

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 9, 2006 7:00 p.m. 20⁰⁶

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. Mark Sherwindt, Zion Lutheran 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 and Clerk of Council Kalpac.

5. Consideration:

Consideration of the Minutes of the Public Hearing of December 5, 2005
 Consideration of the Minutes of Council Meeting of December 12, 2005
 Consideration of the Minutes of Special Council Meeting of December 19, 2005

Mr. Lane moved and Mr. Snyder seconded to approve the Minutes of the Public Hearing of December 5, 2005, Minutes of Council Meeting of December 12, 2005 and the minutes of Special Council Meeting of December 19, 2005, as presented. All members present voting:

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

No: 0

6. Mr. Foltz: I'd like to request approval of the following Committee Report Minutes:

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held December 12, 2005, December 19, 2005 and January 3, 2006.

Ordinance, Rules & Claims Committee – Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meetings of December 12, 2005 and January 3, 2006.

Community & Economic Development Committee – Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting of January 3, 2006.

Park & Recreation Committee – Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting of January 6, 2006.

Personnel & Safety Committee – Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting of January 3, 2006.

Street & Alley Committee – Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting of January 3, 2006.

Water, Sewer & Rubbish Committee – Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting of January 3, 2006.

Mr. Snyder moved and Mrs. Magel seconded to accept the Committee reports as presented. All members present voting:

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

No: 0

7. Voice Vote – Appointment to Civil Service Commission

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Mr. Foltz: Next I'd like to turn this over to Council Member Hines for appointment to Civil Service Commission.

Mrs. Hines: Last week I asked for names, descriptions and brief resumés, and I request now that we have a voice vote for Thomas E. Besozzi to fill the six (6) year appointment to the Civil Service Commission. He is a speech and language pathologist. He has an extensive list of accomplishments, management and professional training, and he's had numerous offices held in numerous committee involvements. His resumé is a six-page resumé. He has various talents, and at this time I would ask for a roll call.

Mr. DeOrio moved and Mr. Repace seconded to approve the appointment of Thomas E. Besozzi to the Civil Service Commission for a six-year term. All members present voting:

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

No: 0

8. Voice Vote – Council Appointment to Community Reinvestment Corporation

Mr. Foltz: Okay, item 8 was voice vote for Council appointment. I believe we want it to read Community Investment Corporation, but at this time, I'd like members of Council to – to submit any other names to Council Chair Member Susie Hines for that, and we'll try to do that next Monday, excuse me, Tuesday. We won't meet next Monday due to Martin Luther King Day. So, if Council can do that, we will further discuss it at that time.

9. Recognition of Visitors

Mr. Foltz: Now we'll have recognition of visitors. Anyone who like to come up and address Council tonight, please state your name and address.

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street, SE, North Canton, Ohio. First I would like to say that I am – was very gratified by this Council's close scrutiny last month to the 2006 budget. Given the economic uncertainty that North Canton is now facing, I hope that this scrutiny of expenditures becomes a norm for this legislative body. Beyond controlling expenditures, there is another part of the financial equation that must be managed, and that is revenues. And this is what I want to address tonight. At the January 3, 2006 Council of the Whole Meeting, Economic Development Committee Chairman Jim Repace presented to this body proposed legislation to authorize a 12-year tax abatement for Dr. Suglio. It is on your agenda tonight to be voted on as Ordinance 1-06. In the past, I have spoken about two (2) tax abatements, specifically, the abatements granted to Reed Funeral Home and to Spee-D-Foods. Tax abatements for business are to be given as an incentive. They should not be given simply for the asking. A tax abatement is appropriate when it is needed to make something happen that would otherwise not happen. The City of North Canton is giving tax abatements when none are needed and, furthermore, getting little or nothing in return for the abatement. The Ohio Department of Development has a three-page summary titled *Ohio Community Reinvestment Area Program* at www.odod.state.oh.us/edd/cra/crasummary.pdf. And I would like to highlight some remarks from that summary. "This program permits municipalities or counties to designate areas where investment has been discouraged as a CRA to encourage revitalization of the existing housing stock (emphasis on housing stock) and the development of new structures." I do not believe that Main Street of North Canton is a place where investment has been discouraged. As an example, the recent purchase of nearby property for construction of a bank shows that investment on Main Street of North Canton is alive and well. Legacy Bank, next door to Dr. Suglio – Suglio's newly acquired property – has made a substantial investment on Main Street with the construction of a new bank. And no incentives were made – were needed. Legacy Bank is one of several new banks to locate in the City in the past year, and according to a recent report in *The Repository*, North Canton now has 13 banks, with most of – most of them on Main Street. The financial investment on Main Street of North Canton by business clearly shows that investment on Main Street is not discouraged and that tax incentives are not needed to stimulate this kind of activity.

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Another source of information that clearly defines the primary focus of a CRA as the revitalization of housing stock comes from legislative comments regarding House Bill 754 of the 108th General Assembly. The legislative comments regarding CRAs state the following, and I quote: "...the incomes of residents generally in the area are such that taxes on property substantially affect the ability of residents or owners of housing to make expenditures for repair or rehabilitation of housing." It is the homeowner who ultimately bears the burden of taxes in the community, and the abatement of taxes under the CRA Program was created to provide an incentive to invest in the revitalization of their homes. Giving tax abatements to businesses that need no incentive to remain in North Canton is unfair to homeowners who bear the bulk of the burden of taxes in the community. It also undermines the beneficiaries of these taxes. They are the following: the North Canton City Schools, the North Canton City Library, Stark County Park District, Stark County government and the City of North Canton. Tax abatements, such as those recently given, distort and pervert the true purpose of the Ohio Community Reinvestment Area Program. The CRA Summary from the Ohio Department of Development also states, and I quote: "...the exemption percentage and term are to be negotiated between the property owner and the local legislative authority" – which is you. The North Canton legislation creating the Main Street CRA, Ordinance No. 22-99, uses similar language stating, and I quote: "...improvements to commercial and industrial real property and the period of those exemptions shall be negotiated on a case-by-case basis." What sort of negotiations are taking place? From the seats here in the audience at last week's Council meeting, what I heard is that there was a request for a 12-year tax abatement in exchange for two (2) part-time jobs and that this request – requested abatement of taxes – should proceed. Does anyone really sit down and evaluate the request of tax abatement to determine if it is a fair and equitable request that is truly needed and provides something to the City in return? The Ohio Department of Development CRA Summary also addresses the fact that along with the creation of a CRA Program, the local legislative authority must create a Tax Incentive (emphasis incentive) Review Council to review performance on all agreements and projects. I believe the operative word here is "incentive." Is this request of tax abatement needed – a needed incentive to make this investment in the community a reality? That does not appear to be the case. In the minutes of the Community Reinvestment Area Council Meeting of November 29, 2005, that met specifically to discuss this tax abatement request, one of the member's remarks, and I quote: "...that it looks like he is going ahead with this project whether or not he gets the tax incentive or not. There is nothing that says the project is contingent upon receiving the incentive." Also noted in these CRA Council Meeting Minutes is the following: "Because so many of his patients are local, he purchased the building for approximately \$150,000.00, apparently a good value, since the County Auditor's market value is listed at \$229,000.00." It appears that the acquisition cost for the property abutting Dr. Suglio's current dental practice was the incentive for Dr. Suglio to expand his dental practice on Main Street here in North Canton. Clearly, tax abatements are not an incentive in this case. Dr. Suglio, as a wise businessman, saw an opportunity and took advantage of it. This is an example of free-market forces at work, and free-market forces are alive and well on Main Street. This request for a tax abatement is similar to the abatements given to Spee-D-Foods on South Main Street in January of 2004, and to Reed Funeral Home just off Pittsburgh Road in June of the same year. No incentive was needed to secure these investments in the community. And, yet, tax abatements were approved by North Canton City Council. They approve all the tax abatements for Spee-D-Foods and for Reed Funeral Home, simply discounted the tax liability for each of these businesses, and now we are facing another similar request here in Ordinance 1-06. I guess it gets Council members a few extra votes at the next election and persuades people to like you more than they otherwise would. The tradeoff is that the remaining tax payers pick up the tax burden, and the School District collects less revenue. There is something a little unique in this tax abatement request that I would like to bring to your attention, and this is the fact that this requested tax abatement appears to violate state and local law regarding when commencement of construction or remodeling can begin. Ohio Revised Code §3735.671(A) states the following:

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"If construction or remodeling of a of commercial or industrial property is to be exempted from taxation pursuant to §3735.67 of the Revised Code, the legislative authority and the owner of the property, prior to the commencement of construction or remodeling, shall enter into agreement binding on both parties for a period of time that does not end prior to the end of the period of the exemption. That includes all of the information and statements prescribed by this section."

A reference to this section in the ORC is also described in the Ohio Department of Development CRA Summary that I have referred to earlier. The same information is repeated in an Ohio Attorney General Opinion, OAG 96-030, dated May 29, 1996, in response to a question from a Wood County Prosecuting Attorney. The OAG Opinion states in part:

"Commercial and industrial applicants must apply prior to beginning a project and negotiate with local legislative authorities for an exemption." Revised Code §3735.66-.671.

This same requirement is also posted on the North Canton website, and I won't repeat that. Everybody knows what that is. Item 5 on this web page in bold print states the following:

"Once Council has adopted legislation approving the abatement and all parties have signed the CRA Agreement, construction of project can begin."

A memo from Eric Bowles, Director of Economic Development, dated November 28, 2005, documents the fact that remodeling work on the Suglio property was underway as early as October, 2005. I have confirmed this with an onsite visit to the property. I was told by one individual that construction has been ongoing for well over six (6) months. And I observed that plumbing and electrical work are substantially complete. Many areas of the new office are complete with wallboard and will soon be ready for paint. It is public knowledge that construction and remodeling have been underway for some time. I ask that this Council seriously reconsider any plans to approve this tax abatement request and any similar request in the future. This request is not made with any ill intentions to Dr. Suglio. This Council must do everything in its power to ensure that taxes are collected to support all the government bodies that rely on these funds. The City of North Canton is facing some very difficult times ahead, and funds will, indeed, be scarce. The Hoover Company is a ghost of itself. The Maytag Company is soon to be non-existent. And Whirlpool is not here to pull anyone out of an economic death spiral. Thank you.

Mr. Foltz: Anyone else in the audience who would like to address Council tonight, please come up and state your name and address.

Mr. Oaks: Good evening. Patrick Oaks, 930 Knoll Street, SE, North Canton, Ohio. Wow, I'm still digesting that convoluted rhetoric from Mr. Osborne. And I'm standing here, and I'm gonna be very brief. The whole purpose of the CIC and/or Downtown Business is – the whole purpose of the CIC is to retain business, as far as I'm concerned. Draw, attract, retain business. Dr. Suglio has proven that he is a participant in the economic growth of North Canton. He has invested heavily in this town, and he is making a commitment to continue that investment. I believe wholeheartedly that we should do everything in our power to, to help him with that investment – to help him stay here in North Canton where he is limiting his patient draw. He could go to Jackson Township. He could go to Belden Village and start pulling from other counties much easier than if he remained here in North Canton. I commend his commitment. I do not know the man. I've met him once. So I'm not here as a – as a plant. I'm here shaking in my voice after listening to Mr. Osborne quoting Ohio Revised Code when he, in fact, has probably committed a few violations of law, himself, with regards to his report. That is all I have to say. Thank you.

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Mr. Foltz: Okay.

Ms. Wells: Hi. Good evening. My name is Fran Wells. I'm Director of Leadership Stark County. I live at 5105 Woodfern Avenue, NE, Canton, Ohio 44705. The reason for my visit tonight is regarding a new program. It is called *The Stark County Local Government Leadership Academy*. It is a new program that we are bringing to Stark County. It has been developed through a model curriculum developed by the Ohio State University Extension Service and done successfully throughout the State of Ohio. We are bringing it here to Stark County. We have a special part of our program – I see some of you have, have the brochure. I want to make sure you all get those. This program is for elected officials, it is for appointed officials and it is for citizens who are interested in possibly running for public office or interested in serving their communities better. This is a short course. It meets twice a week for six (6) weeks starting the middle of February. It is – the goal is to improve your personal leadership skills to make you more effective. We recognize that you're busy people. You're giving of your time you're getting from your families, and we want to help you become more effective leaders to build on your strengths so that you can work together for the benefit of this community, and, as we all recognize, for the benefit of northeast Ohio. We are now in a situation where we must come together as individuals and as communities. And we hope – and it is our goal, and we've seen this happen in other communities – that we bring adults together, because adults learn best when there's diverse conversation. Bring you together with other individuals who are in similar situations to work together to attack problems, to highlight our strengths and to work on our assets. And this program can do this. The reason for my visit tonight is that Cathy Dunlap is a member of the Steering Committee. This is brought to you by the Stark County District Library by the Canton Regional Chamber of Commerce and by Leadership Stark County. We are actually administering the class. We have 19 individuals signed up for the class. We do have a limited class size, and we have individuals representing city councils from Massillon to Canal Fulton; we have trustees signed up from Navarre, Alliance and Waynesburg; we have interested citizens signed up for this program. We don't have anybody from North Canton City, and we would love to have some of you participate in this class, whether you're an administrator or whether you're an elected official or whether you're an interested citizen. We think that this will maximize your time and your efforts. And can I answer any questions, or is that not part of – part of this?

Mr. Foltz: Do you have something to pass out?

Ms. Wells: I have – I left these with Gail. You should've received those. Everybody through the Board of Elections –

Mr. Lane: I think they were in our packet a couple of weeks ago, if I remember right.

Ms. Wells: You should've gotten them. There's more we added tonight. We added more for you. We added more about the curriculum if you have questions. And we certainly can take your questions or calls. I'll leave some brochures here for the audience.

Mr. Foltz: Yes. That would be fine. Thank you very much.

Ms. Wells: Thank you very much, and I will tell you that most of the other councils are paying the cost for their council people to go through the class; okay? Thank you.

Mr. Foltz: Okay. Thank you. Anyone else to address Council tonight?

Dr. Suglio: I'm Dr. John Suglio, and I'd like to thank some people here tonight publicly. It's not been done yet, but my experience has been really great with the North Canton people who sit on the various committees. Mr. Doug Lane has really been helpful. Jim Benekos, Tom Hampton and Mr. Labriola have been just excellent during the building. They're facilitators, and Eric Bowles has really, really helped out tremendous, and I know a lot of the new members I'm gonna look forward to working with. Until we got bank financing, we really did not know how

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this project was going to go. And, as far as doing CRA, we decided to wait until we were at that point. There was early demolition. There was code violations. There was structural problems with the property that we had to change. And, so, that's what we spent a lot of time working on. I don't know Mr. Osborne. I have no ill feelings toward him, but I – based on what he said – but he never asked me anything about the property. And anybody in the public is welcome to ask me. Anybody in the official capacity is welcome to ask me. But he entered the property unbeknownst to me, talked to people unbeknownst to me, and I feel badly about that. I feel I should have been contacted, just as he would have been contacted if the shoe had been on the other foot. I don't feel he got all the – everything right with what was going on. So, that's all I have to say with that.

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

Mr. Schilstra: Ken Schilstra, 601 Linwood. Question – and Doug just made mention – something was in your packet a couple of weeks ago and so on and so forth, and changes in when the packets are due. Is there a packet available for public inspection prior to these so that those of us who are interested could actually review this stuff so we know what you're looking at and could support some of the things that, you know, we're looking at?

Mr. Foltz: I don't – Gail, do you –

Mrs. Kalpac: We always have a packet in the Council Office.

Mr. Schilstra: Is there one available for public inspection, then?

Mrs. Kalpac: You're welcome to come see it. Council of the Whole packets will be ready on Wednesday.

Mr. Schilstra: At the same time that the new – okay, that would be good, because –

Mrs. Kalpac: Generally, it's 4 o'clock or after when they're ready.

Mr. Schilstra: Okay, and would you be the same person to – would have – you know, when we read these, it's read by title only – have the full text of the Ordinance?

Mrs. Kalpac: Yes.

Mr. Schilstra: You would have those available, for inspection as well, okay; that's what I wanted to know. Thank you.

Mr. Foltz: Thank you.

Mrs. Suglio: My name is Becky Suglio, Dr. Suglio's wife, 2669 Carrington Street. I just want to make a few comments. My husband is not feeling well, and he's under the effects of Nyquil tonight, but I just, you know, I basically helped him complete that form also. And when we got financing to move forward with the dental practice, there, obviously, is a lot of additional equipment, building that has to change with the dental practice. And we really didn't know exactly what we wanted to do as far as staffing. I don't work in his office. I'm a practice administrator in another practice, but I do assist him. And Mr. Osborne mentioned two part-time employees, but, obviously, we intend to add more employees in that practice. The most important thing is that we had the option of tearing down his current building for additional parking. We decided not to do that, because we have some possibilities of leasing that space out to a specialist in the area. And North Canton does need a specialist such as oral surgeon and endos – I'm not sure how to pronounce that, but that's what we intend to do for that site. We have some people in line for that, so we may do that. We may not. We don't know exactly what we're gonna do with it. We own the property, so we don't have to make a decision right now. But that would bring additional jobs to North Canton. And it is not true that we definitely would have decided on North Canton. There's a lot of space available in the Belden Village area, which is where my office is. I – both John and I have a

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commitment to North Canton. We really only use North Canton vendors, and I do that in my own business also. We strive to use anyone who has a business right here in North Canton, and, you know, I just really feel like the issue of renovating an old building is certainly different than starting fresh. I would think that the Council and the rest of the City would be happy that a brand new dental practice is going into that spot, which could have been anything – right here, right smack in the middle of North Canton. It could have been anything, but it's going to be a very upscale dental practice. Thank you.

Mr. Foltz: Thank you.

Mrs. Schilstra: Mary Schilstra, 601 Linwood. I didn't know my husband was gonna speak, but Kathy and I were saying, you know, it might be nice if we could get the library, because that way you're not constrained to business hours – people have evenings and the weekends to look at them. I know when I've looked at EPA reviews, it's not been very handy to go to Twinsburg to – during business times, because I've seen them on the websites for other things. And when I was looking, it was so handy, doing it at my convenience, not during business times. And not everyone can do it during those hours, either. So that might be something to consider.

Mr. Lane: I know the agenda is on the website, right? But not all of our supporting material. So that could be something to consider, too.

Mr. Foltz: Anyone else to address Council? Okay, if not we'll get into our ordinances – old business.

OLD BUSINESS

10. Mr. Lane moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 211-05. All members present voting:
Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane
No: 0

Ordinance No. 211-05 – Third Reading

An ordinance amending the current City Vehicle Use Policy and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Hines.

Mrs. Hines: This is the third and last reading. It's, as they said, the City Vehicle Use Policy. It's for people using the City-owned vehicles. It starts with needing permission for City – City business, to be able to use the vehicle, being liable for any fines, using seatbelts, parking in designated areas, and it goes to reporting accidents and their review by the Department Head and the Director of Administration, including the penalty and point system. I think it's a valuable thing that they need to have, and I think it's – they've updated a few things on it to be more effective.

Mr. Foltz: Can I have a motion to adopt the third reading of Ordinance 211-05?

Mrs. Magel moved and Mr. DeOrio seconded to **adopt the third reading** of Ordinance No. 211-05. All members present voting:
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel
No: 0

11. Mrs. Hines moved and Mr. DeOrio seconded to **read by title only, third reading** of Ordinance No. 212-05. All members present voting:
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace
No: 0

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Ordinance No. 212-05 – Third Reading

Ordinance No. 212-05, amending Ordinance No. 155-03, Collective Bargaining Agreement between the City of North Canton and The North Canton Professional Firefighter and Paramedic Association, IAFF Local 3489, by the addition of ARTICLE 30A, Residency.

Mr. Foltz: Chairman Hines.

Mrs. Hines: This amends Ordinance 155-03 by adding this Article 30A, which is saying there is no residency requirement. This was part of the – a couple years ago when they did negotiations, this was part of it, but it was left out inadvertently. And when they advertise for the Civil Service tests, they have to go by the requirements; and since there are none at the moment, they would have to go by the Civil Service requirements. And, therefore, it is important that it be put in that there is no residency requirement. And this is for the firefighter paramedics.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 212-05. All members present voting:

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

No: 0

12. Mr. Foltz: May I have a motion to read by title only second reading of Ordinance No. 216-05.

Mr. Lane moved and Mr. DeOrio seconded to **read by title only, second reading** of Ordinance No. 216-05. All members present voting:

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

No: 0

Ordinance No. 216-05 – Second 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. When we changed the zoning a couple years back, we inadvertently did not specify parks as permitted uses in the single-family districts – R-70, R-50. And this is to clarify that, as most of our parks and playgrounds will be in single-family districts. And, otherwise, we would have to go to the Planning Commission for approval on the conditional use basis. So, with that I recommend that we adopt the second reading of Ordinance No. 216-05.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 216-05. All members present voting:

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

No: 0

NEW BUSINESS

13. Mr. Foltz: Next I'd like to amend the agenda. I look for a motion to, so to include an emergency clause of the first reading of Ordinance No. 1-06.

Mr. Lane moved and Mr. DeOrio seconded to amend the agenda to include **an emergency clause** for Ordinance No. 1-06. All members present voting:

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

No: 0

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Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 1-06.

Mr. Repace moved and Mrs. Magel seconded to **read by title only, first reading of Ordinance No. 1-06.** All members present voting:

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

No: 0

Ordinance No. 1-06 – First Reading

Ordinance No. 1-06, as amended, an ordinance authorizing an agreement between John D. Suglio, DDS, Inc. providing for a project and real property tax exemption pursuant to the Ohio Community Reinvestment Area Program, and declaring the same to be an emergency.

Mr. Foltz: Chairman Repace.

Mr. Repace: After – after hearing what I heard here tonight, I do have a lot of things that I want to say. But I think that Pat also has some things that he wants to add to this. So I think what I'd like to do is – is let Pat say what he's got to say here, and then I do have some comments that I am going to make when he's finished.

Mr. Foltz: Very good. Member DeOrio.

Mr. DeOrio: Thank you. I had the chance to kind of look into this, and there are a number of things that really should be clarified. First of all, in regards to the provisions that are in the Ohio Revised Code, I have read the Ohio Revised Code Chapter 3735 and the subsections .65 through .70, and there isn't anything that I see that creates any difficulty, whatsoever, for this CRA to be approved. One of the things that was mentioned earlier in the public speaks portion was that an agreement must be entered into prior to construction. That is true. An agreement was entered into prior to construction. Construction does not include demolition work. So, the CRA Agreement was entered into prior to the construction. In 3735.67, if any part of the new structure or remodeling that would be exempted is of real property to be used for commercial or industrial purposes, the legislative authority and the owner of the property shall enter into a written agreement pursuant to §3735.671 of the Revised Code prior to commencement of construction or remodeling. So, I think that we've met that criteria, and it doesn't require that, as may be indicated somewhat incorrectly on our website, that the legislative body has to approve this before commencement can begin. Now, on our website, and I did review that, it – of course, it is stipulated that these are guidelines or these are – this is an outline of the process. It doesn't indicate that it's the law. And, as a result, it probably, you know, should be updated to reflect what the reality is with this program in Columbus. This is not a program that is our sole creation. It is created in Columbus. It's administered by the Ohio Department of Development. Whatever we end up passing in this body eventually goes to Columbus, and the Ohio Department of Development has to sign off on this program. So I don't see that there's anything there that is going to give them any consternation. As far as the investment that's being made here and whether or not it's an incentive to encourage the investment – you know, you just – we have to – we could all have a difference of opinion there. Now that's nothing that's based in fact. And, in my view, to get someone to make a commitment to this project was an incentive for them. I think Dr. Suglio had mentioned that. And the incentive, though, needs to be looked at in a broader context. It's not just to that location on Main Street. I mean, there are other people who may want to move into some place on Main Street and avail themselves of, of an opportunity. In this particular case, I think Eric Bowles did a tremendous job, and in the research that I had done in helping Dr. Suglio with this task, there were a number of situations that arose that involved tremendous extra cost that, perhaps, had been known prior to the project even being contemplated. They may have changed their mind completely had they known the type of condition that the building was in. So I think it made a big difference in – in them committing to Main Street. I disagree with the premise that Main Street has received a lot of investment attention. Perhaps, yeah, there are a lot of financial institutions that are – that have a lot of resources available and they can avail themselves of some

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properties, but if you drive up and down Main Street, as I did today, and look at the number of empty buildings, there is a lot of room for improvement here. And what we want to try to do, I think, is make sure that we send to, to the business community a strong message that we believe in Main Street; that we want your investment here on Main Street; and that this Council is willing to look at, you know, whatever it takes to get that done. I think I'll leave it – I think I'll leave it there. I think this is a good project. I believe there's nothing in the law that prevents us from doing what we're doing. Every "T" was crossed; the "I" was dotted; there's no provision in here in the Ohio Revised Code where there's a problem. I read the Ohio Department's Summary as well, and all's it refers to, again, is that the – that an application must be submitted prior to the project beginning. And that was clearly done.

Mr. Foltz: Thank you.

Mr. Repace: Thank you. I think that quoted the law very well. I'd like to say this. As Chairman of the Economic Development Committee, I am the one who presented the CRA to Council last week and to the public. I presented this. I didn't know Dr. Suglio, so I did not do this for some sort of political gain that I've heard mentioned tonight. I didn't know who Dr. Suglio was until I just saw him come to the microphone this evening. But I will say this about Dr. Suglio. I'm proud of Dr. Suglio, and I'm very pleased that he wanted – that he chose to invest in our community. He could have gone elsewhere with this project, but he chose to invest right here in North Canton. This is a \$772,000.00 investment. This, this investment is going to include improvements in the building, machinery, equipment, furniture, fixtures. He's going to have four (4) operating rooms, two (2) hygienist rooms, an office, a lab area, an x-ray room, a business office, waiting room, merchandise display area, conference room and an employee lunch area. For what he's doing with that building, that's, that's commendable. The total tax revenue is going to be, in new tax revenue for our City, is going to be \$533.31 annually. For – the abatement is only \$83.31 a year. \$999.72 in a 12-year period, and this is an issue for a \$772,000.00 project? I brought this to this committee. I stand by this. I'm very pleased with Dr. Suglio. And, by the way, I've this tooth right here...No. But Eric Bowles – Eric, you're to be commended. I don't know if he's still here or not.

Mrs. Magel: Yeah, he's here.

Mr. Repace: But he's to be commended for, for all the hard work and his efforts in putting the CRA together. So, you know, there's a lot – there's a lot more that I could say about this, but I, I am very pleased with what I'm seeing here, and I'm sure when this project is completed, we're all gonna be very proud of what the doctor has done for our community and for his practice. And if he chooses to rent his current location to another professional, that's even gonna be more tax revenue for our City. This is the right thing to do. I'm glad he's doing it, and I think that we should move forward with this at this time.

Mr. Foltz: Is there a motion then?

Mr. Repace moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 1-06. 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 of Ordinance 1-06?

Mr. Lane moved and Mrs. Magel seconded to **suspend the rules** of Ordinance No. 1-06. 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 of Ordinance 1-06?

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Mrs. Hines moved and Mrs. Lane seconded to **adopt under the suspension of the rules** Ordinance No. 1-06. All members present voting:
 Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder
 No: 0

14. Mr. Foltz: Next can we have a motion to read by title only the first reading of Ordinance No. 2-06.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, first reading of** Ordinance No. 2-06. All members present voting:
 Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio
 No: 0

Ordinance No. 2-06 – First Reading

An ordinance amending Section 3 of Ordinance No. 191-05, plumbing and masonry work for the spray playground at Dogwood Pool, by an increase in the amount of the allocation for the project, and declaring the same to be an emergency.

Mr. Foltz: That's my committee. As it reads, this is an improvement that the City of North Canton, in cooperation with our recreation department and administration has been after for two (2) years. And I'm pleased to see this move forward. Hopefully, we need to expedite this to get the spray park under construction before the spring season – obviously before we open our pool and Memorial Day weekend in May. So, it's going to take \$120,000.00 that we -- through our appropriation ordinance that we've all seen last week on committee. So, with that, I make a motion to adopt the first reading of Ordinance No. 2-06.

Mr. Foltz moved and Mrs. Magel seconded to **adopt the second reading of** Ordinance No. 2-06. All members present voting:
 Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz
 No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 2-06.

Mrs. Hines moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 2-06. 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 Ordinance No. 2-06.

Mr. Lane moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 2-06. All members present voting:
 Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane
 No: 0

15. Mr. Foltz: May I have a motion to read by title only first reading of Ordinance No. 3-06.

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, first reading of** Ordinance No. 3-06. All members present voting:
 Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel
 No: 0

Ordinance No. 3-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton ("City"), Stark County Board of Commissioners ("Board"), and the Stark County Sheriff ("Sheriff") to accept eleven (11) Motorola radios and equipment for use by the City of North Canton Police Department and twenty-five (25) Motorola radios

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and equipment for use by the City of North Canton Fire/EMS Department, and declaring the same to be an emergency.

Mr. Foltz: Chairman Hines.

Mrs. Hines: This Agreement is to accept a total of thirty-six (36) Motorola radios and equipment for use by our Police and Fire/EMS Departments. Federal grant funds have purchased this equipment thanks to the Sheriff and the Stark County Board of Commissioners for emergency response within Stark County. This goes back to August 9, 2002, when a Massillon police officer, Eric Taylor, then 31, responded to a call to assist a State Highway Patrol in a vehicle pursuit that ended in Massillon. The Massillon officers had not been warned that the driver was armed, and when he arrived, they, they had been in a gun fight, but there was a lull, so he did not realize that there was any great disaster pending. He was shot, and the gun was still in his holster. They were not able to radio people, and this is what this equipment will do and, hopefully, keep other people from having this happen. This Agreement has to be signed, however, by no later than January 31st, or the equipment needs to be returned to the Sheriff's Department. So, this is why I ask that it be accepted as an emergency.

Mr. Foltz: I need a motion to adopt the first reading of Ordinance 3-06.

Mr. Repace moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 3-06. 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. 3-06.

Mrs. Hines moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 3-06. 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 Ordinance No. 3-06.

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** Ordinance No. 3-06. All members present voting:

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

No: 0

16. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 4-06.

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

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

No: 0

Ordinance No. 4-06 – First 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: I'm going to defer, again, to Member Snyder, just to give the public a quick overview of what this is. This is in his ward, and it's basically in back – the street that runs into the school property, and I don't even think we realized we owned it for a while. But, take it from there.

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Mr. Snyder: Thank you. The property does run between Fair Oaks and Hillcrest – Hillcrest and Fair Oaks next to the Middle School. It's a section of land that presently contains a high pressure waterline that we do have coming up through there, so we've had the use as far as City property. The two (2) property owners on each side of the streets wanted to expand their driveways, and in doing so found out that one driveway is presently on the City's right-of-way. And the other fellow wanted to expand the width of his driveway, so he did need the vacation of the property. After much negotiation since about the 25th day of June of last year, we finally put that property owner in a comfort zone. Nowhere else would we give 20 feet of land, and he didn't want it. He finally considered to take it. He's presently operating under what is called a revocable use permit, and that'll change after the third reading. And the property will be equally divided between the two property owners and the North Canton City Schools. Along – and now, what?

Mr. Benekos: The schools don't get any –

Mr. Snyder: They won't get any more. They got all they got?

Mr. Benekos: Correct.

Mr. Snyder: Well, we'll still have the right to access the property. We'll still have the right to go in there if we have to and inspect our waterlines. So, actually, I don't think there'll be – or would we – do we have to permit the restriction of anything built over our easement, or is that automatically making sure that they do not, in fact, negotiate or lease it to someone that would put either oil or some kind of a contagious or contaminous substance on that. We may want to look at that, because that does contain – that's a significant part of our water system, and we don't want that to be compromised.

Mr. Pusateri: Well, by having an easement they cannot build something to obstruct our access.

Mr. Snyder: Okay, so we're covered there.

Mr. Pusateri: That's right.

Mr. Snyder: So, other than that, that's about it.

Mr. Lane: I appreciate that, and I would move that we approve the first reading.

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

Mrs. Kalpac: Hines

Mr. Snyder: Yes. (Out of order)

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

No: 0

17. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 5-06.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, the first reading** of Ordinance No. 5-06. All members present voting:

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

No: 0

Ordinance No. 5-06 – First Reading

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

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Mr. Foltz: Chairman Lane.

Mr. Lane: It's just what it says. It's at the end of Briar and Weber, and it's an area where AEP needs to have access. Last – in our meeting, Mrs. Magel, you were waiting to hear back from any of those residents. Have we heard anything more?

Mrs. Magel: No, we have not. Thank you for asking.

Mr. Lane: So, you're still comfortable with us –

Mrs. Magel: I did have a question for Jim, if I may. Jim, there's a little bit different wording on this than it was prior. Before it was just AEP and easement and right of way. Okay, there's been addition to the verbiage to say – for electric, which, I think, we all understood. But now we say other energy or communication purposes for current and/or future uses, overhead, underground, in, over, through and across. Is that standard language?

Mr. Pusateri: As far as we have on our typical easements, yes, that is standard.

Mrs. Magel: Okay.

Mr. Pusateri: I mean it's not necessarily what you have to grant, but that's something you'd probably have to discuss with AEP as to what the actual need – that is standard easement language. I didn't have any discussions with AEP. Have we –

Mr. Benekos: I haven't had any discussion since it was submitted initially regarding the language. Is this different than what –

Mrs. Magel: This is – yes, it is. Originally it did say easement and right of way for AEP Electric Power. And everything else I just read to you was in addition of – this is new.

Mr. Benekos: I don't know where that came from, then.

Mr. Pusateri: That's just the standard easement language. We could certainly look into that and see what's actually needed and – for the other readings – that's –

Mr. Lane: Maybe we could approve a first reading, and if we modify (inaudible) clarify the (inaudible) form.

Mrs. Magel: Let's still have the first reading.

Mr. Foltz: We'll have first reading approval?

Mr. Pusateri: Exactly. That's what I'm saying.

Mr. Foltz: Okay, clarify these points on the floor. Okay.

Mrs. Magel: That'd be fine. Thank you.

Mr. Lane: Anybody else have any concerns or questions?

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

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

No: 0

18. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance 6-06.

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 6-06. All members present voting:

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

No: 0

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Ordinance No. 6-06 – First Reading

Ordinance No. 6-06 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement for the design of the Water Tower #2 Pump Station and Water System Improvements in the vicinity of Water Tower #2 Pump Station, and declaring the same to be an emergency.

Mr. Foltz: Chair Member Magel.

Mrs. Magel: Yes, as discussed last week, this particular ordinance is for the design alone. And the cost of this particular one is \$188,000.00. However, I've noted that we are gearing for a much larger – this is working towards a 1.140 -- \$1,140,000.00 project. I feel comfortable that – put it on an emergency when Engineer Benekos was not here last, was it Tuesday? Monday?

Mr. Foltz: Yes.

Mrs. Magel: Okay. But he went over all my notes and approved it; so, therefore, everything I had presented last week is accurate. So, therefore, if – depending on any other questions – I would like to make a motion to adopt the first reading.

Mrs. Magel moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 6-06. 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. 6-06.

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 6-06. 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 Ordinance No. 6-06.

Mr. Lane moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 6-06. All members present voting:

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

No: 0

19. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 7-06.

Mrs. Hines moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 7-06. All members present voting:

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

No: 0

Ordinance No. 7-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Land Use Agreement by and between the City of North Canton ("City") and The Ruhlin Company ("Ruhlin"), an Ohio corporation, for the lease of a portion of the property known as Stark County Parcel No. 5280106 (Oster Property), and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: I actually have something on the agenda. Thank you. I was beginning to feel like there wasn't any need for me to show up.

Mr. Foltz: You still get your comments heard.

Mrs. Magel: That's what you get for coming late.

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Mr. DeOrio: Thank you. This is a standard Land Use Agreement in order to complete a construction project along the I-77 corridor. It's between the City of North Canton and The Ruhlin Company. The terms of the Land Use Agreement are for One Dollar (\$1.00). In order to get the – to not delay the project beginning, we would ask that it be passed on an emergency.

Mr. Lane: Could I just ask a privileged question? Were we able to alleviate any of Member Snyder's and my concerns about environmental issues on that land as part of this Lease?

Mr. Wise: Mr. Benekos and I discussed that the next day. In the Agreement there is – and I don't know the language, Jim, about the fuel cell – or EPA fuel hazard standards.

Mr. Benekos: Right. They have to meet all the EPA requirements for fueling and taking care of the fuel tanks when they're fueling their machinery and so forth.

Mr. Lane: Same thing for oil and any spills or anything like that?

Mr. Benekos: Yeah, they're responsible for that. They know it's a concern of the City. We made that – them aware of that when we talked with them on the site.

Mr. Lane: Thank you. Thank you for that, sir.

Mr. DeOrio: I would move that we adopt this and pass it on an emergency.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading of Ordinance No. 7-06**. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 7-06.

Mrs. Magel moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 7-06. All members present voting:

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

No: 0

Mr. DeOrio moved and Mr. Repace seconded to **adopt under suspension of the rules** Ordinance No. 7-06. All members present voting:

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

No: 0

REPORTS:

20. Mr. Foltz: Next are reports – Director of Law.

Mr. Pusateri: Yes. I've talked to most of Council, and just to make it public that I'm announcing that I'm going to resign from the position of Law Director. I have enjoyed the people, the issues of North Canton, but the job continues to increase in demands in my time. My private practice is booming. My family, in particular, my children, are more active in activities that I'd like to attend, and there are only so many hours in a week. And it seems as though work is consuming too many of those hours at this time in my life. So, I am going to resign. I have talked to Council and agreed to stay on as long as it takes to find a replacement for me, so whatever that takes, but, once again, I have enjoyed the time, the issues, the people – working with people, and – but it is time to move on. And, so, just to make that public. Thanks.

Mr. Foltz: Thank you, Paul. Director of Finance.

Mrs. Herr: I hate to hear the news that Paul's leaving, but I certainly can understand the time commitments with the job and certainly understand, and I'm gonna miss working with him. But I know he'll be here for a little while.

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Mr. Pusateri: Yes. Thanks.

Mrs. Herr: The only thing I wanted to mention was is I do have the budget on our website. It's on the home page, so if anyone has any questions or wants to, you know, mention it to anyone that calls them, it is on our web page.

Mr. Foltz: Okay. Thanks. Director of Administration.

Mr. Wise: Yes. I've only worked with Paul for a short period of time, but Paul, I'll miss you. I'm sorry to hear that today. I didn't find that out until just before the Council meeting.

Mr. Pusateri: Oh, I'm sorry.

Mr. Wise: That's okay. Not a problem. We'll be sorry to see you go. The administration and Mayor Held did today – Jamila Harris is a new employee with the City. She will fill the administrative assistant's position that was open in the Mayor's Office. She (inaudible) ...in the Mayor's Office. She is an attorney. She most recently was a prosecutor in Stark County Prosecutor's Office – has been there for four (4) years – three (3) years – part as an intern, part as an attorney. She has a Master's Degree in Public Administration, as well as a Law Degree and a Bachelor's of Science and Biology – all of those degrees are from the University of Akron. And she is a tremendous individual. I think most of you met her this evening. I don't know if she was here when Member DeOrio came in, but we're trying to get her around and meet everybody. I'm going to be introducing her to most of the staff – did some today and some tomorrow.

Mr. Lane: Does she want to be Law Director?

Mr. Wise: Well, that's – it hadn't crossed my mind yet.

Mr. Lane: The City moves people up pretty fast – it takes it down too, but, you know, (inaudible).

Mr. Wise: I should have had her stick around. That's all I have.

Mr. Foltz: All right. Thank you. Mayor.

Mayor Held: Yes, I'd like to thank Dr. Suglio and Mrs. Suglio for attending the meeting tonight and for keeping your business here in North Canton. We do appreciate it, and anything that we can do to continue to support your business, we'd like to do that. So, thank you. And I'd also like to recognize Pete Calder who has been a part of our EMS Department. He's not present here this evening, but we did read a proclamation on his last day working for the City of North Canton. He served the City of North Canton for twenty-four (24) years. He decided to retire this year. Pete is a paramedic for the City of North Canton, and he's done a fantastic job. He was also one of the first captains that was promoted here in the City of North Canton. He will be sadly missed as he moves on. He'll be teaching at Aultman Hospital. He'll be teaching other paramedics that will be coming up through. And we did have an opportunity to have a small ceremony over at the EMS Department with some of the other paramedics that he's worked with, and we're sorry to see him go. But we do wish him well. And as his replacement we did swear in Andrew Cramer, who is North Canton's first fire fighter/paramedic. And we've decided to combine the paramedic/fire fighter position, because that will help to consolidate both departments together and bring greater efficiency to the area of fire service and EMS. And, lastly, Paul – enjoyed working with you. It's really been a pleasure. Paul's always been a gentleman. He's been very thorough. He has done a fantastic job supporting the administration. We've had – unfortunately, we have a number of legal issues and, from time-to-time, lawsuits that we've had to deal with over the years when I worked as the Administrator. And some of those issues years later are still ongoing, and they have yet to be resolved; but I'm sure that the new person will be able to pick that up. But, again, I didn't realize that you were leaving until today, and I'm sorry to see you go. I think you've done a fantastic job. You've been a great service to the City of North Canton, and I wish you well.

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, January 9, 2006

7:00 p.m.

20 06

Mr. Pusateri: Thank you. I'm not gone yet. (Inaudible)

Mr. Foltz: If there's anything on open space, he might be here... You never know. (Inaudible)

Mr. Benekos: The only thing, I'm truly sad to hear that you'll be leaving, Paul. You've been a great asset to the City, I believe. And I've enjoyed working with you, and I'm sorry to see you go. That's all I have. Thank you.

Mr. Foltz: Thank you. Clerk of Council.

Mrs. Kalpac: Just to tell Paul I'll miss working with him, also. But he'll be around awhile.

Mr. Pusateri: Yeah.

Mr. Foltz: Okay. Reports from Council – Member Lane.

Mr. Lane: I've got a couple of things. First of all, Dr. Suglio, and your commitment to the City, we certainly appreciate it. I'm happy at least I was able to point you in the right direction to get this project underway. I can't let Paul leave, and I'm not gonna say goodbye yet, because I've got a legal issue for you. So, I've had some calls on an ongoing basis from the Sunford area. And I realize this is a situation across the City, and normally I would take care of this either through the Chief or through Gene or through Paul, but I wanted to open it up to the other Council members to find out if it seems to be an ongoing or a burgeoning problem. People bringing their semi tractors home, almost like as a company vehicle. Anymore, a lot of people are in the private business of hauling, and I've got a situation on Sunford that seems to come and go with those trucks in the driveway. And from what I was told by Gene, that thing is over the – probably over the legal limit for size and weight. And I understand – I know that I've seen some around other parts of the City, so I guess what I'm asking to let me know if it seems to be something that's widespread or if we just have a couple of instances that we need to police more readily. This individual leaves it out in the street and leaves in the driveway and the street, and it's causing some problems with the neighbors. So, that's the reason I bring it up tonight just to find out from you folks if you'd let me know. And, then, in the interim, Paul, if you could maybe refresh me on some of those weight limits and some of those other things, maybe we can get with Gene and see if we can, at least, send a friendly letter or reminder. Maybe this individual just doesn't know. I'll keep you on the hook for a while anyway.

Mr. Pusateri: Sure. I'm just looking at the statute right now, actually.

Mr. Snyder: I think, If I'm not mistaken, we covered that – we prohibit parking of tractors in the driveway. They're not screened properly. I had that problem on Lipton – a fellow, during the week, he was over the road, and on Friday night he would come home and thought he could park in the driveway. Unfortunately, it obstructs traffic flow, and people can't see beyond the truck. But, I think it is –

Mr. Lane: I thought it was, too, and I just don't think we've policed it strong enough. So, that's why I'm asking – (inaudible)

Mr. Snyder: It does require –

Mr. Foltz: Member Snyder, didn't Gene help you with that – to enforce (inaudible)

Mr. Snyder: That has to – actually, it's prohibited. And, of course, parking on the street is prohibited, because I think our streets do not allow that gross vehicle weight on them. Those residential streets, anyway.

Mr. Lane: Yeah.

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Mr. Foltz: Member Lane, we usually have – I remember I had one also on the street years ago, but I think the truck owner worked with some type of commercial establishment outside the City where they could store the truck temporarily in between hauls or runs, and that seemed to work out. So, there was a good ending to mind, but, you know, I understand what – the neighbors are first – you'll get the calls, obviously. And they're well deserved that we don't need those commercial type vehicles on our streets.

Mr. Snyder: Is that in those rental properties over there?

Mr. Lane: No. This is a house.

Mr. Pusateri: You've talked to Gene about it, so he's aware of where it's at?

Mr. Lane: Yeah, and I'll bring it back up to him. This is something that started before the holidays and sometime around October, and it seems to have reappeared. So, that's why I brought it up.

Mr. Wise: Member Lane and Mr. President, I received a phone call, I believe it was Friday, from an individual who was actually in Tennessee driving his tractor-trailer. He indicates that there's a group of about six or seven owner-operators who, up until a very short time ago – and all of those people live in the City of North Canton – and up until a very short time ago, they were allowed to park at the truck stop down at Portage and I-77. They could leave their rigs there when they're home for two or three days, and this guy took a taxi from his home down there to take his rig out on the road. He indicated that this corporate headquarters of this company has now prohibited them from parking there and indicated that they will tow their trucks if they see them park there. They are asking for some idea on where they could park their truck – maybe a commercial site here that's open and that the police could drive by. They're willing to come to some agreement with the City. I hadn't really researched it too much. I wasn't going to bring it up tonight, but if there is that concern, if you're hearing those things, they would like somewhere to park these trucks if we have any ideas, or –

Mr. Lane: These would be trucks and trailers – the cab and the trailer, or –

Mr. Wise: Well, he indicates that he has a place where he can leave his trailer. He doesn't want to leave his cab anywhere, because if it gets broken into and things stolen, that could put him out of business.

Mr. Lane: Yeah, see, I have the first problem – the trailer's not there, but the cab is.

Mr. Wise: Right, but in the alternative, this individual that I spoke with has a brother that they pretty much drive together – he lives in Canton. And, according to this individual, his brother has entered into some agreement with Canton to pay, I don't know, \$250.00 a month or something – or some type of fee – to be able to park the truck at his home or somewhere else. I'm not clear of the, of the details. But there is that issue out there, and apparently, there's other –

Mr. Lane: Maybe we can work together and see what we can come up with.

Mr. Wise: So, just for your information at this point.

Mr. Foltz: Anything else, Member Snyder?

Mr. Snyder: Yes, thank you. I would direct this to the administration and to the Engineer. I apologize, but I notice, and we've talked about this, but Everhard Road is becoming worse. It's actually getting bald in places – it's coming – sheeting off. And the patches have now left. There's a serious problem with the application of that asphalt, and I think that at this point we must address to the person that put that down there before our warranty period goes out. Because you go there – it's some areas, without exaggeration – it's 3-1/2 – 4 foot of just – we're down to the actual base coat. And with any type of application of salt, we'll lose that whole street. And it's not even two (2) years old yet, so if you would address that, I would appreciate

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it. And I don't know what – because I know I spoke to the Engineer, and he did take care of it the first time around. But now those patches seem to be sliding away. And maybe that's because of the time of the year that they were applied; I don't know.

Mr. Benekos: I have spoken with the contractor about that. Unfortunately, at this time, all the asphalt plants are shut down. Their equipment is in to be repaired and worked on. He said we will look at that in the spring. It is past the warranty period, but he realizes that the asphalt should not be behaving in that manner. So, we will look at that in the spring and resolve that.

Mr. Snyder: I appreciate that. Thank you. That's all I have to say. Thank you.

Mr. Foltz: Thank you. Member DeOrio.

Mr. DeOrio: Well, dovetailing on that, isn't a good portion of that section of the road in Plain Township?

Mr. Benekos: Where the potholes and failure is occurring is – a portion is in Plain Township, correct.

Mr. DeOrio: As we go down that hill towards the tracks.

Mr. Benekos: Correct.

Mr. DeOrio: Yeah.

Mrs. Hines: From Salway down to the tracks.

Mr. DeOrio: Salway down to the tracks? The – was the process that we used on Everhard putting down – did we try something different this past time? They put down that – some sort of a barrier between the asphalt layers?

Mr. Benekos: There is a fabric.

Mr. DeOrio: Yeah, the fabric.

Mr. Benekos: Yes, a textile fabric that was –

Mr. DeOrio: And the company involved in that was? Was that Superior?

Mr. Benekos: The company that provided the fabric and installed the fabric was PS Fabrics Incorporated.

Mr. DeOrio: It would be great to contact – you know, something obviously went awry. Either the fabric was defective, the tack put on top was defective, or the people that put the asphalt down didn't do it right. But I would think that we would like to have as a first recourse, maybe, talking to those folks.

Mr. Benekos: We have spoken with them also.

Mr. DeOrio: Okay. Then we may want to see if Plain Township would like to help out.

Mr. Benekos: Right. Our contract was with Superior Paving. Their subcontractor was PS Fabrics. So, we don't have any direct contract with the fabric supplier. Our contract was with Superior Paving. So, if there is a monetary cost, you know, to the City, at that point, for the repair, then we will contact Plain Township to share in that cost.

Mr. DeOrio: Very good. Thank you.

Mr. Benekos: Sure.

Mr. DeOrio: I have no report.

Mr. Foltz: Member Hines.

Mrs. Hines: No report.

Mr. Foltz: Member Repace.

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Mr. Repace: I've just got one quick thing here. I heard mention tonight about The Hoover Company closing, and there'll be no revenue coming out of that. I've been hearing that since 1995 that The Hoover Company's closing, and it's not closed yet. I understand that we're in some very difficult times there today. But the plant is not closed, and it's not gonna close any time in the very, very near future. Now, to switch hats, which I do that from time-to-time – and, by the way, I did ask Council to get me one of them two-rimmed hats I could just turn around. But Chairman of Finance Committee Pat DeOrio cut it out of the budget. On a serious note, you know, I've been hearing that for quite some time, and if I would have personally taken that approach – with all this is shut down – the plant is shutting down, let's just more or less move on, the plant would have been shut down. But I continue to fight the fight to try and keep the plant open – and, and I would appreciate it if the community would get behind us – our union and The Hoover Company – to keep that plant open. Not discourage, not talk negative. I know we have to be realistic. I understand that. But we need all the support possible, and I ask this community to support our cause and what we're fighting for. We're working on a lot of things. There's a lot of good people working hard to try and keep this plant open – keep these doors open – to grow this plant once again. I don't know if that can happen. Nobody's gonna know. We won't know anything, probably, until some time in March, and we don't know even then, probably, with the long-term effect is gonna be. But we just ask for your support and not negativity. There's enough negativity in this world. Let's think positive. Let's all work together, and let's keep that plant open. That's it.

Mr. Foltz: Thank you, Member Repace. Well said. Member Magel.
Mrs. Magel: No report.

Mr. Foltz: First thing, we won't meet next Monday. It will be next Tuesday due to the holiday. So, it will be 7 o'clock for committee meetings. Just want to make sure everyone's aware of that. If you come here Monday, you're gonna (inaudible). We'll meet Tuesday. Next, our Law Director – we'll start the search as soon as we can. I appreciate your efforts and your professionalism to stay with us and work with whoever the new person is going to be hired. Obviously, you've done a lot of work, as the Mayor indicated, through a lot of different lawsuits or disagreements with different businesses and so forth. The City – I commend you on that. And I've known you for a long time, and I appreciate your work here.

Mr. Pusateri: Thanks.

Mr. Foltz: But, like I said, you're gonna be here a little while until we find a replacement. You're not going anywhere yet, so with that, anybody else on Council or administration have any new business? Okay, we need a motion to adjourn.

Mr. Lane: Are we still in final call for business?

Mr. Pusateri: We have a final call.

Mr. Foltz: That's what I meant. We're not gonna have final call for the public as far as I'm concerned. We had public speaks earlier in the meeting. (Inaudible)

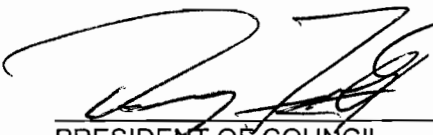
Mr. DeOrio moved and Mrs. Magel seconded to adjourn the meeting. All members present voting:

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

No: 0

Mr. Foltz: Thank you.

Meeting adjourned at 8:23 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL
1-18-06.lc