

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 25, 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. Gary Smith, Zion United Church of Christ.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. The following members of Council responded to roll call: Foltz, Kiesling, Lane, Lindower, 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.

5. Consideration

Mayor's Court Receipts: March, 2005

Mrs. Kiesling moved and Mr. Lane seconded to approve the Mayor's court receipts as presented. All members present voting:

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

No: 0

6. Committee Reports

Executive Session (Finance & Property Committee): Refer to the minutes on file in the Council Office of the executive session meeting held April 18, 2005.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held April 18, 2005.

Ordinance, Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held April 18, 2005.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held on April 18, 2005.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held April 18, 2005.

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

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

No: 0

7. Recognition of Visitors

Mr. Snyder: Is there anyone in the audience wishing to speak to the Council this evening? Step forward, state your name and address for the record. Ok, may I have a motion to read by title only the third reading of Ordinance No. 64-05?

OLD BUSINESS:

8. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, third reading of Ordinance No. 64-05.** All members present voting:

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

No: 0

Ordinance No. 64-05 – Third 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 Lindower?

Mr. Lindower: Yes, this is an amendment amending Section 9 of the Vacation Regulations of Chapter 155. Purpose of bringing it more into align with the other existing vacation regulations. I move that we pass the third reading on this ordinance.

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

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

Ordinance No. 65-05 – Third 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: Chairman Lindower?

Mr. Lindower: Amending Ordinance 149-03 of the Collective Bargaining Agreement for the purpose of bringing the Drug Testing Policy under Article XXX into line for the CF&AS, which has been done with all the past bargaining units. So I move that we pass the third reading on this ordinance.

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

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

Ordinance No. 66-05 – Second 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 will transfer, as it so states, \$1,500,000.00 from the reserves to the General Fund. Which actually it has to be a line item to cover the next ordinance that we're about to read. Any questions? If not, may I have a motion to adopt the second reading of Ordinance 66-05?

Mr. Lane moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 66-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

11. Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 67-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Ordinance No. 67-05 - Second 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: Again, this is a result of, originally, the Mayor's request to fund the CIC to revitalize it. This is what the compromise is 1,500,000 to be placed in the aggregate amount of \$100,000 a year. However the 1,500,000 will be placed in full in the, in an account should the Board of the CIC need to draw on it up to that figure. And then when it's done, repay it.

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I will just like to say publicly that we are continuing through the efforts of both the Finance Director, myself and my other two members of the Finance Committee, that hopefully by the third reading we will bring you an alternate that the money will not be removed from the General Fund balance. As so many people go around and saying that we're not taking, neither the Administration nor the Council is acting fiscally responsible in removing that money. However, we have not, I will not impair any properties or any money that the City presently owns but we will come up with, for lack of a better word, a creative way to fund this that will not impact the General Fund balances of the City. And again we'll share that with you at a later date. But there being no questions on that, if there's any questions, we'll try to entertain them. If not, I'd like to have a motion to adopt the second reading of Ordinance 67-05.

Mr. Lane moved and Mr. Peters seconded to **adopt the second reading of Ordinance No. 67-05.** All members present voting:

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

No: 0

Mr. Sarbach: Mr. Chairman.

Mr. Snyder: Sir?

Mr. Sarbach: Along with that funding the CIC, the Council was to appoint a member to that and I wonder if we might have that done by the time we have this third reading. Or do you think it might take longer than that to....

Mr. Snyder: Well sir, that's a very good question and I do want to thank you publicly for your submittal of the names I did receive last week. We have them. We will forward them to all members of Council and along those lines, if members of Council have a particular individual or citizen or someone that they feel, even themselves, that would like to serve on that Board, I would hope that we'd get the majority of support from the Council to appoint that person. That would be done by the seven of us. The Mayor, as you know, has announced his first appointment. And he has another one to add hopefully he'll have that ready to go in the next few weeks. We should probably likewise because I'm sure they're beginning to work where they're going to need to form that committee and get started. So if you do have somebody, Mr. Sarbach did submit some very good names, please submit those to the Clerk and we'll maybe through the phone get together and see if somebody would like to be on that. But I do appreciate that.

Mr. Sarbach: I did copy those to Council....

Mr. Snyder: Oh, you did?

Mr. Sarbach: ...that had addresses. There was a couple that didn't and I sent it to the Clerk. Hopefully it'd be in your packet. I believe Doug and who else didn't have, I sent it to you.

Mrs. Kiesling: Uh huh.

Mr. Sarbach: Who doesn't have an email? You don't have...

Mr. Snyder: We'll make sure that....

Mr. Sarbach: I sent it to everybody but Jeff...

Mr. Snyder: We'll make sure they're in the packet here in the next week as well as the, if anybody else has any just funnel to the Clerk and I'm sure she'll just distribute them to Administration and to us both so we have them.

Mr. Sarbach: Thank you.

Mr. Snyder: I do appreciate that sir. Thank you. May I have a motion to read by title only, second reading of Ordinance No. 68-05?

12. Mr. Lane moved and Mr. Peters seconded to **read by title only, second reading of Ordinance No. 68-05.** All members present voting:

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

No: 0

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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: Again, the property in question is that of the Oster property. I believe the deed will be drafted in such a way that if it would ever happen, it would be done that the service rights only would be sold. The mineral rights, the water rights and any particular right below the ground still would remain the property of the City. I know that Member Kiesling had a positive opinion that the property could not be taken by eminent domain by another municipality. Again, putting to rest and put to quiet any fears of us losing our rights to that property. I think it's the intention and it was the intention of the Finance Committee and all of that of Council to give the Administration, through the CIC, an additional vehicle to leverage the actual property. Its value is somewhat of question other than the water rights. The actual ground, the ability to develop the property, is somewhat questionable. However, it is a vehicle that can be used should they need additional temporary funding that could be used to go to a local lending institution and obtain some temporary money should the need arise to fund additional businesses. Are there any questions on that? If not, may I have a motion to adopt the second reading of Ordinance 68-05?

Mr. Peters moved and Mr. Foltz seconded to **adopt the second reading of Ordinance No. 68-05**. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

NEW BUSINESS:

13. Mr. Peters moved and Mr. Sarbach seconded to **read by title only, first reading of Ordinance No. 79-05**. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Ordinance No. 79-05 – First Reading

Ordinance No. 79-05 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amendment to the Lease Agreement between the City of North Canton and Larizza Management Group, Ltd., dated December 31, 2003, specifically Section 4.1.1, by broadening the definition of "Capital Improvement" to include the golf course premises and declaring the same to be an emergency.

Mr. Snyder: As we talked last week, that particular area has some inherent problems in it. Where we were having, we have a 105 acres of flat land runoff problems to the property owners when it does rain or storm. We want to possibly use as Larizza Management Group is committed to spend x dollars per year on capital improvement. The present lease requires that the money be spent within the four walls of the clubhouse. However, they do need security lighting around the parking lot, possibility some retention basins. There's a possibility of other aesthetic things that are actually on the property. And this will allow to the control of the Board of Control anything that they propose to do and it would be up to them and it still fulfills his obligation under the lease. Is there any questions to that? If not, may I have a motion to adopt the first reading of Ordinance 79-05?

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 79-05**. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Mr. Snyder: However, as there is time is of the essence and we have to exercise this and there does exist an emergency, I'd like to suspend the rules of council pertaining to Ordinance No. 79-05.

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 79-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 79-05**. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

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14. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 80-05.** All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

Ordinance No. 80-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a three year, tax-exempt Lease Purchase Agreement by and between the City of North Canton and Chase Equipment Leasing for the lease purchase of a new ambulance, for use by the North Canton Fire/EMS Department, at a cost not to exceed \$146,000.00, and declaring the same to be an emergency.

Mr. Snyder: Again, this is a 205 capital line item. It was put in at 165,000 I believe. They've gotten it at 146. It will be a lease purchase through Bank One Chase at approximately three percent. So it seems very favorable and they're asking that this be done on an emergency basis because they do need the equipment for the health and the safety of the City. Any questions? Mr. Sarbach.

Mr. Sarbach: Yes Mr. Chairman. This is a replacement not an additional is that correct?

Mr. Snyder: That's correct.

Mr. Sarbach: And any revenues brought from the sale of the older ambulance will come back into the General Fund?

Mr. Snyder: I think that's a requirement that any, it probably has to be auctioned or bid off somehow. So that would be returned to the funds...

Mr. Sarbach: But that won't wait until the end of the year when we have our auction? It'll...

Mr. Snyder: I'm not sure of that. Mr. Miller, is there a timeline on that?

Mr. Miller: I'm not sure that there'd be a separate sale unless there's another political subdivision that we can sell to by statute without going through the auction process. So we'll have to play that one by ear. Otherwise, it will go in with the auction stuff this fall.

Mr. Sarbach: Ok, thank you.

Mr. Snyder: Any other questions? May I have a motion to adopt the first reading of Ordinance 80-05?

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 80-05.** All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Lane moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 80-05. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Peters moved and Mr. Foltz seconded to **adopt under suspension of the rules Ordinance No. 80-05.** All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

15. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 81-05.** All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Ordinance No. 81-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of one (1) ambulance, for use by the North Canton Fire/EMS Department, through the purview of the Ohio Cooperative Purchase Act and declaring the same to be an emergency.

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Mr. Snyder: Again, this will now allow us to purchase it since we've just authorized the ability to enter into the lease. Now it allows us to purchase that same ambulance. Is there any questions? If not, may I have a motion to adopt the first reading of Ordinance 81-05?

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 81-05.
All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 81-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Mr. Foltz moved and Mr. Sarbach seconded to **adopt under suspension of the rules** Ordinance No. 81-05. All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

16. Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 82-05. All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 82-05 – 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 Sewer Revenue Fund to the Facilities-Sewer Lines account in the aggregate amount of \$215,000.00 for the current expenses during the fiscal year ending December 31, 2005, and declaring the same to be an emergency.

Mr. Snyder: This is simply transferring the money over to that fund. We have been requested by the County to upsize the line on Marquardt, our sanitary line, at a cost of \$215,000. We must first front the money. This will transfer the money over. The money would be reimbursed upon the Engineer certifying to the County that the job has been done to their specifications and our specifications. The money will come back to us. So that's what that's for. Any questions? If not, may I have a motion to adopt the first reading of Ordinance 82-05?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 82-05. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 82-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Mr. Snyder: As time is of the essence, may we adopt under the suspension of the rules, Ordinance No. 82-05?

Mr. Peters moved and Mr. Lane seconded to **adopt under suspension of the rules** Ordinance No. 82-05. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

17. Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 83-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Ordinance No. 83-05 – 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 Income Tax Fund to the Interfund Transfers account in the aggregate amount of \$217,000.00, and authorizing the transfer of same funds from the Income Tax Fund to the Issue 2 Improvement Fund for the current expenses during the fiscal year ending December 31, 2005 and declaring the same to be an emergency.

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Mr. Snyder: As we talked about the bids were back last week. They were open, we were falling a little short on the actual, what the government's going to reimburse us for, the amount. Due to the fact that property acquisition was a little greater than what we anticipated, correct?

Mr. Benekos: Acquisition was less. It was just the construction costs.

Mr. Snyder: Construction costs was higher?

Mr. Benekos: Yes.

Mr. Snyder: So do we have any possibility of coming in with that, getting that back?

Mr. Benekos: I think the federal funds we'll be able to increase but the OPWC funds we will not.

Mr. Snyder: Are flat.

Mr. Benekos: Correct.

Mr. Snyder: So we could possibly down the road get some of this back?

Mrs. Herr: That's correct.

Mr. Benekos: Correct.

Mr. Snyder: This brings us up to what 2.6 million was the bid, I think.

Mr. Benekos: A little bit over.

Mr. Snyder: So that's what we're transferring that money for right now to cover that and it's asked on an emergency simply for the fact that they want to begin while the construction season still has some sunshine.

Mr. Benekos: Yes.

Mr. Snyder: We're not there in December when the Belden Village traffic starts. We're shutting down the whole east side of the quadrant down there for 120 days is that?

Mr. Lane: Be the west side, I believe.

Mr. Snyder: I beg your pardon.

Mr. Lane: I still think we need to put a skyway at....

Mr. Sarbach: We could make you a path to get to work Jon.

Mr. Snyder: The road will be, the bridge itself will be closed for a 90 day period, correct? Somewhere between June the 1st and October the 1st, I think.

Mr. Benekos: Correct.

Mr. Snyder: And you'll have, northbound will use Knoll or actually one of those Ward 3 streets, actually it's to be diverted at 44th, I believe at East Market. Back to Schneider and of course the other road will still be open, Everhard.

Mr. Lane: Everhard will be open and Knoll will be open but so will our Police Department. So we might want to, when that eventually does happen, we need to remind people that that's a 25 zone with lots of stop signs.

Mr. Snyder: You could possibly put a re-election sign right there. It may be the place to have one with your phone number on it.

Mr. Lane: I don't think those are going anywhere near there.

Mr. Snyder: That was just a thought.

Mr. Lane: I'm putting yours up there.

Mr. Snyder: Now that we have that levity, may I have a motion to adopt the first reading of Ordinance 83-05?

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Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 83-05.

All members present voting:

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

No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 83-05.

All members present voting:

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

No: 0

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

Ordinance No. 83-05. All members present voting:

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

No: 0

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

Ordinance No. 84-05. All members present voting:

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

No: 0

Ordinance No. 84-05 – 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 Issue 2 Improvement Fund to the Contract Payments account in the aggregate amount of \$254,719.00 for the current expenses during the fiscal year ending December 31, 2005 and declaring the same to be an emergency.

Mr. Snyder: This is a collective amount along with 217 to make the money available to pay those bills as they come available for that construction. Any questions on that? If not, may I have a motion to adopt the first reading of Ordinance 84-05?

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the first reading of**

Ordinance No. 84-05. All members present voting:

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

No: 0

Mr. Peters moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 84-05.

All members present voting:

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

No: 0

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

Ordinance No. 84-05. All members present voting:

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

No: 0

19. Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, first reading of**

Ordinance No. 85-05. All members present voting:

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

No: 0

Ordinance No. 85-05 – First Reading

Ordinance No. 85-05 amending Chapter 719, of the Codified Ordinances of the City of North Canton, Ohio, and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Peters?

Mr. Peters: Yes, this is the amendment to anything that has to do with trash collection.

Mr. Lane received some calls this weekend in regards to the, the time period prior to the trash collection.

Mrs. Kiesling: So did I.

Mr. Lindower: So did I.

Mr. Foltz: So did I.

Mrs. Kiesling: Many.

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Mr. Peters: And I was accosted this morning at Erik's Grocery Bag in regards to it. Right now it reads twenty-four hours proceeding the time...

Mr. Foltz: Twelve hours it reads.

Mr. Lindower: Twelve hours.

Mr. Lane: No, it reads twenty-four now.

Mr. Peters: It reads twenty-four now.

Mr. Lane: It was changed by President Snyder, I believe. Requested...

Mr. Snyder: Yes, actually I did receive several phone calls Mr. Lane and I'm, so we did put in a twenty-four hour window allowing...

Mr. Pusateri: It's Page 5, Doug.

Mr. Snyder: ...allowing them enough time. Some people told me they leave their house at 1:00 in the afternoon and as we approach the winter months, they don't want to put their trash out in the dark.

Mrs. Kiesling: Correct.

Mr. Snyder: So to accommodate anybody and without making it a fiasco, we put a twenty-four hour window in.

Mr. Peters: Section 10, B.

Mr. Lindower: That ...inaudible.

Mr. Foltz: I was reading up in Committee last week...

Mr. Peters: Yea, we talked awhile during the Committee. It's changed to twenty-four. And this is geared more to the people that really were abusing it. So you know, if it's, I'm sure if it's twenty-five hours...

Mr. Miller: Unless it's twenty-five hours every week for...

Mr. Peters: Well...

Mr. Miller: ...a number of weeks that we get complaints about it. Yea, that's not something we're going to go out looking to do.

Mr. Peters: Right. Ok, any other...

Mr. Foltz: Jeff...

Mr. Peters: ...feel free.

Mr. Foltz: ...I had the calls too and I think most people are very favorable that we're doing something to tie this down so I want to compliment everybody for getting involved with this. First call I got, what about picking up the trash containers? And I think that is addressed. It says, "following collection they shall be returned to the storage area that same day."

Mr. Peters: Right.

Mr. Foltz: So that means they don't lay around for another day, ok? So, hopefully the press will get that out or people will know that once we pass this on the third reading. But twenty-four hours is fine. The only concern I have is someone putting it out 8 a.m. on a Tuesday and they don't pick their trash up until 3:00 on a Wednesday and then you're seeing almost two full days of looking at it. So I was going to suggest and if it's twenty-four fine but maybe we can make it like 3 p.m. for 4 p.m. the previous day. That way it doesn't sit out an entire day before...

Mr. Lane: Yea, the only problem you got if got shift workers. Like Jon said, some people leave at 1:00 or 1:30 to get to a 3:00 job and they won't be back until 11:00. They do it in the middle of the night.

Mr. Lindower: Most of the collection people...

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Mr. Lane: Then you got the noise.

Mr. Lindower: Yea.

Mr. Lane: That's the only thing I think that enters into that.

Mr. Lindower: I think twenty-four hours will cover it. That was originally drawn up twelve, I think.

Mr. Peters: Twelve.

Mr. Lindower: That was the big concern and the party that called me, really upset, said hey give us twenty-four hours and that'll work.

Mr. Snyder: Well another thing if you notice the, the onerous goes on the property owner. I know Mr. Foltz has had that problem where people are there absent to the ownership and the actual, it rests with the owner of the property. Not the tenant.

Mr. Foltz: Not the tenant.

Mr. Snyder: That's that person's responsibility to enforce, no matter what arm's length agreement he has with the tenant or she has with the tenant.

Mr. Foltz: Well, yea give you an example Jon. I went down the intersection of Werstler and Portage and I see a bag out this morning and I think it's a rental property or it's for rent almost across the street. Now that's going to sit there until Wednesday. So we don't have anything to use right now for Gene to go out there and write somebody up. I guess I'm happy with the twenty-four as long as it's not abused. You know, don't start stretching it into the thirty-six or well it's only a couple more hours or something. I think we need to tie it down. Twelve might have been too short of time. I was going to suggest eighteen or the night before, three or four. But that's fine. If there's a consensus on Council to go twenty-four, I think we just got to enforce it. You know?

Mr. Peters: I think twenty-four is fair. I know we had some older folks in the City where their son, daughter or caretakers come over and take the trash out for them. So we need to give them some...

Mr. Foltz: Yea, I understand it had to be more than twelve.

Mr. Lane: The only thing that I noticed it was missing and I brought it up from the previous ordinance that was in there is yard waste and some construction stuff we allowed to sit out there for ninety days in that old ordinance. But I don't think it's addressed in here. And I guess what I'm getting at is if somebody two or three times a year does a little yard work, gets a bunch of leaves or not leaves but branches or some wood or whatever bundled up, right now that's going to, does that fall under here? That they have to find another place for it if they do it on a Sunday and their pickup day isn't until Thursday. Or does the old ordinance still stay in effect for that kind of material?

Mr. Snyder: Actually, I think this says that it repeals the old ordinance.

Mr. Lane: That's what I'm, that's what I'm headed at. It just doesn't specifically talk about yard waste.

Mr. Snyder: Or no, it just says amend.

Mr. Lane: That's why I asked.

Mr. Snyder: So actually the old ordinance...

Mr. Miller: The way I would read this one is that, that would mean all waste. So you can't set it out...

Mr. Lane: Yea.

Mr. Miller: ...Saturday afternoon for Thursday pickup.

Mr. Lane: Yea, which I think is...

Mr. Miller: It's yard waste...inaudible.

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Mr. Lane: ...relatively routine over the, you know, the fall and early spring when people do their work on the weekends and then they let them sit out there. So we're going to have to remind people about that as well. Unless we want to make an exception some where down the road and amend it.

Mr. Pusateri: Paragraph B in Page 5 says, "all moveable refuse containers and recyclable materials". So if you're talking about bagged leaves or bagged, you know, those can't be sitting out in the front.

Mr. Lane: I was, I'd rather talk about limbs and things like that.

Mr. Pusateri: If you want to address, excuse me? Limbs?

Mr. Lane: I was primarily talking about limbs. And like I said, the old ordinance talked about construction materials. So I'm assuming if you've got somebody doing some work on your house or whatever, they're going to have to not leave a bunch of wood laying out front.

Mr. Snyder: I think our building code requires a, some type of construction container be placed on the site, doesn't it?

Mr. Lane: I think for a major project. I would think it would.

Mr. Snyder: I think you have to put a, hire a, one of them dumpsters. Have them spot the dumpster. That's required of the building code.

Mr. Peters: Yea, that brings up a good point. During the fall when we're doing the leaf program with the bags. A lot of people doing them on the weekends.

Mr. Lane: Yea, I get thirty, forty bags a weekend. I can't imagine laying them outside the garage.

Mr. Miller: The way it reads right now, is that they'll have to put that behind the house or wherever they put it until twenty-four hours before their pickup day and then have to bring it out.

Mr. Pusateri: That's right.

Mr. Foltz: Yea.

Mayor Rice: Which can be a problem because...

Mr. Peters: That's going to be a problem.

Mayor Rice: ..if you know, Doug does a lot of leaves, let them sit out there for three or four days...

Mr. Lane: I put mine behind the fence...

Mayor Rice: ...then they get wet...inaudible...pretty heavy and people have a hard...inaudible.

Mr. Lane: ...inaudible...but not everybody has a fence at the front yard so.

Mr. Snyder: Can we amend that to read like the period of like September 1 through November the 30th that you could...

Mr. Foltz: September 1? That's too early.

Mr. Snyder: ...or maybe October 1. October 1 to November 30.

Mr. Miller: Just saying that the leaf recycling program from being...

Mr. Lane: Would be exempt from this or something.

Mr. Miller: ...exempt.

Mr. Pusateri: Exempt.

Mr. Snyder: Exempt. Yea, whatever time the leaves fall.

Mr. Miller: Because that program may change from time to time.

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Mr. Snyder: Yea.

Mr. Lane: That's why I said, I don't think it's a big deal but I just think we need to address it at some point in time before fall and...

Mr. Peters: Yea.

Mr. Pusateri: It's easily, if Council wants, it's easily added.

Mr. Foltz: This is first reading tonight right?

Mr. Snyder: Yea.

Mr. Lane: That's true.

Mr. Foltz: Why don't we discuss it, back around and...

Mr. Snyder: Come up you can amend it the next reading.

Mr. Lane: I got so use to emergencies, I thought this was going to go right through.

Mr. Pusateri: No, no. This can't be passed by emergency.

Mr. Foltz: I think we're looking for input from our constituents on this really. See which way we want to go. I welcome the calls on this so.

Mr. Peters: Ok.

Mr. Snyder: Ok.

Mr. Peters: We'll just vote on as is and we'll talk about amending it down the road.

Mr. Pusateri: Yea. The next Council of the whole might talk about it even.

Mr. Snyder: May I have motion to adopt the first reading of Ordinance 85-05?

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 85-05.

All members present voting:

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

No: 0

20. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, first reading of**

Ordinance No. 86-05. All members present voting:

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

No: 0

Ordinance No. 86-05 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor to be authorized, through the Board of Control, to enter into a contract for the Easthill Street, Westview to Frazier, Rehab project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: This is a, it actually kind of goes tandem with the Main Street project. It's a road that's been requested to be done several years in a row. It's in terrible shape and we're going to be asking people to detour down there. So the Administration brought it to us as a good plan I think to take that street right down to the, right down to the bone and redo it from Westview to Frazier. The money's going to come out of a Capital Improvement Fund for the road repair. We're anticipating somewhere around 150,000 of the 250,000 to be used for it. I would whole heartedly support that so anybody have any questions on that? It takes a big chunk, I know. But we need it.

Mr. Benekos: The ordinance reads from Westview to Frazier and that's the way we submitted it but you would like it to go from...

Mr. Snyder: I'd like, well I think it's almost...

Mr. Benekos: Northfield.

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Mr. Lane: We talked about Northfield, yea.

Mr. Snyder: We should go from Northfield. There's no reason to leave that quarter of a block undone.

Mr. Benekos: Funding permitted, we will. But you need to amend the ordinance.

Mr. Lane: Do we need to amend this then?

Mayor Rice: Inaudible...so we can...inaudible...bid it different ways. Or it's just going to be like a footage bid anyway.

Mr. Benekos: Yea.

Mayor Rice: It doesn't matter.

Mr. Benekos: Right.

Mayor Rice: Ok.

Mr. Lane: I thought we we're going to look at both bids.

Mr. Snyder: Is that how you want it?

Mr. Benekos: Yea.

Mayor Rice: Yea, you probably need to amend it too. Include that...

Mr. Snyder: From Northfield eastward to the City limit.

Mr. Lane: If we find out that that takes a good chunk, another chunk out of that, can we come back and....

Mayor Rice: Well it says in here Doug, it says that the Mayor can go to the Board of Control we can award this. We'll bring, like we talked last week. We want to get it bid, we'll bring it back, we can talk about it and decide then how much you want to allocate to it.

Mr. Lane: Yea, I just don't want to deplete all this money for one project.

Mayor Rice: You'll have a chance to take another look at it once we find out what the bids are and we'll talk about it again and decide how far we want to go with that. And what do we want to do with the paving program.

Mr. Lane: Ok, I move we amend then to use the language of Northfield to Frazier.

Mr. Lane moved and Mrs. Kiesling seconded to **amend** Ordinance No. 86-05 to read "Northfield to Frazier rehab project". All members present voting:

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

No: 0

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading, as amended** of Ordinance No. 86-05. All members present voting:

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

No: 0

Mr. Lane moved and Mr. Peters seconded to **suspend the rules, as amended** for Ordinance No. 86-05. All members present voting:

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

No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **adopt under suspension of the rules, as amended** Ordinance No. 86-05. All members present voting:

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

No: 0

21. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 87-05. All members present voting:

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

No: 0

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Ordinance No. 87-05 – 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 construction and inspection services for the Backwash Holding Tank/Generator project, at a cost not to exceed \$72,000.00 and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yea, this is the house keeping with the plant expansion. We didn't include construction and inspection services. And this will allow us to do that and it falls within the budgeted amount. Is that correct Mr. Miller?

Mr. Miller: That's correct.

Mr. Sarbach: With that said, I move that we adopt the first reading of Ordinance No. 87-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 87-05**. All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 87-05.

All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Lane seconded to **adopt under suspension of the rules Ordinance No. 87-05**. All members present voting:

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

No: 0

22. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 88-05**. All members present voting:

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

No: 0

Ordinance No. 88-05 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor to be authorized, through the Board of Control, to enter into a contract for the Marquardt Sanitary Sewer project, at a cost not to exceed \$865,000 and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes, this is the project that's going to eliminate our lift stations in that area and give us hopefully more customers eventually out there. And make a better system and prevent us from our, permit us to not rebuild the system every twenty years. It's a big chunk now. Some of it we'll get back but we discussed this. We feel this is the best way to go. The cheapest one for, in the long term, so I move that we adopt the first reading of Ordinance No. 88-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 88-05**. All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 88-05.

All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 88-05**. All members present voting:

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

No: 0

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23. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 89-05.** All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

Ordinance No. 89-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, Ohio to enter into an agreement by and between the City of North Canton and County of Stark, by its Board of County Commissioners, to provide reimbursement to the City of North Canton for the upsizing of a portion of the Marquardt Sanitary Sewer from a twelve (12") inch to a twenty-seven (27") inch pipe and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes, this is the vehicle by which we can recoup some of the money. Some of the 865,000 we spent in the previous ordinance. We can recoup some of it from the County and some of it from the developer. We don't know the exact amount but approximately twenty-five percent we'll recoup from the County and approximately twenty-four percent from the developer. Which is about \$430,000 as we pass those expenses onto other entities. And with that I move we adopt the first reading of Ordinance No. 89-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 89-05.** All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 89-05. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 89-05.** All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

24. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 90-05.** All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Ordinance No. 90-05 – First Reading

An ordinance authorizing the Director of Finance of the City of North Canton to make payment to McKinley Development in the amount of Nineteen Thousand Eight Hundred Forty-One Dollars and Ninety Cents (\$19,841.90) for reimbursement of the additional cost to upsize the sanitary sewer line through the Sanctuary Development.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yea, this will, at the request of the Engineer, he's requested the developer to upsize that line to fit in with the previous ordinance and with that whole sewer project out there. It's not fair to have the developer bear that cost because he has no benefit from that. But he will bear the initial cost of, I believe, it's an eight inch line through that area. Is that correct?

Mr. Benekos: Correct.

Mr. Sarbach: And we want to upsize it to a twelve and that difference is the estimated \$19,842. With that, I move that we adopt the first reading of ordinance 90-05.

Mr. Foltz: Greg.

Mr. Sarbach: Yes, excuse me.

Mr. Foltz: I wanted to have a little discussion on this.

Mr. Sarbach: Sure.

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Mr. Foltz: I prefer to come back in Committee because I wasn't aware this was going to be put back up tonight. I never got the packet over the weekend. I just want to be in a comfort zone as far as who owns the twelve inch line out from our port that the southeast portion of this development is tying into and some various other questions. So we kind of got into it last night, last week in Committee. You know, obviously I want this project to move forward but I prefer, if you could, just put it back open for discussion next week. Give it more time to research this.

Mr. Sarbach: That will be fine but Doug would you mind if we gave it the first reading?

Mr. Foltz: No, that's why I voted...

Mr. Sarbach: And then we'll bring it back.

Mr. Foltz: ...to move forward when you read the title.

Mr. Sarbach: Ok, I'll instruct the Clerk to bring this back up on Council of the Whole meeting for discussion.

Mr. Foltz: Appreciate that.

Mr. Sarbach: And again, I think we have a motion to second the first reading.

Mr. Foltz: Yes.

Mr. Sarbach: Thank you Doug.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 90-05.** All members present voting:

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

No: 0

REPORTS:

Mr. Snyder: Director of Law, any report?

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

Mr. Snyder: Director of Finance?

Mrs. Herr: No report.

Mr. Snyder: Director of Administration?

Mr. Miller: Council's aware at this point last April 20th, Wednesday, I filed an annexation for Family Video and the right of way basically between Orion Road and the north City limits. Today, a second annexation petition was filed for property out on East Maple. It's 2.602 acres, Mr. Martinez. It's adjacent to Walsh. I just wanted to make sure that Council was aware of that one as well.

Mr. Snyder: Alright sir. Mr. Mayor?

Mayor Rice: I got a few things here. First, I wanted to, our Cleveland POPS Orchestra that plays here the last several years. We have a date scheduled again this year for Saturday, September 10, 2005. And the reason I bring this up at this point in time is to let Council know so there's no surprises down the road. This year's contract the cost has gone up for this concert by about, I believe \$2,000 versus what it's been the last few years. We will go out and see if we can get some additional sponsors to help cover most, if not all, that cost. But I wanted to let you know there is cost increase associated with that. But still a very positive event that we want to try to keep here in the City of North Canton.

Mr. Sarbach: Mayor, what percentage is that increase?

Mayor Rice: I don't know what the percentage is. It's \$2,000. Well it from...

Mr. Snyder: Twenty-five to twenty-seven.

Mayor Rice: Last year it was like twelve, five and this year it's fourteen, five. Wasn't it twelve, five last year?

Mrs. Herr: Yea.

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Mayor Rice: So I think it's \$2,000 if I, I don't have the exact number from last year. But it seems to me it was twelve, five the past several years. Well we never, it's been that since it started and I don't know how many years ago it goes back.

Mr. Sarbach: The violin strings have gone up over the years.

Mayor Rice: I'm sorry?

Mr. Sarbach: Violin strings have gone up over the last few years.

Mayor Rice: Evidently.

Mr. Snyder: Well, they're union musicians. They're paid scale.

Mayor Rice: Yea, they're union musicians. So they do have some significant costs with that but like I said we have had some sponsors in the past. We're going to try to continue those sponsors and maybe hopefully pick that up and hopefully find some additional sponsors, additional money for it.

Mr. Sarbach: Maybe we can get the CIC to help sponsor that. You think?

Mayor Rice: We might be able to sell the Oster property. Just kidding. I'm just kidding.

Mr. Sarbach: Then we can buy the POPS. I agree it's a really worthwhile community project.

Mrs. Kiesling: Here we go.

Mayor Rice: Ok, the second item. To Council and especially to Councilman Snyder in the 4th Ward, I've gotten some inquiries from the residents up at Lands Down neighborhood with the pending project. There seems to be a lot of maybe conflicting information or uncertainty by many of the residents up there so they requested, they contacted and said they would like us to have a meeting. So just to let you know and the rest of Council. And we'll do it in cooperation in a joint release with those folks. What we want to do is coordinate a date and time to set up a meeting for those residents probably here at City Hall some evening. And I've already talked to Jim. What we do is get the Engineering Department here, as well as the firm that's doing that design. Which is who?

Mr. Benekos: Michael Benza and Associates.

Mayor Rice: Benza, ok. And so we'll try to coordinate a time that we're all available and they're available to bring those residents in or offer them the opportunity to come in. And so the engineers they can tell them that status of that and the timeline for that. Because there's a lot of, I think, misinformation going on out there. So at the request of the residents, I wanted to let you know and the rest of Council...

Mr. Snyder: I appreciate that.

Mayor Rice:we'll be in contact with you about selecting a date and putting out a joint letter to those people out there so we can inform them what's going on. Probably, we're looking at, according to Jim, to get the engineer here, probably three weeks out or something like that to give them time to fit in their schedule to come in here. Ok, so we'll keep you updated on that. Third thing just for Council and for the public, I think it's nice we've had two recognition awards come to our, two of our police officers. First was our DARE Officer, Mike Foltz. He's been chosen by the State of Ohio Elks Organization for their Robert Powell Drug Awareness Education Award, who's a recipient of the year. He was down in Columbus this past Saturday, yea past Saturday, to the Elks' State meeting to receive that award. So it's very nice, he was nominated by the North Canton Elks for the honor and Mike was very pleased, as we were, with his recognition for the great work he does with our DARE Program. Just reinforces, a lot of communities are cutting out their DARE Program. Unfortunately, when other communities cut it out people all think our DARE Program is going. And once again, we have no intention of losing our DARE Program. Mike does a great job and Chief Grimes does a wonderful job supporting that. So I think it's important to note that Officer Foltz got that award. Also, Frank Kemp, one of our other patrolmen was recognized by the North Canton Jaycees, I think it was about a week ago, with their Distinguished Service Award for his seven years of service here with the City. The Jaycees give that out every year. They look for deserving safety service, safety workers--police, fire, ems. Not just from North Canton but they can be from, I know they've recognized people I think from Greentown and Plain and that in the future. So he's one of our patrol officers and runs bike patrol and also does some firearms instruction. So Frank Kemp was also recognized. So it's nice to see our officer, two of our officers receive some real nice recognition here in the last week. I wanted to make sure everybody was aware of that. With that, that's all I got I believe.

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Mr. Snyder: Thank you. Mr. Engineer?

Mr. Benekos: No report.

Mr. Snyder: Madam Clerk?

Mrs. Kalpac: No report.

REPORTS – COUNCIL:

Mr. Snyder: Member Foltz?

Mr. Foltz: No report Jon.

Mr. Snyder: Member Lindower?

Mr. Lindower: Nothing.

Mr. Snyder: Member Lane?

Mr. Lane: Just looking forward to seeing everybody Wednesday at the Canton Forum and appreciate your support on that.

Mr. Snyder: Member Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters?

Mr. Peters: I just have a couple quick questions for Mr. Benekos. 9th and Overland, I hear we run into a delay possibly?

Mr. Benekos: Yes, there's a high pressure gas line which we had shown on the plans in one location. The gas company went out and located it in a different location than we expected. We're in the process of pinning that down. We're going to uncover the line and determine the exact location. We don't want to start construction and find out the gas line is somewhere we didn't think it was. So that's going to delay us a little bit but it's not going to preclude us from constructing the project this year.

Mr. Peters: Alright, good. Another question. I don't know if we've asked this before but during the study, was there a time frame how long it's going to take for this whole project?

Mr. Benekos: Construction?

Mr. Peters: Yea.

Mr. Benekos: It'll probably be a sixty to ninety day project.

Mr. Peters: Ok, very good. That's it. That's all I have.

Mr. Snyder: Mr. Sarbach?

Mr. Sarbach: I want to commend the Administration for their cooperation with Mother Nature in getting the snow removed so quickly. I'd also like to inquire as to the traffic light study. Can you tell us if there's an update on, where we're at with that?

Mr. Benekos: No.

Mr. Sarbach: Ok. I had to ask.

Mr. Benekos: I haven't heard lately but I'll check on that and let you know next Monday.

Mr. Sarbach: Thank you.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: I have no comment. Last call for new business. Anyone wishing to speak to the Council this evening? Mam?

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 25, 7:00 p.m. 20 05

Ms. Burnett: I'm Suzanne Burnett and I live on Pierce Avenue. And I'm going to wear a label, leaf lady. I just want to commend you once again for your wonderful, wonderful service with leaves. I read about leaf service in other communities or lack of leaf service and I just glow when I think about what you do for us. And I appreciate it and I'm sure all the citizens do. Thank you.

Mr. Snyder: Anyone else?

Ms. Garcia: Here's Grandma Garcia again, 1036 Park. I'd like to know which one of these figures on the Sanctuary includes the costs of the whole road lift station over to the Sanctuary. If any? You know, you have to cross three properties from that lift station on Holl Road to get that sewage over to the Sanctuary. And I don't see where it's included. And it's going to cost some money.

Mr. Snyder: I don't think that's...

Mayor Rice: The actual cost to hook Holl Road to the Sanctuary, I don't believe correct me if I'm wrong Jim, is in there at all. This is the cost of, I mean, that's a separate cost.

Ms. Garcia: When you bring that to Council, they're not going to say, oh we're out of money.

Mayor Rice: No, I've told a couple people that when the discussion came out last week, to keep in mind when we were talking about the cost of the oversizing of the, that McKinley's doing.

Ms. Garcia: Pipes.

Mayor Rice: That there will be yet another cost come down the road to actually hook up, you know, Holl Road to that.

Ms. Garcia: You're going to need....

Mayor Rice: That can't happen until the Sanctuary is developed and that is all...

Ms. Garcia: You're going to make sure when they develop and show you where their sewers are going to be. That they're going to be in a place that's available for that.

Mr. Benekos: Yes, we've already discussed that.

Ms. Garcia: Not that that's my favorite project or anything.

Mayor Rice: Right. They're well aware, the developer is well aware that we have to hook that up but that's not, that's our responsibility. Not theirs. They're actually hooking up the other lift station, correct?

Mr. Benekos: Correct.

Mayor Rice: Down at Briar.

Mr. Benekos: Right. Until they get...

Mayor Rice: Because it's right there. Since yours is off a little ways, we'll have to hook that in. But all this work will enable us to hook yours up which is what we've been planning on all along.

Ms. Garcia: You're sure?

Mayor Rice: And we know your Holl Road lift station, Mrs. Garcia, is a little bit like Mr. Fano's project. So we know. We're very clear on that.

Ms. Garcia: Well Mr. Fano and I are pretty good buddies by now.

Mayor Rice: I know. We wouldn't want the two of you ganging up on us.

Ms. Garcia: And I'll tell you what, I tell you what, if that doesn't get in there, there's going to be a whole lot of people that are going to be saying, don't hire them again.

Mayor Rice: We understand that. If anybody's not sure of that, there is you understand, you know part of the Sanctuary--Briar--when McKinley builds their sewer, the one at Briar will be actually hooked up. They'll be doing that as part of their project. But Holl Road is off a little

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REGULAR Meeting

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further away so we're, we will actually have to physically go back and hook that in to the new, when we abandoned that and hook it in, which I think everybody is aware of, but I think that's what she's talking about. That's not technically part of this. This is strictly within the Sanctuary.

Mr. Snyder: Well the reason we're oversizing the line is to accommodate the Holl Road. If we don't oversize the line, we can not accommodate her hookup.

Mayor Rice: Right. And if we weren't going to abandon that like we say we're going to, there'd be no reason to upsize...

Mr. Snyder: That's what I'm saying. That's the reason we're doing that. To eliminate the other lift stations.

Mayor Rice: But just so everybody's aware, there will be additional costs to actually do that when everything else is done. We have to do that, not the developer.

Mr. Snyder: Anyone else wishing to speak? Mr. Bourlas.

Mr. Bourlas: Alex Bourlas, 860 7th Street, NE. I just came with couple good news today. I just like to commend the Administration and the Mayor's Office. Mr. Miller had called me a couple weeks ago, three weeks ago, whatever and we put some stuff that we have in the, put it on the website. And I got a call today actually. I'm not sure if that's a good thing or not because of the type of business but we have some response. And the other thing is, is I'd like to commend the Building Department and the Engineering Department. I had some dealings with them and they've been absolutely great. Thank you.

Mr. Snyder: Thank you very much. Anybody else wishing to speak? If there being nothing else, may I have a motion to...

Mr. Sarbach: Mr. Chairman, I'd just like to recognize someone in the audience tonight. A distinguished guest or someone called an extinguished guest and a personal friend, Roy Batista. His smile seems broader now than it ever was when he was on this dais. And I just like to say a personal welcome to Roy and I wish him well. That's all.

Mr. Snyder: That's right. I doubt Mr. Batista's cable burned out. Inaudible.

Mr. Sarbach: He can't watch TV tonight, huh?

Mr. Snyder: Any other, any other business? If not, may I have a motion to adjourn?

ADJOURN:

Mr. Sarbach moved and Mr. Lane seconded to adjourn the Council meeting. All members present voting:

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

No: 0

The meeting adjourned at 8:06 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL

04/28/05-ALG