

RECORD OF PROCEEDINGS

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Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held	Monday, September 24	7:00 p.m.	07
			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 Rev. Gary Smith, Zion United Church of Christ.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

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

5. Consideration

Council Meeting: August 27, 2007

Mr. Foltz: I ask Council to consider for approval the Council meeting minutes of September 10, 2007; the Financial Statement from August, 2007; and the Mayor Court receipts of July, 2007. Do I have a motion to approve?

Mr. Snyder moved and Mrs. Magel seconded to **approve the minutes of the council meeting, financial statement and Mayor Court receipts as presented.** All members present voting:

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

No: 0

Mr. Snyder: Mr. President, excuse me, may I make a motion to excuse Member DeOrio?

Mr. Foltz: Yeah, thank you for that, yes. Motion on the floor, is there a second?

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

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

No: 0

6. Committee Minutes

Mr. Foltz: Request approval as presented the following committee report minutes for Community & Economic Development of September 17, 2007; Finance & Property from September 17, 2007; Personnel & Safety, September 17, 2007; Water, Sewer & Rubbish September 17, 2007. Do you have a motion to approve as presented?

Community & Economic Development Committee: Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held September 17, 2007.

Finance & Property Committee: Please refer to the minutes on file of the Finance & Property Committee meeting held September 17, 2007.

Personnel & Safety Committee: Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held September 17, 2007.

Water, Sewer & Rubbish Committee: Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held September 17, 2007.

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

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

No: 0

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7. Recognition of Visitors

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

Mr. Covey: Thank you. My name is Rod Covey, I live in North Canton at 35 Auburn Avenue S.E. I have three items but Mr. Chairman, it'll be well under five minutes I promise. Number one, I spoken to our – I spoke to our friends in Australia, Melbourne, Australia, regarding SteelSafe and I came – it was quite a bit of a surprise when he said Rod, we're getting close to this thing I've been talking about for probably six weeks. We're getting close to it – whatever it is but he still can't because of Australian law, tell me what it's all about. But it's good news and he said – and the part that got to me was he said, Rod, we'd like to fly you and your wife down to Australia to celebrate when this happens. So, got my fingers crossed 'cause we still want – if – if it happens in America, we want it to happen right here in North Canton, as you know. Thank you. The other item I'd like to bring up is, and this'll be really short, but I'm sure you all saw the first full blown recap of the Auburn Knolls situation in the *Repository*, and if anyone hasn't seen I could pass it around, but I'm sure everybody's seen it. Right? Okay...so we're still working on that as you know and sometime we'll probably would like to approach whoever we should to talk about resolving some of these issues and the problem is they – they keep popping up unfortunately. But for example, Saturday morning early, it's always on a Saturday morning and early, this huge equipment came into South Main area. We thought they were done chopping down trees and doing whatever they do with all the huge equipment. They had load – front-end loaders, not – not those little Bobcats, great big, anyway, this went on all day long until about 6:00 at night. And some big, hardwood trees came down, and again here we go. Green, how green is my valley? It ain't as green as it used to be. That's just one little item. One other real quick one, is that, there's a person in this room that told me that he personally was approaching South Main about three weeks ago, coming up South Main this way and a – one of the developer's trucks – it was a pick-up truck I believe, came out up, up and out. He didn't quite get to those lanes to go south, but he stopped momentarily, meanwhile this person that told me this said he almost cracked – crashed into him because he just stopped so fast. It wasn't expecting a truck to come out of nowhere down that valley. So that still bothers me a lot and what's going to happen someday I don't know, I pray to God nothing ever serious would happen but I did call the – the department that had something to do with the engineering of the bridge and the street and I said, at what point did this all happen? We didn't even know, having lived there for all these years, we didn't know that you'd need there'd be a curb cut in there. Why would you ever do that? He told me, it was a few years ago as you know, and he said, well it maybe the worst and I pray this won't happen, the worse would happen, maybe you would just have a right turn only then you'd – people would come up out there, turn right go up to Easthill, go over, go up through Auburn Knolls, wonderful, wonderful. So maybe that won't happen either. But my point, if I may, is that it seemed like these aggravating things just keep aggravating. And a lot of people down there are very upset, as you all know. Third is some real good news regarding the plaque. First, thank you very much for putting on the agenda the Resolution which would say that you folks all love the idea, and as we all do. Our – our funds so far are at – counting two pledges that we don't have in yet, about \$10,000 and every day two or three checks come in. Ten, or twenty-five, fifty, couple hundred dollars, so, and one of the reasons for this is the wonderful job that our friends from the ...inaudible...are doing. Tony back there, and of course Mr. Pritchard, and Dottie. And way, as you know, the way promotion works is that it's accumulative so if you have something in something reaching the people at least once a week, people keep being reminded of it. That's why, for example if you notice one bank ad, I think it's run 50 times in the last three months. It's First Merit's bank ad about this big, yellow. But the reason they run that so many times, you might think well that's crazy wasting all that money. But they're - they're looking for the cumulative affect. So thanks to these folks who have an accumulative affect, and people will continue to give to us 'til we – 'til we get this – this job done. I made three visits totally to the Bitzer Park and every time I go, I learn something new. And the last time, I spent a little more time, went to the plaque itself and I counted again, when my wife and I did this two Sunday's ago we counted, we think just short of a thousand, but I don't question the 834, but the other day when I was over, I didn't have a piece of paper and a pencil, or pencil with me, but I counted what I think might be well over 900. So Mr. Repace maybe we could go over some day there and we could get a little step ladder and get up and make an exact count. Maybe some – for some reason when the plaque was made, a few more people – the names came up and so forth. But I think that's important. And of course I saw the - and I didn't know this thing existed but – but back on the south, let's see, southwest corner of Bitzer Park, there's a plaque about that big honoring the Korean and Viet Nam War Veterans. I didn't know that was there. But that is – it's there and it's been there and it's wonderful but that would be part of our plan, I would hope, if we could take that to put it in a beautiful setting itself. And this just goes on and on and on about the wars. Again, you - we all know about the eleven wars we've been in and if you look at a true history of the wars in this country there have probably been 30. There are a lot of 'em we don't even – we don't even list as a war, back in 1812, and the Mexican War. I think there were 3,000 people killed in the Mexican War. If you ask most people, did we ever fight Mexico? We sure did. So the –

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the more good news, we do have a committee formed, financially we're all set, we're going for that – that 5 – 10 tax exempt basis which is going to help a lot of people I think, I'm sure. And I'm very pleased to have as a vice chairman of this committee Mr. Jim Dansizen. I'm really honored that he's – he's joined us, and we have more people on that committee too. And we're meeting this Friday with another Dansizen, one we know so well. The man who has designed so many great buildings in Stark County, including the one we're in right now. Ken Dansizen will join us. We're going to talk about some original plans, what this – what this park might – might be. And finally a gentleman was here last – was it last week, the week before? – I remember he sat right there – he was dressed in a very nice suit, I was just impressed with his appearance. He – he was joining his fellow VFW commanders with their hats and so forth. But anyway, I had a long conversation with him today and he is thrilled over this whole project, and his job is to coordinate all of the Veterans organizations in Stark County and then furthermore, after - the end of the conversation he says, by the way, there's a budget in the Veterans Administration to be sure that monuments everywhere in this country are maintained and built up – brought up to date and cleaned and so forth. So he said go ahead and apply to that and I'm pretty sure we can get you some money for that. So we're off and running and again, I thank the Council for your support and the citizens. Thank you.

Mr. Foltz: Okay, thank you.
Mayor Held: Thank you.

Mrs. Magel: Jim Benekos, that particular piece of property at Zablo, is that more than 10 acres?

Mr. Benekos: I do not believe so.
Mrs. Magel: Open space? That's – that's why I was asking the question.

Mr. Benekos: Yeah, it wasn't a subdivision, it's a condominium development.
Mrs. Magel: Okay.

OLD BUSINESS

8. Mr. Foltz: Anybody else on Council? Okay, anyone else like to address us this evening? Okay, thank you. Seeing none, we'll get right into old business. Do I have a motion to read by title only the third reading of Ordinance No. 95-07?

Mr. Benekos: I'll pick you at the dinner Friday.

Mrs. Hines moved and Mrs. Magel seconded to read by title only the third reading of Ordinance No. 95-07. All members present voting.
Yes: Magel, Repace, Snyder, Foltz, Hines, Lane.
No: 0

Ordinance No. 95-07 – 3rd Reading – Community & Economic Development

An ordinance implementing Sections 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of a community reinvestment area in the city of North Canton, designating a housing officer to administer the program, creating a community reinvestment housing council and a tax incentive review council.

Mr. Foltz: Chairman Repace.

Mr. Repace: What this is is a third reading extending our community reinvestment area into the Orchard Hill area and asking that our Economic Development Director Eric Bowles be the Administrator of this – this program, the reinvestment council so with that I move to adopt the third reading of establishing these boundaries.

Mr. Repace moved and Mr. Snyder seconded to adopt the third reading of Ordinance No. 95-07. All members present voting.
Yes: Repace, Snyder, Foltz, Hines, Lane, Magel.
No: 0

9. Mr. Foltz: May I have a motion...

Mr. Lane: Mr. President? Just – the lady that sits with Mr. Daniluk, I think, wanted to speak, did you or not? I – I saw you getting up.

Unidentified (from audience): I was only going to get up to say I wish you could do something about the audio.

Mr. Lane: Oh, I'm sorry. Okay, well.

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Unidentified (from audience): That was all I was going to say when this gentleman was talking you could hardly hear anything he says back here, and it's -- could be a lot more fun if we could hear him.

Mr. Lane: Duly noted.

Unidentified (from audience): Thank you.

Mr. Lane: I apologize, I

Mr. Foltz: It's been a constant...

Mr. Lane: I didn't -- didn't think you saw her start to get up so.

Mr. Foltz: That's okay. It's been a constant problem here for whatever reason. We continually check it so, see what we can do again or turn the volume up. Do I have a motion to read by title only the third reading of Ordinance No. 96-07?

Mr. Lane moved and Mrs. Magel seconded to **read by title only the third reading of Ordinance No. 96-07**. All members present voting.

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

No: 0

Ordinance No. 96-07 -- 3rd Reading -- Ordinance, Rules & Claims

Ordinance No. 96-07 amending Land Use Category (b) (3) of Section 1137.03 SCHEDULE OF PERMITTED USES of Chapter 1137 Business District Regulations and Area, Width and Yard Regulations for Conditional Uses Category (b) of Section 1145.06 SCHEDULE OF...MINIMUM LOT AND YARD DIMENSIONS FOR CONDITIONAL USES IN COMMERCIAL AND INDUSTRIAL DISTRICTS of Chapter 1145 Conditional Use Regulations, and amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton by changing Category (b) (3) to include "with accessory drive-through lanes", and Category (b) to include "with accessory drive-through lanes."

Mr. Foltz: Chairman Snyder.

Mr. Snyder: Thank you Mr. President. I think as we all know this is relative to office business banks only. This would allow a bank to have a drive-through but it would not permit drive-throughs in any other category of office business and that's amending (b) (3) only so.

Mr. Foltz: Any other discussion? Seeing none, do I have a motion to adopt the third reading of Ordinance No. 96-07?

Mr. Snyder moved and Mrs. Magel seconded to **adopt the third reading of Ordinance No. 96-07**. All members present voting.

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

No: 0

10. Mr. Foltz: Next, may I have a motion to read by title only the third reading of Ordinance No. 97-07?

Mrs. Hines moved and Mrs. Magel seconded to **read by title only the third reading of Ordinance No. 97-07**. All members present voting.

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

No: 0

Ordinance No. 97-07 -- 3rd Reading -- Water, Sewer & Rubbish

An ordinance authorizing the vacation of a twelve (12') foot waterline easement located in the Dressler Road NW area and as recorded in Volume 3579, Page 49 of the Stark County Recorder's Office, no longer needed for municipal purposes.

Mr. Foltz: Chairperson Magel.

Mrs. Magel: This is our third reading as discussed. The name of the business is The Hamburger Paradise (meant Cheeseburger in Paradise). What we had decided was we're going to vacate the waterline easements since it's no longer needed for city purposes.

Mr. Lane: Cheeseburger in Paradise.

Mr. Foltz: Cheeseburger in Paradise. Same thing.

Mr. Repace: Same thing.

Mr. Lane: I know.

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Mr. Foltz: Just a little more calories.
Mr. Lane: With cheese, that's right.

Mr. Foltz: Okay with that, do I have a motion to adopt the third reading of Ordinance No. 97-07?

Mr. Lane moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 97-07. All members present voting.
Yes: Lane, Magel, Repace, Snyder, Foltz, Hines.
No: 0

11. Mr. Foltz: Okay, next may I have a motion to read by title only the third reading of Ordinance No. 101-07?

Mrs. Magel moved and Mrs. Hines seconded to **read by title only the third reading** of Ordinance No. 101-07. All members present voting.
Yes: Magel, Repace, Snyder, Foltz, Hines, Lane.
No: 0

Ordinance No. 101-07 – 3rd Reading – Finance & Property

An ordinance authorizing the Director of Administration of the City of North Canton to seek quotes for Cleaning Services for the period February 1, 2008 through January 31, 2010 for the City of North Canton and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for said cleaning services.

Mr. Foltz: Since Chairman DeOrio isn't here, Vice Chairman Magel's going to address these...inaudible...

Mrs. Magel: Okay, this is our third and final reason – reading for - to give the Director of Administration permission to seek quotes for the cleaning services from February 2008 to January 2010 and enter into a contract.

Mr. Foltz: Do I have a motion to adopt the third reading of Ordinance No. 101-07?

Mrs. Hines moved and Mrs. Magel seconded to **adopt the third reading** of Ordinance No. 101-07. All members present voting.
Yes: Repace, Snyder, Foltz, Hines, Lane, Magel.
No: 0

12. Mr. Foltz: Next, do I have a motion to read by title only the second reading of Ordinance No. 105-07?

Mr. Lane moved and Mrs. Magel seconded to **read by title only the second reading** of Ordinance No. 105-07. All members present voting.
Yes: Snyder, Foltz, Hines, Lane, Magel, Repace.
No: 0

Ordinance No. 105-07 – 2nd Reading – Finance & Property

An ordinance establishing a policy for the use of facsimile signatures by public officials and to prohibit the use of rubber stamp signatures by public officials pursuant to Ohio Revised Code §9.10 and §9.11.

Mr. Foltz: Vice Chairperson Magel.

Mrs. Magel: This is exactly as – as stated. We're establishing a policy for the use of facsimile signatures and we are prohibiting the use of rubber stamp signatures by public officials and what we're doing actually is adopting Ohio Revised Code into our city code.

Mr. Foltz: Do I have a motion to adopt the second reading of Ordinance No. 105-07?

Mr. Snyder moved and Mrs. Hines seconded to **adopt the second reading** of Ordinance No. 105-07. All members present voting.
Yes: Foltz, Hines, Lane, Magel, Repace, Snyder.
No: 0

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NEW BUSINESS:

13. Mr. Foltz: That concludes old business, now with the new business. Do I have a motion to read by title only the first reading of Resolution 108-07?

Mr. Lane moved and Mrs. Hines seconded to **read by title only the second reading of** Resoution No. 108-07. All members present voting.

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

No: 0

Resolution No. 108-07 – 1st Reading – Community & Economic Development

Resolution No. 108-07 expressing the Council of the City of North Canton's commitment to assist in the relocation of the World War II Memorial Plaque, and declaring the same to be an emergency.

Mr. Foltz: Chairman Repace.

Mr. Repace: This resolution was written – ask council to support the – the potential relocation of the World War II Memorial Plaque which hangs on the Hoover Company building. There has been a letter by the President of TTI exclusive - exclusively entrusting me with the plaque for purposes...of display. I can assure everyone that if in fact this plaque is moved, it will be done honorably and with all the due respect that it has coming. There are several options that are being looked at, which one of them does include leaving it right where it's at. But there's a lot of things that have to happen before it can be left where it's at. And I'm not sure with changes and so forth that might have to be made if that's possible. There's Mr. Dansizen, Ken – Ken Dansizen is going to meet with Jimmy Dansizen and Mr. Covey and myself Friday and we're going to discuss some architectural ideas. But believe me, everything will be done honorably and – and there – and we have been granted permission by TTI in writing so with that, this is – this is asking that council supports the moving of the plaque, and I will add if necessary, and with that I would move that – to adopt this resolution as an emergency.

Mr. Repace moved and Mr. Snyder seconded to **adopt the first reading of** Resolution No. 108-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Resolution No. 108-07?

Mr. Lane moved and Mr. Snyder seconded to **suspend the rules for** Resolution No. 108-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Resolution 108-07?

Mrs. Hines moved and Mr. Snyder seconded to **adopt under the suspension of the rules for** Resolution No. 108-07. All members present voting.

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

No: 0

14. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 109-07?

Mrs. Hines moved and Mrs. Magel seconded to **read by title only the first reading of** Ordinance No. 109-07. All members present voting.

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

No: 0

Ordinance No. 109-07- 1st Reading – Personnel & Safety

An ordinance appointing Miriam Baughman to a three (3) year term; Gregory Wernet to a four (4) year term; Robert Pattison to a five (5) year term; and designating the Chairperson of the Water, Sewer & Rubbish Committee as the Council Representative on the Drinking Water Source Protection Committee for the City of North Canton.

Mr. Foltz: Chairperson Hines.

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Mrs. Hines: Yes, the reading pretty much explains the completion of the resolution to fulfill the committee for the Water Source Assessment and Protection committee. There is one thing that was left out of the reading, which is that the term will begin January 1, 2008. We figured that that was a reasonable time to start anything.

Mr. Foltz: Okay. Thank you for that additional information. With that, do we have a motion to adopt the first reading of Ordinance No. 109-07?

Mrs. Magel moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 109-07. All members present voting.

Mrs. Kalpac: Foltz?

Mr. Foltz: Yes.

Mrs. Kalpac: Hines?

Mrs. Hines: Yes.

Mrs. Kalpac: Lane?

Mr. Lane: Before I vote, can I explain my vote? That I haven't changed my opinion of this but at the same time I'm not about to vote against any residents of the city that want to serve, particularly ... from my ward. But I will abstain on the vote, that's the reasoning behind it. I won't make a big deal out of it for the next two readings, but I just wanted you to know where I was coming from.

Mr. Foltz: Okay, thank you Member Lane.

Mr. Lane: Thank you.

Mrs. Kalpac: Magel?

Mrs. Magel: Yes.

Mrs. Kalpac: Repace?

Mr. Repace: Yes.

Mrs. Kalpac: Snyder?

Mr. Snyder: Yes.

15. Mr. Foltz: Okay, may I have a motion to read by title only the first reading of Ordinance No. 110-07?

Mrs. Magel moved and Mr. Snyder seconded to **read by title only the first reading** of Ordinance No. 110-07. All members present voting.

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

No: 0

Ordinance No. 110-07 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton to apply for, accept and utilize two (2) Environmental Protection Agency Brownfield Assessment Grants for the purpose of funding community-wide assessments, one for Hazardous Substances Assessment (\$200,000) and one for Petroleum Assessment (\$150,000), in an amount not to exceed \$350,000 for both, and declaring the same to be an emergency.

Mr. Foltz: Vice Chairperson Magel.

Mrs. Magel: Yes.

Unidentified: Is that the Reverend?

Mrs. Magel: Council will remember this – we did this prior last year. What this is allowing Eric to do for – as Economic Developer, he's going to apply for two separate grants from the EPA Brownfield Assessment and they are two separate with two separate reasonings behind them. One's 200, one's 150, they total 350. It's on an emergency because they moved the – the date up on Eric and he wants to get started on this.

Mr. Foltz: For the grant application.

Mrs. Magel: Yes.

Mr. Foltz: Correct?

Mrs. Magel: The grant application, they moved the date up on him and...

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Mr. Foltz: Okay.

Mrs. Magel: so we're going to grant him that wish.

Mr. Foltz: Any other comments from Council? Seeing none, do I have a motion to adopt the first reading of Ordinance No. 110-07?

Mr. Snyder moved and Mrs. Hines seconded to **adopt the first reading** of Ordinance No. 110-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 110-07?

Mr. Snyder moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 110-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 110-07?

Mr. Snyder moved and Mr. Lane seconded to **adopt under the suspension of the rules** for Ordinance No. 110-07. All members present voting.

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

No: 0

16. Mr. Foltz: Next may I have a motion to read by title only...

Mr. Wise: Mr. - Mr. President, I'm sorry if I may just for purposes of that last Ordinance. There is a public hearing next Monday at 6:30 and also Mr. Bowles has spoken with the Rotary Club, the Lions Club, the Chamber of Commerce for their support. Community support is one of the things that is important in getting this grant and he has done that and - and I believe there are going to be some representatives here next Monday. But if you know anybody else who would like to provide their support for that from the community that - that can only help us.

Mr. Foltz: Okay, thank you for that additional information. Okay, next may I have a motion to read by title only the first reading of Ordinance No. 111-07?

Mr. Snyder moved and Mrs. Magel seconded to **read by title only the first reading** of Ordinance No. 111-07. All members present voting.

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

No: 0

Ordinance No. 111-07 - 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 General Fund to the Capital Improvement Transfers Account, in the amount of \$896,764, and authorizing the transfer of same funds from the General Fund to the Capital Improvement Fund during the fiscal year ending December 31, 2007, pursuant to Ordinance No. 134-06, and declaring the same to be an emergency.

Mr. Foltz: Vice Chairperson Magel.

Mrs. Magel: Yes, I guess the simplest way to put this is, this was the amount of the estate tax. And what we're going to do now is we're going to transfer the entire amount rather than parcel it out. The 896,764 we're going to transfer it to the Capital Improvement Fund on an emergency basis.

Mr. Foltz: Okay, questions or comments from Council? Seeing none, may I have a motion to adopt the first reading of Ordinance No. 111-07?

Mrs. Hines moved and Mr. Snyder seconded to **adopt the first reading** of Ordinance No. 111-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to adopt - excuse me, to suspend the rules for Ordinance No. 111-07?

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Mr. Snyder moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 111-07. All members present voting.
 Yes: Hines, Lane, Magel, Repace, Snyder, Foltz.
 No: 0

Mr. Foltz: May I have a motion to adopt under the suspension of the rules for Ordinance No. 111-07?

Mrs. Hines moved and Mr. Snyder seconded to **adopt under the suspension of the rules** for Ordinance No. 111-07. All members present voting.
 Yes: Lane, Magel, Repace, Snyder, Foltz, Hines.
 No: 0

17. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 112-07?

Mrs. Magel moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 112-07. All members present voting.
 Yes: Magel, Repace, Snyder, Foltz, Hines, Lane.
 No: 0

Ordinance No. 112-07 – 1st Reading – Finance and 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 Capital Improvement Fund to the Street Department Equipment account in the amount of \$89,774 for the current expenses during the fiscal year ending December 31, 2007, and declaring the same to be an emergency.

Mr. Foltz: Vice Chair Magel.

Mrs. Magel: Yeah – yes. These next three ordinances are really companion ordinances. It's just a – a matter of properly transferring funds to – to which account. Alright, now that we – we – the last ordinance we took the eight hundred ninety-six thousand and some. We put it in the Capital Improvement. We're going to take out of that Capital – out of that money – out of that Capital Improvement \$89,774 and put it into the Street Department Equipment Fund. And we – it'll be explained later why. It's for the truck.

Mr. Foltz: Okay, do I have a motion to adopt the first reading of Ordinance No. 112-07?

Mrs. Hines moved and Mr. Repace seconded to **adopt the first reading** of Ordinance No. 112-07. All members present voting.
 Yes: Repace, Snyder, Foltz, Hines, Lane, Magel.
 No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 112-07?

Mr. Wise: Board of Control.
 Mrs. Herr: Inaudible.

Mr. Snyder moved and Mr. Repace seconded to **suspend the rules** for Ordinance No. 112-07.
 All members present voting.
 Yes: Snyder, 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. 112-07?

Mrs. Hines moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 112-07. All members present voting.
 Yes: Foltz, Hines, Lane, Magel, Repace, Snyder.
 No: 0

18. Mr. Foltz: Next may I have a motion to read by title only the first reading of Ordinance No. 113-07?

Mrs. Magel moved and Mrs. Hines seconded to **read by title only the first reading** of Ordinance No. 113-07. All members present voting.
 Yes: Hines, Lane, Magel, Repace, Snyder, Foltz.
 No: 0

RECORD OF PROCEEDINGS

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, September 24 7:00 p.m. 07
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Ordinance No. 113-07 – 1st Reading - Finance & Property

Ordinance No. 113-07 amending Appendix "A" of Ordinance No. 7-07, Appropriation Ordinance of the City of North Canton, by an increase of \$89,774 to provide for the purchase of one (1) 2008 International Truck and Accessory Equipment for use by the Street Department, and declaring the same to be an emergency.

Mr. Foltz: Vice Chair Magel.

Mrs. Magel: Yes. Early on we adopted a budget, Ordinance 7-07, and we adopted Appendix A for the expenditures in 2007. However at this point we're going to take a 2008 project and bring it into the year 2007 so that perhaps the Street Department can get some use in the December, January, or February. It should – it should aid them by doing that. However, we now must amend Appendix A to include this truck, the 89,774 for the – the truck for the Street Department.

Mr. Snyder: Madam Vice Chairman, may I rise to the privilege a question?

Mrs. Magel: Yes.

Mr. Snyder: I thought there was additional \$6,000 for a salt box was to be in that.

Mr. Wise: There is.

Mrs. Magel: I – I...

Mr. Snyder: There's 95,000.

Mrs. Magel: Yeah, Jon, that was already in the budget.

Mr. Snyder: Oh, that was?

Mr. Wise: Yeah, there's a – I think it was \$20,000 in an account for...

Mr. Snyder: Oh, for salt.

Mr. Wise: that purpose and we're able to purchase one, actually two of them. One for the – one of the other trucks and then one – they – they repaired a salt box this year that'll get us through this year but it'll be the last year for that one. So we're going to get two and then this – that – that is in addition to this new truck with a new salt box and plow and...

Mr. Snyder: Oh that's good. Thank you, I appreciate that.

Mrs. Magel: No, I understand your question. You – we had discussed that and...

Mr. Foltz: Right.

Mrs. Magel: but it was later I found out that it was already budgeted.

Mr. Foltz: And I'm sure our street personnel will enjoy driving a new truck around in our streets to help with the salt and such. That said, do I have a motion to adopt the first reading of Ordinance No. 113-07?

Mr. Snyder moved and Mr. Repace seconded to **adopt the first reading** of Ordinance No. 113-07. All members present voting.

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

No: 0

Mr. Foltz: May I have a motion to suspend the rules for Ordinance No. 113-07?

Mr. Snyder moved and Mrs. Hines seconded to **suspend the rules** for Ordinance No. 113-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 113-07?

Mrs. Hines moved and Mr. Snyder seconded to **adopt under the suspension of the rules** for Ordinance No. 113-07. All members present voting.

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

No: 0

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COUNCIL OF THE CITY OF NORTH CANTON

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19. Mr. Foltz: And may I have a motion to read by title only the first reading of Ordinance No. 114-07?

Mrs. Magel moved and Mrs. Hines seconded to read by title only the first reading of Ordinance No. 114-07. All members present voting.

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

No: 0

Ordinance No. 114-07 -- 1st Reading -- Finance & Property

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement for the purchase of one (1) 2008 International Truck and Accessory Equipment for use by the Street Department, within the purview of the Ohio Cooperative Purchase Act, and declaring the same to be an emergency.

Mr. Foltz: Vice Chair Magel.

Mrs. Magel: Finally, after we transferred all of the money around. We amended Appendix A, we can finally buy the truck.

Mrs. Herr: Well that was supposed to be...inaudible...

Mrs. Magel: We're going to authorize the Mayor to purchase the truck...

Mrs. Herr: Oh, okay...inaudible....

Mrs. Magel: a 2008 International truck and accessory under the Ohio Cooperative Purchase Act and on an emergency basis so we can get this going.

Mr. Snyder: Is that that truck idling out there I hear now, is that?

Mr. Foltz: Yeah.

Mr. Snyder: It took that long to build.

Mr. Foltz: ...I was going to say, it might have been easier to build a truck. Member Snyder. Okay, any other comments from Council? Then do I have a motion to adopt the first reading of Ordinance No. 114-07?

Mrs. Magel moved and Mr. Repace seconded to **adopt the first reading** of Ordinance No. 114-07. All members present voting.

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

No: 0

Mr. Foltz: Do I have a motion to suspend the rules for Ordinance No. 114-07?

Mr. Snyder moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 114-07. All members present voting.

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

No: 0

Mr. Foltz: And may I have a motion to adopt under the suspension of the rules for Ordinance No. 114-07?

Mrs. Hines moved and Mrs. Magel seconded to **adopt under the suspension of the rules** for Ordinance No. 114-07. All members present voting.

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

No: 0

Mr. Wise: Thank you.

REPORTS:

Mr. Foltz: Okay, we have the news release, maybe the Mayor's going to bring it up. We're still spraying for mosquitoes. That's good that the weather's warmer, its bad there's still mosquitoes around this time of year, so, which ever way you look at that so. But with that, we'll start with Director of Law. Any report?

Mr. McFarren: No report.

Mr. Foltz: Our Finance Director?

Mrs. Herr: No report.

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Mr. Foltz: Administrator?

Mr. Wise: South Main, the paving, the painting is done. There are punch list items that need to be done. The – the street lights, not the – not the traffic control devices, but the street lights are not all hooked up yet. I don't know that any of them working yet. Some are hooked up but they won't all be hooked up here yet. Sometime this week the engineer's going to do a walk through with the contractor. There'll – there'll be items here and there that'll have to be adjusted, some we already know about. But the paving and the pavement is open, should remain open, I'm not aware of any issues where we're going to be closing it for anything but that's been done, and I'd just like to thank everybody for their patience.

Mr. Foltz: Right.

Mr. Wise: Obviously this was something that took quite some time but it was a huge project.

Mr. Foltz: Right.

Mr. Wise: We ran into a lot of things when you dig up the ground, there's things there that you don't know about and we'd just like to thank everybody for their patience and thank council for their support on this project and it looks great.

Mr. Foltz: We – we appreciate your resilience, when your working with the contract it's never easy and there's a lot of behind the scenes issues that have to be addressed of a project that size and it's just a wonderful gateway into the city from the south end. I'm very proud of the – the way it's all finished there. You'd be proud you know when you drive on that street. I'm sure. Got a lot of positive comments from the residents so with that. Thank you. Mayor?

Mayor Held: Yes, tomorrow we - at 6p.m. we do have a Community Improvement Corporation meeting and so we'll be addressing the agenda. Just as a reminder. And then also what we'd like to do is put together a recycling focus group. And it's basically to serve the purposes of getting greater input from the residents as far as how we can improve our recycling program here in the city of North Canton and also our yard waste collection program. I mean, there are grants available for next year, 2008 start up grants from the Solid Waste District and in order to pursue those grants what we'd like to do is just get greater input from the residents as far as what they would prefer in a yard waste collection program and or our recycling programs. And there's not a restriction as far as the number of people that would like to participate because really the more input that we have then I believe the greater response and the better input that we'll get. And certainly from council and any members that or any residents that you know of that would like to participate in this, we would certainly welcome all of you.

Mr. Foltz: Mayor, do you have any more information on this as far as when you want to start that or?

Mayor Held: No. Really what we would like to do is I – I put an announcement in the *Our Town* of this issue since – so anybody that's interested what they can do is call our office and just let – let us know that they would like to participate and then we'd like to establish a date...

Mr. Foltz: Okay.

Mayor Held: or maybe a couple of dates so that we could get together and get input. If we have 25 people that would be great. If we have a hundred people, that would be even better.

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

REPORTS – COUNCIL:

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

Mr. Foltz: No report, Member Lane?
Mr. Lane: Got a couple of plusses and a minus. I want to thank everybody for McKinley and Willoway. They turned out very, very nice and everything I think is all wrapped up, and Bachtel. So I think all three in that little quadrant are – hopefully they met with your approval. I – I haven't had any negative calls on it. And I did have a – and I'll withhold my comments here until maybe the 8th – I had a couple of residents from Rosewood that were going to try and change their plans this evening and come by who were less than impressed and happy with getting the hose last week. So I told them I said that's what public speaks is for. And they weren't able to change their plans so I'll withhold my comments on that until they can – they can make an appearance so.

Mr. Foltz: Okay, thank you Member Lane. Member Snyder?

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COUNCIL OF THE CITY OF NORTH CANTON

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Mr. Snyder: Thank you Mr. President. I wonder if I may seek for a little leave to have a Director of Economic Development Bowles make a presentation on the ~ the grant availability to the citizens of North Canton. Specifically I have areas of my own Ward 4 and there's ~ I'm sure Mrs. Magel you do also. There's a \$25,000 housing grant available with at 40% forgiveness and I would like Council to sign into that program because it's a very solid program for people that are economically challenged to fix their home up and bring it to the standards that we like and the citizens of North Canton expect so, with that in mind, if you would be so kind to maybe next Monday allow him. Director Bowles, how much time do you need sir? About 10 minutes or...

Mr. Bowles: Ten minutes, no more than ten minutes.

Mr. Snyder: If you ~ if you would do that I would appreciate...he did give you some information...

Mr. Foltz: We'll put that on for next week.

Mr. Snyder: and I would ask the Clerk to ~ if she could reinsert that into the books next week? I'd appreciate that very much.

Mr. Foltz: Okay.

Mr. Snyder: Thank you.

Mr. Foltz: Thank you Member Snyder. Member Hines?

Mrs. Hines: Well in talking about recycling, I was thrilled last week to see that one of my neighbors have like six bags out there and I know that probably wasn't a lot but people did remember to do it and I'm going to have a bag out this week so I ~ I'm really excited to do this. I ~ I think the program, though costly, I think in the end is ~ is a really good program. And I'd like to see us, you know, continue to participate.

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

Mr. Repace: Yeah, I ~ I have two ~ two little things. I apologize. I neglected to mention when I was talking about the plaque that the Mayor has ~ is and has been supportive of that project also. I don't think it was fair to ~ to leave that out so I want to make note that the Mayor's supportive of us doing what needs to be done with that plaque whether it stays or whether it has to be moved. So I just want to make sure, you made that very clear to me and it wasn't fair that I neglected to say that.

Mayor Held: Okay, thank you Jim.

Mr. Repace: The second thing, I'd like to know whatever happened to the project that was being looked at behind Butler and New England. The weeds have grown up there tremendously, the water's laying there, the mosquitoes are so bad that you can't even go in those back yards. It ~ it's terrible back ~ very, very bad. And I don't know if any of you have noticed this and maybe I'm ~ well how do I say this, some of you don't agree, maybe I'm half crazy but there's no birds. There's no birds back there. That's a very wooded area and there's no birds.

Mr. Benekos: The mosquitoes get them.

Mayor Held: Do you have a cat Jim?

Mr. Repace: No, I got two dogs.

Unidentified: Bird dogs?

Mr. Repace: But it's the weirdest thing, it's almost an eerie feeling. Some of my neighbors mentioned it to me over the weekend, did you notice that there's no birds around?

Mr. Lane: There were ~ there were fewer this year, you know where we created that kind of sanctuary up around the corner? Where we don't mow as much? There were fewer this year than there were last year.

Mr. Repace: I don't know if you're joking with me or not.

Mr. Lane: Inaudible.

Mr. Repace: But it's ~ it's ~ it's a weird ~ really weird feeling. He was going to talk to someone that he ~ he knows, he's a hunter and everything, why that may be but it's ~ it's a really weird feeling.

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Mr. Foltz: wow.

Mr. Repace: But if you can take a look at that, I know the residents would appreciate that because there's just stagnant water laying there. Mosquitoes are really, really bad. That's it, thank you.

Mr. Foltz: Okay, thank you Member Repace. Member Magel?
Mrs. Magel: No report.

ADJOURN:

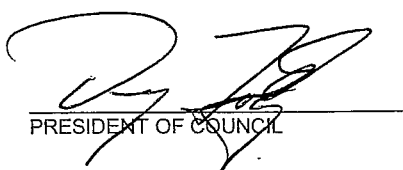
Mr. Foltz: I think that'll wrap things up. I don't have anything else. With that, final call for new business from Council? Seeing none, do we have a motion to adjourn?

Mrs. Magel moved and Mrs. Hines seconded to adjourn the meeting. All members present voting:

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

No: 0

Meeting adjourned at 7:44 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

10/01/07 ev