

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 24 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, City Engineer Benekos, Director of Finance Herr and Clerk of Council Kalpac.

5. Committee Reports

**Community & Economic Development Committee:** Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held January 18, 2005.

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

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

**Parks & Recreation Committee:** Refer to minutes on file in the Council Office of the Parks & Recreation Committee meeting held January 18, 2005.

**Personnel & Safety Committee:** Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held January 18, 2005.

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

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

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

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

No: 0

6. Consideration

Minutes of Council Meeting: 01/10/05

Minutes of Public Hearing: 01/10/05

Financial Statements: November and December, 2004

Mayor's Court Receipts: November and December, 2004

Mr. Sarbach moved and Mr. Peters seconded to approve the council meeting minutes, public hearing minutes, financial statements and mayor's court receipts 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? If so, state forward, step, state your name and address for the record.

Mr. Osborne: My name's Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. I would like to address the discussions that have taken place on Council regarding the required minimum street width that have been discussed here recently. Presently, North Canton required a minimum residential street width of 30 feet and the proposed legislation is to reduce this to 24 feet. The premise for this reduction is to reduce the amount of storm water runoff. It would appear that if there is truly a concern about storm water runoff that a more comprehensive approach should be taken. It would be quite logical to reduce the density of development that is currently allowed in residential areas. Larger lot sizes would mean less

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development under roof and more open ground to absorb the then reduced amounts of rain water. In addition, if there is truly a great concern with storm water runoff, why isn't this a county-wide effort? It would seem that to truly make a dent in the, into the issue of storm water runoff that every community would have to participate to have any real beneficial impact on this problem. Frankly, it is, is it possible that you are attacking the problem from the wrong direction? Shouldn't there be a county-wide effort to improve the waterways if there is any hope to significantly improve how storm water runoff is handled? Trying to marginally reduce storm water runoff into tributaries that have not been maintained for decades and that have never kept pace with development in the county seems to be an ineffective and simplistic way of attacking this problem. In addition, reducing the minimum required residential width negatively impacts people's lives. Aesthetically, it changes neighborhoods. I live on a street that is 24 feet wide, the minimum width you are now proposing for new development. It is not adequate. In the last few years there have been five accidents in my block on Fairview Street. Four of the accidents involved neighbors backing out of their driveways and backing into cars parked on the street. The fifth accident involved a city resident traveling down Fairview who was unable to negotiate the narrow passageway between two cars parked on each side of the street. The elderly driver struck one of the cars, wedging her car against one of the parked cars. Why would you want to create hardships such as these for drivers? Is this the kind of neighborhood situations that you want to create for residents? And although you report that the City's emergency forces have signed off on this proposal, why would you want to create situations where the passage of emergency services down a residential street came down to mere inches? This is what you are creating for the citizens of North Canton. Mr. Miller, I would like to take issue with your memo to council members regarding this proposal to reduce the minimum required width of new residential streets from 30 feet to 24 feet. I had to laugh when I read in your memo that there is no problem with parking at Monticello. There is no comparison to a development such as Monticello that has half-acre residential lots, we're talking 20,000 square feet, to a development that would be built under the City's current minimum residential building lot R-70, which is 11,200 square feet, or under R-50, which is 7,200 square feet. Nor can you compare parking requirements of a Monticello to the parking requirements of our current minimum lot sizes, classified as R-70 and R-50 building lots. Smaller building lots will place a far greater demand on residential roadway requirements in addition to the two cars most residents own simply because there are a greater number of people living closer together who have greater numbers of friends and relatives visiting their homes. My point is that if you reduce the minimum required width for residential streets, there must be a concurrent reduction in housing density and this means requiring larger building lots. Yesterday I visited a number of streets that various Council members live on and with the exception of Mr. Foltz, everyone else lives on streets that meet or exceed the current minimum width of 30 feet. Mr. Sarbach and Mr. Lindower, 7<sup>th</sup> Street is 30 feet wide. Mr. Peters, Woodside Avenue is 30 feet wide. Mr. Lane, Summit Street is 30 feet wide. Mrs. Kiesling, Bonnett Street is 32 feet wide with no curbs. And Mr. Snyder, your former residence on Wilkshire Circle is 33½ feet wide with no curbs. The majority of this Council cannot appreciate the issues that arise from living on a narrow street. Lastly, I wonder how many here on this Council have given this issue very much thought or followed up on the information that was provided to them from Mr. Miller in his memo. Mr. Miller, in your memo to Council members, I could not corroborate the information regarding street widths of certain streets that you list. You state East Maple Street is 24 feet wide. I measured it in three places and no where did I find it to measure 24 feet. Between the YMCA and the Hoover Company it measured 34 feet. Farther east near the intersection of Foster and East Maple, the street measured 28 feet wide, not 24 feet. You state that Woodland Avenue, between Church Street and Tanglewood Drive, is 22 feet wide. I measured Woodland Avenue near the intersection of Glenwood and Woodland Avenue and Woodland Avenue measured 24 feet. I hope these errors were simply typos and not an attempt to bolster your argument for your proposal. I will concur with the statement in your memo that Bachtel Street, between Fair Oaks Avenue and South Main, is 21 feet wide. If you are trying to make an argument that just because these narrow streets have existed for years and that they are adequate for homeowners and residents, the argument is not valid. I talked to a resident on Bachtel last night and they will tell you quite the opposite, certainly for this narrow portion of Bachtel between Fair Oaks and South Main Street. This family told me that they have complained for years at how inadequate Bachtel Street is for bus traffic as well as for the traffic in general that uses this street for a cut-through. I am very concerned that you seem to brag that this narrow street carries school bus traffic and that you are using this street as the basis for your argument to propose that the City reduce the minimum width of residential streets in our neighborhoods. Just because this City has narrow streets that were laid out when this City was first settled at the turn of the century does not validate the fact that narrow residential streets adequately meet the needs of our neighborhoods today. How can you honestly say that this proposal has merit? The proposal to allow a reduction in minimum residential street width without matching changes in minimum lot sizes in the name of storm water reduction needs to be shelved just as the proposal a few months ago to turn a significant portion of Price Park into a detention basin was shelved. Thank you.

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Mr. Sarbach: Mr. Osborne, were you here when the presentation was given on the same issue you're talking about?

Mr. Osborne: Yes, I was.

Mr. Sarbach: You was here? By the way, I don't live on 7<sup>th</sup> Street. I live on Northbury Circle which is 60 plus feet so I don't go on your side...inaudible.

Mr. Osborne: Well you're on a cul-de-sac there and at ...inaudible...it turns right on to 7<sup>th</sup> Street there.

Mr. Sarbach: We're not going to change all the streets in this City. If this passes, it will allow that to happen in the future. Doesn't mandate that it happens in the future.

Mr. Osborne: I understand that but...

Mr. Sarbach: And the right of way still stays the same width.

Mr. Osborne: I understand that as well.

Mr. Sarbach: Very good.

Mr. Osborne: But what I'm saying here is, appearance wise, narrowing streets will not solve your storm water runoff problem. The problem is, has never been addressed in our tributaries. Totally ignored for thirty, forty years. Not even routine maintenance and for someone who lives on one of these streets that you are proposing, I tell you from experience, it doesn't work.

Mr. Sarbach: Well I'm sure you know that those tributaries are not the responsibility of this Council. Nor are we allowed to do anything to them.

Mr. Osborne: I'm sorry?

Mr. Sarbach: We're not allowed to do anything to the, to the waterways. That's a County function.

Mr. Osborne: Well you, you passed legislation appropriating monies to make some repairs to the Zimber.

Mr. Sarbach: We can repair them but we're not, if their in the City limits, but that's not the problem. That's not all the problem. We're trying to take care of what we're responsible for and answer to our citizens and to make it, do our share to make better what we can make better. You're right. It's, it's a larger effort than that. But everybody has to take part of it.

Mr. Osborne: Thank you.

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

Mr. Daniluk: George Daniluk, 502 Werstler. I'm pretty much going to echo what Chuck said. Chances are I won't be living in or may not even travel through some of the new developments but I want to comment on the proposal to narrow subdivision streets from the present required minimum of 30 feet to 24 feet. Traveling through a subdivision takes just as much maneuvering as driving through a city neighborhood. A 24 foot wide street would be ok if on-street parking was banned. Since this is not, not practical or enforceable, it only takes, it makes common sense to retain the 30 foot minimum for maximum safety and traffic flow. Does anyone recall the night a lady from Navarre addressed City Council about being cited and fined for parking on a City street after 2 a.m.? It was explained to her the reason for the 2:00-6:00 a.m. parking ban was to allow emergency vehicles to get through our narrow streets without restrictions. I'm surprised to hear our safety forces are ok with 24 foot wide streets. Does this mean the 2:00-6:00 a.m. parking ban can be lifted? My street, Werstler Avenue, is 24 feet wide. With even one car parked on the street, it becomes a game of chicken to see who gets through first. If two cars are parked side by side, you must be careful not to high-five each other's side view mirrors. Backing out of a driveway and hitting a vehicle on the other side of the street is not uncommon. You can use rainwater drainage as the underlying excuse for narrowing our streets but I feel it's time to stop patronizing developers to suit their wishes. High density development is a far greater cause of flooding than an extra 6 feet of street width. Thank you.

Mr. Snyder: Sir thank you. Is there anyone else wishing to speak? Thank you.

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## OLD BUSINESS:

8. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading of Ordinance No. 01-05** All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

### **Ordinance No. 01-05 – Second Reading**

An ordinance amending Ordinance No. 154-03, as amended, Collective Bargaining Agreement between the City of North Canton and The Ohio Patrolmen's Benevolent Association (OPBA) (Chief Dispatcher Unit) by the addition of ARTICLE XXXIX, DRUG TESTING.

Mr. Snyder: Chairman Lindower?

Mr. Lindower: Yes, second reading on Ordinance 154-03 includes in the Chief Radio Dispatcher's Collective Bargaining Unit, Article XXXIX of the Drug Testing Unit. I move that we pass the second reading of this ordinance.

Mr. Lindower moved and Mr. Sarbach seconded to **adopt the second reading of Ordinance No. 01-05**. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

9. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, second reading of Ordinance No. 02-05**. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

### **Ordinance No. 02-05 – Second Reading**

An ordinance amending Ordinance No. 153-03, as amended, Collective Bargaining Agreement between the City of North Canton and the Ohio Patrolmen's Benevolent Association (OPBA) (Patrolmen) by the addition of ARTICLE XXXIX, DRUG TESTING.

Mr. Snyder: Chairman Lindower?

Mr. Lindower: Amending Ordinance No. 153-03, also includes in the Collective Bargaining Agreement for the OPBA which include the patrolmen of the North Canton Police Department by the addition of Article XXXIX, which includes drug testing. I move that we pass second reading on that ordinance.

Mr. Lindower moved and Mr. Sarbach seconded to **adopt the second reading of Ordinance No. 02-05**. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

10. Mr. Foltz moved and Mr. Sarbach seconded to **read by title only, second reading of Ordinance No. 03-05**. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

### **Ordinance No. 03-05 – Second Reading**

An ordinance amending Ordinance No. 152-03, as amended, Collective Bargaining Agreement between the City of North Canton and the Ohio Patrolmen's Benevolent Association (OPBA) (Dispatcher Unit) by the addition of ARTICLE XXXIX, DRUG TESTING.

Mr. Snyder: Chairman Lindower?

Mr. Lindower: This ordinance amends Ordinance No. 152-03 which involves the police Patrolmen's Benevolent Association which includes the dispatcher's bargaining unit to include Article XXXIX of the drug testing for the City of North Canton. I move that we approve the second reading on this ordinance.

Mr. Lindower moved and Mr. Sarbach seconded to **adopt the second reading of Ordinance No. 03-05**. All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

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11. Mr. Foltz moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 04-05. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

**Ordinance No. 04-05 – Second Reading**

An ordinance amending Ordinance No. 151-03, exempt personnel ordinance of the City of North Canton by the addition of a DRUG TESTING POLICY.

Mr. Snyder: Chairman Lindower?

Mr. Lindower: Ordinance No. 151-03 exempt personnel is to include the Drug Testing Policy set forth by the City. I move that we approve the second reading of this ordinance.

Mr. Lindower moved Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 04-05. All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

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

**Ordinance No. 05-05 – Second Reading**

An ordinance amending Ordinance No. 45-99, as amended, part-time, non-exempt classifications and part-time exempt classifications ordinance of the City of North Canton by the addition of a DRUG TESTING POLICY.

Mr. Snyder: Chairman Lindower?

Mr. Lindower: Ordinance 45-99 is amended by part-time, non-exempt classification, part-time exempt classification personnel to include the addition of the Drug Testing Policy. I also move that we approve the second reading of this ordinance.

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

13. Mr. Snyder: Chairman Kiesling you requested to amend this next ordinance?

Mrs. Kiesling: Correct. We need to add an emergency.

Mr. Snyder: So you'd like the reading as to adopt on an emergency basis?

Mrs. Kiesling: Yes, I motion that we amend it.

Mrs. Kiesling moved and Mr. Peters seconded to **amend** Ordinance No. 06-05 to include an emergency clause. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, second reading, as amended**, of Ordinance No. 06-05. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

**Ordinance No. 06-05 – Second Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract with McKinley Development Company, Ltd., modifying the terms of the CEDA dated June 17, 2003 and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling?

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Mrs. Kiesling: Yes, this is the agreement between McKinley Development and ourselves to do gravity sewer in the Sanctuary Development. We're having the emergency so the developers can get going on it. We talked about it last week. I motion we accept it.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the second reading, as amended**, of Ordinance No. 06-05. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules, as amended**, for Ordinance No. 06-05. All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules, as amended**, Ordinance No. 06-05. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

14. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, second reading** of Ordinance No. 07-05. All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

#### **Ordinance No. 07-05 – Second Reading**

An ordinance amending Chapter 1507, specifically Section 1507.04, of the Codified Ordinances of the City of North Canton and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Peters?

Mr. Peters: Yes, thank you. This is the open burning legislation changes to the permit length from three months to the calendar year. This was at the urging of Chief Inspector Bacon. So I move that we adopt the second reading of Ordinance 07-05.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the second reading** of Ordinance No. 07-05. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

15. Mr. Snyder: May I have a motion to amend Ordinance 16-05 to include one and two years to allow the Administrator to, at bidding this fuel, to find to advantage of the City for a one year or two year contract.

Mrs. Kiesling moved and Mr. Peters seconded to **amend** Ordinance No. 16-05 to allow for either a one or two year contract. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

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

#### **Ordinance No. 16-05 – Second Reading**

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for the purchase of gasoline and diesel fuel for use by all city departments, for a one (1) and/or two (2) year periods commencing June 1, 2005 and terminating May 31, 2006 or 2007.

Mr. Snyder: As we talked about originally, Administration is trying to be a little more proactive and get out there to see if there are some bids. And asked for the amendment specifically to the fact that, if asked, we could get a favorable price by asking for a two year commitment versus a one. If there are no questions, I'll entertain a motion to adopt the second reading of Ordinance No. 16-05.

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Mrs. Kiesling moved and Mr. Peters seconded to **adopt the second reading, as amended**, of Ordinance No. 16-05. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

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

### **Ordinance No. 17-05 – Second Reading**

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director Administration and the Mayor to enter into a contract for the purchase of fire hydrants for use by the City of North Canton.

Mr. Snyder: It might be a little facetious maybe we better double the order that we use them on those narrow streets. We could lose a few of those quickly here. Actually, we do this once a year. We keep an inventory of hydrants for obvious reasons. They either wear out or they're hit by cars or destroyed in some way. This will allow them to continue to keep that proper inventory. And again, we're being proactive. That does not expire, I believe, until June 1 so it will be in place by that time.

Mr. Lindower: Hope we don't wear out many fire hydrants.

Mr. Snyder: Right. If there are no questions or comments, I will entertain a motion to adopt the second reading of Ordinance 17-05.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 17-05. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

### **NEW BUSINESS:**

17. Mr. Snyder: May I have a motion to remove from the table Ordinance No. 139-04.

Mr. Peters moved and Mrs. Kiesling seconded to **remove from the table** Ordinance No. 139-04. All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

Mr. Snyder: Chairman Peters, I've been requested by both Administration and the Law Department that this particular ordinance be read and then either defeated by a non second or some manner that this be sent to Planning and a public hearing be held at the level of Planning with their recommendation being submitted to Council at which time it will become as a positive recommendation, additional public hearing would be heard. Because this does result in a change in the subdivision regulations which by the Ohio Revised Code require public hearing. If that's alright with you sir, would you...

Mr. Peters: Yea, absolutely. Ok, with that, I will motion that we adopt 139-04.

Mr. Pusateri: Want me to read it first?

Mrs. Kiesling: Read.

Mr. Pusateri: Read it first.

Mr. Peters: Oh, I'm sorry.

Mr. Snyder: We have to, we could defeat the actual reading. It'll just defeat itself, right? Would that be comfortable to do? It's not been, motion to read has not passed as of yet.

Mr. Pusateri: That's correct.

Mr. Snyder: So we could ask, sir, if you would ask for a motion to read it to which it has to have an affirmative vote and at that time it could either not have a second or not, it could be just left at that. That would be defeat, correct?

Mr. Pusateri: That's fine.

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Mr. Snyder: So if you'll ask for a motion and then if there is no second it will defeat itself.

Mr. Peters: Alright, do we have a motion to read Ordinance 139-04?

Mr. Snyder: Alright sir, then it just dies for non motion. Thank you.

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

### Resolution No. 19-05 – First Reading

A resolution adopting the City of North Canton Natural Gas Aggregation Program Plan of Operation and Governance pursuant to Sections 4929.26 and 4929.27, Ohio Revised Code, and declaring an emergency.

Mr. Snyder: Chairman Peters?

Mr. Peters: Yes, thank you. Actually this is required by the Ohio Revised Code, correct, Mr. Miller?

Mr. Miller: Yes, that's correct. It's required by Ohio Revised Code also we were looking at potentially entering into a spring start rather than a fall start. So for those two reasons, we're definitely asking for that on an emergency basis.

Mr. Peters: Ok. Any problems with that, anyone? Alright, with that, I motion that we adopt the first reading, Resolution 19-05.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the first reading of** Resolution No. 19-05. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules for** Resolution No. 19-05. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

Mr. Snyder: As an emergency exists, for the health and the welfare of the people, I would ask that this Resolution 19-05 be adopted on that order. May I have a motion to do so?

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Resolution No. 19-05. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

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

### Ordinance No. 20-05 – First Reading

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

Mr. Snyder: Chairman Lane?

Mr. Lane: This is the, as he just mentioned, the Valleyview Street Rehab Project comes at about \$450,000 price tag. The money's been set aside in this year's budget and I would move that we approve it.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading of** Ordinance No. 20-05. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0



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Mr. Lane moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 20-05.

All members present voting:

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

No: 0

Mr. Snyder: As the situation presents itself, this will allow the City to enter into a contract early and begin the project early, consequently, under the suspension of the rules of council, may I have a motion to adopt Ordinance No. 20-05?

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

Ordinance No. 20-05. All members present voting:

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

No: 0

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

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

No: 0

### **Ordinance No. 21-05 – First Reading**

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for the South Main/Everhard Road Widening (STA CR 66 6.30) Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: Another step in the process to get this underway. This is the South Main/Everhard Road widening we'll be hearing a lot about over the next ten minutes or so. So with that in mind, I would move that we approve.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 21-05.

All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 21-05.

All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence and this project must be approved and ready to go by the end of the month end. I would ask that you adopt Ordinance 21-05 under the suspension of the rules of council.

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

Ordinance No. 21-05. All members present voting:

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

No: 0

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

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

No: 0

### **Ordinance 22-05 – First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement with Aristotle Maragas for the purchase of right of way (Parcel 1), within the corporation limits of the City of North Canton, necessary for the South Main/Everhard Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: Again, South Main and Everhard. This is a \$24,000 price tag. Jim can you refresh my memory, we get this money back or is this out of our pockets?

Mr. Benekos: We'll get eighty percent of this back from federal funding.

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Mr. Lane: But is has to come out of our pocket first.

Mr. Benekos: That is correct.

Mr. Lane: And that's what this particular ordinance and several more that follow. I would move we approve.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 22-05.

All members present voting:

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

No: 0

Mr. Peters moved and Mr. Sarbach seconded to **suspend the rules** for Ordinance No. 22-05.

All members present voting:

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

No: 0

Mr. Snyder: Again, as time is of the essence, these ordinances must be in place and the money be in place prior to the beginning of the project. I ask that we adopt Ordinance 22-05 under the suspension of the rules.

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

Ordinance No. 22-05. All members present voting:

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

No: 0

22. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 23-05. All members present voting:

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

No: 0

Mr. Pusateri: Sorry, was that 23-05?

Mr. Snyder: 23-05.

Mr. Pusateri: Ok, thank you.

## **Ordinance No. 23-05 – First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement with Gentle Shepard Properties, Ltd. for the purchase of right of way (Parcel 2), within the corporation limits of the City of North Canton, necessary for the South Main/Everhard Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: Same story, different price tag. It's \$20,000. It's at the corner at South Main and Everhard. I would move that we approve.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 23-05.

All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 23-05.

All members present voting:

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

No: 0

Mr. Snyder: For the same reason the emergency exists as the previous ordinance. May I have, under the suspension of the rules, a motion to adopt Ordinance 23-05?

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

Ordinance No. 23-05. All members present voting:

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

No: 0

23. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, first reading of** Ordinance No. 24-05. All members present voting:

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

No: 0

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## Ordinance No. 24-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement with DJ Realty Limited Partnership for the purchase of right of way (Parcel 3), within the corporation limits of the City of North Canton, necessary for the South Main/Everhard Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: Just like the other two. The price on this is \$7,400. I move we approve.

Mr. Lane moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 24-05. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Sarbach seconded to **suspend the rules** for Ordinance No. 24-05. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules for the same reasons as the previous two ordinances, Ordinance 24-05.

Mr. Lane moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 24-05. All members present voting:

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

No: 0

24. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 25-05. All members present voting:
- Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
- No: 0

## Ordinance No. 25-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement with R.L. Deville Enterprises, Ltd., an Ohio limited liability for the purchase of right of way (Parcel 4), within the corporation limits of the City of North Canton, necessary for the South Main/Everhard Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: Again, \$5,830 price tag to get another piece of property that we need to make this project work. I move we approve.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 25-05. 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. 25-05. All members present voting:

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

No: 0

Mr. Snyder: Again for the same stated reasons as the previous three ordinances. May I have a motion to adopt under the suspension of the rules Ordinance 25-05?

Mr. Foltz moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 25-05. All members present voting:

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

No: 0

25. Mr. Snyder: Vice President Sarbach, would you assume the chair for the next one sir? As I do have a conflict on that property.

Mr. Sarbach: Yes, I'll entertain a motion that we have the first reading of Ordinance No. 26-05.

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Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 26-05**. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0  
Abstain: Snyder.

#### **Ordinance 26-05 – First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement with Bentbrook Condominums Homeowners Association, Inc. for the purchase of right of way (Parcel 6), within the corporation limits of the City of North Canton, necessary for the South Main/Everhard Project and declaring the same to be an emergency.

Mr. Sarbach: Chairman Lane?

Mr. Lane: It's my finale. It's the last one with this. Price tag, these all went down in case you noticed, \$4,019 on this one. And again for all the above reasons, I think we need to move on this.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 26-05. All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Foltz.  
No: 0  
Abstain: Snyder.

Mr. Lane moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 26-05. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Foltz and Kiesling.  
No: 0  
Abstain: Snyder.

Mr. Snyder: Excuse me abstain, I apologize. I'm sorry.

Mr. Pusateri: We need to go back to these two, the Mayor brought it to my attention...inaudible. It should be Board of Control, Director of Administration through the Board of Control.

Mr. Snyder: Ok.

Mr. Pusateri: So we need to go back and amend them.

Mr. Foltz moved and Mr. Lane seconded to **adopt under suspension of the rules** Ordinance No. 26-05. All members present voting:  
Yes: Lindower, Peters, Sarbach, Foltz, Kiesling and Lane.  
No: 0  
Abstain: Snyder.

Mr. Pusateri: That's 19 and 20.

Mr. Sarbach: Mr. Chairman I turn...inaudible...back over to you.

- (19.) Mr. Snyder: Thank you sir. I appreciate that. The Mayor has brought the attention to the Law Director, has just brought it to my attention on Ordinance 20-05 and Ordinance 21-05 the actual verbiage is wrong so we'd like to go back and amend it, Chairman Lane, on the first one, Ordinance 20-05, it should read an ordinance authorizing the Director of Administration, through the Board of Control not authorizing the actual Board of Control.

Mr. Pusateri: That's correct. Then...

Mr. Snyder: Excuse me.

Mr. Pusateri: Sure.

Mr. Snyder: And then on, so and then on Ordinance 21-05 it would be the same language. Authorizing the Director of Administration through the Board of Control. So if we could take each piece of that again. Those were passed on an emergency basis and again time is of the essence on both of those projects so we want to do them right now. We do have a conflict on No. 15. But we will come back two weeks from tonight when we read that for the third reading and we will change that to read through the Director of Administration, through the Board of Control. However, as I say, these two are waiting, will wait the Mayor's signature.

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Mr. Lane: Do we have to pass them...

Mr. Snyder: We have to re-ask for it to be re-read as amended. First we have to amend them.

Mr. Lane: Ok.

Mr. Snyder: To have that language as I stated to you. Then we will ask to re-read them and re-pass them again and we will again pass them on emergency once again. So I apologize for that inconsistency but we have to correct that. So if you would first actually amend those two ordinances, we will re-do them again.

Mr. Sarbach: We need to do them individually?

Mr. Pusateri: Yes.

Mr. Snyder: We have to do them individually, yea.

Mr. Pusateri: That's correct.

Mr. Snyder: Mr. Mayor I appreciate that. Thank you on that.

Mr. Pusateri: And just to be safe too. I mean we could argue it's a clerical error but just to be safe to make sure it's legitimate let's go back and re-pass them.

Mr. Lane: Do you need a motion from me to amend?

Mr. Snyder: Yes, motion to amend first.

Mr. Lane moved and Mrs. Kiesling seconded to **amend** Ordinance No. 20-05 to read "authorizing the Director of Administration, through the Board of Control". All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **read by title, first reading, as amended**, of Ordinance No. 20-05. All members present voting:

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

No: 0

## **Ordinance No. 20-05 – First Reading**

An ordinance authorizing the Director of Administration, through the Board of Control 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 the Mayor, through the Board of Control, to enter in to a contract for the Valleyview Street Rehab Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: We went through this before. \$450,000 price tag...

Mr. Snyder: Just want to see how good you really are now.

Mr. Lane: I've got my notes here. \$450,000 price tag and also that we have the money set aside. I think Doug Foltz was getting a little worried there when we were...so I would move once again...

Mr. Foltz: What's going on here. It's in Ward 1.

Mr. Sarbach: Wait a minute. This is Doug's, do we really need this.

Mr. Foltz: Yea, I've been calm, cool and collective so far, see how these votes shake out.

Mr. Lane: I felt the table trembling over here a couple times. I would move that we re-authorize this or re-vote. Whatever it is I have to do.

Mr. Snyder: May I have a second?

Mr. Foltz: Second.

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Mr. Lane moved and Mr. Foltz seconded to **adopt the first reading, as amended**, of Ordinance No. 20-05. All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

Mr. Snyder: May I have a motion to suspend the rules of council for Ordinance 20-05?

Mr. Lane moved and Mr. Sarbach seconded to **suspend the rules, as amended**, for Ordinance No. 20-05. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

Mr. Snyder: I don't know if they can say time is of the essence here. We passed...inaudible.

Mr. Foltz: We've all passed it twice tonight.

Mr. Lane: Got a defibrillator ready?

Mr. Snyder: No, but actually to articulate the emergency exists, which will allow the City to bid this project at possibly a savings to the City, financially and to move this project for completion prior to the snow flying.

Mrs. Herr: We've been doing that wording forever. Yea, 1998, 1996...inaudible.

Mr. Pusateri: We have?

Mr. Lane moved and Mr. Foltz seconded to **adopt under suspension of the rules, as amended**, Ordinance No. 20-05. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

(20.) Mr. Snyder: May I have a motion to read by title, excuse me, a motion to amend Ordinance No. 21-05?

Mr. Lane: The amendment would be to change the wording to authorizing the Director of Administration, through the Board of Control of the City of North Canton.

Mr. Lane moved and Mr. Foltz seconded to **amend** Ordinance No. 21-05 to read "authorizing the Director of Administration, through the Board of Control". All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

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

Mr. Snyder: May I have a motion to suspend the rules....yes?

Mr. Pusateri: I got to read it. Let me read it first.

Mr. Snyder: Oh, I'm sorry. You didn't read it yet.

Mr. Pusateri: That's alright.

Mr. Snyder: Time's of the essence.

Mr. Pusateri: We had to shake up the council meeting a little bit. All these ordinances. We had to do something different, right?

## Ordinance No. 21-05 – First Reading

An ordinance authorizing the Director of Administration, through the Board of Control 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 the Mayor, through the Board of Control, to enter into a contract for the South Main/Everhard Road Widening (STA CR 66 6.30) Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

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Mr. Lane: I said 26-05 was my finale, I guess this could be an encore. You brought me back for more. Again, this is another step in the project to get South Main and Everhard done and I would move that we approve, as amended.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading, as amended**, of Ordinance No. 21-05. All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

Mr. Lane moved and Mr. Peters seconded to **suspend the rules, as amended**, for Ordinance No. 21-05. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

Mr. Snyder: As the same emergency still exists. May I have a motion to adopt under the suspension of the rules Ordinance No. 21-05?

Mr. Foltz moved and Mr. Peters seconded to **adopt under suspension of the rules, as amended**, Ordinance No. 21-05. All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

Mr. Sarbach: Gail, you can always blame Amy since she's not here. She did it.

Mr. Snyder: Madam Clerk, will you note Ordinance 16-05 for the next reading on the 3<sup>rd</sup> that it be changed and that it be amended on the floor at that point.

Mrs. Kalpac: Ok.

Mr. Snyder: I appreciate that.

Mr. Pusateri: 15 and 16 both.

Mr. Snyder: 15 and 16 both. Which would be 16 and 17-05. So when we read them we'll do...inaudible.

26. Mrs. Kiesling moved and Mr. Foltz seconded to **read by title, first reading of** Ordinance No. 27-05. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

## Ordinance No. 27-05 – First Reading

Ordinance No. 27-05, amending Ordinance No. 150-03, as amended, Collective Bargaining Agreement between the City of North Canton and the North Canton Service & Clerical Employees by the addition of ARTICLE XXXI, DRUG TESTING, and declaring the same to be an emergency.

Mr. Snyder: Chairman Lindower?

Mr. Lindower: Yes, this, again amends Ordinance No. 150-03 to include Article XXXIX of the Drug Testing Policy in the Collective Bargaining Agreement. I move that we pass the first reading on this ordinance.

Mr. Peters: I'll second.

Mrs. Kiesling: I have a question.

Mr. Snyder: Yes.

Mrs. Kiesling: Should it be XXXIX or XXXI? Cause right here it's XXXI.

Mr. Miller: XXXI is what it is. It's the last article. So it's XXXI.

Mr. Lindower: Did I mis-read that? It's XXXI?

Mrs. Kiesling: He misspoke. I just wanted to make sure because the other ones were XXXIX.

Mr. Miller: One other clarification I did ask for a correction on two minor clerical errors. One is in 31.03, Page 2 of the policy, it says this police. It's not police, it's a policy. So that was changed from police to policy and on Page 2, 31.03, first sentence, second word and then on

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Page 8, 31.08 (E) it says "the union and the employee shall choose laboratory", actually it's the "employer shall choose the laboratory". So those two corrections requested to be made and as I understand it Gail, the Clerk, has typed those up so those are...I wanted to make sure Council was aware of that before it got passed. So we didn't get accused of slipping anything in here.

Mr. Lindower: When you pile so many of them together it's hard to catch something like that. Ok, with that correction of Article XXXI, I would again move that we pass the first reading on this ordinance.

Mr. Lindower moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 27-05**. 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. 27-05. All members present voting:

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

No: 0

Mr. Snyder: This, the reason the emergency exists is that this does cover people holding a CDL driver's license. This will allow the Administration to mainly begin to test those people as we feel that this is the most crucial people operating motor vehicles on the roadways. And we want to do that so hence an emergency exists. I would request that we adopt Ordinance 27-05 under suspension of the rules of council.

Mr. Sarbach moved and Mr. Lindower seconded to **adopt under suspension of the rules Ordinance No. 27-05**. All members present voting:

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

No: 0

27. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 20-05?

Mr. Pusateri: 28.

Mr. Lane: 28.

Mr. Foltz: 28-05.

Mr. Snyder: 28-05.

Mr. Pusateri: Too many ordinances in one night.

Mr. Lindower: He's stuck at that 20.

Mr. Lane moved and Mr. Foltz seconded to **read by title only, first reading of Ordinance No. 28-05**. All members present voting:

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

No: 0

## **Ordinance No. 28-05 – 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 ("City") and the Stark County Park District ("Park") for the construction, maintenance and operation of the Hoover Connector Trail Phase 2 and its appurtenances in the City of North Canton on lands owned or leased by the City and/or the Park.

Mr. Snyder: Chairman Foltz?

Mr. Foltz: Yes, as it reads and as we discussed in committee last week. Our share would be \$69,500 and we're going to work on some additional grant opportunities to see if we can lower that amount as far as what our share, well not lower. We'll have to pay that but just try to get funding through other sources. So I make the recommendation that we approve this.

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 28-05**. All members present voting:

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

No: 0



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28. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 29-05**. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

**Ordinance No. 29-05 – First Reading**

An ordinance amending Section 3. of Ordinance No. 24-04, Werstler Waterline Replacement Project, by an increase in the amount of the allocation for the project and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: This is part of the ongoing upgrading of the waterlines. It brings a 4 inch line on Werstler. We want to replace it of the \$260,000 estimated price tag. \$180,000 will come from the water fund and I move that we adopt the first reading of Ordinance No. 29-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 29-05**. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

Mr. Peters moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 29-05. All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

Mr. Snyder: Again, time is of the essence. This project was a go last spring and unfortunately it's came in much higher. The money has now been allocated and we want to begin on this so that the job is completed in a timely manner so consequently there's an emergency. And I ask that it be adopted under suspension of the rules, Ordinance No. 29-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 29-05**. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

29. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 30-05**. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

Mr. Pusateri: 30-05, yes. I was just looking in this language it's the same if you go down to the middle of the paragraph it needs to be amended where it says authorizing the Board of Control, through the Administration, Director of Administration. It needs to be reversed. See that?

Mr. Snyder: Yes.

Mr. Pusateri: It should be authorizing the Director of Administration....

Mr. Snyder: Through the Board of Control.

Mr. Pusateri: Yea.

Mr. Snyder: Let me, may I have a motion to amend Ordinance 30-05 to read authorizing the Director of Administration, to advertise, through the Board of Control to advertise and receive bids.

Mr. Sarbach moved and Mrs. Kiesling seconded to **amend Ordinance No. 30-05** to read "authorizing the Director of Administration, through the Board of Control". All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **read by title, first reading as amended Ordinance No. 30-05**. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

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## Ordinance No. 30-05 – 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 four (4) marked cruisers, for use by the Police Department, within the purview of the Ohio Cooperative Purchase Act, or, in the alternative, authorizing the Director of Administration, through the Board of Control, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor to enter into a contract for the purchase of four (4) marked cruisers, for use by the Police Department and declaring the same to be an emergency.

Mr. Snyder: I believe in the '05 budget was \$104,000 was appropriated for this purchase. It's our policy we're doing four and three. This is one for four and depending on what the state offers if it's inline with what the Chief's needs are. Which I don't have, I'm sure they need. We now use, what do we use? Ford Crown Vics or something.

Mr. Miller: Ford. It's Fords are on the Cooperative Purchasing Agreement again.

Mr. Snyder: So most probably we will do that, I'm sure. And it is requested by the Chief to be an emergency as it's a little tough to get those cars to continue to run at the situation that we're in. Can I have a motion to adopt the first reading of Ordinance 30-05?

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the first reading, as amended**, of Ordinance No. 30-05. All members present voting:

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

No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **suspend the rules, as amended**, for Ordinance No. 30-05. All members present voting:

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

No: 0

Mr. Foltz moved and Mr. Peters seconded to **adopt under suspension of the rules, as amended**, Ordinance No. 30-05. All members present voting:

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

No: 0

30. Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading** of Resolution No. 31-05. All members present voting:

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

No: 0

## Resolution No. 31-05 – First Reading

A resolution authorizing the Mayor of the City of North Canton, through the Board of Control, to file an application and enter into agreements between the City of North Canton and the Ohio Department of Natural Resources, for financial assistance for public recreation purposes, through the Clean Ohio Trails Fund, and declaring the same to be an emergency.

Mr. Snyder: I think this had been changed. This is not truly a grant. This is similar to your college financial aid. They're picking up a part of it. Are they correct, is that what that is?

Mr. Miller: We applied for a grant but we have to have a match of, on this one I believe it's twenty five percent. Now the next one we have to twenty percent. The deadline for this one's February 1<sup>st</sup>. So we need to have this one passed tonight in order to be able to get the grant application in.

Mr. Snyder: So again, to the health and welfare of the people it's an emergency situation. So if there's no questions, may I have a motion to adopt the first reading of Resolution 31-05?

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the first reading** of Resolution No. 31-05. 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 Resolution No. 31-05. All members present voting:

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

No: 0

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Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Resolution No. 31-05. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

31. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of** Resolution No. 32-05. All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

#### **Resolution No. 32-05 – First Reading**

A resolution authorizing the Mayor of the City of North Canton, through the Board of Control, to file an application and enter into agreements between the City of North Canton and the Ohio Department of Natural Resources, for financial assistance for public recreation purposes, through Recreational Trails Program (RTP), and declaring the same to be an emergency.

Mr. Snyder: Again, this is a financial assistance for the trail and time is of the essence and creating an emergency. May I have a motion to adopt the first reading of Resolution 32-05?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading of** Resolution No. 32-05. All members present voting:  
Yes: Lane, Lindower, Peters, Snyder, Sarbach, Foltz and Kiesling.  
No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **suspend the rules** for Resolution No. 32-05. All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

Mr. Foltz moved and Mr. Peters seconded to **adopt under suspension of the rules** Resolution No. 32-05. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

32. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, first reading of** Ordinance No. 33-05. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

#### **Ordinance No. 33-05 – First Reading**

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 332 Issue 2 Improvement Fund to two Contract Payments accounts in the aggregate amount of \$694,871.00 for the current expenses during the fiscal year ending December 31, 2005 and declaring the same to be an emergency.

Mr. Snyder: This money is for the South Main Project. The money must be in place and funds certified to the ODOT so that they can begin that. So, consequently, time is of the essence and I ask for a motion to adopt the first reading of Ordinance 33-05.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading of** Ordinance No. 33-05. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

Mr. Peters moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 33-05. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 33-05. All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

33. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of** Ordinance No. 34-05. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

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## Ordinance No. 34-05 – First Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 203 Income Tax Fund to the Transfers-Capital Projects account in the aggregate amount of \$187,200.00, and authorizing the transfer of same funds from the Income Tax Fund to the Capital Improvement Fund for the current expenses during the fiscal year ending December 31, 2005.

Mr. Snyder: This is on the Applegrove Project. We did receive a bill about a week, ten days ago. We had paid portions and this portion, must have thought we had a little more money than we did because they sent us the bill. We were hoping they were going to give it to us but it didn't work that way. So we need to pay it. If there are no questions, may I have a motion to adopt the first reading of Ordinance 34-05?

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 34-05. All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

34. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 35-05. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

## Ordinance No. 35-05 – First Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 330 Capital Improvement Fund to the Contract Payments account in the aggregate amount of \$187,200.00 for the current expenses during the fiscal year ending December 31, 2005.

Mr. Snyder: I think this is to make the transfer of, that money was not encumbered through the '05 budget. Is that correct?

Mrs. Herr: No, it's not so.

Mr. Snyder: So we're going to transfer...

Mrs. Herr: We transfer the money then we have to appropriate that money.

Mr. Snyder: ...appropriate that money.

Mrs. Herr: To actually pay the bill.

Mr. Snyder: Right. So, again, that will, that money was not passed when we passed the budget last December. So we will do that now and that's what the purpose of that is so. So may I have a motion to adopt the first reading of Ordinance 35-05?

Mr. Peters moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 35-05. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

35. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 36-05. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

## Ordinance No. 36-05 – First Reading

An ordinance providing for the issuance and sale of \$350,000 notes in anticipation of the issuance of bonds, for the purpose of paying costs of improving the municipal waterworks system by replacing certain waterlines, together with all necessary appurtenances thereto, and declaring an emergency.

Mr. Snyder: Julie, what note are we picking up for \$350,000?

Mrs. Herr: This is for the costs for the Portage Street Widening.

Mr. Snyder: Oh, yes. I was going to say that amount did not. That's the one we, working on. We're doing that along with accounting. That's our share, correct?

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Mrs. Herr: Uh huh.

Mr. Snyder: Ok, any questions on that? May I have a motion to adopt the first reading of Ordinance 36-05?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 36-05**. All members present voting:

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

No: 0

Mr. Snyder: Now that's, that's a re-payment through the water fund though, correct?

Mrs. Herr: That's correct.

Mr. Snyder: So that's not actually capital...

Mrs. Herr: No.

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 36-05. All members present voting:

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

No: 0

Mr. Snyder: Again, time is of the essence. We're getting ready, we have to certify the funds are on hand so the job may begin. So I need to have a motion to adopt the, under suspension the rules, Ordinance 36-05.

Mr. Lane moved and Mrs. Kiesling seconded to **adopt under suspension of the rules Ordinance No. 36-05**. All members present voting:

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

Mr. Snyder: On that particular one.

Mrs. Herr: Yea, and the other one too.

Mr. Snyder: And the second one? Ok. I would like to note for the record that the ordinance, to do this, will contain a statement from the fiscal officer, Mrs. Herr, that the money is in fund. The money has been appropriated by the Council of the City of North Canton. The money and the warrant would be good when they draw it so we have to. So for the record, I would like to state that. For Ordinance No. 36-05 and I will re-state Ordinance No. 37-05. May I have a motion to read....

Mr. Lindower: Wait.

Mrs. Kalpac: Wait a minute.

Mr. Lane: We're still voting.

Mr. Lindower: What are you voting Jon?

Mrs. Kiesling: We're still voting.

Mr. Snyder: Oh, we didn't vote that document?

Mr. Lane: We're down to you.

Mrs. Kiesling: We're up to you.

Mr. Snyder: Oh, I beg your pardon. We've interrupted. I vote yes. Now we're alright? Was that on 06, 36?

Mr. Peters: Yes, 36-05.

Mr. Snyder: So now we're moving to 37-05?

Mrs. Kalpac: No, we still got to vote.

Mr. Foltz: No, we have to finish voting.

Mr. Snyder: Oh, I voted yes.

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Mrs. Kalpac: Foltz?

Mr. Foltz: Yes.

Mrs. Kalpac: Kiesling?

Mrs. Kiesling: Yes.

Mr. Snyder: Now we want under the suspension of the rules? We want to adopt it. Is that what we want to do?

Mrs. Kalpac: No, you've already done that.

Mr. Lane moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 36-05. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

36. Mr. Snyder: Alright, thank you. Now we can ask for a motion to read by title only Ordinance 37-05, correct?

Mr. Pusateri: Like I said, too many ordinances.

Mrs. Kiesling: I think so, I motion.

Mr. Snyder: We should've just made one motion. Where we at?

Mrs. Kalpac: We need a second.

Mr. Foltz: Second.

Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, first reading of** Ordinance No. 37-05. All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

## **Ordinance No. 37-05 – First Reading**

An ordinance providing for the issuance and sale of \$2,650,000 notes in anticipation of the issuance of bonds, for the purpose of paying costs of improving and expanding the municipal waterworks system by (a) rehabilitating and improving an existing water tower, together with all incidentals and appurtenances thereto and (b) constructing and installing waterlines, together with all necessary appurtenances thereto, and declaring an emergency.

Mr. Snyder: I believe these are combined notes that we have for the Canton waterline. The water tower and a few other things. The aggregate amount was in excess of three million. Part of it was paid down. Will be paid down. Again the fiscal officer certificate is on record for Ordinance 37-05 stating that the money that the ordinance will draft and we're able to pay this. Squires and Sanders will draft the legislation that allows us to go out and bid the notes. Can I have a motion to adopt Ordinance 37-05? No, I need a first reading.

Mr. Pusateri: I already read it.

Mr. Snyder: We got to adopt it.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading of** Ordinance No. 37-05. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

Mr. Pusateri: I already read it.

Mr. Snyder: We got to adopt it.

Mr. Pusateri: I'm not going to read it again.

Mr. Sarbach: Read it again.

Mr. Pusateri: No.

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Mr. Snyder: No, we're going to, now we're going to suspend the rules and adopt it again just to see how good you guys are. It's like wine, the more you drink it the better it gets. Now I need a motion to suspend the rules of council.

Mr. Lane moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 37-05. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 37-05. 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 have no report sir, thank you.

Mr. Snyder: Director of Finance?

Mrs. Herr: No report.

Mr. Snyder: Director of Administration?

Mr. Miller: Certainly don't want to add to the length of the meeting. No report.

Mr. Snyder: Thank you. Mr. Mayor?

Mayor Rice: I just want to make a quick comment. Would like to publicly acknowledge and thank our City crews for the great job they did on our streets this weekend under very challenging conditions with the snow removal. But like always they came through as the great professionals they are. And we're, we have the best streets around so once again, so I want to thank them for the many long hours they put in to get the job done. That's all.

Mr. Snyder: Thank you sir. Mr. Engineer?

Mr. Benekos: No report.

## REPORTS – COUNCIL:

Mr. Snyder: Madam Clerk?

Mrs. Kalpac: No report.

Mr. Snyder: Member Foltz?

Mr. Foltz: No report.

Mr. Snyder: Member Lindower?

Mr. Lindower: No report.

Mr. Snyder: Member Lane?

Mr. Lane: As street and alley chairman, I echo the Mayor's comments. That was a tough storm nobody really knew what was going to happen and to have those folks finish things up by Saturday evening I thought was very commendable. Also in the thank you category, not everybody, I don't think, up here got one of these. Mary Ann McClellan from the Montessori School sent out a card to all the residents that abut that property over by Monticello and basically announced the fact that they have closed on that property and they are going through some adjustments and some other things. That the buildings going to take some time and as they proceed they will keep the public informed, which I thought was excellent. And once everything, the accommodations are made there they can have the public in. Their going to not only do an open house but also have a meeting with the residents in that area. So I just wanted to thank them for keeping everybody well informed on what's going on over there and sometimes you're much better off to tell people what you really don't know just to let them know you're out there as opposed to have a bunch of questions festering and festering and festering. So as they proceed, we will let the Council proceed and let everybody know.

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One other suggestion she made and I know we've talked about possibly having a meeting at Walsh. She also suggested we can do one at the lodge when that opens and I think that would be excellent and I know they could accommodate this size of a crowd. I don't know about a bigger one but something to keep in mind.

Mr. Snyder: Thank you. Member Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters?

Mr. Peters: Yea, I would just like to echo the Mayor's comments that the street crews did a fantastic job. During storms like that you don't need a city limit sign, you can tell where the City begins and ends. I do have a question though in regards to some of the streets with the 24 foot width. Do we allow parking on both sides on some of these streets?

Mr. Miller: Currently, yes. Unless there's a request from the Fire or Police Department or somebody else particularly that wants to have it, a portion of it declared no parking. In which case, right now, our unofficial policy is if somebody requests no parking we put no parking on the side with the hydrants. So that people aren't parking on the hydrant side, those are always clear. But for the most part, no. The 24 foot wide streets now allow parking on both sides.

Mr. Peters: I'm just thinking if as many accidents are happening on Fairview as Mr. Osborne eludes to, maybe that's something we need to look at.

Mr. Miller: Police and Fire have taken a look at that. I will ask them to take a look at it yet again.

Mr. Lane: I can interject on that as well because I did talk to the Police Chief and he checked that out. It is a very, very tight street. There are school buses that come down through there. One of my neighborhood meetings a suggestion was made to either limit parking to one side or take it out all together all the way down to about Foster because of that hill. The Chief looked at it. I talked to some of the neighbors. Half of them wanted it, half of them didn't want it. I left it back in the Chief's ballpark and that's pretty much where it stands right now. They were going to monitor the situation during the school year with the buses. Check on the complaints and things along those lines and he ultimately would make that decision or certainly that recommendation.

Mr. Miller: He'd make the recommendation.

Mr. Lindower: It was posted that way at one time.

Mrs. Kiesling: It was no parking until two years ago when the residents wanted it stopped because it was up that way for the Y's sake.

Mr. Lane: I think it was a limited amount of time that they could park there.

Mr. Lindower: I can't say that I can think of any time that has been a contributing factor as far as accidents. It is a delay in time. Same way 7<sup>th</sup> Street NW. You got a delay in time, you know, if you got approaching traffic but I can't say that it has caused accidents. Those are 25 MPH speed zones and it really, it's not, it's not a contributing factor as far accidents as far as I'm concerned.

Mr. Lane: I think having parking on one side would help.

Mr. Lindower: It's inconvenience more than anything.

Mr. Lane: I will say that.

Mr. Lindower: Yea, one side no parking.

Mr. Lane: One side would definitely help. But, again, that's not our call.

Mr. Miller: I'll run it by them again.

Mr. Peters: Just asking, just asking. That's it.

Mr. Snyder: Well you know while you're speaking of that, if my say, I know it came up. Two things that is very important the public understands, number one the request for the subdivision change originated from the office of the Engineer, it did not originate from any citizen or any developer. And I don't think the initial idea was to control storm drainage.



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Storm drainage is the responsibility of the Engineer's office. He does an adequate job of doing that. We don't legislate legislation...inaudible. I think it was, actually, it was the cost of maintaining the street was the purpose of it, was it not?

Mr. Benekos: That and the aesthetics. There's really not a need for a 30 foot roadway in a subdivision like that. Most of the parking is off the street. You go into a newer subdivision now and you don't see parking on the street except for occasion for a party or such. The incidences that Mr. Osborne mentioned on his street, you don't have the setbacks where the houses are further back from the street so you have that distance and that sight distance backing out. And parking would be restricted in a new subdivision on narrower streets to just one side.

Mr. Snyder: Well, as well as my understanding true, you cannot collaborate with other subdivisions and negotiate. That's up to each individual municipality to have it's own subdivision regulations regarding widths and depths and lot sizes. And each municipality does legislate it's own, does it not?

Mr. Miller: They do. There is a county-wide drainage task force. I'm on it. I'm on the Problem Identification Committee on that group. I sit in on the regulations although I've tried not to be an official member of that group. I'm also chair of the Nimishillen Watershed Partnership and we're talking about changing a number of things and this is one of the ones that came up. Pam Feagler came in to address Council on that issue and it's one of the things right now we've got 50 foot of right of way in the subdivision when it's set up 44 feet to 50 feet is paved or with concrete. So by just taking out 6 feet, we reduce the amount of runoff by 13.5%. That's the kind of things, you know, again it doesn't solve all the problems but if we just keep doing things the same way we're doing it, nothing's going to change. And there's a difference between the new subdivisions as Jim pointed out where you got two-car garages is the norm, occasionally you got three-car garages. You got driveways to match as opposed to some of the older neighborhoods where you got a one-car garage. That same driveway width match and you need the on-street parking in those older neighborhoods. The newer ones, you really don't see a lot of parking on the street.

Mr. Snyder: Good. I appreciate that. Mr. Sarbach, any comments?

Mr. Sarbach: I just, along with the street department, I thank the Fire Department, Chief Bacon and I believe it was Captain Coen, one of the employees, full time employees, of the Fire Department last week. All Council members who were able to view the equipment in the No. 9 truck so they took the time to answer all of our stupid and smart questions. They had answers for everything we asked them. I appreciate their time on that issue. That's all.

## FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: I can't help but notice in our audience tonight we have two young men who joined us. We encourage you to come back. It's nice to see young people in the audience to see their government at work. And if we can ever be of any help, I'm sure the Mayor's office or the office of Council will gladly welcome any of your comments. But thank you for joining us and we do hope that you come back. Is there anybody in the audience wishing to address the Council for last call of business? Mrs. Magel.

Mrs. Magel: Kathy Magel, 1025 East Maple Street. I just have a couple questions. I had to write them all down. I had them all in my head until you went and re-did that 21 and 20 and I got discombobulated. Marcia, the change in the CEDA, is there anything else other than the gravity sewer? Any other change?

Mrs. Kiesling: Huh uh.

Mrs. Magel: It's strictly the gravity.

Mrs. Kiesling: Uh huh, and our agreement to how much we're all paying for it.

Mrs. Magel: Ok and what would that be?

Mr. Miller: It changed in that we're bidding it out rather than the developer.

Mrs. Kiesling: Right.

Mr. Miller: And it changed in that rather than us contributing \$130,000, they're contributing \$265,000. So the thing, that, it basically reversed itself. We're now going to be in charge of the project because the bulk of it's going to be public funds. And we're bidding it out.

Mrs. Magel: The City is?

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Mr. Miller: The City is.

Mrs. Magel: Alright, now they're paying \$265,000. What are we paying?

Mr. Miller: Right now, it's going to be \$130 plus the amount over what the pump station was going to be and I believe that, right now, is estimated about \$200-\$250,000 if I recall correctly. About \$250,000 more.

Mrs. Magel: On top of the \$135,000?

Mr. Miller: On top of the \$135,000, yes.

Mrs. Magel: Ok. Say that number again, two hundred...

Mr. Miller: \$250. Overall estimate is about \$640,000 for the gravity sewers.

Mrs. Magel: For the gravity feed. Which, by the way, I think we can all agree it's a better, a better route in the long run. We're going to be happy that's gravity fed.

Mr. Pusateri: I think the, Mrs. Magel, to the contract is attached to the ordinance too if you'd like to see it once it's signed.

Mrs. Magel: The contract is attached?

Mr. Pusateri: Yea, it's incorporated into and part of the ordinance.

Mrs. Magel: Ok. Thank you. The other question is, does Plain Township need to vote on this CEDA change? Since they're part of the CEDA.

Mr. Pusateri: No, it's, it's, it has nothing to do with Plain Township. It's an issue that's solely between the City of North Canton and McKinley Development.

Mrs. Magel: I understand. It's just they had to sign off on that CEDA.

Mr. Pusateri: Yea I know. But they have no interest in this particular project here, the result of this project. It doesn't effect them one way or the other.

Mrs. Magel: Well it's just, you know, CEDA's are so new here. I'm trying to get the procedures here.

Mr. Pusateri: Yea, well I think if you look at it from any contract point of view, if you have three parties to a contract and you have provisions in the contract that only effect two parties. Those two parties can agree to change or amend whatever duties or obligations that are imposed to them on that contract.

Mrs. Magel: I have a feeling if they were invited to vote, they would vote for it anyway.

Mr. Pusateri: Yea.

Mrs. Magel: It was just a matter of....

Mr. Pusateri: Sure.

Mrs. Magel: ...they're part of the CEDA. Ok and third, procedurally, did Council take any action tonight to bring to the Planning a public hearing? I kinda got lost in the procedure there.

Mr. Peters: Planning has to call that public hearing don't they?

Mr. Pusateri: Yea.

Mrs. Magel: Ok, so Council, itself, procedurally did not call for a public hearing?

Mr. Snyder: It's not necessary for the Council. That can be...

Mrs. Magel: The answer is no.

Mr. Snyder: ...actually called by the Administration, the Engineer's office or whomever wants to call for that. And that was already called for prior to us so there's no interest to call for it done in here.

Mrs. Magel: Right.

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, January 24 7:00 p.m. 20 05

Mr. Snyder: I think it was either called by Administration or the office of the Engineer called for, I think.

Mr. Benekos: The Planning Commission can initiate that.

Mr. Snyder: Right.

Mr. Benekos: Which they did.

Mr. Snyder: Right.

Mrs. Magel: Right, actually it was the public hearing was scheduled for February 9<sup>th</sup> prior to you even discussing it on February 17<sup>th</sup>. I'm sure you didn't know that, but it was.

Mrs. Kiesling: You mean January 17<sup>th</sup>?

Mrs. Magel: Yea.

Mr. Snyder: Yea, they have the right under the, under the sub regs to call for their own hearing.

Mr. Pusateri: Well yea, that's correct. Are we talking about, which one, the width of the road?

Mr. Miller: Width of the road.

Mr. Snyder: Yes.

Mr. Benekos: The width of the rise, right they can initiate a change.

Mr. Pusateri: Just making sure I'm on the same page here. Yea, if you look here initiations of zoning amendments and (B) by adoption of a motion by the Planning Commission.

Mrs. Magel: Right, I understand that. That's why I was telling Council there was actually a public hearing even prior to the February or the January 17<sup>th</sup> meeting so. It was just...

Mr. Pusateri: There was a hearing?

Mr. Snyder: No. There's one scheduled.

Mrs. Magel: No, it was scheduled...

Mr. Pusateri: Oh, I'm sorry.

Mrs. Magel: ...for February 9<sup>th</sup>.

Mr. Pusateri: I see.

Mrs. Magel: Actually the scheduling was January 13<sup>th</sup>.

Mr. Pusateri: Then when it comes back to Council, Council will have to have a public hearing again.

Mrs. Magel: Right.

Mr. Snyder: Right.

Mrs. Magel: It's just, procedurally, you actually discussed it after the meeting was already, the public hearing was already scheduled. Ok, now on that ordinance, I don't even know what that ordinance is, do, does Council have the full ward wording on that? In other words, we've been discussing here single parking, double parking. I've heard things called their might include swales, is there actual wording that you have so that somebody who might want to attend, attend the February 9<sup>th</sup> meeting would have the full concept?

Mr. Benekos: Not from Council. Planning Commission will discuss options to make a recommendation on.

Mrs. Magel: Ok, so during the public hearings, suppose I want to come February 9<sup>th</sup>, would I know what ahead of time I could be asking? Like the concept of the swales, how deep it is or...

Mr. Benekos: What they'll be discussing is...

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Mrs. Magel: ...how wide it is.

Mr. Benekos: What the Planning Commission will be discussing is the width of the street. As far as swales go, the storm water control which the office of the Engineer will handle. It won't be a requirement of the narrowing of the streets.

Mrs. Magel: But I heard you say it was going to be a change in the subdivision regulations. Or at least the parking, the double parking and the..

Mr. Pusateri: I'm sorry, are you looking for specifics that will be in a notice coming from Planning Commission?

Mrs. Magel: Yes.

Mr. Pusateri: Alright, here again to the ordinances. Notices shall include the time and place of public hearing, a summary of the proposed amendment and a statement that opportunity to be heard will be afforded to any person interested. So there's a summary of the proposed amendment. It's not going to be a specific, the only way it's specific is in the notice, right Jim? Is that what you're saying?

Mr. Benekos: Correct. The only thing they're going to be discussing is the width of the street. As far as parking, that is something that is handled administratively. It's not per ordinance. Also the drainage is handled not per ordinance.

Mrs. Magel: But does that come to Council then?

Mr. Snyder: There's an ordinance in place that permits the Director of Administration to control parking and it's signal device in the City and that's to his discretion. That's not Council function. There has been an ordinance created about eight, nine years ago I think.

Mr. Miller: There's, the most recent one I can think of where we declared no parking was at the conclusion at the improvement of Bitzer and realignment of Bitzer we declared that south side no parking so that is something that there is a process for that and most often it's generated by the Fire, Police or a citizen pointing it out to us.

Mrs. Magel: Ok, so the best I can do for the February 9<sup>th</sup> meeting is hope for a summary of the widening of the street only.

Mr. Benekos: That's correct.

Mrs. Magel: And any other information I'd like about the swales or whatever I should just direct to ....

Mr. Peters: Engineer.

Mrs. Magel: Engineering. I'll give you a call Jim.

Mr. Peters: Kathy, were you asking if the ordinance was actually going to include verbiage what...

Mrs. Magel: Yea.

Mr. Peters: Ok, I asked that also. That's your discretion, right?

Mr. Benekos: That's correct. When the elements of the design of the subdivision will include that or not, we'll have to work with the developer on that. If they have adequate drainage control without that, that'll be an option we'll present to the developer that we would like to see him do that but there's a lot of details that have to be worked out and in that. Once the water gets into that front yard swale, what do you do with that? I mean, it's not just a matter of let's just swale it and be done with it. You know, it's just how progressive do we want to be in the City? I find it difficult at times. So that's some details we'll have to work out.

Mrs. Magel: For instance on the swale, I would ask who maintains it? Is it the City? Is it the homeowner?

Mr. Miller: Homeowner, you're talking about a swale that's at least on the versions of it that I've seen design less than a 4% grade. So it's something you just put a mower in and come back out. There's only a drop of about 3-4 inches...

Mrs. Magel: Ok.

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Mr. Miller: ...from one side of it to the other.

Mrs. Magel: Well that time at that meeting that you were talking about, Mr. Sarbach. There were several options that we were shown and I just...

Mr. Sarbach: Those were existing plats.

Mrs. Magel: ...you know, I just didn't know exactly which one we're heading for.

Mr. Miller: The one that Pam Feagler put up there. There's some of those that are much more progressive than what we're looking to be. As far as the vegetation and that type of thing. We're looking at something that fits into the neighborhoods that we have here in North Canton and is compatible with. We're not necessarily looking to turn those swales into wildlife preserves, so to speak.

Mrs. Magel: Ok, it just seems like this seems to be a package more than just the narrowing of the roads. We're doing some other concepts with our streets and I was hoping, maybe, by the February 9<sup>th</sup> meeting I would have some semblance of some knowledge that I could ask a question.

Mr. Benekos: What the narrowing of the streets does is give us opportunity to explore those other options.

Mrs. Magel: Will there be a public hearing for those?

Mr. Benekos: For them, for the options? Probably not. They're not subdivision regulation.

Mrs. Magel: Ok. So how does one have any input?

Mr. Benekos: With regard to?

Mrs. Magel: The rest of the story. I can understand that we, we can speak on February 9<sup>th</sup> considering the width but then you're talking about vegetation, parking, swales, grades. And how does one come to ascertain what we're doing?

Mr. Benekos: I don't think you could put in, in one subdivision regulation something that's going to fit all situations. Just like with the storm water control. That's controlled by the Engineer's office. This will be a storm water control issue that'll be...

Mrs. Magel: So that, then the final plat of...

Mr. Miller: The preliminary and final plat will...

Mrs. Magel: Well preliminary's already...

Mr. Miller: The preliminary will deal with some of the issues. The final plat will obviously have all that in there.

Mrs. Magel: We're done with the preliminary plat.

Mr. Miller: Pardon me.

Mrs. Magel: The preliminary plat was approved.

Mr. Miller: The final plat, again, you're applying it to something that it may never apply to. You're, this is not designed for the Sanctuary. Whether it fits the Sanctuary or not is something that's irrelevant to what Jim's proposed and what we've talked about here.

Mrs. Magel: I understand that. But I'm just saying, how do you find out the information if it is or is not.

Mr. Benekos: It's like any other storm water control in the subdivision. That's not a part of the plat, typically, unless they have to dedicate easements for that or retention areas. The design is part of the improvement plans that's approved by the Engineer's office.

Mrs. Magel: Ok. So the answer is to call...

Mr. Benekos: Right.

Mrs. Magel: 499-

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Mr. Benekos: 3465.

Mrs. Magel: 3465, ok. Thank you.

Mr. Snyder: Is there anyone else wishing to speak? Seeing none. If there's no other business to come before the Council, may I have a motion to adjourn please?

Mr. Lane: Mr. President, before we do. We're not here next week, correct?

Mr. Snyder: Oh, I beg your pardon. That's correct. Next Monday would be the fifth Monday. Rules of Council require only four meetings, actually only require two so we will be, not meeting next Monday. We will meet on February 1<sup>st</sup> it looks like. No.

Mr. Miller: 7<sup>th</sup>.

Mrs. Kiesling: 7<sup>th</sup>.

Mr. Snyder: February 7<sup>th</sup>. May I have a motion to adjourn?

## ADJOURN:

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

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

No: 0

The meeting adjourned at 8:42 p.m.

\_\_\_\_\_  
PRESIDENT OF COUNCIL

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

01/28/05-ALG