

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 12, 7:00 p.m. 20 04

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Richard Scherpenisse, Northminster Presbyterian Church.
3. All present recited the Pledge of Allegiance.

Mr. Snyder: Madam Clerk, please call the roll.

ROLL CALL:

4. The following members of council responded to roll call: Foltz, Lindower, Peters and Snyder. Also present were: Mayor Rice, Director of Administration Miller, Assistant Director of Law Morrow, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

Mr. Snyder: May I have a motion please to excuse Misters Lane and Sarbach and Member Kiesling?

Mr. Peters moved and Mr. Foltz seconded to excuse the absence of Council Members Lane, Sarbach and Kiesling.

All members present voting:

Yes: Lindower, Peters, Snyder and Foltz.

No: 0

Mr. Snyder: That's a little shorter.

5. Consideration

Consideration of Minutes of Special Council Meeting: 3/15/04

Consideration of Minutes of Council Meeting: 3/22/04

Consideration of Minutes of Public Hearing: 4/5/04

Mr. Peters moved and Mr. Lindower seconded to approve the minutes of the special council meeting, minutes of the council meeting and minutes of the public hearing as presented. All members present voting:

Yes: Peters, Snyder, Foltz and Lindower.

No: 0

6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development meeting held April 5, 2004.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held April 5, 2004.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held April 5, 2004.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held April 5, 2004.

Executive Session (Finance & Property Committee) Refer to the minutes on file in the Council Office of the Executive Session (Finance & Property Committee) meetings held March 22 and April 5, 2004.

Mr. Peters moved and Mr. Foltz seconded to approve the committee report and executive session minutes as presented. All members present voting:

Yes: Snyder, Foltz, Lindower and Peters.

No: 0

7. Recognition of Visitors

Mr. Snyder: At this time is there anyone in the audience wishing to speak to the council? If so step forward, state your name and address for the record.

Miriam Baughman: 320 Weber Avenue. I just have a question about the public hearing that was held on June the 17th concerning the CEDA. During that meeting one of the residents asked a

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question. The question was, are we still planning on taking in those apartments on the north side of Applegrove? Which I assume to be Bob-O-Link Manor Apartments. And the question was answered by Mr. Snyder that said, yes presently they're going to be incorporated. What does that mean?

Mr. Snyder: Well I assume not...

Mrs. Baughman: I thought that they weren't in the CEDA.

Mr. Snyder: I would have to - at this time - my independent memory doesn't serve me Mrs. Baughman. So I really - I assumed - I do know that was changed, I believe. I don't know if it was consequent to that meeting or not. But I don't believe they're in the agreement at this time. I and again I...

Mrs. Baughman: I didn't think they were either and I forgot to bring it with me.

Mr. Snyder: I would - I would ... I would apologize to you. I have no way of attesting until we could verify that in the morning for you and give you that information. But again, I don't believe they are.

Mrs. Baughman: Okay, that means they're staying in Plain Township.

Mr. Snyder: I believe that's the request of the applicant, yes.

Mrs. Baughman: Okay, I'll check with you later then.

Mr. Snyder: I appreciate that. And we'll have that information for you tomorrow, we'll make sure we get it.

Mrs. Baughman: Okay, well I won't be home tomorrow so you don't have to get it that fast.

Mr. Snyder: Okay, well we'll make sure...

Mrs. Baughman: Okay.

Mr. Snyder: we get it to you. I appreciate it. Anyone else wishing to speak? Mr. Osborne...

Chuck Osborne: It's like a war zone up here ...inaudible... My name is Chuck Osborne. 307 Fairview SE - North Canton, Ohio. Last week's council meeting brought to mind something I saw many years ago in a visit to the Harry S. Truman Library in Independence, Missouri. In one of the exhibits at the library was a display of the desk used by former President Truman in the Oval Office and among the items placed on the desk was a plaque with the inscription, "The Buck Stops Here." Mayor Rice, I would like to ask you, where does the buck stop in North Canton? It appears that no one is guiding this city or is ultimately held responsible for its leadership. Week after week you refuse to answer questions in this chamber, you refuse to take a stand on issues vital to the fiscal health of this city and you provide no oversight or leadership to the citizens of North Canton. I can present many examples, but in this instance I am referring to the recent discussions on sewer rates. They were discussed in this chamber earlier this year and again last week on April 5, 2004. I did not hear as much as peep from you on this issue. I use the term discussions on sewer rates very loosely, as they were simply reports from the Finance Director that the sewer rates have not been adjusted since 1997 and since that time North Canton has absorbed three rate increases from the Metropolitan Sewer District. The Finance Director stated that North Canton has burned through an \$800,000.00 credit from the Metropolitan Sewer District that existed in that fund just a few years ago and that the city is now subsidizing sewer fees out of the general fund. This has resulted in the completion of fewer and fewer sewer projects over the last few years. Just two months ago, on February 2, 2004, Finance Director Herr told this council that this city will not be able to fund any sewer projects next year unless sewer rates are increased. Mayor Rice, I have to ask you, why does this not alarm you? Why is there no leadership from the Mayor of North Canton? As for anyone on council, when you give citizens of North Canton a break on fees for any city services, you are actually doing them a disservice. Maintaining fees at an artificially low rate simply forces future councils and residents to play catchup. When you fail to charge a fiscally prudent fee for city services you are actually forgoing needed infrastructure improvements that are needed to maintain city services and the vitality and health of this city. Just ask the business owners on North Main Street who found sewage in their businesses, the city residents throughout the city who were flooded recently or the residents on Bel Air long overdue for new waterlines. Many of these problems would have been corrected years ago had the proper revenues for services rendered been collected in a timely fashion. Who is minding the store? Who should be looking at the big picture and heading off problems that are easily defined through simple long range planning? Mayor Rice, where are you on this sewer issue? Why aren't you taking a stand on a fee structure so much needed infrastructure improvements can be funded properly? As the chief executive officer of this city, how can you even begin to think to hiring an economic development director for this city when you fail to provide needed revenues for infrastructure improvements? A department within the city devoted entirely to economic development cannot bring opportunities to a city that has inadequate infrastructure and leadership. Mayor Rice, as the Mayor of the City of North Canton I think that you need to follow the example of former President Harry S. Truman. As Mayor, the responsibility is yours, Mr. Rice, you cannot blame City Council or the City Administrator, this is your watch and the buck stops with you. And if anybody would like to see a picture of Mr. - former President Truman's desk with his plaque, I'd be glad to show it to you. Thank you.

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Mr. Snyder: Anyone else wishing to speak to the council this evening? Alright...

OLD BUSINESS:

- 8. Mr. Peters moved and Mr. Foltz seconded to **read by title only, third reading** of Ordinance No. 34-04. All members present voting:
 Yes: Foltz, Lindower, Peters and Snyder.
 No: 0

Ordinance No. 34-04 - Third Reading

An ordinance authorizing the vacation of a portion of Alley No. 4 running from Foster Avenue westerly approximately 132.20 feet to the southwest corner of Lot No. 2204, located within the corporate limits of the City of North Canton, Ohio.

Mr. Snyder: Vice Chairman Foltz.

Mr. Foltz: Yea as it reads, this is a third reading here. So I think we've spent plenty of time on it and I recommend that we pass it tonight on third reading. So I'll make a motion we do so.

Mr. Foltz moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 34-04.

Mr. Snyder: Okay.

All members present voting:
 Yes: Lindower, Peters, Snyder and Foltz.
 No: 0

- 9. Mr. Foltz moved and Mr. Lindower seconded to **read by title only, third reading** of Ordinance No. 41-04. All members present voting:
 Yes: Lindower, Peters, Snyder and Foltz.
 No: 0

Ordinance No. 41-04 - Third Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 212 General Trust Fund to the Inter-Fund Transfer account in the aggregate amount of \$13,599.50 for the current expenses during the fiscal year ending December 31, 2004.

Mr. Snyder: You might of recalled on the previous two readings we're moving this money to the companion piece of legislation coming up. Which we are required to keep separate accounting accounts for required deposit, be it water or sewer or taps or whatever it may be, but these are the required amount. So ...

Mr. Foltz moved and Mr. Lindower seconded to **adopt the third reading** of Ordinance No. 41-04. All members present voting:
 Yes: Peters, Snyder, Foltz and Lindower.
 No: 0

- 10. Mr. Peters moved and Mr. Foltz seconded to **read by title only, third reading** of Ordinance No. 42-04. All members present voting:
 Yes: Snyder, Foltz, Lindower and Peters.
 No: 0

Ordinance No. 42-04 - Third Reading

An ordinance authorizing the transfer of funds of the City of North Canton, Ohio from the General Trust Fund to the Required Deposits Fund in the amount of \$13,599.50 for the current expenses during the fiscal year ending December 31, 2004.

Mr. Snyder: And as you can see the amount in here is the former ordinance and that does require us to do that. So if there's no questions...

Mr. Foltz moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 42-04. All members present voting:
 Yes: Foltz, Lindower, Peters and Snyder.
 No: 0

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11. Mr. Peters moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance No. 46-04. All members present voting:
Yes: Lindower, Peters, Snyder and Foltz.
No: 0

Ordinance No. 46-04 - Second Reading

Ordinance No. 46-04 amending Section 1.A. of Ordinance No. 5-2000, as amended, to provide for an increase in water rates and to provide for the billing and collection of water rentals.

Mr. Snyder: This we're going to put in - it's approximately I think nine percent. Isn't it? It's around that...

Mr. Foltz: I think it's nine cents per thousand.

Mr. Miller: 3.25 percent.

Mr. Snyder: Nine cents.

Mr. Foltz: Nine cents per thousand ...

Mr. Snyder: Excuse me. Thank you for that. Per thousand...

Mr. Foltz: So minimum users will see ... 27 cents added to their monthly bill.

Mr. Snyder: 27 cents a month raise. If there are no questions on that...

Mr. Peters moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 46-04.

All members present voting:

Yes: Lindower, Peters, Snyder and Foltz.

No: 0

12. Mr. Foltz moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 53-04. All members present voting:
Yes: Peters, Snyder, Foltz and Lindower.
No: 0

Ordinance No. 53-04 - Second Reading

Ordinance No. 53-04 authorizing a "Charge for Hospital Transports" by the City of North Canton Department of Fire & Emergency Medical Services and establishing a fee schedule for said transports.

Mr. Snyder: We had discussed this. This is where we're going to bill residents for transport. It will be - we will bill their insurance company be it Medicare, Medigap or private carrier. The actual resident will not be billed for the deductible portion or their Part B portion of Medicare, that will be forgiven. And we'll continue to bill the outside resident and we will not forgive their portion or their deductible. And I believe we've established that rate, that Medicare rates are around, what is it \$435.00 or...

Mrs. Herr: It's - yea, about that for basic life support and it will be more for...

Mr. Snyder: Right and then 600 and something ...

Mrs. Herr: advanced life support.

Mr. Snyder: on advanced support. Leaving the present levy and collectively this will bring us a little closer to parity as far as the actual cost of our transports. Any questions on that?

Mr. Peters moved and Mr. Lindower seconded to **adopt the second reading** of Ordinance No. 53-04. All members present voting:

Yes: Snyder, Foltz, Lindower and Peters.

No: 0

Mr. Snyder: Thank you. Vice Chairman Lindower, on this next one are you - do you want to go ahead and read this. I know that Chairman Kiesling, after last Monday's meeting, had done some research, both with administration and the proponent of the annexation and cleared that up that I don't believe there's going to be any cost to the city. But are you comfortable proceeding with that sir?

Mr. Lindower: Yes, I've spoken to her and it sounds like it's good to go.

Mr. Snyder: Okay, I appreciate that.

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NEW BUSINESS:

13. Mr. Peters moved and Mr. Lindower seconded to **read by title only, first reading** of Ordinance No. 54-04. All members present voting:
 Yes: Foltz, Lindower, Peters and Snyder.
 No: 0

Ordinance No. 54-04 - First Reading

An ordinance accepting the application for the annexation of certain territory, known as The Orion Street Annexation, containing 0.6065 acre of land, more or less, in Plain Township to the City of North Canton.

Mr. Snyder: Vice Chairman Lindower.

Mr. Lindower: Inaudible... is a - we've discussed this. This is a piece of property, .6065 acres of land to be annexed to the City of North Canton. I would like to have this passed on the first reading tonight if we could.

Mr. Snyder: That is a motion sir?

Mr. Foltz: Is that a motion?

Mr. Lindower: Yea, I'd like it to be.

Mr. Foltz: I'll make - or I'll make the motion.

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 54-04. All members present voting:
 Yes: Lindower, Peters, Snyder and Foltz.
 No: 0

14. Mr. Peters moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 55-04. All members present voting:
 Yes: Peters, Snyder, Foltz and Lindower.
 No: 0

Ordinance No. 55-04 - First Reading

Ordinance No. 55-04 establishing minimum qualifications for the position of Director of Economic Development as provided for by Ordinance No. 156-03, adopted by the Council of the City of North Canton on December 15, 2003.

Mr. Snyder: Vice Chairman Lindower.

Mr. Lindower: After much discussion of Ordinance No. 55-04, we've decided that there should be some sort of minimum qualifications for the position of Community and Economic Development Director. I believe, in my personal opinion, it's pretty minimal as far as the information that's going to be required for minimum qualifications. And I would like to move that we pass the first reading on this ordinance at this time tonight.

Mr. Lindower moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 55-04. All members present voting:
 Yes: Peters, Snyder, Foltz and Lindower.
 No: 0

15. Mr. Peters moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 56-04. All members present voting:
 Yes: Snyder, Foltz, Lindower and Peters.
 No: 0

Ordinance No. 56-04 - First Reading

Ordinance No. 56-04 amending Ordinance No. 22-99 by the creation of the Valley View Community Reinvestment Area in the City of North Canton.

Mr. Snyder: Vice Chairman Lindower.

Mr. Lindower: Again, we discussed this issue and I would like to move that we pass the first reading on this ordinance so that we can move along with it in the reinvestment area.

Mr. Peters: I'll second it.

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Mr. Lindower: Second...
Mr. Peters: Yea.

All members present voting:
Yes: Snyder, Foltz, Lindower and Peters.
No: 0

Mr. Snyder: Director Miller, one question sir. Next Monday when we have that special meeting do you want this on an emergency? I know time is of the...
Mr. Miller: The sooner the we can pass it the better we would be, yes.

Mr. Snyder: Then if we did that - I - the reason for my question, I have to identify it at the end of the meeting and I thought that was one of the pieces...

Mr. Miller: That is one that if we can pass it earlier than the three readings it would be helpful.

Mr. Snyder: Alright sir, thank you.

16. Mr. Peters moved and Mr. Lindower seconded to **read by title only, first reading** of Ordinance No. 57-04. All members present voting:
Yes: Foltz, Lindower, Peters and Snyder.
No: 0

Ordinance No. 57-04 - First Reading

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the premises situated on the west side of Northfield Avenue S.E., being Lot Nos. 5668, 5669, 5670 and 5671 and known as house numbers 874, 1421, 1429 and 1437, from RMF-A, Residential Multi Family-A district to R-70, Residential Single Family district.

Mr. Snyder: Vice Chairman Lindower.

Mr. Lindower: Again, we discussed the issue. We had a public meeting on this. A few residents involved in rezoning in that particular area changing it from RF or I'm sorry, RMF-A to R-70, Residential Single Family. I ask again that we - I would move that we pass the first reading on this ordinance tonight.

Mr. Lindower moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 57-04. All members present voting:
Yes: Lindower, Peters, Snyder and Foltz.
No: 0

17. Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 58-04. All members present voting:
Yes: Peters, Snyder, Foltz and Lindower.
No: 0

Ordinance No. 58-04 - First Reading

An ordinance authorizing all actions necessary to effect a governmental natural gas aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code and Article 18.04, Ohio Constitution, directing the Stark County Board of Elections to submit a ballot question to the electors and authorizing the execution of an agreement with Buckeye Energy Brokers Services, Inc. for such purposes.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes, thank you. Yes, this is in regards to the natural gas aggregation program obviously, basically directing Stark County Board of Elections to submit a ballot question. That's about it. Pretty self-explanatory. And I move that we adopt the first reading of Ordinance No. 58-04.

Mr. Peters moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 58-04. All members present voting:
Yes: Snyder, Foltz, Lindower and Peters.
No: 0

18. Mr. Peters moved and Mr. Foltz seconded to **read by title only, first reading** of Resolution No. 59-04. All members present voting:
Yes: Foltz, Lindower, Peters and Snyder.
No: 0

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Resolution No. 59-04 - First Reading

Resolution No. 59-04 authorizing the submission of a request to the North Canton Planning Commission for consideration and subsequent recommendation to the North Canton City Council for an amendment to Section 1181.08 (b) (2) of Chapter 1181 of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, changing the number of votes required to overrule a Planning Commission "no" vote from six (6) to five (5).

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes, we basically have to send this to the planning for recommendation to overrule a no vote from six to five. And also that - this is going to require a public hearing too, correct?

Mr. Snyder: That's correct.

Mr. Peters: Okay. And that's about it. So I move to adopt the first reading of Resolution 59-04.

Mr. Peters moved and Mr. Foltz seconded to **adopt the first reading** of Resolution No. 59-04.

All members present voting:

Yes: Lindower, Peters, Snyder and Foltz.

No: 0

19. Mr. Peters moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No.

60-04. All members present voting:

Yes: Peters, Snyder, Foltz and Lindower.

No: 0

Ordinance No. 60-04 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for the design of the 9th Street/Orchard/Overland Project.

Mr. Snyder: Vice Chairman Foltz.

Mr. Foltz: Yea, as discussed, this is just to do the engineering work on those projects I believe that's in Ward 2 Dave, you ward. So get that done. That's the next step to putting it on for completion hopefully in 2005 I believe. So Jim, was there any other discussion on that? That's basically it.

Mr. Benekos: Correct.

Mr. Foltz: Okay. So I'll make...

Mr. Lindower: We're moving that as quickly as we can. Is that right Jim?

Mr. Benekos: That's correct.

Mr. Foltz: It's going to take some time for somebody to draw this up and put the numbers to it so we can bid it out. So I make a motion that we adopt this first reading.

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 60-04.

All members present voting:

Yes: Snyder, Foltz, Lindower and Peters.

No: 0

20. Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No.

61-04. All members present voting:

Yes: Foltz, Lindower, Peters and Snyder.

No: 0

Ordinance No. 61-04 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for the design of the Landsdowne Subdivision Refiab project.

Mr. Snyder: Vice Chairman Foltz.

Mr. Foltz: Along the same lines that Landsdowne, that's in your ward, correct Jon?

Mr. Snyder: Yes.

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Mr. Foltz: Is that off the Glenwood area, Hillcrest and so forth?

Mr. Snyder: Yes, that is - that would be ...

Mr. Foltz: That drainage area there.

Mr. Snyder: What I think some people call there and the pill hill area.

Mr. Foltz: Pill hill is another way to refer to that area. So...

Mr. Snyder: Or Rose Lane, Deerfield...

Mr. Foltz: Deerfield.

Mr. Snyder: Over ...

Mr. Foltz: A lot of the doctors lived there I guess at point. So here again just professional service. So that will allocate money for somebody to draw it up, write specs on it so we could bid it out at some point. So I make a motion we adopt this.

Mr. Foltz moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 61-04.

All members present voting:

Yes: Lindower, Peters, Snyder and Foltz.

No: 0

21. Mr. Peters moved and Mr. Lindower seconded to **read by title only, first reading** of Ordinance No. 62-04. All members present voting:

Yes: Peters, Snyder, Foltz and Lindower.

No: 0

Ordinance No. 62-04 - First Reading

Ordinance No. 62-04 authorizing the Mayor of the City of North Canton, through the Board of Control, to execute a Warranty Deed, Temporary Right of Way Easement, Work Authorization for the relocation of a monitoring well and a donation letter to the Board of Stark County Commissioners in conjunction with the construction of the roadway improvements associated with the relocation of the Dressler Road Bridge Project.

Mr. Snyder: As you know this is a situation where we need to widen that bridge and put a new bridge in over there ... our Dressler field and this gives them the authorization to go ahead and move our well - our monitoring well and give them the proper right of ways and work authorization to work on our property. That's basically about it. Any questions? If not...

Mr. Foltz moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 62-04.

All members present voting:

Yes: Snyder, Foltz, Lindower and Peters.

No: 0

22. Mr. Peters moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 63-04. All members present voting:

Yes: Foltz, Lindower, Peters and Snyder.

No: 0

Ordinance No. 63-04 - First Reading

Ordinance No. 63-04 authorizing the Director of Finance of the City of North Canton to make payment to Johnson, Angelo & Colaluca, L.L.C. in the amount of \$13,007.75, which represents the balance due for representation during labor negotiations.

Mr. Snyder: I think that we'll go ahead with this first reading even though in the absence of Director of Law Pusateri, who is going to contact them, but he was on vacation and has not had that time. So he will do that. So that figure has a possibility to change. So if you're comfortable with that we'll move along those lines.

Mr. Foltz: Yea Jon, that was my recollection that ...

Mr. Snyder: Yea.

Mr. Foltz: That Law Director Pusateri was going to send them a letter in an attempt to negotiate that fee.

Mr. Snyder: Exactly. So that...

Mr. Foltz: Cause I don't think any of us are that pleased with the...

Mr. Snyder: With the amount. But we're going to...

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Mr. Foltz: situation we're in or the amount that we have to pay them.
Mr. Snyder: And a...

Mr. Foltz: So I totally agree with the first reading and I'll support that...

Mr. Snyder: Okay. May I have motion...

Mr. Foltz: As a motion.

Mr. Snyder: That is a motion. Is there a second?

Mr. Peters: And I'll second.

All members present voting:
Yes: Foltz, Lindower, Peters and Snyder.
No: 0

Mr. Snyder: I would like to have a motion to have a special meeting next Monday...

Mrs. Bittle: Excuse me Jon...

Mr. Snyder: Yes mam.

Mrs. Bittle: We had one more piece, 64...

Mr. Snyder: Oh, we have an additional piece? I'm sorry ...

Mrs. Bittle: We need to amend the agenda, but that's for the...

Mr. Snyder: Sewer?

Mrs. Bittle: No, it has to do with the gas aggregation.

Mr. Snyder: Oh that was to correct this ordinance or - oh yea...

Mrs. Bittle: No, we had two - would you like to explain the two?

Mr. Snyder: Well opt-in and opt-out.

Mrs. Bittle: Right.

Mr. Miller: Yea and basically the - what was passed...

Mr. Snyder: Well this is going to be 64 for opt-in.

Mr. Miller: This is the opt-in.

Mr. Snyder: This one requires them to be in it and sign in.

Mr. Miller: This one basically we negotiate with - through Buckeye Energy with a natural gas firm. They come in and we set a price, they go out and mail out to all the citizens of North Canton what that price is and they send a card back if they want to get into the program.

Mr. Snyder: Okay.

Mr. Miller: So this one is optional for the citizens of North Canton at this point.

Mr. Snyder: Okay, this gives them the ability to get in if they want.

Mr. Miller: Yes.

Mr. Snyder: Well we need a motion to amend the agenda to allow for Ordinance No. 64-04, which is an opt-in program.

Mr. Lindower moved and Mr. Peters seconded to amend the agenda to include Ordinance No. 64-04. All members present voting:

Yes: Lindower, Peters, Snyder and Foltz.

No: 0

23. Mr. Peters moved and Mr. Lindower seconded to **read by title only, first reading** of Ordinance No. 64-04. All members present voting:

Yes: Peters, Snyder, Foltz and Lindower.

No: 0

Ordinance No. 64-04 - First Reading

Ordinance No. 64-04 authorizing the Mayor of the City of North Canton to enter into an exclusive "Endorsement Agreement" on behalf of the City of North Canton with a sole preferred supplier for retail natural gas in order to secure the most advantageous pricing and purchasing terms for the City and/or its eligible residents and business entities who voluntarily choose to "opt-in" to an aggregated purchasing program.

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Mr. Snyder: Chairman Peters ...inaudible... anything?

Mr. Peters: Well Michael basically explained the whole thing. I just - quick question. That takes us to the election and if it passes then it's opt-out program, correct?

Mr. Miller: What happens is is we'll be able to get an opt-in price for this year's heating season. Basically what a lot of political subdivisions have done is negotiated price for a five or six month period during the heating season in the winter, November to March, November to April, October to April, somewhere in there. And after that's in place, if the voters approve the opt-out program in November, then we'll be able to roll that opt-in program into an opt-out program. And that's one of the things that we'll negotiate with whoever has the opt-in is that be able to use those customers and roll them in seamlessly to the opt-out program as well as anybody who hasn't joined at that point.

Mr. Peters: Okay.

Mr. Miller: So at that point the citizens will have to send a card back in to get out of the program rather than send a card back in to get into the program.

Mr. Peters: Okay, I got you. Okay, well with that being said, I move that we adopt the first reading of this...

Mr. Snyder: 64-04. Okay.

Mr. Peters: Yea, 64-04. I'm sorry.

Mr. Snyder: Alright.

Mr. Lindower: Second.

All members present voting:

Yes: Peters, Snyder, Foltz and Lindower.

No: 0

Mr. Snyder: Again, we'll have a special meeting relative to Ordinance 56-04 on the Valley View CRA, Ordinance 60-04 on 9th Street/Orchard Project, 61-04 the Landsdowne and I think that was all that needed emergency. Was there anything else that administration would request that we move a little quicker along? I think that was all. But we'll save the police from delivering it. What do we need, approximately ten minutes? That's probably...

Mrs. Bittle: Maybe 15.

Mr. Snyder: Well yea, let's do it at 6:45 next Monday, if that's convenient to everybody.

Mr. Lindower: I can't.

Mr. Snyder: You can't.

Mr. Lindower: That's the 19th ...inaudible...

Mr. Snyder: I believe that is the 19th ...inaudible... You'll be here?

Mr. Peters: Yea.

Mr. Snyder: I need a motion that we can do that then.

Mr. Peters moved and Mr. Foltz seconded to schedule a Special Council Meeting Monday, April 19, 2004 at 6:45 p.m. All members present voting:

Yes: Snyder, Foltz, Lindower and Peters.

No: 0

REPORTS:

Mr. Snyder: Any comment Assistant Director of Law?

Mr. Morrow: No.

Mr. Snyder: Welcome, we're delighted to have you.

Mr. Morrow: Thanks.

Mr. Snyder: I apologize for not - to the audience, Tod Morrow who is the Assistant Director of Law.

Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Miller: Nothing further to add.

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 12, 20 04

Mr. Snyder: Thank you sir. Mr. Mayor.
Mayor Rice: No report.

Mr. Snyder: Mr. Engineer.
Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.
Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: No, just to make a general comment. I'm not looking at the budget figures, but I know last year we probably did and Julie maybe you can verify this off the top of your head, over five million dollars in infrastructure.

Mrs. Herr: Yea, if you combine all the different storm sewer, curb and gutter, water sewer...

Mr. Foltz: And we bring in what about six to seven million in income tax?

Mrs. Herr: Six million.

Mr. Foltz: Six million. So I think and I've said this on council floor before, I think other localities, political subdivisions, marvel at the amount of work we get done ... really a budget such as we have. Cause I think it ...inaudible... well for our constituents, our residents ... we do put a lot of money in our infrastructure. But I also don't think you can tear the entire city up, half of it at one time. I know myself I get a lot of grief just even on the projects that are getting done in my ward. And Jon, I think you're the same way. And not to speak for the other council members but if they're not done timely that's even another issue besides from the nice you know curb and gutter street we're going to have. But sometimes the inconveniences are also there for our residents to put up with. So I think we do a good job with that for the money that's available and I think we'd be hard pressed to even try do more. So...

Mr. Snyder: I don't know that we could do anymore.

Mr. Foltz: that's my comment. Thank you.

Mr. Snyder: Thank you. Member Lindower.

Mr. Lindower: Right now they're tearing up the whole northeast section. Other than that I have no comment. Thanks.

Mr. Snyder: You want to read your phone number into the paper? Member Peters.

Mr. Peters: No report.

Mr. Snyder: I have no report.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anyone last call for business? Anyone in the audience wishing to speak tonight before the council on new business? Seeing none, may I have a motion to adjourn?

ADJOURN:

Mr. Foltz moved and Mr. Lindower seconded to adjourn the meeting. All members present voting:

Yes: Snyder, Foltz, Lindower and Peters.

No: 0

The meeting adjourned at 7:45 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL