

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, June 20, 6:50 p.m. 20 05

## CALL TO ORDER:

1. The meeting was called to order at 6:50 p.m. by President of Council Jon Snyder.

## ROLL CALL:

2. The following members of Council responded to roll call: Foltz, Lindower, Lane, Kiesling, Peters, Sarbach and Snyder. Also present were: Mayor Rice, Director of Administration Miller, Director of Law Pusateri and City Engineer Benekos.
3. Mr. Snyder: The purpose of this meeting is to consider Ordinance No. 129-05. May I have a motion to remove from the table, Ordinance 129-05?

Mr. Lane moved and Mr. Lindower seconded to **remove from the table** Ordinance No. 129-05. All members present voting:  
Yes: Foltz, Lindower, Lane, Kiesling, Peters, Sarbach and Snyder.  
No: 0

Mr. Snyder: Chairman Lindower?

Mr. Lindower: Yea, there was a little question in my mind and I believe in some of the other member's minds in regards to some conversation I had with local residents near the stadium in regards to possible RFI or radio frequency interference from that tower. I spoke to Glen Daniels who is a RF engineer for Cingular and expressed to him my concern over this. He stated, again, which I believe we're all aware of that the FCC guidelines regulate their transmissions and so forth. Their effective radiated power, as what's referred to as ERP from the antenna of that thing, is going to be run at a lower power than what their maximum output permits. The main reason for the discussion on it and the concern was the fact that we wanted to make sure that the residents in that particular vicinity knew that we did question this and I explained this to Mr. Daniels. He stated to me that should there be any problem arise that Cingular would be held totally responsible for the correction of the RFI problem, if in fact it did happen to occur. So with that, if there is no other conversation from the Council, I would move that we...

Mr. Sarbach: I, I have a question.

Mr. Lindower: Yea, Greg.

Mr. Sarbach: What kind of flag's going on it? Does the school take care of the flag?

Mr. Lindower: I didn't get into...

Mr. Sarbach: Is it an automatic flag?

Mr. Lindower: I didn't get into that. I'm assuming that their...

Mrs. Kiesling: No, they're taking care of the flag.

Mr. Lindower: Yea, the flag...

Mrs. Kiesling: Cingular.

Mr. Lindower: ...and also the thing the ordinance is covering is the performance bond, I believe. Is that correct?

Mrs. Kiesling: Yes, for when they have to tear it down.

Mr. Lindower: And that only entails the construction of that antenna itself as well as the general appearance of it in compliance with the City's requirements. So as far as the flag, I couldn't really tell you Greg.

Mrs. Kiesling: And there will be a light for the flag because there ...inaudible...but you can't have...

Mr. Sarbach: Is it an automatic, will it come down by itself or does, you know, they make these things that'll retract into the pole and...

Mrs. Kiesling: We didn't ask those questions in Planning. I don't know.

Mr. Lindower: I'm sure that with, I guess the importance to Cingular of that antenna, as well as the school, I'm sure, ...inaudible...it's going to be...

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Mrs. Kiesling: Right.

Mr. Lindower: ...addressed on that. I'm sure that's it's going to be taken care of by somebody.

Mr. Sarbach: It does, it does make noise. So we may be getting some noise complaints about a thirty by fifty foot flag snapping in the breeze at two in the morning, it could be noisy. That's why I wondered if it came down at night to prevent that if we had an automatic thing that would do it. And I hadn't heard what type of mechanism...

Mr. Lane: There's got to be some way to get it up there so I imagine they can get somebody to bring it down.

Mrs. Kiesling: I don't think they intend on taking it down at night.

Mr. Lindower: Yea, the mechanics of that, functioning of that flag raising and lowering on it, I didn't question any of that. I was concerned more or less about the electronics of it.

Mr. Lane: My only question is for, and maybe, hey Paul. When you get acclimated here, it's more of a legal question and I know Cingular takes responsibility for any problem that would be caused by interference along the lines of making sure that they would either change their frequencies or do something in the technical end but if something were to happen where we couldn't get a fire call or an EMS call out and we're down for twenty seconds or thirty seconds or something happens, and somebody were to sue the City for nonresponse or something, are we protected against that and Cingular would be the one that would take that responsibility as well if we could prove it was their problem?

Mrs. Kiesling: I think the FCC protects us on that one.

Mr. Lane: Do they? Ok.

Mr. Pusateri: Yea, but I mean in just liability issues because if there's a thirty second delay because we didn't receive notice. But you only respond after you receive notice so there's no liability...inaudible.

Mr. Lane: Ok,...

Mr. Pusateri: You know, ...inaudible.

Mr. Lane: ...I just didn't want to put us out there.

Mr. Lindower: I think the, I understand what Doug's saying here. I think probably when that tower is erected, the equipment's put into place and put into operation functioning properly, I don't look for a problem whatsoever. It's that unforeseen lightening hit that maybe throws that thing clear off frequency or something that we'll have to look at later on. But that's an act of God, I don't see how anybody can cover themselves a hundred percent with something like that. So I'm satisfied and happy with the fact that their engineering studies have been done. Glen told me that it's not standard procedure to send out the engineering studies. Obviously, they're lengthy and complicated and probably pretty technical for the average person. I'm happy with what he told me he was extremely receptive about the fact that we even questioned it and I would really like to keep on moving with this if we could.

Mr. Sarbach: Do you know if there's room for co-located antennas such as the City's backup system at some future date?

Mrs. Kiesling: I know there's room for another wireless company to add on but...

Mr. Lane: Most of the time, those wireless companies...

Mr. Miller: There's usually room for two.

Mrs. Kiesling: Yea, he said two...inaudible.

Mr. Miller: But I hadn't even thought about the City's backup.

Mr. Sarbach: See usually the, like they won't let another wireless company go above them. They'll put them below but these are all self-contained. They're inside the towers.

Mrs. Kiesling: In the pole, yea.

Mr. Sarbach: I don't know if we could, how it's going to be built if that can happen someday.

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Mr. Lindower: I, I think there's less chance of that Greg with that being a ...inaudible directional antenna put inside of a pole type structure over the above one that's the standard cellular tower site that can have cross arms put on it at any level. I look for that probably not to happen. I don't see how it physically could with that type of a structure, really.

Mr. Sarbach: Well, it's glass at the top. Where the antennas are, it's not metal.

Mr. Lindower: Yea.

Mr. Sarbach: I just happened to think of that. If someday we need to redo our system and that would be a good location to have a least a backup antenna but just a thought. Yea, I'm ready to support it tonight too.

Mr. Lindower: Were there any other questions? I'd like to have that put on the agenda again for Monday night...

Mr. Snyder: Well actually...

Mrs. Kiesling: We're going to do it today.

Mr. Foltz: For tonight.

Mr. Lindower: Oh, ok.

Mr. Snyder: ...we're going to vote on it right tonight.

Mrs. Kiesling: We're going to pass it tonight.

Mr. Lindower: Put it on tonight and read it as an emergency.

Mr. Snyder: If you'll give me a motion to adopt the first reading...

Mr. Lindower: So moved, I'd like to do that.

Mr. Peters: I'll second.

Mr. Pusateri: Did we do, did we do a reading? Did I read the ordinance?

Mr. Snyder: Yea, we just took it off the table. So we read it.

Mr. Pusateri: Ok, that's right. You're right.

Mr. Snyder: So there is a motion and a second to adopt the first reading of Ordinance 129-05.

Mr. Lindower moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 129-05.** All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules for Ordinance No. 129-05.** All members present voting:

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

No: 0

Mr. Snyder: May I have a motion under the suspension the rules of council to adopt Ordinance No. 129-05 as the essence of time, they need to build this thing in the next, I think, sixty days.

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 129-05.** All members present voting:

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

No: 0

ADJOURN:

Mr. Snyder: May I have a motion to adjourn this meeting?

Mr. Foltz: So moved.

Mr. Sarbach: Second.

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Mr. Snyder: Member Lane?

Mr. Lane: Yes.

Mr. Snyder: Member Foltz?

Mr. Foltz: Yes.

Mr. Peters: Surprise them.

Mr. Snyder: Member Lindower?

Mr. Lindower: Yes.

Mr. Foltz: You're getting too fancy Jon.

Mrs. Kiesling: You're mixing this up here, huh?

Mr. Foltz: Stick with the order, down here first.

Mr. Lane: I picked up on that.

Mr. Snyder: I just did that just because I seen that ...inaudible...

Mrs. Kiesling: You caught our attention.

Mr. Snyder: I always wanted to do that. Member Kiesling?

Mrs. Kiesling: Yes.

Mr. Snyder: Member Peters?

Mr. Peters: Yes.

Mr. Snyder: Member Sarbach?

Mr. Sarbach: Yes.

Mr. Snyder: Member Snyder votes yes. Thank you very much.

The special council meeting adjourned at 7:00 p.m.

  
PRESIDENT OF COUNCIL

ATTEST:

  
CLERK OF COUNCIL

06/21/05-ALG