

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 12, 7:00 p.m. 20 05

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Monday, September 12,

7:00 p.m.

05

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. David Warren, First Southern Baptist 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, City Engineer Benekos and Clerk of Council Kalpac.

5. Committee Reports:

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Committee meeting held September 6, 2005.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 6, 2005.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held September 6, 2005.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held September 6, 2005.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held September 6, 2005.

Mr. Sarbach moved and Mrs. Kiesling seconded to approve the committee report minutes as presented. All members voting present:

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

6. Consideration

- Minutes of Council Meeting:
Minutes of Public Hearing:
Minutes of Public Hearing:
Financial Statements: August, 2005
Mayor's Court Receipts:

Mrs. Kiesling moved and Mr. Sarbach seconded to approve the minutes of the financial statements presented for August 2005. All members present voting:

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

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... Ms. Baughman.

7. Recognition of Visitors

Miriam Baughman: 320 Weber I'm here tonight to represent Stephen Brister who lives at 909 Briar. His employment has him out of town this evening and he asked me to speak to you to ask for your support, and to vote to pass Ordinance No. 189-05. He is one of the property owners that has property adjacent to the vacated property on Briar.

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Mr. Snyder: Thank you mam, anyone else...(inaudible) step forward state your name and address for the record.

Dan Peare: Hi, my name is Dan Peare and I live at 903 Weber and I'm here also to request for support for Ordinance 189-05 for the property, thank you.

Mr. Snyder: Thank you sir.

Mike Attar: My name's Mike Attar, I live 910 Weber and I'd like to see you guys vote for this, and I appreciate it thank you very much.

Mr. Snyder: Thank you sir...anyone else wishing to speak sir?

Mr. Monastra: My name is Craig Monastra, 185 Creekside Circle NE, North Canton. Basically I'm against vacating those lots as you heard two weeks ago. Basically because of what the Planning Commission said, and Mr. Foltz you just commented earlier about listening to what the Planning Commission had to say. They said that vacating those lots was basically bad planning. Mr. Sarbach when I talked last time made a comment about opening Woodside, well I talked with Mr. Hemminger over at Zoning, he said that there's a lot of difficulty opening Woodside No. 1- It's Plain Township on the other side there. No.2- There's a pond that would have to either go around or over and also No. 3- There's a lot of trees. So I don't think it's right to vacate that property until a satisfied plan is laid out whether it's Weber, Briar, or Woodside. So basically I just wanted to say that, thank you.

Mr. Snyder: Thank you. Maybe I should just speak for one thing, unfortunately we had the cart before the horse in this situation because we're under contractual obligation to leave those streets vacated. They are vacated at present, and we are in a three way contract. We're only a party to a contract. So even if it was the wish of the Council to open the street, at the recommendation... as the positive recommendation of the Planning Commission is today we couldn't do it anyway if we wanted to. Unfortunately it would take the act of both the Board of Trustees of Plain Township and the McKinley Development and I don't know if you've been past but it'd be physically impossible at this present time to open those streets due to the fact that the ground has been moved in such a manner I don't think there's any access into that if you wanted to move, so the next best thing is somehow we're going to plan some other type of ingress at the closer out by you, okay. Anyone else wishing to speak... (inaudible) Ms Baughman.

Mr. Kalagidis: My name is Kalagidis. I live 1264 Lorrell Ave. Things have moved rather faster in the earlier part of your business. Did I understand the appropriation was requested for the improvement of Lorrell and Watkins Ave?

Mr. Snyder: Yes sir, it was.

Mr. Kalagidis: Was that approved?

Mr. Snyder: Well it was approved to go to the agenda, and then it'll come to the agenda at the latter part of the meeting and at that point it will be voted upon.

Mr. Kalagidis: And that will be this evening?

Mr. Snyder: Yes sir, that will be this evening.

Mr. Kalagidis: Thank you.

Mr. Snyder: You're welcome, it was approved to go to agenda, so it came out of the committee positive to go to agenda.

Mr. Kalagidis: Very good, thank you.

Mr. Snyder: Yes sir. Ms. Baughman ...were you speaking for yourself at this... (inaudible)

Ms. Baughman: Yes, I just...

Mr. Snyder: I apologize...

Ms. Baughman: That's okay, that's okay. I just think something needs to be clarified, the streets are already vacated.

Mr. Snyder: Yes mam they are, yea they are just at present...

Ms. Baughman: Yea, this isn't about vacating it, they're already...this is just about turning the ownership of the land to the property owners... okay.

Mr. Snyder: This is about turning the ownership...

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Mr. Sarbach: And the tax duplicate to you correct?

Mr. Snyder: Is that... do we have that in writing? Anyone else wishing to speak? Seeing none may I have the motion to read by title only the third reading of Ordinance No. 155 -05.

OLD BUSINESS

8. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, the third reading of Ordinance No.155-05.** All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling, and Lane.
No: 0

Ordinance No. 155-05 – 3rd Reading

An ordinance amending Ordinance no. 145-04, Income Tax Ordinance of the City of North Canton, specifically Paragraph F, under Section 4, Article III-1, RETURN AND PAYMENT OF TAX, by deleting "or interest" from the phrase "penalty or interest", and repealing all legislation inconsistent herewith.

Mr. Snyder: This is the third reading, we're removing the term "or interest" as we passed a few months back our Income Tax Ordinance. The penalty part will stay and the interest part will be deleted. Any questions Council? If not May I have the motion to adopt the third reading of Ordinance No. 155-05.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 155-05. All members voting present:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane, and Lindower.
No: 0

9. Mr. Sarbach moved and Mr. Lane seconded to **read by title only, the third reading of Ordinance No.161-05.** All members voting present:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower, and Peters.
No: 0

Ordinance No. 161-05 – Third Reading

An ordinance approving, confirming, and accepting a perpetual sanitary sewer easement for part of Out Lot 212 and known as Parcel No. 5700052, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yes, I believe this is the property down by the Mullinax area it's the end of that street... is that right? Okay, and this will allow us to maintain that sanitary sewer that's been put down there. With that I move we adopt the third reading of Ordinance No. 161-05.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 161- 05. All members voting present:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters, and Sarbach.
No: 0

Mr. Sarbach moved and Mr. Lane seconded to **suspend the rules** of Council for Ordinance No. 161-05. All members voting present:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach, and Snyder.
No: 0

Mr. Sarbach moved and Mr. Foltz seconded to **adopt under the suspension of the rules** Ordinance No. 161-05. All members voting present:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder, and Foltz
No: 0

Mr. Snyder: Chairman Peters, do we want to amend this Ordinance?

Mr. Peters: Yes sir.

Mr. Snyder: Okay and we want to amend it to read as the piece of legislation that we have now, is that correct?

Mr. Pusateri: It's um... I'll just read the title for you to tell you the title is amended now and it will explain what the amendment is. An Ordinance declaring that no person who has been convicted of, is convicted of, has plead guilty to, or pleads guilty to either a sexually oriented offense that is

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non-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 (2500) of any school premises, preschool, daycare, public park, library, or public pool that is located within the City of North Canton.

Mr. Pusateri: And then also that last series preschool and daycare were added. So those are the modifications I understood from last week that you wanted to implement or put in this new ordinance, correct?

Mr. Peters: Yea, that's correct Paul.

Mr. Snyder: Also with Jim Peters may we interject language stating that this ordinance will take effect and pertaining from the day that it is affected by signature of the Mayor... (inaudible) ...that would be the present residence in the city would exclude the present predators that are existent here, is that how we wanted that?

Mr. Pusateri: That was not discussed last week.

Mr. Peters: That wasn't discussed.

Mr. Snyder: I apologize I thought it was from my understanding that it was to take affect only upon the signature of the Mayor from this day forward.

Mr. Pusateri: Right now how it's drafted is it says convicted of or is convicted, or has plead guilty to or pleads guilty to. So that makes it retroactive but certainly can be adjusted to make it non-retroactive if people are concerned about defending- if some lawsuit came about it would be a lot easier to defend if it wasn't retroactive. So... and I understand the way it pertains there's only one sexual predator in Ward 2.

Mr. Snyder: Well the problem I would say and I apologize I'm not trying to create a committee meeting but you have a man I believe in his 80's that lives in a nursing home here in the city.

Mr. Peters: He's not a predator though.

Mr. Snyder: No, is he not? - but I think it affects one predator who is to do - does that person becomes...

Mr. Lane: Right now it does he has a hearing coming this week and he could possibly have that classification dropped... I don't know...

Mrs. Kiesling: But if he doesn't and we decide to not make it retro he can still stay in the city.

Mr. Snyder: Well then we can change it... right.

Mr. Pusateri: But that would take a different modification I didn't put that in.

Mr. Snyder: Yea, that's what I'm asking?

Mr. Peters: But I have a question to Paul...

Mr. Pusateri: Sure.

Mr. Peters: And it says and has been classified as a predator, just to be clear this is not including anybody convicted of a sexually oriented affair, that's classified as oriented offender, correct?

Mr. Pusateri: Yea that's correct. I mean if you look at the states statute someone is first convicted of a sexually oriented offense, and then there's a separate hearing where judge makes a determination if that sexually oriented offender is a sexual predator. In order to do that they got to find certain things that make it more of a violent crime that kind of thing. So to answer your question...Yes.

Mr. Peters: Okay.

Mr. Pusateri: But you have to have both in there because there's firstly you know at first they're found to be a sexual offender. Now I just passed around Council I stated to Council last week in order to help you understand what you are considering that Jim and I, Jim Benekos and I would have maps and we do have the maps for you today and I'll go get them... Jim will get them. It was easy for me I just asked Jim to do this and he did it so I don't want to take too much credit for it because Jim did the work...

Mrs. Kiesling: We appreciate that.

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Mr. Pusateri: But what we did do is last week he came to me with the map identifying the locations that are the you know the school premises, preschool, daycare, public park, library, and public pools, and we went one thousand feet (1000) around them and also two thousand five hundred feet (2500) so Council knows exactly what you're considering when you're considering this Ordinance. Now I will tell you too, for instance- you know go ahead look at it first if you want. The above is one thousand feet (1000) and the green area is where a sexual predator could live, correct?

Unidentified: Correct, do you have the list?

Mr. Pusateri: Yea, I just hand the list out.

Mr. Snyder: Yea.

Mrs. Kiesling: All that green...you can barely see it but it's there.

Mr. Lane: I don't even see green, where at?

Mrs. Kiesling: All the green look there's a ton of it ... see the green.

Mr. Lane: The stuff that looks gray?

Mr. Snyder: That's one thousand feet (1000).

Mr. Peters: That's one thousand on top.

Mrs. Kiesling: Yea it's sort of grayish green.

Mayor Rice: That's the green there.

Mr. Foltz: No.

Mr. Pusateri: Now and I will tell you we considered the Montessori school a school because that how it shows up on the auditors page right Jim?

Mr. City Engineer Benekos: Right.

Mr. Pusateri: But we're not sure it's going to be a school so you have to make that, take that into consideration that big block at the bottom here down at the right hand corner that's the Montessori school... school premises if that were not to become the school that would change that portion of the map.

Mr. Snyder: Well wouldn't that piece of property right above that which belongs to the First Friends Church they have a little school in there, does that not count?

Mr. Miller: I thought they did.

Mr. Snyder: They do have a... have a First Friends...

Mr. Pusateri: A preschool?

Mrs. Kiesling: I don't know that they have a preschool.

Mr. Snyder: Well they have a sports ministry with little kids.

Mrs. Kiesling: Yea they have sports but that's...

Mr. Pusateri: Right but it didn't fall under preschool or a day care or a school.

Mrs. Kiesling: Fall under preschool ... right.

Mr. Pusateri: ...(inaudible)... church function... another to we did was that new park on Applegrove the walking park...

Mr. Snyder: Oh yes.

Mr. Pusateri: We added that in there too and you can see the impact that has especially the bottom portion down there, the map that shows two thousand five hundred feet (2500). Now once again we're making those assumptions that one will be a school and that park will be a park.

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Mr. Lindower: Under- under the state definition of the law what do you- how do you determine what a school is?

Mr. Pusateri: I can't... I mean there is a definition I just can't remember exactly what it says.

Mr. Lindower: Well there's a lot of debate about that.

Mr. Pusateri: Yea, and then...

Mr. Lindower: There's a lot of debate whether one's going to be created after you've already put a law like this into effect. There's a lot of controversy right now in Supreme Court on this. I want to just go on record as saying "I'm totally against any sexually oriented offenders". I don't think they deserve any mercy at all. However they've got constitutional rights, and I don't want to get into a long spill about it but at this particular point in time with everything that's up in the air to keep this city from becoming liable and having to pay thousands of dollars worth of attorneys fees to defend our ordinance that I don't believe we even need since it's a state law already and is only enforceable by the Stark County Sheriff's Department I'm definitely against this, so...

Mr. Peters: Yes alright thank you yea we've talked to the empts degree on all this you know I think everybody's been heard and I think the... thanks Jim...the modified ordinance talks to where we were trying to go in the first place. Target the men and women that themselves target children and um you know, and we reduced it from a mile to twenty five hundred feet (2500). I would say that was a pretty a pretty big concession also... um but the most important part it includes a lot of institutions were children gather which I'm sure was the original thought process with the state law currently. I just don't think they looked at it as deep as they should have. And I know Dave you've been on record that this is something that should be handled at the state or even federal. You know when this was first initially proposed it was one mile and it was all offenders. It got the attention of local and some national media but it didn't get the attention of anybody else. And you know quite honestly and maybe I'm a little bit jaded here but I have to say most of the folks that are making those decision especially at that level are only going to be worried about their target audience. And children are under the age of eighteen they cannot vote... plain and simple. And at some point in time somebody's got to stand up and give a voice to the voiceless. So with that, like I said we've had a lot of discussion on this, with that I would ask that Ordinance No. 165-05 as amended I would move that we have the second reading.

Mr. Sarbach seconded to have the second reading, of Ordinance No. 165-05.

Mrs. Kalpac: Wait we haven't voted to amend it yet.

Mr. Peters: Pardon me?

Mrs. Kiesling: We have to motion to amend it.

Mr. Snyder: That's a motion to amend it.

Mr. Peters: Yes sir, I motion to amend 165-05.

Mr. Snyder: I would say if it's alright with member Lane we'll hold off until the third reading to amend to the portion where we adopt and if you would sir keep us informed on the progress of that situation that will give them...

Mrs. Kiesling: It again...

Mr. Lane: Oh that's fine, on the progress there the other thing is I've said and I know we don't want to turn this into a committee meeting. But I've always been comfortable with one thousand feet (1000) on this thing I have some of the same concerns that Dave does, but I'm not quite at that legal point in- criminal justice scholar that he is but right now Judge Beckwith, U.S. District Court is looking at the challenge of the Ohio. They had debate last week through Thursday I don't think they continued it. She's supposed to be ruling at some point in time soon on whether the thousand is constitutional. That's been one of my major concerns before going anything beyond that thousand. So I'm going to vote No tonight with the understanding that I could turn that around very quickly for the third reading. And I do appreciate you at least considering the other situation. Sounds like we're moving in the right direction.

Mr. Snyder: Alright sir thank you, alright Thursday motion on the floor to read Ordinance No. 165-05 as amended.

Mr. Snyder moved and Mr. Peters seconded to **read as amended**, Ordinance No. 165 -05.

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All members voting present:

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

No: Lindower and Foltz.

10. Mr. Peters moved and Mr. Sarbach seconded to **read by title only, the second 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 – Second Reading

An ordinance declaring that no person who has been convicted of, is convicted of, has plead 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 (2500), of any school premises, preschool, daycare, public park, library, or public pool that is located within the City of North Canton.

Mr. Snyder: Jim Peters any more comments?

Mr. Peters: Yea I think we've- this has been commented to death. So with that I move that we accept the second reading of 165-05 as amended.

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

Yes: Peters, Sarbach, Snyder, and Kiesling.

No: Foltz, Lane, and Lindower.

Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, the second reading** of Ordinance No. 169-05.

Mr.Pusateri: There's a need to amend this in Section 2... to make it retro....

Mr. Snyder: Oh that's, I beg your pardon there is a... Chairman Sarbach we want to amend that to make it retroactive to 3-15-05 I apologize.

11. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, the second reading** of Ordinance No. 166-05. All members voting present:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower, and Peters.
No: 0

Ordinance No. 166-05 – Second Reading

An ordinance amending Ordinance No. 22-99 and Ordinance No. 71-04, specifically Section 7 of both ordinances, designating the Director of Economic Development as the City's Community Reinvestment Area (CRA) Housing Officer, and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the second reading as it states we're designating our new Director of Economic Development as our Housing Officer. He is replacing our Finance Director. And that's all this is doing.

Mrs. Kiesling moved and Mr. Peters seconded to designate our new Director of Economic Development as our Housing Officer to replace our Finance Director.

All members voting present:

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

No: 0

12. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, the second reading** of Ordinance No. 167-05. All members voting present:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters, and Sarbach.
No: 0

Ordinance No. 167-05 – Second Reading

An ordinance accepting the application for the annexation of certain territory, known as Martinez/East Maple Annexation, containing 2.602 acres of land, more or less, in Plain Township to the City of North Canton.

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Mr. Snyder: Madame...(inaudible)... Kiesling.

Mrs. Kiesling: Yes this is the second reading accepting the Annexation to the City. Any questions?

Mrs. Kiesling moved and Mr. Sarbach seconded to **accept the second reading** of the Annexation to the City. All members voting present:

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

No: 0

Mr. Sarbach: I thought that was going to be done after our last a ... (inaudible)...

Mr. Snyder: Well we had the first reading and then all we're going to amend it.

Mr. Sarbach: So we need to vote on the amendment all we have is 3-15-05.

Mr. Sarbach moved and Mrs. Kiesling seconded to **amend** Ordinance No. 169-05 to reflect the language that it is retroactive to March 15th.

Mr. Snyder: So is the adoption on the 15th of March.

Mr. Sarbach: Yes.

All members voting present:

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

No: 0

13. Mr. Sarbach moved and Mr. Peters seconded to **read as amended** Ordinance No. 169-05.

All members voting present:

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

No: 0

Ordinance No. 169-05 – Second Reading

An ordinance amending Ordinance No.136-04, by the addition of Section 1(d) of Chapter 921.04, of the Codified Ordinances of the City of North Canton, to provide a distinction between permit fees for a new sanitary sewer service and repair of an old sanitary sewer service, and repealing any and all legislation passed previously and inconsistent with this ordinance.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: This legislation was presented by the administration to clear this and ...(inaudible) up with new permits at \$500 and repairs at \$50 and this clarifies that and makes it in line with the Administration and I believe Councils' efforts to be fair.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 169-05 as amended. All members voting present:

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

No: 0

14. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, the second reading** of Ordinance No. 171-05. All members voting present:

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

No: 0

Ordinance No. 171-05 – Second Reading

An ordinance stating that the City of North Canton will adopt and utilize the National Incident Management System (NIMS) for incident management in the City of North Canton.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yes as discussed before this is their bring the City in line with the cooperation with the National Incident Management System in case of national emergencies. I move that we pass the second reading of this ordinance.

Mr. Snyder: I have a previous question sir if I may... Mr. Mayor I direct that to you sir, have we something in place in lieu of the problems that they had in New Orleans, maybe this is not the proper time, but have we something now in place that we're able to notify our residents for some type of either terrorist or- or type of something that we'd have to move thousands of people we're ready to move along those lines?

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Mayor Rice: Go ahead... Mike... Mike...Mike's (inaudible)...

Mr. Snyder: Please.

Mr. Miller: Yes we are, I believe and a Council member Lindower can correct me I believe we have reverse "911" where we can notify the residents we need to by phone. can communicate that to our residents. Because I think most people- I've had that question presented to me three times over the last couple of days. I don't think the majority of the people realize that we have that capability.

Mayor Rice: You know...

Mr. Lindower: If I could interrupt for a minute Mr. Mayor I believe that's in cooperation or in conjunction with the County Emergency Management System. So it's not actually done by the City here it's done through "911".

Mr. Miller: We have the ability...

Mayor Rice: But it's all, it all deals with specifically our internal functions and who has what responsibilities and that type of stuff. We could rewrite that Jon if my memory serves me correctly after "911" happened four years ago I recall writing about that either in the Newsletter or in the Our Town an article I can pull that out. We might be able to rerun something like that it might be appropriate to do that.

Mr. Snyder: I'd appreciate that Mayor if you would, because I think the citizens would like to hear from you on that, that there is a... I think a lot of them because- you know because they just don't- I wouldn't know what you'd do in an emergency where these people all at.

Mayor Rice: Right, yea we have put that out before like I said I think it was in late 9, or a 01 sometime second half or maybe early 02 where we wrote about that to let the public know about that. And we can do that again it'd probably be appropriate after...(inaudible)...

Mr. Snyder: I'd appreciate that.

Mr. Lindower: Mr. President, if I could one more thing, Mr. Miller if you could I see Chief Bacon's not here tonight. Included in this are there going to be or is there at this time any government unfunded mandates in conjunction with this. Where as we're going to be required to be responsible for purchasing additional equipment and so forth?

Mr. Miller: To my knowledge none of this is equipment based it's all training that needs to be done yet. We're 80 or 85% compliant now and in my discussions with the chief we don't have any unfunded mandates that are part of this. It's just training to make sure that we're compliant... and it's training not just for police and fire, but basically for all personnel. Street Department personnel, and myself etc.

Mr. Lindower: But the training and the hours spent in training would be the responsibility of the City?

Mr. Miller: I believe they're paid for but we're going to have to pay the... obviously the hourly rate for the employees as they're attending that training.

Mr. Lindower: Under contract?

Mayor Rice: They've got some training that was paid for outside the City over the last few years.

Mr. Lindower: Okay, thank you.

Mr. Snyder: Thank you Chairman Lindower. Now there was a, you had made a motion sir to adopt that...

Mr. Lindower moved and Mr. Sarbach seconded to **adopt the second reading of Ordinance No. 171-05** All members voting present:

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

15. Mr. Sarbach moved and Mr. Peters **seconded to read by title only, the second reading of Ordinance No. 173-05.** All members voting present:

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

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Ordinance No. 173-05 – Second Reading

An ordinance authorizing the Mayor of the City of North Canton to decline and/or return a Natural Resources Assistance Council (NRAC) Grant, through Ohio Public Works Commission (OPWC), in the amount of \$180,000.00, previously applied for.

Mr. Snyder: I won't be labor that you know that, that's the Crowder property that we felt at this time we could not put into our budget and take care of. So we are going to return the grant so that we can continue to ask for additional grants in the future. Any questions? If not may I have the motion to adopt the second reading of Ordinance No. 173-05?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No.173-05. All members voting present:

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

No: Foltz.

NEW BUSINESS:

16. Mrs. Kiesling moved and Mr. Lane seconded to **read by title only, the first reading** of Ordinance No. 179-05. All members present: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder, and Foltz.

Ordinance No. 179-05- First Reading

An ordinance authorizing an agreement with LMD Property Ltd. providing for a project and real property tax exemption pursuant to the Ohio Community Reinvestment Area program, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the actual old Prudential Dehoff building on Main Street currently beside the brand new building, they are looking to update it. And we have granted them a 50% abatement for twelve years this school has agreed with us and now we're just moving it through the process, any questions, concerns?

Mr. Snyder: I think it's important that the public knows that the actual subject property when it's rehabilitated will affect a 271% tax increase prior to the abatement. So the abatement will generate about 35% more taxes than what it is at present time. So it's a win-win situation for everybody.

Mrs. Kiesling: And it's a beautiful building.

Mr. Snyder: And it's maintaining a building that otherwise I don't think a private developer could restore.

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 179-05. All members voting present:

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

No: 0

Mrs. Kiesling: It's an emergency.

Mr. Snyder: Oh I beg your pardon it is an emergency excuse me, may I have a motion to suspend the rules of Council for Ordinance No. 179-05?

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** of Council for Ordinance No. 179-05. All members voting present:

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

No: 0

Mr. Snyder: As time is of the essence, may we adopt under the suspension of the rules of Council Ordinance No. 179-05.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under the suspension of the rules** of Council Ordinance No. 179-05. All members voting present:

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

No: 0

Mr. Snyder: Thank you, may I have a motion to read by title only the first reading of Ordinance No.180-05.

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17. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, the first reading of Ordinance No. 180-05.** All members voting present:
 Yes: Peters, Sarbach, Snyder, Foltz, Lane, Lindower, and Kiesling.
 No: 0

Mr. Lane: Seeing if your awake...

Mrs. Kiesling: I got skipped.

Ordinance No. 180-05 – First 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: Chairperson Kiesling.

Mrs. Kiesling: Yes, this was the first reading of accepting that annexation on East Maple 2.86 acres as it states, any questions, concerns?

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 180-05. All members voting present:
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane, and Lindower.
 No: 0

18. Mrs. Kiesling moved and Mr. Lane seconded to read by title only, the first reading of Ordinance No. 181-05. All members voting present:
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower, and Peters.
 No: 0

Ordinance No. 181-05 – First 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 for some ...(inaudible)...some engineering at our property on Ward 4 and the reimbursement for this \$29,000.00 will be paid by the City of North Canton by Larizza Management Corporation pursuant to Ordinance No.79-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 181-05. All members voting present:
 Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters, and Sarbach.
 No: 0

19. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, the first reading of Ordinance No. 182-05.** All members voting present:
 Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach, and Snyder.
 No: 0

Ordinance No. 182-05 – First Reading

Ordinance No. 182-05 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended Agreement by and between the City of North Canton and the Board of County Commissioners to provide reimbursement to the City of North Canton for the upsizing of a portion of the Marquardt Sanitary Sewer from a twelve (12") inch to twenty-s even (27") inch pipe, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: This will provide us a tool to get some of the money back from this upsizing this project in the County, and we discussed this before this is going to ...(inaudible)... for that major project.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 182-05. All members voting present:

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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. 182-05.

All members voting present:

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

Mr. Sarbach moved and Mr. Peters seconded to **adopt under the suspension of the rules** Ordinance No. 182-05. All members voting present:

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

20. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, the first reading** of Ordinance No. 183-05. All members voting present:

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

Ordinance No. 183-05 – First Reading

An ordinance amending Section 2. of Ordinance No. 88-05, Marquardt Sanitary Sewer project, by an increase in the amount of the allocation for the project, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: This will allow us to proceed with that project where the bids came in. Mike do you have anything to add to that?

Mr. Miller: No, this is - again this is the discussion we had last week in committee meeting. The project came in at 1.192 if I recall correctly \$300,000.00 of that plus or minus a few dollars is the County's increase the rest of that is about \$240,000.00 is our responsibility, but again gravity works better than power especially when the power goes out. So it's important for us.

Mr. Sarbach: Yea we don't have to rebuild the stations...(inaudible)...anyone else, anyone have any comment on that.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 183-05. 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. 183-05. All members voting present:

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

Mr. Sarbach moved and Mr. Peters seconded to **adopt under the suspension of the rules** Ordinance No. 183-05.

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

21. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, the first reading** of Ordinance No. 183-05. All members voting present:

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

Ordinance No. 184-05 – First Reading

An ordinance declaring that certain cellular phones and accessories owned by the City of North Canton, Ohio, are no longer required for municipal purposes and authorizing the Mayor of the City of North Canton, through the Board of Control, to make a donation of said cellular phones and accessories to Verizon Wireless HopeLine Phone Recycling Program, and declaring the same to be an emergency.

Mr. Snyder: We have now just put new phones in that everybody's authorized to have a cell phone. We have the other ones we're going to donate them as ...(inaudible)... requires us to auction everything that we dispose of no longer utilized by the City and used cell phones don't have a great market value. So we felt that it be placed with probably people with the

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battered women's and domestic violence and so forth, would have much greater need than would somebody at an auction.

Mr. Lindower: That's an emergency to make more room in Julie's office.

Mr. Snyder: Exactly, exactly since room is of the essence in this case... probably get ready for a new plaque coming here ...

Mr. Sarbach: Excuse me, you have documentation are sure those will be sanitized?

Mrs. Herr: Yea, that's...

Mr. Sarbach: We don't have to do that now...

Mrs. Herr: No that's part of the program is that they do... yes, yes.

Mr. Sarbach: We have something to that affect?

Mr. Snyder: I think the Large Council Members where left in there purposely ... (inaudible)... if there's no other questions may I have a motion to adopt the first reading of Ordinance No. 184-05.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 184-05. All members voting present:

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

No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** of Council of Ordinance No. 184-05. All members voting present:

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

No: 0

Mr. Lane moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 184-05. All members voting present:

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

No: 0

22. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, the first reading** of Ordinance No. 185-05. All members voting present:

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

No: 0

Ordinance No.185-05 – First Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the Sewer Revenue Fund to the Facilities-Sewer Lines account in the aggregate amount of \$75,000.00 for the current expenses during the fiscal year ending December 31,2005, and declaring the same to be an emergency.

Mr. Snyder: Now this is to transfer money over there to pay for the sewer Marquardt?

Mr. Sarbach: This is an administrative action is that correct?

Mr. Snyder: This is an administrative action, yes sir it is. So as they say to keep thing flowing properly we want to make this adjustment. So if there'll be no additional comments or corrections ...(inaudible)... a motion to adopt the first reading Ordinance No. 185-05.

Mr. Lane moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No.185-05. 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. 185-05. 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 the suspension of the rules Ordinance No. 185-05. All members voting present:

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

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No: 0

Mr. Snyder: We waiting here much longer ...(inaudible)... to generate... may I have the motion to read by title only the first reading of Ordinance No. 186-05.

23. Mrs. Kiesling moved and Mr. Sarbach seconded to **read by title only, the first reading of Ordinance No. 186-05.** All members voting present:
 Yes: Foltz,, Kiesling, Lane, Lindower, Peters, Sarbach, and Snyder.
 No: 0

Ordinance No. 186-05 – First 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 portions of the recycling program.

Mr. Snyder: There's no question we have a model program here in the City. I think Mayor was there 24- 25% of our people participating recycling? It's a very high number. The majority of this grant is used for the fall which is coming up for bags that we put out that people put leaves in. And that's all the amount of the solid waste that doesn't go into the landfill it's so... actually that's what we'll apply for and that's what I believe the majority of the money is used for. Again I know that we do have a very good program here and it's emulated and copied by a lot of municipalities around the state. So being no comment...(inaudible)... to adopt the motion of the first reading of Ordinance No. 186-05.

24. Mr. Sarbach moved and Mrs. Kiesling seconded to adopt the first reading of Ordinance No. 186-05. All members voting present:
 Yes: Foltz, Kiesling, Lane, Lindower, Sarbach, and Snyder.
 No: 0

Mr. Sarbach moved and Mr. Lane seconded to **read by title only, the first reading of Ordinance No. 187-05.** All members voting present:
 Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder, and Foltz.
 No: 0

Ordinance No. 187-05 – First Reading

An ordinance establishing a rate for mileage reimbursement for employees of the City of North Canton, using their personal vehicles for city business, to be the same as approved by the Internal Revenue Service, and repealing any and all legislation inconsistent herewith, and declaring the same to be an emergency.

Mr. Snyder: The purpose of this is at present we're probably eight or nine cents below the Internal Revenue reimbursement plateau. And what we want to do is by going to Internal Revenue which changes at least every November possibly twice a year, we'll be able to give to the employees that use their car. The adequate reimbursement since gas is \$3.00 plus a gallon, the wear and tear on it... I think it's very minimal the amount of people that use their cars.

Mr. Lindower: Mr. President...

Mr. Snyder: Pardon?

Mr. Lindower: Could I make a statement?

Mr. Snyder: Yes sir, please.

Mr. Lindower: This Mr. Miller, in view of the fact that we're going to go to the rates that the IRS has designated. Is there some sort of control or monitoring done by the use of personal vehicles within the City by probably department heads, I would imagine through your approval?

Mr. Miller: Yes there is monitoring, bottom line is that the City vehicles are used specific to City policy. That use has to is- the gas is paid for by the City. This would be for trips that are approved by myself. It has to go through the process, money has to be appropriated, mileage has to come in, and they have to vouch for that. So there is an oversight on this process.

Mr. Lindower: Okay, thank you.

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Mr. Snyder: Any other questions?

Mrs. Herr: Jon, I'd just like to make a mention that the IRS announced that they did increase the mileage rate. Normally it's set in November. They increased it effective September 1st at 48.5 cents.

Mrs. Kiesling: Whoa.

Mr. Snyder: Ouch.

Mrs. Herr: Yea, it was originally 40.5, now it's 48.5 cents.

Mr. Snyder: And we're currently paying what 31?

Mrs. Herr: 30 cents.

Mr. Snyder: 30 cents.

Mrs. Herr: And they said that because, you know obviously this is in reaction to the gas prices and everything. And they said that their probably going to wait and set the mileage rate for next year closer to January. So... just to see what happens to gas prices.

Mr. Snyder: Gas situation...well we have very... most people use- pool cars don't they?

Mr. Miller: For the most part yes.

Mr. Snyder: We don't get much reimbursement.

Mrs. Herr: No a lot of the a- police department sometimes they will take their own vehicles. The majority of the travel and training in the City police officers.

Mr. Snyder: Any other questions?

Mr. Peters: To what Julie just said even with that increase which is kind of stunning. I mean it's still over the long haul going to save us money.

Mr. Snyder: Oh yea...

Mr. Peters: With the wear and tear and that type of thing.

Mr. Snyder: Okay.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 187-05. All members voting present:

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

No: 0

Mr. Lane moved and Mr. Peters seconded to **suspend the rules** of Ordinance No. 187-05. All members voting present:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under the suspension of the rules** Ordinance No. 187-05. All members voting present:

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

No: 0

25. Mr. Lindower moved Mr. Foltz seconded to **read by title only, the first reading** of Ordinance No. 188-05. All members voting present:

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

No: 0

Ordinance No. 188-05 – First Reading

Ordinance No. 188-05 repealing Ordinance No. 66-05, the supplemental appropriation of funds of the City of North Canton, Ohio, authorizing the transfer of same funds from the Income Tax Fund to the General Fund for the current expenses during the fiscal year ending December 31, 2005.

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Mr. Snyder: As we talked about it's the opinion of the Director of Law that this is an administrative action, to in the spirit of open, and honest, straight forward judgment, we decided to put it out and vote it up or down...

Mrs. Kiesling: Be done with it.

Mr. Snyder: That's really basically- if there's no questions on it I'll...

Mr. Foltz: 189?

Mr. Kiesling: 188.

Mr. Snyder: 188.

Mrs. Kiesling: That's CIC.

Mr. Snyder: CIC.

Mr. Foltz: I'm sorry.

Mrs. Kiesling: (inaudible)

Mr. Snyder: That's the ordinance that transferred...

Mr. Peters: 66-05.

Mr. Snyder: That's right...so an ordinance- so at this time I would call for a motion to adopt the first reading of Ordinance No. 188-05. Let me ...(inaudible) if I may, we would like this to go...(inaudible)... if you decide you're not in favor of this vote no at that time to adopt it. That's what this is, yes the adoption-so at that time if the (inaudible)... does not receive four primitive votes it'll fail.

Mr. Lane: So this is adoption vote, right?

Mr. Snyder: This is adoption of the first reading.

Mrs. Kiesling: This is to read it, first we're reading it.

Mr. D/Law Pusateri: I just read it.

Mr. Foltz: This is a motion to repeal the original ordinance.

Mrs. Kiesling: Okay.

Mr. Snyder: Right. I just needed a motion.

Mr. Peters moved and Mrs. Kiesling seconded to adopt the first reading of Ordinance No. 188-05.

All members voting present:

Yes: Kiesling and Peters.

No: Snyder, Foltz, Lane, Lindower, and Sarbach.

26. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, the first 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 – First 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: We talked about this, again that's those two private- that's those two way streets up there in the Second Ward. We really talked- the only question I have and I direct that to Administrative Miller, do we have...do we need an easement in there for a water company to hook on there?

Mr. Miller: Vacation of property automatically retains an easement- utility easement for whatever utility is located there at the time it's vacated. The one caution I have for everybody is that if we vacate in equal portions all the way up from 7th Street, that means that we can't maintain it from here on out. That means we can't pave the road, we can't plow snow on any

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portion including the portion that goes up to the driveways. So that's just a caution I want to put out there for everybody.

Mr. Snyder: Well we want to keep the portion that is a right-"a"-way- dedicated streets now, right?

Mr. Miller: My recommendation would be to keep from the north side of the northern most driveway south. So that we can maintain a presence there, and plow snow for those folks in the winter time and pave it when it needs to be paved, that type of thing. Otherwise what it'll be is a very long private driveway that's very wide.

Mrs. Kiesling: Well yea, definitely.

Mr. Snyder: Ms. Baughman is that comfortable to you? Do you understand what we are- are you comfortable with that, do you need a little more explanation?

Ms. Baughman: That's fine.

Mr. Snyder: You're more than welcome over the next couple weeks to stop in. I'm sure Mr. Miller will entertain and he'll explain in a little more depth if they're some questions that you know gives the City the right to maintain your property- the right-"a"-way in front.

Mr. Lindower: John one other thing. One thing I'd like to ask also, is there going to be some sort of restriction placed in that transfer. That, that property can be disposed of any other way by that property owner?

Mr. Snyder: I think it comes back to the City.

Mr. Pusateri: It'll revert back to the City.

Mr. Lindower: Right.

Mr. Snyder: Okay.

Mr. Peters: Well I do have a question, what's on- actually on the table I mean where those roads are paved up to that's a dedicated road. What we're talking is beyond that right?

Mr. Snyder: Right, that ten foot section.

Mr. Peters: Okay that's what I thought, so we're not talking any road at all.

Mr. Snyder: No, we have to make that clear that we're not talking about the roads. So we are able to maintain that for them and then the part that has been vacated to the City has no access or ingress.

Mr. Peters: Okay.

Mr. Sarbach: Yea, I ...(inaudible)... the Ward Councilman when this was negotiating discuss with the residents. It was an At Large Councilman Rice's suggestion to maintain that property in the City, rather than to deed it back to the individuals. And I'd like- Mayor are you comfortable with this?

Mayor Rice: Yes I think I've had those type of discussions at least, at least with Miriam. You know at the time our concern was if it was deeded to the property owners, technically one property owner could potentially sell off a piece of their property to allow a road to open up through there. So the idea at the time was if the City owned it that couldn't happen unless City Council voted to let that happen. So at that point everybody thought that was the best way to protect the property owners. To be honest with you, at this point I think it's a bit of a moot point what you do with it whether you do or you don't because houses are being built there. The developer according to their plan that they submitted and approved and are moving forward with there's going to be houses there. So there's really no way for a road to go through there anyways, and I've expressed that to some of the residents out there too. So I really don't think it matters whether the City maintains it or the property owners. If they want to maintain it now I don't see any problem with that, I mean what's the chance that they're going to tear down a \$250,000.00 home or higher to build a street through there? I don't see that happening.

Mr. Lindower: I'd talk to a - I had spoken with Mr. Dehoff about the same thing. And he said that those cul-de-sacs that are adjacent to those streets would be built on clear down to the

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end of those cul-de-sacs. So I don't have much concern over that either.

Mayor Rice: In fact at that time several years ago it was still vacant property. I think greater concern as to what could possibly happen. And somebody could try to pull a fast one and open those up.

Mr. Sarbach: What has changed that might prevent that from happening other than the topography of that northern layer,...(inaudible) has changed.

Mayor Rice: Yea, I think it's that plus the developers along to the point where their plan is in. Their plan has been approved by planning there's clearly going to be houses put there. The developer has clearly stated I think Jon would reinforce that they have absolutely no interest in doing that even though some people have continued to suggest that to them.

Mr. Sarbach: One of my concerns is that at a future date this Council or this Administration might want to cul-de-sac those streets. And we'd have to buy that property back.

Mayor Rice: Yea, I think that was looked at.

Mr. Sarbach: We got to give it to them and then we want to buy it back.

Mayor Rice: And we're not really seeing this feasible.

Mr. Snyder: Well the problem, I don't know how you physically- you physically couldn't do it the way that the development is. You couldn't if you wanted the cul-de-sac. You couldn't unless you bought land from London.

Mr. Miller: You're going to have to- if you want to put a true cul-de-sac in there you're going to have to buy property off of both sides either way. Because you got to make it round you got to make it, what is it fifty foot radius? So it just isn't going to work.

Mr. Lindower: Yea, what's that elevation about ten feet higher on the north end too... ten or twelve feet?

Mr. Snyder: You know in all honesty, I think we missed the very big point here. Even ... whether it was the right thing for us to do or not, we did it. We gave our word that we would keep our word. I mean I think at this point it's the integrity of this body that sits here. And you know anything is reversible as I said earlier. I think we owe it to these people we promised them, we gave our word and in that spirit I would hope that we would just do it and ...(inaudible) Member Foltz.

Mr. Foltz: Yea, just a- I said those same comments to Mayor back a little earlier. But as long as there's some format within this ordinance that it has to come back to us before it's sold to anybody else, I'll be in favor of it. I mean that was the old, as Greg indicated we went through that to make sure there wouldn't be egress into that development there.

Mr. Snyder: Any other comments?

Mr. Peters: Yea, I just have one comment, to the folks that live down along where that development is going to be, I mean their life is going through an upheaval now if it's the least we can do, I think it's a good thing.

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

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

No: 0

Mr. Snyder: In the spirit of ...(inaudible)... let's just move this piece of legislation right out lets suspend the rules...can I amend that and suspend the rules- I can suspend the rules at any time.

Mr. Pusateri: Like to pass it by emergency?

Mr. Snyder: Yea, and just move it out.

Mr. Pusateri: I really think we should...

Mr. Foltz: Why don't you get the language together Paul and then we'll ...

Mr. Pusateri: Three reasons...

Mr. Snyder: Okay I'll move it to the next...

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 12, 7:00 p.m. 20 05

Mr. Lane moved and Mrs. Kiesling seconded to amend to include Ordinance No. 190-05.

Mr. Snyder: 190-05 is the first one... 190-05?

Mr. Lane : Pardon me? That's the extra ordinance to pave your roads over there.

All members voting present:

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

No: 0

Mr. Lane: Now we have to get a motion to read by title only.

Mrs. Kiesling moved and Mr. Lane seconded to read by title only, the first reading of Ordinance No. 190-05.

Mayor Rice: You have to suspend the committee reports.

Mr. Snyder: I have to suspend- first we have to suspend the rule of committee minutes, the rules of committee minutes.

Mrs. Kiesling moved and Mr. Lane seconded to **suspend the rules** of the committee minutes.

All members voting present:

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

No: 0

27. Mrs. Kiesling moved and Mr. Lane seconded to **read by title only, the first reading of Ordinance No. 190-05.** All members voting present:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane, and Lindower.
No: 0

Ordinance No. 190-05 – First reading

Authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended agreement to change order, in an amount not to exceed \$25,000.00 for the 2005 Street Maintenance Program said contract authorized by Ordinance No, 133-05. It established an amount not to exceed \$212,321.00 and declaring the same to be an emergency.

Mr. Snyder: Chairman Lane.

Mr. Lane: Yea, we talked about this earlier, this is an additional \$25,000.00 to basically wrap up our paving and this will take care of Watkins and Lorrell.

Mr. Lane moved and Mrs. Kiesling seconded to adopt the first reading of Ordinance No. 190-05. All members voting present:

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

No: 0

Mr. Lane moved and Mr. Peters seconded to **suspend the rules** of Ordinance No. 190-05.

All members voting present:

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

No: 0

Mr. Lane moved and Mr. Peters seconded to **adopt under the suspension of the rules** Ordinance No. 190-05. All members voting present:

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

No: 0

Mr. Snyder: That's why everybody wants this job it's ...(inaudible) fun...we have another Ordinance? We're not going to let that one ride on the table right?

Mrs. Kiesling: We're not amending...

Mr. Snyder: So that completes that of it am I correct?

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DAYTON LEGAL BLANK, INC., FORM NO. 10149

Held Monday, September 12,

7:00 p.m. 20 05

REPORTS:

Mr. Snyder: Reports Director of Law?

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

Mr. Snyder: Thank you very much, Director of Finance?

Mrs. Herr: No report.

Mr. Snyder: Director of Administration?

Mr. D/Admin Miller: No report sir.

Mr. Snyder: Mr. Mayor?

Mayor Rice: I don't think I have a report or wait is Council considering this 191-05 that was here tonight?

Mr. Snyder: No we're letting that ride until they find out what they're going to do with that Mayor.

Mayor Rice: So it's like tabled, is it still alive?

Mr. Snyder: I don't think it was actually it was never even on the actual agenda sir, we would have had to amend it to bring it out, so there's no action at the present time on the floor.

Mrs. Kiesling: Well that wasn't even... that was modified...

Mayor Rice: So they're taking no action at the present time. Okay just wondering incase people ask. Another thing, I appreciate the change order on 190-05 and I'm sure Jon does too. Our original paving list was turned in with everybody's input back in June. After the bids came in obviously we came in well under so we added some streets to that at that rate. I think we-Administration found like five streets, three of those got done, these were the last two that did not get done and I'm sure the people over there will really appreciate that. We're happy to be able to get all the streets done that everybody identified this year. So we appreciate your support of that, that's all.

Mr. Snyder: City Engineer?

Mr. City Engineer Benekos: No report.

Mr. Snyder: Madame Clerk?

Mrs. Kalpac: No report.

Mr. Snyder: Member Foltz?

Mr. Foltz: Yea, question a resident called me about the backflow preventer inspections for the sprinkler systems. And this resident told me that this- this inspection is done spradically in neighborhoods... like it's not done certain dates. Some people might have to have inspection done in January, some people through the spring and summer. Is that the case, or is there a way that residents can work together to hire a plumber at one time to do how many they want?

Mr. Miller: They can work together. It needs to be done annually, so they can do it...

Mr. Foltz: I know it needs to be done annually. But my question is, is this neighbor going to get it done in January and then the next door neighbor having it done in July? I mean, is there some rhyme or reason to it? I know the EPA mandated this so...

Mr. Miller: The only reason it's done at different times is because they originally put their application in for the sprinkler system at different times of the year.

Mr. Foltz: So it reverts back to the app...

Mr. Miller: It reverts back to the original application. If they want to try to pull one forward so that they can do that. Maybe we could give them a little bit of lax to go forward to match theirs up with their next door neighbors, or go down the street from each other. Maybe we can get those coordinated.

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Mr. Foltz: Exactly I think that was the concern, is there any way that they can hire a plumber and just get ... they've hired a plumber and he does how many residents get together and want to pay this plumber.

Mr. Snyder: There's people that have a license by our department, our... (inaudible) Permits and Inspection. They hold a license to do that inspection. Some are plumbers some aren't. And they can hire any individual who has that license. There's a fee I think \$50.00.

Mr. Foltz: They might charge them \$40.00 to come and look at this and it's okay for the most part you know. I think they just want to say you know can this plumber come through and do ten residents if they all get together and want to pay this guy maybe save some money.

Mr. Miller: Yes, tell them- tell them to put that in writing or give us a call. And we'll try to coordinate that for them.

Mr. Foltz: And you'll try to coordinate that? Or at least get the permits right for the office work, okay that's good. Second thing, Mike I don't know if you're prepared to do it tonight, but I'm getting some calls about what's going on with the natural gas situation for our residents. And maybe we could use a refresher with everything that's been in the paper about escalating cost, where we're at with that.

Mr. Miller: Where we're at is that the graph that we've been watching since July now has had \$4.00 added to it. Since July it's going up about \$3.00 to \$4.00. Canton set their price on Friday. It was set some where around \$14.00 per thousand cubic feet for winter time. We are going to be meeting with the County tomorrow to discuss how we want to approach it. We've got a couple different options one is to wait for the gas hopefully to come back down, although it hasn't been doing that for the last month and a half. Or to let it float month by month until we can have it come back down a little bit that's something we're going to talk over with our consultant and talk over with Direct Energy because obviously they have a stake in it to try to get a point where we've got a decent price. We're looking at one of the options being, setting a price for twenty four months as opposed to just twelve. Because ironically enough gas price for January 2006 is around \$12.25 to \$12.50. I can't recall where it closed at today for January 2007 it's 10.00 and some change. So it's actually two dollars cheaper per thousand cubic feet a year from now than it is right now. So those are the options that we're looking at and we're trying to get it so that we can react and get the best price possible for the citizens that want to be part of that program.

Mr. Foltz: So you'll keep us up to date with that?

Mr. Miller: Absolutely.

Mr. Foltz: And there will be letters sent out to the residents and it's still an opt out situation.

Mr. Miller: It's still an opt out situation, although all the other options to opt out to aren't a whole heck of a lot better than what we've got. To put a perspective I think Barberton, one of the cities up north set a two year price and it was \$12.83 for a two year period of time. So the one nice thing is if we do go to a two year price that will lower the overall cost for this winter, and one of the attributes of our program is that you can get out of our program at no penalty. So that- I think that's the way we're looking right now, but again we got to talk with our partners which is Stark County and Canal Fulton and we're going to try to come up with a more reasonable solution. There isn't a reasonable solution out there right now, but a more reasonable solution.

Mr. Foltz: You thinking you guys might make a decision within next month...

Mr. Miller: I would think so yes.

Mr. Foltz: Next thirty days, okay, that's all I had, thank you.

Mr. Snyder: Thank you sir, Member Lindower?

Mr. Lindower: No report.

Mr. Snyder: Member Lane?

Mr. Lane: I heard some great comments about the orchestra. You didn't make any mention of it. I wanted to... about the orchestra...

Mrs. Kiesling: It was great.

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Mr. Snyder: Yea.

Mr. Lane: What a wonderful evening I was not able to make it, because I wanted to congratulate the Hoover Instrumental Music Association. They did their band show that night. The emcee I think was the one that really made everything happen. They were nice enough... A couple of bands showed up and they played too...

Mrs. Kiesling: I heard the...

Mr. Snyder: You want to put a little disclaimer on this?

Mr. Peters: Was that a paid gig is that what you're saying?

Mr. Lane: No, that was totally voluntary- that was my wife signed me up for it, but I really enjoyed doing it.

Mr. Foltz: Was that on Q92?

Mr. Lane: It was nice to have two events like that going on, you know you talked about initiative program we did with Walsh having the arts and music. And to have two events like that going on simultaneously, it was nice. Mike what's the latest on 50th you know they saw a little work going on over on Pacific and Skyline and Knoll...

Mr. Miller: Pacific is dedicated all the way through to Knoll. It has never been paved to Knoll.

Mr. Lane: I know.

Mr. Miller: It has basically been treated as a private driveway. It has never been opened up for public use. It probably because of the time constraints and the budget constraints won't get paid this year...

Mr. Lane: Pacific is done...

Mr. Miller: Pacific to the north...

Mr. Lane: Oh to the north... yea, yea.

Mr. Miller: Pacific to the south has been paved.

Mr. Lane: No I was asking about 50th. I knew what you were talking about with the other... have we got a word from Canton yet?

Mr. Miller: Oh 50th- 50th is supposed to be paid by the City of Canton, it's price was \$28.75 per ton. Ours was higher. I will check with them again tomorrow to see where that stands.

Mr. Lane: Okay, yea people saw some work over there and they just called over the weekend to find out when they were up. And I said I know it's going to be done but it's not our time table unfortunately... so thank you.

Mr. Snyder: Member Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: (inaudible) Peters?

Mr. Peters: No report.

Mr. Snyder: Member Sarbach?

Mr. Sarbach: Yea, I just want to act on the Pops. I went all... (inaudible)... and they had real good attendance and did a real nice job. But speaking for my constituents Mike the administration for continuing his efforts, it was a very, very nice project... that's all.

Mr. Snyder: I noticed that we did get an e-mail from a constituent of mine relative to some flooding. I did speak to the Director of Administration and he explained to me how that happened, and I'll be following up on that tomorrow...(inaudible)...In case you're wondering about that e-mail I did speak to her yesterday, but there were some extenuating circumstances that caused her problems-but we'll address those...

Mr. Miller: If it's the one I'm thinking about yes.

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FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Final call for business, Mrs. Garcia?

Mrs. Garcia: Yes , I wanted- I wanted to ask you about this number sixteen, the Dehoff building thing. My paper doesn't say anything, last week you said 50% .

Mr. Snyder: 50%.

Ms. Garcia: It's not on here. And it doesn't say eight years either.

Mr. Snyder: Well that's what it is 50%

Mrs. Kiesling: It's in our...it's in our actual long piece of legislation.

Mr. Snyder: It's twelve years... that's the maximum the state will allow.

Ms. Garcia: It's twelve years... okay, that what you passed is 50% in twelve years, okay just checking.

Mrs. Kiesling: Yes.

Mr. Snyder: I appreciate that, that's sometimes difficult. Anyone else wishing to speak? Anyone in Council? If not may I have a motion to adjourn?

Mr. Foltz moved and Mr. Lane seconded to **adjourn** the Council meeting. All members voting present:

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

No: 0

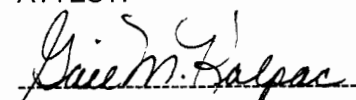
ADJOURN:

The meeting adjourned at 8:26 p.m.



PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL