

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 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. Bruce Jacobsen, Mt. Pleasant Church of the Brethren (substituted for Rev. Harry Bolen)
3. All present recited the Pledge of Allegiance.

ROLL CALL:

Mr. Foltz: Gail, please call the roll.

4. The following members of Council responded to roll call: DeOrio, Foltz, Hines, Lane, Magel, Repace, and 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: June 12, 2006
 Minutes of the Public Hearing: June 19, 2006
 Financial Statement – June, 2006

Mr. Snyder moved and Mr. Lane seconded to approve the June 12, 2006 Council Meeting Minutes, the June 19, 2006 Public Hearing Minutes and the June, 2006 Financial Statement as presented. All members present voting:

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

No: 0

Mr. Foltz: Request for approval, as presented, the following committee report minutes.

6. Committee Reports:

Executive Session (Personnel & Safety): Refer to the minutes on file in the Council Office of the Executive Session (Personnel & Safety Committee) meeting held June 16, 2006.

Community & Economic Development: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held June 19, 2006.

Finance & Property: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 19, 2006.

Ordinance, Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held June 19, 2006.

Personnel & Safety: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held June 19, 2006.

Street & Alley: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held June 19, 2006.

Water, Sewer & Rubbish: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held June 19, 2006.

Mr. Foltz: Is there a motion for approval?

Mr. Snyder moved and Mr. DeOrio seconded to accept the executive session and the committee report minutes, as presented. All members present voting:

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

No: 0

7. Recognition of Visitors.

Mr. Foltz: We have a little Power Point presentation to start off with. Please come up to the podium and state your name and address.

Held Monday, June 26, 2006 7:00 p.m. 20 06

Ken Schilstra: I'm Ken Schilstra. I live at 601 Linwood, and a resident of North Canton, needless to say. I'm here to talk about – well, an incident that we saw – or an issue that came up last week in the working session but later last week gave impetus to provide some other information in regards to this. And this has to do with the North Canton storms and our issues with Zimmer Ditch and its local flooding. The first thing I'd like to touch on – get an agreement on a baseline for facts. We agree that the U.S. Weather Service is an unbiased provider of information. That and the Akron-Canton Airport Weather Station is a reasonable approximation of rainfall in the area, especially since it's the headwaters of the Zimmer Ditch. Any disagreements? None, okay. I – so hearing none, the other issue is Continental Divide. And I've heard people make misstatements about this regarding all the rain that recently has fallen in Cleveland and so on and so forth. And the water that flows from approximately the south end of Akron flows north. Only water below that comes this way. This isn't water that we live with that comes from Cleveland. Okay, we have storm events. We know what they are. Recently we've seen several of them. The U.S. Weather Bureau – a sheet I handed out – they talk about their storm frequencies and two-year frequency, five, twenty-five and one hundred. Now, these are all statistical measures. You probably have heard terms used that are like 100-year flood. Well, they use the 100-year storm event. Now, 100-year storm event means there's a one percent chance of that storm happening in a year. You can have three 100-year storm events in three successive seasons – or even in one year. Okay. So, just because you think if you had a 100-year storm you're not gonna see one, that's not the case. This is just to show that. See, the Continental Divide actually runs right about up in here. So – and here's the Zimmer Ditch Basin down here. So, this all drains south. So, everything from here down ends up in the Gulf of Mexico. This is something you guys were talking about last week at the working session. This is McIntosh and what –

Mr. Repace: Elberta.
Mr. Schilstra: Salway.
Mr. Repace: Elberta.

Mr. Schilstra: Elberta. Okay. And, you know, that's a puddle. But there's a bigger elephant in the room, and this was on Thursday. That's Thursday evening about 6:30. House is kind of hard to get to.

Mr. Foltz: Where is that at?
Mrs. Magel: Where is it?

Mr. Schilstra: End of Salway.
Mr. Foltz: End of Salway north?

Mr. Schilstra: That one's just in Plain Township. It's just – the driveway where we're standing is actually – it exits North Canton at the end of the driveway. But, that's my backyard. As you can see, there's the Zimmer Ditch. There's a lot of water. The Mayor is aware of – the Mayor stopped out, took a look at this stuff. Ducks swimming around, so the water's – this is, again, looking – this is my neighbor two doors down. You can see how high the water – I have a neighbor's house that's here. This fills my next-door neighbor's yard in the back. This is at a – farther down the street, I think it's 1007 Linwood. This is 14 – the Gonzalez house. This is looking out their backyard. This is their backyard. This is standing on their deck looking down. You can see the water's right up it. This is in the garage. If the lights were a little bit lower in here, we could see this is flooded. They've got water in the house. Here's the retention pond we've decided to put in at Price Park. This is over the sunset. But that's a view of about 7 o'clock Thursday evening at Price Park. I've got lots of pictures of this. You know, everything's buried at the one end of Price Park. It's all under water. You can – this is a bad picture, but this – just to show, you know the answer – if the light, you can come up afterwards, I'll show it to you on here, you can see it. But there's a water line. This is my other neighbor in the back, and this is the Katrina event where the water was up that high. So, this is a repetitive problem. Just for your – for the record, the facts are: this year that Thursday rainfall was 2.31 inches. Far from being a significant storm. That was on the 21st. Katrina, 2005, which we're looking at here, was 3.29 inches. But it was spread over a larger area of time. This is all – this is a 2003 flood event at my neighbor's house. His air conditioner is surrounded. Remember, we mentioned that, David?

Mayor Held: Yes.

Mr. Schilstra: Yeah, when you were standing there. There's the picture – his air conditioner in his house is totally surrounded. Oh, there's my basement, 2003. That's floating. Okay. Now, this is a Zimmer Ditch drainage basin. Now, what prompted – to everyone's benefit, we have – the Army is or the County and so forth – we're build – they're building. Here's one of the detention ponds. Here's the other detention pond. And the estimate that the Army has, based on the miles that we're looking at, is it will reduce the water surface elevation at the Glenwood Bridge in the major storm event by six inches. It will reduce it, because, basically, at this point, there is no – you know, this is rural out here. There's nothing much out here except farmland. The Zimmer Ditch right there. I'm sorry. Yeah. And the Chantz Slusser coming through. And, see, the Zimmer starts right there. This is where it goes under Mayfair. This unnamed tributary comes in, and this is the Schumaker coming down this way, and then the Zimmer comes here. And McDowell comes in and so forth until it gets

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

down. And everybody says put in bigger bridges, put in bigger bridges. But right here – I think that where it goes under I-77, the models show that there's a seven foot difference between one side of 77 and the outlet side when you get floods. So, if you do something here, it doesn't do any good, because you can't get under I-77. And increasing the size of that box culvert is outrageously expensive. Because you have to build the bridge, and they cost millions of dollars. Just 100-year storm event, see, there's the red line. And you see here's that whole Glenwood, Lucille, Furbee neighborhood all the way up to Lindy Lane. These guys are all under water. Now, these guys may be under water. But these guys' sewers will be all backed up. And they'll have sewage all in their basements. This is the point precipitation frequency estimates used by Stark County Building and Planning. As we can see, the one – you know, this is how they determined what kind of detention needs to be done and the 24-hour period for the – which is what they – the new regulations require. 100-year storm; 24 hours; almost five inches of rain – 4.9 – I'm sorry. 5.7 inches of rain; almost six right there. So, that's what the requirements are that they retain water, as my understanding goes, and release it at the pre-development rate for that particular area. You can see and look at the other field and so and so forth. Also in here are the five, ten minute and so forth. This has to do with the flash bursts and so on and so forth. And 2003, which people many, many, many times erroneously refer to as a 100-year storm event, if we look at 3.98 inches, where does that come in? Oh, that comes in right – in 24 hours – that comes in right about there, you know – 25-year storm event. So, and then the other side of it is, well, but there was so much rain so fast. Well, the maximum rainfall in an hour, according to the U.S. Weather Bureau – again, same people we're agreeing on, is 1.89 inches. So, even if you look at that, that doesn't, you know, in an hour that doesn't bring you very far down the chart. So, we haven't seen the big storms yet. And we're having lots of floods. So, what's my point behind the whole thing? All right. Aultman Road Waterline came up last week. And what are we looking to do? This is Aultman Road right there. Uh huh. We're standing on it, and this is – what is it Heiserway, or whatever it is that comes down there? It's on that map that I handed out. And if we look, there's nothing here. Nothing been done. Drive a little farther up, it's still treed, bushed, you know, well absorptive – absorbs lots of water, prevents flooding. This sits right on the Schumaker Ditch. So, if we look here, here's Aultman Road. Here's where they want to do that development. Okay. It comes to, probably, to about here. All right. So, they want to build this. They're gonna turn this into all hard surface. You'll - we see that on your chart. Another issue. Right here. See this property all – the people who want to do this are the people who own Park Honda. It's their project. Personal, you know, obviously, personal development for him. And from here north is owned by DeHoff, who has submitted a request for a clearing and grading permit to level this property and remove all the – all the foliage. So, they're looking, obviously, to turn this into development in the not to distant future. Development – Schumaker Ditch – runoff. Okay. This is their development. This is the one that you were asked for an emergency run on for, you know, getting a waterline put in for those trees so that they could have something to drink before they get cut down. Things that caught my wife right off the bat when she saw this thing was interesting. See the Schumaker Ditch? Runs down this way. It goes left – right to left. Mostly, you know, water always goes downhill. It goes off that way. But the detention is at the high end of the property. Obviously, if it's gonna work, it has to have significant amounts of grading. And given this little piece of information that I have and this little map to work with and very little – I question. This is all hard surface. These are buildings and asphalt all around this thing. They actually got a variance to build closer to the Schumaker Ditch that is provided by the City of Green's Riparian Regulations. So, they've already stretched a little bit here. So, without having had any chance to really run detailed calculations using, oh, what SCS (Soil Conservation Service) runoff method is. Isn't that what you use, Jim?

Mr. Benekos: Sometimes.

Mr. Schilstra: Uh huh. And a - to look that this to see if indeed this detention – because what's deceiving here is this detention is fairly sloped, it's only deep in the middle. This isn't full depth. Okay. That's what worries me that we – that these people – oh, and this went to you, by the way. Let's see, that was on a Monday, going on emergency, Green Planning Commission had not approved it, this has not yet – has just – after Planning Commission approved it, which was like Wednesday, Thursday last week, then it goes out for engineering review to see if it meets the requirements. And no permits have been requested or applied for or granted; grading, building, any of those permits. No site prep stuff. So, this – and, according to what I was told in the Planning Department, these aren't all even going up at once. They're only gonna put them up onesey, twosey. So, but they'll probably pave it all. So, we, you know, the issue is, you know, are they gonna make the whole detention basin? Is it adequate for this? And is there adequate – using the storm frequency duration stuff, calculation, to see if they actually have enough piping to get it into the detention basin or if it's gonna shoot off into the – into the Schumaker Ditch. So, there's, there's significant questions I have on that – whether it's safe. So, this is Green's storm – from their website, their statute regarding storm water. And I have not had a chance to, like I said, run calculations, because we just found about this last week and I started digging. This is the part that worries me, twenty - two-year frequency storm event. We see two-year frequency storm events all the time. What happens when you get three inches of rain, four inches of rain? It is not impossible with the method they use. It could be, actually, more stringent than this by the nature. But we have to verify the numbers. I have not talked to the consulting engineering firm, because Green out – yet I have the name. Green outsources all their analysis work to an – to Floyd Brown in Akron. So, and

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

they would have just received it like Friday or today. So I'm not sure where they stand on it. What can we do? What I'm asking you to do is let's investigate to see if this is adequate. I'm not against building this thing. But let's do it so that we aren't hurting ourselves. The City should not be the facilitator of injury to its residents by providing them water, to do development and flood your local residents. We need to review their drainage. We need the time to take a look at it and determine if indeed what we – the City may want to do – is put in ordinance form to have a detention requirement for the sale of water for development that at least meets the detention requirements, which is 100-year storm detention for Stark County or Summit County, if that would be

the more – you know, if we're selling it in Summit County, like in this case, if that would be appropriate. Okay. That's all I have to say. Are there any questions?

Mr. Foltz: That's a very professional presentation you provided for Council and the Administration as well as the audience members. So, I appreciate you enlightening us all with the maps and just your concerns. I'm sure most Council members here were out Thursday night looking or getting phone calls on different drainage issues within their wards or throughout the City. So, we recognize that as being very important to our residents. And we try to curtail that any way we can. With that, I don't have any other comment other than I think we're selling the water. Maybe Engineering would want to comment or different people on Council. But they still have to meet certain criteria as you mentioned with storm water detention and I don't know how far we take that. You know, it's either we sell water to provide some payback to our water system, or someone else might sell the water and we lose that window of opportunity. So, with that said, I say that respectfully – I know you're living in a backyard where the Zimber Ditch is, but those are my comments off the cuff. So, I don't know if anybody else had anything to address.

Mrs. Magel: I would only like to say that was my committee. And Ken, I did the best I could. If I may schedule another meeting with you sometime. I took the best notes I could.

Mr. Schilstra: I...inaudible...

Mrs. Magel: But as I'm taking notes, sometimes I was looking up and then looking down and I...

Mr. Schilstra: I would be happy to arrange a discussion, because I trimmed this down to the 50,000 foot flyover. Cause I can give you a lot more detail, and this wasn't the place to bury everybody.

Mr. Foltz: Right, right. I appreciate that.

Mr. Lane: What are the consequences of not voting emergency and just voting a first reading?

Mr. Benekos: They just won't be able to proceed with the waterline. I don't have a problem with not proceeding on emergency. We, you know, can go through two readings and see what happens in two weeks. And, if you're not satisfied, we'll just take it until you get back.

Mr. Schilstra: Well, we can take a look. I mean that detention pond may be good enough. I'm not saying. I'm just saying, you know --

Mr. Foltz: Yea, I understand.

Mr. Schilstra: We need to, you know, take a look.

Mr. Foltz: You're just making a point to bring it to our attention. Is that fine with the Committee chair? Water?

Mrs. Magel: Yes, I need to, again, write this down. From what I understand, then –

Mr. Foltz: Thank you for your presentation.

Mr. Schilstra: Thank you.

Mrs. Magel: Yes. Oh by the way, that was very professional. We'll take it for two readings and see where it goes from there. So, that would be July 10th?

Mr. Wise: Yes.

Mrs. Magel: Okay. And then, Mr. President, that we will reflect that as we – and the Law Director – as we read the ordinance...

Mr. Foltz: Inaudible...

Mrs. Magel: we will reflect that change.

Mr. Foltz: Okay. Any other comments? Administration? Council? Anyone else like to address Council this evening? Please step up and state your name and address.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, June 26, 2006

7:00 p.m.

2006

Mrs. Colantuono: My name is Melissa Colantuono. This is my husband, Frank Colantuono. These are all our neighbors. We live on Sheraton Drive and Terrace, right? We have great concern. I don't know if you've seen the newspaper about our neighbor, Randy Yoder. And we've had problems with him probably since 2000 since I've been there. I'm sure it's more than that with them. But we need to know what we can do to get him institutionalized, because obviously if he doesn't take his medication, he becomes violent. I mean, if you've read, he assaulted an officer. He curses out his back window at my children, my husband and I – threatens us. Threatens their dogs. Took golf clubs to people's houses. I mean, I'm sure they all have their own stories. But we just need to know what can we do to, you know, make everyone aware that he needs to be put in a institution.

Mr. Foltz: Okay, I appreciate your concerns. And I might have heard it from a different person living on that street in the past about that situation. But I would just ask the administration to look at that or Police Chief Grimes to give us some guidance in that situation. I mean, I'm sure he's well aware of that incident and any others in the past.

Mrs. Colantuono: Right. Yeah, because Officer Hipp was the one who asked us to come.

Mr. Foltz: That's the branch of government that's going to handle that situation.

Mrs. Colantuono: I mean...

Mr. Foltz: So, they need to be abreast of what our options are in that situation.

Mr. Colantuono (identified by Clerk): If you look at his criminal records, he pleads insanity

Mrs. Colantuono: He has...

Mr. Colantuono: and he gets off like that.

Mrs. Colantuono: Every single time.

Mr. Colantuono: He knows that's his key thing to do.

Mrs. Colantuono: We have a list of everything ...

Mr. Colantuono: And they let him go.

Mrs. Colantuono: he's been to court with – I mean felonies and, you know, assaults and drug possession. I mean –

Mr. Colantuono: He's got a warrant out for his arrest.

Mrs. Colantuono: Obviously, he needs help.

Mr. Foltz: Can I ask the Law Director to maybe look at that with the Chief to see what other possibilities we might have.

Unidentified Speaker: Mr. Earle Wise – he was out there. He was directing everything, so he knows exactly what's going on too.

Mrs. Colantuono: I mean, I'm sure –

Mrs. Counts: My name is Kris Counts, and I live directly next door to him. And my 13-1/2-year-old son – his bedroom is right next to his house...

Mr. Foltz: Sure...

Mrs. Counts: I was at work this day when it happened just last week. He calls me frantic, because he hears what he thought was a gunshot; saw sparks going by his window. I mean, nobody even thought to warn the neighbors right next door. And, now he's afraid to sleep in his own bedroom. And that's just not right.

Mrs. Colantuono: Just like my kids were afraid to go in their backyard, because this man is cursing – I mean --

Mrs. Counts: Inaudible... the S.W.A.T. (Special Weapons and Tactics) team has been there twice within the last what? Year and one-half, two years?

Mrs. Colantuono: And there's been...

Mrs. Counts: There's something wrong.

Mrs. Colantuono: Numerous amounts where he's, you know, running around the neighborhood, threatening people. He's obviously supposed to take medication. Doesn't do it when he's supposed to. They've tried having people live with him to keep him on his medication.

Mrs. Counts: And he kicks them out.

Held Monday, June 26, 2006 7:00 p.m. 20 06

Mrs. Colantuono: Kicked them out. They were threatened. He needs to be institutionalized so that they can watch him, because, you know, I'm sure, you know, for his benefit, too, that would be the best thing.

Mr. Foltz: No, I agree with all your statements. It's just a matter of how we could approach this situation.

Mrs. Counts: But does somebody have to get hurt before this happens? I mean...

Mrs. Colantuono: I mean, that's what we were told by the police officers that even if he murders somebody, he can claim insanity and get off.

Mr. Foltz: Well, there's a failing, then, within the judicial system itself. I don't see how judges can look at that pattern of behavior and continue to not –

Mrs. Colantuono: Like I said, the pattern is from the year 2000.

Mr. Foltz: -- look at some type of alternate sentencing or whatever the case could be to help address this in your neighborhood. So –

Mayor Held: And I'd also like to comment too. First off, I appreciate you all coming up here and expressing your concerns; because when you open up the paper and you see an incident like this going on in the City, that's not what we like to see –

Mrs. Counts: Right.

Mayor Held: -- particularly for you folks that live right close to the situation. And we want to make sure that we do everything we can to manage this situation. Now, of course, we've got to follow the process and make sure that we're doing everything legally. But your concerns are definitely well heard. And we'll be talking with the Police Chief, and we'll be meeting with the Law Director and our City Administrator. And we're going to make sure that we're going to address this in the best way that we can.

Mrs. Colantuono: Yea, because he's definitely a threat to society.
Mayor Held: Right.

Mrs. Colantuono: I mean, obviously, if he's going to assault a police officer...
Mayor Held: Right
Mrs. Colantuono: he can assault one of us without any problems.

Mrs. Counts: Because we were threatened with a baseball bat a year or two ago.

Mrs. Colantuono: Numerous – I mean, he's threatened my husband, you know, and my kids don't need to hear that. I mean, you know us.

Mayor Held: That's right. That's right.

Mrs. Colantuono: We don't need to - I moved out of New York. I come to North Canton. I thought, you know, nice community and –

Mr. Foltz: Sure. We all want – we all want that here, believe me. And I think maybe I'll ask our Law Director if you contact some of our representation – our criminal attorneys in Canton – to maybe see if they have any ideas also.

Mrs. Colantuono: Yeah, because he is right now – they haven't set a date, because we will be going to that also. But, you know, right now that it's still under –

Mr. Foltz: Yeah, I think that's important that you're involved to that point to show up at a hearing and voice your concerns no matter how scary that might seem. That where somebody that's gonna make a decision for you can really realize the input that you present and the impact of what's actually happened in your neighborhood, and you're not passing a piece of paper through. That they see the real concerns in the neighborhood. So, I appreciate that.

Unidentified Speaker (Later identified as Jennifer Warder): I think there's also a valid fear of retaliation as well – that if he does come back to the neighborhood, we'd all come forward and voice our concerns that this is a neighborhood of elderly and young families.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, June 26, 2006	7:00 p.m.	2006
<p>Mr. Foltz: Yes.</p> <p>Ms. Warder: You know, I have a five-year-old daughter.</p> <p>Mr. Foltz: Sure.</p> <p>Ms. Warder: And, you know, with him walking around the neighborhood, swinging a golf club, he's very volatile. But he had a visitor prior – a week prior to this who came to my home, telling me that he was not on his medication. There was a slow decline. He was brought here to court, because he did not mow his lawn. So, he was brought here and, you know, that was in court. So, I think it was seen that something was happened, but nothing was done. It was not prevented. And I don't know that that's my responsibility. You know, I think that we need your support.</p> <p>Mr. Foltz: Definitely. You'll have my support. Would you please state your name and address for the record.</p> <p>Mrs. Warder: I'm sorry. I'm Jennifer Warder. I live at 1305 Terrace Road. I'm a house away.</p> <p>Mr. Foltz: And anyone else here who would like to do so, just for the record, I'd appreciate that.</p> <p>Mr. Williams: Yes. I'm David Williams. I live at 1229 Terrace. And I was also threatened by him on Monday evening before he was – before the incident took place. And I was very fearful of it. I felt that maybe I should contact the Police Department at that time. I thought maybe it'd settle down over night and, you know, get a good night's sleep or something, maybe it'd come off. And, I mean, it just – it intensified. And that's when he was out running around with the golf club. And it's – you're afraid to be outside your house. I like to be outside of my house working the garden and working the yard things. And there's no way I'm gonna be around a person like that. It's hard telling what he'll do.</p> <p>Mrs. Colantuono: And it's not a one-time thing, because we have – like I said, we moved there in '99, and since 2000, there has been – you call the police station and they're like yeah, we know, it's Randy Yoder. You know, like they know him. You don't even have to say anything. You just have to say Terrace, and they know exactly who you're talking – and, you know, that's telling you something, you know. Something needs to be done.</p> <p>Mr. Foltz: Yes it does.</p> <p>Mrs. Colantuono: You know. I don't know if you wanted to –</p> <p>Mr. Love: My name is Mike Love of 1208 Terrace. And I just heard him yelling, you know. I didn't have contact with him, but I heard him yelling out his window. And I heard it before when it happened a couple years ago. And it was pretty bad the things he was screaming at the top of his lungs out the windows. The worst obscenities you could ever imagine. This guy's pretty bad.</p> <p>Mr. Foltz: I would just say if you – as soon as you see it, call, and we'll be as proactive as we can through our Police Department. That's not gonna solve the long-term issue, but we'll work those other avenues as best we can. Feel free to contact me after the meeting. I am your ward councilman. If you have anything you want to provide to the Clerk of Council that we can review, we'd be more than happy to do that for you also. I don't what else to say at this point other than –</p> <p>Mrs. Colantuono: I know. I just feel like, you know, we always call the Police Department ...</p> <p>Mr. Foltz: Right.</p> <p>Mrs. Colantuono: and they're always like, you know ...</p> <p>Mr. Foltz: Right. You're just looking for some ...</p> <p>Mrs. Colantuono: Same with the grass. You know, it's never mowed, and, you know –</p> <p>Mr. Foltz: Some solution to it. Not just a reaction to it.</p> <p>Mrs. Colantuono: Yeah.</p> <p>Mr. Foltz: I understand completely.</p> <p>Mrs. Colantuono: You know, I mean, this was over the edge, being they closed the road off and ...</p> <p>Mayor Held: Right.</p> <p>Mrs. Colantuono: S.W.A.T. was there.</p> <p>Mayor Held: Right.</p> <p>Mrs. Colantuono: I mean, they were there last year the same way. But, you know, we've about had enough now.</p> <p>Mayor Held: Right, right.</p> <p>Mr. Foltz: Yes. I agree. So thank you for bringing it to everyone's attention here on the record.</p> <p>Mr. Wise: Mr. President, if I may.</p> <p>Mr. Foltz: Sure.</p>			

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

Mr. Wise: With regard to the event that occurred last Wednesday, it's my understanding that there were some concerns on a couple days prior to that, and as Member Foltz indicated, don't hesitate to call. The one gentleman who may not know him as well and thought maybe it might calm down. I think based upon what happened, if there's any problem, please call.

Mrs. Colantuono: It's pretty sad, because we usually don't call often enough, because we're just – it's like our way of life, and it shouldn't be like that.

Mr. Wise: Right. Well, it shouldn't be that way.

Mrs. Colantuono: Exactly. You know...

Mr. Wise: Right. It shouldn't be that you're comfortable in putting up with that for a couple days. And please call. What I'll say next is with regard to – and he hasn't been charged with anything – at least not a felony – that would have to go through the Grand Jury. The police make charges. That has to then go through the Grand Jury. If he's charged with a felony, then it has to resolve through the –

Mr. Colantuono: But he has a felony arrest already.

Mrs. Colantuono: But he got off on insanity.

Mr. Colantuono: He got off on insanity.

Mrs. Colantuono: He's got numerous ones that, if you look on his records, he's gotten off on insanity.

Mr. Wise: I understand that. What I'm saying is, is the felony offense has to be handled through the Court of Common Pleas. The Court of Common Pleas, if he pleads insanity, can confine him to Heartland Behavioral – it used to be Massillon State Hospital. If it's a Felony 5, he can go to prison for one year. They can confine him for one year, and one year only. And that counts from last Wednesday. If he's still not – if they say he's still not acceptable to be released to the society, then he has to be probated through Probate Court, and Probate Court can then hold him for longer at Heartland. I'll tell you that that doesn't happen very often.

Mrs. Colantuono: No, it doesn't, because --

Mr. Wise: And if it does, he may be held there for an additional three months or something like that. There will be reviews. He'll be back on his medication. He'll be fine, and they'll let him go.

Mrs. Colantuono: That's what they do every single time.

Unidentified Speaker: Can't they take his house away from him?

Mrs. Colantuono: They do that every single time. He'll go to --

Mr. Wise: But, but that's up to the Court. I mean, I mean, correct me if I'm wrong. But I'm --

Mr. Colantuono: Because now we have a house on the block that looks like a drug addict house.

Mr. Wise: I'm sorry...

Mrs. Colantuono: It's all boarded up because, you know --

Mr. Colantuono: It's all boarded up because, you know, S.W.A.T. had to do what they had to do, and now it looks like a halfway house.

Mrs. Colantuono: We live in a drug area, you know. But, like, our concern is we know he's just gonna get right back out, and I don't know how far this is gonna have to go.

Mr. Love: What's he gonna do next time?

Mrs. Colantuono: Right. Like I said, I have three small children. I don't want him, you know, killing them, because right now, like the police officer said, at this time, he has not had possession of a gun. It does not mean he cannot get one, you know. What's gonna happen then? He can very easily – out his kitchen window – you know, my kids in the backyard, which he has threatened to do. How do we know he's not gonna do it? You know, do we all have to move and, you know, it's not right.

Mr. Foltz: Well, we appreciate your concerns in this matter. We're going to try to address them. I know Mr. Wise has some experience in this. Our Law Director wants to say something.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

Mr. McFarren: Administrator Wise was Prosecutor. I'm a defense attorney by background; okay. The single most effective thing you can do at this point in time, other than protecting yourself, which you should do at all times, is this gentleman is going to be sentenced somewhere along the line, you need to show up at that sentencing hearing. You need to make yourselves available to the victim witness people for statements. You need to make yourself available to prosecutors. Too often these kind of things are handled with the police officer's input. Police officers get paid to take aggravation. You don't. The impact on your neighborhood is dramatic. You need to convey that to the sentencing judge. Believe me, they understand that you're a voter. They will take that into account. When you're talking about law enforcement, we can cite people every day. We can arrest people every day, and we can throw them in jail every day. If some judge gives them a 15 in costs and turns them loose, and then we have what you're talking about here. I hear some problems with some of the things you're saying factually; but I can tell you, as Administrator Wise is saying, if this thing gets over in Common Pleas Court on a felony, his chances of pulling an "insanity" and just walking away from it aren't gonna happen. But, he will walk away, I don't care if he's got a disorderly conduct, if you let that sentencing judge know what's going on here, and if you're willing to stand up and say what you've said here tonight, then I think you'll see some results. But, you know, the old adage about the squeaky wheel, you've got to be the "squeaky" one, because the justice system is overloaded, and it's cases in, cases out. Don't let them just process this as another case; okay?

Mr. Foltz: Okay. Thank you for your advice.

Mrs. Magel: I would also suggest you call as often as possible and make a list so that when you do talk to the Prosecutor, like our Law Director said, it wasn't just one incident. It was this date at this time, and this date at this time, and here's what happened, and here's what happened. And know we are losing sleep. You know, build a log.

Mr. Foltz: And any other questions, feel free to call the Council Office and maybe talk to our Law Director for other guidance. I'm sure he'd be willing to do that.

Mrs. Colantuono: Okay.
Mr. Foltz: So, I thank you for your comments tonight.
Mrs. Colantuono: Thank you for listening.

Mr. Foltz: Hopefully, you can work out some kid of solution for the entire neighborhood.
Mrs. Colantuono: Okay, thank you.

Mr. Foltz: Thank you very much.

Mayor Held: Thank you for coming up.

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

Mr. Covey: Thank you. My name is Rod Covey. I live at Auburn – 33 Auburn Knolls, SE in Canton. I've had the pleasure of appearing once before you folks. I'm here for an update, please. And I'm kind of drained after hearing those first two presentations. They're both just so impressive, and I almost feel like our situation is petty. Although, I'm being a little facetious when I say that. We're pretty serious. Anyway, as you know, I represent an organization – informal organization – called NUPAK (Neighbors United to Preserve Auburn Knolls). And there are 128 persons who have signed a petition that say simply we don't care to have those four buildings with 34 new units bordering Auburn Knolls. And this, by the way, I'm the only here from Auburn Knolls tonight. Over the years, we've had as many as 30 and 40. But we have had, as I say, 128 who have signed a petition. And, incidentally, I think this is interesting, 68 of them are – live at Auburn Knolls; but 61 of them are neighbors; and 24 of those neighbors are distant – at least several blocks away. But even they have a concern for the – for their neighbors – no matter where we live, it's gonna affect the draining of North Canton, it's gonna affect traffic, etcetera, etcetera, etcetera. So, we're still concerned about this. And speaking of the water problem, Thursday night I went down and looked at the West Branch after that Thursday night rain. And that – I mentioned this last time, but this one's even bigger. That stream, normally, as you know, is about the width of that panel behind you, Mr. Chairman, roughly. It's a little bit more here and there and less, but Thursday night it was probably from the flag – between the two flags. And the velocity was at least five times that. And the buildings, on South Main, at least – Jim, I don't know the exact footage, but they're gonna be awfully, dangerously close to that. And I can imagine a bunch of people walking around and kids being attracted to that water, and I hate to even think about that. It's only one of ten complaints we have about the buildings, but that's just one of them. As far as remedies, what are we gonna do? We're not sure yet. But we think we're gonna hang our hats on two things: number one, we hope that the legislation enacted by this Council – what was it, Doug, two and a half years ago, roughly?

Mr. Lane: Which one?
Mr. Covey: The new zoning ordinance.
Mr. Lane: Yea, about two and one-half.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

Mr. Covey: Yea, about that. As you know, the last sections – I think it's 08 and 09 – somewhere in there – what it says, in effect, not in effect, it says if the Planning Commission, when all is said and done, and with all the expertise that Mr. Benekos and his staff, and this Council, and the Administration, and this whole City – if it happens that these buildings are going to go up, we're saying we hope that somehow we can work with you or you can work with us to enact that Section 08 and 09 of that Ordinance, which says no matter what, the buildings just don't fit. And this is the next – this coming Friday will be the start of the 32nd month of this whole activity going on. That's when this first came up – 32 months ago. And, probably the only reason I'm here tonight – the only one of the 83 people of the 128 in NUPAK is that they've been worn down. They literally have been worn down. But they are very worried. Some are literally kind of sick over this whole thing. It's affecting them. They're concerned about property values. And the developer's attorney two years ago standing here belittled one of our persons who said they are very concerned about property values. But I can ...inaudible... and I'll speak with fact that, as I mentioned, I think, last meeting, that 10 homes that were sold in the past few months have suffered a loss of an average of \$82,000.00; four of them over \$100,000.00. So, that's what's happening. Plus the fact that people who put their homes up for sale, it used to be they'd sell within weeks and months – never, never a year. A lot of them, now, are taking two years to sell. So, one remedy we hope is that, and the other remedy, of course, is a lawsuit; and we would definitely do that if the other one doesn't work. And, if I may hitchhike another important point to the Council - I'm going to switch hats, if I may. But you may or may not recall that last November our firm was asked by an Australian company to represent it and build a plant and sell that product here in northeast Ohio. And since our firm, Covey & Koons, is located in North Canton, we thought, gee, with the Hoover situation especially, and I spoke to Mr. Repace about this, wouldn't it be wonderful if we could take a little niche of that plant and build these – build these units. The unit, if you didn't know, is a steel box about so big with some plumbing in it and some hi-tech stuff. And what it does, it prevents semi trailers from being stolen. And those are being stolen in this country in the amount of the trucks and cargo valued something like \$30 billion dollars. It's just rampant. And that – that's been almost two years, and we haven't found the money yet to finance to pay the inventor in Australia. And he's lowered that substantially. So, for \$5 million dollars, somebody could start the company. It's probably my fault that we haven't been successful in getting that money together yet; but, frankly, I'm a little disappointed in the - whatever the sources are in northeast Ohio that haven't come forward. But, that's my problem, not yours, of course. But we hope that will happen, because just last week I heard that there is another company in this country that is interested in taking this project on. But it's long, long away from North Canton. So, we hope we can pull that off, and we ask for your help for that. Thank you for your time.

Mr. Foltz: Okay. Appreciate your comments.

Mr. Covey: Thank you for your time. Thank you.

Mr. Foltz: Thank you, sir. You're next.

Mr. Osborne: I won't be too tough on you. My name is Chuck Osborne, 307 Fairview Street, SE, North Canton, Ohio. I'd like to echo the concerns of, I think, Mr. Slacker –

Mr. Schilstra: Schilstra.

Mr. Osborne: Schilstra.

Mr. Schilstra: Whatever.

Mr. Osborne: On the storm water concerns. I know in numerous presentations over the last couple of years, and it's been repeated in the press, about Mr. DeHoff giving some acreage to build a detention basin. And it sounded like a very magnanimous gesture. I thought, isn't that great? Now we see that there are ulterior motives. To follow along with those comments, I think there's a miscalculation in the mindset of this Council and past councils that since we have increased the capacity of our water plant by about 4 million gallons a day, from 5.9 to about 9 or 9.9, we must rush out there and exhaust this capacity. I don't see that it value – it is a benefit to the taxpayers or to the city's of North Canton – to go out there and exhaust its capacity over the next three or four or five, ten years. I presume the notes on that are probably 20-year notes to pay off that twelve million dollars. And I dare say if you exhaust your capacity of this new – newly expanded capacity, I don't think you can get by with another ten or twelve million dollar expansion. You'll probably have to build a whole brand new plant. And you're probably talking thirty million dollars. So this mad rush to just reach out far beyond the boundaries of this City and say, oh wow, more revenue. I am thoroughly fed up with hearing that that's the only other source of revenue for this City. It is really – it doesn't make the City any money. The money just goes back into the Water Fund, and you just turn it over with building other water infrastructure. It doesn't really make the City any money. But to continue to sell this newly expanded capacity far beyond, say the 20-year ... expectations that this City has to pay on those notes, is very poor planning. And especially this is way outside the City's boundaries. As The City gains opportunities to expand its –contiguously its borders, if you've already promised all its excess capacity far beyond its borders, how are you going to provide water to these newly annexed areas that are contiguous to the City? So, I would caution you against exhausting our newly found four million gallon a day capacity far beyond the expected lifespan of what that capacity

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, June 26, 2006

7:00 p.m.

2006

should be giving us. And I think you all think of that. That Aqua Ohio Water Agreement was the worst thing this City ever did to promise to – and I haven't even actually sit down to read the contract yet. But it sounds like within by year ten – within ten years, we will have exhausted that four million dollar – four million gallon capacity just to sell into Aqua. And you're selling it ...inaudible... below your cost anyway. So anyway, I would keep that in mind. Thank you.

Mr. Foltz: Thank you. Comments from Council? I'll - just for the record. We know the outside rates, overall, subsidize our inside use, which does affect our constituents; and we're very happy that we can keep their rates as low as we possibly can. So, with that, we'll get right into old business.

Mr. Lane: I believe we have one more.
Mr. Repace: I think you have another speaker.
Mr. Foltz: Oh, another speaker? Please step up.

Mr. Lane: I also would like to back up, while we're waiting for this lady to come up, with Mr. Covey's remarks. And I have not figured out a way that Council can get involved in this yet, unless the Law Director has come up with one. I know we have a situation there, and we've had several discussions. And, pretty much, the Planning Commission is the end of the line on that. Now, again, that doesn't keep you from taking the Planning Commission to any degree of accord or whatever. But I don't think there's anything Council can do. But if that door would open up, trust me, I can lead the charge on that.

Mr. Covey: Sir, may I hitchhike on that point?
Mr. Foltz: We're going to have this person speak.
Mr. Covey: Okay ...inaudible...

Unidentified Speaker: They can go ahead. I'll wait.

Mr. Lane: Just hang on a second Rod. I should have said something when you're done. I apologize.
Mr. Covey: I understand.

Mr. Foltz: This isn't a debate. If you have a quick comment, that's fine. We're running long this evening. I'm not going to curtail public comment, but we do have an agenda to meet tonight. So, go ahead, sir.

Mr. Covey: I appreciate it. A few years ago *The Repository* and Dottie, in their articles at the *Beacon*, the Chairman and the Assistant Chairman and one other member of the Planning Commission – all three said – ...inaudible... quoted it in the newspapers – we all had copies of it – public record - they all said, in effect, to Mr. Zablo, the builder, these buildings just don't fit. It's ridiculous and some other words. Two years ago that was said. Now they're saying it's irrelevant. It's not a big deal. Right there's why maybe we can go back to that.

Mr. Foltz: Okay. Thank you, sir.
Mr. Covey: Thank you.
Mr. Foltz: Yes, Ma'am. Please address.

Ms. Mross: Mr. President, Council ...
Mr. Foltz: Your name and address please.

Ms. Mross: and people in the audience, my name is Carolyn Mross.
Mr. Foltz: Thank you.

Ms. Mross: I live at 301 Mississippi Street, SE, Apartment 1W. I have a question. I was stewing about it before I ran into Mr. Snyder on – the other day, and he saw what was going on. And I can preface it with saying that our Mayor, in his former position, was in my house and saw damage three years ago. We had our road dug up, sewers were replaced, waterlines were laid; am I right?
Mayor Held: That's correct.

Ms. Mross: Before it was paved over, the heavy equipment crushed it right in front of my house and it came into my house. Okay, they paved that over. I asked them to consider moving the drains down where the water is instead of it rushing pell mell wherever it wants to go. I was some dumb stupid old lady that they ignored. The drain for our driveway is on the wrong side. It should be on the other side. It was all dug up. It could have been moved. What's four feet? Whether you put eight feet here and two feet there or five and five, it doesn't make any difference. There's a hole in our street. There's been a saw horse or crossbuck or whatever the devil you call it with the light blinking for over a week. It's a sinkhole. There's a long piece that's been paved over and paved over and it'll need paved over again. And this short piece and another short piece. Oops, that's four

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

of them, I think. He said maybe five or six. Where's our money going? Didn't we pay for that project once? Wasn't it supposed to be done right? Why is it being done again – or have to be done again and dug up again and again? And the second question I have, it pertains to the place where I grew up. And I've been here and conscious of what's going on for over 60 years. I've been more than that, but I was at least aware of it by then. Bonnett hasn't been taken care of in 20 years. Now they've got it dug up, but they're gonna cover it over and do part of it this year, and then they're gonna do some more later on. Where's the sense? Is asphalt free? Did I miss something along the line?

Mr. Foltz: To address that Bonnett situation, if you had any other comments, I think we're doing the entire street on Bonnett.

Mr. Snyder: We are. It's a total rebuild.

Mr. Foltz: Are we not? Aren't we doing it, Member Snyder?

Ms. Mross: Are they finally doing everything?

Mr. Foltz: It's curb and gutter and replacing existing sidewalks, I believe.

Mr. Repace: Bonnett is being done, Ma'am.

Mr. Foltz: Yes.

Mr. Snyder: Yeah, it's a – the whole infrastructure is being done.

Mr. Repace: Finally.

Mr. Foltz: Now, your situation on Mississippi, which is in Ward 3, I don't – I wasn't aware of the sinkhole. I don't know if our Administrator's been out to see it or –

Mr. Lane: Well, we redid a piece of that street last year.

Ms. Mross: And there's been two other spots, too.

Mr. Lane: Yeah, we redid a piece of that street down towards Pershing last year.

Mr. Foltz: Okay.

Ms. Mross: Yeah. This is up farther. It's front of Mrs. Cheshire's house.

Mr. Snyder: But the thing on – the thing about Mississippi though, we did not do waterlines or storm waterlines.

Mr. Lane: We did water.

Mr. Snyder: We only paved Mississippi. We didn't put new storm lines in there.

Mr. Lane: We had waterlines...

Ms. Mross: They put some waterlines, right.

Mr. Snyder: No we didn't put a waterline in there.

Mr. Lane: Inaudible... water and sewer.

Mr. Benekos: I think we did the sewer line.

Mr. Snyder: Down – a little further down, but the normal infrastructure –

Mayor Held: No curb and gutter.

Mr. Snyder: And no waterline or no sewer line, I don't think.

Ms. Mross: No, it was the sewer line.

Mr. Benekos: No storm sewer, sanitary sewer.

Ms. Mross: Yeah, sanitary sewers – came into my apartment.

Mr. Foltz: Council members that were here, if I remember correctly, Member...

Mr. Snyder: McLaughlin.

Mr. Foltz: McLaughlin lobbied to just pave that road instead of waiting to have curb and gutter done at a later date.

Mr. Snyder: McLaughlin. Exactly. Pave that, exactly. You're 100% right.

Mr. Foltz: And that is the best of my recollection the way that happened for your street, ma'am.

Mr. Snyder: That's exactly right.

Ms. Mross: Because I came and asked.

Mr. Foltz: He said the residents wanted it paved now versus waiting for curb and gutter. So, that's the decision that – Council followed the ward councilman on that – on his input.

Mr. Repace: Regardless, if she's got a sinkhole there, shouldn't we send somebody out to take a look at it before something else happens?

Mr. Foltz: Absolutely, Member Repace.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 2006

Mayor Held: Is there a sinkhole out there?

Ms. Mross: I called and spoke to another landowner, Mrs. Cheshire. And she says that she cannot open her windows, because she's straight across from there. Eight o'clock – 8:11 this morning – I had to think which morning it was, but this morning I was awake by beeping of backups, and they were digging and shoving and pushing dirt, sand, gravel – God only knows what else and running up and down the street. Those big trucks aren't – our street wasn't made for that. And that's one of the things that's breaking it up.

Mrs. Magel: What was crushed? The street or the waterline?

Ms. Mross: The waterline.

Mrs. Magel: That's what I thought you said.

Ms. Mross: They sent Humbert came down with a camera and checked that. You were on Council then. I can pick out who was there and who wasn't there and what seat they weren't in. I mean, and that's sad. And, as I said, Mr. Held was in the house, too.

Mr. Foltz: Well, as Member Repace indicated, that is something that administration can look at; and if there's anything additional we have to do help with ...inaudible)... to our attention.

Ms. Mross: I am glad to hear that Bonnett's being done, because I guarantee that the cement in front of 236 is where I was born and where my daughter lives now, has never been replaced.

Mr. Lane: If we find a piece with your initials, could we give it to her?

Ms. Mross: And neither has it been replaced in front of the old Dubel estate either, because my knees have proof of it.

Mr. Foltz: Okay.

Ms. Mross: I used to skate there. Pardon me?

Mr. Lane: I said if we find a piece and we're taking it up with your initials on it from back then, we'll get it for you.

Ms. Mross: No, it hasn't had my initials on it.

Mr. Lane: Oh, okay.

Ms. Mross: I didn't get that privilege even. I mean, darn!

Mr. Lane: Okay. We can sneak over this stuff. I didn't say that.

Ms. Mross: Yeah, right.

Mr. Foltz: Okay. Any additional comments, ma'am?

Ms. Mross: No, thank you. It's just that I would like to know, though, or have you people checked in to why these aren't being done correctly, because why should there be breaking in three years when you hear, oh, this hasn't been replaced for 100 years. Well, no wonder it broke or some such other period of time – less than – or more than 36 months. That doesn't sound like wise expenditures of money or who are you – who are you giving contracts to? Are you checking their prior work? Or is it just because it's the cheapest.

Mr. Foltz: Okay, thank you.

Ms. Mross: Thank you.

Mr. Foltz: So, administration will look at that. Anyone else we haven't heard from yet this evening?

Unidentified Speaker: This evening – yeah, right.

Ms. Garcia: Kathy Garcia, 1036 Park. And I have two suggestions, since you're putting the administration to work. One is let's look at this water problem as a total and send somebody up to Green to discuss and try to get information. And let's talk to Mr. Crowder about digging up that east thing, okay? He, he dredged it. I'd still like to know how he got the nerve to dredge it and why North Canton paid him, which was in the newspaper...

Mayor Held: No.

Ms. Garcia: for the part that was in North Canton.

Mayor Held: We didn't pay him.

Held Monday, June 26, 2006 7:00 p.m. 20 06

Ms. Garcia: When I asked about who dredged that thing and channeled it, nobody knew anything. So, it's about time we got some brains around here and start finding out what is going on, right?

Mr. Foltz: Okay. Thank you.

Mr. Wise: Mr. President.

Ms. Mross (speaking from the audience): There was one more thing. You asked me, and I didn't have it. And that is, what are you going to do about the flooding of South Main Street? It's flooded twice, and it never has before. And, as I said, I have a history here. And it's because you didn't do something right.

Mr. Foltz: Okay. Thank you.

Mr. Wise: Mr. President, if I may, with regard to the Crowder situation, he was quoted in the paper saying that North Canton did pay him for part of the dredging.

Ms. Garcia: Yeah, that's what was said.

Mr. Wise: That is just simply not true. I spoke with him the very next day when I saw it in the paper, and he said, in fact, that we didn't pay him. I spoke with the Finance Director. We did not pay David Crowder to dredge anything there. After he did what he did, we had to hire Humbert to do some work on our property, but we did not – emphatically, I'll say we did not pay David Crowder for any of that dredging that he did, and he didn't do any dredging on our property. Just so that's clear.

Mrs. Garcia: (Not near microphone): Then you should have called *The Repository* and have them print a retraction.

Mr. Foltz: Okay. Thank you, Administrator Wise. With that, we'll go to old business.

OLD BUSINESS:

8. Mr. Foltz: Ordinance No. Do I have a motion to read by title only the second reading of Ordinance No. 85-06?

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

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

No: 0

Ordinance No. 85-06 – Second 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: Second reading of the parcel of land that sits on two borders between Canton and North Canton. The property owner wants to be in Canton where they can be serviced via Vernon Avenue for safety service purposes. And I would recommend and so move for adoption of the second reading of Ordinance No. 85-06.

Mr. Foltz: Is there a second?

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

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

No: 0

NEW BUSINESS:

9. Mr. Foltz: Next, do we have a motion under new business to read by title only the first reading of Ordinance No. 88-06?

Mr. Lane moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 88-06. All members present voting:

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

No: 0

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, June 26, 2006

7:00 p.m.

2006

Ordinance No. 88-06 – First Reading

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

Mr. Foltz: Chairman Lane.

Mr. Lane: This is pretty self explanatory. I move we approve the first reading.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 88-06. All members present voting:

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

No: 0

10. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 89-06?

Mr. DeOrio: So moved

Mr. Snyder: Mr. President, prior to a second, may I address the floor, sir, with a privileged question?

Mr. Foltz: Sure

Mr. Snyder: Thank you. Consequent to our public hearing last week and the committee meeting, I've discovered that it does not state anywhere ten acres. And this particular ordinance and the way it is designed, cannot be acted upon. Because it would require anyone with any size space, be it a half an acre or an acre, to forfeit five percent of their property with public open space. So unfortunately, this must be returned to planning and start the process again where it stipulates ten acres. I've researched and asked both the Law Director and the Clerk of Council to research. And somewhere along the line it was dropped, as the initial indication was ten acres. So we really would be opening a procedural nightmare to go ahead and enact even the first reading of this ordinance. Because in – the genesis of it is fine, except we have to specify the amount of acreage. And I apologize to my committee and to the Council. It was overlooked and it shouldn't of been and it was. And I beg you to bear with us and allow this to be returned to planning so it can be acted upon in the next – the July meeting.

Mr. DeOrio: I withdraw my motion.

Mr. Snyder: Thank you.

Mr. Foltz: So our Law Director concurs? Or is that the advice that you're giving.

Mr. McFarren: Unfortunately, Mr. Snyder is one-hundred percent right. The – I don't know what the intent was, but it's obvious that the ten acres makes sense. But intent and what you've got in black and white are two different things. And what you've got in black and white did not have the ten acres. When you put the ten acres in you have amended in substantial form the legislation after it's been through the process. So as ugly as it may be, it's basically like you just threw a new one in the hopper. Because you just threw a new one in the hopper. And Jon is exactly right, this thing is impossible – as it was here, it would be impossible to administer any subdivision.

Mr. Lane: We okay to meet their deadline for July? I mean obviously it has passed.

Mr. Benekos: The agenda has gone out. Inaudible...

Mr. Foltz: I feel they should make an exception in this rule though if there's any way possible. We're just adding two words basically.

Mr. Snyder: We can send a letter to the Chairman of the commission asking for him to waive that – a timeline. I believe – I think there's rules in his – in the Planning Commission that permit that.

Mr. Benekos: Well would this have to start the process whereby Planning Commission needs another public hearing? If it does, the best we could do is get it on the agenda to set a public hearing for the following month.

Mr. Snyder: Right, for August.

Held Monday, June 26, 2006 7:00 p.m. 20 06

Mr. Benekos: Yes. But there would be no way we could advertise ...inaudible...

Mr. Snyder: No, you wouldn't meet the deadline. But the thing is working through our – when we're off on vacation it could – it could meander down through there and when we come back we can address it immediately when we come back and move on and set our public hearing.

Mr. Foltz: Yea, I agree. If there is a way to streamline this as far as our Law Director advises us, I would be more than willing to do so.

Mr. Snyder: Well I think it...

Mr. Foltz: Get some type of communication to the Planning Commission.

Mr. Snyder: Yea, and we'll get a – if you'd be kind enough to sign a letter asking and by all members of the Council concur, that we'd like to move it along like that.

Mr. Foltz: Gail.

Mrs. Kalpac: What do we do with the legislation that was drafted, this one on the open space, 89-06?

Mr. McFarren: I can't hear you.

Mrs. Kalpac: What do we do with Ordinance No. 89-06? Do we table it or...

Mr. McFarren: Yea...

Mrs. Kalpac: or defeat it? Or...

Mr. McFarren: No, table it. It's like you just started – you just started all over again. You've started with a brand new baby.

Mrs. Kalpac: Okay, so then what...

Mr. DeOrio: Refer it back to committee.

Mr. McFarren: You've shot the baby around but you've got a new baby.

Mr. Snyder: Can we refer this piece of legislation back to committee rather than table it?

Mr. McFarren: No, you've got to the whole ...

Mr. Snyder: I'm talking about this ordinance, 89-06.

Mr. McFarren: Yea, this is what – this is what I assume you want to do now. Because the ten acre provision is in there twice that makes sense. And what was...

Mr. Snyder: Oh, I see.

Mr. McFarren: And what was in there before made no sense as you picked up on.

Mr. Snyder: Right, well then let's just - maybe just – Mr. President, may I ask to have this ordinance, 89-06, tabled.

Mrs. Magel: May I make a statement?

Mr. Foltz: Sure.

Mrs. Magel: This went down to planning with the ten acres in it. The wording in planning came down with ten – the wording was in it. I believe, I'll have to get out the minutes, but the minutes said we will accept this as written by Council. So they accepted it with the words "ten acres." Now how it got – the ten acres got taken out, somebody has to prove to me how before I accept this. It went down with ten acres, they agreed at the wording as is, it should of came back up with ten acres. Now, you know, just because there's a deletion in a word processor, I don't see how our – how this ordinance is going to down and be tabled for the summer. I mean we've been through this circle. I think this will be now the fifth public hearing – tenth if you put it fifth for planning, fifth for Council. Now when this happens I would like somebody to come up. If this is your decision, Mr. Law Director, you tell me when the ten acres came out. I want that investigated.

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, June 26, 2006

7:00 p.m.

2006

Mr. McFarren: Well, that may be a more appropriate use of our time. But, you know, when I start inserting two and three words into something at random, we're in trouble. All I can tell you is what I saw did not have the language in there and had the very obvious problem from administration. Where it went wrong in this process, I don't know. And whether it was a strictly – if it's a clerical error that's one thing, but if it was a knowing intelligent deletion, then we've changed the whole thing again.

Mrs. Magel: Well this is how this started out. This was deleted from our zoning book. I mean this is déjà vu.

Mr. Repace: Gail has a comment.

Mr. Foltz: Yes, Gail.

Mrs. Kalpac: When Paul redid it we sent over exactly what we advertised in the public hearing notice to planning and that's what they approved. So it didn't have ten acres in it, to the best of my knowledge. I mean I can go back through the file. But when he drafted it and then he redrafted it and it's had so many changes.

Mrs. Magel: As Council, when we discussed this originally, to send it down to planning, it had ten acres in it when it was in our package. Now what got sent down to planning, I don't know, but it's just like this. Right now it said ten acres. And when we said okay we'll take this down to planning for the fourth time, it did have ten acres in it. So I'm...

Mr. Foltz: And that's why I said ten. I remember speaking before the Planning Commission specifically mentioning ten acres. I could pull out the minutes on that at whatever meeting that was. I probably was a year or so ago. And I think that's the frustration here. We're trying to do something for everyone's benefit here in the City and our residents. And now to have another holdup is just very discouraging to us; so anyway to streamline that I'm willing to look at it. Obviously, I can live with it as it is, it doesn't matter what the acreage is really. If we have to get to that point I can vote yes for it. But I understand that we initially went out with ten acres. And if that's our Law Director's recommendation, I don't see voting for this and not having the language the way we need it. So as disappointed as I am on this, and Member Magel I think you understand where I'm coming from ...inaudible...

Mrs. Magel: I do. But the Law Director doesn't have the history and that's why I just...

Mr. Foltz: Yes, I understand that.

Mr. McFarren: We can run it backwards and see. If this turns out to be a clerical error, that we can live with. But like I said, if this was a – if this was somewhere this was an authorized deletion, then we have to start all over.

Mr. Foltz: Yea, I don't believe it was authorized.

Mrs. Magel: It's not like it didn't happen before.

Mr. McFarren: Yea.

Mr. Foltz: So why don't we table it tonight, get some answers for the next council meeting. And I guess there's a motion to table...

Mr. Snyder: Yes.

Mr. Foltz: Is there a second?

Mr. Lane: Second.

All members present voting:

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

No: Magel.

Mr. Foltz: Okay, next, ordinance – Can I have a motion to read by title only Ordinance No. 90-06?

11. Mr. DeOrio moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 90-06. All members present voting:
Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder.
No: 0

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON REGULAR

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

Ordinance No. 90-06 – 1st Reading

An ordinance authorizing the Aultman Road Water Main Extension, located in the City of Green, Summit County, Ohio in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said water main extension, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Now that it's read – probably before it was read we should of taken the emergency off. I agreed that the – I thought the Engineer had agreed that this did not have to have an emergency on it. I would see after the second reading what we'd do. But having...

Mr. Snyder: Just don't suspend the rules.

Mrs. Magel: That's what I was just going to say, having already been read, what we'll do is not suspend the rules and then we'll see later and maybe possibly even amend the ordinance to take the emergency off. Depending on how the number crunching goes.

Mr. Foltz: So with that, you just want a motion to adopt the first reading...

Mrs. Magel: Yes.

Mr. Foltz: of Ordinance No. 90-06?

Mrs. Magel: That's correct.

Mr. DeOrio: So motioned.

Mr. Foltz: Is there a second?

Mrs. Hines: Second.

All members present voting:

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

No: 0

Mr. Foltz: And I believe that affects the next ordinance as well, Ordinance No. 91-06. Before I make a motion to read, you don't want to proceed with an emergency at this time. Right?

Mrs. Magel: That is correct.

Mr. Foltz: Okay.

Mrs. Magel: But also, Mr. Law Director, the Ordinance 91-06, it says, the actual ordinance now, it says, "the City of North."

Mr. McFarren: Now we have a typo obviously.

Mrs. Magel: Does that mean we table it?

Mr. McFarren: No.

Mrs. Magel: I was being facetious.

Mr. McFarren: No, I – you know...

Mr. Foltz: With that correction on the record, may I have a motion to read by title only the first reading of Ordinance No. 91-06?

12. Mr. DeOrio moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 91-06. All members present voting:
Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio.
No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

Ordinance No. 91-06 – 1st 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 Well #9 project, at a cost not to exceed \$160,000, and declaring the same to be an emergency.

Mrs. Magel: As discussed earlier, this is the giving him the right to receive and advertise for bids, but not authorize to - for contract. And in your package I had highlighted a very small portion of that very large report. And I think it had the pertinent information in it and I also do believe it will give you a bigger story of - and tie some other things in of Well #8 and other issues that are current. If there's any questions, please contact me. And I also have the entire report if you would like to go over that. It's - I think any - before anybody votes on Well #9 I think you should read that and get a full understanding and an update and an explanation of what actually did happen in Well #8. As I think we all know it went up and down and back up again. And now we're here with #9. And as I said other current events will be explained to you in that report. With that in mind then I'd like to make a motion that we have first reading for 91-06.

Mr. Foltz: Is there a second?

Mr. Snyder: Second.

Mr. DeOrio: Before we vote, if I may comment as to - being that this is just a ordinance that we've revised just to advertise and receive bids, I question whether or not we need to have the dollar amount specified in the ordinance. Because if we do advertise and receive bids, whatever they are, eventually they'll have to come back here. And then we would authorize, if - depending on if this thing goes forward, based on what the bids were, we could advertise - or we could - the a - getting tongue-tied here - Mr. Benekos would have a recommendation as far as a bid and whatever that price was. Then we could authorize the legislation at that time to match what the bid is. So I would, you know, that's just - my recommendation is that, to the chairman of the committee, is to take out the reference to the, "at a cost not to exceed 160,000." Because I don't think it's relevant to the ordinance, which is just to advertise and receive bids.

Mrs. Magel: Actually, our Clerk of Council had brought this up to me. I left it out and then I thought perhaps it was my call to put it back in. And I probably should of perhaps spoke to the - my committee prior to that. But it was one of those calls and I called it. I would like then to ask the rest of Council. Let's have all your input. Should we have that or not or just let the line out, "this would be at a cost not to exceed 160,000?" If I may, Doug...

Mr. Lane: I can live with it either way. I don't - I can understand not wanting to put the exact dollar amount on there. But you also don't want somebody coming in at two or three hundred thousand dollars.

Mrs. Magel: I see it both ways also.

Mr. Lane: Yea.

Mr. DeOrio: But even if they did come in at two or three hundred thousand dollars, it has to come back here before we authorize it.

Mr. Lane: Sure.

Mr. DeOrio: The Board of Control can't act on it without authorization from Council.

Mrs. Magel: Jon...

Mr. Snyder: Well I don't have any problem.

Mrs. Magel: Opinion, take it out or in or what?

Mr. Snyder: Take it out. Just amend the ordinance and just take it out.

Mrs. Magel: Susie...

Mrs. Hines: Either way.

Mrs. Magel: Jim...

Mr. Repace: Take it out.

Held Monday, June 26, 2006 7:00 p.m. 20 06

Mrs. Magel: Mr. President...

Mr. Foltz: I think there's a consensus to take it out, so that's fine.

Mrs. Magel: So it's between take it out or either way.

Mr. Foltz: Alright.

Mrs. Magel: But alright, we'll take it out.

Mr. Foltz: Alright, because we have to motion to amend the ordinance.

Mr. DeOrio: I move to amend the ordinance to strike from Section 1 the last part of that paragraph, "at a cost not to exceed 160,000" to strike that from the ordinance.

Mr. Foltz: Is there a second?

Mr. Repace: Second.

Mr. Foltz: Gail, are we alright procedurally here? In your opinion.

Mrs. Kalpac: Yes.

Mr. Foltz: Law Director? Okay, let's call the roll.

All members present voting:

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

No: 0

Mr. Foltz: Now I believe we had a motion and a second to adopt the first reading, but we'll do so as amended. So we'll redo the motions. Do I have a motion to amend Ordinance...

Mrs. Magel: 91...

Mr. Foltz: 91-06?

Mrs. Kalpac: No to ...

Mr. DeOrio: To approve as amended.

Mr. Foltz: To adopt as amended.

Mr. DeOrio moved and Mr. Snyder seconded to **adopt the first reading, as amended**, of Ordinance No. 91-06. All members present voting:

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

No: 0

Mr. Foltz: Okay, next, do I have a motion to read by title only the first reading of Ordinance No. 92-06?

13. Mr. DeOrio moved and Mrs. Magel seconded to **reading by title only, first reading** of Ordinance No. 92-06. All members present voting:

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

No: 0

Ordinance No. 92-06 – 1st 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. Foltz: Chairperson Magel.

Mrs. Magel: I believe this is self explanatory. The Water Treatment Plant needs chemicals and this is just to authorize that they enter into a contract for said chemicals.

Mr. Foltz: Can I have a motion to adopt the first reading of Ordinance 92-06?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 92-06. All members present voting:

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

No: 0

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, June 26, 2006

7:00 p.m.

2006

Mr. Foltz: Next, do I have a motion to read by title only the first reading of Ordinance No. 93-06?

14.
- Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 93-06. All members present voting:
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace.
No: 0

Ordinance No. 93-06 – 1st 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.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This is the health insurance stuff that we're working on. And I know that through the contract negotiations with the various bargaining units that we're looking at lots of different options here. And so I'm sure that our – that the consultant that we have is running a lot of different scenarios with this. So I'm pretty sure they're on top of it. I don't see the need for there to have been – done this on an emergency. And there was a corrected agenda that went out to that effect. We're in pretty good shape here. We'll have a second reading before we break and then we'll pick up when we get back in at the end of August. This doesn't expire until December. So I think we're well – we're ahead of the game. And I would recommend it for adoption and so move for passage of Ordinance No. 93-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 93-06. All members present voting:
Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder.
No: 0

Mr. Foltz: Next, we have a motion to read by title only the first reading of Ordinance No. 94-06?

Mrs. Herr: Excuse me, Mr. Foltz.
Mr. Foltz: Yes.

Mrs. Herr: Can you – I just want to make a mention before the reading of Ordinance 94-06 that it's mentioned that the Fiscal Officer's Certificate is included in the packet. And just wanted to make mention that is – was signed by me prior to the reading of this ordinance.

Mr. Foltz: Okay, those comments are on the record. Do I have a motion on the floor?

Mr. DeOrio: You do, so moved.

Mr. Foltz: Is there a second?

Mrs. Magel: Second.

All members present voting:
Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio.
No: 0

Ordinance No. 94-06 – 1st Reading

An ordinance providing for the issuance and sale of \$1,350,000 notes, in anticipation of the issuance of bonds, for the purpose (i) of paying costs of improving City streets by reconstructing and rehabilitating certain streets identified in the City's Capital Improvement Plan and constructing curbs and gutters and related improvements, together with all necessary appurtenances thereto and (ii) paying costs of improving and expanding the City's sewerage system by constructing sanitary sewer lines, together with all necessary appurtenances thereto, and declaring an emergency.

Mr. Foltz: We're not declaring an emergency in...

Mrs. Herr: No, this has to be passed on an emergency.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

Mr. DeOrio: Yea, it's in the title, I think.

Mr. Foltz: Oh, I'm sorry. I stand corrected. Chairman DeOrio.

Mr. DeOrio: As we discussed last week, this is a fairly aggressive pay down of some outstanding notes that were split between street construction and water, sewer improvement notes, and represents a pay down of around \$600,000 thereabouts. And would recommend that we pass this on an emergency basis so that these notes can get issued and everything can get in place.

Mrs. Magel: Does it matter that the – the way it's read on Item No. 15, it's missing a 0.

Mr. DeOrio: What does the ordinance show?

Mrs. Herr: That's just the ...

Mrs. Magel: Yea, the ordinance shows 3...

Mrs. Herr: That's just the agenda...

Mr. DeOrio: The ordinance is correct.

Mrs. Herr: not the ordinance.

Mr. DeOrio: Yea, that's just a typo on the agenda. I would move.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading of** Ordinance No. 94-06. 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. 94-06?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 94-06. 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 Ordinance No. 94-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 94-06. All members present voting:

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

No: 0

REPORTS:

Mr. Foltz: Reports – Law Director?

Mr. McFarren: Nothing.

Mr. Foltz: Finance Director?

Mrs. Herr: No report.

Mr. Lane: Now coming to the microphone our Director of Administration.

Mr. Wise: He's absent. I believe it was this morning, Kim?

Mr. Cooksey (Superintendent of Recreation and Rentals): It was yesterday morning.

Mr. Wise: Yesterday morning up at the pool we discovered that there was a problem with the boiler which heats the pool water. On Wednesday there is going to be somebody come and take it apart and take a look at it. And we hope that there's a pretty easy and somewhat inexpensive fix to get us through the rest of the season. We won't know that until Wednesday. But at least until Wednesday there will be no and probably longer than that, there won't be any heat at the pool for the pool water. So I just wanted to make Council aware of that.

Mr. Foltz: Inaudible... Mayor?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

Mayor Held: Yes, we had a dedication ceremony and I'd like to thank Kim Cooksey for putting that together. That was for the Price Park pavilion. We had the Fitzpatrick Family, actually their whole family, Mr. Fitzpatrick, his son and daughter and grandchildren. And it really went very well. They were very appreciative that we were – that we recognized Olive Fitzpatrick. And anybody has not had an opportunity to visit the Price Park pavilion it's a beautiful place – brand new picnic tables. And as I understand, Mr. Fitzpatrick also offered to pave the walkway that goes up to the pavilion. So again, thanks to Kim Cooksey – did a fantastic job. And it's a beautiful place. It really adds to the most popular park in the City. And you should take an opportunity to visit the place. Thanks.

Mr. Foltz: Thank you, Mayor. Yea, just to piggyback on his comments, Council is going to send a letter to the Fitzpatrick Family. We were not able to attend that ceremony. But we are very appreciative and thankful for the generous donation they made to the City. I believe there's 18 tables there, 2 grills, concrete, electric, it's a state of the art shelter. Beautiful beamed shelters you've seen - metal roof. And it's something we're proud of here in North Canton as first rate facility. So to echo your statements, thanks to Kim Cooksey also and his staff and the Fitzpatrick Family, what a wonderful, generous gift they've given to our residents. So, thank you Mayor. City Engineer Benekos?

Mr. Benekos: No report.

Mr. Foltz: And you took a good time to take vacation last week.

Mr. Benekos: It usually happens when I'm on vacation.

Mr. Foltz: Inaudible...serious rainfall we had to have the administrator walk around in boots and the Mayor and everybody else. You'll pay for it this week I'm sure. Okay, Council Clerk Gail.

Mrs. Kalpac: No report.

Mr. Foltz: Member Lane.

Mr. Lane: I just want to thank the administration for following up on my handful of complaints that I had following that storm. I do appreciate the follow through on it. Let's see if we can't get some permanent solutions on some of those. I did notice, Jim, the Board of Control meeting that the notes kept referring to a list of streets. Can you get those for us? Or is that still kind of a work in progress? Cause I know we're going to start getting a few calls here and there about are we going to pave my street or not. So...

Mr. Benekos: I can get you that list. I don't have it on the top of my head, but I'll...

Mr. Lane: No, that's fine. Yea, just maybe put it in our packet for next week. That's all.

Mr. Benekos: Sure.

Mr. Lane: Cause this is about the time – right around July people start checking in. Which is my last point, when they do start checking in about South Main how are we set?

Mr. Benekos: We're doing well. We were hoping to put asphalt on it this week. However, that will be dependant on the weather.

Mr. Lane: So we tentatively are still looking for right around the 4th?

Mr. Benekos: Well next week we're looking to open it up, but that is weather dependant.

Mr. Lane: Okay, keep your fingers crossed. Thank you.

Mr. Foltz: When you say open it up; is it going to be four lanes or two lanes?

Mr. Benekos: It's opening up at two lanes to start with.

Mr. Foltz: Two lanes north and south?

Mr. Benekos: Correct, one lane.

Mr. Lane: What is going to happen to – at that intersection at Everhard, are you going to permit left hand turns once we get it opened up to two lanes or is that going to back traffic up? Or are you going to wait and see?

Mr. Benekos: I believe it's just going to be through traffic. We're not going to permit left turn.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006 7:00 p.m. 20 06

Mr. Lane: So people will still go up to Bonnett – or not Bonnett, but Maplecrest and come around if they have to?

Mr. Benekos: Probably, but we'll look at that.

Mr. Lane: Okay, thank you.

REPORTS – COUNCIL:

Mr. Foltz: Alright, Member Snyder.

Mr. Snyder: I'd just like to know, is this 1316 Lipton - is that just a request for an address? They're surely not going to issue a permit to build another house on that piece of property, when that guy is bankrupt and has not fixed the original piece of property.

Mr. Benekos: I'm not certain what he plans to do with it. The request came for an address.

Mr. Snyder: Was the lot split properly? Was it surveyed and split properly?

Mr. Benekos: I'll have to check on that for you.

Mr. Snyder: My God, that guy hasn't – he built a four – it looked like a – like it had wheels on it. And now they're going to permit another one. And that's ridiculous. There ought to be some – if they issue a permit they'd be taken to task for such a flagrant slap in the face of those residents.

Mr. Repace: You'll have every resident from Lipton up here.

Mr. Snyder: Well I know he hasn't finished the first one.

Mr. Repace: No. No, and weren't we told that he has to finish the first one before any ...

Mr. Snyder: Well, that's what I would of thought.

Mr. Repace: Anything was issued for him to continue on to build another?

Mr. Snyder: Because that's 1315 or something, that other one. Can...

Mr. Repace: That'd be a travesty. That'd be an insult to the residents in that community or that street.

Mr. Snyder: Yea, I mean if there's anything that we can do to ask that that be held up till that property is brought into compliance with the present building code. Because it's – it doesn't meet the present building code as to even, you know, the lawn or anything else. And if, you know, I don't know what we can do about that, but we ought to do something about that.

Mr. Foltz: No, I agree ...

Mr. Snyder: Yea.

Mr. Benekos: We'll check into that.

Mr. Snyder: I appreciate that. Thank you very much.

Mr. Foltz: Alright.

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

Mr. Foltz: Member DeOrio.

Mr. DeOrio: Just to update you on the status of preserving Council's records. As you recall on June the 5th, at a Council of the Whole meeting, we agreed to proceed with the first 20 books. On June the 9th I sent a letter to Scott King, who is the owner of H. Noyds, advising him to begin the process. On the 12th of June the President of Council Foltz signed the purchase order, on June 13th the purchase order was issued. On the 23rd Scott King picked up the first 5 volumes, January of 06 through July, 1931. He anticipates having these first five volumes done by June 29th. And there's a possibility that he might be able to get more than five volumes on tape, maybe six. And that, you know, would shrink our costs. So the project is moving forward.

Mr. Snyder: That's pretty aggressive.

Mr. Foltz: Any other comments?

Mr. DeOrio: No.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 26, 2006

7:00 p.m.

20 06

Mr. Foltz: Alright. Thank you. Member Hines.

Mrs. Hines: There have been 42 applications for the Assistant Clerk of Council and two from a former – who had formerly applied. Gail and I interviewed 5 of them today. We have 2 more on Wednesday. So we're just proceeding.

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

Mr. Repace: During the storm last Thursday, as everyone, I'm sure, got calls. I got plenty of calls from people. I did go out to Ken's house to look at his problem. And he definitely has a flooding problem back there. As I do in my own backyard. And I'm sure you're aware of that. But there were several others. I never realized in this City there were so many flooding problems. We talked a week ago about Macintosh and Elberta. And I know the picture that was shown really doesn't depict what really happens during a flood or a hard rain on Macintosh and Elberta. It's been a lot worse than that. It gets a lot worse than that. But last meeting we wanted to check to see if we were allowed to tie in to Plain Township's storm sewer line. I talked with the Trustees and yes, we are permitted to do that. But there's a process you have to go through of course. They told me how to do that process. And if we're interested, we are permitted to do that. Plain Township seems to want to work very well with us. So...

Mr. DeOrio: That's good news.

Mr. Repace: So, okay, that's one thing. Mr. Covey, he's been here before. There's been some of the residents here before. It would be a real travesty if those buildings were built. I don't know what can be done. But as we stated at a previous council meeting, what those folks need to do is follow every legal recourse that's been made available to them. And something has to be done somewhere along line to help those people. The third thing that I have, is there someone from the City that's been walking through the Bob-O-Link area knocking on doors talking about – I'm not sure exactly what they're talking about, annexation or something on those lines, tying a road into Applegrove or something. Is there someone that's from the City doing that? Any Council members know? Does the Administration know anything at all about it?

Mr. Wise: Nothing that I'm aware of. Talking to residents along ...

Mr. Repace: Knocking on doors...

Mr. Wise: Radford.

Mr. Foltz: Along Applegrove?

Mr. Repace: No, in the Bob-O-Link area. Do you recall the name of that street?

Mr. DeOrio: Stark or Carmen.

Mr. Lane: Starcliff?

Mr. DeOrio: Starcliff and Carmen.

Mr. Repace: Carmen and Mohler.

Mr. DeOrio: Mohler.

Mr. Repace: Star – Starcliff...

Mr. DeOrio: Starcliff.

Mr. Repace: Carmen and Mohler.

Mr. Snyder: That Starcliff, that's the main one that runs through the ...inaudible...

Mr. Lane: That's the one that comes out at the light there.

Mr. Snyder: Yea. Is that intern from Eric's office doing – he came to see me for some research.

Mr. Wise: Right.

Mr. Snyder: Is he doing some residential research also?

Mr. Wise: Not outside the City that I'm aware of.

Mr. DeOrio: I asked that of Eric today and no, they're not doing anything up there.

Mr. Repace: Okay, we'll find out who it is. If somebody is doing it we'll find out.

Mrs. Magel: What are they saying?

Held Monday, June 26, 2006 7:00 p.m. 20 06

Mr. Repace: I don't know what they're saying. They're going to the residents – they're knocking on the resident's door. I'm not sure exactly what they're asking them, but something about Carmen running it through to Applegrove. Is that correct?

Mr. DeOrio: That was my recollection. Carmen, I think, runs off of Starcliff and ...inaudible...

Mr. Snyder: Yea, it runs parallel to Applegrove.

Mr. DeOrio: Yea.

Mr. Foltz: Anything else Member Repace?

Mr. Repace, No, that's it.

Mr. Foltz: That's it? Alright, thank you. Member Magel.

Mrs. Magel: No, I would just like to discuss – I'm glad that Jim cooperated with me with taking that emergency off. This is why, I guess, for the past six months I've been asking – and I would hope that the Administration cooperate, when the emergencies are asked, and they generally are asked on my committee, as I had mentioned, the residents don't have the opportunity to approach us with their concerns. And I obviously – I distinctly remember saying last week oh, we'll have an emergency because I don't see where anyone would have a problem. And I misspoke. And someone had a problem. But and – and I'm glad we corrected it, but the less emergencies the better. Thank you.

Mr. Foltz: Thank you Member Magel. Just for the record, the Administration did ask for an emergency and we were trying to, you know, accommodate that request. So it's nice to see us all work together towards the issues. But when our constituents come up and have real concerns. So appreciate that. I don't have any other comment other than to thank the Administration for getting out in my ward and looking at a few flooding issues. I had positive results, I guess, from 9th Street, Engineer Benekos. But we still have some situations there on Woodrow that E.J. was out bright and early Friday and I was out Thursday night. And that's what we do as Council body and Administration, we go out and look at the situations and try to come up with some type of solution. So you know that's what we're here for, for our residents. So I just wanted to say thanks. And hopefully we can find some type of solution somewhere to help out our constituents.

FINAL CALL FOR NEW BUSINESS:

Mr. Foltz: With that you have a final call for new business ...inaudible... Member Magel?

Mrs. Magel: No, there's just one thing. I know I'm Ward 2, but I had an eye opening with your constituents that came up. And I know you said maybe they would help. You'd talk to them later. Whatever I can do...

Mr. Foltz: I appreciate that.

Mrs. Magel: I would support that – whatever I can do for that.

Mr. Foltz: Well I also appreciate the legal background that some of the administration and our Law Director has. I think that speaks volumes to help with our residents and their concerns there. So thank you. Final call for new business from Council. If not, do I have a motion to adjourn?

ADJOURN:

Mr. DeOrio moved and Mr. Snyder seconded to adjourn the Council meeting. All members present voting:

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

No: 0

The meeting adjourned at 8:41 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

7/19/06-gmk