

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

SPECIAL

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Tuesday, September 7, 6:55 p.m. 20 04

CALL TO ORDER:

The special council meeting was called to order Tuesday, September 7, 2004 at 6:55 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 and City Engineer Benekos.

Mr. Snyder: First thing is, may I have a motion by title to read, first reading by title only of Ordinance No. 123-04?

- 2. Mrs. Kiesling moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 123-04. All members present voting: Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz. No: 0

Ordinance No. 123-04 - First Reading

Ordinance No. 123-04 authorizing the City Engineer of the City of North Canton to execute an amended Agreement between the City of North Canton and Stark State College of Technology for a water main tap for the property located at 5600 Whipple Avenue NW and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yea, this is the - basically the annexation agreement we need to change for the hold harmless clause and we're going to eliminate that. And this is specific case for this one specific location we've discussed. Is there any questions or comments from council? If not I move we adopt the first reading of Ordinance No. 123-04.

Mr. Peters: Second.

Mr. Snyder: Privileged question here Mr. Sarbach. Mr. Sarbach: Yes.

Mr. Snyder: Would you ask for a motion to suspend the rules of council to show there are no committee ...

Mr. Sarbach: Do you need that motion first?

Mr. Snyder: I think it's for - to have that...

Mr. Sarbach: Yea.

Mr. Snyder: Passed like that. So we need a suspension of the rules.

Mr. Sarbach: Regarding Ordinance 123-04, I would like to make a motion that we suspend the rules of council regarding committee minutes.

Mr. Sarbach moved and Mr. Peters seconded to suspend the rules of council requiring committee minutes for Ordinance No. 123-04. All members present voting:

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

Mr. Sarbach moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 123-04. All members present voting:

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

Mr. Sarbach moved and Mr. Peters seconded to suspend the rules for Ordinance No. 123-04. All members present voting:

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

Mr. Sarbach moved and Mr. Peters seconded to adopt under suspension of the rules Ordinance No. 123-04. All members present voting:

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

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3. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 124-04. All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
 No: 0

Ordinance No. 124-04 - First Reading

Ordinance No. 124-04 appointing James Mathews, Esq. of Baker, Dublikar, Beck, Wiley & Mathews, as Agent for the Petitioner pursuant to Ohio Law and authorizing the Agent for the Petitioner to file a petition with the Board of Stark County Commissioners petitioning the annexation of 6.436 acres of land, more or less, in Plain Township to the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is exactly what Mike explained to us here tonight. We're going to let Mr. Mathews be our petitioner and file for the annexation to the Stark County Board of Commissioners as soon as possible.

Mr. Sarbach moved and Mrs. Kiesling seconded to suspend the rules of council requiring committee minutes for Ordinance No. 124-04. All members present voting:
 Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
 No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 124-04. All members present voting:
 Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
 No: 0

Mrs. Kiesling moved and Mr. Sarbach seconded to **suspend the rules** for Ordinance No. 124-04. All members present voting:
 Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
 No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 124-04. All members present voting:
 Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
 No: 0

ADJOURN:

Mr. Snyder: May I have a motion to adjourn this meeting?

Mrs. Kiesling moved and Mr. Peters seconded to adjourn the special council meeting. All members present voting:
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
 No: 0

 PRESIDENT OF COUNCIL

ATTEST:

 DIRECTOR OF FINANCE