

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 26, 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 Father Tom Kraszewski, St. Paul's Catholic 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: Kiesling, Lane, Lindower, Peters, Sarbach and Snyder. Also present were: Mayor Rice, Director of Administration Miller, Director of Law Pusateri, City Engineer Benekos and Clerk of Council Bittle.

Mr. Snyder: May I have a motion to excuse Member Foltz? He's possibly going to be a few minutes late, he had some pressing business.

Mr. Sarbach moved and Mr. Peters seconded to excuse the absence of Member Foltz. All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder and Kiesling.

No: 0

5. Consideration

Minutes of the Council Meeting: 4/12/04

Minutes of the Special Council Meeting: 4/19/04

Consideration of the Financial Statement: March, 2004

Consideration of the Mayor's Court Receipts: March, 2004

Mr. Lane moved and Mr. Peters seconded to approve the minutes of the council meeting, minutes of the special council meeting, the financial statement and the mayor's court receipts as presented. All members present voting:

Yes: Peters, Sarbach, Snyder, Kiesling, Lane 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 Committee meeting held April 19, 2004.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held April 19, 2004.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held April 19, 2004.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held April 19, 2004.

Mrs. Kiesling moved and Mr. Peters seconded to approve the committee report minutes as presented. All members present voting:

Yes: Sarbach, Snyder, Kiesling, Lane, 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, please step forward, state your name and address for the record. Seeing none...

OLD BUSINESS:

8. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, third reading** of Ordinance No. 46-04. All members present voting:

Yes: Snyder, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

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Ordinance No. 46-04 - Third 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 collections of water rentals.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yea, this is our rates that the chairman or the Director of Administration and the Finance Director came up with as a preliminary adjustment to the water rates for the city. And I move that we adopt the third reading of Ordinance No. 46-04.

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

All members present voting:

Yes: Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.

No: 0

9. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 53-04. All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder and Kiesling.

No: 0

Ordinance No. 53-04 - Third 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: Again, we are moving towards that. We will only charge what the assignment would be. The actual city resident will not be charged the Medicare Part B nor the insurance deductible; that will be done. However, outside the city, if you are not a resident, you will pay as you do now the full charge. So whatever your deductible is or whatever you fee schedule is we will only collect what the insurance company assigns to us. Are there any questions on that?

Mr. Lane moved and Mr. Lindower seconded to **adopt the third reading** of Ordinance No. 53-04.

All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Kiesling and Lane.

No: 0

10. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 54-04. All members present voting:

Yes: Peters, Sarbach, Snyder, Kiesling, Lane and Lindower.

No: 0

Ordinance No. 54-04 - Second 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: Chairman Kiesling.

Mrs. Kiesling: Yes, these are the two homes on Orion Street up north that we're going to annex in.

Mr. Lindower moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 54-04. All members present voting:

Yes: Sarbach, Snyder, Kiesling, Lane, Lindower and Peters.

No: 0

11. Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 55-04. All members present voting:

Yes: Snyder, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

Ordinance No. 55-04 - Second 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.

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Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is just a little amendment on the qualifications for the Director of Community and Economic Development. Just added a few things into it and added one thing to the abilities, knowledge of computer data bases and web sites. We already passed the first reading so this is just the second. Any questions, concerns? Alright, motion to accept.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 55-04. All members present voting:

Yes: Kiesling, Lane, Lindower, Petes, Sarbach and Snyder.

No: 0

12. Mrs. Kiesling moved and Mr. Lane seconded to **read by title only, second reading** of Ordinance No. 57-04. All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder and Kiesling.

No: 0

Ordinance No. 57-04 - Second 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: Chairman Kiesling.

Mrs. Kiesling: Yea, just as it's stated, we're changing the zoning of four single family homes on Northfield S.E. to R-70, single family homes, which is exactly what they are. Second reading...

Mr. Sarbach moved and Mr. Lane seconded to **adopt the second reading** of Ordinance No. 57-04. All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder and Kiesling.

No: 0

13. Ms. Kiesling moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 58-04. All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Kiesling and Lane.

No: 0

Ordinance No. 58-04 - Second 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. This is just a - again, the natural gas aggregation program with the "opt-out". And this is going to the Board of Elections to submit a ballot question and a second reading. And I motion to adopt the second reading.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the second reading** of Ordinance No. 58-04. All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Kiesling and Lane.

No: 0

14. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, second reading** of Resolution No. 59-04. All members present voting:

Yes: Peters, Sarbach, Snyder, Kiesling, Lane and Lindower.

No: 0

Resolution No. 59-04 - Second 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).

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Mr. Snyder: Chairman Peters.

Mr. Peters: Yea ... basically we have to ask the Planning Commission's approval if we can override their no vote and this is just a resolution asking for that. So I motion to adopt the second reading.

Mr. Foltz joins the meeting.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the second reading** of Resolution No. 59-04. All members present voting:

Yes: Peters, Sarbach, Snyder, Kiesling, Lane, Lindower and Foltz.

No: 0

Mr. Snyder: May I...

Mr. Sarbach: Hi, Doug.

Mr. Snyder: May I have a motion to read by title only...

Mr. Foltz: Better late than never, right?

Mr. Sarbach: That's right.

15. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 62-04. All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane Lindower and Peters.

No: 0

Ordinance No. 62-04 - Second 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 that we've been requested to - at their expense they'll move our monitoring well and we've been requested to give them a warranty deed for the land and a temporary right of way easement to go ahead and construct their roadway there along Dressler. And that's basically it. And that we'll be gifting that land to the county, but they in turn will move our well back at their expense and to facilitate that. Any questions?

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 62-04. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

Mr. Snyder: I'm going to amend this next piece, but first may I have a motion to read the second reading of Ordinance 63-04.

16. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, second reading** of Ordinance No. 63-04. All members present voting:

Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach ...

Mrs. Bittle: Snyder.

Mr. Snyder: I'd like to - excuse me...

Mrs. Bittle: Yes, no, yes - please...

Mrs. Kiesling: Say yes.

Mr. Snyder: Yes. Oh, I'm sorry. Yes.

Ordinance No. 63-04 - Second 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.

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Mr. Snyder: At this time I would like an amendment to change the aggregate amount to that to \$11,000.00 even. That seems to be where we're at through the negotiations, they've lowered that a couple thousand dollars and...

Mr. Sarbach: No chance of getting it a thousand dollars even, right? Yea, I'll so move that...

Mr. Snyder: Appreciate that. Mr. Foltz...

Mr. Foltz: Yea, second. And comment, appreciate your work on that Law Director, was it Pusateri?
Mr. Pusateri: Thanks.

Mr. Foltz: I know it put you in a bad spot, but here again...
Mr. Pusateri: No, that's alright.

Mr. Foltz: You inherited this along with Director Miller and I think it was nice we could knock something off the bill anyway. So...

Mr. Snyder: Okay. So may I have a motion to adopt the second reading ...

Mrs. Bittle: Excuse me.

Mr. Snyder: of Ordinance No. 63-...

Mrs. Bittle: We...

Mr. Snyder: Oh, we didn't call that vote, I'm sorry, to amend it. So is there a...

Mr. Foltz: I seconded it Jon.

Mr. Snyder: Okay, is there a vote please?

All members present voting:

Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.

No: 0

Mr. Lane moved and Mr. Foltz seconded to **adopt the second reading, as amended**, of Ordinance No. 63-04. All members present voting:

Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.

No: 0

17. Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, second reading** of Ordinance

No. 64-04. All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.

No: 0

Ordinance No. 64-04 - Second 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.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yea, this basically is a rider to the one before. Which one was that? 58-04. This basically has an "opt-in" and this will be prior to the "opt-out" program that will go to the electors. And that's basically it. Now Mike, I've got a question. On this what's the date we're going to be striking a price for the winter heating season?

Mr. Miller: That's something that's still not set, but we'll probably be doing it somewhere between end of May and beginning of August to mid August. Again, it will depend on what the market is like and what we can predict as far as what the market is going to do. But usually by about mid August the price is set and it needs to be set by that point in time in order to be able to get the mailings out to the citizens in North Canton.

Mr. Peters: Okay. That's about it. I move that we adopt the second reading of Ordinance 64-04.

Mr. Peters moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 64-04.

All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

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NEW BUSINESS:

18. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 65-04. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Ordinance No. 65-04 - First Reading

Ordinance No. 65-04 appointing the Director of Administration of the City of North Canton as Agent for the Petitioner pursuant to Section 709.2(C)(3) of the Revised Code and authorizing the Director of Administration to file a petition with the Board of Stark County Commissioners petitioning the annexation of 1.8034 acres of land in Plain Township to the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: Chairwoman Kiesling.

Mrs. Kiesling: Yes, we talked about this the last two weeks. Did you read your minutes from last week?

Mr. Foltz: Yea, just to follow up though, where...

Mrs. Kiesling: We - Jim spoke to the County Engineer and said he's fairly certain, you know how things change, that we would not have to put any money into the widening...

Mr. Foltz: Okay.

Mrs. Kiesling: At this point they'd go for federal - more federal funds or Issue II money.

Mr. Foltz: This is over on Market?

Mrs. Kiesling: Yea, it's in Washington Square.

Mr. Foltz: Okay, north of East Maple. Gotcha. Okay.

Mrs. Kiesling: So this is just annexing part of the road - part of Market Avenue into the city limits...

Mr. Foltz: Okay.

Mrs. Kiesling: Which half of it is anyway. So ...inaudible... this is the long process of annexation. We have to send it down to the Commissioners, they have their hearing, it comes back to us, we have our hearing. So it's a long process.

Mr. Foltz: Okay.

Mrs. Kiesling: Alright. We're going - okay to pass it on emergency? Everybody okay with that? It's just sending it down to the commissioners. Okay. I motion to accept.

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 65-04. All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.

No: 0

Mrs. Kiesling moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 65-04. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 65-04. All members present voting:

Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.

No: 0

19. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 66-04. All members present voting:

Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.

No: 0

Ordinance No. 66-04 - 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 Main Street Signal Study and declaring the same to be an emergency.

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Mr. Snyder: Chairman Lane.

Mr. Lane: This is the Main Street Signal Study. It's pretty self-explanatory. Where we had a little bit of a discussion here a week or so ago was regarding the funding of it. It's much higher than we originally had in our budget, but there was some reasons for that that Jim explained. So we're taking some money from the paving program, some from the original estimate. It comes in at \$35,000.00 and we're going to study everything from the one end of Main Street to the other - computerization and some of the other bells and whistles to go with that. So it's a little higher than we had originally talked about. But we need an emergency so we can get this thing underway.

Mr. Snyder: Okay.

Mr. Lane: I would move that ...

Mr. Lane moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 66-04.

All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 66-04. All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

Mr. Sarbach moved and Mr. Lane seconded to **adopt under suspension of the rules** Ordinance No. 66-04. All members present voting:

Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.

No: 0

20. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 67-04. All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.

No: 0

Ordinance No. 67-04 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for the Dogwood Park Detention Basin Improvements and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane.

Mr. Lane: Actually I think this is under Chairman Sarbach, right?

Mr. Sarbach: That was last time I believe.

Mr. Lane: Yea.

Mr. Snyder: Oh my apologizes.

Mr. Sarbach: And I'm going to ask the administration and the Engineer...

Mrs. Kiesling: Yea.

Mr. Sarbach: is this ... the specifications on file, is that for an open concreted area or an enclosed; because it was discussion both way? Now if you have specifications on file I'm sure you're...

Mr. Benekos: Right now it's for the open concrete ditch...

Mr. Sarbach: Okay.

Mr. Benekos: but we're looking at some other options.

Mr. Sarbach: Okay.

Mr. Benekos: and hopefully we'll - well we will have that before we bid it out.

Mr. Sarbach: Okay.

Mr. Benekos: We'll make a decision on that.

Mr. Sarbach: Okay and what ...

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Mr. Miller: We're re-shooting - we're re-shooting some elevations to see whether or not we can put some of that underground so that it creates more usable space in the base in itself?

Mr. Sarbach: But in no situation will you lessen the amount of that retention basin. Is that correct?

Mr. Miller: No, no.

Mr. Sarbach: Okay. Then what this will do is it will free up some of that land adjacent to Dogwood Park and the skate park for public activities...

Mr. Miller: Yes.

Mr. Sarbach: and dry some of it up and when it's not raining that the water will be in a contained area and not a marshy area that's not usable.

Mr. Miller: That's correct.

Mr. Sarbach: So this will expand the usable park space at Dogwood. So with that I'll move to accept the first reading of Ordinance 67-04.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 67-04.

All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

Mr. Sarbach: The questions get harder later.

Mr. Snyder: Yea, I noticed that. Just don't ask me to spell my last name ...

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 67-04. All

members present voting:

Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.

No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules**

Ordinance No. 67-04. All members present voting:

Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.

No: 0

21. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance

No. 68-04. All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.

No: 0

Ordinance No. 68-04 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton and the Ohio Department of Transportation (ODOT) for the relocation of waterlines on Shuffel Drive, Frank Avenue and Pittsburg Avenue in conjunction with the Shuffel Drive Interchange project and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Self-explanatory. To - in order to put the new ramp in we have to relocate some of our property or our existing waterlines and this will allow us to do that. And this is, I believe, to the tune of one hundred and four thousand dollars and change. And I move that we adopt the first reading of Ordinance No. 68-04.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 68-04.

All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 68-04. All

members present voting:

Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.

No: 0

Mrs. Kiesling: Just call me Jon.

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules**

Ordinance No. 68-04. All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.

No: 0

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22. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 69-04. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Ordinance No. 69-04 - 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 Water Treatment Plant Backwash Holding Tank and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yea, this is part of the expansion and upgrading of the Water Treatment Plant. This is an EPA requirement that in order to be certified we need to increase this backwash holding tank. There was some discussion a couple weeks ago about some other items that needed to be done. We'll see those on separate ordinances in the near future. I believe you all got a letter or will get a letter of explanation of those items. But this was the original upgrading of this holding tank to the tune of ninety thousand dollars. It has been budgeted for. So I would move that we adopt the first reading of Ordinance 69-04.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 69-04. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 69-04. All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

Mr. Sarbach moved and Mr. Lane seconded to **adopt under suspension of the rules** Ordinance No. 69-04. All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

23. Mr. Sarbach moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 70-04. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Ordinance No. 70-04 - First Reading

Ordinance No. 70-04 authorizing the Department of Fire & EMS of the City of North Canton to apply for, accept and utilize a grant through the Federal Emergency Management Agency (FEMA) in an amount not to exceed \$36,116.00 for the purchase of new 'Jaws-of-Life' equipment for use by the Department of Fire & EMS and declaring the same to be an emergency.

Mr. Snyder: As we spoke last Monday night, they secured a grant for that and it will cost the city \$3,600.00, but it will update our equipment to the state of the art. And a - so you know from that standpoint it's a good investment in our own equipment plus the majority was being paid by the federal government. Are there any questions on that? If not...

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 70-04. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Mr. Peters moved and Mr. Sarbach seconded to **suspend the rules** for Ordinance No. 70-04. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 70-04. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 26, 20 04

Mr. Snyder: Director of Law Pusateri, I have a request that I would like to amend here, but do I need an ordinance or can I with a voice vote authorize an expenditure of \$11,700.00 to the Finance Director? It's under the statutory limit of 25,000.

Mrs. Bittle: Excuse me, we still have one piece...

Mr. Snyder: Do I need an ordinance?

Mrs. Bittle: But we still have one piece of legislation...

Mr. Snyder: Oh we do?

Mrs. Kiesling: CRA...

Mr. Snyder: Inaudible... must be...

Mrs. Kiesling: We do...

Mrs. Bittle: CRA...

Mr. Snyder: Oh, that's the one Marcia did tonight. Let me do that one right now.

Mrs. Kiesling: Thanks.

Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 71-04?

Mrs. Bittle: And to amend the agenda. We need...

Mr. Snyder: Yes, may I first - thank you - may I first amend - you know I used to be pretty good at this.

Mr. Sarbach: Some days they go good and some days they don't...

Mr. Snyder: I think the longer you sit here the goofier you get.

Mrs. Bittle: It's the chair.

Mr. Snyder: I might not have much chance left here. But may I have a motion to suspend the or to amend the agenda to accept Ordinance No. 71-04 without committee minutes?

Mrs. Kiesling moved and Mr. Sarbach seconded to **amend** the agenda to accept Ordinance No. 71-04 without committee minutes. All members present voting:

Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.

No: 0

24. Mr. Peters moved and Mr. Sarbach seconded to **read by title only, first reading** of Ordinance No. 71-04.

Mrs. Kiesling: And we amend it after we read it?

Mr. Snyder: As amended. It has been amended I think. Thank you. You know maybe you could - somebody could sit ...inaudible... a little card and I could read off of that.

Mrs. Kiesling: No problem.

All members present voting:

Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.

No: 0

Ordinance No. 71-04 - First Reading

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, and declaring an emergency.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the purposed Valley View Community Reinvestment Area. And the amendment to the legislation in your packet tonight is to decrease the amount for homeowners to 15,000.00 instead of 25,000 that they would need to require - that would be required to apply for the abatement. And I asked for an emergency.

Mr. Snyder: Okay, is there any other questions?

Mr. Sarbach: So moved as amended.

Mr. Snyder: Thank you.

Mrs. Kiesling: Second.

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Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.

No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **suspend the rules, as amended**, for Ordinance No. 71-04. All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules, as amended**, Ordinance No. 71-04. All members present voting:

Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.

No: 0

Mr. Snyder: Are there any other additions on that? I'll move back to this one. However, do I - can do that by voice vote or do I need ...

Mr. Pusateri: It depends on how much it is.

Mr. Snyder: I have a request - let me explain it then you can - possibly everybody ...inaudible... at one time. The Director of Finance has requested that the firm that I - and I believe I'm telling you that the city schools are presently employing, that would come in and study our phone system. As you know phone is like gas, the prices have all changed. And the type of lines we have and the amount of money that we're paying per line, in their best guesstimate, is greater than what they would charge us. The cost for that study is \$11,700.00. They guarantee the minimum savings would be the \$11,700.00 if not greater, but it would be at least what we expended.

Mr. Lindower: Who is going to do that?

Mr. Snyder: There's a firm doing that and I apologize, and on behalf of Director Herr, she had some family emergency and could not be here to fully explain it. However, it - I guess there was a contract and something bogged the contract down. So she is now making the request of council that this amount of money be authorized for her to expend, the \$11,700.00.

Mr. Sarbach: And that..

Mr. Snyder: She does have the money for this.

Mr. Sarbach: And that savings would be an annual savings?

Mrs. Kiesling: Yea, I believe that's what she told me.

Mr. Sarbach: So you would save...

Mr. Snyder: Yea, yea...

Mr. Sarbach: They would guarantee that...

Mr. Snyder: Right.

Mr. Sarbach: Same as the first year for the second year...

Mr. Snyder: And I apologize, I do not know the technical names of these different lines, but they, I believe...

Mr. Sarbach: Phone lines I think.

Mr. Snyder: Phone lines, but I'm talking about CRX's or whatever they call them and it's very technical. I believe the township used them successfully is the way I understand it - Plain Township. And they're presently doing - the reason they're doing it for that amount of money, it's less than it normally would be, but they're at the school doing the school ... right now, North Canton Schools.

Mr. Peters: Who do we currently have?

Mr. Snyder: We have nobody. Well we're using SBA I believe we use, don't we?

Mr. Sarbach: SBC.

Mr. Foltz: S...

Mr. Lindower: ACY ...inaudible...

Mr. Snyder: AC or however it is.

Mr. Lane: ACY?

Mr. Foltz: ACY?

Mr. Lindower: Yea.

Mr. Snyder: Is that who we use?

Mr. Foltz: So we're not changing the phone...

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Mr. Snyder: No, we're not. We're only going to change the type of equipment...

Mr. Foltz: system. We're changing who's charging the ...

Mr. Snyder: Charging and I think what they do is...

Mr. Foltz: our service.

Mr. Snyder: Yea.

Mr. Lane: You're saying if we spend the money they're going to tell us we're going to get all that money back, but only if we change to what they recommend.

Mr. Snyder: No. I think they're not going to change, they're going to tell us ...

Mr. Lane: They're going to tell us...

Mr. Snyder: advise us what we...

Mr. Lane: Right. But in other words if we decide not to make the change for one reason or the other we're out \$11,000.00.

Mr. Snyder: Well if we don't make the changes they suggest yea.

Mr. Lane: Right, right.

Mr. Snyder: You know it's kind of like they're saying they can make these changes by looking at the type of Centrex System we have, which is, I think it's the way the rates are - they're allowed - these phone companies are allowed to charge you. And I really don't know the technical portion of it.

Mr. Peters: You don't have the name of the company.

Mr. Snyder: I probably had it. I apologize, I don't and again I ...

Unidentified: Inaudible... sign a contract?

Mr. Snyder: was asked about this about 8 or 10 weeks ago. There was a contract drafted and sent to administration, but they've elected not to sign the contract and so it's been thrust back upon us again. And again, as I reiterate, she has the money, it's under the statutory limit, really doesn't need council approval, but in order for her to move on it now she needs approval, at least four positive votes.

Mr. Foltz: You said the administration didn't sign it.

Mr. Snyder: That's right, they refused to sign it.

Mr. Foltz: Can we ask why then?

Mayor Rice: Well number one it's not in the budget and I know we've heard that message from council ... loud and clear.

Mr. Foltz: Okay.

Mayor Rice: You know and that was the reason why we don't want to move forward with the generator and the needs at the Water Treatment Plant and other places. So we're just trying to stay consistent with council's direction and we don't know anything about that. The Administrator...

Mr. Foltz: Mike doesn't know...

Mayor Rice: tonight what we're hearing about it is more than we've heard about it from day one. We know nothing about what Julie is trying to do.

Mr. Lane: How long are they going to be at the school, do you know?

Mayor Rice: And I would think that's something that maybe the Administrator ought to be involved with, but ...

Mr. Snyder: Inaudible...that I can't...

Mayor Rice: we don't nothing about it.

Mr. Lane: I'm just wondering if it's something that could wait a week.

Mr. Lindower: Well we should probably talk to Julie.

Mr. Lane: Yea.

Mr. Lindower: If that's bid against ACY we probably should find out what the pros and cons are.

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Mr. Snyder: Yea, and possibly she can, when she's back next week, can or she can put in your packet some - as I say, I - you know the request is very benign and ... about two lines and I - She called and asked if that could be presented. However, we will - we'll get a little firmer comparison and the name of the firm and some more references that we can allow you to check on and go from there.

Mr. Sarbach: Is there any time critical issues with this that ...inaudible... tonight?

Mr. Snyder: That I'm not positive. I don't think so. I don't think it's as - like a sensitive thing. If it was I would think that would throw a red flag up and say why all of a sudden do they have to have it in one week or two weeks. At that point that would be alarming.

Mr. Lindower: Sounds like it's a convenience kind of thing and obviously ...

Mr. Snyder: Yea, cause they're in the area they figured you know probably like a construction, if you're in the area we can move forward with the next one. But we will - again, she'll back tomorrow or Wednesday and we'll - I'll have her at least ... the minimum put it in the packet.

Mr. Foltz: Inaudible...

Mr. Snyder: And I'll ask her to speak with Director of Administration Miller and bring him up to speed on it.

Mr. Foltz: Right...

Mr. Sarbach: Well it doesn't need our approval, but if she would convince us by phone and we give her a tentative yes could she proceed with it if she needed to or once we had a little bit - a few more facts.

Mr. Snyder: Well again, I don't know. I'm sure and ...inaudible... everything that's maybe our best approach here is let her explain it the best she can on paper, have her meet with Director Miller explain it to him to put the administration in ... position and then we maybe can on forward ... As again, they don't need our approval because of the situation. And I'm sure because if it's explained and justified, possibly at that point the administration will be comfortable in signing the contractual part of the obligation and we'll move forward.

Mr. Foltz: Okay.

Mr. Snyder: But let's wait and see. But I will bring every - I'll have her bring everybody to speed, that way there will be no problem.

Mr. Foltz: Alright.

Mr. Snyder: I have one final request if I may, we had the firm of URS Consultants, as you know, study the Zimber Ditch. That study is now completed and they are prepared to bring to council their study and what they recommend goes on with the Zimber. As I represent the 4th Ward and there are three members of council who represent the complete city and my remaining three colleagues do have some flooding problems, it would - I think for reasons there are a lot of people in that ward that want to know what's going on. For me to have - to take it back to the them and try to explain it to them at least would be difficult. So my request would be this, this room cannot hold comfortably the amount of people that would show up from the complete city relative to flooding problems. I would like to move our meeting as a whole to the Civic Center next Monday night and at 6:00 p.m. have the consultants there and the members or the people from the 4th Ward that the Zimber impacts and people from any other ward that would like to come and spend that hour there having it explained both through I think camera they have pictures and they have ideas and then have our regular Council of the Whole meeting. Rather than to adjourn there, drive all the way up here and move on. And my request to Council, do you have a problem with that?

Mr. Lane: My only question would be we have enough complaints from people here that can't hear us talk. Are we going to make some - I'm assuming at 7:00 most of that room is going to empty out.

Mr. Snyder: I would think so, yea.

Mr. Lane: But if some people do stay is there audio equipment available to us or are we just going to talk very loud? Cause I know the acoustics over there get a little...

Mr. Snyder: There is a - I know there's a microphone there. I do not know how many microphones - they're wireless microphones. I would defer to you, how many can you speak through an amplifier? I mean how many wireless mics can you use?

Mr. Lindower: Inaudible...have at least 7 or 8 channels on it.

Mr. Lane: Yea, you'd have to have different channels. Cause I'm just saying I think we have to tape it, right - whatever our session is.

Mrs. Kiesling: Yea ...inaudible... tape recorder.

Mr. Snyder: But we made ...inaudible... we make provisions to record it, that's not a problem.

Mr. Lane: So we'll have to make sure we have enough purposeful audio gear. I mean three of us can share a microphone or two, but somebody is going to have be there to...

Mr. Lindower: Inaudible...

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Mr. Lane: Yea.

Mrs. Kiesling: Well had the Zimber meeting down there last year ... the commissioners and it was packed house and I think it went fairly well.

Mr. Lane: That would be my only concern, just to make sure whatever we did is properly recorded and ...

Mr. Snyder: Well the portion - I would think the majority of the presentation will done by the engineers themselves...

Mr. Lane: Right.

Mr. Snyder: which there is a wireless mic...

Mr. Lane: I'm talking about after 7:00 portion...

Mr. Snyder: Yea.

Mr. Lane: Is what my concern was.

Mr. Snyder: But we'll - we'll can make ... some provisions.

Mr. Foltz: Jon, will we get a copy of this before the meeting?

Mr. Snyder: I would defer to the Engineer or to the Director of Administration on it. Is there a possible - is that study bound in hard form yet or...

Mr. Benekos: Not at this point. We're still finalizing that and we're going to be meeting with them later this week to finalize that.

Mr. Miller: It's in a position where it's a - we can probably give you a rough draft so to speak. And if anybody wants to sit down with me in the office and go over it and find out what's in it, feel free to do so.

Mr. Snyder: Their initial request, Member Foltz, was to come to Council Chambers and present it to the council. But rather than have a redundant meeting, because I feel the members, the people down there in fact they may have some very valid questions they want answered and those people could answer them very quickly rather than us holding an additional meeting and inviting them up. And if it would go beyond the 7:00, we could ask them to stay afterwards and answer questions - residents or council members if they have a question.

Mr. Sarbach: The consultants are okay with the public and not just presenting it to council?

Mr. Snyder: I would ...

Mr. Miller: We've told them.

Mr. Snyder: They've explained...

Mr. Miller: We've told them.

Mr. Snyder: That the people that the actual ditch impacts will be...

Mr. Sarbach: Okay.

Mr. Snyder: would want to know.

Mrs. Kiesling: Okay...

Mr. Sarbach: You need a motion or just a consensus to do this?

Mr. Snyder: I'll need a motion to move the meeting.

Mrs. Kiesling moved and Mr. Sarbach seconded to move the May 3, 2004 Council of the Whole meeting to the North Canton Civic Center. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

Mr. Snyder: I would ask the press if they would be so generous as to print that fact that we will be having that meeting there next Monday evening at 6:00 p.m. following our regular council meeting. And we will probably - I think we have a list, Mary Louise, do we not of the people we invited last time down there?

Mr. Lindower: Inaudible...

Mrs. Bittle: I still have the addresses.

Mr. Snyder: And we'll get a letter out to them so that they - especially those - and if you have anybody in your ward and I know Mr. Lane does, that would probably like to be there to find - please if you'd give that to the Clerk, she'll make sure that a letter gets sent to them.

Mr. Miller: Just to clarify, this will be about the Zimber Ditch only.

Mr. Snyder: Right.

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Mr. Miller: As far as what we're fixing ...
Mr. Snyder: Yea, cause that's the...
Mr. Miller: It won't be the West Branch and the Nimishillen.

Mr. Snyder: But he likes to know what's going on.
Mr. Miller: Yea.

Mr. Snyder: You could of told him.

Mr. Lane: He can sit next to me.

Mr. Snyder: Any other questions of the council?

Mr. Foltz: How about 9th street?

REPORTS:

Mr. Snyder: Director of Law Pusateri?
Mr. Pusateri: Nothing sir, thank you.

Mr. Snyder Director of Administration.
Mr. Miller: Nothing this evening.

Mr. Snyder: 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: Yea, just to make the administration and engineering people know. I got a couple of calls over the weekend, Ernie's Bike Shop, intersection of Portage and Pittsburg, some near accidents. We've got to do something with the lines there.

Unidentified: I brought it up last week.

Mrs. Kiesling: Inaudible...

Mr. Foltz: Oh, you brought it up last week?

Unidentified: Yea, I talked to Jon.

Mr. Miller: That was discussed last week.

Mr. Foltz: Okay, good.

Mr. Miller: We've discussed it with construction contractor...

Mr. Foltz: Right.

Mr. Miller: that's out there. He's indicated he will put those lines down as quickly as possible. Jim, is that correct?

Mr. Benekos: Correct.

Mr. Miller: Yes.

Mr. Foltz: Okay, that would be wonderful. Cause you know with the weather breaking it's kind of confusing for out-of-towners how to work that intersection. So greatly appreciate it. That's all I have.

Mr. Snyder: Thank you Mr. Foltz. Member Lindower...

Mr. Lindower: No report.

Mr. Snyder: Member Lane.

Mr. Lane: I just want to say I held my first neighborhood meeting this past Wednesday at Clearmount and things went very very well. We had 25 people sign in, I think about another 10 that didn't sign in for one reason or the other. So had a nice discussion of the issues. I wrote up a little synopsis and gave it to Mike and also down to Chief Grimes and they both promised to act on some of those. So I have some more down the road here for Precincts C and D before the end of the year.

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Mr. Snyder: Good.

Mr. Lane: So just to say if anybody was there I appreciate you coming. And if not, hopefully as we get towards your area in Ward 3 you'll come.

Mr. Snyder: Good. Member Kiesling.
Mrs. Kiesling: No report.

Mr. Snyder: Member Peters.
Mr. Peters: No report.

Mr. Snyder: Member Sarbach.
Mr. Sarbach: No report.

Mr. Snyder: I have nothing.

FINAL CALL FOR NEW BUSINESS:

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

ADJOURN:

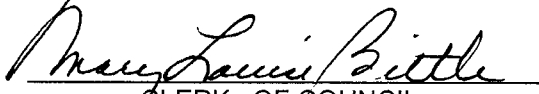
Mr. Sarbach moved and Mr. Foltz seconded to adjourn the council meeting. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

The meeting adjourned at 7:53 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL