

**RECORD OF PROCEEDINGS**  
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, May 24, 7:00 p.m. 20 04

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. Larry Morrison, Faith United Methodist Church.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. The following members of council responded to roll call: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder. Also present were: Mayor Rice, Director of Administration Miller, Director of Law Pusateri, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

5. Consideration

Minutes of the Council Meeting: 5/10/04  
Financial Statement: April, 2004  
Mayor's Court Receipts: April, 2004

Mr. Lane moved and Mrs. Kiesling seconded to approve the minutes of the council meeting, financial statement and mayor's court receipts as presented. All members present voting:

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

No: 0

6. Committee Reports

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held May 17, 2004.

**Ordinance, Rules & Claims Committee:** Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held May 17, 2004.

**Personnel & Safety Committee:** Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held May 17, 2004.

**Water, Sewer & Rubbish Committee:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held May 17, 2004.

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

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

No: 0

7. Recognition of Visitors

Mr. Snyder: Is there anyone in the audience wishing to speak to the council this evening? If so step forward, state your name and address for the record. Mrs. Garcia...

Kathryn Garcia: Yes sir. Kathryn Garcia. 1036 Park Avenue NE. Assuming that I can read my writing without any glasses, I'd like to talk to you about Mr. Lindower's proposed resolution to bring charges against the mayor. I don't see how you can avoid the impression that this is a kangaroo court, if Marcia can be the...

Unidentified (speaking from audience): We can't hear you.

Mrs. Kiesling: Can't hear you.

Mrs. Garcia: if Marcia can be the accuser and the jury - so - and the judge. So I think she should refrain from voting on this. Jon Snyder can take umbrage at his perception that we think he's dishonest. But I don't think he can avoid the appearance of conflict of interest, since he will be the benefit financially if he becomes mayor. So he should excuse himself from voting too. It would be easier to believe those who claim that they have to - they back spending money on all this stuff because they have to save our charter, if they weren't already trying to putting aside the protection the charter gives us on our referendum to annex the Sanctuary. Now you just stood up here and pledged allegiance to this flag, which gives the citizens the right to vote for their own government. As the mayor was elected by the citizens and they should have the opportunity to throw him out if they want to. Okay, so you really need to consider what was into that report before you spend our money, which we don't have very much of and every time we have a meeting you talk about that. We are needing money, we need money, we need money. So I think you need to think about what Mr. Forchione said. And these same voters that you think you have disdain for and think we don't know what we're doing when we vote our government - our government in place are the

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same people that you expect to swallow a raise in rates on water, a raise in the rates on the sewer and then pass a levy in the next election. You need to start thinking about what the voters think about. If they see you wasting money on this bunch of political nonsense, which is what it really is, they're not going to say oh yea we really need the money we'll pass the levies. Now last and not - but not least, every week you stand here and bow your head piously in prayer. So you really ought to remember that admonition about let him who is without sin throw the first rock. Please think about it.

Mr. Snyder: Thank you for your opinion. Anyone else wishing to speak before the council? Okay, seeing none...

OLD BUSINESS:

- 8. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 80-04. All members present voting:  
 Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
 No: 0

**Ordinance No. 80-04 - Second Reading**

An ordinance amending Chapter 927.07 of the Codified Ordinances of the City of North Canton for the purpose of increasing the user rates for sewer users of the sanitary sewer system of the City of North Canton.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yea, this is - it could also be looked at as reducing the subsidy on the sewer rates. Cause we haven't been paying - the residents haven't been paying their fair share of what it costs to treat the sewage and to maintain the system. So we're - this will get us more in line with that. I would like to add we had the first reading of 80-04 two weeks ago and since that time we have added the commercial rates that are the same percentage increase and also we have changed some wording in it that in effect will repeal Ordinance 22-97 instead of amending 22-97. That way this document will stand alone and not refer to another document and a correction. This was looked at by the Law Director and the Finance Director and was deemed to be the best way to handle this since the rates are not graduated that we're going to a fixed rate and not graduated rate. So with that I - are there any questions or comments on what I just said? With that I move that we have the second reading of Ordinance No. 80-04.

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 80-04. All members present voting:  
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
 No: 0

Mr. Snyder: Thank you.

NEW BUSINESS:

- 9. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading** of Ordinance No. 87-04. All members present voting:  
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
 No: 0

Mr. Pusateri: Just for council's understanding, this is a special purpose flood damage reduction ordinance that was provided to us and I'm just reading the first paragraph.

**Ordinance No. 87-04 - First Reading**

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the Council of the City of North Canton, State of Ohio, does ordain as follows.

Mr. Pusateri: And what follows is the whole agreement, the whole ordinance itself, which is quite lengthy.

Unidentified: Thank you.

Mr. Snyder: Chairman Peters, are there any comments on that?

Mr. Peters: No, I don't have any comments. We had a public hearing on this and at that time no one spoke for or against. And I really have nothing more to add. Greg, Doug, you have ...

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Mr. Foltz: No.

Mr. Sarbach: No, I'm fine with it.

Mr. Peters: Alright. I move that we adopt the first reading of Ordinance 87-04.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 87-04.

All members present voting:

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

No: 0

10. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No.

88-04. All members present voting:

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

No: 0

## **Ordinance No. 88-04 - First Reading**

Ordinance No. 88-04 authorizing the Director of Finance of the City of North Canton to make payment of a moral claim in the amount of \$1,362.81 to Patrick M. Linet for reimbursement of expenses resulting from a sanitary sewer backup.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes, thank you. This is the moral claim that we talked about last week. And actually I wanted to ask Administrator Miller, have we found anything more out about how that hole got there or ...

Mr. Miller: No, I haven't talked to Brian James. Towards the end of the week we had some rain that we were dealing with and I haven't had a chance to get that question answered.

Mr. Peters: Okay. Alright, well basically you know he had some damage and our Law Director said that this...

Mr. Pusateri: I'm sorry, excuse me, I wasn't listening...

Mr. Peters: As far as the payment on this, you recommend payment of this, correct?

Mr. Pusateri: Yes, I do.

Mr. Peters: Okay. Well, that's all I need to hear. With that being said, I move that we adopt the first reading of 88-04.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 88-04.

All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to read by title only the first reading of Resolution 89-04. Chairman Lindower, do you - would like to have that amended sir, you told me ...

Mr. Lindower: Yes, if I could I'd like to drop the emergency clause on this 89-04. And I would ask that we possibly could suspend the rules of council and pass this legislation with one reading tonight. Should that be agreeable I think Mr. Lane is the deciding vote on that. Would you be agreeable that Doug?

Mr. Lane: To a - and that would give us 30 days instead of ...

Mr. Lindower: It would still allow us 30 days after passage on one reading. Is that correct Mr. President?

Mr. Snyder: Yes sir, that is. Simply by suspending the rules of council it would stop the second and third reading. However, it adopts the same as a normal piece of legislation. There's a 30 day period and it would at that point, should the Mayor choose to sign it, it would become effective. Should he not, there's an additional ten days. So that would be 40 days. But...

Mr. Lindower: Can I ...

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Mr. Lane: Inaudible... no, I was just going to say I think that would also give our Law Director even more time, as every time I talk to him he's got five case books back there and he's trying to look into this matter. So I think I would prefer to have us - once this gets underway, which obviously it will, I'd like to have him have all of his lined up in a road instead of being in a rush on this mater.

Mr. Snyder: Right. That would give him, I think sufficient time to work on it and additional time as needed. But it does - it's printed from the standpoint that the city does not appear on the headlines everyday of the week and we move to put the city back in its proper order.

Mr. Lindower: Mr. President, having said that I would like to clarify again. If you read the black and white print, it looks pretty harsh to bring charges against Mayor Rice and so forth. I would like to say one more time and I would like to respond if I could to Mrs. Garcia's statements about saying the Pledge of Allegiance and so forth. I firmly believe in justice. The system of justice that we have in this country has - is the best that I've seen anywhere. It may not be perfect. And in view of the fact that there have been accusations made against Mayor Rice, I think his due process rights mandate us to at least prove or disprove the accusations that have been made against him. People want to bring up the dollar and cent value out of this kind of an issue and I don't, at this particular time I personally would like to see it done free of charge; however, that can't be done. The persons who are costing the city money are Mr. Osborne and Mr. Rice because of the fact they are two people involved in the accusation. I think that we are responsible to the citizens of this city to convince them that either Mayor Rice has done some wrong doing or he has not. And if I was Mayor Rice I would be very happy to have somebody say that I did not do anything wrong. So with that - you know having said that and I don't want to get long winded about this, I think it's a process that we necessarily have to go forward with to clear the air as soon as possible, get the issue over with and done so that the city can move on with council business as normal. Thank you Mr. President.

Mr. Snyder: You're welcome sir.

Mr. Sarbach: Mr. Chairman.

Mr. Snyder: Sir.

Mr. Sarbach: I'd like to second the motion of Chairman Lindower to amend 89-04 to eliminate the emergency clause.

Mr. Lindower: Thanks Greg.

Mr. Snyder: I need a point of order on that. Law Director, do I need the two amendments? One to remove the emergency and one to amend it? I can suspend after the first reading and then...

Mr. Pusateri: Yea.

Mr. Snyder: take a vote. Is that correct sir?

Mr. Pusateri: You need two.

Mr. Snyder: Two. Mr. Lane, you're in favor of that then sir?

Mr. Lane: Yea, I still have a - I wish we had some alternatives available to us, always have and unfortunately we apparently don't. So but I am more than happy to wait 30 days and give Paul more time to do what he has to do.

Mr. Snyder: Alright sir. Will the Clerk please call the roll?

All members present voting:

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

No: Foltz.

- 11. Mrs. Kiesling moved and Mr. Lindower seconded to **read by title only, first reading, as amended**, Ordinance No. 89-04. All members present voting:  
 Yes: Lindower, Peters, Sarbach, Snyder and Kiesling.  
 No: Lane and Foltz.

**Resolution No. 89-04 - First Reading**

Resolution No. 89-04 instructs the Director of Law to prepare and bring charges against the Mayor pursuant to Section 5.06 of the North Canton Charter for the removal of the Mayor from office; said charges shall be presented to the Mayor at least fifteen (15) days in advance of a public hearing before Council giving the Mayor or his Counsel the opportunity to be heard, present evidence, and examine witnesses appearing in support of the charges.

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Mr. Snyder: Right. Now before I ask for the - I must ask, are you supporting this resolution to suspend the rules or are you voting no sir? If you intend vote no I will not call for the motion as it will die and it will have to go back to committee.

Mr. Lane: No, I must of been confused on the matter. I apologize. I did support...

Mr. Snyder: You're fine - you're fine - your vote on the first is fine.

Mr. Lane: Right.

Mr. Snyder: The next one will be called for the suspension of the rules of council allowing this to be adopted on the first reading, it needs six affirmative votes to do so.

Mr. Lane: Right and that will give us the 30 days.

Mr. Pusateri: Inaudible...

Mr. Snyder: Right...

Mr. Lane: Right.

Mr. Snyder: Yes sir...

Mr. Lane: Yea, I was planning on voting yes on that.

Mr. Snyder: it cannot become effective for 30 days after this evening...

Mr. Lane: Right.

Mr. Snyder: That's - well tomorrow morning. So...

Mr. Lane: Yea, I was planning on voting yes on that...

Mr. Snyder: Alright sir, that's my...

Mr. Lane: And I apologize if I confused you.

Mr. Snyder: And I apologize I'm not, I say that respectfully only for following the rules of the council.

Mr. Pusateri: The charter says that council can suspend the rules, the rule of having three different readings. So you can just have the one reading. So the proper language is that the motion should be to suspend the rule of having three readings and just adopt it on the first reading.

Mr. Snyder: So that's the motion that I need at this point, correct?

Mr. Sarbach: I think we need to vote on the...

Mr. Pusateri: Yes. You have to have an affirmative vote of six members of council just like an emergency.

Mr. Snyder: Right. I beg your pardon sir...

Mr. Sarbach: We need to vote on the issue first and then...

Mr. Snyder: That has - oh, we only voted on the reading?

Mr. Sarbach: On the amendment.

Mr. Snyder: I'm sorry. Please call the roll.

Mrs. Bittle: We need a motion and a - motion to adopt.

Mr. Snyder: Oh, we need a motion to adopt.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading, as amended**, of Resolution No. 89-04. All members present voting:

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

No: Foltz.

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Mr. Snyder: May I have a motion to suspend the rules of council pertaining to the amount of readings from three to one to adopt Resolution 89-04, as amended.

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules, as amended**, for Resolution No. 89-04.

Mrs. Kiesling: It's a little complicated.

All members present voting:

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

No: Foltz.

Mr. Snyder: Thank you. May I have a motion to read by title only, first reading of Ordinance 90-04?

Mr. Sarbach: So moved.

Mr. Peters: Second.

Mrs. Bittle: Do we need one more? Do we need to adopt under the suspension of rules?

Mr. Pusateri: No, all you're doing voting to suspend the rules for the three - second and third reading.

Mrs. Kiesling: We've only voted three times, didn't we?

Mr. Pusateri: You've already adopted it. Let me see, hold on.

Mr. Foltz: President Snyder...

Mr. Snyder: Sir.

Mr. Foltz: I was looking for some input on that.

Mr. Snyder: I beg your pardon.

Mr. Foltz: But if we - if it's already ran through, according to the Law Director, I'll just make my comments at the end of the meeting then.

Mr. Snyder: No sir, I don't want to disenfranchise you from that.

Mr. Foltz: You know I didn't know it was going to go that quickly.

Mr. Snyder: You're more than welcome to read it into the record if you so choose.

Mr. Foltz: Right now?

Mr. Snyder: Yes sir, please.

Mr. Foltz: Okay. Alright, just so not to repeat myself from last week, but I think we need to look at things like due process, right of procedure. I feel that there is a problem with us being the one to file the charges, through our Law Director, to be the judge and jury and then there'd possibly be an outcome for position changes. And like I said President Snyder, don't take that the wrong way, it would effect me also I believe. So I just feel that that just doesn't sit right with me. To me it wouldn't matter what the charges are to any mayor. In that sense I think that we're in unchartered charter waters so to speak and I'm just not happy with the procedure that's setup for us to move forward with. I also do question the amount of money that's justified for this investigation. I mean I voted for this because we had a contract with the City Prosecutor in Canton. He made a decision and a ruling and I think we should abide by that. He's very familiar with North Canton politics, looking at three separate issues here the past year. He makes note of that in his conclusion to us from a couple weeks ago. So being an independent body I think there's a lot of credence to that, it takes the politics out of it. It takes everybody in the City of North Canton out of the decision making process. He investigated it, he more or less informed us there was no criminal conduct and he made a recommendation that didn't involve having another hearing. And I think we should abide by that. I also contacted Mr. Forchione this week and discussed this with him. And I don't know if anybody else on council had the availability to do so, but he had a lot of questions about what was going to happen up here if this did move forward and he didn't think that it was the right thing to do. So I don't want to speak for Mr. Forchione or ... his decision, but I think there's a lot of credence to his opinion and his background and him being the city prosecutor, I can't stress that enough. Public input, again, my residence received from one call this week, it was from Rita Palmer, who is former council member Chuck Osborne's wife and I did not receive the message it was forwarded on to me. So that would be the only person that ever contacted me or any opinion that I heard of from outside that said we should move forward with this. That included some other discussions over the weekend with other residents of this city. That's all I have to say. I was never for spending money on this, I never thought it was justified. I think that Mr. Forchione has ruled on it. He's contracted with us to do that type of work for us. And not to demean the legal system, but - and Mr. Pusateri don't take this the wrong way, but if an attorney tells you something is going to be \$20,000.00, I'm going to bet it's going

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to be closer to 40. And that doesn't take into account - does not take into account what other attorney fees maybe by the accused, maybe the mayor. I'm not familiar with this process and I don't mean to make light of it, but this is a serious thing this council is choosing to do. It's going to take an enormous amount of time to do this right. And I still have some questions to exclude myself through the whole process because like I said if decisions are made, I think there's an outcome that can be present that I attain position and I don't want to do so through certain circumstance. So I don't know if I can be any clearer about it. I just see this dragging on and our imagine suffering as a city. I don't see a smoking gun here, I don't see any clear cut evidence, as Mr. Forchione stated. So I'd just like to get this done and over with and if this council chooses to move forward and that's our rights as fellow council members, then that's the way it's going to work out. That's all I have to say on the matter. Thank you Jon.

Mr. Snyder: Thank you sir. Does anybody else - Mr. Lane...

Mr. Lane: Yes, Mr. Chair - that's alright. Go ahead Dave.

Mr. Snyder: Mr. Lane - Mr. Lindower, you have a statement sir?

Mr. Lindower: Yea, I would like clarify a couple issues that Member Foltz mentioned here. Frank Forchione did an investigation at the request of the city because he is contracted by the city. He indicated there were no criminal charges. He said that there possibly were some charter violations. That takes it out of his ballpark. He doesn't handle charter violations. But I think the City Council is morally responsible for investigating and further deciding if there are charter violations or not. The biggest problem we're having right now and I have this feeling that from the people that I've talked to, is everybody is trying to come up with some sort of a penalty for the mayor because somebody is accusing him of something. That is not - should not even be considered at this particular time. I think the thing we need to consider right now is if there is fact and if there is fact, then we need to make a decision later on what type of a penalty should be ... or you know assessed. So you know having said that I - you know we didn't create this problem. The council didn't invent this situation just to have something to do. I'm sure that the council members that I've spoken to feel the same way I do, I'd like to have this issue expedited as soon as possible and resolved and over and done with so that we could go on with business. So at that particular - after saying that I would leave the rest to the rest of the council members. Because I've spoken to many citizens who have told me the same thing, let's get it over and let's get it done and let's find out what's going on. It's a shame that it has to cost us a nickel, like I said before. But it's not a problem we created, but it's a problem we're responsible for. That's all I've got to say.

Mr. Snyder: Thank you sir. Mr. Lane.

Mr. Lane: I just wanted to add - and I - Doug and I, I think are in agreement on this. I'm not in favor of this investigation either or what it is we're going to be doing, but it's obvious it's going to be done. And in difference to Mr. Lindower and I think he stated his case very well, that's the reason I supported this reading because it's going to be done in 30 days, it doesn't have to be an emergency. As I said, the train has left the station and it's just a matter of trying to get this done and done in as fair as possible way. I do feel bad for Mr. Held and his family. I feel bad for the mayor and his family. I feel bad for the city. I think we could probably spend our time, certainly our money and resources on a much more productive effort, but as I said this was going to happen. And Doug, that's the main reason that I went ahead and jumped onboard. But at least we were able to slow it down enough that it will give Paul some more time, it will give the mayor some more time and hopefully it can give the public some time to think this over. Because I, like Doug, have not had any clamoring of support for this. I think since last week Doug I got four telephone calls, they were split down the middle two and two. And I've gone out of my way to try to find some people that really want this to happen. But again, I said my piece last week. I just wanted to clarify the reason as to why I voted yes.

Mr. Snyder: Okay, thank you. Mrs. Kiesling, you have any input?

Mrs. Kiesling: Yea, I guess I do. I've been thinking about this a lot. I keep hearing that there's no criminal conduct and he hasn't broken the Ohio Revised Code. And I guess that's frustrating me to some extent because I was sworn in to uphold the charter. And I believe the people who wrote the charter 50 years ago wanted the City of North Canton to be a better place, wanted people to be held to higher standards. At least that's how I read the charter. Because in the Ohio Revised Code he's done nothing wrong. But in the charter, which is a higher standard, there are four possible points where he may have done something wrong. And I try to go back to the Ohio Revised Code a little bit. And let's say you know he stole something or he's accused of stealing something, Doug. He's accused of stealing something. Right now he's accused of four conflicts of interest. What's the next step? He either gets to - what's the word I'm trying to think of? He'll be tried in front of his - a jury of peers or he'll pay a fine or do probation. There will be some type of punishment if he is proven guilty or he decides that he doesn't want to go through it and he's going to pay a fine or do probation ... whatever happened. This is exactly where we are right now. He hasn't stolen anything. He hasn't broken the Ohio Revised Code, but he has possibly broken our charter, our law here in the City of North Canton where we are all held to a higher standard. At least that's what I think people really wanted 50 years ago. And it's not just one, it's not just two, it's not just three, Doug, it's four possible conflicts of interest. I'm so sick of hearing that it's not criminal.

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To me that's criminal. The charter is our law. In North Canton I think it's criminal that he may have violated it four times. He knows better and you know better, I know better. And I hoping I'm teaching my children that a law is a law is a law. So now the next step is he is going to be tried with a jury of his peers. Fortunately, unfortunately, we are his peers. We would be his peers if we weren't sitting on council because we are also his constituents. So the seven of us have to make a really tough decision. But we wanted to make tough decisions when we ran for election. Or he can decide to resign and take the, let's say, the probation or the fine you know whatever is closest to that aspect of the Ohio Revised Code. He could resign and we could not go through this right now; you guys all know that. But he is choosing to go forward because he may have stolen something or he may have broken the charter four different times. Now he has to be tried in jury of his peers and that's what we are. I'm just very frustrated that this Ohio Revised Code, charter thing keeps getting - they're not separate, they're the same, they're our law whether it's the charter or the ORC, it's our law. I don't understand why one is bigger or better than the other. How do I teach my children that you know it's okay to break the Ohio Revised Code, but it's - or it's not okay to break the Ohio Revised Code, but it's okay to break the charter. It's very frustrating to me whether there's going to be money expended or not, if somebody stole something from you wouldn't you want them to pay for it? I definitely think you would. And that's why I think we're here. It's tough, it sucks, I don't want to be here. My kids are going to hate it when I'm going to be here three or four days this summer and not sitting at the pool with them. This isn't what I asked for either, but we're here, we were elected to do it. And I guess we'll move on.

Mr. Pusateri: I just - one point I want to make clear is that when I sit down, if this does come through ... I put these charges together, it may or may not be enumerated in the same number in the letter that we received from Frank Forchione. I mean once I sit down and look at it it's - this is going to be in complaint form and numbered paragraphs. It may not be just numbered four charges. So I just want to make sure you understand, I don't know yet until I sit down and actually work through it. If that makes sense to you ... Okay...

Mrs. Kiesling: No, it makes sense.

Mr. Pusateri: So don't have it in your mind that there definitely four charges in this charge. It may come out differently after I sit down and look at it closely.

Mrs. Kiesling: Good.

Mr. Snyder: Thank you. Mr. Peters.

Mr. Peters: Yea, I do have a couple comments. Just so we're all very clear here. I'm probably the least happy of everyone up here to be facing this right now and to be possibly spending the money that we may have to spend. This wasn't caused by us, me, anybody up here. As far as Mr. Forchione's investigation, he found no criminal charges. So I am happy he's not going to jail or facing probation or anything like. But there are possible charter violations. Our Oath of Office is to uphold the charter, not uphold - and I'll reiterate, like I said last week, not uphold the charter if there is great public support, uphold the charter period. That's all I have.

Mr. Snyder: Thank you sir. Mr. Sarbach.

Mr. Sarbach: Yea, I'd like to reiterate what my colleagues said and I'll just add one thing. We've heard from people supporting the mayor, we've heard from accusers of the mayor, we've from the high price attorneys - excuse me, we've heard from attorneys of the mayor. What really disturbed me is that we have not heard from the mayor. And I think this investigation will allow that to happen and hopefully we can get this cleared up and come to some kind of resolution on this. So I think we need to move forward on this. And I don't think we can put a price on what is morally right or what is legal, I think we just have to do it.

Mr. Snyder: Thank you sir. I've basically tried to remain very quiet and I will continue. However, my feeling is, since everybody - my feelings are simply this on the purported allegations, which they are at this present time, this hearing should bring forth two things. Did the mayor willfully and did the mayor knowingly violate the charter? It's as simple as that. If you can reach that standard then that's one thing. And that's basically - I would hope that everybody would go to the hearing with that fact. Did he knowingly and willfully violate the charter? If you cannot reach that standard then I'd say that you know we move on. But it's not comfortable for anybody. I'm sure it's not comfortable whether you people believe it or not it's not comfortable to me. And Mrs. Garcia I assure you the little bit difference will not propel me into retirement. I'm able to sustain myself very well, thank you. And - but I do appreciate your kind words. But because I do take this very seriously, we - not only are we moving as Mr. Foltz says in unchartered waters, we're about to embark on to destroying a man's reputation and a man's 25 years credibility in this city. Because no matter what we do, we will do - effect that. That's one thing we will reach and it's unfortunate and I'm not very proud of that fact. But unfortunately I'm sworn to the Oath of Office, I have to follow the charter. The charter does not allow us to move right or left, the charter gives us one direction and we have to go that way. I would think and I would hope coming up that this council or future councils will look at the simple fact of some form of charter review. Mr. Lane did point out that there should be something written as to ethics. There is an ethics - I think former Mayor Revoldt did do that. I recall that he had somebody come from Kent State and write a ... ethics. That's in place. But there has to be something - what was good in 1960, the authors of that charter you know that charter



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has held for 44 years now, but it does need to be a little more ambiguous than what it really is. Because there is no mechanism there is one censure and that's removal and sometimes that might be harsh. But I hope that we all get through it as ladies and gentlemen with the least amount of - and I hope that no one has a predetermined fact that the prior of fact, which we will be, we'll come up with a conclusion at the end of that hearing. But I wish everybody Godspeed on this because it will not be comfortable. That's all I have to say. Law Director Pusateri, do we need to call one more vote on that sir or we're comfortable with that? Alright, so I'll move on.

Mr. Pusateri: We did vote on the suspension of the rules, right?

Mr. Snyder: Yes.

Mr. Pusateri: Inaudible...

Mr. Snyder: We did not vote to adopt it under the suspension of the rule.

Mr. Pusateri: We suspended the rules.

Mr. Snyder: Okay.

**(Refer to page 0298 for final vote on Resolution No. 89-04.)**

12. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 90-04. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

#### **Ordinance No. 90-04 - First Reading**

An ordinance amending Section 3. of Ordinance No. 35-04, Summit SE & Alley 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: Yea, this is a budgeted item we have and there's an overage based on the actual bids and I believe it was, correct me Mr. Miller, to the tune of \$27,000.00, I believe. I don't have those ...inaudible... papers with me.

Mrs. Kiesling: It's in here.

Mr. Miller: That's approximately right. It's a little bit more than 27, but 27,000 is...

Mr. Sarbach: And that is not a concrete number, but that would allow for some contingencies if you have a problem. And ...inaudible... it may or may not be that much, but that's what we need in it.

Mr. Miller: That's correct.

Mr. Sarbach: Is that correct?

Mr. Benekos: Correct.

Mr. Sarbach: Okay. With that I'd like to adopt the first reading of Ordinance No. 90-04.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 90-04.

All members present voting:

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

No: 0

Mr. Sarbach: Mr. Chairman, I'd like to - I move to suspend the rules for Ordinance No. 90-04.

Mr. Snyder: Is there a second?

Mrs. Kiesling: Second.

All members present voting:

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

No: 0

Mr. Sarbach: Mr. Chairman, I'd like to move that we adopt under the suspended rules Ordinance No. 90-04.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 90-04.

Mr. Snyder: Okay.

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

- 13. Mr. Sarbach moved and Mr. Lane seconded to read by title only, first reading of Ordinance No. 91-04. All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 91-04 - First Reading

An ordinance approving, confirming and accepting a sanitary sewer easement and waterline easement across part of Out Lot 327 in the City of North Canton, and being part of the Southeast Quarter, Section 6, Plain Township (T-11), Range 8, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yea, this is accepting an easement for a new business in the city. This is - we just have to accept responsibility for the property so we can maintain the line. And I move that we adopt the first reading of Ordinance No. 91-04.

Mr. Sarbach moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 91-04. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Sarbach: Mr. Chairman, I move that we suspend the rules for Ordinance No. 91-04.

Mr. Sarbach moved and Mr. Peters seconded to suspend the rules for Ordinance No. 91-04. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Mr. Sarbach: Mr. Chairman, I move that we adopt under the suspended rules Ordinance No. 91-04.

Mr. Sarbach moved and Mr. Peters seconded to adopt under suspension of the rules Ordinance No. 91-04. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

- 14. Mr. Sarbach moved and Mrs. Kiesling seconded to read by title only, first reading of Resolution No. 92-04. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Mr. Pusateri: This is 92-04?
Mr. Snyder: Yes sir.

Resolution No. 92-04 - First Reading

A Resolution on submission of request to the Stark County Auditor pursuant to Ohio Revised Code Section 5705.03(B) to certify to the City of North Canton, Stark County, Ohio, as taxing authority for the City of North Canton, Stark County, Ohio, the total current tax valuation of City of North Canton, Stark County, Ohio, as a subdivision and the dollar amount of revenue that would be generated for a replacement tax of one (1.0) mill pursuant to Ohio Revised Code Sections 5705.19, 5705.191 and 5705.25 for the purpose of providing additional funds for the City's portion of street improvements in the City of North Canton, commencing in 2004, first due in calendar year 2005 and declaring the same to be an emergency.

Mr. Snyder: We talked about this at length last week. This particular levy has been in place I believe since sometime in the 60's. It was originally a one mill levy - 1.0 mill levy. It's presently generating approximately \$117,000.00 at an effective rate of .33 against commercial and approximately, I think, .18 to .19 on residential property. As you know the State of Ohio has trigger that ratchets down the tax each year. And what we are saying now, because as we talked about, the legislature in its infinite wisdom has decided that we must obtain the actual dollar that this will generate. And using simple math and please don't hold it to me, but it will approximately be about 2/3's additional money, which will bring to the city approximately three hundred plus thousand dollars for road improvement. And as Mrs. Garcia so rightly pointed out, we're taxing the people. However, we're putting it into equity, as people put equity into their home. This will approximately do somewhere between one and a half to three additional projects. We're rounding the turn.

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We've completed almost in two wards all street and curb and gutter and this will allow us additional money without taking money from the general fund and protecting our investment for years forward without having to look at income tax, which is not always the fairest way to tax people. I think to the average household it's around \$50.00 a year. Isn't it Julie? Or something like that. Around...

Mrs. Herr: It will actually ... about an initial \$25.00.

Mr. Snyder: \$25.00. And ...

Mrs. Herr: Each levy. So ...inaudible...

Mr. Snyder: So it's 50 combined. And also remember places where we've gone in and replaced the curb and gutter the neighbors have - the residents have taken it upon themselves to fix their own homes up. Ultimately the value of the property is maintained. Its what has allowed us to be one of the top 100 cities in the country. One of the nicest cities, if not the nicest city in the State of Ohio to live in. I'm sure somebody will argue that point. But from my prospective please - but that's basically my pitch on doing that. So that's - rather than go back for a renewal, which again by the next couple years will be virtually nonexistent, we're asking for a replacement levy. Any questions to that? With that all said...

Mr. Peters move and Mrs. Kiesling seconded to **adopt the first reading** of Resolution No. 92-04.

All members present voting:

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

No: 0

Mr. Peters moved and Mr. Foltz seconded to **suspend the rules** for Resolution No. 92-04. All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Lane seconded to **adopt under suspension of the rules** Resolution No. 92-04.

Mr. Sarbach: 93 - 92-04.

Mr. Snyder: 92-04, yea.

All members present voting:

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

No: 0

15. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Resolution No. 93-04. All members present voting:

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

No: 0

Mr. Pusateri: Oh, I'm sorry.

Mr. Snyder: That's alright.

Mr. Pusateri: I'm still trying to read ... section...

## **Resolution No. 93-04 - First Reading**

A Resolution on submission of request to the Stark County Auditor pursuant to Ohio Revised Code Section 5705.03(B) to certify to the City of North Canton, Stark County, Ohio, as taxing authority for the City of North Canton, Stark County, Ohio, the total current tax valuation of City of North Canton, Stark County, Ohio, as a subdivision and the dollar amount of revenue that would be generated for a replacement tax of one (1.0) mill pursuant to Ohio Revised Code Sections 5705.19, 5705.191 and 5705.25 for the purpose of providing additional funds for the City's portion of storm water sewer improvements in the City of North Canton, commencing in 2004, first due in calendar year 2005 and declaring the same to be an emergency.

Mr. Snyder: This is the identical twin sister of 92-04. However, this is relative to storm water. And as you know we've begun to become proactive in trying to remedy the problems with our storm water, which is a slow process, but we are getting there. This again is the same amount of money generated. Approximately 117,000 will go in excess of 335,000, which there are - Mr. Lane has a significant problem in his ward. Mr. Lindower has a significant problem in his ward. And this will give additional funds to those projects that are sorely needed. And we have both problems on one - on the east side of the city and on the west side with the Zimber and the Nimishillen that we need to address both of those. So again I would ask your support on this. And may I have motion, if there's no comment, to adopt Resolution 93-04, first reading?

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Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Resolution No. 93-04.  
All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** for Resolution No. 93-04.  
All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Resolution No. 93-04. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

Mr. Snyder: Alright. Thank you council for both of those.

16. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 94-04. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

**Ordinance No. 94-04 - First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a two year Lease Agreement by and between the City of North Canton and The Knights of Columbus, Bishop McFadden Council 3777, Home Corporation, North Canton, Ohio, to lease Lot No. 3998 and part of Out Lot 177 in the City of North Canton for various recreational facilities within the City of North Canton.

Mr. Snyder: I believe that lease is coming due, it's every two years, it's probably due some time mid summer or something like that. Isn't Mr. Miller?

Mr. Miller: I believe it's coming up. It's...

Mr. Snyder: Yea.

Mr. Miller: It didn't need to be passed on emergency ...

Mr. Snyder: Yes.

Mr. Miller: but it is coming up.

Mr. Snyder: Yea, and we've always enjoyed a good relationship with the - and that provides the children with recreational facilities which this city is all about. And we hoped to support that again because that's for a good cause for those children to have a place to play ball in. There any comments?

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 94-04.  
All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

17. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 95-04. All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

**Ordinance No. 95-04 - First Reading**

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

Mr. Snyder: Again, the administration is a little more proactive not - sending this over in a very timely method that we do not have to pass it on an emergency basis. And it's basically something we do every year. It provides them ability to go and bid for the chemicals for the Water Treatment Plant.

Mr. Sarbach: One question.

Mr. Snyder: Yes sir.

Mr. Sarbach: Mike, I hope you can answer this. The lime that we purchased for the Water Treatment Plant for the slakers to raise the ph, before you were here we had a problem with some

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other slakers and we got some newer slakers and were told we should be using less lime cause we're using a better quality lime and a more efficient slaker. Have you seen the results of any decrease in the lime purchases or...

Mr. Miller: I haven't had an in-depth discussion on it with Rich Steinhebel about that yet. That's something we will take into consideration if we see that with a higher quality product that we don't have to use as much and that balances out as far as cost is concerned. We'll certainly take that into consideration when we award the contract.

Mr. Sarbach: Okay, thank you.

Mr. Snyder: Is there any questions?

Mr. Sarbach: He's good ...inaudible... He's good, he never said a word.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 95-04.

All members present voting:

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

No: 0

Mr. Snyder: Chairman Lindower, my apologizes sir. For just to be on - to air on the safe side sir I wonder if you would mind that we do a - pertaining to Resolution 89-04, if we call the roll and adopt it under the suspension of the rules of council? Have you any problem with that sir?

Mr. Lindower: No, I think we should do that.

M. Snyder: My apologizes to you that we may of - just to be safe. So...

Mr. Lindower: Yea, we got a little confused there.

Mr. Snyder: I apologize.

Mr. Pusateri: Inaudible...frankly I wasn't expecting that at all from council as an option. So I had time to look at it and just to make sure the ordinance is - ordinance - the order is correct of the suspension of the rules first and then a vote on it, I'd like to go back and take vote, as Mary Louise told us we should of done in the first place.

Mr. Lindower: I think that's where we confused Doug. So...

Mr. Lane: Yea, I was...

Mr. Sarbach: Paul, one thing we got to learn is never argue with Mary Louise.

Mr. Pusateri: That's right. Inaudible... just to be safe. So.

Mr. Snyder: I would like a motion adopt under the suspension of the rules of council the first reading of Resolution No. 89-04, as amended.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules, as amended**, Resolution No. 89-04. All members present voting:

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

No: Foltz.

Mr. Snyder: Thank you Mr. Lindower.

18. Mr. Foltz moved and Mr. Sarbach seconded to **read by title only, first reading** of Ordinance No. 96-04. All members present voting:

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

No: 0

## **Ordinance No. 96-04 - First Reading**

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for rock salt for ice control.

Mr. Snyder: It might not look like it outside, but again they're being a little more timely in getting that out to us. And...

Mr. Foltz: It might of been hailing Jon. Maybe we were catching it with tarps to save some money.  
Mr. Snyder: We were very fortunate over the weekend ... but we'll be ready for it.

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Mr. Sarbach moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 96-04.  
All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

Mr. Snyder: I think that was it on that, correct? In all deference to the administration the ...

Mr. Pusateri: There's one more.

Mr. Snyder: Yes. But the councilman of the Ward 2 is not in a position as of yet without - he would have to - wants to talk to a few of his constituents there and we may need a week or so on that Administrator Miller.

Mr. Miller: That's fine.

Mr. Snyder: I apologize. I may have been a little too quick to put that up there. Cause of course that's on the 2<sup>nd</sup> Ward not the 4<sup>th</sup>. So I didn't figure I'd get many calls on that.

Mr. Sarbach: You won't even see that flag.

Mr. Snyder: So I'm going to - the councilman of that ward has asked that we table that till he gets a chance to speak to some people.

Mr. Miller: Okay.

Mr. Snyder: Is that alright with council?

Unidentified: Yea.

19. Mr. Lindower moved and Mr. Foltz seconded to **table** Ordinance No. 97-04. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

Mr. Snyder: Thank you.

Mr. Sarbach: May I make a comment?

Mr. Snyder: Please sir.

Mr. Sarbach: Having been a previous Ward 2 councilman and been involved in the last cell tower that was proposed in that area, I commend you for getting more information to see where we stand on it. This is not the same type of structure, it's not the same location, but I think ...

Mr. Lindower: I recall some of the problems from before.

Mr. Sarbach: Yea, I think we want to hear from the people too and let them have a chance to see what's going on there and - before we proceed. Thank you.

## REPORTS:

Mr. Snyder: Thank you sir. Director of Law, any comment?

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

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Miller: Two quick things. One, the Valley View CRA was approved May 13<sup>th</sup>. Letters will begin going out tomorrow informing the property owners in the CRA of the program and encouraging them to participate. Second thing, Buckeye Energy, we aren't able through Board of Control to enter into a contract till June 16<sup>th</sup>, but the price when we discussed it with council was 5900, it's gone to 0 and the price per 1,000 cubic feet for the ongoing administration has gone from five cents per 1,000 cubic feet to four cents per 1,000 cubic feet. That's a result of our discussions with Plain snowballing to point to where now the county is going to go countywide or is proposing going countywide with all the incorporated areas, the townships if you will, and the cities are going to go along with that and buy in bulk so to speak - the whole county at one time.

Mr. Snyder: Nice job.

Mrs. Kiesling: That's awesome.

Mr. Snyder: You earned your money there.

Mr. Miller: It wasn't just me.

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Mr. Snyder: Nice job. So I understand there is no fee to the city for that.  
Mr. Miller: No fee to the city.

Mr. Snyder: Oh that's very nice. Good. Mr. Mayor, any comment?  
Mayor Rice: No report.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Thank you Mr. President. I'd like to ask council's input on the South Main project at Everhard where we're going to be replacing the bridge and widening the road out there. We're at a point where we're looking at maintenance of traffic a little bit more closely and looking at construction of the bridge and how we would try to maintain traffic. It would probably be best from an engineering standpoint to have a total closure there and detour traffic. However, we could try to maintain traffic one lane in each direction, but it probably won't be real effective. If we try to maintain traffic the duration of the construction of the bridge, it will probably take about five months, that's the estimate. If we can do a detour and close the bridge and traffic there we feel we can get the bridge constructed in a three month period of time and save approximately \$200,000.00 in construction costs. So with that, if I can get the input from council because you are who are going to bear the brunt of either way ...

Mr. Lindower: Inaudible... on Portage.

Mr. Foltz: Yea, either way we're going to bear the brunt of it.

Mr. Lane: I get it.

Mrs. Kiesling: He's going to get the detours.

Mr. Snyder: Yea, you know Mr. Engineer there's only one - as retailer...

Mrs. Kiesling: There's only one detour, isn't there?  
Mr. Lane: Yea, I know.

Mr. Snyder: many years on South Main, the only thing I would say and just some food for thought. Once you totally change the traffic pattern of a shopper it doesn't come back. And the small shops on the south side of the city if we detour the traffic totally and have no access from the southern part of the city that would put an economic burden upon those people that I don't know that it will come back. My own experience when we did South Main when I had the shop, my volume had dropped at that period almost \$300,000.00 and only came back about 160 of that. So that's the only problem that you know I think that to give you an answer immediately sir would be a little difficult for me anyway. But without talking to them. Mr. Sarbach.

Mr. Sarbach: There's no good detour for safety forces that I see for fire trucks to get to the southern terminus of the city if you close that. Does the - do the Fire Department, EMS have anything to add?

Mr. Benekos: I spoke to Chief Bacon this afternoon regarding that and he said he didn't have a problem if we did decide to close it down. And the Chief is here in the audience.

Mr. Sarbach: He has another way to get there or just going to let it burn? What ...

Chief Bacon (speaking from the audience): Northfield and Auburn takes me around ... in that area to get to it. That's our secondary run around there if there's an accident at Everhard, we go to Auburn and Northfield.

Mr. Sarbach: It's - you don't feel it would be jammed it or...  
Chief Bacon: Routinely - it's routinely done by our units.

Mr. Sarbach: Okay. Is there any possibility of doing like two shifts if you close it? I mean can you double up and - I see a lot of jobs sitting vacant when there's daylight and there's no rain and -  
Mr. Benekos: No that's...  
Mr. Sarbach: cause the 8 or 9 hours is up and they're gone.

Mr. Benekos: That's not the problem. It's you know just getting in there, it's going to be a confined space and doing the work.

Mr. Snyder: Can we take the traffic up Knoll and around?

Mr. Benekos: I think you'd hear an outcry.  
Mr. Sarbach: Well we're going to hear an outcry regardless.  
Mr. Benekos: Yea.

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Mr. Sarbach: But are we going to hear it for three months or are we going to hear it for five months?

Mr. Benekos: Right.

Mr. Sarbach: That's the issue.

Mr. Benekos: The one option would be to maintain the northbound traffic and just detour the southbound traffic. That would help the traffic going north, it will allow more traffic to get through there, but that's still going to take the five months period because it would have to do a phase construction.

Mr. Snyder: Well that makes - at least it's a compromise. I mean - but when is - when is your drop dead date on that you need it done.

Mr. Benekos: Well we have a couple weeks to decide that. We're still in the process. The design can proceed, but we need to know whether to design it as a phase or design it as a total closure. But we do have a couple weeks and we can discuss it again next Monday night. Well next Monday we don't have committee - in two weeks and at that time if I could get a decision from council, a direction, I'd appreciate it.

Mr. Snyder: That's fine. I'm sure these merchants will read that in the papers tomorrow. I'm sure you'll know by about 10:30 tomorrow morning which direction to head - politically that is anyway.

Mr. Lane: Jim, can you show us next week - are we meeting Tuesday?

Mr. Snyder: No, we're a - that's the fifth Monday...

Mr. Lane: Oh that's right. So...

Mr. Snyder: and that's the first Tuesday of the month, so that's a holiday.

Mr. Lane: Yea, I was thinking it would be a holiday, we were moving it one day, but no that's...

Mr. Snyder: No, no...

Mr. Lane: So yea, you're right.

Mr. Snyder: we'd be a...

Mr. Lane: Can - between now and then can you get us some copies of what you anticipate the detours to be?

Mr. Benekos: Yes, I can.

Mr. Lane: Cause I'm assuming if you want southbound detour you'd still come down through Northfield, right and come back around?

Mr. Benekos: No.

Mr. Lane: Where would you go?

Mr. Benekos: There'd be too much traffic to bring it through that residential neighborhood.

Mr. Lane: Right.

Mr. Lindower: Inaudible...

Mr. Benekos: The northbound detour we anticipate would be as you're headed north on Cleveland Avenue would be to take 44<sup>th</sup> Street over to Market, up to 55<sup>th</sup> ...

Mr. Lane: That would be what you posted.

Mr. Benekos: That's what would be posted, correct.

Mr. Lane: But there's a big difference.

Mr. Benekos: Yes.

Mr. Sarbach: A lot of SUV's out there, a lot of four wheel drives.

Mr. Lane: Inaudible... No, I just - I mean unless you've got to figure out a way to control that traffic in a residential neighborhood. I mean I know where you're coming from...

Mr. Benekos: Correct.

Mr. Lane: And that's fine and dandy, but I have a feeling those arrows are going to be ignored pretty often. So...

Mr. Benekos: Right. And that would be an enforcement issue that we have to look at. But the proposed posted route would be 44<sup>th</sup> to Market, back on Easthill and then southbound it would Everhard, Whipple and then 38<sup>th</sup> Street.



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Mr. Lane: I'm sure everyone would obey those.

Mr. Benekos: Yea. And again...

Mr. Foltz: Well...

Mr. Benekos: you know this is - this is just still in the discussion phases and anything formal we'd have to get the City of Canton's approval because...

Mrs. Kiesling: We're using their roads.

Mr. Benekos: The traffic would be routed on Canton's streets.

Mr. Lane: Right.

Mr. Benekos: So that needs to be done. Should council decide to proceed with that, then we'd have to get Canton's approval before we could actually...

Mr. Snyder: Do that.

Mr. Benekos: decide to go ahead that way.

Mr. Sarbach: I'll start driving Market.

Mr. Snyder: Will Everhard be repaved and the infrastructure done by that period?

Mr. Benekos: Right.

Mr. Snyder: So you'll - that will be a nice little speed thing along there won't it.

Mr. Benekos: They've started the construction on Everhard...

Mr. Snyder: I just noticed that.

Mrs. Kiesling: You're right Jon. I just thought about that today, people will be going much faster than 35 when that street gets fixed.

Mr. Snyder: Okay. Well sir we'll get back to you on that, but I appreciate your courtesy in allowing us to at least think about it a little bit.

Mr. Benekos: Thank you very much.

Mr. Snyder: You're welcome sir. Madam Clerk, have you any comments?

Mrs. Bittle: No report.

## REPORTS - COUNCIL:

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Yea, a couple things, yea. And for Doug Lane's sake and Jon probably you in Ward 4, there's no easy solution here. Those people are already upset about...

Mrs. Kiesling: No, it's ugly.

Mr. Foltz: the building going on down there that passed zoning. And they're going to use it as a cut through there's no way around that...

Mrs. Kiesling: Yea.

Mr. Foltz: unless we got officers writing tickets you know or when they're speeding on the streets.

Mrs. Kiesling: Right.

Mr. Foltz: But getting back to the construction and Jim I never mean to beat you up with it, but it's just if we make the decision that we're going to save two months and go at night, there'd better be a heck of a penalty clause in there if they're one day over three months. Because to me that's almost - this is getting intolerable. When we start jobs last year and they're still going on Memorial Day. I mean it's hard to face your constituents and your residents.

Mr. Lane: Labor Day, Labor Day...

Mrs. Kiesling: No, he means...

Mr. Foltz: Labor Day. Well I'm just saying I have some examples in my ward where you know we start these things and they're supposed to be back. And I know we got weather concerns and everything else, but that doesn't make it any easier for the people living on those streets expecting that job to be done and when you drive by when there is decent weather no one's working you can't answer their questions. At least I can't. I don't know who can. But I'm more in tune to put penalty clauses in here and start firing away at these contractors. If they want the job and they want to bid it, then get it done in a timely fashion without the excuses. Okay, so anything you can do on your end Jim, for anything else in anybody's ward I appreciate. But I think we really have to take a hard fast rule at that cause maybe low bid isn't the best bid if they're not going to get it done, if they're going to carry them over year after year. So that's food for thought. Brief discussion with Director Miller. Some of the residents in my immediate area want to know why the tornado warning wasn't sent or why they didn't hear it. I don't know if there was an actual tornado watch, warning. I know it seemed to have rained every night. That will wake you up let alone if there was something around the area that went off. But all I can say is they feel it went off in certain areas of town or maybe the wind was directing it - the sound somewhere else other than where it was supposed to.

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Mr. Lindower: Was there a warning?

Mr. Foltz: I don't know Dave.

Mr. Snyder: Yea, there was a horn I think Friday night.

Mr. Lindower: Inaudible... they only sound those ...inaudible...

Mr. Miller: To my knowledge there was no tornado warning. I have found out this week that the administrator automatically gets called by dispatch whenever there's a severe thunderstorm warning, cause I got those.

Mr. Foltz: Okay.

Mr. Miller: But I never during the week got any call about a thunder or a tornado warning.

Mr. Lindower: They only sound those sirens on warnings - tornado warnings only, not watches.

Mr. Foltz: So our system wasn't activated, is that what we're saying?

Unidentified (speaking from audience): Yes, yes it was.

Mr. Miller: To my...

Mr. Snyder: Yea, it rang Friday night. I believe it went off Friday night wasn't it?

Mr. Foltz: If it was activated, it had to be activated on a tornado warning.

Mrs. Kiesling: Warning.

Mr. Lindower: Inaudible...

Mr. Foltz: So somewhere along the line it was activated, but the residents in my area didn't hear it and they asked me. And I heard the rain. If you sleep with the window that's going to wake you up, the thunder booms.

Mr. Lane: Oh yea.

Mr. Foltz: But you know I don't want to make a bigger issue out of it what it is, but if it's activated Jon...

Mr. Snyder: Yea, it went off...

Mr. Foltz: we got to make sure we cover the whole city.

Mrs. Kiesling: I wasn't here.

Mr. Snyder: Well you know Doug, especially there's areas of yours where those people from the trailer park come here to the City Hall.

Mr. Foltz: Yea, cause especially - yea...

Mr. Lindower: I think I can tell you what's happening there. Those sirens are tested the first Monday of every month to make sure they all function. Under certain weather conditions, with the wind blowing in the right kind of a direction you're not going to hear them as readily as you would from my residence and the 900 block of 7<sup>th</sup> Street N.E. Occasionally if the wind is blowing from east to the west I won't hardly hear the sirens and I'm only like three or four blocks away. It depends on the wind direction, the velocity of the wind and so forth. So you know I don't think it's possible to put a siren on every block. That's occasionally what happens. But they test those sirens once a month.

Mr. Snyder: Yea, they test - and I believe about two or three years ago we put a couple new ones in - one or two new ones in, didn't we?

Mr. Foltz: Yea. Maybe we should revisit that Jon, only cause we seen what can happen...

Mr. Snyder: Yea, I mean...

Mr. Foltz: Jackson especially and...

Mr. Snyder: That's right, that's a good point.

Mr. Foltz: I speak from personal experience, but you know...

Mr. Snyder: Yes, you do.

Mr. Foltz: I don't know how to answer my constituents if we had a tornado warning and they didn't hear it and we have one - we have a system in place. I think we need - we need to spend the money, whatever we need to do to update it so everybody that lives in town - and here again, we're forming CEDA's, we're growing outward and we got to make sure we cover areas that maybe they weren't thought of before 20 years ago because you know they were in the township and they weren't our responsibility. But it being a progressive community I think we need to look at that. So...

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Mr. Snyder: I agree with you.  
Mr. Foltz: Okay.

Mr. Miller: Mr. President.  
Mr. Snyder: Sir.

Mr. Miller: Mr. Foltz, I was correct, I didn't get any tornado warning because there wasn't one issued. But apparently there was a glitch downstairs...

Mr. Foltz: Okay.

Mr. Miller: and they did activate it at one point. So there was an inadvertent test if you will. And Mr. Lindower has indicated correctly that there were areas that did not hear it because the wind that night. So...

Mr. Lindower: Those sirens are radio controlled and they can have an inadvertent action on ...inaudible... depending on ...inaudible... and so forth.

Mr. Snyder: That's good to know. Mr...  
Mr. Foltz: Okay, thank you.

Mr. Snyder: You're welcome sir. Mr. Lindower, any comment?

Mr. Lindower: Jim, we're going to - you know with all your projects coming up, we're going to act next week on here or next meeting on your special projects ...inaudible... What - can you tell me what Envirotech is doing on South Main? I've been watching those guys down there ...inaudible...

Mrs. Kiesling: Yea.

Mr. Lindower: I can't tell what they're doing on the east side of South Main, north of Everhard.

Mr. Benekos: Okay. They're cleaning out the sanitary sewer. It's a routine maintenance project that the Sewer Department has initiated.

Mr. Lindower: I was just curious. I've seen their truck down there and I don't know how they're going to get it out of there. Okay, thanks.

Mr. Benekos: Sure.

Mr. Lane: Take their truck.

Mr. Snyder: Thank you sir. Mr. Lane.

Mr. Lane: I just wanted to thank Director Miller for following up this weekend. And I know a couple of you folks went over to Mr. Viscounte's house and also checked on a lot of problems that we had over there with flooding. And I unfortunately was out of town, but I kept in touch with the people by long distance. And I went through three tornados in an hour and a half last night...

Mr. Foltz: Wow.

Mr. Lane: in my hotel that I was stuck at in Illinois.

Mr. Sarbach: Oh gees. Better you than me.

Mr. Lane: Well the entire flight crew and most of the passengers couldn't make it out so we just sat there and listened to sirens all night. So I do know of one city where they do work quite well. But I do want to thank Mike for following up on that and I know that he at least now has a chance to see first hand what some of these problems are that we're dealing with over there.

Mrs. Kiesling: Yea, right...

Mr. Lane: So hopefully we can come up with some solutions and everybody can be happy with it. Thank you.

Mr. Snyder: You're welcome sir. Mrs. Kiesling.  
Mrs. Kiesling: No report.

Mr. Snyder: Mr. Peters.

Mr. Peters: No report other than just to thank Michael for stopping out there. It was much appreciated. Took some of the heat off of me.

Mr. Snyder: Mr. Sarbach.

Mr. Sarbach: Yea, as some of you know I wear several different hats. And one of them I'm the Chairman of the Memorial Day Parade for the North Canton Lions Club. And that's coming up in a week and I would like to get, if not a commitment, but an intent from each councilman if they plan on riding in the Memorial Day Parade. If something comes up and you can't that's fine, I'd appreciate a phone call. But Doug, you plan on being there?

Mr. Foltz: No, I'll be out of town.

Mr. Sarbach: Okay.

Mr. Foltz: Maybe back late Sunday, but at this point no.

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Mr. Sarbach: Okay. Dave, do you?

Mr. Lindower: I'll be in Guernsey County.

Mr. Sarbach: That's a no. Okay. Doug Lane, are you?

Mr. Lane: I'm going to be at the ceremony. I won't be in the parade.

Mr. Sarbach: Okay. Marcia?

Mrs. Kiesling: At this point yes.

Mr. Foltz: What are you doing in Guernsey? That's what I want to know.

Mr. Sarbach: Okay. Jeff.

Mr. Peters: I'll be attending...

Mr. Sarbach: You'll - will you be riding?

Mr. Peters: with my children, but I will not be in it.

Mr. Sarbach: You'll not be riding. Okay. And Jon?

Mr. Snyder: I'll let you know here probably in the morning.

Mr. Sarbach: And I believe the Mayor is going to - plans on being there?

Mayor Rice: Pardon me?

Mr. Sarbach: Are you going to be in the Memorial Day Parade sir?

Mayor Rice: If I'm in town, yes.

Mr. Sarbach: Okay. We'll save you a front seat. Thank you sir. That's all I have.

Mr. Snyder: Thank you. One thing. That South Main project, that's a - isn't that a state or a county project is it not?

Mr. Miller: It's...

Mr. Snyder: We're not controlling that project.

Mr. Miller: It's funded by the state. But we do have some control over what happens as far as the design is concerned. Correct Jim?

Mr. Benekos: Pardon me.

Mr. Miller: It's a state funded project but we have control over what happens as far the South Main project is concerned?

Mr. Benekos: Correct.

Mr. Snyder: But the bridge is a county project. Is it?

Mr. Benekos: It's funded through the state, but it is a county bridge. They will maintain it after it's reconstructed.

Mr. Snyder: Oh, but we...

Mr. Benekos: And they're responsible for the local portion of the funding.

Mr. Snyder: Oh, okay. I knew it had something to do with it.

Mr. Benekos: Correct.

Mr. Snyder: Thank you.

## FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: This is the final call for new business. Anyone in the audience wishing to speak to the council? Mr. Osborne...

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Chuck Osborne: My name is Chuck Osborne. 307 Fairview Street SE - North Canton, Ohio. I must respectfully disagree with Council Member Lindower's comment that it's I who is partially responsible for the expenses that the city must bear to air the complaints made against Mayor Tom Rice. In addition, I am surprised with the comment, given Mr. Lindower's many years in law enforcement. I really doubt it was your practice in your many years of investigating crimes to tell the victims of those crimes that they were responsible for creating the expenses when all they were asking that the laws of the land be upheld and their rights protected. Furthermore, the constant refrain that the complaints against Mayor Tom Rice are not criminal, this kind of reminds me of the days of Watergate when we all watched former president Richard Nixon on TV tell the American public I am not a crook. This is no consolation to me at the time and frankly Mayor Rice your statement that the investigation shows no criminal behavior on your part again, is no consolation to me. If this city has to wait for their elected officials to be found guilty of criminal behavior before there is a cause for concern, I believe our government will be well on the path to disintegration. Laws are created to provide a better way of life and if they are not upheld there is a decay in the public's trust. Thank you.

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

Ernie Davenport: I'm Ernie Davenport. 1441 Cornell Avenue SW. As I said before when I was up here, that's down in the slum area. Jon knows, he came to visit me. I'm going to try to enlighten some people. Doug, there was Friday evening a siren in your ward, because my grandson who lives at 1521 Ellesmere NW called me and said there's a tornado coming get to the basement. We heard none in the south end of North Canton - no sirens. So there was at least one went off in Doug's ward.

Mr. Foltz: Okay.

Mr. Davenport: That's all I got on that subject. Now I came intending to beat Jim up, but I already did that before the meeting so I don't need to expound on that.

Mr. Foltz: He should start wearing headgear.

Mr. Davenport: Last time I stood up here, Dottie remembers, I walked around my hands didn't grab on and I just kept talking. At that time I took a letter and handed to every council member that was here, I handed her one, I may of given you one, I gave one to the Mayor and I presented a folder similar to this without all the staples on it, to Mr. Miller, that was congratulating North Canton and please congratulate the people that I referenced in that letter about the superior work force in the Water Department replacing the water main on Cornell Avenue. Now I'm here tonight to walk over once again and shake Mr. Miller's hand, not because he did go and give those letters to everybody, because he did, but more importantly while I wasn't home he came out to the street and shook the hand of every one of those Water Department employees. I've never seen an administrator on Cornell Avenue except for the time my wife called Boyajian and verbally beat the hell out of him over the phone. He came out to see and it worked because he repaved our street that the snowplow had torn to shreds the previous winter. So Mr. Miller I thank you for shaking those hands, but you missed one because she wasn't there, she was driving a big truck before you got there.

Mr. Miller: She was there.

Mr. Davenport: Did - was she there when you shook hands? Okay, somebody was missing. One was missing. I don't remember who it was. I thought it was Chris Barnes. She was there? Well then you did better than I thought you had. That's all I got to say. I don't want to get into this other malarkey and that's what I term what's going on. Oh, you did reference the charter and you said 1960?

Mr. Snyder: I believe it was 1960.

Mr. Davenport: Dig in that and get that 64 book out.

Mr. Snyder: Maybe it was 64...

Mr. Davenport: Because in 1960 you could not be president of the council.

Mr. Foltz: 69.

Mr. Snyder: Oh yea...

Unidentified: That's that...

Mr. Davenport: And it still happened after 60, before you could a member, the president of the council. But prior to that it had to be one of these things that says council at large.

Mr. Snyder: That's right.

Mr. Davenport: So that was just those three.

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Mr. Snyder: And that was changed by the voters to allow Mr. Boyajian to be president of council. He was the third...

Mr. Davenport: That's true.

Mr. Snyder: He was the 3<sup>rd</sup> Ward councilman. You're right.

Mr. Davenport: As a matter of fact Paul Blohm, who was a Ward 4 councilman...

Mr. Foltz: I was five years old ...inaudible...

Mr. Davenport: everybody wanted him to be the president and he had to run on an at large instead of the ward.

Mr. Snyder: Yea, that was - you're right.

Mr. Davenport: You don't have to tell me when I'm right, just tell me when I'm wrong. And you don't have to talk. Thank you kindly.

Mr. Snyder: Thank you for your humor sir. Sam, you want to say something?  
Sam Brenton: Inaudible...

Mr. Sarbach: Oh, he's a character.

Mr. Brenton: Inaudible ...live in a swamp. It was called the wrong kind of people. But I'm Sam Brenton from down on Westfield. But that siren drove the dog nuts...  
Mr. Foltz: Okay.

Mr. Brenton: The siren did go off.  
Mr. Foltz: Okay.

Mr. Brenton: My dogs went all over the house and didn't know what was happening. So thank you for that. Westfield turns into Ambler at the horseshoe. There's people down there in their 90's, people down expecting. So you've got from expecting in the 90's. When you're working on Everhard how they going to get the hell out of there?

Mr. Miller: One of the two will be open at all times, either Ambler or Westfield.  
Mr. Benekos: Right.

Mr. Miller: Even when they're paving they'll be able to pave it in such a way that when they cutoff Westfield coming down the hill, you'll be able to get out on Ambler. And then when they get to Ambler, should be set up on the other side so they can get back out Westfield.

Mr. Brenton: Inaudible... You know them old people down there I just - last week took my wife to Aultman with a mini stroke. But if something really happened down there what the hell you know.

Mr. Miller: We'll maintain an entrance to that neighborhood...

Mr. Brenton: Well I got ...

Mr. Miller: one side or the other.

Mr. Brenton: I already got my plans made. But them other people down there you know like I say, they - anyhow on another subject. Where I worked if a guy couldn't influence you don't you dare drive a new car down because he had guys that would go off with a nail or whatever and fix that car up. And I think that's what's going in the City of North Canton. They can't handle influence you Tom, you're on his shit list and there's somebody else back there somewhere hiding behind the door and I hope the bastard comes out and let's us know who it is. Because you're my mayor and you're going to stay my mayor. So I've lived in North Canton a long time and Foltz knows when I said when they come past my house and you ought to have landscapers come down and do the fine touches, when they got to my house they all went up in that guy's yard. The guy that run the place says, I'm sorry, he knows somebody uptown. Told you ...inaudible... exactly. And another time they come down, up in the yard all the brown spots raked them out, put seed down, put top soil. They broke from dinner and come back - a city crew, city employees, not hired people. I told them I said they don't send nobody down to do my yard. And they said thank you. And I know who they was but I never squealed on them because I knew they was sent down there. Now that's robbery - grand larceny what you want to call it. But that's what they should go after, not some little penny ass thing. I thank you guys. But let us know what we do about that going emergency on that. Cause like I say it's nothing but a horseshoe. Oh, one more thing. Let me know someday when you wake up in the middle of the night with cars running over those big stones in front of your house there. You can tell that they've been doing...

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Mr. Miller: Those aren't on mine, those are across the street.

Mr. Brenton: Then you got on each side there. And you can tell the way their moved that cars are running over them. When they roll underneath a car they're going to make a lot of noise.

Mr. Miller: I'll hear it I'm sure.

Mr. Brenton: Inaudible... one truck and two guys to get rid of them you know. Okay.

Mr. Snyder: Anyone else wishing to speak? Seeing none, may I have a motion to adjourn this meeting?

ADJOURN:

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

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

No: 0

The meeting adjourned at 8:25 p.m.

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

ATTEST:

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