

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 22, 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. Tom Douce, Interfaith Campus Ministry
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

5. Consideration

Minutes of Council Meeting: 11/08/04
 Minutes of Special Council Meeting: 11/15/04
 Financial Statement – October, 2004
 Mayor's Court Receipts – October, 2004

Mr. Sarbach moved and Mr. Peters seconded to approve the minutes of the council meeting, special 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 November 15, 2004.

Ordinance, Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held November 15, 2004.

Street & Alley: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held November 15, 2004.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held November 15, 2004.

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, 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. Seeing none. Thank you.

OLD BUSINESS:

8. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 142-04. All members present voting:
 Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
 No: 0

Ordinance No. 142-04 – Third Reading

An ordinance authorizing the vacation of a portion of Alley No. 36, beginning at South Main Street and running in an East-West direction for approximately 180 feet to Alley No. 39, located within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Lane?

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Mr. Lane: This is the alley that runs next to the former Karlo property. It's going to be developed for a bank. This is our third and final reading of this and I would encourage passage.

Mr. Lane moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 142-04. All members present voting:
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
 No: 0

- 9. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 143-04. All members present voting:
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
 No: 0

Ordinance No. 143-04 – Third Reading

An ordinance accepting the application for the annexation of certain territory known as Market Avenue North (S.R. 43) Annexation containing 1.8034 acres of land, more or less, in Plain Township to the City of North Canton.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the final reading of part of Market Avenue to be annexed into the City of North Canton.

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the third reading** of Ordinance No. 143-04. All members present voting:
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
 No: 0

- 10. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 147-04. All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
 No: 0

Ordinance No. 147-04 – Third Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for the design of the Marquardt Sanitary Sewer Project.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: This is the design portion of the project to eliminate all the lift stations that we have remaining within the City. To move us into freedom from lift stations and we've discussed this in the past. I think we have everybody's questions have been answered.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 147-04. All members present voting:
 Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
 No: 0

- 11. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 148-04. All members present voting:
 Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
 No: 0

Ordinance No. 148-04 – Second Reading

An ordinance amending Chapter 135, Department of Fire and Emergency Medical Service, in particular Section 135.03, Personnel, of the Codified Ordinance of the City of North Canton for the purpose of combining the positions of Emergency Medical Technician Paramedics/Firefighter for new hire replacements or vacancies for either of those positions to the Fire and Emergency Medical Services department effective January 1, 2005.

Mr. Snyder: Chairman Lindower?

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Mr. Lindower: Yes, this is an amendment to Chapter 135 of the Personnel Ordinance to bring in to line the combination or the combining of the Fire and EMS for the purposes of future testing and so forth. Mrs. Kiesling and Mr. Peters handled this while I was absent. If there are any questions if you'd direct them to them, I'd appreciate it.

Mr. Snyder: I think Chairman Lindower we were all given a copy of the highlighted portions that were changed in there or any topics. It was in your packet. This is to comply, I think for advertising purposes to fill those positions.

Mr. Lindower: Are there any questions on that? Ok, thank you.

Mr. Lindower moved and Mrs. Kiesling seconded to **adopt the second reading of Ordinance No. 148-04.** All members present voting:

Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

12. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, second reading of Resolution No. 150-04.** All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Resolution No. 150-04 - Second Reading

A resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor, and declaring the same to be an emergency.

Mr. Snyder: This is simply, we do this each year, we must give to the Budget Commission the fact that the monies we do collect besides our inside millage of the levies that we do have that we are in fact using them for the purposes to which they are being collected for. And that they're not being arbitrated and put into savings and they're actually being used at the full amount as collected is used for it's intended purposes. As time is of the essence that we must do this in a timely manner we are asking it to be done on an emergency basis. Any questions on that?

Mr. Lindower moved and Mr. Peters seconded to **adopt the second reading of Resolution No. 150-04.** All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Sarbach moved and Mr. Peters seconded **suspend the rules** for Resolution No. 150-04. All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Resolution No. 150-04.** All members present voting:

Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

13. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading of Ordinance No. 152-04.** All members present voting:

Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Ordinance No. 152-04 – Second Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control to enter into an amended agreement (change order), in an amount not to exceed \$942.90 for the Supplemental Sewer Agreement between the City of North Canton, Ohio and the City of Canton, Ohio for Digester Demolition and Improvements, said agreement authorized by Ordinance No. 109-03.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: This is the increase for the Canton Sewer Project. And our portion of that is seven percent and that represents the \$942.90 maximum for this project.

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Mr. Sarbach moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 152-04. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

- 14. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 153-04. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Ordinance No. 153-04 – Second Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement to provide plans and specifications for the Bonnett/Lynhurst Avenue Reconstruction Project.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: This is for the engineering for this project. By doing this away we are speeding it up approximately two months. It was planned to be done next year and we should have it started at the end of this year. And it took us a while to complete that well needed water project on Bonnett and Lynhurst.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 153-04. All members present voting:
Yes: Foltz, Lane, Lindower, Peters, Sarbach and Snyder.
Abstained: Kiesling.
No: 0

NEW BUSINESS:

- 15. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading** of Ordinance No. 154-04. All members present voting:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

Ordinance No. 154-04 – First Reading

An ordinance specifying Union Metal Corporation, National Family Series of traffic poles, mast arms, light poles, pedestrian pedestals, overhead sign supports, etc. for all Streetscape projects within the City of North Canton, Ohio, and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane?

Mr. Lane: We talked about this last week at our meeting and I might have to defer to the city engineer on this to make sure I get all my facts correct on this but there's a federal requirement that we pass this ordinance because we're accepting federal money for this project. Is that ultimately what we're looking at?

Mr. Benekos: That's correct.

Mr. Lane: Yea, ok. So in order to get that money flowing through the pipeline for us to finish this streetscape we have to have this ordinance. It has to be done on an emergency so I would encourage passage.

Mr. Sarbach: That is a Stark County company so that's good. It would be better if it was a North Canton company.

Mr. Snyder: Chairman Lane is that a motion sir?

Mr. Lane: Yes it is sir, thank you.

Mr. Lane moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 154-04. All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Sarbach moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 154-04. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

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Mr. Sarbach moved and Mr. Lane seconded to adopt under suspension of the rules Ordinance No. 154-04. All members present voting: Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower. No: 0

16. Mr. Sarbach moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 155-04. All members present voting: Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters. No: 0

Ordinance No. 155-04 – 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, Ohio, and the Akron Canton Airport, Ohio, to provide water service to the Airport and accept certain waterlines and easements, at a cost not to exceed \$80,000.00, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: This is to provide water at an outside rate. Hopefully soon to be brought inline with what the traffic will bear for our outside water rates. I have one question, Mike, this had nothing to do with loop feeding. This is just a direct line to that customer, is that correct?

Mr. Miller: This is specifically the direct line that we already have on Lauby Road. We will at some point in the future, that's in the water rates study, have to loop underneath Route 77 to get over there to have a loop in a redundancy.

Mr. Sarbach: That has nothing to do with this dollar figure not to exceed.

Mr. Miller: No, it does not.

Mr. Benekos: Excuse me, there is a clause in the agreement that says we will need to complete that loop by the end of 2006. So that is a requirement in the agreement.

Mr. Sarbach: Ok, but it's not in this ordinance. We'll have to do that at a later date.

Mr. Benekos: Correct. Yes.

Mr. Sarbach: Ok, very good. Any questions on that from Council?

Mr. Snyder: Chairman Sarbach two things I'd like to say. Number one on behalf of the finance portion of it I want to thank the Administration. That's a nice water custom, we appreciate that. And number two, the cost of that is done by, bore by water funds. That's not bore by the general budgetary funds. So again that is an item that's making money for the City. We do appreciate that on behalf of Council. Thanks to Administration for that.

Mr. Sarbach: And hopefully this will lead to other customers in that area.

Mr. Snyder: Right, so that is a, the cost of future cost again will be bore by water revenues.

Mr. Sarbach: Anybody else have any questions or comments on this ordinance?

Mr. Sarbach moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 155-04. 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 of Ordinance No. 155-04. 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. 155-04. All members present voting: Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz. No: 0

17. Mr. Sarbach moved and Mr. Foltz seconded to read by title only, first reading of Ordinance No. 156-04. All members present voting: Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling. No: 0

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Ordinance No. 156-04 – First Reading

An ordinance amending Chapter 937 of the Codified Ordinance of the City of North Canton, Ohio, in order to provide for an increase in water rates, and provide for the billing and collection of water rentals, and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes, this ordinance will bring our inside and outside water rates up to and inline, still inline with any competition we have outside the City. I'd like to again thank the Administration, the Mayor and the Director of Administration for their hard work and working with the people involved in this and coming up with the numbers and justifying every penny of it. Hopefully we'll have more revenue than we anticipate. We can only base it on what we have and, in the present. I'd like to thank the Council for making all our suggestions. We did some give or take. This also reduced the minimum use from three thousand to two thousand. Which in fact will reduce those user's monthly cost. So for those people using two thousand gallons or less their bill will actually be less for the first year and possibly in the second year. I don't have those numbers in front of me right now.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 156-04.** All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

REPORTS:

Mr. Snyder: Director of Finance any report?

Mrs. Herr: No report.

Mr. Snyder: Director of Administration?

Mr. Miller: Real quickly, we are purchasing some additional banners so that we can get the holiday decorations farther up and down Main Street. We're buying two sets of banners to match what we have already so we can put two banners between each wreath instead of one. That will take it quite a bit farther up and down Main Street.

Mr. Snyder: Mr. Mayor?

Mayor Rice: Just two quicky things, just a reminder to everybody in the community, Saturday is that, the Chamber is holding that, our annual what use to be the tree lighting and now is better known as the Holiday Fest with the Equestrian Parade that started the first time last year. That is this Saturday. There's a number of events surrounding that but the tree lighting, the parade, all that neat stuff happening this weekend. So encourage people to come out and participate in that. It really is a fun event for the kids. Santa will be arriving again on one of the horse drawn buggies and everything else. So it will be a fun, fun evening for everybody. Other than that, just want to going back to Ordinance 155-04, want to thank the Council President for his kind words but just simply to reinforce so Council understands as Jim can tell ya. Jim and I first met with the Canton/Akron Airport on that issue probably roughly two years ago. So those things, the only reason I mention that, and this is part of our economic development issues and efforts, those things take time many times. Ya know, this is something we've been trying to do for two years and it finally just, finally materialized so just so everybody understands that things, we'd like a lot of things to just happen overnight but generally speaking some major things like this, and this is a great plus for the City economically as everybody knows. There's a lot of other opportunities out there now that we pick up the Airport. So and certainly appreciate Mike picking it up here the last few months and helping with Jim get this thing brought to fruition but just wanted to mention that something, isn't something that just came about in the last couple weeks. It's something we've been working on for about two years. So it's nice to see those things finally come to fruition and I appreciate your comments Jon.

Mr. Snyder: No problem.

Mr. Sarbach: It's good that you were working on it because I understand they do need a water source now much worse than they did two years ago. So the fact that you were there, they were the first people you looked to when they needed...

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Mayor Rice: Right and that's exactly the point. The timing has to be right and we've been there on their porch for the last couple years so the opportunity comes ya know, we're able to cash in on those, on those things. So it's a lot of planting those seeds and waiting for them to start to take root here so thank you, that's all. Other than that, have a happy thanksgiving.

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

Mr. Benekos: No report.

REPORTS - COUNCIL:

Mr. Snyder: Madam Clerk?

Mrs. Kalpac: No report.

Mr. Snyder: Member Foltz?

Mr. Foltz: No report.

Mr. Snyder: Member Lindower?

Mr. Lindower: A couple things, I'd like to ask either the Administration or Chief Bacon back there, is Santa Claus going to be visiting this year again from the Fire Department?

Mr. Miller: Yes.

Chief Bacon: No.

Mr. Lindower: Well I guess I'm out of luck.

Chief Bacon: He's coming on a horse drawn carriage.

Mr. Lindower: No, I mean...

Mayor Rice: I think he means the delivery day.

Chief Bacon: Oh yea to deliver.

Mr. Lindower: The home visits.

Mrs. Kiesling: What is the delivery day? Do we have that set?

Mr. Miller: Yes.

Mayor Rice: It's Sunday the, we got flyers if, I'll send some over to you. It's, the drop off dates are coming up here. There's two drop off dates, one middle of the week in the evening and the Saturday I don't know if it's, shoot do you remember the dates Chief? Now I'm drawing a blank but.

Chief Bacon: I was told by Administration that Gary Cohen was in charge of all of that.

Mayor Rice: Yea, he is. We'll send you a flyer over but there's two dates and...

Mr. Lindower: Ok, that's kind of what I needed to know.

Mayor Rice: ...the delivery date. But yea that program is going again for, I think, our third year now. Same as it has in the past.

Mr. Lindower: I think it worked very well the last couple years. Also is there a chance of finding a light bulb around here somewhere to replace the light outside the entrance? Out in the parking lot.

Mr. Sarbach: Got some scared police officers out there..inaudible.

Mr. Lindower: That's it, yea.

Mr. Snyder: I noticed it must have been shining on you Member Lindower your face is a little browner than the rest of us. You were standing underneath it.

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Mr. Lindower: Couple guys, couple people in the Police Department reminded me on the way up here. He said that lights been out for two days. I said well why did it take you so long to notice it. Nothing else.

Mr. Snyder: Member Lane?

Mr. Lane: No report.

Mr. Snyder: Member Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters?

Mr. Peters: No report sir.

Mr. Snyder: Member Sarbach?

Mr. Sarbach: Yea, I'd like to wish a personal happy thanksgiving to all members of Council and Administration and everyone here. That will suffice for my thanksgiving card this year. You won't be getting one of those so this is it. Have a great one.

Mr. Snyder: Thank you. Just a couple reminders next Wednesday at 6:00 p.m. is the Organizational Meeting. I noticed that we have a little conflict there where they're having a Planning Commission Meeting. If they'd like, they'll wait a few minutes while we go through it and they can watch so at least there will be somebody in the audience. The other thing as of, I believe, last Friday or last Thursday the Codified Ordinances are now online actively at the City's website. That's an additional thing that we have to thank both the Council Office and the Administration for. We're looking at possibly initially that should save us some money not having to publish all those hard bound copies that we do now. If a constituent would like to see a particular ordinance or a particular resolution it is live on the City's website so we're moving in that direction.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anyone in the audience wishing, Mrs. Baughman. Step forward state your name and address for the record.

Mrs. Baughman: Miriam Baughman, 320 Weber. Ordinance No. 140-04. Last week I was told that the combining of the positions would only be for full time. Is that specified somewhere in the ordinance?

Mr. Snyder: That's a very good question. I think...

Mrs. Kiesling: Yes it is. Our copy that came over was highlighted.

Mr. Sarbach: You can have this copy if you'd like.

Mr. Miller: The Chief has it in the back for you to read. The full ordinance.

Mayor Rice: Yea, we did check on that Mariam after your comments before on that.

Inaudible

Mr. Sarbach: Mariam you can have this copy if you'd like.

Mr. Snyder: Anyone else wishing to speak to the Council, Chief.

Chief Bacon: Since I didn't know the answer, I figured I better get it...inaudible. The Tuesday the 7th and Saturday the 11th from 6:30 to 8:00 p.m. is the drop off for the presents. Then the actual delivery is the 19th.

Mr. Lindower: Tuesday the 7th, Saturday 11th.

Mayor Rice: Tuesday it's what time?

Chief Bacon: 6:30 to 8:00 p.m.

Mayor Rice: Their both 6:30 to 8:00?

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Chief Bacon: I'm sorry...

Mayor Rice: No, Saturday's during the day.

Chief Bacon: 11:00 a.m. to 6:00 p.m.

Mayor Rice: Yea. Saturday one's during the day and the Tuesday one's at night. Try to get people that can't make it one way or the other.

Mrs. Kiesling: The drop off is the 18th or 19th? For the Santa, what'd you say?

Mayor Rice: 19th.

Mrs. Kiesling: Sunday.

Mayor Rice: Sunday, yea.

Chief Bacon: And there's suppose to be flyers coming up, I apologize I talked to Gary he thought the flyers had been dropped off already.

Inaudible.

Mayor Rice: I think Dottie's doing work up on too in the Our Town that's getting ready to come out too so.

Mr. Lindower: Ok.

Mr. Snyder: Any other comments, if not may I have a motion to adjourn?

ADJOURN:

Mr. Lane moved and Mr. Sarbach 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 7:28 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL