

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 11, 7:00 p.m. 20 05

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. Mark Sherwindt, Zion Lutheran Church.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. The following members of Council responded to roll call: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder. Also present were: Mayor Rice, Director of Administration Miller, Director of Law Pusateri, Director of Finance Herr, City Engineer Benekos and Clerk of Council Kalpac.

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

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

No: 0

5. Consideration

Minutes of Council Meeting: 03/28/05

Financial Statement: March, 2005

Mr. Sarbach moved and Mr. Peters seconded to approve the council meeting minutes and financial statement as presented. All members present voting:

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

No: 0

Abstain: Kiesling.

6. Committee Reports

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held April 4, 2005.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held on April 4, 2005.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held April 4, 2005.

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

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

No: 0

7. Recognition of Visitors

Mr. Snyder: Is there anyone in the audience wishing to speak to the Council tonight? Please step forward, state your name and address for the record.

Mr. Osborne: My name is Chuck Osborne. 307 Fairview Street, SE, North Canton, Ohio. At the conclusion of last week's meeting of the Council of the Whole, Finance Chairman and President of City Council, Jon Snyder, announced what appeared to be Council's proposed plans to fund the CIC. I couldn't help but notice that there were no comments from any Council members on this proposal to fund the CIC. In fact, it appeared to me that many of you lowered your heads as if you could not face the public on hearing this announcement on the funding for the CIC. The funding announcement for the CIC was presented as if it were a compromise. But was it a compromise after weeks of discussion? The Chairman of Finance stated that Council would provide 1.5 million to the CIC to be paid out in \$100,000 increments over fifteen years. Instead of the immediate payment of 2 million that Mayor Rice had requested. In addition, something new was added to this funding arrangement. And that was the deeding of the Oster property to the CIC. As a result of last week's announcement by Mr. Jon Snyder, three pieces of legislation related to the CIC funding are on tonight's agenda. That legislation for the proposed funding of the CIC to the tune of 1.5 million and the added decision to deed the Oster property to the CIC will put the City of North Canton on the fast track to financial disaster and also will put the Oster property in grave danger. The specific pieces of legislation regarding the funding for the CIC are Ordinances 66-05, 67-05 and 68-05. Ordinance 66-05 transfers 1.5 million dollars from the Income Tax Fund to the General Fund

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for current expenses for the fiscal year ending December 31, 2005. The representation in last week's announcement by the Chairman of the Finance Committee was that the City would fund the CIC at the rate of only 100,000 per year. In fact, the entire 1.5 million will immediately be transferred out of the Income Tax Fund if this is passed by Council. This is not how it was represented last week by the Finance Chairman, Jon Snyder. And I would call this a deliberate attempt to deceive the public. Ordinance 67-05 authorizes a transfer of 1.5 million into an escrow account that is to be paid out in increments of \$100,000 annually for fifteen years to the CIC. The ordinance also states that the North Canton CIC can request additional funds from the escrow account not to exceed the remaining balance in that escrow account and not to exceed 1.5 million. The described payout of 100,000 per year for fifteen years is a smoke screen, as the full 1.5 million is immediately available on request by the CIC. Mayor Tom Rice has requested 2 million to fund the CIC and he made it clear he wanted the money weeks ago. Do you honestly believe Mayor Tom Rice is going to take one and a half million over fifteen years? Frankly, I just cannot picture Mayor Tom Rice waiting for his last \$100,000 payment in the year 2020. This dispersal of the 1.5 million also was not how it was presented last week by the Finance Chairman, Jon Snyder, to the public. Is there a pattern of misrepresentation going on here? Is this a deliberate attempt to deceive the public? Ordinance 68-05 states that the Oster property is no longer needed for municipal purposes and authorizes the transfer of the Oster property to the CIC. It was just two years ago that North Canton began legislation to sell the Oster property for the second time. And it used those very same words in legislation to authorize a public auction of that property. And for anyone who does not remember what happened next, I will tell you that Plain Township did not waste any time alerting North Canton that it would take the Oster property by eminent domain from any perspective buyer. I cannot understand why this City would want to jeopardize the County's most prolific source of water. The water resources under the Oster property alone could supply this entire City's raw water needs. Where else is the City going to turn for water after it brings the East Maple Street well field online. The East Maple Street well field has not even been brought online yet and has not proven itself in quantity and quality of water. Why would you want to jeopardize the vast water resources at the Oster property that are owned by the City of North Canton? Just a few months ago the City Administration used the argument that the City had to buy the wetlands near the East Maple Street well field to protect the City's water supply at the East Maple Street well field. Why doesn't that same argument apply when it comes to talking about protecting North Canton's water resources under the Oster property? Something is wrong here. Something else is wrong here when over the course of the last few weeks Jon Snyder, the Chairman of Finance and City Council President, has made the following statements in this Chamber in opposition to using tax payer funds from the City treasury to fund the CIC and then last Monday night does an about-face and proposes millions to fund the CIC. I spent most of yesterday listening to, back tapes of Council meetings instead of enjoying the nice weather. At the March 7, 2005 Council of the Whole meeting, Mr. Snyder made the following statements in opposition to funding the CIC in this manner. And I quote, "Economic times are not the best. We are losing our largest employer. This is more than I can recommend as Chairman of Finance. This is more than we can possibly handle. I have reservations about the amount and reservations about doing it. I do not understand the principle of taking away from the City Council the right to legislate is solely vested in the Council itself. The people who elect the Council, elect the Council to legislate and to disburse the money." And I continue quoting, "The CIC is normally funded with money it generates internally or with grants such as is done in Canton." Finance Chairman Snyder continued at that meeting with a discussion on the City's unfunded pension fund obligations. Quote, "The Finance Director estimates income tax estimates of \$4,214,465.00. Continuing the quote, "Another thing that North Canton has not budgeted for is employee retirements that are expected in the next few years. Our liability is great. Our liability in 2005 is \$373,883.00. Our long term liability is \$1,247,248.00." I continue with quoting Mr. Snyder, "There is no movement. There is no appropriation. There is no line item to pay that. That money has to be paid in cash and that will reduce the four million down to less than three million. And that leaves us with less than one million." I'm assuming he's deducting the two million from the income tax for the year. One of Mr. Snyder's most telling statements at that March 7, 2005 meeting was, "The City is not in a position to do this. I am against using the liquidity of the City." I have to ask you Mr. Snyder, have all your fears and concerns regarding this request to fund the CIC been resolved? Have you been able to find millions of tax payer dollars stuffed away in a mattress somewhere? At this same March 7, 2005 council meeting, Mr. Snyder asked Finance Director Julie Herr her thoughts on the request, requested two million for the CIC. The Finance Director made the following statements, "The figure"—again quoting from the audio tape—"The figure that is floating around, two million, of course I have concerns over that. That is almost twenty percent of our carryover. I have not taken into consideration the change in personnel at Hoover. If we take two million out and Hoover ends up leaving, that's one million in income tax gone." Continuing to quote the Finance Director, "When I came to the City, the City carryover was eighteen million. Are there potential uses for this seed money or is it going to sit there for six months? Are we going to see results this year?" Continuing, "Is there any plan that might start seeing results of this seed money this year, next year, two years from now? If two or three years down the road"—and again, I'm continuing the quote of

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the Finance Director—"the results of that CIC are slower than what we expected, there might be some more difficult decisions to make down the road. Because that two million is not going to be there." The eighteen million that was in the bank when the Finance Director arrived here in North Canton just a few years ago, is now down to 5.9 million. And that's per the latest report from the Finance Director, in writing. Deduct the proposed 1.5 million funding for the CIC and now the City carryover is reduced to 4.5 million. Where is North Canton going to find the millions needed to finish the Main Street improvements that were started over ten years ago? Mayor Rice, wouldn't it make a lot more sense to lure merchants to Main Street that has been completely dressed up to a streetscape that was finished? The improvements that have been completed are beginning to show signs of age before you have even finished the rest of Main Street. Where is North Canton going to get the funds needed to repave the rising number of streets that are desperately in need of repair? The yearly, the usual yearly budget amount of \$250,000 for repaving city streets is not enough and it shows. All you have to do is drive around town to see that. The request to fund and utilize the CIC in this fashion is no more beneficial than buying snake oil from a snake oil salesman who tells you it will cure everything that ails you. Where is North Canton going to get the millions needed to correct storm and sewer flooding issues? Do you think spending millions at the request of a mayor with absolutely no plan for the survival of North Canton is the answer? I certainly hope not. And I'm not asking that for, in a political agenda here. Just logical, simple questions. Does this Council have to see the wide eyes, the whites of the eyes of a funding shortfall before it realizes that a financial shortfall is coming up the front walk and is about to knock on the front door of North Canton. I ask that all Council members forget the politics and make decisions as if they, themselves, had suffered personal financial blows to their economic existence just as North Canton has suffered. Do not jeopardize the financial future of the City and flitter away the remaining carryover funds. They will be needed to tie the City over rough financial times in the very near future. And do not place the Oster property in grave danger. It is an asset that is not replaceable at any price. And I would like to just add, my background as a pilot, when I'm getting ready to blast off in a jet and climb to 40,000 feet, before I take off, I have pre-flighted my aircraft. I have checked the weather. I have filed a flight plan. I have checked the destination airport to know that all the runways are open. They're not shut down for any reason. People's lives depend on it. You make sure you can give them a safe flight. An enjoyable flight. There's been no planning with this. There is no predictions. There's no timeline. Everybody just continues to say we have to take a risk. But you just cannot gamble and risk public monies. Thank you.

Mr. Snyder: Mr. Osborne, am I to understand that by your comments you're inferring, sir, that I've either done something illegal or nefarious? Is that what you're inferring sir?

Mr. Osborne: I'm saying that you put a rosey...

Mr. Snyder: I said, are you, I asked you a simple question sir. Please give me a yes or no answer.

Mr. Osborne: And I'm trying to answer you.

Mr. Snyder: Did you infer that I have done something illegal or that I'm operating in some nefarious way? Is that what you're inferring sir?

Mr. Osborne: You presented...

Mr. Snyder: I asked you sir. Are you inferring I've done something illegal or I've operated in a nefarious manner? Are, that's what you're inferring sir? I'm asking you a simple question. I'm not asking for a long dissertation.

Mr. Osborne: And I'm trying to give you an answer.

Mr. Snyder: Please.

Mr. Osborne: You presented the facts in a more enlightening, and you put a spin on it that we weren't going to be taking the financial impact that the two million requested funds, or the million and a half that you have come up with, was not going to be coming out of the City's budget in one year.

Mr. Snyder: I don't believe it is.

Mr. Osborne: You, you presented it as if we were going to be contributing 100,000 a year for fifteen years.

Mr. Snyder: That's what we intend to do.

Mr. Osborne: I doubt that very much.

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Mr. Snyder: Well obviously sir, you're not able to vote or participate in any caucus so I, you really don't have all the facts. But I'm just asking you now, are you inferring sir that I've done something illegal? Is that your intention? That I've duped the public nefariously? Is that what you're saying?

Mr. Osborne: You misrepresented what this legislation is all about.

Mr. Snyder: To the general public?

Mr. Osborne: Yes sir. In this forum.

Mr. Snyder: Alright sir. Thank you for that much. Anybody else wishing to speak to the Council this evening?

Mr. Osborne: In effect, you've given the Mayor three million dollars because that property will be gone. Either by the Board's wishes or by Plain Township's. Because they will be on the phone the minute that property comes into the corporation. Thank you.

Mr. Snyder: Anyone else wishing to speak the Council this evening? Please step forward, state your name and address for the record.

Mrs. Snyder: Hi, my name is Katherine Snyder. I live at 1147 Sheraton Circle. On Sunday, January 16th we had sewage back up in our basement. I called Atomic Sewer to snake out the line and he informed me that we had some breakage approximately 75 feet from the house. This would be out in the road. I called the Water & Sewer Department of North Canton on that Sunday and Mr. Chufar came out to look at the problem. He told us that the problem would most likely fall under our responsibility but since they had recently dug up the road, it might be something they caused and he would check out, check with the engineers and let me know early as some time Tuesday afternoon, since Monday was a holiday. We heard from him on Wednesday with the news that we would have to pay for repair. I called City Hall to talk to the City Administrator with hopes the City would be able to help us out some way. I spoke with Mr. Mike Miller on Thursday and all I got from him was, it's not my problem. Probably at least six times he said that to me. No Mr. Miller, it's not your problem. You didn't have sewage in your basement. You didn't move out of your house for two and a half weeks and you didn't have to carry laundry baskets of dishes to someone else's house to wash. Excuse me, I'm sorry. I was given a list of contractors from Mr. Miller that I could call and of the dozen I called, only one would take the job, Humbert Sanitary. One contractor said it was ridiculous that a resident had to pay, another said he would not get involved because the City was too strict and he would be held responsible even twenty years out for any, for anything that happened. And none of the other contractors even called me back. So needless to say, we hired Humberts. He was the one and only contractor we employed. According to Mr. Miller, we hired three contractors. Also according to Mr. Miller, it is he who called Humberts and got them to come out. I would like to make it clear that it was I who spoke to Humberts. Mr. Miller, Humberts never received a phone call from you asking them to come to our home. The first day available for Humberts to come out and give us an estimate was on Thursday, January 27th. The first estimate was \$4,000. With half due before they started the work and the rest upon completion. They started work on Monday, January 31st and later that evening they told my husband that all, with all the ground water the estimate was not accurate. He also recommended replacing the whole line because there were cracks at the joints and with the ground water would be best to replace it while they had the ground dug up. According to Mr. Miller, my whole line was in disrepair. I again spoke with Humberts and they never said the whole line was in disrepair. On Tuesday, February 1st, we received a new estimate of \$11,000. Needless to say, I do not have \$11,000 so we put the job on hold until we could figure out where we could get the money. On the following Thursday, February 10th, I called Humberts and asked them to begin work at their earliest convenience. They began work once again on Tuesday, February 15th. On Thursday evening, Humberts informed me that they would exceed their earlier estimate. Also on Thursday while Humberts was digging on the right side of my driveway, they hit my waterline which City workers had earlier marked on the left side only. The \$500 to repair my line is now on my bill. I believe because North Canton marked the line incorrectly, the City should be responsible for the error. On Friday, March 25th, Humberts came to my house with my new bill. It was \$18,000. Not including repaving the street, replacing the curb and relaying my driveway. With those items included we believe we will be paying \$20,000. I can honestly say there's no way I can come up with that kind of money. Could any of you? At a wrestling tournament during this time, I saw Mayor Rice and went up to speak to him about my problems. He said he would check into see and if Humberts was price gauging me, he'd get back to me. I never heard from him again. I also asked him if there was anything he could do to help us out in any manner. And I was told he couldn't help out because Chuck Osborne is just waiting for him to break the law and get him into trouble again. I don't think Mr. Rice's concerns with Chuck Osborne and this City of North Canton are any of my business and Mayor Rice had no right speaking negatively of him to me.

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During this time, I heard that Councilman Doug Lane had a very similar sewer problem and not one penny came out of his pocket for the repair of his sewer line. I do not understand why the two cases are treated differently. I was told because road work had been done on his street eight years before in 1995. My road work is a little more recent in the fall of 2002. How can you prove construction eight years earlier on Woodside Avenue near Councilman Lane's house caused damage to his sewer line and construction on Sheraton Circle just two years earlier did not cause my sewer problem. I would like to add that while checking to see when the road work had been done on Mr. Lane's street, no record of construction on Woodside could be found as far back as 1995. I do not understand what's going on here. I have learned from City records that Mr. Lane sought City, sought City help for his sewer problem for over a year before they, before there was any action for the City to repair Councilman Doug Lane's sewer problem. I recently attended a City Council meeting and heard that you are allowing a resident to place the sewer repairs on their annual tax bill. This will allow this family to pay you back instead of having to come up with all the money at once. Once again, why the inconsistencies? Throughout the entire ordeal, my sewer problem, with my sewer problem Councilman Foltz called me just once. His message was, there's nothing the City can do. I just don't understand why he showed no compassion for my situation when the one who is, when he is the one who helped out the resident who is repaying the City instead of the contractor. Aren't we all taxpayers and deserve equal treatment? I'm asking the City of North Canton to please reconsider the ordinance that is so harsh. If I only live two blocks west, this would have not have been a problem because Jackson Township, which follows Stark County sewer policy, pays for all the repairs in the right of way. I am, I am also asking that my case be considered for a moral claim. I know legally you are not responsible but please consider paying for part of my bill because of possible connection to earlier street work done on Sheraton Circle and errors made by the City regarding my waterline. This would help remove some of the burden of this astronomical bill. It is disheartening to learn that if I had lived in Jackson or Plain Township, outside North Canton City limits, government officials would have been more responsive to my plea. I hope that North Canton officials will correct this for me and other citizens of North Canton who may be in a similar position in the future.

Mr. Lane: Hey Jon.

Mr. Snyder: Sir?

Mr. Lane: Since my name did come up, I would like to clarify a couple of remarks there. And I do indeed have a great deal of sympathy for your problem. I've got sympathy and I've got empathy because, and I think Jeff will back me up and shortly after I got here, I suggested we take a look at that ordinance. Because of what I had to go through. But you're wrong. I spent almost \$2,000 of my money on that. I offered to pay any or all the expenses that the City felt that it was necessary for me to do so after they got into that line. And that offer still stands today if somebody were to call and say we want a thousand or whatever the heck it was. I'm happy to pay for it. It wasn't something that I tried to get for nothing. They looked at it. There was an offset right below the curb. It was a much smaller problem than what you had. Now, you got a major problem and I understand that. And to be honest with you, I think where that offset was caused the problem back towards my house that cost me \$2,000 out of pocket. But it wasn't something I went to the City for. You're right, I asked them in '01. I asked them in '02. We telephotoed the line or whatever and they determined the offset was there. It looked like it was something that was coming up on an annual basis. Most of us said, ok let's let it ride for a little bit. If it comes up again next year we'll snake it out and we'll look at replacing it. Then we get into the summer of '03 and we had people out there almost everyday. In similar circumstances, you flush the toilet and stuff comes out of your bathtub. And stuff was on our lawn. We had a major problem underway. Again, I asked in '03, in October, and this was before I was on Council, again, I was running I know that. But I asked to look into it. I never heard a word. And then in November, I asked again, I hadn't heard a word, and then November the 17th, Mr. Held and his crew determined that yea, it was a problem with construction. And I was told it was construction by people we bought the house from and our neighbors. And you're absolutely right, Woodside was not reconstructed in that time period. Summit was in '98. They stored some construction equipment along there. But the bottom line is that sewer is about three feet below the curb line, which is not a good spot to put any sewer anywhere so it was probably a problem waiting to happen construction time out. So again, I do have sympathy. I've talked to Jeff about it. I'd like to at least have us look at that ordinance again. I certainly think if you're absolutely right that the City marked a waterline wrong, then I think we are obligated to help you in that regard. But I just wanted to set those records straight if I could. Thank you.

Mr. Snyder: Sit down Mr. Osborne. You're out of line, sir.

Mr. Osborne: I'd like to add some information to this.

Mr. Snyder: Please sit down sir. Sir, you're out of order. Please sit down.

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Mr. Osborne: Mr. Lane's problem was identified...

Mr. Snyder: Mr. Osborne, please sit down.

Mr. Osborne: ...one year before it was repaired.

Mr. Snyder: Council Clerk, please call the police and have Mr. Osborne sit down, please.
Mr. Osborne either sit down...

Mr. Osborne: And it was fixed two weeks...

Mr. Snyder: ...Mr. Osborne sit down.

Mr. Osborne: ...after he was elected to this Council.

Mrs. Kalpac: You've got a button right underneath there.

Mr. Snyder: Is there anyone else wishing to speak?

Mr. Lane: I think Doug wanted to say something.

Mr. Foltz: President Snyder, I want to comment also. I think all of us are very sympathetic to Mrs. Snyder's plight down there on Sheraton Circle. In fact you called me that Saturday. I made calls to Administrator Miller, to Mayor Tom Rice, actually called Humbert myself. Talked to one of the Humbert owners who then I hopefully called you back Monday. And I did call you back Monday and told you that I did so. The bottom line is though, we passed an ordinance in 2003 on a 7-0 vote...

Mr. Snyder: Would you mind standing there a little bit please in case I might need you as a sergeant of arms. Thank you.

Mr. Foltz: ...that explains who's responsible for the lateral. And at that point, and I believe, Mr. Benekos you brought this to our attention through Committee. There was always this unknown as far as where the sewer, who was responsible for, as far as the lateral. And I think doing some research on that, it went through Committee and it was a 7-0 vote on three readings that everyone here on Council approved that anything off the main line or in other words the lateral to the homeowners residence is the homeowner's responsibility. It's unfortunate that you had a problem there. Like I said, I'm sorry that you're having to go through this. I don't particularly know all the ins and outs as far as how much the line needed to be replaced because at that point it's a private transaction between you and a contractor. It's no different than a waterline. It's no different than a tree that falls in your front yard. If we have an ordinance on the books that will support it 7-0, unfortunately, that's what we have to abide by. I think in fairness, that's what we did. Now, you had a lot of dealings with Mike Miller and our Sewer Department and from what I've been told, you know, your lateral is at least six feet below street level. Is that right Mr. Miller? Is it four feet?

Mr. Miller: Seven to eight is what I was informed.

Mr. Foltz: Seven to eight feet. And the determination was made that it was not involved with, that problem did not involve that improvement of that street on Sheraton Circle. So I don't know what else, when we say we're sorry, we can't, I don't know what else, what other answer we can give you. As far as what's happening on Fair Oaks with other members of my Ward, they are paying the entire cost of the main line coming from 5th Street. It's an eight inch line. It's not a lateral. They're paying for that entire line to come up to Fair Oaks and that's what we can assess. Because it's right through our thoroughfare on Fair Oaks. We are not assessing their lateral. They're still responsible to put their lateral in, whatever that cost is going to be. So hopefully you understand the clarification here. They are paying to put an eight inch line from 5th Street all the way up to Fair Oaks with two manholes. Similar to what's running down through Sheraton Circle. And once that's assessed, they're still paying for their lateral separately to whatever contractor they choose. So I think we're talking a little bit of apples and oranges here as far as what's happening. As far as our City department marking the waterline, I agree with Council Member Lane and it was the first of my knowledge if, if this Administration and it's looked at that we marked the line wrong and they had some costs involved with their waterline, I think there is a moral obligation here to take care of that. But I've yet to see the Administration bring that forward to us, you know? Or tell us that was the case so those are my comments on the record.

Mr. Snyder: Thank you sir. Mr. Snyder do you have something to say sir? I seen you stand up. Would you like to speak? Step forward, state your name and address for the record.

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Mr. Ward Snyder: My name is Ward Snyder. I'm at 1147 Sheraton Circle. The one question I have is why these people's problem on Fair Oaks is considered an emergency and ours isn't? Can you answer that?

Mr. Foltz: They have a septic tank, ok? They've been dealing with this since November. I know you've had your problem since, I don't remember when. January?

Mr. Ward Snyder: December.

Mr. Foltz: December. This is the only way that they're able to get this done is through our assessment program. Because they're a main thoroughfare street. This is a main line, an eight inch line. This isn't a lateral. As far as an emergency, no, you have an emergency when your lateral breaks. I understand, or your waterline. They have a problem too. But we have to put the main line in first before they can even get to a lateral to run off that main line to their house.

Mr. Ward Snyder: And the citizens of North Canton, every time they have a problem, are you going to say it's your problem?

Mr. Miller: No sir. What I'm going to do is, I'm going to follow the ordinances that this Council passes. Council passed an ordinance...

Mr. Ward Snyder: Ok. By the book...

Mr. Miller: ...7-0.

Mr. Ward Snyder: ...who cares, right?

Mr. Miller: No sir. It's not who cares.

Mr. Snyder: Thank you sir. Anyone else wishing to speak tonight. Please step forward, state your name and address for the record.

Mr. Fano: I forgot what I was going to say.

Mr. Sarbach: You'll remember, I'm sure. I have faith.

Mr. Fano: Dick Fano, 1382 Elmwood SW. I don't know how many of you are aware that we had a major accident at 9th and Main, North Main, where the hobby shop is. And two cars went up and onto my daughter's business. Fortunately, they weren't hurt bad enough for, well one boy was taken away in an ambulance. But at the risk of losing my 9th Street project, I would like to give the Council something to think about, maybe the Administration too. I got three things here that I'd like to see done on that street. One of them, I'd like to see a signal light put there if at all possible. Think about it and consider it. Or slow the speed limit down to 25 or else I'm going to request that the City put a guardrail up there because had this accident happened twenty-four hours earlier, those tables were full of people. And it destroyed both of the, the tables. So, the only bright spot about it was the kid had insurance to cover, you know, I wouldn't have back on me. But I really think that you should consider a light there because, I'll tell you why, since I bought that property twenty-one years ago I get people asking me if we're selling drugs there. That's how much business I have. Now anybody that comes in, I think I've had more business in twenty-one years at that building than it had ever before. And I'll argue with anybody on that. The point that I'm trying to make is that when they leave that hobby shop and they come out onto Main Street, especially between 3-6, if they're going to go south they can't get out. Now, there's probably, I couldn't even guess, probably ten times more cars go out of that street, 9th Street, than ever before. Likewise, with Laura's business over there. I don't think that little building ever had any business like she does. So she has a lot of people that go, you know, they park in the back and come out and now they have to make their mind up which way they're gonna go. Now the only other thing, like I say, you can at least consider it, the only other thing when's the starting of the 9th Street project?

Mr. Benekos: Now it might be a year.

Mr. Sarbach: That will cut into his drug trafficking.

Mr. Fano: Do you look good in stripes?

Mr. Benekos: They're vertical.

Mr. Fano: They're vertical, ok.

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Mr. Foltz: Dick, I had a question for you. Do you know of any other accidents in the last five years there?

Mr. Fano: Yea.

Mr. Foltz: I mean...

Mr. Fano: Yea, there's a lot of them there.

Mr. Foltz: ...just for your place of business. I know your daughter across the street...

Mr. Fano: My daughter is going to get the report from the...

Mr. Foltz: Ok.

Mr. Fano: ...state.

Mr. Foltz: Because I think that's the first step to look at that situation. To see, see what we can quantify with state traffic codes....

Mr. Fano: Absolutley, I mean if it doesn't warrant it, it doesn't warrant it. But then if somebody would have gotten killed over there you know....

Mr. Foltz: I understand that that's a very precarious situation there. Especially with the warmer weather you got people out. God forbid that happens.

Mr. Lane: You know Dick, hey Dick.

Mr. Fano: So, I think that's all I had.

Mr. Lane: Hey Dick.

Mr. Fano: Yes.

Mr. Lane: You know, if we don't fix it, you're going to have all that water to slow that traffic down on 9th. So, you know, you think twice about that.

Mr. Fano: I hear you.

Mr. Snyder: You can have a marina. Isn't the speed limit 25 in a business district anyway, is it?

Mr. Peters: It's 35.

Mr. Fano: 35 on there.

Mr. Foltz: No, it's 35. It's 35.

Mr. Lane: 35 on Main.

Mr. Miller: If in a central business....

Mr. Fano: If you try and cross that street, believe me...

Mr. Miller: ...based on the Ohio...

Mr. Fano: ...the neighbors around there know my whole vocabulary because cars do not slow down. They don't slow down. And they see if they can hit this little old man crossing that street, so.

Mr. Snyder: Well maybe that's the first proactive thing to do, the speed limit.

Mr. Foltz: Dick, what actually happened on that accident. I did read a little bit...

Mr. Miller: We'll take a look at ...inaudible.

Mr. Fano: It's, what I can understand is, the boy was visiting on that side of 9th Street...

Mr. Foltz: On the west side or the east, or your side?

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Mr. Fano: On the east side and he came to the stop sign and I think, I don't know, I just, from what I see, I think he looked this way, to the south and started out and the traffic light changed and they come like a bat out of hell down there.

Mr. Foltz: Off of 7th Street?

Mr. Fano: Off of, no 10th Street.

Mr. Foltz: Oh, 10th Street.

Mr. Fano: They were going south and they hit and there was no, I think both cars are totaled but they didn't get hurt. The boy's car went all the way up, almost hit Marty, North Canton Shoe's building and the other one how they missed my daughter's new sign, I don't know. But they did.

Mr. Snyder: Must have been after a pizza up there.

Mr. Fano: Huh?

Mr. Snyder: Must have been after Donald Trump's pizza up there.

Mr. Fano: Ok, thank you.

Mr. Foltz: Ok.

Mr. Snyder: Thanks Dick. Anyone else wishing to speak to the Council this evening? Sir, step forward, state your name and address for the record.

Mr. Schilstra: Ken Schilstra, 601 Linwood. It's been almost two years since the flood of 2003 and we've had some projects, some plans, some studies that have been done and so forth. Things that have been, gone forward, things that have stopped, things that have, you know, been put on hold. And we're seeing lots of water. We're getting lots of rise on Zimmer. What we're also seeing is silting in from the construction apparently on the Shuffel Road interchange. We're seeing, you know, I traced up the color of the material that was brown in the water and it comes from up in that construction area. They aren't catching it. It's starting to fill it in. We're having, you know, new silt in problems. They've enlarged the box culvert there on Shuffel now. Now we'll get more water flowing through there more quickly. I think it's about time in the next say sixty days or so, we get an update, you know, for the people who are affected. That we get like a public meeting, so we can find out where these things are because if you know, looking on the web page, it says oh, this may be delayed. This is stopped. This, you know, we're waiting for this. So you know, we kind of need to know what's going on and you know we may be able, you know, people can make phone calls to, you know, Mr. Regula and other people to, you know, if it indeed, you know, because you were talking about FEMA doing another study and the Corps doing this and so forth. Well maybe we need to say, you know, a little squeaky wheel. And we'll see if we can move this along a little quicker. Otherwise, we're going to be s.o.l. one of these days real quick.

Mr. Snyder: What I'll try to do is, such as we did, sometime in the next two, three weeks, we'll send a letter and we can update you. Because a couple things possibly can happen. Number one, Congressman Regula did fund the railroad trusses but unfortunately it's, there's some litigation as who's actually it belongs to as well as the study. But I'm sure Mr. Miller thought this, will address the state for the, because that's the soil runoff is a problem. And they have to contain that on the site. So we can handle that immediately. But we will, I will have a little meeting with, and I'll ask Mr. Miller and the Engineer and the Mayor to join me and we'll bring you up to speed on that. But I appreciate your comments. Thank you. Anybody else wishing to speak to the Council this evening? Seeing none. Excuse me. Yes sir. Please step forward, state your name and address for the record.

Mr. Zaveson: Hi, my name is David Zaveson. I live at 5464 Bridgecreek. I'm a proud Hoover student at Hoover High. I'm part of the Junior Achievement Organization. I'm just trying to sell some magnets and jackets, you know, for our business that we have there. Maybe to try to help the Hoover spirit or what not or the town if it had be, I don't know. If I could have any help or anything. You know, buy some. Maybe get the word out there. That would be great.

Mr. Snyder: We appreciate, if you want to stay around after the meeting...

Mr. Zaveson: Yea.

Mr. Snyder: ...I'm sure somebody will probably purchase something from you.

Mr. Zaveson: Thank you.

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Mr. Snyder: Thank you very much. We appreciate it. Anyone else wishing to speak.

Mr. Pusateri: Inaudible...a long meeting.

Mr. Snyder: It may be three o'clock but....alright, may I have a motion to read by title only, the third reading of Ordinance 51-05?

OLD BUSINESS:

8. Mr. Lane moved and Mr. Peters seconded to **read by title only, third reading of Ordinance No. 51-05.** All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

Ordinance No. 51-05 – Third Reading

An ordinance amending the Codified Ordinances of the City of North Canton by the addition of Chapter 1508.

Mr. Snyder: Vice Chairman Kiesling will you handle that?

Mr. Peters: That's me.

Mr. Snyder: Oh, I beg your pardon Mr. Peters. I'm sorry.

Mrs. Kiesling: Inaudible.

Mr. Snyder: Oh, Ordinance. Personnel, I apologize.

Mr. Peters: I think I can handle this one.

Mr. Snyder: I appreciate that. Thank you.

Mr. Peters: This is the lock box amendment and third reading. Anybody have any questions regarding this?

Mr. Sarbach: This is a fire department lock box you're talking about?

Mr. Peters: Yes, it's the...

Mr. Snyder: Yea, that's what they call the lock box. I think it's only on businesses that have fire suppression systems...

Mr. Peters: Yes.

Mr. Snyder: ...that do not presently have them. And it's an estimated cost of, I believe, \$150.

Mr. Peters: And all the liability questions were answered on this? Ok.

Mr. Snyder: Uh huh.

Mr. Peters: Alright, with that being said since there's no questions or comments, I move that we adopt the third reading of Ordinance 51-05.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the third reading of Ordinance No. 51-05.** All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.
No: 0

9. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, third reading of Ordinance No. 52-05.** All members present voting:
Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.
No: 0

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Ordinance No. 52-05 – Third Reading

An ordinance to approve, adopt, and enact the 2004 Residential Code of Ohio for One-, Two- and Three-Family Dwellings, and subsequent editions or amendments as may hereinafter be adopted and promulgated by the International Code Council and the Ohio Building Officials Association for the City of North Canton, Ohio, together with all changes, amendments, and revisions thereto and incorporated herein as "Attachment A," save and except such portions as are hereinafter deleted, amended, or modified by these Regulations, are regulating the fabrication, erection, construction, enlargement, alteration, repair, location, and use of detached one-, two- and three-family dwellings, their appurtenances and accessory structures in the jurisdiction of the City of North Canton, Ohio; and providing for the issuance of permits therefore providing penalties for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith, with the exception of Appendix B, C and D of the North Canton Building Code.

Mr. Snyder: Chairman Peters?

Mr. Peters: Uh, yes. This also is the third reading. This was at the behest of Building Superintendent Gene Hemminger. This basically brings us in code with, or inline with the Ohio Building Code, correct?

Mr. Miller: That's correct.

Mr. Peters: Ok. Any other questions on this? Alright, with that I'll move that we adopt 52-05, third reading.

Mr. Peters moved and Mr. Lane seconded to **adopt the third reading of Ordinance No. 52-05.** All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

10. Mr. Snyder: Prior to the third reading of Ordinance 53-05, I would like someone to make a motion that we amend that to fall inline with the Revised Code allowing no gambling. Only by petition to the Director of Administration to which they fall in that is allowed by the Ohio Revised Code. Which I think is just festival related. Am I correct on that, is that too burdensome on your office if I put it that way to allow you to make that determination? I mean...

Mr. Miller: No, in all honesty, the way the Civic Center is set up, it's going to be very difficult for it to be set up as a festival to have two other events ongoing and having an annual event. But in that event, I've got no problem with kicking it back. But the general rule will be no gambling.

Mr. Snyder: Right, that's what I meant. But just in case, I do know there are some, there's a little window that allows certain people and with your background you can make that determination, I'm sure, much better than putting it on the Superintendent of the Civic Center.

Mr. Miller: That'll work fine.

Mr. Snyder: So if that's not a problem, is that comfortable to Council...

Mrs. Kiesling: I motion to amend it...

Mr. Snyder: Please.

Mrs. Kiesling: ...as stated.

Mr. Peters: I'll second.

Mr. Snyder: Ok.

Mrs. Kiesling moved and Mr. Peters seconded to **amend Ordinance No. 53-05.** All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, third reading, as amended** of Ordinance No. 53-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

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Ordinance No. 53-05 – Third Reading

An ordinance establishing rental rates and policies for rental of the North Canton Civic Center and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Snyder: As you know, this will be mostly applicable to new rentals after this is adopted. The Center itself is rented through most of the last of this year. We're raising the rates minimally. I think it's around ten percent to offset some of the costs of the actual wear and tear, depreciation of the property, as well as the new carpeting with the amendment to allow no gambling. Any questions? May I have a motion to adopt the third reading of Ordinance 53-05?

Mr. Lane moved and Mr. Peters seconded to **adopt the third reading, as amended of Ordinance No. 53-05.** All members present voting:

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

No: 0

11. Mr. Snyder: Mr. Miller do we have to put the same language in the next piece?

Mr. Miller: I would recommend that we put the same language in.

Mr. Snyder: May I have a motion to amend Ordinance 54-05 to again to, making sure that there be no gambling. Only what permitted by the Ohio Revised Code and subject to the approval of the Director of Administration of the City of North Canton.

Mrs. Kiesling moved and Mr. Peters seconded to **amend Ordinance No. 54-05.** All members present voting:

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

No: 0

Mr. Lane moved and Mr. Peters seconded to **read by title only, third reading, as amended of Ordinance No. 54-05.** All members present voting:

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

No: 0

Ordinance No. 54-05 – Third Reading

An ordinance establishing rental rates and policies for rental of the North Canton Dogwood Park Shelter located at 241 Seventh Street NE, and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Snyder: Again this just brings the rates inline to what the value of the property is and it would be subject to only be rentals nothing on the books at this time. There being no questions, may I have a motion to adopt the third reading of Ordinance 54-05 as amended?

Mr. Peters moved and Mr. Lane seconded to **adopt the third reading, as amended of Ordinance No. 54-05.** All members present voting:

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

No: 0

12. Mr. Snyder: May I have a motion to read by title only, Mr. Sarbach, any intentions to amend that at all...inaudible.

Mr. Sarbach: We've had notification by, I believe, Mr. Snyder that 61-05, they would like to have that early this week. So I talked to Mr. Miller and he wasn't aware of that. Maybe Mr. Snyder you could relay that information to us here tonight.

Mr. Snyder: I did, this afternoon, receive a call from the Director of that Solid Waste District asking that we grant leave to adopt that simply for the fact that I believe tonight the City of Canton is going to adopt theirs. Plain is doing theirs tomorrow as well as other municipalities. They need and I think I have this right, sixty percent adoption of their actual Management Plan to submit to the EPA and it would be beneficial to them. And I did say to him it was not within my authority. That I would talk to the Chairman of that Committee and ask him if he would do that. I guess this simply says that we just agree with their plan in essence which is a very voluminous plan but it's basically a...

Mr. Miller: Yea, there's a short ordinance that goes with it...

Mr. Snyder: Yea.

Mr. Miller: ...that was about a page, page and a half.

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Mr. Snyder: Very minimal. But Mr. Pusateri, do you see any problem in that sir?

Mr. Pusateri: To amend this, to make it an emergency?

Mr. Snyder: Yes sir. Is that a stretch or...

Mr. Sarbach: I would first ask before I would agree to make an emergency on it. I would first ask the Administration if they're comfortable with that. They're the ones that have to live by this as well as us. But they have to administrate it and if they're not comfortable with it I would say we wait two more weeks to give it the third reading. But if the Administration can say that they're comfortable with that information that they have, then I would be willing to put in on emergency. So I guess I'm throwing the ball back across the table here to see if you're in the comfort zone. And if you're not, I say we wait.

Mr. Miller: From what we've been able to learn, we don't see anything in the plan that is out of the ordinary. There is, as I understand, the dollar increase in the local tipping fee that's included in the plan so that Council's aware of that. But as far as the rest of the plan is concerned and you've all seen it, it's been over here, it's very, very voluminous. And it's not something that any of us, I don't think, have gone through page by page yet.

Mr. Snyder: Well, my memory serves me Director Miller that tipping fee is a direct pass through then to the City of North Canton through our waste haulers, is it not?

Mr. Miller: It's, the waste hauler will get charged the tipping fee then it will come back to us so we'll have to make sure that that is covered by our rate structure.

Mr. Snyder: It doesn't matter when we adopt it. We'll still inherit the increase, correct?

Mr. Miller: Yes.

Mr. Pusateri: I'm just trying to understand why it needs to be done by emergency.

Mr. Snyder: There, the reason that he said to me and I assume he was calling different municipalities looking for it, in the past if, and I would confer to most of my colleagues, we use to do that on a one reading resolution basis when it first came over to us and we sent it immediately back. And I'm not real sure how it works but they need the approval of the municipalities within their actual area. And by us agreeing with it, we're saying we agree with their plan. And I don't know if they're subject to the EPA. Is that who they give that to? Or the state.

Mr. Miller: That's who they have to submit it to. I believe it's sixty percent of the each...

Mr. Snyder: Right. They need sixty percent of the municipalities.

Mr. Miller: ...of the three counties.

Mr. Pusateri: That's in a period of time?

Mr. Snyder: In a period, yes. And they're ready. We've had this, I believe, in the neighborhood of probably somewhere near a month if not five weeks. And his statement to me was the City of Canton was doing that and Plain was doing it tomorrow. He did mention another one and I said I would defer to the Chairman and see what he said to it.

Mr. Sarbach: So you're telling me you're in the comfort zone or would you like two more weeks to...

Mr. Miller: I'm as comfortable as I'm going to get with it. I don't think that another two weeks is going to change the opinion one way or the other. I believe that we've gone over it as best as we can with our knowledge of the solid waste and in talking with Republic. Republic was in, they've looked at it. They didn't come up with anything that was out of the ordinary. They did point out the tipping fee increases but other than that, we're as comfortable as we're going to get with it I believe.

Mr. Sarbach: Ok, with that in mind, I move with the concurrence of Committee that we add an emergency clause to Ordinance No. 61-05. And amend 61-05 to include an emergency clause and give it its third reading tonight after we give it the second reading.

Mr. Sarbach moved and Mr. Foltz seconded to **amend** Ordinance No. 61-05 to include an emergency clause. All members present voting:

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

No: 0

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Mr. Sarbach: Mr. Chairman, I move that we adopt the second reading of Ordinance No. 61-05 as amended.

Mr. Snyder: We have to read it first. You want us to read it?

Mr. Sarbach: I move that we...excuse me.

Mr. Snyder: You've been sitting next to me too long.

Mr. Sarbach: Yea, it's rubbing off. It's rubbing off. I move that we read Ordinance No. 61-05 as amended.

Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading, as amended** of Ordinance No. 61-05. All members present voting:

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

No: 0

Ordinance No. 61-05 – Second Reading

An ordinance adopting the Solid Waste Management Plan for the Stark-Tuscarawas-Wayne Joint Solid Waste Management District and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: We've kind of discussed the whole thing. We're adding an emergency clause to this so they'll continue to have some place to haul our trash to. So with that, I move that we adopt the second reading of Ordinance No. 61-05.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the second reading, as amended** of Ordinance No. 61-05. All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules, as amended** for Ordinance No. 61-05. All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules, as amended**, Ordinance No. 61-05. All members present voting:

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

No: 0

13. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading of** Ordinance No. 64-05. All members present voting:

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

No: 0

Ordinance No. 64-05 – Second Reading

An ordinance amending Section 9, VACATION REGULATIONS, of Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton for the exempt personnel of the City of North Canton.

Mr. Snyder: Chairman, Vice Chairman Peters?

Mr. Peters: Yes, this is the ordinance I think that gives Michael his vacation. Is that true? Is that right? As it reads now, you weren't getting a vacation so now this will allow you to.

Mr. Pusateri: How the ordinance was drafted, but go ahead. You can talk about it.

Mr. Miller: In essence, that's it. There's been a past practice that appointing authorities have used the current ordinance as it exists to grant an additional two weeks in not only the first but the second year. With the atmosphere past practice, if it's not in compliance with the ordinance, you need to take a look at the ordinance. So that's what the ordinance is here for.

Mr. Peters: Ok, I got you. Ok, any input on that guys? With that, I move that we adopt the second reading, 64-05.

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Mr. Peters moved and Mr. Lane seconded to **adopt the second reading of Ordinance No. 64-05.** All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Sarbach: Maybe he'll just slow a little bit if he goes away for a couple more weeks.

14. Mr. Peters moved and Mr. Lane seconded to **read by title only, second reading of Ordinance No. 65-05.** All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Ordinance No. 65-05 – Second Reading

Ordinance No. 65-05, amending Ordinance No. 149-03, as amended, Collective Bargaining Agreement between the City of North Canton and the Clerical, Fiscal and Accounting Specialists (CF&AS) by the addition of ARTICLE XXX, DRUG TESTING.

Mr. Snyder: Vice Chairman Peters?

Mr. Peters: Yea, this just adds the drug testing amendment to the clerical, fiscal and accounting specialist. We've added it to every other collective bargaining entity, right?

Mr. Miller: Every other contract except for Fire. Fire already had, has a work rule in place for drug testing so this would bring all of them in play, inline now.

Mr. Peters: Ok, very good. With that, any questions? With that, I move that we adopt the second reading, 65-05.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the second reading of Ordinance No. 65-05.** All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

NEW BUSINESS:

15. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading of Ordinance No. 66-05.** All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.
No: 0

Ordinance No. 66-05 – First 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. 203 Income Tax Fund to the Interfund Transfers-General Fund account in the aggregate amount of \$1,500,000.00 and authorizing the transfer of same funds from the Income Tax Fund to the General Fund for the current expenses during the fiscal year ending December 31, 2005.

Mr. Snyder: This is very simple. This begins the process and I will comment on the next ordinance, I'll say that for that. This simply is transferring a \$1,500,000.00 from the General Fund in to the, from the Income Tax Fund into the General Fund. And the companion piece will come and I will explain it at that point if I may. Are there any questions? This is, this is expanding the appropriation account by a \$1,500,000.00.

Mr. Lane: Julie's been gone for a couple weeks. Everything's ok with that. When you left you had a couple questions on it.

Mrs. Herr: You're talking to me?

Mr. Lane: Yea.

Mrs. Herr: I'm sorry. No, as far as the actual legislation, the wording goes, no I don't have a problem with that.

Mr. Snyder: We'll address that in the next piece.

Mr. Lane: Ok, no just wanted to make sure.

Mrs. Herr: I'm sorry. He was saying something and I couldn't quite hear.

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Mr. Snyder: This just simply makes it...

Mr. Lane: You've got to multi-task.

Mr. Snyder: Are there any questions on that? May I have a motion to read the first ordinance, the first reading of Ordinance 66-05?

Mr. Lane: So moved.

Mr. Peters: Second.

Mrs. Kalpac: We already read it.

Mr. Snyder: We read it? Oh, I beg your pardon, to adopt Ordinance 66-05.

Mr. Lane moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 66-05.

All members present voting:

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

No: 0

16. **Mr. Foltz moved and Mr. Lane seconded to read by title only, first reading of**

Ordinance No. 67-05. All members present voting:

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

No: 0

Ordinance No. 67-05 - First 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. 101 General Fund to an escrow account to be established by the Director of Administration and the Director of Finance in the aggregate amount of \$1,500,000.00 for the current expenses during the fiscal year ending December 31, 2005; and with the \$1,500,000.00 being available to the North Canton Community Improvement Corporation ("CIC") pursuant to the terms stated in this ordinance.

Mr. Snyder: As we talked about and I feel this Council is well aware of, when this began, when the original letter came from the Mayor's office I believe the 7th day of February requesting this be placed with the original request of \$2,000,000. I, as the director, as the Finance Chairman, felt it was a larger amount than what the City could find. However, as you all know, with negotiations and without in violation of the Sunshine Law the negotiations done by telephone with each and every one of you and my personal meeting with Director of Administration Miller and Mayor Rice, Julie Herr the Finance Director was determined that we could fund it at the rate of \$100,000 per year for fifteen years. The initial caution of the Mayor's office was that he possibly might need the full million-five to make some type of purchase within that first fifteen years and we did say that it was available for his draw and to eliminate any type of councilmanic action so that he could draw that, we would escrow it. And pursuant to that request I've since, as you pointed out Director Herr was on vacation and not available, and I have talked to her and she will seek counsel of Squire, Sanders & Dempsey on other options for us to fund this. However, for the sake of time, and not tying up additional three or four or five months while we do that, we will make this appropriation. Make this move now looking at other ways for the City, not the CIC, but the City to fulfill it's obligation to the CIC but the money will be available along. And again, that removes the politics out of it. Director Herr and myself and along with the input of my six colleagues will determine how we will actually do that. And at this time, I don't feel and as fiscally responsible as I am and Director Herr is, we are not putting the City of North Canton in a financial jeopardy. The money is there. It is not probably in the most ambitious thing that we've done. I don't know that it's right. I don't know. We're making a judgment. But any money, the Council members we know, this decision was not made easily by me. I consulted each and every one of you, given you every option and asking for your input. So it was not hastily done. It was not done without light on it. It was not done without the full cooperation of everybody from Administration, the input of the Law Director and the input of Squire, Sanders and Dempsey. So with that said, we are not, I don't feel at this particular time, placing the City in any type of jeopardy. Is there any questions relative to how we are doing this? It is set up that it will paid at the rate of \$100,000 a year; however, they have the ability at any time within that fifteen year period to request a draw down up to \$1,500,000.

Mr. Sarbach: Up to the untransferred balance...

Mr. Snyder: Exactly. Depending on the year that derives.

Mr. Sarbach: So two years it'd be a million-three they could draw down but would have to...

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Mr. Snyder: Return the money back to the City.

Mr. Sarbach: ...inaudible...liquefied that asset they would...

Mr. Snyder: Return it and it will continue along.

Mr. Sarbach: Less any payments that we would have paid in that interim.

Mr. Snyder: That's exactly right.

Mr. Sarbach: That's how I thought it was explained and...

Mr. Snyder: That's how it's done. But for reasons that, if we waited fifteen years, possibly some of the nay sayers might be right. At that end of fifteen years, we may not have to worry about making the transfer. But it's allowing them basically a line of credit and I say that respectfully, them, the CIC. It's allowing nobody but the CIC Board as well as precautions were put into place that were not originally proposed. It has been changed that it requires an affirmative vote of five members of the CIC Board. So and Mayor I say this respectfully and I say this to Council, four members made up of, what'd they day, Administration, four members made up of Council. So really there's a check and a balance making sure because I had reservations as I stated. And Mrs. Kiesling stated the same to me that we're transferring simply a million, five hundred or two million dollars without some type of Council input. And we still have additional two readings in thirty days to tweak this and I will honestly feel and I do feel that this is a collaboration and a cooperation of both of Council and the Administration to further, as well as the people from the community that represent the different economic forces that have come to play. It's their money. It is not our money. Technically, it belongs to the people. People have come here and spoke. And when the people say they want their money transferred there well unfortunately it's not my money. I wish it was because I wouldn't sit here and take the abuse that I take. Trust me, I would be gone. But that's basically it.

Mr. Foltz: President Snyder, and maybe Law Director Pusateri can answer this. So, basically as in any circumstance involving say a business venture with the CIC, that would still, that would need five votes also.

Mr. Pusateri: From the CIC Board, yes.

Mr. Foltz: So this is no different than if there was a very appealing business venture, land transaction, venture, whatever it might be, maybe we hit the homerun and have somebody that wants to relocate here in the middle of town, the post office has eluded to in the paper, this corporation with five members could get additional monies to make that happen.

Mr. Sarbach: Five of the eight members.

Mr. Foltz: Five of the eight. As long as it's passed. So it's no different than voting on the business transaction itself. You still need a majority.

Mr. Pusateri: That's correct.

Mr. Foltz: So it really goes hand in hand I think that's a good way of looking at it. I'm interested in the Administration's comments. And Mayor Rice, if any, on this.

Mayor Rice: Well, we are, we're supportive of this, of this, you know moving forward on this as quickly as we can. As we started talking about it back, the beginning of the year. And I think it's something that we can get started with as I said last week. It might not be perfect or the optimum but I think it's a very good start and I'm appreciative of Council's support of this so we can try to get the City moving forward and do something significant to help bring some jobs. That's the bottom line. Is bringing business that will bring jobs in the City of North Canton. That's the bottom line what we're trying to do. Everybody talks about declining revenues and that. That's why we have to get out and do something creative. We need to do something different than we've done in past, when we didn't have to worry about people leaving town. We've lost a lot of jobs across the street. We need to replace those jobs. We need to continue to generate the revenue, the income tax, primarily into the City and the water revenue into this City so we can continue to provide the services that we have historically in the City. That's the ultimate goal what we're trying to do here. And this is an investment. It's not, we don't see it as money that's going to be bye-bye forever. It's going to be used as seed money to create new sources of revenue for the City ideally. That's what we're, that's what our goal is and what we're trying to accomplish here.

Mr. Foltz: Just to follow, I think when you have eight competent members on this Board and you need five to make something happen, I'm pretty sure that they're not going to do anything that's going to put our taxpayer money to bad use or ill use. I think we do what we can as a

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council body with infrastructure. I'm very proud of the fact that we spend over four million dollars a year on infrastructure. Are looking to spend more with additional water rate increases and sewer levies and so forth. We're doing our share but we just need to get in the economic part of this to help our citizens. To help our future here in the City. And not to repeat myself as other meetings but you know this comes highly respected by the different committees--TAP, the Vibrant Committee with Walsh and then the Chamber of Commerce. So, I think it's a win all the way around. When you have that kind of support I don't see why you can't be fruitful for the City.

Mr. Snyder: Thank you Mr. Foltz. Mr. Sarbach?

Mr. Sarbach: Yes, I believe there's a lot of good faith involved on both sides here to get this tool in place. And I would ask the appointees to the Administration and the Council for the CIC, is it your and our plan to have those appointees at least contacted and maybe some names on the table before this becomes effective, after the three readings? And I'm asking that...

Mayor Rice: Well, that's a good question. Do you want me to respond to that right now?

Mr. Sarbach: Yes, if you would for Administration, yes.

Mayor Rice: First and then, from the Administration standpoint on the belief that we were moving forward. I've already started talking to people about that in fact I could tell you tonight I've secured one of my appointees already and that will be Mr. John Ray. Who is the vice president of Finance & Business Affairs at Walsh University.

Mr. Snyder: Good choice.

Mayor Rice: He's an excellent business man and....

Mr. Sarbach: I concur with that and I would encourage the Council as well to select not personalities but skill sets that compliment that of Mr. Rice.

Mayor Rice: We're looking for people as we said along, we want qualified individuals that contribute. That are used to looking at the type of issues or the business transactions as I would look at it that could come forward to us. I talked to President Jusseume, we considered having him on and then as we discussed a little further decided on John Ray. We work a lot with John. I mean, like I say, he's VP of Finance & Business Affairs at Walsh. He's a very astute business mind. And I think coming from a major, one of the top three employers in the City, which I wanted to get someone from one of our top employers, and Walsh has been a very gracious and strong corporate partner here in the City of North Canton. So I really wanted to get somebody representing Walsh. And John, I think, will be a great addition to the CIC. So that's my first one. I got that secured as of the end of last week and now I'm working on my second one. So as soon as I have that, I'm sure I'll have mine in place before Council...

Mr. Sarbach: I would encourage that we keep the lines of communication open so we can focus on skill sets as qualified as your appointee is. And we'll continue and have a very balanced and knowledgeable CIC. So we don't have to worry about how we going to spend the money. I thank you for that.

Mr. Snyder: Mr. Ray, I believe, was a finance director of a municipality as well.

Mrs. Herr: City of Tallmadge.

Mayor Rice: Yes.

Mr. Snyder: Yea, City of Tallmadge. So he brings municipal knowledge and I think that was a wise choice. One thing and I will say this directing to the audience as well because I know most of the members of Council know, the CIC corporation by the statute must operate full Sunshine and it is subject to the Auditor of State. It is subject to full audit. Not review or copulation. It does require a yearly audit and the members are charged by Revised Code so if there's any impropriety it would result in prosecution. But I don't think anybody, that's not a problem. So as far as the protection of the taxpayer's money, it is protected if not more protected than what their money is here. So thank you.

Mr. Sarbach: Also, one other item regarding the Oster property that the City retains raw water rights on that property...

Mr. Snyder: We'll come to that in that next one. We'll address that. Is there, if there be no other comment, may I have a motion to adopt the first reading of 67-05?

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Mr. Lane moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 67-05.** All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

17. Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 68-05.** All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Ordinance No. 68-05 – First Reading

An ordinance declaring certain real property located in Plain Township and owned by the City of North Canton to be no longer needed for municipal purposes and authorizing the transfer of said property to the North Canton Community Improvement Corporation.

Mr. Snyder: Mr. Sarbach, to answer your question pursuant to that, I had a phone call over the weekend from Member Kiesling. She's been a great advocate of maintaining integrity to the Oster property as you may have did. She sat on Council a couple years ago when I initiated legislation to sell that property. And I told her that I would seek the advice of the Law Director relative to the rights of the City as it pertains to either eminent domain by some municipality taking a piece of municipal property. Generally, the Revised Code prohibits municipalities taking property from another municipality. And even if it would not apply, as that is a separate corporation, there will be a deed restriction as well as the actual ordinance does require that the City has unattainable rights to the water. Be it if they build an allotment there. We can go in there with our equipment, dig it all up, place our wells, stick it wherever we want. We have unfettered easements. And we have the rights to go in there no matter who owns the property. If the City of Canton owns it, we can go in there. We will not relinquish our rights to explore water and to retrieve water from the Oster property. Even though I personally feel that the City at this time is not, and it would be several million dollars to get it, but not losing those rights. And Member Kiesling I, as I told you, and I publicly promise you that we will not violate those rights and your trust in that. That we will always have the ability and the Law Director will reiterate that. Mr. Miller's an attorney, he'll tell you that--very familiar with easements and water rights. And it's a common practice in areas where water is very scarce, to sell the surface rights to maintain the subsurface water, mineral, oil no matter what we're looking for. And we will always, and never sell those rights. So consequently it's very much like the waterlines are not going to put out fires. Well they'll put out fires and we'll own the water to Oster no matter what happens and your children will be able to drink that water. I probably won't be around but...

Mr. Lane: Is that also, Jon does that also protect us if somebody does come in there, let's say the CIC sells it or somebody takes it and they build. Will we have any kind of ability to check those construction plans and some other things to keep any kind of problems from seeping down?

Mr. Snyder: We have unconditional easement rights. If they build a house over our easement, unfortunately, first of all there's not a bank that I know of or lending institution that's going to lend any money on a piece of property that has easement, complete one hundred percent easement on it. The purpose of the transfer of the Oster property contrary to what people think was not to stick certain taxpayers. The purpose was to give a vehicle to the CIC that they could either some day with the cooperation of the either Jackson or Plain or anyone and create possibly some type of commercial park there. Be it office buildings, be it technical parks. But it does create a vehicle that they, if they need money for a particular situation, it gives them immediate borrowing power. The appraised value of the property is, I think, in the near three quarters of a million dollar range. And they can go to a local lending institution as well it gives them immediate asset. They have no actual asset. So for them to be able to pledge their good faith and their name to a bank to go along with a loan, they have to have assets. And this gives them an asset. It was not a ploy to eliminate the City's rights to Oster. It was well thought out, contrary to what people think and I've had, whether people believe it or not, quite a bit of experience and Mr. Mayor Rice has also in private business. And that's done every day. I mean, unfortunately, you leverage your assets. That's the secret. The first thing you learn is don't use your own money. Because if it goes, unfortunately, upside down you want to be able to go on the first bus to Florida. In this case, maybe on the second bus to Singing. But that's the purpose of it. It's just simply a leverage tool to allow them to borrow money because we are not, unfortunately, in the same position we were ten, twelve years ago to give them the additional three quarters of a million dollars. That's the whole purpose of it. So and I think with members of Council as I talked to you last week, it's a creative way of us stepping up and the old saying put your money where your mouth is. We put Oster where our mouth was. That's simple as that.

Mrs. Kiesling: Paul, will the deed be drawn up before the third reading? Is that the...

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Mr. Pusateri: Well I assume it could be...

Mrs. Kiesling: ...Quit claim deed.

Mr. Pusateri: ...if you'd like. I mean, I mean the instructions in section two of the ordinance are clear that, and I'd like to address the question I think you're asking, is the section two the ordinance sets out that it's clear that North Canton not only have the water rights but has the right to maintain and get those rights, any easements, it needs to bring the water out. So I mean, but if you'd like to have some kind of deed drafted before the third reading I can, we can have that done.

Mrs. Kiesling: Do you feel that you're going to draft it? You said earlier maybe you would...inaudible...attorney.

Mr. Pusateri: I mean, I'll look at it. I'll look at it and see. You know, real estate is not my forte but I certainly will look at it and see. It's not that complicated but that's an option.

Mrs. Kiesling: Ok.

Mr. Snyder: But please Member Kiesling as we said, we will all concur with you. If there's any question I know you'll, I'm not worried about you...inaudible. But we'll do it. Inaudible.

Mrs. Kiesling: That's fine.

Mr. Snyder: Any other questions? I appreciate you enduring my rambling there. May I have a motion to adopt the first reading of Ordinance 68-05?

Mr. Foltz moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 68-05.

All members present voting:

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

No: 0

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

Ordinance 69-05. All members present voting:

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

No: 0

Ordinance No. 69-05 – First Reading

An ordinance declaring that certain Fire Department equipment owned by the City of North Canton, Ohio, is no longer required for municipal purposes and authorizing the Mayor of the City of North Canton, through the Board of Control, to make a donation of said Fire Department equipment; namely, eighteen (18) Self Contained Breathing Apparatus (SCBA) units, to the Navarre Fire Department, and declaring the same to be an emergency.

Mr. Snyder: This is a request. It came from Chief of fire suppression Bacon. We have extra equipment that were, or units that were originally bought on a grant. The Navarre Department's equipment does not meet code. They're unable to use it so and again it's regionalization of equipment. We're doing our part rather than costing the municipality of Navarre money. We have extra equipment and it comes with a full blessing of Administration so I'm asking Council to adopt the first reading of Ordinance 69-05.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading of** Ordinance No. 69-05. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 69-05.

All members present voting:

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

No: 0

Mr. Snyder: As an emergency exists without the department of Navarre having any equipment in present. We would like to adopt the third, or the first reading on an emergency basis under suspension of the rules of council.

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

Ordinance No. 69-05. All members present voting:

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

No: 0

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19. Mr. Sarbach moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 70-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Ordinance No. 70-05 – First Reading

Ordinance No. 70-05, authorizing the North Canton Fire Department to apply for, accept, and utilize a grant through the Federal Emergency Management Agency (FEMA) in an amount not to exceed \$36,536.00 for the purchase of Jaws-of-Life equipment for use by the North Canton Fire Department, and declaring the same to be an emergency.

Mr. Snyder: Again this grant, I believe, comes to us without participation. And time is of the essence and we're asking that you adopt the first reading of Ordinance 70-05.

Mr. Miller: I believe there's a \$1,900 match.

Mrs. Herr: There is a match.

Mr. Peters: Five percent...

Mr. Snyder: Five percent?

Mr. Miller: Five percent match. About \$1,900.

Mr. Snyder: \$1,900, pardon me. There's a, which comes out of the Fire Department fund I believe. Does it not?

Mrs. Herr: Yea, we'll fund money for the fund.

Mr. Snyder: Yea, right. There's money in that fund so.

Mr. Peters: Yea, we mentioned that in Committee last week.

Mr. Snyder: Right. If that's ok, can we adopt that first reading?

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 70-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 70-05. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 70-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.
No: 0

20. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 71-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.
No: 0

Ordinance No. 71-05 – First Reading

Ordinance No. 71-05. authorizing the North Canton Fire/Emergency Medical Services Department to apply for, accept, and utilize a grant through the Ohio Public Safety EMS Division for the purchase of, or reimbursement for, equipment and/or training from Ohio Public Safety EMS Division for use by the North Canton Fire/Emergency Medical Services Department, and declaring the same to be an emergency.

Mr. Snyder: This does come over as a non-participatory grant doesn't it? Yea, so this is money they're applying for and again time is of the essence to apply for this. So we're going to ask it as an emergency basis. And may I have a motion to adopt the first reading of Ordinance 71-05?

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Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 71-05**. All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 71-05. All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 71-05**. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

21. Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 72-05**. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

Ordinance No. 72-05 – First Reading

Ordinance No. 72-05 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Settlement Agreement and Mutual Release Agreement by and between the City of North Canton ("North Canton"), Contract Masters, Inc. ("Contract Masters"), Westfield Insurance Company ("Westfield"), and Horizon Brothers Painting Corporation ("Horizon Brothers"), and all their affiliates, agents, employees, assigns, and any other party related to any of the named parties to the Agreement, and declaring the same to be an emergency.

Mr. Pusateri: There is one alteration or modification to the agreement that was brought to my attention this evening. If Council could look at that agreement, let me find it real quick here. It's paragraph six. I can't find it.

Mr. Snyder: Free work blood test, you're talking about?

Mr. Pusateri: Yea, I was informed that tonight that that first sentence has to be deleted because it's not accurate.

Mr. Snyder: They haven't previously provided it?

Mr. Pusateri: Yea, so that has to be deleted.

Mr. Miller: That's one...audible.

Mr. Pusateri: The first sentence and we'll have to alter that second sentence a little bit to jibe with the absence of the first sentence then.

Mr. Snyder: Do we, do we in other words if they become ill on that, we're responsible?

Mr. Pusateri: No, we're not liable for...inaudible.

Mr. Miller: No.

Mr. Snyder: Ok.

Mr. Pusateri: But like I said that first sentence has to be deleted and the second sentence will have to be altered just to, you know, be consistent with the absence of the first sentence.

Mr. Snyder: Ok. And you're all aware of this fact that it was a negotiated settlement relative to the backwash at the Water Treatment Plant. We, they said we breached. We claimed we did not. We were willing to pay to cut our losses relative to the cost of litigation. We'll pay 12,500 immediately upon the adoption of this and is asked as an emergency because the window is only open so many days for their counsel has extended so many days for us to accept it. Upon our acceptance and the signature of the Mayor, the money will be sent 12,500 to the company, 12,500 to counsel of the plaintiff and will be held in their, his escrow until all the codicils in the agreement are fulfilled. And it's a very favorable negotiation relative to the cost of litigating our position. Any questions on that? If not, may I have a motion to adopt the first reading of Ordinance 72-05?

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Mr. Foltz moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 72-05.** All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

Mr. Snyder: As an emergency exists, please, we'd like to suspend the rules for Ordinance 72-05.

Mr. Lane moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 72-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.
No: 0

Mr. Lane moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 72-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.
No: 0

22. Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 73-05.** All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

Ordinance No. 73-05 – First 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. 651 Water Revenue Fund to the Interfund Transfers account in the aggregate amount of \$195,000.00, and authorizing the transfer of same funds from the Water Revenue Fund to the Water Expansion, Replacement and Improvement Fund for the current expenses during the fiscal year ending December 31, 2005, and declaring the same to be an emergency.

Mr. Snyder: This simply is going to put the money in place that will allow for the four hookups of the interconnects to Consumers Water allowing us to provide water at a negotiated rate over the next twenty years at a cost of approximately \$100,000. The other \$95,000 is for the, to fulfill our obligation in that agreement to purchase the water tower and the fifty-five customers that are currently on the system of Consumer Waters. Those fifty-five customers are within the corporate limits of the City of North Canton and they will be brought in to our water system in effect reducing their water bill by some probably \$30 a month and putting them on. They're about forty some dollars a month right now I think on the average.

Mr. Miller: I don't know if it will be that much of a reduction but there will be a reduction.

Mr. Snyder: Yea, but if you, whatever it may be but it'll be significant bringing them on to our water service. That's all part of that agreement. And that's all part of, I believe, the Water Rate Study that's taken the place of the Rose Court water tower that use to provide all the money. Remember that, how well it did. That's basically a thumb nail. Chairman Sarbach you concur with that?

Mr. Sarbach: Yes, yes I do.

Mr. Snyder: Any other, if not may I have a motion to adopt the first reading of Ordinance 73-05?

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the first reading of Ordinance No. 73-05.** All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 73-05. All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Sarbach moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 73-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

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23. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading** of Ordinance No. 74-05. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

Ordinance No. 74-05 – First 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. 651 Water Expansion, Replacement, and Improvement Fund to the Contract Payments account in the aggregate amount of \$195,000.00 for the current expenses during the fiscal year ending December 31, 2005, and declaring the same to be an emergency.

Mr. Snyder: Again this is the movement of the money as authorized as the appropriation of funds allows the Finance Director to draw her warrants and to send the money over to the water revenue funds for water expansion. Any questions? If not, may I have a motion to adopt the first reading of Ordinance 74-05?

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 74-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 74-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.
No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules Ordinance 75-05?

Mr. Lane: So moved.

Mr. Peters: Second.

Mr. Foltz: Is it 74-05?

Mr. Lane: 74.

Mr. Peters: 74-05.

Mr. Foltz: 74-05

Mr. Snyder: Oh, 74-05.

Mr. Foltz: We want to do that in a couple minutes.

Mr. Snyder: I was going to blow right through that. I was hoping we'd get that passed without...

Mr. Foltz: Maybe with good cause.

Mr. Lane: Not only that, not only that Jon, Dave is losing his customer base over here. So we lost half the crowd. We all...

Mr. Foltz: We'll explain this in detail, don't worry.

Mr. Snyder: I apologize, 74-05.

Mr. Lane moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 74-05. All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

Mr. Snyder: Thank God for levity. Did we adopt that under the suspended?

Mr. Foltz: Yea.

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24. Mr. Snyder: May I have a motion to read by title only first reading of Ordinance 75-05?

Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 75-05.** All members present voting:

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

No: 0

Ordinance No. 75-05 – First Reading

An ordinance declaring it necessary to improve certain properties by constructing and installing sanitary sewer lines, sanitary service lateral connections, manholes, and other necessary appurtenances, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes, I'd like to turn this over to Member Foltz since he's more intimately aware of it than I am. And then he explained it so eloquently last week. I'll give him a chance to do it again.

Mr. Foltz: Basically as it reads here, I know Paul's worked hard to push this assessment forward and the main line is, they don't have a main line. Ok? The main line is on 5th Street. There's a main line on 7th Street. The party here lives on Fair Oaks and in order for them to get any type of sanitary service, they have to pay for the cost of the main line which is an eight inch line with two manholes that runs from 5th Street east to the intersection of Fair Oaks and then another hundred seventy-six feet north to in front of their property. Some two hundred and thirty-three or thirty-four feet. They have an estimate, I believe, around...

Mr. Miller: Seventeen thousand...inaudible.

Mr. Foltz: \$17,800 which there's going to be other costs involved as Paul knows through the assessment process. This isn't a quick thing that happens over night. So that's just from the main line. To go on the record once again, it's the main line. The homeowners is still responsible for the lateral per our ordinance anyway from that main line back to their house. Whatever that cost is, they'll determine that with a contractor of their choice. As unfortunately the Snyders had to do with their residence. So, but they don't have an existing sanitary hookup to their house now. They have a septic tank. So I'm asking Council to pass this on an emergency so we can start this process. Still going to be some time for the proper documentation paperwork to be filed, ok? Any questions with Council?

Mr. Snyder: Member Foltz I will just tell you two things, this is the motion for a necessity which starts the program.

Mr. Foltz: Right.

Mr. Snyder: We passed this separately at to which point the Engineer will draw the actual costs and the actual engineering and he'll send those back to us which we adopt. And at that point we will give them to the Clerk, she'll file them with the auditor and they can proceed accordingly. However, being only one particular assessee, they'll be no, you don't need an actual appropriations board because there's nobody to complain. So we can...

Mr. Miller: To cover that, what we'll probably need to do is get a letter from them that they're waiving the assessment board...

Mr. Snyder: Yea, we can do that.

Mr. Miller: ...and that they agreed to the assessment amount.

Mr. Snyder: And you can probably out of your office. But this begins...

Mr. Foltz: A letter from the residents?

Mr. Snyder: Right.

Mr. Miller: Yes. It will have to be in a certain form.

Mr. Snyder: We can do it accordingly. But then again through the diligence of our Law Director we've saved some several thousand dollars because he has drafted the legislation and the thing so it will be, it will automatically save those people several thousand dollars that we don't have to go to a bond counselor for.

Mr. Foltz: I had one additional comment. Is there, does this have to be bid out formally then?

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Mr. Benekos: It will be under 25,000 so...

Mr. Foltz: So they can use the, some of the preliminary estimates...

Mr. Miller: We'll, we'll use the estimate.

Mr. Foltz: Ok, any other questions from Council? We're all on the comfort level here?

Mr. Snyder: I think it's important maybe Mr. Foltz to articulate to the press and to the public that this does not include the lateral line that will run from, did you say that?

Mr. Foltz: Absolutely not. I've said that plenty of times. Whatever that distance is from that main line on Fair Oaks, and I'm going to guess it's fifty to seventy feet, they're responsible for that lateral. That secondary line which is smaller than the eight inch. What does it have to be four inch Jim?

Mr. Benekos: The lateral, yes.

Mr. Foltz: Four inches in any other residence. They're responsible for that hookup. They're responsible for taking out their septic tank for whatever codes are involved with that. So this is just, this isn't all their cost that we're looking at right here. They're just, they're just using something that's available. Any other residence as we just did recently with the annexation property we had three years ago so they just happen to be a party of one here. And somewhere along the line it was just never hooked up for them.

Mr. Snyder: And there will be...

Mr. Foltz: Their main line.

Mr. Snyder: I'm sure we'll do the same where they'll be an interest charge over a period of twenty years.

Mr. Foltz: Ok.

Mr. Snyder: May I have a motion to adopt the first reading of 75-05?

Mr. Foltz moved and Mr. Sarbach seconded to **adopt the first reading of**

Ordinance No. 75-05. All members present voting:

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

No: 0

Mr. Lane moved and Mr. Sarbach seconded to **suspend the rules** for Ordinance No. 75-05.

All members present voting:

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

No: 0

Mr. Snyder: As an emergency exists, may I have a motion to adopt the first reading under the suspension of the rules of council for Ordinance 75-05?

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

Ordinance No. 75-05. All members present voting:

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

No: 0

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

Ordinance No. 76-05. All members present voting:

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

No: 0

Ordinance No. 76-05 – 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 by and between AQUA Ohio, Inc. and the City of North Canton for the design and construction of four (4) waterline interconnections associated with the Agreement to sell water to AQUA Ohio, Inc. per Ordinance No. 49-05, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

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Mr. Sarbach: Yea, this is the agreement that we moved money for previous two ordinances ago to fulfill those contracts and get these customers on board. As soon as these interconnections are constructed the revenue stream will begin. Is that correct Mike?

Mr. Miller: That's correct.

Mr. Sarbach: Anybody have any questions or comments on that? If not, I move that we adopt the first reading of Ordinance 76-05.

Mr. Foltz: So moved.

Mr. Peters: Second. Or did you motion?

Mr. Sarbach: I moved but that's fine. Three's better than...

Mr. Foltz: Alright. Second, I'm sorry.

Mr. Sarbach: ...three's better than two I guess.

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the first reading of Ordinance No. 76-05.** All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 76-05. All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 76-05. All members present voting:

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

No: 0

26. Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 77-05.** All members present voting:

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

No: 0

Ordinance No. 77-05 – 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 McKinley Avenue SE design project, and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: This is for services strictly designing only to find out how much we might have to put in the budget for next year. It's \$50,000 we've set aside for this particular endeavor. I move we adapt.

Mr. Lane moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 77-05.** All members present voting:

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

No: 0

Mr. Lane moved and Mr. Sarbach seconded to **suspend the rules** for Ordinance No. 77-05. All members present voting:

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

No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 77-05. All members present voting:

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

No: 0

27. Mr. Lane moved and Mr. Foltz seconded to **read by title only, first reading of Ordinance No. 78-05.** All members present voting:

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

No: 0

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Ordinance No. 78-05 – 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 Pineview Avenue SE/Override Avenue SE/Bachtel Street SE design project, and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: I just have one question on this. Jim, last week when we were talking about this, it had a higher price tag and this legislation is for 50,000. Can we get all three streets done, designed for 50?

Mr. Benekos: Correct.

Mr. Lane: Ok, I think it was 75 we were discussing last week. I might be wrong on that and if I am I stand corrected.

Mr. Snyder: I don't think. I think one was 35 and one was 50.

Mr. Lane: I thought it was 50 and 75 but I might be wrong.

Mr. Snyder: Well we wait another week we may get it done for free.

Mr. Lane: I was going to say we, they can be paying us. But we can get all three redone for the 50 huh?

Mr. Benekos: Yea, the water and the sewer are already in those streets there. We're just redoing the streets themselves.

Mr. Lane: It might just be my memory. It could be the heat. Who knows, I don't know. But I thought sure it was a higher price tag.

Mr. Snyder: That's where, does Mr. Viscounte live up in that area?

Mr. Lane: He's on the other side. He's on the south side of Schneider.

Mr. Snyder: He's on the south side. They ought to hold his water up there.

Mr. Lane: Following that discussion, I move that we adopt.

Mr. Lane moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 78-05**. All members present voting:

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

No: 0

Mr. Lane moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 78-05.

All members present voting:

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

No: 0

Mr. Lane moved and Mr. Foltz seconded to **adopt under suspension of the rules Ordinance No. 78-05**. All members present voting:

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

No: 0

REPORTS:

Mr. Snyder: Can we get the CIC to air condition this building?

Mr. Sarbach: Taking applications.

Mrs. Kiesling: Jon, we're on the board so.

Mr. Snyder: Director of Law Pusateri, have any comment?

Mr. Pusateri: I do not have any report. Thank you sir.

Mr. Snyder: Director of Finance?

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Mrs. Herr: Just a reminder that taxes are due April 15th, this Friday. And that swim passes will be going on sale on the following Monday.

Mr. Snyder: Director of Administration Miller?

Mr. Miller: Just real quickly, I'm not going to go through the whole timeline on the situation at 1147 Sheraton. But I'm in a position obviously where as far as the Snyders are concerned is a no win. I've got to follow what Council has passed as an ordinance. I can't substitute my judgment for what Council has passed and put in a codified ordinance. Certainly I know what my role is. My role is not to substitute my judgment for yours. So with that said....

Mr. Sarbach: May I add just one thing to that. Or ask you a question to that?

Mr. Miller: Yes.

Mr. Sarbach: That line was videotaped, was it not?

Mr. Miller: That line was videotaped at our suggestion. They started digging it up on a Monday. We suggested that they go ahead and videotape it for two reasons. One, that will confirm or deny if you will whether or not there's damage in the whole line or whether it's just in that one spot which might give us a leg up on fixing it and on the other hand if there's a problem in one spot and there's other problems that gives them an opportunity to fix it all at one time. If we had not suggested they videotape it, odds are we still would be here as far as saying it's not our responsible to fix it but we also would be in a position where the Snyders would maybe in six months, maybe in two months would have another problem with that line because there were two other bellies, if I recall correctly, plus loose joints all the way up and down that line.

Mr. Sarbach: That was my understanding. Technician found there were other, all along that line there were discrepancies in the integrity of that line.

Mr. Miller: There's a belly up by the house. There was another belly between the one we fixed in the sanitary sewer main. And there were spaces in all the joints where there was water coming in very profusely.

Mr. Sarbach: Ok, thank you for that. I was just making sure my information was correct. Thank you sir.

Mr. Snyder: Mr. Mayor?

Mayor Rice: Uh yea, here I want to pass this out. Pass this around will you? As you all have heard the last few weeks from President Jusseume as well as Rod Baxter who made a presentation a couple weeks ago. There were two key things in every report you've heard that came from the community of the two things that we really need to do at the City. Number one is get a CIC in place and properly funded. We've taken the first steps for it, towards that tonight. Second is to move forward with the hiring of a full time Economic Development Director of the City. And what I want to distribute to you tonight is the Administration is moving forward with that recommendation also. Of course that's been funded. Position's been created and everything by City Council in the past. So everything is in place except actually advertising for the position, screening the candidates and getting someone in place. What I've given to you tonight is a directions or charge if you will to a screening an independent search committee to advertise and locate candidates for us for that position for the City of North Canton. On the front page you'll notice the six members that I've appointed to that committee to conduct this independent search, it'll be chaired by Jack Baker who is involved in all three groups. The TAP Committee, the North Canton Chamber Economic Development Committee as well as the Imagine North Canton. Mike Sumser who's very involved and has been for many years at TAP and I'm sure everybody here knows him as the former administrator with the City of North Canton. Ken Dansizen who's been very involved in TAP and also had been involved in several search committees such as the ones at the library. And that's who has a lot of experience serving on search committees. We also were fortunate to secure the services of Frank McKnight, who's the Director of Human Resources at Walsh University. He's a professional human resource gentleman to help us out. Beth Bowman who's a local Main Street business owner and member of both the Chamber of Commerce Economic Development Committee and the Imagine North Canton group and Steve Paquette president of the Stark Development Board is also agreed to serve on our search committee. The packet you have before you today was, six of those packets were delivered this afternoon to Mr. Baker. He's in receipt of those to distribute to the other members of the committee. He indicated to me that this afternoon he plans on calling a meeting hopefully get one organized yet this week of these members to start the process. We're basically, in this packet, just giving them some background information if you will and some suggested timelines and things for theirs. We're not trying to, nor will we interfere with how the committee, we're

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basically going to let them conduct it the way they want to. They're all business professionals with experience in this regard. But we did point out to them things like the search, even though it's being done by an independent group, it is still subject to the Ohio Revised Code and public records. That as they advertise and receive those they will be, the resumes, applications, they'll be providing copies of those back here to both City Council and the Administration. So they're here for public view, council member's view. You'll be able to see who has applied. You'll be able to review any of that. You'll have that in your office. And at the end of the process they know all that original documentation has to come back to the City to preserve the public record. I'm requesting that they supply us ultimately with five names that they recommend. Not in any particular order and not with any specifics initially. What I've expressed to them, and Mike and I have talked about it, because then we're going to have to interview those people and I prefer to view those people and interview them without the bias of knowing exactly, at that point in time, what the selection committee members thought individually of them. We'd like to, if you will, completely objectively interview those candidates and then talk with the members of the selection committee to see, you know, what we thought of certain candidates. What they thought of candidates. And try to come up with a consensus of an opinion of the right person to hire. Ok? What we, you have a list there of eight things we provided that are in the packet. All the legislation that's passed. The previous work that's been done on this. The salary. Mike provided information, the things we use in the City as far as what we check for when we hire people. What questions we ask. The list of questions you should never ask in an interview. That type of thing. And the last page gives a rough, and again, this is not set in stone. This is a suggested timeline. The committee will ultimately establish their own timeline. But if we can hit a timeline similar to this, we should be able to make a final hire based on their recommendations. I'll make the final selection and hire somebody we hope in June of this year we'd have an economic development director in place. So I wanted to provide the copy of this to Council members tonight so you know what we've, what we're doing. What we've asked, submitted to the selection committee. Hopefully we covered everything in there that they need to know and it keeps you inform as to where we're going on that. But that's our plan as of right now and as of today that's really in Jack Baker's hand. And he's going to take it from there. And we'll hear back from him when they have a group of finalists, if you will. That's all unless anybody has any questions.

Mr. Snyder: Thank you Mr. Mayor. Mr. Benekos?

Mr. Benekos: No report.

Mr. Snyder: Thank you. How are we doing on that South Main job? Did we get a new bid there?

Mr. Benekos: We open bids this Thursday.

Mr. Snyder: Ok. Madam Clerk?

Mrs. Kalpac: No report.

REPORTS – COUNCIL:

Mr. Snyder: Member Foltz?

Mr. Foltz: Comment, I know the Y's had some problems as well as the rest of the City with loss of electricity. Do we know what's causing that or have we talked to anybody from AEP? Mike, I know you know Ken Huot I was going to give him a call but I think you can do that also. What's causing that? It just doesn't, it's just not today. It's been other days. The grid work, is there some hang up with that? What do you know about it?

Mr. Miller: The most recent one, I don't have an answer back from Ken on that yet, but I do know and one of the reasons, one of the things they're doing right now is trimming back trees from the substation out on Easton Street in. That's our main feed, if you will. And doing that trimming it very may well be that they may be hitting things...

Mr. Foltz: A limb got hung up in a line.

Mr. Miller: ...and or turning it off temporarily while they get a tree limb out. So that may be it but at this point in time I don't have a firm answer for you...

Mr. Foltz: Ok.

Mr. Miller: ...on the recent, most recent one.

Mr. Foltz: Were you going to call him tomorrow just to see...

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Mr. Miller: I got a call into him today.

Mr. Foltz: Ok, thank you. If you hear something, let me know. Maybe just call the Y cause, you know, puts them out of business really two or three hours.

Mayor Rice: That was, Doug, that was...

Mr. Foltz: As well as the other area businesses.

Mayor Rice: A lot of businesses, I think about three o'clock today, up and down Main Street ended up closing.

Mr. Foltz: I didn't know the extent of it but.

Mayor Rice: I know we did. We were shut down...

Mr. Foltz: You were shut down?

Mayor Rice: ...because then the phones don't work and the computers aren't working. In fact, I went to drop that stuff off at Jack's office this afternoon on the way back to my office late this afternoon and they were locked up and blacked out. In fact, I almost, luckily I just caught him. He was walking out the back door. Because they were shut down as a lot of people had to shut down up and down Main Street. My understanding was it was out on East Maple again.

Mr. Foltz: Over by your house?

Mayor Rice: The problem today, yea, that caused the problem today was the preliminary report.

Mr. Foltz: I'm sure there were many residents that were involved too.

Mayor Rice: Right.

Mr. Foltz: Glenwood and so forth.

Mayor Rice: Yea.

Mr. Sarbach: Every time I leave town it goes to hell. Inaudible.

Mr. Snyder: Did you cash your check or what happened?

Mr. Sarbach: No, inaudible...out of my desk.

Mr. Snyder: I thought maybe your paycheck cleared and things got a little tough over there. I wasn't sure.

Mr. Foltz: That's all I have Jon.

Mr. Lane: ATM to ATM.

Mr. Snyder: Member Lane?

Mr. Lane: Just, just two things. And you brought up the Y and I know Paul was here earlier and I wanted to thank him on the record. I didn't realize we were going for the marathon tonight but they were able to host my little neighborhood meeting and despite the good weather we had on Wednesday, I didn't think anybody was going to show up. In fact I was even thinking about not showing because it was so nice out. But we had about fifteen that showed so my thanks to the Y for being able to host that. I'm going to do something in May at Walsh. They're being generous enough to host one as well. The other thing that I wanted to point it is that today was the deadline for the paving list. To Mike, I don't know how many you've had other than mine.

Mr. Miller: No comment.

Mr. Lane: Ok, would you extend that until tomorrow about noon?

Mr. Miller: Yes.

Mr. Lane: Alright, so anyway this is that \$250,000 that was referred to earlier for paving. Thank you.

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Mr. Snyder: Member Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters?

Mr. Peters: Yea, a couple things. First of all, in regards to what Dick Fano said, I saw that. I came up on the accident about five minutes after it happened and the hair on the back of my neck just stood up. I think--guardrail--probably not a good idea but maybe those concrete posts...

Mr. Miller: Planters.

Mr. Peters: ...yea. And something...

Mr. Miller: Some planters will suffice if you put the right stuff in it to keep people from going into that area and also still be attractive for that area. So that's something that I plan to talk with Dick about.

Mr. Peters: Well I know there's very limited space too so size of planter might, but tomorrow is not soon enough for that.

Mr. Miller: Understood.

Mr. Peters: In regards to the Snyders, you know, that and just to reiterate what Mr. Miller said. We're bound by ordinance. And the ordinance that the previous Council approved.

Mr. Osborne, you voted yes on that ordinance. You know, but I would be willing, you know, to look at a moral claim. You know, especially for the wrong marking. And, you know, we could talk about, you know, we can talk about anything as far as that goes. Lastly, Chuck in your comments, you know, you said the word compromise like it was a bad word, ok? In everything that I've ever done it always involves some form of compromise. Compromise is good. And this, this comment is directed to the young man that still stayed to the end of the meeting. I appreciate that. First student I think that has stayed until the end to the meeting.

Mr. Pusateri: Yea, that's right.

Mr. Sarbach: He better sell some magnets.

Mr. Peters: Yea, exactly.

Mr. Snyder: Inaudible.

Mr. Peters: Yea, but compromise is what makes the world go around. As long as you don't compromise your principles, compromise is good. And compromising your principles is a personal decision. You can't tell someone whether they did or not. So, that's it.

Mr. Snyder: Thank you Mr. Peters. Mr. Sarbach?

Mr. Sarbach: I just echo Jeff's comments...inaudible.

Mr. Snyder: I notice on the positive that Covey and Koons is now on Main Street. Is that true?

Mr. Miller: Yes. They've been there for, well about two weeks.

Mayor Rice: I was going to mention that cause we hear all the...

Mr. Snyder: How many jobs does that bring Mayor do you know?

Mayor Rice: ...people leave we actually, we do have businesses coming in to town too. But nobody ever stands up here to...

Mr. Snyder: Those are very good paying jobs as well. Did see that in the paper and...

Mr. Sarbach: What was the company?

Mr. Snyder: I was encouraged to see that.

Mr. Lane: You know, as well Jon, both Rod and, both Rods live in Ward 3. So...

Mr. Snyder: Are you trying to take a little credit for that?

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Mr. Lane: Well no, I didn't have anything to do with it. I just think it's important...

Mr. Snyder: Will the press please spell Mr. Lane's name that he was responsible for...

Mr. Lane: ...to point out that only did he live here but they also work here and they move their business here from Canton.

Mr. Snyder: ...well it was nice to read.

Mr. Lane: I would like to tip my hat to them for doing that.

Mr. Snyder: Yea, yea it was nice to see that they, because I'm sure, you know, they've been out on Fulton Road a long time.

Mr. Lane: Thirty-eight years I think. It's been a long time...inaudible...advertising and marketing.

Mr. Snyder: That's all I have. Last call for business.

Mr. Foltz: Jon, I hope it's new business.

Mr. Snyder: I hope so also.

Mr. Foltz: If not, then let's not...

FINAL CALL FOR NEW BUSINESS:

Mr. Osborne: I was just addressed here I'm just trying to reply. I can provide some information on the power outage because I live in that area.

Mr. Foltz: That's fine. I'd like to hear something new from you.

Mr. Osborne: A year ago the lineman, because I've gone down to almost every site every time it's out. There are too many homes on a transformer. And they, like us, need money to make these changes. They need to off load some of these homes. They've temporarily fixed the problem by putting a oversized breaker in there which really, in my mind, places more of a amperage load on the lines. But they're going to have to spend some money to re-route and offload a number of the demand on that transformer. Number two, I'd just like to add the Oster property appraises for a little more than a million, five not the eight hundred thousand that you quoted earlier. That's off their website. I have a question for the Law Director. The hundred thousand that is being distributed over fifteen years, that's basically an annuity. Wouldn't you agree?

Mr. Pusateri: I don't know Chuck. I'd have to look at that.

Mr. Osborne: If you have a set amount of payments guaranteed to you over a year, it's an annuity. What situation would the City be in if the CIC took that annuity, that guaranteed income for fifteen years to a bank and borrowed off of it. Could the City a year or two down the line realize that, hey we've exhausted our carryover. It's a choice of either curtailing services or eliminating that annual \$100,000 payment. What kind of shape would the City be in if the bank lent money on that annuity that has been passed by Council and guaranteed for fifteen years.

Mr. Pusateri: I don't know how you want me to answer that question.

Mr. Osborne: I'm sorry?

Mr. Pusateri: I don't know how you want me to answer that question. There's a lot of speculation there and it's hard to answer a question that's full of a lot of speculation. And I will say that it's possible that they could, you know, the CIC could use that guarantee to leverage money.

Mr. Osborne: I would think so too.

Mr. Pusateri: I can see that possible.

Mr. Osborne: So we agree on that.

Mrs. Kiesling: But why would they, I guess?

Mr. Sarbach: Chuck can I just say....

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 11, 7:00 p.m. 20 05

Mrs. Kiesling: If we could just get it tomorrow honestly....

Mr. Osborne: I'm sorry?

Mrs. Kiesling: ...why would we leverage it?

Mr. Osborne: Well if you try and structure it so they can get it all in one, they can not get it all in one lump sum. That's the next choice is, hey I have a guaranteed annuity here. Take it to a bank and the bank looks at it and says well this is a pretty safe loan to make because this corporation has guaranteed income passed by the legislature of North Canton so they'll borrow against it.

Mr. Pusateri: That's a possibility.

Mr. Osborne: At that point, the City of North Canton I guess would be obligated...

Mr. Snyder: No sir.

Mr. Osborne: ...to continue those payments.

Mr. Snyder: That's not true.

Mrs. Kiesling: Not above 100,000 a year.

Mr. Snyder: They are totally autonomous to the City of North Canton. It's a separate corporation. As usual, you're mixing oranges with apples. Obviously your discipline in finance did not take you far enough to understand commercial banking. So maybe you better take that course to understand. That's up to the bank. If they'd like to lend money to the CIC, that's their prerogative.

Mr. Osborne: Well I'm sure they will...

Mr. Snyder: You're a great proponent of free enterprise.

Mr. Osborne: ...because they have a guaranteed income.

Mr. Snyder: The City as no obligation, the good faith in obligation of the City does not follow the lines of the CIC.

Mrs. Kiesling: Well that's like saying I have a job today so I'm going to go out and borrow on my home. What if I lose my job tomorrow? Are they going to go after my job to get the money?

Mr. Osborne: It's not the same thing. This Council has agreed to give them 100,000 a year. It's obligated on a face value. There's no chance that they can lose that. You've already passed that and it's ordained in black and white. So they take it to the bank, borrow against it now it looks like we're locked in to continue those fifteen years worth of payments because, hey the bank in good faith lent them 1.1 or whatever it is and or 1.3...

Mr. Pusateri: But I think the point Jon was saying though is that the only obligation the City of North Canton has is the 1.5 million dollars. The CIC cannot obligate the City to anything in addition to that.

Mr. Osborne: You missed my point.

Mr. Pusateri: Then I have ...inaudible.

Mr. Osborne: If North Canton gets in dire financial straits and suddenly realizes they want to put the brakes on this, the bank has lent them money in good faith because here's a guaranteed income for fifteen years. How would Council go back, go about rescinding that once the bank has lent them money in good faith?

Mr. Snyder: The bank cannot do anything about it. First of all, the Ohio Revised Code prohibits any assessment to any future funds. You cannot, you cannot either mortgage or pledge future income. So consequently the City's only obligated to anybody for the amount of income it takes in one year....

Mr. Osborne: Ok, you answer my question....

Mr. Snyder: The bank's on the hook. The bank's on the hook. Nobody, the City's not on the hook.

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Mr. Osborne: North Canton is on the hook because they could not rescind that legislation three years down the line.

Mr. Snyder: No sir. That's not true. First of all we're only, we're only obligated by ordinance for the amount of money that we have in the General Fund. You cannot obligate a municipality for money it does not have. If it has no money, it's no different than an individual. It's deemed insolvent and it's broke. You cannot legislate quit claim to or do anything to future tax money. It's prohibited in the Ohio Revised Code. You can't do it. Banks can't do it. No one can do it.

Mr. Osborne: Mr. Snyder you're confusing what I...

Mr. Snyder: No sir...

Mr. Osborne: ...presented to this Council three weeks ago.

Mr. Pusateri: Let me just answer one question or the first of two. Any ordinance can be repealed by another ordinance.

Mr. Osborne: But you wouldn't be allowed to because the bank has lent money to the CIC in good faith on this annuity.

Mayor Rice: Doesn't matter, so what. That's the banks problem. That's their problem. That's the CIC's problem to find a way to pay it.

Mr. Pusateri: That's, that's the banks risk that they took on by loaning the money, not North Canton.

Mr. Osborne: Well I guarantee you you'd be litigating a lawsuit with the bank because you rescinded the legislation which guaranteed this annuity.

Mr. Snyder: Inaudible...making transaction with them.

Mr. Osborne: Well just something else I don't think has been thought out. Thank you.

Mr. Snyder: Anybody else wishing to speak? Council any last word? If not I'll entertain a motion to adjourn.

ADJOURN:

Mr. Foltz moved and Mrs. Kiesling seconded to adjourn the Council meeting. All members present voting:

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

No: 0

The meeting adjourned at 9:12 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL