

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

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.