

# RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 13, 2006 7:00 p.m. 20 06

## CALL TO ORDER:

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

Mr. Foltz: Gail, will you please call the roll.

## ROLL CALL:

4. The following members of Council responded to roll call: DeOrio, Foltz, Hines, Magel, Repace, Snyder. Council Member Lane was not present. Also present were: Mayor Held, Director of Administration Wise, Director of Law Pusateri, City Engineer Benekos, Director of Finance Herr, Superintendent of Recreation & Rentals Cooksey and Clerk of Council Kalpac.

Mr. Foltz: May I please have a motion to excuse Member Lane due to inclement weather in Chicago. He was not able to fly back in time for the meeting.

Mr. DeOrio moved and Mrs. Magel seconded to excuse Member Lane from the meeting.  
All members present voting:

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

No: 0

5. Consideration:

Minutes of Council Meeting: 2/27/06

Minutes of Public Hearing (Zoning – Martinez-Dent Properties): 3/06/06

Mayor's Court Receipts: January, 2006

Mr. Snyder moved and Mr. DeOrio seconded to approve the Council Meeting Minutes, the Public Hearing Minutes and Mayor's Court Receipts as presented. All members present voting:

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

No: 0

6. Committee Reports:

**Executive Session (Finance & Property):** Refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held March 6, 2006, February 27, 2006 and February 13, 2006.

**Executive Session (Personnel & Safety):** Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings held March 8, 2006, March 2, 2006, February 24, 2006, February 22, 2006, February 13, 2006 and February 10, 2006.

**Community & Economic Development:** Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held March 6, 2006.

**Finance & Property:** Refer to the minutes on file in the Council Office of Finance & Property Committee meeting held March 6, 2006.

**Ordinance & Rules & Claims:** Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held March 6, 2006.

**Personnel & Safety:** Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held March 6, 2006.

**Street & Alley:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held March 6, 2006.

**Water, Sewer & Rubbish:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held March 6, 2006.

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Mr. DeOrio moved and Mrs. Hines seconded to approve the Committee Report minutes as presented. All members present voting:

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

No: 0

7. Mr. Foltz: As far as item 7 (Voice Vote – Appointment of Director of Law), Member Lane was not able to attend our earlier scheduled Executive Session, so we did not have that session. We'll have to do so at a later date. We'll discuss that later in this meeting. So, with that, we'll go to recognition of visitors.

8. Recognition of visitors.

Mr. Foltz: With that, I'd like to welcome Bob Fonte first. Mr. Osborne, then you can – you are more than welcome to be second. Bob's going to go over the existing trail which he laid out this past Saturday. So, with that, Mr. Fonte.

Mr. Fonte: Thank you. I appreciate the opportunity to come back. After I realized that most of the interest is in the section which we had already contracted, I went out on Friday with staff and flagged the proposed trail, because we had not really laid it out yet. And, based on the comments, we did as much as we could to keep it as far away from the existing residents and also stay out of both the flood plain and the wetland. So, we started at – this is a red stake, and you can see the water here and then in the very background you see the fences. Those are the ball fields. So, we're facing south, and where the southern of the two (2) bridges is proposed. So, that's where we started. The next slide is at that same location looking due west along the creek, and you can see that – you're seeing only shoreline of that stream and the underbrush and trees that separate the bridge from the residential area to the west.

Mayor Held: Excuse me, Mr. Fonte.

Mr. Fonte: Yes, David?

Mayor Held: Just for the sake of the residents, from where that picture was taken, if an individual is standing, can they see the homes from that spot?

Mr. Fonte: No. In fact, as I go through the photos, we could only see roofs of, I think, two (2) houses through the whole trip – as I take you through these. And, until you come out of the woods at the very north end going out to Marquardt on the sewer line as it goes out to Marquardt. There's only one (1) house that you can see from the trail that's in North Canton, and that's the one at the end of Ironwood. But the rest of the houses, you can only see the roofs. And, as you go through the photos, I've got about 20 of there here. I'll try not to take up too much of your time. At the end, I was going to offer to schedule a walk, and anybody who wants to go with me – either later this week or next Saturday – and show you the trail and the field, so it's not just me saying that. I mean, literally, without any summer vegetation out, you can't see any of the houses from the trail. Again, this is looking west. The next photo is looking northwest, and you can't really tell from the contrast here, but this is a deer trail that runs through the woods. There were a number of them. There have been some comments that the wildlife had left. There is a number of signs of wildlife. It is very well populated with wildlife, and the activity from the sewer project only kind of made them take cover a little bit. But it did not displace any of the wildlife. The next one is the fourth photo – is looking west towards the homes again. This is, I believe, the only roofline you can see in the background. This is all tree covered. You can't even – you cannot see any windows, just the peak of that house in the background. The next one is about 100 feet – 150 feet north of the last station looking due north along the trail; and, again, you can see the thickness of the brush in that area. And that's pretty typical. We're now another – about another 150 feet north looking west again and, then, this is the skyline. That may be – and I can't even tell you from this photo, but if that is a roofline, that would be as close as you could make it out. And in the area we're in, we picked the more open areas in the brush, so we're not taking – we will work our way through. Our goal is to take as few trees down as possible. But, so, we're not going to be removing much vegetation in the process. As we go along – this is, I think, the seventh photo now. Again, this one is looking north. And, again, you can't see anything but the wood line in the back. This is the at the same location looking south. And, then, the next one will be looking west again. That's looking west; and, again, I can't make out any homes in that area at all. And moving, again, further north. This is looking north again, and that's a staff person, Denny Folk, tying a flag in the tree. We had originally thought we'd flag it

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so the residents could see it from their backyard. There's no way they can see these flags from their homes. We went back out, and, in fact, we were gonna walk someone in the blaze orange. We didn't bother doing that, because we couldn't even see into the woods far enough to make the photos worthwhile to try to photograph somebody in the woods. And then, again, this is looking south from the same location that we're just at. And then the next one will be looking west again. And, again, that's the typical view you're getting from the trail, which is the underbrush, the trees. And, again, this is March. There's – no foliage has come out yet at all. This is – we're just starting to get a little mounding areas to the north. If you have the topo (topographical) version, you'll see some high rise areas. We stayed to the east of those as best we could, again, to give additional cover. But, as you walked – even if you walked across those mounds, you were not able to see any of the homes to the west. And, again, this is the western shot from that location, and no evidence of residential structures in the picture. And, again, this is back south the way we had come up through the – you can see it's a little – we've picked a clearing area to come up there. This is northwest, facing up towards Marquardt; and, again, there's no visible structures in the view shot there. This is back towards the river where the trail was going to go east and connect with the bridge – the second bridge – the northern of the two bridges. And, again, that's the view you get. You know, there's no residential in the eastern direction at all. Again, we're facing northwest towards Marquardt. The ground starts to come up a little bit at that location. And, again, there's not visible structures. This is facing due west towards the homes at Irondale; and, again there's no visible structures from that point on the trail. We continue northwest along the trail towards Marquardt, and that's typical of the view until you come – let's see the next one – that's due east, again, looking back the way we came through. We can see we're not going to be taking out many trees. And that's my point is – we try to pick the least disruptive route in the process. Now, this is standing at the edge of what was cleared for the sewer project looking east, and that's the thickness of the underbrush that was probably there before the sewer line went in. Now, the next shot is southwest. Now, this is the one area – that's the one house right here that you can see, which is the last house on Irondale. This is all the un-repaired area because of the sewer project. I don't know what the City's plans are for restoration, but I would think that that one line of sight could be easily screened in the process of restoration. And I've talked to Jim about some alternatives. We could work with the City on doing that. Next, is west along the sewer line. That's the main manhole that makes the turn as you go out to the west, and this is south towards the last shot. And, again, this is all the City's property in here. That's looking down the sewer construction site. The trail is going to be between the sewer and the ditch on this side, so we're going to favor as far we can towards that creek. And, you know, you'll see it in a later photo, you can see none of the homes from this trail route going south – looking south – that are in Irondale. This is looking east back the way we came. That's the edge of the clearing where the gentlemen were standing in the first picture that came out into the clearing, and this is the ditch line – is over to our right. And, now, this is close to where the ditch – the ditch is up in here, and Irondale is back here. The trail will be, like I said, between the disturbed ground and the ditch. And looking – this is south, I'm sorry. Again, there are no visible structures on that side of the trail. Yes, Kathy.

Mrs. Magel: Well, those last five slides or four slides – that's 2-A, right?

Mr. Fonte: That is now 2-A.

Mrs. Magel: Yes, Right.

Mr. Fonte: That's really the section that the project is about. I mean, I've got – based on the questions, all the questions were on the first phase, so I wanted to cover –

Mrs. Magel: I understand. I just wanted to – the first, like, 15 slides were 2, and this is the 2-A going down here.

Mr. Fonte: Yes. When we came out of the woods – when we started facing – when I said west towards Marquardt, that would have been about the 19th photo on.

Mrs. Magel: Okay.

Mr. Fonte: That was – this is the first – this is where you break out into the sewer project here. The connection back this way is part of 2-A.

Mrs. Magel: The reason why I ask that, you said this is west of the creek, and I didn't want everybody to –

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Mr. Fonte: Right. This is west of the main stream. We never crossed the stream that's behind the homes on Irondale and everything south of there on Marquardt. We did not cross that creek. In fact –

Mrs. Magel: Right. I just wanted to clarify that.

Mr. Fonte: Yeah. I couldn't show you in this photo, but the one photo with the home in, there were five (5) deer in that photo, by the way, going through the backyard of that house while we were standing there. They were grazing over here, and we scared them up, and they went back over. There's a bridge back here, and they were – if you can see it in the real photo – they're right about in here. But that – again, that was just – that's all south along what's currently pretty well stripped. And, as you said, I'm sure the City has plans for restoration of that portion.

Mrs. Magel: Okay. Thank you.

Mr. Fonte: So, that was the last shot we talked about – heading south towards Irondale. And, then, this is looking west out to Marquardt along the sewer right-of-way. And, again, the trail would be on our left. And, then, this is looking north out of the City. This is actually closer than the trail will be, because the trail is going to be behind me as this photo is taken. But I wanted to show you – that's the closest structure to the trail right there. And, I think Devon was the next street over?

Mrs. Magel: Yes, it's Devon.

Mr. Fonte: So, that's back to the beginning. Again, I wanted to get – since we had all the discussion last week, I felt it was important to give you more of a visual. We did – again, the map you have was a sketch that was done in the office; and because of the comments, we were very diligent about staying as far away from the north/south ditch as possible when we laid this out. We gave – I think Jim's going to try to do some sites on it with GPS (Global Positioning System) to maybe give you some distances. They asked me the distance. It's impossible for me to judge distance when there's no line of sight between me and the houses. Everything is brush. I couldn't give a guess. All I can say is that it's substantial. We heard no activity in the backyards while we were through there; and, you know, they couldn't have seen us while we were back there. Well, of course, well, the tractors were running, too. That probably wouldn't help. But, the point is that there was no visible contact between us and the homes the whole way until we came out in that last section going down to Marquardt. And, just in general, I appreciate the time; and I do want to make a statement about the impacts the trails have. You know, contrary to some people's beliefs, it's proven that the impact of the trails is positive for quality of life in the community. It increases property values. It encourages a healthy lifestyle. It encourages healthy interaction among neighbors in a friendly, peaceful setting. And, also, from our perspective, it encourages nature appreciation. I mean, we really – I went through the trail last week. I found no trash over the weekend. I did find some scattered trash in this field. It's been that way. It's kind of a playground for years. And when we go through, we clean it up. In fact, the crew – we were out there Friday. We brought a five-gallon bucket of trash out with us. That's what we do. And we saw a woodcock in there, which is an unusual sighting for this area, plus the deer and evidence of a lot of other wildlife. So, I think it's a very healthy environment in there. Everything we do will be sensitive to keeping that that way, and I think if this is the ditch line, we're probably closer into this area here – all the way up and then the connection here and then the connection out here.

Mr. Snyder: Mr. Fonte, the one question I have is – as you keep saying as densely as that area is – what is the – my memory could serve a little better – your responsibility, Stark Parks, for policing those trails as far as armed officers?

Mr. Fonte: We have a mutual aid agreement with the City.

Mr. Snyder: Right. But I mean, are we – do you have your police do that periodically, or are we responsible for that?

Mr. Fonte: It's mutual. We both do. You have – your police officers do go through the trail. We go through it, also, with our rangers and also our volunteers. So, it's – our contract calls for both in a mutual aid agreement. I can tell you that since '97 when we started building trails through the whole county, we're up to 60 miles of trail this year, we do not have one incident report of violence or any kind of crime on the trail. We have, like every park system, minor vandalism. But that's – you know, someone tears a

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sign down, tips over a porta john on a Saturday night; those are normal in every park in the state or any park you have, but that's nothing unusual in terms of activity. Ask the people on the trails how they feel about the trails. This is one of the more popular trails in the sense that we actually get positive calls and comments about this. The only other trail more popular in the county is the Tow Path Trail in terms of positive comments, and it's 25 miles long. Yours is two (2) miles long.

Mr. Snyder: You know, again, to reiterate, as you say, one of the things that makes that trail so unique is the density of the area. Has there been consideration to some type of phone for an emergency response or some way that people, if they're in the middle of that –

Mr. Fonte: We have our Ranger – I mean our volunteers carry cell phones and communication equipment. We have trails that are much more remote than this. I mean, we have sections of trail that are four (4) miles from end to end, and we've not had the necessity or the interest of putting phones in. That's not been something that was warranted at this point. And, again, you know, it would be – I don't think it would be worth the investment.

Mr. Snyder: Okay. I appreciate that. Thank you.

Mr. Foltz: Mr. Fonte, I appreciate your urgency here to mark the trail. You said –

Mr. Fonte: Yeah, do we have anybody wants to schedule a walk?

Mr. Foltz: Any other public speaks – do you want to set a time where who people are interested, they can meet you at a specific area and try to walk that?

Mr. Fonte: Yeah. I've got a meeting Saturday at 9, so I could do it after that. I could do it late morning – about 11 o'clock.

Mr. Foltz: 11 o'clock Saturday?

Mr. Fonte: Yeah.

Mr. Foltz: Okay, so --

Mr. Fonte: All I would ask is if people would let me know. I'll leave my number, so I know someone's gonna show up. If there's interest.

Mr. Foltz: Do you have availability to kind of hang around after "Public Speaks" to see –

Mr. Fonte: Yeah.

Mr. Foltz: Anybody interested, they can get with Mr. Fonte outside Council Chambers after they speak in front of Council if they so wish. And one question, Bob, the signage for that trail, it's just going to be on the trail, itself. We're not going to have any signs on Creekside or Marquardt? Or?

Mr. Fonte: Nothing on Creekside. We have something at the stop – we have stop signs at Marquardt and, you know, at that location where the entry of the trail is, too.

Mr. Foltz: But everything else would come off Phase I.

Mr. Fonte: Yes. It's built off of the same --

Mr. Foltz: Off the Little League complex and that parking lot.

Mr. Fonte: Yeah. That's where the signs – if you go to the back of the ball fields, you'll see the sign we have there. It would be a similar sign at the entrance of the trail coming from the Marquardt end.

Mr. Foltz: And that's where the parking is going to be – still in the Little League complex area.

Mr. Fonte: Parking is in the Little League. Long term – we've got an agreement with Hoover Park. Eventually, that becomes the official trail head, but we haven't gotten that far yet. But that would be – that's the designated long-term parking with restroom facilities in what used to be The Hoover Company Park – now part of the college property. So, that's the long-range plans as far as a restroom facility, parking, that kind of thing.

Mr. Foltz: Very good. One thing I wanted to add, if you look at your sketch that we handed out – I handed out earlier this evening – where the trail is on the Chatham Ditch, which is the north/south ditch that's closest to Creekside and Irondale, that trail is well east of where this shows now.



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Mrs. Magel: Yes.

Mr. Foltz: Because I walked it myself Saturday, and be prepared – they've got a lot of it cleared, but there's thorns and bushes and so forth, and you better wear the proper clothing and the right boots to get through that. So –

Mrs. Magel: If I could make a comment. I've walked that property before, and I would encourage anybody who would like to see the markings or the trail, to please go with Mr. Fonte. I do not encourage anybody to go there by themselves or one at a time – it's kind of some rough area.

Mr. Foltz: At least not until it's done.

Mrs. Magel: Right. Well, of course.

Mr. Foltz: Okay.

Mrs. Magel: But, I mean, so, if you're interested, please call Mr. Fonte. And I thank you for this presentation.

Mr. Foltz: Thank you, Bob. So, he'll be available after the "Public Speaks" in the lobby. Mr. Osborne, do you want to address Council?

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street, SE, North Canton, Ohio. It is the role of this Council to control the expenditures of all monies expended by the City of North Canton. The relatively simple process of applying for, accepting and utilizing grant money is also controlled through Council. This process is provided for in both the North Canton City Charter and in Ohio State law. Through Council's control of public funds, whether the funds were received from tax receipts or through grants, the public is assured that public funds are spent wisely and fairly and that taxpayers will receive some value for their tax dollars. In a Council-of-the-Whole meeting on February 22, 2005, former City Administrator Michael Miller revealed that he had expended \$6,000.00 three (3) months earlier toward the purchase of approximately 24 acres of property known as the Crowder property. The signed Option Agreement, dated November 22, 2004, was done without the consultation or knowledge of the North Canton City Council. This was a direct violation of Section 3.01(4) of the North Canton City Charter. This section states in part: "The Mayor shall sign, on behalf of the municipality, all contracts, conveyances of indebtedness and all other instruments to which the municipality is a party." The Agreement was a six-month option to purchase 24 acres of property from Mr. David Crowder for \$540,000.00. The \$6,000.00 option payment was to be credited toward the final purchase price of the property. In fact, the Agreement was an integral part of the purchase of property which would have required the knowledge and approval of Council through legislation. Council did not have knowledge, as a public body, of the Option Agreement, nor did Council have knowledge, as a public body, of the expenditure of \$6,000.00 toward the purchase of the Crowder property. The activities of former City Administrator Michael Miller were that of a rogue City official with a plan and agenda of his own who was acting beyond his authority and separate from the final approving authority, which is this Council body. The purchase price of the property listed in the Option Agreement was far in excess of the \$25,000.00 spending limit under North Canton's City Charter and Ohio State law and required approval by the Board of Control and the North Canton City Council. Thus, for Mr. Miller to enter into the Option Agreement without Council approval in a deal that ultimately required Council approval for a \$540,000.00 purchase price was totally irresponsible and a direct violation of the spending limit established by North Canton City Charter Section 4.05 and Ohio Revised Code §735.05. Why Mr. Miller waited for nearly half of the six months of the Option Agreement to lapse before advising North Canton City Council of his actions pertaining to the purchase of the Crowder property has never been explained. On February 28, 2005, a week after former City Administrator Michael Miller revealed his actions to Council regarding the Option Agreement and the \$6,000.00 expenditure, I presented comments to Council regarding my concerns. Those comments are in the record, and they detail, as Mr. Miller, himself, describes, the convoluted deal that he (Miller) fashioned in secrecy. Ultimately, Council refused to purchase the Crowder property after further discussions on May 16, 2005 and on June 6, 2005. On August 29, 2005, Council returned the \$180,000.00 grant that Mr. Miller had secured toward the purchase of the property from District 19 of the National Resource Assistance Council. The bottom line is that \$6,000.00 of taxpayer's funds were spent without the City and taxpayers getting absolutely nothing in return for the expenditure. The unmitigated loss of \$6,000.00 of taxpayer funds is due entirely to the actions of former City Administrator Michael Miller. I believe laws have been broken and the taxpayers of North Canton have suffered a

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loss that needs to be recouped. Many times we question the validity of government expenditures. But at the very least, taxpayers are left with something to show for the expenditures made by their government. But, in this instance, taxpayers received absolutely nothing in return for the \$6,000.00. The previous Council seemed to look the other way. It was an election year, you know. No sense in rocking the boat in an election year. I hope this new Council is as outraged as I am at the failure to follow the system of checks and balances in the expenditure of public funds. I am asking this Council to recover the loss of \$6,000.00 and return the money to the General Fund. Since Mr. Miller did not have the authority to sign and obligate the City to the purchase of real estate for \$540,000.00, it could be argued that the agreement with Mr. David Crowder is not valid and that Mr. Crowder should return the \$6,000.00. Given that Mr. Miller exceeded his authority in fashioning a deal outside the public knowledge and approval of Council, maybe Mr. Miller should reimburse the City for the loss of \$6,000.00. In the event this Council fails to take immediate action to recover the misspent funds, I must advise this Council that I will be compelled to seek recovery of the funds through other means available to me as a taxpayer of the City of North Canton. I ask you, please, to show the taxpayers of North Canton that this body is truly a watchdog and a conservator of City monies and also of the individuals who spend those tax dollars. I might add that I did file a complaint with the State Auditor last March. I received a nice thank you; that they were investigating the issue. And only in the last week when I happened to stop into the Council Chambers where they were working here, I received an e-mail that said they have looked into it. It was submitted to their AOS (Auditor of State) Legal Counsel, whoever that is, to form conclusions. As it stands, this issue was reviewed and addressed by our AOS Legal Counsel. Therefore, our office accepted your Complaint, reviewed it and concluded as to whether or not your complaint would merit further action. It says if you desire a continued pursuit on this issue, you can provide it in writing in a letter stating your position or concerns. I don't know how anybody would want to argue that, well, did he break the law? Did he not break the law? The bottom line is \$6,000.00 were just handed out, and there is nothing to show for it. And that is not supposed to happen. So, I do implore you to move ahead with recovery of this, or I will have to institute further actions. Thank you.

Mr. Foltz: Okay. Anybody else who would like to address Council tonight, please step forward. State your name and address for the record.

Mr. Holl: My name is James Holl. I live at 509 Pershing SE, North Canton. I want to just say a couple words in support of the trail existing and proposed trail at Hoover Park. I am a frequent trail user. I was out there on Saturday morning with my wife and my dog, and we go out there year around. And I can tell you that it contributes immeasurably to my quality of life, and I think, my extension to everybody here uses that trail. In the course of my visit out there, I ran into two (2) ladies from Boston, Massachusetts, who are visiting here and couldn't figure out why in the world anybody would not be in favor of such a trail system. And, I also met a couple from Hartville who were out – who come down every week or so and walk. And, so, if these are undesirables who may be brought into the community by a trail system, then I think they're the kind of undesirables we might want. I just would also say that – well, I'm repeating what Bob said about the value to the community and to the residents – I think trail usage is going to continue over time. And as this system gets extended into The Sanctuary and to other allotments and to other destinations, I think you're going to find even more people using this trail. I think more users means less crime and less illegal behavior around the area. More users means a more healthy and fit community and fit citizens, so I think it's a very, very worthwhile addition to – an asset to the community. Thank you.

Mr. Foltz: Thank you, sir. Yeah. Please step forward.

Mr. Gimigliano: My name is Joe Gimigliano, and I live on Irondale Circle – 1310 Irondale Circle. I also would like to express an appreciation and support for the walking trail. I have two (2) other very brief points. At last week's meeting, there were one or more citizens who spoke in opposition to the trail, and if I heard correctly, and I'm not sure I did, but if I heard correctly, there was an allegation that there resides on Irondale Circle a registered sex offender. And I did an internet search and found that there are ten (10) such offenders in this area code, or this – in the 44720 area – none of whom live on Irondale Circle. So, if I heard correctly, I would request that the record be corrected. And my final point is that with all the heavy machinery going down and back and forth on Irondale Circle, Irondale Circle is in deteriorating condition. Chunks of the street are out, and I would like to know if there's any plan to remediate that.

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Mr. Foltz: Thank you, sir.

Mr. Gimigliano. Thank you.

Mr. Foltz: Yes, please step forward.

Mrs. Manos: I'm Lorraine Manos. I live at 1246 Stockbridge Street. I think most of the people in the Willow Creek Allotment – I'm speaking for some of them – are pleased with what Mr. Fonte did. That was one of our main concerns. We're not against trails. In fact, my husband and my family frequently walk the trails. We go to Quail Hollow and Gorge Parks. We even walk on the path between the ball fields and Washington Square. But walking paths accessed by the general public do not belong in residential areas, and that's – that was our base. We love walking trails. We're not – the most pleasurable part of our walks is when we are not in sight of houses and developments. And we want to take some of the complaints of Washington Square and not make the same mistake here. And I think that you all heard us – the Mayor and Kathy and Mr. Fonte – in doing that. Because we don't want to affect the safety, security and quality of life of the existing North Canton neighborhoods. And I think we're all in agreement that that's, you know, what needs to be done. I guess the other thing that we would ask at this point in time, and what you would want to do for some of the North Canton neighborhoods that will be ultimately affected, is ask us to help in coming up with solutions and making decisions based on parking and access as well, because I think it's important. We love North Canton. We love our community. We like what we're doing with the parks, but there has to be a balance between residential areas and the walking trails; and I think that you heard us, and I think we appreciate that. And I think that's it. I wonder if there is a way that we can be led in on the decision making for that. You know, intelligent people looking at both sides of the question – both sides of the situation – trying to come up with solutions that work best for everybody.

Mr. Foltz: Thank you. Please step forward.

Mrs. Schilstra: Mary Schilstra. 601 Linwood. I live next to Price Park, as most of you guys know. I bought my house because I like the park, and see it every day. I actually enjoy watching the people walking through the park. I have never been bothered. And my child's 14 years old now. He was two years old when we moved to the house. It never crossed my mind that we would have a problem. He has always enjoyed going to the park. I have been hiking over 25 years in the multi-county area. I have never been bothered by anyone. The people I meet in the parks are the most wonderful people I know, and if she mentions she goes to the Metro Parks in Akron – then don't go to Goodyear Heights; don't go to Munroe Falls; don't go to Firestone. They're in residential areas. I grew up in Cleveland. That was the best thing in Cleveland – was the Metro Parks. And when I go up to see my parents, it's wonderful to be able to be down into the park system in five minutes. And people buy their homes next to the parks, because they really like that. I do have one other thing. I did speak to Jon last night. With the water extension going out to Highland Park, my only concern with that – with selling the water up there is more development. And with that going through Plain Township and Lake Township, has the City been in touch with Lake Township people about storm water or drainage problems so we don't cause more flooding downstream? And that is my concern. And I know it's multi-government stuff that has to be dealt with, but I would like that to be addressed. Thank you.

Mr. Foltz: Okay. Thank you very much. Anyone else who wants to address Council, please step forward.

Mr. Lensman: Thanks. I appreciate it. Council, my name is Todd Lensman. And first of all, I guess – let me give that to you – the sex offender is on Marquardt; is that right? Not Linwood. So, I certainly apologize for anybody who lives on Linwood, I suppose.

Mrs. Magel: Irondale.

Mr. Lensman: Irondale?

(Inaudible)...Irondale

Mr. Lensman: Oh, I'm sorry. It's Marquardt. In any event, and I appreciate it, Bob, by the way, being here. My name is Todd Lensman. I live at 210 Creekside. I spoke last week. I'm actually here as the spokesperson for the Willow Creek Homeowners' Association. And, first of all, just let me say that I do appreciate your taking time to hear us. We know you have a number of issues to deal with, and we appreciate your time spent on this issue. We probably surprised you a bit last week just with the turnout and the questions. And I gotta tell you – we didn't mean to do that. We were, I think, just a little bit surprised by the issue that arose. And we just ask you to understand our



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responses, in part, basically, and we fully appreciate – and, trust me – we do appreciate – I know that we do – is that we have a new mayor, and we have, effectively, a new Council – new four out of seven members. And, so, we were just taken aback a bit with regard to, I suppose, how Council has worked in the past, and we're hoping that, of course, doesn't continue. We met this weekend at the Henley's house, as the homeowners. As a result of that meeting, basically, they wanted me to represent a number of questions or issues to you in statements. And, first of all, let me say that we don't have anything against walking paths, per se. We can appreciate the work that Bob does and that Stark Parks do. However, our concern – and I hope you can appreciate – our concern is just with the potentially intrusive nature of paths into a neighborhood. Now, you know, in this regard, basically, we were concerned because of some of the issues raised by the Washington Square residents at the meeting last week. Some of the issues you may have seen in the newspaper and in the editorial in the newspaper. And, again, I mean, we hope and we fully appreciate that most residents and non-residents who use the paths are good law abiding citizens. And, in fact, I think there was a fellow last week who spoke to the effect that they are good law abiding citizens. I mean, I gotta tell ya, you know, our concern is, again, one of safety. I can't tell you by looking at somebody whether they're a criminal or not. Maybe the fellow who was here last week can, but I can't. So, our concern is the proximity, of course, to the houses and the safety of our children. The second issue that, of course, arises is just one of nuisance – whether the path – you know, again, we heard testimony from the people of Washington Square and in the newspaper with regard to trash, animals, unruly path users, bicycles, skateboards and so forth. And our concern, again, is we hope that none of these issues arise as a result of this path. But we realize, of course, also that if we don't address any of these issues now, we would never get the chance to do so. So, basically, what we're looking at is what we want to understand – are just kind of a series of questions, if you will, to the Council, to Bob and to those involved. And I will actually submit these. Well, let me just read it to you, if I could. Excuse me. First of all, if I understand, we want to understand what the final location of the path is; and, of course, I think – I'm not sure how you did it, but you marked it somehow?

Mr. Fonte: Flags – stakes and flags.

Mr. Lensman: So, we presume that's marked. And, as you said, I think, it's not representative of what was handed out before the meeting. Is that accurate to say? Because I think we were – you know, we were of the opinion and understanding, I think, from the meeting last week, that at a minimum, it was 150 or 200 feet from the creek. And, I don't know if that's accurate. Is that accurate?

Mr. Fonte: I told you I couldn't give distance, because ...(inaudible).

Mr. Lensman: Okay. Further, another question that we had would, basically, be to understand what the access points to the path are or are intended to be. Where would those be? Where would be someone gain access to the path?

Mr. Fonte: I'd be happy ...(inaudible).

Mr. Foltz: Sir, you need to address Council.

Mr. Lensman: Okay. Can you tell me where the access points would be.

Mr. Foltz: The access points would be the parking area next to the Little League – Field A, I believe it is, complex, which it already exists – Phase I. And, then, obviously, it's going to probably be looked at – at Marquardt at some point in time. But that's your only access point right now.

Mr. Lensman: I mean, those have been determined or haven't been determined?

Mr. Foltz: Yes, those are existing.

Mr. Lensman: The Marquardt is existing?

Mr. Foltz: No. The Little League –

Mr. Lensman: Okay, so right now, the only access point is the Little League; okay. I think – and I think you addressed this as well. You're going to have signage on the path, I presume?

Mr. Foltz: Yes.

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Mr. Lensman: Is the signage – and the signage is, we're obviously just concerned – and, presumably, again, if the path is as was presented in the pictures, and we don't have any reason to believe not, you're not going to be able to get access anyway. We would presume we would have access just to keep people from wandering onto private property. What hours is the path open? Is it 24 hours a day? I don't know, or what hours would it be, do we know?

Mr. Foltz: Mr. Cooksey, can you address that?

Mr. Cooksey: Yeah. In the summertime, from 8:00 a.m. until 10:00 p.m.

Mr. Lensman: Okay.

Mr. Cooksey: And this time of year, we go earlier than that ...(inaudible).

Mr. Lensman: Oh, okay. And I think you had addressed – who actually enforces that? Is that the North Canton City Police? Is that Stark Parks? Is that – how is that determined? I mean, how do you determine who does what and when?

Mr. Cooksey: That's under the City Charter Ordinance. It's under ordinance. If you call the police –

Mr. Lensman: No, no. I'm just asking – is it patrolled? I don't know, I'm just asking. Are these sorts of trails patrolled or are they – because they are in very dense areas, as we can see.

Mr. Cooksey: After hours?

Mr. Lensman: Well, during hours, after hours; I'm not sure.

(Inaudible discussion)

Mayor Held: Mr. President –

Mr. Foltz: That was mentioned earlier by Mr. Fonte. Public Speaks shouldn't really be a debate or a question/answer series. You can submit other questions, and we'd be more than happy to address them after the meeting, or Mr. Fonte can address some of them after Public Speaks.

Mr. Lensman: That's fine. Can I read these questions, though, so you can understand what they are? I'd appreciate it.

Mr. Foltz: You can read the questions in the record; that would – we're perfectly fine with that.

Mr. Lensman: I mean, and feel free to ask questions, is there additional parking planned for the path to preserve the baseball fields or elsewhere in the vicinity? Are you gonna address these or not?

Mr. Foltz: No. Go ahead and just read them in the record.

Mr. Lensman: That's fine. Has Stark Parks, the City or the County submitted and received appropriate permitting for the construction of the path? And will Council confirm, in writing, to us that the construction of the path and the related matters are as they are portrayed to be? And, finally, with regard to the path, the nature preserve, The Sanctuary, the baseball fields – what other changes have been proposed or discussed that might affect our neighborhood?

Mr. Foltz: Do you have a copy to leave with us here?

Mr. Lensman: I sure do.

Mr. Foltz: Thank you.

Mr. Lensman: And – pardon me?

Mr. Foltz: I didn't know if you were finished. If you just want to leave a copy. Thank you.

Mr. Lensman: Thanks. And finally, we appreciate it. And we had pictures last week of the back of our residence. And we appreciate whomever is responsible for cleaning that up, first of all. And, secondly, we would, again, ask you to take a look, because we've had to take a look at – and I'll submit this picture for you to look at as well – just with regard, again, the flooding concern and the issues raised with regard to the path and otherwise. And this is a picture that was taken on Sunday, and you can see the marked difference between a week ago (inaudible)...(Mr. Lensman walked away from microphone).

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Mr. Foltz: Do you need those copies back, sir?

Mr. Lensman: No. Thanks. You know, finally, we, you know, we certainly appreciate Council's recognition of these issues and what Bob has done to address some of our concerns, and we look forward to your response. Thank you.

Mr. Foltz: Okay. Thank you.

Mrs. Magel: Thanks.

Mr. Foltz: Anyone else like to address Council tonight?

Mr. Santangelo: I'll try to keep it short. Randy Santangelo, 244 Cordelia. I'm working with Superintendent Mike Gallina on the school levy. I know Mrs. Goldthorpe was here one other time for the endorsement. I'm the chairperson for the endorsements, and what I'm basically doing is going up and down Main Street and getting all the endorsements. And I think we're about 7-10 days before the levy come out with an ad and just say the following – businesses and groups, you know, support the school levy. And I'm sure she covered all the grounds why we need – you know, with the uncertainty of Hoover Company and everything else. What she probably didn't say – what I want to do, we don't want to turn this into – I mean, there's going to be letters in the Rep for the levy and against. I mean, that's gonna happen. But what I don't want to turn this in – we don't want this to get political. We would certainly want your endorsements. I've got some great, great, you know, groups on board. However, I only want – I want to make it very clear, we want the endorsement if every single person up there agrees to this. If one or two is quivering, then we don't want it. I mean, we don't want this to be in the paper as far as, you know, battling back and forth. Because you guys are doing – and the only reason I'm telling you this – you know, I was here about a year and a half ago, and when I was working at Hoovers, there, with 35 years, I blasted everybody – I mean, everybody sittin there about – let's take care of the jobs, and it was a laughing stock in Stark County. It was a big joke. You guys would – everybody was ...(inaudible). Now, you know, with, we have new faces up there. I do want to comment on that. You guys are doing a great job. If somebody disagrees with somebody, you know, you do it constructively. You're not in the media going after people. It's really good. That's why I don't want to open up a can of worms. I mean, we really, really want your support, but if it's gonna cause a whole lot of commotion, I got – I got a tone of people on board. I mean, and, you know, I just want to know where we stand.

Mr. Foltz: I appreciate your reasoning...(inaudible).

Mr. Santangelo: And I know, I talked to Dave about this, and we do need – I want to reiterate, you know, with Hoover Company and Spitzers moving out, I mean, we do need this levy. I could give you one quick stat. You know, we have an excellent rating at Hoover, and when they get that extra rating, there's ten – a criteria of ten (10) things they have to meet. We met 10 out of 10. What I didn't know was we are only 1 of 27 schools in the whole state of Ohio. Only 1 of 27 that have the rating five (5) years in a row. I mean, It's just important. You know, we need to get this through. But, like I said, I want everybody to agree on it. Okay.

Mr. Foltz: Okay. Thank you, very much, for your comments. Anyone else like to address Council this evening? Okay, seeing none, I think there's some young students in the audience that maybe need papers signed by Council or the administration. Am I right on that?

Mrs. Magel: I don't see them.

Mr. Foltz: Maybe not. Okay. If you do, please come up. You can pass the Council Agenda, and we'll be more than happy to sign it during the meeting; because sometimes these meetings last quite long. So, with that, we'll go right into "Old Business." Before we start on Ordinance No. 210-05, I need a motion to remove 210-05 from the table.

## OLD BUSINESS:

9. Mr. Snyder moved and Mrs. Magel seconded to **remove from the table** Ordinance No. 210-05. All members present voting:  
Yes: Repace, Snyder, Foltz, Hines, Magel  
No: DeOrio

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Mr. Foltz: I need a motion, now, to amend Ordinance No. 210-05 as follows: the words "labor and materials" have been added, and in Section 3, the word "national" has been added.

(Inaudible discussion)

Mr. Snyder: You're asking for a second reading as amended? Right? Pardon me? As amended?

Mrs. Kalpac: He's asking to amend before the second reading, right?

Mr. Foltz: We have to do this first, right?

Mr. Snyder: You agree with the amendment?

Mrs. Kalpac: You have to amend prior to the second reading.

Mr. Foltz: Let's remove from table. We're going to amend the ordinance before we read it. That's what we're doing now. So, is there a motion to approve?

Mr. Snyder moved and Mrs. Magel seconded to **amend** ordinance No. 210-05 to reflect the words "labor and materials" be added (Section 2b), and in Section 3, add the word "National." All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to read by title only the second reading of Ordinance No. 210-05, as amended.

Mr. Snyder moved and Mrs. Hines seconded to **read by title only, second reading of** Ordinance No. 210-05, as amended. All members present voting:

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

No: 0

#### Ordinance No. 210-05 – Second Reading

An ordinance amending Section 935, specifically 935.02 CONNECTION CHARGE OTHER THAN BY ASSESSMENT of the Codified Ordinances of the City of North Canton, Ohio, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you. This is bringing in the present ordinance so that presently reads, I believe, \$7.50 to \$10.50 a foot. We've changed it. We've put it in where it now – it's simply \$25.00 if it's already in the ground. The new one will be labor and material divided by two in the front footage, and it will be looked at every February 1st, based on the National Construction Cost Index of Engineering News of record as of January of that year. We did amend it to, hopefully, meet everybody's comfort zone. And that's about it.

Mr. Foltz: Any other discussion? Okay, if not, do we have a motion to adopt the second reading of Ordinance No. 210-05?

Mr. Snyder moved and Mrs. Magel seconded to **adopt the second reading, as amended**, of Ordinance No. 210-05. All members present voting:

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

No: 0

10. Mr. Foltz: Do I have a motion to remove Ordinance No. 17-06 from the table?

Mrs. Magel moved and Mrs. Hines seconded to **remove from the table** Ordinance No. 17-06. All members present voting:

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

No: 0

Mr. Foltz: Do I have a motion to add a third purchase option and an emergency clause, basically, to amend the ordinance?

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Mrs. Hines moved and Mrs. Magel seconded to **amend** Ordinance No. 17-06 to add a third purchase option and to include an emergency clause. All members present voting:  
Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines  
No: 0

Mr. Foltz: Now, may I have a motion to read by title only third reading of Ordinance No. 17-06, as amended.

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, third reading** of Ordinance No. 17-06, as amended. All members present voting:  
Yes: Repace, Snyder, DeOrio, Foltz, Hines, Magel  
No: 0

## Ordinance No. 17-06 – Third Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement for the purchase of three (3) Marked Cruisers for use by the Police Department, within the purview of the Ohio Cooperative Purchase Act; or, authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement to purchase three (3) Marked Cruisers for use by the Police Department from a local vendor if they are at a lower price than state bid contract and if they are at equivalent terms, conditions and specifications; or, in the alternative, authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into an Agreement for the purchase of three (3) Marked Cruisers for use by the Police Department, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This was amended due to the – at the second reading not having the ability to advertise and receive bids from local vendors if it would turn out to be a better price and pursuant to the specifications on file in the Director's office. I would move that we approve Ordinance No. 17-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading, as amended**, of Ordinance No. 17-06. All members present voting:  
Yes: Snyder, DeOrio, Foltz, Hines, Magel, Repace  
No: 0

Mr. Foltz: Did we want that emergency, Gail? I'm sorry.

Mrs. Kalpac: Didn't we amend that?

Mr. DeOrio: We amended that to reflect the emergency clause.

Mrs. Magel: He read it as--

Mr. Foltz: Do I have a motion to suspend the rules for Ordinance No. 17-06?

Mr. Pusateri: It's a third reading.

Mr. Foltz: We don't need to suspend it.

Mr. Pusateri: It's a third reading.

Mr. Foltz: So, we're fine.

Mr. Pusateri: We're fine.

11. Mr. Foltz: Do I have a motion to amend Ordinance No. 27-06 to include an emergency clause?

Mr. DeOrio moved and Mrs. Magel seconded to **amend** Ordinance No. 27-06 to include an emergency clause. All members present voting:  
Yes: DeOrio, Foltz, Hines, Magel, Repace, Snyder  
No: 0

Mr. Foltz: Now, may I have a motion to read by title only third reading of Ordinance No. 27-06, as amended.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 27-06, as amended. All members present voting:  
Yes: Foltz, Hines, Magel, Repace, Snyder, DeOrio  
No: 0



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## **Ordinance No. 27-06 – Third Reading**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration for one (1) Ladder Truck, for use by the Fire/EMS Department, at a cost not to exceed \$750,000.00; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a lease-purchase agreement for said Ladder Truck, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This is the third and final reading. I was not aware that we were adding an emergency clause, but I suppose that since we've had the three (3) readings, I don't have a huge concern with that. I would imagine this eliminates the 30-day wait so that the Chief can get on with things. So, I would urge other members of Council to support this and pass, with the emergency clause, Ordinance No. 27-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading, as amended**, of Ordinance No. 27-06. All members present voting:

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

No: 0

12. Mr. Foltz: Next, may I have a motion to read by title a second reading of Ordinance No. 30-06.

Mrs. Hines moved and Mr. DeOrio seconded to **read by title only, second reading of** Ordinance No. 30-06. All members present voting:

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

No: 0

## **Ordinance No. 30-06 – Second Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended Agreement by and between the City of North Canton ("City") and the Stark County Park District ("Park") for the construction, maintenance and operation of an additional 1,200 feet for the Hoover Connector Trail Phase 2a, at a cost not to exceed \$15,912.00.

Mr. Foltz: It's been a hot topic here the last couple weeks. Obviously, I am very much in favor of this. I think it's a great addition to Phase 2 and just for our residents, in general. So, if there's any other further discussion. If not, I'll ask for a motion to adopt the second reading of Ordinance No. 30-06.

Mr. DeOrio: If I may, before – I just wanted to comment on a handout that I had asked Julie to prepare for me so that everyone understands where it came from. And it was just an idea to get a handle on how large the City's commitment has been to this particular project – the Hoover Connector Trails. And, for benefit of the audience, that with the layout and design in Phase 1, 2 – cleaning up some of the areas in Phase 2a and then a bridge that's yet to be bid, you know, the commitment by the City has been in excess of \$200,000.00. So, I would hope that as we go forward – that if there are other phases of this trail, we would certainly like to know about it – particularly when you get a changeover in membership in Council. A lot of times the agreements that have been adhered to before, you know, no one is really aware of those except those that have been on Council for a long time. And that's important to note. This commitment that we're making to do the extension for \$15,912.00 is an estimate. It could be more. It could be less. It's based on the extension being so many linear feet, so we may have to come back and address that at some other time. But we need to keep in mind that from the time that this was first proposed, I understand that the master plan was put together in '97 or '98 and has been an ongoing thing. But we must be cognizant, too, maybe not so much here at this time with this issue, but as we face these other issues that things have certainly changed since 1997 and '98 as far as the City's finances. And we need to keep a better handle on it. But, certainly, with everyone that spoke here tonight, there is a great need and a great support for this particular project. I think it gives you the worth – you're getting something for your money in this particular case. I'm satisfied with that. So, I just wanted to say that. Thank you.

Mr. Foltz: Thank you for your comments. Did I have a motion on the floor?

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Mr. Snyder: You made the motion, I believe.

Mr. Snyder: Second.

Mr. DeOrio: I'll second. Go ahead, Mr. Snyder.

Mr. Snyder: Oh, excuse me.

Mr. Foltz: I made the motion or I asked for it? I asked for one. Do I have a motion from somebody? (Inaudible) You've got a quicker ear tonight.

Mrs. Magel moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 30-06. All members present voting:

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

No: 0

13. Mr. Foltz: Next, may I have a motion to read by title only the second reading of Ordinance No. 31-06.

Mrs. Hines moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 31-06. All members present voting:

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

No: 0

#### **Ordinance No. 31-06 – Second Reading**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Hoover Park Pedestrian Bridge project, at a cost not to exceed \$75,000.00.

Mr. Foltz: As it reads, our Engineer, Jim Benekos, is working on some soil sampling and just getting more information so that we could possibly bid out two (2) pedestrian bridges. One was originally slated to be a vehicle bridge, but that's so changed, but the additional trail that's gonna run west to Marquardt. So, with that, I look for a motion –

Mrs. Magel: I'd like to ask something. Jim?

Mr. Benekos: Yes.

Mrs. Magel: There's been a contradiction here. Is this the only \$5,000.00 for both bridges?

Mr. Benekos: If we can construct both bridges for \$75,000.00, we will. If we can only –

Mrs. Magel: What's the anticipation?

Mr. Benekos: Pardon me?

Mrs. Magel: What's the anticipation?

Mr. Benekos: Well, right now we're determining the size of the bridge because of the hydraulic study we're doing and also the soil borings. So, that will determine the cost of the bridge. Excuse me. And if we can build two (2) bridges for that, we will. We're not at a point yet to determine that – whether we're at a 20-foot bridge or a 40-foot bridge. But –

Mrs. Magel: I just wanted to clarify that, because the statement was made "two bridges," and I think that's not necessarily so.

Mr. Benekos: Initially, the \$75,000.00 was for one (1) bridge. But at this point, I anticipate we might be able to do two bridges, because I think we can –

Mrs. Magel: It's not "vehicle."

Mr. Benekos: Correct.

Mr. Foltz: No. No. And we're hoping for the 20 foot. I have some experience with bridges in Canton, so that's why I say that. Very good. So, do I have a motion to accept the second reading of Ordinance No. 31-06?

Mrs. Magel moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 31-06. All members present voting:

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

No: 0

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14. Mr. Foltz: We're going to leave item – or Ordinance No. 35-06 tabled at this point. We'll bring it back on Committee of the Whole for next week.

Mr. Pusateri: One less ordinance to read.

15. Mr. Foltz: Next, do I have a motion to read by title only the first reading of Ordinance No. 36-06?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 36-06. All members present voting:

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

No: 0

## Ordinance No. 36-06 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended Agreement by and between the City of North Canton ("City") and the Akron-Canton Regional Airport Authority ("Airport") requiring the Airport to make payment to the City in the amount of \$100,000.00 for certain improvements to the City's water system to provide adequate flow and pressure for the Airport; and repealing Ordinance No. 155-04 which authorized the original Agreement and any and all legislation inconsistent herewith.

Mrs. Magel: Question, please.

Mr. Foltz: Sure.

Mrs. Magel: I spoke with the Administrator earlier today, but for the record, Paul, I wanted to get your opinion on record. When it says "any and all legislation inconsistent herewith," that's not going to be 935.01, is it?

Mr. Pusateri: That's correct. That's right.

Mrs. Magel: It will not.

Mr. Pusateri: It will not repeal that legislation.

Mrs. Magel: Okay.

Mr. Pusateri: Because it's not inconsistent with it. It will not.

Mrs. Magel: Okay.

Mr. Pusateri: That's right.

Mr. Foltz: Are you satisfied, Chairperson Magel?

Mrs. Magel: Yes. Satisfies me.

Mr. Foltz: Any other comments on the ordinance? With that, I will look for a motion to adopt the first reading of Ordinance No. 36-06.

Mr. Snyder moved and Mr. Repace seconded to **adopt the first reading** of Ordinance No. 36-06. All members present voting:

Yes: Hines, Magel, Repace, Snyder, Foltz

No: DeOrio

16. Mr. Foltz: May I have a motion to read by title only second reading of Ordinance No. 37-06.

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, second reading** of Ordinance No. 37-06. All members present voting:

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

No: 0

## Ordinance No. 37-06 – Second Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Water Tower #2 Pump Station project, at a cost not to exceed \$1,140,000.00.

Mr. Foltz: Chairperson Magel.

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Mrs. Magel: Yes. As this is the second reading and we've discussed this before, we've already engineered – or at least approved the engineering of it and expect to receive the grant money sometime, hopefully in the –

Mr. Benekos: In July.

Mrs. Magel: -- July. Okay. So, this is just the second reading to get the ball rolling. Hopefully, after – we can get this thing totally engineered. How long will that take, do you think?

Mr. Benekos: It will take us into, into May. At that time, we'll want to bid it out; and, then, when the funds are released, we'll be able to award it right away.

Mrs. Magel: To actually work on it; okay. So, I would ask, then, that the second reading move forward.

Mr. Foltz: Do I have a motion to adopt the second reading of Ordinance No. 37-06?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 37-06. All members present voting:

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

No: 0

17. Mr. Foltz: Next, do I have a motion to read by title only second reading of Ordinance No. 38-06?

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, second reading** of Ordinance No. 38-06. All members present voting:

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

No: 0

#### **Ordinance No. 38-06 – Second Reading**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Mt. Pleasant/Pleasantwood Waterline project, at a cost not to exceed \$300,000.00.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. Again, second reading and nothing's changed. This is one of the four (4) legs for the Akron-Canton Regional Airport – it's the Pleasantwood Waterline, and this one happens to be one of the major ones that's needed here. So, I would ask that Council please make a motion that the second reading proceed.

Mr. Foltz: Do I have a motion to adopt the second reading of Ordinance No. 38-06?

Mr. DeOrio moved and Mr. Repace seconded to **adopt the second reading** of Ordinance No. 38-06. All members present voting:

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

No: 0

18. Mr. Foltz: Next, may I have a motion to read by title only second reading of Ordinance No. 39-06.

Mrs. Hines moved and Mr. DeOrio seconded to **read by title only, second reading** of Ordinance No. 39-06. All members present voting:

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

No: 0

#### **Ordinance No. 39-06 – Second Reading**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Glenwood Sanitary Sewer project, at a cost not to exceed \$125,000.00.

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Mr. Foltz: Chairperson Magel.

Mrs. Magel: Okay. Again, that second reading, as discussed before, this is an important sewer project that – it's the second leg of – it will go, now, from Lindy Lane to Linwood; and the second part of it was already finished on the other side of the creek. So, I think this is an important piece of legislation. I would so ask that this Council please move forward its second reading.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 39-06. All members present voting:

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

No: 0

19. Mr. Foltz: Next, may I have a motion to read by title only second reading of Ordinance No. 40-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 40-06. All members present voting:

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

No: 0

## **Ordinance No. 40-06 – Second Reading**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Furbie Avenue SW / Lucille Avenue SW / Glendale Street SW Waterline project, at a cost not to exceed \$250,000.00.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is the Furbie/Lucille/Glenwood area that was identified by the three (3) new Council-At-Large as they were campaigning. This was notified as a badly need of some new water lines. And this Council, I'm sure, would be pleased to make sure that this goes on for a second reading, and I would urge them.

Mr. DeOrio moved and Mr. Repace seconded to **adopt the second reading** of Ordinance No. 40-06. All members present voting:

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

No: 0

20. Mr. Foltz: For Ordinance No. 41-06, I believe the Committee – we wanted to defeat this; or, if we have a lack of a motion, we will defeat this ordinance. So, is there a motion to read by title only Ordinance No. 41-06? Seeing none, I guess it's defeated.

Ordinance No. 41-06 died due to a lack of a motion.

21. Mr. Foltz: Next, do I have a motion to read by title only Ordinance No. 42-06?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 42-06. All members present voting:

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

No: 0

## **Ordinance No. 42-06 – Second Reading**

An ordinance approving, confirming and accepting a Perpetual Water Main Easement situated in the City of Green, formerly Green Township (T-12N, R-9W), County of Summit, State of Ohio, located in the Southeast Quarter of Section 36 and being a part of a 9.843 acre parcel conveyed to Phoenix Packaging Corporation as recorded in reception Number 54135699 of the Summit County Records, and also known as the Brookline/Lauby Road Water Main Easement, for the purpose to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace and renew at will, a water main for conveying potable water and appurtenances thereto with the right of ingress and egress at any time to and from such water main and all appurtenances thereto on, under and through.



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Mr. Foltz: Chairperson Magel.

Mrs. Magel: Over the river and through –

Mr. Pusateri: It's a tongue twister, huh? A challenge.

Mr. Foltz: I couldn't get 42 out. Talk about reading that.

Mrs. Magel: Okay. This is Brookline/Lauby Road Water. This is the easement, and this is also part of the Airport Agreement. And, to move things along, I would hope that Council would approve this for a second reading tonight.

Mr. Foltz: Do I have a motion to adopt the second reading of Ordinance No. 42-06.

Mr. DeOrio: Before we do that, I have a question. In the original 42-06, we had the emergency clause in. Was that taken out?

Mrs. Magel: Yes.

Mr. DeOrio: And if so, what are we voting on, then, tonight? Because I hadn't seen a – is there –

Mrs. Magel: I asked for the emergency to be removed.

Mr. Foltz: You asked for it to be removed?

Mrs. Magel: Yes, and it was removed.

Mr. Foltz: Yeah. That came under Chairperson Magel's direction – to remove the emergency clause.

Mr. DeOrio: Okay, but my point is that if we've changed the legislation from the first time we looked at it, it should be included in the packet as a separate piece of legislation reflecting the changes that had been made – much like we did on some of the other stuff.

Mr. Foltz: I'll ask the Law Director to add that to the third reading, then, if that's agreeable to Council.

Mrs. Magel: Do you need to say "as amended" or something here?

Mr. Foltz: No.

Mrs. Magel: No? Okay. Whatever is agreeable.

Mr. Foltz: What is – could the next Council meet for third reading, and it won't show the clause. Would that satisfy your question, Member DeOrio?

Mr. DeOrio: Indicated yes.

Mr. Foltz: Okay. Very good. Now, may I have a motion to adopt the second reading of Ordinance No. 42-06.

Mrs. Hines moved and Mr. Repace seconded to **adopt the second reading** of Ordinance No. 42-06. All members present voting:

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

No: 0

22. Mr. Foltz: Next, may I have a motion to read by title only second reading of Ordinance No. 43-06.

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, second reading** of Ordinance No. 43-06. All members present voting:

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

No: 0

## Ordinance No. 43-06 – Second Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications that will be on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the Cleveland Avenue Waterline (Brumbaugh to Highland Park) project, at a cost not to exceed \$120,000.00.

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Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, I believe a long, long time ago, this is where we started from the Brumbaugh to Highland Park and through a lot of understanding and presentations. Again, this is part of the Airport project, and this is a necessary for the loop; and I would recommend that Council approve this on a second reading.

Mr. Foltz: So, may I have a motion to adopt the second reading of Ordinance No. 43-06.

Mrs. Hines moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 43-06. All members present voting:

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

No: 0

Mr. DeOrio: I'll second, but keep in mind, this is the same deal as the previous ordinance. So, we need to see that the emergency clause was taken out before we vote on it – it's third reading.

23. Mr. Foltz: We'll include that ordinance in the third reading also. May I have a motion to read by title only second reading of Ordinance No. 44-06.

Mrs. Magel moved and Mr. Hines seconded to **read by title only, second reading** of Ordinance No. 44-06. All members present voting:

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

No: 0

## Ordinance No. 44-06 – Second Reading

An ordinance authorizing the Director of Finance of the City of North Canton to establish a Compensated Absences Fund for the purpose of accumulating resources for the payout of accumulated sick leave, vacation and compensatory time off upon an employee's separation from employment; and authorizing various supplemental appropriations and inter-fund transfers for the purpose of funding the Compensated Absences Fund during the current year.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This is the creation of our Finance Director, Julie Herr – the Compensated Absences Fund. And we would ask that it be approved for its second reading, so I so move that we adopt Ordinance No. 44-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 44-06. All members present voting:

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

No: 0

24. Mr. Foltz: Next, do I have a motion to read by title only second reading of Ordinance No. 45-06?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 45-06. All members present voting:

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

No: 0

## Ordinance No. 45-06 – Second Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Capital Improvement Fund to the Capital Lease – Principal and Interest Accounts in the aggregate amount of \$25,800.00 for the current expenses during the fiscal year ending December 31, 2006.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: This is accelerating a lease payment from 2007 to 2006 to save us some interest. I move that we adopt Ordinance No. 45-06.

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Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 45-06. All members present voting:  
 Yes: Snyder, DeOrio, Foltz, Hines, Magel, Repace  
 No: 0

## NEW BUSINESS:

25. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 48-06.

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 48-06. All members present voting:  
 Yes: DeOrio, Foltz, Hines, Magel, Repace, Snyder  
 No: 0

### **Ordinance No. 48-06 – First Reading**

An ordinance establishing the zoning classification of R-70, Residential Single Family, as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as the Martinez/East Maple Annexation, containing 2.602 acres of land, more or less, annexed by Ordinance No. 167-05.

Mr. Foltz: Chairman Repace.

Mr. Repace: Well, this property has been annexed into the City and reviewed by the Planning Commission. To be in accordance with North Canton Zoning Regulations, this needs to be zoned; and it's going to be zoned R-70, which is residential, and that is the same zoning as Plain Township held.

Mr. Foltz: Okay. Any comments? Then we'll have a motion to adopt the first reading of Ordinance No. 48-06.

Mrs. Magel moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 48-06. All members present voting:  
 Yes: Foltz, Hines, Magel, Repace, Snyder, DeOrio  
 No: 0

26. Mr. Foltz: Now, may I have a motion to read by title only first reading of Ordinance No. 49-06.

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 49-06. All members present voting:  
 Yes: Hines, Magel, Repace, Snyder, DeOrio, Foltz  
 No: 0

### **Ordinance No. 49-06 – First Reading**

An ordinance establishing the zoning classification of R-70, Residential Single Family, as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as the Dent/East Maple Annexation, containing 2.862 acres of land, more or less, annexed by Ordinance No. 180-05.

Mr. Foltz: Chairman Repace.

Mr. Repace: I clone my words from the previous ordinance. It holds true that this needs to be zoned and – by regulations, and it's going to be zoned residential.

Mr. Foltz: Do I have a motion to adopt the first reading, then, of Ordinance No. 49-06?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 49-06. All members present voting:  
 Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines  
 No: 0

27. Mr. Foltz: Next, do I have a motion to read by title only first reading of Ordinance No. 50-06?

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Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance NO. 50-06. All members present voting:

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

No: 0

**Ordinance No. 50-06 – First Reading**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration 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 Brookline/Lauby Road Waterline project, at a cost not to exceed \$285,000.00.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, this is the fifth – one out of five – this is sort of – they all go together with this Airport Agreement. And this one is on for a first reading just because there's just a mistake made that this one didn't get on the agenda – it's just an oversight. But this one's just as equally important, and I would – to complete the entire project, I would ask Council to please approve this for a first reading.

Mr. Foltz: So, do I have a motion to adopt the first reading of Ordinance No. 50-06?

Mrs. Hines moved and Mr. Repace seconded to **adopt the first reading** of Ordinance No. 50-06. All members present voting:

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

No: 0

28. Mr. Foltz: Okay. Is the roll call completes on that ordinance?

Mrs. Kalpac: Yes.

Mr. Foltz: Okay. Administrator Wise would like to address Council before this next ordinance.

Mr. Wise: Thank you, Mr. President. With regard to the next item on the agenda – Number 28. We had Mr. Bellish from Buckeye Energy Brokers present last Monday for the Council – Committee-of-the-Whole meeting. I prepared, then, an ordinance – or assisted in preparing it – 51-06. First of all, it's my understanding, at this point, that the \$11.79 price is what was offered to us two (2) weeks ago. That is based upon the market price. There's, there's no guarantee, at this point, that we would get the \$11.79 price. It's my understanding it's still being offered. But, through the next reading, the recommendation by myself was to take it through two (2) readings. If we decide that's what we want to do to pass it on an emergency basis at that time, on what would be the 27th, I believe. There's been a three (3) week opt-out period after letters had been sent – those types of things. I've looked into this to quite some degree, and with the understanding that the price in the proposed legislation – the proposed ordinance – would have to say something to the effect of "at a cost not to exceed \$11.79" or some other figure that's higher than that if the Council chooses to go that route. I've spoken with a number of people, and I have a number of concerns at this point. At this point, we have the price of \$13.40 through October of this year. The new price of \$11.79 wouldn't start until the delivery of gas in May, and it would be reflected, then, in the bills received in June. The flyer – or the handout – that was presented last week shows, then, the average uses for the months of May, June, July, August, September and October. Other than May, which would be the first month – and, again, these are estimated average uses – but May is at \$10.14 MCF, so you would realize some savings there on that month, or some significant use of gas in May, apparently. That surprises me, but, apparently, there's still a lot of gas used in May. The rest of the time of the current agreement at \$13.40, June and you have to look down through June of – well, you can see it up above – June, '06, July '06 – in June, it drops to five and a half; July, something above three. Then down below, two for the rest of that time. The gas usage doesn't go above two up to three in November. I guess what I'm saying at this point, through the contract – existing contract, we have ... (Mr. Wise was cut off at end of tape #1). ...through May or through April, which will be the old (inaudible), we've used the majority of the gas for this winter at the \$13.40. Any savings that we will receive from May on will – I can't say it won't be significant – but it will be to some reduced level. As you can see from the usages in those months, there's not very much gas used. The question, then, becomes does \$11.79 become a good price for next winter? Right now, having spoken to Mr. Bellish today, what we could get the price at

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would be \$12.40. We could lock in at something around \$12.40. That could go down this summer, that may not.

Mr. Foltz: For next winter?

Mr. Wise: For next winter. The downside is if we are – we have a contract with Mr. Bellish, Buckeye Energy Brokers, that is contingent upon continuing with Direct Energy. I'm unclear at this point whether or not we can change that contract and get a different consultant or broker, if Council chooses to do that by signing this new Agreement with Direct Energy. This new Agreement obligates us to the winter of 2007 at \$11.79 –

Mr. Snyder: Two years.

Mr. Wise – which is a good price right now, but will it be later is, you know, take a dart and throw it at the calendar, I guess.

Mrs. Magel: Or at Council.

Mr. Wise: And then – never. And then you have a retail ladder that's increased by .30 cents – something like that – to 225.

Mr. Snyder: 260. or 2 -- .60 cents.

Mr. Wise: 225 is the – well, from 190

Mr. Snyder: 165 now.

Mr. Wise: Right, but we couldn't get that retail ladder any longer. The one we could get now, I believe, is 194; so it increases it to some degree. But that obligates us, in addition to the winter of 2007, to the winter of 2008.

Mr. Snyder: 2008.

Mr. Wise: So –

Mr. Snyder: But also understand the April of '07 to April '08 is at market price – renegotiated. If I may add, Director Wise, consequent to my conversation with you this afternoon, I did some research. As I told you, unfortunately, that fellow leaves me very cold – playing the devil's advocate last week with them. When I sell something, I at least know the product I'm selling. I make it a point to know what I'm selling to a customer. That fellow knows about as much about gas as I do. And, you know, if you're gonna just sell something to somebody, you should know what you're selling them and how much you're saving them. Fortunately, for the citizens of North Canton, the way the contract reads now, there is an opt-out provision. The best thing to do is stay with what we have, get a new consultant who is knowledgeable of the gas market and, possibly, hook with the county or some larger entity that gives us more power to negotiate for our customer. Advise the people to opt out of the policy, because the open market right now – Shell and some of them are as low as \$8.10. And they can go into the open market and buy gas much cheaper than they can through the aggregation of the City of North Canton. And he's charging – the only person making money on this project is Mr. Bellish, because we're going from \$1.65 to \$2.25 with the – and, then, unfortunately, as you say, in the summer months, they're normally the lean months, but – so, it really isn't to our advantage to switch out.

Mr. Wise: Two points, if I may. I spoke with Jeff Dunton at the county. They are resistant to joining with other municipalities. They have all 17 townships. They represent all the unincorporated areas of the county. There was some talk about going in with municipalities last time. I didn't quite follow the discussion, but there was some problem with the way the law is written as to different ways the county or municipality can enter into these agreements. But I don't think the commissioners would approve going in with us to create a larger group. I've spoken with a number of people – one of them being Mr. Bellish, but the City of North Canton is big enough to get or to acquire buying power. If you throw in more people, and there'd be a lot more people in the county, it's – I've been told that you only gain very small incremental pennies on the dollar of increased buying power. So, that, as I've been told, is not that big of a deal to aggregate with a larger group, because you can't get a large enough group to make a difference in the price.

Mr. Snyder: Well, unfortunately, and my knowledge of this situation of what happened to us, is we – you know, there's an old adage a pig gets fat and a hog will get slaughtered. And we waited to get more, and, unfortunately, Katrina came by, and the



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price went from the \$8.00 mark to 14 something, and we were stuck. Because, at that point, there's a supply and demand business, and we got greedy and we got stuck. But, I mean, if we start to move a little forward to negotiate a price prior to the expiration of our contract – like anything, if we're that large, then, obviously, as many users as we have – I know the City has a better price – don't we have – what's our price? Around \$9.00?

Mrs. Herr: Oh, No, it's more than that.

Mr. Snyder: Is it?

Mrs. Herr: Yes.

Mr. Wise: It's not \$13.40.

Mrs. Herr: No – I think a little better than \$13.40, but it's not –

Mr. Snyder: Well, I'm thinking, you know, maybe, you know – obviously, then maybe we need a little different consultant.

Mr. Wise: One other point is when you talk about someone who can opt out and get gas for \$8.90. It's my understanding that's a price for – a current price for summer months. I don't think you can opt out and get a current price right now for next winter of anything less than \$12.50, is my understanding.

Mr. Snyder: Probably not, but I'm saying –

Mr. Wise: Right.

Mr. Snyder: But our contract – we have nothing in place for next winter, though, do we?

Mr. Wise: We do not. We go through October of 2006.

Mayor Held: Mr. President, if we were to reconsider a new consultant, does that require going through – does that go to the ballot, or how does that –

Mr. Pusateri: No.

Mr. Foltz: No.

Mr. Pusateri: No. That's not how it's done.

Mayor Held: It's not. Okay. So, we can change consultants and, really, by an act of Council, and if we decide to go – if Council decides to go with another consultant once this contract expires, we can simply do that through Council action?

Mr. Pusateri: E.J. and I have looked at – I'm sorry – Mr. Wise and I looked at that provision in the contract, and we talked about it. And I'm not sure we want, necessarily, to give an opinion at a public meeting concerning our conversation.

Mayor Held: Okay.

Mr. Foltz: That was a question, too, Mr. Pusateri – do we need a new ordinance for this if we were to move forward? Or could we just use the existing?

Mr. Pusateri: We looked at the contract, and there was really no clear language. And I think that Mr. Wise was wise to bring it to Council's attention and then get Council's support to move forward on this.

Mr. Foltz: Chairman Snyder, my line of thinking was similar to yours. I talked to somebody quite familiar with this, and the name that was given to me was Jean Young through the county. I don't know if you had a conversation, Mr. Wise, with her.

Mr. Wise: I have not spoken --

Mr. Foltz: And Canal Fulton is in a similar situation that we're in. To me, I don't understand why if we don't – if we would come together with the county and Canal Fulton, why we wouldn't get a better price – and that's just bangs on the dollar. You're talking substantially more customers pulling together, so –

Mr. Snyder: Well, what I think he's telling us, President Foltz, is due to the fact of the structure of townships versus – because the county just dropped – I read in the paper – the township's down to 9 something. But they're not with the same supplier we are.

Mr. Wise: Okay. I don't know that.

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Mr. Snyder: What's the probable – possibility – or the plausibility, I guess, in this case – not the probability – the plausibility of contacting Canal Fulton, maybe the City of Akron. Maybe we can bootstrap onto Massillon and some other people and end up with a couple million people.

Mr. Foltz: I'd like to see us join Canton – every – down the line. Can we investigate that a little further with administration?

Mr. Wise: My – I don't know how you want to deal with this current legislation. I mean, I think, clearly –

Mr. DeOrio: Defeat it.

Mr. Wise: I would have to change the legislation that's existing. If we want to do this, the only reason to do this now is because you have some savings in May. Now, looking closer at this, it's not nearly the savings that I thought it would be in May.

Mr. Snyder: No, no. And that was my problem. I tried to get them to present that to me. He says the average usage was – he said 300 cubic feet. That didn't seem like a lot. That would only – that would result in less than 30 some dollars saved, despite of paying 5 something in the month of June – going in and paying almost \$12.00 is – you'd be losing money. We're best just to stay with what we got.

Mr. Wise: Well, I can certainly – and I've got Jean Young's name. I've met her, and I know her, but I didn't realize she was involved in this. I got her name today after 4:30. And I'll speak with her. It is my understanding that the City of Canton is on a fixed winter rate of 12 something, I think. And, then, they go to a floating rate in the summer. And what that is or what that will be, I assume it changes each month.

Mr. Foltz: Chairman Snyder, it would be your intentions just to let this die?

Mr. Snyder: Yes, sir. I just would call for – to read it and not pass it. Not get -- Just let it die.

Mr. Foltz: And then we'll get more information from the administration, as they are –

Mr. Snyder: I'd appreciate that.

Mr. Foltz: The administration – they are the... people on this for Council.

Mr. Snyder: And I apologize to my members if I – I looked at it and re-looked at it, and Mrs. Magel called me. And I discussed with her that I had re-looked at it.

Mr. Foltz: We want to get this as the best we can for our constituents.

Mr. Snyder: Well, I appreciate you indulging me on it.

Mr. Foltz: Obviously, It's an uneasy situation we're all in, and the more information we've got, I believe is better, so -- With that, may I have motion to read by title only the first reading of Ordinance No. 51-06.

Mr. Snyder: So moved. Are we not? We don't want it.

Mr. Foltz: Without a second, then, it will die. Very good.

29. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 52-06.

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 52-06. All members present voting:

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

No: 0

#### Ordinance No. 52-06 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; 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 South Main Streetscape (Easthill to Rose Lane) Phase IV project, at a cost not to exceed \$2,420,080.00.

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Mr. Foltz: Since Member Lane's not here, the ordinance spells out the different funding mechanisms for this – for this improvement process there on page 4. Mr. Benekos, do you have anything to add to this?

Mr. Benekos: No. Not at this time.

Mr. Foltz: Not at this time?

Mrs. Magel: Remember vast majority of this was through a grant.

Mr. Foltz: Right.

Mayor Held: Oh, that's right.

Mr. Foltz: Did you see we got issue 2 improvement funds through Ohio Public Works and Municipal Road Programs also, so with that, any comments from Council? Okay.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 52-06. All members present voting:

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

No: 0

## REPORTS:

30. Mr. Foltz: Reports – Director of Law.  
 Mr. Pusateri: No report, Mr. President. Thank you.  
 Mr. Foltz: Director of Finance?  
 Mrs. Herr: No report.  
 Mr. Foltz: Director of Administration?

Mr. Wise: Yes, there is construction on South Main if you haven't noticed. At this – last week they ground down the pavement to the brick section from Easthill down south of Everhard and south of the bridge that is to be replaced to about – they're past Knoll, actually, almost to Greenway. At this time, there are two (2) lanes open – one in each direction – from – basically, from Easthill south. There will be that type of construction going on with traffic maintained from north to south in the City limits up past Easthill through April 3rd. I'm sorry. Up until April 3rd. The current plan is April 3rd, I think, is a Monday. And, on April 3rd, South Main will be closed at Everhard for traffic traveling south. Sorry, Member Hines. There will be –

Mrs. Magel: You get a Council pass?

Mr. Wise: Traffic will be maintained on Everhard for those people going east on Everhard traveling north on South Main Street. Traffic will be maintained for those people traveling south on South Main to Everhard, and you can go west on Everhard. That intersection will remain open for that traffic. But anyone wanting to go south on Main from Everhard, that will be completely closed. That bridge will be removed, and it will be closed for – the project is scheduled for 90 days for that road closure, which will take us into – well into the summer. And, then, I believe, beginning in July, the South Main Streetscape will begin from Easthill up to – well, it really goes from Everhard, is that correct? South Main Streetscape?

Mr. Benekos: It goes from Easthill north to Rose Lane.

Mr. Wise: Up to Rose Lane. So, from here on out, South Main will be, at best, one lane in each direction and, for quite some period of time, closed at Easthill. We had a water main break there back just before New Years. The roads of Northfield and Greenway and Knoll were actually designated as a detour for that 16-hour period. It caused a lot of problems, even on a holiday weekend, almost. We are not designating those streets as detour. In fact, we're trying to discourage those streets from being used as a detour. We will have "No Thru Traffic" or "This Road Closed to Thru Traffic." I don't know what the wording will be on that. We'll be putting signs at the beginning of Knoll, Greenway and then Northfield and Easthill. We are also going to be placing, probably tomorrow or the next day, additional stop signs where Auburn Knolls, the housing development, comes out at Northfield and Knoll, making that into a temporary four-way stop. There are a number of people that need to get out of Auburn Knolls, some of which are some elderly drivers. I spoke with some people here after a Planning Commission that were here on another issue related to Auburn Knolls, and we intend to make that a four-way stop to help ease those residents and both on Knoll, which is a pretty busy street, during school time; because kids at the Glen Oak High School use that as kind of a cut-through. So, that gets to be a pretty busy intersection at times. And no matter what we do to discourage that, that road is going to be used by people who know they can get

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through there. So, those are efforts we're making to help alleviate some of those problems. Can't avoid the road closure; but, hopefully, it will alleviate some of those problems for the local residents in that area.

Mr. Foltz: Do we anticipate a police presence at all during rush hour in any intersections?

Mr. Wise: I think there will probably be times when that will be needed. Just this last week when the lanes were closed, there were three or four accidents initially – people not used to that. But, we're gonna kind of play that by ear as we go.

Mr. Foltz: Okay. Thank you. Mayor?

Mayor Held: Yes, first off I'd like to thank the Administrator and also our City Engineer and department heads. You've put a lot of time and effort in the past week with the trail. They were out there marching around out in the marsh or the nature out there. And, so I do appreciate that. And, then, also, there's been a number of meetings, and I appreciate Council's input with the road closing up here. A lot of communication, a lot of discussion – so, I think that we're going to be best prepared once this road is closed, which is good news. Also, we do have – we had our first Economic Development Committee Task Force meeting. I think there was approximately 26 members, and then we had a number of people that also sat to observe. I think we got a lot done. It was an hour long, and as we work towards establishing an Economic Development Plan, we will make sure that Council is kept apprised of the progress. And we had Mr. Repace that was in attendance, and, then, Doug Lane is also. He will be serving on that Task Force, but he was unable to get back into town tonight. And, then, also, we do have – I was contacted by the High School, and they have a group of students that will be traveling to Bay St. Louis High School. And, as I understand it, that was ground zero for Katrina. That particular high school was hit very hard. They have – they sometimes have difficulty even with communications in and out of the high school even now. And we have a group of students from the City of North Canton that – North Canton Schools – that will be traveling out there at the end of April for, I believe, a week. And the majority of the trip is going to take place during their spring break. And they're going to be taking out some supplies, such as paper and other products that they need out there; and they are going to be doing a documentary on their activities. And, so, they're going to be editing – they're gonna take the film on the way down, and they're going to be editing their project on the way back in this mobile home that's equipped with all this technology. And, so it will be very interesting to see what they bring back. And, at the same time, if anybody is willing to make any contributions, they can contact North Canton City Schools, because they have raised several thousand dollars for their trip. But they'll be leaving at the end of April. We'll send out a –

Mr. Osborne: That's in March.

Mayor Held: I'm sorry?

Mr. Osborne: End of March – it's Easter break.

Mayor Held: I'm sorry. That's right. I'm sorry – end of March. Thanks, Chuck. And, we'll be sending down a proclamation so they can hand deliver that to the Mayor down there in St. Louis. So, that's all. Thank you.

Mr. Foltz: Okay. City Engineer?

Mr. Benekos: Just two items. We opened up bids on Summit Street Waterline on Friday. The bids came in a little bit higher than we anticipated. We opened up two (2) projects this year. Both projects – first project came in under budget, but still a little bit higher than what I anticipated. We will need to come back to Council, and that's – hopefully will be on the agenda next Committee meeting to increase the allocation for the Summit Street Waterline. And, also, we've started the design work on Browning Street. We're doing the survey work, if any of the residents are asking you about that. And, also, the survey work out on Furbee and Lucille and Glendale for the waterline there. And that's all.

Mr. Foltz: Okay. Thank you.

## REPORTS - COUNCIL

31. Mr. Foltz: Chairman Snyder?

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Mr. Snyder: Thank you, very much. You know, I had the conversation with Director Wise. I noticed the one light you did change already – the northbound side to protect the turn lane at Everhard and South Main prohibiting that.

Mr. Wise: There's no left turn there now.

Mr. Snyder: Is there going to be some type of adjustment to the Easthill light, or does that have to stay the way it is? It's not in sync with the northbound Everhard and Main light.

Mr. Wise: I didn't get a chance to see (inaudible).

Mr. Snyder: Well, just changing that light makes a difference. The other thing I can't overemphasize and the problem, as it gets a little warmer on Hallum – and Susie will attest to that – Hallum is a narrow street, less than 25 feet wide. There's children that walk to the school on that street. The traffic will naturally flow Hallum. First of all, the traffic that uses the street now disobeys the stop sign – at least 7 out of 10 automobiles. The speed is horrendous, and we must do something about putting police presence for a time being on that street. Some little kid's gonna get killed, because the children walk up – there are no sidewalks on this street, and they walk up the street. And with people who are not familiar, because there are people who park on that street, and they're gonna come up there, and somebody's gonna get hurt. That was the reason – that was the intent of that stop sign. But I watch it, and on Friday, alone, it had an accident; and it had most – we had three (3) ambulances there because of that. And that's a very, very dangerous street. And, with people who do not live on that street, or who are not familiar with it, I can't plead to you strongly enough to ask the police to please patrol that street in the next few weeks, so – as heavy as they possibly can. Obviously, in bad weather, you're not going to have the problem.

Mr. Wise: Right.

Mr. Snyder: When it warms up, we'll have a lot of residents up here; and hopefully, God forbid, nobody gets hurt. But I appreciate your indulging me on that. Thank you, Mr. President.

Mr. Foltz: I'm sorry, Gail. I skipped you. Any comments, Clerk of Council?

Mrs. Kalpac: No report.

Mr. Foltz: Okay. Member DeOrio.

Mr. DeOrio: My only comment would be that those members of Council who have not yet gone over to Mr. Horner's Photography to get your picture taken, you need to do this, because our website doesn't have our photos on it. So, we need to get that done. Thank you.

Mr. Foltz: Thank you for the reminder. Member Hines.

Mrs. Hines: I ask permission to have an Executive Session next Monday, March 21, 2006, at 6:00 p.m. for the purpose of discussing the choosing of the Director of Law, since we, you know, weren't able to do it tonight in Doug's absence.

Mr. Foltz: Do you want to schedule a Special Council meeting?

Mrs. Hines: And then I'd like to have it follow the Special Council meeting at approximately 6:50. I don't know if we have to specify – to appoint a Director of Law if we have reached a consensus.

Mr. DeOrio: Monday's the 20th.

Mrs. Hines: And it's when?

Mr. Foltz: Yeah. That'll be March 20. Do you anticipate any problems with that, Gail?

Mrs. Kalpac: Paul, do they need a roll call vote for that?

Mr. Foltz: Law Director Pusateri?

Mr. Pusateri: Excuse me?

Mrs. Kalpac: Do you need a roll call vote to schedule a Special Meeting?

Mr. Foltz: Do we need a roll call vote for a Special Meeting?

Mrs. Hines: It's getting late.

Mr. Pusateri: Sure. Yes. I'm sorry. It is getting late. I apologize. Yes, go ahead.

Mr. Foltz: We need a motion and a second.



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Mrs. Magel moved and Mr. DeOrio seconded to **schedule a Special Council Meeting** for Monday, March 21, 2006, to discuss and/or vote for a Director of Law. All members present voting:

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

No: 0

32. Mr. Foltz: Any other comments, Member Hines?

Mrs. Hines: No.

Mr. Foltz: Member Repace.

Mr. Repace: No report.

Mr. Foltz: Member Magel.

Mrs. Magel: I would really like to thank Member DeOrio for that reminder on record.

Mr. Pusateri: The only picture missing.

Mr. Foltz: Is that it?

Mrs. Magel: No, that's not it. Whose responsibility is it to take open space down to Planning? Is that, I mean – is that the Committee member? Because the open space never got down to Planning as of yet. It's not scheduled on their meeting.

Mr. Snyder: It's not ready yet. It has to be signed by the Mayor – it's 30 days. I don't know that the ordinance is ready to go down yet.

Mrs. Magel: Did you sign?

Mayor Held: Yeah. No...(inaudible)

Mr. Snyder: Well, it still hasn't taken effect. Once it takes effect, we'll send it to – we'll put it on the Committee to send it to Planning. But it's not an effective ordinance.

Mrs. Magel: Could you sign it soon, please. Please?

Mr. Wise: Open space legislation – is that what we're talking about?

Mrs. Magel: Yes.

Mr. Snyder: It's not signed yet, I don't believe; is it, Mayor? It may be signed, but it's not in effect yet. It's probably signed, but it's 30 days after it's signed.

Mr. Foltz: Mayor, could you look into that for us. It is very important... (inaudible discussion).

Mayor Held: Yeah, I'll look into that. You know, with so many pieces of legislation (inaudible discussion).

Mr. Snyder: Well, I would hope it's signed. It would take effect in 10 days anyway –

Mayor Held: Right.

Mr. Snyder: So, then it would be 30 days from that.

Mayor Held: Okay. I'll give you a call.

Mr. Foltz: I know there might not be a photo operative, but (inaudible).

Mr. Held: Well, if that was the case, (inaudible)

Mr. Snyder: We can open the refrigerator door, and the light can come on, and you can smile.

Mrs. Magel: That gentlemen came up here who spoke about Irondale, and I would ask that the administration, my fellow Council members, support me – that road does need paved, and it has been cracked by the heavy equipment. And later on, whenever the project's done, I would ask for everyone's support. I also would like to thank all parties that helped move the path further east. I think that residents were very appreciative of that. And I would like to thank Doug Foltz for ending this meeting at 9 o'clock when we didn't really start it until 10 til 8. Good job!

Mr. Foltz: Just a follow up on Member Magel. That's concrete street, right?

Mrs. Magel: Yes.

Mr. Foltz: You want, you want – would like concrete repair work done.

Mrs. Magel: Whatever the residents want.

Mr. Foltz: So, Administrator Wise, can you make note of that? A couple things from me. First – somewhere down the line, Daniluks are here, but I think we lost our Werstler-Portage sign.

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Unidentified Speaker: It's a portable sign.

Mr. Foltz: So, you haven't seen it on the corner, there, have you? So, maybe we could look for that or see if we can get one replaced. The corner of Portage and Werstler SW.

Mayor Held: The sign and the post or just the --

Mr. Foltz: Yes. Everything's gone. There's no signage there for anybody turning onto Werstler from Portage. And, then, also, I brought it up to you in the winter when, I think, somebody turfed West Park. If we could look at building up those parking areas off the two streets there, with some posts or timbers or something, to make it less accessible to drive across that. I know the weather is starting to break, and that's where the projects work, so --

Mr. Wise: I've had some discussions with Streets and Parks Department.

## ADJOURN:

Mr. Foltz: Good. I appreciate that. Other than that, I'll open up for New Business from Council. If not, do we have a motion to adjourn?

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

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

No: 0

Meeting adjourned at 9:02 p.m.

  
PRESIDENT OF COUNCIL

## ATTEST:

  
CLERK OF COUNCIL

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