of Council Kalpac.

Mr. Foltz: I'd ask Council to...make a motion to excuse...Council member Kathy Magel, she's as we know...rehabilitating from an injury and...hopefully we'll expect her sooner than later, but she's working hard and hopes to be back in our Council as soon as she can, so with that, is there a motion to excuse?

Mr. Snyder moved and Mr. DeOrio seconded to **excuse Council member Magel** from the February 26, 2007 meeting. All members present voting.

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

No: 0

5. Consideration

Council Meeting: February 12, 2007

Financial Statement: January, 2007

Mr. Foltz: Ask Council for consideration to approve the Council Meeting minutes of February 12, 2007 and our Financial Statement from January, 2007.

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

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

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 20, 2007.

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meetings held February 12, 2007 and February 20, 2007.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held January 29, 2007 and February 20, 2007.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims meeting held February 20, 2007.

Park & Recreation Committee: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meetings held February 20, 2007.

Personnel & Safety: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings held February 20, 2007.

Street & Alley: Refer to the minutes on file in the Council Office of the Street & Alley Committee meetings held February 20, 2007.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish meeting held February 20, 2007.

Mr. Foltz: Request approval as presented the following committee report minutes Executive Session Personnel & Safety, February 20, 2007; Community & Economic Development from February 12, 2007 and February 20, 2007; Finance & Property, January 29, 2007 and February 20, 2007; Ordinance Rules & Claims, February 20, 2007; Park & Recreation, February 20, 2007; Personnel & Safety, February 20, 2007; Street & Alley, February 20, 2007; and Water, Sewer & Rubbish, February 20, 2007.

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

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

No: 0

7. Recognition of Visitors

Mr. Foltz: Recognition of Visitors. Public is welcome to come up and address Council this evening, please state your name and address and look forward to your comments.

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street S.E., North Canton, Ohio. I would like to...begin my comments tonight with an apology to Council President Doug Foltz, to this Council, and to the citizens of North Canton. Two weeks ago I made comments from the audience on two occasions during the Community and Economic Development committee meeting without being recognized to speak. Mr. Repace, as Chairman of that committee I apologize to you, as well. During the regular City Council meeting that followed, I attempted to follow up my recognized presentation with one additional comment. I recognize that no meeting can be conducted in that manner and I assure you, Council President Foltz, I will – that I will maintain the decorum that is needed in future public meetings at which I am present. With that being said, I would like to ask that this Council not penalize the citizens of this community by revamping the rule for public speaks in the manner that you now propose. Citizens of this community have enjoyed the opportunity to attend City Council meetings and speak publicly to their elected leaders for 46 years. From my perspective this has not been a problem. Since I have had the pleasure to sit on this council, as well as in the audience, I think I can say that I have a good – pretty good perspective from both sides. Do I think there is a problem with public speaks? Yes. I believe there is a problem and that problem is a lack of transparency – transparency and accountability in the proceedings of North Canton City government that has developed in the last few years. Having attended nearly every single council meeting since 2001, I can say that the public for which each and every one of you work is being allowed less and less input into the policy making decisions of their government. I hope you realize that this body is conducting the public's business. This Council should understand that there are citizens who care about the quality and quantity of the debate that goes on in – into each and every decision that is made up here on behalf of the – of its citizens. What I have observed in the six years of Council meetings that I have attended is that the public has been losing the opportunity to provide input on public business that is conducted in this chamber. The public has lost the opportunity to speak at Council of the Whole meetings, when proposed legislation is being discussed. The opportunity to speak during Council of the Whole meetings was unimpeded until just a few short years ago. Unfortunately the public is no longer allowed to speak at any of the Council of the Whole meetings. There are exceptions made at the Council of the Whole meetings, for certain people to be recognized to speak. Residents and non-residents alike, who are in good graces with those in power, and who support the favored agenda of Council are allowed to speak. Individuals who heap – who heap praise on everything their elected leaders do, are allowed to speak. The...the criteria that this Council uses to decide who shall be allowed to speak and who should not, is obvious to all who attend Council meetings. This is not a rule, but a practice that has crept into the use in the last few years that muzzles the public and stifles honest discussion and debate. It tells citizens that your input is not needed. It tells citizens that their elected officials, as members of Council, do not care to hear what the public thinks on issues that come before them. With this gag practice in place for public speaks at Council of the Whole meetings, I regularly encounter citizens who attend a Council meeting, hoping to speak publicly, who are surprised to learn that they are not allowed to speak. They are told they must come back next week for the regular Council meeting. For most citizens, this is one of the few meetings that they have attended in years, or maybe this was their very first meeting. I'm sure they are disappointed to find out that North Canton City government prefers that citizens not participate in their government. And of course, they leave the meeting without ever coming back. The opportunity for the public to speak at the end of regular Council meeting titled Final Call for New Business is another practice that is no longer permitting. This is another lost opportunity for the public that has crept into practice and this again, muzzles the public and stifles input from community residents. In Council meetings of years past, elderly residents would often come up to speak before the close of the meeting and comment on issues that were important to them or simply offer pearls of wisdom from their years of knowledge of the City. Public speaks at the Last Call for Business is no longer permitted. What does the continuing loss of opportunities for the public to speak before this Council say to the very residents they represent? Ordinance 15-07 is now before this body. This Ordinance seeks to place a time limit on the only remaining opportunity for the public to speak before this Council. What problem are you trying to correct? I believe you are manufacturing a problem to justify your actions. The out of order comments I made from the audience two weeks ago did not occur during the Recognition of Visitors portion of a regular Council meeting, but at a Council of the Whole committee meeting. And you President Foltz, had all the necessary authority to deal with it. You dealt with it, and that should be the end of it. Why

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change the Recognition of Visitors portion of the regular Council meeting? Is this the legacy that you want to leave behind? Do you actually want to trample on the public's opportunity to participate in their government just to stop one citizen? This proposed change to the public's opportunity to speak before Council would create more harm than good. Surely, some of you on Council can see that. If you were to make changes to public comments at Council meetings, the changes should be to restore previously lost opportunities for the public to speak and not curtail what little opportunity remain...that remains. It would seem to me that this Council has more pressing issues facing this City to address than limiting the remaining opportunity that the public has to address this Council. I assure you, President Foltz, and all of this Council, that I will not speak out of order in the future. There is simply no good reason to take drastic measures to further curtail the public's opportunity to speak. Do not let it be said that this Council continued to allow the erosion of opportunities for the public to speak before this Council or future councils. Do not make this your legacy. I do have...one other comment. President Foltz has continued to feel and state that he feels that certain individuals are making personal attacks. And I must say, when you become a member of Council, you...still are an individual. We should have seven independent thinking people up here, who vote and voice their opinion based on their knowledge and their convictions. You don't just melt into one body up here. And just because an individual addresses a situation to one single member is not a personal attack. And I hope you can agree with that. Mr. Foltz, Mrs. Magel who's not here, Mr. Snyder, if you want a perfect example of a personal attack, go back and look at the...Council minutes for January 14, 2002 and March 24th of 2003. This Council allowed a neighbor of mine to come up here and truly make a personal attack. The personal attack in 2003 went on for so long, that an 85 year old man who was here in the audience that night, made it to his feet and stood up and asked that the attack be just stopped. And I have the minutes here for you, and I'll - I'll leave that with you. I wholeheartedly agree with you, Mr. Foltz, personal attacks, this is not the place for them. But when the public is speaking to you on issues that you have decided or you are in the process of making a decision on, just because they focus out that individual, doesn't mean it's a personal attack. I'll leave this with the Clerk of Council. Thank you.

Mr. Foltz: Okay. Appreciate your comments. Anyone like to address any of them here this evening? I will address a few of them here. I appreciate your apology Mr. Osborne, but it's not going to change my thinking as far as...what we do with the time limit. I don't know why North Canton's being singled out as taking away free speech in this community when we have...five other cities that have public speaks that are five minutes or less, and we're actually less restrictive than they are, in the sense that we don't have a sign-up prior to the start of the meeting, or we do not have a topic restriction. Another thing I'd like to add is that we're all here after the committee meetings, before the committee meetings, after the Council meetings, and before the Council meetings. My number's in the phone book. I live on Werstler. Anybody can call me at anytime on any issue. This is just a more orderly way to address public speaks. By limiting it to five minutes, I believe more people can address Council in a timely manner and I just don't see where we're taking away anybody's ability to be concise and to the point on the issues they want to address. In fact, Mrs. Burnett brought this up, I believe, two meetings ago, and that three minutes would be sufficient, but I think this body's looked at five minutes and it's available for first reading tonight and I appreciate any comments that Council might have, or the general public. With that, who else would like to address Council this evening?

Mr. Seran: I would.

Mr. Foltz: Alright sir. Please state your name and address.

Mr. Seran: Yeah. My name is Chet Seran, I live at 3602 Heatherwood Circle, and...the reason I'm here was I received a phone call today saying that our annexation that we applied for last year was not going to be put through Council. So I really become upset over this, and I jumped on the phone and I started making a bunch of calls. I called an attorney in Canton, talked to him for pretty close an hour, he's a friend of mine. And the way I understand it is, that you guys don't have all the say so on this. You must present it to the County Commissioners, then there's a hearing by the County Commissioners, whether it's rejected, anybody can show up, and I understand there's only one person here that decided that this wasn't going to be before the Council. Now, there was also a statement made here at the last meeting that all the people down there was old, and it doesn't matter because they're old, they're all retired. There's only three of us in the whole block that's retired. Three of us. All the rest have children, families, some even work in North Canton. My wife's still employed. And so I - I - I really don't see the problem, because...the year before that - before administration was changed here, we was told that we was already through to North Canton. We signed the papers, the administration changed, the papers got left on somebody's desk. So we was told we was annexed. And...it never went through. So we reapplied, we did the petition, I did the petition. I went door to door to door. We need - we was told by North Canton here, your legal department, we needed 51%. I think we got 63 or 65%. There's a couple of old people live at the end of the street, wouldn't sign it, they're never going to sign it. Okay? But everybody on the block, the problem is, guys, that the police and fire go right by

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our house, within 50 feet. Can't use them. Last year I almost died. My wife needed an E-squad. So she calls. North Canton says, whoop, you got to call Plain. We call Plain Township. Guess who don't show? Plain Township, and I didn't have long to get to the hospital. Jackson shows up. So Jackson's working on me, okay, in the house, getting ready to transport me, putting IV's, finally Plain shows up. That's a second time. If – if we need law enforcement there, and there has been times in the community that we need it, there's a two hour wait on the – on the sheriff department out of Plain Township. There's no benefits in Plain Township that we can see. You people can benefit from income tax, property tax, there's a lot of people still working in our area. They're not all retired. So, we would like you to reconsider this and follow the law, send it to the County Commissioners where it's supposed to go. It's not supposed to dead-end right here. They're the ones that make the decision. They're the ones that'll put the meeting on. So I'm asking you people not to do this to us. This is not right. This is not right. So I'm asking here, tonight, to send it down to the County Commissioners where it's supposed to go. Thank you.

Mr. Foltz: Okay, thank you sir. Any comments from Administration? Council?

Mayor Held: Yes, I – I would like to comment. First off, I do appreciate the time that you – that you've taken to come up and share your feelings with us. There is a – a contract that's been presented to City Council that we've been looking at...at the – at the previous meeting in reference to annexations, but there has not been any final decisions made as far as prohibiting any annexations that we've been working on or the previous Administration has started that we might be...following up on at this point. And so, as of today, there hasn't been any decisions as to whether or not we're going to move ahead with annexations or not move ahead with annexations because of an agreement with Plain Township, but it is under review right now.

Mr. Seran: Okay, the way – the way...

Mr. Foltz: Sir...

Mr. Seran: I understood it is...

Mr. Foltz: Sir, sir, I'm sorry, I should've addressed this with you, you're new to Council here, but we're – once you have your public speaking session, we'll comment and that's the end of the discussion unless you want to stay later and address this with Mayor Held or somebody on Council. We'll try to answer your questions right now as best we can but, that's the forum that we're – that I'm using right now as far as the meeting's concerned. So, I appreciate you wanting to ask follow-up questions but that's just not what we're going to do tonight. Okay? That doesn't take away that - what you've said earlier and we're taking that consideration obviously, so.

Mayor Held: Okay, thank you. And – and then the other point is...certainly...I most appreciate, and I know the people of North Canton appreciate, the fact that you have a desire to come into the City, because...we do take great pride in the services that we provide here to our residents and – and I just thank you for your – for your desire and also the residents on your street...that...have taken an active role into...the annexation into our City, so thank you.

Mr. Foltz: Okay, thank you Mayor. Mrs. Burnett, you had your hand raised, like to address Council this evening?

Mr. Benekos: ...inaudible..CEDA with the Township.

Mayor Held: Okay.

Unidentified: Here's an idea.

Mrs. Burnett: I'm Suzanne Burnett, I'm from Pierce Avenue, and I...appreciate the opportunity to speak to City Council. I do not think it would improper for you to have a time limit on the amount of time...that a person addresses you because I think it's possible, with careful editing and careful thought ahead of time, to have remarks prepared which can be made within a five minute frame. Sometimes Mr. Osborne gets carried away with his enthusiasm and I think he forgets that he has talked longer than he has. I'm giving him the benefit of the doubt. I appreciate his concern for the City, he has sat on City Council, he knows you have business to take care of, more than just listening to us, and there are plenty of opportunities for us to express ourselves to all of you as individuals. I hope that you will consider some sort of time limit. We need decorum and the public needs to know its place. Thank you.

Mr. Foltz: Thank you. Comments? None?

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Mr. Daniluk: George Daniluk, 502 Werstler. I can't believe what I'm witnessing here tonight. I'd like to make a few comments about the proposed limitations on public speaking and why I feel it is wrong. I have attended more Council meetings than any of you sitting up there, with exception of Mr. Snyder and Mr. Foltz. Over the years, I notice that each Council as a group takes on its own personality. I once worked for a company that had a co-op program, where high school students went to school in the morning, and worked for a local company in the afternoon. The purpose was to expose them to the working world. At the end of the school year, we had a dinner banquet to show our appreciation for their participation. Students were asked to voluntarily make a comment on their experience in the program. One lady stood and said "you have to learn to work with people whether you like them or not". And that was thirty years ago. And we still haven't learned. Years ago, I...used to listen to Larry King's radio talk show. If a caller dwelled on a subject that Larry didn't agree with or couldn't argue against, he would cut the caller off and call them a whacko. Still a popular tool. Our local newspaper, I wasn't going to read all of this, but I am. Our local newspaper reported that no member of Council would single out any particular person as the reason to put limitations on public speaking. I think it's obvious why this is being done. When you are elected to a Council position, being exposed to public opinion becomes an unavoidable part of the territory. At the same time, what some of you may think is disruptive, may be informative to others. People have questions and concerns, seek answers from Council. I believe public questions deserve an answer in public, or at least a promise of one. On too many occasions, questions have been raised with no response. Is this...it's as if there was a unmentioned code of silence. There was a time when the public was permitted to make comments at the end of the Council meeting. That was abruptly discontinued. We are now going to be restricted on how long we can speak, and on the...content of the message. There will be no debating, rebuttals to any comments. This pretty much parallels what Chuck has been saying, and I...I - what is to be gained by limiting a ten minute presentation to five minutes? If you don't like what you hear in five minutes, will you then reduce it to three? You can't hide behind a time restraint simply because you don't like the content of the message or even the messenger. Shouting from the audience during a Council session should not be tolerated, but I feel some of the outbursts are due to the frustration of not being able to get Council's attention by any other means. I am impressed by the patience of the Lipton Street residents and others who have had issues for years. But being overly patient sometime gets you nowhere. Council meetings should certainly be managed but not rigidly controlled. It shouldn't be so different for someone to state their case and get an honest response and move on, what's so difficult for that? If a time limit rule is - is established, I hope it will not be selectively imposed and monitored. Thank you.

Mr. Foltz: Okay, thank you. Comments or questions? Okay, anyone else like to address Council this evening?

Mr. Hohenberger: Nick Hohenberger, 1428 Lipton Avenue. First, get us off in a more positive note...would like to thank the City for, two weeks ago, I felt that the job the City did for keeping the road plowed during the snow storm was spectacular considering some of the other area roads I traveled through, both down in Canton, up in Kent and their surrounding areas. North Canton was by far the best plowed streets and most well kept streets during that time. Now to hit a more serious note for me...once again to bring up the issue of Lipton Avenue, and the...growing concern that we have with this continually being seen from our view of it, being pushed off further and further. When I'm told, in my own house by certain members of Council that in order to get this moving and to get this done this year, to at least have the storm sewers put in, to help alleviate some of our water problems, that something has to be done and put through Council by the end of February, to at least get it on the books, get money budgeted for it, to get engineering started on it. Now we're hearing because they can't seem to find money that we'll hopefully be able to do it in April and should be no problem to get this done yet before the end of the year. But yet when we ask members of the Administration how feasible this is, they're telling us not - that it would not be possible but it would be extremely difficult to accomplish it in this time frame. This has been a problem that the Council has been aware of since 1997 when Lipton Avenue first appeared on budgets to be engineered and to have the whole street redone. During that time it went back and forth between just having storm sewers put in to having the whole street done and back to, in 2000 - at the end of 2002, completely disappearing for the budget for unknown reasons. I brought with me this evening, for those who have not been to our house, to see it, this is the foundation of my house. I ask how many of you can go to your house, reach into your foundation wall and put it in a zip-loc bag to bring and show other people. For this Council to ask us to wait another year and hope that we can fix our problem, so we can bring professionals in, to come in and completely fix our foundation, is asking too much as far as we're concerned at this point. Anymore, we live month by month not knowing how bad the damage is going to get. After remodeling our kitchen, we gradually see as time goes by, more and more separation as the house seems to sink on one side. Although we can't conclusively say it is due to the deteriorating foundation on the one side of the house, logic would point you in that way. When the City sits here and talks about spending \$25,000 for a sign, and people's houses are eroding and falling apart, I do have an issue with that. This Council should be first of all, protecting its residents' homes to ensure that they're going to be there to help collect money for taxes, property taxes, income taxes, and that stuff

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down the road. We've heard saying in here that we have to be cautious, not knowing what's going on across the street, we can't spend money frivolously, and I understand that, but my concern is, if the worst case scenario were to happen, and things across the street were to fold up, then...the next thing we're going to start hearing is we no longer have the money to spend on infrastructure in this City, when we could've spent it before. Money is limited, and I understand that and there are other projects and other needs. I'm not saying our...street comes above all others. But I've not seen in the past month and a half since we started discussing this, any real serious discussion about taking a look at budgeting any kind of money to help address this issue. So I'm hoping that Council will understand our pleas and take notice that this has been brought up to the Council before and it was noticed at one point in time and to hopefully help us try to alleviate the problems that we're having so we can completely finish up what work we need to do to finish up our house. At this point, we can't do anything until we have a place to drain the water to and at this time we have no place to do that. So I ask the Council to consider this as they're going through the weeks and understand the residents of Lipton Avenue and that we do have a...dire need to help alleviate our problems. Thank you.

Mr. Foltz: Okay, thank you sir. Comments from Council?

Mr. Snyder: I think, President Foltz, I do take sir, umbrage with your statement to the fact that you've not seen anything done in the last two and half weeks, or three weeks. I think that's grossly unfair of you to make that public statement and I am sorely offended by that. I have worked every day since before Christmas on this project with all six of my Council colleagues, with Administration and I kept you totally informed of what is going on. You're well apprised of the fact of the constraints of money. And to you to make a statement that you've not seen anything done, there's - there's a lot of things happened sir, and that's really not the way to get something done. I'm a guaranteed vote for your project, you know that, I'm your representative, and I will work as hard as I possibly can to make it happen, but I cannot reach out and pick up \$400,000 that's not there. And I'm trying, but I don't appreciate you making that type of statement, that offends me, and I think I deserve an apology for that because I did - never - did I not keep you in the loop of what was happening. I told you, I talked to Mr. Feller, I talked to Mr. Silverthorne, at least daily on that project, as well as all my friends and my colleagues on this thing. So I do take umbrage with that sir.

Mr. Foltz: Thank you, Member Snyder.

Mr. Repace: Doug, I - I'd ...

Mr. Foltz: Member Repace.

Mr. Repace: like to say something also. I think you people on Lipton know that I also - I'm also in favor of trying to get something done. I know how hard Jon has been trying. We both have been trying. I - I - I just wish there was some immediate, at least immediate solution. We've got a serious problem here where we have an individual's home that is crumbling, and I'm sorry...my voice still isn't back to - to normal yet, but. We have a home that's crumbling. I - I see the frustration in - in the residents of that home, and with Nick and Amy, and you know, I guess I put myself in that - in their shoes. If that was my home, and I was reaching out for somebody to help me because this is not going to go away until we give them some kind of relief here. What that relief is, I don't know. I guess I'd have to ask the City Engineer or - or - or whatever...what - what we could do to at least try and help them to get that water away from their home before their house does crumble. This - this - this just doesn't seem right to me. I - I don't know what more I can say about it, it just does not seem right, and I think that we should try and find some way to help these folks.

Mr. Snyder: Mr. President, may I make...

Mr. Foltz: Yes.

Mr. Snyder: one...I apologize, Mr. Repace, you're right. As I told them, I spoke to Mayor Held, I spoke to the Engineer and Director of Administration Wise, they were told as soon as the weather becomes to the extent that they can dig, that the city crews would be at their house to install some temporary storm detention catch basins on each side of their driveway, running it to - out to Orchard Hill where we do have storm water at the present time, but being - we have to wait 'til the weather gets to the point where they can go out there and...Director Wise has spoke at length with the Superintendent of the streets and...sewer and they've given him ideas which I communicated to them, and I told them as soon as the weather changes, we would be there to give them some type of temporary relief to their problem. However, they've also been counseled that storm sewers are not the total answer to their problem in that particular home. That that whole area, that whole, from the golf course on, has to be addressed, a little bit at a time. And it is a problem, it's a problem it's exacerbating and it's

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exacerbated by the surrounding green space that's there, but we are addressing it. It's just not being ignored. But unfortunately we...again, we have to wait as we can find the money in the budget, as you - we all know, until we can - until we can get. But it is a priority; it's a priority to the Administration and to this Council. Thank you, that's all.

Mr. Foltz: Member Snyder, I - I - I agree, you're the ward council representative there, but I think this Council's on record to say it's one of the projects we're going to look at when additional money is available. I think we - we've all said that, I don't know what - what - how else we can address this. We can't - we can't send a - the...the backhoe out there and start running storm drains...next week. It's just not feasible, nor is that the practical way to solve the problem. I mean, my concerns would be to let our Engineer have some time to review this and I want to do the job right, if we're going to do it in the very near future, when money becomes available, I want to make sure it's going to take care as much of the problem as we can. It's - to me, it's just not a simple solution, and as I indicated earlier, this Council's on record to support this when funds become available. I don't know how else we can address this. We're on the record with it...you're welcome to come up to public speaks and discuss it, but that's not going to change 'til we find money that's available to address situation, so, with that, I look for anyone else here like to address Council this evening?

Mr. Wake: Name's Ernest Wake and I live at 1445 Salway Avenue and...I'm Chet's neighbor too. And I just don't understand why we couldn't annex in the first time. I mean, I - I was really disappointed 'cause we just moved in, the house is only two years old. We love the area, and just the benefits of what Chet talked about with the ambulance and - and you guys do do a tremendous job on plowing the snow. But I can't see why you're so slow on annexing somebody in. Really, I - I think there's something let down in here and I'm holding you guys responsible for that because it's - we did our - we did our thing going out and getting the signatures like you asked us to, and we just got the door shut on us. So I do expect something happening within the next month from you's. And I'm not going to ask for an apology, because I don't think that's needed. I think just get down and get the work done. Thank you.

Mr. Foltz: Okay, thank you sir.

Mr. McFarren: I suppose this is an appropriate time to put an end to some of the - some misconceptions that's apparently are flying around this room tonight. The proposed agreement between the City of North Canton and Plain Township says during the term of this agreement, North Canton will not initiate, solicit, or otherwise assist or participate in any annexation petitions involving land in Plain Township, unless Plain Township specifically authorizes North Canton to do so by vote of the Board of the Trustees of Plain Township. Now that is an affirmative action, folks. A negative action is when we annex and Plain Township takes us to court and we fight about it for the next five years. So it's one side of the coin, or it's the other side of the coin. The representation being made that this agreement would prohibit any annexation is plain, pure, wrong.

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

Mr. Giavasis: Yes. Council? Thank you, I didn't plan on speaking tonight, I was here just an observer and because the subject of annexation is up. These residents over here...

Mr. Foltz: Please state your name address for record.

Mr. Giavasis: My name's Lou Giavasis, I'm President of the Plain Township Board of Trustees.

Mr. Foltz: Thank you.

Mr. Giavasis: 2600 Easton, Canton, Ohio, 44721. As the Law Director just spoke, this - it doesn't prevent the City of Canton - North Canton from annexing in the future. What this agreement does is allow both sides to sit down at the table and talk about a situation like's occurring right now. This is about EMS response, whether it's about water, this is an opportunity for both sides to sit down for the first time and work out something that's going to be beneficial for both sides. Council may not be aware, the previous Administration, we had the opportunity enter into a immediate response agreement for the area in question. We entered into that agreement at that same time with Jackson. The reason why Jackson shows up to that place before Plain, they have a fulltime station on Dressler. Plain Township has four fulltime stations, but unfortunately because of the vicinity of that, Jackson is the closest fulltime station. Jackson could get there before Plain, Jackson could get there before North Canton can. But this is a situation with your fire department and your police services that we could work out some type of mutual arrangement that where the city's not going to have to take over the full burden of the infrastructure, the residents over there are going to be better protected for fire and EMS services. The Township is going to maintain its property tax. The City can collect its income tax if we do it through a CEDA or some type of a cooperative agreement like

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that. But to go through an outright, all right annexation on its own, the City has to weigh the pros and the cons. Are those people being adequately served? Plain Township's position it's why we entered into the agreement to make sure that they more than adequately served for fire and EMS. But you have to weigh the twelve year reimbursement cycle to the Township so the Township's going to be reimbursed one way or the other. So in this instance, there's no reason why the Township and the City shouldn't be sitting down now once this agreement hopefully is passed by your body and my body. And we can sit down with these residents and work out an agreement that...is going to make everybody happy, and is going to equally protect all sides involved and especially the people who lives over there safety. If they have 61% who want to come into the City, I'll be the last one that's going to tell you I want to prevent them from becoming a part of an entity. But there's also additional 40 people – percent of the people over there that wish to remain part of the Township. That's where the agreement could come in place and I think that's where both sides can end up working out something positive for the first time that's going to help everybody. And that's the reason why Jackson showed up to that situation, we have that in place, and I think it's a perfect...opportunity what maybe we could work out an immediate agreement with your police department over there, where they would respond so that way there is not a delay. Because the Township's a lot larger, we have five cars on the road, they can't be everywhere at once. But because of the vicinity of the police department to that area over there in question, of course North Canton probably can get there quicker than Plain, I'm not going to deny that. Okay. Thanks.

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

Mr. Covey: I'm the last one as usual so you can all breathe a sigh of relief. My name is Rod Covey, I live 35 Auburn Avenue S.E. in North Canton, and I represent a group of citizens in that area, 132 strong, 60-61, from the neighbors surrounding Auburn Knolls and 71 Auburn Knolls residents. I talked to someone today, who is knowledgeable about these affairs and these situations, and he says – he said "Rod, you know what problem you have?" I said, "no, I'd love to know it though." And he said "you're – you're being seen as the only person that's concerned, you're the only one that gives a damn about the situation". And I said, "you know what? You're right." They've been worn down. There are at least 200 people, at least 200, only 132 have signed the petition that they don't want these buildings. But there are at least 200, and I know if we took a poll of the citizens of North Canton who have read some 70 articles in the – the papers that these folks...write on your behalf, I bet 95% of the people would say that is ridiculous. Which is what the Planning Commission said in February 204 (2004) about these buildings. Anyway, if I may bring you up to date on another thing, would interest Mr. Repace and the economic folks...as I always do. Like so many of us, I have a – my wife and I have a to-do list on our refrigerator and we all do this, I'm sure, and you mark up what you need and so forth. And I happened to see I had two here today. One was to call...Barry Bryar. He's the man who invented this product in...inaudible ...Melbourne, Australia, as you know. And he's the fellow who asked me...because of my background in – in the things that he's interested in and marketing background and so forth. He asked me to see if we could find a company somewhere in the world, and why not maybe in Ohio, since he – he knew why and you know why we'd like to have it here. So I said how are things going and he said well, very well, as a matter of fact...right now, it looks like we're doing very well in Australia, the product's been approved, we've reduced the price, the Australian government, from the standpoint of economic development, and also homeland security, is very interested in this product, because Australia, next to the United States is probably the country that's going to get zapped next with a bomb in the middle of one of its cities. That's what he told me. And I believe that's true. He said there's a company in Europe that's very interested, I – and I can't mention the names of the specific countries in some cases because of confidentiality I'm sworn to. But there's a European operation that's very interested in starting to build this product because Europe also has terrific amount of cargo theft. People stealing trucks and also afraid of terrorists of coming in and you know, as you know, that people in UK especially are concerned about this and we know what happened in Spain. It's going to happen again, let's hope it doesn't happen with a...WMD inside of a trailer, container off the ship that's coming into some city to blow it up and kill a lot of people. The Chinese, there are two different groups in China that is interested in this. We knew this was going to happen a long time ago, I reported that this gentleman first was not too pleased, frankly, about working with the Chinese but that's changed a little bit. He's afraid that the Chinese have a tendency to take something and build it and sell it, kind of steal it. We all know what's going on in that area. But anyway, it's – it's looking good, it's looking good. But Mr. Bryar said I'd still like to have this for United States and Canada market made right here in North Canton. If you recall, they came here, they got to know a lot of us, they like North Canton, they know we got the people, the skills, and Mr. Repace and I have been talking about a couple...a contact he has and that plant might well be – be one of the seeds in this incubator that could well happen. And that could be, as Mr. Bryar states, that could be when they get started and we start to produce them from US and Canada, could be as many as 200 jobs. When's the last time someone's approached this city with an offer of 200 jobs in the last six months? Not too many, right Mr. Repace?

Mr. Repace: No.

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Mr. Covey: Thank you. The second note here was to call Eddie Juenemann. Now Eddie Juenemann is one of the finest persons I've ever known, he's as you know he was active in Council, Planning Commission and other affairs of this City for many, many years. And I bumped into him at Fisher's Saturday, I literally I bumped into him at the fishing - with my Fisher's with my grocery cart, and we recognized each other and - and said hello, and the reason - I got to know Eddie because when I first got my hands on the...1981 plat for Auburn Knolls, and Eddie's name's on the bottom along with the Mayor and the Planning Commission and...probably 12 signatures on it. I went over and sat at Eddie's kitchen table, and he explained to me what a plat's all about. I was totally ignorant. I learned more about plats that day that I never - I ever want to know, but it was very interesting. So, in the meanwhile, he's been meeting with Planning Commissions - Planning Commissions and so forth, but today I call Eddie and said I was looking over that plat and one thing I didn't - didn't quite understand Eddie. If this is the Auburn Knolls area, 34 acres, over here on South Main, this - this you don't - you didn't put anything in there. Where are the little roads? Those diagrams you engineers make when you're laying out a plat? He said well Rod, the man who paid a million dollars to the Hoover Company for that land said I don't want anything in there. I want to keep it green. Somehow, in the last forty months, this thing has evolved in something that as recently as...noon today, there's a machine down there, chugging away and tearing up dirt and doing whatever. There is still some issues, we - we're not giving up. And...there are people as I said earlier, the reason I come here because...and I hope this doesn't sound...like I'm a big deal, because I'm not. But you know, Rosa Parks probably had twenty thousand, fifty thousand people in Mississippi and Alabama behind her, so to speak. But not literally, I mean, not literally. But that many people were concerned about what was going on then. But Rosa Parks is the one that got on the bus, isn't she? And now I'm really in trouble when I try to make this comparison, but Martin Luther many, many centuries ago literally turned the world around when he walked up all alone and nailed those 14 thesis to the door. But there were millions and millions of people that wanted change in humanity in those days. I'm not Rosa Parks and I'm not...Martin Luther, but I will be back as - 'til we get this thing solved. Thanks for your time.

Mr. Foltz: Thank you sir.

Mr. Repace: Doug, can I?

Mr. Foltz: Sure...

Mr. Repace: I'd like to address something...

Mr. Foltz: Member Repace.

Mr. Repace: Mr. Covey. We did speak last week, I think on a couple occasions. Thursday afternoon I had a meeting with...the Executive Vice President of TTI, and the Vice President of Human Resources of TTI. I presented all that information that you had given me to them. We had a lengthy discussion on it. Understandably, they don't have the right to make...any decisions. The top people that do make those decisions were in another part of the country. Today, they're all in China, they're going to be in China all week, so there's no one I can talk to today. But one of the things that they'd mentioned that they - it's probably something that they would not want to be interested - a business they'd not want to get into, but, I proceeded to talk to them about our discussions that we had about maybe contracting work in, and creating opportunities and jobs in the City of North Canton. So we talked about that further and...I don't know where that's going to go, but...they'll be back next week...the - the...senior officials at TTI and I will be meeting with them. I'm going to run you know, talk to - talk to them more about this, run it by them, and see if we could even talk about maybe contracting this type of - of product into Hoover's to create jobs and also I know they want something - wouldn't want to spend the money on marketing, I don't think that's an issue, I think that the company would do the marketing, and they were pretty please to hear that. And that you know, I got off of that information that you had given me. So, I did follow up as I told you I would do. That was Thursday afternoon, they all left Friday for China and they're going to be there all week. They're not coming back 'til this weekend. So I probably won't be talking to any of them 'til next week. But I did pass that information on and...let's see where it takes us. I - I won't give up, I'll keep - keep prodding them until they tell me absolutely no.

Mr. Covey: Thank you Mr. Repace.

Mr. Foltz: Thank you.

Mr. Repace: Thank you.

Mr. Foltz: Any - anybody else to address Council this evening? If not...

Mr. Lane: Mr. President? Something...

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Mr. Foltz: Yes?

Mr. Lane: I - I was waiting 'cause I didn't know how many more people were going to speak tonight, but...perhaps regarding the public speaks issue, and I know we've got a basically six weeks counting this week, 'cause we're doing three readings, as every other week we've got some time to discuss it and Mrs. Magel wasn't here and able to communicate her thoughts on it so I would suggest maybe...Ordinance Rules & Claims meet at the next session or the one after - hopefully, she'll be back and we can at least get some...inaudible...prior - prior to us giving that third reading...inaudible...

Mr. Foltz: Sure, yeah, it's...

Mr. Lane: Is that your voice...inaudible...

Mr. Repace: You're going to get like me.

Mr. Foltz: It's - it's my intention to go very slowly on this, get public input obviously and...people know that - how we're trying to address...just our procedures here in Council. Like I said, anybody here that wants to address anything with us, we're here after the meeting. So, we're not going anywhere, we're elected officials. We are here to serve the public and I believe we are doing so and...I thank you for your decorum tonight for the most part, that's the way I like to see Council's...the public speaks portion at least be addressed in the future. So thank you.

OLD BUSINESS

8. Mr. Foltz: With that we'll go to a - to a motion to read by title only the third reading of Ordinance No. 5-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the third reading of Ordinance No. 5-07. All members present voting.
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane.
No: 0

Ordinance No. 5-07 -3rd 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: I have no further comments at this time on this.

Mr. Foltz: Very good. Do I have a motion to adopt the third reading then of Ordinance No. 5-07?

Mr. Lane moved and Mr. DeOrio seconded to adopt the third reading of Ordinance No. 5-07. All members present voting.

Mrs. Herr: Is that a ...inaudible...
Mr. Wise: yeah

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

Mrs. Herr: ...inaudible...

9. Mr. Foltz: Do I have a motion to remove Ordinance No. 8-07 from the table?

Mr. Lane moved and Mr. DeOrio seconded to remove Ordinance No. 8-07 from the table. All members present voting.
Yes: DeOrio, Foltz, Hines, Lane, Repace, Snyder.
No: 0

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

Mr. DeOrio moved and Mr. Lane seconded to read by title only the first reading of Ordinance No. 8-07. All members present voting.
Yes: Foltz, Hines, Lane, Repace, Snyder, DeOrio.
No: 0

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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 Project, excuse me, 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.

Mr. Lane: We had a lengthy discussion on this last week in committee, and basically this wraps up that project, money that we owe. I think everybody's in a comfort level as far as paying it and if anybody has any other thoughts on the matter, if not I would move that we approve.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 8-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt – excuse me, to suspend the rules for Ordinance No. 8-07?

Mr. DeOrio moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 8-07. All members present voting.

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

No: 0

Mr. Foltz: Next, may I have a motion to adopt under the suspension of the rules for Ordinance No. 8-07?

Mr. DeOrio moved and Mr. Lane seconded to **adopt under suspension of the rules** for Ordinance No. 8-07. All members present voting.

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

No: 0

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

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

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

No: 0

Ordinance No. 9-07 – 2nd 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: Yes, pretty self explanatory, we want to give the Administration the opportunity to...hopefully lock in a good price for some gasoline and diesel fuel and give them the ability to do a one year or a two year contract.

Mr. Foltz: Very good. Do I have a motion to adopt the second reading of Ordinance No. 9-07?

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

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

No: 0

NEW BUSINESS:

11. Mr. Foltz: New business. Do I have a motion to read by title only the first reading of Ordinance No. 13-07?

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Mr. DeOrio moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 13-07. All members present voting.

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

No: 0

Ordinance No. 13-07 – 1st – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a three year, tax-exempt Lease Purchase Agreement by and between the City of North Canton and Chase Equipment Leasing for the lease purchase of a new ambulance, for use by the North Canton Fire/EMS Department, to be acquired within the purview of the Ohio Cooperative Purchase Act, at a cost not to exceed \$150,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, at the last time we had brought this up we...initiated the legislation but didn't have all the particulars and we wanted to give the Finance Director some...needed some more time to...get those particulars, namely who this would be through is Chase Equipment Leasing and for the period of time was for three years. And hence, we have the finished product.

Mr. Foltz: Very good. May I have a motion to adopt the first reading of Ordinance No. 13-07.

Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 13-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 13-07?

Mr. DeOrio moved and Mrs. Hines seconded to suspend the rules for Ordinance No. 13-07. All members present voting.

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

No: 0

Mr. Foltz: And next may I have a motion to adopt under the suspension of the rules for Ordinance No. 13-07?

Mr. DeOrio moved and Mrs. Hines seconded to adopt under the suspension of the rules for Ordinance No. 13-07. All members present voting.

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

No: 0

12. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 14-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 14-07. All members present voting.

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

No: 0

Ordinance No. 14-07 – 1st Reading – Community & Economic Development

Ordinance No. 14-07 authorizing an Agreement by and between the City of North Canton and Plain Township (hereinafter AGREEMENT) establishing guidelines for the negotiation of possible cooperative agreements; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into said AGREEMENT.

Mr. Foltz: Chairman Repace.

Mr. Repace: The key to this – this whole agreement is that this is a cooperative agreement. This – this doesn't limit you to a JEDD or a CEDA, it could be an annexation. What this does, it keeps us from any ambush annexation. What we were – what we're trying to do, our attempt here is to form a partnership with our neighboring townships. Something that we've been lacking in for several years. I'm trying to build that trust with our – our – our neighbors. This – this agreement, anything to do with – with...cooperative agreements is what we're after. Could mean an annexation, it could mean a JEDD, it could mean a CEDA. But what it is, it's a cooperative agreement, and that's what we want to do. We're not going to get anywhere like – like Mr. Giavasis said, by – by not agreeing and taking some – or I don't know if it was Mr. Giavasis or our Law Director, about fighting issues in court. Let's try to work these issues out,

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let's try to bring things in to this community that's going to be beneficial, also, with Plain Township, beneficial to Plain Township. But if – if anybody would read through this again, we've taken out all referral to JEDD's and CEDA's. That opens it up to anything, this – this cooperative nature. And...that's – that's all I can say to this thing about this.

Mr. Lane: Yeah, if I could add, too...

Mr. Foltz: Yes Member Lane.

Mr. Lane: just to alleviate anybody's concerns, I mean, this again as we discussed last week, is an agreement to agree, to talk, and at any point in time any agreement that could – comes out of this, is going to have to be approved by Council, it's going to have to be signed by the Mayor, so there's a lot of stop caps in here that gives us an opportunity to discuss this, it's nothing like a rubber stamp. So...I think to do due diligence and deliberations have to be done on every one of these, and hopefully we'll have a lot of them.

Mr. Foltz: Anybody else on Council?

Mr. Repace: Well, I want to say something else too. We – we have some opportunities right now that we're going to be facing. We have some good opportunities that we're going to be facing and I don't want them to pass us by. And if we don't get busy and if we don't try and work some of these issues out, it is going to pass us by, and we're going to be scratching our heads like we were with the railroad tracks and wondering, what happened? I'm not going to let that happen.

Mr. Foltz: Exactly, I concur, I - cooperative is the key word here, it's a win for the residents in that area, it's a win for the Plain Township...government entity, Trustees. It's a win for North Canton, I feel this Council body and Administration that...we all sit together and do what's right and what's best for the immediately – the immediate neighborhood, or commercial property that we're going to discuss in the future, so I'm very much in favor of this. It's been a long time coming, and I – I applaud your efforts, Member Repace, once again and look forward to this being passed, so.

Mr. Repace: well, you know, what I feel bad about here tonight, is the people that needed to hear what we had to say about this walked out. And – and now the next public speaks meeting, you know there'll be somebody stand up and want to hammer us on – on this issue without hearing what we've had to say, and – and what we can accomplish through this. So with that...

Mr. Foltz: Okay, we're on the record though and we can bring it up again. May I have a motion then to adopt the first reading of Ordinance...

Mayor Held: Mr. President? I'm sorry.

Mr. Foltz: Yes?

Mayor Held: If I could comment on that? First off, from...the perspective of the Administration, I certainly look forward to any cooperative agreements that we can have with Plain Township. But there is a couple of things that I think need to be clarified as far as this...this agreement. As I read it, first off, I don't believe that this contract is required for us to enter into CEDA or a JEDD with Plain Township, is that correct?

Mr. Repace: That is correct, and that's what I said what – what this thing mainly is, that there are not going to be any ambush annexations that we want to be able to sit down with them and – and try and work things out right up front. Can we throw this thing out and try and form a CEDA or JEDD or annex? Certainly we can. But this is a better way of going about things is to try and work with your neighboring communities and not fight them. Because fighting them, we have lost. And it's been very costly to us. I don't choose to – to operate that way.

Mr. Foltz: Any other comments?

Mayor Held: Now, in – yes, yes. One other point of clarification. We're talking about annexations being lost...I – I'm not sure that I follow that.

Mr. Repace: I didn't say just annexations. I said that – that we have lost fighting, what – what happened with the railroad tracks on – on...Everhard? Look what that's done to us by not being able to sit down and – and having a cooperative attitude with North Canton and Plain Township. We have opportunities with Jackson Township and Plain Township. And believe me, if we don't try and – and work out cooperative agreements with them, all we're going to do is get hung up in court, it's going to be costly. Where they're willing to work with us, but there has to be a trust. It's a trust that – that they haven't had in...with North Canton for years. And

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I'm trying to build that trust. And I know someone made that – made a comment about my political friends. Well, you know what? Thank God I got some political friends or we wouldn't be anywhere.

Mayor Held: One other question. When it – when it comes to the annexations, I mean, we have had successful annexations in the City's history and...we've had – actually had a number of them, and what I'd like to be sure of, is that certainly what we're most interested in is what's going to be in the best interest of the City, to the residents of the City. And I don't – I...I know that Council members also agree with this, that we certainly don't want to put...the City in any detriment. One thought that does come to mind is if we do have a – a property owner that would, that we would consider to be...strategic to any future developments or future annexations, that does have a desire to come into the City, where you have a 100% annexation, would this agreement prevent us from moving in that direction, or from pursuing that, without Plain Township's agreement?

Mr. Repace: I believe that would, yes.

Mayor Held: So my next question is, would that be in the best interest of the City, in – in order for us to put ourselves in the position like that?

Mr. Repace: I think what it would do is put us in a position where we talk to – to Plain Township and try and work something out. That would be in the best interest for everyone. Otherwise Plain Township's going to challenge you.

Mayor Held: Right, well...

Mrs. Hines: Well I think just working with Plain Township in a cooperative agreement, I think that's a good way of setting up good relations, so that if there are any annexations, if there are issues with the fire/ EMS, whatever, that we could work out and do a trade off so it is fair to – and beneficial to both Plain Township and North Canton.

Mayor Held: Right.

Mrs. Hines: As – as I think Plain Township Trustee Lou Giavasis said, this is not to stop annexation, this is just an agreement to talk and you know, we gotta work these things out. We don't want to fight, because that's just going to cost us money, and money that we don't have to waste.

Mayor Held: And also, just to clarify, Ms. Hines, I do believe that that would prohibit us, this agreement would prohibit us from...moving ahead with any annexations that we have that we're – that we're presently working on, or presently considering.

Mrs. Hines: Well, we're not aware of anything other than what we've been dealing with.

Mayor Held: But as a – just to clarify so that we all understand this, if there is an annexation that we're presently working on, that would come to an end, correct?

Mr. McFarren: Ditto – same thing.

Mr. Repace: Not – no – what – what you – here's – here's – here's what – what this boils down to. First of all, we have a meeting with Plain Township to talk about agreements, then all of a sudden, I get a call from Plain Township telling me that's somebody's trying to annex some of their property after we just had a meeting, what am I trying to do? What am I up to? What am I doing? I had no knowledge of it. Nobody from the Administration even bothered telling me. For one thing, I said, I don't know, I have no clue what you're talking about. Well, I – I find out what it is. That's wrong. That's wrong to do something like that when you're trying to work with – with a neighboring community. As far as what you're referring to, is what these folks here this evening, I already talked to Lou about trying to work something out with those people. And if we can, it – it's going to be great. And there's a lot of other things that we've talked about trying to work out. And – and I think what you need to do is let me do what I know how to do, and that's talk with our neighboring communities and see what we can. You got to remember, once we get into any type of negotiations or discussions, our Law Director's going to be there, Mr. Wise is going to be there, and whoever else might be necessary. May – maybe Jim Benekos might have to be in a meeting, some meetings. So there's not going to be anything kept from anybody. But – but I'll tell you one thing, I'm the one that's going to get us to the table. Otherwise we're not going to be at the table. And then you – you can try all your...ambush annexations you want.

Mayor Held: Oh geez.

Mr. Repace: And then you're gonna – you're gonna – you're gonna wind up fighting in court.

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Mayor Held: Just – just for clarification, I think really what protects the interests of everybody that's involved is the process. And...I think what's important is that we do follow the process. If we do have an interested property owner that has a desire like obviously we have at least two property owners this evening, that have a desire to come into our City, which – which I think is...fantastic. When you see people that are willing to come up to a City Council meeting, they're – they're outside the City of North Canton, and they have a desire to enter our City, I fully support that.

Mr. Foltz: ...inaudible...

Mayor Held: Now with that in mind, what we need to do is, we have to allow the process to take its course. Now in reference to properties that are going to be annexed, the Administration gathers the information, there is not any annexations that can take place without Council's approval. The – the – the information is gathered, it's presented to City Council, and Council at some point in the process, has the opportunity to approve or disprove. And then of course...based upon approval from City Council, it does – it does then go on to the County Commissioners. So that throughout the process, we can have all interested parties...the allotted time to have their say. Now as far as the success of annexations, we've had since 1980, since 1985, we've annexed 575 acres, through 30 annexations. Since the year 2000, we've had 15 successful annexations, which totals 140 acres. And actually, we have 3 elected officials, included myself, that live on the properties that were successfully annexed. And so, I guess what I would ask from Council is that we're properly considering...diligently, every annexation that comes before us, that we're properly considering that. When it comes to...negotiating CEDA's of JEDD's, we've successfully negotiated CEDA's with Plain Township, the Sanctuary, residential property. And it's been a benefit to the City. We had our Finance Director, our various city department heads, City Engineer, that looked at that cooperative agreement, and – and it was pretty clear that it was going to be financially beneficial for the City to enter into a CEDA with Plain Township, which we did without disagreement. Another question that I have, is does the City of Canton have an agreement like this with Plain Township?

Unidentified: I have no idea.

Mr. Repace: Yeah, you have to talk to Canton about that.

Mayor Held: But at the same time, they've successfully completed a CEDA with the City of Canton, Plain Township has.

Mr. Repace: You know what? You can tear this thing up today and let's see if you can get your foot in the door with Jackson Township or Plain Township. And you know – and you know what I'm talking about, David. So don't sit here and try and – and try and make me look bad, when I'm trying to do something that's beneficial for the City. As – as far as those folks who were here tonight, you could've given them, Plain Township the decency, after us meeting with them, and telling them that some residents had called, and wanted to annex some of their property, their property annexed in the City. You could've given them the decency of doing that. On one hand, we want to say we want to agree with you and work things out, which we had some very good things that were going to try and work out here in – in the near future, but on the other hand, behind their back, you want to try and – and – and annex some of their property.

Mayor Held: No, I disagree with that. I disagree with that and...

Mr. Repace: Well...

Mayor Held: I want to clarify what our position...

Mr. Repace: I've seen it first hand, so you can disagree all you want.

Mayor Held: Well that's why you have a process. That's why we have a process for every annexation, which is dictated by state law that we follow. That's why we have a process, so that every member of City Council, so that the residents can speak their mind as far as annexation, that the Administration can play a role, and City Council can play a role. And my question is, whether or not we need an agreement like this in order to pursue a CEDA, a JEDD, or any annexation.

Mrs. Hines: Randy, could you speak to maybe that issue?

Mr. McFarren: No, it's – it's not – it's not an imperative, but you would have to be blind, deaf and dumb to – to realize that our neighbors are not real trusting of us, and there's a concrete example being thrown around here right now, and the agreement originally came from our discussions with Jackson, and it's just simply everybody trying to protect themselves while we talk. And if – and if we're not getting anywhere, you pull the plug. You declare an impasse,

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you send a letter to the appropriate entity's clerk, and you say agreement ended, we're done. We talk no more. You're out of it. You've got – you've got nothing to lose and everything to gain, including the people who were here tonight with their very valid concerns.

Mr. Foltz: I appreciate those comments, I know Member Snyder, myself were around, we used to walk door to door Thunderbird, Heatherwood. We had a bigger idea of what we could do, even with some of the commercial hotels and so forth and that slipped through our fingers. That was our reality. This Council body at the time went door to door with those residents, and those business interests, and it did not happen. That was over 10 years ago, and that didn't work. I'm willing to take a look at this and sit down with the Township Trustees and have a winning situation for everybody involved. That's the bottom line here, so.

Mr. Snyder: I – I have one privileged question, Chairman Repace, if I may?

Mr. Repace: Okay.

Mr. Snyder: Thank you. I direct it to the Law Director. Am I to understand sir, that this particular agreement is simple contractual language, escape clause is just notification by certified, registered letter to the appropriate bodies in – in a particular period of time, it dissolves. Is that, did I understand that correctly?

Mr. McFarren: That is correct. You can pull – either side can pull the plug on the thing with 30 days notice.

Mr. Snyder: So – so it's – it's similar to an agreement you do in purchasing a business, where you keep everything on the table, so no one comes at you from the flank.

Mr. McFadden: If you want – if you wanted to do...

Mr. Snyder: In simple language.

Mr. McFadden: you're...yeah. Do your due diligence or whatever.

Mr. Snyder: Right.

Mr. McFarren: It's an opportunity to discuss without being ambushed while you're discussing.

Mr. Snyder: That's it. Thank you, gentlemen. That's all.

Mr. Foltz: Appreciate the comments from Administration, anybody else like to address anything? Seeing none, then do I have a motion to adopt the first reading of Ordinance No. 14-07?

Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 14-07. All members present voting.

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

No: 0

13. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 15-07?

Mr. DeOrio moved and Mr. Snyder seconded to read by title only the first reading of Ordinance No. 15-07. All members present voting.

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

No: 0

Ordinance No. 15-07 – 1st Reading – Ordinance Rules & Claims

Ordinance No. 15-07 to establish specific rules for the Recognition of Visitors portion of Council meetings, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you Mr. President...has – is – been a lot said about it, there's been a lot written about it. I don't think it's the intention, at least it's – in my discussion with the members of the Council, that a five minute...rule to start with is done to be selective and to who can speak or what they can speak about as Mr. Repace has said...and I...applaud your efforts here that this will go very slowly hoping to take over the next few weeks, either written or...verbal comment from the public as to some ideas we might have. I think it's just simply an orderly transition from keeping people to be able to speak and as the Clerk went over the last few – several Council meetings where we had public speaks, I think the longest we had was around seven minutes. So five minutes...seems somewhat restrictive, at the same time five

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minutes is a long time to speak. So...with that said, I – we'd like to get the first reading done and...I hope the press is kind enough to us to print that if someone has some input to ideas, these are rules of the Council, adopted by the Council, can be changed by vote of the Council, and if it seems prohibitive to the public, and the public feels stifled...I – I would have to say I think all members concur with our President that we will take input to change it, and I think we would be able to change it. It just seems to move the meeting. I don't remember in my ten years here where we had public speaks at Council of the Whole meetings, we might have had years ago. But again, as the agenda dictates tonight, we have several pieces of legislation and not to stop the people from talking, as we will listen as we did a couple weeks ago for as long as it takes, and as many people would like to speak we'll listen and...with that said, I'll defer at that point.

Mr. Foltz: Yeah, Member Snyder, I concur, as I indicated...we are going to be less restrictive than five of our neighboring communities. Five of neighboring cities. We do not have a topic restriction, we do not have a sign up. And five minutes should be more than adequate to address any issue or ordinance or resolution or any problem somebody's had in their ward. Even the *Repository*, in their infinite wisdom, has a 300 word definition or – or limit to their Letters to the Editor. I mean, let's be fair. I don't know...why North Canton's singled out when other communities have this already in place. I really don't. And...we're here after the meetings, we're not going anywhere. This isn't to limit public input, I think we all champion that, it's just to provide a more professional setting for everybody to address Council and the Administration and for us to respond. I think our image has suffered recently and we're here to help clean that issue up and – and present more of a positive image of North Canton or its residents.

Mr. Lane: If I could too, I'd like to add, and it maybe part of the concern is, and I know that we don't want to turn this into a committee meeting but, that five minutes wouldn't – would be that individual's presentation.

Mr. Foltz: Right.

Mr. Lane: The time that we spend answering, commenting,...

Mr. Foltz: Right.

Mr. Lane: talking, does not go against that five minutes.

Mr. Foltz: No it does not.

Mr. Lane: So we could end up with a ten minute discussion with one individual...getting answers back and forth from us, responding to their particular concerns. I'm correct on that, right?

Mr. Foltz: Yeah, it's debated – it's debated on Council floor...

Mr. Lane: Right.

Mr. Foltz: with Council members and Administration

Mr. Lane: But that five minutes does not count against our discussion,

Mr. Foltz: No it does not.

Mr. Lane: but what they talked...

Mr. Foltz: They have a full five minutes and it's –

Mr. Lane: okay

Mr. Foltz: to me it won't be a hard and fast rule.

Mr. Lane: 'Cause I know that is the case...

Mr. Foltz: Depends on how it's respected. That's – that's all – that's all I can say.

Mr. Lane: that is the case, I think in Canton, I think or one of the communities, I think, they take the time discussed...

Mr. Foltz: Canton's three minutes, and then it adds three minutes...

Mr. Lane: Yeah

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Mr. Foltz: if it's debated and...among Council members. We're pretty simple to the point here. We're just putting five minute time limit on it, I don't think that's...that's hurting anybody's ability to come up and address Council. Okay? Any other comments? Seeing none, then do we have a motion to adopt the first reading of Ordinance No. 15-07?

Mr. Snyder moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 15-07. All members present voting.
 Yes: Hines, Lane, Repace, Snyder, Foltz.
 No: DeOrio

14. Mr. Foltz: Next, do I have a motion to read by title only the first reading of Ordinance No. 16-07?

Mr. DeOrio moved and Mr. Lane seconded to **read by title only the first reading** of Ordinance No. 16-07. All members present voting.
 Yes: Lane, Repace, Snyder, DeOrio, Foltz, Hines.
 No: 0

Ordinance No. 16-07 – 1st Reading – Ordinance Rules & Claims

Ordinance No. 16-07 authorizing the Finance...the Director of Finance of the City of North Canton to make payment of a moral claim in the amount of \$900.00 to John R. Machamer for reimbursement of expenses resulting from an injury he sustained at a City park, and declaring the same to be an emergency.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you Mr. President. This is following along the lines of our...moral claim ordinance. It's been successfully negotiated and a release has been signed. And I - at the time move that we adopt the first reading of Ordinance No. 16-07.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 16-07. All members present voting.
 Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane.
 No: 0

Mr. Foltz: May I have motion to suspend the rules for Ordinance No. 16-07?

Mr. Snyder moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 16-07. All members present voting.
 Yes: Snyder, DeOrio, Foltz, Hines, Lane, Repace.

Mrs. Herr: After...inaudible...all the signatures...inaudible...we'll need two copies.

Mr. Wise: ...inaudible...

Mr. Foltz: Now may I have a motion to adopt under the suspension of the rules for Ordinance No. 16-07?

Mr. Wise: Jim brought this in.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt under the suspension of the rules for Ordinance No. the suspension of the rules** for Ordinance No. 16-07. All members present voting.
 Yes: DeOrio, Foltz, Hines, Lane, Repace, Snyder.
 No: 0

Mrs. Herr: ...inaudible...originals...inaudible...

15. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 17-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 17-07. All members present voting.
 Yes: Foltz, Hines, Lane, Repace, Snyder, DeOrio.
 No: 0

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An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Hoover Park Pedestrian Bridge Project, at a total cost not to exceed \$150,000, and declaring the same to be an emergency.

Mr. Foltz: Well that being said, we discussed this in committee. Engineer Benekos went over the additional money that was necessary for this bridge and...we're hoping, fingers crossed, that maybe this will come in under budget, and...we can move forward with this this year maybe create additional money that we can use elsewhere in the City, so with that said, may I have a motion to adopt the first reading of Ordinance No. 17-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 17-07. All members present voting.

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

No: DeOrio

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 17-07?

Mr. DeOrio moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 17-07. All members present voting.

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

No: 0

Mr. Foltz: Next may I have a motion to adopt under the suspension of the rules for Ordinance No. 17-07?

Mr. DeOrio moved and Mr. Lane seconded to **adopt under suspension of the rules** for Ordinance No. 17-07. All members present voting.

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

No: 0

16. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 18-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 18-07. All members present voting.

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

No: 0

Ordinance No. 18-07 – 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and The Ohio Patrolmen's Benevolent Association (OPBA) Full Time Dispatchers / Chief Dispatcher Unit and declaring the same to be an emergency.

Mr. Foltz: Chairperson Hines.

Mrs. Hines: Well this is part of the negotiation of the various unions. Like most people thought, Council had no input on this, this was the Administration and the attorney, we get to choose the attorney, but we had nothing to do with what they chose to put in...these negotiated contracts, we just sort of heard of what was said, and went on with it. That being said...most – all of the ones that we're going to do are pretty much out of our hands, and we're going to go with it. We want to have it done on emergency because things will, they will be paid back to, is it the July or August?

Mr. Snyder: August 1st.

Mr. Foltz: August 1st I believe.

Mrs. Hines: August 1st, and I'm sure people will be thrilled to get – get their 3%...wage increase. Unfortunately, we are asking that there will be a - a monthly contribution to the health care, 4% of COBRA amount, which will be a maximum of \$14.00 for a single plan and approximately \$40 for family plan. They're also have raised...the amount for deductibles out of pocket maximums and prescription co-pays. Unfortunately Council doesn't get any – any increase, because we will be taking home less for the year. But I think it's a good thing, most

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places have to pay in, we're sorry for that, but we have made some arrangements for them to make, you know, more money this year and next year. Most of – many of them are two year contracts, some are three. And hopefully we'll have some good news in couple of years about what's happening across the street.

Mr. Foltz: Very good, any other comments?

Mr. Wise: Mr. Chairman, if I may.

Mr. Foltz: Sure.

Mr. Wise: During this process, there were a number of executive sessions where I did or I did as well as the attorneys, did report to Council as to the process, the status of the negotiation, and – and I was unaware of any objection to any of these things at any point...none was – none was presented that I'm aware of. If there were any questions, they were answered...so I – I – it was my intention and I think that we did, to keep Council informed on – in the process during the negotiation.

Mrs. Hines: My comments were only to mention that there were people who said, well, Council doesn't want you to have this, and Council doesn't want you to have that. And I just thought, yes, we were up – updated with what was going on, but we literally were sort of other than hearing about it, we really didn't have much input into what was going on. It was the process that was working. It wasn't Council being difficult to them, but that was my only reason. And we're accepting everything on – on these contracts so at this time I would move to have the full-time dispatchers and the chief dispatcher unit...to go ahead with that process.

Mr. Foltz: Are you ready to go, Gail? I appreciate the Administration's hard work and also our legal team that we hired, but, do I have a motion then to adopt the first reading of Ordinance No. 18-07?

Mr. DeOrio moved and Mr. Repace seconded to adopt the first reading of Ordinance No. 18-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 18-07?

Mr. DeOrio moved and Mrs. Hines seconded to suspend the rules for Ordinance No. 18-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 18-07?

Mrs. Hines moved and Mr. DeOrio seconded to adopt under the suspension of the rules for Ordinance No. 18-07. All members present voting.

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

No: 0

17. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 19-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 19-07. All members present voting.

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

No: 0

Ordinance No. 19-07 - 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and the Clerical, Fiscal and Accounting Specialists (CF&AS), and declaring the same to be an emergency.

Mr. Foltz: Chairperson Hines.

Mrs. Hines: Well again...this has been negotiated, you know, this is a two year contract, 3%, change of...inaudible...and I think we're all agree that to go forward with this and do it on emergency.

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Mr. Foltz: Very good. Do I have a motion to adopt the first reading of Ordinance No. 19-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 19-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 19-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules for Ordinance No. 19-07**. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 19-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 19-07. All members present voting.

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

No: 0

18. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 20-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only** the first reading of Ordinance No. 20-07. All members present voting.

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

No: 0

Ordinance No. 20-07 - 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and The Fraternal Order of Police, Ohio Labor Council, Inc. (FOP-OLC), and declaring the same to be an emergency.

Unidentified: ...inaudible....

Mr. Foltz: Chairperson Hines.

Unidentified: What's in ...inaudible....

Mrs. Hines: The same as before, no other comments.

Unidentified: December 1st.

Mr. Foltz: Very good. May I have a motion to adopt the first reading of Ordinance No. 20-07?

Mr. DeOrio moved and Mr. Repace seconded to **adopt the first reading** of Ordinance No. 20-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 20-07?

Mr. DeOrio moved and Mr. Repace seconded to **suspend the rules** for Ordinance No. 20-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 20-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 20-07. All members present voting.

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

No: 0

19. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 21-07?

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Mr. DeOrio moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 21-07. All members present voting.

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

No: 0

Unidentified: I don't know...inaudible..

Ordinance No. 21-07 - 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and The Ohio Patrolmen's Benevolent Association (OPBA) (Patrolmen), and declaring the same to be an emergency.

Mr. Foltz: Chairperson Hines.

Mrs. Hines: Pretty much the same...the City will be buying the armor vest for it.

Mr. Foltz: Okay, with that, do I have a motion to adopt the first reading of Ordinance No. 21-07?

Mr. DeOrio moved and Mr. Repace seconded to adopt the first reading of Ordinance No. 21-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 21-07?

Mr. DeOrio moved and Mr. Repace seconded to suspend the rules for Ordinance No. 21-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 21-07?

Mr. DeOrio moved and Mr. Repace seconded to adopt under the suspension of the rules for Ordinance No. 21-07. All members present voting.

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

No: 0

20. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 22-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 22-07. All members present voting.

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

No: 0

Ordinance No. 22-07 - 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and The North Canton Professional Firefighter and Paramedic Association, IAFF Local 3489, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Hines.

Mrs. Hines: With this one, this is a three year contract...and it...the – the changes are pretty much how, you know, how they're doing scheduling and some other different things that are separate to them.

Mr. Foltz: Okay, may I have a motion to adopt the first reading of Ordinance No. 22-07?

Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 22-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 22-07?

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Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 22-07. All members present voting.
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Repace.
No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 22-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 22-07. All members present voting.
Yes: DeOrio, Foltz, Hines, Lane, Repace, Snyder.
No: 0

21. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 23-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only** the first reading of Ordinance No. 23-07. All members present voting.
Yes: Foltz, Hines, Lane, Repace, Snyder, DeOrio.
No: 0

Ordinance No. 23-07 - 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and the North Canton Service & Clerical Employees, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Hines.

Mrs. Hines: This is a two year contract, 3%, there -- there's a change in the scheduling and how their Christmas Eve falls...so they have again, a few other issues, but pretty much it, it's just the 3% over 2 years.

Mr. Foltz: Okay, with that, do I have a motion to adopt the first reading of Ordinance No. 23-07?

Mrs. Hines moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 23-07. All members present voting.
Yes: Hines, Lane, Repace, Snyder, DeOrio, Foltz.
No: 0

Mr. Foltz: Do I have a motion to suspend the rules for Ordinance No. 23-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 23-07. All members present voting.
Yes: Lane, Repace, Snyder, DeOrio, Foltz, Hines.
No: 0

Mr. Foltz: Next, may I have a motion to adopt under the suspension of the rules for Ordinance No. 23-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 23-07. All members present voting.
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane.
No: 0

22. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 24-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 24-07. All members present voting.
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Repace.
No: 0

Ordinance No. 24-07 - 1st Reading – Personnel & Safety

An ordinance establishing compensation rates for part-time exempt and non-exempt personnel; creating part-time classifications for EMT Personnel Manned at Station, Assistant Pool Director and Intern; and consolidating previous ordinances related to part-time classifications, and repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

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Mr. Foltz: Chairperson Hines.

Mrs. Hines: Well, this - this one there was another change on here, and it had to do with - there was some confusion because of the figures, and the figures were redone, but it was found that under the...financial and clerical, that the physical clerical specialist, had a different rate of compensation and it would amount to a raise to that part-time position and due to our present way of trying to keep back things, it would not, you know, if you give that position a raise then we would have to give other positions a raise, it would not be accepted, I don't think, by the other workers, 'cause everybody works hard on their job, and I'm - I'm very proud of the work that the North Canton...employees do. And you know, I would love to give every one of them a even more money than we did, but we don't have it. And...I think at this point in time, later on, if there's a reason why we need to raise it, I would be willing to do so, but I would prefer at this point in time to amend back to what it was at the end of Ordinance No. 198-05, which would start - start it off at 11.19, and instead of the 15 and...I don't have that paper right now to change, change it from the - from the 15 to 11.19 and then it would be the - you know, effective 3% raises for the next two years.

Mr. DeOrio: I think those are it.

Mrs. Hines: Oh, it was 11.19, 11.33...

Mr. DeOrio: 53

Mrs. Hines: Is it 53?

Mr. DeOrio: Just doing the 3% in my head. I think it's 11.53.

Mrs. Hines: Okay, if someone would - would check that exactly and 11.88...rather than what is there. We can amend it.

Mr. Snyder: It's been read, has it not? Is it read?

Mr. Foltz: The motion's been read. If we're going to change it, do we need to...a motion and a second to change the wage amount.

Mr. Snyder: Can we do that?

Mrs. Hines: I have 11.32

Mr. Foltz: I don't know if there's any further discussion on this or not.

Mrs. Herr: Can I...

Mr. Lane: Was this - was this discussed though? I mean, can we just arbitrarily do that as Council?

Mr. Foltz: Well, we can discuss it, and amend the Ordinance if we want, I don't know if there's any other comment. Julie, do you have any comment?

Mrs. Herr: I just - I just wanted to clarify that. I did change that...fiscal clerical specialist rate from the 11.19 to the...\$15 rate, and I apologize, I didn't highlight it. I only highlighted the - the positions that were added, the new positions. And the reason why I did that, first of all, there is nobody in that position at this time. And if you recall, about a year or so ago, I came back to Council and wanted to...increase that position to what the current full-time clerical specialist and fiscal specialists were making, because I wanted to fill a full-time position with a part-time position, but I wanted to raise the rate to make it equivalent with what the work - they would be doing. And...because I didn't go forward, I did go ahead and fill the position with a full-time...person, so since we were changing the part-time ordinance, I thought, well, since I'm not going to be filling the position in my department, I would like the option to bring someone in on a part-time basis for when we have...you know, two or three people on vacation this summer, and I thought because of the position and the work that they would be doing that it would warrant a higher rate, because they will be doing the equivalent work of what my other employees are doing now. And so that's why I did. I didn't raise to the rate that they are currently making, but I did bump it up slightly just again, to - in hopes that I can even bring someone in at that rate, considering that it's not going to be set hours, it's not going to be every week, it's going to be, you know, here and there, whenever it's needed. So I don't even know if I can bring someone in at that \$15 rate, let alone the \$11 rate, but...you know, if Council wants to put it back, that's fine. I don't have a problem with that. But again, there's nobody currently at that position, there's no one that would get a raise...because of this change at this time, but again, if - if you want to put it back to the 11.19 with the 3% in there, that's fine.

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Mrs. Hines: Well I – I – and I also had it was 11.19, 11.32 and 11.66, so I, you know, don't quote me on the math.

Mr. DeOrio: Well every...

Mrs. Herr: 11.19, 11.53 and 11.88, that's what I have.

Mr. DeOrio: Well, every 1% is eleven cents.

Mrs. Hines: ...inaudible...

Mr. DeOrio: Every 1% is roughly eleven cents, so...

Mrs. Hines: Okay.

Mr. DeOrio: so 3% is 33, and I just did it roughly like that...

Mrs. Hines: Well if it's on the record...

Mr. DeOrio: in my head.

Mrs. Hines: I – I don't want – I don't want it one for the record that says the final amounts other than the first one, effective on passage. It actually goes back to last year, with the 11.19, rather than the 15, the 15.35 and 15.91. Then if there's a problem and you know, we're having trouble getting someone, then maybe we can see where our finances are...and we can make a separate thing to change that. But right now, that's the, really the only one that's...

Mr. DeOrio: You know, I – I would...concur with that, Member Hines in that...all of the other ones you know, have followed the formula and I hate, I would...you know, see no reason to deviate from the formula at this time. I – particularly, just when it's based on, you know...a potential, hypothetical situation and that we may not be able to get somebody, and that may in fact be true. But, to just do it...I think arbitrarily...you know, sets a...sets a precedent for somebody else to come back and – and ask for different things. I think overall the \$15 wage...you know, puts us, puts us close to what some of the other ones in that department make full-time. I think that...that would not go unnoticed during the next...contract negotiation. So I think that sometimes has a...a spiraling affect, I'd like to, as you...I guess what you trying to say is, you know, cross that bridge when we come to it. Let's see what...what Julie's able to...to do and attract to the position and if it warrants you know, revisiting it at that time, then we would least have further evidence that we need to rethink it.

Mr. Foltz: Very good. Any other comments? I guess then we're looking for a motion to...amend the wage amount for fiscal clerical specialist to...do you need the actual figures Gail or can we just say a 3% increase each year?

Mrs. Kalpac: 11.53 and 11.88, Julie?

Mrs. Herr: Yes, 11.19 currently, 11.53 and then 11.88.

Mr. Foltz: 11.53 in 2000, May of 2007, what was the last figure, 11...

Mrs. Herr: 88

Mr. Foltz: 11.88, effective May 1, 2008, so do I have a motion, second to approve that wage amount change for fiscal clerical specialist?

Mr. DeOrio moved and Mr. Repace seconded to **amend Ordinance No. 24-07** to change the wage amounts to read \$11.19, \$11.53 and \$11.88. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt the first reading of Ordinance No. 24-07 as amended?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading of Ordinance No. 24-07 as amended**. All members present voting.

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

No: 0

Mr. Foltz: Next may I have a motion to suspend the rules for Ordinance No. 24-07?

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Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 24-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 24-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 24-07. All members present voting.

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

No: 0

23. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 25-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 25-07. All members present voting.

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

No: 0

Ordinance No. 25-07 - 1st Reading – Personnel & Safety

An ordinance amending Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, for the exempt personnel of the City of North Canton, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Hines.

Mrs. Hines: Well, this is the same, they going along with the same things...we liked everything, we took out the vacation, is that correct? Took out the vacation paragraph that was in there before. And everything else is pretty much like everyone else's and we want to go forward.

Mr. Foltz: Very good. Do I have a motion to adopt the first reading of Ordinance No. 25-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 25-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt the first reading of Ordinance No. 25-07?

Mr. DeOrio: So...

Mr. Foltz: I just said that? Excuse me. May I have a motion to suspend the rules for Ordinance No. 25-07.

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 25-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 25-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 25-07. All members present voting.

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

No: 0

24. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 26-07?

Mr. Lane moved and Mr. DeOrio seconded to **read by title only the first reading** of Ordinance No. 26-07. All members present voting.

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

No: 0

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Ordinance No. 26-07 - 1st Reading – Street & Alley

An ordinance authorizing the Director of Administration of the City of North Canton, to advertise and receive bids according to specifications that will be on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain streets, alleys, and city parking lots within the corporate limits of the City of North Canton, in an amount not to exceed \$290,000.

Mr. Foltz: Chairman Lane.

Mr. Lane: As we discussed last week, this is our standard quarter of a million dollars for...street...resurfacing, and about \$40,000 for concrete and...again, be thinking about some of the streets. This is not designed to do an entire area or a particular street, it's kind of divvied up around the entire City, a block here, a block there, a couple blocks that need to be repaired, so. I know Mr. Benekos is going to be asking us at some point, probably by the third reading for the list. You don't want it?

Mr. Benekos: Not yet.

Mr. Lane: Okay, and...and then he mentioned...inaudible...I know it seems like a lot of money just for little bits of here but – here and there, but we do end up spending it every year and it's a good way to – to maintain some of those streets that are down the road going to be problem areas if we don't do it now, so, I would recommend the first reading on this.

Mr. Foltz: Very good. May I have a motion to adopt the first reading of Ordinance No. 26-07?

Mr. Lane: That was my motion.

Mr. Repace: Oh, second.

Mr. Foltz: Second please?

Mr. Repace: Second.

Mr. Foltz: You recommend it but we...inaudible...

Mr. Lane: You're butting up against your five minute limit there, repeating yourself.

Mr. Lane moved and Mr. Repace seconded to **adopt the first reading** of Ordinance No. 26-07.

All members present voting.

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

No: 0

Mr. Foltz: And that was just for the first reading, correct?

Mr. Lane: Yeah for first reading.

Mr. Foltz: Okay.

Mr. Lane: I do have a question on 27-07. It's listed here on an emergency, I don't think we talked about an emergency and it's not in the Ordinance as an emergency, so do we have to amend that? Or do we just not read it as an emergency?

Mr. McFarren: Well, we – we can – we can read it as – as an emergency or we can amend it. What's the intent, to – to do...

Mr. Lane: Well, I didn't think we had this on for an emergency because there's still an amount of engineering work to be done, and some other things. Maybe I misunderstood last week.

Mr. Benekos: I think we talked about...putting an emergency clause in...but not passing it, not suspending the rules, seeing how the plans came – progressed during the readings. And they'll say at the third reading or the second reading...

Mr. Lane: Okay.

Mr. Benekos: if they're far enough along...

Mr. Foltz: Okay.

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Mr. Benekos: then go ahead but...

Mr. Foltz: So, you – you'd like to pass the first reading tonight.

Mr. Benekos: Just the first reading, correct.

Mr. McFarren: Go as is.

Mr. Foltz: As is, then. Okay.

Mr. McFarren: Go as is.

25. Mr. Foltz: May I have a motion to adopt, or excuse me, to read by title only the first reading of Ordinance No. 27-07?

Unidentified: I think we're good.

Mr. Lane moved and Mr. DeOrio seconded to read by title only the first reading of Ordinance No. 27-07. All members present voting.

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

No: 0

Ordinance No. 27-07 - 1st Reading – Street & Alley

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Wilbur Drive NE Rehabilitation Project, at a total cost not to exceed \$396,000.

Mr. Foltz: Chairman Lane, any other comments?

Mr. Lane: No, we talked about this last week. This is the Wilbur Drive and as it says, NE Rehab Project, all of the figures are broken out. And again, I would recommend first reading of this.

Mr. Foltz: Very good, do I have a motion to adopt the first reading of Ordinance No. 27-07?

Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 27-07. All members present voting.

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

No: 0

26. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 28-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 29-07. All members present voting.

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

No: 0

Ordinance No. 28-07 - 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Bachtel Street / Viking Street / Clearmount Avenue Water Project, at a total cost not to exceed \$533,000, and declaring the same to be an emergency.

Mr. Foltz: In Chairman Magel's absence, we have Vice-Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. At the request of the Chairman of the committee, I – you were given a copy of the breakout as to Bachtel, which is 200,000; Viking which is 235 and Clearmount 98 for the aggregate of 533,000. I believe we can proceed with that, as it is probably near close to completion, engineering and the project can get off, it's a water project, paid through water funds. And I will recommend then, ask for the adoption of Ordinance No. 28-07.

Mr. DeOrio: Second.

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Mr. Snyder moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 28-07

All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 28-07?

Mr. DeOrio moved and Mr. Snyder seconded to **suspend the rules** for Ordinance No. 28-07.

All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 28-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 28-07. All members present voting.

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

No: 0

27. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 29-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 29-07. All members present voting.

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

No: 0

Ordinance No. 29-07 - 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Northwood School (School Avenue) Waterline Project, at a total cost not to exceed \$195,000.

Mr. Foltz: Vice Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. Again, this is a water project. This will be designed to support...any fire suppression or anything of that nature at the school. The school has requested that we do not...enter into any type of invasive construction prior to the ending of the school year, hence it will be done on a three reading, on a 30 day basis and...it's a budgeted item from the water fund and I recommend and ask that you adopt Ordinance 29-07.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 29-07.

All members present voting.

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

No: 0

28. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 30-07?

Mr. DeOrio moved and Mr. Snyder seconded to **read by title only the first reading** of Ordinance No. 30-07. All members present voting.

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

No: 0

Ordinance No. 30-07- 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Glenwood Street SW Sanitary Sewer Project, at a total cost not to exceed \$250,000, and declaring the same to be an emergency.

Mr. Foltz: Vice Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. This is a project that we've had in designed in the budget for I believe, this is the fourth year. It is 95% complete and ready to get out. We do have a problem where we have...infiltration of storm water into the sanitary, which eventually

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ends up in the Zimber, which exacerbates the water at the Zimber, and I do again recommend and ask that you adopt Ordinance 30-07.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 30-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 30-07?

Mr. DeOrio moved and Mr. Snyder seconded to **suspend the rules** for Ordinance No. 30-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 30-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 30-07. All members present voting.

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

No: 0

29. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 31-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 31-07. All members present voting.

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

No: 0

Ordinance No. 31-07 - 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Holl Road Lift Station Upgrade Project, at a total cost not to exceed \$120,000, and declaring the same to be an emergency.

Mr. Foltz: Vice Chairman Snyder:

Mr. Snyder: Thank you, Mr. President. I have a privileged question, Engineer. I noticed that we're only 40% designed on that. Is - is there a reason we need the emergency, is the...

Mr. Benekos: Yeah, I talked with the...consultant last week, there's just two big items basically, in that design, they had half of it done last week. They're waiting for some information from a - a supplier, once that gets done, we - it should be done within two weeks.

Mr. Snyder: And I think it's important that the record reflect the fact, 'cause there are some concerned residents...the reason that it was not eliminated is that the County forbade us from pumping any additional water into their - their sewer, excuse me, into their main line that we constructed to hook to their line at Marquardt. So it was not a - a simply - a veiled gesture upon part of myself, or the Administration, or members of the Council, not to eliminate the lift station, am I correct in that, Mr. Benekos?

Mr. Benekos: That is correct. We were led to believe early on that we would be able to - to do that, and then the County...reconsidered. They checked the capacity of their sewer, over off of Marquardt, and they said they did not have the capacity.

Mr. Snyder: So it's impossible for us to...our wish is that we eliminate that station there, but we do put that silent generator to keep it running in case it would falter due to loss of electricity.

Mr. Benekos: That is correct.

Mr. Snyder: Thank you, sir, I appreciate that. With that, I recommend that we pass and ask that we pass Ordinance No. 31-07, Mr. President.

Mr. Snyder moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 31-07. All members present voting.

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

No: 0

Monday, February 26 7:00 p.m.

07

Held

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Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 31-07?

Mrs. Hines moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 31-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 31-07?

Mr. Snyder moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** for Ordinance No. 31-07. All members present voting.

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

No: 0

REPORTS:

Mr. Foltz: Reports. Director of Law.

Mr. McFarren: Nothing.

Mr. Foltz: Director of Finance?

Mrs. Herr: I just wanted to mention to Council that...this last pay...was a....a pretty bad pay for us, as far as the overtime, because of all the snow. We obviously had the bad snow that occurred over Valentine's Day and...there was also several times they went out...at the beginning of the pay and at the end of the pay. And...as a result of the snow and...salting and plowing, we paid over \$18,000 in overtime, which, just to put in perspective, is more than what we paid the entire last year in overtime. So, hopefully, that is the end of it, knock on wood...but I know that we do maintain the best streets as far as our snow removal, but there is a cost to it, and I just wanted to make you aware of that...that's what we ended up paying.

Mr. Foltz: Appreciate that. Chairman DeOrio, I'm glad that you were already sitting down, when she gave us that news.

Mr. DeOrio: I'm still breathing.

Mr. Foltz: Director of Administration.

Mr. Wise: Along those same lines, we did have...crews out for quite an extended period of time, various different crews, on Tuesday morning of last week...and it continued to snow. They plowed and they salted...they finished about 3:00 on Wednesday...Valentine's Day. About 550 ton of salt in those two days. That's more than half of the capacity of our salt bin. We do have...received salt...from our supplier, so our salt bin while not fully recharged, has been recharged. Saturday night there was an ice storm, they were out again. If fact, there were some reports from the police this morning, and - and someone called 9-1-1 this morning, indicating there were - there was black ice in certain sections, so the salt crews did go out...they salted very lightly where they thought there were issues. It is an ongoing issue, as Julie said, hopefully that will be the - the brunt of - of the winter. However, they - they've had heavy snows and been out plowing in April before, so, let's hope for the best. But, this is certainly nothing we can control...we did have many, many...compliments from residents...on the - the job that was done by the plow crews on the 13th and 14th, and...I was out with them for some period of time Tuesday evening, riding as an observer in one of the big plow trucks, and it really is amazing...what the workers do in a situation like that. On a separate matter, Friday there was a - one of our employees was driving a pick-up truck pulling a trailer with a Steiner mower on the back...that had just been repaired, down at a place near Minerva. Either the tire blew or the actual wheel gave way, and that trailer then went out of control, beyond the control of the employee that pushed that pick-up truck around, ended up snapping a utility pole when the trailer or the tractor hit a utility pole. The - the truck went off the road, the - the driver...indicated on Friday that he was fine, though I - I think he was off this morning with a - with a sore neck, so at least at this point, it's my understanding he is, hopefully, okay. Just some bumps and bruises. The trailer, I believe about \$2,500 trailer, was scrapped, they don't - I don't have a report yet as to the condition of the tractor, but it was on the trailer, and I believe separated from the trailer at some point. So, obviously a...going to be an expense of some sort, just want to make the Council aware of that, but at - at this point...it's my understanding that the...city employee that was driving is - is okay with some, just some bumps and bruises.

Mr. Foltz: Well, our main concern is our employee's okay.

Mr. Wise: yeah.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, February 26	7:00 p.m.	07
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Mr. Foltz: There's nothing that we can't replace or – or look to find additional funds for, obviously you're right. The trailer's probably...totaled and...the Steiner, you obviously need the Steiner for the parks, I'm familiar with that device where I work, so...we'll have to do an evaluation and as soon as you can, let us know if we need to purchase a new one at that point, so.

Mr. Wise: Will do.

Mr. Foltz: E.J., just for...clarification, how many people do we put out when there's, do you know? When we're plowing and salting?

Mr. Wise: There were, I believe, I had a list and I don't have it with me, 35 individuals. Now that includes...a number of...superintendents and operations managers...so somewhere between 28 and 30 individuals who are on the clock and are on overtime if in fact, they are – go beyond the...the daytime. Twenty trucks, I believe...eight big plow trucks and then 4X4's, pick-ups that go along with the plow trucks and assist and get the – the small areas where the big trucks can't get into.

Mr. Foltz: The success of our program relies on other departments to step up and cross...cross usage of employees, I should say with – with overtime...inaudible...like water, sewer, different...

Mr. Wise: Oh yeah. Everybody that they can get, they get out.

Mr. Foltz: 'Cause we are known for our snow removal and - and I think it's great that we continue, even with – with the fiscal responsible budget, continue to be one of the best around. So I applaud the efforts there, the Administration, and our employees, please pass that on to them. Mayor, comments?

Mayor Held: Yeah, just along the same...lines that our Administrator Wise mentioned, the – the workers did a fantastic job. The snow was coming down, it was relentless, they worked like 36 hours around the clock, and...even Administrator Wise was out, I think, throughout the night in the snowplows because they needed assistance, so...great job to the workers, we do appreciate everything that they do. And Bud's in the back of the room, Bud, if you want to raise your hand there. He was out there leading the charge, so we appreciate the work that you're doing, Bud.

Mr. Philippi (from audience): I'll pass that on.

Mayor Held: Okay, thank you.

Mr. Foltz: City Engineer?

Mr. Benekos: No report.

REPORTS – COUNCIL:

Mr. Foltz: Gail, anything?

Mrs. Kalpac: No report.

Mr. Foltz: No report? Member Lane?

Mr. Lane: Yeah, a couple of dittos for basically the same conversation. It was interesting Valentine's morning, Ollie's opened up. I was there, and Administrator Wise came in right about the time they were cutting the ribbon and these guys had driven over from Pennsylvania in the middle of all of that, and they remarked to me how nice it was to actually be able to have some traction when they got to the City limits. So the CEO was here and you know, if anything, I – I hate to have to show off the City in those regards, but he was very impressed before he left about – about our efforts, so. And I know I passed along to both Mr. Wise and Mr. Oleskey my thank you's for it, so. And the only other comment I have is what I said earlier, that I'd like to hear Mrs. Magel's comments on – on the ordinance and...you know, maybe we can revisit this as a short discussion item because we do have another two readings on that particular – just – just to get some more input.

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

Mr. Snyder: Thank you. I notice that the design of the detention bases at the Fairways is now complete and what – do – have we a timeframe when we may look at the – detaining some of that water to give some relief to that...Lipton, Orchard...I know he's – he's required to spend some money there and...

Mr. Benekos: Right. We've – we passed those plans along to the – to the golf course and I have not heard back from them yet. That was maybe about two – two weeks ago that I did do that. Now that the weather's starting to break a little bit, he should be able to get in there. He'll need to hire a contractor to do the work, so...

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Mr. Snyder: I – I would respectfully request that a letter be sent to the operator of that golf course, instructing him and reminding him of his duty to spend the money on that golf course and asking him if he would not address that within the next building season, which begins early March. And I think it'd his benefit, because he doesn't want to impede play and impede his cash flow, but at the same time, we need to start – do everything possible that we can to control that water before the rain begin. But I'd appreciate that. That's my only comments, thank you.

Mr. Foltz: Member DeOrio.

Mr. DeOrio: No comment.

Mr. Foltz: No comment? Member Hines?

Mrs. Hines: The Charter Review Commission, I was not there on Thursday, was not able to be there, but they're scheduled for March 1st, Thursday at 7 to be here...they have public speaks, but it is 5 minutes in duration and to the topic and for March 1st they're supposed to go over the review of written comments by the public.

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

Mr. Repace: Just – just to echo one thing real quick, is a lot of the Hoover employees commented on how good the roads were in North Canton, you know, coming from our surrounding areas they felt very safe once they got into North Canton, we want to thank you for that.

Mr. Foltz: Very good, thank you. I have no additional comments. Final call for new business from Administration or Council?

ADJOURN:

Mr. Foltz: Seeing none, is there a motion to adjourn?

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


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

No: 0

Meeting adjourned at 9:18 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

3/8/07 ev