

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, October 28,

7:00 p.m.

2002

(YEAR)

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 Father Jay Clarke, St. Paul's Catholic Church.
3. All present recited the Pledge of Allegiance.

Mr. Snyder: Madam Clerk, please call the roll.

ROLL CALL:

4. The following members of council responded to roll call: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder. Also present were: Mayor Rice, Director of Administration Held, Director of Law Batista, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.
5. Consideration of Minutes of Council Meeting - 10/14/02
Consideration of Mayor's Court Receipts: September, 2002

Mr. Osborne moved and Mr. McLaughlin seconded to approve the minutes of the council meeting and the mayor's court receipts as presented. All members present voting:

Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.

No: 0

6. Committee Reports

Finance & Property Committee: Refer to the minutes on file of the Finance & Property Committee meeting held October 21, 2002.

Ordinance, Rules & Claims Committee: Refer to the minutes on file of the Ordinance, Rules & Claims Committee meeting held October 21, 2002.

Water, Sewer & Rubbish Committee: Refer to the minutes on file of the Water, Sewer & Rubbish Committee meeting held October 21, 2002.

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

Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.

No: 0

7. Recognition of Visitors

Mr. Snyder: Mr. Mayor, you have a guest in the audience?

Mayor Rice: Yea Mr. President, I'd like - we have a special recognition tonight. And to start I'd like to recognize our interim Fire Chief John Bacon for a few comments.

Mr. Bacon: Thank you Mayor. At this time I would like to recognize mail carrier Gary Brobson and thank him for his quick actions on September 24, 2002. While delivering mail to Hillcrest Apartments on that day Mr. Brobson noticed the odor of natural gas in the hallway and contacted the Fire Department. When the first arriving crews entered the building a high concentration of natural gas was detected. It was necessary to evacuate the entire building. It was found that a stove was left on in an unattended apartment requiring us to ventilate the building and contact the gas company. What potentially could of been a very serious situation was averted due to Mr. Brobson's promptness in calling the Fire Department. Therefore, we have asked the Mayor to present something to him.

Mayor Rice: So what we've done - it's very important, I think the Fire Department believes, as the Administration and I'm sure Council agrees, it's very important to recognize citizens of the community that go above and beyond their normal daily activities to recognize potential problems and dangers and report them promptly to the appropriate authorities. So tonight we wanted to publicly commend and present to Gary a Mayor's Citation recognizing his efforts and willingness to get involved and help go above and beyond his duties for the safety of the community. So Gary would you please come forward at this time? And I'd like to present - I'll read the short citation here that states - "It is my honor to issue this citation to Gary in recognition of his reporting a strong odor of natural gas at an apartment building at 315 Hillcrest, Tuesday, September 24, 2002 at approximately 11:00 a.m. I wish to thank him for going above and beyond his duty as a postal carrier and reporting this potentially dangerous situation to the North Canton Fire Department." So Gary, on behalf of the whole city we appreciate your awareness and helping report a potentially dangerous situation.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 28, 2002 (YEAR)

Mr. Brobson: Thank you very much.

Mayor Rice: Thank you.

Mr. Snyder: Thank you Mayor and the Chief. And Gary, congratulations. Is there anyone in the audience wishing to speak to the council this evening? If so please step forward and state your name and address for the record.

Greg Sarbach: Good evening Mr. Snyder, members of council. My name is Greg Sarbach. I live at 611 Northbury Circle NE. One of the many hats I wear is I'm a director of the North Canton Lion's Club. As you know the Lion's Club funded our shelter at Witwer Park two years ago. And that was part of Project 2000, which was a five year fund raising project to do a major community activity. I'm proud to announce that at our last meeting the membership revised our budget to provide another such major project in the city - hopefully it will be with the city. We had people bid on it before with different projects. So it was an open thing that any - anybody could bid a project that we would fund. And we're in our first year of raising hopefully another \$20,000.00 to spend locally in the City of North Canton. As you - as many of you know one of the ways that we raise funds is with our Rose Day Sale. We recently completed a rose day sale in North Canton to raise funds, part of which will go to that effort. In the past when I was a councilman we bought roses for the clerks - the two hardest working people on this dias and I don't think anybody could argue with that with the clerk and the assistant clerk. At least they won't argue with it publicly. So council has recognized them with - by buying them each a dozen roses. And I'd like to publicly thank the members of council who supported the Lion's Club this year for doing that in alphabetical order: Councilman Foltz, Councilman Kiesling, Councilman Osborne and Councilman Snyder, I want to publicly thank you for your support of the Lion's Club and recognizing your employees. Thank you very much.

Mr. Snyder: Thank you. Is there anyone else in the audience wishing to speak wishing to speak to the council this evening? Please step forward and state your name. Okay.

OLD BUSINESS:

- 8. Mr. McLaughlin moved and Mr. Foltz seconded to read by title only, third reading of Ordinance No. 100-02. All members present voting: Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower. No: 0

Ordinance No. 100-02 - Third Reading

An ordinance approving, confirming and accepting the dedication of additional right of way on Castlewood Avenue S.W., being part of City Lots 3689 and 3681 in the City of North Canton, Stark County, Ohio.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is the third and final reading adding two additional city lots for the dedication of the right of way. Both lots are on Castlewood Avenue. Just adding them to the books. Any questions?

- Mr. McLaughlin moved and Mr. Foltz seconded to adopt the third reading of Ordinance No. 100-02. All members present voting: Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel. No: 0

NEW BUSINESS:

- 9. Mr. McLaughlin moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 110-02. All members present voting: Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin. No: 0

Ordinance No. 110-02 - First Reading

Ordinance No. 110-02 authorizing the Mayor of the City of North Canton, through the board of Control, to enter into a Supplemental Agreement by and between the City of North Canton ("City") and the County of Stark ("Stark" or the "County") by its Board of County Commissioners for the installation of meters and appurtenances in conjunction with the Satellite Community Discharge Permit (SCDP) in the Stark County Metropolitan Sewer District and providing additional funding in the amount of \$16,799.00 and declaring the same to be an emergency.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, October 28,

2002

(YEAR)

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is for the sewer flow meters that we added on there after. There is money in account 7931 to cover that \$16,799.00.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 110-02. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.

No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **suspend the rules** for Ordinance No. 110-02. All members present voting:

Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 110-02. All members present voting:

Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.

No: 0

10. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 111-02. All members present voting:

Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.

No: 0

Ordinance No. 111-02 - First Reading

An ordinance approving, confirming and accepting a public sanitary sewer easement to the City of North Canton across Out Lot 327 and Out Lot 328 located in the City of North Canton, Township of Plain, County of Stark, State of Ohio and being part of the Southeast Quarter of Section 6 (T-11, R-8).

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: It's a new business that North Main Street just recently annexed into the city for this sanitary easement - sanitary sewer easement for Out Lot 327 and 328.

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 111-02. All members present voting:

Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.

No: 0

11. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 112-02. All members present voting:

Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.

No: 0

Ordinance No. 112-02 - 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 for construction engineering services for the upgrade phase of the Water Treatment Plant and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: Yea, this is the engineering costs that we estimated to be to take care of our new water treatment plant that construction and - also I think it's phase 2 isn't it James?

Mr. Benekos: No, this is just the construction services for phase 1.

Mr. McLaughlin: Okay. So this is - needs to be appropriated - depending on the actual bids for the construction we might have to add some more money to it. Like to get it started.

Mr. Snyder: That's what 410,000?

Mr. McLaughlin: \$410,000.00.

Mr. Snyder: Okay.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 28, 2002
(YEAR)

Mr. McLaughlin: It's funded out of account no. 7551.
Mr. Snyder: Okay.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 112-02. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 112-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt under suspension of the rules** Ordinance No. 112-02. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

12. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 113-02. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Ordinance No. 113-02 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration for the Water Treatment Plant Upgrade and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: Last week everybody received a notice from Julie Herr about the \$5,000.00. We've already used the \$359,500.00 for the design, the 410 for the construction engineering services and leaves us a balance of \$4,230,500.00 in the appropriated fund. So I'd like to bid it out and we might have to come back later on after opening the bids to see if there's some more money needed for it. Julie...

Mrs. Herr: The only thing I'd like to add is that depending upon the date of the bid opening it might be after council's already approved the 2003 budget. So we might have to come back the first you know, meeting in January to appropriate additional funds. But we'll try to, you know, include in the budget as, you know, as close of an estimate as we can. But at this point we just - we won't know until after the bids are open.

Mr. McLaughlin: This is a loan application through the Ohio EPA?

Mrs. Herr: Yes. I mean that's...

Mr. McLaughlin: Okay.

Mrs. Herr: a separate process that's already, you know, in the works. But we can't finalize the loan until after the bids have opened and we've determined who we're going to award the contract to.

Mr. McLaughlin: Thank you very much.

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 113-02. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 113-02. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 113-02. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

13. Mr. Snyder: Chairman McLaughlin...inaudible...

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, October 28,

2002

(YEAR)

Mr. McLaughlin: Mr. - yea, Mr. President, I'd like to pull Ordinance No. 114-02 and send it back to committee. There's been some changes in that - Tuscarawas had vetoed this. And it's kind of a moot point right now for us to even to consider Ordinance No. 114-02. So I'd like to refer it back to the committee.

Mr. Snyder: Very good. We'll do that and we'll refer it back to the committee.

14. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Resolution No. 115-02. All members present voting:
 Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
 No: 0

Resolution No. 115-02 - First Reading

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 read this last week at the Council of the Whole. Our inside millage is under the limit of 10 mils and it's 6.20. And this will give us the money from our levies to get sewer, water - excuse me, sewer, street and fire and EMS.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Resolution No. 115-02. All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
 No: 0

REPORTS:

Mr. Snyder: Director of Law any report?
 Mr. Batista: No report.

Mr. Snyder: Director of Finance.
 Mrs. Herr: No report.

Mr. Snyder: Director of Administration.
 Mr. Held: No report.

Mr. Snyder: Mr. Mayor.
 Mayor Rice: No report.

Mr. Snyder: Mr. Engineer.
 Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.
 Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: I'll break the streak here today.
 Mr. Snyder: Okay.

Mr. Foltz: Just happy to Browning started. I know it's weather permitting, but it's not a large project in scope so hopefully we'll get it done before the end of the year. I just think we're going to have a cold week and mother nature will come back on our side after a while. So if you run into any problems unforeseen...

Mr. Benekos: No, everything's going well.

Mr. Foltz: or need to be aware of. Okay. That's it. Thanks Jim.

Mr. Snyder: Thank you.

Unidentified: Thanks.

Mr. Snyder: Member Lindower.

Mr. Lindower: It's nice to see 7th and Woodside and Woodside Avenue finished for a change. We can drive up or down there again without whiplash. Thanks. That's all.

Mr. Snyder: Member McLaughlin.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 16148

Held Monday, October 28, 2002 (YEAR)

Mr. McLaughlin: Just one comment. Everybody got in the mail last week about our leaf recycling program. I wish next time that we would leave off a lot of the stuff and just put North Canton introduces - or North Canton introduces the leaf recycling program. Council is behind this program and I duly - I took exception to it, but I'll get over it. But it should of said council on there too.

Mrs. Kiesling: It just should of said City of North Canton. No report.

Mr. Snyder: Member Magel.

Mrs. Magel: It's a first - no report.

Mr. Snyder: Member Osborne:

Mr. Osborne: I'd like to read a letter to the Mayor here. I had the same sentiments as Councilman McLaughlin. "Dear Mayor Rice. I am writing to express my dismay at the wording on a flyer that I received at my home last week announcing the city's leaf recycling program. The funding for that leaf recycling program comes from public funds and was authorized by City Council for the benefit of the City of North Canton. In addition, public funds are also paying the postage for the mailing of the flyer. If the residents of North Canton are footing the bill for a leaf recycling program, then the announcement should of read North Canton's Leaf Recycling Program and not Mayor Tom Rice's Leaf Recycling Program. I am hoping that in your eagerness to announce North Canton's leaf recycling program, that this was simply an oversight on your part and not an attempt at self-promotion at the expense of the residents of North Canton." Thank you. That's all I have.

Mr. Snyder: Thank you. I have no report.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anyone in the audience wishing to speak before the council for final call for business? If so please step forward, state your name for the record. If not may I have a motion to adjourn?

ADJOURN:

Mr. McLaughlin moved and Mr. Lindower seconded to adjourn the meeting.

Mr. Held: Mr. - excuse me.

Mr. Snyder: Pardon me.

Mr. Held: I'd like to comment on the mayor's leaf recycling program. The one who is responsible for putting that together is yours truly. And so I'm the one that put the mayor's leaf recycling program on it. I didn't think that it was going to be any problem. Certainly it's a - the Mayor's Office did - initiated the program and council did approve the funding for that. And so if anybody has taken offense to that I apologize.

Mr. Snyder: Thank you.

Mr. Osborne: I will have copies of the letter for you gentlemen.

Mr. Snyder: Is there a second...inaudible...

Mrs. Bittle: Inaudible...second.

All members present voting:

Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.

No: 0

The meeting ended at 7:20 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL