

**RECORD OF PROCEEDINGS**

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, May 22, 2006 7:00 p.m. 20 06

## CALL TO ORDER:

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

## ROLL CALL:

Mr. Foltz: Gail, please call the roll.

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

Mr. Foltz: Yes. Do we have a motion to excuse our Finance Director, Julie Herr? She was taken ill earlier today.

Mr. Snyder moved and Mr. Lane seconded to excuse Mrs. Herr from the meeting. All members present voting:

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

No: 0

5. Consideration:

Minutes of Council Meeting: 5/08/06  
Financial Statement – April, 2006

Mr. Lane moved and Mrs. Magel seconded to approve the Council Meeting Minutes and April, 2006 Financial Statement as presented. All members present voting:

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

No: 0

6. Committee Reports:

**Finance & Property:** Refer to the minutes on file in the Council Office of the Finance & Property Committee held May 15, 2006.

**Ordinance, Rules & Claims:** Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee held May 15, 2006.

**Water, Sewer & Rubbish:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee held May 15, 2006.

Mr. Snyder moved and Mrs. Magel seconded to accept the Committee Minutes of May 15, 2006, as presented. All members present voting:

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

No: 0

7. Recognition of Visitors.

Mr. Foltz: Anyone who'd like to speak in front of Council, please come up, state your name and address. Okay, seeing none, we'll go right into "Old Business."

Unidentified Speaker: One.

Mr. Foltz: I'm sorry. Oh, sure.

Mr. Santangelo (Later Identified): Since nobody's talking, I will. No. I know most people – they come up here – I'm not here to complain. I just want to – I thank everybody, individually. I came a couple months ago. I worked on the school levy and did a lot of the endorsements. And I really didn't ask you guys, as a whole – like the City Council Meeting – I didn't want to get into that. But, individually, a lot of you said, you know, you'd support it; and we won by, you know, a big margin: 500. But, with that said, I was able – I'm in the Hoover Sideliners, and we funded – or helped fund the project recently for the Hoover High School Video Department. I don't know how many of you know about this. But they went down – our students – a few of them went down – a cameraman and a couple reporters and a couple riders – all students. They went down to Katrina. And what had happened, I think some of the students was – a couple of the kids were in North Canton to start the year, and they got to know these kids pretty good, and they went down there. And they're showing it

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(student-produced documentary "Pieces of Paradise: Rebuilding Bay St. Louis") to the public tonight at 7:30 at the Performing Arts. But that's not why I was here. Since I'm in the Sideliners, they asked some of us – we were able to go this morning and view it at the high school with the kids. And I saw Mayor Held and E.J. there. It was absolutely unbelievable. And starting Tuesday morning, or Tuesday night – do you have a time, Dave?

Mayor Held: I'm not sure of the time.

Mr. Santangelo: They're gonna start showing it on Channel 11, and it's very, very emotional. Our kids, you know, did an unbelievable job to get that. And it's really emotional. I did walk out of there. I told Dave and E.J. I live on Cordelia Street. Well, first of all, the footage is there. I mean, it looks like you can even tell they're – I mean they're getting back, but it's still absolutely devastating. And they said the pictures probably don't do justice. I did, when I walked out, said something to Dave and Earle. I said, you know, I'm on Cordelia now. And they're putting in waterlines and whatever, which we need. But, you know, they're digging up my front yard, and it's, you know, it's a mess. And if you watch this – if you watch the video there, it kind of puts everything in prospective. I said I don't care about my yard, you know, as far as the City can take their time. But I would recommend – they're going keep showing it, and showing it and showing it. And, you know, if you enjoy it, be sure and let High School kids know that, because it was outstanding. I'm sure he'll talk about that later. That's all. Okay.

Mr. Foltz: Okay. Appreciate those comments. Anyone else like to come up and address Council this evening?

Unidentified Speaker: Oh.

Mr. Foltz: Sir – you wanted to address Council? Sure. Come right up.

Mayor Held: Mr. President, for the record, I don't know if Mr. Santangelo mentioned his name or not.

Clerk Kalpac: No.

Mr. Foltz: We took it for granted – we all knew him.

Mayor Held: No, but when they're doing the minutes, so that they –

Mr. Foltz: For the record do it. Appreciate your comments.

Mr. Santangelo: Okay.

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

Mr. Spencer: My name is Neil Spencer. The address is 221 Summit Street, SW, and I visited Council before to find the details about the street paving and the new waterline that was going in with some request for curbs and gutters. This is just a progress report. Of the 11 property owners, several of them are out of the country. And we're hoping to get them through faxes or whatever, but I have this letter prepared to the Mayor, actually, to pass along to Council. And we'll have the rest of the signatures just as soon as we can contact people that are out of the country.

Mr. Foltz: Okay.

Mr. Spencer: And I could read the letter to you, if you'd like.

Mr. Foltz: That's fine.

Mr. Spencer: North Canton has many historic streets. The first block of Summit, SW is one of them containing the historic homes of Boss Hoover's sons, Frank and Dan, and grandson, Richard Hoover. Eleven owners currently constitute the ownership of this entire neighborhood, which, according to present plans, will soon be serviced with new eight-inch waterlines and new fire hydrants with the promise that next year gutters and curbing will be added as well. Well, it seems like the ideal time to handle the new curbs and gutters would be during the present repaving – not only aesthetically, but especially financially, so you don't have to pave the street twice like Bachtel, SW was done last year. Attached please find a copy of the current tax map. That's this map here, showing the ownership of all of the properties on – that are under discussion with signatures requesting that this be accomplished as a part of your current replacement program. Respectfully submitted, and then the 11 property owners. And some of them are two names, but we're working on it; and we'll get it to you as soon as we can.

Mr. Foltz: All right. Thank you, sir.

Mr. Spencer: Thank you for this opportunity to bring you up to date.

Mr. Foltz: Any comments from Council on that? No? Okay. Anyone else like to address Council this evening? All right. We'll go right into "Old Business."

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## OLD BUSINESS:

8. Mr. Foltz: May I have a motion to read by title only a third reading of Ordinance No. 64-06.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, third reading** of Ordinance No. 64-06. All members present voting:

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

No: 0

**Ordinance No. 64-06 – Third Reading**

An ordinance establishing a schedule of fees pursuant to Section 1171.06 of the Zoning Ordinance of the City of North Canton, and for permit fees, mechanical heating and cooling permit fees, plumbing permit fees and electrical permit fees pursuant to the One, Two and Three-Family Dwelling and Building Code of the City of North Canton, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you. Again, we're trying to be a little more proactive and bring these fees more in line with the fees of other municipalities of our size and our general geographic area. And we had not done that for some time, and we are, hopefully, going forward. At least every two (2) years or so, we'll look at these fees; because as our costs continue to rise, this keeps the City just a little more in line and does not take money from the General Fund budget, which is needed for other things. So, that being said, I urge and I ask that you adopt the third reading of Ordinance No. 64-06.

Mr. Foltz: Do I have a second?

Mr. Snyder moved and Mr. Lane seconded to **adopt the third reading** of Ordinance No. 64-06. 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. 70-06.

Mrs. Magel moved and Mr. Foltz seconded to **read by title only, third reading** of Ordinance No. 70-06. All members present voting:

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

No: 0

**Ordinance No. 70-06 – Third Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to exercise the option to extend the existing franchise contract for a two (2) year period commencing July 1, 2006, and ending June 30, 2008, for the collection of residential garbage, rubbish, recyclables and yard waste in the City of North Canton.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is – the administration had negotiated. We had an extra possibility of a two-year exercise option, and we chose to take from the year 2006 to the 2008. And I would recommend Council approve the third reading.

Mrs. Magel moved and Mrs. Hines seconded to **adopt the third reading** of Ordinance No. 70-06. All members present voting:

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

No: 0

10. Mr. Foltz: Next, do I have a motion to read by title only the third reading of Ordinance No. 71-06?

Mr. Lane moved and Mrs. Hines seconded to **read by title only, third reading** of Ordinance No. 71-06. All members present voting:

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

No: 0

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**Ordinance No. 71-06 – Third Reading**

Ordinance No. 71-06 repealing Ordinance No. 30-04, pertaining to the Assistant Director of Law position, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairperson Hines.

Mrs. Hines: Well, this is the ordinance that repeals Ordinance No. 30-04, which named an Assistant Director of Law. And, at this time, with the cell phones and the e-mail for communication, I think we can, you know, our Director of Law should be able to handle just about everything. Because most things take some time to review anyway, and to pay someone extra just to sit up here, we think, isn't necessary at this moment. It may be again, but not at this moment. So, I would just ask that we support this.

Mr. Foltz: Do I have a motion to adopt the third reading, then, of Ordinance No. 71-06?

Mr. DeOrio moved and Mr. Lane seconded to **adopt the third reading** of Ordinance No. 71-06. 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 second reading of Ordinance No. 72-06.

Mrs. Hines moved and Mr. Snyder seconded to **read by title only, second reading** of Ordinance No. 72-06. All members present voting:

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

No: 0

**Ordinance No. 72-06 – Second Reading**

Ordinance No. 72-06 amending Chapter 115, Rules of Council, specifically Section 115.01(e) MORAL CLAIMS of the Codified Ordinances of the City of North Canton, regarding the procedure for submitting and approval of moral claims, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you. We worked on this for several months and the last couple years, and we seemed to have hammered out the process of where the claimant would go to the Director of Administration, be submitted and, at that point, was reviewed with a written – some sort of written note so that everybody – there would be a little – a lot of trail. It would then be forwarded to the Director of Law for validity as to any liability upon the City, at which time it would be submitted to the insurance company. And the claimant would be notified, either up or down, as to what our ability or our legalities are to pay it, and it's still leaving the final last phase should they so chose and to appeal to the Council if they were denied the claim there. And it seemed that, I think last time, everybody was in concurrence with that. And there being no other changes or any discussion from anybody –

Mrs. Magel: Jon, I would just like to say if you recall last week I had just had that new one handed to me, and I said I'll pas it on the first one, because I plan not to have (inaudible). After further review, I found there were some gaps, and I think I even called you. I'm sure I did. I just wanted to add that into the conversation. Thank you.

Mr. Snyder: Okay. Are you comfortable now in this situation, or are you not uncomfortable with the way it is? Is that what you're saying?

Mrs. Magel: No. I had asked – don't you remember, I had asked that there be some changes. I think what we had agreed to isn't what it's in writing. But, you know, we've had five or so changes on this, and I don't want to pass something just to pass something. I'd like it to be – I think I told you this. We have dead-ends and some problems, and – but, you know, I certainly won't hold the vote up.

Mr. DeOrio: Well, if I can jump in.

Mr. Snyder: Please.

Mr. DeOrio: Yeah. This has been looked at, you know, so many different times. You can bet blue in the face with it. But, in putting this most recent draft together, I think it answers all the concerns that I had about this. Ultimately, it ends up in Council's lap. It comes to Council's lap via a recommendation from the Law Director. Either he's able to resolve it or

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he's not. And, with that, once it comes back to Council, it's up to Council to decide what they want to do with it, just as we did with Mr. Maronitis claim last week. This is, you know, it's – I think in my review of it, it's much better than what we have now in 111.05, and it's not to the length that was originally – that Jim and I originally drafted. But, in reviewing it with the Law Director, we've shortened that up so that it would be a little bit more concise. And there wasn't really a need to spell out everything that was in the two (2) pages that Jim and I got a little wordy on, I think. But, you know, in talking with Randy, he was comfortable with it. I think it gets us to where we need to go. For the amount of time that I think we've put into it, I think it's a good product. So, I would ask – or encourage everybody that – to go ahead and give it the – give it its second reading. I'm comfortable with it.

Mr. Lane: And my only question – and I did talk to Mr. DeOrio prior to the meeting just because I knew he was involved in this – is that it really doesn't spell it out in here that if somebody did have something denied that they could come back to Council or go to the courts for appeal. But I think that's an understood part, and that was my only question that I had after seeing this for the first time last week. I'm comfortable with the rest of it. And if that process is still there and we have not eliminated it, and it's, I guess, an underlying factor of this ordinance, then I don't have any problem with it.

Mr. Snyder: Member, excuse me. Member Lane, the purpose was originally to remove as much politics, because, as you know, last week it was a very uncomfortable situation – both for Mr. Foltz and myself – Mr. Foltz representing the business in his ward, myself representing the particular claimant's property. We hope that through this process that we can put the onus on the administration more than vice versa. But there will always be the citizen's right to appeal to Council, and they always do have the right to the common pleas. We cannot, you know, disenfranchise them to at least come to the Council and speak if they have a problem. But I think that was – I don't know, Mrs. Magel, do you have a little – do you have a short synopsis there – something that you're uncomfortable with on that?

Mrs. Magel: Well, sure. Thank you. I agree with absolutely everything you said. I thought the first part was we were going to put – as requested, by the way, by the Mayor – that the first step was going to be for administration. Yet, it says claimant – Step A – claimant shall complete an incident form, a copy of which shall be forwarded to Council members. I thought I recall the Mayor had asked that the incident report not be actually written for until, perhaps, the two of you or both of you or one of each of you could maybe smooth things out in, I believe you said, approximately 90% of the time.

Mayor Held: Well, I guess – if I can comment on that. Really, I think this last meeting that we had where we had the two (2) residents that made a claim to City Council in the form of a moral claim – I think, really, that gives us a perfect example of how we might consider the process. Because I think one of the members of Council even said, I'm not sure; I don't have enough information. And that, usually, is always the case whenever you have a situation like this. There's really never enough information. And, then, we want to make sure that the interests of the individual who is filing the moral claim has their side properly communicated. And, in this particular instance, the resident did not make any comments. So, the information that's being exchanged was really the information presented by the resident to the City Administrator, which may not be the complete picture. It's just what our City Administrator could grasp from the situation. That's why we would always encourage the resident, or the person that's making the claim, to put all of their information that they feel is necessary in writing so that they, then, can feel that they were properly represented and not accuse the Administration or Council or the Law Director of improperly representing their interests.

Mrs. Magel: Right. But it says claimant shall complete an incident form. It never says administration – a copy of which shall be forwarded to Council members.

Mr. DeOrio: Well, in the next section, it says that the administration is the one –

Mrs. Magel: Right.

Mr. DeOrio: -- who investigates the claim. If there's –

Mrs. Magel: That's where I'm telling you. There's a gap.

Mr. DeOrio: No, that's not a gap.

Mrs. Magel: There's a gap throughout this.

Mr. DeOrio: That's a, that's a step in the process. If the administration can settle the claim before – if the administration can settle the incident before it becomes a claim, then there's no reason to go through the moral claim process. If they're able to smooth the waters, then it's handled from the administration. It's smooth. There's no point to – there's no reason to go to the first step under moral claims. That's been resolved. So, if it's the smoothing of the waters that the administration can do, they do that. There's no need to involve Council at that point. There's no need to make that part of the process. So, if they complete an incident form with all the particular information, I'm not sure which one of the members of

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Council – I'm gonna pick on Doug Lane, because that's just my recollection at the moment – thought it was a good idea. If it wasn't Doug, then whoever else wants to take credit for it –

Mr. Lane: It's a good idea. I'll take credit for it.

Mr. DeOrio: I thought it was a good idea to let --

Mrs. Magel: If it's right, it's yours.

Mr. DeOrio: -- to let the other members of Council who – maybe that constituent lives in their ward – to kind of let them know what's going on. I think it was you that had mentioned that.

Mr. Lane: Yeah, it's the head of the Ward person and the three at large. So that if that individual were to happen to contact us, or we were to stumble across them at some point in time, the other ones would have an idea of what's going on.

Mr. DeOrio: So, that gets you to, you know, so now we know if there's – if something has happened, it's not been able to be smoothed over, and an actual – the actual process is now starting. So, we're gathering information, and then the next thing, the administration begins the investigation.

Mr. Foltz: Let me have a follow-up comment. In fact, Member Lane brought it up, and I'll address this to Chairman Snyder or Member DeOrio. I believe he probably had some input in this, so, it says D – Director of Law makes assessment as to potential liability. If the Director of Law says there's no legal liability, what happens next?

Mr. Snyder: Well, I think it was the spirit of the particular ordinance is if the claimant says fine and walks away but is not satisfied with that, it goes back to the fact they could still address the Council.

Mr. Foltz: As is done now.

Mr. Snyder: As is done now.

Mr. DeOrio: Yeah, and in E – the Director of Law will attempt to resolve the claim. If he is unable to resolve it, he can't get a resolution. He shall forward a recommendation to Council.

Mr. Snyder: It's very similar to like last week with the claimant. They had presented their claim, and we left that step out of the equation. So, they come to us with appliances and meters and so forth – they're really – that any reasonable individual would know would be very difficult to be damaged with ten (10) inches of water. But had it gone to the administration and Law Director, they could have probably negotiated some type of settlement at that point. That would have been the end of it. That's really the purpose of it.

Mr. Foltz: Yeah, I'm not here to circumvent this. That's been my opinion all along. When we see D – Director of Law makes assessment to potential liability, as was discussed at the last committee meeting, and then Council kind of banter around with the situation and ends up – let's go back and look for some kind of --

Mr. Snyder: Look for some ground --

Mr. Foltz: -- middle ground. I don't know what else to say, Member Snyder.

Mr. Snyder: That's true. That's right.

Mr. Foltz: I mean, that's what's ambiguous here, to me. I mean, I understand how that worked. And that's what we always dealt with before. Moral opts always came up because there was no legal liability – or else they were paid. So, that's my two cents worth again. If Council feels this is the working document they want to approve, I'm not – I'm willing to try it, but I don't see where it makes a situation any better.

Mr. Repace: Well, Doug, you said each one should be judged on its own merit. You said that before, and I totally agree with that. Each case should be judged on its own merit. If there's some merit that might not be – the Law Director might think, well, this isn't by law something we're required to do, but there might be merit for the claim. That's where Council would discuss that. And I certainly when we – when Jon, Pat DeOrio and myself – originally tried to draft this thing, we wanted to make sure that was covered. Because there could be areas that you'd want to take a second look at an issue. You know, everything's not black and white, and I certainly don't want to make it black and white. You know, I think what we've done is cover every single step here. The body of us have reviewed it. The administration has discussed moral claims. The Law Director has reviewed it and tweaked it. I think this thing is ready to go.

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Mr. DeOrio: And as far as the Maronitis claim goes, yeah, I think that there are mitigating circumstances there. We can disagree on that, but when an employee goes out and represents that everything's going to be taken care of, that's a mitigating circumstance. And, so, that's why I recommended and suggested that it go back to the Law Director to see if there's any – and who knows what they'll be able to work out, if anything?

Mr. Foltz: Okay. Not to put you on the spot, Member DeOrio, but if that comment wasn't made by an employee, do you feel that that situation would have went as is it did last week to be reviewed?

Mr. DeOrio: No, I don't. No.

Mr. Foltz: Okay. Fair enough. Then I just want a clear understanding how Council is thinking on this. That's all. That's my comment. So, I don't know if anybody has any additional ones or –

Mr. DeOrio: Well, I think that's why Member Magel suggested that – you know, update the handbook or whatever to try to prevent these things from happening in the future.

Mr. Foltz: Well, it's all about communication. So, okay. Fair enough. Any other comments? Or, we're looking for a motion for – to adopt the third – the second reading, excuse me, of Ordinance No. 72-06.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the second reading** of Ordinance No. 72-06. All members present voting:

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

No: Magel

12. Mr. Foltz: Next, may I have a motion to read by title only the second reading of Ordinance No. 73-06.

Mr. DeOrio moved and Mr. Lane seconded to **read by title only, second reading** of Ordinance No. 73-06. All members present voting:

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

No: 0

**Ordinance No. 73-06 – Second Reading**

An ordinance accepting the application for the annexation of certain territory known as the Chambers/Pittsburg Annexation containing 4.815 acres of land, more or less, in Plain Township to the City of North Canton.

Mr. Foltz: Chairman Repace.

Mr. Repace: This is an ordinance accepting the application for the Chambers/Pittsburg Annexation from Plain Township into the City of North Canton. It's located on the corner of Applegate and Pittsburg. That's it.

Mr. Foltz: Okay. Do I have a motion to adopt the second reading of Ordinance No. 73-06?

Mr. Snyder moved and Mr. Lane seconded to **adopt the second reading** of Ordinance No. 73-06. 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. 75-06.

Mr. DeOrio moved and Mr. Lane seconded to **read by title only, second reading** of Ordinance No. 75-06. All members present voting:

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

No: 0

**Ordinance No. 75-06 – Second Reading**

Ordinance No. 75-06 authorizing the North Canton Police Department to apply for, accept and utilize State of Ohio funding for the D.A.R.E. Program for the period of August 1, 2006, through June 30, 2007, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

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Mr. DeOrio: This D.A.R.E. Grant is one that we've applied for many times over the years and have been successful in obtaining it. And it pays for a significant portion of our – of the D.A.R.E. Officer, and I recommend and move that we adopt Ordinance No. 75-06 for its second reading.

Mr. DeOrio moved and Mr. Lane seconded to **adopt the second reading** of Ordinance No. 75-06. All members present voting:  
 Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio  
 No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 75-06?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 75-06. All members present voting:  
 Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz  
 No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of rules Ordinance No. 75-06.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance No. 75-06. All members present voting:  
 Yes: Lane, Magel, Repace, Snyder, DeOrio, Foltz, Hines  
 No: 0

Mr. Wise: Mr. President, if I may, before we move to the next issue. There were two (2), in fact, D.A.R.E. graduations this week – one at Northwood for the fifth graders and one at Orchard – I'm sorry – Clearmount for the fifth graders there. They were really very nice ceremonies, and I'd like to thank Member Hines, who was able to attend both of those – both at Northwood and Clearmount, and Member Lane, who was able to attend the one at Clearmount. Those are, unfortunately, for most individuals, scheduled in the middle of the day – 1:30. There's one in Greentown, which is in our school district, not in the City, this Thursday at 12. But I appreciate everyone's support with regard to that program.

Mr. Foltz: Okay. Thank you, Administrator.  
 Mr. Wise: Thank you.

14. Mr. Foltz: Do I have a – I have a request here for a motion to amend Ordinance No. 76-06 to include an emergency clause.

Mr. DeOrio: Yes, you have a motion to do so.

Mr. DeOrio moved and Mr. Lane seconded to **amend** Ordinance No. 76-06 to include an emergency clause. 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 second reading of Ordinance No. 76-06, as amended.

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only, second reading** of Ordinance No. 76-06, as amended. All members present voting:  
 Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane  
 No: 0

**Ordinance No. 76-06 – Second Reading**

Ordinance No. 76-06 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service contract to provide legal consulting services during negotiations with the employee collective bargaining units, at a total cost not to exceed \$15,000.00, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes. I knew there was something about this that was escaping me until you made that motion to amend. And that was we wanted to amend it to actually do this on an emergency, because going through the regular readings and 30-day wait on this will put us, like, you know, just on the outskirts of when these labor contracts expire. So, since people are ready to begin work on it, I think we should have the legislation in effect and passed and all that done before they actually start doing the bargaining.



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Mr. Foltz: And, just for the record, Bob Tscholl called earlier and will not be able to make our Executive Session. So, obviously, there's no need to have that. So, just put it in the record now. Any other comments? If not, we'll – may I have a motion to adopt the second reading of Ordinance No. 76-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 76-06, as amended. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 76-06.

Mr. Lane moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 76-06.

All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to adopt under the suspension of the rules for Ordinance No. 76-06.

Mrs. Magel moved and Mr. Snyder seconded to **adopt under the suspension of the rules** for Ordinance No. 76-06. All members present voting:

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

No: 0

## NEW BUSINESS:

15. Mr. Foltz: Do we have a motion to read by title only the first reading of Ordinance No. 77-06?

Mrs. Hines moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 77-06. All members present voting:

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

No: 0

**Ordinance No. 77-06 – First Reading**

Ordinance No. 77-06 approving, confirming and accepting a Wellhead Protection Easement ("Easement") for and in consideration of \$500.00 and other valuable consideration, Ralph A. and Edna G. Stertzbach ("Grantors") do hereby give and grant unto the City of North Canton ("Grantee"), an Ohio municipality, its successors and assigns, an Easement to protect public water supply well from possible sources of contaminations over, under and through the premises in, under and upon certain real estate owned by the Grantor, also known as Parcel No. 5501483, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is in anticipation of Well #9. It's required by the EPA that there be a 300-foot easement. Within that 300 easement, we're running into some of the East Maple property owners. So, for this particular one, to fulfill our easement, we had to pay out \$500.00.

Mr. Foltz: Do I have a motion to adopt the first reading of Ordinance No. 77-06?

Mr. Snyder moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 77-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 77-06.

Mrs. Hines moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 77-06.

All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 77-06.

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Mrs. Hines moved and Mr. Foltz seconded to **adopt under the suspension of the rules** Ordinance No. 77-06. All members present voting:  
 Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane  
 No: 0

16. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 78-06.

Mrs. Hines moved and Mr. Lane seconded to **read by title only, first reading** of Ordinance No. 78-06. All members present voting:  
 Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel  
 No: 0

**Ordinance No. 78-06 – First Reading**

Ordinance No. 78-06 approving, confirming and accepting a Wellhead Protection Easement ("Easement") for and in consideration of Two Thousand Dollars (\$2,000.00) and other valuable consideration, Gene A. Luzio ("Grantor") does hereby give and grant unto the City of North Canton ("Grantee"), an Ohio municipality, its successors and assigns, an Easement to protect public water supply well from possible sources of contaminations over, under and through the premises in, under and upon certain real estate owned by the Grantor, also known as Parcel No. 5501515, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is very similar to the one we just did. This is a separate – this is a second resident also on East Maple. It's the same wellhead, but the 300 radius now will be into the second piece of real estate, and it will be for the amount of \$2,000.00.

Mr. Foltz: May I have a motion to adopt the first reading of Ordinance No. 78-06.

Mr. Snyder moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 78-06. All members present voting:  
 Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace  
 No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 78-06.

Mr. Snyder moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 78-06. All members present voting:  
 Yes: DeOrio, Foltz, Hines, Lane, Magel, Repace, Snyder  
 No: 0

Mr. Foltz: Next, may I have a motion to adopt under the suspension of the rules for Ordinance No. 78-06.

Mr. Snyder moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 78-06. All members present voting:  
 Yes: Foltz, Hines, Lane, Magel, Repace, Snyder, DeOrio  
 No: 0

17. Mr. Foltz: We need a motion to read by title only the first reading of Ordinance No. 79-06.

Mr. Lane moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 79-06. All members present voting:  
 Yes: Hines, Lane, Magel, Repace, Snyder, DeOrio, Foltz  
 No: 0

**Ordinance No. 79-06 – First Reading**

Ordinance No. 79-06 approving, confirming and accepting a Perpetual Water Main Easement ("Easement") for and in consideration of One Dollar (\$1.00) and other valuable consideration, DeHoff Agency, Inc. ("Grantor") does hereby give and grant unto the City of North Canton ("Grantee"), an Ohio municipality, its successors and assigns, an Easement to lay, re-lay, construct, install, maintain, operate, alter, inspect, repair, remove, replace and renew, at will, a water main for conveying potable water and all appurtenances thereto with the right of ingress and egress at any time to and from such water main and all appurtenances thereto on, under and through the property, known as Parcel No. 2013731, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

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Mrs. Magel: Yes. This also is an easement, although it's for completely different reasons. This is property owned by DeHoff Agency. It's needed for the easement for Water Tower #2 Pump Station. It's for the amount of One Dollar (\$1.00).

Mr. Foltz: Very good. Do I have a motion to adopt the first reading of Ordinance No. 79-06?

Mrs. Hines moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 79-06. All members present voting:

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

No: 0

Mr. Foltz: Do I have a motion to suspend the rules for Ordinance No. 79-06?

Mrs. Magel moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 79-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 79-06.

Mr. Lane moved and Mrs. Magel seconded to **adopt under the suspension of the rules** Ordinance No. 79-06. All members present voting:

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

No: 0

18. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 80-06.

Mrs. Hines moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 80-06. All members present voting:

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

No: 0

#### Ordinance No. 80-06 – First Reading

Ordinance No. 80-06 authorizing the Mayor of the City of North Canton to enter into an Agreement by and between the City of North Canton and the Board of Stark County Commissioners for Community Development Block Grant funding in an amount not to exceed \$99,325.00 for the 6th Street NE Waterline Improvement Project, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes. This is a CDBG Grant for 6th Street. And I would, again, like to thank Eric Bowles, our Economic Developer. This is – I'm thankful for it, and thank you very much.

Mr. Foltz: With that, may I have a motion to adopt the first reading of Ordinance No. 80-06.

Mrs. Hines moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 80-06. All members present voting:

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 80-06.

Mr. Snyder moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 80-06. All members present voting:

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

No: 0

Mr. Foltz: Now may I have a motion to adopt under the suspension of the rules for Ordinance No. 80-06.

Mr. Snyder moved and Mrs. Hines seconded to **adopt under the suspension of the rules** Ordinance No. 80-06. All members present voting:

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

No: 0

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19. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 81-06.

Mr. DeOrio moved and Mr. Repace seconded to **read by title only, first reading** of Ordinance No. 81-06.

**Ordinance No. 81-06 – First Reading**

An ordinance providing for the issuance and sale of \$1,500,000.00 notes, in anticipation of the issuance of bonds, for the purpose of paying a portion of the costs of acquiring the premises known as Arrowhead Country Club located at 1500 Rogwin Circle SW in the City of North Canton, Ohio, and declaring the same to be an emergency.

Mr. Foltz: I'm sorry. I guess we did not have a motion or roll.

Mr. Snyder: Clerk needs to call the roll.

Clerk Kalpac: One other thing – there should --

Mr. Snyder: You have to read the disclaimer from the --

Clerk Kalpac: Yeah. The Fiscal Officer Certificate.

Mr. Foltz: Thought I would read it after the first reading.

Clerk Kalpac: Oh, okay. All right.

Mr. DeOrio moved and Mr. Repace seconded to **read by title only, first reading** of Ordinance No. 81-06. All members present voting:

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

No: 0

Mr. Foltz: My apologies. And I'm here to mention that we're in receipt of a signed Fiscal Officer Certificate for the Ordinance No. 81-06 for the record. It's already been read, so now we need a motion to adopt the first reading of Ordinance No. 81-06.

Mr. DeOrio moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 81-06. All members present voting:

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

No: 0

Mr. Foltz: I'm sorry, Chairman DeOrio. Did you want to say anything – did you want to give us additional information? I need to start over on this one.

Mr. DeOrio: No, I don't, if we're done.

Mr. Lane: You know what it is? Jack Bower's gonna save the world in about 15 minutes. We gotta get it there fast.

Mr. DeOrio: No. Just for Julie's benefits – since she isn't here. She worked – she's worked hard on this that we want to pay down \$300,000.00 of the Note from 1.8 to 1.5 million; and, because these are taxable notes, the interest rate that we will offer is a little bit higher. Our intent is to find some buyers on the open market; and that way, we won't have to use our capital. But, if not, we can purchase these and, you know, pay the interest to ourself.

Mr. Foltz: Okay. Thank you for your comments. May we have a motion to suspend the rules for Ordinance No. 81-06.

Mr. DeOrio moved and Mr. Repace seconded to **suspend the rules** for Ordinance No. 81-06. All members present voting:

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

No: 0

Mr. Foltz: Now, may I have a motion to adopt under the suspension of the rules for Ordinance No. 81-06.

Mr. Repace moved and Mr. DeOrio seconded to **adopt under the suspension of the rules** Ordinance No. 81-06. All members present voting:

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

No: 0

Mr. Foltz: Before we get into reports, just to mention that Monday, May 29th, is a fifth Monday of the month. Therefore – and also Memorial Day – so there will not be a meeting next week. With that, we'll look for reports from Director of Law.

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## REPORTS:

Mr. McFarren: Well, according to the news media, we have a pending litigation. So, therefore, it would be appropriate if all concerned withhold any comments upon that situation.

Mr. Foltz: Thank you, Law Director. Director of Administration.

Mr. Wise: Yes. With regard to Dogwood Pool, the Hoover High School last several years has used the pool – the gym classes have used the pool. This year they're asking to use the pool on Friday, May 26th – this coming Friday – for, I believe, a two or three-hour period where they take their gym classes over and use the pool for their gym period. And, then, again, on Tuesday, May 30th, for the entire day – that being from 7:25 a.m. to 1:45 p.m. It's my understanding that we provide some lifeguards for that. And, unless Council has some – unless there's some opposition to that, I intend to give them the go-ahead to go ahead and use the pool. And we would provide some lifeguards for those that day and – that day and a half period of time for the use of the Hoover High School gym classes at the end of the school year.

Mr. Foltz: Any comments from Council? Seeing this has been done in the past; right, Director?

Mr. Wise: Yes. Yes.

Mr. Foltz: This is one of those –

Mr. Wise: With regard to Monday – Monday is Memorial Day. There is a Memorial Day Parade that begins at 9 o'clock. The staging area is at the football stadium on 7th Street. It concludes here at the square, and there is, then, a short ceremony in Bitzer Park immediately following the parade. Also, South Main Project is moving along. The rain over the last week and a half to two weeks did considerably slow work there. However, they were still able to do some work on the bridge which, clearly, is the most important thing in this phase for the – getting traffic maintained or traffic back on Cleveland Avenue. It's my understanding they still seem to be pretty well on schedule. The schedule is to sometime over – I think in two weeks – to pour the cement deck of the bridge. That has to cure for a period of time, and then they'd be able to pave the bridge – put some lines on it and open to some – at least some limited traffic. So, that is still – at this stage, reports are that it is still on schedule for the bridge to reopen on time.

Mr. Snyder: That's the 13th of June – that would be the 90-day period?

Mr. Wise: No. The 90-day period would be July 3rd. We closed it on April 3rd.

Mr. Snyder: Oh, that was April 3rd?

Mr. Wise: Right. That's the – it will be the 90 days. And if we get it done sooner than that, we'll certainly push to get it open as soon as possible.

Mr. Snyder: They would get a penalty on the 4th day of July?

Mr. Benekos: Yes.

Mr. Wise: And this past Wednesday?

Mayor Held: Yes.

Mr. Wise: Wednesday we had a group of, I think, 80-some second graders from Northwood who came into City Hall and had a tour. They had a fire truck here out in the parking lot. The kids got to look at the fire truck. They went down to the Police Department. Member Susie Hines had a class in Council Chambers on recycling. And, then, all of the kids were able to eat their lunch in here. And that evening we had a pretty extensive cleanup by the cleanup crew. But everything went very well, and I would like to thank Council for letting us use Council Chambers for that event. I think the school was very appreciative, and it went very, very well. Thank you.

Mr. Foltz: Thank you, Administrator.

Mr. Snyder: Did the Mayor – refuse to let them use your office, Mayor, or what?

Mayor Held: We didn't think it would be large enough to hold everybody.

Mr. Foltz: I'm sure that was on the tour. Mayor Held.

Mayor Held: Sure. And I'd like to add to what E.J. just mentioned. We did have the 80 students come rolling through here, and it really went very smooth. And we had various stations – the Police Department; we had Fire Department; and, as Susie knows, the pressure of entertaining the 25 kids for like 20 minutes or 30 minutes takes a little creative skills there, but did a real nice job. And what's interesting is the response we got from the children in their thank-you letters to the people that – all those that served for that event – what they loved most -- and this, I would say, is probably unanimous from all the letters we received from the students is they loved sitting in these chairs. They thanked us for sitting in

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these chairs. So, that was a big hit. And, then, also, too, elaborating on what Randy Santangelo had brought up about the viewing of the documentary that was put together by the North Canton Audio-Visual Department. I mean absolutely unbelievable! If you would not have known it was high school students, you would have thought that it was CNN that put it together. Absolutely fantastic! And, I have to admit, it was very emotional. And the kids did a great job, because I learned afterwards – because I thought, boy, they do such a fantastic job of communicating the script. And what I later learned – because they had limited resources – they couldn't write out the cards and allow the reporters to read the scripts; so they did it from memory. And – very, very impressive. And, so, it'll be playing on North Canton's own public station coming up here. And that's one other point that – I think it was five (5) years ago that we entered into an agreement with the Warner Cable. And that's why we have that – our own North Canton channel. And other Council members that have been on board here for some time know that. But, we had the opportunity. And it was a cooperative effort, because we didn't have the facilities at City Hall. But the school did. We passed that on, and it is the North Canton's own public station, and we're able to air whatever the school system deems as appropriate. And, from time to time, we do allow other communities to broadcast on that. But, fantastic job, and I would encourage everyone to take a look at it. Very nice. And, then, lastly, we are going to put together an Information Technology Task Force. And there's been a lot of talk. And Member DeOrio initiated the process of preservation of public records, which absolutely needs to be done. And what we'd like to do is, in cooperation with that, put together a task force that will address all of our information technology needs here in the City. And that'll be a cooperative effort on Council's end, and, then, also, on the administration's end. And I asked Member DeOrio if he would chair a task force to look into this, and he's willing to do that. And any one of Council that has any recommendations of others that may be able to provide information to that, we're certainly open to it. But what we'd like to look at is the preservation of public records. We'd also like to look at updating our website and, possibly, electronic filing of various kinds throughout the departments just to make things run a little bit smoother. But it's just beginning now, and we're certainly open to everybody's input. And that's all.

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

Mr. Benekos: Just two items. One clarification on the South Main Street. If they run pas the 90 days, if there are weather-related delays, they may be allowed to extend beyond the 90 days. Just wanted to clarify that.

Mr. Snyder: You've seen my wheel turning in my brain.

Mr. Benekos: I saw the smoke. And, then, the other item is next week on Wednesday, the 31st, there's the Applegrove Public Hearing at the High School. This week the engineer will be out there staking the right-of-way. So, if you get any calls asking what are those stakes up for, it's just to stake where the existing right-of-way is and where the proposed right-of-way will be. And that's in preparation of the Public Hearing for next week.

Mr. Foltz: Okay. Thank you. Our Clerk of Council, any comments?

Mrs. Kalpac: No comment.

#### REPORTS – COUNCIL:

Mr. Foltz: Member Lane?

Mr. Lane: Jim, I know we have a memo on that. Is that 7 o'clock on the 31st? Do you remember the time?

Mr. Benekos: I'm thinking 6. (Inaudible discussion)

Mr. Lane: I have 6 o'clock written down.

Mr. Benekos: Six o'clock.

Mr. Lane: Is it 6 o'clock? Okay. All right. Six o'clock on the 31st. I just wanted to publicly thank Fieldcrest who loaned me the Hoover Lodge last Wednesday for a neighborhood meeting. And, despite going up against the Cavs and American Idol (I might want to add), we had 35 people that showed up. I don't know if it was for me or the first time they had a chance to go into the Hoover Lodge, so, you know, I equated it with the public desire for wanting to know what was going on. But, in addition, infrastructure and the problems at Auburn Knolls, the new development and various other topics – one of the things that came up two or three times in the midst of that two hours was natural gas. And they had been reading the same articles, I think, most of us have and anticipating, hopefully, a much lower gas price this fall. And I said I would ask if there's been any movement or anything since the last time we talked about this.

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Mr. Wise: I spoke with Mr. Bellish several times. I've also had a couple of conversations with Jean Young down at the City – I'm sorry the County Commissioner's Office – and Mark Cozy over at Canal Fulton. There was an offer to us from a different company of \$11.90 through next – through the winter. That was with a different company called Vectren or Vectra, and that was going to be a \$25.00 fee to residents to opt out. Currently, we have a – there's no fee to opt out. That was an amount of gas that they had bought before, and it was a small amount of gas – I think 5,000 households. We have about 2,600. So, that is out there. As of the end of last week, a gas price that you can get through any other company from the NYMEX (New York Mercantile Exchange) on the open market, plus the adders that were being offered, at the beginning of the week, it was \$12.90. By the middle of the week, it was \$12.50. At the beginning of last week, it was \$12.10. And that could be offered through the company we currently have – Direct Energy. And for that there is no opt-out fee. So, at this stage, I'm still talking with Mr. Bellish, but the \$11.90 – at least, to me, at this point, didn't make any sense if we can get it for \$12.10 and have no opt-out fee. But, again, that's something that changes, not on a daily basis, but minute by minute, almost – the NYMEX Exchange – the open market for the price of natural gas.

Mr. Lane: I think what's throwing people off is they read a lot of the news media stories, and some of them follow this religiously. They're talking about swimming in natural gas by the end of the year, provided there's no hurricanes. Obviously, that's something we don't know. But I think they're anticipating an \$8.00 or \$9.00 rate – maybe even lower by fall. I don't know if we can provide that. So, I didn't mean to put you on the spot.

Mr. Wise: No, no, no. That's fine. If you buy gas now for June or July, you can get those types of –

Mr. Lane: That's only good through October, though, right.

Mr. Wise: It's – each month has its own price. And if you buy summer gas – gas for the summer months, you can get it under \$10.00. Now, I don't know if you can get it today under \$10.00, but you can probably get it for – some companies are offering it for under \$9.00. But, that's only for the summer. You then go to – try to get gas for the winter, which is when all the gas is used for residential heating, and the price now is, you know, \$12.00 plus some type that retail add or \$11.00. In a gas aggregation program, what they do – and they have this complicated formula where you take all 12 months – the \$8.00 for July, the \$10.00 for November, the \$13.00 for January and February – you add those all together. You take an average, you multiply it by some make-believe number, and then you add this retail adder, and then you come up with the price that the company is willing to quote you for the whole year. If you do it – if it's \$12.10 for the year, you can buy gas just for the winter and float in the summer when it's a lower fee. But then that price for the six (6) months for the winter is going to be \$12.75. So, there's a lot of calculations, and there's a lot of information where you're comparing apples and oranges.

Mr. Lane: We have till – we're done through October?

Mr. Wise: October.

Mr. Lane: So, we do have some time.

Mr. Wise: Yes.

Mr. Snyder: Yeah, but if we – we're committed October on at a price already.

Mr. Wise: No. No, we're not committed to anything.

Mr. Snyder: But, I mean I don't know that our ballot language allowed us to flip these constituents to a more restrictive program where you would add and opt out. The ballot language which authorized us to enter into the aggregation, there was not a opt-out or opt-in charge. And if we would breach that, I don't know if we legally can do that, because we were charged on the ballot with going with no opt-out or opt-in. But, you know, I mean, we had to be careful. I would rely on yourself or Mr. McFarren to –

Mr. Wise: Well, I'm not, I'm not recommending --

Mr. Snyder: Well, I'm saying if we made that move and we assigned the resident to an opt-out, that's not the language they voted to authorize us to do, I don't think.

Mr. Wise: And I don't think there should be an opt-out fee. That's just one of the proposals that was given to me.

Mr. Snyder: They'd have to get out before we'd negotiate the October strike mark, right? Once we strike the mark in October with Direct Energy or whomever we strike it with, the residents are in that program, correct?

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Mr. Wise: They can opt out at any point.  
 Mr. Snyder: Right.

Mr. Wise: But they can opt out even after we strike the price.  
 Mr. Snyder: Oh, you can?

Mr. Wise: They can opt out January 3rd. They can opt out February 15th – whenever they decide.

Mr. Snyder: Because I know I had a couple call me that got \$9.00 through the winter. They're people that, you know, that have – at a fee – but, you know, like a \$20.00 fee, but they guarantee them through, I think, next June – 9 something.

Mr. Lane: Really?

Mr. Snyder: Yeah. That lady, remember, with the back-ups down there – Mrs. Nist. In fact, I told her to call you. It would benefit her to pay the \$20.00 and get in the program and 9 something per cubic foot.

Mr. Wise: Sure.  
 Mr. Snyder: She was just – came in the mail to her.

Mr. DeOrio: Well, and E.J. and I talked about this, too, during the week. And I just want to comment just on your little --

Mr. Lane: Soliloquy.  
 Mr. DeOrio: Soliloquy. Thank you.  
 Mr. Snyder: Let me write that word down. Now, how do you spell that?  
 Mr. DeOrio: S-N-Y-D-E-R.  
 Mr. Snyder: Smile.

Mr. DeOrio: Time really is of the essence in this thing, and I just wanted to emphasize being in the securities business a little bit that, as I was sharing with E.J. – not that I'm an expert of anything like that – but it does change so quickly and with such volatility that, you know, it never really used to. And the market moves on the least bit of news – good or bad – and to bring in what Mr. Lane said that, you know, the prices may be good now, but one hurricane – one hurricane just disrupts supply – doesn't have to be Katrina-like. It can just be one that disrupts supply, and the market will go panic mode the other direction. Now there won't be enough gas, and the prices will go up again. So, it's really not something that you want to wait through the beginning of hurricane season, which is, you know, we're just, you know –

Unidentifiable Speaker: Weeks.

Mr. DeOrio: Yeah, weeks, days away. It's something that you really want to get through before we get into that situation.

Mr. Foltz: With those comments from Member DeOrio, do we want to look at this in the committee format again? Let me ask Council or administration – are you – and we talked about this before, I mean, I'm sure we're all concerned what we can do for our constituents. What's the best price we can give them? Do we need to bring this back up in June – early June – and just discuss this more and maybe get more defined as far as which route we want to take?

Mr. Snyder: It would be, probably, prudent to do that.  
 Mr. Foltz: Would we do it the first committee meeting in June anyway?  
 Mr. Wise: The Committee Meeting is on June 5th.

Mr. Foltz: Yeah. Are you comfortable with that? Or –  
 Mr. Wise: Oh, I think we need to discuss it –  
 Mr. Foltz: Okay.  
 Mr. Wise: -- at that point.

Mr. Foltz: Okay. And you can, maybe, check with other, you know, government entities, see what they're doing and, maybe, bring – I'm sure it's a learning process for you also, which we're glad that you're there asking the right questions or trying to shoulder a lot of this. So –

Mr. Wise: I had a meeting with Jean Young, Joe Martuccio is from Canton.

Mr. Foltz: Right.



## RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, May 22, 2006 7:00 p.m. 20 06

Mr. Wise: Mark Cozy and Mr. Bellish, and I kind of missed Jean Young today.

Mr. Foltz: Okay.

Mr. Wise: We're kind of playing phone tag. But I'll –

Mr. Foltz: Well, that's what we'll do, then.

Mr. Wise: -- have additional information for you.

Mr. Foltz: If Council's okay with that, we'll put it on committee to, at least, discuss (inaudible) only. Member Snyder, do have any other comments?

Mr. Snyder: No, I don't. Thank you, sir.

Mr. Foltz: Member DeOrio.

Mr. DeOrio: Yes, I have two. I want to thank the Mayor for asking me to chair the I.T. (Information Technology) Task Force. I appreciate it.<sup>7</sup> I think in our brief discussions that we've had that we share a similar vision on where we think we need to get the City to go in regards to this. And I'm looking forward to working on that. Somewhat related to that, I've been working with Gail, our Council Clerk, on some ideas to improve the sound quality in this chamber. And I know you old timers that have been on here have probably been here, done that before. But we're going to try to approach it with some, you know, new vigor. And Gail has had some people in to talk to her a little bit about some things, and, you know, one of the things that would help the acoustics in this room – and it may be this simple to implement – is the sound, you know, bounces off of the walls – the glass walls – and they even suggested, you know, the blinds being, you know, closed instead, if they weren't. And, well, they always usually are, anyhow. So, that really hasn't helped. But, typically, the sound bouncing up and down and all around, you need something like they do in the performing arts where you actually have some things hanging from the ceiling that catches the sound and prevents it from going straight across the room to hit that brick wall and that kind of thing. That's why, I think, we're getting some feedback. So, I had – we were trying to just get an idea on this, and just maybe we could try it. I don't think it's gonna cost anything. But it's always a good idea to try. But just to kick this around a little bit – is if we were to hang some banners from the ceiling. You know, I was thinking banners like what we're using out on the flagpoles. We've got Hoover banners; we've got Walsh banners; we've got North Canton Playhouse banners. And, I mean, they don't have to be all the way down, but, you know, you kind of what to level with these –

Mr. Foltz: Lights.

Mr. DeOrio: If that's what those are – those lights that are hanging there. It would help intercept a lot of the reverberations and the sound. So, we're – I went over to talk to E.J. a little bit about it and Kim Cooksey to see if they can look into it. And maybe there's some possibility we can hang up a few of those banners that might help us. Try it, and if it works, great. It doesn't cost us anything. If it doesn't work, then we'll go to the next step.

Mr. Lane: You could even get relatively inexpensive couple pieces of baffle for each corner, too. As that sound hits that, it would bounce it back this way.

Mr. DeOrio: Uh huh (indicating yes). Okay.

Mr. Lane: Just one in each corner just to see if that would help. Hoover could probably help you with that – the High School – the Performing Arts.

Mr. DeOrio: Okay. I'll check into it.

Mr. Lane: It's worth a shot anyway. You just hang it up there. If it works, it works. If it doesn't, it doesn't.

Mr. DeOrio: Thank you. That was all.

Mr. Foltz: Well, thank you for your comments. Did you happen to check with anybody as far as the –

Clerk Kalpac: Feedback?

Mr. Foltz: Yeah.

Clerk Kalpac: He came in, and he works just on the recording system, but he made some adjustments; and he said maybe they were up too high.

Mr. Foltz: Because I don't know. I just turned it down to see if it helped, but it seems some nights we're just – whatever is causing it, it's very uncomfortable for us sitting.

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Mr. Lane: Tonight it seems to be very good. I mean, I'm hearing everything everybody is saying tonight.

Mr. Foltz: Right.

Mr. Lane: Some nights, you know, I can't hear what's going on down here. And I can't imagine how bad it is out there.

Clerk Kalpac: Plus it was unplugged underneath.

Mr. Foltz: It was unplugged underneath?

Clerk Kalpac: Yes. So, we plugged that back in.

Mr. Foltz: Okay.

Mrs. Magel: I've got an idea – plug it in.

Mr. Foltz: That would help. Okay. Member Hines?

Mrs. Hines: No report.

Mr. Foltz: Member Repace.

Mr. Repace: I don't have any report, but we have a good looking young man here in a uniform. I don't know if the Mayor wants to recognize him or not.

Mayor Held: I think that sounds great. If you wouldn't mind, would you like to step up to the podium and say your name and what school you're from, even though I already know who you are.

Wezlee Spence: My name is Wezlee Spence. I go to Orchard Hill School, and I'm here for a Social Studies extra credit project.

Wezlee's Mother: And he just crossed over into Boy Scouts (inaudible). (Applause).

Wezlee Spence: And there are these weeds under the playground there at Witwer Park, and I want to know if you can get them out.

Mr. Foltz: You know what, young man, since that's my committee, I'll make sure – I'll make a call. I'm sure the administration will too. We'll see if we can do that for you. Okay?

Wezlee Spence: Thank you.

Mr. DeOrio: Thank you.

Mr. Repace: Great job. I don't have a report. That was great.

Mr. Foltz: All right. Member Magel?

Mrs. Magel: Yeah. I have a couple questions. First is a comment to E.J. You mean it's been raining for the last couple of days? It's been sunny in my –

Mr. Wise: A little bit of rain.

Mrs. Magel: Okay. E.J., did you contact Kathy Metropulos?

Mr. Wise: No, I have not.

Mrs. Magel: Okay.

Mr. Wise: We're playing a little bit of phone tag, but mostly it's her.

Mrs. Magel: Phone tag?

Mr. Wise: Yes.

Mrs. Magel: Okay.

Mr. Wise: She's called me a number of times.

Mrs. Magel: All right. And did we get any of those answers back from the EPA on that Public Hearing? Or does that go to Council or administration?

Mr. Wise: The results of the hearing and the permitting?

Mrs. Magel: That EPA for that Public Hearing for the permit that we had.

Mr. Wise: I haven't heard anything back from them.

Mrs. Magel: Okay. And, Jim, has Chatham been engineered?

Mr. Benekos: No.

Mrs. Magel: Didn't we say – didn't we talk a couple months earlier that it was engineered?

Mr. Benekos: We have some information on that in the files, but we haven't finalized or worked on that yet this year.

Mrs. Magel: Okay. And, last thing, Ward 3 – that guy – Patrick Oaks on Knoll. I would support you that he would get that – all that re-seeded. I mean those pictures –

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Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, May 22, 2006 7:00 p.m. 20 06

Mr. Lane: Well, I think Jim was going to talk to the contractor; right?

Mr. Benekos: Correct. I think I saw the contractor out there today. But I haven't spoken with a project inspector on that.

Mr. Lane: Let me put it this way – if it doesn't get done, I know Mr. Oaks will be back. First he will call me, and then he'll show up here. So, we'll try and end – run that process, but I do appreciate –

Mr. Foltz: That was two (2) weeks ago.

Mr. Lane: Yeah, I do appreciate the support on it. I know Jim was gonna follow up.

Mrs. Magel: Yeah, those pictures speak – say a lot, and I would support you on that.

Mr. Foltz: We'd like to do that, I'm sure, in the spring versus in the middle of July or August when you're gonna be needing water there.

Mrs. Magel: That's all. Thank you.

Mr. Foltz: Any other comments? Okay. I don't have any other comments. Final call for new business from Council. Seeing none, everybody have a nice Memorial Day weekend. And, also, just to make sure everyone's aware, then, June 5th – Jon, I believe that was the meeting with Aqua.

Mr. Snyder: Aqua Ohio, yes.

Mr. Foltz: Okay. Is that 5 o'clock?

Mrs. Magel: Five o'clock.

Mr. Snyder: Five o'clock, yeah.

Mr. Foltz: Oh, it's 5 o'clock. And it's open to the public again, as far as – it's open negotiation process.

Mr. Lane: What is that date again?

Mr. Foltz: June 5th at 5 o'clock. I guess we'll hold it back in the administrative meeting room. Also, somebody had a calendar. Mayor, didn't you put together some kind of ribbon ceremony for the Water Park?

Mayor Held: Yes, that's right. What we'd like to do is get all the members of Council down at the Water Treatment Plant so that we can have a ribbon cutting ceremony, and if everybody can attend, that would be – that would be nice.

Mr. Foltz: I was thinking along the lines of the Spray Park at Dogwood Pool.

Mayor Held: Well, and that's another one that we'd like to do also.

Mr. Lane: We'll show up in our bathing suit.

Mayor Held: Well, see, here's what we have –

Mr. Foltz: Is there a date on that that you –

Mayor Held: With the Water Treatment Plant, we went through that process, and we didn't have all the members of Council. And it was brought to my attention that maybe we have all the members of Council, if you're willing to. If not, that's okay also. But then, in addition to that, we do have the Spray Park coming up also. And I don't – do we have a date set for that?

Mr. Wise: No. Not that one. With regard to the Water Treatment Plant, we send out a report in July, I believe. And what we'd like to do is enclose a photo in that report of the Mayor and all the members of Council –

Mayor Held: Dedicating it.

Mr. Wise: Dedicating the Water Treatment Plant. So, if there's a time we could come to an agreement to have everybody down there – if you want to discuss that now or –

Mr. Foltz: Does anybody have vacation scheduled already in June? If Council's willing to do that under Report, maybe just a regular Council meeting?

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Mr. DeOrio: Well, let me tell you – if you can get these guys together for a photo at the Water Treatment Plant, and I can't get them to go over to Terry Horner Photography and get their picture to put on the website, you're a better man than I (inaudible). That's what I'm gonna tell ya.

Mr. Wise: Get their picture taken down there for the website as well.

Mr. Foltz: Yeah. We'll have him there.

Mr. Snyder: You could paste them in there.

Mr. Lane: Two words – photo shot.

Mr. Foltz: Okay.

Mayor Held: Tried it once already, and it failed. So, I had four out of seven, but –

Mr. Snyder: Is it the intention -- Chair, is it the intention we'll close the second week of July after that? Is that the –

Mr. Foltz: That's our normal summer schedule.

Mr. Snyder: That would be the second – after the second Monday, we will close until –

Mr. Foltz: Until the third Monday of August.

Mr. Snyder: Six weeks, yeah.

Mayor Held: For this Water Treatment Plant, we'd like to have this within, like the next ten (10) days, because the report goes out. There's a timeline set. It needs to go out in July. So, not to place any pressure. We already do have a photo we can send out already, but I just wanted to make sure that everybody has an opportunity to be –

Mr. Foltz: Was there three or four of us there? I don't remember.

Mayor Held: Four. So, I think there were four. I will leave that up to Council.

Mr. Lane: Yeah. Yeah, two, four, yeah.

Mr. Foltz: Why don't we talk after the meeting. If the members want to do that, then we'll make sure we pick another date. All right, with that, do I have a motion to adjourn?

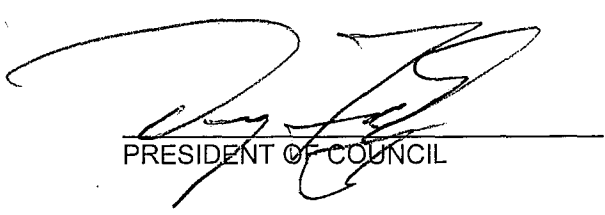
**ADJOURN:**

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

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

No: 0

The meeting **adjourned** at 8:17 p.m.

  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

**ATTEST:**

  
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 CLERK OF COUNCIL