

RECORD OF PROCEEDINGS

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

Minutes of

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 13, 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. Don Rice, Jr. – St. Luke Lutheran Community.
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 Law Pusateri, Director of Finance Herr, City Engineer Benekos and Clerk of Council Kalpac.

5. Consideration

Minutes of Council Meeting: May 23, 2005
Financial Statement: May, 2005

Mrs. Kiesling moved and Mr. Peters seconded to approve the minutes of the council meeting and financial statement as presented. All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

6. Committee Reports

Executive Session (Finance & Property Committee): Refer to the minutes on file in the Council Office of the executive session meeting held May 23, 2005.

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Committee meeting held June 6, 2005.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held June 6, 2005.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held June 6, 2005.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held June 6, 2005.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held June 6, 2005.

Mr. Lane moved and Mr. Peters seconded to approve the committee report minutes as presented. All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

7. Voice Vote – Open Space Definition

Mr. Snyder: By voice affirmation, may we have a motion and a second to send to Planning the, our suggested definition of Open Space?

Mr. Peters moved and Mr. Foltz seconded to submit Council's definition of Open Space to the Planning Commission. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

8. Recognition of Visitors

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

Ms. Garcia: Hi guys. Kathy Garcia, 1036 Park NE. First of all, I'd like to ask Mr. Lindower if his main problem with the Cingular Tower isn't the kind of contract that you need. You've got a lawyer. If you, if you write out a good contract that tells them if they interfere with anything here in the City, they have to shut that down immediately. That they are notified that that goes. Then you could let the school go ahead and have the money and do it. It takes a little thought but I bet we could do that. The other thing I have on my mind is Mr. Snyder. When you knew that, that Hoover was going to pull out and Julie told you it was a bad idea to buy the

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golf course, you decided to go ahead and buy it anyway and put us in debt. And that is very important to you and to the City for open space and to have a nice golf course, ok. Now you have somebody, in Mr. Miller, that has a lot of good expertise. He knows how to handle water problems better than any of you. And when, and when he gives you the expert opinion that you should buy that Crowder property, you pass it off. But then you use his expertise to fix the water problems on the golf course. Now to that, that doesn't make sense to me. I think we could find the money or go in debt for it or whatever and let the future take care of the bill. Ok? And the last thing is, I saw Mr. Fano's letter in the paper tonight. And I think that situation is ridiculous. It's going on forever. You're going to lose another business in the City. And I think we need to get moving and get something done about it. That's all Grandma's got to say.

Mr. Snyder: Thank you. I think Ms. Garcia, one thing so the record's clear. I believe that vote was 6-1 to purchase the golf course. I don't think I unilaterally decided to buy it myself.

Ms. Garcia: Oh Jon, come on. You know very well that you can lead this Council. You're a good horse trainer and a good salesman. So don't kid me.

Mr. Snyder: Well I appreciate your confidence in me. Anybody else wishing to speak to the Council this evening? Please step forward and state your name and address for the record.

Mr. Crowder: Hello, my name is David Crowder. I live at 1665 Markley Street. I realize I'm not a resident of your City but I thank you for taking the time to listen to me this evening. It's my understanding that Council made a decision last week not to purchase the property that we have offered to the City which disappointed me, to say the least. But I guess I just wanted to address a few of the things that I had heard. A couple of them being, well first off just to give you give you history. It really isn't something that just came up. Four years ago we started discussing with the City about purchasing the property to expand the park land. When I purchased that land ten years ago, I bought it with the intended purpose of hanging on to all the property. I have since built my, my home there and the land that I'm looking to sell off is around my home. My feelings were the best use would be park land to not only enhance my own property but the City's as well. Since then when we allowed the City in order to do a hydraulic study, put a well on our property, in order to achieve that hydraulic study. Which worked out very good. The City has since put in a well down there that is producing. A couple of my things that I don't feel were properly, maybe passed on to Council, is I don't know if Council had ever seen the upper Muskingum Echo System Analysis Plan. It was done by Davey Resource Group. I also have several other studies that have been done. Basically, what they're stating is for the whole of Stark County, which includes North Canton, one of the three top resource areas for water is the retention basin in that area. To give you an example, I have a acre and a half lake on my property that I had put in about eight years ago that without fail, other than one time, has been producing 43,000 gallons of water a day in the overflow just from the pressure under ground which is running into the stream and on down. You put that into, to money terms, that's \$72,000 a year and if you take your water source of funding that you would sell water in the City and sell water out of the City, combine the two and figure that up in gallons, that's how I came to that number. I understand you've done some recent contracts that expense water funds, namely for the Airport and for the Aqua Ohio. I think those are great, great things for the City in so much as you're, you're adding people that are going to be using your water. Especially if outside the City, they're going to be paying a higher premium. Now in order to keep that money coming in, it's my opinion that you really need to look at protecting the wellhead areas. Now when you have a wellhead, you've got a recharge area for that and there's a lot of studies out there. If the recharge area is not there, your wells will not produce as well. Without that recharge area, your water table drops and you don't have the availability of it. There were several comments made last week, I apologize I wasn't here, but I did get the tapes of it stating that that land will still be available one, two to fifty years from now. I just want Council, I've worked on this for four years with the City and I really hate to see it not go through. Not only because the City has \$181,000 grant which minimizes the City's output and tax dollars and I understand budgets are very important. We've all got to live by them. But I also realize that a year from now, this property is not going to be available. And I guess just to address some issues, those that have said that nothing can be done out there. I'm a builder by trade. I'm very proud of what I do. I build custom homes. If nobody has been out there, please take the time to stop by my home. We have a 7,600 square foot home that we work with youth groups out of out there. We have a 4,000 foot agricultural building. We put in an acre and a half lake. The last valuation on it was just over \$800,000. And that's pretty good for property that nobody can do anything with. There was a comment the only houses can be built are on stilts. We've built up at Congress Lake. What you do, it's called a helicoil that you run down through silty muck soil, which is what they have up on the east side of Congress Lake. Those houses sit on helicoils. Those houses are selling in the price range of \$750,000 to a million, two. I'm proud to say I built those. We built in Belden Village on helicoils. Most of Belden Village is on helicoils. Now, yes this property is not Belden Village. It's not Congress Lake but it's not going to be there in the future either.

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So I guess to finish things off, if the City is interested in the property, I know it's a bad time for the City but it didn't just come up. It's been four years in negotiations and now is the time to get it if the City's interested. Thank you.

Mr. Snyder: Thank you sir....

Mr. Sarbach: Mr. Chairman I'd like to comment.

Mr. Snyder: Sure, go ahead.

Mr. Sarbach: Mr. Crowder, I'd just like to publicly thank you for your efforts in the past. This issue that was standing, we've had issues on your property. You've been very cooperative with City officials in letting us put in test wells, monitoring wells, access to those items and various other incidents that have happened there that you've been very cooperative with. And I publicly want to thank you for that and thank you for being a gentleman through this whole thing. And I respect your views tonight. As this Council knows, a couple of us are on your side and thought that that was a good purchase for the City. Obviously, five people didn't so, you know, I've got to respect that also. But I just want to thank you for your gentlemanly efforts over the last several years.

Mr. Lane: I think it's important to note too, we never took a vote. It just never came out of Committee so the Council itself did not make that recommendation but we talked about it. And we might talk about it again so.

OLD BUSINESS:

9. Mr. Snyder: Ok, anybody else wishing to speak to the Council this evening? Ok. May I have a motion to remove from the table, Ordinance No. 68-05?

Mr. Sarbach moved and Mrs. Kiesling seconded to **remove from the table**

Ordinance No. 68-05. All members present voting:

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

No: 0

Mr. Snyder: The purpose of my request, as I was speaking to the Clerk this past week relative to some of the things that we still have open that were tabled ordinances remaining that were not addressed prior to the third reading, this is one of them. And we want to clean this up as we had felt that possibly right now we'll leave this alone until a future time, to what's its' intended use would be. So we'd like, I would like to call a voice vote on it and would request that we defeat the legislation.

Mr. Pusateri: Inaudible...read the title?

Mr. Snyder: Yea, just read the title. That was my, I was just explaining my explanation.

Mr. Pusateri: Oh, I'm sorry.

Mr. Snyder: Now may I have a motion to read by title only, the third reading of Ordinance No. 68-05?

Mr. Pusateri: Sorry about that.

Mr. Snyder: That's alright.

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

Ordinance No. 68-05. All members present voting:

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

No: 0

Ordinance No. 68-05 – Third Reading

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

Mr. Snyder: Are there any comments, questions relative to that? If not, may I have a motion to adopt that third reading of Ordinance 68-05?

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Mr. Lane moved and Mr. Sarbach seconded to **adopt the third reading of Ordinance No. 68-05.** All members present voting:

Yes: 0

No: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.

10. Mr. Snyder: Thank you. May I have a motion to amend Ordinance No. 91-05, well first of all it's, excuse me, it's a tabled motion. First of all, may I have a motion to remove from the table Ordinance No. 91-05?

Mr. Lane moved and Mr. Sarbach seconded to **remove from the table** Ordinance No. 91-05. All members present voting:

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

No: 0

Mr. Snyder: Now may I have a motion to amend Ordinance No. 91-05?

Mrs. Kiesling moved and Mr. Peters seconded to **amend** Ordinance No. 91-05. All members present voting:

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

No: 0

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

Mr. Sarbach: What, what's your amendment for that?

Mr. Lane: What, what are we amending?

Mr. Snyder: The memo, remember we changed the description of the alley?

Mr. Sarbach: Ok, I think we want to mention that before we...

Mr. Snyder: Oh yes, I beg your pardon.

Mr. Sarbach: ...we vote on it. That's all.

Mrs. Kiesling: We don't have the old one.

Mr. Snyder: We don't have the old one?

Mr. Peters: No.

Mrs. Kalpac: It's on the agenda.

Mr. Snyder: Well the problem was, was the actual width of it, was it not?

Mrs. Kiesling: And direction.

Mr. Snyder: And the naming of the Alley and the direction...

Mr. Lane: It's wrong again on this too.

Mr. Sarbach: Yes, I think...

Mr. Lane: It should say southeast and not southwest. I believe we...

Mrs. Kalpac: You don't amend, no on the agenda it has to stay like that unless you amend it.

Mr. Lane: It has to stay like it was? Ok.

Mr. Snyder: So it does now, it is now southeast instead of southwest, correct?

Mr. Lane: Correct.

Mr. Snyder: What was the other...inaudible.?

Mr. Lane: Well, I think there was some problem with the length and Mike isn't here. He knows it by heart. And I don't have my old one to look at.

Mr. Snyder: Well, do you want to just leave it alone again until...

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Mr. Lane: I'm wondering if that wouldn't be the best idea to make sure we get this right because I'd hate to...

Mr. Snyder: Well then we'll just need to amend, we just need a motion to re-table that's all. If it's not, we don't have the proper...

Mr. Foltz moved and Mr. Peters seconded to **re-table, as amended**, Ordinance No. 91-05.
All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

- 11. Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, third reading of** Ordinance No. 92-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Ordinance No. 92-05 – Third Reading

An ordinance establishing the zoning classification of R-2F, Residential Two-Family as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises situated on the south side of Applegrove Street N.W., known as Lot No. 4555, House No. 420, Applegrove Street N.W., in the City of North Canton, Ohio, and requested by the City of North Canton, which is currently unzoned.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the final reading of this piece of property that was unzoned after the new zoning came up two years ago. I motion we accept.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the third reading of** Ordinance No. 92-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

- 12. Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, third reading of** Ordinance No. 93-05. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Ordinance No. 93-05 – Third Reading

An ordinance establishing the zoning classification of GB-A, General Business A, as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises situated on the south side of Applegrove Street N.W., known as Part of Out Lots 201 and 203 (Tower Terrace Park), in the City of North Canton, Ohio, and requested by the City of North Canton, which is currently unzoned.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the other piece of property that was unzoned after the zone changes we made back in '03. I motion we accept.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the third reading of** Ordinance No. 93-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

- 13. Mr. Foltz moved and Mrs. Kiesling seconded to **read by title only, third reading of** Ordinance No. 94-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Ordinance No. 94-05 – Third Reading

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the properties situated in the general area as bounded or abutting Harmon Street S.W. to the south; Charlotte Street N.W. to the north; Hillcrest Avenue Northwest/Southwest to the west; and Ream Avenue N.W. to the east, known as Lot No. 1297, 1298, 1299, 1300, 1301, 1546, 1547, 1548, and part of Out Lot 3 Charlotte Street N.W.; Lot No. 342, 518, 519, 520, 521, 522, 523, 1381, 1382, 1383, 1384, 1385, 2021, 4574, 4575, 5116, 5763, 5794, 5795, 6212, 6213, Out Lot 40, and Out Lot 41 Harmon Street S.W.;

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Lot No. 237, 251, 259, and Out Lot 4 Hillcrest Avenue N.W.; Lot No. 8, 9, 249, 250, 252, 253, 254, 262, 263, 264, 265, 340, 341, 450, 451, 1065, 1066, 1266, 1267, 1268, 1269, 1937, 1938, 4573, and Out Lot 40 West Maple Street; Lot No. 1, 229, 231, 232, 233, 234, 235, 236, 237 and Part of Lot 2 Portage Street, N.W.; and Lot No. 232, 255, 256, 257, 258, 260, 261, 1067, 1546, 1547, 1548, 1549, and 1550 Royer Avenue N.W., in the City of North Canton, Ohio, and requested by the City of North Canton, from RMF-B, Residential Multi-Family district to R-50, Residential Single-Family district.

Mr. Snyder: Chairman Kiesling? Is there any land left in the first ward that we didn't change?

Mr. Sarbach: Sounds like the counts that Michael Jackson was found not guilty on.

Mrs. Kiesling: This is the final reading of the zone change from...

Mr. Lane: Thank goodness.

Mr. Pusateri: Amen.

Mrs. Kiesling: ...from Multi-Family to R-50.

Mr. Foltz: Question.

Mrs. Kiesling: Yea, go ahead Doug.

Mrs. Kiesling: Jim, we do have the lots in the right spots for the 200 Blk of Portage, right? Just to be on the record.

Mr. Benekos: Yes.

Mrs. Kiesling: Yea, I looked it up too.

Mr. Foltz: Very good.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the third reading of**

Ordinance No. 94-05. All members present voting:

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

No: 0

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

Ordinance No. 95-05. All members present voting:

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

No: 0

Ordinance No. 95-05 – Third Reading

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the properties situated in the general area as bounded or abutting Harmon Street S.W. to the south; Charlotte Street N.W. to the north; Hillcrest Avenue Northwest/Southwest to the west; and Ream Avenue N.W. to the east, known as Lot No. 240, 241, 242, 243, 244, 245, 246, 247, and 248 Hillcrest Avenue N.W.; Lot No. 5117 and part of Out Lot 41 Hillcrest Avenue S.W.; Lot No. 342, 445, 446, 447, 448, 449, 5114, 5115, 5763, 5794, and 5795 West Maple Street; Lot No. 3, 4, 79, 90, 91, 238, 239, 240, 819, 821, 925, 926 and 927 Portage Street N.W., in the City of North Canton, Ohio, and requested by the City of North Canton, from RMF-B, Residential Multi-Family B district, to R-2F, Residential Two-Family district.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the final reading of this zone change from Multi-Family to Two-Family district. I believe everything's correct. I motion we accept.

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the third reading of**

Ordinance No. 95-05. All members present voting:

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

No: 0

15. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, third reading of**

Ordinance No. 96-05. All members present voting:

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

No: 0

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Ordinance No. 96-05 – Third Reading

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the properties situated in general area as bounded or abutting Harmon Street S.W. to the south; Charlotte Street N.W. to the north; Hillcrest Avenue Northwest/Southwest to the west; and Ream Avenue N.W. to the east; known as Lot No. 6, 23, 928, and 5910 West Maple Street, in the City of North Canton, Ohio, and requested by the City of North Canton, from GB-A, General Business A district to P/I, Parks and Institutional district.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the third reading of this zone change. Any comments, questions? There's not much more to say. I motion we accept.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the third reading of Ordinance No. 96-05.** All members present voting:

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

No: 0

16. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, third reading of Ordinance No. 97-05.** All members present voting:

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

No: 0

Ordinance No. 97-05 – Third Reading

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the properties situated in the general area as bounded or abutting Harmon Street S.W. to the south; Charlotte Street N.W. to the north; Hillcrest Avenue Northwest/Southwest to the west; and Ream Avenue N.W. to the east, known as Lot No. 337, 338, 339, and 6214 West Maple Street, in the City of North Canton, Ohio, and requested by the City of North Canton, from GB-A, General Business A district to R-2F, Residential Two-Family district.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the third and final reading of this area changed from GB-A to Two-Family. Questions? I motion we accept.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the third reading of Ordinance No. 97-05.** All members present voting:

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

No: 0

17. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, third reading of Ordinance No. 98-05.** All members present voting:

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

No: 0

Ordinance No. 98-05 – Third Reading

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the properties situated in the general area as bounded or abutting Harmon Street S.W. to the south; Charlotte Street N.W. to the north; Hillcrest Avenue Northwest/Southwest to the west; and Ream Avenue to the east, known as Lot No. 7 West Maple Street, in the City of North Canton, Ohio, and requested by the City of North Canton, from RMF-B, Residential Multi-Family district to P/I, Parks and Institutional district.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the final piece of legislation changing from RMF-B to P & I. Any questions? I motion we accept.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the third reading of Ordinance No. 98-05.** All members present voting:

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

No: 0

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Mr. Snyder: On behalf of Mr. Foltz and myself, I want to thank the Council. I think we made the right move in moving these properties back to Single-Family dwellings to encourage people to move into the City that normally would not be able to afford some of our properties, as we do have some of the highest property values in the County. And this affords the opportunity so. I know Mr. Foltz and I supported, whole hundred percent. And thanks Council for it, you're overwhelming support, and the Administration on that. We do appreciate it. May I have a motion to read by title only the third reading of Ordinance No. 103-05?

18. Mr. Peters moved and Mr. Lane seconded to **read by title only, third reading** of Ordinance No. 103-05. All members present voting.
Yes: Lane, Lindower, Peters, Sarbach, Snyder and Kiesling.
No: Foltz.

Ordinance No. 103-05 – Third Reading

Ordinance No. 103-05 authorizing the Director of Finance of the City of North Canton to make payment of a moral claim in the amount of \$1,000.00 to Dennis Weaver for reimbursement of expenses resulting from damage to the catch basin and storm line on his property.

Mr. Snyder: Chairman Peters?

Mr. Peters: Yes, this is the third and final reading and last Council meeting we all had a chance to look at the pictures of the flooding and the work he's done since then. And again I support this. Any questions?

Mr. Sarbach: Mr. Chairman, this represents less than twenty-five percent of his actual costs. Is that correct?

Mr. Peters: Yes, sure does. Anything else? Alright, with that, I move that we adopt third reading, 103-05.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the third reading** of Ordinance No. 103-05. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Kiesling and Lane.
No: Foltz.

19. Mrs. Kiesling moved and Mr. Lane seconded to **read by title only, second reading** of Ordinance No. 110-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Ordinance No. 110-05 – Second Reading

An ordinance authorizing the Director of Administration of the City of North Canton to seek quotes on life insurance for the period December 1, 2005 through November 30, 2007 for the City of North Canton and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for said life insurance.

Mr. Snyder: This is going to expire this December. It is a tandem piece of benefit that the employees of the City get life insurance. Most of the health care providers all, in fact they all do require it. And this is allowing them a little time as, go out and search the markets for the best possible price. Any questions? If not, may I have a motion to adopt the second reading of Ordinance 110-05?

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the second reading** of Ordinance No. 110-05. 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, second reading** of Ordinance No. 111-05. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Ordinance No. 111-05 – Second Reading

An ordinance authorizing the Director of Administration of the City of North Canton to seek quotes for administering a self-insured health insurance program for the employees of the City of North Canton, and for the Mayor of the City of North Canton to be authorized, upon concurrence by Council, through the Board of Control, to enter into a contract for said health insurance.

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Mr. Snyder: Again, this product will expire this December. We're bound by contractual obligation through the collective bargaining to provide certain benefits to the employees, this being one of them. And again, they're looking for additional time to see if we can save some money by going out and quoting them now. Any questions to that? If not, may I have a motion to adopt the second...

Mr. Pusateri: Jon.

Mr. Snyder: Oh, excuse me. I beg your pardon. Mr. Lindower?

Mr. Lindower: I'd like to ask a question on that. Julie, maybe you can tell me on these bids that are going out or the specs on this, is American Health Choice included in that again this year?

Mrs. Herr: They'll receive a...

Mr. Lindower: An option to quote on it.

Mrs. Herr: ...a package, yes. To, to place a quote.

Mr. Lindower: Because there are some people that are really unhappy with the program we've got now, that I'm hearing.

Mrs. Herr: They're, they've always been included and they've always bid. It's just the price that they come back with is, it's unfortunately, Aultcare has been better.

Mr. Lindower: Ok, thanks.

Mr. Snyder: Any other questions? If not, may I have a motion to adopt the second reading of Ordinance No. 111-05?

Mrs. Kiesling moved and Mr. Lane seconded to **adopt the second reading of Ordinance No. 111-05.** All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

21. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, second reading of Ordinance No. 112-05.** All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Ordinance No. 112-05 – Second Reading

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

Mr. Snyder: Is that in case these people are dehydrated? They have a little salt. The purpose is we're being a little more proactive in going out and getting the bids on it when the prices are extremely low and avoiding having to scurry around in the fall in here and pass it on an emergency. So they're going now...inaudible...again it's the time of the year when there's not much pressure on them. So that's ...inaudible. And there being no questions, I would like to have a motion to adopt the second reading of Ordinance No. 112-05?

Mr. Sarbach moved and Mr. Peters seconded to **adopt the second reading of Ordinance No. 112-05.** All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

22. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading of Ordinance No. 113-05.** All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

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Ordinance No. 113-05 – Second Reading

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

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: These items are necessary for our plant to operate and provide the quality product to provide to our customers. And I move that we adopt the second reading of Ordinance 113-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the second reading of Ordinance No. 113-05.** All members present voting:

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

No: 0

NEW BUSINESS:

23. Mrs. Kiesling moved and Mr. Lane seconded to **read by title only, first reading of Resolution No. 118-05.** All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Resolution No. 118-05 – First Reading

Resolution No. 118-05 stating what municipal services will be provided to 2.862 acres of land, more or less, being part of the Northwest Quarter of Section 16, Township 11 (Plain Township), Range 8, Stark County, Ohio, proposed to be annexed to the City of North Canton, in the event said territory is annexed to the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is our recent annexation. We're naming it the Dent/East Maple Annexation of 2.862 acres. This is just a resolution stating we will give them all services that we currently give all our residents. We need it on an emergency to send it down to the Stark County Commissioner's. Questions?

Mr. Sarbach: This, is this the Dent Annexation?

Mrs. Kiesling: Yes. The Dent/East Maple.

Mr. Lane: They actually refer to it in the next piece of legislation. I think this one just basically describes the exact area.

Mrs. Kiesling: Right.

Mr. Sarbach: Ok, thank you.

Mr. Snyder: This particular resolution, by law, we have to tell them what services we can provide and what we will provide. And that's what that, so can I have a motion to adopt the first reading of Resolution 118-05?

Mrs. Kiesling moved and Mr. Lane seconded to **adopt the first reading of Resolution No. 118-05.** All members present voting:

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

No: 0

Mr. Snyder: Since time is of the essence. This is an expedited annexation. May I have a motion to suspend the rules of council pertaining to Resolution 118-05?

Mr. Lane moved and Mrs. Kiesling seconded to **suspend the rules** for Resolution No. 118-05. All members present voting:

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

No: 0

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Mr. Lane moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Resolution No. 118-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

24. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 119-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Ordinance No. 119-05 – First Reading

An ordinance consenting to the proposed annexation of certain territory known as the Dent/East Maple Annexation containing 2.862 acres of land, more or less, in Plain Township to the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the same annexation. We're just consenting as councilmen that we want to annex it and send it down to the Commissioner's. Any questions? And we need this on an emergency also.

Mr. Snyder: Ok.

Mrs. Kiesling: I motion we accept.

Mr. Snyder: Ok.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the first reading of** Ordinance No. 119-05. 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 for** Ordinance No. 119-05. 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** Ordinance No. 119-05. All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

25. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of** Ordinance No. 120-05. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Ordinance No. 120-05 – First Reading

An ordinance to comply with Ohio Revised Code 709.023(C) regarding compatible and/or incompatible zoning uses, for the proposed annexation to the property known as the Dent/East Maple Annexation, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is new to the Ohio Revised Code this year. It states that if a territory proposed to be annexed, known as the Dent/East Maple Annexation, becomes subject to zoning by the City of North Canton and that City of North Canton zoning permit uses and the annexed territory that the City of North Canton terms are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed. The Council of the City of North Canton will require in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory in the adjacent land remaining within the township. Everybody understand that? I'd just thought I'd read it, makes it easier.

Mr. Lindower: What'd you say?

Mrs. Kiesling: Just read it.

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Mr. Sarbach: What lot number was that?

Mrs. Kiesling: Questions, concerns other than what I just said? I motion we accept then.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 120-05.** All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 120-05. 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. 120-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

26. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 121-05.** All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Ordinance No. 121-05 – First Reading

An ordinance levying special assessments for the improvement of certain properties in the City of North Canton by constructing and installing sanitary sewer lines, sanitary service lateral connections, and other necessary appurtenances, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yea, this was the property in Ward 1 that we had a problem with the sanitary with. We are going to assess the property owners to the tune of \$19,524.54 and I move that we adopt first reading of Ordinance 121-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 121-05.** All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 121-05. All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 121-05. All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

27. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 122-05.** All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Ordinance No. 122-05 – First Reading

Ordinance No. 122-05 accepting a twenty (20) foot perpetual water main easement, being part of Out Lot 286, Parcel 5800912 in the City of North Canton, presently owned by McKinley Development Leasing Company, Ltd, (Grantor); and being part of the Southeast Quarter of Section 9, Township 11, Range 8 of former Plain Township, to turn over an existing waterline and all appurtenances for the City of North Canton to own and maintain.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: This is a water main put in at Washington Square that serves our customers there that we will be maintaining over the next, forever. I move that we adopt the first reading of Ordinance No. 122-05.

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Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 122-05**. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Sarbach: Mr. Chairman, I move we suspend the rules for Ordinance No. 122-05.

Mr. Snyder: I don't think that's on an emergency.

Mr. Pusateri: Yea, that's not an emergency.

Mr. Sarbach: I'm sorry, you're right. Excuse me.

Mr. Snyder: No problem.

Mr. Sarbach: Getting ahead of myself.

Mr. Snyder: If I can get to the next one, you can do that.

28. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading of Ordinance No. 123-05**. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Ordinance No. 123-05 – First Reading

An ordinance amending Section 3. of Ordinance No. 58-05, Price Park 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 the raw waterline area down at Price Park that is costing us more than we anticipated and it brings the total of that project to \$450,000. I move that we adopt the first reading of Ordinance 123-05.

Mr. Snyder: Chairman Sarbach, one thing so that we know that this money is in fund of the Water Replacement Fund at present.

Mr. Sarbach: Yes, yes it is.

Mr. Snyder: We'll be transferring what 100,000, \$105,000 from that...

Mrs. Herr: 100,000.

Mr. Snyder: 100,000. That money will be transferred from the Water Fund over to that. Thank you sir. May I have a motion to adopt, oh you did. You've already moved that.

Mr. Sarbach: Yea, it's been moved and seconded so we need to...

Mr. Lane: And I seconded so.

Mr. Snyder: Just a roll.

Mr. Sarbach moved and Mr. Lane seconded to **adopt the first reading of Ordinance No. 123-05**. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Mr. Sarbach moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 123-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 123-05**. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

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29. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 124-05.** All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Ordinance No. 124-05 – First Reading

Ordinance No. 124-05 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 (the "City") and Willmoll Development I, Ltd. (the "Developer") for reimbursement to the Developer for construction of a twelve (12) inch waterline, at a cost not to exceed \$105,000.00, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: This is part of our responsibility for that waterline extension. And due to the developer's urgency, he is going to install that and we're going to reimburse him sometime after January 15th of next year. And I believe we discussed that. Any questions or comments on this issue? Seeing none, I move that we adopt the first reading of Ordinance 124-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 124-05.** All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules for Ordinance No. 124-05.** All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 124-05.** All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

30. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 125-05.** All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Ordinance No. 125-05 – First Reading

An ordinance amending Ordinance No. 54-05, specifically Section 1, establishing rental rates and policies for rental of the North Canton Dogwood Park Shelter located at 241 Seventh Street NE, and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Snyder: We're not actually changing the dollar figures. We're changing when it can be rented and it establishes a little easier, there was some questions, it was a little ambiguous as to what, when and how you could rent it. And the Director of Administration had no way to enforce the actual spirit of the ordinance so he's asked that this be changed and we've done it accordingly as we spoke last week at the meeting. Is there any...

Mr. Peters: It also specifies which side, correct?

Mr. Snyder: Exactly.

Mr. Peters: That's what I thought.

Mr. Snyder: And I know that they've had several discussions with Superintendent of Parks and Recreations and they've worked that out so it's very clear now when and how much it is and what side you can rent and the time of the day that you can rent it.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 125-05.** All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

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31. Mr. Snyder: Prior to the reading of Ordinance 126-05, I'd like to state for the record that there is a fiscal officer certificate on file signed by the fiscal officer of the City of North Canton pertaining to us issuing bonds in the amount of \$1,800,000. May I have a motion to read by title only, the first reading of Ordinance No. 126-05?

Mr. Foltz moved and Mr. Lane seconded to **read by title only, first reading of** Ordinance No. 126-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Ordinance No. 126-05 – First Reading

An ordinance providing for the issuance and sale of \$1,800,000 notes, in anticipation of the issuance of bonds, for the purpose of paying a portion of the costs of acquiring the premises known as Arrowhead Country Club, located at 1500 Rogwin Circle SW in the City of North Canton, Ohio, and declaring an emergency.

Mr. Snyder: This is due to mature, I believe, about the 28th or 29th of...

Mrs. Herr: 29th.

Mr. Snyder: 29th of the month, we presently hold this note in our own portfolio so in essence we're borrowing money from ourselves and paying ourselves. But again, we're going to re-issue it and most probably continue to hold the note as we feel the collateral is very solid both on the, from the borrowing side and for the actual real property which the note holds against. So if there are no questions, may I have a motion to adopt the first reading of Ordinance 126-05?

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading of** Ordinance No. 126-05. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Mr. Peters moved and Mrs. Kiesling seconded to **suspend the rules for** Ordinance No. 126-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Mr. Peters moved and Mr. Sarbach seconded to **adopt under suspension of the rules** Ordinance No. 126-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

32. Mr. Snyder: Again for the record pertaining to Ordinance No. 127-05, let it state that we have a signed statement by the fiscal officer of the City of North Canton stating that we are in a position to issue notes and sell bonds in the amount of \$1,500,000. May I have a motion to read by title only the first reading of Ordinance No. 127-05?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of** Ordinance No. 127-05. All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

Ordinance No. 127-05 – First Reading

An ordinance providing for the issuance and sale of \$1,500,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving City streets by reconstructing and rehabilitating certain streets identified in the City's Capital Improvement Plan and constructing curbs and gutters and related improvements, together with all necessary appurtenances thereto, and declaring an emergency.

Mr. Snyder: Again, we've decided to do this. This money will not necessarily, we don't know the final outlook when we will be using this if we all in fact will be using this money that we borrowed. But it only allows us to borrow money on certain projects and we're stating and earmarking this for the borrowing of the Landsdowne Project which is a complete project. And what happens to it, we'll have to wait here and find out in the fall. But again, we would not probably be drawing against that money until next spring anyway so. But we will issue the bonds now since we will combine the two of them along with the next piece of legislation and go to the bond market for that. For the simple fact, the size of the bonds make it a little more desirable to purchase. All the legislation has been prepared by bond counsel Squires, Sanders and I think that's on that advice we're doing that. Am I not right?

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Mrs. Herr: Yes.

Mr. Snyder: Ok, is there any other questions to that at this time? If not, may I have a motion to adopt the first reading of Ordinance No. 127-05?

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading of** Ordinance No. 127-05. All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Snyder: Again time is of the essence to issue these notes for the 29th of the month. And I'd like to suspend the rules of council pertaining to Ordinance No. 127-05.

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules for** Ordinance No. 127-05. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Peters moved and Mr. Sarbach seconded to **adopt under suspension of the rules** Ordinance No. 127-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

33. Mr. Snyder: May I have a motion, excuse me, let the record state pertaining to Ordinance No. 128-05 that on file is a signed statement by the fiscal officer of the City of North Canton stating the City is in a financial situation and capable of issuing notes in the amount of \$385,000. May I have a motion to read by title only the first reading of Ordinance No. 128-05?

Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of** Ordinance No. 128-05. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Ordinance No. 128-05 – First Reading

An ordinance providing for the issuance and sale of \$385,000 notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving and expanding the City's sewerage system by constructing sanitary sewer lines, together with all necessary appurtenances thereto, and declaring an emergency.

Mr. Snyder: This is to finance the sanitary sewer line that we're placing in the Sanctuary. We had originally appropriated \$135,000 towards the rebuilding of that lift station but ...inaudible...Administration and their suggestion, they showed where we could save some three to four hundred thousand dollars by redoing a gravity fed line. We took proactive moves to increase our sewer rates which will generate in excess of a hundred and twenty some thousand dollars towards the retirement of this debt. And that's the purpose of it and it's on an emergency basis because, again, we want to lump them together and issue the notes on the 29th of this month. Are there any questions relative to that? If not, may I have a motion to adopt the first reading of Ordinance No. 128-05?

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of** Ordinance No. 128-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Mrs. Kiesling moved and Mr. Lane seconded to **suspend the rules** for Ordinance No. 128-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

Mr. Peters moved and Mr. Sarbach seconded to **adopt under suspension of the rules** Ordinance No. 128-05. All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

34. Mr. Snyder: I did have a call, before I ask for, I did have a call from the Superintendent of Schools today asking if we would consider placing this next piece of legislation on an emergency basis. The reason that he asked that is the simple fact the construction time is such a small window. They need that field, it's being built there in the stadium and sometime around the first week of August they begin to play football again and they need all the room they can get. So they only have about a five and a half week window to construct this building

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where this flag pole is going to go. So at this time, I would ask that we amend the agenda pertaining to Ordinance No. 129-05 to include an emergency.

Mrs. Kiesling moved and Mr. Peters seconded to **amend** Ordinance No. 129-05 to include an emergency clause. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading, as amended** of Ordinance No. 129-05. All members present voting:

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

No: 0

Ordinance No. 129-05 – First Reading

Ordinance No. 129-05 approving a Fifty Thousand (\$50,000.00) Dollar Performance Bond for the New Cingular Wireless and declaring the same to be an emergency.

Mr. Snyder: Mr. Sarbach?

Mr. Sarbach: Yea, I'd like to ask the Engineer. I'm not familiar exactly where this tower is going to be spotted over there but I believe we have an ordinance on the books that says it has to be at least as far inside the property as the tower is tall. Does this comply with that, with that ordinance?

Mr. Benekos: It complies with that portion of the ordinance. But the ordinance also says it has to be a minimum of 300 feet. Planning Commission granted a variance on that so it is, it is further from the property line than it is the height of the tower itself. It meets that restriction but doesn't, it does not meet the 300 foot restriction.

Mr. Sarbach: What was the reason for the 300 foot restriction? I don't recall that.

Mr. Benekos: That, that's in the ordinance.

Mr. Snyder: In case it fell.

Mr. Sarbach: Well the height of it being that far in but I don't recall what the 300 foot was. Because I was involved with that, with that other ordinance in Ward 2 when we had a situation there. But this is completely different.

Mr. Lane: Some cell towers collapse into themselves now too. They just come straight down. They don't fall over. So there's not as much of a risk as there was when I think that ordinance first went into being, I'm sure.

Mr. Sarbach: I think the purpose of that ordinance was to prevent a small property owner from, from devaluing the whole neighborhood. And this is not that situation because it's all owned by School Board so. Ok.

Mr. Snyder: Inaudible...into themselves?

Mr. Sarbach: Depends on how they're built.

Mr. Lane: A lot of the newer ones do, yea. They just, they're built in sections and when they start to...

Mr. Lindower: Jon, could I ask another question?

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

Mr. Lindower: I asked last week about the Engineering Study from, from the cellular company. Did you ever get an Engineering Study from those people. And I'm not talking about the construction of that tower. I'm talking about the RFI possibilities from that tower. Is there anything that's been given to us on that?

Mr. Benekos: The RFI's?

Mr. Lindower: Radio frequency interference.

Mr. Benekos: They discussed that at the meeting. I think that question was brought up. We do, they did submit a report but I don't know if that's specifically addressed or not. They did talk about if there's interference with police and fire that they could change their frequency.

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Mr. Lindower: Who would change their frequency?

Mr. Benekos: They would change their frequency.

Mr. Lindower: Well a cellular tower doesn't just change their frequency. I'll tell you Jim, I would really, I'd really like to be, I'd be interested in knowing if there's been an Engineering Study done on the RFI factor. Not only because I live in that neighborhood but because of the fact that particular area, with the elevation and so forth, can cause a problem for everybody, including the cable t.v. companies. So, you know, one of the things that if that happens to be there or if it isn't, if you could get your hands on that. I'd really like to take a look at that because I've got a feeling that probably that hasn't been done. Possibilities are that there could be some RFI from a situation like that. Also there's another possibility that it won't exist. But the only thing is, I'd like to know that they have actually engineered and studied that so if the problem comes up, you know, it's not going to have to be dealt with later, because that could be a major problem. So, you know, if it's possible if you could find out on that, I'd really like to know.

Mr. Benekos: Ok.

Mr. Lindower: Thank you.

Mr. Snyder: Any other questions?

Mr. Lindower: That's, the only problem that I've got with this is passing that on an emergency right now. I'd really like to have that checked into prior to...inaudible.

Mr. Snyder: Let me ask this in due respect to, Mr. Lindower, to the Law Department. Can we amend this a second time passing it subject to the issuance of that, and I apologize I don't know the first thing about it...

Mr. Sarbach: Engineering Study.

Mr. Snyder: ...Engineering Study. I don't know what the proper terminology, submission of that.

Mrs. Kiesling: What if they didn't do one, which I don't know that they did.

Mr. Pusateri: Well, to answer that first question. I think we already moved to amend it to make it an emergency. So that's where it is at this point. And then to answer Mr. Lindower's question as well, I've, I've not seen that study. But I was at the Planning Commission meeting and there's also a couple things that, to keep in mind. They are regulated by the FCC heavily. And they mentioned that at the meeting as well. And two, there would be individual liability on their part if they were to interfere with another frequency and cause injury or damage. That's liability on their part too. So there are, they are accountable to, to other areas. And I'm not sure about the study that you mentioned but that's something that...

Mr. Lindower: I've dealt with issues like that before Paul. And obviously if they would have spurious emissions...inaudible...towers they would, they would be willing to address the problem but it can take years sometimes to straighten that issue out. If nothing else, if they don't have an Engineering Study that they can actually give to you, isn't it possible for them to have some sort of an affidavit from their engineering people saying that that's not going to happen. That protects us if something would come up.

Mr. Pusateri: We certainly could do that, sure. I mean that's something, I don't know if they have that study or not. I'm not sure Mr. Benekos probably doesn't know either at this point.

Mr. Benekos: I don't know either.

Mr. Sarbach: Paul, could we give this a first reading? I know we got an emergency clause in it. But we give it the first reading tonight and then pass on emergency.

Mr. Pusateri: First you can table it as it stands, as amended. And then that would be the best way to do it, I would think. Table it for this week and maybe have a special meeting before the Council of the Whole next week to answer these questions and have it passed. And that's probably the best...

Mr. Lindower: I don't, I don't want to bog the thing down but I think...

Mr. Pusateri: Yea, that's the quickest, I think, to answer your questions.

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Mr. Sarbach: A week, no, this is important. Like you say, if we don't do it now and it's passed....

Mr. Pusateri: Yea, I think that this...

Mr. Sarbach: ...then we're just setting out there.

Mr. Pusateri: ...the simplest way is to table it and have these questions answered and put it on a special meeting before the meeting of Council of the Whole next week and pass it then. It only holds it up one week then.

Mr. Sarbach: I would be comfortable with that. And then if we get the proper answers, we just pass it on a special meeting before that Council of the Whole meeting. Is that good with you Dave?

Mr. Lindower: Yea, that would be great. And always we could take a look at something like that.

Mr. Pusateri: Sure. And we can get on that this weekend, this week, Jim, right? We'll just look at it.

Mr. Benekos: Yes.

Mr. Snyder: Alright then, may I have a motion to table Ordinance No. 129-05...

Mr. Sarbach: So moved.

Mr. Snyder: ...as amended.

Mr. Peters: As amended.

Mr. Sarbach moved and Mr. Peters seconded to **table, as amended**, Ordinance No. 129-05.

All members present voting:

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

No: 0

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

Ordinance No. 130-05. All members present voting:

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

No: 0

Ordinance No. 130-05 – 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. 650 Water Revenue Fund to the Interfund Transfers account in the aggregate amount of \$100,000.00, and authorizing the transfer of same funds from the Water Revenue Fund to the Water Expansion, Replacement and Improvement Fund for the current expenses during the fiscal year ending December 31, 2005, and declaring the same to be an emergency.

Mr. Snyder: This is an administrative action. It's self explanatory to move \$100,000 from our account over to, to transfer the funds into the Water Revenue Fund. And it's done on an emergency basis because of, obviously we have to pay that bill. They're in there doing it and they're completing it. Any questions on that? If not, may I have a motion to adopt the first reading of Ordinance No. 130-05?

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

Ordinance No. 130-05. All members present voting:

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

No: 0

Mr. Peters moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 130-05.

All members present voting:

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

No: 0

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

Ordinance No. 130-05. All members present voting:

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

No: 0

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36. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 131-05. All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

Ordinance No. 131-05- First Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 651 Water Expansion, Replacement and Improvement Fund to the Facilities-Waterlines account in the aggregate amount of \$100,000.00, for the current expenses during the fiscal year ending December 31, 2005, and declaring the same to be an emergency.

Mr. Snyder: Again, this is an administrative function to move this money from one account to the other. And as time is of the essence, we'd like to do it on an emergency. Any questions on that? May I have a motion to adopt the first reading of Ordinance No. 131-05?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 131-05. All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mrs. Kiesling moved and Mr. Sarbach seconded to **suspend the rules** for Ordinance No. 131-05. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Peters moved and Mr. Lane seconded to **adopt under suspension of the rules** Ordinance No. 131-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

37. Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 132-05. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Ordinance No. 132-05 – First Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 651 Water Expansion, Replacement and Improvement Fund to the Facilities account in the aggregate amount of \$205,568.00 for the current expenses during the fiscal year ending December 31, 2005 and declaring the same to be an emergency.

Mr. Snyder: What is this paying for?

Mrs. Herr: This is the additional money that's needed for the backwash...

Mr. Snyder: Oh yes.

Mrs. Herr: ...holding tank.

Mr. Snyder: That's two different, that's right, I apologize. I got a little confused there on what we were paying for. Again, this money, this is part of the borrowings though, correct?

Mrs. Herr: Yes, this is money that were...

Mr. Snyder: This is not in-house money, this is part of the note that we're going to the state...

Mrs. Herr: That's correct.

Mr. Snyder: Ok. As she just so eloquently explained, it's to pay the additional funding for the backwash at the Water Treatment Plant. It will be included in our borrowings. I believe we have daily supervision of the project that we're paying for. So that we do know that it's one of the greatest assets we have is off that property. So that's what has driven our costs up a little bit on that. Are there any questions on that? If not, may I have a motion to adopt the first reading of Ordinance No. 132-05?

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Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 132-05.** All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Mr. Peters moved and Mr. Sarbach seconded to **suspend the rules for Ordinance No. 132-05.** 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. 132-05.** All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

38. Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 133-05.** All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 133-05 – First Reading

An ordinance authorizing the Director of Administration of the City of North Canton, to advertise and receive bids according to specifications now on file in the office of the Director of Administration; and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the resurfacing, repaving, replacement, repair, and preventative maintenance of certain streets and alleys within the corporate limits of the City of North Canton, in an amount not to exceed \$212,321.00 and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: This is our annual paving program. The cost was increased due to the Easthill Project and what we did last week and incorporated into this which is not read yet but Section No. 3 says that the six high priority projects on Applegrove, from Hyacinth to School, which I think people would probably say is the number one priority in the entire City, I would think. Fair Oaks NW, 5th Street to 7th, Ford Avenue SW, Bachtel to Church, Royer Avenue NW, from West Maple to Portage, Willaman NW, from Portage to 5th, and 50th Street SE, from South Main to Carlton shall be completed first before we continue on with the smaller projects. So if we do get in a monetary bind, we can pull the plug a little bit early if we have to. But we want to get these six done. Anybody have any questions at all?

Mr. Snyder: That's an increase of 75,000...

Mr. Lane: Roughly 75,000, yea.

Mr. Snyder: ...that we had from another project that we were able to carry over from...

Mr. Lane: Yea, I think we, we have the money but it's a cautious optimism.

Mr. Snyder: Ok.

Mr. Lane: So if no questions, I would move we adopt.

Mr. Lane moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 133-05.** All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Snyder: May I have a, as time is of the essence and construction season is so short, a motion to suspend the rules pertaining to Ordinance No. 132-05?

Mr. Lane moved and Mr. Peters seconded to **suspend the rules for Ordinance No. 133-05.** All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Lane: What was...

Mr. Snyder: May I have a motion, oh excuse me mam.

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Mrs. Kiesling: I think you said 132-05, isn't 133-05?

Mr. Lane: Yea.

Mr. Sarbach: Yea, you did say 132. You meant...

Mr. Snyder: I beg your pardon, 133-05.

Mr. Sarbach: Yea.

Mr. Snyder: I stand corrected.

Mr. Lane: Alright, we don't have to revote do we? Ok.

Mr. Snyder: And I'll, may I have a motion to adopt under the suspension of the rules, Ordinance 133-05? I'm just checking...

Mr. Sarbach: Yea, you're awake.

Mr. Lane: I don't want to give anybody a chance to back out.

Mr. Sarbach: I think Jan left us a little while ago but the rest of us are staying.

Mr. Snyder: Inaudible...he didn't fall asleep.

Mr. Lane: Jan, Jan does a lot of obit. work and now you know why.

Mr. Snyder: We're going to need a siren we have so many emergencies up here.

Mrs. Kiesling: Yea.

Mrs. Kiesling moved and Mr. Lane seconded to **adopt under suspension of the rules** Ordinance No. 133-05. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Mr. Snyder: I just would like to publicly, I did have the pleasure of traveling that Easthill this week and Mayor I appreciate that fine work there. That street is...

Mr. Lane: It's pristine.

Mr. Snyder: It is. A matter of fact...

Mr. Lane: I couldn't find a single bump.

Mr. Snyder: ...I just drive back and forth there because that's the only...

Mr. Sarbach: You're going to wear it out.

Mr. Snyder: ...street that's in good shape.

Mrs. Kiesling: I rode my bike on it.

Mr. Lane: Give it a couple weeks.

Mr. Snyder: Well, it looks good.

Mr. Lane: Remember we had a detour coming through there.

39. Mr. Snyder: We appreciate that, thank you. The next two ordinances there is some question relative to the language where we're dedicating open space. We do not want to accept that. That would not be our responsibility. So I think we need to amend both those ordinances because that would make it our responsibility to maintain that property and I don't think that was our intention.

Mr. Pusateri: Yea, if you want me to explain a little bit further. If you look at Section 2 in both these ordinances, the last sentence says, landscape easements, along with various blocks and open space. For some reason that's what came over from Engineering but Mr. Benekos, to be fair to him, was not, he was on vacation last week and so I didn't have it changed last week. But upon talking to him and agreement with him, we need to delete those clauses because North Canton cannot dedicate the open space, in particular, because it's not

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permitted by the Zoning Code and we certainly don't want to dedicate the open space. And if you dedicate the open space you're accepting it as the City of North Canton is taking on all the maintenance and liability with it. So those two clauses need to be deleted and we need to do them individually, you know, before...

Mr. Snyder: Prior to. And then my only other question, are we permitted to proceed procedurally without a, have you issued a permit relative to the flood plan there at, I mean that's a requirement, we have an ordinance that specifies that that be in place prior to the adoption of this. Is there...

Mr. Benekos: I don't think it's prior to the adoption of this. It's prior to construction.

Mr. Pusateri: That's right.

Mr. Snyder: Oh, before the construction?

Mr. Pusateri: Yea.

Mr. Snyder: So we can go ahead and adopt, but prior to allow them to move any earth or anything, you have to issue that permit, correct?

Mr. Benekos: That is correct.

Mr. Snyder: And that will be done prior to that.

Mr. Benekos: Correct.

Mrs. Kiesling: Have they applied for the permit yet? Or we just, we don't do that until...

Mr. Benekos: They had submitted some information. We're working with them on that. It's a tedious process because in that area the flood plain hasn't been defined. It is only estimated by FEMA so. The developer, the engineer for the developer, has to define the flood plain. So we're working with them on that. It's a new process for us going through this red tape and so, but it will be done prior to them starting construction.

Mr. Snyder: Well all those plans that you've submitted to Finkbeiner for their review, correct, they'll do, they're actually doing the flood calculations and so forth.

Mr. Benekos: Right, the review of the drainage.

Mr. Snyder: Yea, right. So that they'll be tip-top.

Mr. Benekos: Correct.

Mr. Peters: Jon, I have a question.

Mr. Snyder: Yes sir, go ahead.

Mr. Peters: You guys are referring to Ordinance 87-04, right?

Mrs. Kiesling: Yea.

Mr. Peters: I just have one question, who is the flood plain administrator? Would that be you? Ok, alright.

Mr. Sarbach: He's in charge of all flooding.

Mr. Lindower: Didn't you know that?

Mr. Lane: That's his other business card.

Mayor Rice: Inaudible...amongst other titles...inaudible.

Mr. Benekos: You want a flood, see me.

Mr. Lane: I know some people that have.

Mr. Snyder: Well people that say that, you know, people that had fires in their ...inaudible...they say how do you create a flood? They all, we'll send them your way.

Mr. Sarbach: Ill joke Jon.

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Mr. Snyder: Ill joke. Alright can we have a motion to amend Ordinance No. 134-05 to redact, is it redact that last one?

Mr. Pusateri: Yea, redact Section 2, last clause where it says, and landscape easements, along with various blocks and open space.

Mr. Sarbach moved and Mr. Lane seconded to **amend** Ordinance No. 134-05 as stated above. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading, as amended**, of Ordinance No. 134-05. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Ordinance No. 134-05 – First Reading

An ordinance accepting the record plat of The Sanctuary No. 1 located within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Lane?

Mr. Lane: It's exactly what it says. This is the, the plat that we took in from the Planning Commission that they approved. Member Kiesling was at that meeting and this is basically housekeeping and then we discussed the flood plain situation so I think we're ok. If anybody else doesn't have any question, I move we adopt, as amended.

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the first reading, as amended**, of Ordinance No. 134-05. All members present voting:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
No: 0

40. Mr. Snyder: May I have a motion to amend Ordinance No. 135-05, similar language to redact the last portion stating...

Mr. Pusateri: Sure.

Mr. Snyder: ...what it says.

Mr. Pusateri: It says in landscape easements, along with various open spaces.

Mrs. Kiesling moved and Mr. Sarbach seconded to **amend** Ordinance No. 135-05 as stated above. All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

Mr. Sarbach: I move we adapt Ordinance No. 135-05 as amended.

Mrs. Kiesling: He's got to read it first.

Mr. Snyder: We got to get a motion to read it first.

Mr. Sarbach: Oh, I'm sorry, did it again.

Mr. Snyder: That's alright. Just need a motion to read by title only, first reading of Ordinance No. 135-05.

Mrs. Kiesling: As amended.

Mr. Snyder: As amended.

Mrs. Kiesling: Motion.

Mr. Peters: I'll second. You want to get to the Jaycee Fair, don't you?

Mr. Snyder: Is it your turn to buy...inaudible?

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Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading, as amended** of Ordinance No. 135-05. All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 135-05 – First Reading

An ordinance accepting the record plat of The Sanctuary No. 2 located within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Lane?

Mr. Lane: Same situation as the, the previous ordinance. This is just for Number 2. Anybody that does have any questions, or has any questions? If they don't, we'll move on. I move we adopt.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading, as amended,** of Ordinance No. 135-05. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

REPORTS:

Mr. Snyder: Director of Law, any reports?

Mr. Pusateri: I do not sir, thank you.

Mr. Snyder: Director of Finance?

Mrs. Herr: Yes, I just wanted to mention a few things. I did give everyone the estimated expenditures for 2006 that's required by the Charter to be presented by June 15th. So I wanted to make mention of that. Second of all, I wanted to inform Council that we are looking at joining the SCCOG Natural Gas Program. We've been in it the past three years I believe. And we're intending on doing it again for the next heating season which will start October. And with this past season we've saved, through the SCCOG Program, about \$12,000 in our natural gas.

Mr. Snyder: That's for City buildings, correct?

Mrs. Herr: To all City buildings. All, just City buildings.

Mr. Peters: Is that with Direct Energy also?

Mrs. Herr: Pardon?

Mr. Peters: Is that with Direct Energy also?

Mrs. Herr: No, that's with two different suppliers. One for choice accounts and one for transportation accounts which we do have at least one of.

Mr. Snyder: Good.

Mrs. Herr: And I also wanted to mention that I will not be here next Monday. So if anything comes up between now and then, I'll be here until Thursday.

Mr. Snyder: Mr. Mayor, do you have any comment?

Mayor Rice: Just a couple quick things. Just for everybody's awareness if you haven't received notice on it yet, you probably will. As you recall back, Council established a new Valleyview CRA. We were able to attract a new employer to, to town on Pittsburgh, Reed Funeral Home. They are concluding their preparation. They're going to have a public open house on Sunday, June 26th from 1 until 6 p.m. We encourage, certainly, members of Council in the community to go out and welcome Reed Funeral Home to the City of North Canton. We're very happy to have them joining our community. So that's one note. The other, I want to update Council. I talked, I think our last formal meeting was about three weeks ago, I want to mention to you that, that time I had sent a packet of info by FedEx on Friday, May 20th out to the Ripplewood CEO, Mr. Collins to introduce him to the City of North Canton and try to open a dialogue with his organization. Very encouraging, I received a phone call from Mr. Collins just six days later on Thursday, May 22nd. I had an opportunity to speak with him for quite some time on the telephone. Very cordial, professional gentleman. Had a good discussion. I guess in summary he stated that he was sensitive to the situation, our situation

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here in North Canton and the Hoover Company and the jobs that it represents and the significance to the community. And that he is, and his group is committed to strengthening Maytag's US operations so they can have and build a stronger global presence throughout the world. So I invited him to visit us here in North Canton. He's hopeful that can happen in the fairly near future. The most important thing we've accomplished initially and that is to open lines of communication between the City of North Canton and Ripplewood and Mr. Collins. And he has agreed to keep those lines of communication open. So we'll continue to communicate with each other and keep Council and the public up to speed on any new developments. That's all.

Mr. Snyder: Thank you. Mr. Engineer, any questions?

Mr. Benekos: Just a few items. One, I wasn't here last week. I don't know if it was brought up that we're ready to present the Traffic Signal Study to Council. We're looking at the 27th council meeting. Would you like to do that during?

Mr. Snyder: Yes, she, the Clerk did mention that you do need some time at the beginning of the meeting to present the study and I said I felt there's no problem there.

Mr. Benekos: You want to do that during the actual meeting or do you want to do that prior to the meeting?

Mr. Snyder: Usually prior to the meeting would be a little more expedient. I think that's what we decided, didn't we? The beginning of the meeting.

Mrs. Kalpac: You said at the beginning.

Mr. Sarbach: Prior to?

Mr. Snyder: Prior to the meeting.

Mr. Sarbach: How, what's the, half hour, forty-five minutes?

Mr. Benekos: Yea, I'd say if we met at 6:30 that would be sufficient.

Mr. Sarbach: Very good.

Mr. Benekos: Ok.

Mr. Snyder: That'll be, that's the 27th?

Mr. Benekos: Correct.

Mr. Snyder: Ok.

Mr. Benekos: The other item, I wanted to let you know that we'll be bringing Knoll Street to you next week for legislation for consideration at the Committee meeting. Also, we had the public meeting on Landsdowne Subdivision and we're at the point whether to design it as two separate phases or one phase. I just wanted to confirm that you do want it designed as one phase. We're going to bid it all out next year before we go into the final design of that. And then one final item you mentioned the Easthill, I did get a thank you card from one of the residents thanking us for that. They're very elated. I have that here and I'll pass that around to Council. You're welcome to view that.

Mr. Snyder: My question was, I assume you had got that tan supervising that repaving out there on Easthill. Is that what happened?

Mr. Benekos: Got the what?

Mr. Snyder: That tan from supervising the repaving of Easthill.

Mr. Benekos: Yes, I did.

Mr. Sarbach: That and vacation.

Mr. Snyder: Thank you very much.

Mayor Rice: Is that just, for clarification is that, everyone on Council on board with that, that Landsdowne's done as a single project next year? The whole thing. Anybody have a problem with that? If you do, speak now please. Ok, and that's how we'll proceed.

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Held Monday, June 13, 7:00 p.m. 20 05

Mrs. Kiesling: Is it the 1.5 million is the total project?

Mayor Rice: Pardon me?

Mrs. Kiesling: The 1.5 million that we're appropriating...

Mayor Rice: Yea, we're hoping it will be less than that actually. But we kind of, I think...

Mr. Sarbach: Weren't we all.

Mayor Rice: ...it was rounded up a little bit. Hopefully, make sure that we got it covered. You don't know. Hopefully we can do it for less than that.

Mrs. Kiesling: Right.

Mayor Rice: We're very hopeful that that will cover it, yes.

Mr. Benekos: We'll try to have the final engineer's estimate by the time we get to budget hearings. And I'll have a better number at that time.

Mr. Snyder: Madam Clerk?

Mrs. Kalpac: No report.

REPORTS – COUNCIL:

Mr. Snyder: Member Foltz?

Mr. Foltz: Yea, just to clarify something, I called looking for Mike, I know he's on vacation, Miller. Jim maybe you know and I don't know if it went through channels yet, along South Main, east and west side before you get to Easthill, the grass is really overgrown in that area. I know we're looking to, you know, we're going to do the work there and eventually start that bridge project and that widening. Who's responsible for cutting that? Is that our responsibility or...

Mr. Sarbach: We bought it, didn't we?

Mr. Benekos: I think it's the property owner's responsibility but I can check on that. Is that north of Easthill?

Mr. Foltz: Yea, all along where we cut the trees down. I mean if you down there, the grass is two foot tall and I know, I don't know how much longer it's going to be until we actually can get started. But it would be nice if someone could go down there with weed-whackers or a mower and cut that...

Mr. Snyder: That's our right-of-way. We just purchased...inaudible.

Mr. Foltz: We just bought it, didn't we?

Mr. Pusateri: Not yet. No, not yet.

Mr. Foltz: Along Knoll?

Mr. Pusateri: We don't have that. We haven't finalized that yet. Are you talking about the appropriation matter? Is that the same property?

Mr. Snyder: The same property, yea.

Mr. Pusateri: Yea, it's not been appropriated yet. We, like I said, it's a necessity of the project and there's still some negotiation of the price but it's not officially City of North Canton yet, no.

Mr. Foltz: It's not official as far as the....

Mr. Sarbach: Well, it's worth less if it's got grass growing on it.

Mr. Lane: We can take that off the price we pay on it. What is it \$50 to mow.

Mr. Foltz: We'll have Gene send them a letter.

Mrs. Kiesling: Right, exactly.

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Mr. Foltz: Then mow it and bill on his property taxes.

Mr. Lane: That's right.

Mr. Foltz: No, I just think it looks, I got a couple calls. I did look at it the other day. I know we're in transition with that area. I don't know if we have a right to do it. I'd like to just see it cleaned up until things are finalized. Because it's not going to get any better.

Mr. Benekos: Ok.

Mr. Foltz: Both sides of the street.

Mayor Rice: Along those lines, Doug, we've already discussed those ugly, orange, whatever you want to call them, barricades that...

Mr. Foltz: Yea, that face directly east of the intersection?

Mayor Rice: ...that face Everhard. Not going to be there in the final project.

Mr. Foltz: I should hope not.

Mayor Rice: Very hideous.

Mr. Lindower: Put a cement wall there.

Mr. Foltz: Jim, I have some other questions about some other things. I'll get with you after the meeting.

Mr. Benekos: Ok.

Mr. Snyder: Member Lindower?

Mr. Lindower: No report.

Mr. Snyder: Member Lane?

Mr. Lane: Yea, just a couple of things. The official proceedings from May the 23rd, I just wanted to correct one minor thing. We were talking about the economic development packet that we had and I wanted to congratulate Crowl Montgomery & Clark for the work they did on it. And it ended up being Tom Montgomery in the minutes so. I bought a car from him once in Louisville but I had nothing to do with the economic development thing with Tom Montgomery so. I just wanted it to reflect Crowl Montgomery & Clark. One of our ad firms in the City. Just to make it more official, I guess. Easthill we've talked about tremendously. The Knoll situation, does this bring a possible construction bid to us. Or is this...

Mr. Benekos: This is to bring legislation before you to advertise, receive bids and award a contract.

Mr. Lane: Ok. You just kind of left it hanging there, I didn't know what was coming next week. So I figured I'd prepare myself but thank you. And then Ms. Garcia brought up Mr. Fano's letter today. I understand 9th is about ready to be bid as well. Or it's getting closer. I know this is your first day back so I don't want to put you on, for a date.

Mr. Benekos: Yes, the inspector on the job, he was out today. I haven't had a chance to speak with him to see if we have all the easements acquired. If we have all of those, we'll be bringing those to Council also next week to consider accepting those easements. There is some payment on one of those for the relocation of the sign, rather expensive sign. And then I think we're looking at opening on June 24th, bid opening.

Mr. Lane: Ok, so it is, it is proceeding. I didn't want people to read the paper and assume that something was not being done.

Mr. Benekos: Yes.

Mr. Lane: I take it, no lack of work was awaiting you when got back?

Mr. Benekos: There was a few things.

Mr. Lane: That'll teach you.

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Mr. Sarbach: I believe this body took, did our responsibility several months ago on that project by getting that moving. And I know the Engineering Department has had some issues that, that's their job to take care of, but I think...

Mr. Lane: Yea, this is a tough one unlike Easthill where you just go in and take a road down and put a new one back.

Mr. Sarbach: Right, we got gas lines and sewer lines and water lines.

Mr. Lane: I mean, there's, there's very intricate work involved in those so. We appreciate your efforts. I just wanted you to know.

Mr. Benekos: Thank you.

Mr. Sarbach: Probably some model airplane fuel lines under there some place too.

Mr. Lane: That's all I got. Thank you sir.

Mr. Snyder: Member Kiesling?

Mrs. Kiesling: Yes, I was just wondering when is South Main going to begin?

Mr. Sarbach: I want to know when it's going to end? That's the important thing.

Mrs. Kiesling: Well, you got to begin first.

Mr. Benekos: Well, they were suppose to start a couple weeks ago.

Mrs. Kiesling: Right.

Mr. Benekos: They are looking at some value engineering in redesigning a few of the elements there to hopefully save some time and possibly some, some costs. We're meeting with them on Thursday. They have their job trailer set up. But the meeting on Thursday, hopefully, we'll get a better feel for when they are going to start.

Mrs. Kiesling: Thank you, nothing else.

Mr. Snyder: Member Peters?

Mr. Peters: I just have one quick question. You mentioned the 24th, possible bid for 9th and Overland. Will Knoll be bid at the same time too?

Mr. Benekos: Bid opening, Knoll will probably be a week or two after that. We'll be opening the bids on that.

Mr. Peters: That's all.

Mr. Snyder: Member Sarbach?

Mr. Sarbach: Yea, I understand and maybe the Mayor can shed some more light on this, that our DARE Officer, Mike Foltz, has received a national award from the, from the Elks, Fraternal Order of Elks. Can you shed any light on that Mayor Rice?

Mayor Rice: Sure. I thought, we didn't talk about that here?

Mr. Sarbach: Don't believe we did. We talked about a couple other officers that got some awards.

Mayor Rice: That was the men, the Jaycees offer, yes. Mike and I can give you, if you didn't get a copy of that, Mike Foltz did get some nice recognition down in Columbus for his work with our DARE Program.

Mr. Sarbach: The State?

Mayor Rice: Yea, as I believe it...

Mr. Sarbach: Not the national.

Mayor Rice: ...it was, let me see exactly so I get it right, he received the Robert E. Powell Drug Awareness Education Award from the Ohio Elks Association. So it was a state organization of the Elks....

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Mr. Sarbach: In the Ohio...inaudible.

Mayor Rice: ...that recognized him. Of course as you know, the Elks is a major sponsor of our local DARE Program. They provide all the watches for the kids at graduation. So, Mike does a great job with that and we're very fortunate to maintain our DARE Program here. There's, you see all the time other communities that are having to cut that due to budget problems. So we're very excited that we're able to continue that project here.

Mr. Sarbach: I'd like to publicly recognize and thank Officer Mike Foltz for that and the support that he has from the Administration and the Police Chief. He does a great job, very dedicated individual. Thank you. That's all I have.

Mr. Snyder: Thank you. A couple housekeeping items, I will set the 18th of July through the 22nd of August as the Council's summer recess. So we will have four more meetings then we will recess for the month of July, balance of July and the first three weeks of the month of August. Barring any serious situations, we'll give you time to enjoy the summer, City pool, and any other amenity the City has along the recreational line. The other thing is, I would like to have a motion to save us from delivering the packets by police if we need a, possibly ten minutes for that Member Lindower. Would that be sufficient time you think to digest that cell tower business next Monday? Or would you like about fifteen minutes? Would you like a little more time?

Mr. Lindower: No, I think probably ten minutes will be alright if we...

Mr. Snyder: That six, that we meet at 6:50, special meeting of the Council and if I can have a motion to do that. It would save...

Mr. Foltz moved and Mr. Sarbach seconded to schedule a special meeting on June 20, 2005 at 6:50 p.m. prior to the Council of the Whole meeting. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Mr. Snyder: So you'll be able to pick your packet up the same method at the Police Department on Friday.

Mr. Sarbach: It should have that information then...

Mr. Snyder: I would think that we...

Mr. Sarbach: ...if we receive it, it should be in our packet also. Is that correct?

Mr. Snyder: I would hope, at least get it to Member Lindower. That he has, he has and Member Lane, they seem to have the more technical expertise on that.

Mr. Lindower: As soon as you could get that, if somebody would let me know. Gail could probably let me know by phone or something. I'd appreciate it, thanks.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Let me see the final call for business.

Mr. Osborne: My name's Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. I need some clarification on your ordinance 127-05. Media reports over the last several weeks indicated that you had a million and a half in your Capital Improvement Fund. Is that true Julie? Or...

Mrs. Herr: A million and a half, we're borrowing a million and a half to anticipate the funding of the Landsdowne Project. Which will be started either the end of this year or next year.

Mr. Osborne: Well I guess the media reports indicated to me that you already had the million and a half in the Capital Improvement Fund.

Mrs. Herr: We have, I'm not sure where you're getting these reports. Because I haven't heard those same reports Chuck.

Mr. Osborne: Well, the, the Repository reported robbing Peter to pay Paul instead of taking the CIC funding out of the reserves, you were going to take it out of the Capital Improvement Fund and then next year when it came time to pay for that project, you were going to borrow the money then.

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Mrs. Herr: No, we have the million and a half that we're transferring originally which is part of your referendum was to transfer it out of the Income Tax Fund into the General Fund. And then we're borrowing one and a half million now to replenish our carryover so that we can have the funds next year for the Landsdowne Project.

Mr. Osborne: Ok, so I, so you don't have one and a half million in the Capital Improvement Fund right now?

Mrs. Herr: Right now, the money that's in the Capital Improvement Fund has already been appropriated for this year. The Capital Improvement Fund gets funded every year through income tax transfer...

Mr. Osborne: Income tax, right, right.

Mrs. Herr: ...as part of the appropriation ordinance. The money that's, that's in the fund right now has already been appropriated and is, is in the process of being encumbered for projects such as the...

Mrs. Kiesling: 9th Street.

Mrs. Herr: 9th Street and the Knoll Project, so forth.

Mr. Osborne: Ok, so I thought you were encumbering the Capital Improvement Funds in there for Landsdowne now so they'd be available.

Mrs. Herr: No, no.

Mr. Osborne: Ok,

Mrs. Herr: We're borrowing the money. We will have it there so that when the time comes, the project, we will have the money at that time, that we can do the whole project in one phase rather than doing it over a period of time.

Mr. Osborne: Ok. How much is the Capital Improvement Fund revitalized each year?

Mrs. Herr: It, it depends. It's, it's, fluctuates depending upon what projects are anticipated and included in the budget that we can, that we can afford so.

Mr. Osborne: So there's not a standard amount you put in the Capital Improvement Fund every year?

Mr. Snyder: You'll require twenty-five percent of the...

Mrs. Herr: It's, it's...

Mr. Snyder: ...of the, of the collective revenue.

Mrs. Herr: ...it's actually twenty, twenty...

Mr. Osborne: That's what I thought.

Mrs. Herr: ...it works out to be twenty percent so we have to...

Mr. Osborne: Of our revenues every year.

Mrs. Herr: ...of our income tax revenues. So at least twenty percent but it's much, usually, you know, much more than that. But at a minimum it has to be twenty percent.

Mr. Osborne: So twenty percent of, was it five million we have in income tax collections every year?

Mrs. Herr: About six million.

Mr. Osborne: Six million. So you wouldn't quite have...

Mrs. Herr: So at a minimum it would be 1.2 million.

Mr. Osborne: 1.2 million, right. So you anticipate collecting 1.2 million into the Capital Improvement Fund next year and now you're going to borrow and add an additional million and a half to it for next year?

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Mrs. Herr: That's, again, you know, we'll know more once the budget process starts later this summer.

Mr. Osborne: Ok, thank you very much.

Mr. Snyder: Mam, please step forward, state your name and address for the record.

Ms. McCleaster: Hello, I'm Lisa McCleaster. I live at 1356 Willoway, SE. And I apologize I have poison ivy. So I have been sitting here scratching the whole meeting. I have a really swell idea for that \$12,000 you're going to save from the gas program. Could we use it to help prevent our houses from falling into Nimishillen Creek? We really do have a serious problem. I know you've heard about these problems before but I know there's so many more than just the three of us. But we have three, Linda Bevan and Barb Jenkins and Bob and I are losing our land into the Creek. And it's really frightening for Barbara Jenkins, it's just getting closer to her house and it's getting closer to Linda's house. Is there something, please, that can be done. I know it's not strictly a city issue or a state issue or a county issue but certainly we can do something, please, so we can stop losing our land. We've lost so much. And I didn't come prepared to speak. I was hoping somebody would rescue me and get up and speak before I'd have to. That gentleman that was here earlier, the builder, oh he was so well prepared and so knowledgeable and so terrific and I don't know what to say except, oh please. You know, can't we just get some of those nice cement thingys that are on the highway and put some dirt, that \$12,000 should cover it. Thank you.

Mr. Lane: If I could add to it and Lisa I appreciate you coming by. I know that you talked about this with my predecessor and I know that the State has been out there. I know we've been out there. We looked and did a study and I wish Mike was here tonight and it's probably not fair to paraphrase him but we did a study on the possible removal of that dam upstream from you. And it came back as, as don't remove it. There's no need to at this point in time because taking it down wouldn't affect what's upstream that much. It obviously might affect you downstream. But I know it's an ongoing situation. And Mike's a member of that task force, right Tom? I think whatever the Stark County one is. So I think maybe what we need to do because I don't think, you've never met with Michael yet, have you, with any of the residents?

Mr. Peters: Linda has.

Mr. Lane: Yea, I know Linda has, many occasions usually right after this meeting. So he's not here tonight but maybe what I can do is try and facilitate something in his office and at least have him up to speed with you guys on what's going on down there. I know it's not a forgotten issue by any means but as you mentioned, there's a lot of different entities involved in that. And I wish we could just go in there and magically fix it and so I will, I'll get in touch with Mike when he gets back. And let's just, at the very least we'll just have a meeting in his office, a short one or something and you can bring him up-to-date on things.

Ms. McCleaster (*Speaking from Audience*): Ok, thank you.

Mayor Rice: Yea, as we talked, Doug on top of that I know Linda and I spoke a little bit before the meeting. Mike had called her right before he left on vacation and they missed each other last week and I'm not sure that might be what Mike was trying to get a hold of Linda about. Because I know he's been looking into that, as you know, as well as Jim. So when Mike gets back next week, we'll make sure he gets together with Linda and you and you folks up there and update you as to what he's doing...inaudible...solution for that because it is a bad problem. We understand that. We sympathize for that and we're going to try to, see what we can to try to minimize the damage down there.

Ms. McCleaster (*Speaking from Audience*): Well then the sewer line that goes down through there too and you're going to be in our yards trying to alleviate that problem because it's right there.

Mr. Peters: Yea, that's a great point. It's not just the loss of land. That sewer line is going to be exposed very soon.

Mayor Rice: Right.

Mr. Snyder: Mrs. Magel?

Mrs. Magel: Kathy Magel, 1025 East Maple Street, North Canton. I have a couple remarks. Number one, I want to congratulate Paul Pusateri for getting his law degree, passing The Bar, and being able to read through Ordinances 13 through 17.

Mr. Lane: Made it all worthwhile.

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Mr. Pusateri: Thank you Kathy.

Mrs. Magel: I hope it was as hard for you as it was for us to listen to.

Mr. Pusateri: I think it was more difficult for you. I had to pay attention closely.

Mrs. Magel: I wasn't double checking either. Second thing is, I know Councilman Lindower probably didn't want to toot his horn but I happen to know for a fact that he has a rather expertise in this area. And it would be prudent that, to have his answer by next Monday. He, he's had experience in this field and he knows what he's talking about it. And he's bringing up a very serious question that he brought up last week that it was ignored. And hopefully and I thank the Council for backing up on your council members and tabling it and let's get this answer. Because I think it's an important one and involve him. Yes sir?

Mr. Pusateri: Just to respond, I'm sorry, to the part of being ignored. I don't know who ignored him last week. I mean Jim was on vacation last week and we needed, I needed to talk to him about it so.

Mrs. Magel: All I know is, he had a question, it was the first reading and it wasn't answered.

Mr. Sarbach: We couldn't answer it.

Mr. Pusateri: That's right.

Mr. Sarbach: We don't...inaudible.

Mr. Pusateri: There's no way to answer it until Mr. Benekos was here.

Mrs. Magel: Ok, well at any rate, I'm trying to say something nice here.

Mr. Snyder: We couldn't get through on the radio, that was the trouble. There was too much interference.

Mr. Sarbach: Too much interference on the radio.

Mrs. Magel: Ok, the third thing is actions speak louder than words. According to their particular piece of property, they're not only having a flooding problem, they're going to have an erosion problem. And I think that's going to double, triple, maybe quadruple with the Sanctuary because even though we may detain it, we're still, at some point in time, going to take that volume down through there. So I think let's take that 87-04 very seriously and I also do not want to stop anything or put a cog into anything. But maybe Council should consider you'll rescind the ordinance if that permit never comes about. Because once the ordinance is passed, you know, I don't know what you're going to do if the bulldozer comes. I don't think you'll throw your body out in front of it. I really, I really would hope not. So at least consider that. To put some teeth in to say, ok we'll have a meeting with you, we'll have a meeting with you but meanwhile when we were suppose to be looking at that very important 87-04, we said well we think, we're going to pass it hopefully that it's going to be done. That's just a thought that you might consider rescinding it if it didn't. Ok and lastly, if you're going to make us sit through this long, do you think maybe we could get some wireless mics?

Mr. Lane: We just realized the...

Mrs. Magel: The ankles get a little stiff back there and...

Mr. Lane: ...we just realized the speakers were not on at all. So I'm surprised you could hear us at all.

Mrs. Magel: Oh, we could hear you.

Mr. Lane: Could you?

Mrs. Magel: Yes.

Mr. Lane: Well then we don't need this p.a.

Mrs. Magel: For the most part, we heard you.

Mr. Lane: Member Lindower noticed that towards the end when I was judiciously talking...

Mrs. Magel: I told you he's an expert in that field.

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Mr. Lane: ...in microphone and not going...inaudible...I'm telling you. I was doing it through RF.

Mrs. Magel: Well, thank you.

Mr. Snyder: You know Mrs. Herr, one thing I think we should point out since the question was raised, that those funds that we expend for capital improvements are, consist of, we have a levy for street improvement. We have muni levy, muni money, road improvement monies. I think last year we spent about 2.7 didn't we on the '05 budget for capital improvements. And the...

Mrs. Herr: Probably, at least.

Mr. Snyder: ...two previous years we spent a little over 3 million dollars and the action of the Council for the Landsdowne will not increase our expenditure or our debt burden to capital improvement because that project will be budgeted in order to handle it. So that was not a an action to actually increase. That was the thing. I mean, the funds will come up to at least that. We've been very fortunate, we've been able to spend, I know the last four or five years, anywhere from 2.8 to 3.7 million dollars on capital expenditures on the infrastructure of the City which is a significant amount of money with an income a little over 6 million dollars. Any questions? If not, may I have a motion to adjourn?

Mr. Sarbach: I'd like to, before that, just welcome Jan Kennedy to our meeting. Glad this first meeting was a marathon meeting and your welcome to come back for a shorter meeting in the future if you'd like to.

Mr. Kennedy (*Speaking from Audience*): Sorry guys, I was just asleep.

ADJOURN:

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

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

No: 0

The meeting adjourned at 8:55 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

06/16/05-ALG