

Monday, March 26 7:00 p.m.

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Held

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## 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.
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, Director of Economic Development Bowles and Clerk of Council Kalpac.
5. Consideration

Council Meeting: March 12, 2007  
Financial Statement: February, 2007

Mr. Foltz: I ask Council to consider the Council Meeting minutes of March 12, 2007 and the Financial Statement from February, 2007.

Mr. DeOrio moved and Mrs. Hines seconded to **approve the minutes and financial statement as presented**. All members present voting.  
Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio.  
No: 0

6. Committee Minutes

Mr. Foltz: Request approval as presented the following committee report minutes from Community & Economic Development, March 19, 2007; Finance & Property, March 19, 2007; Street & Alley, March 19, 2007; and Water, Sewer & Rubbish, March 19, 2007.

**Community & Economic Development:** Refer to the minutes on file in the Council Office of the Community & Economic Development meeting held March 19, 2007.

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held March 19, 2007.

**Street & Alley:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held March 19, 2007.

**Water, Sewer & Rubbish Committee:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish meeting held March 19, 2007.

Mr. Snyder motioned and Mr. Lane 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: Please excuse...my voice tonight, I think I'm -- I'm coming down with a head cold, but...anyone like to address Council this evening, please step up to the podium, state your name and address.

Ms. Simon: Hi. Gabriela Simon of the Blue Star Mothers of Ohio Inc., Chapter # 2, and I was told by Mr. Foltz that you have a copy of the information, the little bio that we had put together on what we're doing. Basically, for those of you that don't have it, is we are a non-profit, non-political organization, established 1942, support our military and our veterans. What we want to do is become a part of North Canton, an integral part of North Canton, to just enhance the benefit of North Canton. We would like to be involved in the parades, and the street fairs and the Jaycee Fairs, with the fees waived, 'cause we don't have any money and...just to reflect on the City. I would think it'll be very important to work hand in hand in - with North Canton. When my son deployed for the first time and we sent the packages, there was one article he put in the paper on...his men in his platoon as they were out in the front saying, what is this North Canton? Why do they send us packages? They don't know us. And we'd like to keep this up, and let the people know that we do support our military, and we want to reflect on the community and be able to work with the community as such. Thank you.

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Mr. Foltz: Okay, thank you.

Mayor Held: Thank you. Very good.

Mr. Foltz: Any comments?

Mayor Held: Yes, Miss Simon, I'd like to thank you for coming in today. I think... the – the cause that your...that you support for our veterans and for...the men and women that are in our military, I think is fantastic, I appreciate you coming here tonight and...whatever it is that we can do to help support your organization...you certainly have that.

Ms. Simon: Great. Thank you.

Mr. Lane: I would – I would suggest possibly a resolution that...maybe we could put together in support of their efforts, certainly at least would give them...our stamp of approval...inaudible...

Mr. Foltz: Give them a head start with our...with our...approval. I – I think that's a very good suggestion, Member Lane, so we can work on that for next meeting. Thank you. Anyone else like to address Council this evening?

Mr. Lindower: Dave Lindower, 908 Seventh Street N.E. My reason for showing up tonight was to...voice my opposition to Ordinance 15-07 on the...limited speaks time in the meetings. For those, I'm sure, that most of you on Council know who I am, but for those who don't, I spent 35 years in the City working for the Police Department, and I served 4 years on the City Council. I think that it's unfair of the Council to try to put limitations on – on speaks. One of my...campaign issues when I ran for Council was open and transparent government. Many times I would encourage people to come to the – the Council meetings so that they could express their concerns. Most of the time I had people ask me, is this the night that I'm allowed to speak? That's a difficult answer to question when you figure a – a – a public meetings...as – as the Council holds. And any of the other public meetings as far as that goes. My opinion has always been that if there is a problem, that needs to be discussed, you know, needs to be talked about by not only the people who are affected, but also the people who are having the problem. All the years that – that I spent on a Police Department, one of our actual goals were to allow people to have their say-so in issues, whether it be...on the job or whether it would be in a court of law. I think that it's...unnecessary actually to, and this is a third reading I see, to put time limitations on Council night meetings and I would also like to state that at – at one time I brought up, at the time to President Snyder, while I was still serving on Council, that we should allow a limited amount of time at the end of Council of the Whole evenings for speaks also. And my reasoning for that is many times we're bringing up issues and committee issues that come up on Council of the Whole night, that obviously the public had no idea or – or is totally unaware that those issues were going be brought up, I think it's beneficial not only to the – the public, to feel that they're going to be included a little bit more in decisions that are being made, but I think it's a valuable thing for the Council itself to hear what people have to say. Many times an issue will come up where we may not have or the Council may not have all of the facts, whereas someone who is allowed to...voice their opinions and are totally familiar with...with the idea can actually bring forth more information to the Council, which may sway...decisions on your actions, one way or another. Again, I – I just want to say that I oppose...anytime limitations on a meetings, I would also again, like to state that I would like to see...an opportunity for people to speak, you know, on Council of the Whole nights. Thank you.

Mr. Foltz: Thank you. Comments, anybody? I'd like to address a few...I respect Dave Lindower, former Councilman, and enjoyed working with him on many issues in the City. That said, we're not doing anything different than any other community, in fact we are less restrictive than most of them by having five minutes versus three, and Dave, I think you – you adequately addressed your concerns in under five tonight, and...I respect you for that. As far as Committee or Council of the Whole meetings, I don't think we've ever addressed...public speaks in those portions of meetings, unless we specific speakers to come up, and then we'd make a motion to allow them to do so, so this isn't – this isn't restricting free speech, it's just providing some parameters, and five minutes, when there's three minutes in other communities, I think is more than adequate and...I think the Council here is going to vote on that as they see fit tonight. But...it'll give people more of an opportunity to talk that are in the audience and the three minute speech limit, or limit was provided by one of my constituents in my ward, so it wasn't something that Council came up with. That was come up – come up with a fine citizen that lives in North Canton, so, just want to address that also again. So thank you for your comments. Anyone else like to address Council this evening?

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Mr. John Morabito: My name's John Morabito, I live at 710 Penny Street, and this is my second appearance in front of this Council. And it'll probably be the last because my problem with cats next door, my fenced in backyard with deterrents on it, have been just...devastating, that's all. That's all I can say. So, since I've been here last, nothing has been done, and I've just been given lip service. Now, I was born, I'll just give you a little background on myself, I was born 1920. I've been through a depression, I've been through World War II, I enlisted in the service August of 1941. They hit Pearl Harbor December 7, '41. I'm not telling you to feel sorry for me or anything like that. All I'm trying to say, is I've been the whole cycle and it's - it's appalling to me as to what I see going on in this country. We used to be a first rate country and respected and had a lot of allies. I think it's a 180 degree reverse of what we had before. But I don't want to get on politics or that part. All I want to know is, from this Council, do I have, a right, to protect my property from being devastated? And if you tell me the answer is no, I've - I've used a pellet gun which is illegal, if you tell me that I cannot use that pellet gun, I'll take it with a grain of salt because some of your laws have not been enforced, and I figure that you will not enforce this either, so I take it with a grain of salt. So, other than that, I don't have much more to say, except it has reached a point where has it become intimidation and harassment on my - on my neighbor's part. With that, I'll close and the last time I said thank you. I will not say thank you because nothing has been done.

Mr. Lane: John, John, before you sit down. I did talk...I - I talked to your wife shortly after your last visit here and we looked, we had the Chief look up a lot of records on calls and some other things and it was basically again, it was you and your neighbors and I suggested as they told me, that anytime you see those cats out, you're supposed to call police, and I'm not going - I don't know if - if that's been the case or not. Have they responded to your complaints?

Mr. John Morabito: Well, my son's here tonight, and he has pictures and he has pictures of the devastation in my garden, my yard, and in my backyard, no leash, just running loose.

Mr. Lane: Yeah, which is illegal.

Mr. John Morabito: Pardon?

Mr. Lane: It - it - that is illegal.

Mr. John Morabito: That's right.

Mr. Lane: Right.

Mr. John Morabito: That's what I've been saying. And nothing's been done. She just continues to do what she wants and nobody's gonna tell her to do differ. Now if...

Mr. Lane: Earle, is that anything, or - or Mayor...

Mr. John Morabito: if - if I'm wrong, if I'm wrong, you tell me.

Mr. Foltz: Sir, you're not wrong...

Mr. John Morabito: Do I...

Mr. Foltz: but you can address Council and we're going to try to solve the situation,

Mr. Lane: Yeah, there's a situation on Penny...

Mr. Foltz: but not going back and forth now.

Mr. Lane: and I was just going to ask the Mayor if he could step in as well.

Mayor Held: Yes, but, yeah,

Mr. Foltz: Yeah, the Administration, Mr. Wise can maybe direct...Police Chief or ...inaudible...

Mayor Held: And I - I had an opportunity, if I may, to...had an opportunity to speak with Mr. Morabito and your son. There's a couple of things that we've done since your last visit. First off, I did speak with a representative from the Humane Society, to ask them to address the concerns that we have here in the City, specifically towards cats that are stray or loose, how we can address the - the feral cats situation. It - it sounds as though the problem that you have is with a specific owner or a neighbor that you know of. And what we'll do in this particular case, is we will have...I've already spoken to Mr. Wise, our City Administrator, and he will come out to your house tomorrow and...talk with you about that a little bit further...because sometimes the Council meetings might run a little bit...long, and I don't want to keep you. But I know that you have a concern, so in this particular issue, we will...come out to your house so that we can find out more information about where you think the - the problem's coming from. But in addition to that, with the feral cats that we have around the community, enforcement of the leash laws becomes difficult because oftentimes there are, the residents do not take ownership for the cats, and...and what we do with the feral cats is...some of our more...seasoned members of Council know that it's a - it's not an easy...situation to address. But we did have a representative from the Humane Society, actually the director that often - offered to come out and speak with representatives here at the City about some ideas that he might have to address the situation.

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Mr. Foltz: Okay, thank you.

Mr. Richard Morabito: If I may sir, excuse me, I'd like to...

Mayor Held: Yeah.

Mr. Lane: The other thing that I did was, I talked with a lady that's involved...

Mr. Foltz: We'll pass these out to him.

Mr. Richard Morabito: Thank you.

Mr. Lane: in the -- in adoptions...and ...

Mr. Foltz: Alright, thank you, and we'll address this later.

Mr. Lane: and she was going to contact your neighbor, Mr. Morabito, and talk to her. I -- I talked to a lady that's involved in adoptions and she was supposed to call your neighbor to try and talk to her about possibly getting some of those cats under adoption. I don't know if that ever happened, but I -- I tried.

Mr. Richard Morabito: The problem is, even with the leash law, the cats are being let go in the middle of the night. That's when they're coming over the fence killing...

Mr. Lane: They're hard to see, I know.

Mr. Richard Morabito: killing chipmunks, squirrels, birds in his back yard. You know, he's 86 years old, he gets up in the morning, he wants to sit down, have a cup of coffee, look outside and see some birds and squirrels and stuff, that's been...

Mr. Foltz: Sir, state, state your name...

Mr. Richard Morabito: I'm sorry. My name's Richard...

Mr. Foltz: and address for the record, so -- so you're part of the public discussion.

Mr. Richard Morabito: Excuse me. My name's Richard Morabito, I'm John's son.

Mr. Foltz: Thank you. Thank you.

Mr. Richard Morabito: Jim knows me. I worked at Hoover's for 36 years...

Mr. Foltz: okay

Mr. Richard Morabito: retired now, and...like my father said, I think something needs to be done here because this has gotten out of hand, as you can see if you're looking at those pictures. The cat comes over, cats come over and they defecate in his...front flowerbed and that is not only appalling, but it is also a health issue, I think, if you look at all the feces that's in there and I think something needs to be done about this right now and like I said, she's letting them out in the middle of the night, so you don't see them when you're asleep, but they're out there roaming in the -- his back yard and in his front yard and stuff.

Mr. Lane: So even if he called, they're hard to see.

Mr. Richard Morabito: Yes.

Mr. Lane: Police arrive, so...

Mr. Richard Morabito: Right.

Mr. Foltz: Well, we'll...

Mr. Snyder: How many cats are there?

Mr. Lane: There's quite a few.

Mr. Richard Morabito: She's got about 8 or 9 in the house that we know of.

Mr. Lane: That's quite a few.

Mr. Foltz: Well, we'll have...our Administrator Wise come out, look at that tomorrow, and ....

Mr. Richard Morabito: Appreciate it.

Mr. Foltz: like we've indicated earlier, we'll...

Mr. Snyder: You think that poses a health risk?

Mr. Wise: We talked about how much ...Inaudible...

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Mr. Foltz: call the Police Department, it'll have to go on record with it. Thank you.

Mr. Richard Morabito: Thank you.

Mayor Held: Thank you.

Mr. Foltz: Someone else like to address Council?

Mr. Lane: Yeah, I do appreciate the Mayor stepping in on that as well and again, talked to the Chief, he - we - we've been back and forth the last couple of years on this. I know he's got a file, so...

Mayor Held: Thank you.

Mr. Foltz: Okay.

Mr. Osborne: My name's Chuck Osborne, 307 Fairview Street S.E. North Canton, Ohio. I would like to know where in our North Canton City Charter, Council Member Jim Repace believes he is authorized to serve as the City's negotiator in meetings with other local governments or agencies? This question has perplexed and unnerved me ever since Mr. Repace revealed last summer at a Council meeting that he and Council Member Pat DeOrio had been meeting for months in closed door meetings with Jackson Township trustees. At least one Councilmember was similarly perplexed at the Council meeting last summer when Mr. Repace reported that he had been holding discussions with Jackson Township trustees. According to the minutes of the July 10, 2006, meeting, Councilmember Lane naturally thought that other members of North Canton City government would be included in the discussions when he stated, and I quote, "...the Administration would have to get involved and so would the Law Director..." Councilmember Jim Repace replied "No, I'm gonna do the negotiating" and then quickly added "with Pat's help". Mr. Repace followed this proclamation by stating, and I quote, the "Administration is not going to do any negotiating." Clearly Councilmember Lane thought something was a little amiss as he continued his line of commentary on Mr. Repace's bravado by stating, and I quote, "...I would think, what I am trying to say is, that side of the fence has to be represented as well, I would think." Obviously, one member of this Council was questioning the role of Mr. Repace was defining for himself. It is unfortunate that other members of Council did not speak to this issue as well. Apparently Mr. Repace is confused as to what his role is as a councilmember because Mr. Repace at this same Council meeting stated that his closed door meetings with Jackson Township was, and I quote, "...something that former Mayor Tom Rice had started working on and I just kind of inherited this thing." Councilmember Repace, it may come as a surprise to you, but you are not the mayor and you are outside your authority in negotiating any agreements for the City of North Canton. Your position as the President of the Hoover labor union does not give you negotiating privileges for the City. That is not your role as a councilman. Quite frankly, I am more than surprised that remaining members of this Council, City Administrator Earle Wise and Mayor David Held have all sat idly by while Mr. Repace overstepped his authority as a member of Council and pursued closed-door negotiations with Jackson Township last year. Does anyone in this room believe for one second that former Mayor Tom Rice, or any previous mayor or city administrator would have allowed a member of council to proclaim themselves as the City's negotiator? Would any previous mayor or city administrator allow a councilmember to be the exclusive representative in negotiations with other local governments or county agencies? Not for a minute. A few on this Council have proffered charges against a councilmember before. This occurred just a few years ago. Why did Council show so much concern years ago with that councilmember? Why is there no concern today for a councilmember who by self-proclamation takes a role that is clearly outside his authority? How can this be overlooked? Now, after last summer's failed attempt by Mr. Repace to have City Council approve an agreement with Jackson Township that was highly unfavorable to North Canton, Mr. Repace is pushing a similar agreement with Plain Township. The *Repository* reported in a June 30, 2006, article titled, "Officials spar over hiring family;" and I quote, stated "The younger Repace has a job as a general laborer with Plain Township. He started in April." Close quotes. Mr. Repace, I am glad your son was successful in securing employment with Plain Township but it does raise questions given the close relationship you have with certain Plain Township officials. And now, by all appearances, citizens would have to ask if Mr. Repace is now expected to return a favor to Plain Township by pushing legislation, a legislative agreement through Council that is highly desired by Plain Township and detrimental to North Canton. The presence of Plain Township Trustee Louis Giavasis, he's here again tonight, he's been here for the last six, eight weeks, at numerous North Canton City Council meetings over the last few months shows how eager Plain Township is to see the agreement passed by North Canton City Council. Mr. Giavasis has been available in the audience at Council meetings to assist Council Member Repace every time this legislation has been discussed. Apparently, Mr. Giavasis is now an adjunct member of North Canton City Council when legislation beneficial to Plain Township is on the agenda. In a North Canton City Council meeting on January 16, 2007, Mr. Giavasis stated, and I quote, "...the reason why Plain Township is cooperating with North Canton right now is solely because of Jim Repace." The public's business should be conducted in an arms-length manner. The fact that both Mr.

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Repace and Mr. Giavasis are Democrats and the fact that they are friends should not be the basis for any agreement passed by North Canton City Council. Lastly, I would like to say that I was dismayed by the appearance of numerous Democrats at a North Canton City Council meeting on January 16, 2007. The list of Democrats included two Jackson Township Trustees, one Plain Township Trustee, the Stark County Treasurer, the Stark County Auditor, and other Democrats. These individuals were elected to serve the public not their party cronies. A city council meeting should not be turned into a political rally. The purpose of a council meeting is to discuss the public's business. Party politics does not belong in a city council meeting. It is not a place where partisan politics should be staged for the benefit of Democrats or Republicans. The appearance of Jackson Township trustees at the January North Canton City Council meeting, turned political rally for Councilmember Repace, makes one wonder if their presence was payback for Councilmember Repace's efforts to push legislation - a legislative agreement through council last summer that was highly favorable to Jackson Township but equally detrimental to North Canton. City Council scuttled the proposed agreement with Jackson Township last summer. I urge this Council to scuttle the proposed agreement with Plain Township that is before you now. The agreement has been pursued by a councilmember acting outside his authority. Furthermore, I believe the agreement furthers friendships and not the future of the City of North Canton. I would like to add, I've sat here in this Council meeting, and observe week after week, as a Plain Township trustee is invited back into the Council Chambers before the Council meetings to schmooze. This does not look good. There should be an arms length relationship and you should be working for the citizens of North Canton, not for your friends. Thank you.

Mr. Repace: I want to comment...inaudible...First of all, Mr. Osborne, you really don't have no idea what you're talking about. First, Lou Giavasis, being back in council is - is because of something we wanted to present to the Law Director, City Administrator - City Administrator and the Mayor and other Council members. As far as you saying that this agreement is detrimental to the City, that's your opinion and your opinion only. I believe if you were to ask the Mayor or the City Administrator if they've been involved in what I'm doing...well, I'll - I'll let them answer that. I'm not going to answer that. You - they can comment if they've been involved in what I'm doing. What I am...doing with Plain Township and Jackson Township could bring in revenue to this City. We could be working on something that's possibly monumental with what's going on across the street. You can talk about being detrimental all you want, but every time somebody wants to do something positive for this community, you stand up negative to the community. Everything I'm working on, the Mayor, the City Administrator, and City Council is aware of. Am I - am I part of the talks? Yes. Will I be part of the negotiations? Yes. But so - but so will our Law Director, who has been involved from the beginning, and so will the City Administrator. I might not have all the answers, but I do have a little bit of background on negotiations, and how to talk to our neighboring communities. If you think back, there was a time when the City of North Canton couldn't agree on anything with our neighbors. And it's about time somebody comes into Council, that can bring people together for the betterment of our community. In your eyes it might not be good, but in other eye - people's eyes in might be a good thing. That's all I've got to say.

Mr. Foltz: Well, I concur Member Repace...I applaud you for your efforts. It seems redundant that we keep going over this when it can be so beneficial to our residents and...the immediate community. I believe we said this numerous times and I believe there was a time North Canton was looked at as an isolated community. 'Cause like, well, that's North Canton, that's North Canton way, North Canton has the money to do these things. Well that's not the case anymore. We have to sit down, we have to get together and look at economic development with our - our township neighbors. We have to. 'Cause there's no doubt in my mind, because it hasn't worked...the other way. We've said this before, we redundant, but Jon, you were a member of Council as I was when we tried to bring in some development...by annexing some Plain Township property. Didn't happen, did it? You know, let's - try it this way, I think it's going to be more fruitful for everybody involved. So...

Mr. Lane: I would like to step in too, because my name was brought up and indeed, nobody put words in my mouth, that was what I said. I think we're all losing our voice tonight. Excuse me, but, those were my concerns and I expressed them and - and from that point on, if not prior to that point, I know that Jim was working with the Administration on it, so I didn't want to have my words come back in a nefarious manner 'cause that was not the way they were presented, so...

Mr. Foltz: Any other comments?

Mr. Snyder: Well, I think, I - I really wasn't going to comment, but, what I think...again, we must look at all options. We've tried, as you so rightfully pointed out, in the past...

Mr. McFarren: ...inaudible...right here, virtually continue...inaudible...

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Mr. Snyder: other methods of both, some things that were...covert and under, behind the scenes, and didn't seem to work, you know, brought it all out. There's no secret...I'm a great proponent of regionalization and I think the only possible way that we can regionalize any type of service with our sister municipalities is to have...open cooperation. And if this is the first step to open cooperation, I think we must continue to explore it.

Mr. Foltz: Thank you.

Mr. Snyder: And I think – I think we're doing that, and as long as we keep it all up front and it's all under a microscope, I don't think we're going to have a problem.

Mr. Foltz: Mayor, Administrator Wise, you want any comments on this?

Mr. Wise: Yeah, I – I've met with...Jim Repace and Lou Giavasis, some other people from Plain. We had one meeting...where Jim, and the Mayor and I and some other members of the Administration met with them and then...I've had other meetings with Jim Repace and – and other, either a trustee or fiscal officer or someone from the other township...and while...I did have some questions initially about the two...agreements, sorry, that were proposed, I spoke with Jim, I spoke with Lou, the Mayor spoke, I'm sorry, with Mr. Giavasis, excuse me. The Mayor spoke with...Mr. Giavasis, we've all spoken with...or at least Jim and – and I and the Mayor have spoken with Mr. McFarren and with regard to...the ordinance or the agreement that we're passing with Plain Township, this is – as Jim has said a number of times, just simply an agreement...to – to talk, and I think that's a good thing. We can accomplish some very good things with the townships and...I think at this point things are moving in the right direction.

Mr. Foltz: Okay.

Mr. Wise: Thank you.

Mr. Foltz: Thank you.

Mrs. Magel: I wasn't going to make a comment either. I'd just like to say I think everybody knows where I live...I can shoot up to...City Hall here at ease, and if I make a right hand turn and it's just as easily, left hand turn and be at the Plain Township. I have attended...trustee meetings...with...Trustee Giavasis and the others and I could tell you I was not treated, I was treated very well. I was not pointed out or...chastised as what happened here tonight and I hope this never happens again.

Mr. Foltz: And Member Magel, that's a good point, I mean, I think we should...we should welcome our community leaders into our chamber and work with them, not – not discourage their attendance. I mean, we want a good working relationship with, with Jackson Township trustees or Plain Township trustees or commissioners. I think it's going to be more beneficial to our North Canton residents to do so. Thinking otherwise...I don't know what – what you'd expect, so with that, I – I know Mr. Giavasis wanted to address Council and also Mrs. Burnett so we'll have Mrs. – Mr. Giavasis right now.

Mr. Giavasis: Real – real briefly, I appreciate Mr. Osborne's kind words about the reason why I've been attending these Council meetings. But I want everybody on Council to understand, and I think, you know, Mr. Mayor, I think you understand fully after our conversation that we had what the meeting behind this is. In this day and age, we're all losing money coming back from the state. We're all in the same position. The only way that our communities are going to continue to grow and thrive, we have to find ways to share services, and to share things such as income taxes, property taxes, anywhere that we can increase our tax bases, without passing it on to our property owners, or raising their own individual income taxes, we need to look at those things. Right now as we speak, currently, the Ohio State Legislature is looking at a bill about eliminating estate taxes. I don't know what type of effect that will have on North Canton City Council, or the North Canton City Administration's budget, but that's devastating to Plain Township. The reason why I've been coming to these meetings is because Plain Township is looking for alternate ways to recoup the dollars that we're going to lose coming back from the state, without having to pass it back to our property owners. In my belief, City Council's open-mindedness towards these agreements now are groundbreaking, because right now, tonight, before I came to this meeting, I was at Jackson Township's meeting. They approved the language, very similar to the agreement hopefully tonight that you're going to pass with Plain Township. What that means is, the first time in the history of Stark County, the two largest townships in this county, which have about 80,000 people populous, along with the City of North Canton...are going to have an agreement possibly that's going to allow us to sit down at the table openly, without all the clouds hanging over our heads, all the...past mistrust that used to exist. It pushes that all off to the side and it's going to allow us to look at individual areas and pockets of where we can share things. When people think about a cooperative agreement, the first thing that comes to mind is a JEDD or a CEDA. Well, we're

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not just talking about JEDD's or CEDA's here hopefully. We've had discussions, we're looking at possibility of fire services, you know, you know, doing things together with that. Possibly police services. There's areas of North Canton that their fire services could get to quicker and there's areas of North Canton Plain's could get quicker. We need to identify those areas so that way we make sure that we're giving all of our residents the best service possible for the amount of money that they're spending and join those services together possibly, without having to raise people's taxes to increase the service. It's ...inaudible...I think Jon, you said something tonight that was very important - regionalization. I am a very big proponent of regionalization. What is the need to go out and build a \$20 million fire station, when Plain Township has one on Market Avenue? What is the need for North Canton to build a fire station on this side of the City when Jackson Township has one on Dressler? We should be using each other's services and resources and reducing the cost back to our own residents. That's what these agreements are about. Something that didn't exist with past councils. Mr. Foltz, you were on Council; ...Mr. Mayor, when you were the Administrator, those things didn't exist. Mr. Snyder, you remember quite well, so do you...Councilmember Lane. That doesn't exist any longer. We are on a groundbreaking moment here, where we're going to be able to do something positive, that's not going to only increase North Canton's revenue streams, it's going to include - increase Plain Township and it's going to better our services. I'm sorry, Mr. Osborne disagrees with that, but let's also keep in mind, Mr. Osborne is from a council that was from that old mentality, doesn't - that hopefully doesn't exist any longer. If we're going to survive in this day and age, we need to cooperate. And I commend this Council for being open minded, coming to the table at - to - with us, and allowing Mr. Repace to at least put the language in place that Council hopefully is going to pass to allow some better some things to happen in the future.

Mr. Foltz: Okay, thank you. Mrs. Burnett, you were - you were up...

Mr. Lane: Could I...say one thing before she gets - starts, Susie? And I was going to save this for my report at the end,

Mrs. Burnett: What if I said no?

Mr. Lane: but since we were talking...now trust me. I won't - I won't even go near my five minutes. But we were talking about regionalization, and I was going to save this, but as you know, I'm Chairman of the Canton Forum and every now and then I put a plug in when we have something that's - that's pertinent to our - our conversations. And on May, I believe it's the 18<sup>th</sup>, whatever that Wednesday is, we have David Thornberg coming in for the final one of the year, and he is the head of the Alliance for Regional Stewardship, and his entire topic is going to be...talking about regionalism, success stories, failures, things that where government, business and social entities can all work together for a collaborative common good. And I'll remind you again one more time before then, but since we were talking about it tonight, I thought it'd be a good thing to bring up. I know in the past, Council has occasionally come to a - a few of those when there's been a pertinent topic and you might want to put it on the agenda, so.

Mr. Foltz: Thank you.

Mr. Snyder: Appreciate that.

Mr. Foltz: Okay, Mrs. Burnett?

Mrs. Burnett: I'm Suzanne Burnett, and I live on Pierce Avenue, and I've spoken before...supporting the things that you are attempting to do to create community as Mr. Giavasis has so very well expressed. I would support that. We are not a little island here. That day is gone. This is not a little - little city, or a little town that can exist with walls around it. We have to cooperate with our neighbors and I have one other comment, and that is that time limits might be appropriate when a person comes to speak as Mr. Osborne did tonight and takes ten minutes with a written script to say what he has said many, many other times, and which he could - and things which he could say more briefly if he chose to do so. Thank you.

Mr. Foltz: Thank you.

Mr. Osborne (from audience): Mr. Foltz, can I...

Mr. Foltz: No, you - you've already had your...inaudible...

Mr. Osborne: You're twisting what I said.

Unidentified: inaudible.

Mr. Osborne (from audience): You're giving up your right if you want to say something.



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Mr. Foltz: Member Osborne, it happened once, do you want it to happen again? Please. Not Member Osborne, Mr. Osborne.

Mr. Fano (from audience): Okay, let's keep it down.

Mr. Foltz: Please.

Mr. Osborne (from audience): You're giving up your right if you want to say something.

Mr. Foltz: You just justified council rules.

Mr. Fano: I wasn't going to talk tonight but I am now. Dick Fano, 1382 Elmwood S.W. I had the privilege I guess, last week to get a copy of the...economic development thing. I read it through twice. And the only reason that it's 25 pages is because of all the repeating that's done in it and...it's nothing that anybody that's been in business in this town doesn't already know needs to be done. And I – I personally think there's a lot of time being wasted on it. Now, another thing that's bothering me and I talked to Kathy, Ward 2 Councilman, about this...Wilbur Avenue \$396,000 that the City come up with to...do a project. Now that's an east west lateral, in my opinion, and you guys are forgetting the main streets in this town. A couple years ago, infrastructure was the main word in this town. And now everything is pro-active, pro-active. I don't see nothing getting done, man. I personally, I don't have a lot of credentials, to go like a lot of people in this town. I told Kathy, I went to school 12 years, I have 50 years of business at the Ben Heggy Candy Company in Canton, and I have about 24 years of business on 9<sup>th</sup> and North Main. So I do know a little bit about businesses and how they should be...work. Now, this is the third reading tonight, and Kathy said we had talked about this before. I was down for January and February with broken rib and I have other problems also. So, my feelings are this, if you guys want economic development in this town, you'd better start on the main drag, because if somebody comes into this town and drives up Main Street they want to see how nice Main Street looks. They don't want to go up in some side alley and see that some lady has a curb and gutter and whatever...else is up there. It's just not right. You guys are – you're – you're priorities...stink, in plain English. So, my feelings are this, I know this'll go through tonight, and I know that I'll probably never see streetscape finish up there where I'm at. In the development thing that...Eric and his group come out with, they said that...they wanted to finish streetscape up to 7<sup>th</sup> Street. It's done to 7<sup>th</sup> Street. Somebody has to get from 7<sup>th</sup> Street north. Okay. Now, I never hear nothing about it, in my opinion Ward 1 Council and Ward 2 Council are the two people that should be talking about doing something to North Main Street. And it ain't happening. That's it. I've been sitting back there like a sponge taking in all this stuff, and I just had to get some of it out. Thank you.

Mr. Foltz: Thank you, Mr. Fano, I'll have a few comments.

Mr. Repace: Dick – let – let me – Can I please, let me say, Dick, this – this Ordinance that we're trying to pass tonight is not the document that you read. It's not that 25 page document. This document, or this ordinance, this is to allow – allow us to enter into negotiations...with – with Plain Township on some very critical things. The stuff that we're trying to talk about, are things that'll bring more revenue into our City so we can do projects like the Main Street and so forth. But we need that revenue first. It's no secret what's happening to Hoover's. It's no secret that they're the – the – the leading contributors of revenue to our community. And I don't know what that future's going to be. I think we're going to know very, very soon, but...it's not going to be like it was before with Hoover's.

Mr. Fano (from audience): I understand that.

Mr. Repace: This will allow us to bring more revenue into our community. This document and the one that we're going to start working on with another neighboring community. Then we can get these projects, like you're...talking about done.

Mr. Fano (from audience): I'm all for what you guys are – where you're going.

Mr. Repace: Okay.

Mr. Fano (from audience): But I think you're leaving the core of the City alone. Up the street, now I'm not a proponent of – of ... what do you call it when the city takes your property?

Unidentified: Annexation.

Mr. Lane: Eminent domain.

Mr. Snyder: Eminent domain.

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Mr. Fano (from audience): Eminent domain. But you know something? There's about 3 or 4 houses up here on the east side of the street and I hope these people aren't here and they don't ...inaudible...me down, but the houses are in bad shape. And – and the city should come up and give them a – a honest price and then tear them down. You're talking about you need...places for parking and stuff like that, you got to start somewhere. You got to start somewhere. So, that's all, I'm done blowing hot air.

Mr. Foltz: Thank you.

Mr. Repace: Thanks.

Mr. Foltz: Any other comments? The only thing I want to say is, we – obviously I'm for North Main to be done, and we're going to look to apply for some grant dollars and get our utilities in order there. But we can't – you got to pick sections of the City. If there's one thing we've been so proactive with...our infrastructure, we have. We've spent \$18 million over the last probably ten years on infrastructure, in the wards. I think I'm safe to say that. Really, I think we've done a lot – we've spent a lot of money on that. But you can't tear up South Main and tear up North Main at the same time. If there's one complaint we get, it is we do so much of it sometimes, maybe not this year, but previous years, people have a hard time getting through town. And you have to watch that also. So it has to be very calculated working with your engineering staff, seeing what grants are available, working with utility companies, see when they...can relocate...cable lines or electric lines and so forth, so South Main will be done this year. And then we can concentrate on North Main, you know, in the upcoming years. We have to pick and choose here, and as far as residential infrastructure, we're there for our commercial and business owners, we have to be there for our residents also, and there's nothing wrong with doing these – these streets inside the City. We've seen Wilbur needs done, that whole – that whole allotment up there at...north of Applegrove doesn't have any infrastructure improvement since the allotment was put in. And we have residents coming up here from Lipton that we've already passed engineering on. I mean, we go right back to them also, so it's a fine line we walk, as far as residential improvements and business improvements. Only have so many dollars. That said, anybody else like to address Council this evening? Mr. Osborne, you already addressed Council.

Mr. Osborne (from audience): Mr. Foltz,

Mr. Foltz: Please sit down.

Mr. Osborne (from audience): I'd like equal treatment. You just allowed the back and forth with Mr. Fano, why can't I have a back and forth?

Mr. Foltz: He – he had the floor yet. And I don't know why...

Mr. Osborne (from audience): But he had left the podium.

Mr. Foltz: And I don't know why you have to push it.

Mr. Osborne: And then you engaged in a conversation with him. This is not equal treatment.

Mr. Foltz: No one addressed – you addressed your concerns and it was over.

Mr. Osborne: This is not equal treatment. You treat people differently who – depending on who they are.

Unidentified (from audience): ...inaudible...

Mr. Osborne: Everybody saw that. Mr. Fano had left...

Mr. Repace: I addressed him.

Mr. Osborne: and they engaged in a conversation here with him after he's left the podium.

Mr. Repace: I addressed Mr. Fano.

Mr. Osborne: There is not equal treatment.

Mr. Repace: I stopped Mr. Fano, I addressed Mr. Fano.

Mr. Foltz: Anyone else...

Mr. Repace: ...inaudible...

Mr. Foltz: like to address Council this evening? That being said let's ...

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Mrs. Magel: No, wait, actually, I was interrupted. I was about to say something. Although I may not have made a – a something a statement on the floor, Jim Benekos and I have asked you many times about the costs of...continuing up North, North Main. And we have plenty of discussions on the cost of utility. And whether I said it on the floor or not, it's significant, and...it's something we - we hope to get done whenever we have the funds. Is that true, Mr. Benekos? I have spoke with you?

Mr. Benekos: That is correct.

Mrs. Magel: Okay, thank you.

## OLD BUSINESS

8. Mr. Foltz: Okay, seeing that and going into old business, I need a motion and to amend the agreement between the City of North Canton and Plain Township under "C" cooperative agreements, the word "exclusively" has been added to the second sentence. Do I have a motion to change the Ordinance to reflect that?

Mr. Lane moved and Mrs. Magel seconded to **amend Ordinance 14-07** to include the word "exclusively". All members present voting.

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

No: 0

Mr. Foltz: Now may I have a motion to read by title only the third reading of Ordinance No. 14-07 as amended?

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

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

No: 0

**Ordinance No. 14-07 – 3<sup>rd</sup> 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: Member Repace.

Mr. Repace: This is the third reading of the ordinance that we've put together to allow us to enter into a cooperative agreement with Plain Township. The language in this agreement was not...not exclusively done by myself. It – it had the input of Plain Township, our Administration, and our Law Director. So I wanted to clear that up because that was said that I'm – I'm some kind of sole negotiator which is very, very untrue. But this is a third reading and I would ...ask for adoption of the third reading.

Mr. Repace moved and Mrs. Magel seconded to **adopt the third reading of Ordinance No. 14-07**.

Mayor Held: Oh, Mr. President. If I could comment on that before we read?

Mr. Foltz: We've already read it, but we have...

Mayor Held: Alright.

Mr. Foltz: what's your comments, Mayor?

Mayor Held: Just to clarify where we're at in this, in the process. I have had the opportunity to meet with...Mr. Giavasis from Plain Township on a number of occasions...and we have talked about...on two occasions actually, the agreement that we're talking about tonight. And then also on another – at another meeting we did talk about how we might be able to – how both communities might be able to mutually benefit by collaborating as far as their city services. Our emergency services and also our...our city services. And we are going to be facing a number of challenges in the City of North Canton in the coming years. We've seen our income tax collection, back in the year 2000 I believe, it was a little over...7 million and it's dropped by nearly a million for the amount that is projected with all of the jobs in the city intact. It'll be down to 5.9 million, and if there is further reduction...we're going to see a - an increase or a decrease in the revenue coming into the City. So it is pretty clear that we have to explore our options in the City so that we are able to maintain the level of service that our residents in the City have come accustomed to. And it's – it's our objective both on Council and certainly the Administration to continue with that service and...to provide the police, the fire, the EMS, and – and also the city services, but we have to explore avenues with...Plain Township, Jackson

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Township, Lake Township, in order to accomplish that. And this agreement really gives us an opportunity to explore these options. We're not – we're certainly not going to do anything that's not in the City's best interest, I can assure you of that. But this does...set guidelines and parameters so that we can discuss how we might be able to work together. And...and for that reason, because of the open discussion that we have had with...Councilman Repace and other members of Council, also with...Mr. Giavasis from Plain Township, our City Engineer, our Police and Fire Chief, our City Administrator, it has been a collaborative effort and I think that's it's been very promising.

Mr. Foltz: Okay, we had a motion and a second, do we have a second?

Mrs. Magel: I believe I seconded it.

All members present voting.

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

No: 0

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

Mrs. Magel moved and Mrs. Hines seconded to read by title only the third reading of Ordinance No. 15-07. All members present voting.

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

No: 0

## Ordinance No. 15-07 – 3<sup>rd</sup> 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.

Mr. Snyder: Thank you Mr. President. Prior to me commenting on this, if...you indulge me that I would ask any councilman that has not weighed in on this at all, or has voted in the negative versus the affirmative, would like to comment. At that time, if it's alright with you I'd like to have that comment.

Mr. DeOrio: I would like to comment. Let me preface my remarks that I am very weak tonight, I've got something going in - inside my system and I'm just trying to...I want to conserve my strength...for this issue...and I – I wish I'd had the strength to address some of the comments from Mr. Osborne. So I'm going to try to go through this and - and I got to say that...I've – I've had...some of you that know me, and some of you that don't know me, probably would – would recognize this but, you know, I'm – I'm what you would call a – a painfully honest person. Probably not – not long in the political career by what I gauge and watch on television. So probably what I'm going to say tonight is going to come back and haunt me. Someday Mr. Osborne will rise and twist my words like he's twisted Mr. Lane's from a year ago. And...but...I was – so I want to make a confession. My confession is, first that I did not read this ordinance as well as I should have. It was not on my committee, I'm not on that committee, and I kind of relied on...other people's judgment on this, and that's not to say that there's any fault in their judgment, it's just something that I took for granted and I – and – on an issue that is really this important, I shouldn't have done that. So, in the last couple of days, I've – I've been...thinking about this and I came across a – a passage that I was looking for inspiration and I came across this passage in Ephesians 6:12. "For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of the world." And that's kind of how I feel about this ordinance, but probably for different reasons than many of you would think. The arguments that I hear in favor of this have been principally two-fold, and I'd like to just comment on that first, that we should do it because, well, everybody else has it. And you know, the annals of history are full of stories, as a student of history I know these, where that type of reasoning has really resulted in people's rights being taken away, rather than something good coming from it. I'm sure that when Dr. Martin Luther King was asking the people in Selma, we'd like to ride on this bus, or we'd like to eat in your restaurants, so they don't do that in the other parts of Alabama, they don't do that in Mississippi. We're not going to do it here. I had an incident with my child, Natalie, as she probably grow up to regret that I bring stories of her to council, but, I saw them – saw my – picking - cutting off branches off my pine tree, one of them. And I ran out there and I asked her, "What are you doing? Why are you cutting branches off my pine trees?" Well Lian said to do it, well Lian's the six year old. And I...and we've all done this. Well if I told you, if one of your friends said to go jump off a bridge, would you do it? I mean, as parents, you all have told those stories before. It's the same form of reasoning. Well, we're telling them don't do it because others do it, and here we're hearing the reverse of that. But I'm not sure that we've analyzed why others have done it. I know in Canton's case, that provision of speaks has been on the books for a long time, at least in the 25 years that I've been active in – in politics in Canton, in this community, it has been there and the people that taught me...it was, it had been there when they taught me. And you know, in a community like Canton, when the –

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when the ordinance was put into effect, or the rules were adopted, it was probably a community of 80,000 people. It's 5 times the size of North Canton. It's only logical to assume that, being that you're 5 times the size of us, that you'd have more people that'll show up to a council meeting. And they're no different than the people that show up here. They would probably want to speak. Well if you've got 70 people or 50 people show up, that's very time consuming, we can't allow them to have an unlimited amount because no one would ever get any business done. You probably read in the paper this week, Akron had a council meeting in the last...week that – in which they were dealing with a – a – a police shooting of a – of a minority and there was a 100 people that showed up. Hundred. Well, there is – they're a community that's you know, bigger than Canton, so what you find is that in communities I think, or in organizations that are very large in which there's a lot of dynamic of people coming to speak, you'll often find limits on – on speech. But most of this country – most of our community is run by small organizations, and the small civic organizations. Small governmental organizations that don't have limitations on speaking. County commissioners, I've been to some county commissioner meetings recently. The Kiwanis's, the Jaycee's, the Blue Star Mothers, I mean, all these groups are small groups. This is like a small group, we don't get that many people that really want to come and speak. Now, so I can't – I can't buy fully into that and that leads me to – that, when I said I confess that I didn't read this very well, I find that the legislation is really...about so much more than just the 5 minutes. And...as we – I look at this, I feel that this legislation is being...put forward, not in a – in a slow manner. To me a slow manner is not the regular manner. We've had, this is our third reading, but it's third, it's a third reading, that's in a back to back you know, format. Two weeks ago we had the second reading, and two weeks before that we had the first reading. And I feel that – that something of this magnitude, more time should be taken, to fully understand its impact. It seems to me that really, there's not much more time being devoted to this issue than we would devote to deciding on whether we're going to buy another lawn mower. And that's just not right. We need more time to reflect on the implications of this. And I'm not hearing any arguments being put forth to indicate that there has been a lot of deep...analysis of – of this. When I...say I think we should have more time, to have more perspective, I feel that I'm probably the only, and this is just my opinion now of course, but, I feel that I'm the one person that has a tremendous amount of perspective on this issue because of personal experience. Perhaps that personal experience has led me to be the only one that has voted...against this ordinance twice. But when this ordinance was introduced for its first reading, I'll bet you weren't aware that marked the one year anniversary, almost to the day of when I apologized to Mr. Osborne for interrupting him at a council meeting in February 28, 2006. And at that time, just to refresh your memory, and those who are new to the audience, Mr. Osborne spoke for – spoke, and at the five minute interval, I questioned his ability to go on, and I – people I think first kind of ignored me, and I couldn't figure that out. And another minute went by and I interrupted again at six minutes, I did it again at seven, I did it again at eight. And for the record, Mr. Osborne finished at 8 minutes and 26 seconds. At that time, no one questioned my interruptions of Mr. Osborne, that we should have a limitation on speech. That's been a year ago. I apologized to Mr. Osborne; he was gracious enough to accept my apology. I feel that I have more perspective on it. I look back and see the road that I've traveled in a year, and realize that public input is good, regardless of what the nature of that input is. It's not our job to pass judgment on what that input is. I enjoy... responding to it and trying to set the record straight. But I don't pass judgment...on it. So I don't feel that in a year, much has changed, and I'm just wondering perhaps in light of that, that – that others of you may give cause to – to slow down and – and think about that. In looking at the legislation in detail now, I feel that it's full of unintended consequences. Some of these, I can foresee and will speak of. Others, I'm sure, will yet to manifest themselves. And when I speak of an unintended consequence as an example, I'd like to say, Campaign Finance Reform. In the 1970's, the objective was to take the money out of politics and out of campaigning, to take the big money out. So we put thousand dollar limits on the rights of people to contribute. What did that do? What was the unintended consequence? It brought about the rise of special interest groups, lobbyists, and political parties. That's where the money was, where the money goes, that's where the clout is. Well, years later, decades later, Congress got around to doing something again and the McCain Feingold Reform Bill was passed to try to address the influence that special interest lobbyists and political parties had. So...what was the unintended consequence of trying to reform from before? Well, what we've devolved into is a permanent, ongoing effort to raise money from people. It never stops. You can't just start running for president the year before, you got to start four years before in order to raise the money. And we've created a new special interest group called a 529, which is not a special interest lobbying group or political party, it's another super group, [moveon.org](http://moveon.org), you've probably heard of, is one of them, and it allows money to come back into the process. All unintended consequences, well meant legislation I'm sure, well intentioned people, but I don't think they thought it through. What could be an unintended consequence here? A five minute...presentation. Well, Mr. Osborne...if nothing else is a very tenacious person, and he is passionate about the issues in which he speaks. We may disagree on whether his opinion is...one we can agree with or not, but, how will we react if, in the future, Mr. Osborne wants to take his ten minute presentation or fifteen minute presentation and parcel it out? Five minutes to this person, five minutes to that person. Five minutes over here. I'm sure he's quite capable of writing a speech with breaks in it that make it look like it's a new point being

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brought up from someone else. And then when our good friends in the media, and Mr. Pritchard is here tonight, writes about what happened at the council meeting, and we read that 4 or 5, 6 people stood up and talked about this issue. Well the people in the community aren't going to know that they -- may have been 4 or 5...associates of Mr. Osborne, they're just going to know that there's 4 or 5 people, what their names are and what they spoke on. And I'm sure somewhere a councilman will lament that, oh geez, that's -- that's terrible, it's giving the false impression, Mr. Pritchard, you -- you should know these things. No, he...why should he know these things? And what difference would it make really if he did? Because what it -- what it really says to us is that we're passing judgment on what the person says. Should we ignore Mr. Osborne because of what he says? Should we ignore anybody because of what they say? We shouldn't ignore anybody because of what they say. We can't just disregard people's ideas, even though as Mr. Osborne has demonstrated, that he's - he can get out of...line with the rules. The...legislation, in my opinion, overreaches, it goes too far. As an example, this legislation imposes limitations on members of Council. In Section I, Paragraph D, Subsection 1, any legislative questions may be answered by the appropriate council committee chairman or affected ward council member. That doesn't say anything about an at-large councilmember. It says the committee chairman or the affected ward councilmember. Unintended consequences. I went back and I'm sure that no one else has done this, but I went back through our council minutes for the last year and a half, since I've been council, and looked for situations that would have arisen had this ordinance been in effect a year ago, year and a half ago. Mr. Repace you would not be permitted to address concerns of individuals who live on Lipton who wanted a nuisance enforcement. You were not the chairman of the committee and you're not the ward councilmember. You wouldn't have been able to address the Lipton residents regarding their street problems. You're not the street chairman. Mr. Lane, you would not be able to comment on Mr. Covey's questions regarding an Australian company looking for a home here in North Canton. When Mrs. Shemanski spoke about nuisance animals, Mrs. Hines, you would not have been able to speak, because she lives in Ward 2, and you're not chairman of the Ordinance, Rules and Claims committee. When Mr. Osborne spoke regarding the state grants that were being applied for - for various projects in the city and was dismayed of council's questioning him, I would not have been able to address his assertions. That's Economic Development; I'm not on that committee. When Dr. Martin Bertman from Ward 3 spoke on enforcement of the Administrative code, Mr. Lane you would have been precluded from speaking, as well as Mr. Snyder, because it's an administrative matter, according to Section -- this Section D(1), I'm not permitted to address administrative questions. The practical implications of this are very far reaching, and I don't know if anybody has really thought of how this will affect our dialogue in the future, further. If the presiding officer shall refer all matters raised by a speaker, how do we know which committee it'll be on? There are many issues which...we can respond upon but what if they're multi-jurisdictional? If...someone is to address a matter of...well, as an example, the...in the case where Chief Grimes came back before us and spoke. That was assigned to the Personnel committee. Well, I don't...I didn't agree with that, I think it was a finance matter, it could have been assigned to finance. Council rules do allow for issues to be assigned to more than one committee. And usually that's done when a legislative matter is submitted to Council. What we find here then is, the rule in Section 111.04(c) of our administrative code, which is later revised under 115.01(d)(3), the matters are assigned to committee when they're presented to council for legislative...consideration. That's when the determination is made, where things go. Well, now we're going to have to do that in advance. We're going to have to do that when, if someone were to stand up and ask why won't we hire this policeman, or why won't we do whatever, we're going to have to know, if it hasn't come before Council, what committee it's this going to be...assigned to. It's going to interfere, I think, with the free flow of -- of dialogue. When we speak of that - in Section E, that members shall only answer questions as directed by the presiding officer. I feel that where we're getting now to the -- starting to get into the crux of the matter, is that this is preventing, can prevent, a member of council from doing their job. We've taken an Oath of Office...one of the -- part of that Oath of Office is that we would discharge the duties of the office of councilmember. Isn't it a duty of the -- of a councilmember to speak with their residents? To speak with their...constituents when they bring forth a problem? Oh, we could wait 'til after the end of the meeting, but what if they leave? This is for them, that -- for which we operate, so I view that in Section E, that as we get into some of these other sections, they -- they are in violation of our Oath of Office. It is our responsibility to interact with these individuals. As I said before, members cannot address administrative issues. Well, an administrative issue is one that I might want to address with the Mayor. He and I might not see eye to eye, we -- we get along, but we don't see eye to eye on every issue, and as Mrs. Burnett says that's -- that's a healthy thing. But this is the only forum when everybody's here. Mr. Benekos is here, Mr. Wise is here, Mrs. Herr, the Law Director, all of you. It's a chance to have a dialogue rather than -- rather than me have to chase everyone down, have a conversation with the Mayor, tell the Mayor what -- or tell Mr. Benekos what the Mayor said, and tell Jon what those guys said. That's just -- it's just crazy. It -- it is something that will relegate us to more time consuming process and we'll be taking time away from speaking with the people. How will these limitations be enforced on members of council? Nothing in section -- in Ordinance No. 15-07 addresses what happens when we don't follow the rule. We're going to be ruled out of order by the presiding officer. But then what happens? What happens if a councilmember repeatedly, intentionally, disregards these limitations? In

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my case, would be in a view with an effort to serve my constituency. To fulfill my Oath of Office. But there's no remedy in 15-07 on what to do if this happens. So we have to look elsewhere. Is there any other place that we can find where a remedy is available for someone who repeatedly and intentionally violates the Rules of Council? There is. It's not in the Rules of Council, it's in the City Charter, Section 5.06.

Mr. Snyder: ...inaudible...

Mr. DeOrio: Quote "Council may remove any of its members for persistent failure to abide by the Rules of Council." That should just really take your breath away when you're thinking of this. Now, I want to say here, that I don't believe there could be a fairer, more honest, contentious person at President of Council, than we have today. And...I don't - I know Member Foltz knows that I - I believe that, I said that, I voted for him twice, and that's because...that's my judgment of the man. But someday Mr. Foltz won't be President of Council. Someday Mr. Foltz will retire or seek higher office, and someone else is going to take his place. And someone else may not be as fair to - or as honorable, and maybe more political. And that's what makes me shutter, is that for wanting to participate in the process and do my job, and do my due diligence, and talk with people, that I could be found in violation of the Rules of Council and be subject to removal. I think we've all had too much of this subject of removal, I think we've all had our fill of the trials and the kangaroo courts that have come before us. This is an unintended consequence. But it is a consequence. It's one that I foresee. I know you're getting really tired of hearing me, but I do want to speak on the subject. So there's no way to remedy the ordinance and how it will affect me other than removing me, but how will the enforcement process again be carried out against the residents of the city? And think of that statement. We're going to carry out enforcement actions against residents of the city. Well, we can remove people, and quite frankly, you know Mr. Osborne, you shouldn't be here now. You should be out. But you're not. And maybe you did this intentionally, I don't know, but you certainly have illustrated one of the points that I'm looking at, and that is that how can this be administered fairly, uniformly, without discrimination. Because what we are doing with Ordinance No. 15-07 is establishing rights for residents. You may feel that it's a limitation on your rights that you have now, but the rights that you have, you don't really have a right...it's subject to discretion of the chair. I believe in that. But when we allow five minutes, and we put it down in Section B here, we are creating a right for you. And as with any right, it must be administered without discrimination. I hope that you don't think any of you here on council, think in a minute, that you won't be challenged on this just to prove a point. And I don't see where we have thought out what we're going to do when that happens, to make sure that we don't open ourselves up to litigation for discriminating against someone and their right to speak. I've heard Mr. Lane state before, I read previous council minutes to refresh - excuse me - refresh my memory on this. And Mr. Lane said, and I don't mean to pick on you Mr. Lane...

Mr. Lane: That's alright.

Mr. DeOrio: and if I don't get it exactly right, please let me know. But Mr. Lane queried about what if someone's up against the five minutes and can we extend it? And well, I don't know. Can we? Isn't that - how does that happen? Is that by a vote? And if it's by a vote, do we not then create a right for everybody else to have their vote on whether or not they get the extra time? And please don't tell me that that decision won't be political. It will, the vote will be. We know that. You can't take politics out of the political process. So if we want to do that, those things should be addressed in this ordinance, they should be created in there as to what is the enforcement mechanism that we are going to do to exercise here. Now, as any good attorney will tell you, and we have some good ones in the room, as any good attorney will tell you, what you would - you would try to do is create a situation where there is as much spelled out in detail as possible, and I don't find that in this ordinance. We find that somebody can be ruled out of order for debating. What is the definition of debate? Definition of debate is a subjective term. What's a - what's a debate to Mr. Lane may not be a debate me, or to anybody else in particular. A lot of that, doesn't that depend on your - what your background is? I have a background in debate. I like debate. So I don't think that anything that - that someone says is...something to be overly worried about, when I like to - and I - Mr. Osborne and I have spoken about this over the months ago. I enjoy debate. We say in this ordinance, we can be ruled out of order for disrespect. What's that? Personal attacks. Someone who's thin-skinned is going to think that a personal attack is a little bit more than what someone else who might be a seasoned veteran like Mr. Snyder. One term that we probably could agree on 99% is obscenities, only because the Supreme Court's probably defined them for us. But these things are not spelled out in here. So what we should do is take our time to look at...addressing the issue of uniformly administering...the rights underneath this ordinance that we're establishing so that we do not invite litigation, or front page headlines every time this is going to be challenged in the future. And in getting to my final to - page here...want to look at the most really important parts of this, and again, it's - it's an unintended consequence, but I feel that - that this ordinance...consolidates power under the president of council. And in the wrong hands this would be a weapon. The presiding officer shall refer all matters raised by a speaker. There shall be no debate. We've excluded at-large members from the wording in this ordinance. It's as if they're not being considered. Also omitted from this legislation are -

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exempted from it, is the Law Director, is the Finance Director. The Law Director and the Finance Director are not a member of council, they're not an elected official. They are not a representative of the administration. They are a representative of council. Council hires, they serve at the pleasure of council. But they're exempted from this legislation. I guess they could be free to answer any question that may come up. Maybe that was intended but as it relates to members of council, the powers consolidated under here could put someone in a position where they would be able to effectively...direct who will respond, and who cannot respond, and prevent people from responding who might normally would want to. So, passage of this ordinance, as it is now, I believe, violates our Oath of Office, to discharge our duties. I believe it violates our oath to uphold for the City Charter. The 15-07, this ordinance reads...or I should say renders sections of our City Charter void. We do not have the authority to do this. There's a charter review committee meeting, and you may – we might want to submit some of these ideas to them, for them to consider. But in Ordinance 15-07 D(1) and D(2), which is that legislative questions may be answered by an appropriate council committee chairman, or affected Ward council member, and any administrative question may be answered by the Mayor or the appropriate administrative staff member. Section E states that councilmembers, other elected officials and administration representatives shall not debate public speakers and shall only answer questions as directed by the presiding officer. Now, those three sections D(1), D(2), and E, in my view, put us in a position where we are voiding a section of the charter. In Article III of the Charter, under Executive and Administrative Officers and Departments, Section 3.01, the Mayor. The Mayor shall attend all meetings of Council with the right to introduce ordinances, resolutions, motions and participate in discussions. There's no limitation in the City Charter saying when the Mayor can speak, when he cannot speak. We do not have the authority to put a limitation upon the Mayor to participate in a council meeting.

Mr. Benekos: Say something.

Mr. DeOrio: I stand in favor of every member of council being able to participate freely,

Mr. Benekos: Say something.

Mr. DeOrio: in this discussions, to not be shackled in the performance of their duties. I stand in favor of every citizen's right to be heard under the rules that exist at present. And I stand in favor of the right of the Mayor to participate freely in these meetings. I've know I have spoken too long, but it was something that is very deeply concerning me. I've provided numerous points of view. I don't believe that a lot of these views are ones that you have heard before. I don't think that you should believe that because you haven't heard them before that they're some sort of last minute thought. They are a result of not...doing my homework on this ordinance earlier when I could have brought these issues before us and taking collectively, I think it puts, I don't know how in good conscience we can't just take more time to resolve these very serious issues, particularly as it relates to the charter and our Oaths of Office and what our duties are as a councilman, and I would hope that as we discuss this tonight, that we could find a way...to proceed in - in that direction. I thank you for your indulgence.

Mr. Snyder: Thank you Mr. DeOrio. Two points and I'll defer that anybody like to speak. Number one, I'm – my memory and it normally serves me right, the City of Canton impose this ban and time limit because they used to have electronic broadcast. And those meetings were lasting past 1:30 in the morning. And I think at that time, they put in...that's – that's the reason the members and the people who speak at public hearings are censored for time. And it brings up another point in my memory. We had an at-large councilman a few years ago, Mr. Foltz will recall this, some other councilmembers tried to censor him, and I think there's an opinion from then Law Director Roy Batista that the Council has no authority to censor or to prohibit a councilman or councilman-at-large, from speaking to or interacting with either the residents or their constituency, be it in a public meeting, be it by electronic form or by mail. And I think we adopted a rule to just allow no mailings something like 70 days prior to election. But you are not permitted at any time to censor or to prohibit a councilmember from speaking to a resident.

Mr. Lane: Unless the tape runs out.

Mr. Snyder: Unless the tape runs out. Probably...okay, and that is true, you cannot – I believe that's all – that's from the Charter and from the Ohio Revised Code. And that – I think Mrs. Kalpac probably have to pull that up for you. Roy wrote that I think...Greg Wernet sent something out and they tried to censor him on it.

Mrs. Kalpac: Ninety days, ninety days prior to an election.

Mr. Snyder: Right, but I mean they – and it does say in there there's nothing written that would allow you to prohibit...you're not permitted to censor a councilman from speaking or a council person, excuse me, be it male or female from talking to their...does anyone else wish to speak on this matter?



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Mr. Lane: Yeah, I would like to opine a little bit here. You know, and again, when this first came out of our committee, one of the reasons we wanted to move it along was to give some kind of a deadline for the general public to comment, so they could let us know so they wouldn't think that this thing was going to sit around for months upon months upon months, similar to open space. Where they knew they could take a vacation and come back, maybe retire, and then we'd still be talking about it. But...you know, we're into our third reading, and – and it's time to decide one way or the other, or we're to send it back to committee for further discussion. Some of the things that Mr. DeOrio brought out, I've talked publicly and privately with Mr. Foltz about, and originally this was just to try and...put some kind of a – of a structure on the meeting, and have a five minute limit that everybody seemed at that point in time to feel that most people could get what they had to say done in five minutes. There were some other things that showed up as the ordinance came to us, and I appreciate Mr. DeOrio's diligence in looking through them. I think they were patterned on some other city's, if – if I remember right, if not, I would like to hear from Mr. Foltz on it. But...again, as far as public comment back to me, I've had a long discussion with Mr. Osborne, there have been some very well written letters into the paper. I think they had a couple of editorials, we had the Chief tonight, and I respect Mr. Lindover greatly and...and he has some feelings on it one way or the other as well. But...that – those - I've never gotten a single telephone call at home from anybody saying one way or the other, but I think Mr. DeOrio brings up some good – good points. Thank you.

Mr. Snyder: Mrs. Hines?

Mrs. Hines: When I read this before, it just, the way I read it, kind of face value, I looked at it as – as Rules for Council that made sense. I didn't look into all the ramifications that Pat brings up and he does bring up some good issues, that – 'cause I – I think what we had intended is that we make it kind of clear and concise to people that we have these rules, that would make it easier for everybody to understand and to follow. I – I don't think we intended to make it more difficult for any of us on Council... he brought up when I addressed an issue and I guess animal control doesn't come under Personnel and Safety. Pat ...inaudible...

Mr. Snyder: ...inaudible...

Mrs. Hines: point of maybe safety, safety is in there, in case an animal may be rabid. But...that is a good point, because there are times, especially for those of us, the three of us were at-large, are sort of in sort of in the midst of every problem, because we do represent the entire city. And when we get issues like I did over the weekend, and I turned it over to Doug Lane because it was a ward situation...but we both work on whatever's - we all work on what is best for the city. And we work in tandem with ward council people. I have every intention of voting for this because I think rules are needed, because I've seen how some people disregard the rules and...sort of disrespect the job that we are trying to do. And I'm disappointed that that happens. We're not trying to be the last stand on things, we do try to listen to people, but we are trying to do what's in best for everyone, and – and if you come up with a situation, maybe what we say for you isn't going to work for you, but maybe it works for more people out there. We cannot, you know, if everybody agreed with us we'd be doing something wrong. We wouldn't be doing our job. I wish I'd – I'd heard of some of this beforehand because my vision on the ordinance was different. And I knew Doug had some more rules because this comes from other areas.

Mr. Foltz: ...inaudible...

Mrs. Hines: But I might I like to have a little more time.

Mr. Snyder: Mr. Repace, you have any comments or...?

Mr. Repace: The only comment I have is I think it's a shame that the whole thing had to even be brought out. I think everybody in the City, excuse me, I'm still losing my voice here, everybody in the City knows why it was brought up, and you know, I – I think it's just pitiful that it even had to come forward to Council as an issue to Council. That's – I don't want to comment any further.

Mr. Snyder: Thank you, sir. Mrs. Magel, any comment or ...inaudible...

Mrs. Magel: No, certainly this is not a Council of the Whole meeting and I find it...disturbing that that's what it turned into. I myself have a copy, I read it and yet I was the one who...was absent. I think...this is good indication that before the third reading, I'd like...people to come prepared, read, and...understand what the heck they voted for. Whether it's yes or no, take a look at the legislation and see what it's actually said. I see that D(1) and (2) was read, but yet (3) was not read. With any other questions may be addressed at the discretion of the presiding officer. I think I'll let the President of this Council...

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Unidentified:...make a copy

Mrs. Magel: describe what that actually means in – in his point of view...I suspect or I hope this would have gone through the Law Director. And...I myself have had, prior to a quarter to eight tonight, have had discussions where some of this should have been brought up to me rather than on the floor in a third reading. Thank you.

Mr. Wise: ...inaudible...tell me who's next I get to go...inaudible...

Mr. Foltz: Member Snyder.

Mr. Snyder: Yes sir, go ahead.

Mr. Foltz: Yeah, I'd like to address a few of these, and it's – it's good discussion here. I guess I am a little surprised by the length of it tonight after we've passed two readings also. Number 3, any other questions may be ...inaudible...at the discretion of the presiding officer means exactly that, it means everybody at-large, anybody in the administration wants to address things. I'm not trying to run a tight meeting here, where no one has any other input. That's not my intentions at all, nor was this Canton's intentions. Canton has a litany of attorneys that review this, they must have 20 people in that office up there and this is their language. This is City of Canton council's language - verbatim. The only thing that wasn't put into this from City of Canton language, is (h) and you don't see (h) here for a reason. The reason is the total length of any time that any speaker may appear before council during any public speaks session shall be a total of six minutes which shall include all the participation by councilmembers, elected officials, and administration representatives. We are allowing the public to speak for five minutes, and we can have 15 minutes of discussion up here. In fact, that told true this – just an hour ago. I believe our public speaks session went over 50 minutes. I applaud that. That's fine, as long as there's decorum and professionalism. I think that's what started this here. There's a reason (e) is there. Because we can't have this yelling and screaming as some people in the audience acted earlier, and I have to get officers up here and throw people out. That's just a disgrace to this community. When's that ever going to change? I'd rather have 4 or 5 people come up and speak for 5 minutes each than 1 person for 30 minutes. That's me. I mean, there's 6 other people up here that can comment on that, because that means at least those people are believing what they're reading. At least they represent something. And I thought that was the whole point of this. We can look at this in a sense of open space, we can look at this like the moral claims, nothing's ever perfect. I'm – I'm not saying we can't come back and revisit this. But I would like Council to pass this, knowing that Canton has it, and we are less restrictive than Canton's Rules on Council. Other comments...

Mr. Lane: Yeah, just let me ask a question if – if – if and again, I think Mr. DeOrio said very well about your fairness and I think perhaps some of the concern is not so much with you as future councils and – and you just brought up the fact that we can repeal this perhaps we can put a – a limitation on this and...compromise and just amend it to say it's effective through such and such a date. We'll give it a 90 day trial, or 'til after we get back from summer break and make sure that everybody's in the comfort zone on it...

Unidentified: No.

Mr. Lane: and if they aren't, we can amend it, again and change it. Just – just a suggestion.

Mr. Snyder: There's...

Mr. Foltz: Well, Member Lane, that's always the case, I'm sorry, go ahead.

Mr. Snyder: The fundamentally, Mr. President, there is some flaws in this piece of legislation. That's the problem. I don't – I think the intent of the 5 minutes is not the issue at point. The fundamental flaws of the legislation is, Mr. DeOrio pointed out, and this is my opinion only for anybody's edification, there's no comment from the council back to the person; or back and forth; or precluding the three members at-large, the...inaudible...but not that you would not allow them, possibly that needs stuck from this piece of legislation. I don't think anyone is prohibiting the fact that...the 5 minutes, because of expedience and there are laws in place and Mr. McFarren will hold me up, disruption of a public meeting, I think, is a second degree misdemeanor and we do have the authority in this City to issue citations to that. If I'm not mistaken, he can check on that, when someone disrupts a public meeting, can be removed and cited to court. But...maybe it possibly needs referred to committee for a tweak of those two – couple items and brought back for the third vote. I don't know...

Mr. Foltz: Member Snyder, what are your concerns again? The –

Mr. Snyder: The...

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Mr. Foltz: it doesn't have at-large councilmembers...

Mr. Snyder: ...yeah, and the fact that...inaudible...

Mr. Foltz: And that – that (3)

Mr. Snyder: does read into legislation...

Mr. Foltz: And (3) is there to take care of any other...

Mr. Snyder: That there is no debate. Doesn't it say that? I don't have a copy...

Mr. Foltz: Yeah, Canton doesn't have debate either, obviously.

Mr. Snyder: Pardon me?

Mr. Foltz: I don't think most public speaks has debate, it's just...

Mr. Snyder: No, I'm talking about, and I – I maybe I misunderstand that.

Mr. DeOrio: Well, all we know is we're not defining what debate is.

Mr. Snyder: Yeah, but I'm saying is...like tonight, we did comment back and forth. And the – according to the way I understand that piece of legislation, that would prohibit that, from us talking back to a person speaking to us. Is that correct? That...

Mr. Lane: Unless...inaudible...

Mr. Snyder: Mr. McFarren, do I understand that correctly? Or – or am I overreaching on my interpretations?

Mr. McFarren: Whether you have a strict interpretation or a liberal interpretation, which then leads to accusations of discrimination.

Mr. Lane: I think it all – it all resides in the presidency.

Mr. Snyder: Well...

Mr. DeOrio: That's my point.

Mr. Lane: Right.

Mr. DeOrio: That's my point that we may not in the future have as – a good a person as we have now. That's exactly the point. Yet D(3) wasn't mentioned Member Magel, because you make the point exactly. It's a discretion of the president. That's the problem. It's the discretion of the president. What if the president's a jerk? What if – what if his discretion is, and we don't like? What are you going to do about it? At that point, you've just – you've – you've put it in...

Unidentified: coup d'état

Unidentified: Don't vote for him.

Mr. DeOrio: – as far as Canton doesn't have it, Canton doesn't have a Charter either. Some of these things violate the Charter, in my opinion. Well, I think that should be panned out and see if I'm right or wrong. The Law – Law Director if he looks at it may – may find that I'm incorrect.

Mr. Lane: ...inaudible...

Mr. DeOrio: Well, okay. I guess that's the way it goes then.

Mr. Snyder: I think it should go back to committee.

Mr. DeOrio: But discretion is my problem. Now, hey, I'm sorry, and I – I'll say it here again, is – I'm trying to be honest. I'm sorry that this didn't come out in Committee of the Whole. But I'm going to tell you, Committee of the Whole, I wasn't thinking about it the way I've been thinking about it in the last week or two. And I was always taught when in doubt, vote no. Well, I voted no, and I voted no for reasons that I understood then, and I still understand today. I voted no because of those reasons. Well in the interim, I found a lot more reasons that are a whole lot more egregious in my mind than what I initially thought six weeks ago. So I apologize that this didn't come to me, and I wasn't clairvoyant enough to make this happen...six weeks ago. That's...all I can say. I'm sorry.

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Mr. Repace: I want to say one more thing if I could talk here a second, my voice. Doctor told me today I'm not supposed to talk; I think I've been doing too much lately with -- over there. Anyhow, I'm prepared to vote yes on this. I'm going to -- and I think if any other councilmember would have sat here and had the bashing that I've took for almost ten minutes, would've felt the same way.

Mrs. Magel: I agree.

Mr. Repace: But in saying that, if there are some clarifications that need to be pointed out, or improprieties in this ordinance, then we should take the time to let the Law Director look at that. If this Council doesn't think that those things exist, then we vote. But if they do exist, and I'd like to maybe hear a comment from the Law Director if he thinks they do exist. Because what we don't want to do is something that's going to violate the law. We want to do everything in the confines of the law, and -- and if we're not, then -- then we need to take a second look here. But if we are, then it's time to vote. Randy, can you comment please?

Mr. McFarren: Well, the first thing that comes to my mind is the expression, unintended consequences, and I think that's a truism here. The discussion shows that. The other thing is, are you creating a bigger problem than you're solving, and I think that's a question you need to -- need to ask yourself. We could put a lot of time and -- and study into this thing. I've got to admit, I've heard a lot of things here tonight I wouldn't have thought of, and...they're legitimate concerns. So, it -- it just shows that two people can look at the same thing and see two different -- two different perspectives if you will.

Mr. Snyder: But is it your advice sir that we rethink this out before we vote on it? Is that the...

Mr. McFarren: Well, I don't sense that you're...

Mr. Snyder: Would that be the most cautionary procedure?

Mr. McFarren: I -- I sense that you would like to take another look at this thing and perhaps give it some more thought. How you do that is up to you and what you do with it obviously but...

Mr. Snyder: Well do the rules of procedure allow it to be deferred to committee...after -- after is a .... I don't -- Robert's Rules do not -- after you've read it I think you either have to vote it up or down. Or table.

Mrs. Kalpac: Can they table it? Wouldn't they just table it, and take a look at it at Committee of the Whole?

Mr. McFarren: The -- the...easiest thing that -- that I've -- that I'm thinking of is just move to table. I mean, that's the usual thing, you're right on the money on that one. The other question is a little more unique if you will.

Mr. Foltz: I -- I had one question towards our attorney. Is this -- is this a violation of any charter that we have now when you reviewed it? Any charter or amendment? Or section?

Mr. McFarren: Nothing jumps out and bites me other than the fact that the concerns that are being expressed around the table...

Mr. Foltz: Okay, just for the record, this does not violate the Charter. I mean, if this -- if this Council wants to review this, go back, which -- that's what we here, to discuss issues...

Mr. DeOrio: Don't put --

Mr. Foltz: I'm -- I'm very much ...

Mr. DeOrio: don't put the Law Director on the spot after six weeks of taking a look at this, and then you expect him to give you an instant analysis of the Charter...you know, it's -- it's clear when you read it...

Mr. Foltz: Well...

Mr. DeOrio: that it says that the Mayor has a right to speak on the issues. On whatever it is. There's no limitation on his right to speak.

Mr. Foltz: Member DeOrio, I respect...

Mr. DeOrio: This is a limitation on his right to speak. I apologize.

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Mr. Foltz: I respect your opinion, but...in preparing the ordinance; I think our attorney would do that, that's all I'm saying. I don't mean this to be any negative to your image or anything else. If he - I - I - my feeling is, if he felt we would've gone down the wrong path in any which way, shape or form, that - that language would've been brought to our attention and changed. That's all - that's all the point I'm trying to make. I'm not disagreeing with...

Mr. DeOrio: I'm....

Mr. Foltz: Member DeOrio, you're - you're - you're...you're long term...I don't - implications of what we're trying to pass tonight. I mean, we can - we can look at - take this as far as we want. I appreciate your comments earlier towards me, but I - I think we're almost reading too much into this. We have to go back to why we looked at this to begin with and it was a suggestion of one of our constituents.

Mr. DeOrio: Well...

Mr. Foltz: She - someone came up here and addressed it, why don't - why don't we have 3 minutes as a - as a public speaks portion? As a time limit? And then I said, well, okay, if we're going to look at that, let's look and see what other cities do. Gail did a little research survey thing, brought it to our attention, and that's where we sit here and all we're doing now is taking Canton's language and replicating it in - into ours. Parts of it, not all of it, 'cause I - I read the - the most restrictive part of it, we're not even addressing. We're not having 6 total minutes. We're having 5 minutes plus whatever else we want to talk about. And if there's a motion on the floor, whether it's me or somebody else sitting in this chair, you could, we could put it on the floor and - and vote for it and talk another 5 minutes. That's up to Council.

Mr. Repace: I think Randy...

Mr. McFarren: It is - it is covered. The term recommit is applied to a motion that proposes to refer a question the second time either to the same committee that previously considered it, or to a different one.

Mr. Snyder: Yeah, that's why we refer back to committee.

Mr. McFarren: So it is - it is...

Mr. Snyder: the request

Mr. McFarren: it is a legitimate...

Mr. Foltz: a legitimate request to recommit to go back to committee.

Mr. Wise: ...inaudible...I had no idea...inaudible...

Mr. McFarren: Yeah, it is legitimate...

Mr. Snyder: Mr. President...

Mr. McFarren: legitimate action.

Mr. Lane: When it comes out, will it be on third reading, when it comes out?

Mr. Snyder: yeah, it doesn't make - well, it's not final as long as it's not final, you can reconsider any motion, as long as it's not a final vote.

Mr. Lane: So we don't have to go back to square one.

Mr. McFarren: The prevailing side can - can - you can reconsider prior to announcing the vote and once the vote is announced, the prevail - the one who voted on the prevailing side could move to reconsider and revote the thing.

Mr. Snyder: Mr. President...in all due respect, sir, if - I think just to open it up and keep it all - clean the language up, I would...at this time, make a motion that it be sent back to committee for reconsideration next Monday Council meeting as a - for at least 'til we find out - we can hash it out and ask the Law - and actually I don't know that that's really fair to the Law Director, do enough research at that point that we can consider it and then reconsider it again and bring it back up for the third and final vote, two meetings from now, and clean it up or however you want it done, have it to come up and bring it up whenever you want, but I would like to see it at least reconsider to be cleaned up.

Mr. Foltz: Let me ask you, if we're going to reconsider it, then you're going to have 3 more readings on it, 'cause it's going to be new language, isn't it?

Mr. Snyder: Well, actually it can be amended, can it not? If I sent it to committee for reconsideration, it comes back as a recommended, does it need 3 readings again?

Mr. Lane: That was my original question.

Unidentified: Yeah.

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Mr. Snyder: If the title of the...it doesn't say that – as long as the title remains innocuous to what we – we're not changing the title, we're changing the body. So the title the...the charter requires that the title be not significantly changed; only published in rather 3 separate meetings. Does not say anything about the body of the language of the ordinance. Again I...

Mr. McFarren: Again, again, it's a unique issue.

Mr. Snyder: Maybe I'm interpreting...I'm not an attorney so you...

Mr. McFarren: If you – if you – but if you tabled it, you tabled it...

Mr. Snyder: our table's difference...

Mr. McFarren: if you tabled it and brought it back, after further study, you could amend it.

Mr. Foltz: You could amend it as we did earlier.

Mr. Lane: Right.

Mr. McFarren: Right, right. You could amend it.

Mr. Snyder: Well, I take it the committee and I have to redo 3 readings.

Mr. McFarren: If you – if you send it back, and bring it back, I think it's a good issue about whether you have to give it 3 readings or...

Mr. Foltz: Member Snyder, if you want to bring it back to your committee, and we tweak this...and say this respectfully, do you think you'll be ready to review that at - at that point if you bring it back up...

Mr. McFarren: I'll – I'll look at it with anybody wants to talk about it.

Mr. Foltz: Okay.

Mr. Snyder: Did I – do I have a second?

Mr. Foltz: And then we can come back and – and – and bring this in short term as – as a council...amendment, I mean ordinance as amended, as we did earlier this evening.

Mrs. Kalpac: So they'd want to table it then. Table it then.

Mr. Foltz: Right.

Mrs. Kalpac: So they could amend it.

Mr. Foltz: Table to reconsider, is that correct? Is that what you said?

Mr. McFarren: Well, there's...two different motions.

Mr. Snyder: Two different things.

Mrs. Kalpac: Just – just table it.

Mr. Foltz: Okay.

Mr. Snyder: Do I have a second?

Mr. Repace: Well...wait a minute, what's the motion now? I believe...

Mr. McFarren: It's...

Mr. Repace: I heard one motion, now we're talking about...

Mr. Snyder: Well...

Mrs. Kalpac: Yeah, you have to withdrawn your motion.

Mr. Snyder: I'll withdraw my motion and we'll need a motion to table.

Mr. Lane moved and Mrs. Hines seconded to table Ordinance No. 15-07.

Mr. Snyder: Thank you Mr. President.

All members present voting.

Mrs. Kalpac: DeOrio.

Mr. DeOrio: Yes.

Mrs. Kalpac: Foltz.

Mr. Foltz: Yes.

Mrs. Kalpac: Hines.

Mrs. Hines: Yes.

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Mrs. Kalpac: Lane.  
Mr. Lane: Yes.

Mrs. Kalpac: Magel.  
Mrs. Magel: What are we voting on?  
Mr. Repace: Tabling it.  
Mr. Snyder: Table.  
Mrs. Kalpac: To table it.  
Mrs. Magel: To table? Yes.

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

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

10. Mr. Foltz: Okay, next may I have a motion to read by title only the third reading of Ordinance No. 26-07?

Mr. Lane: So moved. Please somebody second.  
Mrs. Hines: ...inaudible...  
Mr. Lane moved and Mrs. Hines seconded to read by title only the third reading of Ordinance No. 26-07. All members present voting.  
Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio.  
No: 0

#### Ordinance No. 26-07 – 3<sup>rd</sup> Reading – Street & Alley

An ordinance authorizing the Director of Administration of the City of North Canton, to advertise and receive bids according to specifications 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: I'm still – I'm still here. I think we all need to stretch. Hopefully this one will go a little quicker.

Mr. Foltz: I think we're all – we're all half sick and....

Mr. Lane: I think so, between voices and sneezes. This is our annual paving contract that we go out and do blocks and that, I've said this three times now, blocks and different – different areas, some alleys and some other things that it's – it's not designed to be...a be all and end all to all the street problems in the City and there's also some money in there for some concrete repair. That being the case...I would advise everybody to try and get their list to either Mr. Benekos or me as soon as you can so he can start putting together that list of – of paving. I would move we adopt the third reading.

Mr. Lane moved and Mr. Snyder seconded to adopt the third reading of Ordinance No. 26-07. All members present voting.  
Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz.  
No: 0

11. Mr. Foltz: May I have a motion to read by title only the third reading of Ordinance No. 27-07?

Mr. Lane moved and Mr. DeOrio seconded to read by title only the third reading of Ordinance No. 27-07. All members present voting.  
Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines.  
No: 0

#### Ordinance No. 27-07 – 3<sup>rd</sup> Reading – Street & Alley

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the office of the Director of Administration; 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.

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Mr. Lane: Yeah, we talked about this for three times. Mr. Benekos, any update – as far as...progress, I – I – we didn't put the emergency on this time, so I just.

Mr. Benekos: No, we won't be ready within the thirty days. We should be ready sometime...

Mr. Lane: Soon.

Mr. Benekos: Soon.

Mr. Lane: Down the road. So, okay.

Mrs. Magel: Would you repeat that? You will not be ready within the thirty days?

Mr. Benekos: Not to bid it, correct.

Mrs. Magel: But the engineering's done?

Mr. Benekos: The engineering for the overall, the preliminary engineering for the overall is done. Engineering for this section has not been completed.

Mr. Lane: I went through that on Overridge, I can tell you it takes awhile to write – write those out. It took a - a long time on mine, so...but it's still moving forward, correct?

Mr. Benekos: Correct.

Mr. Lane: Okay. I would move we adopt the third reading of this.

Mr. Lane moved and Mr. Repace seconded to **adopt the third reading** of Ordinance No. 27-07. 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 third reading of Ordinance No. 29-07?

Mr. Snyder moved and Mr. Lane seconded to **read by title only the third reading** of Ordinance No. 29-07. All members present voting.

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

No: 0

## Ordinance No. 29-07 – 3<sup>rd</sup> Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the office of the Director of Administration; 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: Member Magel.

Mrs. Magel: Yes, this is a third reading as...discussed, you know, for the purposes of...pressure. We would like the – that the contract for the Northwood School on School Avenue, the Water Project, not to exceed \$195,000, probably to be done during the summer so as not to disrupt the buses and the school...but I feel this is a very...worthwhile project.

Mr. Foltz: Very good. Do I have a motion to adopt the third reading of Ordinance No. 29-07?

Mrs. Hines moved and Mr. Repace seconded to **adopt the third reading** of Ordinance No. 29-07. 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. 32-07?

Mr. Lane moved and Mrs. Magel seconded to **read by title only the second reading** of Ordinance No. 32-07. All members present voting.

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

No: 0

## Ordinance No. 32-07 – 2<sup>nd</sup> 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.



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Mr. Foltz: Member Snyder.

Mr. Snyder: Thank you, Mr. President. Again, we're looking at this, and our rationale, both by committee and Council members, is that we make this as apolitical as possible, allowing the Administration to review the written claim, trying to settle at that level then referring to the Law Department, empowering the Law Director to settle at his or her discretion, up to a specified amount of money and...if it's not able to do it at that point then refer it to Council for settlement. But hopefully...it takes the emotion and the politics out of it and we can move along accordingly.

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

Mrs. Hines moved and Mrs. Magel seconded to adopt the second reading of Ordinance No. 32-07. All members present voting.

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

No: 0

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

Mr. Snyder moved and Mr. Lane seconded to read by title only the second reading of Ordinance No. 36-07. All members present voting.

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

No: 0

## Ordinance No. 36-07 - 2<sup>nd</sup> 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: Member Magel.

Mrs. Magel: Yes. This is the second reading and I had described this...two weeks ago. What this is, is this is...the first piece of legislation...where we have the unappropriated balance to move into the Water Distribution...Professional Services for the amount of \$35,000...for the project that Eric is working on for Woodrow Street that – that we can get...our ducks in a row and...he can do his paperwork and hopefully we will be awarded this.

Mr. Foltz: Very good. Do I have a motion to adopt the second reading of Ordinance No. 36-07?

Mr. Snyder moved and Mrs. Hines seconded to adopt the second reading of Ordinance No. 36-07. 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 second reading of Ordinance No. 37-07?

Mr. Lane moved and Mr. Snyder seconded to read by title only the second reading of Ordinance No. 37-07. All members present voting.

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

No: 0

## Ordinance No. 37-07 – 2<sup>nd</sup> 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: Member Magel.

Mrs. Magel: Yes, thanks to the Ordinance that we had just passed on second reading, we now have the...the money is now appropriated to the Water Distribution so that we can spend it on the \$35,000 towards the...Woodrow Street and...that Eric is working on.

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Mr. Foltz: Okay, do I have a motion to adopt the second reading of Ordinance No. 37-07?

Mr. Snyder moved and Mr. Repace seconded to **adopt the second reading** of Ordinance No. 37-07. All members present voting.

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

No: 0

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

Mrs. Herr: This? Yeah. Okay.

Mr. Snyder moved and Mr. Lane seconded to **read by title only the second reading** of Ordinance No. 38-07. All members present voting.

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

No: 0

## **Ordinance No. 38-07 – 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; 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: Member Magel.

Mrs. Magel: Yes, two weeks ago we discussed it, Well # 9 was in the midst of...being drilled at the time. I have since...tonight asked...our City Engineer and it appears Well # 9 is...at its completion as far as the drilling process is concerned. And I'm sure there are some other steps but then the last step then is to...hook it up with our existing waterline so it will...head down to Water Treatment Plant as well with Well # 8.

Mr. Foltz: May I have a motion to adopt the second reading of Ordinance No. 38-07?

Mr. Snyder moved and Mr. Lane seconded to **adopt the second reading** of Ordinance No. 38-07. All members present voting.

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

No: 0

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

Mr. Snyder moved and Mrs. Hines seconded to **read by title only the second reading** of Ordinance No. 39-07. All members present voting.

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

No: 0

## **Ordinance No. 39-07 – 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; 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: Member Magel.

Mrs. Magel: Yes...again, the second reading. We had discussed that the project, the Price Park Sanitary Sewer project was an important one and...we – that Council had approved \$60,000. This is the second reading to allow this to – to get started.

Mr. Foltz: May I have a motion to adopt the second reading then of Ordinance No. 39-07?

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

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

No: 0

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

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Mr. Snyder moved and Mr. Lane seconded to read by title only the second reading of Ordinance No. 40-07. All members present voting.  
 Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines.  
 No: 0

**Ordinance No. 40-07 – 2<sup>nd</sup> Reading – Water, Sewer & Rubbish**

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; 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: Member Magel.

Mrs. Magel: Yes. This project not only was discussed...at length...

Mr. Benekos: Every two years.

Mrs. Magel: in the year 2007, but also I had 2006 when...

Mayor Held: In the budget?

Mr. Benekos: Yeah.

Mayor Held: Okay

Mr. Benekos: 8.4, every year...

Mrs. Magel: we had applied for a 0% loan and we were awarded it.

Mr. Benekos: which means all this...inaudible...split that up...inaudible... dollars.

Mrs. Magel: So we are at the time now where we need to...all of this money has been budgeted so we would like to...

Unidentified: Where are we going to get...inaudible...

Mrs. Magel: have the project...get bid so we can get...started on this.

Mr. Foltz: May I have a motion to adopt the second reading of Ordinance No. 40-07?

Mr. Benekos: We don't...inaudible...

Unidentified: Just us local governments.

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

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

No: 0

- 19.. Mr. Foltz: Next, may I have a motion to read by title only the second reading of Ordinance No. 41-07?

Mr. Snyder moved and Mr. Lane seconded to read by title only the second reading of Ordinance No. 41-07. All members present voting.

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

No: 0

**Ordinance No. 41-07 – 2<sup>nd</sup> 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: Member DeOrio.

Mr. DeOrio: As you recall, this had to do with scheduling some principal and interest payments, result of refinancing some water...notes to bonds and...was unable to be forecast when it would due, was due, and we need this ordinance to be able to take care of those matters.

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Mr. Foltz: May I have motion to adopt the second reading of Ordinance No. 41-07?

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

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

No: 0

## NEW BUSINESS:

20. Mr. Foltz: New business. May I have a motion to read by title only the first reading of Ordinance No. 42-07?

Mr. Snyder moved and Mr. Lane seconded to **read by title only the first reading** of Ordinance No. 42-07. All members present voting.

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

No: 0

### Ordinance No. 42-07 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids, according to specifications now on file in the office of the Director of Administration; 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 # 10 (Oster Well) project, at a total cost not to exceed \$200,000.

Mr. Foltz: Member Magel.

Mrs. Magel: Yes...this is the first reading and I had expressed my deep concerns at the Council of the Whole meeting last...week, and will not repeat them again tonight. But this is a – I think everybody recalls that – that we went through the report. Okay, this is the...Oster Well for Well # 10 at a total cost not to exceed 200,000.

Mr. Foltz: May I have a motion to adopt the first reading of Ordinance No. 42-07?

Mr. Snyder moved and Mr. Repace seconded to **adopt the first reading** of Ordinance No. 42-07. All members present voting.

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

No: Magel.

21. Mr. Foltz: May I have a motion to read by title only the first reading of Resolution No. 43-07?

Mr. Lane: So moved.

Mr. Foltz: Is that correct Gail? Resolution?

Mrs. Kalpac: Yes.

Mr. Lane: Yeah. Would it – would it have the number?

Mrs. Hines: Yeah.

Mr. Lane: It's the same number in order?

Mrs. Kalpac: Yeah.

Mr. Lane: Or would it be a separate series of numbers?

Mrs. Kalpac: No.

Mr. Lane: Okay.

Mrs. Magel: Second.

All members present voting.

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

No: 0

### Resolution No. 43-07 – 1<sup>st</sup> Reading – Water, Sewer & Rubbish

Resolution No. 43-07 authorizing the Council of the City of North Canton to establish a Source Water Assessment and Protection Program ("SWAP Program") for the purpose of protecting the City of North Canton drinking water sources from future contamination through planning and implementing...strategies designed to protect the well fields, and declaring the same to be an emergency.

Mr. Foltz: Member Magel.

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Held Monday, March 26 7:00 p.m. 20 07

Mrs. Magel: Yes. This is an opportunity for us to work with the EPA...as was presented to us by representative...Kathy Metropulos gave us a PowerPoint presentation and she recommended...that the City...as soon as possible...establish this program, and I am very pleased...to be chairman to...get this program underway. We will work within the...suggestions of the EPA and we'll have many residents...helping us and working in conjunction with us, and I think this a very good project.

Mr. Snyder: I - I have a question here. I - I think - that brings back when we had that Mrs. Metropulos here, I thought the majority of that work had been done by the Water Treatment Superintendent, and that was going to remain classified, the majority of that material gathered, due to sensitive data, that we were not going to involve the community or members. Am I - did I miss something there somewhere?

Mrs. Magel: I think that was the...

Mr. Snyder: Because if you open up it up to the community, that opens up areas of our water fields that...

Mr. Foltz: No.

Mr. Snyder: are - that are being protected under the...

Mr. Foltz: I think they're two different....

Mr. Snyder: Homeland Security Act.

Mr. Foltz: two different things.

Mr. Snyder: And most of our properties, we don't allow anybody off. That was my understanding.

Mr. Wise: With regard to, there are certain assessments, there's...one assessment already done that is pretty tightly controlled. Certainly a number of these things that Kathy Metropulos has talked about have already been done or - or if not completed, almost completed by Rich Steinhebel and the members of the Drinking Water Plant...as it relates to assessments of potential threats...to the water system, and - and I would certainly defer to Rich Steinhebel, and I will have him available...at - at a meeting or anyone that wants to speak with him. He does have some concerns about that information...and - and how it is distributed or - or where it is kept, those types of things.

Mr. Snyder: Yeah, 'cause it was my understanding that he has that in a vault and he's - he shares that with no - at least that what I - my memory serves me. I don't recall.

Mr. Wise: Yeah, I - I believe there is a - an assessment that he is required to...keep locked up and there's a copy with Homeland Security or whoever else, I don't see - EPA that has it locked up as well.

Mrs. Magel: I - I - I don't think we'd would be doing Rich's assessment.

Mr. Snyder: No, no I think it involves any - any person outside of...outside of the Administration's charge, in which is the - the Council and the public have no - nothing to do with the assessment. And I can't in good conscience vote for anything that would open our water to that citizenry or to the Council to work on. That - that is done by professional, licensed people. And the minute you open that up to the public, and allow them to confidential information or access to the water treatment, you've compromised the safety of the people of North Canton, and I will never support that. That is nothing but terrorism in itself, waiting to happen. There's no possible way that we're going to subject our water, our data and our ability and the vulnerability of water system to the public. I mean, it's - we're required by law to protect that, and we have to, in good conscience, do that.

Mr. Lane: Well, can't...

Mr. Snyder: Anything to compromise that is asking for trouble.

Mr. Lane: Can't this particular program be written around what we would like it to be?

Mr. Snyder: It will be done, and it's - most of it's done by the Water Superintendent, but now, it's my understanding, we're going to assign members of the community or people in general with no scientific knowledge or no training in water treatment or water production or collection. I mean, we - you can have utter chaos. I served on this Council when we did this once before and we created utter chaos in this City, because we screwed around with the water. And we petrified the people, and I'm not going to sit here and do that again. That's - that's crazy, that's unconscionable.

# RECORD OF PROCEEDINGS

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Held Monday, March 26 7:00 p.m. 20 07

Mrs. Magel: I don't understand, Jon, this is...

Mr. Snyder: Well I don't understand why we would even want to be involved in – let the superintendent of water do it. That's what he's got a degree in, and he has a license to do. Other than that, there's – we establish it, he handles it. We have no input into it whatsoever. Anything other than that would be – would be asking for trouble. Council members or members of the public, certain information, there's no need for them to know. I mean, there's – it's – you know, if you need to know, I suppose you could go down there and you would...share with what you could, but, the majority of it, they don't let members of the...City – workers go in on...into the water fields or into the certain areas without escort, let alone opening it up for people that are not trained in it.

Mr. Benekos: ...inaudible...

Mr. Lane: I – I thought the idea behind this was just to more or less, like a neighborhood watch situation, where they would...we could design it the way we wanted it to be. And – and appoint somebody if they see suspicious cars on...

Mr. Benekos: ...inaudible...

Mr. Lane: our well field they're to call the police, things along those...

Mr. Snyder: No, no, no, no.

Mr. Lane: I didn't think it got this kind...

Mr. Snyder: No, no, no. You're looking for technical data and data where it's most vulnerable to any type of attack.

Mr. Lane: That's what this particular...

Mr. Snyder: Yes.

Mr. Lane: is?

Mr. Snyder: Yes.

Mr. Lane: I do...

Mrs. Magel: Well, it has...

Mr. Snyder: It's vulnerable – it – any place that the system is vulnerable to attack, any place the system can be penetrated by citizenry, any place the...any place the system can be contaminated, and that's what you're going to determine, and that opens it up and telling everybody where the system's most vulnerable. They know that information, but nobody else should know that.

Mr. Lane: I guess I didn't read that into this.

Mr. Foltz: Member...

Mrs. Magel: And shouldn't have.

Mr. Foltz: Member Magel, did – wasn't this – did to that presentation you gave last year, Kathy Metropulos? Didn't she recommend we do this?

Mrs. Magel: Yes.

Mr. Lane: Yeah.

Mrs. Hines: This is part of the delineation.

Mr. Foltz: I – I don't understand...

Mr. Snyder: But she didn't recommend a committee of citizens be appointed.

Mrs. Hines: Well this is, however they do it...

Mr. Foltz: okay, but...

Mrs. Hines: is how it's done. Wooster has done it, other cities have done it.

Mr. Snyder: That's no problem with the system, I'm just saying, allow only the professional people to do it, not open it up to the public or committees of the public appointed by – to do it. They're not trained to do it.

Mrs. Hines: Well I don't think we want just anybody in there.

Mr. Snyder: It wouldn't make any difference. You – only people that have a license in a water system should be in the water system. Anybody other than that shouldn't be in the water system.

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Mrs. Hines: Well, I wouldn't think that the EPA would have a....

Mr. Snyder: Well, no, EPA's a different situation. I'm talking about people that have license or training to do it. But she says – she's – her prefaced to her words I believe said citizens. That's not EPA.

Mrs. Hines: But the – the guidance would be coming from the EPA, correct?

Mrs. Magel: yes.

Mr. Snyder: Why would you need citizens in it? For what purpose do you need...private citizens?

Mrs. Hines: Well, we're citizens in a sense.

Mr. Snyder: Right. Right. But you have to rely on...upon the Superintendent of the Water Treatment Plant to guide you. He has a license to do that. He knows what he's talking about.

Mrs. Hines: Well I'm sure he would, or...

Mr. Snyder: I don't know anything about producing water,

Mrs. Hines: he wouldn't be doing it.

Mr. Snyder: I'd be producing mud. Pardon me?

Mrs. Hines: I'm sure he would be part the whole process.

Mr. Snyder: Well you shouldn't involve other people because now the – now the vulnerability of – of the system becomes compromised.

Mrs. Hines: Well the idea is to protect it, so I'm assuming that the, you know, I'd...

Mr. Snyder: Well who's going to determine who's on this committee?

Mrs. Hines: You have to go back to the EPA....

Mr. Snyder: Who's trained – who's trained in water production and counter-terrorism in this Council?

Mrs. Magel: Jon...

Mr. Snyder: I mean...

Mrs. Magel: this is all outlined in ...

Mr. Snyder: Pardon me?

Mrs. Magel: – on that – that book that we had...

Mr. Snyder: I'm just saying...

Mrs. Magel: and I asked you to read that.

Mr. Snyder: Well what's wrong with the Superintendent of the Water Treatment Plant continuing, which he has, I think, almost 50% of it done already, finishing it with cooperation from Kathy Metropulos. They'll delineate it, they'll publish it and presenting data question or any part of the system is in compromise, they'll publish it and correct it. But we don't have to open it up...I was here when we opened it up to the citizens and I know what it creates, and it's not pleasant, because you – you people get scared, they don't understand it. I mean, there's no reason for it.

Mrs. Hines: Well, if it was so threatening, I doubt if it would be part of the strategy and going through the delineation of protecting the wells.

Mr. Snyder: Well the wells, I don't think the wells at this particular time are threatened. And I – and I have all the confidence in the world...

Mrs. Hines: Anything can always be threatened.

Mr. Snyder: Right. But again, I don't know right now of anybody off the top of my head that you – that – that we have in the City that's trained in water treatment or of capturing...municipal water except our own water people. Why would we want to open up to private citizens?

Mr. Repace: Is there anybody that knows this program that could come here and explain this program to us?

Mr. Snyder: Rich Steinhebel.

Mr. Repace: Could we get Rich here, Mayor?

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Mrs. Magel: No, not Rich. I think that's conflict of interest.  
Mr. Repace: Okay, alright.

Mrs. Magel: We already had Kathy Metropulos.  
Mr. Repace: Okay, okay. But obviously, I – I'm totally confused, so you know...

Mr. Lane: How about getting somebody from Wooster?  
Mr. Repace: So, you know, I'm listening to the one side, I'm listening to this side, what are we doing? I mean...

Mr. Snyder: Well we have a water expert...inaudible....

Mr. Repace: But if this program is – is intended to do something different, Jon then what you're saying, then I think we need to know that. If it's intended to do what you're saying, we need to know that also.

Mr. Snyder: they...  
Mr. Repace: Therefore, I'd like to get someone here that can explain it, so we...

Mr. Snyder: We have –  
Mr. Repace: so we know.

Mr. Snyder: they have a water...engineer...  
Mrs. Kalpac: Just want to give it the first reading?

Mr. Snyder: that drew...drew all the models, drew all the plans, they can –  
Mrs. Kalpac: Just the first reading?

Unidentified: From our ...inaudible...  
Mr. Snyder: they can come in and tell you.

Mrs. Magel: Resolution.

Mr. Foltz: Member – Member Magel, it's your...Ordinance, what do you want to do? Resolution, I should say.

Mrs. Magel: Do we have three readings on Resolutions?  
Mr. Foltz: Well it's just under ...

Mrs. Kalpac: Yeah, this one has an emergency, you'd have to suspend the rules for it, so if you just wanted to give it a first reading...

Mrs. Magel: Okay, we'll just have it at first reading then. So we'll have to suspend or...  
Mr. Repace: Just don't read the emergency.

Mrs. Magel: Right.  
Mr. Foltz: Just don't read the emergency, right. Is that correct, Gail?

Mrs. Kalpac: Just don't suspend the rules, just give it a first reading. Move to adopt....  
Mr. Foltz: Yeah. May I have a motion to adopt the first reading then of Ordinance No. 43-07?

Mrs. Magel moved and Mrs. Hines seconded to **adopt the first reading** of Resolution No. 43-07. All members present voting.  
Yes: Lane, Magel, Repace, DeOrio, Foltz, Hines.  
No: Snyder.

Mr. Lane: Could I make a suggestion then before second reading, or perhaps as an addendum to...next week's meeting that maybe we do find out a little more about this, if we work it to make sure we're all on the same page, 'cause obviously Jon and I read this and I have an entirely different opinion on what it is. It's not to say that either of us is right or wrong.

Mrs. Magel: Boy, I'll tell you, I can't tell many - how many times I asked you to read the book and her pamphlet. We had it here...

Mr. DeOrio: Well...

Mrs. Magel: Gail gave you a copy...

Mr. Snyder: Well, there's no place in her book and her pamphlet or in her presentation that she say appoint private citizens.



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Mrs. Hines: It – I think it did.

Mr. DeOrio: Well, if – if I may, we can all – we can all read something ahead of time, and we can all read it and come to a different conclusion. It doesn't mean that we're any less learned than we were before. It just means that we can read something and come up with a different opinion, and Mr. Lane was kind of shouted down when – and didn't get I think on the record, and I thought he had a good idea, about in – perhaps inviting somebody from Wooster that has a program to come over.

Mr. Lane: Or at least if they could give us a couple of page summary of how it's worked and – and – and what's happened.

Mrs. Hines: Good idea.

Mr. Lane: They wouldn't necessarily have to drive over here, but at least we could be in a comfort zone of what they've done.

Mr. DeOrio: And I think, you know, we've – we've heard from Ms. Metropulos, I would like to hear from Mr. Steinhebel, I'd like to hear of difference of opinions.

Mr. Foltz: Well, I agree. If there's one thing this Council's done, is presented their point of view and we're going to work out the differences. Right?

Mr. Lane: Never happens.

Mr. Foltz: It's I'm so fair up, sitting in this chair.

Mrs. Magel: I've never seen such...

Mr. Foltz: Honest...inaudible...

Mrs. Magel: change in minds on readings.

Mr. Foltz: integrity, but, that – that's all I ...

Mr. DeOrio: And what's wrong with changing your mind?

Mr. Foltz: Let's get the answers we wanted a little earlier...

Mrs. Magel: What's wrong with calling?

Mr. Foltz: Council members, before we –

Mr. DeOrio: That's what we have a debate for...

Mr. Foltz: we have to table or go back to second committee meetings, that's all.

Mr. DeOrio: it's on the floor of Council.

Mr. Snyder: In all due respect sir, no time last week in the committee meeting was there anybody said we were going to appoint members of the community. I don't think that ever come up.

Mayor Held: Mr. President.

Mr. Foltz: Yes.

Mayor Held: What we can do is...we could ask...Rich Steinhebel to come to our next Council Meeting and also we could request the presence of the Ohio EPA...so that they could clarify the process and...

Mrs. Magel: I'll get somebody from those other communities also.

Mr. Foltz: Maybe Member Magel, you could work with Gail, we can take that specific...presentation information out and – and give it to Council or – or bring your books, either way. Maybe it's simpler if it's two or three pages, I don't remember.

Mrs. Kalpac: Do you want it back on Committee of the Whole for Monday?

Mr. Lane: ...inaudible...it's just a block in...inaudible...

Unidentified: Oh, that's probably going to happen.

Mr. Snyder: Huh?

Mr. Lane: It's just a block...inaudible...that's all.

Mrs. Magel: I'm not sure we'd be ready.

Mrs. Kalpac: Okay, alright.

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Mrs. Hines: Yeah.

Mr. Foltz: If we're going to do this let's get - thoroughly look at it...

Mrs. Kalpac: Okay.

Mr. Foltz: and we're going to answer everybody's questions. Okay. Everybody happy with that?

22. Mr. Foltz: Last, do I have a motion to read by title only the first reading of Ordinance No. 44-07?

Mr. DeOrio moved and Mr. Lane seconded to read by title only the first reading of Ordinance No. 44-07. All members present voting.

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

No: 0

## Ordinance No. 44-07 – 1<sup>st</sup> 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 Water Distribution Professional Services Account in the amount of \$20,000.00 for the current expenses during the fiscal year ending December 31, 2007.

Mr. Foltz: Member DeOrio.

Mr. DeOrio: Yes...before we do this, I have a couple questions and I'd like to ask...Member Benekos...Mr. Benekos.

Mr. Lane: He's an honorary member, Jim.

Mr. Snyder: He's been here long enough to be...

Mr. Benekos: Where's my chair?

Mr. Lane: Here as long as open space.

Mr. DeOrio: Oh god, help me.

Mr. Foltz: Hey, the pays better where he's at, leave him alone.

Mr. Snyder: Yeah.

Mr. DeOrio: Alright, Mr. Benekos. Can you – could you give me...an instance that you can recall, doesn't have to be recent, where...we've contacted Arcadis to get a – some updated information on this model and like how we provided it or who we provided it to? What was the circumstances, I'm just trying to get a better feel for how this – this works.

Mr. Benekos: Sure. I guess...the – the most prominent situation was with the airport. When - and looking also at the...Brumbaugh Booster Pump Station. Initially we were looking at making improvements to the Brumbaugh Pump Station over off of Cleveland and Brumbaugh and at the same time we're also looking at supplying the airport. It – they were like two separate projects but at – at some point someone realized, hey, we can move the pump station into the water tower. We had problems moving water out of the tower...because of the hydraulics...with the – with the distribution system and by doing that, we can also boost the pressure over to the airport. So through...several runs, trying to figure meetings with the airport, determine exactly what their pressures and flow requirements were, initially they thought they needed a lot more flow and pressure but they really did not, but those aside. But by using – utilizing the model, we were able to save us money....in – in the pump station alone by moving into the tower and it also benefited the airport. The original agreement we had with the airport was we were going to make pretty much the same improvements we were to the distribution system, not including the pump station, and we were going to pay the airport \$80,000, because...well, by – and by doing it in this manner, the airport was going to save money themselves...by us being able to boost the pressure over there, they were going to have to take our water and put a - a tank, a tower, and a – and a pump system over there. So by doing it in this manner, we save them cost, so instead of us paying them 80,000, they're ending up paying us 100,000. So that – that was a situation where we utilized the water distribution system without having that...in place and being able to talk with Arcadis about it and say, okay, what if we did this or the other and so forth. So that – that's the most recognizable...item. We looked at it also on the South Main tank...that – that sits down there and how we can better utilize that tank. Wasn't being able to – to turn water over. We put some pumps into the system, see how that – or into the model, see how that would be able to be able to turn the water in and out better, so that helped us on – on that one also.

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Mr. DeOrio: Okay. Thank you for that...clarification. Is there – are there any instances that you can recall or – or you could envision where, I guess what I'm trying to look at maybe is just thinking through the process, if it's an – if it's a...say an individual developer, maybe there's...somebody that wants to, you know, come into the City. Waterlines have not yet been extended to that area, but the...company wants to develop it. They're seeking, would they be seeking information from us that this water model would address? Or they're - do they have questions as regarding that?

Mr. Benekos: Right, they would. Like...the hotel up by the airport, if that were to go in and there's been other...other inquiries about a hotel in that area, and they would like to know what the flows and pressures would be if they extended a waterline. We had discussed that, not with Council, amongst Administration and with Arcadis, as to you know, is that a responsibility of the developer to pay those additional costs...or not. Arcadis did not want to have to collect from a developer. That's something where if we wanted to do that, to utilize that model for – for that reason, that we would have to charge the developer for that...and recoup our costs to Arcadis. So that is a possibility we could pursue if Council wishes to – to pursue that. So, to answer your question, yes.

Mr. DeOrio: Yep, well, you – you – you go right to the point and it's been entered with some discussion last week at – or after the Council meeting about that and...it – it bring – it does bring up an interesting point...I – it doesn't affect me as far as moving this along because I can see that there are applications for this that we're using to try to reduce our costs...in the – in the case of those individual...developers and – and the City bearing the...costs versus the developer...course you know, I guess, extending the lines themselves, they usually bear that cost, should this be another cost they – they bear, I guess it comes down to trying to decide, you know, whether or not it's promoting economic growth to absorb it or retarding it by passing it on, I guess that's a judgment call that we'd certainly appreciate the – the Administration's thought on at some point. So, that's all. Thank you very much for that. Mr. President, I would, unless there's...further commentary, I would move for adoption Ordinance No. 44-07.

Mr. DeOrio moved and Mr. Snyder seconded to **adopt the first reading of Ordinance No. 44-07**. All members present voting.

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

No: Magel.

Mr. Foltz: Everybody? Okay. Before we get into reports...I believe it was in your – your file last week, there was a request to waive the rental fee for North Canton Civic Center...Mayor'd like to address whoever...wants to attend the meeting, State of the City meeting...at the Civic Center for Tuesday, April 24<sup>th</sup> at 7 p.m. Usually that's been a - a morning or breakfast session.

Mayor Held: Right.

Mr. Foltz: and...we're asking to waive the fee for the Civic Center to have this...this meeting. So Gail, all I need's a vote – voice vote on that...inaudible...Okay, do I have any discussion or, do we have a vote?

Mr. Snyder: Mr. President, I think that's appropriate use of the facility.

Mr. Foltz: We've done it in the past, and Cathy Dunlap sent us a letter to everybody, should have that in your file, so. Okay, Gail?

Voice vote to **waive the rental fee for The State of the City meeting, April 24, 2006 at 7 p.m.** All members present voting.

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

No: 0

## REPORTS:

Mr. Foltz: Very good. Director of Law, report?

Mr. McFarren: Nothing.

Mr. Foltz: Nothing? Finance Director.

Mrs. Herr: No report.

Mr. Foltz: Director of Administration.

Mr. Wise: The weather has vastly improved over the last week or so, that's good and bad. There are a lot of potholes...there are a number of issues, we're starting to...really crank up some, or soon to be cranking up some construction projects...South Main, they are, I think

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7:00 p.m.

20

07

they're putting in still the gas line and they're - they're holding up some of the things...they weren't planning on starting until the middle of April anyways, this is unusual weather. But they are doing some things down there...hopefully getting a little jump on that. Number of waterlines that we did throughout...January and February but...there will be some other things progressing now.

Mr. Foltz: I had a question. Is the part we finished last year, is that going to get repaved earlier than later or are they going to wait to finish that second phase?

Mr. Benekos: On....

Mr. Wise: From Easthill to Mississippi?

Mr. Foltz: Yeah, from Easthill north. You know where's it's kind of rough, they just got a - a base coat down.

Mr. Wise: Right.

Mr. Benekos: Yeah. That - that won't get paved until the whole project...

Mr. Foltz: 'Til they're all finished.

Mr. Benekos: gets paved.

Mr. Foltz: Okay, so we can expect that probably this summer.

Mr. Wise: Yeah.

Mr. Foltz: Okay. Just - just for my clarification. Okay, then, we were still waiting on estimates from...refuse company...

Mr. Wise: Yes.

Mr. Foltz: on their meeting.

Mr. Wise: I haven't got - I did get some information...but not from Republic yet, so...

Mr. Foltz: Okay, so we'll - we'll talk on - we'll talk about that later then? E.J.?

Mr. Wise: That'll be great.

Mr. Foltz: Thank you. Okay, Mayor?

Mayor Held: Yes. We have, I have two items. The first, I would like to share with Council, we do have good news from an economic development perspective. Waggoner's Chocolate had applied for a \$30,000...loan, to the Revolving Loan Fund, which is a partnership between the Stark Development Board, their finance corporation, and also the City of North Canton and our share in the Revolving Loan Fund is \$15,000 and the Stark Development Board, who reviews the applications, they're really the ones who have the expertise as far as the - the approval of the - of the loan...they'll provide a \$15,000 share. And so that was approved and...and so hopefully we can expect good things from Waggoner's Chocolate. Secondly, I did receive a letter from the Governor and I have...do we have copies...

Mr. Wise: Yes

Mayor Held: extra copies? And...it's not often that we do get a letter from the Governor, and so I would like to read this into the record. It says... this is from Governor Ted Strickland, it says "Dear Mayor." And this is in reference to...the executive budget proposal that he had proposed to the...General Assembly. "Before sharing with you a few (of the) key highlights from my executive budget proposal for fiscal years 2008 and 2009, I want to take this opportunity to thank you for your commitment to ensuring a better future for Ohio. A strong partnership between state and local government is vital to the safety and well being of our communities. For over seventy years, the Local Government Funds have represented an extraordinary partnership between state and local governments to share in revenues and assure an adequate level of community services. Recent state budgets have (not) provided the Local Government Funds with the stable, predictable, and sustainable funding source needed to provide critical services to the community, including support for fire and police protection. In fact, given the tax changes enacted in the last General Assembly, the Local Government Funds would have decreased significantly since the prior formula was based on certain tax revenues reduced or eliminated in the last budget. In addition, (and) as you are all well aware, there has been a freeze on Local Government Funds in place since fiscal year 2002. I am committed to ensuring the state is a responsible partner. To that end, I am proposing a stable, predictable and sustainable funding source. Building on the hard work of the Local Government Fund Task Force, my budget recommendations will (be as follows): 1. Provide dependable - provide a dependable source of support for local governments and libraries by committing a set percentage of all tax revenues deposited into the General (Revenue) Fund (GRF). Secondly, develop a new system to allocate the local government

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funds based upon population growth, which is a fairer distribution system than the current formula. Note that the entity – note that no entity will receive less under the new framework than they did under the freeze that has been in place since fiscal year 2002, and that the method to allocate funds to local libraries will not change. ( 3.) Under the new system, beginning in 2008, the following will occur. A. Local governments will receive 3.65% of the total GRF (General Fund)... tax revenues annually. Local libraries will receive 2.2% of (the) total General – General Fund (GRF) tax revenues annually. As the General Fund (GRF) revenues increase, local governments will share in the growth. No entity(ies) receives less under the new system than they did under the freeze in place since fiscal year 2002. Entities will receive an increase of \$16.8 million during the biennium." He closes with "I believe this proposal will result in a stable funding source, with (the) predictability needed for adequate planning at the local level. In addition, we have fine - fine-tuned and updated the formula for a fairer statewide distribution method. State and local governments are inextricably linked, and our partnership is critical to turning Ohio...turning around Ohio. Your support during the (this) next phase of the budget process is critical to making sure that the above provisions and others remain in the budget as the proposal moves through the legislative process. I hope you will join me as we take this first step to Turn Ohio Around – first step to – to Turnaround Ohio. Thank you, and I look forward to our ongoing efforts as we work together for Ohio's future. Sincerely, Governor Ted Strickland." So I think that that's...that's certainly sounds encouraging from the letter and...that's all I have.

Mr. Foltz: Okay, thank you. City Engineer?  
Mr. Benekos: No report.

## REPORTS – COUNCIL:

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

Mr. Foltz: Member Lane?  
Mr. Lane: Just once ...  
Unidentified: Geez.  
Mr. Lane: I'd like her to have a report.

Mr. Foltz: Excuse me?  
Mr. Lane: I said just once, I'd like her to have a report. I think it would be intriguing what she would have to say after all this time.

Mr. Foltz: You want to put that in the Council rules, that she'd have to give us a report?  
Mr. Lane: But only five minutes, only five minutes, that's all she gets.

Mrs. Kalpac: You might not like it.  
Mr. Foltz: You don't get on her bad side here.

Unidentified: Memoirs.

Mr. Lane: Administrator Wise was talking about South Main, is there any word on when McKinley's going to start? Do you have any idea, I had a couple of questions from Y goers?

Mr. Snyder: '09 I think that's scheduled.  
Mr. Lane: That's paid for though.

Mr. Benekos: I – I think they should be starting here within the next couple of weeks.  
Mr. Lane: Okay, alright. Yeah, they said some people were concerned about how to make their way up and down McKinley on that. I think that was all I have, I've already put my commercial in for the forum and thank you for your help, Mr. Morbito. Did you want us to save these pictures, or did you want these back?

Mr. Morbito (from audience): You can have them.  
Mr. Lane: Okay, I'll make sure that I get them back to Earle and – and to David. Thank you.

Mr. Morbito (from audience): Thank you.

Mr. Foltz: Okay, Member Snyder?  
Mr. Snyder: No, I have nothing.

Mr. Foltz: Member DeOrio?  
Mr. DeOrio: Yes, a couple items. First, in response to...general dialogue that was had at the last Committee of the Whole meeting...the chorus...song broke out of "Oh, Julie, oh Julie" We'll give it to Julie to find money for these various things, and I just want to remind members of Council that the – that the budget that was developed...last year, but more so this year, is not that kind of budget. That process of just over appropriating money and providing

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opportunities to transfer monies freely to make sure that various things got done, that don't exist any more. So, I'd...appreciate if we, you know, don't put our...Director of Finance in a...difficult position...by thinking that we can just fall back on her and put a burden upon her to find things. That – that doesn't exist anymore. Those days are done. Moving on, encouraged with what the Mayor just said and read into the record, however, what we get on the one hand, they seem to take away on the another, at least have the possibility to, and want to bring your attention to three things that we may have to do...certainly...inaudible...we'll have to do if – if this passes. The – the legislature is considering...changes...in how Mayor's Courts are run and...they're changing it to a format of community courts...if you're a population the size above 1600 people, we'd still have the ability to run a community court...we'll have a magistrate. Council will set the magistrate's salary. If necessary, Council can appoint a Clerk of the Court for that, and it allow it, you know, shouldn't result in any loss of revenue, but it's going to result in an ordinance that's going to have to – to come into play. Their timeline of course, can be changed, but they're looking to have this passed and in effect by January 1, '08. Second, they're – the state is getting very creative in...their regulations and as it relates to...what companies that are providing video services, the cable companies, telephone companies are getting into to you know, cable, that kind of thing. Presently...franchisees of – or franchises of this are – are granted under local ordinances and our local ordinances define what...is gross revenue, and therefore what we're able to collect off of that and believe it's up to 5%. The – what the legislature's doing and with Senate Bill 117 is to allow these corporations to reorganize under a statewide franchise instead of a local franchise. And under the statewide franchise they redefine what is gross revenue, and it's not as much as what it would be if it was under a local interpretation of – of the franchise, which is going to result then in lower revenues, because the belief is that, like Time Warner, will pull out and just reorganize under a statewide franchise...and the definition of gross revenue is going to be diminished, and therefore our shares would be diminished, that's going to be something that we'll want to watch on and I'm going to ask the Council Clerk to contact State Senator Kirk Shuring's office to see if we can get a copy of the Senate Bill 117. I'd like to read that. Mr. Giavasis alluded to it earlier, but there are also changes afoot for estate tax...Would also like to contact our State Representative for a copy of House Bill 3 and House Bill 4, both propose eliminating the estate tax. House Bill 3 proposes eliminating it by January 1<sup>st</sup> of '08. House Bill 4 plans a phase in and allows for municipalities to decide whether or not they want to impose their own estate state ordinance. Now this is a real – this is a real bad piece of legislation, because what your going to do, if you allow this, is you're going to then pit – instead of it applying uniformly throughout the entire State of Ohio, what you'll pit then is one community against the other community...you'll say well, North Canton, we won't have the estate tax, but Jackson Township will, or somebody else won't, and you'll end up affecting...another unintended consequence of wild valuations in – in – in what's happening in your communities based on changes in the estate tax. So, if we can get copies of those, maybe it'd give us an opportunity to weigh in, just individually, I'm not looking for something from Council, but just make everybody aware of what's – some potentially...bad news of – on the finance side because of what's happening in Columbus. Thank you.

Mr. Foltz: Okay, Member Hines.

Mrs. Hines: I have two short things. One is the EMT – P the Firefighter entry level exam is scheduled for May 2<sup>nd</sup> at 6 p.m. in the Civic Center and...this Thursday the Charter Revue Commission will be meeting here at Council Chambers at 7, to go over and discuss Article V, Nominations, Elections, and Qualifications, with a five minute public speaks after. On just that...inaudible...those particular items. That's it.

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

Mr. Repace: No report.

Mr. Foltz: Member Magel.

Mrs. Magel: Yeah, just for the record, Chairman Lane, I did call...Mr. Repace and...ask that the portion or all of the \$40,000 please to consider...

Mr. Foltz: Mr. Benekos.

Mr. Repace: You called me?

Mr. Foltz: He said Member Repace.

Mr. Repace: ...inaudible...you called me?

Mrs. Magel: I did?

Mrs. Hines: Yeah.

Mr. Repace: \$40,000? That's my girl.

Mrs. Magel: Let me tell you something. I did not have a cough and I felt healthy before I came here and sat...between these two.

Mr. Lane: Didn't we buy a new air conditioner for this building at some point in time?

Mr. Snyder: Last year, year before that.

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Mayor Held: Is it hot in here?

Mr. Lane: Just a little.

Mrs. Magel: I spoke with Mr. Benekos and – and – and put in the road Irondale. Just thought you'd like to know that. If you want that in writing, I will or, but I ...

Mr. Snyder: What's that? Oh for Iron.

Mrs. Magel: yeah, but I just wanted you to know. 'Cause that's your committee. Alright, second, Mr. Benekos, I would hope that...you would put the rest of Wilbur on a priority at – this party did not know that that was engineered a number of times that we had spoke and...if you could complete that and give me a call whenever it is, I sure would appreciate it. Okay; thank you.

## ADJOURN:

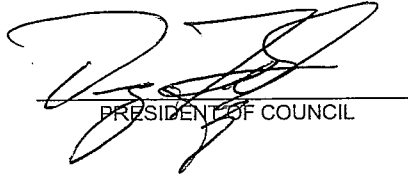
Mr. Foltz: Okay, final call for new business from Administration or Council members. Seeing none, is there a motion to adjourn?

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

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

No: 0

Meeting adjourned at 9:53 p.m.

  
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PRESIDENT OF COUNCIL

ATTEST:

  
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CLERK OF COUNCIL

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