

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Monday, October 23

7:00 p.m.

06

Held

20

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 Miquel Chevez, Walsh University.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

Mr. Foltz: Do I have a motion to excuse Member Snyder?

Mr. DeOrio moved and Mrs. Hines **seconded to excuse Member Snyder**. All members present voting.

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

No: 0

5. Consideration

Minutes of Public Hearing on Open Space: October 2, 2006

Minutes of Council Meeting: October 9, 2006

Financial Statement: September, 2006

Mr. Foltz: Consider motion to approve the minutes of the Public Hearing of Open Space October 2, 2006; Council Meeting minutes of October 9, 2006; Financial Statement of September, 2006.

Mr. DeOrio moved and Mr. Lane seconded **to approve the minutes and financial statement as presented**. All members present voting:

Mrs. Kalpac: Hines

Mrs. Hines: Doug, do I need to...

Mr. Foltz: no...inaudible...

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

No: 0

6. Committee Minutes

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held October 16, 2006.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meetings held October 16, 2006.

Mr. Foltz: Please request approval as presented the following Committee Report Minutes...for Finance & Property, but in Jon's absence, Vice Chairman Hines would like to amend Ordinance, Rules & Claims. With that, I'll give her the floor.

Mrs. Hines: Yes, I – I'd like to...request that we...the minutes of the October 16th Ordinance, Rules & Claims committee...have changes on their A and B. A, that it would be reflected that...it was discussed, that the committee will work towards legislation within two weeks and B, to amend the minutes to add an explanation, that subsequent to the meeting Law Director Randy McFarren has directed the snow removal policy in Chapter 311 Streets, Obstructions and Special Uses.

Mr. Lane: I'll second.

Mrs. Hines moves and Mr. Lane seconded **to amend the committee minutes** from October 16, 2006 Ordinance, Rules & Claims. All present voting.

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

No: 0

Monday, October 23 7:00 p.m.

06

Held _____ 20 _____

Mr. Foltz: Do I need a motion to approve as amended?
Mrs. Kalpac: Yes.

Mrs. Hines moved and Mrs. Magel seconded to **approve the Committee Meeting Minutes as amended.** All present voting.
Yes: Magel, DeOrio, Foltz, Hines, Lane, Repace.
No: 0

7. Recognition of Visitors

Mr. Foltz: Recognition of visitors, please come up, address Council and Administration, state your name and address.

Ms. Dunlap: Good evening everyone.

Mr. Repace: Good evening.

Mr. Foltz: Evening

Mr. Lane: Good evening.

Ms. Dunlap: My name is Cathy Dunlap, I'm the President of the North Canton Area Chamber of Commerce, 121 South Main Street, North Canton. In the past few years...there's been a great deal of discussion regarding the North Canton sign ordinance, and also the placement of a community sign. In fact, before most of you even served on this Council, the Chamber of Commerce proposed a placement of an electronic sign...no, electronic community sign, for the purpose of publicizing community events in a timely manner; community events such as the Main Street festival, other examples...of usage for that would be the YMCA, the library, the Playhouse Cultural events, the schools and any other club and organization. The Rotary Club, churches, and even a - an occasional critical Amber Alert, if needed. The Chamber would recommend that we have control of the sign's contents and this also was...still an opportunity to market the City as well, through the City, and what we have to offer to outsiders. We don't have that opportunity in too many other arenas in North Canton. We'd like to begin - begin a campaign to raise money for the sign. The Chamber would also like to contribute financially, in hopes that the City would provide some matching funds for that. We feel that this is still a very important to the community...and we would like your support again. At the time we first presented this, there were two readings through the Council, in support of the placement of the community sign, in a prominent location somewhere along the square of North Canton. Renderings and cost estimates were also...provided at that time, and the City Hall does have a record of all that information. The Chamber began a campaign at that time to secure donations and commitments from clubs and organizations. The City at that time, appeared to be willing to make a financial investment in the sign as well. With the changes in both the Administration and Council members, this issue was kind of placed on the back burner. The use of a commit, a community sign will greatly reduce individual event signage around town. With the current sign ordinance prohibiting some of these types of signage, there is no good way to reach the public with the type of information on a daily basis. As Ron Kindy of North Canton TV and Appliance, who is very instrumental in helping put this together...stated in his letter to the city dated June 6, 2003, the new community sign will give every non-profit, service organization the best possible community exposure, in the cleanest and most appealing way for years to come. The Chamber also took a leading role in discussion with the City and the business owners regarding the city sign ordinance, and how the compliance requirements of the business owners and the deadline for this compliance will be in 2008. This would ultimately affect a good many of our businesses. We did go with the engineers office up and down the street, we videotaped all of the business signs and quite a few, if not the majority of them, would not meet compliance at the deadline date in 2008. When the sign ordinance was developed, it was developed by an outside firm that was then adopted by the council at that time. Most council members did not realize the ramifications down the road. None of us want to see the sign glut, of course, in our community, but we do encourage the Council and Administration to make amendments to the ordinance that will allow the existing businesses, their signs, to remain as is unless they are in ill repair or in need of replacement. The deadline, as it is, will force all business owners to change their signs if they are not just the right size, right now. And right now, the City needs to concentrate on keeping all of our businesses and not place them in an economic turmoil by having them spend thousands of dollars on signage...by having to replace perfectly good signs. We do hope that you will consider perhaps revoking the 2008 deadline, and grandfathering those signs that are up...

Unidentified: ...inaudible...that's in the hopper.

Ms. Dunlap: in place today. There are many other critical issues that we all need to concentrate on, such as land development...inaudible...ready property for prospective businesses wishing to become a part of our community. We also owe it to our existing businesses to give them reason to remain here and not choose to relocate elsewhere because

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of unnecessary obstacles. While I have the floor, I'd like to just take this opportunity to ask the City to remember that through hard work of the Chamber of Commerce and other concerned citizens, the funding of the CIC was passed on the ballot and there needs to be an ongoing meeting of discussion of the CIC board as to where and how the monies for the CIC can help to keep or attract businesses in this community. None of us ever expected that North Canton would be at its financial crossroads that we are now. We all need to stay in the forefront of how we can best serve this wonderful community that we live in. Please, the Chamber...asks that - that the CIC board, and those that serve on it, meet; discuss and show the community that we are all in this together and that we care about those that work, live and play in our wonderful city. Thank you.

Mr. DeOrio: Thank you.

Mr. Foltz: Okay, thank you for your comments.

Mr. Gallina: Good evening. My name's Michael Gallina, I reside at 2785 Chalford Circle, when I can get home. Normally it's at the Superintendent's office, can find me either place. Ladies and gentlemen of Council, thank you for the opportunity to - to share briefly tonight and I really wanted to enhance Cathy's...maybe history and also the depth of your sign component. Having been here just a short time, and having heard the talk about potential group speak about a sign or something that could energize, if you will, a focal point for the community to not only...maybe talk about things that are going on, but create an invitedness as folks come through the City of North Canton. And I thought I would speak in support this evening, coming from Minerva, where I did sit on a support group for a CIC and also work with a group similar to talk about potential, I can share a parallel story that I think may help you with just the wisdom and insight. So certainly, there are a lot of details that I'm not familiar with with the whole process, but I can speak to the concept itself. And I know that there was a great deal of energy in Minerva to put four different "Welcome to Minerva"...signs to in sense, invite folks in and create a perception as you come into the community of welcome, that this is a neat place to check out, visit, be about, if you will and create that nature of invitedness through the signage. It was not nearly as elaborate as an advertising sign, but it did create that home feeling that this is a place I might stay, rather than pass through. So I share that thought, that if you can keep the concept of the sign for - forth, I guess, forefront in the planning, and then worry about those details that you have to work out through your ordinances and discussions, don't lose the impact of what that sign could in fact do for the City of North Canton and creating that invitedness as well as a sense of rally around communicating, what's going on and then of course, having groups talk about what they want to put on that. That in of itself is a nice process, because it forces you into communicating and that I think is a wonderful thing as folks are coming through. So I wanted to simply weigh in, as light as I am, on the topic, and give the opportunity to ...inaudible...it is a parallel, parallel thought and it really did energize a smaller community and I think we have the opportunity to do the same here.

Mr. Foltz: Okay.

Mr. Gallina: Thank you all very much.

Mr. Foltz: Thank you.

Mayor Held: Thank you sir.

Mr. DeOrio: Thank you.

Mr. Foltz: Anyone else like to address council this evening?

Mr. Jeskey: Good evening Council Members, Mayor.

Mr. Repace: Evening.

Mr. Jeskey: My name's Ronald Jeskey, spelled J E S K E Y. I live at 1005 Woodland Avenue S.W. end of city. And that is the...southwest corner of Woodland and Glenwood. And the reason I am approaching...Council tonight, I wanted to...make Council aware of the Glenwood - Glenwood Avenue or Glenwood Street. 'Course you all know it runs between Main Street and Whipple. If you turn onto Glenwood Street from Main Street there is a sign as you make the turn, for no truck traffic. Well in recent years, Glenwood Street has become major thoroughfare for every truck that passes through the City. It's not uncommon to see two, three, four semis a day. These are...construction trucks are numerous, these are not trucks that are working in the area, they're doing construction, these are concrete trucks, these are heavy duty trucks. There's a...a...major landscaper which uses that daily route for, for those trucks, his trucks to go up and down there, you see them all the day long, they're hauling tractors, heavy equipment; there's a car towing service which is hauling junk cars and cars and

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tow trucks all day long, so forth, so forth, and so on. And...I think it's a very bad idea. One because it's an all residential street, as I think we'll agree upon that. Secondly, it's a narrow street. I certainly don't think this would be an issue particularly, but I don't think that street's even constructed for kind of heavy equipment that goes down that street. I feel eventually they're gonna tear the heck out of it. And I'm sure we all know that there's a middle school just a block be, block north of that...location of Glenwood Street and I'm a, just about a block away from the – the crosswalk there, and I see children every day, they walk from that school and they walk down Glenwood Street, and they walk past my house. They're either on the grass, which is fine 'cause there's no sidewalks there, or they're in the gutter. And – and in all truthfulness I've seen them dodge those trucks, I've seen them dodge mirrors on trucks, I've seen them jump off the street. So, not to continue, continue on here, but I - I would like to know if Council would consider possibly doing a couple things about Glenwood Street. First one, it would be, would be to post "no truck traffic" on actually, on Whipple and on Main Street, prior to these trucks making the turns, because there's only one sign as I said earlier, there's not on the other side...coming off of Whipple. And give these...these truck driving people a notice that you know, you're not supposed to be on Glenwood Street and then the second thing is possibly if there's some...even some minor enforcement by the Police Department with even warnings, just to let particularly these companies which use it daily, that....you know, it's a residential street and they'll have to go down the streets that are designated for truck driving. The second issue, and I'll be quiet here in a second, is...motorcycles. Now we're not going to ban motorcycles, but living on a corner where's a...a traffic sign, motorcycles quite frequently stop at my corner. And when they gas up, a lot of motorcycle riders, a lot, a lot, are within the law, but there are quite a few too, that take their mufflers off. They either take them off or you burn out the baffles in them, and I'm sure we have all heard those. But when you live on a corner, when they start those suckers up, the widows, the widows, the windows rattle, the dogs bark, the babies cry and it's very, very annoying. And the reason I bring this up to you, because I've spoken to some of the policemen in North Canton and they said they are aware of the situation and I do knew that, I do know that there's...there's a state statute in the BMV codes about motorcycles having baffles and but there's none in the City of North Canton. And so therefore the police department says "I was told that they can't enforce any law 'cause there's none in the books". So my other proposal to Council would be that, if Council would consider some type of city code or ordinance, regarding that particular thing with the motorcycles, particularly for the real flagrant violators who...like I said at times are very, very annoying. I got nothing against motorcycles. I recently had one, I just sold it, but anyways, love motorcycles, I got nothing wrong with that except when they start blowing the windows out of your house literally...when they crank these things up. And that's all I have for Council, I...thank you very much for listening to me.

Mr. Foltz: Thank you. Any comments from the Administration, you seem to be...inaudible...the issue, so...

Mayor Held: Yes...Mr. Jeskey, what we'll do, is we're going to pass this on...to the...police chief ...

Mr. Jeskey: Thank you.

Mayor Held: tomorrow and...we'll make sure that...we check into the – the truck traffic that's going along Glenwood.

Mr. Jesky: I appreciate...inaudible...

Mayor Held: But I appreciate your input on that.

Mr. Jesky: Because and ...it's – it's – it's – it's so heavy right now that it - it's just constant, constant. Like I said, every, every truck in the world goes down that street, it's not just delivery trucks, but the concrete trucks, trucks hauling a big...bulldozers on them. It is a constant battle and I'd appreciate it very much. Thank you.

Mayor Held: Right, we will check into that.

Mr. Foltz: Okay, thank you.

Mayor Held: Thank you for your time.

Mr. Jesky: Thank you. Thank you very much.

Mr. Foltz: Anyone else like to address Council this evening?

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Mr. Santangelo: Randy Santangelo, 244 Cordelia...I'd like to support...Cathy, what she said. I think it's a great idea...we need something like that. Similar like the Canton Civic Center, only not that big, but to keep everybody posted with, like she said the Jaycee Fair, the Cleveland Pops, the lighting of the Christmas tree, I mean, you, it goes on and on and on. Maybe throw up a football score now and then, but anyway...had to throw that in there, but I – I hope everybody's be on - on board. I think, you know, should be a slam dunk here. I thank you.

Mr. Foltz: Okay. Alright. Thank you sir. Anyone else like to address Council?

Mr. Greek: Hi. My name's...Dave Greek. 1301 Westview Circle, S.E. I'm also talking in support of the sign. I'm a member of two organizations that would benefit from having a sign there...the North Canton Lions Club and the Hoover Sideliners. The Lions Club was approached about this...two, three years ago, and we had pledged financial support toward it, so we will support it, as well as benefit from it. And the Hoover Sideliners...I spoke to our president today and I'm on the board, and ran the idea by him, and he was favorable to it. It would have to go before our board, but, we would be very much in favor of that and it would benefit a lot of organizations in the City...a lot of things have gone on in the City that I didn't read in the paper and didn't hear on the radio, and, but I go up and down Main Street every day. If they were posted there, I'd be able see them. Thank you very much.

Mr. Foltz: Okay, thank you sir.

Mayor Held: Thank you Dave.

Ms. Goldthorpe: Hello, I'm Debbie Goldthorpe. 287 Orion Road N.E., North Canton. Speaking as Chairman of the Chamber, and also as a resident, and I guess both parts of the sign issue tonight, both the community sign, as well as hopefully, the repealing of the sign ordinance, at least the date that it was to go into effect. Over the last year, I – I guess I've been close enough to what I think is going on, with Council, Administration, everything, to know that there's a lot of work being done in the background. There's a lot of things you're all doing, Eric and – and everyone of you and – and that's showing up in some of the council minutes. There's a lot of things that citizens don't know about. And I think there's some frustration with that. I think that this – the citizens of North Canton at this point are kind of waiting to see what's gonna happen with this new Council and Administration, but it's ten months later. If we can have some major, positive step, a community sign would do that. Some major movement. I think that that would greatly energize the people of North Canton, gives them a focal point, gives the, the people who are – are excited about it an opportunity to donate to it and create kind of a symbol that North Canton is moving on, there's things happening. Everybody wants to live in a vibrant community, where there's things to do, and you've all been in those communities, you've all driven through places like Worthington and Hudson, even little Ravenna has a community sign. And I just feel that it's something that is badly needed, something that shows some progress at this point. As far as the sign ordinance goes, I don't like some of the signs either. But I think we are at a crucial point in the history of North Canton where making it more difficult for businesses to afford to stay in business is a – a very dangerous mistake, and I don't think I for one am, I don't think I want to see that gamble be taken. So I hope you will consider the repealing of the sign ordinance and also please consider please supporting the community sign. Thank you.

Mr. Foltz: Okay, thank you. Anyone else like to address Council this evening?

Mr. Osborne: Name's Chuck Osborne. 307 Fairview Street S.E. North Canton, Ohio. I hadn't intended on speaking, I don't have anything prepared...but I do, since I see there is so much support for this sign, I have to add my two cents worth, I guess. I sat on Council three or four years ago when this was...first discussed. To me the sign does not make sense. Electronic signs peaked in popularity in – in the 60's. This is 2006. You have the internet. It seems that there's a lot of information people want to...present to the community. I ask people just to stop and think, in reality. Is that really going to work? All this information, you got traffic running up and down Main Street here, at a bare minimum of 35, and if you ever clocked traffic coming down the street it's a minimum of 40, 45 miles an hour. Now how many seconds do you have to glance over and look at a sign, while you're getting ready to stop here at the square. Maybe 5 seconds? It's a safety issue, number one, for me. Number two, the city has labored long and hard to pass an open space, a green space ordinance. You have very little landscaping out here on front of City Hall. And it just slays me to think that you would consider cutting down half the dogwoods that you have in front of City Hall, and I presume that's again where they want to put it again. You have very little lawn...landscaping out there. Why would you want to desolate half the landscaping to put this sign in? Again, it's the control, there's the issue of controlling it...if you want to go that far in the discussions and to – to discuss this. Why would you be using public monies and giving control to another entity? If they want this

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sign, let them fund it, and let them find a location for it. It's true this did have Council support...for two readings several years ago when I was on Council...although privately, many people on Council were saying it didn't make sense. Publicly they didn't have the...backbone to – to stand up for their own convictions. And it did, it get two readings. But finally, when *The Repository* came out with an editorial that pulled the rug out from under the support, it quickly died, 'cause it didn't meet the...City's zoning requirements. In summation, I don't know why you'd want to destroy your landscaping, you're basically promoting all your businesses to come out with signs. You're – you're – you're setting yourself up as an example, this is what you should do. To put up signs. If you look at...the Lincolnway...between Canton and Massillon, they're trying their darnedest to come up with ways to – to clean up the clutter and the mess that, of the signage that's all up and down through that area. This is 2006. Use the internet to its fullest. There's a lot of information, I understand people want to put out to the public. That's the venue and the avenue that should be utilized, not taking the few last dollars that we have in our general fund. We all know that next year at this time there's going to be, probably an income tax increase on that ballot. And to - to know that you're spending tax dollars for something that's...decimating the landscape, is a safety...issue,...is not going to really accomplish what...the proponents want it to do. I understand their - their desire to just see something happen, but it's got to be something that's...it's got to be the right something. So, thank you very much.

Unidentified: I came knowing nothing about the proposal, I've just heard "for a sign". I would like to support it. Thank you.

Mr. DeOrio: Thank you.

Mr. Foltz: And for the record, that Susie Burnett...

Ms. Burnett: Sorry.

Mr. Foltz: Okay.

Ms. Burnett: Forgot my manners.

Mr. Foltz: I don't know your address there...

Mr. Lane: We'd recognize your voice on the tape.

Mr. Foltz: here's...state your name and address there please.

Mr. Ringer: Yes, my name's Bob Ringer, I live at 2200 Rohrer N.W. here in North Canton. I'm the President of the North Canton Playhouse, and I am in definite support of the sign. Right now, you may or may not realize, we're currently using the marquee at the Rite Aid...

Unidentified: ...inaudible...

Mr. Ringer: Drug store on the corner of Seventh and Cleveland Avenue and a sign that is a community sign that supports the community is there for communication, which is what it's there for, is very important. It will help us, it will help other facets of the community and I feel it's very important that we consider this sign, and again the Playhouse is in full support of the sign. Thank you.

Mr. Foltz: Thank you.

Mr. DeOrio: Thank you.

Mr. Foltz: Anyone else like to address Council this evening?

OLD BUSINESS

8. Mr. Foltz: Okay, seeing none, we'll get into a - a motion to read by title only, the third reading of Ordinance No. 117-06?

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, the third reading of Ordinance No. 117-06.** All members present voting,
Yes: Repace, DeOrio, Foltz, Hines, Lane, Magel.
No: 0

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20

06

Ordinance No. 117-06 – 3rd 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 Ohio Water Development Authority ("OWDA") Interest Payment Account, in the amount of \$58,000, for the current expenses during the fiscal year ending December 31, 2006.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: As council members recall, this piece of legislation would enable us to keep our books in balance with...the shifting of an interest payment...from next fiscal year to this fiscal year. And I would move that we...approve Ordinance No. 117-06.

Mr. DeOrio moved and Mrs. Magel seconded to **approve the third reading** of Ordinance No. 117-06. All members present voting.

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

No: 0

9. Mr. Foltz: May I have a motion to ...delete the second section in...Ordinance No. 89-06?

Mrs. Hines moved and Mr. DeOrio seconded to **delete the second section** in Ordinance No. 89-06. All members present voting.

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

No: 0

Mr. Foltz: Next may I have a motion to read by title only, the second reading of Ordinance No. 89-06, as amended?

Mrs. Magel moved and Mr. DeOrio seconded to **read by title only, the second reading** of Ordinance No. 89-06 **as amended**. All members present voting.

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

No: 0

Ordinance No. 89-06 – 2nd Reading – Ordinance, Rules & Claims

Ordinance No. 89-06 amending Ordinance No. 8-06, Section 1107, specifically 1107.03(c) OUTLINE OF PROCEDURE and 1107.05(e) DESIGN STANDARDS, regarding open space and public (open) space, and repealing any and all legislation inconsistent herewith.

Mr. Foltz: Vice Chairman Hines.

Mrs. Hines: Well this is the second reading for Ordinance No. 89-06, we hope we're on the right path, now that we deleted section 2...section 2 would've made us go through the whole process again, of going to the Planning Commission, and since we've finally gotten to the point where we don't need to do that again, hopefully, that's why that was...deleted. This is the outline of procedure and design standards regarding open space and public open space...the open space is 2.5 percent of the gross area to be sub-divided...set aside, not dedicated to the city, the public open space is 2.5 percent of the gross area, located within the City of North Canton, and accessible to the public as one parcel. There's a lot of other things that go along with it, but this is for...subdivisions of 10 acres or greater.

Mr. Foltz: Very good. Do I have a motion to adopt the second reading of Ordinance No. 89-06?

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 89-06. All members present voting.

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

No: 0

NEW BUSINESS:

10. Mr. Foltz: Next, may I have a motion to read by title only, the first reading of Ordinance No. 123-06?

Mr. DeOrio moved and Mr. Lane seconded to **read by title only, the first reading** of Ordinance No. 123-06. All members present voting.

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

No: 0

RECORD OF PROCEEDINGS

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Ordinance No. 123-06 – 1st Reading – Ordinance, Rules & Claims

An ordinance amending Chapter 311, Street Obstructions and Special Uses, by the addition of Section 311.04 SNOW REMOVAL of the Codified Ordinances of the City of North Canton, regarding the removal of ice and/or snow, and repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Foltz: Vice Chairman Hines.

Mrs. Hines: Ordinance 123-06 is our snow removal policy that we're putting into place to keep snow from...being wrongly placed on public property, into the streets, sidewalks and other – other than the street cleaning operations by the City. It also includes obstruction, concealing, and covering fire hydrants, obstruction view of intersections, and it places penalties for violations...for – for that offense. We ask for emergency but at this moment we are not going to use that, because I think we need to debate the...

Mr. Foltz: Debate and more discussion on it?

Mrs. Hines: Issue. Yeah.

Mr. Foltz: Very good. Do I have a motion to adopt the first reading of Ordinance No. 123-06?

Mr. DeOrio moved and Mr. Lane seconded to adopt the first reading of Ordinance No. 123-06. All members present voting.

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

No: 0

11. Mr. Foltz: Next, we have a motion to read by title only, the first reading of Ordinance No. 124-06?

Mr. DeOrio moved and Mrs. Magel seconded to **read by title only, the first reading of Ordinance No. 124-06.** All members present voting.

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

No: 0

Ordinance No. 124-06 – 1st reading – Ordinance, Rules, & Claims

Ordinance No. 124-06 authorizing the Mayor of the City of North Canton to grant a ten foot wide (10') non-construction easement from the City of North Canton to Powell Industries for the purpose of expanding their existing building located at 8967 Pleasantwood Avenue NW, adjacent to the City's parcel that has the water tower located on it, and declaring the same to be an emergency.

Mr. Foltz: Vice Chairman Hines.

Mrs. Hines: Well this is pretty well explained by Randy's reading. They make switch gears for transit systems. In 2004, they closed their Texas plant and moved the product line to North Canton, which is good for us. They plan to employ more people by this addition, but there has been a - a change in – in the kind of the right of ways from the or the space from adjoining public ways...from 50 to 60 that changed in 2002 and that is why they're asking for this 10 foot non-construction easement.

Mr. Foltz: Very good. Do I...

Mr. Lane: Could I...could I ask a question...inaudible...something came up after we finished the discussion last week. I know this is actually in Lake Township, as is our water tower. Is there any possibility at some point in time, that we'd be talking an - annexation on this property? Or do we even get anywhere close?

Mr. Wise: No, we're not, we're not anywhere close at this point.

Mr. Lane: Yeah, okay.

Mr. Wise: Yeah, it's a long a long way up there for....inaudible...

Mr. Lane: I just had a couple of questions asked of me and I thought I'd ask you, so...I didn't think we had anything even contiguous up near our water tower.

Mr. Wise: We're not close.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 23 7:00 p.m. 20 06

Mr. Lane: Thank you.

Mr. Foltz: Who knows, one day.

Mr. Lane: That's right. We could be up there in just a matter of time.

Mrs. Hines: ...it also needs to, they asked that it be on emergency.

Mr. McFarren: I need to get in here.

Mr. Foltz: Okay.

Mrs. Hines: Because of – of the timing.

Mr. Foltz: Right. Our Law Director has a comment.

Mr. McFarren: I – I – the legislation is desirable, however the...non-construction easement if you will, that was submitted to us is, frankly, it's not acceptable...and it, this is what's wrong with it. The easement grants a quote, permanent easement, and the easement would then run with the land to the grantees successors and assigns forever. I don't think we want to do that. It's possible to grant the 10 - to the – the 10 feet, but the...10 feet should be...limited to the useful life of the...building that will be built on that premises. Otherwise you will have permanently altered your duties and responsibilities no matter what happens to that building. If – if doesn't get built, you've given it and if it does get built, and it gets torn down someday, which all buildings do...you've got a problem. So I would suggest to you, that we, if you want to pass this thing as an emergency, I would simply delete section 3 of the existing Ordinance, authorize us to go ahead and execute the – the easement...I would negotiate with the attorney for the company and I'm sure that they would go along with a – a limitation on the...of time on the easement. They'll get what they want, they'll have what they need...but they're not going to have it forever. Forever's a real long time.

Mr. Foltz: I thought that was discussed that evening, wasn't it?

Mr. Repace: Yeah, it was.

Mr. Foltz: If something happened to that building, or changed ownership, that easement wouldn't...

Mr. Repace: We did talk about that.

Mr. Foltz: be in effect. Do you remember that?

Mr. Repace: Yes, I do.

Mr. Foltz: So I'm surprised that...inaudible....actually in the language here.

Unidentified: Is that...inaudible...

Mrs. Magel: Where exactly is it?

Mrs. Hines: Yeah, because...section 2 says...

Unidentified: ...inaudible...

Mrs. Hines: that it shall stay in effect for the life....

Mr. DeOrio: You've got to read the...

Mrs. Hines: Of the Powell Industries building.

Mr. DeOrio: Read the...you need to read the actual easement.

Mr. Foltz: The non-construction easement.

Mr. DeOrio: Yeah.

Mrs. Hines: Not the ordinance?

Mr. DeOrio: Not the ordinance.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, October 23

7:00 p.m.

20

06

Mr. Foltz: You, you had a comment, Member DeOrio?

Mr. DeOrio: Well I was going to...I was just going to opine that I – I – I'm loathed to vote for something in which I haven't seen. The doc, not that I don't have the complete confidence in our Law Director to negotiate a fair and equitable thing, but as far as voting on it, I – I would prefer to see it before I voted on it.

Mr. McFarren: You could give...

Mr. Lane: Is it possible to...

Mr. McFarren: You could give...

Mr. Foltz: Give it a first reading

Mr. McFarren: it a first reading

Mr. Foltz: come back to it, in committee see what you could maybe make a contact with their attorney.

Mr. McFarren: Sure.

Mr. Foltz: And maybe we can get this cleaned up, pass it on emergency.

Mr. Lane: Their – their timetable's very short, though, if I remember, isn't it?

Mrs. Hines: Yeah.

Mr. Foltz: Well, it might be short, but we want to do this right.

Mr. Lane: But I mean, is it possible...

Mr. Foltz: I mean, it's our property.

Mr. Lane: I guess, to do a special meeting 5 minutes before next week's committee meeting?

Unidentified: Next week?

Mr. Lane: No, actually, it would be two weeks.

Mr. Foltz: It's two weeks,

Mr. Lane: Yeah.

Mr. Foltz: 'cause we don't meet - meet next Monday.

Mr. Lane: Yeah.

Mr. Foltz: Why don't we just pass, I would recommend we pass first reading, let our Law Director...contact their attorney or – or their ...

Mr. McFarren: the gentleman's here now.

Mr. Foltz: Oh, he's here? See how quickly we can get this - this wording done and if it's time's of the essence, I wouldn't, we could have a special meeting before the committee meeting.

Mr. Lane: I just remember something about November, that's why I was thinking that, so...

Mr. Foltz: Right, but I wouldn't recommend we meet next Monday. I think they,

Mr. Lane: Oh no, I wouldn't make a special meeting...

Mr. Foltz: that gives them time to, you know, and I'll – I'll follow our Law Director's A plan on that as far as, when's the next time we can meet on it? Things are a little...

Mr. DeOrio: So we would not be passing this on an ordinance, is that correct?

Mr. Foltz: No, we'll just pass the first reading, let them work through the language. Is there a motion to...adopt the first reading of Ordinance 124-06?

RECORD OF PROCEEDINGS

0029

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 23 7:00 p.m. 20 06

Mr. DeOrio moved and Mrs. Hines seconded to adopt the first reading of Ordinance No. 124-06. All members present voting.
Mrs. Kalpac: DeOrio?
Mr. DeOrio: Yes.

Mrs. Kalpac: Foltz?
Mr. Foltz: Yes.

Mrs. Kalpac: Hines?
Mrs. Hines: Yes.

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

Mrs. Kalpac: Magel?
Mrs. Magel: Yes.

Mr. Benekos: They didn't want to.

Mrs. Kalpac: Repace?
Mr. Repace: Yes.
No: 0

12. Mr. Foltz: May I have a motion to read by title only, the first reading of ...

Mr. Benekos: ...inaudible...he talked to them.

Mr. Foltz: Resolution No. 125-06?

Mr. DeOrio moved and Mrs. Magel seconded to read by title only, the first reading of Resolution No. 125-06. All members present voting.

Mayor Held: ...inaudible...E.J. talked to them.

Mrs. Kalpac: Foltz?
Mr. Foltz: Yes.

Mr. Benekos: Yeah.

Mrs. Kalpac: Hines?
Mrs. Hines: Yes.

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

Mrs. Kalpac: Magel?
Mrs. Magel: Yes

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

Resolution No. 125-06 – 1st Reading – Finance & Property

Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor, and declaring the same to be an emergency.

Mr. Foltz: Chairman DeOrio.

Mr. DeOrio: As you recall from last week, this is a – a housekeeping matter...we received certain amounts of levies and – and tax rates and we give that information to the Budget Commission, they tell us how much it is and we put that it in our accounts and this actually verifies that the – that the monies were received and actually put in the proper place. And...per request from...Finance Director, we would need to do...pass this on an emergency, in order to get this done and back to them by a deadline that they have imposed. And I would recommend that we adopt Resolution number, I notice we're using Resolution there instead of, is this an Ordinance? Is it just a typo?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 23 7:00 p.m. 20 06

Mrs. Herr: It's Resolution.

Mr. Foltz: In your determination, it was a Resolution.

Mrs. Herr: It's Resolution.

Mr. Foltz: Resolution, good.

Mr. DeOrio: Resolution No. 125-06.

Mr. Foltz: The first reading, is there a second?

Mrs. Magel: Second.

Mr. DeOrio moved and Mrs. Magel seconded to **adopt the first reading** of Resolution No. 125-06. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Resolution No. 125-06?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules** for Resolution No. 125-06. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Resolution No. 125-06?

Mr. DeOrio moved and Mr. Lane seconded to **adopt under the suspension of the rules** for Resolution No. 125-06. All members present voting.

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

No: 0

Mr. Foltz: A few comments for a...go to Administration under comments to Council...there will be no meeting next Monday, since it is the fifth Monday of the month, so our next scheduled Committee of the Whole meeting will be November 6th, so...so we're all aware of that. Second of all, there's been a lot of discussion of public speaks about community sign. I've been in favor of that sign, I look - look forward to working with...the private sector and their different entities to put this together and...make this happen for North Canton. We passed it before, that was my sentiment, it was discussed before under Mayor Rice, so, I'll hold true to it now. As far as the sign ordinance, I think, we're very sensitive to our business owners here in town, and...we're taking another look at that through...our Law Director and also Gene Hemminger and we're going to be very sympathetic to see what we can do to be constructive to keep existing signs or maybe to - to look at more time to see how we can tweak this ordinance to better serve our - our - our community and our business owners. So with that, I'll turn things over.

REPORTS:

Mr. Foltz: Any comments to the Law Director?

Mr. McFarren: none.

Mr. Foltz: Julie, Finance Director?

Mrs. Herr: Just to wanted to...make everyone aware that we are starting a process to issue bonds for the...4.3 million in water notes that are going to be coming due in February...but it's about a four month process to do that, so we are starting on that and prior to the end of the year there will be...actually bond legislation coming forth, so...

Mrs. Magel: Four months, you say?

Mrs. Herr: About four months.

Mrs. Magel: ...inaudible...

Mr. Foltz: Very good. Thank you, Finance Director Herr. Our Administrator Wise.

Mr. Wise: Yes, just a - a couple of announcements. Tomorrow night at 5 p.m. and Jim Dansizen is here, they have, the Chamber has a function Alive After Five. It's at the North Canton Medical Foundation, is that correct Jim?

RECORD OF PROCEEDINGS

0031

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 23 7:00 p.m. 20 06

Mr. Dansizen (from audience): That's correct.

Mr. Wise: Tomorrow night. Is that the costume event as well?

Mr. Dansizen (from audience): Correct.

Mr. Wise: Costumes are optional? But it is at the North Canton Medical Foundation, the Chamber puts this on...Jim, I think is in charge of, certainly does the lion share of the work, but that's a good event if you haven't made any of those before. The North Canton Medical Foundation is a – a fine establishment in our city...so that's for your information, if you have a chance to attend, I'm sure they would greatly appreciate that. Also, November 3rd, Friday November 3rd, we do have a – a second...

Unidentified: ...inaudible...touching base...inaudible...

Mr. Wise: what is now would be a second bid opening on Well #9, so we'll keep you advised on that as well. Alright.

Unidentified: ...inaudible...I don't know, I drove by there the other day ...

Mr. Foltz: Okay, that's it?

Mr. Wise: Nothing further at this time.

Unidentified:...inaudible...

Mr. Foltz: Thank you. Mayor Held, any comments?

Mayor Held: Yes, I'd like to...give an update on – on the - the Zimmer Ditch, I know that we've had...some flooding here the past week. We are presently, the county is...working under the advisement of the Army Corp of Engineers to complete the water retention basin, basins up north and they're not completed yet at this point, but...we do anticipate once the water retention basins are completed that we'll see some relief when we have the heavy rains and...also we will be in the next probably four weeks, we will have the recycling bins available. We're just getting that...program in place for the residents that are interested, there will be free recycling bins to the residents and that's through a grant, and...that's all I have at this time. Oh, and I'd also like to thank all the...individuals that spoke up about the...the community sign. I look forward to that proposal and...I'm sure that we'll be able to...generate some ideas and get a – get a better idea as to where the Chamber's coming from in that particular issue. And as Debbie Goldthorpe also mentioned, as far as informing the residents, there is a lot of work that's being done in the City on behalf of City Council and the Administration. City of North Canton is a very active place. And...and we would like to...put some information out to the residents in the form of – of a newsletter. We haven't had one out yet this year and so any information that you'd like to see...placed in that, certainly Council, we're open to it. Please contact our office as to what you would like...to communicate to the residents and also our - our residents...if you have any particular items that you'd like to see addressed in that...please let us know. And that's all, thank you.

Mr. Foltz: Thank you. City Engineer, Jim Benekos.

Mr. Benekos: Yes, regarding the easement for Ordinance No. 124-06, did you indicate you will have a special council meeting in two weeks?

Mr. Foltz: If it's necessary...I'll talk to our Law Director or you...

Mr. Benekos: Okay.

Mr. Foltz: City Engineer determine, if not, if it could wait to the regular council meeting, that's fine also. I - I'd be willing to do it if it's going to hold them up for their project since the language isn't right. I mean, we could have one before the Committee of the Whole meeting.

Mr. Benekos: Okay.

Mr. Foltz: On – on whether, we could go either way on that, I guess...inaudible...discretion, if the language is right.

Mr. Benekos: Alright, thank you.

Mr. Foltz: Okay, alright.

Mr. Benekos: That's all I have, thanks.

Monday, October 23

7:00 p.m.

06

Held

20

REPORTS – COUNCIL:

Mr. Foltz: Okay, Council Clerk Gail?
Mrs. Kalpac: No report.

Mr. Foltz: No, no report. Member Lane.

Member Lane: Yeah, yeah, possibly E.J. maybe you can answer this for me, because we've all been solicited I think over the past couple of weeks from gas prices. And Dominion I know came in with their subsidiary at ten forty-nine. I just got one in the mail a couple of days ago from IGS at nine ninety-nine. And the questions that I'm getting over this last weekend, 'cause I think a lot of people got this thing, is that apples to apples, with our eleven twenty three or is there anything in there plus that nine ninety-nine that would take the price back up to where we're at?

Mr. Wise: Well, I – I haven't seen those proposals so I – I guess I can't tell you exactly. We pay eleven twenty-three is our price, now the price you get even with our price...there – there will be a transportation cost or...

Mr. Lane: Correct.

Mr. Wise: – or something else added to that. I'm assuming that the nine ninety-nine or the ten forty-nine is – is relatively apples to apples if that's appropriate, but there's going to be some transportation...

Mr. Lane: Okay, that would be...inaudible...

Mr. Wise: costs on top of that. But exactly what's in that I don't know, that's something that they would have to check with the supplier...they can also call Direct Energy...with regard to any questions they have about that. We struck the price back in July...

Mr. Lane: sure

Mr. Wise: and there hasn't been a hurricane touch U.S. soil as I – I heard this morning on the...the news. That's the first time in 28 years or something like that. It doesn't mean it won't happen, but the price has – has gone down significantly since September 12th which was the last day we had to strike, in order to get the...to choose price for...November...but they can always call Direct Energy if they're NOT with Direct Energy, they need to be very careful to check to see if there's any cancellation fees with who they're with. They can opt out of Direct Energy at no cost...but if they're not with Direct Energy and they think they can get a better price they need to – to make sure they ask the questions.

Mr. Lane: But anybody who's in our aggregation plan could switch let's say to IGS. I'm not advocating that, but they could switch to IGS at no penalty cost to them, it would just take one billing...inaudible...

Mr. Wise: Correct. There's no fee by Direct Energy. I don't know if there would be any cost by IGS to hook up, I would, I doubt it, but it's...

Mr. Lane: Well it's worth a look into.

Mr. Wise: of course, something they would have to check.

Mr. Lane: the small print, but I – if you want me to, I'll try and fax that over to you so at least you could take a look at it.

Mr. Wise: That'd be great.

Mr. Lane: I didn't bring it with me or I'd give it to you, or I could do that tomorrow. The other thing, I just wanted to thank Chief Grimes, Detective Minock, Patrolman Manse and also Jim Knight of the Prosecutor's office, and they were here last Wednesday, we had a very successful meeting on break-ins over in, off Greenway and - and Carlton and Meadowlane and that area. We had 27 that attended and they all learned, and I think shared some information with the police and we went back and forth and I just wanted to thank the Police Department for their help on that and I don't think there's been a break-in since last Wednesday so, keep our fingers crossed that it stays that way, so.

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

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 23 7:00 p.m. 06
20

Mr. DeOrio: First, on behalf of...my good friend, Mr. Snyder, who couldn't be with us tonight, he – he would...I'm sure not...be remiss in reminding us that there is a meeting set for next Monday here in the council chambers for his residents on Lipton in dealing with that issue and encourages...those of us...who can be available to attend and - his meeting with him. Two, Mrs. Goldthorpe and Mrs. Sebring who are still here and any other chamber members, thank you very much for coming here, thanks to all of you to, for speaking out...with – with your opinion on this...in relations to the sign ordinance, per se, legislation's in the hopper...on this and we are looking to do two pieces of legislation. One, that deals specifically with the repeal of that section that imposes that time line, and the council felt that...rather than get...that very important component wrapped up in a detailed thorough vetting of the sign ordinance which could take some time to...complete. We wanted to get that first one done right away, so I would expect that...at our next...Committee of the Whole meeting that at least that piece of legislation would be available for this council's review and then hopefully move through the process. That is all.

Mr. Foltz: Okay, Member Hines.

Mrs. Hines: Well, Jon had asked me to also mention about Monday night's meeting here at council chambers at 6:30. So that's it.

Mr. Foltz: Very good. Anything else? That's it?

Mrs. Hines: That's it.

Mr. Foltz: Okay, Member Repace?

Mr. Repace: Yeah, I just want to...mention that I – I'm also in favor of the sign ordinance. I think that's one of these types of things that just helps bond a community together. It helps the community feel like their in touch...with one another. And I think it's a great idea. Also, the...the sign ordinance, I – I think that Pat you know, mentioned that we are looking at redoing something to repeal that ordinance...I – I'm in favor of doing something there too. That – that could put some of our businesses in financial difficulty, it could even force a business to leave our community. We certainly don't want to do that. I think the first thing I said, did I mention sign ordinance? I meant community sign.

Mr. DeOrio: I think you meant community sign.

Mr. Repace: Community sign, so...the other - the only other thing I have is I mentioned, I think it was last week about the park on...Clearmount. I checked it a few days ago and nothing's been done to fix that fence. And I want to know, are we going to do something with that or are we gonna just let someone else get hurt? So...

Mr. Wise: We do have a – a price to take out a section of that fence and repair it ...they were supposed to call Brian Hill...last week but it's my understanding someone from that company was on vacation. They do have a...plan to fix that one section of...fence and ...if there is any other suggestions, you indicated, whenever it was, that you had some suggestions, I'd be happy to - to listen to those, so, if you want to give me a call, or I can give you a call, we could sit down and talk about it.

Mr. Repace: Those posts that are coming out of the ground, something needs to be done there before somebody catches a foot or, and breaks an ankle or - or a leg also. So there's a lot of work that needs to be done in that park. Just so you know.

Mr. Foltz: ...inaudible...Alright, thank you Member Repace. Member Magel.

Mrs. Magel: Yes, I have several things. Number one, Mayor Held, you mentioned that...the - the pails that are gonna come out, I just want everybody to know, currently we are under the leaf program. And I would encourage everyone...to go down and get their bags and please recycle your leaves. If you go by my house, you'll see I practice what I preach. The other thing is you mentioned...November 3rd, there'll be a new bid for...Well #9 and...I just, the president had said our next meeting will be November 6th, I will try to, I'm trying and I – I will try to have that legislation for...the – the testing of...the East Maple well field and I would ask...the chairman of Finance & Property to make sure that that money was appropriated?

Mr. DeOrio: Okay.

Mrs. Magel: Next thing is, Jim, you're going to, Chatham's done, right? It's engineered and...

Mr. Benekos: We have a set of plans for it.

Mrs. Magel? You do?

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 23 7:00 p.m. 20 06

Mr. Benekos: It has to be reviewed.

Mrs. Magel: Okay. And will be done, soon? For next year's budget?

Mr. Benekos: It – it can be, yes.

Mrs. Magel: I would...I would like that to happen....the next thing was...Mr. Administrator, of all things, I spent about two hours today...making the phone calls that...Mr. Lane was discussing, and pretty much everything he said is correct...Dominion is ten forty-nine right now, and of course you can, can opt out Direct Energy, and it will cost nothing to get into Dominion for ten forty-nine although it will cost you \$50 to if you want to opt out. The other one, what did you call that? I –

Mr. Lane: IGS.

Mrs. Magel: IGS, okay.

Mr. Lane: Interstate Gas

Mr. Magel: Is nine ninety-nine, and...that one will cost, again nothing to opt out. If you opt in and wanted to get out of that, it's \$150. So you know, you have to take these things into consideration. And...Earle, would...Mr. Administrator, would also say that when you did the eleven dollars and twenty-three cents, if you recall, that was the lowest around, at the time. So it's, you know, it's, you did - did your best, it's just, it's a gamble and....the...maybe...it's good for all of us, it went down. You know, it's a good thing.

Mr. Lane: I think we're all within fifty cents of each other I think...

Mrs. Magel: Right.

Mr. Lane: with the exception of the county. County's up in the thirteen dollar range right now.

Mrs. Magel: And that's all I have to say except Chatham is done right, Jim?

Mr. Benekos: No, it's not done yet. We're working on it.

Mrs. Magel: Thank you.

Mr. Foltz: Okay, a last comment...I think we talked, Mayor Held and Administrator Wise, about a situation on one of our streets about leaves being in it? It was – just informed that it's been happening again so as far as it's going to be an enforcement issue. Maybe you can talk to...Chief Grimes, we can get somebody down there to take a look at that. School bus goes down that street, I believe its on Ambler or that immediate area and who's ever doing it shouldn't be doing it, 'cause it might cause an accident there and I'd like to see you guys...see what you can do with the enforcement of that issue. So...that said, any new business from Council?

FINAL CALL FOR NEW BUSINESS:

Mr. Foltz: If not, do we have a motion to adjourn?

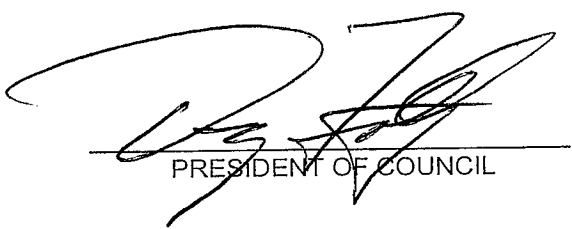
ADJOURN:

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

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

No: 0

The meeting adjourned. at 7:57 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

RECORD OF PROCEEDINGS

0035

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

PUBLIC HEARING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 6, 6:45 p.m. 20 06

CALL TO ORDER:

The public hearing was called to order at 6:49 p.m. by President of Council Doug Foltz.

Notice is hereby given that a public hearing will be held by the Council of the City of North Canton, Monday, November 6, 2006 at 6:45 p.m. in the Council Chamber at North Canton City Hall.

The purpose of the hearing will be to establish zoning for the recently annexed Chambers/Pittsburg area.

The North Canton Planning Commission, at their September 6, 2006 meeting recommended that the area be zoned GB-B, General Business B.

Final action thereon, according to law, will be taken by the Council of the City of North Canton subsequent to the date of said public hearing.

Mr. Foltz: The purpose of the hearing is to establish zoning for the recently annexed Chambers/Pittsburgh area. Call roll.

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

Mr. Foltz: For the record, do I have a motion to excuse Member Magel?

Mr. DeOrio moved and Mr. Repace seconded to **excuse the absence** of Council Member Magel. All members present voting.

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

No: 0

Mr. Foltz: With that, the purpose of the meeting is to look at the North Canton Planning Commission, their September 6, 2006 meeting, recommended at there be zoned General Business B. Anyone here like to speak for or against that zoning? Nobody? Okay, seeing none, any comments from Council on that? Member Snyder?

Mr. Snyder: Mr. President, in relationship that's as closely aligned to the existing zoning which is their B-1, I believe, which is General Business in Plain Township, and that's our GBB district which is the, not the, is the most liberal of our business zoning. It mirrors the Plain Township zoning and as you knew, out of the committee, it did recommend that we leave that zoning as close to that as possible and...so that's the reason for that.

Mrs. Hines: Oh.

Mr. Foltz: Okay, very good, we'll see that then later in the Committee of the Whole.

Mr. Snyder: Right.

Mr. Foltz: Alright. Do we have a motion to adjourn the public hearing?

Mr. Lane moved and Mr. DeOrio seconded to **adjourn the public hearing**. All members present voting.

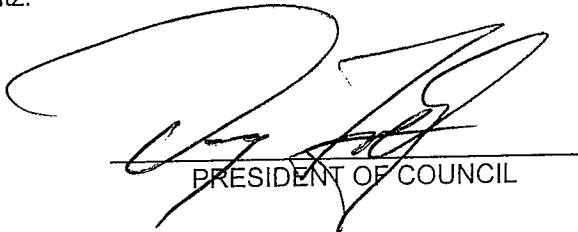
Yes: Lane, Snyder, DeOrio, Hines, Repace, Foltz.

No:

The public hearing ended at 6:52.

ATTEST:


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

11/9/06-ev

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RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 6 6:56 p.m. 20 06

CALL TO ORDER:

1. The Special Council Meeting was called to order at 6:56 p.m. by President of Council Doug Foltz.

ROLL CALL:

2. 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 Finance Herr, Director of Law McFarren, and City Engineer Benekos.

3. Mr. Foltz: May I have a motion then to read by title only, the second reading of Ordinance No. 124-06?

Mrs. Magel moved and Mrs. Hines seconded **to read by title only the second reading** of Ordinance No. 124-06. All members present voting.

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

No: 0.

Ordinance No. 124-06 – 2nd reading – Ordinance, Rules & Claims

Ordinance No. 124-06 authorizing the Mayor of the City of North Canton to grant a ten foot wide (10') non-construction easement from the City of North Canton to Powell Industries for the purpose of expanding their existing building located at 8967 Pleasantwood Avenue NW, adjacent to the City's parcel that has the water tower located on it, and declaring the same to be an emergency.

Mr. Foltz: With that, I'll turn things over to Chairman Snyder.

Mr. Snyder: Thank you, Mr. President. As you recall, this piece of property under the Ohio Revised Code, he needs an additional easement to that he's able to expand his building that he wants, Powell Industries. I know, I've been asked, and somewhat criticized as to why we are not asking that this property be annexed to the City. First of all, it's not contiguous to anything that we have. So at that particular case it's almost a moot point. So I'd like to have that in the record that we are not of such a foolishness that we would not a first thought that out, prior to talking of this.

Mr. Lane: We, we did discuss that in ...inaudible...

Mr. Snyder: Oh did? I beg your pardon.

Mr. Lane: No, I asked Mr. Wise ...

Mr. Snyder: I didn't – I didn't...

Mr. Lane: on your behalf...

Mr. Snyder: Oh, I'm sorry, I didn't,

Mr. Lane: Earle and I had that conversation, so.

Mr. Snyder: I apologize for my redundant statement.

Mr. Lane: That's alright.

Mr. Snyder: The other thing is, Mr. Powell has a very successful business. He's moved it, he's relocated it, he does have our, I believe, our utilities, and it's something, provided his building stays in existence, the easement will stay in... existence. Should he elect to...discontinue his operation, the easement goes away and as we talked about in the first reading, and in a committee, that it's a – it's a way of bringing additional revenue into the county and doing the right thing. It's not property that's going to bother our water tower...the Superintendent of Water Production, Mr. Steinhebel's very comfortable with it, the Administration's comfortable with it, so I would recommend that we adopt the second reading of Ordinance 124-06.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, November 6

6:56 p.m.

20

06

Mr. Foltz: Okay, do I have a motion then to adopt the second reading of Ordinance No. 124-06?

Mr. DeOrio moved and Mr. Lane seconded to **adopt the second reading of** Ordinance No. 124-06. 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. 124-06?

Mr. DeOrio moved and Mrs. Magel seconded to **suspend the rules for** Ordinance No. 124-06. All members present voting.

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

No: 0

Mr. Foltz: Now may I have a motion to adopt under the suspension of the rules for Ordinance No. 124-06

Mr. DeOrio moved and Mrs. Hines seconded to **adopt under the suspension of the rules** for Ordinance No. 124-06. All members present voting.

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

No: 0

ADJOURN:

4. Mr. Foltz: Do I have a motion to adjourn the special council meeting?

Mr. DeOrio moved and Mrs. Magel seconded to **adjourn** the Special Council Meeting. All members present voting:

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

No: 0

The meeting ended at 7:00 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

11/8/06 ev