

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 8, 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. Richard Scherpenisse, Northminster Presbyterian Church
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. The following members of council responded to roll call: Foltz, Kiesling, Lane, 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.

Mr. Sarbach moved and Mrs. Kiesling seconded to excuse the absence of Council Member Lindower. All members present voting:
 Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
 No: 0

5. Consideration

Minutes of Council Meeting: 10/11/04
 Public Hearing (Alley No. 36): 10/18/04
 Minutes of Council Meeting: 10/25/04

Mr. Sarbach moved and Mr. Peters seconded to approve the minutes of the two council meetings and one public hearing as presented. All members present voting:
 Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
 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 1, 2004.

Ordinance, Rules & Claims: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held November 1, 2004.

Personnel & Safety: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held November 1, 2004.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held November 1, 2004.

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

7. Voice Vote- Appointment of Mary Louise Bittle to the Civil Service Commission.

Mr. Snyder: At this time I'd like to have a voice vote to consider the appointment of Mary Louise Bittle to the Civil Service (Term Expires 12/31/07). Please may I have a motion and a second and then a voice vote.

Mr. Sarbach moved and Mr. Peters seconded the motion to appoint Mary Louise Bittle to the Civil Service Commission. All members present voting responded "I".

Mr. Snyder: Let the record show it's 7-0.

Mr. Sarbach: 6-0.

Mr. Snyder: 6-0. Excuse me, pardon me.

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8. Recognition of Visitors

Mr. Snyder: At this time, is there anyone in the audience wishing to speak to the Council. If so step forward, state your name and address for the record. Mam. Mr. Fano just one second. Mam.

Ms. Collins: Cheryl Collins, 153 Bonnett Street, SW. I understand that tonight you'll vote on whether or not to make the Bonnett Street waterline problem a priority. I spoke to you last month and would like to say a few words in our favor tonight. I mentioned to you and showed you proof of how bad our water can be at any given time. Last night for maybe two minutes or so, I was brushing my teeth, the water in my bathroom sink turned orange for no reason at all. I ruined another entire batch of white clothes last week including a brand new top that I'd just bought my daughter. And even though everyday I go to work, I travel for my job and I fill bottle of water up so I have water to drink in my car. And most days by the time I drink it, you can see the rust settled in the bottom of that bottle. And this is apparently when my waters clear cause I can't always tell. I don't see the rust until it settles in the bottom. One of my neighbors kept encouraging us to do this and I don't want the cost. But she was encouraged to put a filter system through her waterline because she has such a bad problem. She spoke here last month also but couldn't be here tonight because of her kids. And I want to pass this around. These are suppose to last six months. She put it in and within one week it was so clogged she had to change the filter. Inaudible. This is within one week. They're suppose to last at least six months.

Mr. Sarbach: Are you referring to Theresa McCarty?

Ms. Collins: Yes. For those of you who plan to support us the residents of Bonnett Street tonight thank you very much and for those of you who don't, we're asking you to consider this. We've, my husband and I have lived on Bonnett for nineteen years and we've been told several times calling over the years that our street would be fixed next year. We've been more than patient. I don't believe that many of you would wait nineteen years or more for a problem like this to be fixed and be told year after year that it's not important. I ask that you put yourselves in our place. Realize that we are not just doing our laundry, we're bathing in this, we're cooking with this, we're brushing our teeth with it and more that we're drinking it every single day of our lives. And I thank you for hearing me and this is on behalf of all the residents of Bonnett.

Mr. Snyder: Thank you mam. Mr. Fano.

Mr. Fano: Dick Fano, 1382 Elmwood SW, North Canton. As most of you know I've been coming to meetings here for about three and a half years, four years, something in that area. There's been a lot of stuff I listen to back there that I don't say anything about but I took the liberty, something that's been bothering me is the slow movement for The Sanctuary over there. I took the liberty of going to an allotment over on Werner Church Road yesterday and I measured the streets over there. They're 30 feet across. Now my view of this is if they're suppose to be 30 feet across I don't know why the bickering back and forth to try and make it 24 feet, 26 feet or whatever it is. If you have a set of rules go by the rules. That's my opinion. I don't know that you have to modify anything because of water. You're going to catch x amount of gallons because you got so much. That is one of the nicest allotments that I've seen. And I would say take a ride out there and look at on Werner Church Road. Lemon put it in. He's got trees planted, curb and gutters all ready in, grass all over the place. I hear all the talk about The Sanctuary and it's being beat to death. I think you got to move a little bit faster and get some things done on it. There was something else I had to say about that. One other little, a little item that bothers me is the vacating of streets. You guys look at streets and vacate them and to me I know there's been a traffic study and I haven't heard anything from it. A traffic study on Main Street.

Mr. Benekos: On Main Street on the signals.

Mr. Fano: On signal, yeah. Well I think the more streets that you start, I think you have to open up some streets because all the traffic is on Main Street. You try and get it across the street between 3:00 - 6:00. If I have to go over to my daughter's across the street you take your life in your own hands. So I think some how or other, between signal lights and making some effort to open some streets that go east and west as far as north and south. And one other thing, that I would, I haven't heard anything about. What's the status on the annexation on the tracks down there?

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Mr. Miller: It's still pending in court. We filed our lawsuit. There are briefs that are being turned in. That's still active.

Mr. Fano: Ok, that's about all I have to say. Thank you.

Mr. Snyder: Thank you sir. Anyone else wishing to speak to the Council this evening?
Mr. Osborne.

Mr. Osborne: My name's Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. Last week, Mayor Tom Rice took issue with a proposed council legislation to fund the engineering of new waterlines for Bonnett Street. Mr. Rice, I do not understand why you would oppose the much needed upgrade of sub-standard waterlines for residents in the City of North Canton. Yes, Councilperson Kiesling does live on Bonnett Street but so do many other families. Presently, Bonnett is served by 6 inch waterlines that were installed in 1944. Why would you oppose the replacement of residential waterlines that are sixty years old? Mr. Rice, last week you stated your concern that old deteriorated waterlines, specifically 4 inch waterlines, do not allow for adequate fire protection. You made reference to our water distribution analysis that was recently completed for the City. This is the water distribution analysis completed for North Canton in May 2003 by Finkbeiner, Pettis & Stout, Inc. I would like to cite some excerpts from this study that begins on page VII-3 and continues into page VII-4: "Poor fire protection exists throughout the City, especially in the older areas with smaller diameter mains. Tuberculation effectively decreases the working diameter of these mains over time, thus further reducing the fire flow capacities in these mains. As stated previously, 4 inch diameter and smaller mains are not designed for fire protection. Also, 6 inch diameter mains with long unreinforced lengths are marginal at providing adequate protection. Aging of these 6 inch diameter mains tuberculation over time can easily reduce the effective diameter to 4 inch or less, further reducing their fire flow capacities." Continuing the report states: "Several 6 inch diameter mains have also been identified as having poor fire protection. These mains are listed in Table 8 as well." I would like to point out to you Mr. Rice that Bonnett Street is listed in this table. Table 8 is titled Recommend Water System Improvements. Mr. Rice last week you also stated your concern that old deteriorated waterlines, specifically 4 inch waterlines, adversely impact the overall efficiency of the water distribution system. Again, I would like to cite excerpts from the same water distribution study. This appears on page V-4 under the heading System Headloss. "Headloss within the system will restrict the amount of flow that a water main can carry. Headloss gradient greater than three or four feet per 1,000 feet of pipe is considered high and should be addressed by the City. During extreme conditions such as fire flows, these mains greatly reduce the amount of flow available in the area and results in lower pressures. Reasons for high headloss gradients include age, pipe material and diameter, lack of reinforcement, and buildup of solids also called tuberculation on the inside of the water main due to water instability. Replacing 4 inch and 6 inch diameter water mains with 8 inch diameter mains will allow a systematic approach to increasing fire flows to a more acceptable level." Clearly the aged 6 inch waterline on Bonnett Street does not provide adequate fire protection to the residents living on Bonnett Street and is adversely impacts the North Canton Water Distribution System. Mr. Rice this situation should be of great concern to you but given your objections last week it appears that you are not concerned. Bonnett Street residents also live with inferior water day after day for washing, bathing and drinking. As if we just demonstrated here earlier. That is, if they choose to drink it. Mr. Rice your pretense in raising objections to the engineering of Bonnett Street for new waterlines is quite transparent. It is simply an attempt to get back at Councilperson Kiesling, pure and simple. I might also add Mayor Rice that you had no problem signing legislation last year, legislation 114-03, for the engineering for Bel Air even though Bel Air did not appear in the table of recommended water system improvements done by Finkbeiner, Pettis & Stout, Inc. Bel Air also received new sanitary and storm sewer, curb and gutter, and new street pavement. As we all know, Bel Air is in Ward One and it's Ward Councilperson is Mr. Doug Foltz. Mayor Rice, do certain council members receive favorable treatment from you if they remain in your good graces? It appears that is the case. I would like to propose that the City of North Canton place a moratorium on any further street improvements and focus on the replacement of all inferior waterlines. The policy of totally rebuilding sanitary and storm sewer, curb and gutter, and pavement of new street will force many residents to continue to endure inferior quality water as well as forego adequate fire protection for years to come. Is this any way to promote the City of North Canton? Do you think the residents that have endured these inferior water systems make good ambassadors for the City? I do not think so and you know they don't as well. I continue to hear the argument that we do not want to tear up City streets twice. No one on this council or from the administration gave it a second thought when you rushed to tear up streets to put in the 24 inch water main to connect East Maple Street Well Field to the Water Treatment Plant. That waterline zig zags all through the City. When completed and repaved except for the different color paving, no one gives it a thought that the street was dug up for a waterline. If it was not a problem to put in the 24 inch water main, why is it a problem to put in waterlines on residential streets that are in desperate need of new waterlines? Why are residents destined to live like second-class citizens because their council and their mayor would rather

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pave new streets than provide clean drinking water and adequate fire protection? But improvements to the City's water infrastructure can not happen if rates are not set fairly and properly. Did you ever think that if this council had set the proper water rates last year and again earlier this year that many of these streets would not still be waiting for funding for needed waterlines? And Mayor Rice, where is your leadership? Months have gone by without a peep from you and now that Council has ended their scrutiny of you the best you can offer is your foul language and vengeance on council member of your choosing. Thank you.

Mr. Snyder: Anyone else wishing to speak to the Council?

Mr. Foltz: Mr. Snyder I wanted to comment if I may.

Mr. Snyder: Please sir.

Mr. Foltz: Mr. Osborne I wish you would be consistent with your attitude and your past involving the waterlines in Bel Air. Were you not at a neighborhood meeting September 2003 on Bel Air with David Held and myself?

Mr. Osborne: Yes I was.

Mr. Foltz: At that time did you talk to the residents about we could just tear the street up and put these waterlines in right now because your problem's so bad.

Mr. Osborne: You can easily strip down the street and put in waterlines.

Mr. Foltz: That is inconsistent what you just said five minutes ago.

Mr. Osborne: That is not.

Mr. Foltz: Yes it is. I'm not here to argue with you.

Mr. Osborne: I don't see where.

Mr. Foltz: I want to keep this above board and professional but you sit here and come up here and you were part of that meeting and then you talk about how those waterlines weren't needed. You just contradicted yourself in five minutes sir. In five minutes.

Mr. Osborne: I didn't contradict myself.

Mr. Foltz: Yes you did.

Mr. Osborne: And I begged you a year and a half ago to put those lines in for those people.

Mr. Foltz: And those waterlines are in now. Are they not?

Mr. Osborne: I was just looking at the minutes.

Mr. Foltz: Just answer the question.

Mr. Osborne: And you kept telling them well wait 'til next year.

Mr. Foltz: And they're in now and the streets done. Ninety five percent of streets done right now and they're all happy down there as far as I know other than some parking situations.

Mr. Osborne: And we have many other streets in here that are still in the same shape.

Mr. Foltz: That's right. We do. Just be consistent what you say. That's all I'm asking.

Mr. Osborne: There's no contradiction Mr. Foltz.

Mr. Foltz: That's all I have.

Mr. Snyder: Anyone else wish to speak before the Council?

Mayor Rice: If I may comment on that Mr. Snyder.

Mr. Snyder: Please Mayor, go ahead.

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Mayor Rice: Just a quick another, they were many misleading statements as usual by Mr. Osborne but just the one most glaring on Table 8 and this is for, as I suggested to council members last week even encouraged everyone to go back and read that study and see what it says. And I believe my words here were simply to state for the record, I didn't state that I recalled that I wasn't going to sign the legislation or that I opposed it. I was making a statement for the record that that would deviate from what our plan has been which has been over the last couple of years to focus on the 4 inch waterlines and its certain is within Council's prerogative to interject a 6 inch line if they so choose. I just wanted them to know the background and why were proceeding the way we are. On Table 8 that Mr. Osborne refers to that lists the streets that are low fire flow and says Bonnett is listed on that page. Well technically yes it's on that page but it's not in the low fire flow category on Table 8. It's listed below fire flow in another category titled O & M Improvements. So there is a slight and certainly for the folks on Bonnett, not trying to, as I said last week, we're not trying to dismiss their problems and concerns they have there. They are one of numerous residents that we have in the City on a street where they're having some rusty water, they're having some problems with their waterlines. Just like we had in Bel Air and we have in many other streets up and down here. West Park, Cordelia, McKinley, Cornell. I mean there's a whole list of them in the report. There's more lines out there as Council knows than we can afford to do in one year. So we've simply had to try to prioritize the best we can to systematically get these 4 inch lines done then move on and get the 6 inch lines. They all need done. They're all equally, as far as water quality to the residents, they're all equally important. But somehow you just got to set out a priority. We've went about it in that way of going with the worst ones first. Which is the 4 inch lines because, obviously, it's a 2 inch smaller pipe. It's that much more narrow, it's a greater effect on flow, has even less ability to for the fire flow, etc. They're all bad. Nobody's disputing that fact. And if you want to interject we just simply wanted Council to be aware of the fact if that's going to move some of those 4 inch lines farther down so when people come up from the 4 inch waterline street and express concerns to you I don't want City Council to say, gee administration why aren't you getting those 4 inch lines done? That's all. The things being spun there obviously the way they're normally being spun but just want to clarify that in Table 8 it is under O & M if you look it up in the book. Not under low fire flow, certainly the administration is going to work in cooperation with City Council and if that's your wish to do it that way we'll move in that direction. We just want everything to be out on the table so you can make an educated decision, that's all. Thank you Mr. Snyder.

Mr. Snyder: You're welcome.

Mr. Osborne: I have the book right here. And I'd like to ask the law director when the report came out, it's been a year and a half now almost, what liability does the City have when you have a report that says you're not providing adequate water quantity and pressure for fire protection. I know if my house was a flames and I find out that there was no water pressure, minimal pressure and they couldn't fight the fire, I'd probably being suing as well as my insurance company suing for damages. And I would think this Council and this Mayor who's suppose to be leading this City, would be working to eliminate these kind of concerns. This is more than just a little orange water occasionally. Residents throughout the City have been going through hell and they get lip service. Well wait until next year.

Mr. Snyder: One thing here, I think we're diverting from what our intention to scare and to say these things and to scare the public that we do not have proper pressure is a fallacy. And I would defer to the Director of Administration there. We have more than enough pressure to fight a fire should a fire arise. And please let the press note that, that the City is not in great jeopardy that we do not have adequate fire protection to protect the City. I think what they're stating is if there would be a fire at numerous locations within the City, the pressure applied to the lines would be greater than what those lines could happen. But please let no one think that this City, that this administration has let this City move to great jeopardy where there's any fear for your life for fire because we have adequate staff, we have adequate pressure, and I would defer to the administration I think would concur to me to that fact. But please do not let that be going into your constituencies mind and I would not ask the law director to breeze off the top of his head what are liability is and what it isn't. That's fine but we'll address that but sir that's all cause we'd be here all night arguing back and forth semantics.

Mr. Osborne: That's fine. It does clearly state there are some drastic problems in various parts of the City.

Mr. Snyder: Right but I will have to reiterate I feel I have all the confidence in the world in our ability to suppress a fire and I don't think that'll arise.

Mr. Osborne: It says poor fire protection exists throughout the City.

Mr. Snyder: I know that's going to be misconstrued.

Mr. Osborne: That's your own report.

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Mr. Snyder: Well I appreciate that. Any other questions?

OLD BUSINESS:

- 9. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, third reading of Ordinance No. 134-04.** All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

Ordinance No. 134-04 - Third Reading

An ordinance implementing the terms of Paragraph 5 of the Plain Township/City of North Canton Cooperative Economic Development Agreement and Annexation Agreement ("CEDA"), dated June 17, 2003, by establishing the zoning classifications of R-50 and R-70, One Family Residential Districts and RMF-A and RMF-B, Multi-Family Residential Districts as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as The Sanctuary Annexation, containing 107.4341 acres of land, more or less, annexed by Ordinance No. 120-03.

Mr. Snyder: Chairman Kiesling please?

Mrs. Kiesling: Yes. This is the final reading of The Sanctuary zoning. Mr. Fano that's one of the main reasons why The Sanctuary isn't moving along. It's a long process. We have to zone it and then they have to bring their plats back and I can't imagine when they're going to begin building but it's not, it's everything we have to go through to approve the annexation in the CEDA Agreement. So we're moving as quickly as we possibly can. This is the final reading on the zoning of that parcel.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the third reading of Ordinance No. 134-04.** All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.
No: 0

- 10. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, third reading of Ordinance No. 135-04.** All members present voting:
Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.
No: 0

Ordinance No. 135-04 - Third Reading

An ordinance establishing the zoning classification of One-Family Residential, R-70, as specified by Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, for the premises known as the Orion Street Annexation, containing 0.6065 acres of land, more or less, annexed by Ordinance No. 54-04.

Mr. Snyder: Chairman Kiesling?

Mrs. Kiesling: Yes, this is the two single family homes that we've annexed from Plain Township up on Orion. This is the final reading for them to be zoned. Any questions, concerns?

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the third reading of Ordinance No. 135-04.** All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

- 11. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, third reading of Ordinance No. 136-04.** All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 136-04 - Third Reading

Ordinance No. 136-04 amending Section 921.04, of Ordinance No. 75-94, as amended, of the Codified Ordinances of the City of North Canton for the purpose of increasing the fee for sewer connection charges.

Mr. Snyder: Chairman Sarbach?

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Mr. Sarbach: This is the third reading of this ordinance to increase the tap on rates from \$50 to \$500 for future tap ons to the system. It will help us do more work on the sewer system. I believe the administration is exempting one area.

Mr. Miller: We were going, we had suggested an effective date of March 15th of next year so that people could have some advance notice and be able to hook up to sanitary sewer ahead of this increase. Especially in the Gaslight/Edgewood area where we just extended sanitary sewer. That was the suggestion I think a couple weeks ago.

Mr. Sarbach: Was that included in the body of the ordinance?

Mr. Pusateri: I don't see where we have an effective date of, Section 2 says this ordinance shall take in effect and be full in force at the earliest possible period allowed by law.

Mr. Snyder: Can we amend that ordinance yet?

Mr. Pusateri: Oh yea, sure.

Mr. Snyder: I think it was our, Chairman Sarbach, I believe it was our intention somewhere either March or April. Sir would you kindly move to amend that.

Mr. Sarbach moved and Mr. Lane seconded to amend the third reading of Ordinance No. 136-04 to be effective March 15, 2005. All members present voting: Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling. No: 0

Mr. Sarbach moved and Mr. Peters seconded to adopt the third reading, as amended of Ordinance No. 136-04. All members present voting: Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane. No: 0

- 12. Mrs. Kiesling moved and Mr. Peters seconded to read by title only, third reading of Ordinance No. 137-04. All members present voting: Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters. No: 0

Ordinance No. 137-04 - Third Reading

An ordinance approving, confirming and accepting the easement plat of pars of Lot 6671, located within the corporate limits of the City of North Canton, Ohio, for the purpose of granting perpetual storm sewer easements over that tract of land as shown on the easement plat.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: This will get us access to maintain this storm sewer system in the Monticello area and this will be third reading.

Mr. Sarbach moved and Mr. Peters seconded to adopt the third reading of Ordinance No. 137-04. All members present voting: Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach. No: 0

- 13. Mr. Sarbach moved and Mr. Peters seconded to read by title only, third reading of Ordinance 138-04. All members present voting: Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder. No: 0

Ordinance No. 138-04 - Third Reading

An Ordinance accepting a ten (10) foot waterline easement, being part of Out Lot 131 in the City of North Canton, presently owned by Aultman Health Foundation, (Grantor); and being part of the Northwest Quarter, Section 18, Plain Township, to provide for the construction and maintenance of raw waterlines along Glenwood Avenue.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes this will allow us to maintain this raw waterline. It will connect from our Washington Square well field into the plant. As it goes through the business area there at Whipple and Glenwood.

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Mr. Sarbach moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 138-04. All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

14. Mr. Peters moved and Mr. Sarbach seconded to **read by title, third reading** of Ordinance No. 140-04. All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 140-04 - Third Reading

Ordinance No. 140-04 amending Section 1125.02(b), DEFINITIONS, of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, as amended to remove the definition of Open Space.

Mr. Snyder: Chairman Peters?

Mr. Peters: Yes sir, we're just taking it out of the zoning and we're going to be putting in a new definition into the subdivision regulations.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the third reading** of Ordinance No. 140-04. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

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

Ordinance No. 142-04 – Second 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?

Mr. Lane: This is the alley we've talked about it seems forever now but it's the property next to the old Karlo property. It's going to run through Main Street down to the alley in the back. It's to make room for a bank. They are allowing us an easement to take care of, it's a sewerline right?

Mr. Snyder: Water.

Mr. Lane: I always get that wrong. I'm going to write myself a note. It's a waterline that runs under there and eventually we can move it if we have to but we have that right to do it so it should be no problems so I would encourage us to vote yeah on this one and one more and they'll have their properties.

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

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

Ordinance No. 143-04 – Second 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: Madam Chairman Kiesling?

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Mrs. Kiesling: Yes, this is the second reading of, it's actually the middle of Market Avenue, the north boundary is Washington Square limits and the south boundary is East Maple to the west of us. We're just annexing 1.8 acres.

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

17. Mr. Peters moved and Mr. Sarbach seconded to **read by title only, second reading of Ordinance No. 145-04.** All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 145-04 – Second Reading

Levying a tax to provide funds for providing General Fund and Capital Improvement for the City of North Canton, Ohio. Said capital improvement shall include streets, sewer-sanitary sewers, storm water sewers, water facilities, sidewalks, municipal buildings, park and recreation facilities, including the engineering and legal expenses related thereto, and any other municipal capital improvement. The tax shall be levied on all income, salaries, qualifying wages, commissions and other compensation earned or received by non-residents of the City of North Canton, for work done or services performed or rendered in the City of North Canton, on all income, salaries, qualifying wages, commissions and other compensation earned or received by residents of the City of North Canton; on the net profits earned on all businesses, professions, or other activities conducted by residents of the City of North Canton; on the net profits earned on all businesses, professions, or other activities conducted in the City of North Canton by non-residents and on the net profits earned by all corporations having an office or place of business in the City of North Canton as a result of sales made, work done or services performed or rendered in the City of North Canton; requiring the filing of returns and furnishing of information by employees and all of those subject to said tax; imposing on employers the duty of collecting the tax at the source and paying the same to the City of North Canton, providing for administration, collection and enforcement of said tax; declaring violation thereof to be a misdemeanor and imposing penalties.

Mr. Snyder: Again, this is the second reading of the City's income tax ordinance because it was changed and we're all given a copy of the different things which there were very few things that were changed. We want to make sure that we get this in place by the 31st of next month because you get into collections of '05. Any questions on that?

Mr. Sarbach moved and Mr. Peters seconded to **adopt the second reading of Ordinance 145-04.** All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

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

Ordinance No. 147-04 – 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 for the design of the Marquardt Sanitary Sewer Project.

Mr. Sarbach: This is engineering for the gravity sewer system that will eventually eliminate virtually all the lift stations in the City of North Canton some place down the line, any associated maintenance and nuisance that they provide to the neighborhood that they are located in. So far they haven't been able to repeal gravity yet so we think we got a good system here. So we'd like to continue that throughout the system.

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

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 8, 7:00 p.m. 20 04

NEW BUSINESS:

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

Ordinance No. 148-04 – First 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: Vice Chairman Peters?

Mr. Peters: Yes, thank you. Pretty self explanatory basically combines the two. Allows for the Chief when he hires for that position, he's basically hiring a firefighter and EMT. So have everyone received their amended version? Any questions, comments?

Mr. Sarbach: This will not require fireman to do EMS services and will not require EMS people to climb ladders that are existing in the City, is that correct? Unless they're already qualified or hired to do so.

Mr. Miller: No change for existing employees this will be for future hires only.

Mr. Sarbach: Just want to make that clear.

Mr. Snyder: Director of Law has a couple comments.

Mr. Pusateri: I was just reading this ordinance before the meeting and I made a couple changes that were added to the ordinance that you have now. I was just reading again as there was public speaks and I have to clarify something. Maybe Mike you know about this but Chief Bacon, in the title it says either of these positions becomes vacant and but in the body I think it's drafted where if the paramedic becomes vacant, it's replaced by a paramedic/firefighter.

Mr. Miller: I'll clarify that with the Chief. My understanding is paramedic.

Mr. Pusateri: There's an inconsistency there that needs to be clarified. It doesn't mean we can't pass the first reading, we can amend the second reading with a just slight clerical error or misunderstanding on my part perhaps of what the Chief actually wanted in the ordinance so we can go ahead and have the first reading and we'll find out what he wants specifically and make that change. Make sure Council's aware of that change for next reading.

- Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading, as amended of Ordinance No. 148-04.** All members present voting:
 Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.
 No: 0

- 20. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 149-04.** All members present voting:
 Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
 No: 0

Ordinance No. 149-04 – First Reading

An ordinance authorizing the Director of Finance of the City of North Canton to establish a Capital Project Fund entitled Issue 2 Improvement Fund (Fund #332) for the purpose of accounting for the related revenues and expenditures of infrastructure projects funded through the Ohio Public Works Commission, effective January 1, 2005 and declaring the same to be an emergency.

Mr. Snyder: We were required as we are using non public money to do that. We're the lead agent on that project on South Main and Everhard. And they do require that money, that there be a fund established showing both credits and debits to that account separately from any capital project. The Finance Director has requested that and is requesting on emergency and I would ask if there are no questions on that, that someone make a motion to adopt the first reading of Ordinance 149-04.

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Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading of Ordinance No. 149-04.** All members present voting:
Yes: Lane, Peters, Sarbach, Snyder, Kiesling and Foltz.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules for Ordinance No. 149-04.** All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules Ordinance No. 149-04.** All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.
No: 0

21. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 150-04.** All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.
No: 0

Mr. Pusateri: First of all, it's a resolution. It shouldn't be an ordinance. I just noticed that there.

Mr. Snyder: Resolution 150-04.

Resolution No. 150-04 - First 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.

Mr. Snyder: We did give you a copy last week showing the levies that are now in place being sanitary or storm water capital improvement to street, the fire levy and EMS levy. These are outside of our inside ten mills that we must certify those yearly to the auditor showing that that money is in fact used for the purpose that we are collecting from and that we are not arbitraging it and putting it away for a rainy day. So that's the purpose of that. Does that need three readings or does that need to be passed on an emergency. It's due down there when the 15th or so of...

Mrs. Herr: I believe it's due around the middle of December.

Mr. Sarbach: It's a resolution though doesn't it require three readings?

Mr. Pusateri: Yes, resolutions require three readings like ordinances. Under the charter there's no difference.

Mr. Snyder: Maybe, possibly our next would be the 22nd of November. We could read it with, or would you rather have it read in emergency tonight and have it ready to go.

Mr. Pusateri: I suggest that we just read it in emergency next meeting.

Mr. Snyder: Next time around amend it and read on the 22nd?

Mr. Pusateri: Yea, and advertise as such.

Mr. Snyder: Ok. That fine with council?

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading of Resolution No. 150-04.** All members present voting:
Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.
No: 0

22. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 151-04.** All members present voting:
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.
No: 0

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Ordinance 151-04 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to apply for, accept and utilize a 2005 Recycling Program Grant by and between the City of North Canton and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District to provide funding for portions of the recycling program.

Mr. Snyder: Again, did we want to pass that on emergency?

Mr. Miller: We did want to pass that on emergency because the deadline is fast approaching which would preclude going through the three readings. So I would request that this evening.

Mr. Snyder: Yes.

Mr. Miller: If that could be amended.

Mr. Snyder: May I have a motion to amend the Ordinance No. 151-04 to include an emergency clause due to the fact that it is, time is of the essence and it does present a, at the health and welfare of the city.

Mr. Sarbach: I have a question. Will this in any way lock us into our present waste, residential waste collection provider?

Mr. Miller: No, it does not lock us into a provider. What this does is provide for programs which would or could, theoretically, be provided through any potential contractor.

Mr. Sarbach: I just wanted to make that clear. That's what I thought but I needed to...inaudible.

Mr. Sarbach moved and Mr. Foltz seconded to **amend** Ordinance No. 151-04 to include an emergency clause. All members present voting:

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

No: 0

Mr. Snyder: Are there any questions on that ordinance?

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the first reading, as amended of** Ordinance No. 151-04. All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules, as amended for** Ordinance No. 151-04. All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules, as amended** Ordinance No. 151-04. All members present voting:

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

No: 0

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

Ordinance No. 152-04. All members present voting:

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

No: 0

Ordinance No. 152-04 – First 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: Yea, this is a our supplier for our sanitary sewer which is the City of Canton as part of it is doing some improvements and we had already agreed to pay for our share of those improvements and this is to agree to pay for the change order in those improvements that had been levied on them. It amounts to 7% of the increase that we will be paying additionally for our portion of that upgrade.

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

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

Ordinance No. 153-04 – First 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: Yea, this will move the engineering for this project up a few months. If we can, right now we'll just ask for the first reading if we eventually put on an emergency and pass this year it might move it up two more months. It is projected to be done next year and I agree with Mr. Rice that he has a plan and we're modifying that plan which is our prerogative and I didn't take exception to him reminding us of that fact that was his original plan and this is getting blown out of proportion and I respect your comments and I'm pleased that you offered them to us. I also am sympathetic to Mrs. Kiesling and Cheryl Collins and Theresa McCarty regarding the condition of the water and having this scheduled to be done I know in the past I've had a project scheduled to be done for years and years and years and it's still not done. So I think this will move it along and get it on the books and have the engineering ready next year or in '06 so we can get this completed. Are there any other questions or comments on this engineering?

Mr. Lane: My only concern and I think we talked about it last week and I talked to Marcia about it earlier. There is a shelf life on this project, this engineering, right? Otherwise we're not doing something and moving something forward that's by the time we get ready to do this in late '05 or hopefully '06 at the latest, that we have to go back to the drawing board again.

Mr. Miller: The engineering plan should not become stale on the shelf, so to speak.

Mr. Lane: Ok, that's my only concern with moving it up.

Mr. Sarbach: The cost might escalate due to construction season but the engineering remains the same.

Mr. Lane: Whatever we have set and ready to go when we do it in '05/'06 or hopefully not '07, at least...

Mr. Sarbach: Bite your tongue.

Mr. Lane: I know, I'm sorry. But then that set of plans we can use, right?

Mr. Miller: Yes.

Mr. Lane: We don't have to go back and, that was my only big concern.

Mrs. Kiesling: I just want to comment that I've asked Paul and we decided that I'm going to abstain tonight and consult the Ohio Ethics Commission to make sure I can vote on it in future meetings. So tonight I'm going to abstain for that reason.

Mr. Sarbach: Ok. Any other comments?

Mr. Snyder: I have a question. The only question is this, I'm noticing and she already qualified this to me last week but under the Water, Sewer & Rubbish we are only talking, we're engineering the complete project at \$39,000 is that correct?

Mrs. Kiesling: \$32,500 I think it was.

Mr. Miller: Estimate was \$35,000 in the budget but I think there's a quote at this point from a engineering firm for well over \$32,000.

Mr. Snyder: But the basic request is only for the waterlines.

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Mrs. Kiesling: The engineering's for all of it.

Mr. Snyder: But I mean the request is for, since it's under the committee of Water, Sewer & Rubbish we're talking about waterlines we're not talking about complete infrastructure repairs is that right?

Mr. Miller: No, the engineering quote that we asked for and that we have in the budget is for not only the waterline but any other improvements that are necessary on Bonnett at the same time. Again keeping with the philosophy of if you're going in there you do the whole project right. You do it right the first time and you don't go back.

Mr. Snyder: Well I guess maybe I should ask the question if it can be done just the waterline from those plans or we're locked in to do the complete. Because that project becomes pretty expensive, I think if my memory serves me, it's near the half a million dollar mark to do that complete infrastructure.

Mrs. Kiesling: It's like three hundred and fifty, I think.

Mr. Snyder: Is that what it is? And the water itself is a hundred and some thousand. That was my question.

Mr. Benekos: You can from those plans just do the waterline but you want to, typically if you're going to replace the sanitary line which we need to look at, in a construction project you would do the sanitary first cause it's usually deeper. Then you come back and do the waterline. It makes it more difficult if you did the waterline first but to answer your questions from those plans, yes, we could just do the waterline from that.

Mr. Snyder: Now if we, one other question and I'll defer here, if we're going to continue down the road with our S. Main Project, that's a heavy waterline and sanitary or storm water that ties to that street is there not? Comes right down Main right in front of that.

Mr. Benekos: Correct, that is completed.

Mr. Snyder: Right, so that would not interfere or jeopardize that project.

Mr. Benekos: Correct.

Mr. Snyder: Thank you.

Mr. Sarbach: Mr. Mayor did you have another comment?

Mayor Rice: I was just going to make one other inaccuracy that was brought out before that somehow my comments last week was some sort of retribution against Mrs. Kiesling...

Mr. Sarbach: I don't think it was taken that way by this...

Mayor Rice: is ridiculous. As Marcia knows, we had already planned to have this in the budget for next year. This is simply the issue of moving it up a year earlier in front those. So that was a ludicrous comment. Just want to state that for the record.

Mr. Sarbach: Any other comments?

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

REPORTS

Mr. Snyder: Director of Law, any comments?

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

Mr. Snyder: Director of Finance?

Mrs. Herr: Yes, the only thing that I would like to mention is to thank the voters of North Canton for approving the issues that were on the ballot for North Canton. It was very good news to hear Wednesday morning as far as the S Corporation and the tax levies as well as the gas aggregation and I just want to personally thank the voters for putting their faith into the City that with the increase in the taxes that it will be put to good use starting in 2006.

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Mr. Snyder: Director of Administration?

Mr. Miller: Nothing this evening.

Mr. Snyder: Mr. Mayor?

Mayor Rice: Just two quick updates, update through the end of last week on our leaf recycling program. Had roughly 2,500 homes have participated in that so far. So as you can see that's a pretty significant participation so we're getting great response. That program continues to grow. That's when the major things that that grant that you passed legislation for tonight, that's what most of that money goes to is so we have this leaf recycling program. So if you have any doubt whether that's money well spent, I think the public would tell you, it's something they much, very much appreciate. The other, I'll be sending a memo over to Council tomorrow but just mention for the record tonight. Pursuant to the charter and Section 2.01 we need to set an organizational meeting which I will send you a memo tomorrow scheduling that for Monday December 1, 2004 at 6:00 p.m. here in the Council Chambers which we do every year so that's just a bookkeeping note...

Mrs. Kalpac: That's not a Monday.

Mayor Rice: What did I say?

Mr. Sarbach: You said Monday.

Mayor Rice: Oh, I'm sorry, it's not Monday. Yes, you're right. I'm sorry. Yea, I think it is Wednesday. But it's definitely December 1st at 6:00 p.m. We'll have it December 1st 6:00 p.m. here so I'll put a memo in your box on that tomorrow or have Kim send it over I should say. That's all.

Mr. Snyder: Mr. Engineer?

Mr. Benekos: Thank you Mr. President. Just two quick items. Bel Air is scheduled to be surfaced tomorrow. That will put the final coat of asphalt on that and also E. Maple trench is scheduled to be repaired with the final asphalt put in over there. I don't think they'll complete it tomorrow but they'll be starting that tomorrow. There's been some questions as to when it's going to be done.

Inaudible

REPORTS - COUNCIL

Mr. Snyder: Madam Clerk?

Mrs. Kalpac: No report.

Mr. Snyder: Member Foltz?

Mr. Foltz: No report.

Mr. Snyder: Member Lane?

Mr. Lane: No report.

Mr. Snyder: Member Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters?

Mr. Peters: I just have one quick question/comment here pertained to Ordinance 136-04. Ok, increasing the fee for the sewer connection.

Mr. Miller: Yes.

Mr. Peters: I know a few people that live back in The Dells and I'm under the impression that they had an informal vote and the majority of them would not oppose coming into the City. Now is there any way that we can possibly notify them of this, that the connection fees are going to increase.

Mr. Miller: Yes.

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Mr. Peters: That might possibly move them along a little faster.

Mr. Miller: Yes, we can notify them as well.

Mr. Peters: Some of those houses back there sit pretty far off the road it could be...

Mr. Miller: The roadway, the cost for hook in, the hook up or the tap in fee is just for the frontage on the roadway. Basically to tap in to, if you will, the line itself. They're still going to have to pay to disconnect their septic system and to run a line out from their house out to the street. That still will be their expense. That wouldn't change regardless of what we do with that ordinance.

Mr. Peters: Ok.

Mr. Miller: The other costs would, be involved would be the front footers. So there's actually three costs to either sanitary sewer or waterline project that would be the front footage costs, the tap in fee and then the actual cost for the homeowner to take it from the street or the curb box, in the case of a waterline, back to their home.

Mr. Sarbach: So am I clear that if they decide to, they elect to, they can pay the tap in fee before March 15th and pay \$50 instead of \$500 regardless of when it goes in.

Mr. Miller: \$50 to the City instead of \$500.

Mr. Sarbach: \$50, yea, not for the frontage the tap in fee.

Mr. Miller: The tap in fee.

Mr. Snyder: The tap in fee is \$1,150 right today.

Mr. Miller: The City's portion of it is \$50, it goes up to \$500. I think that's what he's speaking of.

Mr. Sarbach: But if they paid the City of North Canton's portion of the tap in fee before March 15th they would save themselves \$450 regardless of when the project was done.

Mr. Miller: Yes, but they would have to have a licensed contractor put in for that tap in fee. They're going to have to actually have a licensed contractor turn that in because that's who has to actually do the application for that tap in.

Mr. Snyder: I think what your ultimate goal is to use it as a caveat to bring them to the City.

Mr. Sarbach: Just make them aware.

Mr. Snyder: Yea, just make them aware. I was gonna say we've used in the past legislation where we waived a portion of the tap and it would, I think would serve your interests a little better than having them. If they do come in at that point you waive it. We've done that water taps and front footage. Mr. Miller's pretty successful at that.

Mr. Benekos: There are only four properties, I believe, in The Dells that would be affected by that. Any other property owners the sewer line would have to be extended and you'd have to decide at that time how'd you want to extend that sewer at that time. For those four properties that are affected in The Dells right now, they would not pay the City because they are in the County. They would have to pay the County charges. We would not collect the \$50 or the \$500. We have an agreement with the County that a portion of the fee that they would pay the County would come back to the City at this point. But, and by the time it would take to get an annexation complete it'd be probably well past March 15th so.

Mr. Peters: Just curious. That was all. That's it, that's all.

Mr. Snyder: Mr. Sarbach?

Mr. Sarbach: Yea, I was under the impression that E Maple was going to be done last week.

Mr. Miller: It was suppose to be done last week.

Mr. Sarbach: What can I tell my constituents?

Mr. Miller: You can tell them that the weather delayed the contractor. That is the information that the contractor gave to us.

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Mr. Peters: That's your story.

Mr. Sarbach: That's your story and you're sticking to it right Mike?

Mr. Miller: That's what they said.

Mr. Sarbach: They don't know who the contractor is but we'll just leave it at that. Thank you very much.

Mr. Snyder: I have a request I'd like to make if it doesn't tax people on Ordinance No. 145-04 the income tax ordinance. Without placing a burden on any member of Council, I like to have a special council meeting next Monday before the regular meeting, five minutes before. We can have the third reading and pass that. That will allow the time to go ahead and have the thirty day period and have it enforced because unfortunately that stops the wheels of government if that's not in place running well in advance of the 31st of December. So if no one has a...

Mr. Sarbach: So you're going to want us to come in early then.

Mr. Snyder: Just for five minutes.

Mr. Sarbach: And then we going to bring sandwiches in as usual for ...inaudible.

Mr. Snyder: Yes, that's not a problem. I would remind you I think your check was in the mail on Friday. We're to continue that moving, you probably want to pass that already.

Mr. Pusateri: Take me five minutes to read it.

Mr. Snyder: Yea, take him awhile to read it. If that's the case may I have a motion that we do not have to have the police deliver your packet that night.

Mrs. Kiesling moved and Mr. Peters seconded to schedule a special meeting for November 15, 2004 at 6:55 p.m. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mr. Sarbach: You might want to make sure Mr. Lindower is aware of your intentions.

Mr. Snyder: He won't be here...

Mr. Peters: He won't be here next week.

Mr. Snyder: ...no next week either. He'll be, his letter is that he will not be back until the 22nd. The other thing is that as you noticed this money does have five, this month has five Mondays so that week the Mayor wants to have the meeting is not a normal council meeting. So you'll get to come in on Wednesday at 6:00 p.m. Being no other thing from chair. Is there anyone, final call for business. Mrs. Baugman.

FINAL CALL FOR NEW BUSINESS:

Mrs. Baughman: Miriam Baughman, 320 Weber. I just have a question about Ordinance 148-04. Am I to understand that any future paramedic will also have to be a fireman?

Mr. Miller: Yes.

Mrs. Baughman: Do we, in this City, have part time paramedics?

Mr. Miller: Yes.

Mrs. Baughman: Cause I have several friends that are critical care nurses highly trained that work as paramedics in their cities or townships. And their a very valuable asset to any squad. So essentially our city would be shutting the door to ever hire a critical care nurse to be a paramedic.

Mr. Miller: Not as a part time person, just as a full time. Because the full time person we're looking for flexibility to be able to use them in both areas.

Mrs. Baughman: Ok, so part timers wouldn't have to do both jobs.

Mr. Miller: No.

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Mrs. Baughman: Ok, that's good.

Mr. Snyder: Anyone else?

Mr. Osborne: I'd just like to summarize what my comments were about the this study that was done on the water. There are six areas in this report repeatedly say that there is a lack of fire protection on page 5-2. Several areas on 4 and 6 inch diameter mains do not provide accurate fire protection. On page V-4 it says they can be by replacing those 4 and 6 inch lines you can increase the fire flows to a more acceptable level. Page V-6, the existing system does not provide this level of fire protection in areas served by 4 and 6 inch diameter water mains. Page V-10, 4 and 6 inch diameter water mains present operational and maintenance concerns. On page V-11, it does talk about upsizing Bonnett from 6 to 8 inches. And on page 7-2, it clearly states poor fire protection exists throughout the City. Specifically in the older areas with smaller diameter mains and it goes on to elaborate about that. I think after a year and a half I would think this Council would be very interested in accelerating their waterlines to improve the fire protection in addition to water quality and also just more efficiency throughout the water system. Thank you.

Mr. Snyder: Mr. Miller, one question sir. Is that report, that would be without the absence of an assistance of the actual fire apparatus that comes to the seam that would be able to bring the pressure high enough to fight the fire. Is that correct?

Mr. Miller: The apparatus has a pumping capacity. You're still going to need to have a certain amount of flowage out of the hydrant in order to be able to get that to work appropriately. But based upon the fire department's flowing of the meter, or the hydrants, and our understanding we have adequate what we need to do is we need to have better. There are no areas at this point in time that I'm aware of that fall below the EPA regulation of 35 psi. But you want to have higher than that and that's what we're working towards.

Mr. Osborne: You have to have water. I mean you can't suck air through those lines if there's not adequate enough capacity. Inaudible...can we compensate but you know, it's like trying to suck enough water through a straw to put out this fire. The lines need to be replaced otherwise people are going to be complaining in this council chambers five years from now, ten years from now. And you know with the budget slowly declining with the loss of Hoover, the economics, I think you ought to be focused – and I said this in this Council and I got the minutes there. Focus on waterlines. When you patch them over it's good as new and people will get to their home and turn on the spigot and be just happy as clowns.

Mr. Snyder: Appreciate that, thank you.

ADJOURN:

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

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

No: 0

The meeting adjourned at 8:14 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL