

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 4 6:10 p.m. 20 04

CALL TO ORDER:

The special council meeting was called to order Monday, October 4, 2004 at 6:10 p.m. by President of Council Jon Snyder.

ROLL CALL:

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

Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 132-04?

Mrs. Kiesling moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 132-04. All members present voting:

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

Mr. Pusateri: Oh I'm sorry.

Mr. Snyder: That's alright.

Mr. Pusateri: Inaudible... excuse me.

Mr. Snyder: You didn't have your microphone on. That was your problem.

Mr. Pusateri: Oh, I see, I'm sorry. Inaudible... read this ordinance, right?

Mr. Snyder: Please.

Ordinance No. 132-04 - First Reading

Ordinance No. 132-04 amending Section 1(b) of Ordinance No. 118-93, as amended, by removing Section 1(b), which will remove subsection (b) of Section 935.08 of the Codified Ordinances of the City of North Canton, for the purpose of eliminating the requirement for nonresidents to agree, upon request of the City of North Canton, to annex the nonresident's property to the City of North Canton, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the clause that we are going to remove from - when we give someone water or they tap into our water system we're not going to require them to sign an annexation agreement. We decided that it's time that we do that. And that's what it is and I'd like to pass it on an emergency.

Mr. Snyder: Is there any other comment? I think the time has passed and this ordinance has well served its purpose. In the competitive environment we're in today, both from the south and from the north, that we now begin to realize as a public water service that we're able to sell water without the codicil or without the requirement that the people annex to the City of North Canton. And I do recommend and support that. Is there any other comment from the Water Chairman?

Mr. Sarbach: Yea, I'd just like to - a lot of my feelings are based on what Mike has told me over the last several months. Looking at it from the outside and now he's on this side of it and with his legal background and his water background, I think the time has come to change this or bring it up to the times. And I think it has served us well for many years and maybe not in recent years, but I think there was a time when this was good and now it's time to move on. So I would be in favor of this motion.

Mr. Snyder: Any other comments?

Mr. Foltz: Jon,

Mr. Snyder: Sir.

Mr. Foltz: Yea, I'd like - what I'd like to say is that I think it's past due too. Because I supported this a number of years ago. And basically it doesn't mean we can't work with the townships around us to bring in CEDA's or JED's or other annexations, it's just their water rates would be reduced at that point. So I think if we sell water to our neighbors, it's what we're in the business to do since we've spent a lot of money in capital improvements on our Water Treatment Plant. So I'm very much in favor for those various reasons.

Mr. Snyder: And your points are well taken. Anyone else? Does the administration ...inaudible...

Mr. Miller: Nothing to add since last week.

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Mr. Snyder: If not...

Mrs. Kiesling moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 132-04.

Mrs. Kalpac: Lane...

Mr. Lane: We need to get her one of these.

All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 132-04. All members present voting:

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

No: 0

Mr. Lane moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 132-04. All members present voting:

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

No: 0

Mr. Snyder: Before we adjourn this meeting let me take this opportunity on behalf the Council of the City of North Canton and its Administration to welcome Mrs. Gail Kalpac as our new Clerk of Council. We're indeed honored to have you and wish you only the very very best of luck.

Mrs. Kalpac: Thank you.

Mr. Snyder: Pursuant to the rules of council there being no other business, may I have a motion to entertain adjournment.

ADJOURN:

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

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

No: 0

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL