

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 29, 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. Richard Scherpenisse, Northminster Presbyterian Church.
3. All present recited the Pledge of Allegiance.

Mr. Snyder: Reverend, I understand this was your last official duty. You're going to retire.

Mr. Sherpenisse: Yes, yes.

Mr. Snyder: Let me say on behalf of the Council, I'm sure Mayor Rice and Administration, you'll be surely missed. And we do appreciate all the kindness you've extended us. And all your kind words throughout the council meetings. You'll be surely missed.

Mr. Sherpenisse: Thank you.

Mr. Snyder: Please come by and see us again sir, and Godspeed.

ROLL CALL:

4. The following members of Council responded to roll call: Foltz, Kiesling, Lane, Lindower, 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. Sarbach moved and Mrs. Kiesling seconded to excuse the absence of Council Member Peters.

All members present voting:

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

No: 0

5. Consideration

Minutes of Council Meeting: July 11, 2005

Minutes of Public Hearing (Budget): July 11, 2005

Minutes of Public Hearing (Applegrove Zoning): August 22, 2005

Financial Statements: June and July, 2005

Mayor's Court Receipts: June and July, 2005

Mr. Sarbach moved and Mrs. Kiesling seconded to approve the minutes of the council meeting, two public hearings, financial statements and mayor's court receipts as presented.

All members present voting:

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

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 June 27, 2005.

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Committee meeting held August 22, 2005.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held August 22, 2005.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held August 22, 2005.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held August 22, 2005.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held August 22, 2005.

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

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

No: 0

7. Voice Vote – Appointment of Patricia Albacete to the Income Tax Board of Review.

Mr. Snyder: I would like an affirmative vote to reappoint Patricia Albacete to the Income Tax Board. Those in favor, signify by saying "aye".

All members present signified by saying "aye".

Mr. Snyder: Those oppose same sign. Motion carries 6-0. Is there anyone in the audience wishing to speak to the Council this evening? If so, step forward state your name and address for the record.

8. Recognition of Visitors

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. Last week, on Monday, August 22, 2005 there was a public hearing before this council body. The purpose of the hearing was to consider a request by a developer for an amendment to the North Canton Zoning Ordinance requesting a zone change for property situated on the south side of Applegrove Street NW. The zone change is needed to accommodate the relocation of a new dental center for the City of North Canton. The dental center will house three dentists, six dental hygienists and seven or more dental assistants and clerical staff. My question to this council body, to City Administrator Michael Miller, and most importantly to Mayor Tom Rice is this, why isn't North Canton's newly hired Economic Development Director working to bring this professional facility to North Canton? Do we have a case of amnesia amongst all of North Canton's city leaders? Did you forget that you have an economic development director? The legislation to create and fund the economic development director position was passed quite some time ago. And maybe Ordinance 156-03 passed on December 15, 2003, is too far in the past for many of you to recall. That individual's - Mayor Tom Rice, if you do not remember, you appointed an individual to fill the position of economic development director. That individual's name is Eric Bowles and his annual salary is \$60,669.44 annually. Mr. Bowles' first day as the North Canton Economic Development Director was July 20, 2005. Mayor Rice, I would like to know why your economic development director was not made immediately aware that three dentists were attempting to expand their entire dental practice to North Canton and bring with them at least sixteen professional quality jobs until I relayed this information to him in a phone conversation last Thursday, August 25th? On July 6, 2005 the applicant for the zone change for the dental facility met with the North Canton Planning Commission and found little if any interest from the members of that commission. Where was North Canton's former Economic Development Director and now City Administrator, Mr. Michael Miller's support when the developer attempting to bring this dental practice to the City met with the North Canton Planning Commission? Where was the backing and support of the office of Mayor Tom Rice for the addition of sixteen professional jobs for the City of North Canton when this zone request was put on the July agenda for the Planning Commission? In last week's public hearing, the developer explained there would be no requests for tax incentives or abatements. They simply wanted the needed zone change so they could build a professional dental facility. This would bring new professional jobs to the city, income tax to the city coffers and property taxes to support the North Canton City Schools. Property available for development in North Canton is limited under current city boundaries. The chance to bring quality professional jobs to a city with very limited land available for development should have the highest priority. Everyone in this room as well as the citizens of North Canton should be asking why Mayor Tom Rice and City Administrator Michael Miller are not utilizing North Canton's Economic Development Director. On Thursday, August 25, 2005 I phone Mr. Eric Bowles and told him of this planned professional dental facility and provided him with a name and phone number of the developer. On the same day, I provided the developer with the name and phone number of North Canton's Economic Development Director. The next day the developer made two attempts to phone Mr. Bowles, but was told that Mr. Bowles was in meetings. By the end of the business day Friday, August 26, the developer and North Canton's Economic Development Director still had not made contact. This opportunity to bring sixteen professional jobs to North Canton should be top priority for everyone at City Hall. And the leadership on this should come from you, Mayor Rice. A great deal of rhetoric coming out of this city for the last several years has been everyone's commitment to economic development. In light of the way this development is being welcomed or should I say unwelcomed, it appears that talk of economic development for North Canton is clearly just that, talk. I hope that I am wrong. I ask that Mayor Tom Rice and City Administrator Michael Miller urge North Canton's Economic Development Director to do the job he was hired to do by actively supporting Mr. Eric Bowles with more than public rhetoric. I got word late this afternoon that Mr. Bowles and Mr. Sahadi have finally made contact. I still am quite concerned at the very first day that Mr. Bowles took office and was on the city's

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payroll for almost 61,000 a year. Mayor Rice, I would like to know why Mr. Bowles wasn't given this mission from day one?

Mr. Miller: I believe I can answer that question. Mr. Sahadi, and I'll go get my notes on the project, came in late this spring, early this summer, with a project where he wanted to bring in a dental office. He did not identify the number of jobs. He met with me personally and wanted me not to bring up the subject to the Mayor because he felt that the Mayor and he had bad dealings in the past and wanted me to deal with it personally. When Mr. Bowles came on board I was still dealing with Mr. Sahadi personally. In fact, I talked to Mr. Sahadi this morning and explained to him part of the problem with this situation was that in this case the ward councilman was not consulted between Planning Commission and here, that he needed to personally speak with Doug Foltz. I talked to Doug Foltz today about that same subject. It is something that Mr. Sahadi and I have been discussing actively. But when Mr. Sahadi and/or anybody with a economic development project comes in and says I want it dealt with in a certain way, you have to respect their wishes. Economic development is not done in a public forum. Economic development is not a thing where you get a thousand batting average. Economic development is just working all the leads that you can and trying to get economic development to happen. Mr. Sahadi still has not shared with me how many jobs he plans to have in this dental office. Mr. Sahadi indicated that if he could not get this site, he was not going to look at a location in North Canton; he was looking to take it out to Jackson Township. We are looking to try to bring ... stuff into North Canton. We've suggested other sites, but those other sites are not something that Mr. Sahadi has any personal involvement in. So I'm not sure that he's going to look to bring that dental office into North Canton onto those other sites. This is a site that he has an option on or his group has an option on and this is the one that he wants to develop. As far as Planning Commission, I didn't, and I guess it's something that we need to talk about, is the either the economic development chairman or director or the administrator or the mayor is supposed to be a cheerleader of Planning Commission. Planning Commission is suppose to act on something that's put before it. Normally, the administration does not attend those for the Planning Commission. When it comes to Council, if we're asked for input, we give input. But normally, at least as I understand it in North Canton, as I understand it from my history in Canton, both the Planning Commission - I can't recall a single incident where economic developers came down to do that presentation at Planning Commission. At council it was pretty much in deference to the ward council person. That's what I talked to Mr. Sahadi about this morning. Mr. Sahadi, this morning, asked if he could catch up with Eric. I got those two together today. You know, we're doing our job and that's it. One of the things that I think is kind of puzzling to me is that how we can rezone for offices over mines that are unsafe to put trails over, but I guess that's just a personal question that I have that I haven't quite figured out yet. But we're doing our job Mr. Osborne.

Mr. Osborne: You may think you're doing your jobs, but you didn't answer my question. For years we've been looking for an economic development director and from by all impressions that I have when I met with Mr. Bowles on Wednesday for an hour, he seems to be a very fine gentleman. My question was, why wasn't Mr. Bowles, who was brought in to spur economic development and bring jobs to the city, who has a salary of almost \$61,000 a year, why wasn't he apprised of this? And why isn't he trying to, to make this become a reality for the city? And I actually addressed the question to the Mayor. Now, I think he's an adult, he looks healthy and I think he can speak for himself.

Mr. Miller: That's fine.

Mr. Osborne: This was your appointment Mr. Mayor Rice...

Mayor Rice: Yes, Mr. Osborne...

Mr. Osborne: ...why wasn't Mr. Bowles brought this information so he could quickly get up to speed and work to make this happen for the city?

Mayor Rice: Mr. Osborne, we - you just want to sit up here and argue with us. No matter what we say, as in the past, you never accept anything anybody up here has to say as an adequate...

Mr. Osborne: I'll accept anything you want to say right now.

Mayor Rice: Excuse me, but I think, do you want me to talk or not? Then I expect you to quiet down and let me speak. I've sat here very quietly and didn't interrupt you. So whenever you're done, you let me know and I'll talk. Are you done?

Mr. Osborne: I'm waiting for an explanation to my question.

Mayor Rice: Okay, you're never going to be satisfied Mr. Osborne. This is all - all your little games, your political games that you continue to come up here every Monday night on speaking night and attack the Mayor and the Director of Administration. Everybody that is

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here - you have an issue every Monday night you come up. This is your latest. Trying to help out your buddy on the zone change. Mr. Miller has been handling this issue well before Mr. Bowles came in very adequately. And there's no need to, with all the things we had for Mr. Bowles to do starting day one, we didn't hand every little item that Mike and I had been working over to Mr. Bowles his first day, because it was being adequately taken care of by Mike Miller, who's very capable of handling that. So your contention that everything the day Eric Bowles came on board had to be turned over to him is ridiculous. It's not a one man job. He heads up the activities. I still help in economic development issues and Mr. Miller still works on economic development issues. So that's just a little game you're playing. And as long as we're asking questions, why don't you explain to everyone, like Mr. Miller said, why on the same road, Applegrove Road, a very short distance apart, on one end we have ten acres of vacant land that all the city wants to do is put a wood chipped trail on so the public can go walk through the green space, and you believe, in your emails back and forth between the media and Mr. Held, say you're concerned with mine safety, public safety, the possibility of liability with the city, total disregard for the welfare of the citizens of North Canton in this mine infested area. That's yours and Mr. Held's emails back and forth. See this is where the politics come in Mr. Osborne, why don't you just admit what you're doing. You know the Rotary Park is unsafe for the public. Everyone is in danger from walking in a piece of green space. But since you and Mr. Held and your buddy Mr. Sahadi want to go out and have some idea about wanting to put some development out there, just down the street from it, that's okay to build buildings. So that shouldn't be a safety concern or anything. There's a process to go through. The process is it goes to Planning Commission. The process is they make a recommendation for the rezoning and it comes back to City Council. It has to go through the process. It's doing that.

Mr. Osborne: Mayor Rice....

Mayor Rice: Now if Mr. Sahadi feels that Mr. Miller was not adequately addressing his concerns from day one that he came in talked to him, I'd like to hear that from Mr. Sahadi.

Mr. Osborne: Mayor Rice, you're telling me that...

Mayor Rice: Mr. Sahadi, has Mr. Miller not met your needs from day one when you came in here? Have you been dissatisfied with Mr. Miller's cooperation?

Mr. Sahadi: Mr. Miller's has been very cooperative.

Mayor Rice: Thank you. That's all I want to know. So therefore, I think you're trying to make an issue out of something; there's not an issue there. Mr. Miller and Mr. Sahadi have been working together on this. And it's going through the process. It's as simple as that. But I think you're being quite disingenuous with your concern about this project. I find it laughable that you're all for this big office complex, which is great if we can make it in the City of North Canton, that's wonderful, but to turn around then right down the street, a short walking distance on the same side of the street in the same general area, the city shouldn't be putting walking trails in there because it's unsafe. You can't have it both ways Chuck. Okay, if you're for economic development things to happen, let's not criticize the trail and sit here and champion a development right down the street. Because I'm not buying that and I don't think any common, any person with any common sense is going to buy that argument. So it's being handled and if it's not being handled and Mr. Sahadi's upset with the way that he hasn't been taken care of by Mr. Miller that, I think, is the real question. Has Mike been doing his job or not? I think Mr. Sahadi just indicated that's he's been happy with that.

Mr. Osborne: Mayor Rice, you didn't answer the question.

Mayor Rice: Well, I answered the question.

Mr. Osborne: Why wasn't your economic development director, who you've brought on board after years of talk, apprised of this situation when he came on board?

Mayor Rice: I think I did answer the question. Did anybody on council feel I didn't answer the question?

Mrs. Kiesling: You answered it.

Mayor Rice: Okay, thank you. That's the answer. I explained it to you...

Mr. Osborne: What you explained was, each of you three, yourself, Mr. Miller and Mr. Bowles, handle economic development. But nobody is facilitating and assisting this process for this particular project...

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Mr. Osborne: That wasn't what I asked you Mayor. I asked you why wasn't an individual who you brought on board...

Mayor Rice: The reason he wasn't at the...

Mr. Osborne: ...for \$61,000 a year appraised...

Mayor Rice: ...on day one was because Mr. Miller was handling it. That's the answer. Does anyone else not understand that?

Mr. Osborne: Mayor Rice, this the best opportunity I've seen come knocking on this city's door in all the years that I've been actively involved up here and your economic development director knows nothing of it. Thank you.

Mayor Rice: Okay, thanks Chuck.

Mr. Snyder: Thank you. Is there anyone else wishing to speak to the Council this evening? Sir? Just step forward, state your name and address for the record.

Craig Monastra: Craig Monastra, 185 Creekside Circle, NE. I was here last week and I thought this week one of the agenda items would be the vacating of the two streets and I noticed it's not on there. I prepared something for that and if you don't mind...

Mr. Snyder: My apologies. I, and I will, I know Council, there were some questions with the Law Director so I asked that that not be placed. I apologize if we did cause you but we'd be more than willing to ...

Mr. Monastra: Ok.

Mr. Snyder: ...because we will be looking at that again next week.

Mr. Monastra: Ok.

Mr. Snyder: So if you please address your concern.

Mr. Monastra: That's fine, I'll just read from my notes then. If that's ok?

Mr. Snyder: That's fine, thank you.

Mr. Monastra: Basically, just a few comments. Vacating these two streets will jeopardize the safety for the future of 118 families of the Sanctuary. The Planning Commission, the Fire Department realize this and have asked Council to reconsider the 2001 decision to keep these streets closed. The Planning Commission stated that keeping these streets closed creates a safety hazard and is a bad planning choice. Out of curiosity I went there yesterday, just to drive the distance from EMS to the dead end at Weber and also EMS going all the way around, I knew the shortcuts, to Applegrove and then into that area. EMS to Weber dead end is basically six-tenths of a mile. It took me under two minutes driving the speed limit of 25 mph. The other route, EMS down Dogwood, down Holl, down Hyacinth to Applegrove, to the front of the north side of Sanctuary is basically 1.2 miles. It took about five minutes. Of course, doing the speed limits, numerous stop signs and then if there was an emergency on the south side of the Sanctuary you still have to go through that. So there could be you know a quite a few minutes difference. The same would be true for the Fire Station, which you know is in the very same area. And also if there was a fire or should I say a police emergency and the cruisers were on the south side of the city, they'd have to go through all those mazes to get up there or zoom up Main Street. I basically thought it would unwise to vacate these two streets without some type of an alternative giving southbound access into that allotment. And really there's nowhere else down unless you were to tear down a house or put in a heliport somewhere and fly over it. As I said, the Planning Commission, the Fire Department, expressed their opinions on the matter. There will be 118 families up there and the councilmen look out for their safety and protect their rights since they can't be here today to do that for themselves. I also have one question, it's also a legal question, so it's kind of funny. I have a scenario, so let's assume that the Sanctuary resident get severely injured or dies; for whatever reason some type of breathing problem. EMS responds at an acceptable time. However, the minutes that they lost by going all the way around the city could have saved those people. Now without looking at alternatives, is the city or the council liable due to negligence because they ignored the Planning Commission and also the Fire Department in opening up a southbound access. I mean, I've read through the newspapers there are other issues where EMS fail to respond in a timely manner. And it is public record that Fire Department and Planning Commission said, you need to open up southbound streets. So is there a possibility of some type of civil suit that come - could come back from the family who's - or is that something you really shouldn't answer right now Paul? It's just something that crossed my mind because I deal with due diligence and due care all the time and without an alternative, you could have negligence.

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Mr. Pusateri: But I - and I will say that the likelihood of liability is slim if not none. I mean there are - the delayed cases you're talking about is where there's an established fire house, an established route to a particular house that for whatever reason there's a delay because the fire department didn't do something properly, based on the established route, then they're liable for that delay but...

Mr. Monastra: But that would be like...

Mr. Pusateri: ...the plan of the City, plan of the City in putting fire departments in certain portions of the City. I mean there are probably other places in the City, I'm not sure, that takes longer to get to. I don't know for sure. But that is not an issue where a City can be held liable.

Mr. Monastra: Then a final comment. Why vacate both streets? I mean why not work with the developers, Planning Commission, EMS, Fire and figure out which of those two streets would provide the best access you know to funnel traffic in and disperse within the Sanctuary and then vacate the other? Why do both of them at one time? Last week I was here at the council meeting and someone, I don't recall who, it might have been Marcia, made a comment that the council needs to look out for the good of the City and sometimes that impacts a few individuals. So for the good of the City, I think you should not vacate both of those streets. That's all.

Mr. Sarbach: Sir, I believe there are three streets going into that area. And two of them have been vacated as through streets.

Mr. Monastra: Which is the other street?

Mr. Sarbach: Woodside which turns into Woodherst that goes on the western side of the Sanctuary.

Mr. Monastra: Woodside...

Mrs. Kiesling: It dead ends ...

Mr. Sarbach: You know, where the four way stop on 7th Street.

Mr. Monastra: On 7th Street?

Mr. Sarbach: Nearest the high school.

Mr. Monastra: Yea, I know where that is.

Mr. Sarbach: If you go north from there, that goes...

Mr. Monastra: So where Jeff - Mr. Peters lives, you mean back ...

Mrs. Kiesling: Yea, where Jeff lives.

Mr. Sarbach: Exactly, that dead ends right at Jeff's ...

Mr. Monastra: So that's another one that you're considering there then?

Mr. Sarbach: That's not one we're considering. That one is still a ...

Mr. Monastra: Okay.

Mr. Sarbach: A street.

Mr. Monastra: A lot of the information that I pulled from the June articles Repository because I wasn't at the meeting. So if that's true then at least there should be some southbound access. I mean, I've - I live in that neighborhood actually and I noticed that there's basketball courts in the street at the end of Weber and those type of things and I wouldn't let my children play in the street. So I'm just saying look at the whole public safety issue before vacating those streets. Thank you.

Mr. Snyder: Thank you for your comment. Anyone else to speak to the Council this evening? Seeing none...

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OLD BUSINESS:

- 9. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, third reading of Ordinance No. 141-05.** All members present voting:
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
 No: 0

Ordinance No. 141-05 – Third Reading

An ordinance adopting new work rules along with penalties by establishing City Wide Work Rules and Penalties and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Lindower?

Mr. Lindower: Yes, 141-05 is the third reading to bring up to today's date the new work rules, along with penalties we've discussed in the past. I think it's something that needs to be done to create a little bit more uniformity in all the departments. So with that, I'd like to ask that we pass the third reading on this ordinance.

Mr. Lindower moved and Mrs. Kiesling seconded to **adopt the third reading of Ordinance No. 141-05.** All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.
 No: 0

- 10. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, second reading of Ordinance No. 155-05.** All members present voting:
 Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.
 No: 0

Ordinance No. 155-05 – Second Reading

An ordinance amending Ordinance No. 145-04, Income Tax Ordinance of the City of North Canton, specifically Paragraph F, under Section 4, Article III-1, RETURN AND PAYMENT OF TAX, by deleting "or interest" from the phrase "penalty or interest" and repealing all legislation inconsistent herewith.

Mr. Snyder: This is going to clean up that piece of legislation that we passed, I think, in early summer, late spring, our income tax ordinance, by removing the word "or interest" and there still is a penalty imposed for failure to file timely, but there is no interest at that point.

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the second reading of Ordinance No. 155-05.** All members present voting:
 Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.
 No: 0

- 11. Mr. Sarbach moved and Mr. Foltz seconded to **read by title only, second reading of Ordinance No. 161-05.** All members present voting:
 Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.
 No: 0

Ordinance No. 161-05 – Second Reading

An ordinance approving, confirming and accepting a perpetual sanitary sewer easement for part of Out Lot 212 and known as Parcel No. 5700052 and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes, I'm sure you'll all recognize Out Lot 212 and that parcel number to be the Heiser Way cul-de-sac that we discussed some, what five or six weeks ago? This is the second reading of that confirming that easement. And that being said, I move we adopt the second reading of Ordinance 161-05.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the second reading of Ordinance No. 161-05.** All members present voting:
 Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.
 No: 0

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NEW BUSINESS:

- 12. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 166-05.** All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Ordinance No. 166-05 – First Reading

An ordinance amending Ordinance No. 22-99 and Ordinance No. 71-04, specifically Section 7 of both ordinances, designating the Director of Economic Development as the City's Community Reinvestment Area (CRA) Housing Officer, and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mrs. Kiesling: Section 7.

Mr. Miller: Yea.

Mr. Pusateri: What'd I say?

Mrs. Kiesling: Four.

Mr. Miller: You said four.

Mr. Pusateri: Oh, I'm sorry. It's been six weeks.

Mr. Snyder: Chairwoman Kiesling?

Mr. Pusateri: Thanks for catching that.

Mrs. Kiesling: Mike did too, his head popped up.

Mr. Pusateri: Looks like a four to me.

Mr. Sarbach: You're dyslexic.

Mr. Pusateri: Yea, that's right.

Mrs. Kiesling: This is exactly as it says, we designating our new Director of Economic Development as our CRA Housing Officer. Currently, it was our Director of Finance. Any question, concerns? I motion we accept.

- Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 166-05.** All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.
No: 0

- 13. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, first reading of Ordinance No. 167-05.** All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.
No: 0

Ordinance No. 167-05 – First Reading

An ordinance accepting the application for the annexation of certain territory, known as the Martinez/East Maple Annexation, containing 2.602 acres of land, more or less, in Plain Township to the City of North Canton.

Mr. Snyder: Chairwoman Kiesling?

Mrs. Kiesling: Yes this is, as it states, the Martinez/East Maple Annexation. We've held it for sixty days and this is the first reading accepting it. I motion we accept.

- Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 167-05.** All members present voting:
Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.
No: 0

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- 14. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading of Ordinance No. 168-05.** All members present voting:
 Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.
 No: 0

Ordinance No. 168-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement by and between the City of North Canton and the County of Stark, by its Board of County Commissioners, for road resurfacing, repair, and minor widening of various roads located within the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: This is a pretty good deal for the city. We talked about it last week. It's a cooperative project with the county and it includes Whipple, Dressler, Mt. Pleasant, Pittsburgh, Batton, Everhard, Main, East Maple, Glenwood, Woodrow and West Maple. And I didn't see a dollar sign attached to this, but Jim wasn't it about 130 grand out of our pocket?

Mr. Benekos: That's our estimate at this point.

Mr. Lane: Yea, and it might fluctuate a little, bit but this money comes out of next year's budget. But we need to get everything all signed, sealed and delivered this year, which is why we're looking at an emergency. But I guess we have to approve it first, correct? Then add the emergency.

Mr. Miller: The emergency would be to turn this in. This would be an OPWC application that's due by September 16th.

Mr. Lane: Okay.

Mr. Miller: If I recall correctly?

Mr. Benekos: Correct.

Mr. Lane: So I would move we adopt.

- Mr. Lane moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 168-05.** All members present voting:
 Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.
 No: 0

- Mr. Lane moved and Mr. Sarbach seconded to **suspend the rules** for Ordinance No. 168-05. All members present voting:
 Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.
 No: 0

- Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt under suspension of the rules** Ordinance No. 168-05. All members present voting:
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
 No: 0

Mr. Snyder: I have one privileged question. Chairman Lane, that's about \$450,000 worth of paving, is it not? Or was that million dollars ...inaudible...

Mr. Lane: I'm trying to think - remember our notes from last week. Jim knows the exact the amount. It was in the 500,000 range, wasn't it?

Mr. Benekos: For this project? Yea.

Mr. Snyder: So that's a significant savings.

Mr. Benekos: Right.

Mr. Lane: Yea, you can't get a much better deal than that.

Mr. Snyder: Thank you.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 29, 7:00 p.m. 20 05

15. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 169-05. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Ordinance No. 169-05 – First Reading

An ordinance amending Ordinance No. 136-04, by the addition of Section 1(e) of Chapter 921.04, of the Codified Ordinances of the City of North Canton, to provide a distinction between permit fees for a new sanitary sewer service and repair of an old sanitary sewer service, and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Under the old, or the existing ordinance, repairs cannot be determined or distinguished from a new service and consequently a \$500 fee would be imposed. This would disseminate the difference between the repair and a new service. And I believe the repair permit would be \$50. Does the administration have any comments or objections to this?

Mr. Miller: No, that's - that's accurate. We had a couple applications for repairs and we felt that that wasn't council's intent. The one thing that I would ask before it's passed on third reading, is that we add a clause that this is applied retroactively to the point that it was passed with the \$500 instead of the \$50 so that anybody that's applied in the interim, we don't have to go back and charge an additional \$450 to.

Mr. Sarbach: I have no problem with that. Does any member of council have a problem with that? Okay, instruct the clerk to, for the second reading, to include that retroactive clause. You can get with the administration on that providing it passes tonight? That being said, I move that we adopt the first reading of Ordinance No. 169-05?

Mr. Snyder: Do you want to amend that to include that tonight Mr. Sarbach or...

Mr. Sarbach: I'd rather just have them put it in so we can have the wording. And then we'll have it, we can go from there.

Mr. Snyder: Not a problem.

Mr. Sarbach: Did we have a second?

Mr. Lane: Yea, I did.

Mr. Sarbach: Thanks, Doug.

Mr. Sarbach moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 169-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.
No: 0

16. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 170-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.
No: 0

Ordinance No. 170-05 – First Reading

An ordinance authorizing the Lee Street NW Waterline Extension located in Lake Township along Lee Street NW from Cleveland Avenue four hundred feet (400') eastward, in accordance with plans and specifications approved by the North Canton City Engineer and accepting any necessary easements associated with said waterline extension, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: This is an extension for a business that's outside rate fee on the water. And it's a - all the fees to be paid by the developer, not to be borne by the City. Does the Mayor or the administration have any problem or anything against this ordinance?

Mr. Miller: No, this is one that we've talked about it.

Mr. Sarbach: Ok, with that being said, I move we adopt the first reading of 170-05.

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Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 170-05.** All members present voting:
Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules for Ordinance No. 170-05.** All members present voting:
Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Sarbach moved and Mr. Lane seconded to **adopt under suspension of the rules Ordinance No. 170-05.** All members present voting:
Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

17. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 171-05.** All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Ordinance No. 171-05 – First Reading

An ordinance stating that the City of North Canton will adopt and utilize the National Incident Management Systems (NIMS) for incident management in the City of North Canton.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: 171-05 is an ordinance authorizing the city to adopt and utilize the National Incident Management System. I've spoken to Chief Bacon about it, got some clarification on the ins and outs of that particular program, and I feel that it's necessary for us to become involved with that. With that, I'd ask that we pass the first reading on Ordinance 171-05.

Mr. Lindower moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 171-05.**

Mr. Sarbach: I might add that this is also a part of the incident command system used by the ...inaudible... service and the state police and all, most federal agencies, when it comes to things like we would have to deal with here. For example, a hurricane disaster or an earthquake or anything like that. It would fit in with that and our people would be more, more ready to adapt to that situation if they're already using this system. So I'm very much in favor of it. Okay.

All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower and Sarbach.
No: 0

18. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading of Ordinance No. 172-05.** All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.
No: 0

Mr. Pusateri: Ordinance 172-05, an ordinance...

Mr. Snyder: Yes, I said yes.

Mr. Sarbach: A late yes here.

Mr. Pusateri: Oh, I'm sorry...

Ordinance No. 172-05 – First Reading

An ordinance to approve and adopt current replacement pages to the Codified Ordinances and declaring an emergency.

Mr. Sarbach: This is a housekeeping measure. I believe I'm Vice Chairman. This is housekeeping to do exactly that, get everything codified in our ordinances. And I move that we adopt first reading of Ordinance 172-05.

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Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 172-05**. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Sarbach and Snyder.
No: 0

Mr. Sarbach moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 172-05. All members present voting:
Yes: Kiesling, Lane, Lindower, Sarbach, Snyder and Foltz.
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules Ordinance No. 172-05**. All members present voting:
Yes: Lane, Lindower, Sarbach, Snyder, Foltz and Kiesling.
No: 0

19. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 173-05**. All members present voting:
Yes: Lindower, Sarbach, Snyder, Kiesling and Lane.
No: Foltz.

Ordinance No. 173-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton to decline and/or return a Natural Resources Assistance Council (NRAC) Grant, through Ohio Public Works Commission (OPWC), in the amount of \$180,000.00 previously applied for.

Mr. Snyder: This money was applied for a specific piece of property at the eastern port of the city. And we did not go through the purchase so we have to return the money. Any questions on that?

Mr. Foltz: Jon, I have a comment if I may?

Mr. Snyder: Please, go ahead Mr. Foltz.

Mr. Foltz: I asked Administrator Miller for additional information. I did support this expenditure because I am a park person. I thought that the nature preserve would have fit in well - a wooded area would fit in well with our trails and our partnership with the county and just to maintain our well fields as we all know. But getting some more background information, and I'm going to compliment Mike Miller here, he actually chairs the District 19 Natural Resource Assistant Counsel of Stark County. So he was the chairman of this group for these grants. And I look through here, through the 2005 Clean Ohio Conservation applications, and Mike I know you're going by memory here, but I think Council got hung up on the funding mechanism about the price of the acres. I think when it was all said and done and I'm going by memory, it might be off, we were going to actually pay the appraised value as far as general fund costs were concerned. And I believe that appraised value was – was it 16,000 an acre?

Mr. Snyder: 17.

Mr. Miller: The appraised value was...

Mr. Foltz: 17, okay.

Mr. Miller: The appraised value was 10,000 an acre. We would of been paying 10,000 an acre out of water funds.

Mr. Foltz: Out of water funds.

Mr. Miller: and the other seven five that would of netted out so to speak would of come from the Ohio Public Works grant and rec grant.

Mr. Foltz: Okay. So that made the difference up.

Mr. Miller: Yea.

Mr. Foltz: So we were paying 10,000 an acre. And Mike, I know you're not looking at this so I'll apologize, but some of the these other applicants got funded, correct?

Mr. Miller: Four other projects – well four total projects got funded.

Mr. Foltz: Okay ...

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Mr. Miller: Ours was the first. I believe there was a project Sugarcreek that was done by the Wilderness Center, was second.

Mr. Foltz: Waborn Reservoir Pointe...

Mr. Miller: Waborn Reservoir and a ...

Mr. Foltz: Stark Parks.

Mr. Miller: Elson Mill I believe was the fourth.

Mr. Foltz: Now the total project costs, and I apologize that Council is not looking at this, and I could pass this down, like – so just say for Warborn Reservoir Pointe, that total project cost was just the cost to acquisition the land. Is that correct? That didn't include any improvements, or any trails running through it or any auxiliary buildings or anything of that nature? Warborn Reservoir Pointe, Stark County Parks, is approved the purchase of 15.78 acres for a total of \$810,000.00. That's \$80,000.00 an acre. Okay, I guess what I'm look - am I right on that figure?

Mr. Miller: That's down a little bit.

Mr. Foltz: Wait a minute. Fifteen divided – I did the wrong math here.

Mr. Miller: Fifteen into 80 would be ...

Mr. Foltz: That's 30 – let's see there's 6, 4 – that's \$50,000.00 an acre. There's 15, I just rounded it to 16. Sixteen into 810,000 is \$50,000.00 an acre.

Mr. Miller: I don't have my calculator, so I trust him.

Mr. Foltz: Well, I'm just doing it longhand. But it's a lot more money than – we're getting hung up on \$10,000.00 out of our general fund. And you know I think there was other support on council. The second one was Stark County Petros Park, which might get our grant once we return it back. A total of \$1,280,000.00 for 30 acres. That's where I made my mistake, I wrote on the wrong line. So that was \$42,000.00 an acre. They had Clean Ohio funds to help them with that, but still that was their bottom line paying for those – for that land acquisition. So I just – I wanted to pass this down. I think we're missing an opportunity here. I don't want to belabor the point, because I think it has been discussed before. If everyone wants to look at that. But, that just brought a realization to me. Mike Miller chairs this committee. I think he brought it to our attention. I thought it was a good buy at the time. I know there was other concerns as far as water fund money. And I'm not trying to pin this on anybody else on council, but I just think it's – I'm just disappointed that we're - at this time we're going to give back \$108,000.00. Especially when I read the paper and I work the Canton parks, we recently a \$200,000.00 grant, a federal grant from Mike DeWine, and then I think Massillon just got \$180,000.00 through Nature Works. I think that was in the paper last week, for once again nature. So I just wanted to make the Council aware of that. I think Mike's doing a good job to present these grant opportunities to us and I feel we should take a hard look at these and if it's not too late I'd be willing to still try to negotiate with Crowder to buy his property. But that's my two cents worth.

Mr. Lane: I believe we were informed that it's not available any more correct?

Mr. Miller: Depends on what day you talk to him.

Mr. Lane: Yea...

Mr. Miller: They've done...

Mr. Lane: Inaudible... be wise to give back the money if there's an opportunity?

Mr. Miller: They've done about \$15,000.00 worth of work, according to Mr. Crowder. The last time we talked, the last time I talked to him, that was the case that they have moved far enough along that he felt it was no longer available, at least this morning. He - if Council acts on it tonight would he be willing to sell it to us tomorrow? I'm not sure what that answer would be. But he is doing some work up there and some of that work may bring more water down into Canton ... to North Canton then was coming down before. So we'll have to keep an eye on that regardless of the situation on the purchase, we still have to keep an eye on what's going up there because it will exacerbate some of the flooding that comes down around the West Branch of the Nimishillen and the Hoover ditch.

Mr. Snyder: If he could bring a little more water down, his prices may come down with his water.

Mr. Miller: He's drying his out and making ours less.

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Mr. Snyder: As time is of the essence, this needs to be filed by the 16th of September, I would like a motion to suspend the rules of council pertaining to Ordinance No. 174-05.

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** of Ordinance No. 174-05. All members present voting:
Yes: Kiesling, Lane, Lindower, Sarbach, Snyder, and Foltz
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 174-05 as amended. All members present voting:
Yes: Lane, Lindower, Sarbach, Snyder, Foltz, and Kiesling
No: 0

- 21. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, first reading** of Ordinance No. 175-05. All members voting present:
Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling, and Lane
No: 0

Ordinance No. 175-05 – First Reading

Ordinance No. 175-05 authorizing the Mayor of the City of North Canton, through the Board of Control, to prepare and submit applications to the Ohio Public Works Commission for funding for the East Maple/Walsh University Project, and authorizing the Mayor, through the Board of Control, to enter into agreements for the said funding, and declaring the same to be an emergency.

Mr. Snyder: Again we're going to apply for some grants. It's anticipated it's not firm, that the administration has had ongoing, and will continue to have ongoing discussions with the University that they will pay for a portion of our cost. Isn't that what you told me before? ... (inaudible)...

Mr. Miller: That's correct.

Mr. Snyder: And that's not in stone, however we're going to put this in we're going to anticipate... it's a budgetary item. Again, it's on the east gate of our city it's going to enhance not only that area and that's becoming quite a bottleneck in that area with addition of the soon to be Walgreens that street needs to be lined up. And that's I believe our second largest employer or third something like that.

Mrs. Herr: Third.
Mrs. Kiesling: Third.

Mr. Miller: Inaudible... right now.

Mr. Snyder: Third, yea they're a very good corporate partner of ours and a, so again we must continue to build in that area as it seems all the new homes, and the retail, and soon that large church and the school everything will be there so this is a proactive move and hopefully some of that money will come back to us through the University. Are there any questions on that

Mr. Pusateri: Wait one second Jon I'm still present...

Mr. Snyder: I'm sorry

Mr. Pusateri: No, it's no problem it was pointed out to me if we could amend this by taking out the first "through the Board of Control."

Mr. Snyder: Are we going through the Mayor ..inaudible...?

Mr. Pusateri: Yes, to submit the applications

Mr. Snyder: So that ...inaudible... to allow the Mayor to enter into the contract?

Mr. Pusateri: Yes to submit the applications...

Mr. Snyder: To submit the applications...

Mr. D/ Law Pusateri: Exactly

Mr. Snyder: Okay, may I have a motion to amend Ordinance No. 175-05 to strike through the Board of Control and allow, authorizing the Mayor to submit an application.

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Mr. Lane moved and Mrs. Kiesling seconded to **amend** Ordinance 175-05 to strike through the Board of Control authorizing the Mayor to submit an application.

All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Lane seconded to **adopt** Ordinance 175-05 as amended

All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to suspend the rules of Council as time is of the essence for Ordinance No, 175-05?

Mrs. Kiesling moved and Mr. Foltz to **suspend the rules** of Council Ordinance No. 175-05.

All members present voting:

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

No: 0

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

Ordinance No. 175-05 as amended. All members present voting:

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

No: 0

22. Mr. Snyder: Thank you, I'm going to ask to amend Ordinance No.176-05 prior to our reading to strike the language "through the Board of Control" allowing it to read the authorizing the Mayor to prepare and submit the application, for his office to prepare and submit the application.

Mr. Sarbach: That's the first through the Board of Control (inaudible)

Mr. Snyder: Right, strike that from that. May I have the motion to do said?

Mr. Sarbach moved and Mrs. Kiesling seconded to **strike the language through** the Board of Control allowing the Mayor to prepare and submit the application. All members voting present:

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

Mr. Snyder: Thank you.

Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, first reading, as amended**, of Ordinance No. 176-05. All members voting present:

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

No: 0

Ordinance No.176-05 – First Reading

Ordinance No. 176-05 authorizing the Mayor of the City of North Canton to prepare and submit applications, to the Ohio Public Works Commission for funding for the South Main Street Project from Rose Lane Street SW to Maplecrest Street SW, and authorizing the Mayor through the Board of Control, to enter into agreements for the said funding, and declaring the same to be an emergency.

Mr. Snyder: This is a project that's down on as it says on South Main. And we're going to apply for money there and get that done. And I had some discussions with member Kiesling on that. And we will go ahead and place the wiring and the standards for a signal light not figuring the signal light that's actually needed for that area when that development is done and it warrants a signal light we'll look at it at that time, but for the reasons of not destroying the integrity of the road bed and everything we're going to go ahead and have the wiring properly set up for that purpose. Hopefully we get some tenants in there quickly and we could come back and.... (inaudible)...

Mrs. Kiesling: Hopefully never have a light there, but I'm willing to compromise.

Mr. Snyder: (inaudible)...professional docs, neurosurgeons, orthopedics... you'll go along with that one.

Mrs. Kiesling: Yea, we'll see.

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Mr. Snyder: Not a problem. Are there any questions on that?

Mrs. Kiesling moved and Mr. Foltz seconded to adopt the first reading, as amended, of Ordinance No. 176-05. All members voting present: Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling, and Lane

Mr. Snyder: May I have the motion to suspend the rules of the Council, as time became of the essence this is due by the 16th of September.

Mrs. Kiesling moved and Sarbach seconded to suspend the rules, as amended, for Ordinance No. 176-05. All members present voting: Yes: Snyder, Sarbach, Foltz, Kiesling, Lane, and Lindower No: 0

Mrs. Kiesling moved and Mr. Lane seconded to adopt under suspension of the rules, as amended, Ordinance No. 176-05 as amended. All members present voting: Yes: Snyder, Foltz, Kiesling, Lane, Lindower, and Sarbach No: 0

23. Mr. Sarbach moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 177-05. All members present voting: Yes: Foltz, Kiesling, Lane, Lindower, Sarbach, and Snyder No: 0

Ordinance No. 177-05 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to issue a Revocable Use Permit to David Mickley ("Permitee") for the property located at Bachtel Street SW, North Canton, Ohio, for the purpose of installing a driveway, and declaring the same to be an emergency.

Mr. Snyder: Pursuant to the ... pardon me, in our meeting last week I spoke to Mr. Mickley and explained to him the situation. However again, he's in the - time is of the essence for him. He would like to get that driveway in this particular season. This comes on for reading at the Planning Commission I think they set a public hearing on that property for vacation at its September meeting which it would be the first reading to the public for (inaudible) October... so it probably would be sometime in January prior to getting that. So we are going to give him, we're asking as you agreed to give Mr. Mickley the Revocable Use Permit to get started and once - if the Mayor signs it, he'll be able to apply for his permit to get his driveway in. His property is there south of the school between that tree line and the property runs from I believe from Hillcrest through Fair Oaks. The subject to property butts another constituent's land on the Fair Oaks side to which he some years ago put his driveway through it didn't really make much difference. So we're going, that's the reason for the vacation as you can see. He's anticipating selling his property here in the next I don't know probably several months. If he doesn't clean that up he'll have a clouded title so that's why we're going. And we will maintain our easement for the waterline that comes through there and we didn't have that large water line that goes out to East Maple through there. And I'm sure the school will appreciate some additional land. And there's not much if you can't put a football field in there, but it'll stick something in there I'm sure.

Mr. Pusateri: If Council reads this Revocable Use Permit agreement, it doesn't grant him a property right, it grants him a right to use it. But I still would recommend you know as we stated earlier, to go through the vacation and make it official. But just in the mean time it just allows him to put that driveway in to get it done quickly.

Mr. Sarbach: Does the Mayor have any problem signing this providing we pass this tonight?

Mayor Rice: No

Mr. Sarbach: Thank You.

Mr. Foltz: Jon is that what you want to do as the ward council?

Mr. Snyder: Yes sir, Mr. Mickley's a nice... they're all in agreement, he's just a

Mr. Foltz: Then you're for vacating that at later date?

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Mr. Snyder: Right that's absolutely no problem there's no use... I talked to both engineering Mr. Hemminger has done a great job on it. He held his end up making sure that nothing happened and everybody. But I do appreciate your comments and we'll get moving along on it. There being no other questions...

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 177-05. All members present voting:
Yes: Kiesling, Lane, Lindower, Sarbach, Snyder, and Foltz
No: 0

Mrs. Kiesling moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No.177-05. All members voting present:
Yes: Lane, Lindower, Sarbach, Snyder, Foltz, and Kiesling

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 177-05. All members voting present:
Yes: Lindower, Sarbach, Snyder, Foltz, Kiesling, and Lane
No:

Mr. Snyder: Thank you for that Council.

24. Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 178-05. All members voting present:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, and Lindower
No: 0

Ordinance No. 178-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an auction sale contract for the disposition of equipment and miscellaneous items which are no longer required for municipal purposes and for the disposition of unclaimed property in the custody of the Police Department, and declaring the same to be an emergency.

Mr. Snyder: Again this auction, I believe, is scheduled for around the first part of October. They want to get started and get this all in line so we probably want to pass on an emergency, as the state law requires us for equipment and pieces of furniture and so forth that we have that we no longer are going to use that it goes up for auction. And seems we have a lot of cell phones there.

Unidentified: Have to get the memory numbers.

Mr. Snyder: Kind of entertaining huh? Any interest on that? Any, excuse me, any comments on that? I was going the wrong way.
Mrs. Kiesling: Oh dear.

Mr. Snyder: I think one of those was Mr. McLaughlin's there might be something wrong ...inaudible...

Mr. Sarbach: I hope we adopt before we're completely out of control, the first reading of Ordinance 178-05.

Mrs. Kiesling: I second.

Mr. Snyder: Thank you. Please call the...

All members voting present:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, and Sarbach
No: 0

Mr. Sarbach moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 178-05. All members voting present:
Yes: Foltz, Kiesling, Lane, Lindower, Sarbach, and Snyder
No: 0

Mrs. Kiesling moved and Mr. Lane seconded to **adopt under the suspension** Ordinance No. 178-05. All members voting present:
Yes: Kiesling, Lane, Lindower, Sarbach, Snyder, and Foltz

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 29, 7:00 p.m. 20 05

Mr. Snyder: Before I go around for comments, next Monday is Labor Day the City Hall is closed and you know the rules of council state that if the building is closed we don't meet. Our regular meeting was scheduled at 7p.m. on the 5th which is Monday. So I'm asking by a voice vote, to save the police the hassle of having to deliver our packets, that I have a motion to move our meeting to Tuesday the 6th at 6p.m.if that's not - or at 7p.m.

Mrs. Kiesling moved and Mr. Foltz seconded to move the regularly scheduled Council meeting to September 6th at 7pm. as opposed to September 5th at 7p.m. due to the upcoming holiday. All members voting present:

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

Mr. Snyder: Thank you.

Mr. Sarbach: Make sure Peters gets that information.

Mr. Snyder: I'm sure he'll get his – we'll put a little note in there when he picks up his packet. He'll have - he has an interesting legislation pending he'll be here.

REPORTS – COUNCIL:

Mr. Snyder: Director of Law?

Mr. Pusateri: I do not have any comment Mr. President, thank you.

Mr. Snyder: Thank you...Director of Finance?

Mrs. Herr: I just wanted to mention that our audit is finally completed and our annual report will be ready to be released probably within the next couple of weeks. There will be an exit conference planned with our auditors that you all will receive and invitations to. Probably - I think it's like the second week of September so just to let you know you are welcome to attend. That's all.

Mr. Snyder: Thank you. Director of Administration?

Mr. Miller: No report.

Mr. Snyder: Mr. Mayor?

Mayor Rice: Just a couple quickie things. Number one, I see Mr. Dansizen in the audience. And I'm sure everyone would agree passing on thanks and congratulations to the Chamber for having another successful Main Street Festival last week. With the exception of a little bit of rain on Saturday it was again - it continues to grow and get bigger and better every year. So please send our thanks back to the Chamber, would you Jim?

Mr. Dansizen (identified by Clerk): I will do that. Thank you.

Mayor Rice: The other being to remind every one September 10th at 7:30 p.m., right out front here again is our Cleveland Pop's Orchestra concert. Again this year the rain date is September 11th. If it – if we get rained out, which hopefully doesn't happen, it'd be the next night it's at 7:30p.m. But I also, for the public record, want to note as I mentioned that we some months ago when this was coming up, that our price went up a little bit this year. We said we'd go out and get some corporate sponsors for it. We were pretty successful getting - I think we probably got more money this year than we have ever gotten before in corporate sponsors. I'd like to read those names into the records so everybody is aware of who's been helping us, who's helping the city out in this, ARCARDIS, which was the old Finkbinder, right?

Mr. Benekos: Correct

Mayor Rice: The CT Consultants, FirstMerit Bank, Hoover Maytag, Ohio Legacy Bank, one of our new yet to open but soon to open, new businesses in town, Prudential DeHoff and Lemmon & Lemmon contributed as did Walsh University contributed this year and of course WHBC does some complimentary help with primarily by advertising it on HBC for us. So I think it's worth mentioning that all those companies came through with some pretty significant dollars to help defray some of the cost of the City this year. So we want to thank them and encourage everyone else on the 10th to enjoy the concert again. That's all.

Mr. Snyder: Thank you Mayor. Mr. Engineer.

Mr. City Engineer Benekos: Just a few items. Update you on a few of the projects. If you haven't noticed the resurfacing project has begun. They started to grind some of the streets and that will continue here this week and next week and then the resurfacing will start after that. The 9th Street project has begun. We have acquired all the easements for that project,

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and there should be no delays and we should be proceeding well with that project. The water treatment plant update I've passed out to you basically the first phase of that project is complete, the second phase is nearing completion, and then phase three has begun, that's the back wash holding tank. The South Main Street project, we have suspended that project we are continuing to work the contractor on that. And I believe I mentioned before it should be at no additional cost to the City. He should be able to hold his cost and we should be able to in fact save some money on that project. We're looking at some elements of redesigning them working with the contractor that will decrease the cost on that project. But right now we're looking at starting that project up on April of 2006. And the last item I wanted to mention, we're starting a preliminary design for a bridge in Hoover Park for the walking path there over the Nimishillen Creek over there. So the preliminary design this year will probably go to final design next year then look at construction hopefully in the latter half of next year. So that's all I have.

Mr. Snyder: I have one question, and I apologize I'm out of turn. But you did bring up that South Main project. I noticed that right at the corner of - would be to the northwest corner of Everhard there that in the right away, our crew and somebody else, was that - were they installing - is that some kind of storm line they're putting in there?

Mr. Benekos: There was the property owner there, The Gentle Shepherd, had raised their property and they needed an outfall for the drain. In the project itself we had designed a storm lateral to the property so they could drain into that. With the project being suspended they had already raised their property they needed an outlet so we are working with them to provide them an outlet we only went to the right away they provided the drainage on the property.

Mr. Snyder: Well the reason I noticed it, one day, the last time it rained which was several weeks ago, I forgot what rain looked like, but it rained significantly and the rain seemed to collect there to the - and then I thought boy that city is pretty sharp they were right there getting - putting that new ...inaudible... I was kind of proud of that I thought gees that didn't take long to get that problem taken care of. Because there was some deep water there.

Mr. Benekos: Yes

Mr. Snyder: I didn't realize that they had raised their driveway that's what caused that, now that will eliminate that.

Mr. Benekos: That's correct.

Mr. Snyder: Well thank you. I appreciate the question, thank you

Mr. Benekos: Sure.

Mr. Snyder: Madame Clerk?

Mrs. Kalpac: No report

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz?

Mr. Foltz: I answered my question. So Fair Oaks might get paid this week yet?

Mr. Benekos: Well not this soon.

Mr. Miller: Fair Oaks, as you and I discussed previously, we're putting a water line in up to where the sanitary sewer work complete was done earlier this year. And that was they called that an inch and a quarter water line. That's not a water line that's basically a home - house service that ran up that alley so we're going to complete that with a 6 inch, come back next year from the north side and complete it put a hydrant up there so that there's protection.

Mr. Foltz: Right, do we have a time frame on that... (inaudible)?

Mr. Miller: I'll talk to Brian James in the morning at the department head meeting and let you know.

Mr. Foltz: But hopefully sooner than later. Because they're waiting on that to get their driveway paved. So alright, thank you.

Mr. Snyder: Member Lindower?

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Mr. Lindower: Yea, I had a question for Jim. The South Main project that's being under suspension right now, is AEP suspended down there also or are they still working?

Mr. Benekos: They are still working they know they need to get their lines out of the way . They're also going to be working on the project to the north from Easthill up to Rose Lane and moving all those utilities to the west side of the road also. And that will be ongoing and that's another project that'll start that we'll bid next year and hopefully we'll get OPWC funds for.

Mr. Lindower: If you'll take a look, I was a little concerned today down there that they got their temporary jumpers down there on those high lines down there on the east side of the road and if we get some wind, like we maybe we're supposed to get Wednesday around here, we're liable to have a problem down there if they don't take care of it.

Mr. Benekos: Okay.

Mr. Sarbach: Those jumpers ...inaudible... they don't blow off. I mean they might blow into something...

Mr. Lindower: Their swing there's a lot of slack on them.

Mr. Sarbach: Inaudible...but they're not going to come loose.

Mr. Lindower: Okay that's all I have.

Mr. Snyder: Thank you. Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Mr. Sarbach.

Mr. Sarbach: No report.

Mr. Snyder: I have a question. I noticed this is a pretty ambitious list we've completed at the Water Treatment Plant. Has that brought our actual cost to produce water down? All this new equipment or ...

Mayor Rice: I think our chemical usage is down.

Mr. Snyder: So we should probably... our cost probably has been reduced somewhat.

Mr. Miller: Well we have a fairly decent capital expenditure to bring... (inaudible)...

Mr. Snyder: ...Inaudible ... but at least our raw cost...Now that we see the significant increase in the usage ...

Mr. Miller: Usage has been up.

Mr. Snyder: Good, that's good that was my only question.

Mayor Rice: If you notice we have not had even the slightest struggle in producing the demand. And if you remember, wasn't that many years ago, I'm sure Greg remembers and Jon remembers back in the late 90's when a summer like this people forget that we would have had watering bans all over the town pretty frequently with the summer that we had this summer. And I mean it's not even a consideration now because we have so much more capacity and the plant is so much more efficient in pumping the water. So it's....

Mr. Snyder: So we don't even get near our pumping capacities?

Mayor Rice: I haven't even heard a whisper of any type of watering bans here or anything like that.

Mr. Snyder: That's encouraging.

Mr. Sarbach: What's been our peak production?

Mr. Miller: I'll check. It's been I think 5 1/2. I'll check with Rich and let you know in the morning. 5 1/2 sticks in my mind - 5 1/2 million.

FINAL CALL FOR NEW BUSINESS

Mr. Snyder: Okay, final call for business. Anyone in the audience wishing to speak?

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Mr. Osborne: My name is Chuck Osborne 307 Fairview Street SE North Canton, Ohio. I have to respond to Mr. Foltz's adulation of Mr. Miller concerning the Crowder property purchase which was defeated. I saw the application to the National Resources Assistance Council. This city turned down that property in 2001 for a price of \$303,000.00. Four years later they come back and the city agrees to pay \$540,000.00 for it and Mr. Crowder agrees to give back \$120,000.00. What that accomplished is that it allowed the City in their application for the grant to inflate the contribution from outside sources or other sources for the purchase of the property. I believe the application for that grant was manipulated to qualify for the grant because the grant required a certain minimum percentage of contribution from other sources. The City paid, was going to pay \$240,000.00 for it. Mr. Crowder raised his price from 303,000 to 540,000 and then turns around and says well I'm going to give you back 120,000. So 303,000 plus 120,000 that worked up to be almost but not quite the qualifying percentage that the City - that they required to qualify for the grant. I just can't stand here and watch this praise up here when I think that whole process was manipulated. And I praise this council for turning down that purchase and rightfully so turning back the grant. The grant was for 60,000 a year for three years. So when I did my research on that and spoke before this body back in February on this I noted that. We were just two or three percentage points short of meeting the minimum contribution to qualify for the grant. But of course Mr. Miller is president of that council and this is my opinion and like I said, it's very funny in Mr. Miller's own words it was a convoluted deal and it surely was. But for this city to have come back four years later when Mr. Crowder raises the price from 303,000 in 2001 to 540,000, it allowed for so many games in there it was appalling. So, Mr. Foltz I would temper my praise up here. Thank you.

Mr. Foltz: One comment. Once again Mr. Osborne, your comments speak for themselves and I don't have to add anything to that, alright

Mr. Snyder: Anyone else wishing to speak. Mr. Fano.

Mr. Fano: Yes, Dick Fano 1382 Elmwood SW North Canton. Mr. Foltz likes to be known as the park man and I want to be known as the street man. First of all thank you, thank you, thank you, thank you for my 9th Street. But I'm not really happy with the - it's a two-fold purpose here ...

Mr. Foltz: You're on a roll.

Mr. Fano: I just don't think that the city is keeping up with their street repairs. I mean I like the idea that - would you quit laughing - I like the idea that Main Street, South Main Street and Everhard is going to be done, but I also have reservations about anything that's going to happen in the future north of Applegrove before you get to 7th Street I'm sorry before you get to 7th Street to Applegrove. If you drive up there at any given time look out and tell me where you see a curb on the east side of that street. There are no curbs there and we're developing a ghetto in the 2nd Ward half of the 2nd Ward or half of Main Street is...

Mr. Foltz: Ward 1...

Mr. Fano: Is yours...

Mr. Foltz: Right...

Mr. Fano: And the other half could be yours or Kathy Magel's.

Mr. Sarbach: Could be.

Mr. Fano: So I'm going to be breathing down both of you guys' neck to get that taken care of. Now it took me fifteen years to get 9th Street done. I don't know if I got fifteen more years so I might be a little more stronger with this next project. But being part of your ward ...

Mr. Foltz: You're talking about 7th Street, north of Applegrove, Main Street...

Mr. Fano: Yea, I want some streetscape there. They forgot that for years now..

Mr. Foltz: I think that was, that was engineered at one time, wasn't it? We got utilities moved and everything.

Mayor Rice: Yea Dick some of that, that's already in process unfortunately as you know it takes a long time to get there and we can only do so much per year but these guys know because I've said it to both Mike and Jim numerous times before, I concur whole heartedly and can't wait for us to get up on North Main because if you really look at the most - well put it this way let me rephrase that... we've had a lot of new growth on the north side of town and it's not just between 7th and Applegrove but continues on north of Applegrove all the way to the city limits.

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Mr. Fano: Yea but them roads is all taken care of north of Applegrove it's got curbs...

Mayor Rice: Well no it's not the curbs we still got... if you really...

Mr. Fano: You're looking to put turning lanes in now.

Mayor Rice: Well no I'm just talking about the road itself in its current condition. I'm not satisfied with that at all. You've got an absence of curbs that are broken up or they've been, it's been paved over so many times you got very little curb left or they're broken away. If you go up north of Applegrove it's the same way and that's a really bustling area of town really. We've got a lot of new developments up there, we got a lot of business, we have an awful lot of traffic up there. I personally don't think it, Main Street up there doesn't look very good for as much business and activity we've got going up there. So some of the design is already completed north of 7th Street I think up ...probably...

Mr. City Engineer Benekos: The whole road...

Mayor Rice: Isn't the design up even further? The design just the whole so far?

Mr. City Engineer Benekos: I think it's just the whole road.

Mayor Rice: And they're working now on trying to get utilities relocated. So a lot of that preliminary work is already underway, and we're trying to do that but, but know that we're not going to get to construction up there till at least 07 probably - funding wise and everything else because we got to get done with the south ends. We want to finish that because it's closest to be ready to complete.

Mr. Fano: It just seems to me that the City is putting time and effort at Washington Square and that area doing all that. And there north of Applegrove but they forgot the Square or from 7th Street up.

Mayor Rice: No it's not forgot about. Like I said it's already been - a lot of that design work has already been done and we're working on trying to get some of the utilities. So I would just want you to know that it's not forgotten about in fact it's already in process and it has been in...

Mr. Fano: Okay, I'm running out of time I want to see a nice street up there.

Mayor Rice: We'll try to accommodate you.

Mr. City Engineer Benekos: You're the inspector.

Mr. Fano: And really as far as repair on the Main Street out here - I don't know why you can't fill those cracks out there. I'll tell you what's going to happen, as much salt as this city uses on the streets and it gets down in there you know what's going to happen? It's going to bust down and it's going to be a bigger job and you're going to say well we can't do 7th Street to Applegrove, because we got to do this again out here. So that's all I got to say, thank you.

Mr. Snyder: Thank you sir. Anyone else wishing to speak?

Mr. Miller: Mr. Snyder, real quick just a couple things, the local match is 25% for NRAC so with \$240,000.00 coming from the City we could have purchased it for \$900,000.00 roughly and still been well within it. No. 2 the \$303,000.00 was 15,000 an acre because we were getting four more acres. So it went from 15,000 in acre to 17,500 and the ultimate purchase price went down out of the City's pocket from \$303,000.00 - if you will down to \$240,000.00. So we're actually saving \$63,000.00 from what we were going to purchase it for three- four years before that. Just some corrections.

Mr. Snyder: Thank you sir.

Ms. Bevan: Linda Bevan 1359 Willoway. You talked about putting in the light at Mississippi. Are you going to fix the street because it's like a roller coaster? I had my granddaughter and we were walking up the street, thank goodness we were over by the KFC. And a lady came out of Pershing and hit that sunken part, and almost hit that fire plug. And we were beyond... I mean usually kids and everybody walks that street. So come winter what's going to happen when it's icy? It, it I mean it actually goes, there's like three dips...

Mayor Rice: You're talking about on Mississippi?

Ms. Bevan: On Mississippi because I know it's there so I always stay over to the- way over to the right or way over to the left.

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Mr. Lane: Yea, it's right down by Pershing it's right down by Pershing.

Mr. Snyder: We had a major rehab on that street two years ago.

Mr. Lane: Two years ago.

Ms. Bevan: They did and now it's sinking.

Mr. Foltz: I remember the Ward Councilman at that time said that we had to pave it he wasn't going to waive the curb and gutter, if I remember correctly. I don't know who else was here. I don't know if Dave remembers that, Marcia?

Mr. Snyder: You're right...I recall that distinctly, oh yea.

Mrs. Kiesling: I remember

Mr. Lane: I don't know if something settled under there or what.

Mr. Foltz: We had to squeeze and get it done...

Mr. Snyder: I thought we had the problem with the lady that it flooded her apartment a couple times...

Mrs. Kiesling: Yea

Mr. Foltz: Sometimes it pays up to wait another one or two years to get the job done right. Unfortunately, I don't know what else you can do down there. I haven't seen the problem but I'm sure Mr. Lane will...

Ms. Bevan: Yea, cause it's bad... I mean just go down there, it's like...

Mr. Lane: I think there were hills before that just became bigger hills with smoother hills I guess when you look at it. But there's clearly something wrong down there around Pershing. You don't notice it right away but if you're walking you see it more than if you're driving.

Ms. Bevan: It was smooth before but now it's like- well they had like a fluorescent thing or something and I thought they were going to do something to it but nothing. But when that I mean she came out, and she hit that gully, and it swerved her car over that way so...

Mr. Lane: I got it noted, we'll take a look at that.

Ms. Bevan: Okay...

Mr. Foltz: We'll go check that out for you.

Mr. Osborne: Take your walks on the Applegrove walking trail.

Mr. Snyder: Any other comments? Seeing none may I have the motion to adjourn?

Mr. Lane: Thrill ...inaudible... they're going to charge for that.

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

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

No: 0

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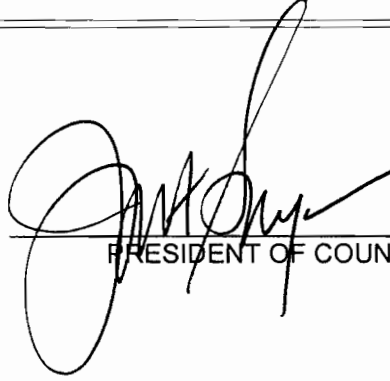
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ADJOURN:

The meeting adjourned at 8:36 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL