

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 27, 2006 7:00 p.m. 20⁰⁶

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. David Warren, First Southern Baptist Church
3. All present recited the Pledge of Allegiance.

Mr. Foltz: Please have the Clerk call the roll.

ROLL CALL:

4. The following members of Council responded to roll call: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder. Also present were: Mayor Held, Director of Administration Wise, (outgoing) Director of Law Pusateri, (incoming) Director of Law McFarren, City Engineer Benekos, Director of Finance Herr, Superintendent of Recreation & Rentals Cooksey and Clerk of Council Kalpac.

5. Consideration:

Minutes of Council Meeting of 3/13/06
 Minutes of Special Council Meeting of 3/20/06
 Financial Statement – February, 2006

Mr. Snyder moved and Mr. DeOrio seconded to approve the Council Meeting Minutes, Special Council Meeting Minutes and Financial Statement as presented. All members present voting:

Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio
 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 13, 2006.

Executive Session (Personnel & Safety): Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings held March 20, 2006.

Finance & Property: Refer to the minutes on file in the Council Office of Finance & Property Committee meeting held March 20, 2006.

Ordinance & Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held March 20, 2006.

Park & Recreation: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held March 20, 2006.

Personnel & Safety: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held March 20, 2006.

Water, Sewer & Rubbish: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held March 20, 2006.

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

Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz
 No: 0

7. Recognition of visitors.

Mr. Foltz: First I'd like to have Bob Fonte, Stark County Park Director, address Council, with Jim Benekos. As you know, we're working, as far as information series, with the Ward 2 residents – as far as Phase 2 and 2-A of the trail. And I believe Mr. Fonte met with some of the area residents – not the past Saturday – the Saturday before. So, with that, I'll turn it over to Mr. Fonte.

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Mr. Fonte: Thank you, again, for the opportunity to be here tonight. I just want to report that we met – I met several of the families that wanted to walk the trail a week ago Saturday. And I think there were five (5) individuals who went with it. That's not quite the view. I think we're all kind of wishing it were right about now. We have no objections. You can see on the overhead, the line in yellow is what was plotted. I think Jim marked it in the field with GIS (Geographic Information System) mapping and superimposed it on the aerial. We walked, beginning up at the northern end at Marquardt, went east to the confluence with the – where the trail splits – the one leg going to the east to the proposed bridge and the existing trail that was built a couple years ago. And we didn't walk all the way across, because the bridge isn't there. We just went south along the proposed trail and what's Phase 2 – and where it was mapped out to the proposed bridge at the south end and off at the ball fields. Everybody that was with us witnessed that there were very few spots that you could even see the homes. And, even though you could see the homes through the brush, that was without any leaf growth yet. Once the leaf growth comes up, you won't be able to see any homes. Judging from the map Jim showed us – showed me – before the meeting, on the southern end, there's two (2) bubbles that kind of go to the furthest points west. I think the closest distance to the ditch line is about 160 feet to the ditch line.

Mr. Benekos: 180.

Mr. Fonte: 180 to the ditch line. I'm sorry. I was remembering the one up north. 180 in that location, and then it's another, what? 70 feet to the property lines?

Mr. Benekos: That – about 100 feet.

Mr. Fonte: 100 feet? So, it's – well, pushing 300 feet at the closest to the property lines. And, then, at the furthest north corner, if you measure diagonally, that's where it's about 160 feet – straight line if you go down the property lines each way – it's more over 200 feet to 250 each way. Now—and, again, the house in the northeast corner was the only home that is actually visible from the trail. So, again, the parties that were – that accompanied me, I think, were well satisfied with the layout. And, here, if you have any more questions, I'd be happy to answer them.

Mr. Foltz: Mr. Fonte, I appreciate your diligence and going out and meeting with the residents. And I'm very pleased where it's at, and I think it's a great addition to the City of North Canton for recreational use. And, with that, I'll turn things over to Council Ward --

Mrs. Magel: 2.

Mr. Foltz: Person.

Mrs. Magel: Yes, I've received nothing but positive calls. And I don't want to apologize. I want to give an explanation --

Mr. Fonte: No apology needed.

Mrs. Magel: -- of why I wasn't – I can't walk that territory. I'm not capable of doing so,

Mr. Fonte: Oh.

Mrs. Magel: Or I would have been there on Saturday. But those who did, I did receive a phone call, and they're extremely happy. And I just want to thank you for all your work in moving this as east and nearly being 300 feet, that that's quite reasonable, and I think this Hoover Trail will be a great thing for the City of North Canton. And thank you for all your time for coming up here and working with the – walking with the citizens and giving us the explanation.

Mr. Fonte: Glad to do it.

Mrs. Magel: It's just, as you had – there was just a little question. They just didn't know exactly where it was, and you went out of your way to explain it. And I so much appreciate everything you've done. Thank you.

Mr. Fonte: You're welcome.

Mr. Foltz: Okay. Thank you, Mr. Fonte. That's it?

Mr. Fonte: Okay.

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Mr. Foltz: I appreciate it. I'd be amiss if I didn't mention that we have with us our Law Director, Randy McFarren. So, welcome to the meeting. And I think we'll be in capable hands with Mr. McFarren. And, unfortunately, this is Paul's last meeting; so, they can work together here, and you can show him the ropes. So, with that I'll look for recognition of any visitors who would like to speak before Council.

Mr. Silverthorn: Tom Silverthorn. 1283 Lipton SW. Council, administration, Mayor Held, I've been here the third time, fourth time – I forget. But it's just to keep reiterating the fact that we have issues in our neighborhood that I would like to see addressed – we all would like, excuse me, to see addressed. That's why I brought my A-Team along, in case anybody gives me any grief. Right guys? Look at them. They don't know who I am. But, that's my backup. I brought them last week, and they didn't do anything. They just sat there. So, anyhow, I do have some pictures of the property that we have the biggest issue with, which is 1313 Lipton. And Jon knows – well knows about the other ones, too. I have had some pictures of Hallum. But, Greg is not here, so if you want them, I'll give them to you.

Mr. Snyder: I was over there and looked at that.

Mr. Silverthorn: Yeah, that's what he said. And it's just – these people have been trying for years, they tell me, to get somebody in here – not necessarily this administration or Council – but to do something about this, and I'm sorry that I didn't get involved. I had to wait until my hair started falling out before I started doing it. And I see I waited too long, so, but I just appreciate anything that can get done. I know it's on the books, and the less lag time we have on this subject, the better I like it. And I think the whole neighborhood would like it, because these, these show you what's going on. But I don't – really don't think you appreciate how bad these houses look til you see it in person. I mean, it's, it's sad. And North Canton – it's a blight in this one little area we got here. It's sad to say, I live in it, and I plan on living in it. But I would really like to see something get done as soon as possible.

Mr. Repace: Can we see the pictures? Do you have pictures?

Mr. Silverthorn: Yeah, I'll pass them around. I've got them.

Mr. Snyder: President Foltz, if I may, sir. After – pursuant to our last visit, Director of Administration Wise and myself and Superintendent of Permits Hemminger – we've met. We think we've come up and we are about probably somewhere in the neighborhood of a couple weeks away from presenting it to Council. But, the problem being today, the enforcement of these problems, which people call nuisance, are trying to be enforced under the zoning ordinance, which is not broad enough or definitive enough to enforce this. So, it will be our hope that we will present to you an ordinance that will be so-called "nuisance ordinance." And Mr. Hemminger's office will be able to issue, immediately, an administrative violation which will result in a \$50.00 fine just for the violation itself. The person would be issued the ticket. They would have only ten (10) days to comply, and if it was not complied in the ten days, they would be cited to Mayor's Court under the violation of the nuisance ordinance. However, it will result in an immediate \$50.00 fine, and these are items that are actually – I guess it would be definitive under the law – a nuisance to the neighborhood. You cannot just say it's a nuisance, but – like a barking dog. But, hopefully, we will be able to bring – I know it is a wish, Mr. DeOrio, that there is a little more teeth in the ordinance. And, this way – and, then, again, to somewhat – we creatively thought – well, the person makes an appeal should they not like this. Well, fine. We'll ask the administration or the Council to set up an appeal board made up of residents of each ward, and they can appeal to the residents. And that way, if they think that they can savvy their residents and they want to appeal to their residents, let them tell their neighborhood why they have their house like that. And, so, that gives the person an appeal. So, hopefully, I will be calling these residents within the next week to have a meeting with them; and I would encourage my other members in the other wards to tell their people – and get the feeling. And, hopefully, like I say, within a couple weeks, our committee will be able to bring that to Council. And, hopefully, this will – we'll meet with Mr. McFarren and find out – and Mr. Wise – and find out the legalities of it. But, we're moving and we're making progress. I appreciate that. Thank you.

Mrs. Magel: Well, I have a question. I agree with you. I shouldn't just be looking at the pictures. I'd like to drive out there. I got to 1313 Lipton. Which one was the Hallum?

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Mr. Silverthorn: Hallum – I don't know the address. I can give you those pictures. Greg's not here. He was gonna –

Mr. Snyder: Hallum would be – it would be the third house on the north side from Jonathan.

Mrs. Magel: Okay.

Mr. Snyder: It sits, probably, 100-150 feet off the right-of-way. Again, it's a rental property.

Mrs. Magel: All right. Thank you.

Mr. Snyder: The property at 1313 – Mr. Hemminger – I will tell you, Mr. Hemminger has 25 violations – the property at 1313. He has spoken to the two (2) owners, which are members of the local Bar, and they will be, probably, the first person – each one of those were the result of an administrative fine. So, he's giving them notice that we're working that way, and he seemed to get some cooperation. But it will be things for storm doors, peeling paint, barking dogs, trash cans –

Mr. Silverthorn: Beer cans.

Mr. Snyder: Beer cans – anything that creates, basically, a nuisance to the public. So –

Mr. Foltz: Very good. We're moving right along on that. Thank you. Please step forward.

Mr. Feller: Chris Feller, 1291 Lipton – Ward 4. I would like to say thank you to Mr. Snyder. Of course, we're working diligently on the issues that we have in our neighborhood. I certainly don't want to come up her and belabor the issue, but, you know, I was a little concerned this evening. Ward 2 is getting a scenic nature trail going through their backyard, and I have beer bottles in my neighborhood. Something just isn't clicking with that whole picture in one of the top 100 greatest cities to live in America. I guess a couple of concerns I would have is, well, 1313, 1307 – we've got somebody just bought a new home in the neighborhood, and it looks like a trailer went it. We're getting no cooperation out of them to clean their rubbish up. Today they had contractors blocking the streets for extended periods of time. Things just aren't improving right now. I did talk to Mr. Snyder first part of last week, and on behalf of the citizens from Ward 4 that we have here, there was some concern that maybe we start some sort of a community improvement group – something where we can meet on a regular basis and voice our concerns within the community – then take them to Council on a regular basis so we make sure that our thoughts are more organized, more justified. And I would ask that other members of Ward 4 please get in contact with Jon or myself so we can pursue this issue and see what we can do about getting the neighborhood cleaned up. Thank you.

Mr. Foltz: Thank you for your comments. Sir, I think you were next.

Mr. O'Brien: My name is Shawn O'Brien. I live at 1460 Hillbrook Avenue, and what I'm requesting is the City to taking an active role in acquiring a piece of property located on Easthill for a regional retention basin. As far as the current Montessori, Faircrest is concerned, the problem has come in is that the Maytag Corporation owns a piece of property on Easthill that I don't believe that Maytag was aware that was attached to the Hoover Lodge property. Maytag did not sell that particular property when they had sold that to the Montessori group. That property is, for lack of a better word, a swamp, at this particular time. And what I'd like to see is to have a regional detention basin. The detention basin that I built for my allotment called Oak Hill Estates drains into this swamp. The Montessori drainage would be draining into this area. There is parts of Monticello that are draining into this particular area, and there is a number of areas on Knoll Street and all the way to Northfield that drain into this particular area. I believe, since as far as I'm aware, Maytag doesn't even know that they own this property. I believe that it would be a way that they might be – they might even donate that particular land, because it truly is a useless piece of property other than for a regional retention basin. And I would like to see this City take an active role in acquiring this piece of property so that a regional storm water situation can be taken care of. Yes?

Mrs. Magel: Do we have any estimate of the size of that piece of property?

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Mr. O'Brien: It is approximately two (2) acres.

Mr. Lane: Jim, the property that we got from the church, isn't that next door to that? Or is that –

Mr. Benekos: Yes, it's two properties down.

Mr. Lane: That only cost us a dollar. I can't imagine this one would cost us much.

Mr. Snyder: Is that piped? That's piped across –

Mr. O'Brien: There is an 18-inch pipe that goes underneath Easthill that goes into Eastwoods then drains, then, into the Nimishillen. That pipe cannot be lowered. Well, it can be lowered by, I think, about six (6) inches or so, and that's about it. But there is an 18-inch pipe there. That's why the water stays there all the time now is because it can't get to the pipe. But if the Montessori group does what they are planning to do, there is going to be a lot more water that's going to be in that particular area. And I know that, since I, myself, am building a regional detention basin over in the City of Canton, I'm sure that the City could work out an arrangement with Montessori that they could actually build the retention basin for the City and so that they could use it for part of their schooling purposes. But I believe that there could be a mutual agreement between Montessori and the school – or and the City – to have the work done. But I would like to see the City actually own the property for a maintenance standpoint.

Mr. Snyder: Wouldn't you think they would, by virtue, just the real estate taxes – would be aware of the fact that they, they own that property?

Mr. O'Brien: Well, the funny thing about it is, is when I was at one time interested in purchasing the Hoover Lodge property, I had even made a call to Maytag asking them, when I saw the bid package, asking them if the two acres was going to be part of it. They were not aware that that was even there. But all tax records indicate that the Maytag Corporation owns that piece of property. Thank you.

Mr. Foltz: Thank you.

Mr. Lane: It would be something I'd like to see us pursue is strictly from (inaudible) standpoint. It's a pretty – and I know Jim agrees – it's a pretty important cog in that whole situation over there on Easthill. So, maybe you can put something together for us, Jim, as far as –

Mr. Foltz: That was my recommendation – administration or Mr. Benekos can look into that and advise us if it's possible that they can bring this together.

Mr. Benekos: We did pursue that about a year or so ago, and – with the previous administration, and I don't know what the discussions were at that point, but we can pursue it again; and we'll talk with Montessori about collaborate – collaborating – getting together on that.

Mr. Foltz: Okay. Thank you.

Mrs. Magel: Spell that.

Mr. Repace: Jim, I'll be talking to people from Maytag very soon. Let me just run that by them and see – see what we need to do to try and acquire that piece of land.

Mr. Benekos: Would you want a map showing where that's at or –

Mr. Repace: I know exactly where it's at. I know exactly where they're talking.

Mr. Benekos: We'll just show that.

Mr. Lane: So does every mosquito in town.

Mr. Repace: Let me, let me talk to them, and I'll get with you.

Mr. Benekos: Okay.

Mr. Foltz: Okay. Thanks. Yes, sir.

Mr. Cathey: My name is Rick Cathey. I live at 1303 Castlewood Avenue. And I want to lend my support to these two gentlemen and Mr. Snyder, and, hopefully, all of you people will support us, because, you know, people live in North Canton – they're proud people. We like – love North Canton – been living there, now, for 51 years in that neighborhood. And I'm right down around the corner from where we commonly call that

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the slum area now, which is sad. We need help bad. I mean, it's – we just can't afford to let our neighborhoods go down like they are. We enjoy living there. It's been a great place for me. I've raised six kids there, and all of them went to Hoover High School. And it's just been a great neighborhood, and it's just sad to see it go down. And there's the other couples behind us – they're all over 50 years in there – in that neighborhood. So, it was a great neighborhood; and it's just sad to see it. So, we need – plead for help.

Mr. Foltz: Appreciate your comments. Unfortunately, you know, we can't legislate good neighbors, but I think we're really onto something here to put more teeth into what our housing codes – exterior ones – should be and how people should take care of the property. So, I don't think you're gonna see us be afraid to pass this and move forward with it – be more progressive with these problems.

Mr. Cathey: Whatever we can do in the neighborhood.

Mr. Foltz: Definitely. And it's just not there – it's spread throughout the City, unfortunately – specific areas. So, appreciate your comments.

Mr. Cathey: Yeah. Every time I bring up storm doors – I went by there today, and there's a broken storm door – out there with glass all over. It's bad.

Mr. Foltz: Thank you for your comments, sir. Anyone else want to address Council? Yes, sir.

Mr. Humbert: I'm Leo Humbert. I live at 173 Hines Street. I'm, too, concerned about what's going on down there. And I don't understand these people that let these properties – how the people that own these properties aren't punished for what's going on there. I mean, I've lived there 48 years, and I've took care of my property. I even went across the street and mowed the other yard. And the house across the street from me, now, them people just up and walked out. And now they're foreclosing – that's up for Sheriff's sale. And something has to be done. The City's gonna have to do something with these rental properties. These people move in. They don't take care of them, and, yet, the people that own them, don't do anything either. There surely must be some rules on the book that somebody has to do something. And why it takes this long to get something done, I don't understand. I've been on the Plumbing Board up here for 39 years, and we enforce the code. And, surely, they got codes that enforce the rules about these people taking care of their homes. And I'm concerned about my property and my – what I have invested in mine.

Mr. Foltz: That's our biggest investment is our houses, so we're working towards those goals, sir, as Member Snyder indicated. I think we're going to really turn the corner on that, progressively, for our residents. So, thank you for your comments.

Mr. Humbert: Thank you.

Mr. Foltz: Anyone else want to address Council tonight? Okay, seeing none, we'll look at old business here.

OLD BUSINESS:

8. Mr. Foltz: Do I have a motion to read by title only third reading of Ordinance No. 210-05?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, third reading of Ordinance No. 210-05.** All members present voting:

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

No: 0

Ordinance No. 210-05 – Third 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.

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Mr. Snyder: Thank you. Again, as you know, the pipe that is in the ground, we're going to charge \$25.00 per foot. The pipe that will be placed into the ground going forward will be cost and labor charge per, and it will be assessed every January based on the National Standard of Engineering.

Mr. Foltz: Okay. With that, do I have a motion to approve?

Mr. DeOrio moved and Mr. Lane seconded to **adopt the third reading** of Ordinance No. 210-05. All members present voting:

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

No: 0

9. Mr. Foltz: Now, may I have a motion to read by title only third reading of Ordinance No. 30-06.

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

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

No: 0

Ordinance No. 30-06 – Third 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 and the Stark County Park District 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: As it reads, Mr. Fonte was here earlier with our engineer discussing where the trail is. It's going to come in Phase 2; so, if there's not any questions from Council, I'll look for a motion to approve.

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

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

No: 0

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

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

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

No: 0

Ordinance No. 31-06 – Third 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: Yes, I had a comment – question for Mr. Benekos. Have we moved any further along? I know the weather hasn't been as cooperative as we would have liked until this week, but –

Mr. Benekos: We had a meeting with – we engineered today on that project – looking at bridge types, soil conditions, and so forth and the hydrology of a flood plain. Actually, I brought that here to review it this evening. So, I think we're ready to proceed with the design after I get that reviewed and proceed.

Mr. Foltz: Okay.

Mr. Benekos: Initially, it looked like we'd only be able to get one (1) bridge. The soils out there are very poor, and the bulk of the construction cost will be in the foundations.

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Mr. Foltz: The bridge abutments, too?

Mr. Benekos: Correct.

Mr. Foltz: What's the width of those bridges going to be?

Mr. Benekos: Well, it will be a 40-foot maximum span.

Mr. Foltz: Span.

Mr. Benekos: We might be able to get that down to 30 feet in the final design, but, initially, just to get us some numbers – to get started, it would be considered a 40-foot bridge.

Mr. Foltz: And, obviously, this spring will give us a good idea of how high they have to be, right? With the spring rains, so, any other questions from Council? Okay, if not, I'll look for a motion to adopt the third reading of Ordinance No. 31-06.

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

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

No: 0

11. Mr. Foltz: Next, can I request a motion to remove Ordinance No. 35-06 from the table?

Mr. Lane moved and Mr. DeOrio seconded to **remove from the table** Ordinance No. 35-06. All members present voting:

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

No: 0

Mr. Foltz: Next, can I request a motion to amend Ordinance No. 35-06 to – for Section 1(b) and to include the language as proposed by Director of Administration Wise in his March 2nd, '06 memo to Council.

Mrs. Hines moved and Mrs. Magel seconded to **amend** Ordinance No. 35-06 Section 1(b) and to include the language as proposed by Director of Administration Wise in his March 2, 2006 memo to Council. All members present voting:

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

No: 0

Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 35-06, as amended.

Mrs. Magel moved and Mrs. Hines seconded to **read by title only, first reading** of Ordinance No. 35-06, as amended. All members present voting:

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

No: 0

Ordinance No. 35-06 – First Reading

Ordinance No. 35-06 amending Section 935.10 BACKFLOW PREVENTION DEVICE of the Water Lines and Hydrants, Chapter 935 of the Codified Ordinances of the City of North Canton, Ordinance No. 40-05, specifically Subsection 935-01(b), and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, as discussed last week, there's been four or five proposals that we've worked through in trying to get the wording exactly correct, and I think this is exactly what Rich Steinhebel had requested. And, through some of the questions of the wording, the – Earle Wise has corrected all the wording, and it will be exactly the way we want it. We worked it out, and I'd like to – I'd recommend this first reading.

Mr. Foltz: Do I have a motion to adopt the first reading?

Mr. DeOrio: I move that we adopt the fourth --

Mr. Foltz: Second reading, excuse me.

Mr. DeOrio: The second reading of Ordinance No. 35-06, as amended.

Mrs. Hines: Second.

Mrs. Kalpac: Wait – it's a first reading.

Mr. Foltz: I'm sorry. It's a first. I stand corrected.

Mr. DeOrio: So do I.

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Mr. Foltz: Do we have another motion to –
 Mrs. Magel: Like I said – first reading.
 Mr. Foltz: -- adopt the first reading.
 Mr. DeOrio: I'd be happy to move for an –
 Mr. Lane: It's the fifth time we've talked about it – adopt the first reading.
 Mr. DeOrio: -- adoption of the first reading of Ordinance No. 35-06, as amended.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading, as amended**, of Ordinance No. 35-06. All members present voting:
 Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel
 No: 0

12. Mr. Foltz: Next, may I have a motion to read by title only the second reading of Ordinance No. 36-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 36-06. All members present voting:
 Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace
 No: 0

Ordinance No. 36-06 – 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 and the Akron-Canton Regional Airport Authority, 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.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, on this one, I would just like to add that although it's not particularly spelled out in the Airport Agreement, that it's approximately 50,000 gallons per day, and at the outside rates. So, I just wanted – so that we understood even though that's not just specifically written out. But, there was nothing needed to be added. It was – the first reading was good, and I would like – I would recommend that the second reading be approved, please.

Mr. Foltz: Do I have a motion to adopt the second reading of Ordinance No. 36-06?

Mr. Lane moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 36-06. All members present voting:
 Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder
 No: 0

13. Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 37-06.

Mr. DeOrio moved and Mr. Lane seconded to **read by title only, second reading** of Ordinance No. 37-06. All members present voting:
 Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio
 No: 0

Ordinance No. 37-06 – Third 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.

Mrs. Magel: Yes, on this one, earlier this year, we had approved the engineering of this project, and seeing that the grant may be approved, and, hopefully, will be approved in

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July, we need to move on this for the third reading so we will be prepared to move at a rapid pace once this grant is granted.

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

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

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

No: 0

14. Mr. Foltz: Next, may I have a motion to amend Ordinance No. 38-06 to include the emergency clause.

Mr. Snyder moved and Mr. Repace seconded to **amend** Ordinance No. 38-06 to include an emergency clause. All members present voting:

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

No: 0

Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 38-06, as amended.

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

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

No: 0

Ordinance No. 38-06 – Third 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 and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, I'd like to thank the Council for the support for the addition of the emergency. Engineer Jim Benekos called me late this afternoon and had requested that, realizing that time is flying, and it's getting near April here. I do agree that he needs to move along with these projects, and so I agreed to the emergency. And thank you for the support and would like the approval for the third reading with the emergency.

Mr. Foltz: So, can I have a motion to adopt the third reading of Ordinance No. 38-06, as amended?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the third reading, as amended**, of Ordinance No. 38-06. All members present voting:

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

No: 0

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

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

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

No: 0

Ordinance No. 39-06 – Third 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.

Mr. Foltz: Chairperson Magel.

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Mrs. Magel: Yes, third reading. This is the second leg of the Glenwood sanitary project from Lindy Lane to Linwood, and that this project is very important and is most needed – very much needed, and I ask Council for their support for the third reading.

Mr. Foltz: Do I have a motion to adopt the third reading of Ordinance No. 39-06?

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

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

No: 0

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

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

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

No: 0

Ordinance No. 40-06 – Third 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 Furbee 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, as discussed previously, these are three (3) streets that were identified that had water that needed cleaner, clean lines. And this Council was more than happy to accommodate that situation and worked very hard to campaign – and that that was one of our themes – we wanted everybody to have good water. I would, then, appreciate it if Council would support the third reading.

Mr. Foltz: Do I have a motion to adopt the third reading, then, of Ordinance No. 40-06?

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

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

No: 0

17. Mr. Foltz: Next, may I have a motion to amend Ordinance No. 42-06 to include the emergency clause?

Mr. DeOrio moved and Mrs. Magel seconded to **amend** Ordinance No. 42-06 to include an emergency clause. All members present voting:

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

No: 0

Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 42-06, as amended.

Mrs. Hines moved and Mr. Lane seconded to **read by title only, third reading** of Ordinance No. 42-06 as amended. All members present voting:

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

No: 0

Ordinance No. 42-06 – Third 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 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

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Brookline/Lauby Road Main Easement, for the purpose to lay, relay, 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, and declaring the same to be an emergency.

Mrs. Magel: I thought I'd add some words on there for you.

Mr. Pusateri: Well, let's – let me finish this so Randy doesn't have to do it next time.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, this one, again, I thank the Council for supporting the emergency. Although this is just the easement, this is very important, as later on, we're going to be actually doing the waterlines; but he needed the easements. And, again, these projects must start to get moved on, as it is getting spring here, and let's move on. And I would appreciate, then, the third reading be approved.

Mr. Foltz: So, do I have a motion to adopt the third reading of Ordinance No. 42-06 as amended?

Mr. Lane moved and Mr. DeOrio seconded to **adopt the third reading, as amended**, of Ordinance No. 42-06. All members present voting:

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

No: 0

18. Mr. Foltz: Next, may I have a motion to amend Ordinance No. 43-06 to include the emergency clause.

Mr. DeOrio moved and Mrs. Magel seconded to **amend** Ordinance No. 43-06 to include an emergency clause. All members present voting:

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

No: 0

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

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, third reading** of Ordinance No. 43-06 as amended. All members present voting:

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

No: 0

Ordinance No. 43-06 – Third 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 and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Amazingly, I agreed to another emergency, which I do not do very often. But, again, this is Brumbaugh to Highland. This is where this has – really, where this all began. And, for the purpose of looping and the high pressure, let's get this water up and done and going correctly. And I would thank Council, again, for your support on the emergency.

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

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 43-06 as amended. All members present voting:

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

No: 0

19. Mr. Foltz: Next, may I have a motion to read by title only third reading of Ordinance No. 44-06.

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

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

No: 0

Ordinance No. 44-06 – Third 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: We'll give someone else a chance here.

Mrs. Magel: Yeah. I need some water.

Mr. Foltz: Member DeOrio has his hand raised. Go ahead, Chair.

Mr. DeOrio: Thank you. This is the Compensated Absences Fund as established by Julie Herr, bringing to our attention the need to fund some unpaid liabilities for when people who are in our employ separate from service. And we're going to start this off with an initial seed of about \$100,000.00; and, then, hopefully, as the year goes on, we'll be able to realize some additional savings from some other areas and transfer more into this fund. So, I would move that Council adopt for its third reading Ordinance No. 44-06.

Mr. Foltz: Do I have a second?

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

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

No: 0

20. Mr. Foltz: Next, may I have a motion to read by title only third reading of Ordinance No. 45-06.

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

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

No: 0

Ordinance No. 45-06 – Third 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 was a request in order to try to save some costs on interest by accelerating a payment from '07 into '06, and I would move that Council adopt on its third reading Ordinance No. 45-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 45-06. All members present voting:

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

No: 0

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

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 48-06. All members present voting:

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

No: 0

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Ordinance No. 48-06 – Second 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: This property has been annexed into the City in accordance with North Canton Zoning Regulations. The property needs to be zoned. This property will be zoned R-70, which is Residential, and this is the same zoning as was in Plain Township.

Mr. Foltz: Do I have a motion to adopt the second reading of Ordinance No. 48-06?

Mr. Lane moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 48-06. All members present voting:

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

No: 0

22. Mr. Foltz: Next, may I have a motion to read by title only second reading of Ordinance No. 49-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, second reading** of Ordinance No. 49-06. All members present voting:

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

No: 0

Ordinance No. 49-06 – Second 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: Well, this property, also, has been annexed into the City and needs rezoned. And this property will be zoned R-70, again, which is residential. And, again, it's the same zoning as was in Plain Township.

Mr. Foltz: May I have a motion to adopt the second reading of Ordinance No. 49-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 49-06. All members present voting:

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

No: 0

23. Mr. Foltz: May I have a motion to amend Ordinance No. 50-06 to include an emergency clause.

Mr. Lane moved and Mr. DeOrio seconded to **amend** Ordinance No. 50-06 to include an emergency clause. All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to read by title only second reading of Ordinance No. 50-06, as amended.

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

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

No: 0

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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 and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This one's a little different. I'm letting the emergency on the second reading. However, with all honesty, I do recall that this was just an error. It was supposed to be brought over with the others, and I fully remember that. And, so, let's get the full package together so that you can move on all of these projects. And, so, even though this is the second reading, I'm really being kind tonight. I would ask that the Council please support this emergency and pass this on emergency on the second reading, please.

Mr. Foltz: Okay, may I have a motion to adopt the second reading of Ordinance No. 50-06 as amended.

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

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

No: 0

Mr. Foltz: Next, may I have a motion to suspend the rules for Ordinance No. 50-06.

Mr. Lane moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 50-06. All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to adopt under the suspension of the rules for Ordinance No. 50-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** Ordinance No. 50-06. All members present voting:

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

No: 0

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

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

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

No: 0

Ordinance No. 52-06 – Second 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.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is the Streetscape project. This is going to be north of the project that starts next week down at Everhard and Main; and it, fortunately, is not going to be starting at the exact same time. This is the one that dovetails, so it'll probably get under way about July. A lot of this is grant money. I think our share was 700 and some odd thousand out of that.

Mrs. Magel: 725.

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Mr. Lane: 725. I knew somebody would have the exact figure. 725,000. So, I would move that we approve the second reading on this.

Mr. Lane moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 52-06. All members present voting:

Yes: Snyder, DeOrio, Foltz, Hines, Lane, 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. 53-06.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 53-06. All members present voting:

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

No: 0

Ordinance No. 53-06 – First Reading

An ordinance authorizing the use of the City of North Canton Dogwood Pool by the North Canton YMCA for the 2006 pool season, pursuant to a Letter of Understanding, and to provide for a reduced admission rate on agreed days and times.

Mr. Foltz: As it reads, you received a letter in your packet that was sent from the Director of the "Y" further explaining their request. Any questions from Council? If not –

Mr. Snyder: I move that you adopt the first reading of Ordinance No. 53-06.

Mr. Foltz: Member DeOrio had a question.

Mr. Snyder: Oh, I'm sorry.

Mr. DeOrio: That's okay.

Mr. Snyder: I apologize.

Mr. DeOrio: No, you didn't see me open my mouth.

Mr. Snyder: Well, I'm sorry.

Mr. DeOrio: What I wanted to say was that, based on some of the stuff that I read through in the minutes that were transcribed for us last time, there are some things there that – some loose ends that I think need tidied up a bit and would like to just see the Law Director handle putting that into more proper form. And, so maybe that – I don't want to slow the process down. I want it to keep going forward.

Mr. Foltz: Why don't we pass the first reading, then, and we'll –

Mr. DeOrio: Yeah.

Mrs. Magel: Yeah.

Mr. Foltz: -- see if we can tighten up the legislation.

Mr. Pusateri: What does – does Council want some kind of a contract? Is that what you're looking for? Or –

Mr. DeOrio: Well, I think there's some – some of the comments that were made in the discussion that may not be reflected in the letter that maybe we could reflect in our version of the letter, or if you can kind of combine into one thing.

Mr. Pusateri: Well, no, that's fine. We could add something to it, yeah.

Mr. Foltz: Okay. So, we'll pursue those legislation. Lastly, may I have a motion to adopt the first reading, then, of Ordinance No. 53 –

Mr. DeOrio: Jon moved –

Mr. Snyder: Yes.

Mr. Foltz: Is there already a motion on the floor?

Mr. Repace: Second.

Mr. Snyder moved and Mr. Repace seconded to **adopt the first reading** of Ordinance No. 53-06. All members present voting:

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

No: 0

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26. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 54-06.

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

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

No: 0

Ordinance No. 54-06 – First Reading

An ordinance amending Section 3 of Ordinance No. 24-06, Summit Street Waterline Project, by an increase in the amount of the allocations for the project, at a total cost not to exceed \$140,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, this one's on an emergency, because as you see, all we're doing is amending a previous ordinance that we had increasing the amount of money. The previous ordinance was on an emergency, and through the bidding process, the Engineer had come back and said he needed an increase in money. So, I would – seeing that we had discussed this and agreed with the Summit Street Waterline Project prior to this on an emergency, I would then ask that this get on an emergency through the first reading so he can continue on.

Mr. Foltz: Very good. May I have a motion to adopt the first reading of Ordinance No. 54-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 54-06. All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to suspend the rules for Ordinance No. 54-06.

Mrs. Magel moved and Mr. Repace seconded to **suspend the rules** for Ordinance No. 54-06. All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to adopt under the suspension of the rules for Ordinance No. 54-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance No. 54-06. All members present voting:

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

No: 0

27. Mr. Foltz: Now, may I have a motion to read by title only the first reading of Ordinance No. 55-06.

Mr. DeOrio moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 55-06. All members present voting:

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

No: 0

Ordinance No. 55-06 – First 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 General Fund to the Swimming Pool Maintenance of Facilities Account in the amount of \$10,000.00 for the current expenses during the fiscal year ending December 31, 2006, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. We have a leak in our swimming pool, and this is gonna fix it. So, I would move that we approve Ordinance No. 55-06.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 27, 2006 7:00 p.m. 20 06

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 55-06. All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to suspend the rules for Ordinance No. 55-06.

Mrs. Magel moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 55-06. All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to adopt under the suspension of the rules for Ordinance No. 55-06.

Mr. DeOrio moved Mr. Repace seconded to **adopt under the suspension of the rules** Ordinance No. 55-06. All members present voting:

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

No: 0

28. Mr. Foltz: Next, may I have a motion to read by title only first reading of Ordinance No. 56-06.

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 56-06. All members present voting:

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

No: 0

Ordinance No. 56-06 – first Reading

Ordinance no. 56-06 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Release Settlement Agreement by and between the City of North Canton, Contract Masters, Inc., and World International Testing, Inc. and all their affiliates, agents, employees, assigns and any other party related to any of the named parties to the Agreement, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. This is the – one of the agreements that Mr. Pusateri so laboriously worked to bring to conclusion; and, because in Section 2 of the Ordinance, we incorporate this Agreement hereto and herein, thereon and all that other stuff. All of the details are spelled out in the Agreement. Normally, we would always like to see dollar amounts in the ordinances and everything. But, because we're doing it this way, I have my full confidence in it. So, I would move that we adopt Ordinance No. 56-06.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 56-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 56-06.

Mrs. Hines moved and Mr. Repace seconded to **suspend the rules** for Ordinance No. 56-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 56-06.

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** Ordinance No. 56-06. All members present voting:

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

No: 0

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REPORTS:

29. Mr. Foltz: Reports. As former Director –
 Mr. Pusateri: No reports. Thank you. But Mr. McFarren may have something.
 Mr. Foltz: Okay. We'll go to our current Law Director.

Mr. McFarren: I'm just pleased to be able to have the opportunity to work with everybody. I appreciate your patience while I try to catch up with all of you in your work. And I'd also like to take this opportunity to thank Mr. Pusateri for his gracious assistance. And I'm sure he'll be helping me in the future, here, to catch the train that you're all on and I'm trying to catch up with here. Thank you.

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

Mrs. Herr: Paul, it's been great. Best of luck. Randy – welcome aboard! That's all.

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

Mr. Wise: Reporting on construction again. Just a reminder: Monday – this coming Monday – a week from today, April 3rd, we're scheduled and still on schedule to close the bridge over South Main – South Everhard. And, Marquardt, we were scheduled to be in the street for about three (3) weeks. We're now pushing at five (5) weeks in the street on Marquardt. There's some problems with the actual date, but it has come back to budget. We're still on budget for that sanitary sewer going up Marquardt, and we are now, in fact, out – we're still working in Marquardt. They're cleaning up there, but they're now back working towards The Sanctuary. I think two or three people are digging right now, as a matter of fact. But things are going well. It just took a lot longer in the street than we thought it would. But we're still on and under budget (inaudible). Paul, for the short time that I've been here, I thank you for your assistance. Good luck with your future endeavors.

Mr. Pusateri: Thanks.

Mr. Wise: Randy and I have known each other for some time now. I don't have any legal experience with Randy, but I look forward to working with you, certainly. Congratulations. Thank you.

Mr. McFarren: Thanks.

Mr. Snyder: Wait until tomorrow.

Mr. Wise: Sorry?

Mr. Snyder: Wait until tomorrow.

Mr. Wise: I look forward to it.

Mr. Foltz: Mayor?

Mayor Held: Yes, there was a program that they had – "Meals on Wheels" last week. It was a Stark County Meals on Wheels. We do have a North Canton chapter here as well. It's the first time that I was able to actively participate. We went and visited 12 homes throughout the City of North Canton. A lot of the residents there have, typically, some sort of illness that makes it difficult for them to get out of their home. It's a fantastic program. I'm sure that some of you may be familiar with it. If you have anybody that might be considering having meals delivered to their homes – a fantastic program. And if you need more on that, you can always contact our office. Also, Paul, it's – I was here – had the opportunity to be here when you first started back when I worked as the Administrator and covered a lot of projects. You've always been available; very cooperative; always conducted yourself as a gentleman; and I just enjoyed working with you. You've done a fantastic job, and, of course, we hate to see you leave. But, at the same time, things change. Time to move on. And I do wish you well.

Mr. Pusateri: Thank you.

Mayor Held: And, Randy, it's first time I've had an opportunity to meet you. I know that City Council really had a very extensive and very thorough process in selecting the new Law Director. And I know they put a lot of time into that, and I'm really pleased to finally meet you – I read about you in the paper, and I'm looking forward to working with you.

Mr. McFarren: Also. Thank you.

Mr. Foltz: Thank you, Mayor. City Engineer.

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Mr. Benekos: Paul, I have nothing more to say to you ... (laughter). Randy, welcome aboard. No report.

Mr. Foltz: Clerk of Council.

Mrs. Kalpac: Paul, I'd like to thank you for all your help and not laughing at my silly mistakes – at least out loud. Randy, welcome aboard.

Mr. Foltz: All right. Thank you.

REPORTS – COUNCIL:

Mr. Foltz: Member Lane.

Mr. Lane: I echo the previous thoughts mentioned and beyond. And rather than belabor them all, good luck to you, Paul. Especially in Hartville. I think you – you've earned your stripes here. So, some of the same issues may confront you there, so good luck. And welcome, Randy. I'm looking forward to working with you as well. I alluded to it under the Street & Alley vote we took about the Main Street Project, and Earle mentioned it. Traffic flow – I appreciate all you guys have done so far. And what I am going to suggest is, maybe, let's get a couple of weeks into it and, possibly, the middle of April or whatever, either invite the residents in or find out if things are going smoothly, which I'm hoping is the case. And if they are, then, we're fine. And, if not, we might have to do some adjustments here and there. But let's see how the first couple of weeks go. And I guess, officially, Monday? At what point in time; do we know?

Mr. Wise: I don't know. I mean, do we – will we close (inaudible) ...scheduling.

Mr. Lane: Are you going to surprise people when they drive in to work, or (inaudible) –

Mr. Benekos: You should not be able to get there in the morning – through there.

Mr. Lane: Okay. Through there. All right. So --

Mr. Benekos: April 3rd is D-day for this one.

Mr. Snyder: When your phone starts ringing...(inaudible)

Mr. Lane: I'm forwarding on to your house, because that's...

Mrs. Magel: Should have been April 1st (inaudible).

Mr. Lane: And the only other thing I had, Paul, and I hate to throw something back at you, but we were supposed to look at a Clear Channel settlement. Is that still coming?

Mr. Pusateri: That is still – we're still working on that.

Mr. Lane: Okay.

Mr. Pusateri: That will come to you later through Randy, but I'm still working on that to finish that up.

Mr. Lane: Okay. All right. Just wanted to make sure I was up to date on it.

Mr. Pusateri: Just a matter of getting it into terms – into writing – it's all in principle.

Mr. Lane: Okay, thank you very much. Good luck.

Mr. Foltz: Okay. Member Snyder.

Mr. Snyder: Thank you. One thing, Member DeOrio and I had a Tax Incentive Review Board. One of the common threads that came from this, and I'll make this brief, is the difficulty our Main Street merchants and businesses are having economically. So, Mr. Hemminger has taken a film of all the existing signs. And I will be bringing back to you those signs. They're non-conforming, because I can't tell you how incumbent it will be upon you to either continue to grandfather or totally exempt those signs. Because if we begin to put more pressure on our merchants and our small businesses in this City, we're going to lose them. And I – he has – hoping to put this from video onto disk,

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because when you look at the signs, very honestly, you would say, why would I want that on my Main Street? But, when you look at a small person just struggling, and to put another \$5,000.00 to \$25,000.00 burden upon that merchant or business, I think is unconscionable. So, I will be pleading to you as a Main Street merchant, myself, to give them some leave and maybe, even, if nothing, a five-year moratorium or complete abolishment of that. So, I'll be bringing that, hopefully, within the next two (2) weeks with that legislation. And I would say to Mr. Pusateri, I've enjoyed working with him very closely. He's a man of high integrity, and I hold him in the highest esteem as a member of the Bar of this County, and Paul, you will be sorely missed here – great guy. Randy, I wish you – welcome aboard, and I look forward to working with you.

Mr. Foltz: Okay. Thank you for your comments. Member DeOrio.

Mr. DeOrio: No report.

Mr. Foltz: Member Hines.

Mrs. Hines: I'd just like to thank Paul for making the transition easier for Randy in showing him around and everything. And I wish you well.

Mr. Pusateri: Thank you.

Mrs. Hines: And would welcome Randy.

Mr. McFarren: Thank you.

Mr. Foltz: Member Repace.

Mr. Repace: Randy, welcome. I'm looking forward to working with you. Paul, I want to thank you for everything that you've done working with me. We've developed a friendship. I think you're a great guy, and I wish you the best of luck always, and I hope to stay in contact with you once in a while.

Mr. Pusateri: Thank you. Appreciate it.

Mr. Foltz: Member Magel.

Mrs. Magel: Yes. Actually, I have several things. Number one, I'd like a clarification about Well #9. There is no past or current activity concerning Well #9, and I will untable that as soon as I can. It's according to what the Public Hearing will permit. I just wanted to clarify that. Second of all, I see here, there in the paper, there was an award for the North Canton City Identity Campaign. And, E.J., I wanted to – we had a discussion about that banner at the Airport. Whatever happened to that banner?

Mr. Wise: We have that contract through the end of this month, which is what? Friday. And, then, that contract will no longer continue. They're sending us that sign back, or will be when they're finished with that. But that's the status at this point.

Mrs. Magel: Okay. I'm sure we'll have some use for it.

Mr. Lane: We can blow it up and put it on Main Street.

Mrs. Magel: Okay. Okay, so they'll be – it's til the end of this month?

Mr. Wise: Correct. 31st. That's Friday.

Mrs. Magel: Okay. Thank you. And, Mayor – I'd like to say I delivered Meals on Wheels. I was a volunteer for about five (5) years. And those people need Meals on Wheels. I'll tell you a story why I delivered it. My father had open-heart surgery in Pittsburgh, and he couldn't – so Meals on Wheels delivered for him, and I was so appreciative of that, that I delivered in North Canton as a reciprocal. And it's a very good situation. It's something that's very much needed. These people need this, so even if you know somebody or even can volunteer your time, it's well worth it. And, Paul, I'm sure I'm going to see you very soon, because I know you're going to show up at the Planning Commission for that Open Space Public Hearing.

Mr. Pusateri: Yeah. Sure.

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Mr. Lane: He penciled that one in.

Mr. Snyder: How about if you get your teeth pulled.

Mrs. Magel: Thank you.

Mr. Foltz: Thank you. Paul, first of all, we go back a ways. And I'm sure our paths will cross numerous times.

Mr. Pusateri: Oh, yeah.

Mr. Foltz: We just won't see you Monday nights. But I appreciate your professionalism with everything you did here for the City and, especially, the transition, here, with the new Law Director. I think that speaks volumes for your integrity and you, as a person. So, I'm very thankful for that. It doesn't surprise me at all. So –

Mr. Pusateri: Thank you.

Mr. Foltz: So, Mr. McFarren, welcome aboard. And, one other thing to add, here, tonight. And I guess we'll do this as an attachment to the minutes, but I'm not going to read this letter that was presented to me from Michael Miller. (See attached). He wanted to address something on March 13, 2006 – comments from Mr. Chuck Osborne. So, with that, I don't know if I need a motion or what I need to do –

Mr. Pusateri: Just make it a part of the record.

Mr. Foltz: I'll make it a part of the record. There's four (4) pages. It's a public document now. We'll just include it in the minutes, Gail, and let's copy that out for the audience. We'll give it to them. So, with that, any new business from Council? With that, I'll look for a motion to adjourn.


ADJOURN:

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

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

No: 0

Meeting adjourned at 8:12 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL