

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10, 7:00 p.m. 05
20

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. Mark Sherwindt, Zion United Church of Christ.
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, City Engineer Benekos and Clerk of Council Kalpac.

5. Consideration:

Consideration of the Minutes of Council Meeting: 8/29/05 - 9/12/05 - 9/26/05

Mr. Snyder: May I have a motion to-before we consider these minutes there is a correction and it has been duly noted on page 384 under the reports section. Mr. Foltz speaks the word paved not paid and it has been corrected to read paved.

Mr. Sarbach moved and Mr. Peters seconded to accept as amended the minutes of the Council meetings 8/29/05, 9/12/05, and 9/26/05.

All members voting present:

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 Committee meeting held October 3, 2005.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held October 3, 2005.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held October 3, 2005.

Executive Session: (Finance & Property) – September 26, 2005.

Mr. Lane moved and Mr. Sarbach seconded to accept the committee reports as presented.

All members voting present:

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

No: 0

7. Recognition of Visitors:

Mr. Snyder: Is there anyone in the audience wishing to speak to the Council this evening? If so step forward, state your name and address for the record.

Edward Friedl: Hi, my name's Ed Friedl. I live at 1010 Edgewood Street SE. I just want to take a couple minutes of your time to explain some concerns that I have. Most of our concerns are directed with the street behind us. On Bachtel Avenue we have a resident that lives at 1003 Bachtel. Their yard hasn't been cut in over a year. Their grass is about that tall. It's a breeding ground for skunks and other rodents. They are constantly migrating into our yard. She has - also has a large tree that's fallen into our other neighbors yard neither of which seemed too concerned about, you know cutting that tree down or removing it. I'd written a letter to Zoning Department, Mr. Benekos, expressed my concerns. I just want to follow up with Council to make sure something's being done. The other person is living at 1011 Bachtel, and this person, so I've been told and I don't know for sure. She has approximately seventeen dogs living in her place. It's a - as you can imagine non stop barking barrage for my neighbors, you know that live on my street. Because I live directly behind her. We talked to Mr. Lane, he informed us that there's really no city ordinance limiting the number of dogs in a residence- encouraged us to call City Hall and the Police

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10,

7:00 p.m.

20 05

Department which we've done. So much that I think they know us by first name. Also suggested that we file a grievance with the County Health Department, which we did about a month ago- haven't heard whether they followed up on it or not. You know it's quite unpleasant living with that. So much that we have to keep our windows closed and run our air conditioning. And I can imagine, you know yourselves as a resident wouldn't want have to live with that. And I was just wondering that the City somehow to get involved with it. Maybe limiting through an ordinance the number of animals a person can have at their residents or some other way to address this problem. Thank you very much.

Mr. Snyder: Thank you sir. Is there anyone else in the audience wishing to speak to the Council this evening? Mr. Lane you wanted a few moments?

Mr. Lane: Yea, I didn't know if Chris- Chris were going to speak? Go ahead.

Chris Robinson: My name's Chris Robinson. I live a couple doors down from Ed, and I'm a relatively new neighbor. I moved into this neighborhood about a - in October last year. And it's bad. The barking is really bad. You got to close your windows at night. You shouldn't have to do that. And it's a - for safety reasons too. I've seen a couple times where this lady's roaming the neighborhood looking for dogs that got loose. And we got a lot of kids in that neighborhood. And for a - safety reasons something's got to be done. All right.

Mr. Lane: Yea, this is a situation that I've been dealing with personally, for probably over-maybe a year and a half. Somewhere around there, it might even be longer than that. And I know Chief Grimes is here, and I'm not going to put him on the spot tonight and turn this into a public forum. But I know that we've probably cited her ten times over the summer in that neighborhood. Plus she's gone to jail a couple of times for ignoring summons' and some other things. Gene Hemminger has sent her a letter that the kennel that she has a license for is in violation of our residential zoning ordinance. So she's been in violation of that everyday since she received that letter. We have notified the health department, Stark County Health Department, Mr. Friedl has filed. And we've also notified the Humane Society. I'm not sure how much more we can do as a city. But I mean I'm open to any suggestions we can do to work out an amicable situation. The lady in her mind thinks that she's doing the right thing, by rescuing dogs and trying to find homes. The problem is the turn around time is not very quick. So she told me she had seventeen. I think she told one of your officers she had seventeen at that time as well. So it could be down to five now it could be up to twenty. I don't know. And nobody's going in there, trust me. So- until it gets cleaned up. I think our hope on this relies with the Stark County Health Department to at least look into it from that- from the sanitary angle and make sure that it's sanitary. And then from our own building enforcement, Paul I don't know what we can do as a city once we notify her that that's a violation. And as Mr. Friedl we do not have a limit in the number of animals you can have as long as they're clean and not causing a nuisance problem. Which these have on occasion- on a regular occasion I should say have done. So I just wanted to let the public know that we're not ignoring the problem we're trying to do what we can do. So...

Mr. Snyder: Are those animals are for sale, or what is she ?

Mr. Lane: No, she tries to adopt them out. No they're not for sale.

Mr. Snyder: First of all that's a R - an R-50 district. There's no permission of any type of retail trade in that R-50 district.

Mr. Lane: Well it's not for sale. She adopts them out.

Mr. Snyder: What's she doing?

Mr. Lane: Yea, it's - she tries to find homes for the animals. So it's not a - it's not a paid service by any means. It's something that obviously should be done on a farm.

Mr. Pusateri: Mr. Lane...

Mr. Lane: as opposed to the middle of town.

Mr. Pusateri: You said she's been cited you said a number of times.

Mr. Lane: Yea.

Mr. Pusateri: For the barking hound dogs.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10, 7:00 p.m. 20 05

Mr. Lane: The combination barking, running loose, noise.

Mr. Miller: Most of the citations have been for barking dogs. There's been at least two or three added decisions by a municipal court. And I don't think the judges yet are talking together because each one of them has come back with about the same decision. Putting off some of the time - putting off some of the fine provided that she complies with certain orders. And obviously since there's a case right after it, and right after it, and right after it she's not complying with those orders. So I'm going to talk to the Municipal Prosecutors office tomorrow and see if there's something that can be done to make sure that those are coordinated. So that the judges are aware that, that's not the only case before them. There's about three or four or five or more out there in front of them.

Mr. Snyder: You know one thing I don't understand. Our present zoning ordinance prohibits inhabitant in a home more than two adults. And I think four children in a residential. But we're allowing seventeen animals in a residential setting. Possibly we should be looking at changing our zoning to allow animals only to maybe - we don't allow people to park their car- more than two cars in a drive. Obviously we've missed that somewhere.

Mr. Lane: I know, I think previous Council's have discussed that and it has a tendency to drift off simply because there's so many questions.

Mr. Snyder: Well again, normally we found in the past our zoning has worked till it's been- till it didn't have the particular clause that we needed. But we tweaked it and it worked then. So possibly that's our next...

Mr. Lane: Best of my knowledge it's the worst situation in the city. I don't have- I don't know if any of the other council people have experienced that volume of animals but it's clearly a problem. And the house next door, I know a letter has been sent regarding the back yard and the tree and some other things. I'm not sure where that stands right now, but I do know a lot of resent on that. So I just wanted to let everybody know what was going on with it.

Mr. Snyder: That's good. Anyone else wishing to speak to us...(inaudible)... All right.

8. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, third reading of Ordinance No. 165-05.** All members voting present:
Yes: Peters, Sarbach, Snyder, Kiesling, and Lane.
No: Lindower and Foltz.

Ordinance No. 165-05 – Third Reading

An ordinance declaring that no person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and has been classified as a sexual predator shall establish a residence or occupy residential premises within two thousand five hundred feet (2,500), of any school premises, preschool, daycare, public park, library, or public pool that is located within the City of North Canton.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes thank you, it's been a long arduous process with this. There's been a lot of discussion, a lot of comment, concern, and negotiations, and concessions. The reason that we tabled this last time is I wanted- I wanted to get some figures on some of the- the areas that we're talking about restricting these people from living. One of them would be the YMCA. The fact that they're a public pool and what I was looking for was members of these facilities sixteen years or younger. And as of today there are four thousand three hundred seventy six (4367) at the North Canton "Y". And at the North Canton Pool there are sixteen and under this past year there were one thousand five hundred sixty seven (1567) that actually held passes. That doesn't include walk up – walk up kids and that could be upwards of three thousand (3000) and there could be some duplications. But those were the numbers I got from that. Now I do have some good news and I wasn't expecting this but the City of Mogadore has basically taken our ordinance here, copied it and passed it with the Mayor's signature. It was passed on September 22nd and even though we started that we are not the leaders on this. And I'm more than happy to follow these guys. You know they had the wherewith all to take the bull by the horns basically and run with it. And I applaud the City of Mogadore and Mayor Marks. There've been some comment and Member Lindower brought this up in regards to civil rights challenges. I've done some research. Most of the challenges have- well all of the challenges- there's never been a civil rights challenge. There's mostly

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10, 7:00 p.m. 20 05

been a constitutional challenge. And the one that stood out was in the A Circuit Court of Appeals, I believe that was Iowa or Idaho one of those two.

Mr. Lane: It's Iowa.

Mr. Peters: Iowa- Doe v. Miller what they challenged was two thousand feet (2000) from schools or registered childcare facilities and that was upheld to be found constitutional. And with that and with what the City of Mogadore has done I don't think we've seen the last. Other than us I believe there's going to be more in the future. There's going to be a more proactive approach on this. And again I applaud them ahead of time. I'm sure you'll see it in the paper it's coming soon. And that's basically it. You know I've made- I've made some comments and some analogies over the course of time. And one of the analogies that I made was, for example if you are an alcoholic and you're truly looking to reform yourself you're not going to put yourself close to an area of enticement. And personally I think that we're not- we're not picking on anybody. We're helping these people. If they can't do it on their own to stay away from areas where kids congregate then I think we're helping them along the way. You know if - if these people are truly looking to reform themselves they are not going to live close to these facilities where children congregate. And that's basically it. So I'm very excited that we're having a third reading and that's about it so with that I move that we have the third reading of 165-05.

Mr. Lindower: Mr. Peters...

Mr. Snyder: Member Lindower.

Mr. Lindower: Mr. Peters may I make a comment.

Mr. Peters: Yes?

Mr. Lindower: Again I voted no in regards to the third reading on this ordinance. This is an unenforceable ordinance to start it out with. Unenforceable in the City of North Canton, so you're creating an ordinance in the city putting it on the books its unenforceable here number one. Number two the Ohio State Supreme Court right now is hearing challenges on the Ohio State Law on a thousand feet (1000). Here or there- neither here or there whether that's going to be successful or not is not for us to determine right now. But it is being challenged. Mogadore will be challenged...

Mr. Peters: Constitutional or civil rights challenge?

Mr. Lindower: There's nothing in the constitution that says where you can live or can't live other than the fact that you've got a right to be a free person in this country.

Mr. Peters: But the challenge on the Ohio level is that constitutional of civil rights?

Mr. Lindower: That- that's entirely up to how it's filed in court.

Mr. Lane: Well I can tell you what it says. ...(inaudible)... the case raises issues of substantive and procedural due process and of the writing and self incrimination. That's where constitutional part steps in.

Mr. Lindower: And due process is a civil rights violation. Not to - not to nit pick at that, the only point I'm trying to make, and I'll say this again for the people who maybe didn't hear me say this before. I have four children of my own. And I've got three- two right now and three grandchildren soon, that I'm very concerned about with these kind of individuals. So don't think that I'm trying to defend these people on my point of views, I'm not. I'm trying to keep the city from being put in the position where liability is going to come down the road someday. There's going to be a high cost to defend an ordinance such as this one if it's challenged. Into the tunes of many thousands of dollars, that's the only concern I have. And the only reason I am concerned about is like I stated, because the fact this- the resolution hasn't been made yet with the state law. As far as the constitutionality of that law that's still in the process. I think we're premature. Not that somewhere down the road this can't be reintroduced again and discussed further. But I think we're premature in jumping into this thing the way it is right now. Number four this ordinance is not going to keep people who are either predators or oriented offenders from driving from anywhere and coming into the city and going to the public pools or parks or wherever. Nothing- you can't stop that. That's not going to have any- all you're doing here is limiting where someone can live. And I think that's where we're narrowing the scope to the point where it's probably going to be challenged. The fact that a person has been convicted of - let's say an oriented offense. And going through court and been deemed of an

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10,

7:00 p.m. 20 05

oriented offender, I think it's going to eventually be determined by another court whether the rest of their life is going to depend on that. And the articles I have read in newspapers and the one's that we've just received in our council mail, where some people are saying they'd like to see these individuals placed in prison for the rest of their lives. I can agree with that. I feel the same way. However that's not the way our system's set up. I'm involved in a little bit of teaching in constitutional law and also in the process through the court systems here in the state of Ohio with the Ohio Peace Officer Training Commission. And one of the things that I hold very dear- near and dear to my heart is the fact that we do have a constitution. We do have civil rights in this country, that are being scrutinized extremely carefully. So I don't want to see the city put in a position like that. So, on that basis I would have to say that I think that we're premature. It's a good- like I told you before Jeff, it's a great idea if we could actually make a difference in the way these offenders conduct themselves and so forth. I would a hundred percent go along with this. But I don't think this is going to have any affect at all in the City of North Canton. And again it's an unenforceable ordinance. That's all I have to say, thanks.

Mr. Peters: I appreciate the comment. You brought up a good point. If - if anybody thinks that this is going to make every child in the City of North Canton, as long as they stay within the North Canton city limits, safe from any of these guys, I mean you'd have to be kidding yourself. You would really have to be kidding yourself. So, I - I don't think that's an issue. But you also bring up another point like I just stated you know Mogadore has passed this. You know we started, they're leading the way. You have not seen the last of this and I think that we've started the ball rolling. And leading the charge there's going to be other communities to follow. And if enough communities follow it's going to get the attention of somebody. And you know that- that's it.

Mr. Lindower: A lot of lawyers.

Mr. Peters: I mean I - I - my dad always told me. One of the things he's said that really stuck in my head, you know everybody's heard this. You either lead, you follow, or you get out of the way. Period. So, thank you. Do I have a second?

Mr. Sarbach: I'd like- can I make a comment.

Mr. Peters: Yea, sure.

Mr. Sarbach: I respect Mr. Lindower's comments, and his background. Quite frankly if I heard those same comments from our paid Law Director on this issue, I might have a different opinion of this ordinance. I do support this ordinance and I respect my members- fellow members' reason to descend on this ordinance. But I do not understand the reasoning of city liability as a reason to vote no for this. If we were in the business of city liability, I think we'd look very hard at our swimming pool and our skate park. And we do nothing but increase and expand those items. And they are a front lined instrument for liability for the city. So... but I do respect your reasoning. And like I say if the Law Director had told us that I would- I'd be thinking seriously. But I do support this ordinance.

Mr. Lane: If I could add to Jeff, just to let you know where I'm coming from. I did try to call the 6th District Court of Appeals today, but like most government offices they were closed. So I wasn't able to get a straight answer. And I don't know how long Judge Beckwith has to rule on this. And my big question on this has always been the twenty five hundred feet (2500). I'm not as hard against this as Dave is and I've always said if you could make this a thousand feet (1000) I'd be more than happy to support it. And I'm not going to put words in Doug's mouth but I think Mr. Foltz feels the same way. But at twenty five hundred I still have some reservations and I would like to find out exactly where that challenge goes in U.S. District Court, the Court of Appeals before I would vote yes on this. And that's not going to be tonight. So I'm going to have to vote no. But I also want to point out the fact you know i've got two kids of my own. And when you and I discussed the matter you know I was grand jury for my very first case, was a five year old that got molested by his- his uncle. And I still remember three or four other cases over those twelve weeks that were just horrendous. And I've got no sympathy at all along those lines. But I also would like to see due process followed and I'd like to know whether or not a thousand (1000) feet is constitutional before we go to twenty five hundred (2500). So for that reason and mainly that reason, I'm going to vote no tonight.

Mr. Peters: Yea, I understand that we don't have anything locally that speaks to anything over as far as court cases - that speaks to anything over a thousand feet (1000). But we have other court of appeals, other circuits that have upheld two thousand (2000) - twenty five hundred (2500) to be constitutional. So, like I said we're doing these guys a favor. We are absolutely doing them a favor. These guys truly, truly want to reform themselves they are

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10, 7:00 p.m. 20 05

going to pull themselves out of the – out of the element and enticement were they may want to offend again. Where they may be more apt to offend again. And like I said it's not going to stop them from driving through. It's a crazy world out there. You're not safe anywhere- you know anywhere period. You know and as far as it not being enforceable I-I disagree with that. But we can agree to disagree I'm okay with that.

Mr. Snyder: I have one question Member Peters. Chairman if you will excuse me if I may (inaudible)...

Mr. Peters: Yea.

Mr. Snyder: My question is to the Law Director. This ordinance in not challengeable until we enact the first removal of the first – try to move- there's no standing as an average citizen to file an action against the ordinance. Until we actually try to remove a person that falls within the guideline of this ordinance. Am I correct in that?

Mr. Pusateri: I can't see how someone could have standing. Standing means a court can't take a case unless and individual who is affected or impacted by an ordinance or law can bring an action to the court. Unless somebody's impacted by that they don't have any standing. That's what you're talking about.

Mr. Snyder: Right.

Mr. Pusateri: And the easiest way to get standing of course is for this ordinance to go in effect and that well North Canton tries to get an injunction against somebody to have them move outside of the city limits or outside that two thousand five hundred feet (2500). And I would expect that – that time that's when the constitution challenge would come. Now, I mean could someone try to establish standing before then? At this time I can't see it. But it- it's a possibility. I- I mean I've not explored all the options but it be more difficult to establish standing otherwise.

Mr. Lindower: If I could Mr. Pusateri aren't you forgetting about people like the ACLU and The Prison Reform ...(inaudible)... just because it's on the books it'll challenge it.

Mr. Pusateri: They – they can't come and just sue. They'd have to have some kind of – some kind of evidence that it's going to have some kind of impact on individuals. What those organizations all times do is they'll – they'll find an individual to sue you know that has standing. Unless I'm missing something- you know they- I don't – an organization just can't come in and sue us they have some kind of standing ...(inaudible)... It's a legal technical issue but believe me they can create standing sometimes too. They can find somebody in the community that maybe wants to challenge it for whatever reason.

Mr. Snyder: That's it, that's all.

Mr. Peters: Do I have a second?

Mr. Peters moved and Mr. Sarbach seconded to **adopt the third reading** of Ordinance No. 165-05. All members voting present:

Yes: Peters, Sarbach, Snyder, and Kiesling.

No: Foltz, Lane, and Lindower.

Mr. Snyder: Thank You.

9. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 180-05. All members voting present:

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

No: 0

Ordinance No. 180-05 – Third Reading

An ordinance accepting the application for the annexation of certain territory, known as the Dent/East Maple Annexation, containing 2.862 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 third and final reading of our Dent/East Maple Annexation, any questions? Go ahead.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10, 7:00 p.m. 20 05

Mr. Sarbach: This is the property behind the body shop is that correct?

Mrs. Kiesling: Correct is it behind it or beside it?

Mr. Miller: No, that was Martinez.

Mrs. Kiesling; Martinez right...

Mr. Sarbach: Beside...

Mr. Lane: Down from ...(inaudible)... house.

Mr. Miller: This is the one that if you're on Marquardt, just to the left of Marquardt if you went straight ahead. That area down to basically College Estates.

Mrs. Kiesling: Right.

Mr. Sarbach: Alright.

Mrs. Kiesling: Any questions?

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the third reading** of Ordinance No. 180-05. All members voting present:

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

No: 0

10. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, third reading** of Ordinance No. 181-05. All members voting present:

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

No: 0

Ordinance No. 181-05 – Third Reading

Ordinance No. 181-05 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement by and between the City of North Canton and CT Consultants, Inc. for the design of storm sewer system improvements at the Fairways of North Canton, at a cost not to exceed \$29,000.00.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: This is exactly what it states and I believe that the plan is to use the monies from the Fairways Contract to pay those funds. So they will be paid from -from the income- from the partial income of that property.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 181-05. All members voting present:

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

No: 0

Mr. Snyder: Prior to this third reading I would like to amend Ordinance No. 186-05 at the request of Administration. Unfortunately they changed the rules a little bit on our grant procedure. Normally it would have been late November however the deadline to have this filed is I think the 26th of October is that correct?

Mr. Miller: I believe so.

Mr. Snyder: And as you know without the emergency we would not have it, and have it in time to have our papers signed. So if I may have a motion to amend Ordinance No. 186-05 to include and emergency.

Mr. Sarbach: May I ask one privileged question before I do that?

Mr. Snyder: Please.

Mr. Sarbach: Will the Mayor plan on signing this if we do pass it on emergency?

Mr. Snyder: I see why not, Mayor? Go ahead I'm sorry.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10, 7:00 p.m. 20 05

Mayor Rice: On their grant?

Mr. Sarbach: Yes.

Mayor Rice: Oh yea.

Mr. Sarbach: Okay thank you, because if we had to wait the fifteen days then we're still toast right.

Mr. Snyder: No I think we're alright

Mr. Miller: It's October 28th.

Mr. Snyder: Oh I'm sorry October 28th.

Mr. Sarbach: 28th?

Mr. Snyder: And that- so that way the administration can get it done.

Mr. Sarbach moved and Mrs. Kiesling seconded to **include an emergency clause** in Ordinance No. 186-05. All members voting present:

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

No: 0

11. Mr. Sarbach moved Mrs. Kiesling seconded to **read by title only, third reading as amended** Ordinance No. 186-05. All members voting present:

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

No: 0

Ordinance No. 186-05 – Third Reading

Ordinance No. 186-05 authorizing the Mayor of the City of North Canton to apply for a grant from the Stark- Tuscarawas – Wayne Joint Solid Waste Management District and then authorizing the Mayor, through the Board of Control, to enter into a 2006 Recycling Program grant Agreement by and between the City of North Canton and the Stark – Tuscarawas – Wayne joint Solid Waste Management District for the purpose of accepting and utilizing the grant to provide funding for the portions of the recycling program.

Mr. Snyder: Again we've talked about this we have one of the premier recycling programs in the area if not in the state. And this is a part of it where we use some of this money to provide bags the leaf pickup. And I don't know if you- if there's any other comment you want to make.

Mr. Miller: It is a good program. We've mailed the flyers out again this year. We – the participation continues to grow each year. So it's working quite well.

Mr. Sarbach: Okay, what's the value of this was it sixty?

Mr. Miller: Sixty thousand is what we're applying for.

Mr. Sarbach: And how much of that goes to bags?

Mr. Miller: The bags I don't have in front of me but I'm trying to think what it was.

Mr. Snyder: It's twenty some thousand dollars if my memory serves me.

Mrs. Herr: I think with a- about thirty thousand in the budget.

Mr. Snyder: Twenty – twenty one thousand...Oh is it that high now?

Mr. Miller: I think thirty thousand – thirty two thousand in the budget yes.

Mr. Sarbach: And what do we use the balance for?

Mr. Miller: The balance is for the people that hand out the bags. It's for to offset some of the cost of the recycling program itself as far as contract is concerned. So it's for those type of cost.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10, 7:00 p.m. 20 05

Mr. Snyder: Yea, because we didn't raise our initial cost to the resident when we went to curbside recycling. We - we used some of that money to offset the cost to the resident. Any other questions?

Mr. Sarbach: Thank you Mr. Chairman.

Mr. Lane moved and Mr. Sarbach seconded to **adopt the third reading** of Ordinance No. 186-05 as amended. All members voting present:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** of Ordinance No. 186-05. All members voting present:

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

No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 186-05. All members voting present:

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

No: 0

12. Mr. Lane moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 189-05. All members voting present:

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

No: 0

Ordinance No. 189-05 – Third Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to transfer ownership of the vacated property located on Briar Avenue NE and Weber Avenue NE to the adjacent property owners, in equal portions.

Mr. Snyder: Again we've talked about this back and forth. The property owners now feel they're in a comfort zone. They're more comfortable owning and controlling the destiny of it will be split equally from the center line back. The city will maintain the right of way on the roadway. And that's about it I think it has the vote and the support of the councilmen of the ward and I think the majority of council. Any other questions?

Mr. Lane moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 189-05. All members voting present:

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

No: 0

13. Mr. Lane moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 192-05. All members voting present:

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

No: 0

Ordinance No. 192-05 – Second Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton and the Stark County Board of Commissioners for maintenance of sections of road wherein mutual responsibilities exist.

Mr. Snyder: Chairman Lane.

Mr. Lane: This is the Applegrove and Pittsburgh area. There's an area up there that we've recently annexed and this will allow us to continue doing what we've done in the past. And expand it a little bit and let Stark County crews work within the city a little bit, and us work within Stark County without having to worry about the lines.

Mr. Lane moved Mr. Sarbach seconded to **adopt the second reading** of Ordinance No. 192-05. All members voting present:

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

No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10, 7:00 P.M. 20 05

14. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 196-05. All members voting present:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane, and Lindower.
No: 0

Ordinance No. 196-05 – Second Reading

An ordinance authorizing the Director of Administration of the City of North Canton to seek quotes for Cleaning Services for the period February 1, 2006 through January 31, 2008 for the City of North Canton and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for said cleaning services.

Mr. Snyder: Again we're trying to be a little more proactive here and get these done so that they do have time to go out and quote them. I guess certain people do clean it. We've had the same cleaning service I think the last two contracts. But that's what it's all about, this is the second reading to authorize that. Any questions?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 196-05. All members voting present:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower, and Peters.
No: 0

NEW BUSINESS:

15. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 199-05. All members voting present:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters, and Sarbach.
No: 0

Ordinance No. 199-05 – First Reading

Ordinance No. 199-05 authorizing the North Canton Police Department to enter into and agreement with Sam's Club, located at 4790 Portage Street NW, North Canton, Ohio, to accept and utilize a grant in the amount not to exceed \$2,500.00 for the purpose of funding the purchase of new computers and deaf and hearing impaired software for the Police Department Dispatch Call Center, and declaring the same to be an emergency.

Mr. Snyder: We're very fortunate tonight. We do have both the Chief of Police Grimes with us, and his guest from Sam's Club. And Chief does he want to make some type of little comment? Or do you sir like to make some comment prior to our enacting the vote?

Chief Grimes: Yea, I'd like to introduce Mr. Chad Pollard he's the Business Manager of the Sam's Club on Portage Street. He graciously approached the police department, asked how he could help us out, something that would benefit all the citizens. And so we asked him for the grant of two thousand five hundred dollars (\$2,500.00) to put into computer systems at the Dispatch Center. Because our Dispatch Center dispatches for all emergency services, and also software to help us take calls better from the hearing impaired.

Mr. Snyder: Okay, Mayor do you have anything you - you want to address sir?

Mayor Rice: No, we certainly want to thank Sam's Club and for their support and help with in the City of North Canton. We certainly are very appreciative of your offer.

Mr. Chad Pollard: Thank you.

Mrs. Kiesling: Thank you.

Mr. Lane: Thank you.

Mr. Miller: Thank you.

Mr. Foltz: Thank you.

Mr. Pusateri: Thanks Chad.

Unidentified: Thank you.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10, 7:00 p.m. 20 05

Mr. Snyder: Thank you very much Chief and to Sam's Club we do appreciate it. We'll be sure to renew our membership over there. Put you on our calendar for next year. Basically that sums it up they were kind enough. The Chief and Sam's Club worked that out through the Administration. And that will be put to good use in our Dispatch Center. We do have all new equipment in there in the last year or so, and that's a welcome addition to it.

Mrs. Kiesling moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 199-05. All members voting present:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach, and Snyder.
No: 0

Mrs. Kiesling moved and Mr. Lane seconded to **suspend the rules** of Ordinance No. 199-05. All members voting present:
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. 199-05. All members voting present:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz, and Kiesling.
No: 0

16. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 200-05. All members voting present:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling, and Lane.
No: 0

Ordinance No. 200-05 - First Reading

Ordinance No. 200-05 amending Appendix "A" of Ordinance No. 159-04 by the addition of two (2) new computers and deaf and hearing impaired software for the use by the Police Department Dispatch Center, and declaring the same to be an emergency.

Mr. Snyder: This is the companion piece. This will allow us to accept the grant once it's given to the Administration, that's basically about it. It's pretty self explanatory. Any questions?

Mrs. Kiesling moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 200-05. All members voting present:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane, and Lindower.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** of Ordinance No. 200-05. All members voting present:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower, and Peters.
No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** of Ordinance No. 200-05. All members voting present:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters, and Sarbach.
No: 0

17. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 201-05. All members voting present:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach, and Snyder.
No: 0

Mr. Pusateri: ...(inaudible)... Mr. Miller and I were having a conversation about this particular ordinance.

Mr. Snyder: You're talking about 201?

Mr. Pusateri: Yea, one second, just give me a minute here while I go over this...

Mr. Snyder: Go right ahead. Would you want to read that, and I go to the next one. Would that help you?

Mr. Pusateri: Yea, that's fine.

Mr. Snyder: Okay, you read that. I will just move on and ask for a motion to read first reading of Ordinance No. 202-05.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10, 7:00 p.m. 20 05

18. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading of Ordinance No. 202-05**. All members voting present:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach, and Snyder.
No: 0

Ordinance No. 202-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement by and between the City of North Canton and ARCADIS for the final design of the Well No. 9, East Maple Well Field Project, at a cost not to exceed \$31,000.00, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yes, this will get us the final design of that well, which will be the second well in that East Maple Street Field. And that'll proceed with supplying water to our plant and continue to have no watering bans. Plenty of water for that worth while plant we have. And if there's no questions, I move we adopt the first reading of Ordinance No. 202-05.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 202-05. All members voting present:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder, and Foltz.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** of Ordinance No. 202-05. All members voting present:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz, and Kiesling.
No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 202-05. All members voting present:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling, and Lane.
No: 0

Mr. Snyder: Our records show that we did have a vote to read Ordinance No. 201-05.

Mr. Pusateri: Go ahead.

Mr. Snyder: Law Director, is it okay then?

Mr. Pusateri: Yea, sure.

Mr. Snyder: And it was read as that- so at that point has been ...(inaudible)

Mr. Pusateri: I don't think we read it. I haven't read it yet.

Mr. Snyder: You'll read it in the record. Go ahead.

Mr. Pusateri: Was there a vote to read?

Mr. Snyder: Yes there was.

Mr. Sarbach: Yes there was a vote to read it.

Ordinance No. 201-05 – First Reading

An ordinance authorizing the mayor of the City of North Canton, through the Board of Control, to enter into an amendment to the Aqua Ohio Interconnect Agreement, specifically Appendix A, between the City of North Canton and Aqua Ohio, Inc., for the design and construction of four (4) waterline interconnections associated with the Agreement to sell water to Aqua Ohio, Inc., per Ordinance No. 49-05, repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: I believe the Administration has stated that this will be a lesser expense than original due to fewer interconnects. But I would like Michael to recap that just a little bit for us.

Mr. Miller: I'll confirm that the original price was approximately a hundred and ninety thousand in Appendix A. It's now a hundred twelve. Half of that expense is us, half of that is Aqua. So

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10,

7:00 p.m. 20 05

our expense basically has been dropped by about forty two thousand five hundred if I recall correctly.

Mr. Sarbach: Anyone have any questions on that?

Mr. We still have ownership of the interconnections, we maintain...?

Mr. Miller: Interconnections are jointly owned and jointly maintained.

Mr. Peters: Okay.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 201-05. All members voting present:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** of Ordinance No. 201-05. All members voting present:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 201-05. All members voting present:

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

No: 0

19. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 203-05. All members voting present;

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

No: 0

Ordinance No. 203-05 – First Reading

An ordinance accepting the application for the annexation of certain territory, known as the B.P./ East Maple Annexation, containing 0.765 acres of land, more or less, and also known as being part of the Northeast Quarter of Section 16, Township 11 (Plain Township), Range 8, Stark County, Ohio, to the City of North Canton.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes this is the first reading accepting the B.P/ East Maple Annexation. Any questions concerns, everybody knows where it is. I motion we accept.

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 203-05. All members voting present:

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

No: 0

REPORTS:

Mr. Snyder: Reports, Director of Law?

Mr. Pusateri: I do not have a report sir, thank you.

Mr. Snyder: Director of Finance?

Mrs. Herr: No report.

Mr. Snyder: Director of Administration?

Mr. Miller: Very quickly, we've been looking into- the Administration- a Christmas tree recycling program, if you will. Similar to what we do with leaves and we feel that we are in a position to go forward. We've talked with our – our vendor. And they are in a position where they can do it. We're looking for two weeks. The week immediately after Christmas and a week immediately after New Year's. It's going to be about twenty five hundred dollars (\$2500) per week to do it. So about five thousand dollar (\$5000) total cost. I've checked with the Finance Director there is enough money in the Solid Waste budget to do it. So unless Council objects, I want to go ahead and proceed with that program.

Mr. Snyder: You'll collect them at curbside.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10,

7:00 p.m. 20 05

Mr. Miller: Collect them at curbside. They'll have to be taken out to curbside. Taken out without lights, tinsel, or ornaments on it. Can't be in bags, so just take the tree out, put it at curbside and they'll be picked up with the normal trash. And taken and being recycled then.

Mr. Snyder: Okay, that's a good move.

Mr. Sarbach: So if the residents do use a bag to protect their home, they need to take it out of the bag when they put it on the curb?

Mr. Miller: Yea, they can take it out of the bag once it gets on the curb.

Mr. Lane: If they leave it in the bag then the garbage truck itself will just take it and put it in the trash?

Mr. Miller: Yea, it'll go with the regular trash.

Mr. Lane: So either way it's going to go.

Mr. Miller: Or if it has ornaments on it or if it has lights or something along those lines- Until today discussing it with the – with Republic, I wasn't aware that people actually take their trees out with lights on them still. But apparently that's been a problem to so...

Mr. Snyder: They do that in ...(inaudible)...

Mr. Sarbach: They just leave them on the porch in ...(inaudible)...

Mr. Foltz: As long as the lights there that recycle ...(inaudible)... I think we're alright.

Mrs. Kiesling: Yea, there you go.

Mr. Foltz: I had a question Jon. Mike was there a discussion- I don't know who takes their tree down between Christmas and New Years- is it better to wait the two weeks just after New Years and the week after that?

Mr. Miller: I – I guess we can talk about timing. Some people do take them down immediately. Some people wait until the week after New Years. I guess we're trying to

accommodate both this first year to see when the trees actually come out, because we've never done it before. And try to have a bigger window there and then narrow that window once we figure out when people get their trees out.

Mr. Foltz: Just my memory most of them are out after New Years on my street that I see. And then the following week...

Mr. Miller: Mine was very dry last year. Mine was out immediately after Christmas.

Mr. Foltz: After Christmas?

Mr. Miller: Oh yes it was.

Mr. Foltz: Okay.

Mr. Sarbach: Because it's a fire hazard.

Mayor Rice: Scrooge... we get ours out at Valentines Day.

Mr. Foltz: If you bought it right after Halloween yea maybe you'd have to take it out.

Mrs. Kiesling: Right exactly.

Mr. Snyder: You're the one where the neighbor was missing the top of your tree is that ...(inaudible)...

Mr. Foltz: We don't want to burn anybody's house down.

Mr. Snyder: Mayor Rice...

Mayor Rice: Nothing really other than just remind the public and Council of the- tonight it's getting towards the end but the firehouse is having their open house. I know I stopped over a little bit before the meeting. But they're still there a little bit tonight and then Wednesday from 6:30 – 8:30. I'm sure they'd appreciate you stopping by if you get the chance. That's all.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10,

7:00 p.m. 20 05

Mr. Snyder: Thank you sir, Mr. Engineer?

Mr. Benekos: No report.

Mr. Snyder: Madame Clerk?

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: No report.

Mr. Snyder: Member Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters?

Mr. Peters: Yes, just a couple questions. First to Jim how's the 9th Street...

Mrs. Kiesling: ...(inaudible)...

Mr. Peters: ...coming... Coming along okay we run into any issues or...?

Mr. Benekos: Why don't we ask Dick Fano?

Mr. Lane: He's smiling.

Mr. Fano: I'll give you a better report than him. (identified by Clerk- speaking from the audience)

Mr. Benekos: I would defer it to our resident inspector Mr. Fano.

Mr. Foltz: He got that part time position we just talked about.

Mr. Fano: They're coming along good. They're doing a good job, they are.

Mr. Peters: All the connections... are going okay?

Mr. Benekos: Right we're working on the storm sewer. We're getting ready to do the bore under Main Street. There are a few concerns whenever you do a bore. We're double checking some utilities. There's one that's not where we were led to believe where we thought it was earlier on in the year. So we're double checking that one before we start drilling.

Mr. Peters: The reason I asked, I saw that big thing in that parking lot of that little strip mall. Is that where you're boring at?

Mr. Benekos: Right.

Mr. Peters: Okay.

Mr. Lane: That's the bore pit.

Mr. Peters: That's where it is? Okay and you guys have already dug out the- the run off area down 5th or a 7th?

Mr. Sarbach: 7th Street.

Mr. Benekos: The retention basin.

Mr. Foltz: Retention basin, right.

Mr. Benekos: Correct.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 10,

7:00 p.m. 20 05

Mr. Peters: Okay, oh, one other question, engineering contracts- do we rotate those out to 181-05 and 202-05? I notice we got CT on one, ARCADIS on the other. How do we do that? I mean do – does it fall under that ord- remember the ordinance that we put together. You know locals first and ...

Mr. Miller: It – it does but what we look at on the engineering. Engineering falls under the state and thing as far as you qualify and pre-qualify people. To – to determine whether or not they're capable of doing certain work. ARCADIS has already done the work out in the well field that's why we picked them. CT- I'm trying to remember the project we had on that one. Oh they did the preliminary study out on the golf course so that's why they're following through. But we do rotate depending on who's qualified. And actually the process that the states adopted- the state's put on the cities is probably less competitive for cities than it was before because before you got bids and prices. Now technically you aren't allowed to look at a price until you find out whether somebody's qualified. Then you negotiate a price. If you don't like the price, move on to the next one. It so happens that occasionally people tie. And we ask more than one for a price on the same project because we feel they're both qualified. That kind of helps us out a little bit to determine where to go as far as that's concerned.

Mr. Peters: Okay, and as far as Ordinance No. 165-05, Mr. Mayor are we going to have your signature on that one?

Mayor Rice: Which one's that?

Mr. Peters: The predator ordinance.

Mayor Rice: Well I'm not sure at this point to be honest with you. I think its unfortunate that we came to a 4-3 split and we – I would have preferred we take a little more time with that and hopefully get more support I think as some members of Council indicated a couple weeks ago. So I've expressed some of my concerns with that. I have- I support it in some ways there's other things I have concerns about. So I haven't completely made up my mind on that yet. I will say this even if I – I do sign it. It's highly unlikely I would support a request that would come down the road to fund a legal battle over it. Because I'm very much against wasting tax dollars I think to defend that ordinance. I know that's potentially in the future and that's one of my greater concerns with it.

Mr. Peters: Okay, that's it.

Mr. Snyder: Member Sarbach?

Mr. Sarbach: No report.

FINAL CALL FOR NEW BUSINESS

Mr. Snyder: I have nothing. Final call for business, anyone in the audience wish to speak to the Council? Council anything, if not may I have a motion to adjourn?

ADJOURN:

Mr. Foltz moved and Mr. Lane seconded to **adjourn** the meeting of the Council.

The meeting adjourned at 7:54 p.m.

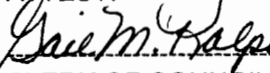
All members voting present:

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

No: 0


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL