

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 12, 2006 7:00 p.m. 20 06

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by Rev. Don Rice, St. Luke Lutheran Community
3. All present recited the Pledge of Allegiance.

ROLL CALL:

Mr. Foltz: Clerk, please call the roll.

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

5. Consideration:

Minutes of Council Meeting: 5/22/06
Mayor's Court Receipts – April, 2006

Mr. DeOrio moved and Mrs. Magel seconded to approve the May 22, 2006 Council Meeting Minutes and April, 2006 Mayor's Court Receipts as presented. All members present voting:
Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio
No: 0

Mr. Foltz: Please note, everyone has a corrected copy of the Executive Session from June 5th. Originally it was changed from June 7, 2006 to June 5, 2006.

6. Committee Reports:

Executive Session (Finance & Property): Refer to the minutes on file in the Council Office of the Executive Session of Finance & Property Committee held June 5, 2006.

Executive Session (Personnel & Safety): Refer to the minutes on file in the Council Office of the Executive Session of Personnel & Safety Committee held June 5, 2006.

Finance & Property: Refer to the minutes on file in the Council Office of the Finance & Property Committee held June 5, 2006.

Ordinance, Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee held June 5, 2006.

Mr. DeOrio moved and Mr. Snyder seconded to accept the Executive Session Minutes and Committee Minutes of June 5, 2006, as presented. All members present voting:
Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz
No: 0

7. Recognition of Visitors.

Mr. Foltz: Anyone who would like to come before Council, please state your name and address.

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street, SE, North Canton, Ohio. Last Monday night, June 5, 2006, I sat in this chamber as a spectator to observe the actions of the North Canton City Council. I have attended Council meetings regularly since serving as an At-Large Councilman, myself, in 2002 term. I would like to tell this Council, publicly, that it is getting more and more difficult to sit in the audience and watch as agreements are made and funds are expended with no regard for the taxpayers of the City of North Canton. Last Monday I heard the other shoe drop as Councilman Jon Snyder revealed his plan to purchase the water distribution rights for The Sanctuary for a price "a little south of 500,000." And Mr. Snyder wants to rush this plan through Council on an emergency. Councilmember Snyder is the former President of Council under whom but not one but two pieces of legislation were passed that has put this City in this very predicament. Why would Council consider following this course of action? Three wrongs do not make a right. The genesis of these circumstances allowing The Sanctuary to be served water by a competing water provider is found in legislation passed in 2003. It is Ordinance Number 49-03 and had Council approval as the Community and Economic Development Agreement, commonly referred by the acronym "CEDA." I was a member of the Council body at that time, and I was the lone Councilmember to vote against the CEDA. I had many reasons for voting

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against the CEDA; and one of those reasons is that there was nothing economic about the agreement that was hailed as a great step forward for North Canton's first CEDA Agreement. Plain Township negotiated a moratorium on future annexations in the CEDA. The developers of The Sanctuary, McKinley Development, Ltd., who, by the way, drafted the Agreement, negotiated terms in the Agreement in their favor. What did the City of North Canton negotiate on behalf of the City and its citizens? Nothing. Passage of legislation approving the very first CEDA for the City of North Canton was all the glory the supporters of that piece of legislation needed when the CEDA was passed on Council on May 12, 2003. Unfortunately, the CEDA legislation put this City at a disadvantage. But Council, again, under the leadership of Council President Jon Snyder, apparently, wanted to make a bad deal worse with approval of another bad deal. This was passage of Ordinance Number 183-05 on September 12, 2005. This was a contract agreement to sell water to Aqua Ohio, the competing water provider, who, in turn, would be selling water inside the City limits to North Canton residents. The legislation approving the Water Agreement with Aqua Ohio put this City at an even greater disadvantage. Earlier I referred to the fact that last week I heard the other shoe drop. This probably needs an explanation. Three years ago, when Council passed legislation approving the CEDA, there was no indication that annexation of The Sanctuary would require the expenditure of taxpayer funds in excess of one million dollars. Not one word. Not a hint that annexation would result in the need for the expenditure of monies by the City of North Canton on behalf of the development of The Sanctuary. Last year, the City of North Canton passed Ordinance Number 183-05 authorizing the expenditure of \$1,200,000.00 for the construction of the Marquardt Sanitary Sewer Project. Of that total, the Metropolitan Sewer District contributed \$290,000.00. The developer, McKinley Development, Ltd., contributed \$265,000.00. The balance of the cost, \$645,000.00, was borne by the City of North Canton. This was the first shoe dropping. The other shoe that is about to drop is a proposed expenditure of what Councilmember Jon Snyder described as a little south of \$500,000.00 to purchase the water rights to The Sanctuary. If that expenditure is approved by this Council, that will result in a cumulative expenditure of \$1,145,000.00 by the City of North Canton on behalf of the development of The Sanctuary. My exact comments from the Council minutes of May 12, 2003, regarding the CEDA were: "This CEDA is a Community Economic Development Agreement, and there are no economies shared in this between Plain Township and North Canton. They're all developer issues." Well, it looks like the developer issues are referred to in 2003 have become big dollar issues for the City of North Canton. I wonder why. What was the motive for the inept legislation that Council has passed not once but twice regarding the development of The Sanctuary? I ask that this Council not cure past missteps of Council with another expenditure of City funds. There is another option for the City which was discussed in a May 15, 2006 Public Meeting with representatives of Aqua Ohio. I urge this Council to pursue that avenue. According to a *Repository* report on April 7, 2006, regarding Mayor David Held's State of the City address, the City of North Canton has outspent its revenue for the last three years. Continued expenditures that are unbudgeted, such as the proposed expenditure for a little south of \$500,000.00, will make this a fourth year of reckless spending. How many years can this City continue to outspend this revenue? How many more failed Council actions, such as passage of the CEDA or passage of the Aqua Water Agreement, can the City of North Canton survive? I ask you to solve this issue without paying out hundreds of thousands of dollars as recommended by Councilmember Jon Snyder. Thank you.

Mr. Snyder: Mr. President, I'll hold my remarks for the rest, and I would like to answer that. Thank you.

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

Mr. Snyder: Number one, the agreement that we did enter in with Aqua was passed, I think, 7-0 by the Council. It does, in fact, give us only two (2) options: (1) is purchase the lines; or (2) leave the lines at Aqua. And a lot of the residents that'll move into that area pay some forty percent (40%) more, as you all know. Secondly, I think relative to the sanitary sewer, that was a recommendation of our own Engineering Department. And, in order – as we do in any development, we are required to supply, to move the sewer. That's our responsibility. And then, in the long run, I think the payback was less than four or five years on that. I'd have to go back and ask the engineer. And, secondly is, usually Mr. Osborne has his facts somewhat distorted. Relative to Aqua, they had the agreement at The Sanctuary long before we entered the CEDA. We had no choice. They had made a deal with developers, as you all know, prior to ever becoming in the City. We went into that agreement full well knowing what it would be. And relative to the Water Agreement, I think we're being paid \$20-odd thousand dollars a month. So far we've collected over \$100,000.00 and expended no water at this point. So, I mean, again, Mr. Osborne has an opinion. And if he'd gather all the facts before he comes up with his rhetoric, I think he'll find out a little better that some of those deals are a little better than what he thinks they are. But that's all right. Thank you.

Mr. Foltz: Thank you Member Snyder.

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Mr. DeOrio: I would also like comment on this time on that. First of all, in regards to this Sanctuary Agreement and taking a look at it, and there was reference to this being rushed through, it's not on the agenda. There's nothing here being rushed through. There's nothing here to even yet consider. It hasn't even gone to the Committee. So, to say that it's being rushed through, that's not an accurate statement. I take exception to the comment that the Council is not thinking of the taxpayers' financial interests. And, maybe I'll take the liberty to speak on behalf of the other six (6) members. But I can tell you from my standpoint, as Chairman of the Finance Committee, that is all I think about is the taxpayers' financial interest. And if it makes sense to think outside the box for a minute, and to look at some item that gets put on the table to see if it makes any business sense, I'm gonna do that. I'm gonna give the citizens of this community every look that can help them diversify or expand our revenues and provide a more stable financial future. If that doesn't meet with anybody's approval, well, then, I'm sorry. But that's how I – that's what I view my role as. And as far as expending 6 – using your figures, which I don't believe, you know, may or may not be accurate, I should say, because I haven't looked at that specifically at this minute. But if we've netted out a \$645,000.00 expenditure on the Aqua of Ohio Agreement, and we're getting \$240,000.00 a year in revenue, that's a very good return on your investment. Particularly, that's a long-term agreement, and it just – it keeps bringing in money every month. Thank you.

Mr. Foltz: Okay. Thank you Member DeOrio.

OLD BUSINESS:

8. Mr. Foltz: Do we have a motion to read by title only the third reading of Ordinance No. 72-06?

Mr. Lane moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 72-06. All members present voting:

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

No: 0

Ordinance No. 72-06 – Third Reading

Ordinance No. 72-06 amending Chapter 115, Rules of Council, specifically Section 115.01(e) MORAL CLAIMS, of the Codified Ordinances of the City of North Canton regarding the procedure for submitting and approval of moral claims, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. Again, this is the third and final reading. As we've changed it, I think we've now had it where everybody's in a comfort zone. We'll get a chance to see it in action next week. I think there'll be a couple on the agenda. So, being no questions of Council, I recommend and ask that you adopt the third reading of Ordinance No. 72-06.

Mr. Snyder moved and Mr. Lane seconded to **adopt the third reading** of Ordinance No. 72-06. All members present voting:

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

No: Magel

9. Mr. Foltz: May I have a motion to read by title only the third reading of Ordinance No. 73-06.

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, third reading** of Ordinance No. 73-06. All members present voting:

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

No: 0

Ordinance No. 73-06 – Third Reading

An ordinance accepting the application for the annexation of certain territory known as the Chambers/Pittsburgh Annexation containing 4.815 acres of land, more or less, in Plain Township to the City of North Canton.

Mr. Foltz: Chairman Repace.

Mr. Repace: This is a third reading to formally authorize legislation to annex this property into the City. This property is located on the northwest corner of Pittsburg and Applegrove. There is a chain of events that have to take place after this is adopted, and the third reading is required; and this is where we're at today.

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Mr. Foltz: Do I have a motion to adopt the third reading of Ordinance No. 73-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 73-06. All members present voting:

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

No: 0

NEW BUSINESS:

10. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 82-06.

Mr. DeOrio moved and Mr. Snyder seconded to **read by title only, first reading** of Ordinance No. 82-06. All members present voting:

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

No: 0

Ordinance No. 82-06 – First Reading

An ordinance establishing water tap-in fees for the City of North Canton water customers, repealing any and all legislation inconsistent, and declaring the same to be an emergency.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thanks, Mr. President. Again, in our efforts to go through every revenue source that the City has and bring them in line with present-day costs, we are recommending that the taps be increased, which would bring in additional revenue into the Water Department as the costs of the tap and the labor to install it has increased since we've last done this in August of 2000. And I think there is a schedule in your packet of the different – it roughly takes the existing tap from 6.70, which impacts most people and moves it to 9.70. That's about it on that.

Mr. Foltz: Okay. May I have a motion to adopt the first reading of Ordinance No. 82-06.

Mr. Snyder moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 82-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 82-06.

Mr. Snyder moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 82-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 82-06.

Mr. Snyder moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 82-06. All members present voting:

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

No: 0

11. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 83-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 83-06. All members present voting:

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

No: 0

Ordinance No. 83-06 – First Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the balance of the Computer Trust Fund to the Equipment Account in the aggregate amount of \$12,780.00 for the current expenses during the fiscal year ending December 31, 2006, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

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Mr. DeOrio: Yes. This was the legislation that was necessary. It's actually two components to it to allow the software in the Mayor's Court to be upgraded to a Windows-based platform. And, in order to do so, we had to appropriate funds to do it, and, then, as you'll see in the next ordinance, we have to make some adjustments to our equipment schedule. I would recommend and so move that we adopt on its first reading Ordinance No. 83-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 83-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 83-06.

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 83-06. All members present voting:

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

No: 0

Mr. Foltz: Next, may I have a motion to adopt under the suspension of the rules for Ordinance No. 83-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** Ordinance No. 83-06. All members present voting:

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

No: 0

12. Mr. Foltz: Next, we have a motion to read by title only the first reading of Ordinance No. 84-06.

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 84-06. All members present voting:

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

No: 0

Ordinance No. 84-06 – First Reading

Ordinance No. 84-06 amending Appendix "A" of Ordinance No. 217-05, Appropriation Ordinance of the City of North Canton, by an increase of \$12,780.00 to provide for the purchase and installation of computer software for the use by the Mayor's Court and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This is the companion legislation to the one we just passed. It's to provide an amendment to the Appendix "A" of the – referred to by number as 217-05, but it's actually our budget that we did. And we have to show that for the expenditure we're adding equipment into it. So, I'd ask and so move that we pass Ordinance No. 84-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 84-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 84-06.

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 84-06. All members present voting:

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

No: 0

Mr. Foltz: Next, may I have a motion to adopt under the suspension of the rules for Ordinance No. 84-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 84-06. All members present voting:

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

No: 0

13. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 85-06.

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Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 85-06. All members present voting:

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

No: 0

Ordinance No. 85-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton, the City of Canton and a property owner regarding adjoining property located in North Canton and Canton.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is the situation we have with the two (2) parcels that sit on a border between North Canton and the City of Canton. The owner would like to combine these into one and would like to be in the City of Canton where they would be able to have access from an existing public thoroughfare, which would be Vernon Avenue, NW and would also be serviced by fire and police EMS services. I would ask that we adopt, and I so move for passage of Ordinance No. 85-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 85-06. All members present voting:

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

No: 0

14. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 86-06.

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 86-06. All members present voting:

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

No: 0

Ordinance No. 86-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Water Tower Lease Agreement by and between the City of North Canton and New Cingular Wireless PCS, LLC.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Well, a lot has changed since last week on this, and so I appreciate you indulging me to explain a little bit about what's going on. But some of this I'll have to – well it just bear repeating, so I'll ask you to just – to hang on there. But when we started the negotiations on this Agreement, the basis for which to start was obviously the previous Agreement. And Cingular's approach was – okay, well, here's what we don't like about the previous Agreement – the original. So, they would send over terms that they wished to change and, in addition, language that they wanted changed in the contract. Cingular's – this will be my third go-around with them, but the first two – they were insistent upon not having any escalator clause in the Agreement. Presently, we have an escalator clause that's four percent (4%) annually. And that has lead to our rent being \$1,520.00 per month. So, during those first two rounds of talks with them, they were not interested in giving us any escalator clause whatsoever. And part of the work that you guys helped with was sending a message firmly back to them that it's a done – it's a no go if we don't have the escalator clause. So, the – when they got that message, that was last Tuesday, it changed their tune; and they said that if we could agree to the definitions of permitted use at the premises, that they could get us five percent (5%) escalator. The permitted use at the premises had to deal specifically with what, in fact, they were leasing from us. Was it the entire parcel of land on which our tower is located, or was it just the tower itself? And the individuals that put the first Agreement together, smartly so, limited it to just the tower itself. So, up until that time, you know, I had not seen any language regarding an escalator clause. So, they e-mailed to us the terms which are in your packet. And I reviewed them after I got them from Gail on Tuesday or Wednesday, and the first thing that I went to was the escalator clause, because that's the only thing that I hadn't seen about the Agreement that wasn't new. I'd looked at all the others and made sure that those terms were as I agreed to and as we stipulated in the Committee Meeting. But the escalator clause was not. That was the first piece of language I had seen on it. And the escalator clause that they submitted was, in essence, not an escalator clause. And they can call it that, but in my view, in finance, that's not one. Their recommendation, or I should say, their proposal, was for an escalator clause per term and per extension of term. So, if you read ~~that~~, you'll see that if we were to go into this

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Agreement in 2006 – and it goes up to 2011 – there would be no increase in rent. That's the first five (5) years. Then every five (5) years thereafter, they would agree to a five percent (5%) escalator provision. I spoke with the Cingular folks immediately about this, and said to them and explained to them that, you know, if we were to agree to that during the first ten (10) years of this contract, we would, in essence, have a limit of five percent (5%) wage increase, which is like a half a percent a year. That's just insane. It's – I told you before it's not good. It won't fly. I'm against it, and we just won't do it. And they hemmed and hawed, and tried to say about how I didn't understand what I was talking about. But I'm a pretty, pretty close attention-to-the-details kind of guy, and I know what I heard, and I know what I said. And their position was well, if we can't have it that way, because that's the way we're negotiating it with all of our other contracts, then there's, you know, no point of conversing any further on it. I says that's exactly right. This is not gonna happen. I'm going to recommend that – at Council on Monday – that we defeat this and reject it in its entirety. And we'll just stick with what we have, and we'll see what they – if anything, they respond. I did mention to them, based on what I had heard at the Committee last week, that they did have people out to our facility putting upgrades or whatnot already on the tower. And, so, I indicated then that I think that Cingular's pretty intent on keeping this if they'd made those upgrades. I seemed to take them by surprise for a few minutes; but, ultimately it came down to they were headstrong, and that's what they want, and I'm just not gonna make an insane deal like that. That's my recommendation. And, of course, we're all free to vote however you want. But I don't think it's a good deal at this time.

Mr. Foltz: Well, Member DeOrio, I'm glad you brought up the conversations. Because I was a little confused by it. I again asked the administration why they were installing or modifying their equipment when, I guess, they did have an approval through Rich or through the administration eventually. But that was news to us on Council while you were still negotiating this fee contract. So, I don't have a problem following your recommendation on this. I'd like to hear from rest of Council as far as comments here.

Mrs. Magel: Yeah, I'd like to make a comment. I appreciate the fact that you did pay such attention to detail, because at first glance that would have looked like five percent (5%). And, then, as you read it clearly, clearly, it's about a half of percent (0.5%) per year – when it boils down. And I think that's what – I had a 4 o'clock meeting, myself, here. And that's what it takes. It takes paying attention to details, and I congratulate you on that.

Mr. DeOrio: Well, thank you.

Mrs. Magel: And I would agree, with that in mind. It's not the contract that you had in mind.

Mr. Foltz: Any other comments from Council?

Mr. Lane: Did you clarify – I was trying to find that language in here about exactly what it is they're leasing. I didn't see it specifically pointed out. It just talks about a portion of the property. Does that apply to the portion that's the top of the tower?

Mr. DeOrio: The tower and that little box.

Mr. Lane: That box?

Mr. DeOrio: Yeah. And in the original Agreement from 1998, there was a site map that was included. And Cingular – I gave them a week to try to come up with the site map, but they can't find it. So, I didn't offer it to them, but after conferring with the Law Director, and what that site map detailed out, that's exactly what it was. It was the tower and then that little space where that utility box is.

Mr. Foltz: Any other comments from Council? Clerk, we can either make a motion, and, obviously, there wouldn't be a second – or just table it, right? We have two ways to deal with this?

Clerk Kalpac: Yes. If you think it's going to come back, you can table it. Or, if you want to debate it.

Mr. Foltz: Which do you prefer, Chairman DeOrio?

Mayor Held: Mr. President, if I can comment, also, on this. First off, I appreciate, Member DeOrio, the time that you put into this; because I know it's not an easy process negotiating with Cingular, because we've been through that before. And, so I know you put a lot of time into it, and I appreciate it. And we fully support your recommendation.

Mr. DeOrio: Thank you. I would prefer that we, actually, vote it down.

Mr. Foltz: Okay. Why don't – I'll ask for a motion. If there's no motion, it dies; correct?

Clerk Kalpac: Yes.

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Mr. Foltz: Do I have a motion to adopt the first reading of Ordinance No. 86-06?

Mr. DeOrio: Can we actually vote on it, or – we can't make –

Mr. Foltz: I don't think we need, no. If there's no motion, then it's defeated. It's the same principle.

Mr. Snyder: I think he wants –

Mr. Foltz: Well, if no one votes to motion it, it's a 7-0, and we're not moving forward.

Mrs. Kalpac: They could all vote no to adopt this reading.

Mr. McFarren: You'll want to send them a message that it was a "no."

Mr. DeOrio: Yeah. I would like to be able to --

Mr. Foltz: You want a motion frame that we vote no on the existing ordinance.

Mrs. Magel: You want the minutes to say we said "no."

Mrs. Kalpac: If you'd make a motion and a second to adopt it, and then everybody would vote "no," then it would be defeated also.

Mr. McFarren: Okay. Yeah. There you go.

Mr. Foltz: Let's have a motion and a second to adopt it, and then we'll vote "no" or however everyone wants to vote on the issue; okay? Do we have a motion to adopt the first reading of Ordinance No. 86-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 86-06. All members present voting:

Yes: 0

No: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio

Mr. DeOrio: Thank you.

15. Mr. Foltz: Okay. Ordinance defeated. May I have a motion to read by title only the first reading of Ordinance No. 87-06.

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 87-06. All members present voting:

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

No: 0

Ordinance No. 87-06 – First Reading

An ordinance authorizing the Director of Finance of the City of North Canton to make payment to Zablo & Sons Building Corporation in an amount not to exceed \$60,000.00 for the acquisition of part of Lot 5677, Parcel 5-WD, Auditor's Parcel Number 56-08893, located in the City of North Canton and appropriated by Ordinance No. 10-05 for the public purpose of improvement of the South Main Street/Everhard Road Project, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is the Agreement that we were able to reach with the Zablo & Sons building on their property. They had ideas on what its value was. We had ours. And we've kind of reached somewhere in between to come to a satisfactory conclusion and avoiding litigation. And I just had one question on it, if it would be appropriate to ask that at this time. And that was in regards to the money that was escrowed for this. Was that – does that include – I know it is included in the amount referenced in the legislation. But was it appropriated in some other legislation prior in order to set it aside?

Mr. Benekos: Yes, it was.

Mr. DeOrio: Okay. So, let me just make sure I understand that right. If we already passed some sort of ordinance somewhere setting that amount aside, are we repealing that one and replacing it with this new amount?

Mr. Benekos: No.

Mr. DeOrio: Or, then, should this one say we should only be appropriating the amount necessary to reach the escrowed amount plus the amount needed to reach the settlement agreement?

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Mr. Benekos: Right. The \$60,000 is the total settlement. The \$47,000 plus was already paid and escrowed to the courts; and I believe Zablo has already – has extracted those funds, which he was allowed to do. So, all we need to do now is come up with the additional funds, which would be \$12,000 plus.

Mr. DeOrio: But shouldn't this ordinance, then, just say that amount since we've already appropriated –

Mr. McFarren: You want it to reflect this – you want it to reflect the 60, because the 60 is the settlement amount. And of that 60 is, as Mr. Benekos says, we've already paid 47. So, on a finance end, I don't know where the other 12 is. That's a finance question.

Mrs. Herr: Indicating yes.

Mr. DeOrio: But this legislation can't be construed to be 60,000 on top of that 47.

Mr. McFarren: No. No. The 47 was a deposit with the Court towards the eventual resolution of the case.

Mr. DeOrio: Thank you.

Mr. McFarren: So, it's a credit no matter what.

Mr. DeOrio: I would recommend and so move that we adopt Ordinance No. 87-06 for its first reading.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 87-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 87-06.

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 87-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 87-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance No. 87-06. All members present voting:

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

No: 0

REPORTS:

16. Mr. Foltz: Next, Reports. Director of Law.

Mr. McFarren: Nothing.

Mr. Foltz: Director of Finance

Mrs. Herr: I just wanted to mention that I've given each of you the 2007 proposed revenues, balances and expenditures that's required by the Charter to be provided to Council by June 15th. This is the start of the preparation of the tax budget which will be coming up next month. That's it.

Mr. Foltz: Okay. Thank you. Director of Administration.

Mr. Wise: Yes. Beginning this evening and going through Saturday, I believe, is the Jaycee Fair up at the Stadium Parking Lot, beginning this afternoon at 4 o'clock. The Jaycees have put that on for quite some time now. Also, kind of in connection with that, the North Canton Jaycees have, also, I believe since 1969, sponsored the "Special Olympics" here in the City of North Canton. That takes place up at the High School Stadium. On this Saturday, there is a fund raiser for the Special Olympics at the K-mart/Burger King parking lot on North Main. I don't know if that's – I have it here from Stark Public Royal Knights Special Olympics Committee. I don't know that that fund raiser is specifically for, or presented by, the Jaycees, but there is a fund raiser car wash for the Special Olympics on Saturday. Also, I'd like to thank Council for the approval of the update to the Mayor's Court computer software.

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As a matter of fact, we had Mayor's Court this evening, and there was a problem with the software out here on the Mayor's Court and had to hand write out receipts. And we'll have to go back and update the computer once we get the bugs worked out. But appreciate that on an emergency basis.

Mr. Foltz: Mayor.

Mayor Held: Yes. I was not able to attend the Executive Session with Bob Tscholl, who is now going to be representing us in the labor negotiations. But, as I understand from the Administrator, that meeting went very well and that Council is satisfied with how we're progressing with that. We'll keep you updated as far as, you know, every step that we make in that area. If there are any problems or concerns as far as how labor negotiations are progressing, please let us know. And we want to make sure that we work cooperatively with Council as we go through this process. And, also, we did have an event on Saturday. It was the Goodwill – they have a service dog program. And they had a walk in the parks. We had a lot of dogs and a lot of people walking their dogs throughout Price Park. It was a great event and went very well. And, also, Doug Lane was there. Doug's on the Advisory Board to Goodwill.

Mr. Lane: Actually, it was Sunday.

Mayor Held: I'm sorry?

Mr. Lane: It was actually on Sunday.

Mayor Held: Oh, did I say Saturday?

Mr. Lane: Yeah.

Mayor Held: Sunday. I meant Sunday. I apologize. And, then, also, when you head down to Price Park, you can see the pavilion that we put together. That looks very nice. We've got all the picnic tables, and that has really turned out very well. And that's all.

Mr. Foltz: Okay. City Engineer.

Mr. Benekos: No report.

Mr. Foltz: Clerk of Council.

Mrs. Kalpac: No report.

REPORTS – COUNCIL:

17. Mr. Foltz: Member Lane.

Mr. Lane: Yeah. I want to thank the Mayor and the Administrator for coming yesterday. And I tried to get a dollar amount raised, but they didn't have everything all calculated as of – but I know it was record number of dogs, and I think they anticipated a record number of dollars coming in for the service dogs. I know you said your father is participating in that, now, as a recipient.

Mayor Held: Yes. It wasn't through the Goodwill, but he did receive, through another organization, a service dog. And they're fantastic. They do a great job.

Mr. Lane: Oh, it's a great program. So, yeah, thank you for coming. I appreciate anybody else that was there with their dogs. Had a good time. And that pavilion is very, very nice. It's the first time I got a chance to see it since it got totally constructed. It's beautiful – really very, very nice. And it was in use yesterday, too. So they had both of them working.

Mr. Foltz: Okay. Member Snyder.

Mr. Snyder: Engineer Benekos, did we eliminate three (3) lift stations with that gravity flow line out of the – that we put in? Was there three or four?

Mr. Benekos: Three. The one at Irondale, the one on Marquardt, and the one on Briar.

Mr. Snyder: And these were what? These were annualized costs when we repair them – about \$140,000.00 apiece, I believe; were they not?

Mr. Benekos: I don't recall those numbers. I'd have to check.

Mr. Snyder: But, in my memory, I was trying to think, we were requested by the County Sanitary Sewer Division of Engineers to go to a gravity flow versus a force line to accommodate future growth to the north.

Mr. Benekos: Well, they participated in the cost of the line.

Mr. Snyder: And that being the reason why, right?

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Mr. Benekos: Pardon?
Mr. Snyder: That being the reason why.
Mr. Benekos: Correct.

Mr. Snyder: I thought so. But I remember it was prudent that we move from a force to a gravity to eliminate those lift stations which were very costly – about 100 and some thousand dollars a piece to maintain.

Mr. Benekos: The one on Marquardt was in poor condition.
Mr. Snyder: Which would have had to have been replaced.
Mr. Benekos: And would have to be replaced; correct.

Mr. Snyder: Which was several hundreds of thousands of dollars. Plus, the smell and so forth to the residents wasn't the best, I think.

Mr. Benekos: Right. There are instances when it would not function, and it would have to pump directly to the creek while it was down.

Mr. Snyder: So, the decision was very prudent on our part, if I recall.
Mr. Benekos: I believe so.

Mr. Snyder: I thought so. Thank you. One other question, if I may. Are we still in a time table sometime this week pouring that deck on South Main?

Mr. Benekos: If everything goes well, they're pouring tomorrow.
Mr. Snyder: That's good.
Mr. Benekos: Yes.
Mr. Snyder: Thank you, Mr. President. That's all.

Mr. Foltz: Member DeOrio:
Mr. DeOrio: No report.

Mr. Foltz: Member Hines.
Mrs. Hines: No report.

Mr. Foltz: Member Repace.

Mr. Repace: I have a couple things. When the project was done on South Main Street – the beautification project – there was trees planted along South Main in front of the Chamber, in front of the Union Hall, in front of the photography studio, the former Credit Union. Those trees and Smokin Joes – whatever it is today – those trees – they're now become overgrown. They're pulling the bricks up out of the sidewalk. They're the filthiest trees that could have been planted there. The front of the buildings are always dirty. The sidewalk has big black marks around it from those trees. What I'd like to see is those trees eliminated and maybe a smaller tree, a more cleaner tree, be planted there in place of those trees. They're really making a mess of that side of the street and the buildings. I know the Union Hall building, we put over \$225,000.00 into that building – not to be ruined by a couple trees that are in front of the building. So, I'd like somebody to take a look at that. Also, I've had some requests from some of the residents in North Canton on this backflow stuff that we've talked about. If the City could consider hiring someone at a discounted rate to go around and do all the backflow devices on the properties, such as sprinkler systems and so forth, and place that charge on the resident, of course. But, there are various prices – anywhere from \$45.00 to \$75.00, even up to \$100.00 to just have your backflow device checked. It's a little bit ridiculous. If we could negotiate some kind of a deal with someone – some kind of contractor who could just go out and do these, as the letters go out to the residents, it would sure save the residents a considerable amount of money. I do have some other things that I'll be bringing up down the road here. These are the two things that I wanted to talk about tonight, but I do have some other things that may not be as pleasant. But we'll be talking about them down the road.

Mr. Foltz: Member Repace, I have a comment. I brought that same, I want to say, discussion point up last year with the sprinkler systems. Someone contacted me in Monticello and asked if it would be possible that they could pull together their neighbors and just use one plumbing contractor – had to meet our codes or our permit process to do that – and I thought that was a great idea. I didn't see any resistance from administration or Gene on it, so this might be one step even better. We can line something up that, you know, you one-stop shop in certain areas there and save our residents some money. I'm not against that at all.

Mr. Repace: Well, we know who – you know, there's letters that go out.
Mr. Foltz: Right.

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Mr. Repace: And I know they don't – they don't catch all of them in the City. I understand that.

Mr. Foltz: Right.

Mr. Repace: But we know the residents, and if they have to have it done, if we could just provide somebody at a discounted rate of some sort and they'd do all of them, they're going to make out, the residents are going to make out, and we all go away happy. And that would be something different around here.

Mr. Foltz: That's something you can check on, Mr. Wise or Mayor?

Mr. Wise: Yes, sir.

Mr. Foltz: Okay. Member Magel.

Mrs. Magel: No report.

Mr. Foltz: Okay. I don't have anything here. Any final call for new business from Council?

Mr. DeOrio: Yes, sir. I have some new business I'd like to bring out. And the first idea I have here that is in regards to – it probably falls under Ordinances, Rules & Claims. I apologize, Jon, for not –

Mr. Snyder: That's all right.

Mr. DeOrio: -- being able to get to you earlier with this, but we're just giving you some thought that – try to find a way to maybe – don't take this the wrong way, but to kind of streamline our Council meetings a little bit – avoid some of the redundancy so that we could spend more time talking about the people's business. But, in regards to reading each piece of legislation by title only – instead of doing that – and we're lucky tonight. There was only maybe eight or nine of them. But there are nights when there's going to be 25, 30 of these. Rather than read them each time and go through the roll call and all that kind of stuff, if we could have a change in the rules that would allow us to read all of the ordinances at one time. So you'd make, as an example, you'd make a motion to read all – whatever they are – eight or nine of them – on the agenda. The Law Director would read them, you know, in a row; and then you would just take a roll call vote and vote on – vote one time for having read all of those. If that's something that, you know, the Law Director would concur with, if that's something that's possible, I think it would save us – it would save us a lot of time and keep the meetings from bogging down into getting lost in so many of the details of this motion, that motion kind of thing. So, I'd like to see if that's possible. If, Jon, you wouldn't mind looking into that.

Mr. Snyder: No, sir. I sure will. That's not a problem.

Mr. DeOrio: However it works from the New Business side, here, I know as long as I've been on here, which has been all of about six months, which isn't a long time, I don't remember ever anything coming up under this section. So, I thought, I don't know what the normal discourse is or how it flows from here, but that's something that I would like to see kicked around. And I don't think that's in my committee. So, that's why I bring it up here. The second thing I'd like us to take a look at, and it's one thing that's been clear to me since coming on Council for the last six months is hearing a lot of residents in the southwest side of town, particularly on Lipton and those streets where, you know, we're having trouble with people keeping their properties up – the renters, you know, causing us a lot of issues. And I know you've worked well on upgrading, or trying to, the code enforcement and trying to make these people more accountable. Another idea that I had was – and this would actually, probably fall under Jim's Committee, but it would be the idea of expanding our residential CRA (Community Reinvestment Area) Program to include some of those streets. And my fear is – is that if people are investing money into their properties – the homeowner or a landlord – it increases the rents in the district; and, thereby, if you increase the rents, you change the clientele. And maybe that might be another roundabout way of getting at it. But, in order to do that, we would need to know if the area meets the definition of the CRA area. And, in order to do that, it has to – there has to be certain criteria met that the area is not being invested in. It's being underinvested. And to determine that, Jim, we would need a housing study. And I was hoping, maybe, in talking with you about that if we might be able to talk to the administration, the Economic Development Director, about getting a housing study on those areas. So, if we have an opportunity to get together and talk about that, I'd appreciate it.

Mr. Repace: I'd refer that to Eric. But, yeah, I'd like to talk to you about it.

Mr. Lane: There might already be one on the books from the last time we expanded the CRA.

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Mr. Snyder: No, I think the last one we did, we did include that area. We went over – the last one was over where – the Valleyview area over there.

Mr. Lane: Yeah. That's right.

Mr. Snyder: There's a fellow locally that does that for us, I think. Used to be.

Mrs. Herr: Jim Holl, who is on the CRA Housing Council, he's the one that did it before.

Mr. Snyder: Yeah. He did it for us.

Mr. DeOrio: And if – we would have to find out if it met the requirements under – before you could take it to the CRA, and, then, the CRA consider it and, then, if they adopted it, to send it over here kind of thing.

Mr. Snyder: Well, I honestly, as the representative of that ward, I applaud your efforts, because anything that would help to invigorate or revitalize any neighborhood is, you know, more than welcome; because we are successful in curb and gutters having people refurbish and do their housing. And if there's another avenue, I'd welcome – I do appreciate you bringing that up, and I support it 100% as representative of that ward.

Mr. DeOrio: And I didn't mean to –

Mr. Snyder: No, sir. I didn't take that way.

Mr. DeOrio: Well, I didn't mean to suggest that we would just limited to you. You know, some of the other wards – I don't know.

Mr. Snyder: I'm a little ...inaudible...

Mr. DeOrio: I don't think Monticello would qualify, but –

Mr. Lane: Not for about another 10, 15 (Inaudible).

Mr. Foltz: I think I remember Member Snyder said I was parochial at one time. I just see the reverse right now. I waited my turn to say it back to you.

Mr. Snyder: That was a good word. I thought I'd use that.

Mr. DeOrio: Any other areas from the ward councilman that might fit that that we could take a look at, now would be a good time to do that, so I submit that to the President of Council for him to assign to Committee.

Mr. Lane: I think it would be interesting, too, to get some kind of a feedback from the last 10 to 15 years of how effective it has been so that we don't – you know, if it's something that not many people take advantage of for one reason or the other, then we need to know that as well.

Mr. DeOrio: In the CRA bulletin – if I can just change hats on that a little bit – Eric has been working very closely with us, and we've looked into some promotional avenues for the CRAs with our friends over at Jim Dansizen's place to do a little article about how we can expand it, looking to, possibly, we believe, stuffers into utility bills – or things that might go out from the City that make it more aware. So –

Mr. Lane: We do have the newsletter, too.

Mayor Held: I think – I agree.

Mr. Lane: I did have one other question, Mr. President. It wasn't originally – it slipped my mind, but I got a couple calls today on my answering machine before I came over here. They were asking about the billboard on Main, which is now down, because they're doing the construction. But I don't think we ever got the final settlement on that, and I'm assuming it's going back up; correct?

Mr. McFarren: Yes, it's going back up the same – same height, same advertising exposure in square footage.

Mr. Lane: Okay. So, it will still be a two-face board.

Mr. McFarren: I'm not sure that it'll be two.

Mr. Snyder: Two face, one pole.

Mr. Lane: Yeah. It would be different structure, basically.

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Mr. McFarren: Yeah. It would be new construction; and it's basically going to be under the rules that existed at the time it went up in the first place.

Mr. Lane: Okay.
Mr. McFarren: And that was the second.

Mr. Lane: I had thought that's what the sentiment was, but I don't think we ever saw the paperwork on it. So, I wanted to make sure when I call these people back I wouldn't tell them something that wasn't true.

Mr. McFarren: I think that's – I think that's come in, but sometimes what we see is proposals. I think that's probably pretty good to say that's final.

Mr. Lane: Okay. Well, but that's simple. And that's all I need to know. Thank you.

Mr. Foltz: Okay. Any other new business? Okay. Do I have a motion to adjourn?

ADJOURN:

Mr. DeOrio moved and Mrs. Magel seconded to **adjourn the meeting**. All members present voting:
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace
No: 0

The meeting **adjourned** at 7:59 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL