

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 26, 7:00 p.m. 05
20

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Eli Kingensmith, Zion United Church of Christ.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Committee meeting held September 12, 2005.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 19, 2005.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held September 19, 2005.

Park & Recreation Committee: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held September 19, 2005.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held September 19, 2005.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meetings held September 12 and 19, 2005.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held September 19, 2005.

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

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

6. Consideration

Consideration of the Mayor's Court Receipts: August, 2005

Mr. Sarbach moved and Mrs. Kiesling seconded to approve the mayor's court receipts as presented. All members present voting:

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

7. Recognition of Visitors

Mr. Snyder: Is there anyone in the audience

Chuck Osborne: My name's Chuck Osborne 307 Fairview Street SE North Canton, Ohio. Approximately two weeks ago, I received a phone call from a city resident who asked me why the City of North Canton was expending public dollars to pave a private drive, specifically Pacific Avenue, SE. The city resident proceeded to tell me that he had asked this same question of city officials in 1993 when this private drive was previously paved by the city. The response this resident was given in 1993 for the paving of a private drive using public funds was that the city had goofed. A few weeks ago as the resident observed the paving of Pacific Avenue, SE for the second time; he asked me if this was another "goof" on the part of the city. The resident who called me owns a lot on the undeveloped portion of Pacific Avenue. Yes, a significant portion of this street is not built even though city maps show this as a through street. A visit to Pacific Avenue, SE would prompt anyone to question the validity of Pacific's designation as a dedicated street.

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A conversation with a resident on the north end of Pacific Avenue, on the corner of Knoll revealed that he too knew Pacific Avenue was not a dedicated city street. My question is this, Why do city residents know more about the status of this private drive than city officials? My research at the Stark County map office as well as records on file at the North Canton City Council office show that efforts to dedicate Pacific Avenue in 1993 fizzled out. Efforts to dedicate Pacific Avenue died for a reason and that is quite apparent with a visit to this secluded private drive. It obviously could not be justified. The private drive is not wide enough to meet the city's subdivision regulations for a residential street. This was clear to city officials in 1993, as the historical documents clearly spell out. This should ring loud and clear today as well. It is the same secluded private drive. I would like to know why the Ward 3 Councilman put this private drive on the city's paving list. As I stated earlier, a quick visit to Pacific Avenue should raise red flags on the validity of Pacific's designation as a city street. Where was the North Canton Engineering Department in this? Where was the City Administrator? Where was the mayor? Did anyone really care? Does the fact that there is an election in a few months figure into this equation for the ward councilman and the administration? It is admirable that the Ward 3 Councilman can get things done for his constituents, but one must operate within the bounds of the law. And just as important, one must do what is fair for residents throughout the City of North Canton. Not just what you can get away with in your ward when you are in good graces of the administration. I was appalled last week that anyone on this council or any city official would consider a change in the status of Pacific Avenue from a private drive to a public street or even an alley. Changing the status of Pacific Avenue to a designated city street or alley is a major shift in policy. And is simply not fair to residents who live on streets that present much less financial liability to the city and are much more deserving of city services, and yet receive nothing for the taxes they pay to the City of North Canton. I have seen several situations throughout the city where residents living on streets that substantially meet requirements for a city street and are much more deserving of city services, but were turned down when they requested snow removal services. One such street, Sherbrook Circle comes to mind. It was built in the early 1990s and serves 36 condos, home to mostly older citizens. Sherbrook Circle has a street width of over 29 feet that's (inside curb to inside curb). This is five feet wider than the street I live on. My street, with a width of slightly over 24 feet (inside curb to inside curb) enjoys street maintenance and snow removal. Sherbrook Circle, at over 29 feet, and built to meet city codes is denied street maintenance and snow removal. Pacific Avenue only has a right of way of twenty feet. The most recent paving of asphalt is a fifteen foot wide band of asphalt which is about all this secluded private road can accommodate. Pacific Avenue in no stretch of anyone's imagination comes close to meeting the requirements of a city street. Is any of this fair? The paving of Pacific Avenue was a violation of state law because taxpayer monies were used to maintain private property. But more importantly, it was unfair to other city residents. To now change the legal status of Pacific Avenue to a street or an alley to cover up years of unlawful preferential treatment will leave the city with no choice but to provide similar treatment and services for other residents throughout the city who live on undedicated roadways. Compliance with Ohio State Statutes ensures that taxpayer funds are spent fairly, and that taxpayers are treated fairly. The expenditure of public monies must comply with the laws of Ohio. The distribution of city services must be consistent and fair to all the residents of the City of North Canton. Thank you.

Mr. Snyder: Is there anyone else in the audience wishing to speak to the Council this evening?

OLD BUSINESS:

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

Ordinance No. 166-05 – 3rd 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: Chairperson Kiesling.

Mrs. Kiesling: Yes, this is just out. It states, the third reading, designating our new E.D. director. Eric Bowles as our C.O. A housing officer, and relieving Julie Herr from her duties.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the third reading** of Ordinance No. 166-05. All members voting present:

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

No: 0

9. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 167-05. All members voting present:

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

No: 0

Ordinance No. 167-05 – Third Reading

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

Mr. Snyder: Chairperson Kiesling.

Mrs. Kiesling: Yes, this is just the final reading of us accepting the annexation on East Maple.

Mrs. Kiesling moved and Mr. Sarbach seconded to **adopt the third reading** of Ordinance No. 167-05. All members voting present:

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

No: 0

10. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 169-05. All members voting present:

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

No: 0

Ordinance No. 169-05 – Third 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 was a housekeeping matter brought to us by the administration. And it effectively reduces the cost of a repair, or a repair is treated as a repair and not as a new permit. And at \$500.00- and the repair would be a \$50.00 permit.

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

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

No: 0

11. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 171-05. All members voting present:

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

No: 0

Ordinance No. 171-05 – Third 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, this third reading as it states, authorizing the city to adopt and utilize the National Incident Management System for incident management – City of North Canton. I think with some of the previous news that we've seen on t.v. over the last couple months it's pretty critical that we get involved in an issue like this.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 26, 7:00 p.m., 20 05

Mr. Lindower moved and Mr. Foltz seconded to **adopt the third reading** of Ordinance No. 171-05.

All members voting present:

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

No: 0

12. Mr. Sarbach moved Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 173-05. All members voting present:
Yes: Peters, Sarbach, Snyder, Kiesling, Lane, and Lindower.
No: Foltz

Ordinance No. 173-05 – Third 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: This grant is not going to be utilized at this time. It's best that we return it and let it be applied by some other entity that is going to use it. Due to opinion we felt that budgetary constraints would not allow us to use it at such. Any questions?

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

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

No: Foltz

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

Ordinance No. 180-05 – Second 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: ...(inaudible)...

Mrs. Kiesling: ...(inaudible)... the Dent/East Maple Annexation to the city. I motion we accept.

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

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

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

Ordinance No. 181-05 – Second 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: Yea, this is improvements at the Fairways I believe it's a retention basin. And it's the engineering for that, and I believe that these funds are to come out of the contract with that vendor.

Mr. Miller: That- that is the plan at this point in time. Yes, that he would pay for the engineering and some of that money also would be set aside then for the actual construction down the line.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 26, 7:00 p.m. 20 05

Mr. Sarbach: What portion is \$29,000.00 in that agreement?

Mr. Miller: All of it. All twenty nine.

Mr. Sarbach: No I mean, how much – how much does this use up the total?

Mr. Miller: It's \$50,000.00 a year.

Mr. Snyder: Fifty thousand.

Mr. Sarbach: Okay, very good. I move- we –does anybody have any questions on that?

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

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

No: 0

15. Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, second reading of** Ordinance No. 186-05. All members voting present:

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

No: 0

Ordinance No. 186-05 – Second 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: Again, this is probably, I believe the fourth or fifth year that we've done this successfully. And the program as you know, we have about 24-25% in participation curbside recycling. Highest in this general area, plus the leaf pickup, which we're coming into season in the not to distant future. Which helps fund those bags that the city passes out. So that's what that's all about. Are there any questions to that?

Mr. Foltz moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 186-05. All members voting present:

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

No: 0

Mr. Peters moved and Mr. Foltz seconded to **amend** Ordinance No. 189-05. All members voting present:

Yes: Sarbach, Snyder, Foltz, Kiesling...

Mrs. Kiesling: What are we amending? What am I voting on?

Mr. Snyder: Bulldozers were down... (inaudible)... It says in equal portion. In order for the city to be able to have snow removal and maintain this right-"a"- way on the streets.

Mr. Pusateri: It says in equal portions.

Mrs. Kiesling: Oh is that the new part, in equal portions?

Mr. Snyder: We cannot divide it equally. The portion- a very small portion will remain. The street portion will remain the property of the city. That just allows the city- that we don't get in a quagmire and not have ability to approach our streets. The actual land that's there will go equally to – that's left, but a little piece will be slivered out and it'll remain the property of the city. I apologize ...(inaudible)... I didn't mean to cause your heart to twitter there for a moment.

Mrs. Kiesling: That's all right. Yes.

16. Mr. Lane moved and Mr. Peters seconded to read **as amended** Ordinance No. 189-05. All members voting present:

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

No: 0

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Ordinance No. 189-05 – Second 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.

Mr. Snyder: Again this is something that we've talked about many times. We're under contractual obligation with the township and the developers. We promised the owners and the constituency in that area that we would not open that up. At this point we feel it's in the best interest of the constituency if we do in fact dedicate it back to them. Any questions?

Mr. Foltz moved and Mr. Peters seconded to **adopt the second reading** of Ordinance No. 189-05. All members voting present:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach, and Snyder.
No: 0

NEW BUSINESS:

17. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 191-05. All members voting present:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
No: 0

Ordinance No. 191-05 - First Reading

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids according to specifications now on file in the office of the Director of Administration, and for the Mayor of the City of North Canton to be authorized, through the Board of Control, to enter into a contract for the plumbing and masonry work for the spray playground at Dogwood Pool, and declaring the same to be an emergency.

Mr. Snyder: Chairman Foltz.

Mr. Foltz: Yes this is for our spray playground area, which is the wading pool now. And we'd like to get this done as soon as possible on emergency. We're hoping to expend less than \$65,000.00 to do the masonry work, and concrete some of the plumbing work so we're ready to go next spring for different features we can buy for it. So I make a motion we pass this onward.

Mr. Sarbach: I- question...

Mr. Foltz: Question here?

Mr. Sarbach: Yea, what- what's the total cost of this? I know some of it's going to be this year and some of it's going to be next year.

Mr. Foltz: I think we're looking at sixty five this year if the bids come in right. And Mike we look at another twenty five grand?

Mr. Miller: Up to \$25,000.00 next year.

Mr. Foltz: For just the additional spray feature that we will install in that area. This is just to get the ...(inaudible)... mechanics in order for us to use.

Mr. Sarbach: Okay. And you don't anticipate any overage from that?

Mr. Foltz: No. I don't right now. Not unless the bids come in over sixty five, which I hope they won't.

Mr. Sarbach: At this point- at this point. From reading the minutes of the Park Board they thought it will cost more, that's why I was curious.

Mrs. Kiesling: Well It will cost more for rest of the fixtures...(inaudible)... twenty five thousand.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mr. Foltz: Well the rest of the fixtures. Which will be on next years appropriation...

Mr. Sarbach: Yea, that's in – that's in the twenty five thousand for next year.

Mr. Foltz: Just to give you guys- I did a little homework on different splash park areas in northeast Ohio. Some locations are spending any where from 200- \$250,000.00 on these. You know they might be bigger. But this is a nice fit for what we have here at Dogwood Pool. It's just a big enough area that we can get started with it. So there's one for three hundred thousand, here in Medina. So they might be bigger but...

Mr. Sarbach: To build those from scratch.

Mr. Foltz: Yea, they're building it from scratch. We already have something in place where we could...

Mr. Sarbach: We'll modify, we'll modify the wade pool.

Mr. Foltz: Absolutely. Any other questions on Council? With that I make a recommendation we pass this on emergency.

Mr. Foltz moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 191-05. All members voting present:

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

No: 0

Mr. Foltz moved and Mr. Peters seconded to **suspend the rules** of Ordinance No. 191-05. All members voting present:

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

No: 0

Mr. Foltz moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 191-05. All members voting present:

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

No: 0

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

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

No: 0

Ordinance No. 192-05 – First Reading

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

Mr. Snyder: Chairman Lane.

Mr. Lane: This is the Pittsburgh/Applegrove area that we recently annexed. And what this does is it formalizes really an existing cooperative agreement that we have right now. Am I saying that right Mike?

Mr. Miller: That's correct.

Mr. Lane: So when you get involved in plowing we don't have to stop right exactly at the county line. And vice versa they can help us out in that general area.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 192-05.

Mr. Miller: One- one quick comment...

Mr. Lane: Yes sir.

Mr. Miller: We are adding a portion that – on Pittsburgh Road where we're annexing north of Applegrove. So that's one thing that's changed, but the rest of them are basically the existing agreement between us and the County.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

No: 0

19. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance

No. 193-05. All members voting present:

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

No: 0

Ordinance No. 193-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Pipeline Occupancy Agreement by and between the City of North Canton and the METRO Regional Transit Authority to construct, use and maintain a twenty-four (24) inch pipeline solely for the transmission of potable water, and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: We're selling water to the airport and we need to get the water out there. So we need to go under the railroad tracks. And for that, we need this agreement with the METRO Regional Transit Authority in order to do that.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 193-05. All members voting present:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** of Ordinance No. 193-05.

All members voting present:

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

No: 0

Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules of** Ordinance No. 193-05. All members voting present:

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

No: 0

Mr. Sarbach moved and Mr. Foltz seconded to **read by title only, first reading of** Ordinance No. 194-05. All members voting present:

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

No: 0

Ordinance No. 194-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement by and between the City of North Canton and the City of Canton for the purpose of providing legal representation by the City of Canton through its Law Department and Prosecutor's Office with regard to the prosecution of criminal cases and other related matters as provided for therein in the Canton Municipal Court, and declaring the same to be an emergency.

Mr. Snyder: This contract is due and this – they do as Chief Lindower told you provide an invaluable service to the police department. In opinion and warrant issuing- or excuse me, illegal search warrant issuing and so forth to they need as well as prosecution of the cases that are referred to the Municipal Court. Cost that I believe was \$30,000.00 for a two year period. Up slightly, but again, with the cost in today's market it's very reasonable.

Mr. Lindower: Usage is up quite a bit there.

Mr. Snyder: Yea, and it continues- if they do a nice job and work hand and glove with our own Law Department and Police Department. Any questions on that?

Mr. Lindower moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 194-05. All members voting present:

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

No: 0

Mrs. Kiesling moved Mr. Peters seconded to **suspend the rules** of Ordinance No. 194-05. All members voting present:

RECORD OF PROCEEDINGS

Minutes of

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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

Mr. Peters moved and Mr. Lindower seconded to **adopt under suspension the rules** of Ordinance No. 194-05. All members voting present:
Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach, and Snyder.
No: 0

21. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 195-05. All members voting present:
Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder, and Foltz.
No: 0

Ordinance No. 195-05 – First Reading

An ordinance authorizing the Mayor of the City of North Canton, Ohio, through the Board of Control, to enter into a contract by and between the City of North Canton and the Stark County Public Defender Commission for the purpose of providing legal counsel to indigent persons in Canton Municipal Court, and declaring the same to be an emergency.

Mr. Snyder: Moving across the aisle – the aisle I worked for the Prosecutors Office. We do have to by law provide counsel to indigent citizens. I think the figure in the 06 budget is around \$1500.00 if I recall. The budget came out of Law Department rejected it...(inaudible)...

Mrs. Herr: Was it thousand or fifteen hundred?

Mr. Snyder: It was- I think it was bumped a little bit. I did see a note on that. Thousand – fifteen hundred. But again I think we've –we've not provided for a couple years... had reason to provide counsel. But we have that capability and that's what that's for.

Mr. Lindower moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 195-05. All members voting present:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz, and Kiesling.
No: 0

Mr. Foltz moved Mrs. Kiesling seconded to **suspend the rules** of Ordinance No. 195-05. All members voting present:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling, and Lane.
No: 0

Mr. Peters moved and Mr. Foltz seconded to **adopt under the suspension of the rules** Ordinance No. 195-05. All members voting present:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane, and Lindower.
No: 0

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

Ordinance No. 196-05 – First Reading

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

Mr. Snyder: These are the people that do cleaning at City Hall and a couple other places I think. And we're just getting ready as you see. We'll go through three readings and allow the Mayor to bid that out and see what happens. Any questions?

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

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 26,

7:00 p.m. 20 05

23. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 197-05. All members voting present:
 Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach, and Snyder.
 No: 0

Ordinance No. 197-05 - First Reading

An ordinance amending Ordinance No. 176-05, specifically changing the location for the South Main Street Project from Rose Lane Street SW to Maplecrest Street SW, to Easthill to Rose Lane, and repealing any and all legislation inconsistent herewith, and declaring the same to be and emergency.

Mr. Snyder: We did have a little mix up on what we were doing there, which section of South Main. But we went ahead and I think submitted our proper forms. And yet we're now adopting the change in the actual legislation. So it would be consistent with what the application read. Any question?

Mr. Sarbach: This won't have any effect on the bids that we've already received?

Mr. Snyder: I don't think – I think it just- it's a housekeeping matter that we did inadvertently. We submitted everything on the proper- but this just makes it – clean it up. We'll use that word. Makes it consistent with the proper application, so they'll be no question as to what we're doing.

Mr. Lane moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 197-05. 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 Ordinance No. 197-05. All members voting present:
 Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz, and Kiesling.
 No: 0

Mr. Snyder: And as much as they'll be considering our grant application here very shortly. We want to pass this on emergency so that there would be no question. Should they want to see proper documentation supporting our application.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** of Ordinance No. 197-05. All members voting present:
 Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling, and Lane.
 No: 0

Mr. Snyder: Chairman Lindower, with your permission sir, I'd like to amend Ordinance No. 198-05 to read retroactive to August 1st, 2005. As well sir, to put in an emergency clause. In as much as a the particular inspector has already performed some duties. And we'd be prohibited from receiving his pay should we do otherwise. In the spirit of, he did the work we owe him we'd like to do that. I have no problems...(inaudible)...

Mr. Lindower: I'm aware of that and I move that you – that we amend this Ordinance.

Mr. Snyder: I appreciate that thank you.

Mr. Sarbach: Is there any ...(inaudible)... in the Ordinance? I mean this- this is forever?

Mr. Snyder: No I think he's at - strictly at the call of the billing department. Is he not Mr. Miller?

Mr. Miller: That's correct. This is on an as needed basis just as we have for the engineering department. The need for this one is quite a bit less than what we have for engineering. Because of the projects that are ongoing in the Engineering Department. But there from time to time somebody goes on vacation. Something comes up that we need to have somebody that's available to come in and do the inspections.

Mr. Snyder: In this particular- I understand that this particular gentleman as a former employee of the city.

Mr. Sarbach: Well that- that was my thought. He's not- we're not always going to be having that particular gentleman in this...

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 26, 7:00 p.m. 20 05

Mr. Snyder: Not necessarily.

Mr. Sarbach: ...(inaudible)... can be anybody that's qualified at a later date.

Mr. Miller: It's not for a person, it's for a position so to speak. So if that person isn't available somebody with equal qualifications is going to have to fill his shoes.

Mr. Sarbach: Okay, I understand.

Mr. Lindower: He has worked – he has worked for the city in the past for several years, and is familiar with the city operation and the general area of the city. So I think he would be a good candidate.

Mr. Sarbach: What I'm getting at Member Lindower, is this ordinance doesn't specifically refer to that individual. This ordinance is in perpetuity where this individual may be with us for two or three years. That was my comment sir. I could split this.

Mr. Lindower: Right , right – just the position- right- okay.

Mr. Snyder: Call the role please.

All members voting present:

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

No: 0

Mr. Snyder: Now may I have the motion to read by title only...

Mr. Sarbach: You put an emergency clause on that. Do you want us to suspend the rules?

Mr. Snyder: I have to first read it as amended.

Mr. Sarbach: Okay.

24. Mr. Peters moved and Mr. Lindower seconded to read as **amended** Ordinance No.198-05. All members voting present:

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

No: 0

Ordinance No. 198-05 – First Reading

Ordinance No. 198-05 amending Ordinance No. 45-99, as amended, to provide for the additional part-time classification of Building Inspector and a hourly rate of compensation for the position of part-time Building Inspector and declaring the same to be an emergency.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yes, as Mr. Snyder stated, by amending this ordinance and permitting a back pay, to clarify for Mr. Sarbach a little better. The ordinance does deal strictly with the position. However it has – the position has been used- current- or in the past I should say, by and individual who- I stated before is familiar with the city and the inspection process.

Mr. Lindower moved and Mrs. Kiesling seconded to **amend** Ordinance No. 198-05.

Mr. Sarbach: In the retroactive clause, is somewhere else other than in the title?

Mr. Pusateri: Yea, it's the last paragraph. If you look where it says when the ordinance takes an effect.

Mr. Sarbach: Okay, thank you.

Mr. Pusateri: Yea.

All members voting present:

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

No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 26,

7:00 p.m.

20

05

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** of Ordinance No. 198-05. All members voting present:

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

No: 0

Mr. Foltz moved and Mrs. Kiesling seconded to **adopt under suspension of the rule** Ordinance No. 198-05. All members voting present:

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

No: 0

REPORTS:

Mr. Snyder: Director of Law any report?

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

Mr. Snyder: Director of Finance?

Mrs. Herr: Yes, I just wanted to make mention that our 2004 Annual Financial Report is completed and ready to be released. If any Council member would like a copy I can give you one. Otherwise it is on our website. So anyone public wise can view it on our website. But I do have hard copies if any Council member would want one. That's all.

Mr. Snyder: Thank you very much. I appreciate that. Director of Administration Miller?

Mr. Miller: Nothing this evening.

Mr. Snyder: Mr. Mayor?

Mayor Rice: No report.

Mr. Snyder; Thank you. Mr. Engineer?

Mr. Benekos: No report.

Mr. Snyder: Madame Clerk?

Mrs. Kalpac: No report.

Mr. Snyder: Member Foltz?

Mr. Foltz: No report.

Mr. Snyder: Member Lindower?

Mr. Lindower: No report.

Mr. Snyder: Member Lane?

Mr. Lane: Nada.

Mr. Snyder: Is this election time... I thought maybe it was... Member Kiesling?

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters?

Mr. Peters: No report.

Mr. Snyder: Member Sarbach?

Mr. Sarbach: No report.

Mr. Snyder: Well I do have a couple of things...

Mr. Sarbach: You got a lot of time now.

Mrs. Kiesling: Of course you do.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 26,

7:00 p.m. 20 05

Mr. Snyder: Do you want me to tell you my name before... (inaudible)... excuse me. I did receive a letter addressed to myself and to all of Council from Chief of Fire Safety Prevention Bacon. That on October 10th from 6:30 – 8:30 and Wednesday- that's a Monday- from Wednesday October 12th 6:30 – 8:30 they do have open house. And again all of the safety providers in an informal setting will be there. And they do appreciate when Council comes over and sees them. They're able to show off and those men do a great- those men and women do a great job over there, and we have to go over. So if you have a little chance either before Council or after Council on the 10th by all means, please. And I'm sure the invitation will go- it's extended to them but the administration will be there. They like to be part of that but...

Mr. Sarbach: We not only have the best firefighters, they have the best cookies.

Mr. Snyder: They do have the best cookies. And then on one note I do appreciate the Council and the Administration the paving of Lorrell and Watkins. I appreciate that- finishing that up, when I know money was tight there. Mayor, I appreciate your efforts on that. And to your committee Doug I appreciate that. And that's all I have to say on that.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there a final call for business? Anybody wishing to speak to the Council... Sir?

Craig Monastra: Craig Monastra, 185 Creekside Circle NE, North Canton. Basically I just wanted to mention a few things. I have a major concern with the traffic that is currently on Marquardt Street, which is on my back yard. As most of you probably know it's a 25mph speed limit. No stop signs throughout that whole north – south run and you come down Plain Township heading south, you go from 35 to 25, right at Seventh Street. And typically no one stops. I have sought help from the Administration, Mr. Miller. And he's actually done helped- helped the situation. Added more police patrols, added one sign warning that the reduction of the speed limit's 25. And also the temporary radar has been placed out there. I think four or five times, but unfortunately the patrols- they can't stay there seven days a week, twenty four hours a day. And unfortunately, no one seems to want to obey that speed limit. That's why I had a concern with the permanent vacating of Weber and Briar. Because more traffic will be added to that north- south run. So I request that someone- the Council look into doing maybe a traffic study, or some type of solution to permanently fix, or at least try to correct the problem of the speeding that's on that 25 mile an hour street. I know that you're talking about putting a walking trail or an entrance right there at 7th Street and Marquardt. But if you do that, than basically you're creating a hazardous situation with all the speeders in that area. So basically I just request that something be done to control that traffic before someone gets hurt. Or the property values and everything else start falling. Thank you.

Mr. Snyder: Mr. Monastra, have you contacted Chief Grimes in regards to a traffic survey?

Mr. Monastra: Well I talked to him about stop signs and other recommendations. It was the same time I talked to you in May actually. I talked to Mr. Grimes- Chief Grimes and he actually put the temporary radar sign out there the very first time. And then I started dealing with Mr. Miller and he's been very helpful as I said. I actually met him in person the first time that they...

Mr. Lindower: What I had in – what I had in mind on that, is you're talking about a temporary radar unit. That speed monitoring radar awareness trailer that they use out there. It's got the capability of not only recording not only the traffic count, but the average speed as well as the time of day that- that speed is the highest.

Mr. Miller: That's been done.

Mr. Lindower: That's been done?

Mr. Miller: Yes.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 26,

7:00 p.m. 20 05

Mr. Lindower: And that's what I say if you want to go over that with Chief Grimes maybe he can give you some idea... or if you have a particular problem at a certain time of the day or afternoon- if you advise him on that too. Generally what we tried to do is, do a 24 hour survey on that. Leave that unit there for 24 hours. That way we have the peak traffic count during the week, or even on a weekend. Which ever happens to be the heaviest.

Mr. Miller: We- we did something else, hopefully it doesn't appear in the newspaper. But we had it out there for about three or four days that it appeared to be turned off. It wasn't showing people what their speed was, but it was recording their speed. So we have those figures as well.

Mr. Lindower: It has the capability of doing that. And there's nothing wrong with doing that because it isn't used for enforcement. So there's no problem with it.

Mr. Monastra: Well unfortunately, when the city just repaired the south side of Marquardt and paved it- and you warned me this would happen. People now have a faster approach getting to my house. Coming from where the churches are - I mean the streets wide and really it's just a non stop cut through. And unfortunately there's not many streets that go north and south in the city. I mean everything seems to be dead ending these days. So I...

Mr. Lindower: That would hold the detours that we've got set up around town.

Mr. Monastra: Well I don't know, maybe you can vacate my street. Or something along those lines for the good of the cause. Basically I just request that something be looked at before it gets to serious. Two weeks ago, Mr. Snyder made a comment that possibly an interest in the sanctuary would be added to Marquardt. But you know that'll make it ten times worse. So and I know they've been writing a lot of tickets out there. And actually through August 7th you surpassed or equaled all of 2004 with tickets so...

Mr. Miller: I'll have to check. But I think you're probably right...

Mr. Monastra: I got the letter.

Mr. Miller: And today we were out there looking at a drainage problem. And when we came in from Plain Township into the city we actually got to follow a police cruiser that was parked at 7th Street and turned south onto Marquardt. So they're still out there.

Mr. Monastra: Right, well and people don't even stop for the cruisers half of the time. I sit there and I watch, people fly by and I mean it's ridiculous. And my concern is the school bus picks up both of my children- two different times there. And day three had someone running the red. So I actually saw Mr. Miller in his office that day because I was so mad about that. And like I said, the administration's been helping but something needs to be done to slow and curtail that traffic. Thank you.

Mr. Peters: Craig if I may, you don't have to stand up there. I just want to as Michael. Once that walking path is through there, I know we can't put a stop sign up just to slow traffic down. But once the walking path is going through there, would we have legitimate cause to put a stop sign there? Especially since they're driving up to 25mph?

Mr. Miller: That's something we'll have to look at as we design that. And one of the things we've talked about is actually trying to get it under the road as opposed to above the road. And widen out that- that culvert. Because that culvert is in a condition where probably in the next four or five years it's going to have to be replaced. So if we go back with a boxed culvert that's wide enough, we may be able to get the pedestrian traffic under ... (inaudible)... Yea, we'll look at all the options that we have. But obviously we got to follow the Ohio Manual of Uniform Traffic Control Devices in putting up traffic control. Otherwise we put the city in a liability situation.

Mr. Sarbach: Mike what are the ramifications or the possibility of upgrading that Smart 300 with a digital camera and using it for enforcement?

Mr. Lindower: You can't do that it's illegal.

Mr. Peters: You can't do it...

Mr. Sarbach: That's why I asked.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 26,

7:00 p.m. 20 05

Mr. Peters: It is?

Mrs. Kiesling: They do it ...(inaudible)...

Mr. Lindower: You can't use it for enforcement unless that radar unit is manned by an officer... simple.

Mrs. Kiesling: In the state of Ohio you mean?

Mr. Sarbach: In Ohio? In the state of Ohio at this time? Okay.

Mr. Lindower: State of Ohio- it's state law. Yea, we've got a lot of state laws that we want to get changed.

Mr. Miller: We've talked about some other ways- Mr. Monastra's pointed out and it is in effect that if you have the trailer out there or the cars out there, people tend to slow down. And then once it's gone they speed up. So we're trying to find some more out of the box ways to get out there and do radaring that the cars not as visible or the trailers not visible. And we're also looking at some other things as far as augmenting the speed trailer. And coming up with one of the smaller ones that tells your speed that you can move from location to location where we have- you know a lot of complaints about the speed. And we can put that out there. So we're looking at some things to combat this.

Mr. Sarbach: Thank you.

Mr. Snyder: Okay, any one else? Members of Council? If not I'll entertain a motion to adjourn.

ADJOURN:

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

The meeting adjourned at 7:54 p.m.

All members voting present:

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

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL