

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 25, 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 Father Jay Clarke, St. Paul's Catholic Church.
- 3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

- 5. Consideration  
 Minutes of Council Meeting: 09/27/04  
 Special Council Meeting: 10/04/04  
 Public Hearing (Orion Zoning): 10/04/04  
 Public Hearing (Sanctuary Zoning): 10/04/04  
 Public Hearing (Open Space): 10/04/04  
 Financial Statement – September, 2004  
 Mayor's Court Receipts – September, 2004

Mr. Lane moved and Mr. Peters seconded to approve the minutes of the council meeting, minutes of the special meetings, three public hearings, financial statement and the mayor's court receipts as presented. All members present voting:

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

- 6. Committee Reports

**Community & Economic Development Committee:** Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held October 18, 2004.

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held October 11, 2004 and October 18, 2004.

**Street & Alley Committee:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held October 18, 2004.

**Water, Sewer & Rubbish Committee:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held October 18, 2004.

**Executive Session (Finance & Property Committee):** Refer to the minutes on file in the Council Office of the executive session (Financial & Property Committee) meeting held October 4, 2004.

Mr. Sarbach moved and Mr. Lane 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 please step forward, state your name and address for the record. Alright, seeing none.

OLD BUSINESS:

Mr. Snyder: First of all, you all have been given a new deck page of your agenda. My apologies that the first ordinance is under Personnel & Safety versus Water, Sewer & Rubbish. If you'd make that correction...inaudible.

- 8. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, third reading of Ordinance No. 131-04.** All members present voting:  
 Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
 No: 0

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**Ordinance No. 131-04 - Third Reading**

Ordinance No. 131-04 amending ARTICLE XVII, HOLIDAYS, Section 17.03, ARTICLE XIX, SICK LEAVE, Section 19.11, ARTICLE XXVIII, UNIFORM ALLOWANCE, Section 28.01 of Ordinance No. 7-04, Collective Bargaining Agreement between the City of North Canton and The Fraternal Order of Police, Ohio Labor Council, Inc. (FOP-OLC), and by the addition of ARTICLE XXXVII, DRUG TESTING, of Ordinance No. 7-04, Collective Bargaining Agreement between the City of North Canton and The Fraternal Order of Police, Ohio Labor Council, Inc. (FOP-OLC).

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yes, as we discussed before 131-04's amendment to the Collective Bargaining Agreement between the Fraternal Order of Police and Ohio Labor Council. This is merely a modification and agreement between the City and the Collective Bargaining Unit so I would ask that we go ahead and pass this on the third reading.

Mr. Lindower moved and Mr. Sarbach seconded to **adopt by title, third reading** of Ordinance No. 131-04. All members present voting:

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

- 9. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, second reading**, of Ordinance No. 134-04. All members present voting:

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

**Ordinance No. 134-04 - Second 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.

Mrs. Kiesling: I think that's pretty self explanatory. It's are second reading, anybody have any questions, concerns?

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the second reading** of Ordinance No. 134-04. All members present voting:

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

- 10. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 135-04. All members present voting:

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

**Ordinance No. 135-04 - Second 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: Again, I think this one's pretty self explanatory. Two single family homes on Orion. Any questions, concerns?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 135-04. All members present voting:

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

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

**Ordinance No. 136-04 - Second 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.

Mr. Sarbach: Yea, this is an increase in tap on for new customers. Before I move, I'd just like to ask Mayor Rice if he has any concerns or objections or opinions on this legislation.

Mayor Rice: No.

Mr. Sarbach: Thank you sir.

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

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

**Ordinance No. 137-04 - Second 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: Yea, this is just allowing us to maintain the storm sewer in this location. Granting us easement and thus accepting the easement.

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

13. Mr. Snyder: I want to do a, first Chairman Sarbach with your permission, we'd like to amend Ordinance No. 138-04.

Mr. Sarbach: Yea, I think you need to amend the location or the description of location. It hasn't changed but we need to better describe it. Is that what you're referring to?

Mr. Snyder: Actually we've inadvertently used the wrong description of it and if we could amend the ordinance to read the actual, I'm just looking for that ordinance right here. Do we have that copy for that?

Mr. Pusateri: I don't know. Here we go.

Mr. Snyder: We want to amend it to give the actual location, that didn't give it in here.

Mr. Pusateri: We have the amended one up here now, Gail?

Mrs. Kalpac: Yea, the amended one was on top.

Mr. Sarbach: I think that's it there.

Mr. Snyder: Yea, that is a 10 foot waterline, it's part of Out Lot 131 and that it comes in and intersects the centerline of Whipple with the centerline of Glenwood. And we used it as a 10 feet off the center but it's actually, that is the description. So if we have permission, we'll amend that ordinance to read that way.

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Mr. Pusateri: And I believe everybody has a copy of the amended ordinance. Right Gail?

Mrs. Kalpac: I'll get them one.

Mr. Snyder: So you're all in possession. So it's just a description and we wanted you to know that prior to the reading of it.

Mr. Miller: If I may, bottom line, the initial description as it was put in the ordinance described 10 feet down the middle of the roadway in essence and what we're looking for is 10 foot in addition on the South side of the right away next to Aultman's property. So that's what we're looking for that correction for.

Mr. Snyder: Ok, appreciate that.

Mr. Pusateri: The Southwest side.

Mr. Snyder: So I would like to have a motion to first of all, amend the Ordinance No. 138-04 to read in the description as 10 foot of additional right away. Is that correct? Into the Aultman property.

Mr. Miller: Yes.

Mr. Sarbach moved and Mr. Peters seconded to **amend** Ordinance No. 138-04 as stated above. All members present voting:

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

Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading, as amended** of Ordinance 138-04. All members present voting:

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

**Ordinance No. 138-04 - Second 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: Anyone have any questions on this?

Mr. Sarbach moved and Mr. Peters seconded to **adopt the second reading, as amended of** Ordinance No. 138-04. All members present voting:

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

14. Mr. Lane moved and Mr. Peters seconded to **read by title, second reading of** Ordinance No. 140-04. All members present voting:

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

**Ordinance No. 140-04 - Second 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, we're just going to remove this definition from zoning and put a new definition in the subdivision regulations where it belongs. Any questions?

Mr. Peters moved and Mr. Sarbach seconded to **adopt the second reading of** Ordinance No. 140-04. All members present voting:

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

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NEW BUSINESS:

- 15. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first 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 – First 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: Through our discussions the past couple of meetings, I think most people know where this is. It's an alley that's running East and West off of Main Street next to the old Karlo property that we need to vacate it to make room for a building that's going to be constructed there and some other economic development. I believe the, I'm trying to remember if it was the sewer or waterline that's under there.

Mr. Snyder: Water.

Mr. Lane: Water. Waterline that they're allowing us to maintain an easement to properly maintain an easement to properly maintain that if necessary.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 142-04.

All members present voting:  
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.

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

**Ordinance No. 143-04 – First 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 middle of Market Avenue. On the north edge of it is Washington Square. Where Washington Square ends in the south edge is E Maple. We're just annexing it to the City. Any questions, concerns?

Mr. Snyder: Do you want to put a fence up the middle of that?

Inaudible

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 143-04. All members present voting:

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

- 17. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 144-04. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.  
No: 0

**Ordinance No. 144-04 – First Reading**

Ordinance No. 144-04 authorizing the Mayor of the City of North Canton to apply for, accept, and utilize the Ohio Department of Natural Resources and/or Ohio Public Works National Resources Council grant money for property acquisition along the Zimber Ditch and/or the west branch of the Nimishillen Creek and declaring the same to be an emergency.

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Mr. Snyder: This is a request of the administration to apply for grant money as it says for the purchase of the property. Both continues to the Zimber possibly continuous to the west branch of the Nimishillen to control flooding. This will put them in a position to have a little money to leverage with and again we're definitely identifying any particular piece of property. I think it is the request of the Mayor's office there that they have a couple pieces of property they're looking at and when they do get that, that will be forwarded to us for our approval and our consideration. With that I would ask for a motion that we adopt the first reading of Ordinance No. 144-04.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the first reading of Ordinance No. 144-04.** All members present voting:  
 Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.  
 No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules of Ordinance No. 144-04.** All members present voting:  
 Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.  
 No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules Ordinance No. 144-04.** All members present voting:  
 Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.  
 No: 0

18. Mr. Snyder: I would like to amend Ordinance No. 145-04 to remove the emergency clause from this ordinance as it would pretty difficult to convince the elector that there is an emergency that we should collect their money so what we'd like to do is, we are against the time element so with permission of the council we will do three readings and if we had to move it we would do a five minute meeting prior to the third reading to read it. Which would allow us sufficient time for a thirty day period to adopt by the end of December. The finance director does need this vehicle in place that is fully signed and affect by the 31<sup>st</sup> day of December. So it is our plan right at the present time to have another reading in two weeks and then prior to the council of the whole meeting have a five minute special council meeting to have a third reading. Which we will read it and at that point the Mayor will sign it and give us thirty day period. And you've been given a copy that has not been redacted that shows everything and you have an original copy that we gave you about three or four weeks ago that shows the actual redactions and additions to the, it is the actual income tax ordinance that is in effect for the City. But it does have to be in effect on the 31<sup>st</sup> that we can begin to collect that money the first part of the year. So if that's convenient with everybody, I would like to do that. Anybody have any problems with that?

Mr. Foltz moved and Mr. Peters seconded to **amend Ordinance No. 145-04.** All members present voting:  
 Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
 No: 0

Mr. Sarbach moved and Mr. Foltz seconded to **read by title only, first reading, as amended of Ordinance No. 145-04.** All member present voting:  
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.  
 No: 0

**Ordinance No. 145-04 – First 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.

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Mr. Snyder: I think that's pretty self explanatory.

Mr. Foltz: Is there anything left in the code?

Mr. Snyder: Not too much. Anybody that wants to win the lottery better buy it tonight.

Mr. Lane: What about airplanes that pass overhead? Do we have any?

Mr. Snyder: We're working on it.

Mr. Foltz: Jon, just a quick comment. I had a call that someone thought we were raising their income tax and this isn't doing this at all.

Mr. Snyder: Absolutely not. This is just changing...

Mr. Foltz: You've just...the highlights on some gambling and.

Mr. Snyder: It's still 1.5, we have not changed anything...inaudible. Any questions on that?

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt the first reading, as amended of Ordinance 145-04.** All members present voting:

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

No: 0

19. Mr. Foltz moved and Mr. Peters seconded to **read by title only, first reading of Ordinance No. 146-04.** All members present voting:

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

No: 0

**Ordinance No. 146-04 – First Reading**

An ordinance amending Section 3. of Ordinance No. 25-04, Royer and Willaman Waterline Replacement Project, by an increase in the amount of the allocation and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach?

Mr. Sarbach: Yes, this is an increase in the projected costs of the Willaman Waterline Replacement, Waterline Replacement Project and I move. Anybody have any questions or comments on this?

Mrs. Kiesling: I just had a comment.

Mr. Sarbach: Yes.

Mrs. Kiesling: I called Brian James down at the Water Department to check on the, how old these lines are, just for reference, and Royer was put in in 1926 and that's a 4 inch line. Therefore, it's about a 1/4 of an inch line. Willaman actually had no date on the books so he wasn't sure but it is a 4 inch line also. So I feel very comfortable supporting these lines being replaced at this time and they're definitely needed.

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the first reading of Ordinance No. 146-04.** All members present voting:

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

No: 0

Mr. Sarbach moved and Mr. Foltz seconded to **suspend the rules** of Ordinance No. 146-04. All members present voting:

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

No: 0

Mr. Snyder: The time is of the essence to the health and the welfare of the residents of that area. I ask that we adopt this on an emergency basis for No. Ordinance 146-04.

Mr. Sarbach moved and Mr. Foltz seconded to **adopt under suspension of the rules Ordinance No. 146-04.** All members present:

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

No: 0

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20. Mr. Sarbach: We're not going to change it, we're just going to read it right?

Mr. Snyder: Yea, or no is it...

Mr. Sarbach: No, I'm being facetious.

Mr. Snyder: Oh, I was going to say maybe we did that already.

Mr. Sarbach: No, we didn't.

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

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

Mr. Sarbach: Trying to get the design engineering in this year. This project will eventually eliminate our lift stations and our sanitary sewer in the City. Which will eliminate a lot of maintenance and other problems that those pieces of equipment give us over time. Administration do you have any comments on this?

Mr. Miller: Just one. The time is of the essence on this one, obviously, there's some things that Paul and I have to do in order to get this together. But if there's no objection from Council what Jim Benekos has proposed and I concur with is that we start with a purchase order of \$20,000 to get the design going on this one while we're waiting for Paul to get that done and there will probably be an amendment to this to include the contract with McKinley Development on this one. So that's the plan at this point in time is to enter into a \$20,000 purchase order agreement with the engineering firm so we can get started on this design.

Mr. Snyder: That's well within your authority though to do so.

Mr. Miller: Yes. It's what's in my authority but I certainly want Council to be aware of what I'm up to.

Mr. Snyder: We appreciate that courtesy but I encourage you to do that Director Miller. That's shows good prudence.

Mr. Sarbach: Inaudible...three readings is fine with this right?

Mr. Miller: Yes.

Mr. Sarbach: Ok, with that, any other comments on this?

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

**REPORTS**

Mr. Snyder: Reports, Director of Law?

Mr. Pusateri: I do not have anything to report Mr. President, thank you.

Mr. Snyder: Director of Finance?

Mrs. Herr: No report.

Mr. Snyder: Director of Administration?

Mr. Miller: Nothing at this time sir.

Mr. Snyder: Mr. Mayor?



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Mayor Rice: A couple quick things just to note. Mr. Sarbach's question is in regard to Ordinance 136-04. One thing that Mike and I had discussed that we do want to, the only concern we do have is we really don't believe the Gaslight Circle area should be affected by this.

Mr. Snyder: Mr. Mayor that's a good point. I don't think that was our intention, sir, if we did I apologize.

Mayor Rice: Right, we were going to talk to Council to make sure that that is put out in formal form through a memo or something like that for a timeline where people, just so with that slight deviation, we support this but we don't, we don't want to affect the people of Gaslight/Edgewood. But that's already ongoing.

Mr. Snyder: I think we're bound, we're already contractually obligated to those people.

Mr. Miller: We're contractually obligated for the figure on the assessment but not necessarily the tap in, I got to double check that. But there's a couple things that are coming up from those folks that we want to make sure that their aware of. One is that with this our rate will go up and also the county's automatically goes up January 1<sup>st</sup>. So what we should probably do is to send a letter out formally to everybody on that Gaslight Circle area and Edgewood telling them that if they don't get their hook up paid for before January 1<sup>st</sup> it goes up \$50 with the county and then pick a date that's going to be effective for us and tell them if it's not by that date, then ours goes up as well. So everybody has advance notice and can get it under the wire, so to speak.

Mr. Sarbach: So another week plus thirty days you don't feel is enough for them to pay that \$50 tap in fee?

Mr. Miller: It's not \$50, it's \$1,150 will go to \$1,200 after January 1<sup>st</sup> and with ours it will go to \$1,650. So that's, that's the whole thing is what they've got to come up with not just the increase that we're talking about. That's my understanding of it. And that's something I want to double check with Jim to make sure that that's...

Mr. Sarbach: Do you have a date in the future that you want to make that effective?

Mr. Miller: I could pluck one from air right now. I would think maybe March 15<sup>th</sup> would be soon enough to allow us to get the letter out. Because that would give them time to go ahead and get the money together between now and then. But that's, again, just one plucked from air. If you guys have a better date in mind that's certainly something you could come up with.

Mr. Sarbach: I could concur with that. Jon are you ok with that?

Mr. Snyder: Yea, I would think. I mean, it would be a burdensome to say to those people at this point with the holidays that they've only got, the 15<sup>th</sup> of March or even April, the filing deadline for taxes would probably be, either one of those two dates.

Mayor Rice: Well it's been represented to them long ago what they're costs would be and now to change that on them at this late date...

Mr. Snyder: No, that wouldn't be not fair. I agree.

Mayor Rice: ...we just don't feel is fair to those folks down there. And we got a couple weeks before the third reading to work any details out but I just wanted to make that note. Because you asked a question Greg.

Mr. Sarbach: Yea.

Mayor Rice: I want to make sure I fully explained that would be the only thing that we're thinking we have the concern with and I'm sure our ward councilman would, would appreciate that.

Mr. Sarbach: Doug, do you have anything to add to that?

Mr. Lane: I appreciate your concerns over my concerns. But I think that was or original intent when we passed the ordinance. I think our, I guess we just never put a date on it making the assumption that we'd fix that at a later time. Even if you wanted to move it...

Mayor Rice: I think the intent was for like the Sanctuary and that. To pay for that sewer line over there. So we just want to be up front and let people know that's our assumption to but for the record our assumptions not that that's going to affect the Gaslight/Edgewood people.

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Mr. Lane: Couldn't we do it January 1 with the exception of that area? And just anything new that came in new after January 1<sup>st</sup> with the exception of those properties would be at a newer rate or would you...

Mr. Miller: What I'd like to do is sit down with Paul to make sure we get the language right.

Mr. Lane: Ok.

Mr. Miller: So that it's lawyer approved.

Mr. Lane: Cause obviously the sooner the better. It's just that more income to us.

Mr. Sarbach: We don't want to extend to, ya know, 2010 for somebody to tap on. So if you have a date specific far enough in the future to take care of it.

Mr. Miller: No, I have no problems in March.

Mr. Sarbach: Doug are you ok with that? For the date that he mentioned?

Mr. Lane: No, I'm in favor of this.

Mr. Sarbach: Yes, if you want to modify that for next time.

Mayor Rice: The other, I want to make a note for the record. Ordinance 144-04 which relates to Zimber Ditch and/or the Nimishillen Creek, I have requested a opinion from Mr. Pusateri, who verbally answered that tonight but said he's going to do that by letter probably tomorrow and Paul if you want to expand upon that as everyone knows I live in the area of the Zimber Ditch. If anyone here on Council or anybody feels there's any perceived conflict with me signing this legislation, I need to know about it now. Paul has looked at it and views it's not. If I don't sign it the deadline passes and we can't apply for the monies or I would just let it slide for another ten days and let it go into effect. So I need Council's input on that.

Mr. Snyder: Mr. Mayor that's a good point. I appreciate your candid sir but I believe, it is my understanding is from the administration that this land is nothing the least bit contiguous or even remotely within the same eye shot of your property. But I do understand where you're coming from and it's a point well taken but I would much rather, I hope you would support the thing and sign it and move it along accordingly. But not realizing...

Mayor Rice: I don't have a problem with that but I want to state for the record tonight and Paul said he's already looked at it today is going to put that in writing tomorrow. If you want to comment on that Paul or?

Mr. Pusateri: Yea, that's correct and I dictated a letter, actually, this afternoon and I'm sure Gail will type up tomorrow. It just basically stated, it just says the Mayor said I don't anticipate there be any, I don't see any conflict in him signing that legislation this week.

Mayor Rice: So does anyone on Council have any concerns with that at this time?

Mr. Lane: No.

Mr. Sarbach: I don't.

Mr. Peters: No.

Mayor Rice: Then we'll do that so the entire City can benefit from the, hopefully, some grant money so we can get. My only other note I want to make that so everybody knows I'm, you have noticed by this point in time, but one of our efforts here in the City to support our troops, which we have been doing various activities to try to support our troops overseas. We do have several people from the local community here, from the North Canton area serving overseas. You might have noticed down in the police lobby as you come in down there, we've established a drop off location for, it's open to anyone who desires to help contribute supplies. There's a list posted on the, I guess on the post there, where the box is as you come in of the various supplies that our troops can use over there and while their on active duty in Iraq. There's some things that are pretty normal. There might be some things you seem are a little strange. But that's what they requested us to provide. You'll notice some people have already brought items in and dropped it in in the box. Anyone in Council but also something maybe we can publicize for folks if they want to help out the troops and bring some little items in. You bring them in and drop them off. We have people that are then boxing those up and see to them get shipped to the proper locations in Iraq. It takes a long time for them to get there, their packages. If you're interested, it's down there for anyone to participate if you got any

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other questions, don't hesitate to contact me or my office and we give you further details but we encourage everybody to help out in any way that they can. Or if they just want to write letters. You can do that to and we can help you with information along those lines. That's all.

REPORTS - COUNCIL

Mr. Snyder: Thank you sir. Madam Clerk any comment?

Mrs. Kalpac: No report.

Mr. Snyder: Member Foltz?

Mr. Foltz: No report.

Mr. Snyder: Member Lindower?

Mr. Lindower: No report.

Mr. Snyder: Member Lane?

Mr. Lane: I thought you said Lindsay Lohan. I was trying to figure out. I look nothing like her.

Mr. Foltz: Lindy Lane. That's how that street was named Lindy Lane.

Mr. Lane: I just had a question regarding that support the troops box. Would, you have any thought, because that lobby down there is locked on the weekends other than getting in to drop off your utility bills. Maybe we can take that thing out to Acme and to, you know, well Fisher's really wouldn't be in the City but the Giant Eagle would be and maybe on weekends or something. It's possible we didn't put the sign up?

Mayor Rice: We have, Doug, if you have somebody, I'm sure we can get a location established if anybody else would like to have it. Certainly people come to City Hall leave it in off hours ya know all they have to do is buzz the, ring the ringer there and the police will let them in.

Mr. Lane: And maybe even the Equestrian Parade and the light up and all of that we could probably have it on location there. Just a thought.

Mr. Snyder: Member Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters?

Mr. Peters: No report.

Mr. Snyder: Member Sarbach?

Mr. Sarbach: No report.

Mr. Snyder: I have a couple things here I would like to mention. Mayor I did receive a copy, your copy, as well as a copy from Mr. Reynolds regards to the Glenwood traffic situation. Unfortunately, I don't know how we can possibly install a stop sign at every intersection although it might be the answer. I would ask once again if we may study the feasibility of restricted left hand turns from Glenwood to Main during restricted hours. I think for the amount of traffic that carries Glenwood, that would probably somewhat hold some of the traffic down because it does back up way beyond Fair Oaks as you know, you probably that way yourself but other than that I don't have any concrete suggestion. The speed limit is enforced I did have a conversation with Chief Grimes about a stop sign at the bottom of the hill but he said the actual topography of that street, the highs and lows, does not allow that because of the winter. That it would be too dangerous to force traffic to stop at the bottom. But if you would be as too kind sir maybe to study that possibility once again. As a ward councilman I would appreciate it. I defer to anybody else that might have an idea there at.

Mr. Foltz: Jon what were you talking Lindy Lane?

Mr. Snyder: At the corner of, just like the morning hours and evening hours. Left turns are just almost...

Mr. Foltz: No, I understand that but the other stop sign, Lindy Lane?

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Mr. Snyder: Lindy Lane, yes. And the Chief said that traffic headed westwardly just wouldn't be able to stop. And he said it would create a, it would be a nice idea but.

Mr. Foltz: I think the stop sign that was just put in a year or so ago, that's worked out beautifully.

Mr. Snyder: It's worked out marvelously.

Mr. Foltz: Rose Lane.

Mr. Snyder: That street does carry, not only traffic, but it carries a heavy pedestrian traffic of kids back and forth. And then as you go down closer you get the parks but and as they cut that through, there's a cut through now to the strip goes straight across, there's an enormous amount of traffic on that street.

Mr. Lindower: Are they doing a 24 hour traffic count on that street. Would it be a good idea to ask them to do that.

Mr. Snyder: That I cant' answer sir.

Mayor Rice: I think they did that about a year ago before they put up the other sign, I believe Dave. But I'm not positive, we can check on that. See when the last count.

Mr. Lindower: Probably be an interesting point too. But I think as far as putting more stop signs out, I think we better be careful about the criteria we use to put those up.

Mr. Snyder: Yea, and I don't think that's, the speed is not so much. There's areas, actually the hilliness slows the speeds somewhat. The problem is just the amount of traffic. And then it begins to back up and then it's just a problem. It doesn't disperse properly into the residential areas but other than that I don't know anything about it, what we could do. We received a request from a couple that have rented the Civic Center on the 12<sup>th</sup> February of '05. They'd asked for an additional hour possibly two. I think our restriction is at what twelve o'clock there we have to vacate that premise.

Mr. Miller: I believe so.

Mr. Snyder: They're asking, they have most of the people are from out of town and they're requesting an extension of 1:00 or 2:00 a.m. And I would think if we gave it to them we would divide the cost and charge for the additional hour or two because we do have policeman there that we have to keep when their there and it's going to cost us additional money. So we do not need an answer right this week but think about it and because it will take a, I think it takes a resolution to change it, doesn't it?

Mr. Pusateri: I don't know. What establishes the hour now? Is it by ordinance?

Mr. Miller: I'll have to check.

Mr. Snyder: Yea, but we will look into that. But that's coming up so I wanted to bring that up. Then there's two final things..inaudible. We will, are preparing right now to have the complete Codified Ordinances, their working to place them on our website. So that the citizens can go right to the website, community income tax ordinance if they want to read it or whatever they want to read, it'll be there. And that money provided through back that we appropriate for the actual website design it was overfunded so it did not cost approximately \$3,500 which is coming out of that but it will be right on the website so. It may eliminate our cost as far as establishing year book individually next year. Because that's not only is it cumbersome, that large book, but it's kind of difficult and past councilman as they leave, they bring them in in a box anyway none of them have ever been, the binding is still on most of them. Puts pressure on the Clerk's office to bring them up to date so we're trying to save money by printing those and if you need a specific ordinance you can go on the web and find it. So we hope to do that. One final thing, I know I've had some questions and I'm sure most of you had. Relative to us for our levies that we are renewing, hopefully they're on the ballot next Tuesday. The question comes about that the City has so much money in it's rainy day fund that why would we want to possibly take money additionally. Well I just want you to know that we are presently negotiating a refund of 2 million and some thousand dollars that we're obligated to pay by the end of the year. That will come right out of our fund so when someone asks you do we need the money. Yes we do. That money would be specifically earmarked for flood control, for storm water and for road improvement. It's approximately \$50 to a \$100,000 home. Is it not?

Mrs. Herr: \$50 increase.

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Mr. Snyder: As well as if the question comes about, the auditor's web page, if you put your parcel number in there it will give you the exact amount on any levy that's up for either vote or renewal. And go on the auditor's web page, place your parcel number and it will tell you exactly what it will cost you. So that's a small price to pay for improvement of both storm water drainage and road improvement. That's all I have on that.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Last call for new business from the audience. Mr. Osborne.

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street, SE, North Canton, Ohio. I wasn't going to speak tonight but since you brought up the discussion on the City's Codified Ordinances until the City get their's up and running, I'd just like to point out a copy of the entire Codified Ordinances can be found at my website, chuckosborne.com. It's been on there for over a year and as I understand it, if you want a copy from the City, it's \$20. So you can save yourself \$20 and print it right off my website.

Mr. Snyder: Thank you. We appreciate that. Mrs. Garcia.

Mrs. Garcia: Uh Jon, I have a question about this tax thing. It says the second line from the bottom says on all income. Now right now we only pay tax on earned income, right?

Mr. Snyder: That's the way it still reads, I believe.

Mrs. Garcia: Well, right there it says on all income.

Mr. Snyder: We will amend that to read it to...

Mrs. Herr: That's in the title but in the ordinance there are exemptions to the income.

Mrs. Garcia: Like social security money.

Mrs. Herr: Pensions, retirement those things.

Mrs. Garcia: I see.

Mrs. Herr: That's still in the body of the ordinance.

Mrs. Garcia: Ok.

Mrs. Herr: We couldn't put everything in the title, otherwise it would be...

Mrs. Garcia: I just wanted to double check cause I don't want you sneaking in some more taxes on me.

Mrs. Herr: No, that's still the same.

Mr. Snyder: There may be some truth though Mrs. Garcia. You fall in that small percentage where Mr. Kerry wants to take back the taxes. That's in your income bracket.

Mrs. Garcia: I don't pay taxes. I don't have enough money to pay taxes.

Mr. Snyder: I noticed that sign on your car. I thought maybe that's why you had that on there. Any other business to come before this Council?

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**ADJOURN:**

Mr. Foltz moved and Mr. Lane 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 7:51 p.m.

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

**ATTEST:**

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

10/29/04-ALG