

3548
RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 25, 7:00 p.m. 20 03

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 President of Council Jon Snyder.
- 3. All present recited the Pledge of Allegiance.

Mr. Snyder: Madam Clerk, please call the roll.

ROLL CALL:

- 4. The following members of council responded to roll call: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder. Also present were: Mayor Rice, Director of Administration Held, Director of Law Batista, Assistant Director of Law Treadon, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

Mr. Snyder: May I have a motion to excuse Member McLaughlin.

Mrs. Kiesling moved and Mr. Foltz seconded to excuse the absence of Member McLaughlin.
All members present voting:
Yes: Kiesling, Lindower, Magel, Osborne, Snyder and Foltz.
No: 0

Mr. Snyder: Thank you.

- 5. Consideration

Consideration of Minutes of Public Hearing: 7/7/03
Consideration of Minutes of Council Meeting: 7/14/03
Consideration of Minutes of Special Council Meeting: 8/1/03
Consideration of Financial Statement: July, 2003
Consideration of Mayor's Court Receipts: June & July, 2003

Mrs. Kiesling moved and Mr. Foltz seconded to approve the minutes of the public hearing, minutes of the council meeting, minutes of the special council meeting, the financial statement and mayor's court receipts as presented. All members present voting:
Yes: Lindower, Magel, Osborne, Snyder, Foltz and Kiesling.
No: 0

- 6. Committee Reports

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held August 6 and 18, 2003.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held August 18, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meetings held July 14 and August 18, 2003.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held August 18, 2003.

Mrs. Magel moved and Mr. Lindower seconded to approve the committee report minutes as presented. All members present voting:
Yes: Magel, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

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

Richard Dowding. I'm Richard Dowding. I live at 256 Hume Street NE, North Canton. The thing I'm coming to ask - talk to you about tonight is if the city could have some kind of a program of picking up leaves. If they could be raked down to the street at the properties and picked up by the suction machines. In the last month I've had three neighbors cut down six beautiful maple trees within two blocks of where I live. And I haven't talked to all of them, but I've talked to a couple of them and one of the main concerns is getting tired of handling the leaves every year. It's pretty expensive if you hire somebody to do it and it's almost impossible somebody my age to pick them up and bag them. I know you had a program last year where you could buy special bags and they were picked up separately, but that's pretty expensive, even buying the bags is

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not cheap, but picking them up and putting them in the bags is pretty difficult for many of us. I've talked to Warstler, they have their own landscaping company, they pick them up in Hills and Dales and they have one suction machine to do that. They would be interested in entering into some kind of an agreement with the city if they could have it for like three years, cause it means buying another suction machine and those come about \$30,000.00 a piece. So I would ask and I know this has been brought up here before, suggestions have been made, but nothing ever seems to happen. And I think if you've got four million bucks to spend on a golf course, you ought to be able to find a few thousand to help the citizens pick up the leaves. Also, want to make just a quick comment about people that had sewer problems and water in their basement. Never had a personal experience with that, but I talked to a granddaughter in Columbus that had it in the first time in their neighborhood in 28 years. I think this is what they should - what that rain storm was should be called a 1,000 a 100 year rain storm and I think a community should plan for that. Have a daughter in California that is in the construction business and they were putting in a new golf course at a development and part of the requirements that they had to meet was to make sure that the drainage would take care of the 100 year rain. And it was expensive and it didn't seem to be very important at the time, but when you get a terrible rain storm like we did, I think you should have something like that. And I think council when you're looking at things and doing your business you should look ahead and see if you can't take care of things in such a way that when something like that happens that it isn't so costly to individuals. Thank you very much.

Mr. Snyder: Is anyone else wishing to speak to the council? Mr. Fano...

Dick Fano: Thank you. My name is Dick Fano. I live 1382 Elmwood SW in North Canton. Most of you know why I'm here. And a - I own the Hobby Shop on 9th and North Main and with this big rain that we had I had human waste in my basement six inches deep. And I think it's time now for council to put aside some of this little stuff that you're talking about to make yourself look good and do something for the business in town. I've been in business there for almost 20 years and I've been fighting this issue for 14 years. Now that night if an employee of my daughter's across the street didn't call and say that 9th Street was flooded, who knows how tall that waste would of got in my basement. Soon as I found out I went there, opened the door and I smelled the sewage. And I had nothing but sneakers on and no socks and I waded around in six inches of human waste to pick up electric wires and stuff and try and stop the sewage from coming in and doing any more damage than it did. Now I think 14 years is long enough. I talked on January the 13th and Kathy Magel asked me how often this happens. Well it happened in seven months and that's too many times.

Mrs. Magel: I understand and that's why I don't like this 100 year rain ...

Mr. Fano: I don't want to hear about a 100 year rain.

Mrs. Magel: that we keep hearing. I know, neither do - I understand that.

Mr. Fano: I have a little scenario here of what happened that night and I'm going to just pick out what happened that night. I received a call 9th street was flooded, went up to the shop, opened the door, stench of sewage. Watching the water rise I tried to make several calls. I called Dave Lindower and a lady on the other end of the phone kept saying hello, hello - bad connection, I don't know. Jon Snyder I called and the operator called and said that their - his line was out. I ended up calling Chuck Osborne and I made contact with Doug Foltz. And then Chuck Osborne came to the Hobby Shop in shorts and boots. And this is not anything to make him look good or make anybody else look bad, but he at least came and done something for me. He spent about four hours trying to stop sewage from coming out of the toilet into the basement. And David Held came and stopped to see how he could assist and I very much appreciated it. He got the Fire Department there. And Doug says he was instrumental in doing something with the Fire Department being there. This left a floor full of waste as you might know. Next day I had to call Allen Keith professional cleaners to come in, clean it up. Eight days later things were pretty much back to the way they were, clean. Now the question is how long till it happens again? Or should I ask when is it going to be fixed? The last little note that I have here; I was sick for about five days with a viral infection for wading around in that. Now you're going to sit there and tell me I should of put boots on, but when you go to a business and you see what's happening in the basement you don't have time to run around for boots. I did what I had to do to try and salvage what I could salvage. So I just want this to be a record and I would like to see who and when you're going to do something about 9th Street. I don't want to hear about the Dogwood Park overflowing and coming down there - I'm tired of hearing it. I want something done and if it isn't done then I imagine there's other avenues that I can take. So with that I think I'm done talking. I appreciate your time listening. Thank you.

Mr. Snyder: Thank you Mr. Fano. Is there anyone else who wish to speak to the council? Mr. Grooms.

Denny Grooms: My name is Denny Grooms. I live at 1002 Church Street SW. Just a follow from the gentleman that just spoke. Did some checking with Stark County and Massillon and it seems like a pretty quick fix is to put flapper valves in. Now a flapper valve will not let water in, but it can go out. But also the people have to maintain them and they're about 80, 85 to 90 percent rate of solving the problem. Some people is going to say it's going to push it to my neighbor's house. That's not necessarily true. It goes down the main line and it might back up a sanitary sewer manhole and overflow that way, but the chances of it backing up the neighbors is not real high. Another thing I want to talk to and I think I the

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mentioned it to you Jon, is that land that adjoins Price Park and it'd be a good place for a detention pond or retention pond, whatever you want to call it. I believe Plain Township owns that land, maybe something could be worked out with them, but it's right next to creek and that would be a good thing for there. But as far doing the whole thing, you're going to have to have the County, Lake Township, Green, Jackson, Plain and the County to correct the problem once and for all as far as the dredging of the ditch and parts of the ditch and retention/detention ponds and so forth. But as far as these neighbors getting backed up, I think the quick fix would be a flapper valves, I really do. And the cost of those - the county put in several about 6, 8 years ago and the cost at that time was \$600.00, they might be around 800 now. But they do work. And like I said people do have to maintain them as far as paper and so forth getting hung up in there - making sure they're working. But they really do work. That's all I got.

Mr. Osborne: Mr. Grooms, I happen to have one of these flapper valves right here. For anybody, after the meeting, I'll be glad to demonstrate it to you. This is just an access door for getting in there to clean it, like he says. It's just a little plastic flapper valve that allows the sewage to go out, but there's nothing coming back the other way.

Mr. Grooms: And that might be the little down scale model, I seen them in metal ones. But I mean yea, it's the same purpose.

Mr. Osborne: Well the metal ones are quite more expensive. This here - I don't know what the actual unit itself costs, Hampton Plumbing happened to tell me about \$800.00 installed. That's mostly labor because you have to get a ...

Mr. Grooms: Right, dig up the line.

Mr. Osborne: saw to cut down through your basement floor. This is the last thing before all your lines that come in there. This is the last thing as it exits your house.

Mr. Grooms: But they really do have a very good rate of working and properly. So...

Mr. Osborne: Well it's good to hear. It's quite sturdy, there's a little "o" ring in there for seal. I would certainly install one of these and as I...

Mr. Grooms: I'll go a step farther Chuck, the City of Massillon and Stark County did pay for the customers to have it installed.

Mr. Osborne: I was going to follow up with that. I've talked to the Mayor's Office over in Massillon, they are agreeing to put these in at no expense to the residents who experience sewage back up. And I've been waiting for word from the City Administration as to what they're going to do for the residents.

Mr. Grooms: Well it just goes to show you that you know Massillon and the County and I think North Canton would too, that you're doing everything possible to try to relieve this problem. And by doing something like that it's showing the best interest. So...

Mr. Snyder: Does that go on - that goes on the outside.

Mr. Grooms: Outside - they go on the outside.
Mr. Snyder: Yea.

Mr. Grooms: Some people put them on the inside. I've seen even check valves and these are flapper valves, but they've even got like gate valves that they actually close. But then you're really responsible for opening these and closing them and say you'd have a soft water or water softener and all of a sudden you forgot about it and it turned on and you had it closed...

Mr. Snyder: It's going to have a flooded basement.

Mr. Grooms: You're going to flood yourself up. But the flapper valve works so nobody has to be home or maintain it at that particular time. But it does need checking periodically as far as making sure that they're working properly and no paper or anything is hung up on them. But it's a real good idea. Thank you very much.

Mr. Osborne: Yea, Hampton Plumbing suggested they go on the inside, just right out before it meets the foundation of your house. And you'd also want to take out that flapper valve if you were going to run a roto roter down through there, you wouldn't want to damage that. So you would just remove that so it's you know a clear shot through it. And then again, I would check it two or three times a year for debris. But the City of Massillon has admitted they are responsible for the sewage backups and they have appropriated I think 225,000 for claims and they've designated a plumber there in Massillon, I think it's Whistler's, to install these at no expense to the residents who endured this backup. And I'd just...

Mrs. Kiesling: Jim's shaking his head no at that.

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Mr. Benekos: I don't think they admitted that they were responsible. They...

Mr. Osborne: I talked to Mary Ann over there in the Mayor's Office and she said yes, they've...

Mr. Benekos: They're putting them in and I think it's a legal question as to who's responsible. They are installing for the residents, but they have to sign off on...

Mr. Treadon: On a waiver...

Mr. Benekos: They have to sign a waiver that the city is not liable or...

Mr. Osborne: They don't want to be further sued for more costs.

Mr. Benekos: Right and that the resident is responsible...

Mr. Osborne: They're pegging - basically pegging their costs at \$800.00 in this case is what I was told to install it.

Mr. Treadon: Inaudible... loss.

Mr. Osborne: So they're pegging their cost at 800 bucks and basically giving assurance to the resident that you won't have a sewer backup again.

Mr. Treadon: They're settling their loss in advance.

Mr. Osborne: Yea, you could put it that way...

Mr. Snyder: Mam...

Mr. Osborne: But it certainly gives them peace of mind.

Mrs. Magel: Mr. President...

Mr. Snyder: Yes.

Mrs. Magel: just as - for council's sake, that's the audience input, that's "A".

Mr. Snyder: Inaudible...

Mrs. Magel: Yea, it was the very first one.

Mr. Snyder: Mam, please.

Mrs. Magel: Sorry mam.

Mr. Snyder: Mam, please come forward, state your name and address for the record.

Delva Lytton: I'm Delva Lytton. I live at 501 Bachtel SE. And I'm in support of what Mr. Dowding said. I worked - I was an art teacher and supervisor in the Canton schools for 30 years ...inaudible... Stark County schools too and then I started attending classes and I worked as a landscape designer for 15 years and I took my courses at Ohio State. In 1968 they were already talking about that problem of leaves. And I ran across it in North Canton I think about eight years ago on the corner of Bachtel and Foster, the northeast corner, they called me and said we're older and we've got these beautiful big trees and we've got a cottage some place and we don't want to spend all this time and we don't spend the money to hire somebody to take care of the leaves and we want to cut these trees down. And I said to them well frankly you have an extremely ugly house in a pretty nice neighborhood, the trees make it so you could sell it. If you take them all down I think anybody will ever buy it, plus you will be ruining the property values of all the neighbors. Before they asked me they had hired somebody that was not really insured and educated in how to take the tree. And they had one of the many big trees down, it fell on a line and a - electric line and broke that and did some other damage and that's why they decided to ask somebody else. But it depends on whether you want to look at a little picture or a big picture. In 1968 the courses that were in civic landscape already had lots of things in place to sweep the leaves. And there have been a lot of cities, the ones most recently that I've seen around here and they've done it for 30 years, is Wooster and Massillon. And if you don't want to keep your trees, property values are going down. And you can't keep trees if you don't take care of them. And you also have to do something with the leaves. If you decide to suck up the leaves, it's part of a big picture in that Cleveland did this, Akron still does it. Around here I notice a lot of the big cities do it. You go into a team of composting ...inaudible... and then people come and buy it either by the truck ... truck or bags. And if you look at the really big picture, it takes five barrels of oil to make one barrel of ordinary fertilizer that you buy at the store in a bag. You don't get the whole barrel in one bag. I don't know if you think it's worth spending that much oil when we could have very good fertilizer for almost everything and particularly in the parks and stuff the city owns, but there'd be enough left for everybody else too if you went into the program and

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did it right and your interior city forest will not go down hill and make the whole town look sad eventually. So I do urge that you at least think about it because it isn't ...inaudible... helps old people, but it helps young people and people who are too young to even know what I'm talking about will reap values from taking care of what the city looks like. But there's no point in doing half of it without doing the whole thing. And it isn't really expensive, it's more of nuisance. To it get started I know you would - they would have - if you hire somebody or buy it yourself, the city could buy the equipment and put it on a truck and do it and it's only about a month of the year. But you need to think at the big picture, do you want the city to keep looking nice or don't you give a hoot? Thank you.

Mr. Snyder: Thank you mam.

Mr. Osborne: Those are very good points. It encourages tree conservation in the city. And I too have been alarmed about the number of trees that are being cut down all over the city. And I never really realized that it was the elderly who had to deal with the leaves and that's probably why they were cutting the trees. I always thought they had a fear that they were going to blow over on their homes. But that's a good point, it's the labor in the fall.

Mr. Snyder: Sir, step forward, state your name and address for the record.

Warren Harper: My name is Warren Harper and I own a property up at 811 North Main, which is a commercial building up there. Okay, now we had the same thing like Dick Fano had with the sewer backup in there and probably he got a little more than I did. I only got three inches, but it was all over the whole shop. You know and what I'm saying is the only reason that a sanitary sewer would backup is because it's not maintained. You know - I mean that's pretty much the way it is. It's not maintained, it wasn't flushed right and I don't see how - they say well it's an act of God, it's the 100 rain storm, but when you look at the manhole covers on the sanitary sewer, there's about four to six little holes in there that's three-quarter inches in diameter and there's no way enough could get in there to get into that 12 inch line that would back it up. I mean now you're developing up north, okay, and you're in 2003, 2004 area, but you're using a 1947 to 1950 system. You're coming down into that old part where we're at in 9th Street and that, you're coming into that. And you're developing down south, well everything flows south, you know. Now we put in, when I bought the place in 1989, the city made me put this big unit in the back that went over to the catch basin. Alright, now it will handle all the water from 9th Street - anything that flows in the back. It wasn't the surface water. It will come running down my driveway two to three inches high, wash out all my flowers, but it only lasts for 10, 15 minutes and it's done it 5 times. You know I mean we've got pictures of it and everything, where it just washed the flowers out. It will go back. We've never had the sewer problem. The sewer problem is this is North Canton's responsibility. I pay a premium to get rid of this. It's a one way street, it's supposed to go that way, not back in this way. And when I walked in there on a Monday and looked at this, it was a disaster. I mean I had two and a half inches of human waste - cucumbers, pizza, pepperoni, everything in there. Now somebody paid to get rid of that and they dumped it on me. So it's not my responsibility to get rid of that. Up there on 9th Street, now I'm pretty sure, I can't swear to it, but I think there was a variance on a piece of property up there where there is one house and they give a variance so they could build two houses. Okay, this is a word to mouth thing. Now you're not only going from one house, now you're going two driveways cemented, double downspout, you're adding to this problem which is going to come to Dick first and it's coming to me second. And when they did that street out there on 9th Street and I was right there, this is - they said it should have 36 inch storm sewer line. Well without moving the waterlines they could only get like 22 or 21 inch - that's what they put in. Oakes Construction did it. I'm standing right there and I'm listening to them talk and the system that they put in wasn't big enough to handle it. Now just south or west of me they've got that 36 inch line that comes off the other streets down through there and it can't handle it, it bubbles up in the guy's yard - on the third house down it bubbles up in his yard. You know but what I'm saying is if you're going to develop that area north, you got to take care of - you got to get that system in through there instead of doing the work down on the south end, get that north end done and relieve this. Cause you know this is not right. And that's \$996.00 for that.

Mr. Osborne: Thank you ...

Mr. Harper: That's what it cost. We're going to have one put in. But you know this is the only guy that come to see if he could help me. That's all I've got to say.

Mr. Snyder: Thank you. Anyone else wishing to speak? Mam...

Barb Schollaert: 115 9th Street. I just want to support everyone that talked about 9th Street also. It wasn't just this 100 year rain, we've had, I've lived in that house for 23 years, I live right behind Aero Tech Hobbies, it's an older two story. We've had some problems with water, sewage, backup. We had to ...inaudible... our house until we got Humbert to put a camera through, at our expense originally, and they found out that the sewer was crushed at the street. So then the city did you know pay for the camera and fix the street. But I'm concerned that there's other places on our street that could be crushed, it could be also adding to the problem. There was still a lot of low spots on our street. If you go down 9th Street, just visually there's a low spot, it's sinking - the city comes, they fill spots in. So you know I think the whole infrastructure under our street really needs to be looked at. It isn't just - everybody, I

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empathize with all the people this past rain. People that got water in their basement that have never had water. But those of us that have lived on the street - inaudible... lived there 40 years, I've lived there 23, a lot - Mr. Fano has been there 14. A lot of the people there have had sewage before - have had water. Those of you if you come Main Street, you can't even go down our street. The water actually flooded past my driveway. So you're actually one house back behind Aero Tech and Aero Tech is pretty far. So it really is more of a problem than just with this 100 year rain or this problem. Living on 9th Street a lot of things have changed in 23 years too. When it was Long John Silvers and the Temple wasn't back there and the high school was only one campus, there was a lot of area where water could absorb into the ground. Now we built the Masonic Temple there. When Donatos was built there was more blacktop, they raised their property. We also have two very busy businesses. And Mr. Fano is - very much supports the street. And he's the one that really has talked a lot to many of you, called you on the phone, so that's why I haven't, but he's in constant contact with me. And a lot of times the high school buses now come down our street. So 9th Street is changed. They come down our street because they can't make a right hand turn on 10th Street. So because Mr. Fano's business is there it's easy for them to take a wide turn. We also have high school kids cutting down there. So the traffic on 9th Street, let alone the water problems, have increased so much that it has really changed our street drastically. We don't need a light at the end of our street, but the timing of lights between 10th and 7th is ridiculous. There are times we have to turn and go all the way around because there's no way we can out at our street. And I keep hearing that all they have to do is time those lights differently. Inaudible... you know, the street is horrendous with the sewer, it's been bad. Mr. Fano has talked to people. They've - we were promised so many times that your street is on the list, your street is on the list and then passive 9th Street people, we go okay good, it's on the list and then all of a sudden that year comes up and it's no longer on the list. And you know we don't scream as much. I know Mr. Fano represents a lot, but the people on 9th Street are very frustrated because we've been promised and we wait - we've been promised and we wait. And I know some of these other streets are major problems are down by Zimber Ditch. I talked to Dr. Roden's family last night and that's you know deals with different municipalities or different areas. But we're actually in the center of town, our street has changed so much and even people make constant comments to me when they're at the end of the street by Mr. Fano's store ...inaudible... there is a sewage smell coming out of that sewer. And that concerns me that you're always smelling sewage right there between Donatos and ...inaudible... So it isn't just the sewer, it's everything about our street that is changed. There aren't a lot of houses there, but a lot of us have been there a long time. You know a lot of us love North Canton. You know we hope that if we say something it means you know a lot or that you're going to look at it. I guess we want you to acknowledge our problems. No one super important except us lives on the street so you know it's not maybe a priority to some of you. But when you walk in your basement and you see sewage all over your basement all over your basement, I don't care if it's an inch, I don't care if it's six inches, it's sewage and you have to rip out your carpeting and pull out - someone on the street had \$15,000.00 worth of damage ... They just remodeled, all - everything had to be pulled out because of the raw sewage. So I guess you know just the idea that I really really want you to know that we have a lot of concerns about the sewer, curbs and gutters too while I'm up here for 9th Street. Cause a lot of the streets from our house down to the center of town have curbs and gutters - we don't. There's businesses ... high traffic and the lights. And I too want to personally thank Chuck Osborne for being there that night. He was in my basement also. I didn't call anybody. I know Mr. Fano was making all the calls. If I called you maybe you would of come or - but I do know he was down there and I appreciate that. And also I want to thank publicly Mr. Fano because he does speak for his business, which really is our street. And he lives in a lot of different wards with his houses and his businesses and I think it's really important. And I guess - what I want to ask you and you don't have to answer me ...inaudible... how can we be acknowledged at 9th to know that our problem is extremely important? It isn't as big maybe ... someone else ... but to ours it is. And we really believe that it's an infrastructure problem under the entire street. I mean when they told me that my - after paying Humbert's years and years to clean out my sewer line because I thought it was tree roots, Mike Humbert finally said, Barb, you shouldn't be doing this every year let's send a camera down and then the whole pipe was totally crushed. So I do think there's more problems under there and I don't know how you go about it or how you could support us more. But I guess just for 9th Street I wanted you to know that there's more concern than just the sewer and that you know we're quiet but mighty and you know we're part of this city too. Thank you.

Mr. Snyder: Thank you mam. Two things - Mr. Benekos, ... those lights are on trip demand are they not? Are those lights along - they're on trip demand. They're not on timers.

Mr. Benekos: I'm not certain. I would assume they are, but I've...

Mr. Snyder: Yea, most cause I - they're not timed. They're timed by side entry so that's the reason. It's not a timing issue. Every time a car pulls up it trips the light, that's the way they're set. They're not synchronized.

Ms. Schollaert: There is no way they can change that?

Mr. Snyder: Well you'd have to synchronize all the lights and you know but they are set up to allow in that case east/west traffic to pass through Main. Every time someone pulls up either east or west it trips the Main Street light. And it's timed on a trip, but I don't know, it's six, ten second interval, I have no idea, they'd have to talk to a traffic engineer. Inaudible...

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Mr. Osborne: If I could - I'm sorry...

Mr. Snyder: But I do know, we do have an ...inaudible... camera. We bought a trunk line camera did we not?

Mr. Held: Yes we did.

Mr. Snyder: We could probably, I'm sure, the administration will come there with that truck and find out what's going on because we did just two or three months ago buy that equipment. We do now have it in house so we can address that.

Mr. Osborne: Concerning the light signals, they can put a wireless loop so these signals talk to each other and they can all be coordinated from a central command station. Cause that information is feed back to a central command center. So they can all be coordinated. It would have to be done in conjunction with the tripping of the side entrance streets. There really needs to be a comprehensive traffic study done throughout the city. But clearly up and down North ... Main Street - North and South Main Street, they can all be put on a loop system so they're all communicating, you can collect data as to the traffic flow and you can create gaps by the way you set these signals communicating with each other so there are gaps in the traffic. It's a problem clearly up and down North and South Main.

Mr. Snyder: Is there anyone else in the

Mr. Foltz: Jon...

Mr. Snyder: Excuse me, Mr. Foltz, I'm sorry.

Mr. Foltz: Jon, just to touch base, some of the residents there, the 9th Street area, this involves Mr. Fano from last week, Mr. Benekos and I had a brief conversation. And Jim I'm sure you're in the process of evaluating you know what size pipes we have on 9th Street NW, NE, the sanitary flow, the storm flow. We're looking at the retention basins in that immediate area. Obviously it's not a quick fix. But is there a time frame for you to get all this information together so we can act appropriately towards any type of improvements in that 9th Street area?

Mr. Benekos: Not really, it's something...

Mr. Foltz: I mean I don't want to put you on the spot and say yea you're going to have something in two weeks. But I think council is looking for your lead obviously and if we have to get consultants involved that's fine too. I think - and I'm not just speaking about 9th Street obviously, I know a lot of people attended this meeting Wednesday throughout the city. But that particular area involves you know some businesses near my ward and homes and so forth. So that's what I'm asking you know, what's the time frame in your opinion? What are we looking at to have some solid information that we can look at and maybe look for some improvements on that street?

Mr. Benekos: We received the data from the storm sewer analysis on the retention basins and the storm sewers from Dogwood down to Price Park and what it shows basically is that all the pipes and the retention basins are undersized even for the ten year storm. So to increase the storm system you know that length would be a considerable cost. We have to look at you know some options of what we might be able to do. But it's not a quick fix...

Mr. Foltz: Right.

Mr. Benekos: and we have to try and find some creative solutions if possible. Then the other issue is the sanitary sewer, the inflow and infiltration during storm events the water - storm water getting into the sanitary sewer. I was looking at the drainage area for the sanitary sewer that services that area, I was looking at that this afternoon, and basically it goes from the north end of the city and part of it begins outside of the city for the sanitary. It flows all the way through and ends up south of Glenwood, further south. So it's a very large sanitary drainage system that's involved. Council did allocate funds this year for us to hire somebody to do a sanitary sewer model and we're in the process of doing that. We haven't hired anybody yet, I'm meeting with somebody on Thursday about that. But that's not a quick study. First you have to model the system, then you put in flow meters, you put in rain gauges. It could take you know a year to do a proper study. We can isolate some areas and try and get a better feel for that, but like on 9th Street I mean we could replace the street, replace the storm sewers and the sanitary sewers and put in new waterlines on 9th Street from Main east from there, but that won't solve problem because you still have inflow upstream and you have deficient sewers downstream. So you know it's not a quick fix. So...

Mr. Foltz: So what you're saying is you know we could appropriate money and tear 9th Street up, put a bigger size storm in...

Mr. Benekos: Right.

Mr. Foltz: a bigger size sanitary in...

Mr. Benekos: Right.

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Mr. Foltz: and the trunk lines running down Main. Is that the way it goes? I don't know you know...

Mr. Benekos: Correct. It won't handle.

Mr. Foltz: But we've still got problems north, that are going to force that to back still up into the businesses and the homes.

Mr. Benekos: It will still back up because it has no place to go. That's what the problem is. So it's not an isolated problem that you can solve easily. I wish I had a better answer but ...

Mr. Foltz: So you're saying basically we have to do this sewer - sanitary sewer assessment...

Mr. Benekos: Right.

Mr. Foltz: to get more information in your hands to make better decisions on what we need to do to correct the big picture, not just the 9th Street picture, but to correct everything that's going to help the 9th Street situation.

Mr. Benekos: Unfortunately that's true. We did the storm, we started the storm last year and we got a good handle on what the problem is and where our deficiencies are and now we have to start that process for the sanitary. But it's not a quick process.

Mr. Foltz: Okay, so we're going to hire that out this year then Jim?

Mr. Benekos: Correct.

Mr. Foltz: So at least that's starting.

Mr. Benekos: Correct.

Mr. Foltz: What do you think the time frame on that sanitary sewer assessment is going to be?

Mr. Benekos: Because of the time of locating meters and gathering the data, developing the model should not take too long, but it's analyzing the data, putting in the flow meters, seeing how the different sewers in the system respond to different rain events. Then you can try to isolate areas that create the problems and then you can try and see what the problems are in those areas. Whether you know you have downspout connections into the storm sewers or downspouts into the sanitary sewers or just what is causing the problem and try to fix those problems and work your way...

Mr. Foltz: I know we mentioned that some of the retention areas we have now are just unsized themselves. And you know what do we do with the existing ones or how do we create new ones in that immediate vicinity it's going to help her neighborhood? So...

Mr. Benekos: Yea. It's tough because around the existing retention basins you don't have any open land that you can put you know more storage.

Mr. Foltz: Yea, make them wider or take more flow.

Mr. Snyder: Mr. Fano, did you have a comment sir?

Mr. Fano: Yea.

Mr. Snyder: Will you step to the microphone so this goes on the record?

Mr. Fano: I wanted to ask Mr. Benekos if he could check the line that Oakes put in on the west side of 9th Street and see how big that line is. And then...

Mr. Benekos: The storm line?

Mr. Fano: Yea, the storm for the storm sewer. And then check and see what's on the east side because I still think that if a larger storm sewer was put on 9th Street with more catch basins, that the water would be able to go to the larger pipe on the other side. I watched Oakes put it in, but I don't remember. I thought it was a four footer, but Marty seems to think it was a little bit less than that, maybe 33 inch line.

Mr. Benekos: Yea, I think it might...

Mr. Fano: But I thought it was very big - they down sized it right at that middle of the street.

Mr. Benekos: I think west of the street is a 36 and east of Main is 24, but I'd have to check to make sure. It is larger on the west side than it is on the east. But again, according to the analysis, both are undersized you know for the larger storm events.

Mr. Osborne: I'd like to add something here. I had a resident on West 9th there tell me that that storm line is - been purposely plugged with concrete. And he said he could show me where it has been plugged.

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Mr. Benekos: The storm line that goes down 9th Street can either go into the 7th Street detention basin or it can bypass that and go down to the 5th Street retention basin. What we discovered in doing this analysis was that the flow going to the 7th Street can't get there unless you have a very large storm event. So the 7th Street retention basin is not being fully utilized. That's one of the things we're going to correct. It won't solve all our problems, but it will help a little bit.

Mr. Osborne: Okay, what about the concrete plug. Can you verify that or ...

Mr. Benekos: That might be what he's talking about is the diversion to the 7th Street detention basin was cut off - or it wasn't cut off completely, but the flow in the pipe has to get high enough to jump over that to get in.

Mr. Fano: Well I've never seen 7th Street full of water.

Mr. Benekos: Yea, and that's probably the reason.

Mr. Fano: Well if that's the case then somewhere along the line somebody has to open up something to get the water in. It isn't that you don't have a place to put the water...

Mr. Benekos: Right.

Mr. Fano: it's just getting it there.

Mr. Benekos: Yea, and that's what we're going to - we are going to open that up and do that, but we want to be sure that once we get the water there that we place that when it overflows we have a proper discharge for it. So we'll be doing that. That's one of the projects we'll be bringing to council for construction next year. But even with that, the capacity at the 7th Street retention basin isn't large enough you know for the larger storm events. But we'll be able to utilize it better.

Mr. Osborne: Well I'd like to say I'd like to see the city put in these back water devices. Because obviously this issue is not going to be rectified for 18 months, 2 years and at least it provides some protection. I would certainly encourage council to appropriate funding to put in backflow devices for anyone along there who is susceptible to sanitary sewer backup.

Mr. Snyder: Is there anyone else in the audience wishing to speak? Mam, please step forward, state your name and address.

Linda Bevan: 1359 Willoway. I know where the catch basin is, behind my house. They put in a new water pipe. I called and called - and this has been going for like 20 years or more. I remember out in the street one year the water was this deep; it came up to my front porch. Of course the other neighbors all had that much water in their basements. Also, that - I kept calling and calling because it was dangerous for the kids, it washed away. They did come in and put a new one in like two years ago maybe. Now the water comes down Kolp's hits the - they put in a cement culvert by Fay's house, it hits there and it goes down this other creek. This little creek ... 15 years ago you used to be able to ...inaudible... That's where the K of C comes down the hill, those houses along there, ...inaudible... it's coming down there so fast that this here ...inaudible... and it comes way up. It went over the drain tile and there's probably about 12 foot now ...inaudible... I kept telling them it's going wash away - it is. And they haven't been down to even look at it. Put new storm sewer like maybe I don't know between my house like five years ago or more.

Mr. Snyder: Inaudible... they put that in there about three years ago.

Ms. Bevan: Okay. No, it's more than that.

Mr. Snyder: No, you talking about that storm line that runs through the parking lot there?

Ms. Bevan: No. I'm talking about...

Mr. Snyder: about the sanitary.

Ms. Bevan: coming down ...inaudible... between my house and Jenkins' house.

Mr. Snyder: Oh that could be. That might be five - that's five or six years ago.

Ms. Bevan: Well I called and Joe has been down like two years ago and it's actually cracked ...inaudible... and down below water runs out of it and down there, but this last storm it overflowed way over that. Plus it's eroding the creek, it's getting closer to Jenkins' house ... inaudible... probably from here to here ...inaudible... and a big hunk went in and if you walk over there you can feel it. Also behind our houses is the county line ...inaudible... it's the county line and North Canton line and it's eroding closer and closer. What are they going to do, wait until it's on top of those lines? He says it's county, it's North Canton ... I mean it's like what are they going to do, they going to wait? Why not handle the problem now? And I have pictures from the rain prior to this big rain. I have a lake back there you put the water treatment in. So there was sandy water. I called and said there was sandy water coming in. I've never had sandy - I clean that back there coming down. So now we have the Nimishillen Creek

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coming this way, we have that big drainage thing, which was a little ...inaudible.. now it's a creek. Now we have coming down from the water treatment to down there another creek. Pretty soon they're going to put in those - what do you call them? The water slide ... Where's that water going to go? Down to my house. So I'm going to be living on like three rivers - you can call me Pittsburgh if you want. I don't know, but something has to be done.

Mr. Snyder: Well I know and I - and unfortunately - I apologize Mr. McLaughlin is not here, obviously he represents you and I will pass that - your name and address with your permission...

Ms. Bevan: He was supposed to pick up pictures and didn't.

Mr. Snyder: Well I'll be - I'll call him and make sure that he does respond to your immediate need. But I do know that Director of Administration Held and the Engineer are working with Mr. McLaughlin on that same project. Because further up stream...

Ms. Bevan: Oh yea, the Sanctuary, where's that water coming...

Mr. Snyder: the problem - yea, and see that's why...

Ms. Bevan: over my house.

Mr. Snyder: they have to coordinate that situation. Because those people ... relieve to get rid of the dam and unfortunately it will exacerbate your situation. You won't be here, you'll be in a canoe by the next rain. But I do know they're addressing that problem.

Mr. Osborne: What's your address on Willoway?

Ms. Bevan: 1359. But Jenkins, the house beside - I mean the water is so close to them it's scary. Their house is going to be floating down the creek.

Mr. Snyder: I'll see that he gets that information and the Clerk will make sure that he does contact you. Unfortunately he had some surgery today or he'd be here, he'd address your problem. But that's not the - he has to get over there to coordinate with administration because we're the voice of the people to get to the administration so they know what's going on.

Ms. Bevan: Well I've been to the - excuse me, I've been to the Engineer's Office just this past week. I've been to their office I'm going to say like three years ago or more and nothing's been done. I don't know of a catch basin down there or anywhere south - I mean where's the closet one to my house? Woodside or would it Pershing or that - over by Clearmount school the - but beyond that and where's all that water going to go?

Mr. Snyder: Well it's - there's no question. I mean there's no simple - as you've heard tonight ...

Ms. Bevan: Oh I know.

Mr. Snyder: there's no simple - and the further down the line you are the worse it gets. Because the pipes keep getting smaller and the water volume keeps getting greater. So but...

Ms. Bevan: Yea, they keep putting more houses and more apartments and all this stuff up north and it's like coming right down. I mean I have papers from way back. I've been coming up here for like 25 years. I've there for 30 some years. So I might be dead by the time ...inaudible...

Mr. Snyder: Well I hope not. I that hope we're able to...

Ms. Bevan: Inaudible...

Mrs. Magel: Mam, excuse me mam...

Ms. Bevan: Yes.

Mrs. Magel: Did you say something about the Sanctuary? Are you talking about the Bob-O-Link?

Mr. Snyder: No she's...

Ms. Bevan: Yea, well all that water is going to be coming down too. I mean where's that water going to go?

Mrs. Magel: Thank you.

Ms. Bevan: South - like somebody just said ...inaudible... somebody said south. So I live southeast.

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REGULAR

0303

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 25, 2003

Mr. Snyder: Thank you mam. Does anyone else wish to speak to the council? Mam, please step forward, state your name and address.

Bobbie Wilson: My name is Bobbie Wilson. I live at 1121 Bel Air Drive and I have no flooding. And you were supposed to have my jug of water. May I have it please.

Mr. Held: I have it over in the office.

Ms. Wilson: Could you bring it over and our items of clothing? We have been dealing for at least two to three incidents every month for the past year with our water being rusty. I have ruined clothes. Neighbors have asked me to drop a petition to withhold our water bills in an escrow account. I do not want to do that. However, we have cancer patients living on the street who have to drink water, they cannot drink that water. And Mr. Held was supposed to bring the jug and our clothing tonight and discuss it with you guys. Now what our my options? Do I go against my neighbors with the petition?

Mr. Snyder: Now mam, first of all I appreciate - first of all thank you for bringing it to our attention. I want to tell you that we're not going to take it as a cursory incidence and we won't pay attention. Mr. Held does coordinate all that and not to apologize for him, but...

Mrs. Wilson: Well what do I do though? Do I let you guys do it on your time...
Mr. Snyder: No no no no no, I ...

Mrs. Wilson: and ignore my neighbors or do I start a petition to have it fixed?

Mr. Snyder: You actually done the right thing as you brought it to the attention of the administration, not to the council. And I would trust and I am not speaking for the administration, but I'm sure they'll follow up on that and hopefully...

Mrs. Wilson: I brought it to their attention two months ago. Now when the incidents happen it's more than one time a month and each time it's for more than one day. You call the Water Treatment Plant, well we had a power surge and a backwash. Well okay, last year my husband was talking to a road worker who said there is a hole in our water pipe in the street and there's no sense in fixing it until our street is repaired. Exactly...

Mr. Foltz: Mrs. Wilson, if I may say something as the ward representative. I've talked to some of your neighbors, I've talked to Dave Held, I did not know the severity of this water problem...

Mrs. Wilson: Well...inaudible...water...

Mr. Foltz: Until earlier this year. I'm going to be working with them to try to get that taken care of as far as - a least the waterline next year, possibly more to do the street. As you know we all wanted to take care of the infrastructure. So they've gotten done in some areas of my ward. That is going to be my first priority next year is Bel Air.

Mrs. Wilson: We were scheduled for last year and then they canceled it. And we were slated for this year...

Mr. Foltz: It's kind of been a working type of schedule.

Mrs. Wilson: But until then...

Mr. Foltz: Obviously we can't keep all of the residents happy but I can...

Mrs. Wilson: until then we buy bottled water, we don't bath for fear of it getting into our bodies...

Mr. Foltz: I understand.

Mrs. Wilson: We take our clothes to our parents' house or to a laundromat ...
Mr. Foltz: Right.
Mrs. Wilson: outside of our area? I mean why should we pay for this?

Mr. Foltz: I understand it's very frustrating for you to deal with this.
Mrs. Wilson: Yes.

Mr. Foltz: So that's the best answer I can give you. We'll try to get something done next year when we have money available.

Mrs. Wilson: Try? So...

Mr. Foltz: I can' guarantee it.

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Mrs. Wilson: Should...

Mr. Foltz: Mam, I'm one vote on council.

Mrs. Wilson: the neighborhood withhold their water payment ...inaudible...

Mr. Foltz: I'm one vote on council, I'll do what I can. You know that's the best scenario I can give you. I'll fight for that street to be done next year.

Ms. Wilson: Inaudible... then what do I tell my neighbors?

Mr. Foltz: In the meantime there's nothing we can do, not unless the administration has a solution. I don't see us having money to tear that street up and replace the waterline.

Ms. Wilson: Because I'm right between a rock and a hard place. I mean the last time I called the Water Treatment Plant and talked to you, a week later I was awarded a beautification certificate from the City. You know the first thing that jumps in my mind, okay is this to appease me to keep my mouth shut? I would hope not.

Mr. Snyder: Those...

Mr. Foltz: No mam, we don't - no...

Mr. Snyder: Mam, those are - those are your - those you have to be nominated ...

Mrs. Wilson: Yea, but it was just - the timing was a little bit too coincidental.

Mr. Snyder: Well the neighbors have to nominate you. You...

Mrs. Wilson: Okay. But still you know...

Mr. Snyder: that's not ... they nominate you. But that's a good thought. But they - you're nominated by your neighbor.

Mrs. Wilson: Okay. But you know we still - I mean you guys are sitting here in all white shirts. Our neighborhood wears yellow and orange shirts because of our laundry. You know there's only two streets in our allotment area yet to be done.

Mr. Foltz: That's true.

Mrs. Wilson: And here we are you know we're ...inaudible...

Mrs. Kiesling: Have...

Mr. Foltz: We started somewhere and we're getting...

Ms. Wilson: Price Park needs new toilets.

Mr. Foltz: And we're trying to get everything else done.

Mrs. Kiesling: Dave, has Rich projected the filter...

Mr. Foltz: There's only so much money we have though in the water fund.

Ms. Wilson: Okay, my question is what do I tell my neighbors about the petition?

Mr. Foltz: I talked to some neighbors, they can file a petition, that's fine. That gives me some leverage here with council to see how many residents are affected. I don't have a problem with that.

Mrs. Wilson: Inaudible... we - the whole neighborhood going to be thrown in jail if we ...

Mr. Foltz: No, why would you?

Mrs. Wilson: Inaudible... the water portion of our water bills into escrow?

Mr. Foltz: Oh as far as - I would not recommend you not paying your water bills...

Ms. Wilson: Well see that's what I'm saying...

Mr. Foltz: No.

Mrs. Wilson: what do I do, what do I tell my neighbors?

Mrs. Kiesling: Mrs. Wilson, have you talked to Rich at the Water Treatment Plant? I...

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<p>Mrs. Wilson: Yes. They came out and they tested my water...</p> <p>Mrs. Kiesling: Inaudible...</p> <p>Mrs. Wilson: they brought me four jugs of drinking water, two bags Rover, which did not remove the rust.</p> <p>Mrs. Kiesling: How about a filtration system? I know somebody on Lorena is having a hard time with water and he has suggested something that she gets at Lowe's and it changes the filters. Because she's been having trouble, upper Lorena where at least three times a week and she's a nurse so she wears white, so it's getting very frustrating for her.</p> <p>Mrs. Wilson: So we - the neighborhood should go buy filters for their homes you're telling...</p> <p>Mrs. Kiesling: I don't know. I know it's helping her a little bit.</p> <p>Mrs. Wilson: See that's the thing, here we are paying for a service that we can't use.</p> <p>Mrs. Kiesling: Very true.</p> <p>Mrs. Wilson: You know plus we're going and buying bottled water to drink for our coffee for our cooking, cause you never know when it's going to happen.</p> <p>Mrs. Kiesling: I know, that is very frustrating.</p> <p>Mrs. Wilson: You know I have pets, I'm not going to let my pets drink that water that I wouldn't drink.</p> <p>Mrs. Magel: How long has this been going on?</p> <p>Mrs. Wilson: Ah, let's see. Last year, the year before. Two to three months ago I started putting w's on my calendar...</p> <p>Unidentified: Okay...</p> <p>Mrs. Wilson: because I am like up to here with this. And you can ask Mr. Lindower, I'm a very easy going person, very easy going person, but it has gotten to the point where I have to - I do my laundry at night to conserve energy and last weekend I was at my mother's house at 11:30 at night doing my whites again because everything came out orange.</p> <p>Mrs. Magel: Okay...</p> <p>Mrs. Wilson: And that's not right.</p> <p>Mr. Foltz: And it ...</p> <p>Mrs. Magel: It's every month - it's every month?</p> <p>Mr. Foltz: And it happens...</p> <p>Mrs. Wilson: At least twice a month.</p> <p>Mrs. Magel: At least twice a month.</p> <p>Mrs. Wilson: Yes.</p> <p>Mr. Foltz: Jim, was there anything with the Portage situation that might of caused rusty water? You know I know when we run hydrants or we blow them off it's...</p> <p>Mrs. Wilson: Oh, they've run hydrants for 24 hours straight.</p> <p>Mr. Foltz: That - sometimes that leads to a line that has rust running through it.</p> <p>Mrs. Wilson: Well they said ...inaudible...</p> <p>Mrs. Kiesling: No, they run the hydrants to help flush out. Because they do that to me on Bonnet...</p> <p>Mr. Foltz: Right.</p> <p>Mrs. Kiesling: we have the same trouble.</p> <p>Mr. Foltz: You probably have a dead end line or something that doesn't circulate as often.</p> <p>Mrs. Kiesling: Very old.</p> <p>Mr. Osborne: Isn't this a situation we could just go in there and replace line - the main line down the street?</p> <p>Mr. Foltz: Yea, I think the problem is Chuck, you know we don't have money to do that. I mean...</p> <p>Mr. Osborne: We dug up 4.2 million on the spur of the moment in January.</p>			

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Mr. Foltz: Well, yea we did...

Mr. Osborne: And I dare...

Mr. Foltz: But you know what, we have ...

Mr. Osborne: I'm just guessing for a few hundred thousand we could probably replace this.

Mr. Foltz: You know if we would of - I can play devil's advocate, if we would of sold the Oster property for 1.7 maybe we'd be tearing that street up right now.

Mr. Osborne: Well that's the source of your water though.

Mr. Foltz: No, no, it's not the source of my water.

Mrs. Wilson: Inaudible... I just want clean water ... inaudible...

Mr. Foltz: I understand your - I understand it and I came aware of the situation a couple months ago. That's about my best case scenario with you is try to get that on the curb and gutter and waterline program next year.

Mr. Osborne: I guess where I'm going with this, instead of doing this piecemeal, a couple streets at a time, why don't we embark on a major infrastructure improvement and spend some money and do 10 or 12 streets all - We are so far behind and let me give you an example...

Mrs. Wilson: Can I go sit down now?

Mr. Foltz: Yes, you're - sure Mrs. Wilson, that's fine. This might be awhile and you should sit down.

Mr. Osborne: Here's the way I see this. Presently our ambulance service costs over a million dollars a year. The levy only brings in 187,000 a year. So every year we have to take 6, 7, 8 hundred thousand a year out of the general fund to prop up the ambulance fund. Every year we do that, that's probably two streets we could of rebuilt if we had made sure that the revenue was - fit the needs of the service it's trying to support. That ambulance levy has not been adjusted for 16 years. So just count back every year 2, 3, 4 streets that could of been done because we had to steal 6 or 7, 8 hundred thousand out of the general fund. That's money that could of gone into rebuilding these streets, new sewer, new curbs, new gutters. This made the citizens happy, they're not paying anything for ambulance service, a pittance. Same thing with our water revenue. We went for 16 years with no water rate increase in the city. Where do you think we got the money to make up th difference? We took it out of the general fund. It made citizens happy, but were we really doing them a service?

Mrs. Magel: Mr. President, this is public speaks.

Mr. Snyder: Well I know that. I was going to ask Mr. Osborne to...

Mr. Osborne: I'm finished, thank you.

Mr. Snyder: Well one thing and I'll leave it alone - Is there anybody else in the audience wishing to speak? Sir, step forward, state your name and address.

Dan Schoenberg: 135 9th Street NE. I just want to go along with everybody on 9th Street. Me and wife had saved our life savings to remodel the basement as a rec room. And when she went downstairs that night at whatever 6:00 and said it was flooding with sewage, I couldn't believe it. It's not so much - it is the hassle of cleaning it up, getting the restoration companies to rip you off and so forth, but the inconvenience and the heirlooms that were lost were - you can't replace them. The insurance covered 20 percent of it. The enjoyment and the inconvenience of the room, because we live in a small bungalow, like a lot of the houses, we can't enjoy it until it's finished. And like he had spoken about - I had a plumber over yesterday with one of those valves. He told me he would drill out my concrete, connect it to my line for 750. He said it's about 90 percent if something gets caught in the valve it does - you know it does flow through. But I'm not a politician but alls I can say is everybody is saying we don't have money for this, we don't have money for that and meanwhile we have crap in our basements, to put it crudly. And it's - I don't think it's fair to the constituents of 9th Street. And I mean I'm no big shot in this town, but I've almost considered moving out of the house because it became such a pain in the rear end. And it's still not finished, I've had the painters crash through the walls. It's just been a nightmare. And everybody seems to be shrugging it off because we're the small bungalows and not the \$350,000.00 houses. And I think it should be done and it should be done right and not put together in piecemeal. It should either be done so it doesn't happen again. I don't want to really know about the 100 year rain. I'm not a metrologist, I just want to live in a nice clean house with no crap in the basement so

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I can have some people over. And I don't want to have to sit out and look out the window to see if it's going to rain and my wife's upset. You know I'm a little mad, my wife's more sad because she lost a lot of her heirlooms from her grandfather, which I don't want to make a drama, but somebody should do something. It's part of the city, doesn't matter if it's a small part, if it's less expensive, it's all well kept houses. Everybody's respectful of the city and pays their taxes. So that's basically all I can say.

Mr. Snyder: Thank you sir, appreciate your comments.

Mr. Osborne: You say you did put one in?

Mr. Schoenberg: No, the guy was out yesterday and he said he would put one in for 750. He showed me at the front of the house where you put it. He said that you know you have to knock the concrete out

Mr. Osborne: Inaudible...

Mr. Schoenberg: make sure that you don't have a "y" line in front of it.

Mr. Osborne: Right.

Mr. Schoenberg: And he said it's about 90 percent. He said if a piece of paper or something thick - they're - they go down so that the flow - you know one end's a little higher so it balances.

Mr. Osborne: Right.

Mr. Schoenberg: He said it's about 90 percent. I didn't have it done. He called me today cause you know my insurance covered what I could cover, I can't pay it right now, plus it's a finished room, which it's not finished now. But I figure why should I have to pay it, I've been paying taxes for nine years, I pay city taxes and you know that's what's fair is fair in my opinion.

Mr. Osborne: Well obviously the feedback they're getting from here is the city cannot respond immediately. Again I'll ask. I think council should appropriate funding for everybody who had sewage and put these in at no expense. That's a small price to pay for what residents have gone through. And give them at least some assurance that will not happen again.

Mr. Snyder: You know one thing on that Bel Air line, is there no way that - where we used to do that work in house in the winter when we were slow. Is there someway that we could address that more expediently along that line where we don't bid it out? Where we're not as busy in the winter as we normally are and we've done that in early fall. I know especially in the second and - because if the lady - if that water is that way maybe we could look at doing that in the October/November period prior to the snows. I mean...

Mr. Foltz: Jon, if there's money available obviously I'm for this.

Mr. Snyder: I mean I know that we don't have...

Mr. Foltz: I was expecting curb and gutter and do the whole thing next year.

Mr. Snyder: But if we're able to do it in house, which we've done...

Mr. Foltz: Right.

Mr. Snyder: We've done it successfully, especially in the 2nd Ward. If we're - I mean if there's that severe a problem, we've got a hole in the street in the pipe, how much water are we losing that's been generated water that we could be selling?

Mr. Osborne: That's a good point too.

Mr. Snyder: I mean I would hope and I think the majority of council will support me on that, but if the Mayor and the Administrator would look at that and possibly we could address that. And mam, your street might not get curb and gutter till the program comes around, but we will...

Ms. Wilson: Inaudible... just water...

Mr. Snyder: Well I know that that's ...

Mrs. Wilson: Inaudible... just water...

Mr. Snyder: But we will may be able to look at that for you. I'm sure Mr. Foltz will follow through on that...

Mrs. Wilson: Okay.

Mr. Snyder: And see what we can do.

Mrs. Wilson: If he'd like he can take my phone number, since I'm kind of like the spokesperson for the neighborhood.

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Mr. Foltz: Yes Mrs. Wilson.

Mr. Snyder: And we'll get that.

Mr. Osborne: Yes, I'd very much encourage just put the line in, get them in there. You have to have water. We all saw how Cleveland was brought to it's land - it's standstill with no water. Plus there's a fire hazzard if there's no water.

Mrs. Wilson: 499-3717...

Mr. Foltz: 17.

Mr. Snyder: Mr. Grooms you have one last statement and then we'll...

Mr. Foltz: What's your address?

Mrs. Wilson: 1121...

Mr. Foltz: 1121. Okay.

Mrs. Wilson: And then I'll give you the number of the cancer patient. Her name is Alta ...inaudible...

Mr. Foltz: What's ...inaudible...

Mrs. Wilson: Alta...

Mr. Grooms: Well I'd just like ...inaudible... some of these residents ...

Mr. Snyder: Will you step to the microphone sir so it goes on the record?

Mr. Grooms: I think another problem ...inaudible... insurance companies. Insurance companies ...inaudible... you go flood insurance, to sewer and drain and backup, there's two different things here. But either one of them

Mrs. Wilson: Inaudible... through getting an attorney ...inaudible...

Mr. Grooms: if you claim a flood insurance they drop you unless you ...inaudible... well we'll keep you on but ...inaudible...

Mr. Foltz: No, that's what I said I need four votes to appropriate ...inaudible... I think, but I can't promise you ...inaudible...

Mr. Grooms: And then if it comes up through your sewer backup drain, they say okay we'll keep you on the insurance but you have to put in ...inaudible...

Mrs. Wilson: Inaudible...

Mr. Foltz: Inaudible... with your water payments.

Mrs. Wilson: Okay, but just ...inaudible...

Mr. Grooms: So they're making these people do this and it's a shame. That a - I think that the city should get involved somehow ...

Mrs. Wilson: Inaudible...

Mr. Foltz: Inaudible... two weeks ago ...inaudible...

Mr. Grooms: someway as far as to help them pay for the expense. Because they're getting dropped on their insurance and it's really no fault of their own.

Mr. Foltz: Inaudible... next year ...inaudible... with council's support. Inaudible... November here. Okay.

Mr. Osborne: And to follow up I mentioned last Monday, a week ago, we should mandate these for all new construction in the city.

Mr. Foltz: Alright. So thank you.

Mrs. Wilson: I'm sorry. But I just...

Mr. Foltz: That's okay. Inaudible...

Mr. Osborne: That should be part of our code.

Mr. Snyder: I appreciate that. Is there anyone else? Sir...

Mr. Foltz: No, I know it's upsetting. My wife has gone through it with laundry on our street so I know. Okay, thank you.

Mrs. Wilson: Thank you.

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<p>Mrs. Magel: Mrs. Wilson...</p> <p>Bill Colaner: Since everybody else talked I will. My name is Bill Colaner. And I live at 143 9th Street NE. And this problem has been discussed up and down and back and forth, but nobody really ...</p> <p>Mrs. Magel: Inaudible... and I'll pay for it ...inaudible...</p> <p>Mrs. Wilson: Inaudible...</p> <p>Mr. Colaner: We've lived almost 44 years and I know that it happened a little bit before we were there and I know it happened several times since we have been there. So it isn't a new problem. We have come to City Council meetings and complained about it and each time oh yes, we're going to do something, we'll do this, we'll do that, and sometimes they do something. But invariably whatever the little thing that they do seems to irritate it more rather than fix it.</p> <p>Mrs. Kiesling: Give us your name and number.</p> <p>Mr. Colaner: And I think that's part of our problem. I know it was mentioned here that somebody said they didn't see how this had anything to do with the storm sewer. Well again at 9th Street where it comes to Main Street, the low spot, there is two manholes, a storm sewer and a sanitary sewer. So whenever we get this large rain, it immediately comes out of the sani - the storm sewer and it's right there going down the sanitary sewer.</p> <p>Mrs. Magel: Inaudible... I don't want you ...inaudible...</p> <p>Mrs. Wilson: Inaudible...</p> <p>Mr. Colaner: Which in effect makes that two blocks of houses be added sewer space.</p> <p>Mrs. Kiesling: Inaudible... going to see to it. Inaudible...</p> <p>Unidentified: Inaudible... drink the water...</p> <p>Mr. Colaner: And we're kind of disgusted with that. So we need something done. I did hear the Engineer say also that they have checked the sewer lines. And I know that's been done before. But he at least sounds like yea, we know these lines are too small. What can we do about it? And Barb mentioned that they had repeated problems with sewage not going out right and found out that the lines were crushed. And the last two years now we've had all kinds of school buses coming up 9th Street which certainly if the lines were crushed years before that, there's going to be more crushed line. So I think we need to repair the sewer line and definitely either get that storm sewer running out or get it away from where it's going to run back over. Because you know we all have our areas fixed up in the basement, rec rooms and everything. In fact we have a kitchen in our basement because we had six kids and that little kitchen upstairs wasn't appropriate. And it's just not good when somebody else's sewage comes into your kitchen and it does get expensive cleaning it up.</p> <p>Mr. Held: Mr. Snyder, we're having trouble hearing.</p> <p>Mr. Snyder: Oh okay. Anyone else? Mam, did you have something to say?</p> <p>Miriam Baughman (identified by Clerk of Council): I'm going to change the subject.</p> <p>Mr. Snyder: Alright.</p> <p>Ms. Baughman: McKinley Development proposed Sanctuary development plans have 10.2 acres of retention/detention ponds listed as open space. Roy Batista, the North Canton's lawyer did McKinley Development a huge financial favor by deleting the definition of open space from the zoning. If you remember, the definition of open space excluded detention/retention ponds as open space. Roy Batista works for McKinley, see Attachment "A" which I gave you all. Therefore, this deletion was a conflict of interest. Please vote to reinstate the original definition of open space. Support green space and usable park land for the children. Do not support financial gain of greedy developers. Thank you.</p> <p>Mr. Snyder: Thank you mam. Anyone else? Final call - we'll have a final call. If not, thank you. On behalf of the council I want to thank everybody that spoke tonight. Thank you for your manners and your courtesy paid to us. And I promise you we will do whatever we can, in both individually and collectively to address the problems we've heard tonight. But it is truly government in action and we do appreciate. Please come back, because that's the way you begin the process by simply coming here and informing us as your elected officials of what we can do. But I promise you we've all heard you. We'll react as any good elected official would. As the election is I believe on November the 4th or 5th, I'm not sure, but trust me you've got our word and we've heard what you wanted to say. And we do work for you, whether it's believed or not, you are our employer and we will answer to your call. Thank you.</p>			

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OLD BUSINESS:

8. Mrs. Kiesling moved and Mr. Osborne seconded to **read by title only, second reading** of Ordinance No. 84-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Unidentified: Give me a call I've got some ideas for you on 9th Street.
Mr. Foltz: Thank you. Okay.
Unidentified: I mean ...inaudible... TV truck, use your TV truck...

Ordinance No. 84-03 - Second Reading

Ordinance No. 84-03 amending Section 553.02, 553.03, 553.05 and 553.06 of CHAPTER 553 **Weeds, Trees and Grass** of the Codified Ordinances of the City of North Canton.

Mr. Foltz: Write your number right there sir.
Unidentified: I work for the Sanitary Engineer ...inaudible... Stark County.
Mr. Foltz: Right, sure.
Unidentified: Inaudible... call me.
Mr. Foltz: Okay.

Mr. Snyder: Chairman Osborne.

Mr. Osborne: Ah yes, this is the second reading of - we're amending the grass ordinance. In the past the maximum height was 12 inches, it's now been lowered to 8 inches. We're actually addressing grass, the old ordinance talked about only weeds, noxious weeds. We're trying to get - be a little more specific on what it is expected for maintenance of your lawns here in the City of North Canton. And also we've adjusted the notification procedure when you do - when you are in violation, from 10 days and there's some changes there - it used to be 10 days after you answered a certified letter and now a days it's going to be 7 days from the mailing I believe it is - if I recall correctly. We've already had one reading, this is our second reading. And if there's not any other comments on council I - that's all I have.

Mr. Snyder: Alright sir, thank you.

Mr. Osborne moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No. 84-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and Osborne.
No: 0

NEW BUSINESS:

9. **Ordinance No. 96-03 - First Reading**

Mr. Snyder: Is there a motion to remove from the table Ordinance No. 96-03?

Mr. Osborne: Motion.

Mr. Snyder: Is there a second?

Mr. Osborne: Oh wait a minute here we're - let's see, what are we doing here? No I do not want to remove it from the table, not at this time.

Mr. Snyder: Do we have a motion to read by title only the first reading of Ordinance

Mrs. Magel: Well - whoa whoa whoa, what are we doing here? It's going to remain tabled?

Mr. Snyder: Yes, it just remains tabled until - if there's no motion to remove it from the table you cannot remove it from the table to be considered.

Mrs. Magel: Weren't we going to add - wasn't there an offer that we could add the original definition in?

Mr. Snyder: You mean back to the zoning book?

Mrs. Magel: Yes sir.

Mrs. Kiesling: What's the original definition?

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Mr. Snyder: Yes. And that does not take an act of council. If it would be your desire or any councilman, I can - I'll instruct - now understand, now let me put this in clear definitions so everybody understands it, we can add back to the ordinance, which I think is 90-80 ...

Mrs. Magel: 50...

Mr. Snyder: 50-03.

Mrs. Magel: 03.

Mr. Snyder: Right. We can add the definition of green space back. However, at present it is in direct conflict with the subdivision regulations and we could not enforce what we added into zoning to force someone because they meet the standard and a level of subdivision. Am I correct in my statements there Roy on that?

Mr. Batista: Yea there is a conflict between the two ...

Mr. Snyder: Right, so what would happen...

Mr. Batista: what we're trying to...

Mr. Snyder: You cannot...

Mr. Batista: inaudible...the subdivision regs...

Mr. Snyder: Right...

Mr. Batista: back at the Planning Commission for review to get them in sync with whatever you put in the zoning ordinance.

Mr. Snyder: And if we tried to enforce the zoning portion of it, we're in direct conflict with our subdivision regs and it will not stand - but we can add it back, it's not a problem.

Mrs. Magel: I will have further comments on this on my report.

Mr. Snyder: Okay. Do you want to add it back or should we add it - We can add it back in there it - but as I'm saying it's...

Mrs. Kiesling: I have a question.

Mr. Snyder: Please.

Mrs. Kiesling: Mr. Benekos, at the last Planning Commission didn't they decide that they were tabling the same issue to look at it further to try to get it closer to the subdivision definition and then begin the process of changing the subdivision definition and in putting in the definition into our zoning so that the two would correlate. Isn't that like our next step to change the zoning - the subdivision regs definition because they don't match?

Mr. Benekos: Correct. Planning Commission...

Mr. Osborne: I believe the planning...

Mr. Benekos: did table it.

Mr. Osborne: Yea, the Planning Commission tabled it. They want to study the whole issue entirely. So...

Mrs. Kiesling: Right. So I'm - I guess I want to make sure Kathy knows it.

Mr. Osborne: There would be really no reason for council to jump ahead without the Planning Commission studying this and guiding us on this.

Mrs. Magel: May I make a - should I speak now or at reports?

Mr. Snyder: Well what would you feel the most comfortable with?

Mrs. Kiesling: You might as well do it now.

Mrs. Magel: This is our new zoning ordinance, this is what we passed, Council. This is how we make amendments to the zoning book. This is what we passed 7-0 - 30 days. This is how we amend this book, whenever the public necessity, general welfare or good zoning practices require, City Council may by ordinance, amend, revise, rearrange, renumber, recodify this zoning ordinance or amend, supplement, change, repeal the boundaries or classifications of property according to the procedures set forth in this chapter and subject to the procedures provided by law. This is a Council issue. This was never supposed to be a planning issue. How do you amend this book City Council? Oh I'm sorry, I'm on page - Chapter 1181, page 204. This is our responsibility. This isn't planning's, this isn't Gene's, this isn't Jim's, this isn't D.B. Hartt's; this is Council's. I don't know how it got down to planning.

Mr. Batista: The definition never got to planning. Inaudible... zoning.

Mrs. Magel: Second thing, here is our Charter people, this is our bible, this is what we live by. No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise, or in the enactment, amendment, repeal of any zoning or building resolution or ordinance, or in the

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changing of any ward boundaries. It's saying we should not give up our powers. I'll read it again, no action of Council authorizing the surrender or joint exercise of any of its powers. Obviously this book gave Council the power to amend, revise, rearrange and everything else. It - this is in our hands and I don't know why we're taking it down to planning - having them - This was our definition. We're the ones supposed to be working on this book. This is our responsibility. Why? Because we're elected.

Mr. Osborne: Mrs. Magel, but there is a process. We're layman, elected by the public to come up here and make decisions. But we do have experts, we have a Law Director, we have a Planning Commission, we have a Zoning Inspector. We just can't ... this stuff ourselves. The Law Director is telling us we're creating a conflict...

Mrs. Magel: If you remember Chuck...

Mr. Osborne: and if we do that...

Mrs. Magel: you're the one who said there was a conflict. You brought that up. And there didn't seem to be a problem.

Mr. Osborne: I did bring it up. And I was against putting that open space requirement in there originally.

Mrs. Magel: It just didn't seem to be a problem, but until we passed it, then there was a problem.

Mr. Osborne: No mam.

Mrs. Magel: Inaudible... I'm not going to argue. I'm telling Council as a body, this is our responsibility. It shouldn't of been down to planning in the first place. And it says here we're not supposed to give up our responsibility cause we owe it to the public because we're elected.

Mr. Snyder: Well let me...

Mr. Osborne: Well we're going to invalidate both definitions if we have two definitions that conflict.

Mrs. Magel: All I'm saying is let council take care of this. I know there's - we need some changes...

Mr. Osborne: Well council...

Mrs. Magel: so we put it back in and we make the changes.

Mr. Osborne: Well council can put it back in, but then we're going to be in a quandary.

Mr. Snyder: Here's the situation, let me explain it. You can put it back in, no problem. However, it is not enforceable. It is in direction conflict with our subdivision regulations. We are opening ourself to be sued and we will be sued because you cannot go retroactive to anybody that's submitted a development plan previous to us submitting it in June. We'll put it in, but it will not be enforceable. Zoning does not enforce open space...

Mrs. Magel: No, I don't think we're going there.

Mr. Snyder: No, but I mean that's what...

Mrs. Magel: Nobody's saying we're enforcing it and...

Mr. Snyder: Oh well you can put it in there but it's ...inaudible... I mean there's no problem putting it in there, but you cannot zone open space. That is a subdivision regulation. But that has to be changed at Planning and then referred to council.

Mrs. Magel: I'm saying this has to go through - this book needs to go - worked through by council for the people.

Mrs. Kiesling: Didn't it start in planning though? Didn't that book start in planning also?

Mrs. Magel: It was a courtesy.

Mr. Osborne: Mam, Mrs. - Member Magel, I have to disagree with you, it was not a courtesy to run this through the Planning Commission. And if I don't - if I recall.

Mrs. Magel: I'm talking right now, how do we amend this?

Mr. Osborne: And if I recall correctly ...

Mr. Snyder: Well it has to go to Planning to be amended.

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	<p>Mr. Osborne: several times in the past you insisted that something go back to Planning Commission and now you don't want to run this back. It's actually already in Planning Commission now.</p> <p>Mr. Snyder: To amend that book it has to go to planning. Am I correct?</p> <p>Mr. Batista: If you're talking about the subdivision regs...</p> <p>Mr. Snyder: No, I'm talking about any regs...</p> <p>Mrs. Magel: No.</p> <p>Mr. Osborne: Anything in here.</p> <p>Mr. Batista: Yes.</p> <p>Mr. Snyder: Anything in there has to go to planning...</p> <p>Mr. Osborne: So why are we...</p> <p>Mr. Snyder: have a public hearing...</p> <p>Mrs. Magel: That's not what it says.</p> <p>Mr. Osborne: So why are we going round and round with this?</p> <p>Mr. Snyder: No, but I'm saying that's our only...</p> <p>Mr. Batista: And I think the basic problem is that the definition that was in the zoning ordinance was drafted by Mrs. Magel about the time of the first reading of that ordinance. Nobody saw it and it never went to Planning Commission.</p> <p>Mrs. Magel: Yea, you saw it.</p> <p>Mr. Batista: I didn't see it and it never went to Planning Commission. That is the problem.</p> <p>Mrs. Magel: Roy, I have it in the minutes...</p> <p>Mr. Batista: You put - you draft - you did some home cooking and put some language in that zoning ordinance that never saw the light of day of the Planning Commission.</p> <p>Mrs. Magel: Jon ...inaudible... how to amend the book.</p> <p>Mr. Osborne: We all can read and I don't have the council minutes here, but I - we've debated this thoroughly. Mr. Treadon was here that night and I actually read the subdivision regulations that night and I didn't collect - connect my thoughts and I was kind of ridiculed till I finally said well I haven't seen Mrs. Magel's description of open space. But I raised this issue months ago that we would have a conflict.</p> <p>Mrs. Magel: Inaudible...</p> <p>Mr. Osborne: So I stand up for the Law Director on this. There's no reason to create time and expense in reprinting and then reprinting again. It's already in the hands of the Planning Commission now, please just let them work through this and come back with a recommendation. Now if you don't agree with their recommendation, we can see if you get the votes and see if we put it in there. But there's no reason to drag this out for now.</p> <p>Mrs. Magel: Well even if it's against the Charter Chuck, I guess...</p> <p>Mr. Osborne: We're not going against the Charter. Yes, council has - can - is the ultimate authority. But there is a process you - we elicit recommendations and we want expertise from people involved in the process. Council just doesn't whip this stuff up out of it's own mind; much like Mr. - the Law Director said you did and I happen to concur with what the Law Director just said.</p> <p>Mr. Foltz: We...</p> <p>Mrs. Magel: Didn't I read this to you guys 14, 15 times?</p> <p>Mr. Foltz: Yes, this was read in front of everybody. Everyone knew what they were voting on Chuck. We went over this.</p>	

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Mr. Snyder: Now we're really getting way off...

Mr. Foltz: We're getting - we're rehashing old stuff here.

Mr. Snyder: Yea, let's decide what - is it - there is no motion to bring it off the table. Is that correct at this present time?

Mrs. Magel: Is there a motion to put it back into the book as well the area variance limitation?

Mr. Snyder: Well I cannot vote on that variance.

Mrs. Kiesling: That's not on the agenda.

Mr. Snyder: That is a direct...

Mr. Foltz: No, that needs changed.

Mr. Snyder: that's a violation of someone's constitutional rights.

Mr. Foltz: I'll make that motion, but it needs changed. If we put it in where it should of stayed and then changed then maybe we'd have a lot of this solved at this point, but...

Mrs. Magel: That's what I'm saying.

Mr. Foltz: but we're not, we're just tippy toeing around it. So...

Mr. Osborne: And I'll also say here I wrote a letter to the Law Director asking is there any liability by allowing a council person to make these last minute changes and I was assured that, no there wasn't. But obviously it's turned out to be a lot of liability because it's made the press, it's caused the Law Director undue time and aggravation and it's taken up this council's time. Thank you. That's all I have to say. So I'd like to move on here.

Mr. Snyder: Is there a motion to remove from the table Ordinance No. 96-03? Seeing none, may I have a motion to read by title only, first reading of 96-03?

Mr. Osborne: You mean 99-03?

Mr. Snyder: Excuse me, 99-03.

10. Mr. Osborne moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 99-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder.
No: 0

Ordinance No. 99-03 - First Reading

An ordinance changing the name of Easton Street NW within the corporate limits of the City of North Canton to East Maple Street, effective October 1, 2003 and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, we had a public hearing last Monday. And as you know we've been - we were approached by the County 911, that there was a problem with the responding of Plain Township versus North Canton. So there was a plan that was devised and Plain Township signed off on it that they would be called East - all of - let's say it starts from Market first of all, that their portion would be called East Maple Northwest and ours as the City of North Canton would be called East Maple. So we will be renaming a portion of Easton. I believe this is based on the emergency response teams through the fire, police and EMS. So I think we should cooperate with this.

Mr. Snyder: May I address this to the administration? Is there a time frame on making that effective - will we go immediately today? Soon as we...

Mrs. Kiesling: October 1st.

Mr. Snyder: Pardon me...

Mr. Osborne: It says October 1st on the legislation.

Mr. Snyder: Oh I'm sorry, I didn't read it. I apologize. I thank you for that. I didn't read it, I was on the next page. Is there any other question on that? If not...

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 25, 20 03

Mr. Osborne moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 99-03.
All members present voting:
Yes: Kiesling, Lindower, Magel, Osborne, Snyder and Foltz.
No: 0

Mr. Osborne moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 99-03. All members present voting:
Yes: Lindower, Magel, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. Osborne moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 99-03. All members present voting:
Yes: Magel, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

11. Mr. Osborne moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 100-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 100-03 - First Reading

Ordinance No. 100-03 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 (City), the Board of Stark County Commissioners (County) and the Board of Trustees of Plain Township (Township) for the Applegrove Street Widening - Phase 2 project (original agreement authorized by Ordinance No. 40-02) to provide for an increase in the City's contribution to the project of \$10,000.00, and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, as discussed last week, originally this was an agreement between Plain Township, the County and North Canton. Originally it was 1/3, 1/3, 1/3. As the project got near the engineers felt that there was a substantial increase in the Applegrove Street widening. So what happened was the county is taking the fair share of it - the lion's share of it I should say and asking North Canton to increase it by 10,000, which I - it's better than having 1/3, 1/3, 1/3 and us taking the full share. So at this point they're - the county is going to take the lion's share of the increase in cost and asking us to contribute an extra \$10,000.00. We all know it needs done so I recommend it. Questions?

Mr. Osborne: Let's move it along.

Mr. Foltz moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 100-03.
All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and Osborne.
No: 0

Mr. Snyder: May I have a motion to suspend the rules for Ordinance No. 100-03?

Mr. Osborne moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 100-03.

Mr. Foltz: Member Osborne, just motion the rest of the meeting. We'll know where we're at.

Mr. Osborne: Well let's move it along here. Some of this is just routine stuff.

Mr. Foltz: We'll move it through here, alright.

All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder.
No: 0

Mr. Osborne moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 100-03.

Mr. Osborne: Thank you sir.

All members present voting:
Yes: Kiesling, Lindower, Magel, Osborne, Snyder and Foltz.
No: 0

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12. Mr. Osborne moved and Mr. Foltz seconded to **read by title only, first reading** of Resolution No. 101-03. All members present voting:
Yes: Lindower, Magel, Osborne, Snyder...
No: 0

Mrs. Bittle: Foltz...

Mr. Treadon: Ordinance No. 101-03 a resolution...

Mr. Snyder: 101-03...

Mr. Foltz: Yes.
Mrs. Kiesling: Yes.

Mr. Treadon: Sorry.
Mrs. Kiesling: That's okay.
Mr. Foltz: I'm sorry.
Mr. Treadon: I'm getting weary.

Resolution No. 101-03 - First Reading

A resolution declaring it necessary to improve certain properties by constructing and installing sanitary sewer lines, sanitary service lateral connections, catch basins, manholes and other necessary appurtenances.

Mr. Snyder: Maybe that little thing ...inaudible...

Mr. Treadon: Easy for me to say.

Mr. Snyder: In the absence of Chairman McLaughlin, this is what we refer to as the Gas Light Circle area, which was annexed to the city some 30 odd months ago. This is the process that we have to begin to declare that there is an actual situation where those people need it. They will be an assessed project. It will not be a project that costs the city, tax payers any money, it will be the actual end user. He must successfully get 65 percent of the residents to agree to have the opportunity to pay for it at that time or have it placed on their tax duplicate for 20 years - 15, 20 years. And the estimated cost at present for our end is about 750 to 800 dollars per year on their taxes or collectively somewhere I believe in the neighborhood of \$11,000.00 and they are responsible to run then from the tap, which is at the city side into their home, and additional cost of some 1,500 to \$3,000.00. So basically you're talking in the neighborhood per user somewhere upward to \$14,000.00. And the first section of that is about \$190,000.00, which we must advance. Which we will get paid back to us either by people settling immediately or over the next 20 years at an interest rate I believe of about 5 percent. The other option, we are presently funded in our sewer fund - sanitary sewer fund, in excess of the \$200,000.00, which we could use. However, at this time for the sake of making Director Herr probably her hair stand straight up on her neck, possibly we should keep that and move forward to borrow that fund and let the people pay it, as somewhere along the line I think we're going to get some legislation relative to ...inaudible...

Mr. Treadon: Inaudible...start the process... inaudible...

Mr. Snyder: doing something for the homeowners. And that money has to come out of the sewer fund and ...inaudible... out of the general fund back into the sewer fund. So I would leave that - as we pass this resolution the money is not ...inaudible... today. But please keep that in the back of your mind. We are in a position to use money that is in the fund today and be paid 5 percent or we could borrow it and use that money for other things that are relative to sanitary sewer problems in the city. So I would ask you at that point to think about that and...

Mrs. Herr: Jon...
Mr. Snyder: Yea.

Mrs. Herr: One thing I also wanted to mention is that we'll obviously have a better picture of where the fund stands once we go through this budget process for next year. Because I believe this project is not going to be until ...

Mr. Benekos: Till Spring.

Mrs. Herr: Until...

Mr. Snyder: Spring late - early summer next year.

Mrs. Herr: Of next year, so we'll have a better idea within the next month or two as to where we think we'll stand as to whether it would be you know better for us...

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Mr. Snyder: Feasible to borrow...

Mrs. Herr: to borrow the money...

Mr. Snyder: Right.

Mrs. Herr: versus using our - the cash that we have in there. So...

Mr. Snyder: Right. And the other thing - please understand, although Member McLaughlin feels very strongly that there's sufficient people to participate, one of the requirements in the process and I think Mrs. Magel asked and I will see, do you have a copy of that process of the stages that goes through from Squires?

Mr. Batista: We did get a copy from Squires...

Mr. Snyder: Could we see - I know Mrs. Magel requested a copy...

Mr. Batista: Why don't you stick it in th packet.

Mr. Snyder: and maybe any other member of council if you'd like. There's a procedure that must be followed statutorily to do that. And we must send them a registered letter so that they're well aware of the exact cost to them. So at that time as they say, the administration will follow it and whether they do want to participate - because it is mandatory. If you receive 65 percent, the other 35 percent must participate. So I just wanted to point that out. So I would ask you then to think about adopting the first reading of that resolution. Does it take three readings or just a resolution?

Mr. Batista: Three.

Mr. Snyder: Three readings of the resolution to adopt the first ... give it some thought as we move along. We don't have to immediately decide how we're going to fund it, but we have a couple avenues.

Mr. Osborne: I would like to see a copy of that process ...

Mrs. Bittle: I'll put a copy in everybody's bin.

Mr. Snyder: I'll make sure you get a copy.

Mr. Osborne: if everybody on council. I would also like to say I would like to see some language in there that would mandate the installation of these - I mean we're talking 30, 40, 50 dollars a one time shot, and the resident is protected, the city is protected from possible claims. Put these in. Put it in the language of...

Mr. Snyder: That's a very good point.

Mr. Osborne: that - of this process.

Mr. Snyder: Well I think we'd have to go back and we'd have to address - I don't know where that's addressed to meeting our requirements for permit. Is that in the - that again is in the - that's in the Engineer's Office.

Mr. Treadon: Building Code.

Mr. Snyder: Pardon.

Mr. Treadon: Building Code.

Mr. Snyder: In the Building Code and that's where you'd have to address it, which we can do. It comes out of your committee if you so desire. But again, that would have to be universal. Anybody attaching their sewer to our ... would have to hook on.

Mr. Osborne: I'll put that on our committee for next week...

Mr. Snyder: That's not a problem. You have that...

Mr. Osborne: cause we've got to be proactive and thinking on behalf of the residents as well as the city's behalf to protect everybody.

Mr. Snyder: Inaudible...that's no problem. Mrs. Magel.

Mrs. Magel: Mr. President, is the ward councilman under any time line?

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Mr. Snyder: Again, I don't have that sheet. It's a specific follow through. There's so many days that you must follow. And I apologize, I did not read it.
Mrs. Magel: Okay.

Mr. Snyder: I do know it came in, I didn't read it. I know Mr. McLaughlin had it...

Mrs. Magel: I can wait.

Mr. Snyder: Yea we'll have so we ...

Mrs. Bittle: I'll put one in everybody's bin tomorrow.

Mr. Snyder: But again it will go through three readings. So it's going to be a process of a minimum of 6 or 8 weeks before we can consider the next step.

Mrs. Bittle: The residents get 30 days - I think they get 30 days.

Mrs. Magel: After the registration - receive the registered letter?

Mr. Snyder: Yea. So...

Mrs. Magel: Okay.

Mr. Osborne: And Madam Clerk can you make note of that? That's going to be on my committee for next week.

Mr. Osborne moved and Mrs. Kiesling seconded to **adopt the first reading** of Resolution No. 101-03. All members present voting:
Yes: Magel, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

13.
- Mr. Osborne moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 102-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 102-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for construction engineering services for the expansion phase of the Water Treatment Plant and declaring the same to be an emergency.

Mr. Snyder: Again, we agreed last week to the ... budgeted \$350,000.00 and this for not only the professional services where we'll have an engineering service for the person to be present on the job site, to monitor the project, which is about a 3.5 million dollar project. I think that portion of it, as we have today and so we don't have problems creeping up. Any questions to that? If not...

Mr. Osborne moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 102-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. Osborne: I'll give somebody else a chance.

Mrs. Kiesling moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 102-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and Osborne.
No: 0

Mrs. Magel moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 102-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder.
No: 0

14.
- Mrs. Magel moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 103-03. All members present voting:
Yes: Kiesling, Lindower, Magel, Osborne, Snyder and Foltz.
No: 0

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Ordinance No. 103-03 - First Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration for the Water Treatment Plant Expansion and declaring the same to be an emergency.

Mr. Snyder: Again we spoke to this, this is the companion work to upgrading our Water Treatment Plant. And as we all felt it would be beneficial to bid this section before they complete the first in order to save money, hoping that possibly the contractor on the job would deem it easily because setting up and moving equipment on the job runs into the hundreds of thousands. So we have the ability to save money consequently we're moving accordingly. There not being any questions...

Mrs. Kiesling moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 103-03. All members present voting:

Yes: Lindower, Magel, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. Osborne moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 103-03. All members present voting:

Yes: Lindower, Magel, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mrs. Kiesling moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 103-03. All members present voting:

Yes: Magel, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Mr. Snyder: The truth be known Rick's probably home learning the lyrics to Kum Ba Yah. The way we're going through his committee here we all seem to be getting along quite well.

15. Mrs. Kiesling moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 104-03. All members present voting:

Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Ordinance No. 104-03 - 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 No. 211 Municipal Road Fund to the Contract Payment account in th aggregate amount of \$65,000.00 for the current expenses during the fiscal year ending December 31, 2003 and declaring the same to be an emergency.

Mr. Snyder: Again, when the Director of Finance put her certificate, we put it out at I believe at 105,000 and it came in at a hundred and seventy some thousand and we must appropriate that now. And it goes towards the Portage/Ream Street widening. And that's in order for her to spend it. So if there's no questions...

Mr. Osborne: Mr.
Mr. Snyder: Sir.

Mr. Osborne: Mr. President, I don't quite totally understand this. We were short on our appropriations?

Mr. Snyder: No sir, we - that's our share of the County Municipal Road Funds. They - originally their certificate was I believe a 105,000?

Mrs. Herr: That's - yea, that's what we ...inaudible...

Mr. Snyder: But it actually came in - our share came in higher at a 170,000. So in our initial appropriation in December we appropriated a 105, but it - we did receive 170. In order to use that other 65 we must now appropriate it and that's what we're going to do.

Mr. Osborne: Okay, alright.

Mr. Snyder: And hopefully - and that will be used in a municipal road fund purpose that of the Portage Street and Ream Street widening.

Mr. Osborne: Thank you sir.

Mr. Snyder: You're welcome. Any other questions? If not...

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Mrs. Kiesling moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 104-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and Osborne.
No: 0

Mrs. Kiesling moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 104-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder.
No: 0

Mrs. Magel moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 104-03. All members present voting:
Yes: Kiesling, Lindower, Magel, Osborne, Snyder and Foltz.
No: 0

16. Mrs. Kiesling moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 105-03. All members present voting:
Yes: Lindower, Magel, Osborne, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 105-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, Ohio, through the Board of Control, to enter into an auction sale contract for the disposition of equipment and miscellaneous items which are no longer required for municipal purposes and for the disposition of unclaimed property in th custody of the Police Department; and, declaring the same to be an emergency.

Mr. Snyder: As you know, last week we put this through committee and at that time we didn't have a complete list. Administration did provide us with a complete list. It is obsolete city property as well as property that has either been unclaimed or property I believe confiscated through the Police Department - mostly unclaimed things, and the listing is in your packet. And that's how we'll dispose of it at public auction. I don't know, is the time and date to be determined by the administration I believe. Inaudible...

Mr. Held: The date for the auction ...
Mr. Snyder: Inaudible ...

Mr. Held: yes, we have it scheduled for the middle of October.
Mrs. Herr: October 15th.
Mr. Held: October 15th.

Mr. Snyder: That's here at City Hall?

Mrs. Herr: Actually it's down at the Service Center.
Mr. Held: Service Center.

Mr. Snyder: It's down at the Civic Center?
Mrs. Herr: Service Center.
Mr. Batista: Service Center.

Mr. Snyder: Service Center. So if there's anything on there you'd like to buy, that's your opportunity. Any questions on that?

Mr. Osborne: I'm just very glad not to see the Oster property on this list.

Mr. Snyder: I appreciate that. But if you look under cell phone 104 in the dictionary, that's the Oster property.

Mr. Osborne: Is that a code?

Mr. Snyder: We wanted to put a little covert action - see how - see if you would investigate it. Thank you, I did appreciate that comment. Is there any other questions? If not...

Mrs. Kiesling moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 105-03. All members present voting:
Yes: Magel, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

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Mr. Osborne moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 105-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. Osborne moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 105-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and Osborne.
No: 0

17. Mr. Osborne moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 106-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder.
No: 0

Ordinance No. 106-03 - First Reading

An ordinance to approve and adopt current replacement pages to the Codified Ordinances, and declaring an emergency.

Mr. Snyder: Chairman Osborne.

Mr. Osborne: Thank you Mr. President. We discussed this briefly last week and at the committee hearing and we were told I guess no legislation is required, and that's for the actual, I think the reference was to the actual printing of it, that can be done on a purchase order. But I was advised later by the Law Director that on second thought we would need legislation to adopt the new ordinance changes and to incorporate them into our codified ordinances, so that's what this is all about. So routine annual process as laws are passed. And I guess I would have to ask, does this also incorporate any kind of statutory laws that the state legislator incorporates?

Mr. Batista: Well absolutely.
Mr. Osborne: Okay.

Mr. Batista: It brings your traffic code and your criminal code in sync with the Ohio Revised Code because it has to be.

Mr. Osborne: So this is just an annual housekeeping process to bring our code into compliance so the law enforcement and civil proceedings can proceed. So anybody - any comment on council? Okay, that's all I have. Thank you.

Mrs. Kiesling moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 106-03. All members present voting:
Yes: Kiesling, Lindower, Magel, Osborne, Snyder and Foltz.
No: 0

Mrs. Magel moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 106-03. All members present voting:
Yes: Lindower, Magel, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. Osborne moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 106-03. All members present voting:
Yes: Magel, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

REPORTS:

Mr. Snyder: Director of Law any remarks?

Mr. Batista: Yes. I kind of feel compelled to respond to Mrs. Baughman's statements. Is Mrs. Baughman still here?

Mr. Snyder: No, she left.

Mr. Batista: Oh, she threw her grenade and left, okay. First of all if Mrs. Baughman was a little better informed, she would know that the open space issue of retention/detention ponds in the Sanctuary is a subdivision issue and not a zoning issue. If she was a little better informed she would have had the opportunity to read the minutes of the Planning Commission meeting for August, at which point I strongly recommended a tightening of the open space definition in the subdivision regulations to just tighten up open space so that we weren't getting all the scrap ground that a developer wanted to give us. And those minutes were typed verbatim, they are

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available, anybody can read them, they'll see what I said and that if that is a conflict of interest I plead guilty. The final item is, I also put in your October 18th or your August 18th packet, my offer that if there were four votes on this council to put that definition back in the ordinance, I would put it in at my expense. And apparently that has - the council, at least five members of this council don't feel that that was such a good idea to put that language back in. I do not feel I've had a conflict of interest. I think at all times I've been forthright in my representation of this city. And no, if you read the Planning Commission minutes, under no circumstances did I do the McKinley Development Company a huge financial favor. As a matter of fact I did support the tightening of the subdivision regulations. Thank you.

Mr. Snyder: Thank you sir. Assistant Director of Law.

Mr. Treadon: At the risk of extending this very stimulating meeting tonight, I would like to say, with regard to the zoning ordinance, the amendment of the zoning ordinance, whether it's this zoning ordinance or the previous zoning ordinance, follows essentially the same procedure. It can be amended by, at the insistence or at the request of a private citizen, it could be amended at the request of the Planning Commission, or it could be amended at the request of Council. The only difference - or substantial difference in language is that the new zoning ordinance requires what's called a resolution of council. In any case, no matter who initiates the zone change, it must under the terms of this ordinance, of the new zoning code and the old zoning code, must go to the Planning Commission - it's mandatory that it go to the Planning Commission. If the Planning Commission recommends change to the zoning ordinance, it takes a simple majority of this body to adopt that zoning change or zoning ordinance change. If it's a negative vote from the Planning Commission, like the old ordinance, it takes six members to overturn it. So what my point is, that the amending process currently is the same as the amending process before. There's no change. By sending something to the Planning Commission this body is not advocating or giving up any of its powers. So that's all - I wanted to clear that point up for all members of council. Thank you Mr. President.

Mr. Snyder: Thank you. Director of Finance Herr.

Mrs. Herr: Yes. I just wanted to make a mention. As you guys might know, we did have our exit conference with our auditors last week. And just overall the audit went well - went long, but it went well. And we did receive an unqualified opinion on our financial statements and there was no material weaknesses or reportable conditions that would require any further actions. So I just wanted to pass that along.

Mr. Treadon: You done good ...inaudible...

Mrs. Herr: Huh?

Mr. Treadon: You done good.

Mrs. Herr: Inaudible... October...

Mr. Snyder: You going to have enough money to support that wall in there for an additional plaque that it's going to ...inaudible...

Mrs. Herr: Well that's still to be seen. So...

Mr. Foltz: What's that called, the Loretto ...

Mr. Snyder: That's good.

Mr. Foltz: Marge Loretto wall and now we've got to change it.

Mr. Snyder: Congratulations! That's a job well done. Thank you. Director of Administration Held.

Mr. Held: Yes, tomorrow the Board of Control will be meeting to enter into an agreement on a lease for the Arrowhead Country Club. And as you can see the - last week we put together the worksheet in which we fully disclosed all the proposals so that the council members would be aware of it. And Julie did a real nice job of putting it on a spreadsheet so that we could try to prepare the proposals because they weren't - it wasn't like a bid spec, they were just guidelines. And so we gathered all information, Julie put it together and tomorrow we'll be discussing and then making a decision on which operator we are going to enter into a lease agreement with. More than likely we will not have the lease agreement hammered out or finalized by September 2nd. So we are also going to be entering into a short term management agreement for 30 days just so that we're not making any quick decisions in reference to the lease. But tomorrow we will pick one of the operators to...

Mr. Batista: Just so council understands the difference between a lease and a management agreement. Lease, money comes in. Management agreement, money goes out. In other words that's a bit of an overstatement.
Mr. Held: Right.

Mr. Batista: He is the - the manager is running the course for us, the receipts are the city's property, but we pay him for the management and we're going to be in that system for about 30 days. Inaudible...

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<p>Mr. Osborne: May I ask? The ...inaudible... person that's going to be managing it, will they be the lessee who eventually signs the lease?</p> <p>Mr. Batista: That's why - I think what's intended.</p> <p>Mr. Held: Yea, that's what the goal is. Because if they're going to ...</p> <p>Mr. Osborne: It's not going to be some other third party and...</p> <p>Mrs. Herr: No.</p> <p>Mr. Held: No, no. I mean it's under the assumption that we're going to you know work in good faith to find an agreement. And certainly a lot of those points were outlined in their proposals. So we feel confident that which ever organization is picked, that we will be moving in the right direction. And by the way we do have some of the representatives of one of the organizations here. And I want to commend everybody that turned in a proposal, because all very quality organizations and - it was just really nice to see the interest that we had and ...</p> <p>Mrs. Kiesling: That's those three guys that called me.</p> <p>Mr. Osborne: Inaudible... just...</p> <p>Mr. Snyder: Well that - Excuse me. That management agreement obviously without saying, is well within the statutory limits provided.</p> <p>Mr. Held: Yes.</p> <p>Mr. Snyder: So it will not exceed that. So it's well within the proviso of the...</p> <p>Mr. Held: That's correct.</p> <p>Mr. Snyder: Board of Control.</p> <p>Mr. Held: And we would also ask too that once the lease is finalized then of course we refer to the lease agreement and therefore we wouldn't have to pay out the management amount. The management amount is or the management agreement is more as protection in the extreme case that there was not a finalized lease agreement.</p> <p>Mr. Osborne: Can you elaborate more on this management contract ...inaudible... so that the course will stay open we're paying a fee to somebody to manage it? Or are we just paying somebody to maintain...</p> <p>Mr. Held: Well when the Board of Control - when the Board of Control appoints an organization to occupy or operate the Arrowhead Country Club. It's - and it's going to be a challenge in order to have the lease approved by both sides by September 2nd.</p> <p>Mr. Osborne: I understand all that, but...</p> <p>Mr. Held: So that's why, just as a protection, we're going to have a 30 day management agreement so that we're not rushing at the last minute.</p> <p>Mr. Osborne: Well this be with the prospective lessee or lessor? I get the words mixed...</p> <p>Mr. Held: That's what the intention is...</p> <p>Mrs. Herr: Yes.</p> <p>Mr. Held: Yes, and...</p> <p>Mr. Osborne: And what kind of management fees are we going to pay them for that 30 days?</p> <p>Mr. Batista: I'm guessing it's going to be within the \$15,000.00...</p> <p>Unidentified: Correct.</p> <p>Mr. Batista: purchase order authorization. I think I've heard the figure of \$5,000.00.</p> <p>Mr. Osborne: For one month we will pay as much as 15,000?</p> <p>Mr. Held: 30 days.</p>		

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Mr. Batista: No.

Mrs. Herr: Less than...

Mr. Held: Less than and that's what the Board of Control will discuss tomorrow.

Mr. Osborne: I understand that. Are we - can we ...

Mr. Batista: We're still negotiating.

Mr. Osborne: I would think personally three or four thousand dollars just to put somebody in charge to operate it ...

Mr. Snyder: Well the profit ...inaudible... to the city though. It will offset - your management fee will be offset by your gross revenue. Correct?

Mr. Osborne: But you're just paying somebody to kind be a - in charge and a contact person basically.

Mr. Held: After the lease is finalized, there's not going to be an amount that's going to be paid out. That's going to be part of the lease agreement.

Mr. Osborne: I understand that, but I'm talking about the 30 days. I would be a little bit concerned if we're going to be paying more than say 5,000 for somebody to be in charge, somebody to facilitate and provide us the knowledge to care for it for that one month. I would...

Mrs. Herr: Chuck, I think what Dave was saying is that the management contract is just a temporary precaution...

Mr. Osborne: I understand that.

Mrs. Herr: that if in the end run if we have the lease finalized there will be no actual payment made. It's just in the case - extreme case that something does not...

Mr. Osborne: Okay, that's a little clearer - that's a little clearer.

Mrs. Herr: does not happen that it falls through.

Mr. Osborne: I got you.

Mrs. Herr: That key is not out - he, she, whoever is not out. You know that they're compensated for their time.

Mr. Osborne: That helps.

Mrs. Herr: But again, as long as the lease is finalized within that period, there would be no fee. But there has to be something established in the...

Mr. Osborne: Alright.

Mrs. Herr: event that something does not happen, it does fall through.

Mr. Held: Something extreme.

Mr. Osborne: Well that's a help. But again, I wouldn't want to pay somebody ten grand

Mr. Held: Okay.

Mr. Osborne: in case we went beyond 30 days. I would hope we wouldn't pay anymore than five.

Mr. Foltz: President Snyder.

Mr. Snyder: Yes sir.

Mr. Foltz: If I might comment. This - Director Held I appreciate the information. This is really a Board of Control matter at this point. I have full confidence that that's what we need to do, it's what you should do to ensure that that course is opened up. And I'm - and that's the questions I've been getting, can we publicly go there and golf September 2nd. And the answer is ...

Mr. Held: Yes, that's what the intention is. Yes.

Mr. Foltz: Yes. That's all I want to hear. And then you'll work this other situation out to the best of our abilities? Thank you.

Mr. Snyder: Thank you sir. Inaudible...

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Mr. Held: And that's all. Thank you.

Mr. Snyder: Mr. Mayor, do you have any comments?

Mayor Rice: Yea, two quick things Jon. I'd like to just mention this ... members know, last Thursday AEP had a power outage which did shut down the power to our Water Treatment Plant for probably - roughly 24 hours I guess give or take a little bit. Inaudible... everything worked fine starting off our backup generator worked for several hours then the generator radiator sprung a leak. You know we had - due to the power outage caused some water to backup. So it was a real challenging situation at the Water Treatment Plant operating in the dark. But all I wanted to let know and publicly express my thanks to Dave. Dave, our administrator, did a fabulous job managing that situation, was there I think till close to midnight that night, as was our Fire Chief, as was our Police Chief and as were members of many of our departments - Street Department, Water Department, Sewer Department, obviously people from the Water Treatment Plant. And I just want council to know, hopefully everybody appreciates the work these people did because they were in there. John Hockensmith - Rich was on vacation - John Hockensmith was in charge and managed it beautifully, although he'd never quite been exposed to such a situation and thought maybe he was going to have a heart attack there for awhile. But no, he did a fantastic job, as did everybody else. And quite honestly and they notified the media, of course they tried to ask people - the only difference was the asked people to conserve water while the power was down and they were experiencing some inefficiencies with the backup generator. They got another backup generator in there, even though they did keep the one that sprung a leak going during that time. But really the important thing was they maintained service. Our residents didn't or our water customers, in and outside the city, did not experience any interruption of their water service. And quite honestly probably without them making the announcement for people to be conservative in their water usage, I don't think anybody even noticed that there was a power outage at the Water Treatment Plant and that's the bottom line. They maintained service, worked through it with the EPA and all the officials were involved. And I just want to publicly thank Dave and our chiefs and all the people that pitched in down there because there was a lot of them. They did a great job of keeping the system up and working properly until the power came back on on Friday afternoon. Other than that I just wanted to remind everybody that the Cleveland POPS Orchestra - this is our last formal meeting before that on September 6th, Saturday night, 7:30 p.m., out here in front of City Hall. Again this year - fifth year I think we're having that, put on by the City of North Canton with help from First Merit Bank as a sponsor and WHBC radio are helping sponsor that this year. So encourage everyone here and everyone in the public to attend. If we get rain, it simply is moved back to Sunday night at 7:30. But it's a great event, encourage everybody to bring their families and come out and relax and have a nice evening at the POPS. That's all.

Mr. Snyder: Thank you Mayor. Mr. Engineer.

Mr. Benekos: Just one item. The mines at McKinley, at Bitzer, we've been in contact with ODNR, they'll be out shortly, they said, I anticipate within a couple weeks to remediate that. And we should have that problem solved soon. That's all.

Mr. Snyder: Inaudible... and then we'll be able to move forward on that project and ...inaudible... I would assume that.

Mr. Benekos: Correct.

Mr. Snyder: Good. Madam Clerk, do you have any comment?

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: Just to mention that Engineer Benekos, Robertson's got the estimate for Janet. Do they plan to start that this year yet?

Mr. Benekos: Yes they do.

Mr. Foltz: Okay. That's good news.

Mr. Benekos: We'll be meeting with them next week.

Mr. Foltz: They already have a lot of their equipment down there in the Middlesworth area, so it's not that far of a drive north. I appreciate that. Okay. That's it thank you.

Mr. Snyder: Member Lindower.

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Mr. Lindower: Just one thing I wanted to mention. We all received a letter on July the 31st from Mr. Batista. It's to notify us of his intention to resign as the Law Director effective September the 15th of 2003. I only wanted to make mention of that so that the public was informed of that. I'd also like to say that through the years on the Police Department and during my time here on this City Council I've had occasion to work with Roy on many different instances and I just want to thank him for his service. Thank you.

Mr. Snyder: Thank you, that was kind of you.

Mrs. Kiesling: No report.

Mr. Snyder: Member Magel.

Mrs. Magel: No report other than I would like to say to the Mayor, I heard what you said and please tell everyone involved who did such a good job, thank you and thank you David.

Mr. Held: Thank you.

Mr. Snyder: Member Osborne.

Mr. Osborne: I have a couple questions. I'd like to follow up on the power outage. If there was a total power outage in the entire area, is a backup generator at the Water Treatment Plant sufficient to circulate water throughout the city? I'm of the impression we have high pressure pumps in strategic locations throughout the city. Is that true?

Mr. Benekos: There's one booster station in the city.

Mr. Osborne: And that's where?

Mr. Benekos: That's at Brumbaugh.

Mr. Osborne: That's where?

Mr. Benekos: At Brumbaugh.

Mr. Osborne: At Brumbaugh.

Mr. Benekos: North of the city off of Cleveland Avenue.

Mr. Lindower: It's high elevation.

Mr. Osborne: Is there a backup generator for that or...

Mr. Benekos: I think there are several or there are a couple generators that used for various functions throughout the city.

Mr. Osborne: Is that - are you talking about portable ones that you would take to the site or...

Mr. Held: Yes.

Mr. Benekos: Correct.

Mr. Osborne: Okay. So we're fully covered. We have a backup generator to operate the Water Treatment Plant and we have portable generators we can take to various locations to maintain circulation throughout the city?

Mr. Held: Yes.

Mr. Osborne: Okay.

Mr. Benekos: For the water - for the water system. And you say fully functional, even the generator at the Water Treatment Plant won't function - won't supply the entire plant, just the necessary systems to get water out.

Mr. Osborne: I don't understand that what you just said.

Mr. Benekos: Okay, there are some systems at the plant that aren't necessary to get the water out into the system - out into the water system.

Mr. Osborne: Oh, you're talking about the gravity?

Mr. Benekos: No, there's other - there's some electrical systems that won't be fed off of the generator at the Water Treatment Plant. But...

Mr. Snyder: They're not needed systems to produce the product.

Mr. Benekos: Right, correct.

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Mr. Held: It's just like a sub...

Mrs. Magel: You're just clarifying cause he said the entire thing.
Mr. Held: Right.

Mrs. Magel: And you're saying well there's enough power there to get the water out.
Mr. Benekos: That's correct.
Mrs. Magel: Okay.

Mr. Osborne: Okay, I just want to make sure that - I know there's pumps throughout the city that continue moving the water along, I just want to make sure that we would be fully covered with emergency source of power and the city could sustain a power outage for several days using these backup generators and portable generators.

Mr. Benekos: That was one of the items that we were looking at with the expansion of the plant is the power system. And then with the events of the blackout of the eastern coast, and what happened last week, we'll be evaluating that city wide to see what our needs our from a generator standpoint, not just from the Water Treatment Plant but city wide. We have some lift stations that function on electricity. We have - like I said, we have some generators, but if we had a total blackout throughout the whole city...

Mr. Osborne: Extended blackout, yea...

Mr. Benekos: Right. We'd have to check on that. Right now you know you assume - one part of the city may go out the other part of the city would be on. So you wouldn't need generators for everything. But we will be evaluating that here.

Mr. Osborne: Well earlier you just said that we could supply water for an extended time...

Mr. Benekos: At the plant.

Mayor Rice: It's for water only.

Mr. Benekos: To get the water out of the plant and into the system. Okay. The generator at the plant is sufficient and we also have a backup generator or two that we can send out into the city, but if you don't have water - if you don't have electricity at a water well and you don't have electricity at two other lift stations or you don't have enough generators. So we have to look at that to see how many generators are reasonable to keep on hand and what size generators we need to supply in an event like that.

Mr. Osborne: Okay, so it sounds like you can't really give me a concrete answer. We're evaluating now whether we have enough generators to bring water out of the wells...

Mayor Rice: Chuck, I...

Mr. Osborne: to get it to the plant and then to get it out of the plant or something.

Mayor Rice: No from water - from a water - your initial question what Jim was answering was water. Water - the backup generators are there in the field and in the plant. What Jim is talking about, total blackout where you would lose power to lift stations and other power sources in the city. So he's going beyond...

Mr. Osborne: Well yea I was just talking about...

Mayor Rice: he's now talking - what he's talking about - they're evaluating is beyond just water.
Mr. Osborne: Okay, I was just narrowing it...

Mayor Rice: He's giving you a concrete answer...

Mr. Osborne: Potable water is what I was talking about.

Mayor Rice: for water we can supply through our backup generators. Water and keep water flowing through the City of North Canton with a blackout.

Mr. Osborne: Extended blackout...

Mayor Rice: Total blackout.

Mr. Osborne: drinking water city wide. Okay, that's all. I don't know lift stations require backup generators and your portable ones would be located to those various sites and you're evaluating if you have enough generators for all those needs as well.

Mr. Benekos: Correct.

Mr. Osborne: Okay. It was quite revealing that - to hear what you say that the infrastructure doesn't even meet a ten year storm level. I don't know why in 2003 we just now realized that. That was quite unsettling to hear that. I still would like to put this out to council, I would like to see some legislation to

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fund backflow devices for people who have ... impacted by sewage damage. I mean they've got thousands, some of them I've heard as high as 49 ... in damage. The least the city could do is to get in there and put in a backflow device for you know a few hundred dollars. So whoever would champion that, whatever committee, I don't know what that would be, but I certainly would like to see something like that done.

Mr. Snyder: Mr. McLaughlin - water, sewer and rubbish.

Mr. Osborne: One last thing. I was going through some council minutes, April of last year, and there's some you know there's been media coverage of this Zimmer Ditch study. April 8th of last year in the minutes I talked about the placement of that Canton pipeline connection and I was very concerned about the locating it as it crossed the Zimmer Ditch. And that's where I became familiar with the Zimmer Ditch study. And in the minutes the placement of this pipeline in regard to the Zimmer Ditch is critical, if it's put in the wrong place, when Zimmer Ditch improvements come along, and I hope they come along soon rather than later. I also talked about the city having to share in the upgrade costs of the Zimmer and I was kind of taken to task about that. And Mr. Foltz you'll have to forgive me, but in the minutes you say here I can't worry about the Zimmer Ditch. I talk again about sharing expenses...

Mrs. Magel: Inaudible...

Mr. Osborne: and to improving the Zimmer and Mayor Rice says we have no legal obligation that I'm aware of. And Mr. Foltz follows up, it's not our responsibility. I followed up, Mayor, I would like to advise you that you're in a flood plain right down there where you live. And you replied you know where you live, but what I'm telling you is the Zimmer Ditch is a county ditch. You go on to say it is not a city responsibility. And I follow up, I was pointing out you live in a flood plain now, I don't know if you realize that. And you followed up, I realize where I live. And then later on you state, it is a county owned ditch and it is their response - financial responsibility to handle that. So you're statement that we are obligated to participate is I believe a false statement. Mayor Rice follows up, because it's only up to this council whether this council wants to participate. And my last statement was kind of prophetic.

Mrs. Magel: Inaudible...

Mr. Osborne: I say, well that doesn't forestall the fact that one of these days North Canton is going to be impacted by a flood of the Zimmer - and what was that 18 months ago. So I hope North Canton, again gets very aggressive. I'd like to see litigation to force the county, if they're reluctant to move ahead with it and partner with us, along with the townships - Plain and Jackson and local and Green if a ... The report was done strictly for Plain Township, Jackson Township and North Canton. So you certainly have my vote to get in there and let's spend. Where would we of been if we'd spent that 4.2 million on Zimmer and followed up with litigation if we had to with the county for reimbursement. So it just amazes me, this city has cruised along with these dry summers and suddenly you know there's cracks in the dam here and we suddenly realized we have major, major infrastructure shortcomings. And rather than doing them piecemeal, a couple streets here, a couple waterlines there, I think there should be a major project to get a lot of these areas done in one fell swoop even if we have to borrow the funds. People want to be safe and secure in their homes and not wake up in the middle of the night and hear the rain beating down and wonder is it going to happen again. Thank you.

Mr. Snyder: You know I only have one question. I know you passed that study out to us. But who provided that study, at what expense?

Mr. Osborne: At my expense unfortunately. It was \$180.00 because there were color pictures in there.

Mr. Snyder: Does that have an disclaimer you're running for office on it or did you put it on there?

Mr. Osborne: Are you campaigning here now Mr. Snyder?

Mr. Snyder: No I'm just asking a question.

Mr. Treadon: We don't have enough time for everyone to campaign Chuck.

Mr. Snyder: No, I'm just asking a question since you are...

Mr. Treadon: Good god...

Mrs. Magel: What did you ask, if there was a disclaimer?

Mr. Snyder: Yea.

Mrs. Magel: Was there?

Unidentified: Did you...

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Mrs. Kiesling: You talking about him taking the Zimmer Ditch study down to all those residents?

Mr. Snyder: Yea.

Mr. Osborne: I think it should of been provided at the meeting they came to.

Mr. Snyder: Well it was.

Mrs. Kiesling: Well we - I think we said that it would be at the Engineer's Office. Oh, you weren't there.

Mr. Snyder: I think if they wanted it they could get it. I just wondered who paid for it, that's all. Inaudible... my last - I have a couple comments. Number one, talking about the 4.2 million. I personally as the head of finance and I'm sure I agree with - most of my colleagues will agree with me, thanks to the administration for that, taking that situation that could of been very very costly to the city - taking the politics out of it and negotiating what will probably be a very good lease. And I'm anxious to see who we choose and I want to thank the other two members of the Board of Control for taking that project to its next level. I'm very thankful to all four of you for that, as well as I'm sure my colleagues and the 16,000 people in the city would appreciate that over the next few years. As well as spending four and half million if we would of let it develop for infrastructure. The only other comment I have, the month of September does contain five Mondays, one being the holiday of Labor Day. We have a situation where we can choose to meet the following Monday or we can meet on Tuesday and go for one Tuesday and three Mondays. And rather than make the determination I'm asking council, what is your choice there? Inaudible...

Mr. Foltz: Jon, I'll be out of town Tuesday, so I'd prefer to push it back a week.

Mr. Snyder: That's not a problem. Mr. Lindower...

Mr. Lindower: Good for me.

Mrs. Kiesling: It's fine.

Mr. Snyder: Is there - Administration, anything pending? Inaudible... I mean is that - if there's nothing pending that would interfere if we just do not meet next Monday or Tuesday, but meet the following Monday and then the three after that.

Mr. Foltz: So we'd meet September 8th. Is that correct?

Mr. Snyder: Yes that would be - and then there are three additional Mondays which meet our quota of the two and two. Is that comfortable with everybody?

Unidentified: Oh great.

Mr. Osborne: Anything you work out is fine with me. I'll be agreeable on that one.

Mr. Snyder: Do I need a vote to not meet because it's a holiday ...inaudible...

Mr. Batista: I think - why don't you set the council meeting agenda. What we're going to do is we're going to do a council of the whole on the 8th...

Mr. Snyder: 8th, that's correct.

Mr. Batista: And set ...

Mr. Snyder: And we'll have a regular meeting on the 15th.

Mr. Batista: And then.

Mr. Snyder: The 23rd we'll have - 22nd we'll have a council of the whole, the 29th we'll have a regular council.

Mr. Batista: Make a motion to that.

Mr. Snyder: May I have a motion to that effect?

Mr. Foltz moved and Mrs. Magel seconded to change the meeting dates to September 8, 15, 22 and 29.

Mr. Snyder: Madam Clerk, please call the roll.

All members present voting:

Yes: Foltz, Kiesling, Lindower, Magel, Osborne and Snyder.

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FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: There's a final call for new business from the audience. Anybody wishing to speak to the council on any items? Mam, please step forward, state your name and address for the record.

Shirley VanVranken: 403 Heatherwood Street SW. And I live on Arrowhead and when are we going to know - is - are we going to know at the meeting who the lease - lessor is or will it be in the papers? I was out there watching today and there was a guy pulling a ... cart and I thought it had already been done, because they aren't allowed to do that.

Mayor Rice: No, it's still under - today it's still Arrowhead Country Club.

Ms. VanVranken: But will it be announced?

Mayor Rice: Well if the Board of Control - as Dave said, the Board of Control is meeting tomorrow...
Ms. VanVranken: Right.

Mayor Rice: If they come to a conclusion tomorrow, they could be done as early as tomorrow afternoon.

Ms. VanVranken: But will it be...

Mayor Rice: and at that point in time...

Ms. VanVranken: a public course?

Mayor Rice: Yes. We would issue a press release if a decision is made.

Ms. VanVranken: Because I got all excited. I almost got my cart out ...inaudible...

Mayor Rice: Yea. Just wait till September 2nd. As Mr. Foltz asked a little earlier, we don't know for sure until the Board of Control meets and makes a selection, but the place will be open as a public course, or at least that's our intention as of September 2nd. So you get...

Mr. Snyder: You might get a tee time...inaudible...

Ms. VanVranken: Thank you. If I got a tee time ... yea ... inaudible....

Mr. Snyder: Any - yes mam, thank you. Is there any other comment from anybody? Seeing none, may I have a motion to adjourn?

ADJOURN:

Mr. Osborne moved and Mrs. Magel seconded to adjourn the council meeting. All members present voting:

Mr. Snyder: Roll.

Yes: Kiesling, Lindower, Magel, Osborne, Snyder and Foltz.
No: 0

The meeting ended at 9:25 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL