

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, May 9, 7:00 p.m. 20 05

## CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Ken Moody-Arndt, 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 Kalpac.
5. Consideration

Minutes of Council Meeting: April 11 and 25, 2005

Minutes of Public Hearing (Applegrove Zoning): May 2, 2005

Minutes of Public Hearing (Property West of City Hall Zoning): May 2, 2005

Mr. Snyder: May I have a motion to consider the council minutes, prior to that on Monday, April 11<sup>th</sup> minutes, there are a couple of typographical errors that we want to change. Unfortunately, it's not referenced what page but it's a point that I said, the word is duped. I think it was put in there as duked. Even though it has basically the same connotation to punch or to cheat but the word is duped not duked. And the next page, same evening, Mr. Foltz is saying the word is assess, and assessing, and assessed. Plural, past tense and present. Assesses, can assess. We are not assessing meaning we are at that present, and past tense assessed. Those are the corrections that are noted in the April 11, 2005 minutes. May I have a motion to accept the minutes, as presented, for those periods of time?

Mr. Sarbach moved and Mr. Lane seconded to approve the minutes of the two council meetings and the two public hearings. All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

6. Committee Reports

**Community & Economic Development Committee:** Refer to the minutes on file in the Council Office of the Community & Economic Committee meeting held May 2, 2005.

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held May 2, 2005.

**Ordinance, Rules & Claims Committee:** Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held May 2, 2005.

**Street & Alley Committee:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held on May 2, 2005.

**Water, Sewer & Rubbish Committee:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held May 2, 2005.

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

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.

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. North Canton is suffering financially from the slow demise of the Hoover Company. Its presence here in the community continues to slip away. This is a fact that I believe everyone here can agree on. The parent company of Hoover, the Maytag Corporation, is slipping away as well. What is North Canton doing to prepare for the future without the presence of each of these corporations? The City of North Canton is resorting to a practice that was abandoned a

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century ago. Rather than conserve existing funds, North Canton has resorted to bleeding its remaining taxpayer funds with legislation to fund the CIC. Until modern times, when an individual was ill, whether it was a minor or serious illness, the most commonly used remedy was phlebotomy, or better known to most people as bloodletting or bleeding. Bleeding was used as a solution to many health ailments during the 1800s in this country but there were often serious consequences. For one thing, bleeding a person actually lessened the chances for a healthy recovery as it greatly weakened the patient. In 1799, George Washington was treated for acute laryngitis by the use of heavy bleeding. Washington died some twenty-four hours later. The approval by this Council to remove \$1,500,000 from the General Fund to fund the CIC is bloodletting of a different kind but with the very same dire consequences for the taxpayers of this City. Just two years ago the carryover for the City of North Canton was approximately 17 million. Today, it is 5.9 million. If you remove \$1,500,000 to fund the CIC, that brings the carryover down to 4.5 million. How long will the carryover balance of four and a half million last after Maytag terminates the remaining jobs left here in North Canton? The end of the remaining jobs at Hoover are close at hand and instead of conserving remaining taxpayer funds, Mayor Tom Rice has asked this Council to bleed away the financial stability of this City. On April 25, 2005, Reuters reported shares of Maytag Corporation touched a fourteen year low and fell another five percent after Maytag reported a lower quarterly profit and slashed its outlook. Longbow Research analyst, Dave MacGregor, said in his research note, we believe it may be too late to salvage this company as an independent player in the major appliance business. In the same report Prudential analyst, Nicholas Heymann, said in a research note, it is, it is not hard to imagine that Maytag could be required to enter bankruptcy if it can't secure additional funds to undertake additional cost restructuring, can't complete its intended cost restructuring in an expedited time frame, or if the intended benefits fail to materially positively impact earnings. Mayor Rice, I would like to use the same comments from Prudential analyst Nicholas Heymann regarding Maytag and ask you this question. Would the construction of an upscale restaurant on Main Street in North Canton have a materially positively impact on income tax revenues? I think we all know the answer to that. In an AP Report dated April 22, 2005, I quote the following, "The company said it will take more aggressive steps to restructure its manufacturing operations and cut costs." The AP Report continues with this, "Chairman and CEO Ralph Hake said that the company is looking at plants in its hometown of Newton and in North Canton, Ohio and Florence, South Carolina in its efforts to reduce costs." Financial analysts are saying it may be too late to salvage Maytag and that bankruptcy is imminent. What does all this mean for Hoover in North Canton? It means a swift end of the union contract for the remaining Hoover employees as Maytag continues to cut costs. It is obvious that Maytag's cost cutting apparently has not had the intended benefits to materially positively impact earnings for Maytag. But it has had a materially negative impact on income tax revenues for this City. And that is why we are all here. We are interested in North Canton's financial health. At the March 7, 2005 Council Meeting of the Whole, Finance Director Julie Herr indicated that if Hoover ends up and I quote, "leaving, that's one million in income tax gone." That leaves a rather simple math problem in terms of how long will the remaining carryover funds last when decreased by at least one million a year. I guess I should be fair and say that if Mayor Tom Rice is able to fund the CIC with the funds he has requested of Council and he is able to attract an upscale restaurant with the necessary liquor license, we will all be able to eat and drink well while financial calamity becomes our reality. But what is the reality that is looming on the horizon for the taxpayers of North Canton? Increases in the income tax rates and the ending of credit for taxes paid to other communities are what is on the horizon. How economically competitive is that going to make the City of North Canton? I ask this Council to stretch what remains of North Canton's carryover funds. Mayor Rice, I ask that you and your administration scrutinize its spending practices and spend taxpayer funds as if that dollar was their last dollar. Because the remaining carryover funds are their last dollars. It is not likely that North Canton will ever accumulate a carryover to the magnitude of 17 million dollars, or for that matter, 5. million carryover that we have remaining. Economic development will be the last thing on people's minds when the news of the day changes to the financial shortfalls facing the City of North Canton. And that news will be here sooner than you can imagine North Canton. Thank you.

Mr. Snyder: Anyone else wishing to speak to the Council this evening? Thank you. Director Herr, I think those numbers are somewhat false, are they not? According to my recollection it's near 12 million dollars, is it not consolidated bonds?

Mrs. Herr: That's correct. Right now it's...

Mr. Snyder: And income tax fund is projected at 8.5 million?

Mrs. Herr: ...a little over, a little over 12 million right now.

Mr. Snyder: That's what I thought. So those, thank you sir, you've been already, you've been up and recognized. This is not a debate, thank you. Please sit down.

Mr. Osborne: Mr. Snyder, I have a document...

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Mr. Snyder: Please sit down sir. You have not...

Mr. Osborne: ...you have provided me...

Mr. Snyder: Will the officer please sit Mr. Osborne down?

Mr. Osborne: ...from Mrs. Herr. I have a document on file.

Mr. Snyder: Thank you. Ok, may I have a motion to read by title only Ordinance 66-05?

## OLD BUSINESS:

8. Mr. Foltz moved and Mr. Lane seconded to **read by title only, third reading of Ordinance No. 66-05.** All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

### Ordinance No. 66-05 – Third Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 203 Income Tax Fund to the Interfund Transfers-General Fund account in the aggregate amount of \$1,500,000.00 and authorizing the transfer of same funds from the Income Tax Fund to the General Fund for the current expenses during the fiscal year ending December 31, 2005.

Mr. Snyder: This will be the actual transfer of \$1,500,000. At this time, as I spoke to you today everyone, we've done proactive measures. I've met with the Director of Finance, Mayor Rice and Director of Administration, the Committee of, Council of the Finance and what we've elected to do because there's so much nay saying about the stability of the City and using the consolidated carryover funds, what we simply are going to do, which is knowing I guess in the industry of municipal government, is pocket switching. Even though that sounds somewhat nefarious, what it simply means is that we've looked at a couple of different avenues how to do this. The Ohio Revised Code does not allow the City to borrow money using taxpayer's money to pay back CIC funds. So we would have to pledge the, if we borrowed the money and used it, we would have to use the funds that are generally, like fines and swimming pool income and so forth. So rather than do that, a project that is due to launch, which is approximately a million and a half dollars, is the Landsdowne Project, Deerfield that area there. Which we were going to do in a two year cycle. Which comes out to be about a 1,500,000. What we're going to do is borrow the money for the Landsdowne Project, \$1,500,000 which will ensure the completion of that project. The money that was in the General Fund Capital Account that would fund the \$1,500,000 Landsdowne Project will be transferred back into the Income Tax Fund which in turn will be transferred to the CIC. So, consequently, the money that will be transferred to the CIC will not come from the reserves of the City. It'll be there, the dollars that are there today will be there tomorrow and so forth. And at that point, the Mayor, the CIC Board comprised of, you know, I apologize Mayor, I always refer to the Mayor's CIC Board, but it is. But it will be transferred there and at that point that money will be used to leverage, to do as the CIC said. So at this particular time, we are making no impact on the people's good money that's in reserve and is protected. And the City at this particular time and God willing, will remain in very solid financial shape. So, consequently, some of the nay sayers are going to have to, as the saying goes, eat crow. So that's, and I do, Mayor, I've discussed with Council. They're all apprised of what we're doing. And that way, that project will go forward. It's a much needed project. It's a very ambitious project. But the project will go forward and it will not cost us any, any money from its reserves. Any questions on that? If not, may I have a motion to adopt the third reading of Ordinance 66-05?

Mr. Peters moved and Mr. Foltz seconded to **adopt the third reading of Ordinance No. 66-05.** All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

9. Mr. Snyder: Alright, may I have a motion to read by title only, I think we want to amend this one to read June 30<sup>th</sup> not the 15<sup>th</sup>. Isn't that correct on this one?

Mrs. Herr: Yes.

Mr. Snyder: Yes.

Mrs. Herr: It's not in the title but it's in the body.

Mr. Pusateri: It's in the body, Section 4.

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Mr. Snyder: Yes. Yea, Section 4. We're going to amend this to correlate June 30 to line up with the barrings if they have no problem on that. So may I have a motion to amend the actual body under Section 4 to read June the 30<sup>th</sup>, 2005?

Mrs. Kiesling moved and Mr. Peters seconded to **amend** Ordinance No. 67-05 as stated above. All members present voting:

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

No: 0

Mr. Foltz moved and Mr. Peters seconded to **read by title only, third reading, as amended**, of Ordinance No. 67-05. All members present voting:

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

No: 0

### Ordinance No. 67-05 - Third Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 101 General Fund to an escrow account to be established by the Director of Administration and the Director of Finance in the aggregate amount of \$1,500,000.00 for the current expenses during the fiscal year ending December 31, 2005; and with the \$1,500,000.00 being available to the North Canton Community Improvement Corporation ("CIC") pursuant to the terms stated in this ordinance.

Mr. Snyder: Again, this is now going to transfer that money into an account allowing the CIC to operate, to draw it as anyone would on their checking account as they need it to move forward and so forth. Is there any questions on that? May I have a motion to adopt the third reading of Ordinance 67-05?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the third reading, as amended**, of Ordinance No. 67-05. All members present voting:

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

No: 0

10. Mr. Snyder: May I have a motion to table Ordinance No. 68-05?

Mrs. Kiesling moved and Mr. Lane seconded to **table** Ordinance No. 68-05. All members present voting:

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

No: 0

11. Mr. Snyder: May I have a motion to read by title only, excuse me, I think there is a...

Mr. Pusateri: There's an amendment, yea.

Mr. Peters: Yes, there is.

Mr. Snyder: Do you have that?

Mr. Peters: Yea.

Mr. Snyder: Ok, do you want to read that? Do you want to first amend Ordinance 68-05 as published? Do you want to read that amendment? Paul, is that how that is?

Mr. Pusateri: Yes, it's Section 10...

Mr. Lane: 85-05.

Mrs. Kiesling: 85.

Mr. Sarbach: 85-05 not 68.

Mr. Snyder: 85-05.

Mr. Pusateri: Yea, I'm sorry. It's 85-05, Section 10, Paragraph (d), which will come out into the Codified Ordinances as 719.09 (d). It's the section dealing with the participants in the Curbside Leaf Recycling Program will not be subject to the twenty-four hour proceeding, ok? That section if you have it.

Mr. Peters: Yea.

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Mr. Snyder: Ok then, may, we need a motion to amend the Ordinance 68-05, (d), to allow for leaf recycling...

Mr. Lane: 85-05.

Mrs. Kiesling: 85-05.

Mr. Snyder: ...85. What do I keep saying...

Mr. Foltz: 85-05.

Mr. Lane: We tabled 68-05. You're stuck on that.

Mr. Snyder: Oh yea, I'm sorry.

Mr. Foltz: I'll make that motion Jon.

Mr. Peters: I'll second that.

Mr. Snyder: Ok, thank you. Inaudible...with all the activity going on. Thank you.

Mr. Foltz moved and Mr. Peters seconded to **amend** Ordinance No. 85-05 as stated above.

All members present voting:

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

No: 0

Mr. Peters: He's got to read it.

Mrs. Kalpac: No, that was to amend it.

Mr. Snyder: Do you want to read that?

Mr. Sarbach: No, we have to...

Mr. Pusateri: Did you move to...inaudible.

Mr. Sarbach: No, we just amended that.

Mr. Snyder: Now we need a motion to, second reading of Ordinance 85-05.

Mr. Sarbach: As amended.

Mr. Snyder: As amended, thank you.

Mr. Foltz moved and Mr. Lane seconded to **read by title only, second reading, as amended,** of Ordinance No. 85-05. All members present voting:

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

No: 0

## **Ordinance No. 85-05 – Second Reading**

Ordinance No. 85-05 amending Chapter 719, of the Codified Ordinances of the City of North Canton, Ohio, and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Peters?

Mr. Peters: Yes, this ordinance deals with trash collection and as you heard we amended it to include the Curbside Leaf Recycling Program. If there's no questions, alright, with that I move to adopt the second reading of 85-05.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the second reading, as amended,** of Ordinance No. 85-05. All members present voting:

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

No: 0

12. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, second reading of**

Ordinance No. 90-05. All members present voting:

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

No: 0

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### Ordinance No. 90-05 – Second Reading

An ordinance authorizing the Director of Finance of the City of North Canton to make payment to McKinley Development in the amount of Nineteen Thousand Eight Hundred Forty-One Dollars and Ninety Cents (\$19,841.90) for reimbursement of the additional cost to upsize the sanitary sewer line through the Sanctuary Development.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yea, this, this is at the City's request to upgrade or enlarge the lines to the Sanctuary. So this is to reimburse that developer that additional fee he incurred by making those lines larger to facilitate our plans to get rid of these lift stations. One lift station, the refurbishing of one lift station cost more than, than upsizing this pipe so. This will, until somebody repeals the law of gravity, we're going to be money ahead in the long run. So with that, I move we adopt the second reading of Ordinance No. 90-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the second reading of Ordinance No. 90-05.** All members present voting:

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

No: 0

### NEW BUSINESS:

13. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 91-05.** All members present voting:

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

No: 0

### Ordinance No. 91-05 – First Reading

An ordinance changing the name of Alley No. 39, a fourteen (14') foot wide alley located approximately 200 feet west of South Main Street and parallel therewith and beginning at Bachtel Street S.W. and running in a north-south direction for approximately 1060 feet to Harmon S.W. and there terminating to Baker Court.

Mr. Snyder: Chairman Lane?

Mr. Lane: This is the alley that runs between McKinley and Main. It runs north and south. It's a very, very long alley. Apparently, Mike, is there one house on there that fronts on there?

Mr. Miller: Yes, there's a structure that fronts on the alley itself.

Mr. Lane: And it has an address of McKinley right now and obviously if security or emergency forces are needed at that particular address, there's always a possibility of some concern that they might end up going to the wrong place. So this basically gives a name to that alley and to that individual that if they do require any emergency services or mail or whatever, that it can be delivered to the proper place. Anybody have any questions on all of this?

Mr. Snyder: Are you going to name that Baker Alley?

Mr. Lane: Baker Court, I believe.

Mr. Snyder: Baker Court.

Mr. Lane: Yea. I believe that was what was recommended.

Mrs. Kiesling: It's already up.

Mr. Lindower: It, I think it inherited that name anyway.

Mr. Lane: Yea, I think...

Mrs. Kiesling: It's already up.

Mr. Lane: ...I think we're...

Mr. Miller: I found out how that sign got up, by the way.

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Mr. Lane: Did you? As you know, our people have gone and we have to get in front of them to be their leader so we apparently need to, need to follow...audible. So it's recommended to be called Baker Court which will save us a lot of money on putting up that other sign just in case. So we're always in, always out here to try and save some money so. If nobody has any questions,...

Mr. Snyder: That's very fiscally responsible.

Mr. Lane: ...I would recommend that we, we adopt the first reading.

Mr. Lane moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 91-05.** All members present voting:

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

No: 0

14. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance 92-05?

Mrs. Kiesling: One second, don't we need to amend the actual, or we just amending the actual legislation?

Mr. Snyder: Oh, I think...

Mrs. Kiesling: Paul? I don't have it in front of me so I don't....

Mrs. Kalpac: Everybody has a packet. It's underneath 67.

Mr. Pusateri: Yea, there's a request by Jim, is it, to amend this?

Mrs. Kiesling: Underneath my stuff?

Mrs. Kalpac: Huh? They're all paper clipped...inaudible.

Mr. Benekos: It's actually establishing zoning.

Mrs. Kiesling: It's the one, she, you have it. I honestly do not. Or is it in this packet?

Mr. Lane: It's in the...

Mr. Pusateri: Well, I know, it's here.

Mrs. Kiesling: It's here. It's in my, so do we need to, we need to amend it before we read it, correct?

Mr. Snyder: Well this is actually, isn't this establishing the Residential Two-Family on one lot and General Business A on the other one? Is that what we, that's what the public hearing did.

Mrs. Kiesling: Right, but this ordinance says we're amending our ordinance and we're not amending. We're actually establishing.

Mr. Benekos: Right. When the new zoning code came into effect, there was no Neighborhood Business zone. That's what those two parcels were zoned. So they have been unzoned since the new zoning code came into effect.

Mr. Snyder: Well that's zoning code 50-03 we passed June of '03.

Mr. Benekos: Correct.

Mr. Snyder: So you're amending that code to establish those two lots? Is that, or we're just, we're creating a new ordinance?

Mr. Pusateri: The one we had was amending Ordinance No...

Mr. Snyder: 50-03.

Mr. Pusateri: ...yea, now it's going to be an ordinance establishing...inaudible.

Mr. Snyder: Oh, an ordinance establishing zoning classification. So you're going to, I see.

Mrs. Kiesling: So we'd like it read as amended. Does everybody understand? Ok.

Mr. Snyder: So you need a motion to amend to read establishing zoning...

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Mr. Pusateri: Classification.

Mrs. Kiesling moved and Mr. Lane seconded to **amend** Ordinance No. 92-05 as stated above.

All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading, as amended,** of Ordinance No. 92-05. All members present voting:

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

No: 0

**Ordinance No. 92-05 – First Reading**

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

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: I think we explained that one already. I motion we accept.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the first reading, as amended,** of Ordinance No. 92-05. All members present voting:

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

No: 0

Mr. Pusateri: We'll do the same thing with the next one too.

Mr. Snyder: Ok.

Mr. Pusateri: On the agenda it says amending, we'll put establishing.

Mr. Snyder: Ok.

Mr. Pusateri: For the next one.

15. Mr. Snyder: Ok, may I have a motion to amend Ordinance 93-05 to state that we're establishing an ordinance to zone...

Mrs. Kiesling: Correct and there's also one other correction.

Mr. Snyder: Ok.

Mrs. Kiesling: Before Out Lots 201 and 203, it's known as Parts of Out Lots 201 and 203.

Mr. Snyder: Ok.

Mrs. Kiesling: It's not the entire lot. I motion we amend that.

Mrs. Kiesling moved and Mr. Sarbach seconded to **amend** Ordinance No. 93-05 as stated above. All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading, as amended,** of Ordinance No. 93-05. All members present voting:

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

No: 0

**Ordinance No. 93-05 – First Reading**

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

Mr. Snyder: Chairman Kiesling?



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Mrs. Kiesling: This is exactly the same thing as Ordinance 92-05 just different lots. They were not zoned when we changed our zoning code in '03 because we took out Neighborhood Business. So we need to establish zoning on these lots. I motion we accept.

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

16. Mr. Snyder: May I have a, I believe this is the one we want to amend to include...

Mrs. Kiesling: No, this one we're just going to read it.

Mr. Snyder: ...part of Portage.

Mr. Pusateri: Just a reading.

Mrs. Kiesling: We're going to read it and go back to Committee next week.

Mr. Snyder: Oh, then we're going to amend after...

Mrs. Kiesling: Correct.

Mr. Snyder: Ok, then...

Mr. Foltz: I don't know if it would be this one, Jon, or 95-05 because...

Mrs. Kiesling: It's 16 and 17. It's both of them.

Mr. Foltz: Yea.

Mr. Snyder: So we're just going to read them as presented?

Mrs. Kiesling: And then come back to Committee next week...

Mr. Foltz: Come back as Committee...

Mr. Snyder: Ok.

Mrs. Kiesling: ...and then amend it for the next...

Mr. Foltz: ...because what we want to do is...

Mr. Snyder: Get it established.

Mr. Foltz: ...change the 300 Block of Portage from R-2F to Single-Family.

Mr. Snyder: So we'll do that in Committee next Monday night?

Mr. Foltz: And I believe that's in Ordinance 95-05 but I want to make sure everybody looks this through.

Mr. Snyder: Ok.

Mr. Foltz: Paul and maybe Jim, the Engineer, if you're following? After the Committee meetings, the hearings we had last week...

Mr. Benekos: Yes.

Mr. Foltz: ...that's what we want to do.

Mr. Snyder: Yea, because the 95-05 we'll strike Pleasant Court, we don't want to include that.

Mr. Pusateri: Yea, it's in the original...

Mrs. Kiesling: Well 94-05 is where Pleasant Court, I believe. Isn't it? Oh no, it isn't.

Mr. Peters: It's 95.

Mr. Pusateri: 95-05.

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Mr. Foltz: But I think that 300 Block was, the zoning is going to be changed to R-2F and we want to go to Single-Family.

Mr. Snyder: Right.

Mr. Foltz: So if that's the case, it should be 95-05. But Jim can look that over.

Mr. Lane: Have you gotten many calls, Doug, from last week?

Mr. Foltz: No, I was out of town but I'm happy with the petition here. I had some additional calls from people there on the street. I told them I'd support that. I was going to support it last week. I was going to make sure we crossed our t's and dotted our i's. So let's have the first reading and come back with Committee as Marcia indicated and then we'll make sure we get the language right for second and third readings.

Mr. Snyder: Ok, may I have a motion to read by title only, first reading of Ordinance 94-05?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 94-05.** All members present voting:

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

No: 0

Mr. Snyder: Did we do that?

Mr. Pusateri: No, that's fine. Because now we have to read it.

Mr. Snyder: Oh.

Mr. Pusateri: Everybody can sit back and just rest a little bit.

Mr. Snyder: We're going to order a pizza.

**Ordinance No. 94-05 – First Reading**

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the properties situated in the general area as bounded or abutting Harmon Street S.W. to the south; Charlotte Street N.W. to the north; Hillcrest Avenue Northwest/Southwest to the west; and Ream Avenue N.W. to the east, known as Lot No. 1297, 1298, 1299, 1300, 1301, 1546, 1547, 1548, and part of Out Lot 3 Charlotte Street N.W.; Lot No. 342, 518, 519, 520, 521, 522, 523, 1381, 1382, 1383, 1384, 1385, 2021, 4574, 4575, 5116, 5763, 5794, 5795, 6212, 6213, Out Lot 40, and Out Lot 41 Harmon Street S.W.; Lot No. 237, 251, 259, and Out Lot 4 Hillcrest Avenue N.W.; Lot No. 8, 9, 249, 250, 252, 253, 254, 262, 263, 264, 265, 340, 341, 450, 451, 1065, 1066, 1266, 1267, 1268, 1269, 1937, 1938, 4573, and Out Lot 40 West Maple Street; Lot No. 233, 234, 235, 236, and 237 Portage Street, N.W.; and Lot No. 232, 255, 256, 257, 258, 260, 261, 1067, 1546, 1547, 1548, 1549, and 1550 Royer Avenue N.W., in the City of North Canton, Ohio, and requested by the City of North Canton, from RMF-B, Residential Multi-Family district to R-50, Residential Single-Family district.

Mr. Sarbach: Bingo.

Mr. Pusateri: What'd he say?

Mr. Snyder: Bingo.

Mr. Pusateri: Bingo.

Mr. Sarbach: Sorry Paul.

Mr. Pusateri: Two bingos over there.

Mr. Foltz: Somebody has to call back the numbers now.

Mr. Snyder: Will the Law Director please call those numbers back please so we can verify them.

Mr. Foltz: That's another half hour.

Mr. Pusateri: I think in two weeks I'll have Tod come and read.

Mr. Sarbach: But you got to do this again tonight.

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Mr. Foltz: You need to go on vacation.

Mr. Lindower: I think you missed 2266.

Mayor Rice: Do you want those to be on emergency Paul?

Mr. Snyder: You know if you were a good Italian descendant you'd play one of those numbers to win the lottery. That's the way they do that.

Mr. Pusateri: That's right.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: This is just as it says. We're changing some zoning from Multi-Family to Residential Single-Family district over to the west here of City Hall. Any questions, concerns? We had our public hearing last week. Inaudible...dispute all over again in two weeks.

Mr. Pusateri: Yea, that's right.

Mr. Miller: Take another drink of water.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the first reading of Ordinance No. 94-05.** All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

17. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 95-05.** All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

## **Ordinance No. 95-05 – First Reading**

An ordinance amending Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, to change the zoning district of the properties situated in the general area as bounded or abutting Harmon Street S.W. to the south; Charlotte Street N.W. to the north; Hillcrest Avenue Northwest/Southwest to the west; and Ream Avenue N.W. to the east, known as Lot No. 240, 241, 242, 243, 244, 245, 246, 247, and 248 Hillcrest Avenue N.W.; Lot No. 5117 and part of Out Lot 41 Hillcrest Avenue S.W.; Lot No. 342, 445, 446, 447, 448, 449, 5114, 5115, 5763, 5794, and 5795 West Maple Street; Lot No. 1 and 2 Mohler Court N.W.; Lot No. 266 and 949 Pleasant Court N.W.; and Lot No. 1, 3, 4, 79, 90, 91, 229, 231, 232, 238, 239, 240, 819, 821, 925, 926 and 927 Portage Street N.W., in the City of North Canton, Ohio, and requested by the City of North Canton, from RMF-B, Residential Multi-Family B district, to R-2F, Residential Two-Family district.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, we are rezoning this area. It's also to the west of City Hall, from Multi-Family to Residential Two-Family district.

Mr. Lane: Paul did leave out 242 and changed 5794 to 5749.

Mr. Sarbach: I noticed that.

Mr. Foltz: It showed you were paying attention Doug.

Mr. Lane: Well I wanted to make sure we did this correctly. I mean I'd hate to have to go back and redo the whole thing again.

Mr. Peters: Way to go Paul.

Mr. Pusateri: No, that's alright. Did I make a change? Ah, come on Doug.

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 95-05.** All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

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- 18. Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 96-05. All members present voting:  
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
 No: 0

**Ordinance No. 96-05 – First Reading**

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

Mrs. Kiesling: Institutional district.

Mr. Lane: Institutional.

Mr. Pusateri: Institutional, I'm sorry. Thank you.

Mrs. Kiesling: You're changing our zoning a little bit.

Mr. Pusateri: Yea, we don't want Industrial. That's right.

Mr. Snyder: Does that include, does that hurt our property there? Doesn't that include our piece of property over there on the corner? That blue house.

Mr. Benekos: I don't think so.

Mr. Snyder: Yea, we're at Ream and Harmon. That would be our property, wouldn't it? We haven't thought that through very well.

Mrs. Kiesling: Inaudible.

Mr. Foltz: We have to make adjustments.

Mr. Lindower: You're talking about the corner over there, aren't you?

Mr. Snyder: Yea, that blue house we own.

Mrs. Kiesling: Yea, the blue house.

Mr. Foltz: This is all said and done.

Mayor Rice: Our's under the new zoning is...

Mr. Snyder: P/I.

Mayor Rice: ...R-50.

Mr. Snyder: Is it? Oh, then we're all right.

Mayor Rice: Yea, it's not P/I.

Mr. Snyder: Ok.

Mrs. Kiesling: This is just like the others, we're rezoning...

Mr. Snyder: Ok.

Mrs. Kiesling: ...the little area over there.

- Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 96-05. All members present voting:  
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
 No: 0

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19. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 97-05.** All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

**Ordinance No. 97-05 – First Reading**

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

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is more rezoning to try to protect our Residential Two-Family district and Single-Family homes over in that area. I motion we accept.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 97-05.** All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

20. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 98-05.** All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

**Ordinance No. 98-05 – First Reading**

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

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: This is just a continuation of rezoning this area.

Mr. Snyder: May we have a motion to adopt that first reading of 98-05?

Mrs. Kiesling: Sure.

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 98-05.** All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

21. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of Resolution No. 99-05.** All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

**Resolution No. 99-05 – First Reading**

Resolution No. 99-05 stating what municipal services will be provided to 11.7374 acres of land, more or less, being part of the Northeast Quarter of Section 6, Township 11 (Plain Township), Range 8, Stark County, Ohio, proposed to be annexed to the City of North Canton, in the event said territory is annexed to the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is our most recent annexation. We are stating that we'll provide services to this new territory. Police, Fire, EMS, sanitary sewer, storm sewer, road maintenance, water, everything that we provide to our other residents. We need to pass this on an emergency to get it to the Commissioner's.

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Mr. Sarbach moved and Mrs. Kiesling seconded to adopt the first reading of Resolution No. 99-05. All members present voting: Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane. No: 0

Mr. Sarbach moved and Mr. Peters seconded to suspend the rules for Resolution No. 99-05. All members present voting: Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower. No: 0

Mr. Sarbach moved and Mr. Peters seconded to adopt under suspension of the rules Resolution No. 99-05. All members present voting: Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters. No: 0

22. Mr. Sarbach moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 100-05. All members present voting: Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach. No: 0

Ordinance No. 100-05 – First Reading

An ordinance consenting to the proposed application for the annexation of certain territory known as the Cleveland Avenue Right-of-Way Annexation containing 11.7374 acres of land, more or less, in Plain Township to the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is just giving Council's consent to the annexation that was sent down to the Commissioner's.

Mr. Sarbach moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 100-05. All members present voting: Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder. No: 0

Mr. Sarbach moved and Mr. Peters seconded to suspend the rules for Ordinance No. 100-05. All members present voting: Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz. No: 0

Mr. Sarbach moved and Mr. Peters seconded to adopt under suspension of the rules Ordinance No. 100-05. All members present voting: Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling. No: 0

23. Mr. Sarbach moved and Mrs. Kiesling seconded to read by title only, first reading of Resolution No. 101-05. All members present voting: Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane. No: 0

Resolution No. 101-05 – First Reading

Resolution No. 101-05 stating what municipal services will be provided to 2.602 acres of land, more or less, being part of the Northeast Quarter of Section 9, Township 11 (Plain Township), Range 8, Stark County, Ohio, proposed to be annexed to the City of North Canton, in the event said territory is annexed to the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is a different annexation. We're naming it Martinez/E Maple Annexation. This is the same thing as 99-01 stating we'll give Police, Fire, EMS and all other services we provide to our residents.

Mrs. Kiesling moved and Mr. Sarbach seconded to adopt the first reading of Resolution No. 101-05. All members present voting: Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower. No: 0

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Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Resolution No. 101-05. 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. 101-05. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

24. Mrs. Kiesling moved and Mr. Lane seconded to **read by title only, first reading of** Ordinance No. 102-05. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

#### **Ordinance No. 102-05 – First Reading**

An ordinance accepting the application from the annexation of certain territory known as the Martinez East Maple Annexation containing 2.602 acres of land, more or less, in Plain Township to the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the second piece of legislation we need to send down to the Commissioner's stating we accept the annexation, we agree to it. I motion we accept.

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the first reading of** Ordinance No. 102-05. All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 102-05. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 102-05. All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

25. Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading of** Ordinance No. 103-05. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

#### **Ordinance No. 103-05 – First Reading**

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

Mr. Snyder: Chairman Peters?

Mr. Peters: Yea, I just noticed when he was reading that it's, the catch basin and the storm line wasn't on his property, was it?

Mr. Snyder: Yea, he installed additional catch basins and additional storm lines. That's what the actual reimbursement's asked for to contain that water that came off the golf course.

Mr. Peters: Ok, but it wasn't, ok I got you.

Mr. Snyder: It was just addition to what he has existing there.

Mr. Peters: Ok.

Mr. Snyder: It was tied in by the, his contractor into the City storm lines.

Mr. Peters: Alright, very good. Ok, any questions?

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Mr. Snyder: You know, I would encourage anybody that is not familiar with Mr. Weaver's property sometime prior to the next two weeks the second reading, you go out there and take a look at that. So you know and you're comfortable that we're not setting a precedent on this. That we're moving along and I will talk to Mr. Weaver tomorrow and tell him that if sees some strange people running through his yard not to worry...

Mrs. Kiesling: Don't call the police.

Mr. Snyder: ...don't call the police, what it is. But then you'll be able to, not only put your own mind at ease, but you'll be able to defend to any constituency what the principle was behind that. And you'll see that lake and view that lake there. I don't know, maybe you might even be able to play a round of golf and hit an errant ball over to Mr. Weaver's yard or something. You never know.

Mayor Rice: City land.

Mr. Snyder: City land. If that, if no questions, may I have a motion to adopt the first reading of Ordinance 103-05?

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

Mr. Snyder: I believe there's a municipal outing coming up one of these days. I don't know when but, may I have a motion to read by title only, first reading of Ordinance 104-05?

- 26. Mr. Sarbach moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 104-05. All members present voting: Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters. No: 0

Ordinance No. 104-05 – First Reading

Ordinance No. 104-05 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended Agreement between the City of North Canton and the Board of County Commissioners, dated October 28, 2003, for reimbursement to the County in an amount not to exceed \$28,430,00, for additional waterline work in conjunction with the County's Dressler Road Bridge Project and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yea, these are some changes that our Engineering Department deemed necessary in this waterline to protect that waterline and it's in the amount of 28,000 as this says and I move, and this is so we can pay the County the increase costs that they will incur when they build that to our specifications. So with that, I move we adopt the first reading of Ordinance No. 104-05.

Mr. Sarbach moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 104-05. All members present voting: Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach. No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to suspend the rules for Ordinance No. 104-05. All members present voting: Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder. No: 0

Mr. Sarbach moved and Mr. Peters seconded to adopt under suspension of the rules Ordinance No. 104-05. All members present voting: Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz. No: 0

- 27. Mr. Sarbach moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 105-05. All members present voting: Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling. No: 0



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**Ordinance No. 105-05 – First Reading**

An ordinance authorizing the Cherry Ridge Villas Waterline Extension, located in Plain Township, Stark County, Ohio, in accordance with plans and specifications approved by the North Canton City Engineer, and accepting any necessary easement associated with said waterline extension, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes, this will allow us to sell up to, the water to new homes, up to fifteen homes outside the City at an outside rate. And the expenses incurred by extending this waterline will be borne by the developer and I move that we adopt the first reading of Ordinance No. 105-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 105-05.** All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules for Ordinance No. 105-05.** All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 105-05.** All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

- 28. Mr. Sarbach moved and Mr. Foltz seconded to **read by title only, first reading of Ordinance No. 106-05.** All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

**Ordinance No. 106-05 – First Reading**

An ordinance determining to proceed with the improvement of certain property in the City of North Canton by constructing and installing sanitary sewer lines, sanitary service lateral connections, and other necessary appurtenances, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yea, I'd like to turn this over to Member Foltz. He's intimately involved in this resolution of this problem we have there. And, I believe, we think it's an amicable solution. Doug?

Mr. Foltz: Yea, just as it reads. Neighbors petitioned, well asked what they could do with their sanitary situation and they have to install an eight inch line with two manholes from 5<sup>th</sup> Street. And run part of 5<sup>th</sup> Street and then run down Fair Oaks. And it's 57 feet down 5<sup>th</sup> Street and then 176 feet down Fair Oaks to the front of their property lot line. Paul's been working on this as far as moving this through as expeditiously as we can. They still are responsible for their lateral from that point into the house. Let's make that clear. That's not part of this. They have to pay for that separately. So we're involved with an assessment program here to help them get this done. So at that point, the only thing I ask Council is that we, and Mike you brought it up to my attention last week, to reduce our fee to \$50, was it?

Mr. Miller: Yes.

Mr. Foltz: For our tap in. They still have to pay the County tap in fees. That's still part of the process.

Mr. Sarbach: That's like we did on another area on the other side of town.

Mr. Foltz: Right.

Mr. Sarbach: So that doesn't...

Mr. Foltz: So that's it in a nutshell. We've talked about it three or four other times on Council floor. Any questions from Council members?

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Mr. Snyder: Mr. Foltz, I would suggest since time is of the essence to the folks there because it has cost them, I think, about \$300 a week at the present time.

Mr. Foltz: Yea, a month.

Mr. Snyder: But next Monday night at five 'till seven that we hold, we vote before we leave tonight to hold a special council meeting to consider the legislation to proceed with the assessment process. So that it can be taken to the County Auditor and, because that is a little lengthy process. If you wait an additional couple weeks, you know, the sooner that they get to be able to begin that, the less burden on the people that live there. I'm sure that, would that give you time between now and next week to draft that legislation? That way we can move ahead and again I would suggest we pass that piece on an emergency basis. That way we could take it to the Auditor that week as soon as the Mayor signs it and go forward.

Mr. Benekos: Does, do the costs have to be certified by that time for that legislation? Because construction won't be complete. There's a chance they may run into something that could increase the costs or decrease the costs.

Mr. Snyder: Yea, we need the actual number. We can't, I mean, well you can give them a number. And I don't know what happens because in order to go to the County Auditor, we have to give them the number that we're going to apply to the tax duplicate. That we certify that number so if you say it's 21,000 and they hit a rock and it's going to cost 23,000, I don't suppose we can go back and amend. I don't know. I don't think.

Mr. Foltz: Can't that happen any other time?

Mr. Snyder: Well, we usually, we usually front the money. We've normally fronted, like we front a \$100-\$200,000 for the process.

Mr. Foltz: Ok.

Mr. Benekos: Yea, I don't anticipate anything but you need the certified costs. And you can't certify it until construction is completed unless you want to commit to, you know, that's the costs regardless.

Mr. Snyder: Well the problem is, on a assessment, you can not prepay an assessment. Once that number's established, that number stays and it's only paid in twenty annual payments. It's not, you can't prepay an assessment. So we couldn't say well assess 25,000, if you're over we'll pay it back. They won't take it. Because they sell a bond for that.

Mr. Pusateri: Why don't we look at that issue Jim.

Mr. Snyder: Maybe we better do that. We can tentatively schedule the meeting and just cancel it.

Mr. Pusateri: Sure.

Mr. Snyder: I think it's prudent to schedule the meeting. And then you guys can work out the logistics of it.

Mr. Pusateri: Yea, absolutely.

Mr. Foltz: And Mike, maybe we'll have another sit down with them. So they're clear on where we're at. The other thing too, we want to move as quickly as we can with the contractor that they chose so they still, they still have to put the lateral in. However quick that can happen, you know?

Mr. Benekos: Right. Based on this legislation, I'll tell the contractor tomorrow to proceed with the construction. So he'll, should be out there hopefully next week.

Mr. Snyder: Ok.

Mr. Foltz: Ok.

Mr. Sarbach: You going to motion Doug?

Mr. Foltz: Yea, I'll make that motion.

# RECORD OF PROCEEDINGS

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, May 9, 7:00 p.m. 20 05

Mr. Foltz moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 106-05.** All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules for Ordinance No. 106-05.** All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 106-05.** All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

Mr. Snyder: Chairman Sarbach, you'll have to place on the Committee next week a request to suspend the tap fee from the City because that has to come in a form of an ordinance as well.

Mr. Sarbach: Ok.

Mr. Snyder: That is an ordinance that needs a form to, for that one person so the Clerk will put that on for you.

Mr. Sarbach: Yea, Madam Clerk could you take care of that? Thank you.

29. Mrs. Kiesling moved and Mr. Foltz seconded to **read by title only, first reading of Ordinance No. 107-05.** All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

#### **Ordinance No. 107-05 – First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton and Paul J. and Iva Mae Miller, for the purchase of land for the proposed future Water Tower #3, at a cost not to exceed \$42,000.00, and declaring the same to be an emergency.

Mr. Snyder: We talked about this last week. In our ten year study, it is proposed that we do need a third water tower in the northeast quadrant of the service area. The Administration has identified a two acre parcel at the corner of, I believe, State and Brumbaugh. Is that correct sir?

Mr. Miller: State Street and Stover.

Mr. Snyder: Stover. They've determined a price of \$42,000. The money is an overage of one of our water projects. It will come out of the Water Fund. We had money left over and to purchase that and I believe in 2007 is when the, it's scheduled to look at putting a water tower in. There being any question on Council on that? If not, may I have a motion to adopt the first reading, 107-05?

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 107-05.** All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
No: 0

Mrs. Kiesling moved and Mr. Sarbach seconded to **suspend the rules for Ordinance No. 107-05.** All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

Mr. Lane moved and Mr. Sarbach seconded to **adopt under suspension of the rules Ordinance No. 107-05.** All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

30. Mrs. Kiesling: Jon, I have my two pieces of legislation.

Mr. Snyder: These two?

Mrs. Kiesling: Yep. Inaudible.

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, May 9, 7:00 p.m. 20 05

Mr. Snyder: We need a motion to suspend the minutes of the Committee under Economic Development pertaining to Ordinances No. 108-05 and 109-05.

Mrs. Kiesling moved and Mr. Lane seconded to **suspend the rules** requiring a committee report. All members present voting:

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

No: 0

Mr. Snyder: Chairman Kiesling, do you have, yes, I'm sorry, do you have any comment on that?

Mrs. Kiesling: This is just what we spoke about earlier tonight. That if we zone and uses are incompatible beside each other, between the, what the township now has and the City is going to annex, that the property owner would provide a buffer separating the annexed territory and the adjacent land.

Mr. Snyder: Ok, so that's all. That takes care of that. I would like a motion and voice vote, we talked about...

Mrs. Kiesling: We got to read it Jon.

Mr. Pusateri: We've got to read these and pass these...

Mr. Snyder: Oh, we've got to read it?

Mr. Pusateri: ...yea.

Mr. Snyder: Oh, I'm sorry.

Mr. Pusateri: That's ok.

Mrs. Kiesling: I motion we read it.

Mr. Snyder: So we need a motion to...

Mr. Pusateri: A motion to read by title only, yea.

Mr. Snyder: May I have a motion to read by title only Ordinance No. 108-05?

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading of** Ordinance No. 108-05. All members present voting:

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

No: 0

**Ordinance No. 108-05 – First Reading**

An ordinance to comply with Ohio Revised Code 709.023(C) regarding compatible and/or incompatible zoning uses, for the proposed annexation of the property known as the Cleveland Avenue Right-of-Way Annexation, and declaring the same to be an emergency.

Mr. Snyder: Any comment Chairman Kiesling? May I have a motion to adopt the first reading of Ordinance No. 108-05?

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading of** Ordinance No. 108-05. All members present voting:

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

No: 0

Mr. Snyder: As time is of the essence, may I have a motion to suspend the rules of council pertaining to Ordinance No. 108-05?

Mrs. Kiesling moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 108-05. All members present voting:

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

No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 108-05. All members present voting:

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

No: 0

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, May 9, 7:00 p.m. 20 05

31. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 109-05.** All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.  
No: 0

**Ordinance No. 109-05 – First Reading**

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

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the same piece of legislation just different property that we're annexing into the City.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading of Ordinance No. 109-05.** All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 109-05. All members present voting:  
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
No: 0

Mr. Snyder: Again, I need a, I'd like to have a voice vote...

Mrs. Kiesling: You need a motion to adopt under suspension...

Mr. Peters: You need to adopt.

Mr. Snyder: Oh, motion to adopt under the suspension of the rules, excuse me. I'm getting ahead...inaudible...109-05.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules Ordinance No. 109-05.** All members present voting:  
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
No: 0

32. Mr. Snyder: And now I'll get the voice vote to waive the fee for the Dogwood Shelter on the 3<sup>rd</sup> day of August of this year for the Fire/EMS Department's annual picnic.

Mr. Sarbach: Did we get that invitation yet?

Mr. Snyder: Yes, I think we did.

Mr. Sarbach: We did, yea.

Mr. Snyder: We sent back that we were on vacation and we were unavailable. Is that alright?

Mr. Sarbach: As long as we got it. We don't have to go.

Mr. Snyder: But they're serving hotdogs and rolls at two o'clock. So if we're not there, start without us. But I need a motion and a voice, may I have a motion?

Mr. Sarbach moved and Mr. Foltz seconded to **waive the rental fee** for Dogwood Shelter on August 3, 2005 for use by the Fire/EMS Department. All members present voting:  
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

REPORTS:

Mr. Snyder: Director of Law, any report?

Mr. Pusateri: No report Mr. President.

Mr. Snyder: Director of Finance?

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Held

Monday, May 9,

7:00 p.m.

20 05

Mrs. Herr: Yes, I just wanted to point out that I've given each of you the very preliminary, preliminary estimated revenue for 2006 that's required by the Charter to be presented by May 15<sup>th</sup>. So I just wanted to make mention that I did provide that.

Mr. Snyder: I appreciate that.

Mrs. Herr: That's all.

Mr. Snyder: Thank you. Director of Administration?

Mr. Miller: No report.

Mr. Snyder: Mr. Mayor?

Mayor Rice: A couple things, brief things. First of all, I'd like to thank Council for your votes of support to fund the North Canton CIC. As we've talked in here many times, you know, to compete for the jobs and revenue that we need here in the City, first and foremost the City must have the necessary tools at its disposal to be able to succeed. And we certainly believe an active and funded CIC is one of those very important tools that we need to have. So we're very appreciative of your support. Your vote represents, I believe, a vote of confidence, really, in North Canton's future and a belief that we are going to continue to move the City forward. So I do appreciate your support of that initiative. Two other things, Mr. Foltz, Werstler Waterline started today or they're getting ready to start momentarily so...

Mr. Foltz: I didn't see any activity today but...

Mayor Rice: ...you can quit asking about it.

Mr. Foltz: ...I'll check when I go home.

Mr. Lane: He wanted you to do the first shovel.

Mr. Snyder: Inaudible.

Mayor Rice: Inaudible...the letter went out saying it's scheduled to start, oh the week of May 9<sup>th</sup>. I'm sorry, so this week it is starting.

Mr. Foltz: It would have been nice to start today but we'll take it this week.

Mayor Rice: And the other for Council and especially, I think, Mr. Lane you have Streets right? You're Street Chairman?

Mr. Lane: Yea.

Mayor Rice: The Easthill resurfacing project, the bids are being opened on Friday of this week. So you may want to put that on your Committee for next Monday. And we can, Jim will have those numbers for you and we can talk at that point.

Mr. Lane: We'll have both sets at that time?

Mayor Rice: I'm sorry?

Mr. Lane: We're going to have both sets? We looked at going to Northfield and we also looked at, or we just, we bid out the Northfield right?

Mayor Rice: It's a unit. It's a unit bid.

Mr. Lane: If we had to, if we want to trim back, we can do so.

Mayor Rice: We'll calculate for you, maybe give you estimates on different points where you go because then we'll have to decide how much we want to put on Easthill as we talked before and what we want to put to other paving projects. So just so you know that's coming up on Friday. Alright, that's all.

Mr. Snyder: Thank you. Mr. Engineer?

Mr. Benekos: Just two items, Mr. Sarbach asked about the Main Street Signal Study. I expect that within the month to be in-house for us to review and then possibly in June to bring that to Council. The other item is the East Maple raw waterline. The east section of that waterline is

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all passed. The portion that was constructed this past year has passed the test. We are now going to be able to test the west half of that waterline. Hopefully we'll have that completed the end of this week or next week.

Mr. Sarbach: How many sections are in that west half?

Mr. Benekos: One.

Mr. Sarbach: One section?

Mr. Benekos: One section.

Mr. Snyder: Madam Clerk?

Mrs. Kalpac: No report.

## REPORTS – COUNCIL:

Mr. Snyder: Mr. Foltz?

Mr. Foltz: Nope.

Mr. Snyder: Mr. Lindower?

Mr. Lindower: No report.

Mr. Snyder: Mr. Lane?

Mr. Lane: Yea, Jim if I could follow up on the, I think it was either last week or the week before we were talking about Knoll, have you heard anything new on that? Are we still anticipating construction this year?

Mr. Benekos: Yes, we have a meeting scheduled with the Engineer on that I believe in, I believe later this week.

Mr. Lane: Ok. Yea, keep me up-to-date because I get calls on that and obviously now we're talking about even Mr. Snyder's project being involved next year and we're securing funds for that. So if in deed we're rolling in the next year, I'd like to secure funds now for that.

Mr. Benekos: We do have funds...

Mr. Foltz: Wait, wait a minute.

Mr. Lane: But if I have your assurance as we're constructing this year, they're there so we're in good shape.

Mr. Foltz: Dave, we got to get....inaudible.

Mr. Lane: Do I hear '07? No, thank you. Keep me up-to-date on that. I appreciate it.

Mr. Snyder: Mrs. Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: Mr. Peters?

Mr. Peters: Yea, I got a couple things here. 9<sup>th</sup> and Overland?

Mr. Benekos: Yes.

Mr. Peters: I noticed you didn't mention anything about that. Mr. Fano is looking at me right now.

Mr. Foltz: Before he comes, yea.

Mr. Benekos: We're in the process of acquiring the last easement on that. That's from Mr. Thomas and depending on how we locate the storm sewer on his property is where we'll cross the gas line. So we have to finalize that easement then we can go out and dig up the gas line to see if there's an interference with the storm sewer. So it's, it's a lot of negotiations at this point.

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Mr. Fano (Speaking from Audience/Identified by Clerk): Do you want me to go talk to them?

Mr. Benekos: Give us another week.

Mr. Miller: With no witnesses.

Mr. Peters: Also, if once they start putting the curbs in there, most of those are single driveways. If someone was to want to widen that and have it cut for a wide driveway before the driveway was widened, how would they go about that?

Mr. Benekos: Pay me lots of money.

Mr. Peters: That's what I figured.

Mr. Benekos: Just kidding.

Mr. Lane: Strike that last remark.

Mayor Rice: That's on tape Jim.

Mr. Benekos: Yea, I know. I'm just kidding. We will work with them in the field on that. Work with the project inspector on that.

Mr. Peters: Ok.

Mr. Miller: That's something we will have to work with because technically you're only suppose to have your driveway as wide as the garage. And I know that's not how things actually are out there, especially in the older neighborhoods. And Gene and I will have to take a look at it, mostly Gene, to look at being able to have a second, a second width if you will, towards the edge of the driveway. I know that that's a common problem out there and we will work with them to try to accomplish what they need to do.

Mr. Peters: Yea, it wouldn't even necessarily be to one side. It might be two feet to each side. That type of thing. And just for the record, that includes my property. Because the people that are renting there park in that little strip right now. That strip will no longer be there so they're going to need a place to put their car.

Mr. Miller: Yep, they're going to need off street parking.

Mr. Peters: Ok, and any progress on Laura's Candy. Have we come up with any ideas?

Mr. Miller: We're still trying to find a way that we don't end up legally on the hook, liability wise. If somebody strikes that, it's one of those situations that's very difficult because there's a problem for the owner, obviously, if somebody runs in there with a car. And if we put something up that stops the car, they turn around and sue the City because we've erected something that interfered with them being able to go through without wrecking, so to speak. So it's a fine line we're trying to walk right now. We're trying to find an answer to that problem. We are still actively looking at it with the Law Director's input and also with working with Jim.

Mr. Peters: Ok, with that being said, is there anything, any options we have as far as like a sign or something to draw attention to that area? Being that this summer is going to be, I'm sure, a high traffic area, kids running around.

Mr. Miller: We can look and see if there's something in the Ohio Manual Uniform Traffic Control Devices that would apply to that.

Mr. Peters: Alright. That's all I have.

Mr. Snyder: Mr. Sarbach?

Mr. Sarbach: No report.

Mr. Snyder: Again, I do appreciate Council's support in the creative way that we funded that in relative to Landsdowne and next week I'll bring in six more projects that are in the 4<sup>th</sup> Ward. I'm just teasing. That's all I have.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Final call for business. Anyone in the audience wishing to speak?



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Mr. Osborne: Just like to clarify something that President of Council said earlier. I have a memo here, Mr. Snyder, that was addressed to you from Mrs. Herr. It simply says the City's carryover balance as of March 31<sup>st</sup> is \$11,777,477. Of this amount \$5,864,577 is encumbered leaving an unencumbered balance of 5.9 million which is what I said. So I think I have the correct facts. I think you're deliberately trying to mislead the public by saying there's 12 million.

Mrs. Herr: Chuck, no you're trying to mislead. Because that 17 million dollar figure you mentioned earlier is the amount before encumbrances. You're comparing two different things, ok? That 5.9 is after encumbrances, that 17 million figure is before encumbrances at that time. So in order to be fair, you have to compare either before encumbrances on both ends or after encumbrances on both years.

Mr. Osborne: Ok, so how far do we have to go back to state unequivocally we had 17 million unencumbered balance?

Mrs. Herr: I, I...

Mr. Snyder: About '96 or '97, I think.

Mrs. Herr: ...I don't know because we always have encumbrances.

Mr. Snyder: '98, '95.

Mrs. Herr: Depending upon what projects, you know. It's usually anywhere from 3 to 5 million in encumbrances.

Mr. Osborne: If I'm not mistaken, you've made statements on a couple of occasions up here that when you arrived here as Finance Director...

Mrs. Herr: Yes.

Mr. Osborne: ...there was 17 million dollars.

Mrs. Herr: That's correct, ok. That's money that's in the bank. That's before encumbrances. Encumbrances is where you set money aside but it hasn't been spent yet.

Mr. Osborne: Ok, I'll concede that. But we're down to 5. million dollars, 5.9 million dollars...

Mr. Snyder: No.

Mr. Osborne: ...unencumbered.

Mrs. Herr: That's again, that's after encumbrances.

Mr. Osborne: That's what I'm saying. Yes, that's what I've said.

Mrs. Herr: But that's not the same as the 17 million dollar figure.

Mr. Osborne: Forget the 17 million dollars.

Mrs. Herr: Well you're trying to make a comparison and you can't make a comparison.

Mr. Osborne: My point was, we have 5.9 million unencumbered balance. How long is it going to take to dissipate that when we have a million dollar shortfall when Hoover's gone? Not very long. Thank you.

Mayor Rice: If I can add...

Mr. Snyder: Please Mayor.

Mayor Rice: ...one thing to that for the record. And I agree a hundred percent with what Julie said. Unfortunately, we're getting some misleading information here. Number one, if you look back, as I mentioned actually in the talk on Friday that I gave, you look at our carryover for this past year very, very close to what it was in '98, '99. We had a little bit of a spike there for a year or two and it's come back down to the level that it normally has been over time. But that 5 million dollar number again, it's just the unencumbered funds. That takes into an assumption that the City is going to spend every single penny that it encumbers for its appropriation during the year, which I think people on Council understand that. But maybe some people in the public don't understand it so when someone makes a statement like that,

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it's very, very misleading. We've never done that. I doubt we ever will. And that's a projected based on if every encumbered penny was spent in the City, which doesn't happen. As I brought up earlier this year in our discussions when we talked about the CIC, on average the last five or six years, I forget what it was but I got the numbers that Julie provided, it's about 6½ million dollars over the last several years is what wasn't spent out of that unencumbered, or that encumbered balance. That's been an average over the years. Some years it was much higher than that and much lower. So in fairness, what you really got to look at that 5 million that Julie's projecting at this point, which she has to do, because that's all that's not been encumbered, but if you add, you know, 6 ½ million to that, that's 11 ½ million dollars. Ok, even if it's only 5, it's 10 million. So it's very, very misleading to sit here and try to convince the public that our carryover is down to 5 million dollars. I'll be willing to, probably not proper to wager Paul, but I'd wager a pretty significant amount on the fact that at the end of this year, the City's not going to have a consolidated fund balance of well over 5 million dollars. Not even going to be close. In fact, it will be a lot closer to 10 than it will be to 5.

Mr. Snyder: Mayor, I think it's incumbent also at this point that it be said that the City of North Canton has done some 7 million dollars in infrastructure projects besides water and sewer. Has bought a golf course for 4 million dollars and still has the golf course free of debt. And has funded the CIC without using the encumbered balance of the City, Mr. Osborne. Thank you.

Mr. Osborne: I believe Arrowhead is in debt. We borrowed 2 million of it and paid the other 2 million.

Mr. Snyder: I think it was 2 ½ we paid...inaudible.

Mr. Osborne: So there is debt on Arrowhead.

Mrs. Herr: 2.1, it's now down to 1....inaudible.

Mayor Rice: But it's still an asset. It's not money that's gone. We now own that property. So and I'd like someone to identify a community in Stark County that's in better financial position than the City of North Canton.

Mr. Snyder: Some states aren't.

Mayor Rice: So this is just all a bunch of doom and gloom that we've heard for years now.

Mr. Snyder: Any other, last call from the Council.

Mr. Sarbach: Everybody in this room has the right to remain silent. It's clear that Mr. Osborne does not have that ability. Thank you. That's all I have.

Mr. Snyder: George?

Mr. Daniluk (*Identified by Clerk*): I think it's sad that we have to run Council meetings under armed guard and get snide remarks from our Councilmen. I think the people want clarification on what money we have, what's available, and how it's being spent. And frankly, I think a lot of you Councilmen have no backbone whatsoever.

Mr. Snyder: Anyone else? I'll entertain a motion to adjourn.


ADJOURN:

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

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

No: 0

The meeting adjourned at 8:29 p.m.

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

ATTEST:

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