

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by Rev. Dean Myers, Northminster Presbyterian Church
3. All present recited the Pledge of Allegiance.

Mr. Foltz: Madam Clerk, please call the roll.

ROLL CALL:

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

5. Consideration:

Special Council meeting: December 20, 2005
 Public Hearing (Open Space): January 9, 2006
 Public Hearing (Vacation of Alley #9): January 9, 2006
 Regular Council Meeting: January 9, 2006
 Mayor's Court Receipts of November, 2005
 Financial Statement of December, 2005

Mr. Lane moved and Mr. Snyder seconded to approve the minutes of the Special Council meeting of December 20, 2005, two (2) Public Hearings of January 9, 2006, Regular Council Meeting of January 9, 2006, as well as Mayor's Court Receipts of November, 2005 and Financial Statement of December, 2005.

Mr. DeOrio: Mr. President, if I could just have a point of information, please. And in – what would be the process for correcting a set of minutes that we had approved from before?

Mr. Pusateri: I talked to Gail about that today. She brought it to my attention. We just go ahead and move and make the corrections in an open meeting and make sure any past minutes – that we cite the meeting where it was directed to make those changes.

Mr. DeOrio: Okay. Would it be appropriate to do that at this time or at some other time in the meeting?

Mr. Pusateri: Sure, you can do it now; that's fine. If everybody's ready for that, it's fine.

Mr. DeOrio: Do you have the information, Gail?

Mrs. Kalpac: I don't have the page number, but it was the December 12th meeting.

Mr. DeOrio: Apparently, in the December 12th meeting – and I apologize. At the last meeting when we voted on this, I got confused a little bit with all that was going on, and I didn't mention this. But on the December 12th meeting, there was some discussion about a particular ordinance, and there were remarks in the minutes that were attributed to Mr. Lane when, in actuality, they were from Mr. Benekos. And so that, you know, is not a misspelling kind of thing. I think it should be reflected so. I would like to move that we amend those December 12th --

Mr. Lane: If they were good comments, I'll take credit for it.

Mr. DeOrio: Well, it was in tabling one of the ordinances, and I think it had to do with the front footage.

RECORD OF PROCEEDINGS

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Mr. Benekos: The water rates that – grades.

Mr. DeOrio: And you had—and then Mr. Benekos had actually asked Member Snyder –

Mr. Lane: I do remember that, yeah.

Mr. Foltz: So, do we have a motion to –

Mr. DeOrio: I would move that we make that correction.

Mrs. Magel: I would second that and also say that I happened to have noticed that, too. I had a discussion. It was new voices on Council, and the assistant just didn't pick up on all our voices, and we have different channels through here, and it was just a very simple mistake, certainly unintended. And there was a motion to table, and it did come from Mr. Benekos rather than Mr. Lane.

Mr. DeOrio moved and Mrs. Magel seconded to amend the minutes of the December 12, 2005 (Record of Proceedings Book 32, near bottom of page 0004) to indicate Mr. Benekos speaking (rather than Member Lane) concerning tabling of an ordinance. All members present voting:

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

No: 0

Mr. Foltz: Do we need a motion to follow up on the other minutes of the Council Meetings, the Public Hearings?

Mrs. Kalpac: Well, we had one. I think Jon made the motion.

Mr. Foltz: Is there a second for that?

Mr. DeOrio: Doug seconded it.

Mr. Lane: Or, no -- (Inaudible).

Mr. DeOrio moved and Mr. Lane seconded to approve the minutes of the Special Council meeting of December 20, 2005, two (2) Public Hearings of January 9, 2006, Regular Council Meeting of January 9, 2006, as well as Mayor's Court Receipts of November, 2005 and Financial Statement of December, 2005.

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

No: 0

6. Committee Reports

Finance & Property Committee – Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held January 17, 2006.

Ordinance, Rules & Claims Committee – Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held January 17, 2006.

Park & Recreation Committee – Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held January 17, 2006.

Personnel & Safety Committee – Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held January 17, 2006.

Street & Alley Committee – Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held January 17, 2006.

Water, Sewer & Rubbish Committee – Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held January 17, 2006.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mrs. Magel moved and Mr. DeOrio seconded to approve the committee report minutes as presented. All members present voting:

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

No: 0

7. Appointment

Mr. Foltz: The appointment of Director of Finance Julie Herr.

Mrs. Hines: The North Canton Charter states: "A Director of Finance appointed by Council for term of two (2) years shall be head of the Finance Department and shall be fiscal officer of the municipality." Julie Herr came to North Canton in 2001. She has a Bachelor of Science Degree in Accounting. She's been a Certified Public Accountant since 1994. She was Assistant Director of Finance for the City of Barberton for seven (7) years prior to coming here, and she has received the Government Financial Officers Certificate of Achievement for Excellence in Financial Reporting every year since she's been here. So, at this time, I've spoken with all members of Council; and, therefore, I am recommending that Julie A. Herr be reappointed as Director of Finance.

Mrs. Hines moved and Mr. DeOrio seconded to approve the reappointment of Julie A. Herr as Director of Finance for a two (2) year term. All members present voting:

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

No: 0

Mr. Foltz: Next on the agenda is Council appointment to Community Investment Corporation Board.

Mrs. Hines: Okay, then we – this has been called the Community Improvement Corporation and the Community Investment Corporation, and we're going to go with the bylaws that says the "Community Improvement Corporation." Last year Mayor Tom Rice and then-City Administrator Mike Miller, with the help of others, worked on membership and funding issues for the Community Improvement Corporation. Last November, North Canton voters passed Issue 31 which funded the CIC with \$1.5 million dollars, giving \$100,000.00 to the CIC each year for fifteen (15) years. This fund would be used – or will be used to encourage economic development in our City. Membership was expanded from four (4) to eight (8) members for a balance of power. These members are the current Mayor of North Canton, current Director of Administration, the Finance Director, the Law Director, the current Council Economic Development Committee Chairperson, the current Council President and two (2) appointees. The Mayor has made his appointee, and now, having thought, Council has an appointee, and at this time, the thought is that the former Mayor, Tom Rice, is an initiator of the present CIC. He's knowledgeable of the entire history and workings of the CIC, and having offered his abilities to the future of North Canton where needed, I recommend Tom Rice as the City's appointment to the CIC.

Mrs. Hines moved and Mr. DeOrio seconded the appointment of Tom Rice to the Community Improvement Corporation. All members present voting:

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

No: Snyder

8. Recognition of Visitors

Mr. Foltz: First I'd like to recognize – Eric Bowles is here tonight, right? (Inaudible) Eric? Is Robert Fothergill here?

Mr. Fothergill: "Fothergill."

Mr. Foltz: Excuse me. Sorry for the mispronunciation. You wanted to come up and address us tonight, first, then we'll open up to the rest of the audience.

Mr. Fothergill: Thank you. My name is Bob Fothergill. I'm the community organizer for Stark and Carroll County for an organization called "Voices & Choices." It's an

RECORD OF PROCEEDINGS

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20

06

initiative of the fund for our economic future. Just to give you a little background. Voices & Choices is your opportunity to help shape the future of northeast Ohio. Thousands of residents across the region are working together to decide what we must do to make northeast Ohio great again, to create jobs and improve quality of life for all. The communities of northeast Ohio are competing against each other – against other regions across the country and around the world for better jobs and opportunities. In order to compete, northeast Ohio needs to pull its resources and work together as a team. The fifteen (15) counties of northeast Ohio are home to more than 4 million people, and they can reach a larger population than 23 states. Our regional economy is greater than many small countries and employs one-third (1/3) of all workers in the state of Ohio. Together, thinking and acting as a region, northeast Ohio can be a collective force to be reckoned with in the global economy. We need to come together, create a solid game plan so that we can assure better future for all of our residents. Voices & Choices has, over the last few months, had 11,000 political community and business leaders meet at – throughout, across northeast Ohio in leadership workshops. We have interviewed around 3,000 citizens on the assets and challenges of northeast Ohio. And on November 12, 2005, at the University of Akron, we had a town hall meeting – an all-day affair that had 750 people in attendance and talked about the assets and challenges of northeast Ohio, and how we can improve this region in creating jobs. What we're asking now is we're bringing it down to the communities. We're having a thing called "Community Conversations." We're asking the community leaders, political leaders and the citizens of North Canton to become involved, hold a Community Conversation with an organization, where there's individuals in your own home, so we can talk about the assets, challenges that face northeast Ohio and how we can overcome then and compete as a region to better our economy in the 21st century. I can be reached at 330-833-5657. We also have a website: www.voiceschoices.org, and you can contact us. We do everything to help you set up to have the Community Conversation. We would bring a facilitator if you need one, or you can do it as – on your own. It can be as small as five or six people or as large as 100 or 200 people. And that's it.

Mr. Foltz: Any comments from Council?

Mr. Lane: What's your – without looking through all this – I am somewhat familiar with the program, but I'm not sure. How long are you going to be at this? Is this something that ends at the end of 2006, or is this something –

Mr. Fothergill: We're looking at Voices & Choices, itself, probably ending around November of this year. We're going to plan on having, of course, these Community Conversations and also another regional town meeting and also leadership workshops. Then, the Fund for Economic Future is still here, and they've come in at \$30,000,000.00 to follow through with this.

Mr. Lane: So, you would want to hear from people here before November.

Mr. Fothergill: Yes. We're planning on having Community Conversations starting in February, going to May. And then we'll then move into more of the leadership workshops and the town hall meeting and bring from that some challenges. We also want to know what solutions there are out there. And that's what we're wanting to know from the citizens of North Canton, Stark and Carroll Counties.

Mr. Lane: Thanks.

Mr. Foltz: Thank you very much. I appreciate it. Anyone else who wants to address Council tonight, please state your name and address.

Mr. Fano: Dick Fano, 1382 Elmwood, S.W., North Canton. I've been coming to Council meetings for five (5) years now. I sit back there in that chair, and I listen to everything that goes on up here. And a lot of it I can take, and some of it I can't. Last week you threw around something that bothered me. First of all, I don't think the City has the finances to go for the Crowder property. And I just wanted you to know, as my opinion, as a businessman in North Canton, I don't think that the City should go for it. We don't need any more parks. We have eight (8) in this town

RECORD OF PROCEEDINGS

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now. And I know Doug is a park man, but I just don't – I just don't feel – Councilman DeOrio over there says we need to start thinking smaller. And I agree with him. And if there's gonna be any money appropriated in this town, then I think that the next move – you're gonna keep hearing from me until I die – is going to be Seventh Street and North Main. And I figured out that if take that yellow line – that double yellow line from the square and go north, the west side of it is Foltz Territory, and the right side is Magel's Territory. So, you two are gonna be in my sights until that gets done. So, that's it. I don't have anything else to say.

Mr. Foltz: Appreciate your comments.

Mr. Fano: All right.

Mr. Foltz: Anyone else who wants to address Council tonight?

Mr. Silverthorn: I've been here before. City Council, Administration, Mayor Held, my name is Tom Silverthorn. I live at 1283 Lipton Avenue, S.W. Just to continue an observation I brought up here about a month or so ago. Pardon me if I get winded. I just got over pneumonia. But Jon Snyder knows exactly what I'm talking about. I'm just – so, you can take a nap if you want, Jon. I've been living in North Canton – working in North Canton since 1986 at the Timken Research facility. I moved to North Canton in '94, because the neighborhood that we lived in was deteriorating rather rapidly. The time we moved in, we probably had the worst house on the block. Twenty years later, when I moved to North Canton, I had the nicest house on the block. So, what's wrong with this picture? And I could have moved to Louisville. I looked at Hartville, Canton South, but was working up at the research facility. It made sense to come this way. And an issue is, as Jon knows, 1313 Lipton – I have a picture of the property of my neighborhood taken, excuse me, which I have included. And I checked, Jon. It hadn't been two (2) years since I started complaining about these people. It was four (4) years this month that these people moved in and started causing the havoc and the hell they have. Pardon my French, but the house is a dump. The last time I saw their trash put out was at least five (5) weeks ago, so God only knows where their trash is other than in the back yard and the side of the house, which I hope my pictures will show fairly well. It's, it's been everything – trash and cars in the front yard, extremely loud music, brawls in the street. The police had to be called. Complaints more than once of trash laying out in front – trash cans laying out front. The pictures will do a thousand – you know, the word deal, which I'm – I'll cut it short, because I do want to pass these around. But this is something I mentioned to Jon, too, is – I've heard this more than once since I've lived in North Canton, and that is – I hate to say it, you know, but we live in the slums of North Canton. And the only thing that reinforced that is, is the poor people over on Bonnett with that water thing. That was a disgrace to this City for them to have to go that long with that much crap, when I only live about two (2) blocks away, and my water's fine. You know, what's wrong with this picture? But enough of that, but I would like to see something done. These people – Jon said they send them letters, registered letters, try to hold them accountable for their condition of their property. They don't give a damn about a registered letter. They don't care about their property. What do they care about a letter? It goes in the circular file as soon as their done reading it – if they read it. So, I'm hoping that Jon mentioned to get to Mayor's Court and start fining these people. Four years now I've complained. I complained the first time they did this four years ago, and we're still fighting the issue. Fine them. Do something. Right now we're doing nothing. Absolutely nothing. Again, the ordinance with no teeth. I mean, if you lived on my street, you would be appalled, to say the least. But, Doug, I'll cut it short. My friend and neighbor, Chris Feller, would like to speak on another issue on our block which is kind of near and dear to us. If you would, I'll pass the – I'll get these pictures to Doug Lane, and at your convenience, if you would. Okay. Thank you very much.

Mr. Foltz: Okay. Please do, sir. Thank you.

Mr. Feller: Chris Feller, 1291 Lipton. I certainly don't want to belabor a point that Tom just recently talked about, but being a homeowner in North Canton now for approximately a year, I was in the same boat Tom was 11 years ago. I could have lived in Hartville. I could have lived in Louisville. My options were certainly open. But I wanted to move to North Canton – first and foremost, it's one of the top 100

RECORD OF PROCEEDINGS

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COUNCIL OF THE CITY OF NORTH CANTON

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20

06

communities in the nation. If you drove down my street and looked at 1313 Lipton, there is no way in the world that you would think that. People like myself and Tom and a couple of our surrounding neighbors – we work day and night to keep our properties looking good, well maintained. We mow our yards, we follow our ordinances, and it's not paying off for us. The continual home improvements we do are not paying off. When somebody comes to my house, the first thing they say to me is, "Did you see the house two doors down? What are the cars in the front yard for?" It's a disgrace, and it's an embarrassment. And I certainly don't think it's something as a North Canton resident we need to put up with here. As Tom had previously said, we've got cars in the yard. We've got trash in the yard. We've got loud music all hours of the night. I've talked to Jon numerous times. We've had fights out there in the middle of the night. We've got people speeding up and down the road just going to that house. Just the general appearance, alone, is enough to upset any of the surrounding homeowners. And I had previously asked what an action plan would need – what we would need in terms of an action plan to get this corrected. And I guess my first question would be, has anything been established at this point in an effort to clean up this property short of the registered letters? And, secondly, directly across from that – I don't know if anybody's been in the neighborhood. We've got a new construction home on the corner of Lipton and Maplecrest. I think we've also brought that to Jon's attention. After looking at the zoning on line today through North Canton, short of getting out a tape measure, they are very close to not meeting zoning regulations for a corner lot. The appearance is poor. This home has been under construction for six (6) plus months now. Our streets are covered in mud because they've done no control with the grades or water runoff. Basically, it took interaction from the City to get the excavated areas cleaned up. We still continually have construction debris in the area. It's just a general nuisance to the neighborhood. Basically, those are our number one concerns in the neighborhood right now. I find it hard to believe that nobody else living around myself or Tom has come up and made the same accusations. You know, we've got the typical problems that our end of town does. We've got terrible potholes on the south end of our road. We certainly have our fair share of drainage problems not having curbs in the neighborhoods on all streets. But I think our biggest concern, and the one we want to touch most on right now, is 1313 Lipton. Thank you.

Mr. Foltz: Okay. Thank you.

Mr. Snyder: President Foltz, if I may address so that everyone knows where we're at in the situation. And I do appreciate both of those gentlemen coming up and, again, expressing their views. 1313 is a problem. It's an absentee ownership. The problems that we have with that property I addressed to the Council last week. And hence to that, I've worked with Mayor Held and Superintendent of Permits Hemminger to try to get a little more comprehensive enforcement action. It will take some time, because that is a zoning issue. However, what happens is that the present mechanism is a registered letter to the home. And, unfortunately, when it's a rented property, that person just pitches the letter. That is a problem. It's borderline almost to the point where it's going to become a public nuisance, as I had once before a little bit further north of you on Church Avenue. You know, and it does bother me, and I feel badly when people say the "slum." Here's what's happened to some of the areas of the fourth ward so people understand. I am not a proponent of rental property and never have been. The City has gone at one time – since I've been on Council – from just a little over thirteen percent (13%) rental properties – almost at one time we were at twenty-three percent (23%) rental properties. Rental properties are a problem for the City, the enforcement of our zoning, the police, the fire, our public utilities – everything, because, generally, it's a demand on that, so we try to limit that. And what's happened in that particular section of the City, it is a little older section. Some of the homes are big. They buy them. They split them or duplex them, and they rent them for very large sums of money. And they really don't care about the ownership. The problem will have to come where we change our zoning, where we actually have an enforcement tool in our zoning by either an enforcement officer by view of a nuisance officer or Mr. Hemminger, himself, issuing a citation to the Mayor's Court. People only understand one thing. When they pay for something, they appreciate it. And if they're not penalized financially, they will not appreciate it. And relative to that

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

property on the corner, Mr. Labriola, from the Department of Inspection, was there. I was there. He talked to that builder. We measured. He's right in with it. He's right at – you're right. He's right on the line. He did consent, and I'm hoping he keeps his word, to build some type of porch on it to dress it up. But it does – it isn't really aesthetically what people want in that neighborhood. (Inaudible) Hopefully, right. I have to be careful what I say. I don't want to – but he is – he is working on trying to dress it up a little bit. I know it's a very slow process. I apologize to you, but it's going to be until we actually go through the process of changing the mechanism where we enforce our zoning laws. We have isolated pockets throughout the whole City. Unfortunately, in the fourth ward, those four or five streets – and I have another one – one street over from you where I have about seven families living in a house. That one hasn't surfaced, but it was just brought to my attention. They're in the basement; they're in the attic; they're all over the place. So, I mean, I'm – you know, pretty soon, you know, it's going to be like, you know, spend my day over there with a police dog or something. But we will, I promise you. It's gonna take a little time, though. It won't happen in one or two months, but we'll do something. I'll get with Mr. Pusateri on this one, because once it borderlines becoming a public nuisance, it goes into the next phase of zoning. And we'll see what we can do. And I promise, again, as I've talked to you, we'll – I know it's slow. But it moves very slow. But we are – I spoke to Mrs. Magel this week about it. She's offered her help. She was the original architect of that zoning. She, at that time, wanted to put more enforcement, and we as a Council backed off, because we felt we did not want to be the heavy. And that was a mistake we made, and I will shoulder part of that blame. But we will, as a Council, eventually in the next few months, change our zoning that we're able to enforce the laws that we have. Because right now, really, they are – I won't they're a joke. But they are a very slow process. Its' – and then, the problem is, once they conform, the whole process stops. And then they can go the next day and start all over again, and the process begins. And it's a very arduous process. But I promise you we'll – you know, you deserve more than that. It's a beautiful neighborhood. It's well treed, and it's a nice neighborhood, and you don't deserve – no one – everybody deserves peace and tranquility no matter where you're at. And I promise you we'll – I have the support of all my Council members, which I appreciate. And they're all – and Mr. DeOrio asked me today how am I doing on it. He's very concerned about it, as the other members are. And we will address this and get it done for you. But, again, I thank you. Please keep coming back. Keep us informed, because government moves slow; people move quickly. But thank you.

Mr. Foltz: Member Snyder, thank you. You chair Ordinance, Rules & Claims. Why don't we, maybe, start the process next month and just to have some discussion to see what ideas we can bring forward. I mean, talk to Gene Hemminger and the administration, too, and our Law Director and put – as we just discussed, more teeth into our ordinances –

Unidentified: Yeah.

Mr. Foltz: So, you know, the neighborhoods know that we have people that have great housing here, and we're not going to allow substandard housing – whoever owns it.

Mr. Snyder: I appreciate your support, sir.

Mr. Foltz: So, let's start that process. At least we can have the end justify the means here.

Mr. Pusateri: Are those pictures copies, or can we keep those, or...

Mr. Silverthorn: No. You can have them.

Mr. Foltz: Okay.

Mrs. Magel: I would just like to say – actually, Member Snyder and I have been talking about this. And I was part of the zoning book, and I did have a component in it that it should have been stricter. I wanted to put some teeth in it, but, you know, at

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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the time, that just wasn't the Council's mood. But I thank you for coming up. I think – have I met you approximately – is this about your third time up?

Mr. Silverthorn: It's my second time.

Mrs. Magel: Second time. Okay.

Mr. Silverthorn: I was long-winded the last time. (Inaudible)

Mrs. Magel: Okay. Well, this is what it takes. I appreciate your coming up. And there is a problem here, and Jon, let's work. We'll get something going. Maybe I'll give you a call – work some verbiage out and we'll get this started.

Mr. Silverthorn: Thank you; appreciate it.

Mrs. Magel: Let's hope that it goes faster than open space.

Mr. Silverthorn: I have one more thing to suggest – I talked to Jon about is – and it's, again, it's the appearance of the house. Its' people that have parked in their front yards. That's been an issue with this house. It's been an issue down on Elmwood. These two places Elmwood – Orchard Hill – one of those. Ten years, and I still can't remember the streets, but, and we mentioned, too, the comment that these people have put their cars in the front yard for sale. Well, that's the idea – I don't care whether it's for sale or not it's the front yard. In a parking area, am I right, the ordinance says a designated parking area. When I moved up here, I needed space for my van. I got a big old hog Chevy van. I had it dozed, landscape timber put in, you know, gravel – the whole nine yards. And I have a nice place to put it. It doesn't look like I just fell off the turnip truck, you know, when I moved up here. Why can't these people do that? Now they – some people do it constantly. It's a constant thing. And some people put a for sale sign on it. And then one guy down Applegate...I swear to God, he's got a used car lot behind him. Every day you go past, there's a car out front. He put them – he sold one yesterday, because I didn't see it. But it's – I don't know, maybe I'm overly picky, but after seeing the neighborhood I lived in go to crap, I'm not about to move again. I'd like to stay in this neighborhood, you know, really. Thank you.

Mr. Foltz. All right. Thank you, sir. Anyone else want to address Council?

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street, S.E., North Canton, Ohio. I hadn't intended to speak tonight. This issue that was just brought up makes me remember back to three (3) years ago when I was Chairman of Ordinance & Rules Committee and we were talking about revising our grass ordinance. And I had numerous conversations with Mr. Snyder and privately and both publicly, we talked about giving Mr. Hemminger, our Superintendent of Permits and Inspection, some authority to immediately issue citations three years ago. We all know there was a problem, but maybe in three years Mr. Snyder and Mrs. Magel and Mr. Foltz forget quite how things went. I truly hope that you're looking out for the citizens this time, and you will do what we should have done three years ago. I was urging then at that time – because earlier we talked about it. It's a joke. Mr. Hemminger has to come out, inspect it, go back to his office, draft a letter, send it out, wait 30 days, and violators just play their little game with them. We all knew it was a problem three years ago, whether it was the fact that I was Chairman of Finance, (Misspoke -- Chairman of Ordinance, Rules & Claims), and we didn't want to see any progress under Mr. Osborne, I don't know. But it seems that three years now, suddenly people realize, oh, it's coming back to bite ya in the butt. So, I do hope you do, this time around, give Mr. Hemminger, or whoever in the future turns out to be our Superintendent of Permits & Inspection, some authority to make our ordinances work for the public. Thank you.

Mayor Held: Mr. President, I'd like to thank Mr. Silverthorn and Mr. Feller for coming up tonight, and also Mr. Osborne. We'll be meeting tomorrow in our department head meeting, and we will be discussing this. And any recommendations that come from our department heads that can help move this process along in cooperation with City Council, we're gonna work real hard to

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

address this. And I appreciate you taking the time to come up and speak to this issue.

OLD BUSINESS:

9. Mr. Foltz: Thank you, Mayor. Anyone else who'd like to address Council tonight? Okay. Seeing none, do I have a motion to read by title only the third reading of Ordinance No. 216-05?

Mr. Snyder moved and Mr. DeOrio seconded to **read by title only, third reading** of Ordinance No. 216.05. All members present voting:

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

No: 0

Ordinance No. 216-05 – Third Reading

Ordinance No. 216-05 amending Land Use Category (b)(6) of Section 1133.03 SCHEDULE OF PERMITTED USES of Chapter 1133 Single-Family and Two-Family Residential District Regulations of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to allow public parks and/or playgrounds to be a permitted use rather than a conditional use in R-70 and R-50, Single-Family Districts.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you. At the present time, we overlooked this when we did change the ordinances on zoning, and to allow parks and single-family R-50 and 70 districts. And it did come up where we knew to place a park in a R-70 district, and we had to go Planning and get a conditional use and put it through Council three (3) readings and so forth. So, we're asking on this third reading that we change that zoning ordinance and that it be placed that they be permitted use, as most parks do lie in the R-50 and R-70 Districts. And at this time I would recommend the adoption of the third reading of Ordinance No. 216-05.

Mr. Snyder moved and Mr. Lane seconded to **adopt the third reading** of Ordinance No. 216-05. All members present voting:

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

No: 0

Mr. Foltz: May we have a motion to read by title only second reading of Ordinance No. 4-06.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 4-06. All members present voting:

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

No: 0

Ordinance No. 4-06 – Second Reading

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

Mr. Foltz: Chairman Lane.

Mr. Lane: We have talked about this on numerous occasions, to belabor the point, and this is an area, basically, between the Middle School and some property that we're vacating for a variety of reasons that it's not gonna cost the City anything, and we've gone back and forth with the owners. And we're in good shape with everything. If I remember right, nothing has come up since the last reading, Jon?

Mr. Snyder: No, sir.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

Mr. Lane: So, we should be – I would recommend that we adopt the second reading.

Mr. Lane moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 4-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to amend the next ordinance for the second reading – that would be Ordinance No. 5-06.

Mr. Lane moved and Mrs. Magel seconded to **amend** (to remove "overhead and underground, in, on, over through, and across") Ordinance No. 5-06.

All members present voting:

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

No: 0

Mr. Foltz: We need to amend the ordinance?

Mr. Pusateri: Yes. You just moved to amend it, didn't you?

Mr. Foltz: Right

Mr. Pusateri: Okay. Then you just move to read by title only now, and I'll read that title.

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

Mr. Pusateri: As amended.

Mr. Foltz: As amended, excuse me.

Mr. Lane moved and Mrs. Hines seconded to **read by title only, as amended, second reading** of Ordinance No. 5-06. All members present voting:

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

No: 0

Ordinance No. 5-06 – Second Reading

Ordinance No. 5-06, as amended, is an ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Easement and Right of Way Agreement with American Electric Power ("AEP"), granting and conveying a right of way and easement ("Easement") for electric, other energy, or communication purposes for current and/or future uses, the following-described lands being known as Lot No. 6686 and 6685 situated in the City of North Canton, located in Section 8, Township (Plain) 11N, and Range 8, and defined by a map on file in the office of the City Engineer.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is the area at the end of Briar and Weber, and Paul, can I ask what, what your concerns were and why we're amending?

Mr. Pusateri: Yeah. I just took out that – there was some language in the original ordinance that Mrs. Magel brought to our attention. And I – it doesn't mean, necessarily, that that won't end up in the Easement Agreement, but it at least gives us an opportunity to look at it closer and see if it truly is needed. That language in the original ordinance stated that "overhead and underground, in, on, over, through and across." That is standard language in an easement, but I think it is worth a second look at, and that language was adopted right off the Easement Agreement that was provided to us by AEP. But I do think that it's worth, worthwhile looking at it closely to see if we truly need all that description. In the end you may decide that that needs to be in there, but this ordinance gives us more discretion looking at the agreement, that's all.

Mr. Lane: So, this will be the wording for the third reading as well?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

Mr. Pusateri: Yes. It will stay as it is, as amended.

Mr. Lane: And I think at the time of the first reading prior to that, Member Magel was expecting some possible comments from the neighbors down there. Have you ever picked up –

Mrs. Magel: I have not received any comments. I did alert that there was an amendment, and I had called in to see the amendment, and I spoke with Gail, and she gave me an explanation. I gave that – relayed that explanation to someone who knows these four (4) residents well. Actually, it was at my urging that I asked Paul to take a look at this wording, and I appreciate that he did.

Mr. Pusateri: Yeah.

Mrs. Magel: And, again, this may or may not come in during a time of agreement. It's just for now. It's for – it's in the contract, but as far as our ordinance is concerned, that verbiage will be taken out. They have been told, and I have had no negative response. But thank you for asking.

Mr. Lane: At least we're on the right track. That being the case, I would move we adopt the second reading as amended.

Mr. Pusateri: Let's just let me clarify, too, how it is drafted now, that language could stay in there once we look at it closer and see if it's actually needed.

Mrs. Magel: That's why I said may or may not.

Mr. Pusateri: Okay. I was making sure. Thanks.

Mr. Lane moved and Mrs. Magel seconded to **adopt the second reading, as amended**, of Ordinance No. 5-06. All members present voting:

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

No: 0

NEW BUSINESS:

10. Mr. Foltz: Next, can we have a motion to read by title only first reading of Ordinance No. 8-06?

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

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

No: 0

Ordinance No. 8-06 – First Reading

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

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you. First of all, we've talked about this at length last week. We've reached a definite definition where the parties to be, the Council, hopefully, the Planning Commission, the Ad Hoc Committee, Administration and, hopefully, most developers will be comfortable. I'd just like to point out to Council that it was brought to my attention, on this piece of legislation, there is an addendum there in section 2, and I did verify the purpose of that. Since this is actually changing the zoning subdivision regulations, it will be sent upon its third adoption to the Planning Commission for their approval and public hearing. However, it's hopeful, and I would think that without case, if this is sent to Planning with a 7-0 affirmative vote, they would not take it upon themselves to tinker with it. Should they do that under our present zoning laws, it would be sent back to us, and I believe they would – it would be one of the quicker things that would be changed right back. So, consequently, I will attend that meeting and, so – inform their chairman that this is

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

supposed to stay the way it is. However, that verbiage is in there, because this is a zoning ordinance, and we must, by law, we have three (3) readings and a public hearing; and that is the mechanism that we will take to adopt this. The Planning Commission will have to look at it, so that will stay on there. So, that is not a ruse or a guise to try to tinker with the subcommittee's definition. It'll stay as it is, and I do appreciate everybody's understanding of that. So, hopefully, if there's no questions of anybody, we'll just –

Mr. Foltz: I think Member Magel has a statement.

Mrs. Magel: Yeah, I have a question. This is on procedure. Paul, maybe you could help me.

Mr. Pusateri: On Section 1?

Mrs. Magel: Section 2.

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

Mrs. Magel: All right. Is this to have three (3) readings here in Council right now?

Mr. Pusateri: That's correct.

Mrs. Magel: Then we will go back down to Planning.

Mr. Snyder: That's correct.

Mrs. Magel: Then they would make a recommend – or a public hearing, and then a recommendation.

Mr. Pusateri: That's correct.

Mrs. Magel: Then it comes back to Council, and we will have a public hearing. Do we have three readings again?

Mr. Pusateri: That's correct.

Mrs. Magel: We will have three more new readings.

Mr. Pusateri: Yeah, that's right.

Mrs. Magel: Okay, now when we have the three new readings, section 2 will not be in there.

Mr. Pusateri: That's right. No, I – Section 2 is not part of the change.

Mrs. Magel: Right.

Mr. Pusateri: Simply, I put that in to make it clearer for everybody what procedures was going through, that's all.

Mrs. Magel: That's fine. No –

Mr. Pusateri: Its' not –

Mrs. Magel: Well, I need to –

Mr. Pusateri: I'm just restating the obvious, actually.

Mrs. Magel: Right. There needs to be – may need an amendment. It has to be the definition of open space and public open space.

Mr. Snyder: Is that in the text of the ordinance?

Mr. Pusateri: Oh, in the title, you mean?

Mrs. Magel: No, on this Section 2 – amendments initiated by Planning. The definition of, you put open space. Should that be and public –

Mr. Pusateri: Yeah, let me see, let me read – one second. That's a good point. We could it in the title as well just to make it consistent. We can put open space and public open space.

Mrs. Magel: Okay.

Mr. Pusateri: That's, that's true. We could do that.

Mrs. Magel: May I have one other question for the record?

Mr. Pusateri: We gotta make sure we do the next reading.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

Mrs. Magel: That'd be fine.

Mr. Pusateri: Good.

Mrs. Magel: Okay. Looking through Sections 1181.05 through .08?

Mr. Pusateri: Yes.

Mrs. Magel: Okay. Now, Paul, I know – I already know your answer, but I'm doing this for the record.

Mr. Pusateri: All right.

Mrs. Magel: Because I'm not going around the circle again. Okay. And I don't have it.

Mr. Pusateri: Do you want me to get it for you?

Mrs. Magel: Is it 1181?

Mr. Pusateri: .05.

Mrs. Magel: Oh, okay. All right. It says – thank you. After the passage of a motion by the Planning Commission for the adoption of a resolution by Council. This is an ordinance. That's fine?

Mr. Pusateri: Yeah. No that's fine. And Gail brought that to my attention as well. That's fine. I mean, if you look at North Canton's Charter closely, there's really no difference between –

Mrs. Magel: I already know this. I'm just – for the record – it's gonna be on the minutes –

Mr. Pusateri: I understand.

Mrs. Magel: -- that a resolution is an ordinance.

Mr. Pusateri: It is the same.

Mrs. Magel: Thank you.

Mr. Pusateri: Okay. That's something that was a misunderstanding some time ago about resolutions being something that's not three readings, but it's just not true.

Mrs. Magel: All right.

Mr. DeOrio: So, are you looking for an amendment to add public open space to Section 2?

Mr. Pusateri: I think we should probably amend it at the next Council meeting. We can have – we'll actually have it drafted and in Council's hand before we amend it.

Mrs. Magel: That would be fine.

Mr. Foltz: In written format?

Mr. Pusateri: Draft it. We'll just make sure we do that for next time.

Mr. Foltz: Okay. Do we have a motion to adopt the first reading of Ordinance No. 8-06?

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

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

No: 0

Mr. Foltz: Next, do I have a motion to read by title only first reading of Ordinance No. 9-06?

Mr. Lane moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance 9-06. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

Ordinance No. 9-06 – First Reading

An ordinance approving, confirming and accepting a dedication plat of a portion of Bonnett Avenue SW, known as being part of the Southwest Quarter of Section 17, Township 11 (Plain), Stark County, Ohio, located between Lehigh Avenue SW and Lynhurst Avenue SW and being part of City Lot No. 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382 and 3383, and Out Lot 146, 147, 148 and 149, for public use purposes, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is an area of Bonnett that we discussed this in the committee meeting last week that, through one reason or the other, it was never officially dedicated into the City. We've been taking care of it for a number of years, now, through, I guess what you would call, a common law dedication. But we're in the process of doing a great deal of work on Bonnett, and this is something that needs to be done in order to bring it officially into the City and dedicate that area of Bonnett. I would move that we adopt the first reading.

Mr. Lane moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 9-06. All members present voting:

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

No: 0

Mr. Lane: Time being of the essence, I would move we suspend the Rules of Council.

Mr. Lane moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 9-06. All members present voting:

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

No: 0

Mr. Lane moved and Mr. Snyder seconded to **adopt under emergency** Ordinance No. 9-06. All members present voting:

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

No: 0

Mr. Foltz: De we have a motion to read by title only the first reading of Ordinance No. 10-06?

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

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

No: 0

Ordinance No. 10-06 – First Reading

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

Mr. Foltz: Chairman Lane.

Mr. Lane: Yes. This is a situation where it's kind of an alley that isn't an alley and runs from behind the Harleigh Inn. And we're recommending the vacation of that from the southern property line down on the end all the way up north – it runs – we've had a public hearing on this, Planning Commission approved it, and I believe we discussed it in full. That being the case, I would move we adopt the first reading.

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

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

No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

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

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 11-06. All members present voting:

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

No: 0

Ordinance No. 11-06 – First Reading

An ordinance approving, confirming and accepting a Perpetual Water Utility Easement, situated in the City of North Canton, Ohio, County of Stark, and known as being part of the Southwest Quarter of Section 17, Township 11 (Plain), Range 8, as recorded in Official Image Record 200406030039504 of the Stark County Records, for the purpose to lay, relay, construct, install, maintain, operate, alter, inspect, repair, remove, replace and renew, at will, a water main for conveying potable water and appurtenances thereto with the right of ingress and egress at any time and from such water main and all appurtenances thereto on, under and through, and declaring the same to be an emergency.

Mr. Foltz: Chairman Magel.

Mrs. Magel: Yes. Jim, could you have added any more verbs in there?

Mr. Pusateri: Yeah, that's right. It was fun to read.

Mrs. Magel: All right. This is what we had discussed. This was the perpetual water easement to get from James to the connection, eventually up to Bonnett, and it would connect from James to Lynhurst, eventually get up to Bonnett where we can do the water projects where we're heading for probably very soon. So, I would recommend that this first reading be approved.

Mrs. Magel moved and Mr. Repace seconded to **read by title only, first reading** of Ordinance No. 11-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 11-06?

Mrs. Magel moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 11-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules of Ordinance No. 11-06.

Mrs. Hines moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 11-06. All members present voting:

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

No: 0

Mr. Foltz: Next, may we have a motion to read by title only first reading of Ordinance No. 12-06?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 12-06.

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

No: 0

Ordinance No. 12-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a four (4) year lease-purchase agreement with Chase

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

Equipment Leasing Inc. for the purpose of acquiring one (1) Catch Basin Cleaner/Street Sweeper for the use by the Street Department, within the purview of the Ohio Cooperative Purchase Act, at a cost not to exceed \$190,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, for those of you who recall, this was a combination of two (2) items from last week's committee meeting, and we've managed to put it together where we are willing to acquire this piece of equipment and do so under a four-year lease-purchase agreement at a cost not to exceed \$190,000.00. This is a type of piece of equipment that they need to move on quickly, because spring will be here, and it will be time to clean these catch basins. And the Department Head Oleskey believes that we need to do this on an emergency in order to get the equipment here as soon as possible. I would move that we adopt the first reading.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 12-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 12-06?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 12-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 12-06?

Mrs. Hines moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 12-06. All members present voting:

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

No: 0

Mr. Foltz: For the record, Council's received a copy of the signed Fiscal Officer's Certificate that pertains to the Note legislation that Council will be voting on for the next ordinance. Now, may I have a motion to read by title only the first reading of Ordinance No. 13-06.

Mr. DeOrio moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 13-06. All members present voting:

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

No: 0

Ordinance No. 13-06 – First Reading

An ordinance providing for the issuance and sale of \$2,700,000 notes in anticipation of the issuance of bonds for the purpose of paying costs of improving and expanding the municipal waterworks system by (a) rehabilitating and improving an existing water tower, together with all incidentals and appurtenances thereto, (b) constructing and installing water lines, together with all necessary appurtenances thereto, and (c) replacing certain waterlines, together with necessary appurtenances thereto, and declaring an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. We have a couple of notes that are due in mid-February, I believe around the 16th, and we would like to replace them. In the process of replacing them, we will be paying down approximately \$300,000.00, so we'll be going from notes of \$3,000,000.00 down to \$2.7 million, and we need to do this in a very quick manner because of the expiration of these existing notes. So, I'd ask that we adopt the first reading of Ordinance No. 13-06.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 13-06. All members present voting:

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

No: 0

Mr. Foltz: May we have a motion to suspend under the rules Ordinance No. 13-06?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 13-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 13-06?

Mr. Snyder moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 13-06. All members present voting:

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

No: 0

Mr. Foltz: Council has received a copy of the signed Fiscal Officer's Certificate that pertains to Note legislation that we're going to read tonight. It's the first reading of Ordinance No. 14-06. So, do we have a motion to do that?

Mr. Lane moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 14-06. All members present voting:

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

No: 0

Ordinance No. 14-06 – First Reading

An ordinance providing for the issuance and sale of \$1,600,000 notes in anticipation of the issuance of bonds for the purpose of paying costs of improving the municipal waterworks system by constructing, installing and replacing certain waterlines, together with all necessary appurtenances thereto, and declaring an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is another – water improvement project notes for new projects that we're starting, and based on the recommendation from Finance Director Herr, instead of going for \$1.7 million, we're gonna go for \$1.6 million and borrow \$100,000.00 less. I would ask that we remember that – it is our hope that sometime later in the year that we can come back to the Council and combine these notes into ones of much longer duration to lock in some very lower interest rates. So, at this time, I would ask that we adopt the first reading of Ordinance No. 14-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 14-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 14-06.

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 14-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 14-06.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** Ordinance No. 14-06. All members present voting:
 Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio
 No: 0

Mr. Foltz: I'll direct this to administration. Did you want to remove the ordinance – advertise and receive bids – and put this on as an emergency for any reason?

Mr. Wise: With regards to general liability insurance?

Mr. Foltz: Yes. I have a note here –

Mr. Wise: Our request was for an emergency based upon the fact that this has to be renewed by April 15th. And legislation, of course, was for an emergency. I don't know why it wasn't on as an emergency, unless there's some particular reason?

Mr. DeOrio: I, I ask that it not be put on an emergency, because they made a career in property and casualty insurance and all these types of things and how we've done this before. This is really something that should have come to us much sooner. If you're looking for more than a ninety (90) day lead time, sixty (60) day lead time is really a sufficient time for somebody to quote on this. If we read these three (3) times and pass the third one on an emergency, it would still give us 60 days prior to the expiration of the policies.

Mr. Wise: That's acceptable.

Mr. Foltz: Acceptable? Very good. May I have a motion to read by title only the first reading of Ordinance No. 15-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 15-06. All members present voting:
 Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz
 No: 0

Ordinance No. 15-06 – First Reading

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

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: I think that's pretty self explanatory with the conversation we just had. So, I would move that we adopt Ordinance No. 15-06.

Mr. DeOrio moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 15-06. All members present voting:
 Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines
 No: 0

Mr. Foltz: May I have a motion to read by title only first reading of Ordinance No. 16-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 16-06. All members present voting:
 Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane
 No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, January 23, 2006

7:00 p.m.

20

06

Ordinance No. 16-06 – First Reading

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

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is for the purchase of an excavator. I did have one question for Law Director Pusateri, and it could be just a quirk on my part, but on – in Ordinance No. 12-06, we specified out at a – at least in the reading in the title – at a cost not to exceed 190,000. Do we need to specify that out in the titles of these? I note that in the actual ordinance, in the various sections, it points out that, as in this one, that the Director of Administration be and is hereby authorized to draw funds necessary for the payment of the above-specified agreement from the following appropriation. So, I assume that by specifying that in the actual ordinance that that puts the limit at 43,000.

Mr. Pusateri: That's correct. It's more important it's actually in the body of the ordinance, not the title.

Mr. DeOrio: Very good. Having said that, I would move that we adopt for its first reading Ordinance No. 16-06.

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

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

No: 0

Mr. Foltz: May I have a motion to read by title only first reading of Ordinance No. 17-06.

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

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

No: 0

Ordinance No. 17-06 – First Reading

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

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is for the purchase of three cars for the Police Department. And just to note in here, as we've seen in a couple of these others, that our first attempt is to obtain the equipment or cruisers through the Ohio Cooperative Purchase Act, in the event that that doesn't work out, or we're able to get better pricing, we do have an alternative mechanism in here. I would move that we adopt Ordinance No. 17-06.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

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

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

No: 0

Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 18-06.

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

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

No: 0

Ordinance No. 18-06 – First Reading

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

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This was the professional service contract for CMI. There were some proprietary issues – dueling competitors – and the Chief was looking to put this into one group to do both functions for the hardware and the software, and I questioned at last week's meeting – although we allowed this to move forward – was both for the Law Director to investigate a little bit on whether or not \$37,000.00 poses a problem to us with the limitation of being \$25,000.00 and avoiding the bidding process.

Mr. Pusateri: And I did look into that. It does qualify. It's a professional service agreement. So, that's one of the exceptions to the \$25,000.00 limit.

Mr. DeOrio: Thank you, Law Director Pusateri. And other than that, I would move that we adopt Ordinance No. 18-06.

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

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

No: 0

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

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

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

No: 0

Ordinance No. 19-06 – First Reading

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

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This ordinance would allow for us to enter into a new three-year contract for re-stripping of streets. It was a three-year contract before, and we submit the streets to be re-stripped every year. They pretty much all get repainted every year. The cost the last time this was done was about \$32,500.00 per year. And this

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, January 23, 2006	7:00 p.m.	20	06
------	--------------------------	-----------	----	----

would be coming out of the General Street Maintenance line item. I would move that we adopt Ordinance No. 19-06.

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

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

No: 0

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

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

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

No: 0

Ordinance No. 20-06 – First Reading

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

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is also referred to as the separation from Plain Township. And Member Magel called me earlier today to let me know that she had some remarks that she would like to make. So I would like to allow her to do that at this time.

Mrs. Magel: Yes. Hastily, at the end of the last meeting, I had said, perhaps, we could have a contest with this. However, after rereading the minutes and remembering that Mr. – Member Repace wanted this to move along, because it's approximately, at this rate, about 3,000 a month. And I was also – I was going to say accosted – but – asked nicely – that this City has a lot of heritage and that people of all ages should have the right to submit a name. So, I would ask that probably by next week, anybody of all ages – resident, former resident – if you would have a – like to submit a name, and if you could, maybe a little explanation, you know, of – maybe that we would understand the significance of it. Thank you.

Mr. DeOrio: Thank you. In – this issue involved a lot of conversation, and we had one heck of a committee meeting. And sometimes, in trying to take some of these notes for these 13 items that I had on my agenda, I didn't get to, you know, participate fully in some of the discussion. I know that's hard to believe, as much as I talked last time, but I didn't get an opportunity to thank Member Repace for his input and for his leadership in helping us make this happen. So, I wanted to publicly do that today. For those that wish to submit a name, I would just add to Member Magel that we submit that to Doug Foltz, President of Council. Mail it here to City Hall. And with that I would ask that we approve Ordinance No. 20-06 for its first reading.

Mr. Pusateri: Just one – Section 2 – Mr. Benekos brought it to my attention, and I didn't realize that there's a small portion of North Canton that's actually in Jackson Township, too. Which – it won't change anything, but just to make sure everybody knows that. All right? I'm not sure where that's at.

Mr. Benekos: It's off of Wise and Portage. It's Ziegler Tire.

Mrs. Magel: Right.

Mr. Pusateri: Okay, so that's just so everybody knows that.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance NO. 20-6. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

REPORTS:

11. Mr. Foltz: Reports. Director of Law.
Mr. Pusateri: No report, Mr. President. Thank you.
Mr. Foltz: Director of Finance.

Mrs. Herr: Yes. First of all, I want to thank Council for the reappointment. I do appreciate it, and I look forward to working with all of you for the next two years. A lot of things that will be coming up to discuss, and I'll hopefully continue the work that I've done this past four years. The other thing I just wanted to mention is that there is the pre-audit conference that you are all invited to on Wednesday, January 25th at 9 o'clock. If you would like to attend, it's up to you, but it will be in the conference room over – the glass bowl. That's all.

Mr. Foltz: All right. Thank you. Director of Administration.

Mr. Wise: Just like to congratulate Director Herr. She's been a great help to me in the short time that I've been here in understanding the process. And I thank her very much. That's the only thing I have.

Mr. Foltz: Mayor.

Mayor Held: Also, I congratulate Julie. Welcome aboard for another two years. And I'd like to let Council and the members here know that we will be announcing tomorrow our first CIC meeting and – with the announcement that Council just made – that they have appointed their representative. We need to have our first organizational meeting, which will be – has to be at the end of this month, so we're shooting for this Monday – this coming Monday – that'll be January 30th, and, more than likely, at 5:00 p.m. But we'll have an official notice go out tomorrow. And, so, we'll have that first meeting – it will be January 30th at 5:00 p.m. – our first CIC meeting. And that's all. Thank you.

Mr. Foltz: Thank you, Mayor. City Engineer.

Mr. Benekos: I just look forward to working with Julie for another two years. She's done an excellent job, and I see no reason why, to believe otherwise, but keep the funds coming – a lot of projects. Other than that, I have no report.

Mr. DeOrio: Excuse me.

Mr. Foltz: I had one question. We are working with the consultants – getting the projects designed and –

Mr. Benekos: Yes.

Mr. Foltz: We're making follow-up calls so we can get these bid out in a timely manner?

Mr. Benekos: We are moving rapidly ahead. If you recall, I put together a work plan annually, and that should be coming out. Hopefully, I'll have that for you at the next Council meeting in two (2) weeks for the committee meeting.

Mr. Foltz: Thank you. And you did submit communication to Council as far as paving for certain roads and wards, didn't you? I think that's due middle of February, is it?

Mr. Benekos: I believe so. We're trying to get that list together early, particular for the Landsdowne subdivision so we can get that paved early this year and the rest of the streets.

Mr. Foltz: All right. Thank you. Clerk of Council.

Mrs. Kalpac: I also would like to congratulate Julie. It's a pleasure working with her.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, January 23, 2006

7:00 p.m.

20

06

Mr. Foltz: All right. One thing I wanted to mention. You made a note to me. Our agenda packet – our information minutes are all in line now; is that correct? So, it's available to general public. Okay. Member Lane.

Mr. Lane: You stole my thunder. I wanted to remind everybody about the paving request. Get them to either Jim or to me. I'll pass them on to Jim by or about the middle part of February. Keeping in mind that we have a much smaller amount of money to deal with this year. So, we're probably in the neighborhood of 135, 150 – somewhere around in there as opposed to the usual because of the – actually, we took to make sure that Landsdowne will get paid. So, keep that in mind, and if you can find some small streets, we'd appreciate it very much. Thank you.

Mr. Foltz: Thank you. Member Snyder.

Mr. Snyder: Thank you. I only would reiterate what my colleagues – to Ms. Herr – I'm glad to continue to work with you for the next couple years. That's all I have to say.

Mr. Foltz: Member DeOrio:

Mr. DeOrio: No report.

Mr. Foltz: Member Hines.

Mrs. Hines: The ads for the Director of Law were put in the Akron Beacon Journal and The Repository ads.

Mr. Foltz: Very good. Thank you. Member Repace.

Mr. Repace: First of all, Julie, it's been a real pleasure working with you. You've been just terrific. You're a real asset to this City. You do a nice job. Second of all, I'd just like to say, you know, I appreciate what Kathy said. As other people get involved to try and name the township, but I'd like to also say the Hoover family has been the major, major part of North Canton for going on 100 years. They've built this community; they love this community; they've done so much for this community. They've actually made this community. I would like – when people submit a name for our township, I would like them to really think long and hard and remember the Hoover family and, possibly, submit for the name "Hoover Township" to honor that family that's been so dedicated through the years. If they were still running the plant over there, we'd probably be in good shape. And it's a shame that it's evolved into what's happened there today. But, hopefully, we still have some hope. But I also feel the Hoover spirit is still floating around out there, and something good could possibly happen yet. I'm a believer in that. Also, I have a question for the administration. Is there an economic development project going on for Lake Township?

Mayor Held: There's been meetings with Lake Township in reference to how we might be able to cooperate with them in the area of a JEDD.

Mr. Repace: I guess my next question is why isn't Council being made aware of that?

Mayor Held: Well, certainly, on our behalf, there's no secret about that. I mean, they've asked us, you know, if we'd be interested. And, certainly, if there's any possibilities of having a JEDD or working in corroboration with Plain Town – or Plain, Jackson or Lake Township, we're more than willing to do that.

Mr. Repace: And who's spearheading this – these talks with Lake Township?

Mayor Held: I believe it's the Lake Township Chamber of Commerce.

Mr. Repace: From our side, who's spearheading this?

Mayor Held: Well, I have not attended the meetings, myself. But –

Mr. Repace: Who has?

Mayor Held: Eric?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, January 23, 2006	7:00 p.m.	20	06
------	--------------------------	-----------	----	----

Mr. Wise: I've been at one meeting, and at that meeting, I was there with Eric, and I think there was one previous meeting that Eric had been at. There was a TAP (Talk About Potential) Committee in Lake Township. Is that how this started?

Mr. Bowles (Speaking from back row of audience): No, no. It's the group in Plain Township. The Lake Township Community Development Foundation, a new organization.

Mr. Repace: Is there any outside concerns outside our City government involved in this and outside Lake Township government involved in this?

Mr. Wise: We've spoken with Lake Township. There's some concern as to whether or not we can even enter into a JEDD without Plain Township as well, because we don't border Lake Township. But, I mean, is there someone in particular that you have in mind? I don't – I'm not aware.

Mr. Repace: Well, there is, but I don't think I want to say right, right now.

Mr. Wise: All right.

Mr. Repace: As Chairman of the Economic Development Committee, shouldn't I, have been, maybe, made aware of something that's going on from Council's side?

Mayor Held: Well, certainly, Jim if there's – right. Number one, we want to apologize for you not being aware of this. You know, from time-to-time we'll have a number of people that will call us on numerous projects. And, usually, what I do, because there's – you know, pretty consistently, we'll have people that are interested in annexing property or coming into some sort of agreement. And, if you'd like, whenever we have somebody that inquires about that, we can pass it along to you, because it's certainly no secret on our behalf. I think the big challenge is trying to weed through which ones have any potential and which ones are just a suggestion that maybe a real estate developer might have interest in – or even a real estate sales person. But, again, yeah, there's no – there's nothing – no secrets on our behalf. I guess from my prospective, when I look at Lake Township, I'm not quite confident in the feasibility of it at this point, and – but, certainly, if you'd like to attend those meetings, you're more than welcome to do that.

Mr. Repace: Well, I'm not sure I can attend all of them, but if I couldn't, I would like to see if Doug could possibly be there – you know, one of us, because Doug and I are going to work very close on some of this stuff. We've agreed to do that. Also, one of the main reasons I'm saying this, if I'm working on something to present to Council, you know, I'd hate to be going one direction and the administration be going another direction, in conflict. So, I think we all need to be on the same page. And I mean that in a good way.

Mayor Held: Right.

Mr. Repace: Also, I want to say something about Eric Bowles. He's been working with me, along with some representatives from the State of Ohio, on some major issues pertaining to The Hoover Company. And I hope, Eric, you're gonna be at this meeting at 1 o'clock on Wednesday. Good – you're planning – perfect. I need you there bad. He's been a real asset. I know all of Council likes Eric in this position. He does a very good job. He's got – he's got all the contacts that we need. He's got the necessary skills. And we really – we really can't afford to lose somebody like Eric, especially, I guess, on a little bit selfish note, especially on some things we're working on with Hoover. It's very, very important right now. So, I guess I'd kind of like to know the status of Eric. You know, I want to make sure that there's some stability in his position, along with the rest of Council members who, I'm sure, are interested in that. Because that is – I don't think there's anybody in this City that would, would like to see Eric have to leave this position. I think everybody would like to see him stay here. And that's my two cents. Would you like to comment on that?

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

Mayor Held: Yeah, sure. I hope there's not a problem. I think, to my knowledge, Eric, you don't have any immediate plans to go anywhere, do you? (Inaudible) Okay, yeah. No, so I appreciate the fact that Council supports him, because it certainly makes it easier on our behalf. And because Eric has a good working relationship with, with Jim, Eric, please keep Jim informed. And, Jim, if you have any questions as far as economic development or projects, you have my personal cell phone. You can give me a call.

Mr. Repace: That's terrific. Thank you, very much. And, Eric, I'll see you Wednesday at 1 o'clock. It's an important meeting. Thank you.

Mr. Foltz: Thank you for your comments. Member Magel.

Mrs. Magel: Yes, I have a couple of things. Number one, I had not spoke to Mr. DeOrio about this, but I know some people who remember me from four years ago on Council. That was one of my pet peeves is the amount of money was not on to the ordinance. And I would like that to – I would like to see that for every ordinance, a dollar amount be attached to it when it's read. And the reason why is for the record.

Mr. Foltz: In the title. You wanted it read?

Mrs. Magel: Yeah, right in the title. That way it's on the record. It's in the minutes, and everybody in the audience knows exactly, you know – we're sitting here saying yes, yes, yes, but you don't particularly know how much we're saying yes to. And, so, I, I just would like – that was a pet peeve of mine before, and I was shocked when you brought it up. If you'll notice, every single one, I have a number beside it. That it's something that should be, I think.

Mr. Pusateri: We could accomplish that, no problem.

Mrs. Magel: Thank you. I appreciate that. Second thing is – and it makes no difference to me, it's just – I'm writing down notes, and I didn't notice where you said the CIC would be. Where's the CIC?

Mayor Held: We can have it – we can have it right here –

Mrs. Magel: Or you'll just put that in the letter, maybe?

Mayor Held: Right.

Mrs. Magel: Okay.

Mayor Held: I mean, I hadn't really made a decision. Does Council have any preference as to where we hold the meeting, or – we could have it back in the – in the administration office, or we can have it here.

Mrs. Magel: Okay. And, I guess, just to, to – for what Jim said, I would like to say that I appreciate everything Eric's done for me. And, Eric, I hope I get that Sixth Street. Thank you.

Mr. Foltz: Yeah, after those statements, I think Eric is doing a wonderful job. I hear from other business leaders in this community, and they refer to you very highly. So, you have the blessing of Council, as you already know. And I'm glad to confirm Julie. So, she's hear at least another two (2) years. With that said, just a reminder for next Monday. We do not meet – it's the fifth Monday of the month, so we'll be getting together the first Monday of February, which, I believe, is February 6th.

Mr. Lane: Mr. President, can I ask, regarding this meeting next Monday, since we don't have a Council meeting, I would think with the interest in the CIC, that is a public meeting, if I remember right, correct?

Mayor Held: Yes.

Mr. Lane: Okay. So, we might want to do it here in the chambers only for the reason – I don't think have enough room back there or in that meeting. So, I would think there could be some chamber representatives and some others that would be here. So, it might be best to hold it in here because of the seating capacity.

Unidentified: Okay.

Mr. Foltz: Okay. Any other business from Council?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 23, 2006 7:00 p.m. 20 06

Mrs. Magel: Just – Jon, your meeting is prior to that; isn't it? February 6.

Mr. Snyder: It's on Wednesday.

Mr. Repace: You're meeting Wednesday. Wasn't there a meeting –

Mr. Snyder: Wednesday, the first.

Mrs. Magel: February 1st?

Mr. Foltz: First

Mr. Snyder: Yeah. My meeting is at the Civic Center.

Mr. Foltz: At the Civic Center.

Mrs. Magel: I just wanted to remind everyone.

Mr. Snyder: Yeah. On February 1st at 6:00 p.m. at the Civic Center.

Mrs. Magel: Right. See that would be before this one.

Mr. Foltz: Dottie, did that get in Our Town – Jon's meeting – will that be

Dottie McGrew (identified by clerk – speaking from audience): Inaudible.

Mr. Foltz: It being the first?

Mr. Dansizen (identified by Clerk – speaking from audience): Inaudible. Yeah. We publish the first.

Mr. Foltz: It will be the same day it's coming out.

Mr. DeOrio: Mr. President.

Mr. Repace: Will that be in conflict with –

Mr. Pusateri: Jon, do you know we have a Planning Commission that same night?

Mr. Snyder: Yeah, we have a 7:00 p.m. Planning Commission.

Mr. Lane: But his is at the Civic Center.

Mr. Pusateri: Yeah. I was just making sure.

Mr. Foltz: Mayor Held, may I ask you to move back the meeting Monday? We have a rec board meeting at 4:30 Monday that I attend. For the CIC?

Mayor Held: CIC? What time is that meeting at?

Mr. Foltz: Is there any way – that's at 4:30. I think if you held it at 5:30, it would better accommodate my presence.

Mayor Held: Okay.

Mr. Foltz: Okay. Thank you. Thank you, everybody.

Mr. DeOrio: Mr. President?

Mr. Foltz: Yes.

Mr. DeOrio: I move we adjourn.

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

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

No:

Meeting adjourned at 8:29 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL