

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 9 7:00 p.m. 20 07

CALL TO ORDER

1. The meeting was called to order at 7:01 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by Rev. Don Rice, St. Luke Lutheran Community Church.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

Council Meeting: June 25, 2007
 Special Council Meeting: July 2, 2007
 Mayor's Court Receipts: May, 2007

Mr. Foltz: I ask Council to consider the Council Meeting minutes of June 25, 2007; the Special Council Meeting minutes of July 2, 2007; and Mayor Court Receipts for May, 2007. Do I have a motion to approve as presented?

Mr. Snyder moved and Mr. DeOrio seconded to **approve as presented minutes of the council meetings and Mayor's Court Receipts**. All members present voting.

Yes: Foltz (see below), Hines, Lane, Magel, Repace, Snyder, DeOrio.

No: 0

Mr. Foltz: Gail, on second thought I'm going to abstain, if I may from the Council Meeting minutes from July 2nd since I wasn't here. Make a note for your record.

Abstain: Foltz.

6. Committee Minutes

Executive Session: Refer to the minutes on file in the Council Office of the Executive Session meetings held July 2, 2007.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held July 2, 2007.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims meeting held July 2, 2007.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety meeting held July 2, 2007.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish meetings held July 2, 2007.

Mr. Foltz: Next, Committee Minutes, please request approval as presented the following committee report minutes of Executive Session Finance & Property, July 2, 2007; Finance & Property, July 2, 2007; Ordinance, Rules & Claims, July 2, 2007; Personnel & Safety, July 2, 2007; and Water, Sewer & Rubbish, July 2, 2007. Do I have a motion to approve as presented?

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

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

No: 0

Abstain: Foltz.

7. Mr. Foltz: Next is a voice vote. Do I have a vote to reappoint Dennis Weaver to our Income Tax Review Board?

Mrs. Hines moved and Mr. DeOrio seconded to **reappoint Dennis Weaver to the City of North Canton's Income Tax Review Board**. All members present voting.

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

No: 0

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8. Recognition of Visitors

Mr. Foltz: With that, we'll have recognition of visitors.

Unidentified: Here we go.

Mr. Foltz: Anyone would like to come up and address Council, feel free to do so. Please state your name and address. In doing so, we're looking for professional decorum as I know there's a lot to discuss here as our last council meeting for summer break. Be more than happy to give you the floor, but please act accordingly and we do have a 5 minute time rule. So with that sir, go right ahead.

Dr. Spieler: I'll try. Good evening. My name is John L. Spieler. I reside at 7371 Starcliff Avenue N.W. in the City of North Canton. I am the Chief Executive Officer of St. Luke Lutheran Community in North Canton, and represent the – the community at tonight's meeting. We are one of the largest employers in North Canton. We employ over 370 employees. Our operating budget is...approximately \$20 million. So we are one of the largest employers in this city, and we are good community neighbors. Over the last number of years, we've provided over \$2 million dollars of subsidized or charity care to the residents of this community. We serve many of the residents of this community, your – your relatives or family members we've served for over 54 years. We're a faith-based, non-profit, we've required no subsidy – governmental subsidy from the City of North Canton, we're fully sustaining on our own. We're an organization that has grown and is continuing to grow and will support the City of North Canton. And during tonight's deliberations we – we ask for your – your support and assistance as we further our – our mission of taking care of the elderly and taking care of our community. Thank you.

Mr. Foltz: Okay, thank you. Any questions for the speaker? If not, thank you for your comments, sir. Anyone else like to address Council this evening?

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street S.E., North Canton, Ohio. In the spring of 2005, this council body authorized the removal of \$1,500,000 from the city's income tax fund and deposited the funds into an escrow fund from which annual payments of \$100,000 are being paid to the North Canton Community Improvement Corporation. As of June 15, 2007, the account balance controlled by the North Canton CIC totaled \$300,000. Payments by the city to the North Canton CIC will continue annually with the last payment being paid out on June 15, 2019. Week after week I, as well as others, sit in the audience and hear council discuss how to deal with declining revenues and funding shortfalls for needed infrastructure improvements and yet the funds set aside for the CIC are left untouched. I have addressed this issue on several occasions before this body and yet each of you on council chooses to allow these taxpayer funds to be used for purposes other than for support of city services as they were intended. My message to you tonight is to provide notice that; one, the North Canton CIC is operating in violation of its own Agreement and Plan and; two, the financial support that is being provided to the owner of Abbott's Bridal Shop violates Section 6, Article VIII of the *Ohio Constitution*. I have addressed these issues in a letter to the Ohio Attorney General with a request that any and all financial transactions of the North Canton CIC be frozen until such time as these violations are investigated. The North Canton CIC is in violation of its own Agreement and Plan because it is currently using funding sources never anticipated when the CIC was set up twenty-seven years ago. The present CIC Agreement and Plan was drawn up in 1980 by the Cleveland Law Firm of Squire, Sanders & Dempsey and was crafted in anticipation of the issuance of Industrial Development Bonds. St. Luke's took advantage of this bond financing on two occasions. The use of industrial bonds imposed no expense to North Canton or to the taxpayers and was a valuable economic development tool for the city. Sadly, city leaders have abandoned the use of bond financing as a tool for economic development in favor of using taxpayer funds. This was a costly move for taxpayers and the city. The use of taxpayer monies to fund a CIC under the present Agreement and Plan is not adequate and actually puts the city in violation of state statute as Chapter 1724.10 (A) requires that a CIC prepare a viable plan that is approved by council. In an Ohio Attorney General opinion, 67-056, the Ohio Attorney General states: and I quote "...that a political subdivision may not appropriate monies derived from tax action to provide for the maintenance or operating expenses of a community improvement corporation." The state statute regarding CIC's, Section 1724.10 (A) has a similar statement. Any such debt shall be solely that of the corporation and shall not be secured by the pledge of any moneys received or to be received from any political subdivision. Taxpayer monies have been pledged from the City of North Canton and continue to be received by the North Canton CIC. These taxpayer funds were paid to the city to maintain city services and now have been diverted for purposes other than which they were to be used. Additionally, the Agreement and Plan of the North Canton CIC is being violated in other ways and I have a copy of it here. I doubt if any of you have ever even looked at it. First, there is nothing in the Agreement and Plan of the North Canton CIC that allows for

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the promotion of retail development. The Preamble of the Agreement and Plan states, and I quote "The Corporation and Municipality desire to incorporate the terms and provisions of the Plan into this Agreement so that this Agreement embody and constitute the plan of industrial, commercial, distribution and research development..."

Mr. Foltz: Mr. Osborne...

Mr. Osborne: Providing...

Mr. Foltz: are you, I'll ask for you to close in 30 seconds, you're at your five minute limit.

Mr. Osborne: Mr. Foltz, I appreciate if you could accommodate me...

Mr. Foltz: I will not.

Mr. Osborne: this is the last time...

Mr. Foltz: we have...

Mr. Osborne: you're going to see me at this council meeting.

Mr. Foltz: Well, that's -- that's the rules of council. You got 30 seconds, sir.

Mr. Osborne: providing - providing added parking to benefit a private retail business does not meet any of the requirements delineated in the CIC Agreement and Plan. Second, the Agreement and Plan clearly states that taxpayer funds are not to be provided to the CIC. In Article III, paragraph 2, the CIC Agreement and Plan states: The municipality shall not be required to make any financial contributions to the Corporation and nothing in this Agreement and Plan shall be construed as permitting the Corporation to obligate the Municipality except as expressly set forth in this Agreement and Plan. In Article III, paragraph 3, the CIC Agreement and Plan continues with and I quote "All costs of the Corporation shall be paid solely from the funds of the Corporation and the Municipality need not contribute any moneys to the Corporation to meet its costs. In no event shall any moneys raised by taxation be obligated or pledged for the payment of any bonds or other obligations issued or guarantees made pursuant to this Agreement and Plan".

Mr. Foltz: Mr. Osborne...

Mr. Osborne: In Article II,

Mr. Foltz: are you -- are you finished?

Mr. Osborne: No sir, I have a little...

Mr. Foltz: How much more -- longer do you have?

Mr. Osborne: Just a short.

Mr. Foltz: Let me see your short paragraph. 'Cause I -- I can see maybe 4 pages.

Mr. Osborne: It's 2 and...

Mr. Foltz: Please - please get it done. You are taking advantage of Council rules, over and above what I'm willing to grant everybody else.

Mr. Osborne: Thank you, sir.

Mr. Foltz: Let's finish right now. You got 10 seconds.

Mr. Osborne: In Article II, paragraph 5b, the CIC Agreement and Plan has similar language: The Corporation may acquire sites for lease or sale by the Corporation, provided that any such debt shall be solely that of the Corporation and shall not be secured by the pledge of any moneys received or to be received from the Municipality, State of Ohio, or any political subdivision thereof. The requirements of Article II, paragraph 5c were ignored by the trustees of the North Canton CIC when approving the application for financial assistance from the owner of Abbott's Bridal Shop. This section of the North Canton CIC says and I quote, "The Corporation may make loans to any person, firm, partnership, corporation and may establish and regulate the terms and conditions with respect to any such loan; provided the Corporation shall not approve any application for loan unless and until the person applying for said loan shows that he has applied for the loan through ordinary banking or commercial channels and that the loan has been refused by at least one bank or other financial institution". The trustees of the North Canton CIC never required the owner of Abbott's Bridal Shop to pursue financial assistance through ordinary banking or commercial channels before seeking financial assistance from the North Canton CIC.

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Mr. Foltz: You're finished. Please sit down, thank you for your comments.

Ms. Palmer: Rita Palmer, 307 Fairview Street S.E., North Canton, and I will finish his statements.

Mr. Foltz: Thank you.

Ms. Palmer: The specifics with regard to violation of the Ohio Constitution arise as well from the North Canton CIC's decision to provide financial assistance to the owner of Abbott's. In the court case of *C.I.V.I.C. versus City of Warren*, the Supreme Court ruled that municipalities taking action to raise money for and loan its credit to, or in aid of private corporations violates Section 6, Article VIII of the Constitution of Ohio. The North Canton CIC is an agency of the city and by extension this is what is taking place between the North Canton CIC and the owner of Abbott's. In an opinion of the Ohio Attorney General, the General states that a municipality may not make an outright, unrestricted gift of funds to a nongovernmental organization, regardless of whether or not such organization may be generally engaged in performing a beneficial, public purpose. There are grave concerns with regard to the present operation and funding of the CIC in North Canton. The Corporation must get its house in order before it can serve the City. A twenty-seven year old document crafted for industrial bond financing of economic development projects clearly will not work, legally or otherwise if you are using other sources of funding for the CIC. Using public monies to benefit private interests is in violation of *The Ohio Constitution* and state law as well. This is not a legacy which any of you would want to leave given the financial difficulties that North Canton is now facing. And an – an unrelated issue, I would like to say that regarding the payment of Mr. Rice's legal bills that you are considering tonight, I do not understand why the Council would accept such a moral claim. Council brought charges against Mr. Rice, suspended the hearing without resolving the conflicts of interest found by Prosecutor Forchione. Now you are contemplating paying Mr. Rice's legal fees. Similarly, Mr. Repace brought charges against Mr. Brett Reed and Mr. Chuck Osborne because they organized a recall campaign against him. Those charges were completely dropped. If you pay Mr. Rice's legal fees surely Mr. Reed and Mr. Osborne have a more valid, moral claim for their legal fees. If you vote yes for Mr. Rice's claim, you may have yet two other claims coming in the months ahead. Thank you.

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

Mrs. Hines: I knew it.

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

Mr. Covey: Thank you very much. My name is Rod Covey...

Mr. Lane: Inaudible...said I could read it to...inaudible...

Mr. Covey: I live at 35 Auburn Avenue S.E. in North Canton. I'm here to cover two subjects very briefly. First, is SteelSafe, which is you know the company from Australia that would like to begin manufacturing and marketing its products here in – in United States and other countries throughout the world, and specifically here in North Canton. The owner and inventor still has his heart set on this happening in North Canton. We haven't given up, it's been 18 months ago since this all started but we haven't given up and some good things are coming – coming out. And most notable is that we did need one country that literally was making these and putting them to use and that they're stopping trucks from being stolen and stopping trucks from being used to load a bomb on aboard and take to downtown Melbourne or Cleveland, Ohio or North Canton and killing a lot of people. So things are happening there. There are several other countries that are being approached and there is some interest in one in particular, happened to be China, and although the – the owner inventor is not particularly pleased about being forced to operate out of – in China, the Chinese are quite concerned because they – the forthcoming Olympics and they are extremely – if anyone's going to do anything bad in the global security business it's going to be at the Chinese Olympics. The Chinese have said no truck may enter the whole Beijing area unless it has one of these units on it. So if we can get something like that going in Australia and something in China and there are a couple other countries, especially Canada that's – that's becoming alive, maybe then we can go to the people in this country and say hey, these other people are doing it, we'd better do it here because the number one target of Al-Qaeda is still United States. The second item has to do with Auburn Knolls and I – I imagine...anyone who's driven up and down South Main Street at this point has probably said, well that's the last we're going to see of Covey. He – he lost. Well, we – not I but we, 132 original persons who signed the petition 44 months ago to say they would hope that these buildings not go up. They are still very upset. But what's happened after 44 months, think about it, you – you live there in a beautiful home, your whole life is there and suddenly this building starts to arise and for the last 12 months we even thought it won't happen, something, something, sure to God, will prevent that from happening. But it's happening. I've had 20 people and 3 people more tonight have mentioned it, that they hear it in the beauty shops, at Fisher's and so forth. They go by and, pardon my language, but their first comment is "what in the hell's going on down there?" How – how many –

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well...that's not fair to ask you but I bet most people...have heard that from 1, 2 or 3 or 4 people. Go to beauty shop and you can hear a lot of it. Meanwhile then, to up - update you on this, I did prepare a - because it's been 44 months since this has been...debated, there have been so many people coming and going and new people on Council, new people in the Administration there's - there's been so many changes. I think we - we - I know we tend to lose what was happened - what happened the first 12 months, 18 months and so forth. So I prepared a - I did ask the Mayor as Chief Executive representing the whole city, and representing this body and others that we - the - the people who still don't like the idea of these buildings even though one's going up and three more may go up, it could be something could happen that might surface, especially if we bring up some things that have been shelved in the past 44 months. So the Mayor agreed to listen to our list so I think you all have a copy of the letter to the Mayor and covering that is a kind of a précis of what has happened, it condensed into one page on what has happened there in the last 44 months. So we look...we have a list of 24 issues we'd like to present to whomever.

Mr. Lane: I - Rod...

Mr. Covey: How that will - how that will come about I don't know yet, excuse me.

Mr. Lane: We didn't get the list, all we had was the cover letter.

Mr. Covey: No - no we did not have it here.

Mr. Lane: Okay.

Mr. Covey: It - it - it's - it's available.

Mr. Lane: Okay.

Mr. Covey: And we'll be giving that to - to all of you in the next few days. And then we need your guidance. We - we would hope that this won't drag out for another 44 months or even 44 days, maybe not even 44 hours. We certainly would not want to spend a lot of legal fees on the part of the city in the combating this and we have tried the legal route and were sorely disappointed. That's issue #17, which you'll hear about more later. Thank you very much.

Mr. Foltz: Okay, thank you sir.

Mr. Covey: Thank you.

Mr. Foltz: Any comments Member Lane? Or - maybe ask him a question, okay.

Mr. Lane: World War II actually lasted less time than this has. I mean, this has been going on and on and on but I'm - I'm anxious to see the list. As you and I discussed today there's some stuff that goes way back that even I had forgotten so...

Mr. Covey: Yes.

Mr. Lane: and that'll be good to bring the rest of the Council up to date too.

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

Mr. Daniluk: George Daniluk, 502 Werstler. At the last two Council meetings, Chuck Osborne presented some well researched facts regarding the financial deals involving the Abbott Bridal Shop property. No one disputed his presentations or his findings so the assumption must be that they are accurate. Another assumption is that the public speaks portion of City Council is a mere formality as Council's often - is often reluctant to respond, particularly to any presentation by Mr. Osborne. The facts, if valid, remain in the same - remain the same regardless of the messenger. Mr. Osborne has been accused of being disruptive but fortunately or unfortunately depending on your viewpoint, he provides some oversight for the public. Many politicians of late seem to be reluctant to communicate with their constituents and will find means to avoid them except on two occasions. One to ask for their vote and two, to ask to put a campaign sign in their yard. The purpose of the CIC was to provide seed money to businesses that would generate new tax dollars to the city. That seed money is supposed to recycle itself to keep the plan going. Does anyone ever raise any red flags or keep a scorecard? Is there even a scorekeeper? Are we that desperate that we must finance borderline ventures or make a deal based on speculation? Any deal should be a win - win outcome, but the recipient of the CIC loan is - is the side most likely to win. CIC money should not be doled out without any intent, promise or guarantee of payoff. We should not continue to draw down CIC funds without returns. I'm not opposed to the concept of the CIC but we need to stop the bleeding. A comment was made that City Council has no part in the CIC but in reality, didn't the initial funding come from the General Fund, and also all operating

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expenses? To put things in its proper perspective, if it takes \$80,000 to run the CIC per year, it's investments must generate over \$5 million of new payroll money, taxed at 1½ % to cover it's own existence. There's no doubt that Council has the sometimes thankless job when it's time to get serious about the city's financial health. Thank you.

Mr. Foltz: Thank you, Mr. Daniluk. Mayor, any comments? My comment would be, Mr. Daniluk if you want to stay up and respond, is that there are two council representatives on the CIC and we do have appointment power, so to speak that - for some of the members as the Mayor does...

Mayor Held: Right.

Mr. Foltz: and I think, if I remember right, it was - it was one lone vote against it and I don't think we're ever going to have a perfect scenario presented to us that, you know, it's going to fit all the criteria of what everyone thinks...economic development should be, but you can't turn down the possibility of \$200,000...

Mayor Held: Right.

Mr. Foltz: to our general revenue in 4 or 5 years. Now, I - you're President of the CIC, I'll defer to you as...additional comments so.

Mayor Held: Right and - and Mr. Daniluk, I appreciate your comments and I have had an opportunity to talk to you and Chuck about this, and when we were looking at funding the CIC it was - it was a very difficult decision. Number one, you're looking at the opportunity to bring in 70 new jobs to the city. And when you're accessing new jobs into the city, you look at a couple of factors, at least we did. Some of the factors we looked at, number one is that you're going to have new taxpayers into the city. Number two, there's an indirect impact that they will have, an indirect positive impact that those 70 workers will have on the city, which is they'll be going to the different businesses in town to buy things, to buy lunch and so there is going to be an indirect positive impact that those 70 workers will have on the City of North Canton. Secondly, when you look at the return that the city's getting and the Resolution that we did pass, we didn't give that property to the - to Abbott's Bridal. The CA - the CIC maintains ownership of that property, we are making improvements to the property and we have provisions in there in order to have repayment in some form from the - the property owner. And - and one of the other positives sides too, is the fact that it is a governmental agency. Had it been a company that was strictly in the private sector, that would have been another consideration that wouldn't have been as positive. But when you see government jobs that are coming through that are funded through a tax levy like the MRDD you know that it's a solid organization. They have millions of dollars in their account right now and so we felt very, very confident that it was going to be a good move. Was it a perfect decision? It was not a perfect decision. When you look at the history of the CIC and how the CIC has been utilized in the past, it's been utilized in a - in a very positive manner, and then it - it died out for a number of years but I think, given the circumstances that we're in, that it was a positive move because we're bringing new jobs to the City of North Canton. It's not a perfect decision but again, the city's going to be on the positive end as far as bringing in new revenue. And - and that's really the reason why we had an almost unanimous vote on that and - and so I do appreciate your comments so Mr. Daniluk. I - I - I thank you for coming up and I know you've had very strong feelings about this and also Mr. Osborne. You've shared with me your - your feelings on numerous occasions and we've talked about it and - and I - I accept your points, they're very valid but considering those points, I still felt that it was important to move ahead with it, and so did the other members of the CIC.

Mr. Foltz: Alright, thank you Mayor. I appreciate you attending the CIC meeting. You both were there and involved and that's commendable as - as a citizen to - to want to view the city and its inner workings for economic development. Anyone else like to address Council this evening?

Mr. Wise: Marcia...inaudible...

Mr. Foltz: Front, middle row before the back row, I guess.

Mrs. Bevan: I - Linda Bevan, 1359 Willoway. I just was noticing Ordinance 82-07. The Waterside Development Company. They have filled in and changed the lay of the land up there behind South Main and as I understand it, they're going to have that as the driveway, so that's going to be blacktopped and all that water, where is that going to go? It's going to go down the K of C parking lot and into my neighbors north of me. Basically it - there's a little stream in the Nimishillen Creek, we call that the river and the little creek now. That was never there before so where's that water going to go? That's going to go into there. When it rains and it hasn't been the hundred year flood, but the last two it overflowed that bank into the Nimishillen Creek. So what's going to happen since they changed the lay of the land, they're going to blacktop that, all the water's going to come down on us.

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Mr. Foltz: I'll defer ma'am, to our Engineer, but I believe they have to create some type of retention / detention on that property to slow that down to a - a workable storm release.

Mr. Benekos: Yeah. When the - when the Waterside Development is designed, it will have retention in it.

Mr. Foltz: And that's something you're involved as far as approving of the plans, correct?

Mr. Benekos: Right.

Mr. Foltz: Okay.

Mrs. Magel: And that will be a sufficient enough not to cause them a problem?

Mr. Benekos: It'll - it'll be designed in accordance with the county provisions. It'll have a - a net zero increase. The rate will be maintained. There will be more water eventually...

Mr. Foltz: Right.

Mr. Benekos: but the - the rate coming out at any one time will not be increased.

Mr. Foltz: Okay, thank you.

Mr. Lane: I think what's - what's in there now is just parking for those trucks from Bonnett when we did Bonnett and the - and for Main Street, correct? I mean, this is not a permanent improvement by any means. They haven't even submitted plans, correct?

Mr. Benekos: Correct. It's just the contractor's utilizing that area.

Mr. Lane: Which should be wrapped up relatively soon, I would think.

Mr. Benekos: Yes.

Mr. Lane: So, okay.

Mr. Foltz: Well we're hoping for development...

Mr. Lane: Just a little hint there.

Mr. Foltz: just the right kind of development that won't create a watershed...problem for our residents obviously so. That said...

Mrs. Kiesling: Last but not least.

Mrs. Burnett (from audience): Not last, I'm next.

Unidentified (from audience): You didn't jump...inaudible....

Mrs. Kiesling: Marcia Kiesling, 315 Bonnett Street. I'm here tonight to make sure that everyone, including the press, since Mr. Pritchard wasn't here last week, is aware - is aware that I'm not in disagreement of paying a portion of Tom Rice's legal fees, legislation 92-07. However, I believe the City's insurance company already did pay a portion of what they felt was fair. I do want everyone to know that I feel as if we should only be paying a portion that pertain to the actual hearings. During that time, and I know several of you weren't on Council, but probably pretty aware, he also sued myself, Jon Snyder, Greg...Sarbach and Mayor David Held. He chose to have Judge Brown also hear the case regarding whether the hearings were within the realm. I don't believe that any payment should be made to his attorney for these five separate actions that he brought on his own accord. However, because no one except Mr. McFarren, including the Council, has seen any itemized bill, how do we, the public, truly know what we are paying for? Has anybody on Council seen the bill?

Unidentified: No.

Mrs. Kiesling: I'll take that as a no.

Mr. Foltz: I - I have not seen the bill, I'll defer to our....

Mrs. Kiesling: I know you were on vacation.

Mr. Foltz: I'll defer to our - our Law Director on that, that might have been discussed last week, I don't know. So we'll...

Mrs. Kiesling: He answered my question last week, but I just wanted to make sure on this - this week that has passed that the bill hasn't come up. Therefore the bill will never be a public record, no one will ever see what he's actually charging the City for. He could potentially be charging you for his hours that Plakas worked to sue me, Jon Snyder, Greg Sarbach and David Held, which is unacceptable as far as paying those part of the fees. I guess the biggest reason is - I'm here because it's unbelievable to me that you, as elected officials, which I know I was for 4 1/2 years, would actually do this without seeing a bill. You - you don't pay a bill without seeing a bill and from what I understand the Director of Finance isn't going to even see

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the bill, which to me is amazing. I think the public has a right to know what they are truly paying for, and I'm extremely disappointed in this whole process. I also am surprised that you want to do it on an emergency, right before summer break. Is this truly an emergency? I don't know how many times we went round and round in 4½ years, what constituted an emergency. Mr. Rice has waited three – almost three years for these fees, and he can't wait three more months? Last question, and this is for Mr. McFarren. Are you requiring Mr. Rice to sign off on the settlement, stating he will no longer come after anyone else regarding this matter? Because if he does decide to sue myself, Jon or Greg again, which he can...we will be covered under the city's insurance also so this city is going to pay even more. So I want to make sure that Mr. McFarren is making him sign off on it because we were only acting under the advice of our Law Director Mr. Pusateri as you all say you're doing right now. So Mr. McFarren, are you requiring him to sign off on this since you have not written an opinion, we will not see a bill, I guess I just would like to know for my well-being and Jon and Greg and Mr. Held, is there going to be potential future action or are you going to make him sign off on it?

Mr. McFarren: I think competent legal counsel would secure the broadest release that is possible under the circumstances.

Mrs. Kiesling: So that's a yes?

Mr. McFarren: Yes.

Mrs. Kiesling: Thank you very much.

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

Unidentified (from audience): Inaudible.

Mrs. Burnett: I'm Suzanne Burnett and I'm now not living on Pierce Avenue.

Mr. Foltz: Oh.

Mrs. Burnett: I've moved to Applegrove Road. I'm at the Danbury.

Mr. Foltz: Okay.

Mrs. Burnett: Now that's official. And I'm happy. I am here to defend the CIC. No matter what anybody says, the CIC is composed of a whole bunch of really qualified people even though I'm one of them. I've been on it for years. I've continued to say yes I would be. We don't get paid, except that we have wonderful company and very intelligent, thinking, thoughtful people who study the issues and who know what they're doing and I don't – I – I just really want you to know that there are – there are many different opinions about what CIC does. In my opinion, the decisions that CIC has taken have been wise. Thank you.

Mr. Foltz: Thank you. We appreciate everybody that volunteers their time here and – and numerous support throughout the city so thank you for your comments and I wish you well in your new place of residence.

Mrs. Burnett: Thank you.

Mr. Foltz: We'll miss you over here on Pierce.

Mrs. Magel: Welcome.

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

Mrs. Rubin: Connie Rubin, 664 Everhard Road S.W. Former Charter Review Commission Chairman. And I understand that Section 5.06, the recommendation that the Charter Commission made related to removal of office will probably be tabled this evening. And I think that's probably unfortunate because the farther away we get from the process that brought so much pain to the city, the less likely we are to take action that will be a responsible remedy. I understand that Mr. McFarren, or not Mr. McFarren, Mr. Forchione is looking at what's in the Ohio Revised Code which is something that our Commission did look at and consider and decided not to recommend. However, given another issue that's before the Council, I would call your attention to Section 733.77 which is part of that section of the Ohio Revised Code, related to payment of costs. Under the section, the Probate Court could conduct the case brought before it and either the judge could render a decision or there could be a jury trial. And after that process it says that the cost and expenses of the trial shall be charged against the party filing the complaint under Section 733.72 of the Ohio Revised Code. The accused or the municipal corporation or portioned among them as the probate judge directs and shall be collected as in other cases. No costs or expenses shall be charged to the accused if he is acquitted upon trial. If an appeal or on questions of law is instituted by the officer complained of to reverse or vacate the order of the Probate Court, such officer shall not exercise the functions of his office until order is finally reversed or vacated. I thought that might be relevant as you discuss the payment to Mr. Rice.

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, July 9	7:00 p.m.	20	07
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Mr. Foltz: I appreciate your comments and I – like we said earlier, everybody on Council agrees, the Charter Commission did a wonderful job...spent a lot of hours and I attended a few meetings. They did address this removal from office section and I was hoping that eventually we could tie this down to a better formula. And I know the Ohio Revised Code might have some good points. We discussed it in our Committee Meeting at 6:00. I don't think this Council body was going to be in a comfort zone with anything we tried to change, so to speak, this evening and what I'd prefer to do is to bring this back up next year, maybe for the next election, to have an independent person such as Frank Forchione possibly review it, who knows the history of North Canton, who knows what we've suffered though, image-wise as well as the end result. It didn't add up to anything but hurt feelings and legal costs, basically. To – to put some parameters to this where it makes sense, where its just more of a formality for Council to take somebody office, not so much be the prosecutor, judge, jury and possible witness. So I applaud your statements here, I think that it sheds new light on the situation with legal fees, with Mayor Rice and like I said, I hope there – the Charter Commission realizes what we're trying to do, what our end result hopefully will be. If that means some more tweaking by qualified personnel, I'm more than happy to wait and get it done hopefully in a better – a better light for all of us in the future, so thank you.

Mrs. Magel: I would just like to thank you for your chairmanship and I would like to say that your words tonight were very well put.

Mrs. Rubin: Thank you.

Mr. Foltz: Thank you. Did someone else want to address Council this evening?

Unidentified: This ought to be...inaudible...

Mr. Revoldt: Good evening. Daryl Revoldt, 1565 Ambler S.W. I rise because I'm concerned about Ordinance No. 92-07 which you'll consider tonight, and there are so many things that are troubling about this that from the fact pattern to the emergency clause contained therein, that it would consume more than 5 minutes of remarks on my part. But I think what really troubles me the most after I got up here tonight, is the limit on speech. Democracy frankly, is a messy and unpleasant process. There is nothing however more essential to good government than an opportunity to question and debate one's elected officials. On the record. In 5 minutes, with limitation trivializes that issue. I sat in this room for 19½ years and I endured some very unpleasant evenings when there was no limit on speech. It wasn't necessary then, and it isn't now. And I would encourage Council to reconsider because again, good government comes from good participation. And the place to settle the disputes is in this room and not in a courtroom or not with attorneys.

OLD BUSINESS

9. Mr. Foltz: Okay, thank you for your comments. Anyone else like to address Council? Okay, seeing none, may I have a motion from the floor to remove Ordinance No. 71-07 from the table?

Mr. Snyder moved and Mr. Lane seconded to **remove Ordinance No. 71-07 from the table.**
All members present voting.

Mrs. Kalpac: Magel?

Mr. Foltz: Was that Magel?

Mrs. Kalpac: Yes.

Mrs. Magel: Yeah, say no? No?

Mr. Foltz: No, we'll talk about it.

Mrs. Magel: Okay, yes.

Mrs. Kalpac: Repace?

Mr. Repace: Yes.

Mrs. Kalpac: Snyder?

Mr. Snyder: Yes.

Mrs. Kalpac: DeOrio?

Mr. DeOrio: Yes.

Mrs. Kalpac: Foltz?

Mr. Foltz: Yes.

Mrs. Kalpac: Hines?

Mrs. Hines: Yes.

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REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, July 9 7:00 p.m. 20 07

Mrs. Kalpac: Lane?
Mr. Lane: Yes.

Mr. Foltz: You should read the title and then we'll discuss what we want to do with it.

Ordinance No. 71-07 – Ordinance, Rules & Claims

An ordinance to provide for an election on the adoption of proposed amendment to ARTICLE V, Section 5.06. of the Charter of the City of North Canton.

Mrs. Kalpac: Wait, wait, wait. Doug. Doug.

Mr. Foltz: Chairman Snyder.

Mrs. Kalpac: Wait.
Mr. Snyder: Thank you, Mr. President.

Mr. Lane: Hold – hold on a second. The Clerk is...
Mrs. Kalpac: Yeah, we – we didn't have a motion or a second to read by title only.

Mr. Foltz: Oh, I'm sorry.
Mrs. Kalpac: We just had a motion and a second to...

Mr. Foltz: That's why you were waiting. Just give me one in the ribs, will you?

Mr. Snyder: Mr. President, I make a motion that we read by title only the first reading of Ordinance 71-07.

Mr. DeOrio: Second.

Mr. Foltz: That would be the third reading, right?
Mrs. Kalpac: Yes, third reading.
Mr. Snyder: Third, it's the third, excuse me, yes sir.

Mr. Snyder moved and Mr. DeOrio seconded to read by title only the third reading of Ordinance No. 71-07.
All members present voting.
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel.
No: 0

Ordinance No. 71-07 – 3rd Reading - Ordinance, Rules & Claims

An ordinance to provide for an election on the adoption of proposed amendment to ARTICLE V, Section 5.06. of the Charter of the City of North Canton.

Mr. Foltz: Thank you once again, Law Director. Chairman Snyder, comments?

Mr. Snyder: Thank you, Mr. President. It is, as you know, just more than 45 minutes ago we researched this and we've been toy – moving back and forth since. It was initially sent to us from the Charter Review Commission. However at present, there is not concise understanding, nor is there a concise opinion as to how the actual genesis of this should read and it doesn't do what I think members of Council nor members of the electorate in the community really would like it to see happen. So with that being said, what is the proposed hope is that we have someone look at it who is independent of the situation, without emotion and draft some type of verbiage that we can submit to the electorate, hopefully, probably in the spring election. That being said sir, that's all I have.

Mr. Foltz: Very good. Do I have a motion to adopt the third reading of Ordinance No. 71-07?

Mr. Snyder moved and Mr. Lane seconded to adopt the third reading of Ordinance No. 71-07. All members present voting.
Yes: 0
No: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace.

10. Mr. Foltz: Okay, next, may I have a motion to read by title only the third reading of Ordinance No. 75-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the third reading of Ordinance No. 75-07. All members present voting.
Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder.
No: 0

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Ordinance No. 75-07- 3rd Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration for the purchase of Water Treatment Plant chemicals for use by the Water Treatment Plant, and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the purchase of said Water Treatment Plant chemicals.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: As you recall from previous meetings, this Ordinance will establish the unit pricing for purchase of our chemicals for our Water Treatment Plant...

Mr. Foltz: Okay.

Mr. DeOrio: and I would move for adoption of Ordinance No. 75-07.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 75-07. All members present voting.

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

No: 0

11. Mr. Foltz: Next may I have a motion to read by title only the third reading of Ordinance No. 76-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the third reading** of Ordinance No. 76-07. All members present voting.

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

No: 0

Ordinance No. 76-07 – 3rd Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to seek quotes on life insurance for the period December 1, 2007, through November 30, 2009, for the City of North Canton and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for said life insurance, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes again this is likely self explanatory but we will get the life insurance quotes based on our contractual obligations with our employees. And I would move for Ordinance No. 76-07's passage.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 76-07. All members present voting.

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

No: 0

12. Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 77-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the third reading** of Ordinance No. 77-07. All members present voting.

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

No: 0

Ordinance No. 77-07- 3rd Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to seek quotes for administering a self-insured health insurance program for the period December 1, 2007 through November 30, 2008, for the employees of the City of North Canton, and for the Mayor of the City of North Canton to be authorized, upon concurrence by Council, through the Board of Control, to enter into a contract for said (life, excuse me) health insurance, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes this is companion legislation with the aforementioned to provide health insurance for our city employees per our contractual obligations. I would...

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Mr. Foltz: And do I have a motion to adopt the third reading of Ordinance No. 77-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the third reading** of Ordinance No. 77-07. All members present voting.

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

No: 0

13. Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 78-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the third reading** of Ordinance No. 78-07. All members present voting.

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

No: 0

Ordinance No. 78-07 – 3rd Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration for the purchase of rock salt for use by the Street Department, and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the purchase of said rock salt.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, as you saw with the purchase for chemicals for the Water Treatment Plant, this is the same operation here. We're trying to establish a unit price for the rock salt for the Street Department.

Mr. Foltz: May I have a motion to adopt the third reading of Ordinance No. 78-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 78-07. All members present voting.

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

No: 0

14. Mr. Snyder: Mr. President, I have a privileged question if I may sir on 80-07, 81-07?
Mr. Foltz: Yes.

Mr. Snyder: What is the filing deadline? Is that the 9th also or is it later than that?
Mrs. Kalpac: 23rd.

Mr. Snyder: 23rd?

Mrs. Kalpac: Technically the 23rd.

Mr. Snyder: Okay, that's all sir, I just – thank you.

Mr. Foltz: Okay, thank you. Question? May I have a motion to read by title only the third reading of Ordinance No. 80-07?

Mr. DeOrio moved Mr. Lane seconded to **read by title only the third reading** of Ordinance No. 80-07. All members present voting.

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

No: 0

Ordinance No. 80-07 – 3rd Reading – Ordinance, Rules & Claims

An ordinance to provide for an election on the adoption of proposed amendment to ARTICLE II, Section 2.04. Meetings of the Charter of the City of North Canton.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. This suggestion to the change would allow that the members of Council be notified by simply taking the packet of work or the order of appearance to their home, that they do not have to be personally served and this would eliminate the cumbersomeness of tracking them down and serving them. That would be only for special meetings or meetings called that were outside of the roll call.

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Mr. Foltz: Then do I have a motion to adopt the third reading of Ordinance No. 80-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the third reading** of Ordinance No. 80-07. All members present voting.

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

No: 0

15. Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 81-07?

Mr. Snyder moved and Mr. DeOrio seconded to **read by title only the third reading** of Ordinance No. 81-07. All members present voting.

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

No: 0

Ordinance No. 81-07 – 3rd Reading – Ordinance, Rules & Claims

An ordinance to provide for an election on the proposed deletion of the residency requirement in ARTICLE III, Section 3.02, the Director of Administration of the Charter of the City of North Canton.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. This again will remove the portion that requires that person to live within the corporate limits of the city, and it would make it simpler for that person to have employment here.

Mr. Foltz: May I have a motion to adopt the third reading of Ordinance No. 81-07?

Mr. DeOrio moved and Mr. Lane seconded to **adopt the third reading** of Ordinance No. 81-07. All members present voting.

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

No: 0

16. Mr. Foltz: Next may I have a motion to read by title only the second reading of Ordinance No. 82-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the second reading** of Ordinance No. 82-07. All members present voting.

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

No: 0

Ordinance No. 82-07 – 2nd Reading – Water, Sewer & Rubbish

Ordinance No. 82-07 accepting a Temporary Storm Sewer Utility Easement ("Easement"), by and between Waterside Development Company ("Grantor") and the City of North Canton ("Grantee"), through the property known as being part of the Southwest Quarter of Section 17, Hoover fka Plain Township, Range 8, Parcel No. 5608842, located within the City of North Canton, Stark County, Ohio, necessary for the South Main Streetscape – Phase IV Project, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, as discussed at the first reading, we are accepting a temporary storm sewer utility from the Waterside Development Company. This is due to the Phase IV Project of the South Main Street and in order to cooperate with the Administration I would like the second reading to have the emergency.

Mr. Foltz: Very good. Any other discussion? Seeing none, may I have a motion to adopt the second reading of Ordinance No. 82-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 82-07. 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. 82-07?

Mrs. Hines moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 82-07. All members present voting.

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

No: 0

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Held Monday, July 9 7:00 p.m. 20 07

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 82-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 82-07. All members present voting.

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

No: 0

17. Mr. Foltz: Next may I have a motion to read by title only then the second reading of Ordinance No. 83-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the second reading** of Ordinance No. 83-07. All members present voting.

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

No: 0

Ordinance No. 83-07 – 2nd Reading – Water, Sewer & Rubbish

Ordinance No. 83-07 accepting a Perpetual Storm Sewer Utility Easement ("Easement"), by and between North Canton Plaza, Inc. ("Grantor") and the City of North Canton ("Grantee"), through the property known as being part of the Southwest Quarter of Section 17, Hoover fka Plain Township, Range 8, Parcel No. 5608838, located within the City of North Canton, Stark County, Ohio, necessary for the South Main Streetscape – Phase IV Project, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Very similar ordinance, this one is the perpetual storm sewer easement given to us by the North Canton Plaza. Same project, the South Main Street Phase IV, and again seeing that this is our last meeting, and so the Administration can get this wrapped up, I would ask that the – this one, the second reading be an emergency.

Mr. Foltz: Very good. And do I have a motion to adopt the second reading of Ordinance No. 83-07?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt the second reading** of Ordinance No. 83-07. 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. 83-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 83-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 83-07?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt under the suspension of the rules** for Ordinance No. 83-07. All members present voting.

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

No: 0

18. Mr. Foltz: Next, I have a motion to read by title only the second reading of Ordinance No. 85-07?

Mr. DeOrio moved Mrs. Hines seconded to **read by title only, the second reading** of Ordinance No. 85-07. All members present voting.

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

No: 0

Ordinance No. 85-07 – 2nd Reading – Finance & Property

Ordinance No. 85-07 authorizing the Mayor of the City of North Canton to apply for a grant from the Stark-Tuscarawas-Wayne Joint Solid Waste Management District and then authorizing the Mayor, through the Board of Control, to enter into a 2008 Recycling Program Grant Agreement by and between the City of North Canton and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District for the purpose of accepting and utilizing the grant to provide funding for portions of the recycling program.

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Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: I think that pretty much said it all. It's a long title.

Mr. Foltz: Other than the amount.

Unidentified: I start loosing consciousness.

Mr. DeOrio: We know that's going to be in the capable hands of the Executive Director of the Solid Waste District.

Mr. Foltz: And we're just going for a second reading this evening, we don't need emergency legislation on this, correct, so?

Mr. Wise: That's correct.

Mr. Foltz: May I have a motion to adopt the second reading of Ordinance No. 85-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 85-07. All members present voting.

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

No: 0

NEW BUSINESS:

19. Mr. Foltz: That concludes old business, new business now. May I have a motion to read by title only the first reading of Ordinance No. 88-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 88-07. All members present voting.

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

No: 0

Ordinance No. 88-07 - 1st Reading – Water, Sewer & Rubbish

Ordinance No. 88-07 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 Aultman Road Waterline Replacement Project, in an amount not to exceed \$40,000, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, we discussed this that – give you the 12 inch pipe and the 16 inch pipe and the amount of moneys and what we came up with was for the Aultman Road Waterline Replacement we would come up when first reading to cooperate again with the Administration mostly, the City Engineer Jim Benekos. The amount of \$40,000 so he could get the design work studied and the engineering while we are on break, and then we'll take it from there when we get back. So at this point in time I would ask the emergency be on the first reading if that's fine with Council.

Mr. Foltz: Okay, may I have a motion to adopt the first reading of Ordinance No. 88-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 88-07. All members present voting.

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

No: 0

Mr. Foltz: Next, may I have a motion to suspend the rules for Ordinance No. 88-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 88-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 88-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 88-07. All members present voting.

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

No: 0

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, July 9 7:00 p.m. 20 07

20. Mr. Foltz: Next may I have a motion to read by title only the first reading of Resolution No. 89-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Resolution No. 89-07. All members present voting.

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

No: 0

Resolution 89-07- 1st Reading – Finance & Property

A Resolution adopting the Budget of the City of North Canton, Ohio, for the year 2008, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, this was the subject of a public hearing earlier this evening. This is a tax budget that we need to submit to the county in order to justify continued collection of property tax levies inside the city. And we do need to get this to them I believe by the 20th of July and hence the need for the emergency clause.

Mr. Foltz: And do I have a motion to adopt the first reading of Resolution No. 89-07?

Mr. DeOrio moved and Mr. Lane seconded to **adopt the first reading** of Resolution No. 89-07. 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 Resolution No. 89-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Resolution No. 89-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Resolution No. 89-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Resolution No. 89-07. All members present voting.

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

No: 0

21. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 90-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 90-07. All members present voting.

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

No: 0

Ordinance No. 90-07 - 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to enter into a contract for professional auction services for the sale of equipment and miscellaneous items which are no longer required for municipal purposes and for the sale of unclaimed property in the custody of the Police Department.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. Every two years I...believe, we have a auction of unused items, unclaimed property, stuff that basically serves no more municipal purpose and this legislation will authorize us to enter into an agreement with an auction company. In the past it has been Kiko. And typically in such an arrangement there's not a – a fee that we pay as in the result of an invoice but they receive a portion, a percentage of the proceeds that are sold.

Mr. Foltz: Okay, may I have a motion to adopt the first reading of Ordinance No. 90-07?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 90-07. All members present voting.

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

No: 0

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22. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 91-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 91-07. All members present voting.

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

No: 0

Ordinance No. 91-07 - 1st Reading – Finance & Property

An ordinance authorizing the issuance of an amount not to exceed \$18,500,000 of healthcare facilities revenue bonds to assist St. Luke Lutheran Home for the Aging and St. Luke Lutheran Community-Portage Lakes in financing and refinancing costs of a project and declaring an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, Mr. President. This legislation is in – is necessary in order to do some refinancing or advance refunding – what – however you wish to call it of some revenue bonds that were issued in the late '90's. The aggregate interest rate at that time for those 2 series bonds is approximately 9.38%, allowing this refinancing will bring the interest rates down for them significantly, enabling them to use their resources to continue to grow their program. Time is of the essence on this as interest rates do change, subject to market conditions and so the sooner the better. We did hear earlier this evening during the public speaks portion from the C.E.O. of St. Luke Lutheran Home for the Aging and St. Luke Lutheran Community-Portage Lakes, Mr. John Spieler, and we thank him for sitting through the whole meeting – this point so, I would move for passage of Ordinance No. 91-07.

Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 91-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 91-07?

Mrs. Hines moved and Mr. DeOrio seconded to suspend the rules for Ordinance No. 91-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 91-07?

Mr. DeOrio moved and Mrs. Hines seconded to adopt under the suspension of the rules for Ordinance No. 91-07. All members present voting.

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

No: 0

23. Mr. Foltz: Okay, I thank Council on that. Thank the good work to St. Lutheran's does in the community does for our elderly and sick. Thank you very much. Next, do I have a motion to read by title only the first reading of Ordinance No. 92-07?

Mayor Held: Thank you, thank you, fellows.

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 92-07. All members present voting.

Mrs. Kalpac: DeOrio?

Mr. DeOrio: Yes.

Mrs. Kalpac: Foltz?

Mr. Foltz: Yes.

Mrs. Kalpac: Hines?

Mrs. Hines: Yes.

Mrs. Kalpac: Lane?

Mr. Lane: Yes.

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Mrs. Kalpac: Magel?
Mrs. Magel: Yes.

Mrs. Kalpac: Repace?
Mr. Repace: Yes.

Mr. Benekos: inaudible...shouldn't you be...inaudible...?

Mrs. Kalpac: Snyder:

Mr. Snyder: Madam Clerk, let the records show I've been advised by the Ohio Ethics Commission to abstain from voting on this Ordinance.

Mayor Held: Inaudible...

Mr. Benekos: inaudible...do minimal...just to share with...inaudible...

Ordinance No. 92-07 - 1st Reading – Finance & Property

Ordinance No. 92-07 authorizing the Director of Finance of the City of North Canton to make payment to Thomas E. Rice in the amount of Thirty-One Thousand Eight Hundred Sixty-Six Dollars and Fifty-Five Cents (\$31,866.55) for reimbursement of legal fees he incurred as a result of the 2004...Mayoral Removal Hearings, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Mr. President. As you were not here last week, give you the opportunity if you wish to...

Mr. Foltz: Say something?

Mr. DeOrio: say something.

Mr. Foltz: For the record? Yeah I'm shortly going to turn things over to Attorney for his – his legal advice also but I will say I was here when this occurred. I think Mr. Rice deserves to have his legal fees taken care of, as nothing came out of those Council hearings at the time. I was a "no" vote as everybody knows and it's time to heal. It's time to get past the political end of this to just take it for what it is. There was a process that went forward and it was stopped and our legal fees were taken care of as far as Council by our attorney, Paul Pusateri at the time. Mayor had to hire his own legal people to take care of his end and it's only right that I think we – we put a finish to this. We move forward as a community, we heal and we look for bigger and better things. And hopefully we never have to address anything of this nature in the future. We kind of intertwined this with the Charter Revision that I spoke about and I'd just like to see this finished but before I go forward, I'd like to have our Law Director address some things here, to maybe answer some questions at public speaks as far as the finality of this, or sign off and really I think this is more of a settlement than it is an itemized cost. With that I'll defer to our – our Law Director.

Mr. McFarren: Like to put this in the simplest terms possible that we – we don't need an extended debate or discussion. However, I want to be absolutely clear so that there's no confusion 30 days from now if this does not go well tonight. A dispute exists. It is not my choice or the city's choice as the timing of that dispute. That...that lies within the purview of the individual who is threatening to sue. You can speculate as the motives all you want to. This is not payment of a bill, this is a settlement of a dispute. Payment of the settlement achieves a release of all claims at a cost of \$31,000 to the City. There are certain portions of the legal expenses that could have been included in the settlement offer and were not included in the settlement offer. That is not my choice, that was the claimant's choice. Again, you may speculate as to motives, maybe it's just simply a sense of fair play. Answering the question about what the emergency is, the emergency's quite simple. If this thing is not settled very quickly, we're going to find our self on the receiving end of a lawsuit. We can either pay like the Fram Oil commercial, a little bit now or a whole lot later. The alternative is an imminent Federal Court filing of a complaint. I can tell you that I've seen the complaint with a little bit of polish, lunch in a downtown Akron restaurant and filing in the Federal Clerk's office, the City of North Canton would be a plaintiff and so would be John Doe and John Doe and Jane Doe. You can speculate as to who John Doe and John Doe and Jane Doe are. But one thing you can be sure of, is each one of those individuals will want the City to provide them an attorney at the City's expense and with reasonable cause, as has been pointed out in public speaks earlier tonight. So the City's looking at the possibility of paying four attorneys, including myself, and if we get hammered in the Federal suit, the judge can have us pay the claimant's attorney also, in addition to damages that would be reached. This is not in a vacuum. You cannot get good people to work for you as employees, elected officials, without some protection against legal expenses. The Codified Ordinances of this city, 157.06(d) as in dog, provides for indemnification for city officials. This is not something new, this council didn't invent it. It just happens to have hit at this point in time. For those who want to play attorney

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and argue theories, if this does not pass tonight, you may very well get your opportunity. And you can play attorney 'til your little heart's content. And when you're sitting in a deposition and you've got two attorneys having a go at you, you might just decide that you really wish that you had your own counsel. If the claimant were pursuing a vendetta, the lawsuit would have been filed at the most embarrassing point, it would've sought damages, and you know how lawyers do, they always want 60 gazillion dollars because that looks good in the newspaper, always divisible by 3 by the way. However, to Mr. Plakas' credit, he gave me a phone call and he gave me a head's up. That kind of thing is called professional courtesy; there isn't much of it left in my profession today. We have taken advantage of that in order to try to decide how to handle this situation. This is a Council decision and Mr. Plakas has been generous in understanding that government moves slowly. He did not have to give us any particular timeframe, he could have just filed and in fact, he could say at this point, I'm sick of dealing with you and I'm going to file. If you think our \$ 31,000 problem is a problem, look in the – in the paper in the community news section where our smaller neighbor to the north just settled an action north of \$700,000. They settled for in excess of \$700,000. That my friends, is a real problem. Do I have an interest in this litigation? You sure better believe I do, because if this case goes forward, as I told Council in the last executive session, I'm going to buy a new car and it's not going to be that Mazda 3 I'm looking at, it's going to be a new Jag. And I'm going to turn around and I'm going to buy a Mazda Miata for the wife because I'm going to have plenty left over from the legal fees for representing Council. So if you want to employ lawyers under the Full Employment Act, just vote against this thing and watch them line up to represent the different people who are going to need legal counsel. You are looking at legal fees that would come home to roost north of \$250,000 and that's just a nice round figure. As somebody said, and I'll let the individual who – who made this statement take the credit if he wants to take the credit, when you strip the emotional baggage out of this situation this is a basic business decision that is a no brainer. It will put an end to a very sad chapter for this city, hopefully will put an end to the bickering that has gone on over this issue and as you can see the attempts to try to deal with some of the weaknesses continues at this point in time. Charter Review Commission struggled with the removal process, Council has struggled with it. We've got some ideas how to improve but there's still a lot of room for improvement. In short and sweet folks, the train is coming, you have a few split seconds to get out of the way, and you can deny it, you can do anything you want, you can talk it to death, but if you don't resolve this thing when it hits you, somewhere a couple of years from now, sooner or later, a couple of lawyers are going to come out of pre-trial conference and they're going to have the same discussion with you that I am having at this point in time, and that is I think we should settle this thing, it's in our best interest. If you don't do that, then you can claim the credit for the inevitable financial losses to the City, whether you win or you lose, quote unquote. So when it comes to the factual part of this, I'm a late comer to this thing. I don't have an opinion whether this was right, wrong or indifferent as part – is part of the accusations that were going on. But I can tell you beyond a shadow of a reasonable doubt that settlement of this thing for this amount of money is in the best interest of this City, both financially and emotionally. And if you don't believe that, just imagine what the deposition witness list would look like and the lost time, and the lost productivity of everybody who's sitting on a chair, waiting for their next turn to tell their story. It's not a pretty scenario. So folks, I'm trying to talk myself out of a fee, and if doesn't work, thank you.

Mr. Foltz: Appreciate your words, as our legal advise...I – I do recommend that to Council as our attorney strongly advocated. We – we pass this with – I'll open for further discussion tonight...

Mr. Repace: Yeah...

Mr. Lane: Can I just ask a couple of very quick questions? Just very quick. To reiterate what Ms. Kiesling asked you earlier, this is the end of this. There's nothing coming down the road after this?

Mr. McFarren: Well...

Mr. Lane: That you're aware of, obviously.

Mr. McFarren: no, if there was – if there was some intent to be devious or – or to be a vendetta here and – and as I said, I will craft the broadest release that I can here to protect both present and former elected officials, employees, the whole 9 yards.

Mr. Lane: And there's no money that changes hands until that release is signed?

Mr. McFarren: Oh, absolutely not. No, the release has to come back and be signed before there's a check ever cut. You – you don't part with your money, you know, no ticky, no laundry.

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Mr. Lane: Alright, and for the Mayor, are you planning, signing, vetoing, ignoring, so at least we have some kind of a time table, an idea? I don't mean to put you on the spot...

Mayor Held: No, no that's, that's...

Mr. Lane: but that helps us plan our summer.

Mayor Held: that's fine. I mean, if now's the time to talk about this, I'd be happy to share my thoughts. You know, first off, this is you know, it puts me in a real awkward situation, you know, because obviously there – there has been you know, it was probably one of the more unpleasant circumstances that I've been through in my career when we went through that process. And I had also asked for legal counsel to represent me, actually two attorneys through the process. I was subpoenaed by City Council. I didn't have any desire to testify, but when I was subpoenaed I was required to. But I came and I spent 3 – 3 hours the first evening being questioned over this. I spent 5½ hours being questioned by Mr. Rice's attorney the second night. Then I came up the third night and – and at that point the issue was tabled. At the same time I was also sued by Mr. Rice for defamation which did not happen. Of course I was being accused of something that I didn't do. So is it an emotional issue with me? Absolutely. You know, at one point I think, when you see a situation where somebody threatens you with litigation, do you say, okay, we're just going to settle it, because I'm afraid of the freight train that's coming. And I guess that the big question that I – I have a number of questions but one big question I have is if somebody has not done anything wrong, why do you settle?

Mr. Repace: Want an answer, I'll give you an answer.

Mayor Held: I mean right now, I'm obviously, I'm Jane Doe or John Doe...

Unidentified: Jane Doe.

Mrs. Magel: Jane Doe.

Mayor Held: John Doe number one. I've been through this once before where I've been threatened with a lawsuit from this very same individual and the case was dropped. It was dropped. And I was looking forward to the truth coming out. But it didn't. And now, right now, to a certain extent, I'm thinking maybe the truth should come out again. I'd rather not go through it, but if you haven't done anything wrong, why do you settle? So, let me just – if you'll indulge me for a moment, what amount has Mr. Rice been reimbursed so far at this point?

Mr. McFarren: City's insurance paid sum of \$10,000 on September 17, 2004.

Mayor Held: And did they give an explanation as to what legal expenses they reimbursed?

Mr. McFarren: I have no idea. Again, you're not talking – you're not talking reimbursement, the claim was in excess of the policy limits and the insurance company paid the policy limits which were \$10,000.

Mayor Held: So we don't know – the city does not know what – what we settled for, what legal expenses were – was that specifically for the hearing or was that for some of the other legal steps that were taken? Or we don't know. I guess my question is, would we be reimbursing twice for the same expenses?

Mr. McFarren: The answer to that question is no.

Mayor Held: And how – how do we know that?

Mr. McFarren: Total legal expenses would probably be north of 50,000.

Mayor Held: Okay, and that's my next question. What legal expenses are – is the city paying for? Do we know that?

Mr. McFarren: City's not paying legal expenses. This is a settlement.

Mayor Held: Okay so what is a – is a part of the settlement – we don't – what is it that we're paying for? His legal expenses for what? That's my question.

Mr. McFarren: Again, it's a settlement. Mr. Rice has chosen the figure that works for him. The figure that works for him is the legal fees that he had minus the 10,000 that the city's insurance paid, what – what fees he chose to throw into that hopper...

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Mayor Held: Okay, so we don't – we – it's a settlement, we don't know exactly what – what it is – it's not that we're reimbursing for legal expenses, we're just settling because we've been threatened a lawsuit.

Mr. McFarren: We're settling because it makes no economic sense to sit by and to permit this to happen.

Mayor Held: And does the city have a legal obligation to pay for this?

Mr. McFarren: Do you want to find out? You go to court.

Mayor Held: Okay, so there's no legal opinion on this. I mean typically we have legal opinions if we – we go through a similar circumstance where we have a moral claim process, but we're not going through the moral claim process, and there's no legal opinion.

Mr. McFarren: There's no – there's no necessity for a legal opinion. The difference between my opinion and your opinion is I get to go to court and defend my opinion. You don't. My opinion has no more weight in this than Council's and in fact less, because I don't get to vote. Ultimately this decision is for Council to vote. And if you want to find that the – the multi-hundred thousand dollar question here will be yes, is there liability or isn't there? But in order to find out, you have to ante up for a high stakes game of poker and once you're in you can't get out.

Mayor Held: Now the other question, you have other individuals that have incurred legal expenses throughout this process too, on the same matter. Is this a legal precedence for reimbursement to those individuals also?

Unidentified (from audience): Definitely.

Mr. McFarren: I've already told you that indemnification exists under 157.06(d), whether it's indemnification or not depends on the factual situation. I know of no other instances if they arise we'll deal with them.

Mayor Held: Okay, and then – then a – one other question is, I'm still not clear, the question I have is number one, what is the – what are the taxpayers of the City of North Canton paying for, number one. I'm not clear on that, I can't articulate it because I don't understand it myself. Number two, why are we – why are we rushing through this decision, passing it on an emergency. I'm not clear on that either. Can anybody on Council answer? I know, Randy – Randy I don't mean to put you on the spot, but I would like to know.

Mr. McFarren: Well if you – if you don't understand the – the concept of settlement, I don't think I can educate you here. And if you don't understand the concept that they have the option to file the complaint at a time and place of their choosing, it's not ours, there's nothing I can do to stop them. There's nothing you can do to stop them. They choose when and where they're going to file. I've been told – I've seen when or where they're going to file. ...When they're going to file...

Mayor Held: Right.

Mr. McFarren: it depends on what happens here.

Mayor Held: Right. Okay, so again, the – the reason for the emergency, I – I'm still not clear on that.

Mr. McFarren: We don't settle this thing, we're going to be in Federal Court before the end of the month.

Mayor Held: Okay, so it's the threat of – of litigation that we settle it now. We don't go through the normal process, we circumvent the normal process because there – there is pending litigation.

Mr. McFarren: Well, I can tell you that by the time – we won't get to a pretrial before my legal fees will be around \$30,000.

Mayor Held: Okay, so unless it's paid on emergency, then, unless it's paid on emergency, then we're going to be threatened with a lawsuit, is that correct? We can't go through the normal three readings? Is that what I'm understanding?

Mr. McFarren: We are living on borrowed time at this point.

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Mayor Held: Because?

Mr. McFarren: Because it's their choice, not ours.

Mayor Held: Okay, so I – I – I personally take that as, you know, somewhat – not - not of a compromise, but more intimidation, bullying which I've been through on this end before from the same individual and it makes me real uncomfortable because I really don't take well to threats and intimidation. I really don't. What I'm asking Council to do is follow the normal process, our normal process, of approving, and if Mr. Rice is legally – if he – if there – if the City has a legal obligation to pay Mr. Rice then – then that's the determination that has to be made. But to run in and make a hasty decision on an emergency basis because it's uncomfortable for me, it's uncomfortable for City Council, I think is wrong. And therefore I won't support it.

Mr. McFarren: Well pull your checkbook out and write a check for \$15,000 for every man, woman, and child in this city and then explain to them why you threw their money away to provide golf tees for attorneys.

Mayor Held: That – that's your opinion, that's your opinion, Randy. And I disagree. And that's not your legal opinion, that's just your personal opinion. Because – because you haven't provided a legal opinion on this.

Mr. Foltz: May I....

Mr. Lane: Mayor, if you're not going to support it, does that mean you're going to veto it? Or you're going to let it ride?

Mayor Held: I'll – I'd like to hear the discussion on Council first.

Mr. Lane: Okay.

Mr. Foltz: Well thank you for your points, Mayor...inaudible...when you are going to veto it, legislation this time so I think...

Mayor Held: What's that?

Mr. Foltz: I guess you went on the record, so you will veto this so...

Mayor Held: When did I say that?

Mr. Lane: No he did not.

Mr. Foltz: Well, okay, we'll see. We'll see what happens.

Mayor Held: No I didn't – I didn't. No, just again, you know...

Mr. Foltz: We'll see what happens. At least you're on the record, you're on the record talking about this ordinance.

Mayor Held: No, I'd like to – I didn't go on the record, I said I'm not making a decision but I'm telling you that I'm not supporting this. But I'd like to hear further discussion...

Mr. Foltz: Okay.

Mayor Held: from Council. I'm sorry, it's an uncomfortable, real uncomfortable situation for me, and I know it's real uncomfortable for all of you. It's a real, real awkward situation. And the thing is, you know what's sad about this is that really you know, we all started to work together pretty well over this past year and a half. You know, even myself and – and Jim have worked real well.

Mr. Repace: Why do you have to say that?

Mrs. Magel: Even Jim.

Mayor Held: You know? So I – I think we're making a lot of – I think we're making a lot of progress and it – it does make me uncomfortable to have to – to – to have to address it but I'm forced into it. I don't have a choice. I've got to make a decision on this. And so I'd like to hear what Council's thoughts are.

Mr. Repace: Well, I'd like to make some comments.

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Held

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Mr. Foltz: Sure.

Mr. Repace: First of all, legal proceedings are never comfortable. You know, I've dealt with legal proceedings with the unions for years, for years, and they're never comfortable. I've been to Federal Court numerous times and they're not comfortable. You talk about being intimidated and threats. I don't like intimidation, I don't like threats either but when you get into the legal system it's hard to understand, and I can give you several examples, some in our favor, some against us. We gave an individual one time 24 hour through the Federal Judge. Twenty-four hours to either drop a lawsuit against the Hoover Company or the union, or the – the Federal Judge would file summary judgment in our favor and rule a frivolous lawsuit in our favor also, which – which that individual would've had to pay dearly to the union and to the company. Within two hours they dropped the suit. Now if you want to call that intimidation, a threat, no that wasn't a threat or intimidation, that was a promise. We would have followed through with our promise. We've been on the receiving end of that too, though, also, you know also. But you know, a personal opinion is, I think the whole mayoral reverse – hearings were – were a charade. I – you know, the little bit I know about them I didn't like it. And I'll tell you why I say that. Because I guess I feel on – on a smaller scale, somewhat like it – the same thing was happening to me by some of the same individuals. And I didn't like it. I didn't do nothing wrong, the same as you feel you've done nothing wrong. So why should you have to be put through that, why should your family have to be put through that? Why should Tom Rice's family have to be put through that? And – and I'm going to tell you what, I'm not taking sides. I'm going to give you some facts. I – I think it was Osborne's wife that mentioned about me dropping a lawsuit. I dropped a lawsuit for two reasons. Not – number one, not out of fear of Osborne or Reed's charges against me, number one, and first and foremost, was because of the time that I am spending on try – trying to represent a – 800 people at the Hoover Company under the most difficult of times. My focus had to be 100% and still has to be 100% on what I can do for them even at this point. My second obligation is my city council position and the things I'm involved in mainly with Jackson Township's and Plain Township's, which you guys are all aware of. So I couldn't spend the time on worrying about myself, I've got other people I had to worry about and they come before myself. It's always been that way in my life. But I guess on a personal note, I would somewhat like to see this lawsuit go forward. It would give Tom Rice the opportunity to vindicate his good name. But as a City Council Member, when you look at it as a business...decision, knowing the court system like I know it, it would be an astronomical amount of money spent out of our city budget to fight a lawsuit and to bring up old wounds, bring people in to...to depositions and the time and the money that's spent to do that. I personally feel that maybe it's time, I don't want to see anybody drug through that first of all. I think it's time once and for all to put this behind us, let's move forward. Sometimes a settlement is a settlement, you – this is really - the \$31,000 could be considered – I hate to use this term, but a nuisance settlement compared to what it could cost all of us. I don't want to see that for the city. I don't want to see us plastered all over the newspapers again. I don't want to see you drug through it – you – the other individuals drug through it. I don't want to see Tom Rice drug through it. If we could end this and move forward with City Council, I – I really think we've been getting some fair press recently, and I would hate to see that tarnished once again. And you know, there's a lot of work to be done in this city, I think we're moving forward, I think we have done a lot of good work together. You know the \$10,000 was all that the insurance company was obligated to pay. We know that now. Daryl Revoldt stood up here and talked about good government. Good government starts with good people, but a lot of good people don't want to get – get involved in government because of what they have to go through at times with these types of – of charges being filed against them. That really keeps a lot of good people out of government that could make a difference.

Mayor Held: Yes it does.

Mr. Repace: And I just don't want to see North Canton drug through it, I don't want to see the individuals in North Canton drug through it, previous council members drug through it, you drug through it, Tom Rice drug through it. I'd like to end this. Consider it a nuisance settlement. You know, I mean, I am taking the advice of – of our Law Director, and I guess using a little bit of expertise, you know, working with the union and through the courts for many years. So I guess with that, that's all I have to say about it. Don't consider it a threat or intimidation, David, please don't do it that – see it that way. It – it's not the courts are very, very funny and very difficult. I mean, you have a – a former prosecutor right next to you that could probably tell you the same thing. You – you have our Law Director that could probably tell you the same thing. I don't know, I just – I'd just like to see us move forward and put this behind us.

Mr. Foltz: Anyone else on Council? Doug – Member Lane you - ...inaudible...

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Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

Monday, July 9

7:00 p.m.

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07

Mr. Lane: Yeah, I just – well, the Mayor was asking about the emergency, and I had some problems with that at the start on this, and I just wanted to relay a story. Last Thursday night I was at the Charlotte airport. Individual walked up that I hadn't seen for awhile, was on the same flight coming back here. And he was asking what was going on 'cause he hadn't been around here for awhile, so I was explaining the situation and I said, you know, I understand and I do feel that – that the Mayor's do something, I have some concerns, some questions back and forth and – and I said my – my – my biggest problem at least that I'm trying to deal with is the emergency nature of this. And 'cause we – we've done a lot more important things on three readings than we've done this. And I'm – I'm glad that Mr. McFarren pointed out some of the things this evening that he did in Executive Session so the public could hear them as well. But, in the end and this is no gentleman that is a Tom Rice fan, but he said would it make any difference, and then I got to thinking no it really wouldn't, because there's enough votes out here to pass it no matter what, whether it's emergency or three readings. We're not going to find out anything more, I don't think from either his attorney or our Law Director. So ultimately it gets down to the point, we've got to move on. And I think putting it in that term, would it really make any difference, whether it's three readings or one, probably sums it up.

Mr. Foltz: Appreciate that. Anybody else on Council? Member Hines?

Mrs. Hines: Well, I – I will answer the one charge, why do it so quickly? Well, we could drag it out, wait over vacation and everything, and everybody can have a field day making their assumptions, fighting what had been said in the past, but we charged with doing what's best for the citizens of North Canton. Part of it is financial. Part of it is emotional. And right now, our biggest part is economic development. Now you tell me, how many people are going to want to come to a city with all this fighting amongst us? And you think the hearing last time was bad? We didn't start off right at the very beginning and you know, where you look, you can always find somebody's done a little something wrong with everybody. And is this – you want to – Council decided to stop the hearing. Unfortunately nothing was truly ended. It's – we cannot get to a fair ending of it anyway because it'll go back over the same stuff the city should not have to go through that. The Council at the time did want they felt they needed to do. It came to a horrid conclusion in my opinion, and I don't think this is the time to play chicken with attorneys because I know attorneys. I've lived with attorneys all my life, from my husband to my father. Both did trial work. And if an attorney says this is what we're going to do, you'd better believe that they are ready to back that up for the most part. And I – I won't do it to the city. I think our – our job is to protect the citizens. It's for just less than 32,000, it would cost us so much more to continue it but it would cost the...the people emotionally, and probably financially more than – than the attorney's fees. What about prospects coming to this city? You know, we've been doing fairly well. We've got a big challenge ahead of us and I think that needs to take our attention.

Mr. Foltz: Member Magel?

Mrs. Magel: I'd like to say this is very difficult. I heard the anger in your voice. I heard the emotion in your voice. And I had it too. I also, part of me wanted to say, no, let's get down to truth. What really happened. Some of us know what really happened. And then we went, we had Executive Sessions and we listened to Randy and you heard it from Susie, you heard from – from all of us, take the emotions out. And that's what this Council needs to do, take the emotions out. And that's what I am going to do. I hope you do too. We have to end this. I have been called for the last three days from people who lived in the city for years. They don't want any part of it. They want peace. This is a settlement, shy of \$32,000. Sometimes people ask me you know, what about your age? You know, and you think, yeah but what about the alternative? And that's what I have to do right now, as a responsible council person. I have to think of my – not my – not my ward 2 constituents, I think I have to think of every constituent and resident of North Canton. We do have to take full emotions out of this, realize this is a settlement. I do not in any way, shape or form want to see this city 'cause I honestly think it would be worse than the first time. I don't want to see it torn apart like it was.

Mr. Foltz: Okay.

Mrs. Magel: So, in as far as the emergency, thank you for your insight, Mr. Foltz, or Mr. Lane.

Mr. Lane: He's – he's over there.

Mrs. Magel: Mr. Lane.

Mr. Lane: It wasn't my insight, it was somebody else's but he put it all in perspective.

Mrs. Magel: I – I thought that was – that – that touched me. Would it make a difference, and the answer's no.

Mr. Foltz: Okay...

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REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, July 9	7:00 p.m.	20 07
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Mrs. Magel: So I – I go for the settlement.

Mr. Foltz: Anyone else on Council?

Mr. DeOrio: Well since I'm the last – the only one that hasn't spoke, there's not much useful that I can say beyond all the great words that were said, but we – you – it is very important as I said last week, to take the emotion out of it and sometimes that's easier to do from individual to individual. Sometimes it's more difficult to do based on the pain that you went through. And no one can be put in anybody else's shoes and be expected to understand why someone might react with emotion, so. It would be – if we just looked at it from a business sense, whether you – regardless of where you stood on the issue, the economics of it don't make sense to pursue it, to allow it to be pursued. It will just waste more money. The timing of it and...inaudible... is just a matter of risk management. You run a risk if you delay. As Mrs. Hines said, she doesn't want to play chicken with attorneys. That's – that's another way to say it. It's risk management. It's not worth the risk to just have to answer the complaint and spend another \$15,000 to do that. And that's easy for – I think it's – I'm just going to say, I think it's easy for me to say that David, because I do dollars and cents, that's what I do. And so I'm probably more detached from it than others, but you know, we've talked a lot during this first two years on Council. I think a lot more than I thought we would. And I think that's a good thing and it's an opportunity for good things to go forward. But I can't – I'm not going to put you on the spot, or anybody else on the spot like that to ask them what they will do because it's something that you have to sort through in your mind. And it's something that you can't be expected in a public meeting of this nature to – to a – you know, through down your answer whatever it might be. It's something that you'll have to search through for yourself and you'll come to whatever decision that you do but it'll be based upon the things that you have experienced where you're at. But at the same time, there's a lot of pain and suffering on other people's parts and the other members of Council do bring up good points that others you know, will have to go through additional trauma. We all remember Mr. Cooksey and the pleading that he had made on that day and since we talked about him a little bit earlier since he's retiring, but that's not something that really anybody really needs to go through again. But I support moving this along whether anybody thinks less likely, more likely of me that's – that's my decision. I think it's the best for the city. Thank you.

Mr. Foltz: Any other comments before I have a few more of my own? Usually I let Mr. Osborne do this research and bring up who said what, when and how and but...you know, I revisited a little bit of this in my mind three years ago and it was a tragedy that this even occurred for our city. It was a tragedy. And – and I'll never get over this. There's finality to this if we just take care of these settlement costs and be done with – but I want to read something that I said. I very rarely do this 'cause I shoot from the hip. Everyone knows me well enough here, being up here my 12th year, but, "the image of North Canton's being compromised. We need to return as a legislative body that acts in unison. It works for the benefit of our constituents. Time and thousands of dollars spent dealing with these proceedings have shifted Council's focus. We must address the issues we as Council members promised our voters last November. Finally the Charter proceedings for these hearings is not one of due process..." I go on and on..."I challenge Council to do what is right, not for political gain, but for the betterment of our city. I listened to Kim Cooksey's heartfelt address to Council members last night. There are no winners through this process. Think of the situation our city employees are in. Let's end this animosity. Show your constituents that we can put differences aside and compromise and work to bring back the positive image that North Canton has always known, and desperately wants again." And then I made a motion to end proceedings and I'll make a motion here tonight. I – I hope we have six votes. I think we should listen to our Law Director. I respect the Mayor's comments as him being very much a part of this process. But also I think we need to have closure and move forward with city business and if we have six votes I – I think talking, we've had three executive sessions. This isn't anything new that hasn't been presented before last Monday that was discussed in committee. Member Lane, if you're the sixth, I'll move forward with it just to end this. I don't see any advantage to having two other meetings this week or dragging it out over the summer and have this just be regurgitated in our community for the next two or three months.

Mr. Lane: No, it's going to be in discussion every single time, so I don't want to put...

Mr. Foltz: I don't want anymore...

Mr. Lane: put the city...that either.

Mr. Foltz: this is finality to me just to get – so...

Mr. Lane: But we –

Mr. Sarbaugh (from audience, identified by Clerk): Mr. Chairman?

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REGULAR

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Mr. Lane: we could very well be back, so keep that in mind, depending on what the Mayor decides to do, so.

Mr. Foltz: Okay.

Mr. Sarbaugh: Mr. Chairman? Point of order?

Mr. Foltz: There is no – there's no point of order...

Mr. Sarbaugh: Point of order.

Mr. Foltz: no discussion. There's no discussion from the floor.

Mr. Sarbaugh: I'm not...inaudible...

Mr. Foltz: No. You're out of order...

Mr. Sarbaugh: Sir, inaudible...

Mr. Foltz: you're out of order and I'll ask you to leave if you continue. It's that simple. Don't...

Mr. Sarbaugh: I just want...

Mr. Foltz: push the envelope.

Mr. Sarbaugh: to make a point of order.

Mr. Foltz: No. You're out of order.

Mr. Sarbaugh: No, you're out of...inaudible...

Mr. Foltz: Respect.

Mr. Sarbaugh: based on what was just said tonight.

Mr. Foltz: Mr. Sarbaugh, I'm going to have you removed. You cannot, if you cannot – you had public speaks – come up earlier. You had something to address Council, should have done it then. With that, do I have a motion to adopt the first reading of Ordinance No. 92-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 92-07. All members present voting.

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

No: 0

Abstain: Snyder.

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 92-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 92-07.

Mr. Repace: inaudible...

All members present voting.

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

No: 0

Abstain: Snyder.

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 92-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 92-07. All members present voting.

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

No: 0

Abstain: Snyder.

Mr. Foltz: May I have a motion to include Ordinance 30 – 90 – excuse me, 93-07 to the agenda, and to waive the rules of Council requiring a committee report?

Mr. DeOrio moved and Mrs. Hines seconded to **include Ordinance No. 93-07 to the agenda and to waive the rules of Council requiring a committee report**. All members present voting.

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

No: 0

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COUNCIL OF THE CITY OF NORTH CANTON

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Mr. Foltz: Now may I have a motion to read by title only the first reading of Ordinance No. 93-07?

Mr. Benekos: inaudible.

Mr. DeOrio moved and Mr. Lane seconded to **read by title only the first reading** of Ordinance No. 93-07. All members present voting.

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

No: 0

Ordinance No. 93-07 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Compensated Absences Fund to the Salaries & Wages Account in the amount of \$59,000 for the current expenses during the fiscal year ending December 31, 2007, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This was the matter which we had the special finance committee meeting earlier and it will allow us to provide for vacation and accrued sick time or for an individual who's retiring effective by the end of this month.

Mr. Foltz: Do I have a motion then to adopt the first reading of Ordinance No. 93-07?

Mr. DeOrio moved Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 93-07. 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. 93-07?

Mr. DeOrio moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 93-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 93-07?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt under the suspension of the rules** for Ordinance No. 93-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to include Ordinance No. 94-07 onto our Council Agenda and to waive the rules of Council requiring the Committee report?

Mr. DeOrio moved and Mrs. Hines seconded to **include Ordinance No. 94-07 to the agenda and to waive the rules of Council requiring a committee report**. All members present voting.

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

No: 0

Mr. Foltz: Now may I have a motion to read by title only the first reading of Ordinance No. 94-07?

Mr. DeOrio moved and Mr. Snyder seconded to **read by title only the first reading** of Ordinance No. 94-07. All members present voting.

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

No: 0

Ordinance No. 94-07 - 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the EMS Operating Fund to the EMS Overtime Account in the amount of \$60,000 for the current expenses during the fiscal year ending December 31, 2007, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

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Mr. DeOrio: Yes, this matter was also the subject of the Finance Committee meeting earlier this evening, and this was to allow for an additional appropriation for overtime to the EMS Operating, from the EMS Operating Fund to the EMS Overtime Account in the amount of \$60,000.

Mr. Foltz: May I have a motion then to adopt the first reading of Ordinance No. 94-07.

Mr. DeOrio moved and...

Unidentified: Only EMS, huh?

Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 94-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 94-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 94-07. All members present voting.

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

No: 0

Will that cover it?

No.

Great.

I got to change my phone number.

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 94-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 94-07. All members present voting.

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

No: 0

REPORTS:

Mr. Foltz: Very good, reports. Director of Law?

Mr. McFarren: No report

Mr. Foltz: Director of Finance?

Mrs. Herr: Yes, I just wanted to make mention that our 2006 Comprehensive Annual Financial Report has been completed and I have copies if Council would like a copy but it will be posted on our website as soon as the Auditor's Office releases the report which hopefully will be some time this month, so it will be available on our website for anyone that would like to look at it but I do have copies if Council would like to have one.

Mr. Foltz: Okay.

Mrs. Herr: That's all.

Mr. Foltz: Thank you. Director of Administration?

Mr. Wise: Yes, we had a Fourth of July celebration last week. Obviously the runs, the parades, fireworks, all went very well even with some rain at the beginning of the fireworks. It was very well attended, went very well. Throughout July and August there are concerts in the parks on Wednesday nights at 7:00. Those are July 11th, July 25th, August 1st, August 8th, and then also towards the end of August is the Main Street festival, the weekend of the 18th. We won't have any meetings between now and then. If you can attend those, those things they and I'm sure most of you have attended a number of those, they're very nice events that the city puts on, or is at least assists in putting on. And – and a lot of these things – all of those things I just mentioned to include many, many, many other things are put together by Kim Cooksey. He does just an unbelievable amount of work for me, for the Mayor, for Council, for the City. He knows everyone, he's a tremendous liaison with just every group I can think of in the city that I've had any dealings with. Everybody knows him. He does, he works tirelessly. I – I looked at his pay slips more closely over the last few weeks. He took a personal day on a Wednesday. Other than that, he was here every day. Saturdays he comes in, he's at the pool. Sundays he's here, he's here almost every day. Just does wonderful, wonderful things. His last day is the 31st and – and I don't know if he'll actually – that's a Tuesday. I don't know if he'll actually be here on that day or not, but the 31st – 30th is a Monday, 31st is a Tuesday, if you get a chance to see him between now and his retirement, wish him well, thank him for his service, as – as I – as I will, and I'm sure everyone in the Administration will do. He is going to

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the North Canton City Schools so fortunately for us he will be just a phone call away, or just a short drive away. He's indicated that he will be of any – of any assistance that we request of him. He'll be working for the building security maintenance, that type of thing, I don't know about maintenance but security, so he'll be available. He's off on the summers so I – I see what I can do to put him to some use next summer hopefully. But I – I certainly appreciate in the short time that I've been here, just the numerous things that he's done to assist me and I know that you all who know him would join in that, but just for the record I'd like to say that before he does retire.

Mr. Foltz: Thank you, and if there is something of any order as far as a retirement get together or something, please pass that on to Council. I've worked with Kim longer than anybody up here and I've been on that Rec Committee for 12 years with him and just coming back out of town, I was surprised to – to hear this. I – I wish him well. I'm going to say this to him personally also, but, you're right, he does tie a lot of loose ends up. The best way you know if things are organized without him being out front on it, you know that's one of your best indicators you have a very good employee as dedicated as he is and he'll be hard to replace, that's for sure. So, that said, please let us know. Gail can call us even though it's summer session, I would like to be part of something.

Mr. Wise: Will do.

Mr. Foltz: Okay, thank you. Mayor?

Mayor Held: One thing's for certain before Kim Cooksey leaves, we're going to have him check out the air conditioning in the building. But you know, I'm not going to reiterate what – what E.J.'s already stated but Kim Cooksey's done a fantastic job for the City. We've got nearly I believe it's 20% of employees that are at the point where they can retire in the next couple of years and I think it really says a lot about the City of North Canton when you have employees that start their careers here and end their careers working 30 years and I think it really represents a lot about the City of North Canton but at the same time we're looking at our succession plan for the city, because as we have those individuals leave, we have a lot of experience and...a lot of knowledge that goes out the door with them. And so we've got a lot of good workers and operations managers that – that are still here and will continue to be here for years to come but we are looking at how we can better serve the people of North Canton when we do have a lot of the experienced people leave and – but again, I'd just like to say Kim Cooksey's done a great job and I'd like for all of you join us when – when we see him off on his last day. That's all, thank you.

Mr. Foltz: Alright, thank you, Mayor. City Engineer, Jim Benkos?

Mr. Benekos: Just one item, hopefully South Main Street will be done when everybody gets back from summer break.

Mr. Foltz: It'll be done before August 20th, hopefully.

Mr. Benekos: Hopefully.

Mr. Foltz: Okay.

Mr. Benekos: And that's all I had.

REPORTS – COUNCIL:

Mr. Foltz: Appreciate it. Okay, Clerk?

Mrs. Kalpac: No report, thank you.

Mr. Foltz: Member Lane?

Mr. Lane: Yes a couple of quick things. Thank you from McKinley that's almost wrapped up too, isn't it?

Mr. Benekos: Yes it is.

Mr. Lane: Just one more coat?

Mr. Benekos: Correct.

Mr. Lane: I've had some calls, and I've had my own personal frustration at the light at Clearmount and Maple. Ever since we started working on there it cycles in weird fashion. It used to be you'd just trip it. I'm assuming that there's something going on underground that needs to be reset or something.

Mr. Benekos: Yes.

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Mr. Lane: So, is it...

Mr. Benekos: We'll check that.

Mr. Lane: It backs up traffic a lot. It's not bad in the middle of the day when there's not much, but you get in the morning and afternoon and the traffic's backed up a long way. So I'd appreciate you looking into it.

Mr. Foltz: Okay, Member Snyder.

Mr. Snyder: No, nothing.

Mr. Foltz: Member DeOrio?

Mr. DeOrio: Yes, I'd like to thank publicly the Law Director for his work on the ordinance – on the grass and...

Mr. Foltz: The nuisance?

Mr. DeOrio: nuisance ordinance that came out of the Ordinance, Rules & Claims Committee. There has been a property in the city that last year I spent a lot of time with Gene Hemminger trying to get into compliance a large field with a FOR SALE sign in it and they were always – they were always comfortable mowing around the FOR SALE sign but nothing else, and it generated a lot of frustration. Well, I'm pleased to tell you in driving by it, I about wrecked my van, because not only was the area around the sign cut, but the entire median strip was – was cut, and the entire field from start to back and they didn't leave the stuff lay, it was all bagged and taken away and it looks – it looks beautiful. I think it'll probably actually help facilitate the sale of the land, but so thank you, Randy for that. That's all.

Mr. Foltz: Okay, Member Hines?

Mrs. Hines: Well I – I – I've know Kim Cooksey for a long time and I'm sorry to see him go. Our loss is obviously the school's gain and at least he will be in our community and I think that will – it will be a good fit for him.

Mr. Foltz: True.

Mrs. Hines: My other comment is that I had a meeting with two members of TAP today, and they are going to talk to each of the Council members and just to get acquainted with us and to give them – give us maybe some ideas, talk about you know what – what can we do in the future and I think they're a good backup group for any assistance we want and I think we will be doing, you know – having more communications with that group. That's it.

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

Mr. Repace: I have no report.

Mr. Snyder: Member Magel?

Mrs. Magel: No, I'd only like to follow up with Member Lane and say speak for yourself it's not a problem in the afternoon. I live on – on East Maple and have to go to Clairmount. There is a problem there. Thank you.

Mr. Foltz: I have a follow up for our City Engineer. Planning Commission's meeting July 11th this Wednesday at 7. One of the things they're going to be addressing is setting a public hearing date for the proposed vacation of Newbridge Street N.W. and that's all that's going that's going to happen during that meeting. They're just going to set a future date that the residents will be notified...

Mr. Benekos: Yep.

Mr. Foltz: that they can come up and...

Mr. Benekos: That's correct.

Mr. Foltz: be part of the committee hearing. Okay, just wanted to put that on the record that there's no decisions made...and it'll just set the date and we'll get that out to the residents there that are interested in vacating that street.

Minutes of **RECORD OF PROCEEDINGS** COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, July 9 7:00 p.m. 07
20

ADJOURN:

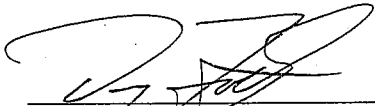
Mr. Foltz: Okay, that said, do we have a motion to adjourn?

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

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

No: 0

Meeting adjourned at 9:04 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

7/20/07 ev

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