

RECORD OF PROCEEDINGS

0217

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 12

7:00 p.m.

20

07

CALL TO ORDER

1. The meeting was called to order at 7:00 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by Michele Schafer, Campus Ministry, Walsh University.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

5. Consideration

Council Meeting: February 26, 2007
Mayor's Court Receipts: January, 2007

Mr. Foltz: Ask Council for consideration to approve the Council Meeting minutes of February 26, 2007 and the Mayor Court's Receipts from January, 2007.

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

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

No: 0

Abstain: Magel.

6. Committee Minutes

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held March 5, 2007.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims meeting held March 5, 2007.

Personnel & Safety: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held March 5, 2007.

Street & Alley: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held March 5, 2007.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish meeting held February March 5, 2007.

Mr. Foltz: Thank you. I'll ask approval of the following committee report minutes for Finance & Property, March 5, 2007; Ordinance Rules & Claims, March 5, 2007; Personnel & Safety, March 5, 2007; Street & Alley, March 5, 2007; and Water, Sewer & Rubbish, March 5, 2007.

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

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

No: 0

7. Recognition of Visitors

Mr. Foltz: Recognition of Visitors. Anyone like to address Council and Administration, please step forward, state your name and address.

Mr. Osborne: Name is Chuck Osborne, 307 Fairview Street S.E., North Canton, Ohio. Last week North Canton Police Chief Michael Grimes made a presentation to this body urging that funding be made available to allow him to hire an additional patrol officer. Chief Grimes clearly and professionally defined the City's need to restore department staffing levels in the police department. Council's response was that the funds just are not available. For weeks, the residents of Lipton Avenue have appeared before City Council pleading that the City make good on promises made since 1997 to fix storm water drainage problems on their street. Council's response was that funds just are not available. Funds are available. There is 1.3 million that is available that has not been disbursed to the North Canton Community Improvement

Monday, March 12 7:00 p.m.

07

Held

20

Corporation and I am surprised that there has been no public discussion on using this source of funds, as they are desperately needed. In 2005...former Mayor Tom Rice asked that Council transfer two million dollars from the general fund to provide seed money to the North Canton Community Improvement Corporation. Then Finance Chairman and President of City Council, Jon Snyder made the following statements at a March 7, 2005, Council of the Whole meeting: "I have reservations about the amount, and reservations about doing it. The City is not in a position to do this. I am against using the liquidity of the City". At the same Council of the Whole meeting, Director of Finance, Julie Herr, remarked "the figure that is floating around, two million, of course I have concerns over that. That is almost twenty percent of our carryover. Are there potential uses for this seed money or is it going to sit there for six months?" She continued. "Are we going to see results this year? Is there any plan that might start seeing results of this seed money this year, next year, two years from now? If two or three years down the road, the results of that CIC are slower than what we expected, there might be some more difficult decisions to make down the road, because that two million is not going to be there." Then Finance Chairman Jon Snyder subsequently submitted a proposal to fund the CIC for \$1.5 million. This funding was to be released in increments of 100,000 per year for fifteen years. The legislation received its third and final reading by Council on May 9, 2005, as Ordinance 67-05. The statements made two years ago by both Mr. Snyder and Mrs. Herr in response to the request to use taxpayer funds to fund the CIC was prophetic. This should be clearly evident to everyone at this time. The City was not in a position to fund the CIC two years ago as then Finance Chairman Jon Snyder stated. Mr. Snyder, you were correct in that assessment. And without a doubt, the City is not in a position to fund the CIC today. From her comments of two years ago, Finance Director Julie Herr was clearly looking for some kind of return on the money that she was being asked to remove from the general fund. Finance Director Herr advised this Council two years ago that if the CIC failed to provide results in a timely fashion, then the City would be facing more difficult decisions down the road.

Unidentified: ...inaudible...she knows that's what we had to.

Mr. Osborne: Mrs. Herr, you also were correct in your assessment regarding the impact of removing taxpayer funds from the general fund to fund the CIC. Each of you gave your best advice and it was ignored. The legislation funding the CIC was forced on to the ballot as a result of a referendum and the citizens of North Canton approved the funding of the CIC, known as Issue 31, at the polls in the November 2005 elections. Contributions from special interests groups totaling more than \$13,000 supporting Issue 31 likely influenced its passage. The reality was that the public was misled on what Issue 31...

Unidentified: one and a half million...inaudible...said no...inaudible....

Mr. Osborne: would or could do for North Canton with rosy pie in the sky predictions. That was truly unfortunate. On or around December 31, 2005, \$1.5 million was removed from the general fund and placed in an escrow account. At this same time, the first \$100,000 installment was made to the CIC. In June 2006, a second \$100,000 installment was made to the CIC. At present, the CIC has \$200,000 in its account and the escrow account under the City's control has \$1.3 million remaining of the original \$1.5 million. The remaining \$1.3 million needs to be restored to the general fund. As this Council knows and as the public has learned, funding must be put where it will generate the most good for the citizens of North Canton. It does not make any sense whatsoever to continue to bleed the City of \$100,000 a year when those funds are desperately needed elsewhere. Economic development has to begin with a City that provides the necessary amenities that citizens naturally expect. The City must have visible police presence. Without strong safety forces you will not only fail to attract new business, you will likely lose the businesses that you have. Without strong safety forces, all you will attract to your City is the wrong element as Chief Grimes described in his presentation. Without a strong visible presence of law enforcement, you will see a decline in the quality of life in our neighborhoods. It does not happen overnight. It begins slowly. This Council's failure to maintain the needed staffing in the police department is counterproductive to economic development prospects for the City. I urge you to move quickly to rescind the legislation funding the CIC and recoup the remaining \$1.3 million. These funds are desperately needed to maintain both the level of safety forces patrolling our City streets and to make the needed infrastructure improvements for residents on Lipton Avenue. What better way to promote economic development in the City of North Canton than providing good police protection for residents, visitors, and businesses and protecting the investment homeowners have in their homes with needed storm water improvements? Thank you.

Mr. Foltz: Thank you.

Mr. Osborne: One final comment. Mr. Repace, you mentioned last week...apparently it's your hope that this City becomes wet.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 12 7:00 p.m.

07

20

Mr. Repace: That's not what I said.

Mr. Osborne: Well, that's what my two ears heard and...I will strongly oppose something like that. Thank you.

Mr. Repace: I think you're taking what I said out of context, but that's -- that's fine.

Mr. Foltz: Any other comments from Council? One thing I'd like to say, CIC...we're waiting on a third meeting...since December...

Mr. Benekos: Did you talk to Doug Foltz about that?

Mr. Foltz: I think we had two good meetings, one in December...

Mr. Wise: Doug Lane.

Mr. Foltz: one in January, I don't know if Eric's here, I haven't looked out to see, but....

Mayor Held: No, he's not here.

Mr. Foltz: I believe...one of the members wasn't able to make the February meeting, without getting into any details, we're looking forward to sitting down and really...taking advantage of...those funds in the future. I think we've had, like I said, two productive meetings and hopefully we'll have a third one either late March or early April, whenever we get everybody together, so. That said, any other comments? If not, anyone else like to address Council this evening? Okay, seeing none...one...communication that was provided to us from...Gail, want to make sure you adjust your agenda. I think it's Ordinance No. 27-07.

Unidentified: Don't do that...inaudible...

Mr. Repace: Doug, you have - oh, no, I'm sorry.

Mr. Foltz: Basically, there was an emergency clause in our original packet and...it's been indicated that that's not the case.

Mr. Lane: I think that's --

Mr. Foltz: So, it'll make that correction.

Mr. Lane: we were just going to take it reading by reading...

Mr. Foltz: yeah

Mr. Lane: I believe, so we just won't...

Mr. Foltz: Okay.

Mr. Lane: we won't be...with the emergency.

Mr. Foltz: So just make sure that you know, one was aware of that before we read it.

OLD BUSINESS

8. Mr. Foltz: Okay, with that do I have a motion to read by title only the third reading of Ordinance No. 9-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the third reading of Ordinance No. 9-07. All members present voting.

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

No: 0

Ordinance No. 9-07 -- 3rd Reading -- Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor to be authorized, through the Board of Control, to enter into a contract for the purchase of gasoline and diesel fuel for use by all city departments, for either a one (1) year or two (2) year period commencing June 1, 2007.

	Monday, March 12 7:00 p.m.	07	
Held		20	

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, being that this is its third and final reading, Administration has requested...it – it would meet with Council's approval to pass this on an emergency tonight. They would really like to get this...out right away for bid. Time is of the essence in pricing on gasoline, I guess that's pretty obvious. So...would like to see that...go on an emergency.

Mrs. Kalpac: Have to amend it then.

Mr. Foltz: We have to amend the...the entire Ordinance to do so, I believe.

Mr. McFarren: Well you...a -a motion to amend and...and the basis for the emergency is to provide a – adequate supplies for the police department.

Mr. Snyder: Mr. President, may I? I think the rules will permit just a suspension of Council rules to adopt it on emergency without - could you not do that? Suspend the rules of Council and adopt it in on emergency?

Mr. Foltz: I'm going to defer to Gail and our Law Director Benekos, I mean, McFarren....

Mrs. Kalpac: I think you have to have the emergency clause in it.

Mr. Foltz: We don't have on our...

Mrs. Kalpac: You don't have to – it's a third reading, you don't – wouldn't have to suspend the rules, but...

Mr. McFarren: Yeah.

Mrs. Kalpac: correct?

Mr. McFarren: Yeah. You – you need an emergency – you have to justify the emergency in – in the...

Mrs. Kalpac: I think it's for use by all City departments though.

Mr. McFarren: in the final provision. That's why I said to – to provide adequate provisions for the police department or whatever.

Mr. DeOrio: Well Mr. President, I would move to amend Ordinance No. 9-07 to include a – emergency clause...

Unidentified: Do you have an additional pen?

Mr. DeOrio: with the understanding that the purpose...

Unidentified: Pen? Pen?

Mr. DeOrio: or the reason for the emergency is to provide an adequate supply of gasoline and diesel fuel for all City departments.

Unidentified: Thanks.

Mr. DeOrio moved and Mrs. Magel seconded to **amend Ordinance No. 9-07 to include an emergency clause.** All members present voting.

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

No: 0

Unidentified: What's wrong with...inaudible...

Mr. Foltz: May I have a motion then to adopt the third reading of Ordinance No. 9-07 as amended?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the third reading as amended of Ordinance No. 9-07.** All members present voting.

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

No: 0

Mr. Foltz: Next may I have a motion to suspend the rules for Ordinance No. 9-07?

Mr. DeOrio: So moved.

RECORD OF PROCEEDINGS

0221

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 12

7:00 p.m.

20

07

Mrs. Kalpac: No, we don't need it.

Mr. Foltz: Excuse me?

Mrs. Kalpac: You don't need it, there's nothing to suspend. You've given it third reading...

Mr. Foltz: Okay, so...

Mrs. Kalpac: you're not suspending any of the...

Mr. Foltz: we've passed this then on emergency...

Mrs. Kalpac: readings, correct?

Mr. Foltz: just for clarification.

Mr. McFarren: Yeah, you gave it three readings.

Mrs. Kalpac: Yes.

Mr. Foltz: Okay.

Mr. DeOrio: I withdraw that.

9. Mr. Foltz: Okay, thank you. Okay next, may I have a motion to read by title only the second reading of Ordinance No. 14-07?

Mr. DeOrio moved and Mr. Lane seconded to **read by title only** the second reading of Ordinance No 14-07. All members present voting.

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

No: 0

Ordinance No. 14-07 – 2nd Reading – Community & Economic Development

Ordinance No. 14-07 authorizing an Agreement by and between the City of North Canton and Plain Township (hereinafter AGREEMENT) establishing guidelines for the negotiation of possible cooperative agreements; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into said AGREEMENT.

Mr. Foltz: Chairman Repace.

Mr. Repace: Well this is an agreement that would...authorize us to enter into cooperative agreements with Plain Township so we could finally move forward, working with our neighbors and – and hopefully bring some revenue into the City through these – these types of agreements, whatever one we may choose to – to do whether it be through an annex, a JEDD, a CEDA, whatever we agree on. So, we – we've had quite a bit of discussion on this, that's where we're at.

Mr. Foltz: Any comments? If not, may I have a motion to adopt the second reading of Ordinance No. 14-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 14-07. All members present voting.

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

No: 0

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

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only** the second reading of Ordinance No. 15-07. All members present voting.

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

No: 0

Ordinance No. 15-07 – 2nd Reading – Ordinance Rules & Claims

Ordinance No. 15-07 to establish specific rules for the Recognition of Visitors portion of Council meetings, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Snyder.

Monday, March 12 7:00 p.m.

07

Held

20

Mr. Snyder: Thank you Mr. President. This is the – the second reading...as we said, we would go at this very slowly. This Ordinance would change the rules of Council to allow for five minutes of public speaking. Presently, the rules do allow for public speaks at the beginning of the meeting, with an unlimited time and...this is...felt that five minutes should be sufficient time to hear what the residents have to say. And it seems that it has garnered some interest from the electorate and the constituency. They continue to...both e-mail us and make their...ideas, and some in support, some in opposition, and as we gather this information, hopefully over the next two to three weeks, that when we do decide for the final and third reading that we can vote with the input of the public and our own constituency. That's about it, I think.

Mr. Lane: As, as I – Mr. President, as I mentioned a couple of weeks ago, when Member Magel was not allowed to be – or wasn't to be here by doctor's orders, I shouldn't say you're not allowed to be here, but your doctor didn't want you here that night. You were not able to take part in the conversation, and I'm not going to put you on the spot tonight, but perhaps maybe for next week's committee reading, or we could maybe at least get your thoughts on it.

Mrs. Magel: That'd be fine.

Mr. Lane: Before we get to the third...

Mr. Snyder: I don't think that's on the committee.

Mr. Lane: No, but I think...

Mr. Snyder: Oh, it's....

Mr. Foltz: Three readings.

Mr. Lane: speaking of that, we can just talk about it.

Mr. Foltz: Chairman Snyder, a few other comments. I am pleased that there is, there's been a lot of discussion...out there about this. Just, just for the record, again, not to be redundant, but we were the only city without a time limit. And...we don't have a sign up prior to the meeting, and I don't think this limits public participation, just gives us some parameters. It was suggested by one of our residents for three minutes, think this Council in its wisdom has looked to five minutes, and that is just the – the public speaking portion by the resident or whoever wants to address Council. We can, as a Council body or Administration, discuss that issue for as long as we feel is needed as far as discussion on the floor. Think that's very important, so, that said...

Mr. Wise: ...inaudible...

Mr. Foltz: I'm very much in favor of this and...

Mr. Wise: ...inaudible...

Mr. Foltz: any other comments from Council?

Mr. Snyder: One thing, Mr. President, if I may, an addendum to that, this does not preclude the fact as the...in this particular case, as the chairman of the meeting, if you so choose, you can lengthen to it – or to any group that so needs to speak to this Council. That – that is a very flexible rule...

Mr. Foltz: Right.

Mr. Snyder: it's not in a – in stone rule, so, I'm sure there are issues, as you just pointed out, where there – there are times that require more public speaks, more input and that can be – and I – I think that every member of this Council does pledge to allow that, so that there's full participation, that it would not be just five minutes and you know, see you, thanks.

Mr. Lane: And here goes your trap door and it's – it's not going to happen. I'll let you know.

Mr. Snyder: What's that?

Mr. Lane: The trap door ordinance, just...five minutes...

Mr. Snyder: Oh – oh.

Mr. Lane: are up and the trap door...

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 12 7:00 p.m. 07
20

Mr. Snyder: Oh. But I'm sure that...inaudible...that's all.

Mr. Foltz: Okay. Well said, with that do I have a motion to adopt the second reading of Ordinance No. 15-07?

Mr. Lane moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 15-07. All members present voting.

Mr. Snyder: You have to explain it to...inaudible...

Mrs. Kalpac: Hines.

Mrs. Hines: Yes.

Mrs. Kalpac: Lane. Lane?

Mr. Lane: That me?

Mr. Foltz: Member Lane?

Mr. Lane: Yes.

Mrs. Kalpac: Magel.

Mrs. Magel: Yes.

Mrs. Kalpac: Repace.

Mr. Repace: Yes.

Mrs. Kalpac: Snyder.

Mr. Snyder: Yes.

Mrs. Kalpac: DeOrio.

Mr. DeOrio: No.

Mrs. Kalpac: Foltz.

Mr. Foltz: Yes.

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

Mr. Lane moved and Mr. DeOrio seconded to **read by title only** the second reading of Ordinance No. 26-07. All members present voting.

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

No: 0

Ordinance No. 26-07 – 2nd Reading – Street & Alley

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 resurfacing, repaving, replacement, repair, and preventative maintenance of certain streets, alleys, and city parking lots within the corporate limits of the City of North Canton, in an amount not to exceed \$290,000.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is our annual repaving budget again, as we've discussed many times, this is for short – streets, alleys, areas that need to have some repair, this is not to do an entire street. This is divvied up around the entire City, 250 of that 290,000 is for asphalt and 40,000 is for concrete repair. And again I know, Engineer Benekos is going to be asking us for a list, so, we should be thinking about that and we normally get that to him sometime here in March, so we can look at – at July, August, September repaving. I would move for the second reading of 26-07.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 26-07. All members present voting.

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

No: 0

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

Held Monday, March 12 7:00 p.m. 07
20

Mr. Lane moved and Mr. DeOrio seconded to **read by title only** the second reading of Ordinance No. 27-07. All members present voting.

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

No: 0

Ordinance No. 27-07 – 2nd Reading – Street & Alley

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the office of the Director of Administration; 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 Wilbur Drive NE Rehabilitation Project, at a total cost not to exceed \$396,000.

Mr. Foltz: Chairman Lane.

Mr. Lane: Engineering's moving along on this...again, it's going to be up for third reading in a few weeks and we'll get an update on it in that point of time, so I'd move we'd pass the second reading.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 27-07. All members present voting.

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

No: 0

13. Mr. Foltz: Next may I have a motion to read by title only the second reading of Ordinance No. 29-07?

Unidentified: See, watch the...inaudible...

Unidentified: Yep.

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only** the second reading of Ordinance No. 29-07. All members present voting.

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

No: 0

Ordinance No. 29-07 – 2nd Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the office of the Director of Administration; 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 Northwood School (School Avenue) Waterline Project, at a total cost not to exceed \$195,000.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, as discussed...two weeks ago, this is an administrative project. It's for the...as it says, Northwood School, School Avenue. It's in regard to...perhaps the pressure. It should be done in...sometime in June, from what I understand, while the school is on...vacation. And – but – you know, we have to move along with the bids, so...I would like a motion...to accept this on second reading.

Mrs. Hines moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 29-07. All members present voting.

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

No: 0

NEW BUSINESS:

14. Mr. Foltz: That concludes old business, now new business. Do I have a motion to read by title only the first reading of Ordinance No. 32-07?

Mr. Snyder moved and Mr. DeOrio seconded to **read by title only the first reading** of Ordinance No. 32-07. All members present voting.

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

No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 12

7:00 p.m.

20

07

Ordinance No. 32-07 – 1st Reading – Ordinance, Rules & Claims

Ordinance No. 32-07 amending Chapter 115, Rules of Council, specifically Section 115.01(e) MORAL CLAIMS, of the Codified Ordinances of the City of North Canton, regarding the procedure for submitting and approval of moral claims, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you President Foltz. We've now...tweaked this, I think this is our fourth or fifth go 'round. However, I think we've finally reached the point where this is a very workable ordinance...at the suggestion of some Council members and the Administration, the first part was changed to say that the claimant would submit in writing the facts of the claim, predicated on their experience and why they felt that there was a – either, in this case, a moral claim...stating those facts. It would be submitted to the Director of Administration, who in turn would research it for...liability from our insurance carriers. And at their suggestion, or his or her suggestion, depends, would send it then to the Law Director who would review the claim for legalities and the morality of it, and with a specified amount of money being \$2,500 would settle if its case...inaudible...up to that figure and it would move on with the Council office being sent copies of the initial claim through the final claim and it would be put in a place in the file and if anybody would so review it. So this would take, hopefully, make it very apolitical and...hopefully, speed it along and take care of the problem.

Mrs. Magel: Practice makes perfect, Jon, I think this is a good one.

Mr. Snyder: Well, I appreciate that, and I appreciate everybody's patience on that one. We did – it didn't succeed the record of open space, but, it was getting close.

Mr. Lane: That bridges three councils.

Mr. Snyder: Well, it – it is. It's a – it's a very workable ordinance, and a lot of input in that from members of Council, Administration, and Law department.

Mr. Foltz: Very good. May I have a motion to adopt the first reading of Ordinance No. 32-07?

Mrs. Hines moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 32-07. All members present voting.

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

No: 0

15. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 33-07?

Mr. DeOrio moved and Mr. Lane seconded to **read by title only the first reading** of Ordinance No. 33-07 All members present voting.

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

No: 0

Ordinance No. 33-07 – 1st Reading – Street & Alley

Ordinance No. 33-07 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement for the preliminary design of the street improvements and the final design of the storm sewer system for the Lipton Avenue project, in an amount not to exceed \$25,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: We talked about this in depth at the committee meeting, and basically this \$25,000 is coming from the storm sewer levy money, and it'll be repaid with anticipated revenue from the...the estate taxes, when it – when it comes due. This allows the project to get up and running as far as being designed. And again, as I mentioned last week, just like we were talking, about all the various projects we have out there. This is strictly for the design phase and if and when money becomes available, it would be one of the first ones we look at to – to follow through with, so I certainly move for we adopt.

Mr. Lane moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 33-07. All members present voting.

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

No: 0

Held	Monday, March 12	7:00 p.m.	07
			20

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 33-07?

Mr. Lane moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 33-07. All members present voting.

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

No: 0

Mr. Foltz: Next may I have a motion to adopt under the suspension of the rules for Ordinance No. 33-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 33-07. All members present voting.

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

No: 0

Mr. Snyder: Mr. President.

Mr. Foltz: Yes.

Mr. Snyder: Can I – pardon me – I know I'm out of order sir, but may I, on behalf of the residents and myself, I'd like to thank...the Finance and Streets, Members of Council and Administration for that. Thank you very much, it's much appreciated. Thank you for that moment, sir.

16. Mr. Foltz: Okay. Next, may I have a motion to read by title only the first reading of Ordinance No. 34-07?

Mr. DeOrio moved and Mr. Lane seconded to **read by title only the first reading** of Ordinance No. 34-07. All members present voting.

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

No: 0

Ordinance No. 34-07 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended Local Public Agency (LPA) Agreement by and between the State of Ohio, acting by and through the Director of Transportation, hereinafter referred to as ODOT, and the City of North Canton, hereinafter referred to as the City, for the reimbursement of funds the City has expended for purchase of right-of-way for the South Main Street / Everhard Road Improvement Project (STA-CR-66-Main Street), and repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is another one we talked about in depth a couple of different committee meetings and basically is wrapping things up from the project that is just about done and is going to allow us to pay off the contractor and get our money back a lot quicker. So I would move we adopt.

Mrs. Magel: Could I have a clarification?

Mr. Lane: Yes ma'am.

Mrs. Magel: Okay, there's no number on here, but this, as I recall, differential is \$6,000, this is for the record.

Mr. Lane: It's close to 9...inaudible...

Mrs. Magel: 20% of ours is twelve hundred...

Mr. Snyder: I think it's in the – probably in the ordinance.

Mrs. Magel: which apparently has already been spent.

Mrs. Herr: Yes.

Mrs. Magel: Alright. But just for clarification. Thank you.

Mr. Lane: No, that's fine.

Mr. Foltz: Everybody agree with that then? Those statements, okay?

RECORD OF PROCEEDINGS

0227

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 12

7:00 p.m.

20 07

Mr. DeOrio: I'll second Mr. Lane's motion.

Mr. Foltz: Second the motion?

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 34-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 34-07?

Mr. Lane moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 34-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 34-07?

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** for Ordinance No. 34-07. All members present voting.

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

No: 0

17. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 35-07?

Mr. Lane moved and Mr. DeOrio seconded to **read by title only the first reading** of Ordinance No. 35-07. All members present voting.

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

No: 0

Ordinance No. 35-07 – 1st Reading – Street & Alley

Ordinance No. 35-07 approving, confirming and accepting a...Perpetual Storm Sewer Easement ("Easement"), for and in consideration of Four Thousand Dollars (\$4,000.00) and other good and valuable consideration, Todd E. LePage, Trustee, and Melinda R. LePage, Trustee, ("Grantors"), do hereby give and grant unto the City of North Canton ("Grantee"), an Ohio Municipality, its successors and assigns, the perpetual right of way and easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace, and renew at will, a storm sewer conduit for conveying storm water and all appurtenances thereto with the right of ingress and egress at any time to and from such storm sewer and all appurtenances thereto on, under and through the property on Bachtel Street S.E., Parcel No. 5608920, Out Lot 314 (formerly part of the Northeast Quarter of Section 17, Plain Township, T-11, R-8), located within the City of North Canton, Stark County, Ohio, necessary for the Pineview / Override / Bachtel project, and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: Well, very long winded explanation that we need a pipe to run water into the – into the other system. But this is to finish off the...Bachtel into the Pineview / Override / Bachtel project, and again the LePage's, for a \$4,000 fee are giving us perpetual easement to get this – this part done. And...this was the revised project that we looked at doing so we get all three streets done and get rid of the storm water that – that we had over there. And...anybody got any comments on it?

Mrs. Magel: No, I was just wondering, is this on emergency, so Law Director didn't have to read it two more times?

Mr. Foltz: Yes it is.

Mr. Lane: I think it's because we're expecting some rain soon...

Mrs. Magel: Oh, okay.

Mr. Lane: and we'd like to get the project started, so, but I would – if we don't have any other discussion, I would move we approve.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 12 7:00 p.m. 07
20

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 35-07.
All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 35-07?

Mr. Lane moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 35-07..
All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 35-07?

Mr. Snyder moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** for Ordinance No. 35-07. All members present voting.

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

No: 0

18. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 36-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only** the first reading of Ordinance No. 36-07. All members present voting.

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

No: 0

Ordinance No. 36-07 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Water Expansion, Replacement and Improvement Fund to the Water Distribution Professional Services Account in the amount of \$35,000.00 for the current expenses during the fiscal year ending December 31, 2007.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, actually this is companion legislation for the following Ordinance 37-07, which has to do with the...which we'll get into the next...reading, the Woodrow Street project...which we need the professional services for engineering for \$35,000 and as Julie had told us...in our working session last week, we would actually need two pieces of legislation for this, for the unappropriated balance of the 35,000 from the Water...Expansion Replacement Improvement Fund to actually pay for the companion...that we will be getting into...37-07. So these two go hand in hand.

Unidentified: It's always nice when...inaudible...

Mrs. Magel: This is the \$35,000 to...to get 37-07 going.

Mr. Wise: ...inaudible...

Mr. Foltz: Any other comments? May I have a motion to adopt the first reading of Ordinance No. 36-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 36-07. All members present voting.

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

No: 0

19. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 37-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only** the first reading of Ordinance No. 37-07. All members present voting.

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

No: 0

RECORD OF PROCEEDINGS

0229

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, March 12 7:00 p.m.	07 20
------	---------------------------------	----------

Ordinance No. 37-07 – 1st Reading – Water, Sewer & Rubbish

Ordinance No. 37-07 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement for the engineering and design of the Woodrow Street N.W. Waterline Replacement project, in an amount not to exceed \$35,000.00.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, this is where the \$35,000 from the...previous one will be going to. It's a project that Eric is working on with the...County project. This project will only go forward if...it is accepted through the County. Jim...I believe Eric's not here, it's a 50-50 project?

Mr. Benekos: I believe that's what it – what it is.

Mrs. Magel: Yeah,

Mr. Wise: Yes, this one is.

Mrs. Magel: 50-50?

Mr. Wise: Yes.

Mrs. Magel: Okay, this is a 50-50 project that...and hopefully we will be accepted. This is the beginning – first stage we need to be...designed to - in order to...have it – take it down to the County and be accepted, so this allowing Eric to do...fill out the paperwork and hopefully we'll get a – a 50-50 project going here for Woodrow Street.

Mr. Foltz: Do I have a motion to adopt the first reading of Ordinance No. 37-07?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 37-07.

Mr. Benekos: Eric left a message to them.

All members present voting.

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

No: 0

20. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 38-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 38-07. All members present voting.

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

No: 0

Mr. McFarren: 38 dash - we're all set?

Ordinance No. 38-07 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; 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 Well # 9 Raw Waterline project, at a cost not to exceed \$160,000.00.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes I believe this was accepted in the 2006 budget...this is the...the purpose of this \$160,000...for the waterline from Well # 9 to be connected to the existing line that hooks up to East Maple and eventually will go – flows up to our water treatment plant. And as we speak...well, I don't know, since it's raining, but this week...last week...the Well # 9 is being drilled on – on East Maple...currently. And...once that is drilled and accepted, then the line will be connected and finish the project and then we'll get our test done.

Mr. Foltz: Very good. Do I have a motion to adopt the first reading of Ordinance No. 38-07?

Mr. DeOrio moved Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 38-07.

All members present voting.

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

No: 0

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Monday, March 12 7:00 p.m.

07

Held

20

21. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 39-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 23-07. All members present voting.

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

No: 0

Ordinance No. 39-07 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; 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 Price Park Sanitary Sewer project, at a cost not to exceed \$60,000.00.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, this is a budgeted item in the 2007 budget. The Price Park Sanitary...Sewer System...needs work on it and...this is to get the bids and hopefully get this...going...as soon as possible.

Mr. Foltz: Any other comments? Seeing none, may I have a motion to adopt the first reading of Ordinance No. 39-07?

Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 39-07. All members present voting.

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

No: 0

22. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 40-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 40-07. All members present voting.

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

No: 0

Ordinance No. 40-07 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; 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 Applegrove Street Waterline project, at a cost not to exceed \$635,500.00.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, while those are only our first reading we have discussed this...thoroughly... this is the...Main Street waterline to go from...on Applegrove...it – it's the zero percent loan that – that we had applied for and had been accepted and the...cost is not to exceed \$635,500.

Mr. Foltz: With that, do I have a motion to adopt the first reading of Ordinance No. 40-07?

Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 40-07. All members present voting.

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

No: 0

23. Mr. Foltz: Last but not least, do I have a motion to read by title only the...

Mrs. Herr: ...inaudible...

Mr. Foltz: first reading of Ordinance No. 41-07?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only the first reading of Ordinance No. 41-07. All members present voting.

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

No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 12 7:00 p.m.

07
20**Ordinance No. 41-07 – 1st Reading – Finance & Property**

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Water Revenue Fund to the Various Debt Service Accounts in the aggregate amount of \$290,775.00 for the current expenses during the fiscal year ending December 31, 2007.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, as you recall from the...Committee of the Whole meeting a week ago, in discussing this at the time that...Julie began working on the budget...these processes, particularly in converting the notes to bonds, the process was underway and the timeline for which the first payment would be remitted was unclear. It has since become clear and we will have to make payment in '07 and as a result, we need to appropriate \$290,775. And I would move...for adoption of Ordinance No. 41-07.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 41-07. All members present voting.

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

No: 0

REPORTS:

Mr. Foltz: Reports. Before we get into that, Administrator Earle Wise, apologize if you don't have a copy and so pass it along, dated March 12th to all the Council members.

Mrs. Magel: Hey, Doug.

Mr. Foltz: Use the Civic Center by the Police Department for training, you guys have that in your packet?

Mrs. Magel: Yes.

Mr. Foltz: Okay. Self explanatory if you read through this. We're trying to save money to have an individual come to the Civic Center...for diversity training. And we're looking for Council to waive the fees since it's a city agency, I don't see a problem with it, talking to our Law Director, he says it's...fine if we do so, so, Gail do I need a – or do I have any discussion on it? Or anybody, do we just need a voice vote?

Mrs. Kalpac: You don't even need that. I don't think.

Mr. Foltz: Okay, we don't need that? So, just let you know that's going to happen sometime in April for our Police Department. Okay? With that we'll go to Reports, Director of Law.

Mr. McFarren: I hope to have for Council's review and Administration's review a rough draft of nuisance abatement, dealing with...grass, weeds, trees, shrubs, in a rough draft form, the same idea as the snow plow situation, kick it out here, let everybody take a look at it, get as much publicity as we can on it and get it implemented before the season - before the season starts.

Mr. Lane: This would be general disrepair of a house as well.

Mr. McFarren: No, this is just going to be dealing with...

Unidentified: No.

Mr. Lane: This is the yard basically.

Mr. McFarren: grass, weeds, trees, and shrubs. Now, in whatever form that comes, but those things are sort of related, and emphasis on rough draft there - there's nothing cut in stone and we're happy to have all the review we can get.

Mr. Lane: Thank you.

Mr. Foltz: Okay, thank you. Director of Finance?

Mrs. Herr: No report.

Held Monday, March 12 7:00 p.m. 07
20

Mr. Foltz: Director of Administration.

Mr. Wise: Yes, there are two waterline projects that are going on now that are progressing very well, that's an Emerson Street waterline. The waterline is in and is connected...they will be still testing, finishing that up, but that has gone very well. Also on Sixth Street N.E., the waterline is in and they took the waterline across Sixth Street, I'm sorry, up Park Street across Seventh Street and they're testing that as well...that will be...they – they still have services to connect on that one. But those two waterline projects and road resurfacing projects are – are progressing very well. The ladder truck from the – for the Fire Department, next Thursday, the 22nd, the Chief and...part of the ladder truck committee are going to fly out to...Wisconsin to make the final inspection of the ladder truck. The transportation out there is by commercial airliner, that's paid for by the company, that's part of the – the contract. A pre-construction visit...or during the construction and the final check out of the truck is all part of the contract. They're going out there Thursday, coming back Friday. They will check it out, sign for it, and then the truck will be delivered, driven here by someone from Pierce...beginning of April, sometime in April. And we do have arrangements through the Hoover Company to use a bay in the company over there as they dress out the truck. They have to put some equipment still on it, make final adjustments once it gets here. That way we'll have a place for both ladder trucks and then once that's done, they'll pull the new ladder truck in the fire station and get the other ladder truck finalized up to Greentown.

Mr. Foltz: I had a question. I know you mentioned about a month ago, a little mishap, we had the trailer, our Steiner unit, did you – we have any evaluation of that...

Mr. Wise: the....

Mr. Foltz: mowing equipment, is that something we need to repair?

Mr. Wise: the – the mowing equipment...I – I don't have a final say on whether or not that Steiner was totaled. I know they evaluated it here last week. If they have a final answer, I didn't get it today. The trailer, which I think is a \$2,500 item, thereabouts, is a total loss. They're looking at fixing the truck, maybe in fact fixing it in-house. We have an extra bed that they can possibly put on that andthe....employee, the driver is – he was – he had a sore neck the next day, but is fine at this point, so.

Mr. Foltz: So we might be hearing back from you for additional repairs needed for that Steiner...

Mr. Wise: Correct.

Mr. Foltz: or even possibly a new one.

Mr. Wise: Correct.

Mr. Foltz: Okay...inaudible...just to make Council aware that this mowing season as we know, is about a month away from us, so. Very good. Alright, thank you. Mayor?

Mayor Held: Yes, I'd like to thank Council for passing the Lipton storm sewer design...and also Councilman Snyder, I know that you worked very hard on this.

Mr. Snyder: Thank you.

Mayor Held: And – and I'd also like to thank the residents on Lipton and – and the folks in that area for their patience. I know it was a very...contentious issue, over the past several months, and I know we appreciate your patience and I'm just pleased to see that we've all agreed and we're moving ahead with that design. And in addition to that, we did meet, I actually had two meetings...over the contract with Plain Township and...at our most recent meeting, Councilman Repace and myself, Director of Administration Wise and also representatives from Plain Township met together, we discussed the agreement, where we can work cooperatively with Plain Township in areas of CEDA's and JEDD's and other cooperative agreements, and I must say that the meeting went very well. I'm very pleased with...the points that we were able to discuss and we're going to continue to clarify some issues as we move along. But I think that it was very productive, and I look forward to working with – with City Council here internally and – and Councilman Repace and also with our representatives from Plain Township. We have Lou Giavasis, our trustee from Plain who's here today and I'd just like to thank everybody for taking the time and – and discussing the issues and I look forward to working with them.

Mr. Foltz: Very good.

Mayor Held: And that's all. Thank you.

RECORD OF PROCEEDINGS

0233

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 12 7:00 p.m. 20 07

Mr. Foltz: Glad to see everyone's on the same page right now. So that's good...

(Unidentified singing Kum Ba Yah)

Mr. Foltz: it'll be a productive thing for our – our residents. City Engineer Jim Benekos.
Mr. Benekos: No report.

Mr. Foltz: No report.

REPORTS – COUNCIL:

Mr. Foltz: Gail, any report?
Mrs. Kalpac: No report.

Mr. Foltz: Member Lane?

Mr. Lane: I just want to thank the Mayor and Administrator Wise. I'm a member of the Advisory Board for Goodwill, we did the Report to the Community Breakfast last week and they were nice enough to ask me again to be Master of Ceremonies, so I appreciate that opportunity, but more importantly I appreciate the – the Mayor and the Administrator coming to show their City support, not only Goodwill for an agency but as also one of our employers and this is one of the better stores in the – in the chain, so thanks to both of you. Hope your breakfast was good.

Mayor Held: It was fantastic.

Mr. Wise: Absolutely.

Mayor Held: Thank you.

Mr. Wise: Very good, very good.

Mr. Foltz: Okay. Member Snyder?

Mr. Snyder: I think I – I better find somebody to thank here.

Mr. Lane: Well, you already thanked everybody earlier. See, you should have waited.

Mrs. Magel: You already did.

Mr. Foltz: You already – you already thanked us about Lipton...you know, so...you can want to do it again, that's fine Jon.

Mr. DeOrio: You – you set the tone.

Mr. Snyder: No, I did, that's it. I heard that Kum Ba Yah.

Mr. Lane: He's going to pull out his guitar, light a little campfire.

Mr. Snyder: No, but...on a serious note to the Engineer,

Mr. Wise: ...inaudible...

Mrs. Herr: Yeah.

Mr. Snyder: I will say that I notice...the development on South Main, that utilities contractor is a great individual. I don't know where they found that fellow, but it's the first time in my experience in both government and private business where a man actually was extremely attentive to the merchants and made every possible thing he could do, even delaying the construction in areas that – he gave accessibility so, wherever you found that guy, you – you should hold on to him, he was – he's very, very professional. And they did a nice job, putting in that gas line, I see he's going down the west side. Now it brings up the question, when does that deer hunter begin? That – what's that fellow's name – for – when – went deer hunting last fall? Left the road unpaved. What's his name? He's from Akron I think.

Mr. Benekos: The contractor's Cioffi.

Mr. Snyder: Yeah, is he – is he back or is he elk hunting now?

Mr. Benekos: No, he's – he's back...we've been waiting for the weather to break, you'll start to see some...

Mrs. Magel: golfing.

Held Monday, March 12 7:00 p.m. 07
20

Mr. Benekos: activity down there. They want to get the gas line out of the way before they start digging.

Mr. Snyder: Well that -- is that a...a time line in this contract or he has a open period, you know?

Mr. Benekos: I believe that there is a -- a deadline for that. It's either -- either the end of May or the end of June, but I'd have to check.

Mr. Snyder: Well, it's sooner than I thought then. I noticed they're putting the decorative brick on the lower end today there. So -- and it's coming together and again, it'll be -- once it's done, it'll be gorgeous, but I know...

Mr. Benekos: Right.

Mr. Snyder: that...but this particular contractor, I will have to tell you, was very good, and it's appreciated by the South Main merchants, myself included. So there is a thank you.

Mr. Foltz: Okay, thank you Member Snyder. Member DeOrio?
Mr. DeOrio: No report.

Mr. Foltz: Member Hines?

Mrs. Hines: After a week off, the Charter Review Commission is meeting again Thursday at 7 here. They will...be doing Article IV, Taxation and Finance.

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

Mr. Repace: Yeah, a couple things here. First of all, I want to echo something that the Mayor said. I think our meeting with -- with Plain Township was very productive. I think everybody's got a better of understanding now of what we're trying to accomplish and I -- I believe that we're all on the same page, finally, and this - this is a good thing because, I think this could be very beneficial down the road for both the City of North Canton, and lord knows we need...some new finances coming into our City and also to Plain Township. I want to thank Lou, he -- he was very instrumental in -- in help putting -- putting this together, so, I think now we're all on the same page and we're going to begin to work together...which could be better -- very beneficial financially to our City. Second thing I have is a point of clarification. Last week's meeting, in an effort to defend some of the issues of the Chief of Police, I mentioned -- I had mentioned as the City seems to be come more wet, as far as El Rincon, as the Main Street Grille, 91, now they sell alcohol at the Marathon station, Giant Eagle, that creates a whole series of new issues. That's the point I was trying to make. I am not trying to portray, and those of you that were at this meeting -- at the meeting last week, know exactly what I said. In no means am I trying to portray that we have bars up and down Main Street or in your backyards as far as little neighborhood bars. So to take that out of the context this evening, I think was wrong, and -- and I just wanted to clarify that and I also stated that if we're to bring bigger and better restaurants into this City, we would have to look at those restaurants possibly becoming wet, and -- and in no way am I trying to say anything other than that and besides it would all have to be voted on by -- by each ward.

Mr. Foltz: By precinct.

Mr. Repace: Or precinct, I'm sorry.

Mr. Foltz: ...inaudible...

Mr. Repace: By each precinct. So, you know, that -- as Mr. Osborne tried to portray, that's -- that's not what I said. And those of you that were here know exactly what was said, and what wasn't.

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

Mrs. Magel: I'd like to thank Jim Benekos for the information that I had asked for on the Oster, however, I do have several more questions and if it'd be fine if I may call you during the week?

Mr. Benekos: Sure.

Mrs. Magel: Okay, and I would like to also clear something up with...Member Lane. Concerning the 250,000 and 40,000, should we submit the street names to you or to Mr. Benekos?

Mr. Lane: Either one. I -- I think in the past if they'd either been cc'd or you know, if you give them to me, I'll get them to Jim, I mean, I don't make that final...

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, March 12 7:00 p.m.

07
20

Mrs. Magel: So it's either one.

Mr. Lane: determination, but yeah, I would like to get copied on them, only so I'd know what's out there as Street & Alley chairman, that – that you're looking at.

Mrs. Magel: Okay.

Mr. Lane: So I appreciate that.

Mrs. Magel: Sure.

Mr. Foltz: Very good.

Mr. Lane: I mean, he's ultimately – he's going to make that...

Mrs. Magel: Right.

Mr. Lane: decision and then we're going to...

Mrs. Magel: Oh, I know that. I just thought....

Mr. Lane: you know, clarify...inaudible... whatever,

Mrs. Magel: you're the chairman, and I thought maybe you'd...

Mr. Lane: Yeah, and I'm happy to pass it along. I did last year for a couple of people.

Mr. Benekos: Ultimate power.

Mrs. Magel: Okay.

Mr. Foltz: Okay, anything else? I have no other comments. Any...new business to come before...Council or Administration?

ADJOURN:

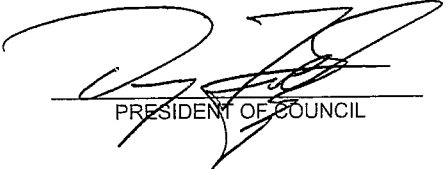
Mr. Foltz: Okay, seeing none, do I have a motion to adjourn?

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

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

No: 0

Meeting adjourned at 8:01 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

3/22/07 ev