

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1914B

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

CALL TO ORDER

1. The meeting was called to order at 7:00 p.m. by President of Council Doug Foltz.
2. The opening prayer was delivered by Rev. Gary Smith, Zion United Church of Christ.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. Mr. Foltz: Gail, if you could please call the roll?

The following members of Council responded to roll call: DeOrio, Foltz, Hines, Lane, Magel, Repace, and Snyder; Council Elect Davies and Kiesling. Also present were: Mayor Held, Director of Administration Wise, Director of Law McFarren, Director of Finance Herr, City Engineer Benekos, Director of Economic Development Bowles (arrived shortly after the start of the meeting), Clerk of Council Kalpac.

5. Consideration

Council Meeting Minutes: October 22, 2007
Mayor's Court Receipts: September, 2007

Mr. Foltz: Request approval as presented the following, the Council meeting minutes of October 22, 2007; and mayor court's receipts from September, 2007. Do I have a motion to approve?

Mr. DeOrio moved and Mrs. Hines seconded to **approve the minutes of the council meeting and mayor's court receipts 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 of Finance & Property, November 5, 2007; Personnel & Safety, November 5, 2007; Street & Alley, November 5, 2007; and Water, Sewer & Rubbish, November 5, 2007.

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

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

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

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held November 5, 2007.

Mr. DeOrio moved and Mrs. Magel seconded to **approve the committee report minutes as presented.** All members present voting:

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

No: 0

7. Recognition of Visitors

Mr. Foltz: Recognition of visitors. Anyone like to address Council and Administration this evening, please step up, state your name and address and the floor is yours. Anybody?

Mr. Covey: Good evening. My name is Rod Covey, I live at 35 Auburn Avenue S.E. in North Canton. About two months ago I was here and I happened to hold up a t-shirt that said Covey for Mayor, and of course I looked over at our Mayor and he – he wasn't worried, I could tell but he wondered what's this all about. But then Councilman Snyder said is he running for a write-in? And then he's changed his ...inaudible...a little bit but anyway, it was all in fun but I am very proud to report that my son did become mayor of Ferndale, Michigan with 55% vote.

Mr. Foltz: Very nice. Very nice.

Mr. DeOrio: Congratulations.

Mayor Held: Very good, very good.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Monday, November 12

7:00 p.m.

07

Held

20

Mr. Snyder: Congratulations.
 Unidentified: Congratulations.
 Mr. Foltz: Congratulations.

Mr. Covey: Thank you. This is an interesting date in – in my relationships with the city and the fine people here and some events that'll happen. Just for example, four years ago today to the very day, is when the – the SteelSafe Company from Australia came to town to show off this new product. And we had a huge semi-trailer there which by coincidence was taken to Texas with a load of cheese and on the way back, the owner of the fleet had the truck stop here and we installed that unit on the truck and then showed how it could be stopped – stopped by a phone call – a cellular phone call. It actually stops the truck from being stolen or stops a – a – a terrorist from planning an attack by planting a bomb on a truck and taking the truck – well you've heard this many times. But anyway it really works, in fact one of the tests we took with – from Australia we acted like this truck was being stolen and moving along and he called on this cell phone and the truck stopped. So I'm still working on that, as you know, no great progress here in this country to have it built. The people who designed and want to build it here in the United States still would like to do it here in North Canton. So we're still working on it, we haven't given up and we will not give up. So that's one project – it – it's a coincidence it happened. Another one that happened just about four years ago, that was three years ago, three women in our neighborhood, Auburn Knolls and the street beside us, three women were out about this time of the evening getting petitions because a developer was going to put a new huge building, I think it was 24 – 24 units in that case in one big building over on Easthill. They weren't happy about it so they were out getting signatures and this is how the movement started to try to stop this from happening. Well, four years later, it's still going on. There's one building going up as you know, the one on South Main but we still have some irons in the fire, we're still working hard but ironically these three women have since gone. They sold their homes and they're gone. But there's a nucleus of persons there who are still interested in seeing what could be done to possibly stop at least the other three buildings. Then lastly some – some good news if I may. About 40 days ago in this very room Mr. Repace announced that he had received a letter from TTI to be sure that – that big bronze plaque over at...inaudible...plant as you go in the building, that 9 foot plaque with 384 names on it, of the 80 - 384 veterans of WWII were on that plaque. And he was concerned as we all were, that with the sale of the building and now with this auction tomorrow, it would've been terrible, worse than terrible if – if somebody came in and bid for example, 300 bucks and take that plaque out of there and sell it scrap. That would have been the travesty of the – of our lifetime, I'm sure. But anyway we're – we're moving along very well on that project. It's growing and we – tomorrow we'll be making a presentation to another foundation, which'll be the second foundation and with the money already collected, the interest, and the way it's growing, we can see now we may be looking at as much as \$50,000 instead of \$30,000. So that project is going and it's going to be great for the city. Thank you very much.

Mr. Foltz: Thank you sir.
 Mr. Covey: Thank you.
 Mr. Foltz: Inaudible...your comments?
 Mayor Held: Very good. Thank you, Mr. Covey.

OLD BUSINESS

8. Mr. Foltz: Anyone else like to address Council this evening? Okay, seeing none, we'll get into old business then. May I have a motion to read by title only the first reading – excuse me, the third reading of Ordinance No. 117-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the third reading of Ordinance No. 117-07. All members present voting.

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

No: 0

Ordinance No. 117-07 – 3rd Reading – Finance & Property

Ordinance No. 117-07 authorizing the Director of Finance of the City of North Canton to make payment of a moral claim in the amount of \$3,000.00 to Bill A. and Christine E. Maronitis for reimbursement of expenses resulting from a sewer backup.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, as you recall, this is presentation of material from some time ago whereby the claimants here agreed to accept the settlement offer from the city over some circumstances involving a backup of – of a sewer on their property and I would move for passage of Ordinance No. 117-07.

RECORD OF PROCEEDINGS

0123

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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

Mr. Wise: Do you still need the...inaudible.
 Mrs. Herr: I'm sorry.
 Mr. Wise: Do you still need the conference room tomorrow?
 Mrs. Herr: Yes, is that okay?
 Mr. Wise: Fine.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 117-07. All members present voting.
 Yes: Magel, Repace, Snyder, DeOrio, Foltz, Hines, Lane.
 No: 0

9. Mr. Foltz: Next may I have a motion to read by title only the second reading of Ordinance No. 124-07?

Mr. DeOrio moved and Mr. Lane seconded to **read by title only the second reading** of Ordinance No. 124-07. All members present voting.
 Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel.
 No: 0

Ordinance No. 124-07 - 2nd Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, Ohio, through the Board of Control, to enter into a contract by and between the City of North Canton and the City of Canton for the purpose of providing legal representation by the City of Canton through its Law Department and Prosecutor's Office with regard to the prosecution of criminal cases and other related matters as provided for therein in the Canton Municipal Court, at a total cost not to exceed \$16,500 per year, for a period of two (2) years beginning January 1, 2008 through December 31, 2009.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, I believe that reading of that title is all encompassing and so I would move for passage of Ordinance No. 124-07.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 124-07. All members present voting.
 Yes: Repace, Snyder, DeOrio, Foltz, Hines, Lane, Magel.
 No: 0

NEW BUSINESS:

10. Mr. Foltz: That concludes old business, now next will be new business. May I have a motion to read by title only the second reading of Ordinance No. – excuse me, first reading of Ordinance No. 127-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 127-07. All members present voting.
 Yes: Snyder, DeOrio, Foltz, Hines, Lane, Magel, Repace.
 No: 0

Ordinance No. 127-07 – 1st Reading – Street & Alley

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Capital Improvement Fund to the Contract Payment Accounts in the aggregate amount of \$410,000 for the current expenses during the fiscal year ending December 31, 2007, and declaring the same to be an emergency.

Mr. Foltz: Chairman Doug Lane.

Mr. Lane: Well once again, it's pretty self explanatory if my memory's correct on this, this is the money for the Lipton project, correct? So we're just transferring it over so we can spend it here in another ordinance coming up, and because of the timeframe on this we'd like to put it on an emergency so I would move for passage.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014R

Monday, November 12

7:00 p.m.

07

Held

20

Mr. Foltz: Okay, do I have a motion to adopt the first reading of Ordinance No. 127-07?

Mr. DeOrio moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 127-07. 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. 127-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 127-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 127-07?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt under the suspension of the rules** for Ordinance No. 127-07. 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 first reading of Ordinance No. 128-07?

Mr. DeOrio moved and Mr. Snyder seconded to **read by title only the first reading** of Ordinance No. 128-07. All members present voting.

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

No: 0

Ordinance No. 128-07 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Lipton Avenue SW Storm Sewer and Rehabilitation Project, in an amount not to exceed \$495,000 and declaring the same to be an emergency.

Mr. Foltz: Chairman Lane.

Mr. Lane: This is where we spend the money. I would move we approve.

Mr. Lane moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 128-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 128-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 128-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 128-07?

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** for Ordinance No. 128-07. All members present voting.

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

No: 0

12. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 129-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 129-07. All members present voting.

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

No: 0

RECORD OF PROCEEDINGS

0125

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Ordinance No. 129-07 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Mayor of the City of North Canton to enter into a Supplemental Agreement by and between the City of North Canton ("North Canton") and the City of Canton ("Canton") for improvements to the wastewater collection and treatment system, at a cost not exceed \$123,522.50, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Kathy Magel.

Mrs. Magel: As discussed last week, this is a improvement for the wastewater collection for Canton of which we use. Our fair share is 7% and I'm assuming that the – it's still the 12 plus thousand? For a cost not to exceed \$123, 522.50.

Mr. Foltz: Do I have a motion to adopt the first reading of Ordinance No. 129-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 129-07. 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. 129-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 129-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 129-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 129-07. All members present voting.

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

No: 0

13. Mr. Foltz: I believe item 13, Gail left a message it said she...or a note she corrected the agenda – everybody has that copy then, if you want to look on your desk?

Mrs. Kalpac: Everybody has that.

Mr. Foltz: Okay, it's a separate sheet, so if you want to review that. With that said, may I have a motion to read by title only the first reading of Ordinance No. 130-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 130-07. All members present voting.

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

No: 0

Ordinance No. 130-07 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Water Revenue Fund to the Inter-Fund Transfer account, in the amount of \$300,000, and authorizing the transfer of same funds from the Water Revenue Fund to the Water Expansion, Replacement & Improvement Fund during the fiscal year ending December 31, 2007, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, the next three pieces of legislation are leading up to the Wise Avenue, but what we need to do is start – start transferring it into the right account. So this particular one, we're taking the money from the Water Revenue Fund and putting it into the...specific fund of the Water Expansion, Replacement & Improvement Fund for \$300,000.

Mr. Foltz: May I have a motion to adopt the first reading of Ordinance No. 130-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 130-07. All members present voting.

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

No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 1014R

Monday, November 12

7:00 p.m.

07

Held

20

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 130-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 130-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 130-07?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt under the suspension of the rules** for Ordinance No. 130-07. All members present voting.

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

No: 0

14. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 131-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading of** Ordinance No. 131-07. All members present voting.

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

No: 0

Ordinance No. 131-07 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Water Expansion, Replacement and Improvement Fund to the Water Distribution Facilities – Inside Waterlines Accounts in the aggregate amount of \$390,000 for current expenses during the fiscal year ending December 31, 2007, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Okay, we just got the \$300,000 and we transferred it into the Water Expansion Replacement, we're going to add \$90,000 to that and then we'll transfer that through the Professional Services and Water Distribution Facilities.

Mr. Foltz: With that, may I have a motion to adopt the first reading of Ordinance No. 131-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 131-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 131-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 131-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 131-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 131-07. All members present voting.

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

No: 0

15. Mr. Foltz: Next, may I have a motion to read by title only the first reading of Ordinance No. 132-07?

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading of** Ordinance No. 132-07. All members present voting.

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

No: 0

RECORD OF PROCEEDINGS

0127

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, November 12	7:00 p.m.	07 20
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Ordinance No. 132-07 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton, through the Board of Control, to be authorized to enter into a contract for the Wise Avenue NE Waterline Replacement Project, in an amount not to exceed \$390,000 and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Okay, since the last two ordinances, we finally got the 390,000 in the right place and so now we are going to spend it on the Wise Avenue, authorize it through the Board of Control, the Mayor to enter into a contract.

Mr. Foltz: Okay, may I have a motion to adopt the first reading of Ordinance No. 132-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 132-07. All members present voting.

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

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 132-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 132-07. All members present voting.

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

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 132-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 132-07. All members present voting.

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

16. Mr. Foltz: Next may I have a motion to read by title only the first reading of Resolution No. 133-07?

Mr. DeOrio moved and Mr. Snyder seconded to **read by title only the first reading** of Resolution No. 133-07. All members present voting.

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

Resolution No. 133-07 – 1st Reading – Finance & Property

A Resolution adopting an Amended Section 125 Premium Only Cafeteria Plan ("the Plan") for the City of North Canton for the period January 1, 2008 through December 31, 2008, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, as you recall on previous sessions we had adopted this and every year we need to do a little housekeeping since it runs from one – one calendar year, we need to approve it each year. And I move for the adoption of Resolution No. 133-07.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Resolution No. 133-07. All members present voting.

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

Mr. Foltz: May I have a motion to suspend the rules for Resolution No. 133-07?

Mr. DeOrio moved and Mr. Snyder seconded to **suspend the rules** for Resolution No. 133-07. All members present voting.

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

DAYTON LEGAL BLANK INC. FORM NO. 10148

Monday, November 12

7:00 p.m.

07

Held

20

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Resolution No. 133-07?

Mr. DeOrio moved and Mr. Snyder seconded to **adopt under the suspension of the rules** for Resolution No. 133-07. All members present voting.

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

No: 0

17. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 134-07?

Mr. Lane: That's supposed to...inaudible...

Mr. DeOrio moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 134-07. All members present voting.

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

No: 0

Ordinance No. 134-07 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Water Revenue Fund to the Maintenance of Equipment and Facilities Accounts in the aggregate amount of \$50,000 for the current expenses during the fiscal year ending December 31, 2007, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, we spoke last week of the necessity to do this. I think there was a change, a slight change as far as how it was being broken out and Julie, can you refresh our memory as to what it was before in case somebody didn't look at it? I think the total aggregate amount is the same, but you were splitting it out a little different if I recall.

Mrs. Herr: Yeah, this was a – we had 50,000 before that was going to go maintenance of equipment but 24,000 of it should be maintenance of facilities and 26 should be maintenance of equipment, so we just want to put it in the right place.

Mr. DeOrio: Okay, very good.

Mrs. Herr: Based upon the projects they need to do.

Mr. DeOrio: Wanted to make sure everybody was aware of that. Julie and I had talked about that on the phone during the week. That said, I would move for passage of Ordinance No. 134-07.

Mr. Wise: Thank you.

Mrs. Herr: For what? Thank you for...inaudible...?

Mr. Wise: Inaudible....

Mrs. Herr: I wasn't paying attention so...inaudible...

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 134-07. 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. 134-07?

Mr. DeOrio moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 134-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 134-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 134-07. All members present voting.

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

No: 0

RECORD OF PROCEEDINGS

0129

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held	Monday, November 12	7:00 p.m.	20 07
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18. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 135-07?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 135-07. All members present voting.

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

No: 0

Ordinance No. 135-07 – 1st Reading – Finance & Property

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Compensated Absences Fund to the Salaries & Wages Account in the amount of \$37,000 for the current expenses during the fiscal year ending December 31, 2007, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: Yes, as you recall this is for the monies due to the retirement of Gene Hemminger and was not anticipated at the beginning of the year so we need to do this in order to get the funds to him due for his vacation and – and other accrued days. I would move for passage of Ordinance No. 135-07.

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 135-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 135-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 135-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 135-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 135-07. All members present voting.

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

No: 0

19. Mr. Foltz: May I have a motion to read by title only the first reading of Ordinance No. 136-07?

Mrs. Magel moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 136-07. All members present voting.

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

No: 0

Abstain: DeOrio.

Ordinance No. 136-07 – 1st Reading – Street & Alley

An ordinance authorizing the vacation of a portion of Newbridge Street NW; the western-most five (5') foot of the dedicated right of way located within the corporate limits of the City of North Canton, Ohio.

Mr. Foltz: Chairman Lane.

Mr. Lane: We'll defer back to you in just a moment 'cause this is in your ward and your constituents came to you and talk about this and I did notice and I – I would like to point it out to anybody that is looking at the ordinance that we did look at adding the clause in here that containing emergency access in the form of a breakaway barrier which is one of the things that – that I know we discussed and that I was really adamant about and then there's also a portion here in section 2 that Mr. Snyder brought up about ownership of that vacation area. So I'll turn it back over to you and then I can wrap up here.

Mr. Foltz: Okay. That said, last week I contacted our Police Chief, our Fire Chief, and then City Engineer and what I'd like to see happen here obviously, it's in the content of the ordinance but to have a secondary access for emergency – it's for emergency thoroughfare only. And I know our engineer's going to work on that language. They're going to meet this week I believe Tuesday, is that correct Jim? Just to discuss that further.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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

Mr. Benekos: At – at the staff meeting...inaudible...

Mr. Foltz: At the staff meeting, the way we left it, and what I'd like to have written in here, which this is a good starting point for emergency access a form of a breakaway barrier but I want some type of language where we control what is placed there. Whether it's some type of landscape, a gate of some sort, or something that is accessible by our – our police and fire departments or EMS for – for a thoroughfare as needed. That was some of their major concerns where this happens and I'm very much for this, even one step further I'm for a total vacation but I understand how this could be helpful for anybody in that immediate area if there is an emergency. But the problem is, once – once a vacation occurs then all of a sudden that – that thoroughfare is kind of – is unregulated and it could be a big mound of dirt, they could plant a big oak tree, you know, ten years from now, fifteen years from now it's not possible to have a secondary access for emergency personnel so that said, I'd like to try to control that a little better through the administration when we – hopefully when we pass this ordinance.

Mr. Lane: The only – the only other thing I'd like to see happen and perhaps between now and second reading at least while I'm still here is to get something on – in writing from the Trustees. As you know, we talked about this back in October, and they expressed after you had chatted with them, total surprise at it. And so there seems to be a communication disconnect there. I talked to Mr. Giavasis and he doesn't have a problem with this and would be very happy to go on the record as supporting a breakaway on the other side, so that we don't end up with a breakaway into somebody's living room, which is always a possibility if we don't control it from both sides. So if we could get something in writing, and I know they're trying to back up their safety forces as well and give them the benefit of the doubt and I think if everybody works together on this, we should be in good shape. We have a couple of weeks to get it done.

Mr. Foltz: Well hopefully that happens on their end. If it doesn't, I'm still very much in favor of this, I just want to put our safety forces in a more comfortable setting and it was also discussed on the Planning Commission this as alternative so the residents have seemed to – to want this versus possibly no vacation at all. So that said, I'd appreciate a – you know, the approval of the first reading tonight.

Mr. Lane: I didn't mean to cut you off, Jon, you were starting ...inaudible..

Mr. Snyder: I only one...

Mr. Foltz: Oh, anybody – any other questions...

Mr. Snyder: Yes sir, I – you know, wouldn't it be in our best interest, both aesthetically and functionally to put a cul-de-sac in there and just be done with it? I mean, it may be a little money but it's done in such a way, aesthetically it looks well for the people plus it's there and it can just drive right in and that's the end of it, I mean it – you know, as Susie pointed out at Surrey – we put a little thing in there and it just overgrew and they took it out and put their own thing because even though it requires us a super majority to move the vacation we're not looking for something we have to maintain down the road but you're trimming the trees or doing this, I don't know what type of money – but it would – I think the neighborhood dictates that we do it the proper way, rather than stick something in there that looks like a band-aid.

Mr. Foltz: Well Member Snyder, I'm not against that, I'd prefer to let the Administration through the meeting tomorrow to maybe give us some direction of what they'd like to see there. Because they're – they're the ones that are going to have to be accessible to that situation. Yeah, if there's a gate obviously a cruiser's not going to run a gate over if they don't have a way to open it up, if they don't have bolt cutters.

Mr. Snyder: Right.

Mr. Foltz: And maybe the fire department will have to run right through it so I'm trying to be cooperative and sensitive to their needs too, I mean, that's a fine suggestion but I'll – I'll let the Administration work that out and E.J. or Jim or Mayor can get back to us on that.

Mr. Lane: But even with a cul-de-sac, since we don't control the property on the other side, that goes back to my original point that we could have the most beautiful cul-de-sac in the world, but if it empties into somebody's backyard or living room, it's not going to do them. There's – there's no sense in even having anything.

Mr. Foltz: Right.

Mr. Lane: So that's why we need the cooperation from the other side and I think we're going to get it, I mean they seem to want ...

Mr. Foltz: If – if they want to do it, fine.

RECORD OF PROCEEDINGS

0131

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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

Mr. Lane: Yeah, they seem to...

Mr. Foltz: If they don't, then they build a house there, our neighbors are still happy.

Mr. Lane: Well, you don't have my support unless we get their cooperation on the other side.

Mr. Foltz: Right.

Mr. Lane: I think you know that, we've talked about so.

Mr. Foltz: Okay.

Mrs. Hines: Mr. President?

Mr. Foltz: Yes.

Mrs. Hines: Surrey Hill right now going into Westfield has a split rail fence there, and I don't know whether the fire department wants to go through it but it used to have shrubbery and now it has a split rail fence and on the one corner, at the end of the split rail fence is a huge boulder. I don't think that that's affective...

Mr. Foltz: And what I don't know, and maybe the Administration knows through the years of Jim, I don't know, we've changed positions here, you know. Is who - who put those there? I mean, we can't say it's our - our personnel.

Mrs. Hines: I don't know.

Mr. Foltz: I don't know. Jim, do you know at all?

Mr. Benekos: I - I do not know.

Mr. Foltz: I mean, did you - did you approve something to that nature out there?

Mr. Benekos: No, we didn't approve that. My question would be who owns that piece of land that that emergency access...

Mr. Foltz: Yeah.

Mr. Benekos: is on. If - if that's the city's then we can go in, do what we want. If that's the homeowners association, they basically...

Mr. Foltz: I - I prefer it be the city's so there is some regulation from the Administration on that.

Mr. Benekos: Right. But at Surrey Hill, I don't know who owns that.

Mr. Foltz: Right. Okay, any other questions or comments? Do I have a motion to adopt the first reading of Ordinance No. 136-07?

Mr. Lane moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 136-07. All members present voting.

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

No: 0

Abstain: DeOrio

20. Mr. Foltz: May I have a motion to amend the agenda to include Ordinance No. 137-07 to our council agenda and to waive the rules of council requiring a committee report?

Mrs. Magel moved and Mr. DeOrio seconded to **amend the agenda to include Ordinance No. 137-07 and to waive the rules of council requiring a committee report.** All members present voting.

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

No: 0

Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 137-07?

Mr. DeOrio moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 137-07. All members present voting.

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

No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

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

Ordinance No. 137-07 – 1st Reading – Water, Sewer & Rubbish

Ordinance No. 137-07 authorizing the Administration of the City of North Canton to waive Section 935.02(a) Connection Charge Other Than by Assessment and to charge at inside City rate Section 935.02(b) Water Tap-In Fees of the Codified Ordinances of the City of North Canton for 930 Marquardt Avenue NW; 1006 Marquardt Avenue NW; 1022 Marquardt Avenue NW; 1104 Marquardt Avenue NW; and 1138 Marquardt Avenue NW, and declaring the same to be an emergency.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: Yes, this is the subject matter of our 6:45 meeting. At the urging of the Law Director it was asked that we put this – that we approve this and the City Engineer had requested it be on an emergency.

Mr. Foltz: Any other comment? Okay, seeing none, may I have a motion to adopt the first reading of Ordinance No. 137-07?

Mr. DeOrio moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 137-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 137-07?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 137-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 137-07?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 137-07. All members present voting.

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

No: 0

REPORTS:

Mr. Foltz: Okay, that concludes our ordinances, with that we'll go to reports. Director of Law?

Mr. McFarren: Well unfortunately we have some people who do not take seriously their obligation to pay their city income taxes. Finance Director Julie Herr and I've spent entirely too much time dealing with this issue. One phase of enforcement is you just sue them. So we did some of that and you know it's amazing, everybody we filed a complaint against called us and tried to work out payments and discuss this and discuss that, yet they've gotten letter after letter after letter. Half of them paid up the same day we went to court and the cases were dismissed. The other half we're pursuing collection and we're going to keep doing this until we get either some compliance or we collect our money. So we collected 50% right off the top the first time out of the chute so the next round's coming up. That's all I have to say.

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

Mrs. Herr: No report.

Mr. Foltz: He took care of it, huh?

Mrs. Herr: Yeah he did.

Mr. Foltz: Okay, Director of Administration?

Mr. Wise: No report.

Mr. Foltz: Mayor?

Mayor Held: Yes, we have good news. Our Christmas tree will be cut down on November 14th at 8 a.m. and we're going to be hauling it on over to the front lawn of the Hoover Company so we're looking for some volunteers from council to help haul that. Just kidding. No, we're going to have a truck.

Mr. Snyder: Don't look too far.

RECORD OF PROCEEDINGS

0133

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mayor Held: No, we're not going to carry that big tree, we'll have a – we're going to have a truck to transport that and I don't believe it's been determined as to what street they're going to take, whether it's 7th Street or Portage but we'll be hauling that – that big whopper of a tree on over to the front lawn of the Hoover Company and again Jim Repace, thank you very much. Did a great job...

Mr. Repace: Quite welcome.

Mayor Held: in helping to coordinate that. Came to – came together really well, very smoothly. We have our city workers that are going to be trained on the decoration of the tree and the – and also the erection of the tree so that we can continue with this process for years to come. And we've had great cooperation too from the maintenance department over at the Hoover Company and TTI, so thank you very much. Really came together very well and so you can look for this tree to be transported down either Portage or 7th Street and the homeowner that donated the tree is right here in North Canton. They're at 435 Browning so you can go by and take a look at it before we cut it down. And that's all I have.

Mr. Foltz: That's in Ward 1, right?

Mayor Held: That's Ward 1.

Mr. Foltz: That's what we're talking about.

Mayor Held: That's right, Ward 1.

Mr. Foltz: Okay, alright. Jim Benekos, any...

Mr. Benekos: No report.

REPORTS – COUNCIL:

Mr. Foltz: No report. Gail?

Mrs. Kalpac: No report, thank you.

Mr. Foltz: Member Lane?

Mr. Lane: No report. Just wish the Vikings well Saturday.

Mr. Foltz: Excuse me?

Mr. Lane: No report but just to wish the Vikings...

Mr. Foltz: Oh okay, very good.

Mr. Lane: well Saturday.

Mayor Held: Yeah.

Mr. Lane: They're – they're going to need every bit of mojo they can get.

Mr. Foltz: Maybe another overtime game, you never know.

Mr. Lane: Well at least they're down to one now, so.

Mr. Foltz: Yeah, very exciting football. Member Snyder?

Mr. Snyder: Nothing.

Mr. Foltz: Member DeOrio?

Mr. DeOrio: No report.

Mr. Foltz: Member Hines?

Mrs. Hines: No report.

Mr. Foltz: Member Repace?

Mr. Repace: I do. I know everybody'd like to get out of here but - you take one of those, give one to just – well, here, just pass those...

Mrs. Magel: Oh, down this way.

Mr. Repace: Give one to the Law Director and to Wise and to Mayor.

Mr. Foltz: Okay.

Mr. Repace: Three things. First of all, Mr. Covey, the World War II plaque. Once TTI is out of there, I don't feel real comfortable that plaque staying on the building. Although I do know that the plaque has been put in the purchase agreement, you know, what's to be done with it and I guess it belongs to – to me in some respect. But I'm still not comfortable with that so I'm not sure what we're going to do here soon with that. I – I just have a – have a funny feeling. Maybe it's – maybe it's a wrong feeling, but a funny feeling. Second thing is everyone knows for quite some time we have been working on trying to put a cooperative agreement together

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO 10148

Held Monday, November 12

7:00 p.m.

07

20

with Jackson and Plain Township. Well, I – we've got that together. This is a draft. There may be a couple things in here that may need to be tweaked, but I will tell you this, there's a lot of work in – in that. There's been a lot of work done with this. There's – there's not a whole lot of movement left within this agreement, I'll tell you that, with the townships. Now the way I – I see this is the way business is done in North Canton today has to be the different than way – the way it was done yesterday. The status quo is not going to work any longer in North Canton. We need to be innovated, we need to have a new vision, if we want to succeed. We are losing revenue due to the closing of the Hoover facility, although you'll have that tax revenue of the 800 jobs until June of '08, through June of '08 I should say. But we need to look a little bit beyond that. I know there's some people that absolutely do not want to see an income tax increase in North Canton, and – and I know how the proposed new owners of the Hoover Company feel about that. I've had some small business people talk with me about that and they feel that that could be devastating to their business. So with these agreements, these agreements can bring revenue into the city but once again, it's just time to think differently than before. I would like everyone that has it – one of these documents, and I have one for you, Gail, and I think you'll have to give the new – I can give it to you after the meeting, new council members a – a copy of that I don't have copies made for – for everyone. Again, this is a draft. If any – if any of you have something you want to discuss it within this, or see where we might be able to do something better within this, you know, I'd appreciate it if you'd get with me. If you don't want to do this, then I need to know that too. I'm not going to be here, I got two more meetings. If we want to – if we want – want to move forward and work with our neighbors instead of fight with our neighbors, then we can bring some good revenue into this city. Within this document this – this is just a cooperative agreement. These aren't JEDD's, this isn't a CEDA, these are just agreements to enter into those – those JEDD's and CEDA's. But if we don't do something, that's wrong. On of the things I do want to bring attention to that was very, very important for – for a lot of us was on page 8, where it says fire – police, fire protection and emergency medical services. The parties agree that the property is entitled to standard fire, police protection, emergency medical services by Plain Township and Jackson Township. It's no cost to the city. And I know that was important to some and a lot of work in this. Where you see where it talks about the – the contingency of this agreement that has to do with mutual aid which I think that language needs to be cleaned up just slightly. But that – that is the intent of that and if you look through here you'll see where some changes have recently been made. Some – some were ours, some were the townships. No agreement's 100% in anyone's favor. If somebody ever has that contract or that agreement that's 100% in someone's favor, I've been a lot of negotiations; I'd sure like to see that – that agreement. So with that, this is it. If anyone again has anything that they want to talk about within this document, I'd appreciate it if there wasn't anything behind my back, come to me. Be – be – be open and honest with me and let's see what we can do. And once again if you don't want to do something with the townships, we don't need to play games with them because they can go elsewhere. So with that, that's it.

Mr. DeOrio: Jim.

Mr. Repace: Yes.

Mr. DeOrio: Are you looking to put this on the agenda next week?

Mr. Repace: Oh yeah, I'm sorry. I'd like to get this on the agenda for next – next week.

Mr. Foltz: Next committee meeting?

Mr. Repace: Yes.

Mr. Foltz: Okay. That's fine, we'll put it on.

Mr. Repace: Good point Pat, thanks.

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

Mrs. Magel: Yes. Last week I visited Auburn Knolls. I took a tour with Mr. Covey. I encourage old members of councils, new members of councils, residents, administration, probably planning. Mr. Covey has been up here for many, many times describing the situation. It's one of those things you have to be there. The – there's one building up and there's – there's just nothing we can do about it, but there's three more buildings that are in question. And I would like to say that these are very expensive homes, homes that I cannot live in. I couldn't afford them. And as we know in real estate, it's location, location, location. And I feel the location has been changed, that it has altered the value of these properties. I would encourage administration; I would encourage somebody to – to – to alter this situation. It is – it's way worse than I ever could have thought. There's empty homes there that are never going to sell because they just don't have the – the beauty that attracted the – the amount of money. One – one home is \$900,000. It's empty and it will be empty. Nobody's going to buy that, not with the outlook of – that it is now. I think the creek has been altered, it

RECORD OF PROCEEDINGS

0135

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

appears from what I saw. The creek has been moved. I would just like to some – somehow there's got to be a decrease and a halt to this. And I apologize for not going earlier, but it is one of these – these – he gave me an excellent tour, not to mention I got to see the tree.

Unidentified: Wonder what...inaudible...
Mr. Benekos: Inaudible....

Mrs. Magel: But you have to – you have to understand what Mr. Covey – where he's coming from. It's – this should not have been and I figured it – I would do anything I can and please encourage everyone else in the city to – to – to alter this situation. Thank you.

Mr. Foltz: Okay, thank you Member Magel. Final call for new business. Anybody? Administration? Council?

ADJOURN:

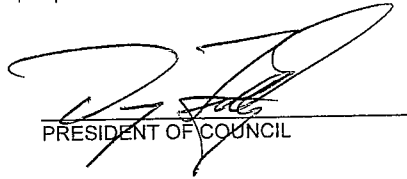
Mr. Foltz: Seeing none, may I have a motion to adjourn?

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

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

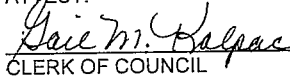
No: 0

Meeting adjourned at 7:46 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL

11/16/07 ev