

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

## CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by President of Council Jon Snyder.
3. All present recited the Pledge of Allegiance.

## ROLL CALL:

4. The following members of Council responded to roll call: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder. Also present were: Mayor Rice, Director of Administration Miller, Director of Law Pusateri, Director of Finance Herr, City Engineer Benekos and Clerk of Council Kalpac.

5. Consideration

Mayor's Court Receipts: May, 2005  
Minutes of Council Meeting: June 13, 2005  
Minutes of Special Council Meeting: June 20, 2005

Mrs. Kiesling moved and Mr. Lindower seconded to approve the Mayor's court receipts, minutes of the council meeting and minutes of the special council meeting as presented.

All members present voting:

Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.

No: 0

6. Committee Reports

**Community & Economic Development Committee:** Refer to the minutes on file in the Council Office of the Community & Economic Committee meeting held June 20, 2005.

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 20, 2005.

**Ordinance, Rules & Claims Committee:** Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held June 20, 2005.

**Personnel & Safety Committee:** Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held June 20, 2005.

**Street & Alley Committee:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held June 20, 2005.

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

Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.

No: 0

7. Recognition of Visitors

Mr. Snyder: Is there anyone in the audience wishing to speak to the Council this evening? If so, step forward and state your name and address for the record.

Mr. Pusateri: Inaudible...excuse Jeff Peters.

Mr. Snyder: May I have a motion to excuse Member Peters?

Mr. Sarbach moved and Mrs. Kiesling seconded to excuse the absence of Member Peters.

All members present voting:

Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

## OLD BUSINESS:

8. Mr. Snyder: Thank you. May I have a motion to remove, excuse me, to remove from the table Ordinance No. 91-05?

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Sarbach moved and Mr. Lane seconded to **remove from the table** Ordinance No. 91-05. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

Mr. Lane moved and Mr. Foltz seconded to **amend** Ordinance No. 91-05. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.  
No: 0

Mr. Lane moved and Mr. Sarbach seconded to **read by title only, second reading, as amended**, of Ordinance No. 91-05. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.  
No: 0

### **Ordinance No. 91-05 – Second Reading**

An ordinance changing the name of Alley No. 39, a fourteen (14') foot wide alley located approximately 180 feet east of South Main Street and parallel therewith and beginning at Glenwood Street S.E. and running in a general north-south direction for approximately 1940 feet to Bitzer Street S.E. and there terminating.

Mr. Snyder: Member Lane?

Mr. Lane: I think we got it right this time. So this is the name change for the alley that's running parallel to Main Street, primarily for safety reasons. There is a house on there and if you remember from way back when we first started this legislation we were concerned about safety forces ending up on McKinley instead on what will be called Baker Court. So if nobody has any questions, I would move we adopt second reading, as amended.

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the second reading, as amended** of Ordinance No. 91-05. All members present voting:  
Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.  
No: 0

9. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 110-05. All members present voting:  
Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

### **Ordinance No. 110-05 – Third Reading**

An ordinance authorizing the Director of Administration of the City of North Canton to seek quotes on life insurance for the period December 1, 2005 through November 30, 2007 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.

Mr. Snyder: This is, we're doing, we're coming up for a bid here, I believe. This will ...inaudible... so at least we know where we're at. This is normally a requirement. It's contractually required in our bargaining units as well as most of the time our health insurance providers require that we insure so many heads. If there are no questions, I'll entertain a motion to adopt the third reading of Ordinance No. 110-05.

Mrs. Kiesling moved and Mr. Lane seconded to **adopt the third reading** of Ordinance No. 110-05. All members present voting:  
Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

10. Mr. Sarbach moved and Mr. Lane seconded to **read by title only, third reading** of Ordinance No. 111-05. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

### **Ordinance No. 111-05 – Third Reading**

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 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 health insurance.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Snyder: Again, we were on a two year program that will expire this year. It's giving them a little time to get out and seek quotes to wit we are, we must provide by bargaining unit the certain contractual things and that's what we're going to do. Are there any questions? If not, may I have a motion to adopt the third reading of Ordinance 111-05?

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the third reading of Ordinance No. 111-05.** All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.  
No: 0

11. Mr. Sarbach moved and Mr. Lane seconded to **read by title only, third reading of Ordinance No. 112-05.** All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.  
No: 0

### **Ordinance No. 112-05 – Third Reading**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration 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. Snyder: The purpose of this is to get out early and get the best price we possibly could and to pass it timely that we do not have to pass it on an emergency basis. The salt will be bid and the contract in place long before the snow comes, hopefully. Maybe we'll have a run on it for kids making ice cream. I don't know, if we ...inaudible...enough of them. If there are no questions, may I have a motion to adopt the third reading of Ordinance No. 112-05?

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the third reading of Ordinance No. 112-05.** All members present voting:  
Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.  
No: 0

12. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, third reading of Ordinance No. 113-05.** All members present voting:  
Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

### **Ordinance No. 113-05 – Third Reading**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration 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. Snyder: Chairman Sarbach?

Mr. Sarbach: Yea, this is self explanatory. It's the chemicals we need to, to operate the Water Treatment Plant to safely provide water to our residents and our outside customers. I move we adopt the third reading of Ordinance 113-05.

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the third reading of Ordinance No. 113-05.** All members present voting:  
Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

13. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, second reading of Ordinance No. 122-05.** All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

### **Ordinance No. 122-05 – Second Reading**

Ordinance No. 122-05 accepting a twenty (20) foot perpetual water main easement, being part of Out Lot 286, Parcel 5800912 in the City of North Canton, presently owned by McKinley Development Leasing Company, Ltd, (Grantor); and being part of the Southeast Quarter of Section 9, Township 11, Range 8 of former Plain Township, to turn over an existing waterline and all appurtenances for the City of North Canton to own and maintain.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: As I'm sure you all recognize Out Lot 286, Parcel 5800912 to be the Washington Square line and that's what we're going to accept to maintain for that area out there for, that's inside the City. If there is no questions, I move we adopt the second reading of Ordinance 122-05.

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the second reading of Ordinance No. 122-05.** All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.  
No: 0

14. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, second reading of Ordinance No. 125-05.** All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.  
No: 0

#### **Ordinance No. 125-05 – Second Reading**

An ordinance amending Ordinance No. 54-05, specifically Section 1, establishing rental rates and policies for rental of the North Canton Dogwood Park Shelter located at 241 Seventh Street NE, and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Snyder: As we discussed, the purpose is to give the power of the Director of Administration to be able to administer the rental of that property a little more efficiently as to the wishes of the Council, their times and certain rates. And it was pretty ambiguous and was not, so he's asked that it be changed. And it be changed to his recommendation and we're doing that, there's no questions, in concurrence with the Superintendent of the Parks and the Mayor's office. So is there any questions on that? If not, may I have a motion to adopt the second reading of Ordinance No. 125-05.

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the second reading of Ordinance No. 125-05.** All members present voting:  
Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.  
No: 0

15. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, second reading of Ordinance No. 134-05.** All members present voting:  
Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

#### **Ordinance No. 134-05 – Second Reading**

An ordinance accepting the record plat of The Sanctuary No. 1 located within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Lane?

Mr. Lane: It's pretty self explanatory. This is the second reading. We took it upon Council from the Planning Commission, had some discussions about some other issues but this is simply a paperwork matter recording the plats. I move we adopt the second reading of this.

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the second reading of Ordinance No. 134-05.** All members present voting:  
Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

16. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, second reading of Ordinance No. 135-05.** All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

#### **Ordinance No. 135-05 – Second Reading**

An ordinance accepting the record plat of The Sanctuary No. 2 located within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Lane?

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Lane: Same story, different plat. Again it's just more housekeeping than anything to get this on the books. Second reading, I move we adopt.

Mr. Lane moved and Mr. Sarbach seconded to **adopt the second reading of Ordinance No. 135-05.** All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

## NEW BUSINESS:

17. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Resolution of No. 136-05.** All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.  
No: 0

### Resolution No. 136-05 – First Reading

Resolution No. 136-05 stating what municipal services will be provided to 4.815 acres of land, more or less, being part of the Southwest Quarter of Section 6 and the Northwest Quarter of Section 7, Township 11 (Plain Township), Range 8, Stark County, Ohio, proposed to be annexed to the City of North Canton, in the event said territory is annexed to the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the Pittsburgh Road Annexation we spoke of last week. The Stark County Commissioner's have made their hearing on August 9<sup>th</sup>. This is just declaring that we would give them the same services we give all our other residents. And we need to get it done on an emergency. I motion we accept.

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the first reading of Resolution No. 136-05.** All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.  
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules for Resolution No. 136-05.** All members present voting:  
Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.  
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules Resolution No. 136-05.** All members present voting:  
Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

18. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 137-05.** All members present voting:  
Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

### Ordinance No. 137-05 – First Reading

Ordinance No. 137-05 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement with the Ohio Public Works Commission to accept and utilize a grant in the amount not to exceed \$266,202.00 for the purpose of funding the Water Treatment Plant expansion, and declaring the same to be an emergency.

Mr. Snyder: Again, we're indebted to the Administration, Director of Administration, for securing these grants for us from the State. Right now we're in line to collect this money purportedly around the first day of July. It will be sent directly to our lender. We will not actually receive the money, per se. It will be credited to the interest and to the capitalized interest that we have on our outstanding note. However, if we're lucky and the timing falls, we have an interest payment that is budgeted 2005, I think two hundred and some thousand, correct?

Mrs. Herr: Actually the interest portion of it is 130,000.

Mr. Snyder: Right, so that 130 will stay in our City Water Fund which would allow us additional revenues to go back into our fund to build that fund back up. If the timing is right and they seem to be working on that. However, again, this will pay towards the interest that we owe

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

currently as well as the capitalized interest as you would, as you building a home, your interest accrues and this will go towards that. And with also, see in effect in the 2006 budget...

Mrs. Herr: Yes.

Mr. Snyder: ...that we will not have to expend additional interests. So we do appreciate your efforts and watching our money and putting it to work. Thank you for that. Any questions of Council on that? If not, may I have a motion to adopt the first reading of Ordinance No. 137-05?

Mr. Sarbach moved and Mr. Lane seconded to **adopt the first reading of Ordinance No. 137-05.** All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.

No: 0

Mrs. Kiesling moved and Mr. Sarbach seconded to **suspend the rules for Ordinance No. 137-05.** All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.

No: 0

Mr. Sarbach moved and Mr. Foltz seconded to **adopt under suspension of the rules Ordinance No. 137-05.** All members present voting:

Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.

No: 0

19. Mr. Sarbach moved and Mr. Lane seconded to **read by title only, first reading of Ordinance No. 138-05.** All members present voting:

Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.

No: 0

#### **Ordinance No. 138-05 – First Reading**

Ordinance No. 138-05 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement with The Ohio Public Works Commission to accept and utilize a grant in the amount not to exceed \$518,081.00 for the purpose of funding the Water Treatment Plant improvement and upgrades, and declaring the same to be an emergency.

Mr. Snyder: This is the second grant for the amount of 518 and again it will be sent directly to our lender. I was just thinking off the...inaudible..., this is near two million dollars that we've successfully received in grants towards, we received nine hundred and some thousand from the Federal Government so we've saved the taxpayers two million dollars. Which is a significant, you know, that's a significant savings on a ten million dollar project, twenty percent. And you know, I think that's something we should all be, I know I'm proud of to be part of. I appreciate again the efforts of the Administration and the Finance. Is there any questions? May I have a motion to adopt this first reading of Ordinance 138-05?

Mr. Sarbach moved and Mr. Lane seconded to **adopt the first reading of Ordinance No. 138-05.** All members present voting:

Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.

No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules for Ordinance No. 138-05.** All members present voting:

Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.

No: 0

Mr. Sarbach moved and Mr. Lane seconded to **adopt under suspension of the rules Ordinance No. 138-05.** All members present voting:

Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

20. Mr. Sarbach moved and Mr. Lane seconded to **read by title only, first reading of Ordinance No. 139-05.** All members present voting:

Yes: Sarbach, Snyder, Foltz, Lane, Lindower and Kiesling.

No: 0

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

## Ordinance No. 139-05 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Knoll Street SE project at a cost not to exceed \$545,000.00 and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: This is a long awaited project to get rid of Lake Taylor and some of the area around it over there off Knoll. This is basically from Hillbrook to Northfield, the big hill area over there. I'm sure that everybody over there will be happy and I'll be happy if this comes in the amount of money that we're asking it to come in right now. So 545,000 is what the bid level is on this. So I would move we adopt the first reading.

Mr. Snyder: Chairman Lane, one thing I may want to, so everybody's in a comfort zone in passing that legislation, if I may. As you know, there's been a little shortage on one our major projects in the Second Ward...

Mr. Lane: That's what I was alluding to.

Mr. Snyder: ...and fortunately the Director of Finance has provided me a small recap. And that money will be available to finish, to allocate to that project in the Second Ward. So at this point, we can go ahead and support the Knoll thing. And as well, the Engineer tells me that Knoll could have substantial savings upwards to \$100,000. Is that a little too wishful of a number?

Mr. Benekos: Right now, we're, we anticipate that to be...

Mr. Snyder: About the number.

Mr. Benekos: ...the case.

Mr. Snyder: So there could be a substantial...inaudible...to the, so we may not have transfer. And I will gladly share with all of you, I'll pass this through. This is the suggestion of the Finance Director where we come up with that 200,000 for Ninth Street and Overland. Because that project must go forward and I don't know, do you intend to have on a basis tonight to amend this agenda to pass that additional money for Ninth Street or what are we going to do?

Mr. Benekos: For Ninth Street, I was going to ask for a special session of Council following the Committee Meeting next Tuesday.

Mr. Snyder: We can, I think we're in a position to amend the agenda this evening and pass it if you need the money. Are you not...

Mr. Benekos: I don't have those numbers with me. Do you have them?

Mrs. Herr: Yes, I do.

Mr. Miller: Inaudible...Board of Control. For Ninth?

Mrs. Herr: Ninth.

Mr. Benekos: If you, if you can do that.

Mrs. Herr: Yea, I have the numbers.

Mr. Snyder: Well the only thing I'm thinking of is I'm sure Mr. Lindower would like to begin to move a little dirt up in that area.

Mr. Lindower: Yea, as soon as possible.

Mr. Snyder: As well as everybody else. And if it's not a burden upon to you, I would just like to do that to see if we can clean up so we can move forward with it.

Mr. Benekos: Sure, we still have easements we need to bring to Council for acceptance but we can get, we can get that started.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Snyder: Yea, this may help you that week as we're approaching...inaudible...allow me to pass this so you're all in the comfort zone. But I thank you for that previous question sir.

Mr. Lane: No, and I appreciate you folks doing some behind the scenes maneuvering on this so it doesn't...

Mr. Snyder: Yea, so that we're ready to go on it.

Mr. Lane: ...hit us as a surprise.

Mr. Lindower: Yea, I was getting worried too.

Mr. Sarbach: So now we're voting on the Knoll?

Mr. Snyder: Now we're voting on first reading of Knoll.

Mr. Lane: Yea, first reading on Knoll.

Mr. Lane moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 139-05.

All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.

No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 139-05.

All members present voting:

Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.

No: 0

Mr. Lane moved and Mr. Foltz seconded to **adopt under suspension of the rules**

Ordinance No. 139-05. All members present voting:

Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.

No: 0

21. Mr. Sarbach moved and Mr. Foltz seconded to **read by title only, first reading of**

Ordinance No. 140-05. All members present voting:

Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.

No: 0

Mr. Snyder: Excuse me one moment, is there a way this can be amended to include that or we can't change this ordinance?

Mr. Pusateri: What's the amendment going to be?

Mr. Snyder: This is 15,000 this amount, in this ordinance.

Mr. Benekos: This is for the design.

Mrs. Herr: This is for the design.

Mr. Snyder: Oh, this is for the design?

Mr. Benekos: Right.

Mr. Snyder: Oh, this is not that.

Mrs. Herr: Yea, something different.

Mr. Snyder: Ok.

Mrs. Herr: Same project but...

Mr. Snyder: Ok, pardon me. Go ahead.

## **Ordinance No. 140-05 – First Reading**

An ordinance amending Section 2. of Ordinance No. 60-04, 9<sup>th</sup> Street/Orchard/Overland Project, by an increase in the amount of the allocation for the project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?



# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Lane: Yea, we talked about this last week in the Committee session. Jim, can you maybe bring everybody up to date on what this is just to make sure we keep it separate from what we're going to try and vote on here later.

Mr. Benekos: Right. As I mentioned, this is for, for the design aspect of Knoll Street. There are some items, especially...

Mr. Lindower: You mean Ninth Street?

Mr. Foltz: You mean Ninth Street.

Mr. Lane: Ninth Street.

Mr. Benekos: Ninth Street, I'm sorry, regarding the gas pipe line and storm sewer interference. We had to go out and redesign a portion of that and the design effort was a little bit greater than what we anticipated. So that's why we're asking for some additional funds.

Mr. Lane: The additional funds were, was it 8,000, 815?

Mr. Benekos: It should say in the ordinance.

Mr. Lane: Jon has said 15. I remember I was talking about 8 last week but I don't see, the total amount is 58,874.

Mrs. Kiesling: I think it was 8,000.

Mr. Benekos: Ok, the original allocation was 50,000...

Mr. Lane: Yea, that's what I thought.

Mrs. Kiesling: Yea, it's 8,000.

Mr. Benekos: ...so it is 887.

Mr. Lane: Ok, if nobody has any questions, yes sir?

Mr. Lindower: Jim, do you have any idea how, how much time is going to be involved in obtaining the easements that you need yet?

Mr. Benekos: Well I think by next Tuesday, the Committee Meeting will be on Tuesday. I'm hopeful that we'll have those signed. I believe we have two of them signed and two other imminent. The one property owner is out of town until Wednesday. I spoke with him last Friday. And we've come to an agreement on that easement and when he comes back in on Wednesday, we'll have the revised document for him to sign and we should have that in hand by Friday.

Mr. Lindower: Should that, that should take care of all the easements then, right?

Mr. Benekos: That is correct.

Mr. Lindower: Because I've got somebody asking me and it's probably better they ask me then you.

Mr. Benekos: Yes.

Mr. Lindower: Ok, I'll let them know that.

Mr. Benekos: Ok.

Mr. Lane: Anybody else have any questions on that? Then I'd move we adopt on the first reading.

Mr. Lane moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 140-05.

All members present voting:

Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 140-05.

All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.

No: 0

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Lindower moved and Mr. Lane seconded to **adopt under suspension of the rules** Ordinance No. 140-05. All members present voting:  
 Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.  
 No: 0

22. Mrs. Kiesling moved and Mr. Lane seconded to **read by title only, first reading of** Ordinance No. 141-05. All members present voting:  
 Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.  
 No: 0

### Ordinance No. 141-05 – First Reading

An ordinance adopting new work rules along with penalties by establishing City Wide Work Rules and Penalties and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Lindower?

Mr. Lindower: Yes, we discussed the necessity of upgrading the work rules, city wide, along with penalties have been discussed. And I move that we pass the first reading on this.

Mr. Lindower moved and Mrs. Kiesling seconded to **adopt the first reading of** Ordinance No. 141-05. All members present voting:  
 Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.  
 No: 0

Mr. Snyder: After consultation with the Law Director, he tells me that we may be better to have a special meeting next week when we have the easements in place. And that way it will give you a chance to have in your packet all, any and all information pertaining to that project so that, if that's alright with the Engineer we'll do that.

Mr. Lindower: You're talking about Ninth Street?

Mrs. Kiesling: Ninth...inaudible.

Mr. Snyder: Ninth Street. And we will be doing that. If I may I have a motion to have a special council meeting at 6:50, it shouldn't take more than ten minutes.

Mrs. Kiesling: Inaudible...vote after the meeting.

Mr. Benekos: You'd want to follow at the committee meeting. I'll have the information...

Mr. Snyder: Right, oh afterwards. Yea, you want to be after the meeting?

Mrs. Kiesling: Right.

Mr. Benekos: Right.

Mr. Snyder: So we'll have a special council meeting after the meeting so that will save the police from delivering it if I could have a motion for that.

Mr. Foltz moved and Mrs. Kiesling seconded to schedule a special council meeting on July 5, 2005 following the Council of the Whole meeting. All members present voting:  
 Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.  
 No: 0

Mr. Benekos: That'll be for two ordinances? One to amend the appropriation amount and then one to accept the easements.

Mr. Snyder: Correct.

Mr. Benekos: Ok.

Mr. Snyder: We'll do it all in one, then everyone will have it and there will be no problems and the press will have it and give people time to look at it.

Mr. Benekos: Very good, thank you.

### REPORTS:

Mr. Snyder: Thank you very much. Director of Law any report?

Held Monday, June 27, 7:00 p.m. 20\_05

Mr. Pusateri: I do not have a report. Thank you sir.

Mr. Snyder: The Director of Finance?

Mrs. Herr: No report.

Mr. Snyder: How about the Director of Administration?

Mr. Miller: Nothing this evening.

Mr. Snyder: Mr. Mayor?

Mayor Rice: Well not really but I hate to...

Mrs. Herr: Oh, come on. Look what time it is.

Mayor Rice: ...we're a little too early tonight. No, I would just remind everybody, the community that Fourth of July, Independence Day is Monday. The Y, of course, has their run in the morning and the Jaycees will have the parade at, I think it kicks off about 10:30 after the runs are over with the Y. And then of course the fireworks show will still be on normal place up on 7th Street at about 10:00. The Jaycees and the City, of course, pay for the fireworks show on Monday night. Monday night, yea, so everything is on Monday night or Monday day and night, activities throughout the City. So a lot of fun for the family, all ages. Come out and enjoy all three of them. That's all.

Mr. Snyder: Thank you Mayor. Mr. Engineer?

Mr. Benekos: Just a few items. That wasn't me. Last Council meeting the question was brought up about a road between Monticello and Montabella. That is just the next phase of Monticello. It is not going through to Montabella, the construction that is going on now. And then regarding the Sanctuary, the developer has asked that they can go in and do some clearing and set up their silt fences. It doesn't impact the flood plain at all and I have given them permission to do that once they meet with Stark Soil & Water Conservation and be sure they have their erosion controls set up and in place. We are reviewing the flood plain and the other plans for the Sanctuary and that's coming along well. It's just a lot of...

Mrs. Kiesling: Tedious.

Mr. Benekos: ...lot to look at there so just wanted to give you that update. So if you see construction going on out there, activity, it's just the clearing and installation of silt fences. And the grass on South Main and Everhard, I believe they did cut it once. I spoke with Joe Oleskey today and they will be cutting it again if they have not already gotten it today. And that's all I have.

Mr. Snyder: Thank you sir. Madam Clerk?

Mrs. Kalpac: No, no report.

#### REPORTS – COUNCIL:

Mr. Snyder: Mr. Foltz?

Mr. Foltz: No, we'll just have our meeting next Tuesday, Jon?

Mr. Snyder: Tuesday, we'll move because the Council Rules say if the building's closed, we don't meet. So we'll go to our regular meeting will be Tuesday at 7:00 p.m.

Mr. Foltz: And then Julie, did you have a chance to follow up with Fulmer's today?

Mrs. Herr: Yes, I left a message.

Mr. Foltz: Ok. So we had the amount on the recording for them?

Mrs. Herr: Yea, I left all the information and said if she had any questions to call me back.

Mr. Foltz: And a letter would be sent and so forth.

Mrs. Herr: And didn't hear back so I'm assuming that answered her questions.

Mr. Foltz: Ok, alright. That's it Jon.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Snyder: Thank you sir. Member Lindower?

Mr. Lindower: I had a question either for Jim or Mr. Miller, how many more holes is ODNR going to drill on Applegrove?

Mr. Miller: They haven't told us how many yet. But they are indicating they've, are going to issue a press release if they haven't already. They will be there shortly to take a look to see what's underneath.

Mr. Lindower: Should they come up with any, any open mines, which I'm sure there are some up in there, that's done at the State expense right?

Mr. Miller: Yes.

Mr. Lindower: Ok, they'll probably pump that...inaudible...slurry...

Mr. Miller: It's a lot of slurry from what I hear.

Mr. Lindower: Yea. Ok, thanks. That's all.

Mr. Snyder: Member Lane?

Mr. Lane: Yea, I just want to thank everybody again for their help in keeping both those major road projects on track. I do appreciate it very, very much. And Jim, last time we were together you thought 7/05 was going to be the Main Street closing. Any further update on that?

Mrs. Kiesling: They got signs up.

Mr. Benekos: What we heard most recently from the contractor is the 5<sup>th</sup>, they'll restrict traffic to one lane in each direction and that's to help SBC get in there and do work on their underground utility and then once that's completed we're hoping that'll only take a week to two weeks but until they open it up and get started. And then at, following that then they would have a total closure. As soon as we know, we'll issue a press release and inform the public and Council.

Mr. Lane: And we're still at sixty days or ninety days on that?

Mr. Benekos: Well right now the closure is a ninety day closure. They were looking at redesigning the structure from the steel structure to a precast concrete structure. They have submitted that. We got that today. The County Engineer's reviewed that because it is the County's bridge for them to accept. They're still reviewing that and we're discussing that with the contractor as far as what the actual savings are going to be from costs and time. We weren't real pleased with what they proposed from a cost and time savings standpoint. But we're still discussing it with them and we're hopeful.

Mr. Snyder: Thank you. I noticed they posted signs today on the construction route both east and west sides and on Main saying, end of construction, begin construction, those orange signs. The guy was putting them up this morning.

Mr. Benekos: Yea, good. It's progress.

Mr. Lane: Any of those signs say Baker Court on them? Or is that just...

Mr. Snyder: Some of them say, actually it says Knoll, eastward to Northfield.

Mr. Lane: I knew that was coming.

Mr. Snyder: It had your phone number I recognized it.

Mr. Lane: I knew that was coming.

Mayor Rice: Yea, complaints call Doug Lane.

Mr. Snyder: 1-800-LANE, it said.

Mr. Lane: Somebody's squad car, we've got how many squad cars to detail down in that area? I'll loan them my car, they can put a red light on it. I don't know.

Mr. Snyder: Thank you. Member Kiesling?

Mrs. Kiesling: Yes, just wondering where economic development director is at this moment?

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Miller: Last I've heard is that the Committee is supposed to be bringing in folks for live interviews Wednesday. But again we're just getting bits and pieces because we're not in it.

Mrs. Kiesling: Right.

Mr. Miller: But that's what I heard as of, I think it was announced at TAP that they're bringing in people for live interviews this week.

Mayor Rice: They've got interview this, I think final interviews this week. And then they'll be submitting the finalist list possibly as early as the end of this week. If not the end of this week probably by the first part of next week and then we'll be making the final selection off of those.

Mr. Miller: And I'm cheating on the five because one of the members of the Committee asked for five of the folders. So I'm figuring that's what that's for.

Mrs. Kiesling: Right. Awesome, thank you.

Mr. Snyder: Thank you. Member Sarbach?

Mr. Sarbach: Yes, is there any update on the Hoover investment list? There's more than one group of people...

Mayor Rice: Update on the other people involved?

Mr. Sarbach: Yea, on any of that situation. Did you talk to the original members?

Mayor Rice: Yea, we've talked and had communications with Ripplewood which I have reported here at Council before. We're, we're gathering information and learning more about this consortium that's come together. We got some sources that are, you know, gathering some info and bringing it back. We've obviously been in discussions with the, the union leadership. We haven't had any direct contact with that organization as of this time. Like I said, we don't even know part of thing that makes it difficult, we're going to have to pursue this on dual tracks because we're communicating with Ripplewood now there's another player and who's to say there won't be a third player. That's probably unlikely, but you never know. It could happen. So yea, we're doing our homework and gathering info as best we can to learn about these folks and get info. I found some other, actually came upon some other sources today, a matter of fact, in talking with some people that have some contacts, evidently, with for example the Chinese company appliance manufacturer. We're working that angle too. So any way we can get our, in contact with these folks and try to build a relationship or find out more about them. We're doing whatever we can.

Mr. Sarbach: Thank you. That's all I have.

Mr. Snyder: My only question to Administration and Engineering, you did mention to me and through this meeting, we're considering doing the construction between Maplecrest and Easthill now yet this construction season?

Mr. Benekos: That is correct.

Mr. Snyder: Do we have the funding? I thought we lost that from the State?

Mr. Benekos: No...

Mr. Miller: No, we were looking for Maplecrest all the way up to Rose Lane.

Mrs. Kiesling: To Rose Lane, right.

Mr. Snyder: Oh, northward. Now we're going...

Mrs. Kiesling: That's Phase III.

Mr. Miller: All the way northward. We're trying to complete that whole section on the south...

Mr. Benekos: Easthill up to Rose Lane.

Mr. Miller: Easthill to Rose Lane, I'm sorry.

Mr. Benekos: You said Maplecrest.

Mr. Miller: We're looking for that whole section. Council earlier this year talked about getting that whole intersection done and Jim came and there was some funding set aside for that.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Benekos: Right.

Mr. Snyder: Now we do have money, we budgeted in 05 for that?

Mrs. Herr: Yes.

Mr. Miller: Yes.

Mr. Snyder: And you anticipate that to be significant, the amount to be significant enough to do that or you don't know that?

Mr. Benekos: We don't know that. With the change, we added the intersection improvements at Pavlis', redoing the driveway there as we discussed at the traffic signal study. So that's an additional cost but we'll bid that out here shortly and hopefully we'll be within budget.

Mr. Snyder: That's around 600,000 if I recall?

Mr. Benekos: I think it's in that neighborhood.

Mr. Snyder: Yea. My only question, the reason so that, I know that obviously, but I was also wondering if we couldn't get, if that doesn't work as the season's coming quickly to a close to do that kind of work, if when we do the paving portion of our summer construction, if we couldn't look at putting a skin on the two lane southward on Main. I mean, pretty soon they get much deeper, we're going to lose somebody in them holes. I mean, you know, obviously the soil underneath you know that's probably not sufficient enough and that we could possibly if we couldn't go ahead with the construction, I don't know what the costs would be but I think it would enhance the traffic coming up.

Mrs. Kiesling: Do you have to go all the way up to Rose Lane essentially because right there in front of James is horrendous also.

Mr. Snyder: But it's pretty bad that Maplecrest...

Mrs. Kiesling: It is but James is bad too.

Mr. Miller: As you hit the top of the hill and go down there is a...

Mr. Snyder: Yea, there's a little...

Mrs. Kiesling: Yea, there is a significant...

Mr. Miller: ...little valley there.

Mr. Snyder: Yea.

Mr. Benekos: Following the bid of that portion of South Main, if we don't have enough funds to cover the bid, then we'll consider that. We will have funds from the Street...

Mr. Snyder: Well we would have adequate funds possibly, I'm sure it's not that great of a factor.

Mr. Benekos: No, and then next year we would bid out the whole portion from Easthill up to Rose Lane then.

Mr. Snyder: Right, that would make sense. That was my question if we could, if we could, I would appreciate it. I'm sure Mr. Lane would appreciate that.

Mr. Lane: Very much so and...

Mrs. Kiesling: So would I.

Mr. Lane: ...is there any concrete money floating around anywhere? Just a little bit.

Mr. Benekos: Very little.

Mr. Lane: I got one hole I think would probably take most of that \$50,000 over there...inaudible.

Mayor Rice: I'll vouch for that. I mean I was down there over the weekend driving some of those roads. Some of those concrete roads have got to be on the project list for next year. I mean, because they're horrible.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Lane: It's just terrible.

Mayor Rice: I don't know how much, I haven't heard a lot of complaints from people down there but I wouldn't be surprised if you're not getting a lot of complaints.

Mr. Lane: It's because they had their teeth rattled so much they can't speak anymore.

Mayor Rice: Yea, I mean they're horrible. Some of those are literally undriveable down there.

Mr. Lane: Yea.

Mayor Rice: It's really, really bad.

Mr. Snyder: Is that on Eastwood?

Mr. Lane: Eastwood, yea. I just have one other question, when you were talking about grants and stuff it reminded me, Mike, did we ever get an answer on at one time you applied for a grant to possibly take care of the intersections along Maple out at Walsh to try to line those up. Did we...

Mr. Miller: That one got turned down last year. I'm trying to remember how many points it got. We are in discussions with Walsh University to reapply for that. That would be Ohio Public Works grant and...

Mr. Lane: So that officially...inaudible.

Mr. Miller: ...we had a meeting with them the last two weeks to take a look at doing that.

Mr. Lane: Alright, thank you.

Mayor Rice: For next year.

Mr. Lane: Yea.

## FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Final call for new business. Anyone in the audience wishing to address the Council? Mr. Davenport, it's nice to see you sir.

Mr. Sarbach: Just a shadow of the man it used to be.

Mr. Davenport: Let's see, if I recall you're supposed to state your name and where you live. Nobody's allowed to laugh until I take my cap off, ok? There's only one person in here and she's probably forgotten that knows my real name and I think it's this lady right here. And my name was not Davenport, my real name on my birth certificate says Tshe Ton Wakawa Mani. That's Sauk Indian for the hawk that hunts walking.

Mr. Snyder: Is there any truth to that your property is an Indian reservation that we could get a casino on?

Mr. Davenport: I was born on an Indian reservation in Iowa. It's not a reservation now, it's a settlement. But it was a Sauk Indian Keokuk took the followers that would go when the government said, go across the river. He took those, I call them cowers, that would go and he moved to Iowa. Black Hawk is the chief of the Sauk Indians, or he was. He fought the famous Black Hawk Indian Wars. As a result, all of his followers are now banished to the Indian Territory. Which everybody knows is Oklahoma. The worst place they could find. Who laughed? You weren't allowed to laugh until I take my cap off so I got to do something where I have to take my cap off. Life is totally unfair, by the way I am Ernie Davenport and I live at 1441 Cornell Avenue SW, North Canton. And as I always say based on Paul Varner saying it when he stood up here, that's the slums of North Canton. And I'm going to add if you don't believe it drive down Main Street and as soon as you get passed Schneider, you'll recognize what I'm talking about. Am I wrong?

Mr. Miller: I live down there, I don't know.

Mr. Davenport: Well let me, let me get some little bit of a levy in here now. Life is unfair. Why is it unfair? Because from the time the lady is this height until she gets really old and can hardly walk, she's got grey hair. They got pretty hair. Look around here. Even Marcia's got pretty hair.

Mrs. Kiesling: Thank you.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mrs. Herr: Is that supposed to be a compliment?

Mr. Davenport: This lady's got pretty hair. Look at the ladies. They all have pretty hair. But what's unfair about it, the gentlemen end up looking like this.

Mr. Snellgrove (*Identified by Clerk*): Yea, but you wore your's off on a headboard.

Mr. Davenport: That's not true. My dad was a barber. He use to grab my scalp and go like this and it would move that far and he'd say, you'll never go bald Ernie. My poor old dad died when he was ninety-seven and he had hair that looked like this fellow with more hair. He's going my way. Ok, usually I come down here to beat people up, isn't that right Dottie?

Ms. McGrew (*Identified by Clerk*): Inaudible.

Mr. Davenport: I came prepared to do that but I'm not going to do it. Why, was it two weeks ago I called you Mike?

Mr. Miller: Something like that?

Mr. Davenport: Or at least a week and a half.

Mr. Miller: Ok.

Mr. Davenport: I call him and I said the lady across the street's got a problem, actually there's two ladies on, two houses across the street that have a problem. The ditch that used to be as deep as the one on our side, is now this deep and their basements flood. We live high on the hill as anybody that's been out there knows. And all the water from our side, all of the drives and that, that won't stay on the yard, runs down across the street into that ditch that's on the eastside of Cornell right into the basements. Pat on the back for Mike Miller and even Jim came. Actually, Jim drove Mike. And they came out there, Mike said I'll be back, I'll be down to see you next week. Well it was a couple days after next week but his office called and said he would be there at 9:30 then shortly they called, I was outside waiting on him and my wife comes running out and says, they're delayed, something came up, they're going to be ten, fifteen minutes late. It was actually eight minutes late. That's all you were. These two showed up along with Joe from the Street Department, big, tall husky guy. And they looked at the situation. Now I'm going to tell you something, if I tell out of school Mike, you bear with me. Mike got out of the car, Jim got out the other side, Mike got out of the car and he said, "Why in the hell aren't there curbs and gutters on this street?". Am I close?

Mr. Miller: Um, I don't remember the hell part.

Mr. Davenport: You what? That's pretty close. Am I correct Jim?

Mr. Miller: That's pretty close.

Mr. Benekos: I didn't hear that portion.

Mr. Davenport: Ok, that's exactly what he said and I'm not trying to embarrass him. We looked at it, did we not?

Mr. Miller: Yes we did.

Mr. Davenport: And he said and then Joe said, in fact, and I'm going to have fun with him. He said next week we'll be out and dig them down. Well I expected when they showed up today that they were going to dig the ditches but they didn't do that. And Joe didn't show up so that's what I'm going to have fun with him on. They didn't dig the ditches out today but they did wash out all of the culverts under all the drives on that side. And you won't believe what came out of there. I mean there were bricks this big, rocks. They used the vacuum cleaner to suck all that up and then they had a nice long hose attached to a big water tank that fed itself into those culverts and flushed all that stuff out. The water runs pretty good now but still whenever, if we get a good rain, those two basements are going to have water in them. So we got to build up that inside of that ditch somehow. My suggestion would be to bring out a digger, a ditcher. And just dig it down so it's about this deep. It got messed up when John Boyajian had them come out and pave that street because it was broken all to pieces from the previous winter. I mean it was blacktop everywhere. And when they paved it they paved six inches of the ditch away in the bottom. Well that did make the water flow better because it was blacktop now instead of just a mud path. When we had the new water main put in, they got another five inches of that ditch gone. So now the ladies across the street and all the people over there got a ditch about this deep. Anytime it rains, that fills up and runs right into the yards. I won't tell



# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

about the flushing of the hydrants. Does anybody got any questions? Did you remember my Indian name? I didn't think you would. When she interviewed me for that Our Town article I told her, she says now....

Ms. McGrew: Spell it.

Mr. Davenport: Huh?

Ms. McGrew: I said spell it.

Mr. Davenport: Yea, you did. And you two, if you want to know how it's spelled I have to talk to you later because I haven't got the time to try to explain to everyone of these people that. One negative thing I'm going to bring up, Doug, and you will remember the last time I went through this. Nobody else here does except maybe Dave remembers some of it. Because none of you all were here. You might have been here. But I know nobody over on this side was here. I'm going to have to make another survey of what I call the boom box survey. Now I gave all of that I presented, you were the only one in the presentation, he wasn't hearing that. As a matter of fact, the two law directors got up and left. They didn't want to hear me talk.

Mr. Lindower: I heard it too Ernie.

Mr. Davenport: Did you hear it?

Mr. Lindower: Yea, I heard it.

Mr. Davenport: Were you here?

Mr. Lindower: Yea, I was here.

Mr. Davenport: Ok, I brought it in transparencies and right under here some place is a transparency projector, if it's still there. The Mayor gave it to me, it wasn't you. The Mayor gave it to me and he says use this. And I filled that screen full of statistics and data I captured over a period of time. How much boom box activity there is on South Main. And it got worse. There didn't use to be a light at what was 55<sup>th</sup>, now it's Easthill. There didn't use to be a light and I call that the Lindower light because he thinks that's a great light so they can make a left turn onto Easthill going south. That light didn't use to be there.

Mr. Lindower: I didn't put it there.

Mr. Davenport: The boom box activity was strictly at Everhard and Main because they stop there, right? Now they've got to stop two more times before they get north far enough we can't hear them. And by the way, I measured it twice with my laser, range detector. It's 179 yards to the center line. I measured it with a tape measure too. The ordinance says if it can be heard within 50 feet of the vehicle, they're in violation of the ordinance of North Canton.

Mr. Lindower: Soon the jackhammers will be covering it up Ernie.

Mr. Davenport: Oh yea I understand that. That doesn't bother me. And all the sirens don't bother me because they're doing good. These boom boxes are just doing aggravation. 120db don't even count versus what I got yesterday. 206, believe it or not. 206db, sitting on my porch which is that 179 yards away from where the noise was being generated. So I'm going to beat you all up good when I gather the statistics. You remember the presentation. I stood up here for what, an hour and fifty minutes. You got all the copies of the slides.

Mr. Snyder: Got the data.

Mr. Davenport: That's old data though. I'm going to get new data because it's a lot louder, not nearly as many. They do run all the way until 4:00 in the morning and then they start again at 5:30 or 6:00. That's the guys going the other way. Anybody got any questions? I'm going to give up here in a second. I'll come and help you two ladies spell Tshe Ton Wakawa Mani. Nobody's got any questions? Well I want to pat that guy and that guy and Joe on the back for being there. And the guys today, the only one I knew, there's two of them that knew me but the only one I knew was Tom, little fellow. And how I knew him, he went to school with my youngest daughter. I didn't write the letters Mike. You know I always write letters patting the guys on the back. Ok, who's next? No one else is going to get up here and make a fool out of themselves, are they? Thank you kindly. I appreciate it.

Mr. Snyder: Thanks Ernie. It's good to see you up and around.

Mr. Davenport: It's good to be up and around.

RECORD OF PROCEEDINGS

0325

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 27, 7:00 p.m. 20 05

Mr. Snyder: It's good to see you.

Mr. Davenport: Inaudible...he's talking about. I just had two hernia surgeries the size of softballs. I got one more of those to go and then I've got to have this intestine on this side opened up and moved over. So I might not be here for the next couple weeks. Thanks a bunch...

Mr. Snyder: Good luck to you. Thank you. Anyone else wishing to speak to the Council? If not, may I have a motion to adjourn?

ADJOURN:

Mr. Foltz moved and Mr. Lane seconded to adjourn the Council meeting. All members present voting:

Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

The meeting adjourned at 8:04 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL

06/29/05-ALG