

## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, June 25

7:00 p.m.

20

07

## CALL TO ORDER

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

## ROLL CALL:

4. The following members of Council responded to roll call: DeOrio, Foltz, Hines, Lane, Magel, Repace, and Snyder. Also present were: Director of Administration Wise, Director of Law McFarren, Director of Finance Herr, City Engineer Benekos, Director of Economic Development Bowles, Clerk of Council Kalpac. Mayor Held was not present for the meeting.
5. Consideration

Special Council Meeting: June 4, 2007  
 Council Meeting: June 11, 2007  
 Special Council Meeting: June 18, 2007  
 Financial Statement: May, 2007

Mr. Foltz: I ask Council to approve the following Council Meeting minutes. The special Council Meeting of June 4, 2007; Council Meeting minutes of June 11, 2007; and special Council Meeting minutes of June 18, 2007; and Financial Statement from May, 2007.

Mr. DeOrio moved and Mrs. Magel seconded to **approve as presented minutes of the council meetings and financial statement.** All members present voting.

Mrs. Kalpac: Foltz.

Mr. Foltz: Yes.

Mrs. Kalpac: Hines.

Mrs. Hines: I abstain on June 4<sup>th</sup> and June 11<sup>th</sup> minutes, accept the others.

Mrs. Kalpac: Lane.

Mr. Lane: Yes.

Mrs. Kalpac: Magel.

Mrs. Magel: Yes.

Mrs. Kalpac: Repace.

Mr. Repace: Yes.

Mrs. Kalpac: Snyder.

Mr. Snyder: Yes.

Mrs. Kalpac: DeOrio.

Mr. DeOrio: Yes.

6. Committee Minutes

**Executive Session:** Refer to the minutes on file in the Council Office of the Executive Session meetings held June 4, 2007.

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 18, 2007.

**Ordinance, Rules & Claims Committee:** Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims meeting held June 18, 2007.

**Water, Sewer & Rubbish Committee:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish meetings held June 18, 2007.

Mr. Foltz: Next, request approval as presented the following committee report minutes of Executive Session Finance & Property, June 4, 2007; Finance & Property, June 18, 2007; Ordinance, Rules & Claims, June 18, 2007; Water, Sewer & Rubbish, June 18, 2007.

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

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

No: 0

Abstain: Hines.

#### 7. Recognition of Visitors

Mr. Foltz: Next is recognition of visitors. Anyone would like to come up and address Council, also the Administration please forward and state your name and address.

Mr. Stathakaros: My name's Bill Stathakaros and I live at 1575 Yorkshire Trace S.E. in Monticello. I've lived there for 5 years, bought a home there in September of '02. It was a Parade house and there was one of the homes in the Parade was never finished because the builder went, I don't know, he went bankrupt. The house has been through numerous foreclosures. The house has never been completed. It's been there for 5 years. There's animals that live in the basement. I can't see how they would ever finish the house. I've called several times to different, you know, departments in North Canton. The gentleman I'm with, Bill Stamaton, he lives next door to the house. We've been told, you know, I basically had asked for them to demolish the house, and I've been told that they can't demolish the house because it's been in foreclosures, and that's not true, because I was told in Canton City by several officers down there that no matter if the house is in foreclosure, or if it's - whatever state it's in, if it's a health hazard, it can be demolished. So, I mean, I made pictures of the house. A gentleman told me here tonight that somebody went to it and said that there was no animals living in it, which is not true. There are animals living in it. Mr. Stamaton has two small children, if one of those animals bites one of those kids; I don't think anybody here at Council would be the one that'd want to tell him where they'd have to go get rabies shots. So I'm here willing to even help pay for them to knock it down, so it won't cost North Canton nothing. You know, we're losing this tax base over here, all our houses, the - the - the property tax that we pay are anywhere from 4 to \$5500 a year or more. Up to 7-\$8,000 a year. You know, I went to go get a business loan, had to put my house up, I got 3 appraisals. Every time the under rater - underwriter wanted to lower the appraisal on my house because of that house. So, you know, I'm not the kind of guy that wants to you know, come here and you know, give you a sob story but I've had enough. So either Council's going to do something or we're going to have to try to figure a different way to you know, with - I don't know, through the media or whoever we got to do it, but this house has been there for 5 years. So...

Mr. Foltz: Sir, if you could pass that along.

Mr. Stathakaros: I made a picture of this so you guys can all look at it and thank God, I'm only four doors down but Mr. Stamaton has to open up his garage door every day...

Mr. Lane: Inaudible...

Mr. Stathakaros: and look at that house. And the other thing is the house should've never been approved to be built the way it was, because the plot on it, they've got it built like in the oddest spot on the lot. It ruined the house next to them. Scott McCue had tried to sell that house for 5 years. He had it priced at 540, ended up selling it for 400,000 bucks. Now, I don't know about you guys but our houses are our biggest investments. You know, and since my house is gone down in value, I got a half a million dollar house that's not worth a half a million dollars anymore because of this. Maybe everybody in our neighborhood should call up Gary Ziegler and have him reappraise our houses so, you know, everybody can lose more tax base, I mean, you know. Something has to be done about this, so.

Mr. Foltz: Sir, I - I drove about - by this - before the meeting and it's a shame it's - as - as we all know you live in a gorgeous neighborhood, and we're very proud to have Monticello as part of the city and as you mentioned...

Mrs. Magel: Thank you.

Mr. Foltz: there's 4 or 500, \$600,000 houses in that allotment and...

Mr. Stathakaros: I couldn't get an appraise, I couldn't get...

Mr. Foltz: It's - It's a shame when you - when you see it, I mean it's - obviously it's mostly finished from the outside, the landscaping needs taken care of, I think the garage doors are boarded up and the front side panels on the main door are, just a quick - I didn't get out and walk around...

Mr. Stathakaros: Right.

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Mr. Foltz: and do a perimeter inspection, but I'll defer to...

Mr. Stathakaros: The pictures don't do it justice.

Mr. Foltz: Okay.

Mr. Stathakaros: I mean, it looks great in that, you know.

Mr. Foltz: Yeah, I mean, the roof's on, it's brick I mean, it's the aesthetics of what you want in Monticello, I mean, I don't know about the – the set back situation you're talking about but I'll defer to the ward councilman at this time. I know you've been involved out there and maybe our Law Director, see what other kind of relief we could provide for the neighbors at this point, so.

Mr. Lane: I appreciate that.

Mr. Stathakaros: Yeah, and like I said, I'll even help pay to, you know, if – if the cost is a problem, you know, you guys, I mean....

Mr. Foltz: I appreciate you....

Mr. Stathakaros: we'll pay to knock it down.

Mr. Foltz: Sir, you can, you might want to come up later, go on the record too, that's fine.

Unidentified (from audience): I – I'm just more worried about where do we go from here.

Mr. Foltz: Come up – come up to the microphone and go on record.

Mr. Stathakaros (from audience): You know what? I'm going to leave this with you guys.

Mr. Stamaton: I'm Bill Stamaton S-T-A-M-A-T-O-N; I live next door to the house. You know, we've looked at it for 5 years I – you know, I personally know there's animals running in and out of there 'cause we – we – my kids name them and we – we see them every day. And I – I've been in the house, I know there's pockets of dark places that look like mold, I mean, I just think it's – it's disgusting at this point and - and that, you know, 5 years, and it's going to go through another hot summer, so whatever is in there now is going to grow by the end of the summer. How long does it have to be before we can do something? I mean, where's the – who do we go to or what do I do as a – as a – as a neighbor? What – what's the cut off point where we finally say hey, we can do this? That's – I guess that's all I'm looking for.

Mr. Foltz: Alright, we'll - we'll try to answer those questions. Member Lane, you want to....

Mr. Lane: Yeah, I'm not going to go through the whole history of it, 'cause believe it or not...

Mr. Foltz: Sure.

Mr. Lane: I've got about four things that I've got a file about this thick...

Mr. Foltz: Okay.

Mr. Lane: on and this is one of them I inherited when I took office in December of '03. And we thought we had a glimmer of hope when – when the lady bought it from the original construction company and even at that time though, Mr. Caticchio from the Monticello Association and I – I've got the documents somewhere – had - had a sit down with then Law Director Pusateri and said the math doesn't work on this. It's not going to happen. But, because of laws and everything else, they had to let her try. Obviously, she got to a certain point and just gave up and as of April the 8<sup>th</sup>, I believe it is, that it went into foreclosure, there's every bank in the United States has got a lien on her for...this property and many, many others. I talked to Mr. - I mean just the most recently, I talked to Mr. Stamaton back in March, we looked into some things, had zoning look at it again and when I talked with Gene's office in May, after talking with Mr. Stathakaros, they said that they had turned it over to the Law Department to look into this and Randy I know visited the property and as I – I relayed that information to Mr. Stathakaros that he didn't find any animals in the basement but that there was some water damage and some other things, so, I think I'll defer to – to Randy to at least bring people up to date maybe on what some of the action is we can do, if there is anything. I'm not a lawyer but I've been told foreclosure kind of freezes the clock on things, but I might be wrong on that.

Mr. McFarren: Well, the first thing is, this house – this house is in foreclosure. When we looked at it earlier this year, there were very good indications from the court records that the property owner was in trouble. Since – since that time, the house is now in foreclosure, that's the bad news. The good news is at least in a foreclosure eventually, this thing will be resolved, it'll end up with a new owner, it'll be sold probably at sheriff's sale and somebody will

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most likely complete that house and this headache will end for you. I've been in the house, I've been – I didn't go down in the basement to see – to see who was living there. But I was – I was in the house, went around and looked at everything. There is actually some finish coat paint started in there. The house is in – is in the final stages of finish, it's waiting cabinets, baseboards, final paint, trim selections, floor coverings, things of this nature. Now I will grant you, that the house shows some very obvious signs of water damage. I'm not a contractor, I'm not a builder, I'm not an engineer. I know what I saw, and the house is in final trim stages. You pour some concrete for a driveway, you put some doors on that house, you fix the sidelights where it's been knocked out and plant a front yard, and it's going to look like most of the other houses in the neighborhood. So it's close. The long and the short of it comes down to this, okay, government operates under a set of laws and a set of rules and if we came into your house and said your house was substandard and we're going to bulldoze it, you would be immensely upset with us. That's where this house – this...house belongs to somebody. It's a valuable piece of property, and I guarantee about the time we bulldoze it, this house becomes about a \$3 million house, and it becomes a \$5 million lawsuit and it was just perfect and all it needed was a coat of paint and life would be wonderful. So the long and the short of it comes down to it will be resolved over a period of time. And as of this point in time, I don't think there's a whole lot we can do with it.

Mr. Lane: Is there anything from the health standards if – if you didn't go in the basement, is it possible we could ask the Stark County Department to at least give it a once over and see what their feelings are on it?

Mr. McFarren: Well, you could always get somebody else to take a look at it from a different angle. I'm looking at it from is this thing a – a safety hazard. Now I will grant you, you could probably get yourself hurt there if you're not careful what you're doing because they have put oriented strand board down like over the porches and that stuff deteriorates when it's wet, and that house has been wet, okay, so if you're up there walking around on one of those porch areas where they haven't poured the concrete, they haven't poured the concrete in the garage, they haven't poured the concrete in the basement, they haven't poured the driveways. You could get yourself hurt. But you can get your...self hurt almost anyplace when you're someplace that you shouldn't be. As far as the house goes, when I was there, I closed every window I could close, I locked them. I locked the doors. I can tell you that somebody has forced their way into that house, there's nothing that you can do to stop that. We call that burglary if they steal something, if somebody wants in your house and they bring a big enough screwdriver, pry bar, pipe wrench, they're going to get in. That's what happened at that house. I was surprised, there's very little vandalism, very little graffiti, again it's in the finished stages. Whether it'll ever be finished or whether it'll be torn down, that's an engineering call but it's certainly not for me.

Mr. Foltz: And the other question is there anything that the owner of the subdivision can do, at least with the yard? I know, I know it'd fall under our requirements as far as height of nuisance grass and so forth. It's probably similar to the empty lots out there. Maybe a little higher in growth, but just the backyard's a mess too, with piles that've been there for probably for 3 of 4 years, maybe not as long as 3 or 4 years, but as long as there's been a – a finish attempt on the house. Is there anything that can be done with just...

Mr. McFarren: Well, our...

Mr. Foltz: mowing the lot or getting that straight, at least get some grass growing there to be somewhat more presentable if we can't touch the house?

Mr. McFarren: We're spending, as far as mowing it, okay, our new grass ordinance goes into effect sometime here the beginning of July, probably the second week. On that basis, if it's in violation we could go in and mow it, access it to the – to the tax duplicate, we can do that. You go in there and start spending taxpayer's money to landscape and grow a yard and stuff like that and you're going to get yourself in world – world of problems.

Mr. Foltz: That's why I brought up the – the owner of the subdivision. I didn't know if there was something they could do...

Mr. McFarren: There's probably a slew of...

Mr. Foltz: whether that would be legal or not, I don't know.

Mr. McFarren: There's probably a slew of homeowners regulations out there, that I don't know. You know, there's probably a ton of violations that way, but that's between the Homeowners Association and the property owner.

Mr. Foltz: Again...inaudible...we've been on this topic and we're asking you questions...

Mr. Stamatou: Yeah, I don't want to waste anymore of your time.

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Mr. Foltz: Sure.

Mr. Stamaton: I'm not an attorney, you know. I've talked to several people, and I understand you know, the city doesn't want to knock something down and get sued, but to – to use the analogy, that I wouldn't want somebody to come in my house and comparing it to that house, isn't even close. I mean, that...in fact, that ain't even in the same ballpark, okay? Number one, that house is not in the final stage of finish work. I've built three houses. And when they finish that house, they're going to have to disclose all that stuff, and I don't know anybody that's going to buy that, but that's not even the issue. You know, I understand you guys don't want to get sued, I appreciate the time that you've given me, thank you very much.

Mr. Foltz: Alright, thank you sir.

Mr. Lane: Can – can I? Earle, I know you were over there at one time too, is it possible that the city could at least ask the health department to look at it? Is that possible, I mean...

Mr. Wise: Yeah.

Mr. Lane: Could you make a call to Stark County Health?

Mr. Wise: Sure.

Mr. Lane: Thank you.

Mr. Snyder: You know, you should – the fire code is much more broad, and has much more enforcement than our zoning or health. The state fire – and you know we have Prevention Bureau, you should send the Fire Prevention Bureau because their powers are much broader than the Health Department and our own city enforcement under state law. If there's a fire, that's...

Mr. DeOrio: Well the – but it still comes down to this though guys, is that, who's going to be responsible to do it? So if you go over there, and you give them fire citations and you give them this citation and that citation, it's just going to end up getting added to the tax duplicate. The homeowner is in – is in foreclosure. She's – they don't have any money, otherwise they wouldn't be in foreclosure. And until it's foreclosed upon, until the banks take control of it, it's going to be in this state of limbo. I think once the banks take control of it, then they're going to have an interest in, you know, preserving that property and trying to preserve their profit. You know, when they turn around and they sell that property, they're going to have to pay all those liens that are on there, so I think once the bank gets control of it, you – you're going to find that you – you'll have a property owner that wants to improve it in order to get the maximum value for it.

Mr. Foltz: Oh absolutely.

Mr. Lane: Yes.

Mr. Foltz: Jon, I remember we had one in your – your...

Mr. Snyder: Yeah, Church

Mr. Lane: Church.

Mr. Foltz: It's still probably - maybe a problem, I don't know...

Mr. Snyder: No, fortunately, he met us on the Courthouse steps there and did - he did his job but...

Mr. Foltz: Is that right?

Mr. Snyder: That did in fact have a lot of animals in it.

Mr. Foltz: Yeah, right, we had a whole episode down there.

Mr. Snyder: Yeah, that – that was a little different ball game that we actually...

Mr. Foltz: Right, but even...perimeter-wise that was a nice house in a nice neighborhood.

Mr. Snyder: Oh, magnificent house.

Mr. Foltz: What's difficult is to say we're going to tear down something that's probably got 300 - \$400,000 of equity in it. 'Cause somewhere along the line, there's some misjudgments made and they couldn't pay their bills.

# RECORD OF PROCEEDINGS

0451

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Mr. Lane: Well the sad part is...  
Mr. Foltz: You know....

Mr. Lane: it's the only house that I know of in Monticello that is in that shape.  
Mr. Foltz: Exactly.

Mr. Lane: And – and that's what makes it an even bigger eyesore. It's not like you can compare notes with the neighbors or any of that and poor Mr. Stamaton has to look right out onto those...

Mr. Foltz: Right.  
Mr. Lane: garage doors every day...  
Mr. Foltz: and – and...

Mr. Lane: and has for 5 years.

Mr. Foltz: if the garage doors are up and the windows replaced and a yard put in, it'd be like any other house for sale, for the most part. I mean you might have the animal situation but...

Mr. Lane: And again, that might be where we have to hang our hats, so Earle, if you could at least ask Stark Health to take a look at it and at least give us a reading on that. I think Gene did a few years back but it – it hasn't been recent, I know that.

Mr. Wise: Will do.

Mr. Foltz: And Randy, you can't give us a timeline on foreclosure, right? There's no – is there anything that you know of?

Mr. McFarren: The - the bad news is on foreclosures is look in the – look in the *Repository* on Thursday. We've been running 20 to a page and there – and they run like 10 pages and you look around and you know, every 4<sup>th</sup> sign that you see that's a "For Sale" sign that's for sale by either the bank or an entity that's owned by the bank that has taken the property back so they could get it off the - the bank's books. There's just – there's just a glut of stuff and I mean we're just we're not bogged down like Cleveland. Cleveland is so bad, they're filing foreclosures in Federal Court. But we've got so many of them that things are running slow. You could easily, and I know these people would just go up like a rocket, and you could easily be a year, year and a half, easily. And it's not that anybody's making anything difficult, it's just jumping through all the hoops and - and literally standing in line until that case moves up to the point where – where it's turned over to the sheriff and then the sheriff is going to sell that. There - somewhere there's a contractor who really knows his stuff and he's going to look at that house and he's going to figure out what he can bid and still make a buck on it, and – and it's a nice house. It's a nice layout. It's got – it's got a lot of problems but it's not for me to determine if they're structural.

Mr. Foltz: Okay, any other comments? I guess we'll...

Mr. Lane: I am happy he brought the pictures so at least everybody that hasn't...

Mr. Foltz: Yeah, everyone can see it.

Mr. Lane: been by has a chance to see it so...

Mr. Foltz: We don't live next to it, but you know, it's a nice looking house that – outside-wise. It's just a – it's a shame that these things are unfortunate that have to happen to our neighborhoods, so.

Mr. Lane: I think what complicates it as well is the fact that she's got 4 or 5 other properties that are going through at the same time, so all this gets...inaudible...so...

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

Mr. Osborne: My name's Chuck Osborne, 307 Fairview Street S.E., North Canton, Ohio. Two weeks ago on June 11, 2007, I questioned before this council the decision of the North Canton CIC to purchase a ½ acre property abutting the rear parking lot of Abbott's Bridal Shop for additional parking needs to benefit private business. The need for expanded parking at the rear of Abbott's is the only hurdle to the property owner for leasing 11,000 square feet of office space to the Service and Support Administration of the Stark County Board of MRDD and bringing 70 jobs to the city. The four-year lease, with an option to renew for one year will generate \$428,450 for Mr. Randall McNurlin. In Mr. McNurlin's own words before the CIC, this was net revenue. The CIC will be expending \$115,000, not including engineering and other soft costs, for the purchase and development of the ½ acre parking lot. These are funds that

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were removed from North Canton's General fund and given to the CIC. The CIC will recoup from Mr. McNurlin \$1.00 per year over the five-year span of the lease and be left owning a landlocked parking lot with no value at the end of the lease. This handout of what was once taxpayer dollars to benefit the private business interests of Mr. McNurlin is not the first time the owner of Abbott's Bridal Shop has benefited from taxpayer assistance. I call it a part of the city's genealogical history. Paul Harvey would call it "The Rest of the Story." I have learned the following from a search of city records: In 1998, the City of North Canton purchased the property on which Abbott's Bridal Shop is now located for \$180,000 and paid \$9,600 to clear several structures from the property. These figures do not include appraisal costs, survey costs and other soft costs required in the purchase of property. The property consisted of 1.51 acres. The city subsequently sold 1.26 acres to Mr. McNurlin and carried a no-interest note on the sale of the property for him. The North Canton City Council passed the legislation to sell the property on "an emergency" on December 14, 1998. In city council minutes from the meeting Councilmember Jon Snyder is quoted as saying "...it's a win, win situation for the city. And my compliments to Mr. Sumser for putting it together." After months of delays on the part of Mr. McNurlin to finalize the purchase of the property, the following comments were made by councilmembers in a council meeting held on May 10, 1999. Councilmember Tim Morrow stated "...We have—you know there's a valuable piece of Main Street property...we spent taxpayer dollars to tear this down...." Mr. McNurlin subsequently finalized the purchase of the property on July 14, 1999. After Mr. McNurlin received a "moving credit" of \$65,000 from the city business – from the city for business moving expenses, his net cost for the purchase of the property was \$50,000. Mr. McNurlin became owner of a valuable piece of Main Street property for a fraction of its true costs at the expense of North Canton taxpayers. At the May 10, 1999, council meeting, Councilmember Doug Foltz is quoted as saying "...It's a sweetheart deal for him...." The vote by council, on an emergency, to sell the property to Mr. McNurlin was unanimous. Is that any surprise? Yes, Mr. Foltz, it indeed was a sweetheart deal. How many other business owners would like to acquire frontage on Main Street for a fraction of its costs? The city used the rear portion of the property, approximately ¼ of an acre, to locate a water storage tank that water distribution studies have identified as a less than ideal location for a water storage tank. The poor location for this South Main Water Storage tank is due to low ground elevations that have been acknowledged only recently by this administration. I thank Mr. Wise for his candor in this regard as past city administrations have denied there are problems. As we all know from grade school, water does not flow uphill. Why city council approved this location for construction of a water storage tank does not speak well for their grasp of basic principles of physics. The construction of the water storage tank at this location received unanimous approval from City Council. The owner of Abbott's also received waivers for sewer frontage fees and water tap-in fees totaling \$5,021.00. Additional zoning variances were given including reduced parking size requirements. In 1999, the City of North Canton gave Mr. McNurlin a five-year, fifty percent abatement of taxes on the Abbott Bridal Shop property. Unfortunately, the city was not able to provide any documentation as to the amount of taxes that were abated. From the outset, it appears from the records that Mr. McNurlin failed to comply with the terms of the original five-year tax abatement. That abatement was amended to a three-year, fifty percent abatement of taxes. And again, I was unable to determine whether the terms of the amended tax abatement were ever met as well, but as we have seen from ongoing tax abatements, the tax exemption continues whether there is compliance with the terms of the agreement or not in the City of North Canton. It is interesting to note that the – that the city also could not provide any kind of estimate in terms of income taxes that have been collected from business activity from this property yet the city was quick to provide estimates of the income tax that would be collected if MRDD relocated to the office space located below Abbott's Bridal Shop. In summary, the...assistance to the owner of Abbott's Bridal Shop has ranged from sweetheart deals to outright giveaways at taxpayer expense. These actions, past and present, are a blatant slap in the face for North Canton taxpayers who are subsidizing financial gain for private interests. Furthermore, other business interests throughout the city do not receive the same corporate charity that has been lavishly showered on Mr. Randall McNurlin. At 1280 South Main Street, the business owner has received the following: deep discounts for purchase of Main Street property, waivers of fees, no interest loans at taxpayer expense, exemption of property taxes on commercial property despite noncompliance with the terms of the agreements, and now, free use of property and property improvements at the expense of others. All of these giveaways are at taxpayer expense and create unfair advantage between businesses that operate without handouts. None of this speaks well of city leaders who promote the city in this manner. It is a sad thing to watch the abuse of public monies in this manner. This is North Canton's past practice and it continues today. Something is wrong. Thank you.

## OLD BUSINESS

8. Mr. Foltz: Anyone else like to address Council this evening? Okay, seeing none, we'll go right into old business. May I have a motion and a second to amend Ordinance No. 56-07 to include an emergency clause?

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0453

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REGULAR

Meeting

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Mr. DeOrio moved and Mr. Repace seconded to **amend Ordinance No. 56-07 to include an emergency basis.** All members present voting.

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

No: 0

Mr. Foltz: Next may I have a motion to read by title only the third reading of Ordinance No. 56-07 as amended?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the third reading as amended** of Ordinance No. 56-07. All members present voting.

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

No: 0

## **Ordinance No. 56-07 – 3<sup>rd</sup> Reading – Community & Economic Development**

An ordinance authorizing an agreement with LT Parker & Associates, Inc. dba APARCO Security Systems providing for a project and real property tax exemption pursuant to the Ohio Community Reinvestment Area program, and declaring the same to be an emergency.

Mr. Foltz: Chairman Repace.

Mr. Repace: Well, this is a third reading of – of – of the project and we'd like to...pass it on an emergency so they can start construction.

Mr. Foltz: May I have a motion then to adopt the third reading of Ordinance No. 56-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 56-07. All members present voting.

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

No: 0.

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 56-07?

Mrs. Kalpac: Doug?

Mr. DeOrio: So moved.

Unidentified: Doug?

Mrs. Magel: Inaudible.

Mrs. Kalpac: You don't need a motion to suspend the rules.

Mr. DeOrio: I withdraw that.

9. Mr. Foltz: Okay, thank you Member DeOrio for withdrawing my motion. That's all we need then Gail, right?

Mrs. Kalpac: Yes.

Mr. Foltz: Go to the next? May I have a motion to read by title only the third reading of Ordinance No. 64-07?

Mr. DeOrio moved and Mr. Snyder seconded to **read by title only the third reading** of Ordinance No. 64-07.

Mr. Wise: I think it passed on emergency.

All members present voting.

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

No: 0

Mr. Wise: They say it was, but.

## **Ordinance No. 64-07 – 3<sup>rd</sup> Reading – Street & Alley**

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 Lipton Avenue SW (Orchard Hill to Hallum) Street - Storm Sewer and Street Rehabilitation Project.

Mr. Foltz: Chairman Lane.



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Meeting

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Mr. Lane: Well, this has been discussed for quite some time. As you know, we've indicated an interest in doing our best to get this project done next year, but we had a real problem because we didn't know how much it was going to cost and so by adopting this third reading tonight and moving things forward we'll be able to at least get a raw on it, figure out exactly where things can fit into next year's budget when we start discussing it this fall. So I would move we – we adopt the third reading.

Mr. Lane moved and Mr. DeOrio seconded to adopt the third reading of Ordinance No. 64-07. All members present voting.

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

No: 0.

10. Mr. Foltz: Next, may I have a motion to read by title only the third reading of Resolution No. 58-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the third reading of Resolution No. 58-07. All members present voting.

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

No: 0

**Resolution No. 58-07 – 3<sup>rd</sup> Reading – Water, Sewer & Rubbish**

A Resolution establishing a Drinking Water Source Protection Committee for the City of North Canton ("City"), to develop and implement an effective drinking water source protection plan; and establishing the composition of the Committee.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, this is our third and final reading. Again nothing has...has changed as it were. This is the third Monday in a row. We had the first in a special meeting and now for second, now this is the third.

Mr. Foltz: May I have a motion to – I'm sorry...

Mrs. Magel: That's fine, no, I'm finished.

Mr. Foltz: May I have a motion to adopt the third reading of Resolution No. 58-07?

Mr. DeOrio moved and Mrs. Hines seconded to adopt the third reading of Resolution No. 58-07. All members present voting.

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

No: Lane.

11. Mr. Foltz: May I have a motion to read by title only the third reading of Ordinance No. 68-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the third reading of Ordinance No. 68-07. All members present voting.

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

No: 0

**Ordinance No. 68-07 – 3<sup>rd</sup> Reading – Ordinance, Rules & Claims**

An ordinance to provide for an election on the adoption of proposed amendment to ARTICLE III, Section 3.01(5) of the Charter of the City of North Canton.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. This particular one deals with the – the mayor is recognized as the official for the city and that's all that...it just simply takes out I think for military purposes which hopefully we won't have any Gestapo or anything coming in but that's what it's for.

Mr. Foltz: Then may I have a motion to adopt the third reading of Ordinance No. 68-07?

Mr. DeOrio moved and Mr. Snyder seconded to adopt the third reading of Ordinance No. 68-07. All members present voting.

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

No: 0

# RECORD OF PROCEEDINGS

0455

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12. Mr. Foltz: Okay, next, may I have a motion to read by title only the third reading of Ordinance No. 69-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the third reading** of Ordinance No. 69-07. All members present voting.

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

No: 0

**Ordinance No. 69-07- 3<sup>rd</sup> Reading – Ordinance, Rules & Claims**

An ordinance to provide for an election on the adoption of proposed amendment to ARTICLE III, Section 3.04. of the Charter of the City of North Canton.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you Mr. President. This particular amendment deals with the Director of Law. As it presently reads he or she would have been appointed for a 2 year cycle. This will be appointed – this – the Director of Law will be appointed by the Council and will serve at the pleasure of the Council for as long as, I suppose as they want to, or the Council wants them, and they can be removed by a majority vote of the Council. So it does just – simply eliminates that 2 year period.

Mr. Foltz: May I have a motion to adopt the third reading of Ordinance No. 69-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the third reading** of Ordinance No. 69-07. All members present voting.

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

No: 0

13. Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 70-07?

Mr. DeOrio moved and Mr. Snyder seconded to **read by title only the third reading** of Ordinance No. 70-07. All members present voting.

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

No: 0

**Ordinance No. 70-07- 3<sup>rd</sup> Reading – Ordinance, Rules & Claims**

An ordinance to provide for an election on the adoption of proposed amendment to ARTICLE III, Section 3.05. of the Charter of the City of North Canton.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. This particular amendment deals with the office of Director of Finance, and again that position was a 2 year cycle. It removes that 2 year cycle and that person will serve again at the pleasure of the Council and could be removed by a majority vote of the Council, otherwise they just continue to serve the – perpetually.

Mr. Foltz: May I have a motion then to adopt the third reading of Ordinance No. 70-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the third reading** of Ordinance No. 70-07. All members present voting.

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

No: 0

14. Mr. Snyder: Mr. President, at this time, I would request that Ordinance 71-07 be tabled 'til possibly next week or the following, when it is – the language for that Ordinance will be available.

Mr. Foltz: I was going to bring that up Member Snyder, appreciate that, so we'll put that in a motion form.

Mr. Snyder: I did – that was – I was...

Mr. Foltz: Is there a second?

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Mr. Snyder moved and Mrs. Magel seconded to **table** Ordinance No. 71-07.

Mr. Snyder: And may I explain, I think that the President is waiting for additional language that will clean this up and it's not available at this time...

Mr. Foltz: Right.

Mr. Snyder: and we have 2 additional readings on the next ones, so one of those 2 weeks we'll have it, it'll be timely for it to go to the Board of Elections for ballot...inaudible...

Mr. Foltz: I – I will contact Mr. Forchione tomorrow, I know he had a case last week and he told me that he would be involved with that and look at this right after that, so...

Mr. Snyder: Okay.

Mr. Foltz: Hopefully we'll get some language this week.

Mr. Snyder: Not a problem.

Mr. Foltz: Thank you.

Mr. Snyder: You're welcome.

Mr. Foltz: Do we have a motion and a second on the floor, Gail?

Mrs. Kalpac: Yes.

All members present voting.

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

No: 0

15. Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 72-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the third reading** of Ordinance No. 72-07. All members present voting.

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

No: 0

**Ordinance No. 72-07 -3<sup>rd</sup> Reading – Ordinance, Rules & Claims**

An ordinance to provide for an election on the adoption of proposed deletion of ARTICLE VII, of the Charter of the City of North Canton.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you Mr. President. This was put in at the inception of the Charter. It was to deal with the transitional provisions as to who would do what and who would be paid what and so forth. Since those are now some 40 some years old and are not applicable, we're asking to strike that whole section.

Mr. Foltz: Very good, any other comments? If not, may I have a motion to adopt the third reading of Ordinance No. 72-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 72-07. All members present voting.

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

No: 0

16. Mr. Foltz: Next may I have a motion to read by title only the second reading of Ordinance No. 75-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the second reading** of Ordinance No. 75-07. All members present voting.

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

No: 0

**Ordinance No. 75-07- 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**

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.

# RECORD OF PROCEEDINGS

0457

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

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Held

Monday, June 25

7:00 p.m.

20

07

Mr. Foltz: Chairperson DeOrio.

Mr. DeOrio: As you recall, this ordinance will establish the unit pricing to be used by the Water Treatment Plant for the chemicals necessary to operate it and it will cover the budgetary year 2008, and later on as we get through the budgetary process we'll be establishing you know, funding for that particular line item. So this just establishes at what price we will pay for what chemicals. And I would move for adoption of Ordinance No. 75-07.

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

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

No: 0

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

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

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

No: 0

## Ordinance No. 76-07 – 2<sup>nd</sup> Reading – Finance & Property

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

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: I think that was pretty self explanatory. I would move for adoption of Ordinance No. 76-07.

Mr. Wise: Shouldn't this go to the Board of Control on Thursday?

Mrs. Herr: No, because we still have to through the process of ....inaudible...

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

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

No: 0

18. Mr. Foltz: I'd like a motion to amend...

Mrs. Herr: See, that won't be until probably...about October, November.

Mr. Foltz: Ordinance No. 77-07 to include the date December 1, 2007 through November 30, 2008.

Mr. DeOrio: 2009 or 8?

Mr. Foltz: I have 8 on mine...

Mrs. Herr: 8.

Mr. Lane: Yeah, this one's the one year.

Mr. DeOrio: 8? Okay.

Mr. Foltz: It's a one year contract.

Mr. DeOrio moved and Mrs. Magel seconded to amend Ordinance No. 77-07, to include the dates December 1, 2007 through November 30, 2008. All members present voting.

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

No: 0

Mr. Wise: What's the name of the first...inaudible...same as the next one...inaudible...

Mrs. Herr: No....inaudible...

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

Mr. DeOrio moved Mrs. Magel seconded to **read by title only, the second reading as amended**, of Ordinance No. 77-07. All members present voting.

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

No: 0

**Ordinance No. 77-07- 2<sup>nd</sup> Reading – Finance & Property**

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

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, I want thank Member Magel for her watchful eye in looking to add that language so that we keep it consistent with the others and I'm sure it helps as in the future as other councils and administrations look through previous ordinances and they see the time lines in there, kind of helps keeps things in more focus. I would move for passage of Ordinance No. 77-07 as amended.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading as amended** of Ordinance No. 77-07. All members present voting.

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

No: 0

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

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

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

No: 0

Mr. Wise: Inaudible...on an emergency? Do either one of those really....inaudible...

Mrs. Herr: No, they still have to get three readings.

Mr. Wise: Alright.

**Ordinance No. 78-07 – 2<sup>nd</sup> Reading – Finance & Property**

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

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, as you recall this is similar to the previous ordinance, this will establish a unit price for purchasing of rock salt. And I would move for passage of Ordinance No. 78-07.

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

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

No: 0

**NEW BUSINESS:**

20. Mr. Foltz: That concludes old business. Next is new business. May I have a motion to read by title only the first reading of Ordinance No. 80-07?

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

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

No: 0

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COUNCIL OF THE CITY OF NORTH CANTON

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mr. Foltz: 80-07

**Ordinance No. 80-07 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

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

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. I think it's Meeting of the Council, if I...

Mr. McFarren: Yes it should be Meetings of – of – of the Council.

Mr. Snyder: Yeah, that's alright, we'll – yeah, just a typo – but that's – I unfortunately neglected to put this in the first group, I apologize again to my colleagues, but this will allow the Clerk, if there would be a special meeting called, to – to either deliver the packet or leave it at the person's place of residence. So that it would not have to personally hand deliver them again so that they could just leave them there and that will eliminate that. So that's the purpose of that.

Mr. Foltz: Very good. Do I have a motion then to adopt the first reading of Ordinance No. 80-07?

Mr. DeOrio: Are we going to – do we need to make any change on that, is that just going to happen on the second reading?

Mr. Foltz: Are we alright with the language?

Mr. McFarren: If – if everybody understands that it's Meetings of the Council and that the word Charter is a typo, then we're okay.

Mrs. Magel: I understand.

Mr. DeOrio: Okay. So moved.

Mr. Foltz: Okay? You okay with that Gail, then? Okay.

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

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

No: 0

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

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

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

No: 0

**Ordinance No. 81-07 – 1<sup>st</sup> Reading – Ordinance, Rules & Claims**

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

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Again, and I don't mean to be funny, but the – it should say Section 3.02 of the Charter, the Director of Administration. It's just ahead of it, it's behind itself at that point. Right there it should be because the Administrator is not of the Charter, he's of the - the city, but that's – I know what it meant, I'm sure everybody does but in the future we'll type it that way. But this is again - it was another one that I blew, here again, I apologize that – we've asked to have the residency requirement for the Administrator as long as they continue to drink the water, they can have a job. But when they stop drinking the water, they – we get in trouble. But no it – we don't have to live here, but that's what that's about.

Mrs. Magel: Hence we understand 58-07.

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

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

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

No: 0

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

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

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

No: 0

**Ordinance No. 82-07 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish**

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

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, before I ask for a motion, if I may ask a question of Engineer Benekos? I failed to ask you what was – why was it a temporary easement and will it at – at any time become permanent?

Mr. Benekos: It's – it's temporary because we don't know how that parcel will develop. Where the buildings will be, where the parking areas will be, and at that time, when it is developed, it – it may be the final resting place of that storm sewer. That storm sewer may need to move one direction or another.

Mrs. Magel: Okay, but you don't – do you anticipate...that when it becomes a...permanent or a perpetual easement, that there would be anything other than the dollar amount.

Mr. Benekos: No.

Mrs. Magel: You do not anticipate that?

Mr. Benekos: Correct.

Mrs. Magel: Okay. And do you anticipate when there might be a decision, I hate to say the final resting place. I mean, that was...inaudible...

Mr. Benekos: No, because it just depends on the developer.

Mrs. Magel: Okay.

Mr. Benekos: I mean, he's had that up for development the...five years or more.

Mrs. Magel: Okay, so we can anticipate that at a later – some later time this will be perpetual with no further monies.

Mr. Benekos: That is correct.

Mrs. Magel: Thank you very much.

Mr. Benekos: Sure.

Mrs. Magel: Alright, at that point I would like to ask for a motion.

Mr. Foltz: Very good. Do I have a motion to adopt the first reading of Ordinance No. 82-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 82-07. All members present voting.

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

No: 0

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

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

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

No: 0

## Ordinance No. 83-07 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish

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

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, this one is very – very similar to the one we just discussed only this one is a perpetual for the dollar easement as was...graciously given by the North Canton Plaza.

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

Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 83-07. All members present voting.

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

No: 0

24. Mr. Foltz: Mention to Council that we are in receipt of a signed copy of the Fiscal Officer's...Certificate, excuse me, so with that, may I have a motion to read by title only the first reading of Ordinance No. 84-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 84-07. All members present voting.

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

No: 0

## Ordinance No. 84-07 – 1st Reading - Finance & Property

An ordinance providing for the issuance and sale of \$925,000 in 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: Chairman DeOrio.

Mr. DeOrio: Thank you, Mr. President. This ordinance as you recall, is an attempt to pay down some of our debt...

Mr. Wise: Inaudible...

Mr. DeOrio: and the amount was approximately 425,000 in reduction...

Mrs. Herr: Inaudible...

Mr. DeOrio: so we were at 1.35 million, now we're down to 925,000...

Mrs. Herr: Inaudible...

Mr. DeOrio: I commend the Council for its diligence in the budgetary process to – to continue paying down our debts. The interest on these bonds is a – is a estimated at this time to be approximately 6% and I believe the Director of Finance has indicated that these would be ones that the City would purchase as an investment.

Mrs. Herr: No, actually these ones...

Mr. DeOrio: No.



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Mrs. Here: no, those were the other ones...  
Mr. DeOrio: Okay.

Mrs. Herr: the real estate acquisition notes...  
Mr. DeOrio: Thank you.

Mrs. Herr: which were – which we just did so I – there's like two right in a row so. No, these ones we will be...selling these on the open market.

Mr. DeOrio: That's a great investment, we encourage everybody to buy some.  
Mr. Foltz: Okay.

Mrs. Herr: Sure.  
Mr. Foltz: Appreciate the...

Mr. DeOrio: So I would move for passage of Ordinance No. 84-07.

Mr. Foltz: Your free financial advice. Is there a second?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 84-07.

Mr. Snyder: Excuse me, Mrs. Hines.  
Mrs. Hines: Excuse me.

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

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 84-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 84-07.  
All members present voting.  
Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz.  
No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 84-07?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt under the suspension of the rules** for Ordinance No. 84-07 All members present voting.  
Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines.  
No: 0

Mr. Wise: Do you need me – do you need me to sign this week?

25. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 85-07?

Mr. Wise: Inaudible...this ordinance. Alright.  
Mrs. Herr: The notes?  
Mr. Wise: I mean, I can sign them.  
Mrs. Herr: No, we can...inaudible...okay.

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 85-07. All members present voting.  
Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane.  
No: 0

#### Ordinance No. 85-07 – 1<sup>st</sup> Reading – Finance & Property

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

Mr. Foltz: Chairman DeOrio.

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Mr. DeOrio: Yes, as you recall our discussions from last week, this is an ongoing, recurring cycle that we're going through here and we learned last week that next year will probably be the last year that it goes through this cycle wherein we basically make an application and the Waste District is, you know, handing out grants. The year after that it's going to be based on the amount of tonnage that you collect and we have to keep in the next year or so making strides in - in trying to increase our tonnage via ongoing recycling efforts. I would move for passage of Ordinance No. 85-07.

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

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

No: 0

26. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 86-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 86-07. All members present voting.

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

No: 0

## **Ordinance No. 86-07 - 1<sup>st</sup> Reading - Finance & Property**

Ordinance No. 86-07 authorizing the North Canton Police Department to apply for, accept and utilize State of Ohio funding for the D.A.R.E. Program for the period of August 1, 2007 through June 30, 2008, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, this is pretty much self explanatory and again, we apply for a grant every year and we've been fortunate every year to get one, and we hope that that continues. As a result I would move for passage of Ordinance No. 86-07.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 86-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 86-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 86-07, All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 86-07?

Mrs. Hines moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** for Ordinance No. 86-07. All members present voting.

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

No: 0

27. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 87-07?

Mr. DeOrio moved and Mr. Lane seconded to **read by title only the first reading** of Ordinance No. 87-07, All members present voting.

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

No: 0

## **Ordinance No. 87-07 - 1<sup>st</sup> Reading - Street & Alley**

An ordinance approving, confirming and accepting Storm Sewer Easements, Temporary Easements for the purpose of performing the work necessary to grade and seed and build a drive, and Warranty Deeds on Applegrove Street necessary for the Applegrove Street Widening Project Phase 1, at a cost not to exceed \$250,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: We talked about this June 4<sup>th</sup>...

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Mr. Benekos: Inaudible...

Mr. Lane: and it's been awhile so I wondered if -- as soon as the sidebar ends so we can get Mr. Benekos to fill us in a little bit -- it's the last two pages in your packet and you see a lot of names and -- and two or three different sections of it and rather than read all of these, can you explain just a little bit what we're doing, Jim?

Mr. Benekos: No.

Mr. Lane: I know it got very confusing. We were looking at -- there's rather than authorizing each individual one of these particular payments, it made more sense to combine them all in various areas, am I -- and that's -- is that why we're doing it this way?

Mr. Benekos: Right. Yeah.

Mr. McFarren: If I could, legislatively we broke it out, Section -- Section I is the storm sewer easements, Section II is the temporaries, Section III are the warranty deeds where we're actually buying a piece of dirt. Section II on your -- on your temporary easements, you just take, you know, you're just buying access to the property so you could usually restore the -- the damage you've done to the homeowner's property. And the storm sewer easements are obviously permanent. We tied these together with the -- the parcel numbers are from the project worksheet so that gets the engineering people on board. The -- the names of the owners get the title searchers what they need and also tying it in with out lot numbers and things like that give the title searchers something to hang their hat on. So that's where we are legislatively.

Mr. Lane: Thank you Randy.

Mr. Benekos: If any of these parcels, as we're negotiating, have to go to appropriations, those will have to come to Council separately. So these are the ones that we -- if we do come to agreement with them, that we can go ahead and -- and -- and get these signed and get these recorded.

Mr. DeOrio: So these are all of them?

Mr. Benekos: These are all the parcels on the project that are the city's responsibility. There are parcels that are the county's responsibility that they're acquiring.

Mrs. Magel: These aren't all -- already acquired?

Mr. Benekos: No, these are not already acquired. We are in negotiations with these people. There's about two or three of them that we have acquired.

Mr. Foltz: Two or three...

Mrs. Magel: That you have?

Mr. Foltz: that you already have.

Mrs. Magel: Okay.

Mr. Benekos: Correct.

Mr. Foltz: I'm sure it's a long process.

Mr. Benekos: Yes, it is.

Mr. Lane: And - and right now you feel the 250,000 we appropriated should cover this?

Mr. Benekos: Right, we've done appraisals of all the properties and assigned it to the temporaries and the permanents and the easements and so forth, and we -- we feel we're within the budget at this point.

Mr. Lane: In Phase I, if you could remind me what phase is that. Our portion of it?

Mr. Benekos: That's from basically where the project stopped before around St. Luke's to Marquardt. And I think it's just a little bit east of Marquardt.

Mr. Lane: Does anybody else have any questions, 'cause I know this kind of came out of the clear blue. I know we were anticipating it but it's a lot to digest so.

Mrs. Magel: Mr. Chairman, I was wondering, what is the - building a drive?

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Mr. Lane: I think that's legalese, right?

Mr. McFarren: No, when you -- when you go in and you rip out the front of somebody's property you usually wipe out their driveway, and then...

Mr. Lane: The -- the approach apron.

Mr. Foltz: The apron.

Mr. McFarren: Yeah, it's the apron area.

Mrs. Magel: It's the apron?

Mr. McFarren: and then you have to -- you have to make the gap between the city street and the property owner's and so you've got a material problem there and then you have to restore the vegetation, the grass and things of that nature. That's -- that's usually falls into your temporary easements.

Mrs. Magel: Okay, so there's...

Mr. McFarren: You -- you've got to have room to work, and - and to make a mess.

Mrs. Magel: It's just the apron part of the connection that might be....

Mr. McFarren: That's basically what it is, although...

Mrs. Magel: inaudible....

Mr. McFarren: although you could cause damage to the homeowner's driveway depending on elevations and things like that.

Mrs. Magel: Partial.

Mr. McFarren: Sure.

Mrs. Magel: Yeah. Okay.

Mr. Lane: Are -- are you still requesting an emergency? 'Cause we haven't done that on some that were requested, so do you still need an emergency on this or...?

Mr. Benekos: If you want two readings, we could do that, but we would like to have it passed before we go on break.

Mr. Lane: Before we go on break.

Mr. Benekos: Because we figure we'll be starting to...

Mr. DeOrio: Let's do it now.

Mr. Foltz: Let's just...yeah.

Mr. Lane: Yeah, why do we do first reading tonight?

Mr. Foltz: Why don't we...

Mr. Lane: Or you want -- you want to get it done?

Mr. Foltz: I just say pass it, Doug. He's ready to go, he's already negotiating...

Mr. Lane: Alright.

Mr. Foltz: it's less we got to worry about these next couple meetings.

Mr. Lane: Okay, if that's the will of the Council, I don't have a problem with that, so...

Mr. Foltz: That's fine...we'll have the vote, but does anybody have a problem? Okay. May I have a motion to adopt the first reading of Ordinance No. 87-07?

Mr. DeOrio moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 87-07.

Mrs. Kalpac: We -- we've already, I'm sorry.

Mr. DeOrio: It's more fun the second time around, Gail.

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Mr. Lane: Just to make sure we didn't change or anything.  
Mrs. Kalpac: Magel?

Mr. Foltz: We already did that and forgot ...inaudible...  
Mr. DeOrio: It's more fun.

Mrs. Kalpac: Sorry. Magel.  
Mrs. Magel: Yes.

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

Mrs. Kalpac: Snyder?  
Mr. Snyder: Yes.

Mrs. Kalpac: DeOrio?  
Mr. DeOrio: Yes.

Mrs. Kalpac: Foltz?  
Mr. Foltz: Yes.

Mrs. Kalpac: Hines?  
Mrs. Hines: Yes.

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

Mr. Foltz: And may - do I have a motion to suspend the rules for Ordinance No. 87-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 87-07.  
All members present voting.  
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel.  
No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 87-07?

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** for Ordinance No. 87-07. All members present voting.  
Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace.  
No: 0

Mr. Foltz: Very good. That concludes our ordinances. As far as reports, I need a motion to schedule a second, excuse me, a special Council meeting for July 2, 2007 at 6:55 p.m. The purpose of the meeting will be to consider second readings for Ordinance No. 80-07 and 81-07.

Mr. DeOrio moved and Mrs. Magel seconded to **schedule a special meeting on Monday, July 2, 2007 at 6:55 p.m.** All members present voting.  
Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder.  
No: 0

Mr. Foltz: Before I get into reports from other people, make Council aware, I will not be here next Monday, so just...inaudible...else will be there in case of emergency issues we might need to pass so, everyone else plans on being here? I'll be - different state by the ocean so I will be back July 9<sup>th</sup> though, our last meeting before break.

## REPORTS:

Mr. Foltz: With that said, reports. Director of Law?  
Mr. McFarren: Bit of information for all city people involved with drafting legal descriptions and media people if you would pass this on to our friends in the community. The legal descriptions from now on in the city should really just say the City of North Canton unless you want to go through the exercise of determining whether it's in the city and in the Township of Hoover or in the Township of Plain, because if it gets down to the engineer's and auditor's office, and you've got the wrong township in it, it is most likely going to be rejected, which sometimes puts a real crimp in things when you're in conveyancing of real estate. So the safest thing to do when you do your legal description is just say the City of North Canton...

Mr. Wise: thank you.

Mr. McFarren: leave the township out of it. That's all I have to say.

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Mr. Foltz: Okay, Law Director.  
Mr. Snyder: That's profound.

Mr. Foltz: Director of Finance?  
Mrs. Herr: No report.

Mr. Foltz: Director of Administration?

Mr. Wise: Yes. There's a waterline project that was started today that's on Clearmount Avenue S.E. that will run from East Maple Street down to Fairview in front the school there. That will resolve a number of issues, and then we're also in the process of doing that, or going to repair - there's a bad section of road there at Clearmount, just south of Maple Street, so that will be fixed as well. We - we do have a meeting next Monday, but I don't think there are any reports with regard to that. The July 4<sup>th</sup> is a week from... Wednesday, sorry...

Mr. Foltz: Wednesday.

Mr. Wise: a week from tomorrow. On the 3<sup>rd</sup>, this is not a city event but the church across the street here is going to be having a concert on Witwer Street and using I believe the front lawn of the Hoover building. That's what I've been told. I - I didn't - wasn't involved in the process or whether they've gotten permission, I think that they do. But there's a concert on the 3<sup>rd</sup>. The morning of the 4<sup>th</sup> at 8:10 a.m., there's the start of the 2 mile race, at 8:30 is the start of the 5 mile race that will involve closing a number of streets and limiting access to a number of streets in the northeast section of town, the ward 2. At 10:30 is the parade and then fireworks at dark up by Dogwood fields and Dogwood pool. That's all I have, thank you.

Mr. Foltz: I think I - I saw you last week at some point but we were pretty lucky with all the heavy rain, they mostly missed North Canton. I mean, we got it but it wasn't as bad as Canton was, at least that was my - my take on it going through the different cities, so I just was...there was no other problems with any severe flooding anywhere that you know of?

Mr. Wise: I went out and looked at a number of issues, one of which is off New England, Strurbridge Village, there - there clearly was water there. I - I haven't received any reports of any problems. I did look at a number of issues and we're still trying to address some of those but I didn't get any reports of any basements flooded or any problems such as that.

Mr. Foltz: Right. I didn't hear from anybody on Woodrow either.

Mr. Wise: No I have not. And I didn't get up there...

Mr. Foltz: Usually I take a look at that.

Mr. Wise: Yeah, actually that was the night of - last Monday night.

Mr. Foltz: 'Cause we haven't had a lot of rain and unfortunately we do get a heavy rain it runs like on concrete, it just runs off the grass rather than soak in so it does create some major problems in different areas, so.

Mr. Wise: Yeah, we've been very lucky thus far.

Mr. Foltz: Very good. Okay, Jim, any comments?  
Mr. Benekos: No report.

## REPORTS - COUNCIL:

Mrs. Kalpac: No report, thank you.

Mr. Foltz: Okay, no report? Member Lane?

Mr. Lane: I did promise a couple of weeks ago to check with Goodwill. As you know, the city hosted their - their annual Dogwalk and they got back to me. They had a hundred registered walkers and the money they raised for the dog program, including the day of the Dogwalk, some of the - the checks that were presented prior to and also a kick-off dinner they had at Grace Church raised over \$11,000, so the city was part of that in helping to host it so I wanted to thank them on behalf of Goodwill. The other question I had, I guess is for the other council people and maybe it's something that we could address when we get back, it - it might be a little bit too late for this year but I got yet another call over the weekend about solicitors out on Penny that - this individual got into it with a couple of solicitors that really - I mean they had licenses but they didn't have a whole lot of tact with the license and in fact, I was sitting on my porch the other day and somebody walked up and wanted and wanted to sell me something and I've had some other complaints and I've talked with Mr. Snyder about it and I know there's

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certain legal issues that we get involved with this and whether we can do it, whether we can't do it, what's exempt and what isn't, but I – I think, 'cause I saw Mr. DeOrio nod his head, you know, I – I guess maybe if we can start collecting these things as opposed to have each one of the seven people and the city administration getting some calls and not realizing how prevalent it is, perhaps we can craft something here that could – that could help us in the – in the long run perhaps by fall, so just send it over to the chairman here.

Mr. Snyder: Thank you.

Mr. Lane: I understand you're in the tenth of a mile walk on the 4<sup>th</sup>?

Mr. Snyder: I am, yes, in fact I'm running in that. You want – you want to watch Warner Cable, Chris Thomas, you'll see me. I'll be that flash that...

Mrs. Magel: I'll run with you, Jon.

Mr. Snyder: Alright, fair enough. Thank you. Two things. First, allow me to wish a happy birthday to my colleague, Mrs. Magel, tomorrow she shares the same birthday with my deceased father but I do wish you a happy birthday...

Mr. Foltz: Oh, happy birthday.

Mr. Lane: Alright.

Mrs. Magel: Thank you, Jon.

Mr. Snyder: tomorrow. And I – I wasn't – I purposely did not say anything when Mr. Osborne spoke but for the record I would like to say a couple of things if I may, Mr. President?

Mr. Foltz: Sure.

Mr. Snyder: Number one, as it's known to most people, I am a tenant of that building at 1280 South Main. I have no interest in the building itself or Mr. McNurlin's property, nor have I ever had an interest in Mr. McNurlin's property and relative to where Mr. Osborne's trying to take this is when this came up about the jobs and MRDD, I went to Mr. Repace and Mr. DeOrio, explained the situation and asked them to take it, to which time I did give it to Mr. Bowles and I stayed completely out of it, so that there is no compromise or no integrity or anyplace that it was said that I crossed the lines of ethics. And prior to that, when Mr. McNurlin received that property, I was not in that building and we can thank Director Sumser who was the quasi Economic Development Director, those were things that he gave Mr. McNurlin and to answer his question, I think the one tenant alone had near a million dollar payroll when the – when he did finally leave there, and he was removed from the CRA by a vote of Council because he did not start the property in a timely manner. He did comply to all other aspects, both payroll employees and all qualities of the law. So I think Mr. Osborne, as usual, he has his facts somewhat distorted, but I just wanted to clear that up, that at no time did I compromise my integrity, or did I cast a vote where I had any interest in any property that would make it an ethics violation, and I appreciate you allow me say that.

Mr. Foltz: Okay, appreciate your comments, Member Snyder. Thank you. Member DeOrio?

Mr. DeOrio: Yes, I just wanted to say that I think since our last meeting, I had the pleasure and the opportunity to attend a ward meeting in Councilman Lane's ward at his invitation. I really like the – the neighborhood meeting programs that he's done over the years. I think that's – I think it's a real testament to – to service of his – of his constituents and I appreciate him giving me an opportunity to talk city finances with – with his residents.

Mr. Lane: Appreciate you coming, thank you.

Mr. Foltz: Okay, Member Hines?

Mrs. Hines: It's the EMT/P...

Mr. Lane: inaudible...

Mrs. Kalpac: EMT-P/Firefighter.

Mrs. Hines: Slash firefighter. That's the whole term. They – they did have 15 people sign up to take the test. Thirteen took the test, ten passed the test, and the Civil Service Commission has certified the top six.

Mr. Foltz: Very good.

Mrs. Hines: That's it.

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

Mr. Repace: Through a meeting last week with TTI, they have given me final permission to have that World War II Veterans Memorial plaque that hangs on the Hoover building donate to the city. But I will say this, I'd like to get something done with it. I'd like to get it done soon, this summer. I don't know how you - we intend to mount it or where we would put it, but we need to get on it, move quickly on it because I do not want to see something - that sign - that plaque disappear somewhere. If we're going to drag our feet doing something with it, then I will make other arrangements and have it - donate it somewhere else. But I have had final permission. So with that, Administrator Wise, I would like you and I to do something with that and get it moving because I don't want - I don't want to see that thing wind up disappearing if we get a new tenant in that building, which could very easily happen. And I'm not going to wait a year - year and a half from now, 'cause we do have a tendency moving very slow in this city on some things. Also, you mentioned the - the New England water problem. What is being done? It's not a \$25,000 project, it's not a \$300,000 project. It's a minimal cost. The residents are - are upset. The problem's getting worse. It's an easy fix, what are we doing?

Mr. Wise: Well at this point, my suggestion is we have a meeting. There's a resident out there that sued the city several years ago over what happened. There was a settlement of that suit. I - I want to know what the settlement of that suit was, and then have a meeting. We have some ideas on what to do but it - it's going to have to involve those individuals because the last time there was some indication that something was going to happen, they indicated that if you come out to dig, bring the police, so I - I don't want to get into some confrontation with anybody out there when someone from the city goes out to do any work.

Mr. Repace: Well no matter what you do, you're going to have a problem with that resident, number one. Number two, the problem last time was the city promised before anything was done, they would have a follow-up meeting, and the follow-up meeting did not take place, and that's what the resident was upset about.

Mr. Wise: ...Inaudible...

Mr. Repace: But you - no matter what's done out there, you're going to have one resident is going to complain. If you do something, you're going to complain, if you don't he's going to complain. But something has to be done because there's a whole bunch of other residents that are disturbed.

Mr. DeOrio: Is - if I may interject - is the - is the resident that's - that is the - is the problem, is this the one that has...planted trees in the city's easement?

Mr. Repace: yes.

Mr. DeOrio: Okay. You know, so yeah, there are some issues there that - that need to be addressed if that is our easement and we've - and somebody's planting trees in it, and we're trying to do a project then I think that's something that the - the law department might ultimately have to get into, but you know, really what we have to come down to is serving the greater good. I mean, there are more people in here in need of relief than the one who isn't. And I'm not sure you know, why that is such an ordeal. I've been out to your - that place, I've walked that property from you know, the northern New England drive all the way down to where it hits the creek. The city has expended a ton of money, tens of thousands of dollars, putting in a larger...

Mr. Foltz: Detention basin?

Mr. DeOrio: No, help - Engineer, help me out with that...

Mr. Lane: Culvert?

Unidentified: Storm sewer?

Mr. DeOrio: A what?

Unidentified: Culvert?

Mr. DeOrio: What's the - the water has to go under the road and has to go through a big....  
Unidentified: Culvert will work.

Mr. DeOrio: Culvert and we've put in a larger one to accept more capacity of water to get the water out. Well, that - that's not the problem. The problem is that the water's not flowing because it doesn't have any momentum, it kind of bubbles up through the - from the - the pipe that comes down into that area has got three foot of sediment in it and got a two inch opening and the water just kind of gurgles up. And then it doesn't have that momentum to keep it going so it is - seems to be a very simple solution and one that is, you know, desperately needed. I'm sure that the ward councilman wants to comment...inaudible...



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Mr. Repace: I'll tell you, this Mr. Engelman was out last night, digging the front of that grate – of the easement that runs through his property, 'cause it was probably three...3/4's covered. So he was out there cleaning the front of that last night. Something has to get done. This is just going to continue to get worse and the main – once it's cleaned out, the main problem should be over because the silt from construction is over. The – the allotment is full now. So you're not going to have the sand and the dirt and so forth running through there as you had during the construction period. And you're – you're well aware of what's going on there, Doug.

Mr. Lane: Very much. As a matter of fact...

Mr. Repace: So let's get something done.

Mr. Lane: Earle, Earle had mentioned, and maybe this isn't the right place to bring it up, but we were talking about a piece of equipment that you could use, that we could get this done as opposed to having to farm it out, we could save some money and get to it....

Mr. Wise: Well the city crew could do it, there's a \$800 bucket that allows them with the new Track Hoe that was purchased last year, that allows the bucket to tilt and it then makes it easier to – to make a drainage ditch with the power equipment as opposed to having a number of city workers out there doing it by hand. But that's something...

Mr. Lane: That's something that you just need our approval to buy, or can you buy it?

Mr. Wise: Well I don't know that we have any money in the budget to buy it, but..

Mr. Repace: Rent it. Let me offer a suggestion here. Why don't we put a plan together, have a meeting with the residents in that area like we did whenever it was...

Mr. Lane: A couple years ago.

Mr. Repace: two years ago, and tell them what the plan is, listen to what their comments are, and react to the plan. That's not real hard to do, that could be done in a very short period of time.

Mr. Lane: You know, I think if it's a matter of 800 bucks, I would think in the next few weeks we could probably find that somewhere. So, I would hope that anyway. If – if that indeed would get it done and save us having to go out and farm that out and spend 4 or 5, \$6,000 to get it done by a private contractor, when it cost us \$800...

Mr. Repace: You could rent the bucket from General Rental.

Mr. Lane: and we can use that on several other....

Mr. Foltz: Yeah we have....we have our own trucks and...

Mr. Repace: I know...

Mr. Foltz: What – what do we need then is something like a Grade-All?

Mr. Repace: I can't believe...inaudible...

Mr. Wise: We have Track Hoe, just needs a – a bucket.

Mr. Foltz: We have – we have a...inaudible? Do you have a Bobcat Track Hoe?

Mr. Wise: It's not a Bobcat, it's bigger than a Track Hoe. We used it, I mean, it – it'll do the job...

Mr. Foltz: okay

Mr. Wise: it's just this bucket that we don't have would – would greatly assist.

Unidentified: Inaudible...do Knoll and then scape it.

Mr. Foltz: Okay. Well, very good. Member Magel.

Mrs. Magel: Yes. I have a couple things. Number one, thank you Jon and right back at you on Thursday.

Mr. Snyder: Oh, thank you.

Mrs. Magel: It's his birthday. I would like to ask - I have been contacted by Engineer Benekos, and then had a conversation with Mr. Wise. I'm telling you, this is catchy.

# RECORD OF PROCEEDINGS

0471

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, June 25

7:00 p.m.

20

07

Mr. Repace: You're telling me.

Mrs. Magel: The – something that our project that's going to come up on – on my committee. And it's going to come up on the 2<sup>nd</sup>, and we're going to have to make a decision for the 9<sup>th</sup>. Jon, you're on my committee, and Susie you're on my committee. Please call me, this is important, it's going to take some time, and I would ask the Finance Committee to call me, anyone else. It's a serious project, you call me from the ocean.

Mr. Foltz: I'll call you, I'll call you before I leave. How 'bout that?

Mr. Lane: ...inaudible...water, he's going to find water...

Mrs. Magel: Alright the – do you have a map, Mr. Benekos that you'll be giving me?

Mr. Benekos: Yes.

Mrs. Magel: Okay. And I'll be sharing that with my fellow council members. Because I believe you want this moved on by the 9<sup>th</sup>?

Mr. Benekos: Correct.

Mrs. Magel: Okay. Second thing is leading up to a third thing. On – I believe there's a resolution in the works that was December 2004. It went down to Planning and the reason for it was to change 6 to 5 to overturn. And our Zoning book right now, it says 6 votes to overturn, it used to read three quarters or three fourths, if you wanted to overturn Planning's decision that they make. And clearly three fourths of seven is five. And so did – we did go down and – and...inaudible...that resolution somehow it's still sitting down there, so may – I don't know how we can resurrect a resolution, if that makes any sense. Leading to my third thing. Jon, we had that meeting set for August 20<sup>th</sup>, that...

Mr. Snyder: That's correct.

Mrs. Magel: that public hearing.

Mr. Snyder: That's correct.

Mrs. Magel: Okay, I talked to a couple of council members and other people. And they're under the assumption it's that one acre only. I was wondering...

Mr. Snyder: Now let me – let me explain. When you – you're going to change Office Business to allow a conditional use, but you're only talking about that one acre, but you must change the whole zoning ordinance under Office Business to allow conditional uses as a permitted use in – within Office Business. But every time that you change – anybody that would have a parcel of land that was zoned Office Business...

Mr. Wise: Inaudible...you need three...inaudible...

Mr. Snyder: and they wanted a conditional use, they would have to go to Planning and apply for that. It does not open Office Business to drive-throughs. It's only done parcel by parcel as they apply.

Mrs. Magel: Well I was wondering, do you object to putting it back on committee so we could all talk about it again? July 2<sup>nd</sup>?

Mr. Snyder: Well the problem that you have right now, you – it'll take six votes to overturn that. Those people paid \$660,000 for that acre of land and they need to move on that, that's the problem. I mean you can't be disingenuous as far as now saying to them that, you know, they paid – they've already paid I think the hospital for that land. They're waiting for approval and we need six votes to overturn that.

Mrs. Magel: I'm just asking if you mind putting it back on so...

Mr. Snyder: No, I don't mind putting it back on for consideration.

Mrs. Magel: Council, we could talk about it again. Is that too late? July 2<sup>nd</sup>?

Mr. Snyder: No, I mean I have no problem with that, but I'm just saying what it is. But I don't – I don't know where – what the misunderstanding is. That's – that's a very simple thing.

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Mr. Lane: Well I think part of it, to be honest with you if I could interrupt, 'cause I was asking some of the same questions last week, because I – the assumption that I got was that we were permanently changing what's in there. But being a conditional use we could do that because each time that somebody wants to bring something in the Planning Commission has a chance to look at it...

Mr. Snyder: That's right.

Mr. Lane: and either pass it or so – so in essence we're both right, in other words, we're doing it for this one parcel...

Mr. Snyder: Right.

Mr. Lane: but it – it goes on it perpetuity until somebody else comes in to ask for that.

Mr. Snyder: Yeah, unlike...

Mr. Lane: and I think that was where I was trying...

Mr. Snyder: Yeah, unlike...

Mr. Lane: to head last week and I wasn't very...

Mr. Snyder: as a matter of fact...

Mr. Lane: good about it.

Mr. Snyder: I think the month before they looked at one in General Business A on North Main at that hair shop, they – and they would not permit that because it was too vague. He could eventually say well geez, I'm not doing well here with this fixing hair, so I'm going to have a – a beer drive-through, which would permit that. But you have – and with conditional use you have to specify the particular use of the property. And that's why the Planning Commission has that. But it does allow anybody who has property inside Office Business and that's what that is zoned out in front of the Washington Square if I'm not mistaken, but right next to it is the Wendy's or something, is zoned General Business B, which they could apply for a General Business B zoning, but I – I was – but I think time is of the essence for those people. They want to start construction. I think...

Mrs. Magel: Yeah, I'm just asking if Council, if all of us, we're not in our comfort zone, Jon.

Mr. Snyder: That's fine. I have no...

Mrs. Magel: Okay.

Mr. Foltz: Yeah Jon, I won't be here but I think maybe we'll get more answer – more questions answered...

Mr. Snyder: Yeah, that's not a problem.

Mr. Foltz: with another week and...

Mr. Snyder: I have no problem.

Mr. Foltz: see where we're going. Let's – let's put all of the ramifications up.

Mrs. Magel: I appreciate that.

Mr. Snyder: That's not a problem.

Mr. Foltz: So, we're – we're not here to degrade business opportunities but...you know, I'm not going to be here but get – get everybody more in a comfort zone if we're going to pass this.

Mr. Lane: I think their point was that it's hard to build a bank anymore without a drive-in, or a drive-through I should say, and that they're going into a zoning that needed to have that adjustment made and I think they were looking for down the road when other businesses are going to come in that require those kind of things. But again, with the conditional use...

Mr. Foltz: That – that's true...

Mr. Snyder: But see the problem if you...

# RECORD OF PROCEEDINGS

0473

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, June 25	7:00 p.m.	20	07
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~~Mr. Lane: I think it protects us.~~

Mr. Snyder: if you recall back when that parcel was plotted, it was plotted Office Business because Aultman Hospital owned it, and it was their intention at that time to put...

Mrs. Magel: Put office.

Mr. Snyder: office buildings on there, which on the remaining acreage they...you know, but I'm sure the bank, when the bank purchased it, assumed because the remainder of the property is General Business B which permits that type of zoning. There is two banks out there already I think, one with a drive-through. Star or whatever it's called.

Mr. Foltz: Yeah, Sky Bank.

Mr. Snyder: Sky Bank. So I think that's probably where the...I don't know I wasn't at the Planning Commission meeting.

Mrs. Hines: I - I don't think the problem is with that particular purchase of that property having a drive-through there, it's just that what are we doing to the different designations...

Mr. Snyder: Well you're only changing one designation.

Mrs. Hines: Well, we want - I mean, I think that's what - I've heard different things about whether we are or whether we aren't - what we're changing and I don't know it all well enough and I think that's...

Mr. Snyder: That's not a problem.

Mrs. Hines: what we need to discuss.

Mr. Snyder: But you're only - you got to remember, you're only changing conditional use in one - in Office Business only, nothing else. Not in General Business B or anything below Office Business, which would be Parks and Institutions, but...

Mr. Foltz: Well, we can discuss it further.

Mrs. Magel: Yeah, we'll discuss that, Jon.

Mr. Foltz: And I don't know if Gene might be available...his situation or...

Mrs. Magel: No. Jon will not - Gene will not be available.

Mr. Foltz: Okay. Or Jim, you were part of that I'm sure at the Planning Commission, we can reflect more on the minutes of what their discussion so we're all better versed in what's happening with that area, within our - our zoning ordinances. Don't take lightly changing a zoning ordinance. I mean, that's something we should consider at all angles even though I know there's good intentions, so, that said, any other comments? I have one for Member DeOrio 'cause he's a numbers guy but I'm glad you put it on the record with the recycling grant, it is all about the tonnage. It's all about the tonnage in 2009 and hopefully Administration, we're going to bring something out here shortly for our residents about the additional yard waste program, that extra four weeks. But I was doing some figuring, on last year's recycling, and we - our yearly total last year was 925 tons. I think we're a little bit ahead of schedule this year, at least through the first quarter. But we anticipate 365 tons with that other 4 weeks. But what I like to look at is the bottom line as far as expenditure per ton and even though our residents are playing, excuse me, paying for the mixed co-mingle and the - the yard waste program, last year's program anyway. We know we're picking this year's 4 weeks up off of grant. Basically to recycle the newspaper and co-mingles costs us \$212 a ton. To recycle just the leaf yard waste, 'cause it was mostly leaves that late in the year, was \$153 a ton. To do the grass maybe with some leaves, the additional 4 weeks that we're putting on, is going to be \$91 a ton. So you can see the enormous payback per ton, if the projections hold true, I'm excited to see what we're going to do this fall. I'm just - just giving you some information so we'll see when, you know, proofs in the pudding, we'll see when we do it, but that said, any other comments from Council or Administration?

Mr. DeOrio: If - Mr. President, if I might ask Administrator Wise, do we have any more of the recycle bins?

Mr. Foltz: Should have them.

Mr. Wise: They're on order, I don't know if they've come in last week or not.

Mr. DeOrio: Okay.

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Mr. Wise: I've ordered them...inaudible...

Mr. DeOrio: Okay, I - I've forgotten what the process was, I had a couple new residents ask about it and I told them that I would ask. I know at one point there was a form we filled out.

Mr. Wise: Right, there's a form here at the Utilities desk.

Mr. DeOrio: Okay.

Mr. Wise: Alright, or they can call Theresa.

Mr. DeOrio: Very good, thank you.

## ADJOURN:

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

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

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

No: 0

Meeting adjourned at 8:39 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL

7/05/07 ev

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