

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 10, 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 Rev. Reid Firestone, Mt. Pleasant Church of Brethren.
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, McLaughlin, Osborne and Snyder. Also present were: Mayor Rice, Director of Administration Held, Director of Law Pusateri, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

5. Consideration

Minutes of Council Meeting: 10/27/03

Mr. McLaughlin moved and Mrs. Kiesling seconded to approve the minutes of the council meeting as presented. All members present voting:

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

No: 0

6. Committee Reports - None.

Mr. Snyder: I need a motion to consider items on the agenda without a Council of the Whole meeting of November 3, 2003, canceled due to lack of agenda.

Mr. McLaughlin moved and Mr. Foltz seconded. All members present voting:

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

No: 0

7. Recognition of Visitors

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

Rita Palmer: Good evening. My name is Rita Palmer and I live 307 Fairview SE. And for those who don't know my husband is Chuck Osborne. The last time I spoke here you criticized my husband for my words. I would like that not to happen tonight because these are my ideas and my words and if you have comment about them tell me, not him. I would like to offer council some advice for the next two years based on what Chuck and I have experienced for the last two years, but I think the public also needs to hear this. One, please vote 7-0 on all issues. This will bring civility back to council and please the administration. You won't be representing all the people, but does that really matter. Two, do not investigate any issue unless you are prepared for an administration order that will keep all businesses that work with the city from talking to you, the elected official. Three, be prepared when you chair a committee to be barred from attending your own committee meetings. Four, remember if anyone has a personal grudge against you and comes to air it at council you will receive no support from council or the administration and the complainant will be wholeheartedly encouraged to ruin your reputation. Five, when you schedule a meeting with the Director of Administration look him in the eye or else you will be barred from attending the actual meeting you scheduled all because he wasn't looking at you at the time you scheduled the meeting. Six, don't try to help individual citizens who call you because these citizens will come back to you and say that another councilman said getting you involved was the, "kiss of death." In the end you are allowed to help no one. Seven, watch your words when you speak with city officials, you may be on tape. But in some cases you can purchase the tape for prosperity. Eight, be prepared, along with your spouse, to be threatened with the loss of your house and/or every penny if you do not stop doing your job and investigating issues when told to do so. Nine, plan your strategies carefully or you may be investigated by the Prosecutor for nothing except doing your job. Ten, when deciding on financial issues remember old loyalties and hidden promises are hands down more important than saving citizens tax dollars. Lastly, if you ignore all that I've said you will be keeping a long standing council tradition of ignoring the public, answering no questions and then doing whatsoever you want even if it hurts the most loyal citizens of North Canton. Thank you for your time.

Mr. Snyder: Anyone else in the audience wishing to speak to the council? Mam, step forward - Sir, step forward, state your name and address for the record.

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Larry Taylor: 1115 Knoll Street. I'd just like to take a few minutes to thank Rick McLaughlin for his work he's done the last 12 years and in that area he's worked hard. Hasn't got everything we wanted, but we did get streets improved in our immediate area to the east, to the south and to the west. We also, with the help of the Planning Commission, were able to prevent an over saturation almost next door to me of housing. So some good things are happening. I think he deserves a little pat on the back.

Mr. Snyder: Thank you sir. Madam.

Carolyn Mross: 301 Mississippi Street SE - Apartment 1W. I'd like to thank all of you for helping me - David, Mr. Benekos, Mr. Rice, Mr. McLaughlin, Kathy Magel, are the ones that I'm sure of that have helped. And I don't know what we would of done. We've had a mess. We've got a postal mess too. And somebody must of shook the branches because I got the post lady coming up to me and saying are you Mrs. Ross? No, I'm Mross. Well she says we try our best and I'm going to be on here, I'm kind of like the real mailman now, but I'm not, I'm still one of those P - whatever it is that they call themselves. And I said I told her I said the reason we hadn't complained recently to them was because it was a whole year and a half we have been dealing with it or more. And then her complaint was - are you ready for this one, that because the woman that was on there 13 years ago when I came was so good that she got done early that they gave her more to do. Nobody else can keep up with her. Now, wasn't that amusing? I thought so too when I get my mail at 5:00 or 6:00 at night. So I have had a lot of help from you. That if not hands on immediate help, it's go here or go there and ask this person or that person. They gave me and also Mrs. ...inaudible... good suggestions and places to go and people to contact for it. And I wanted to come out and thank you for what you have done to us. And I'm sorry to see that you're not coming back Rick, cause you - I don't know the new person and I'm not going to be negative about that, but he has done an awful lot. And David Held came out the other day when my carpet stunk to high heaven because Bitzel's decided that they were going to disinfect it. See how well they disinfected it? And it has been getting worse. But now Mr. Held told me what the next step in this process is. I've had so many steps I ought to be at the top of the McKinley Monument soon. Thank you.

Mr. Snyder: Thank you mam. Madam...

Patricia Davis: 414 West Maple, North Canton. I want to thank this group who worked together that helped the intersection of Hillcrest and West Maple. We have had, to my knowledge, no accidents since our major revamping of what we did. And this group as a whole were responsible for that intersection. Of course you had a little prompting on my side. But I thank you all. And so do the kids from the junior high.

Mr. Snyder: Thank you.
Mr. Held: Thank you.

Mr. Snyder: Any - Miss...

April Smail: Hello, my name is April Smail and I reside at 7580 Mose Street, SW in Navarre, Ohio. And I'm approaching you this evening because of a certain parking ordinance that I would like to talk about getting rescinded. The ordinance is the overtime parking from 2 a.m. to 6 a.m. I've been a resident of Ohio in Navarre for 18 years, left, went to school in Cincinnati. Very good at following street signs, traffic signs, looking for painted curbs and such. Lived down there for 8 years, came back up here a year. And the reason I'm mentioning this is because I got a ticket the other morning. I went to a friend's house for a certain gathering for Halloween - had some friends over. Live in a parking complex or an apartment complex - I was being considerate of those people that actually live at that apartment. There aren't that many visitor parking spots, so I let my friends know that it was okay to park in the street because I did not see any signs. Little did I know that it's an ordinance here in North Canton, no parking from 2 a.m. to 6 a.m. Which by the way I was informed is posted at the city limits. Which I did look tonight, there is a nice sign, nice carved out dogwood sign, Welcome to the City of North Canton. About 10 or 15 feet from there is nice sign at eye level that says Welcome to the Home of the Hoover Vikings, yadda yadda yadda. Three feet off the ground it says no parking 2 a.m. to 6 p.m. on all city streets. Now it's obviously plain that you wouldn't park on Main Street - North Main Street or Cleveland Avenue because there's no where to park. But if you're off in a residential side area there's plenty of parking and boy it sure looked like it that night. Well, I let all my friends park there too and two of us did get parking tickets, which I was not happy about seeing in the morning. Especially since I did not know it existed. If followed up with the Police Department and they said that the person that you went to see should of known about it and that it was stated to them in their utilities packet. Everybody knows nobody reads those anyway, right? Well they didn't know about it and they've lived there for four years. So he was pretty - found it interesting that I got a ticket. Not a big deal, the ticket is \$5.00 if you pay within 72 hours, if not it's 10. Well here's me being that law abiding citizen, if I put it in the mail will it get there in enough time so that it won't be \$10.00 or should I just make the check out for \$10.00? Well I could of come up and talked to the officer who wrote the ticket if I had been able to look at the ticket and it would of been legible. Okay, 4:39 in the morning either you make yourself legible or you don't write it because you don't want anybody to know it was you. Anyway the main purpose this was established, this law, if you guys don't know, which thank

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you for helping me out on this, was established in - on January 10, 1949 - 64 years ago was a long time. And this was established because we subbed out our street cleaning to a group. Okay, well that's great. They can only get to certain areas on certain days of the week, just like the garbage men I would assume or else we'd have garbage pickup everyday. Now about 7 or 8 years ago the City of North Canton purchased - I was told purchased their own street cleaning equipment and they do it now during the day. Do we see a reason to still have this 2 a.m. to 6 a.m. no overnight parking? Especially since we're paying someone during the day so we don't have to pay them overtime to do it in the middle of the night. And who would want to work from 2 a.m. to 6 a.m. anyway to clean the streets? So one of the things also too I was noticing, since it is so limited to ... limited posted, excuse me, I would of thought maybe in the 64 years that it would of been - a fund would of been available from all those 5 or 10 dollar fines to put up some street signs, at least on some of the major streets so you'd see it more often. Also too, there's no where for visitors to know - coming outside of North Canton to know that this is an ordinance. And second of all ... this day and age we have three and four people in a household that are drivers. I myself live with my parents since I just moved back last year; not sure where I want to live so I decided to stay with them for awhile. I drive, my sister drives, my mom and dad both drive. If we lived on a city lot, which most - some of you may, you know you have a one car garage and enough room in the driveway to maybe park one or two cars. Great, somebody parks out in the street. As long as you let the Police Department know that you're going to be staying there it's not a problem. Well why is it a problem in the first place now a days. Second of all, they don't enforce it all the time. Well if you're not going to enforce it all the time then why have it? Because those of us - those people who did get away with it are either going to do it again or tell people that it's fine to do it and then other people are going to get a fine. And just to let you guys know, I talked with many a people from the time I got the ticket until now, where I can come and voice my opinion, and you won't believe how many people were actually surprised. Some of them living in North Canton did not know that they were not allowed to park in the street and live it from 2 a.m. to 6 a.m. If so and the reason I'm asking is for this ordinance to look at being rescinded because it has no purpose now a days, it's not protecting anyone, where - that's where laws usually established, it's not helping anyone, because we clean street during the day. And heaven forbid there'd be a strange car in your neighborhood. Somebody actually having a visitor over and not telling everyone so everybody knows what's going on. And also the fact that if it's not going to be enforced all the time then why have it. So thank you very much.

Mr. Held: Thank you.

Mr. Snyder: Thank you.

Mr. Osborne: Mr. President, may I address a couple of her comments?

Mr. Snyder: Please.

Mr. Osborne: You seemed to have covered it. It's standard policy if you're going to stay out on the street to call the police and they will bypass your car. I guess you found that out when you were talking to them...

Ms. Smail: I found that out when they told me what I would have to do because I didn't know that there even was something that existed. Yea, so if you don't know there's no way to ..inaudible...

Mr. Osborne: Well like you mentioned, the signs coming into the city do cover that. I think most North Canton residents are aware that there is no parking from 2 to 6. It does serve some other valuable purposes. One that quickly comes to mind are the streets are very narrow and if you start getting cars parking on both sides it's very difficult for the passage of traffic - two way traffic. Plus you can't get emergency vehicles down the street very easily. And also it allows for each car to be - basically find a home. So I guess next time you'll know that just call the police. I will agree with you on one point though, I don't think it's uniformly enforced throughout the city, but that's for the administration to handle. Just next time call and they will accommodate you.

Ms. Smail: Alright. Not to - I don't know how this works on this end, if I'm allowed to respond back...

Mr. Osborne: Sure, go right ahead.

Ms. Smail: Okay. I do think it's a little uncalled for to have that sign at this level and have the home of the Hoover Vikings as their most prominent sign on that post. And if it's not going to be with the welcome to the City of North Canton sign, then it shouldn't be something that is enforced at the city limits. Because it - actually it doesn't start at the city limit. So if I wanted to park in those first 10 or 15 feet would I still get a ticket? Yes, but I could argue no because it's the city limits back here and that sign starts there and that's the first notification of that city ordinance.

Mr. Osborne: Well I'm sure the administration will take into consideration the prominence of the sign so it's a little more noticeable.

Ms. Smail: Also too, thank you. Also too, passing cars, I guess that's where we come in with common courtesy. You stop over so I can come ...inaudible... from a school bus. I have a very narrow road out by my house, you stop, you let the bigger vehicle pass so that they don't really hurt you and you're not intrusive to them and we all live happily ever after. So thank you very much.

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Mr. Snyder: Thank you. Anyone else wishing to speak to the council this evening? Okay.

OLD BUSINESS:

8. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, third reading of Ordinance No. 120-03.** All members present voting:
 Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
 No: 0

Ordinance No. 120-03 - Third Reading

An ordinance accepting the application for the annexation of certain territory, known as The Sanctuary Annexation, containing 107.4341 acres of land, more or less, in Plain Township to the City of North Canton.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the third and final reading of the annexation of the south course of what was formerly known as Bob-O-Link, now known as The Sanctuary, to be annexed into the City of North Canton. It does not contain any plats, any zoning; that will come up later in the discussion. This is just straight forward annexation.

Mr. Snyder: Any other comment? Mrs. Magel...

Mrs. Magel: Yes, mentioning the plats and the zoning, I think we left it off. I understand from here this is our third reading and then there'll be 30 days. And what exactly is the next step?

Mr. Snyder: Inaudible... depending - would be at that point the site plan the preliminary site plan would be presented to Planning Commission and that begins the process of what they want to do. But it is my understanding most of that will be built under R-50 and R-70. But - so that - barring the request for a zone change, it would go through the preliminary process of preliminary plot plan to begin at the Planning Commission and that goes through accordingly. That...

Mrs. Magel: Okay, so after the 30 days it goes to planning for a full site plan, including those 12 acres.

Mrs. Kiesling: I think we've got to zone it first, don't we?

Mr. Osborne: Yea, you've got to zone it first.

Mrs. Kiesling: Yea, it has to come back to us to zone it, it gets three readings, 30 days, then the site plans go to planning, get approved or not approved, then come to us to get approved or not approved.

Mr. Snyder: If it's accepted into the city as...

Mrs. Magel: Okay, that's exactly what I want, I want this procedure nailed down.

Mr. Snyder: rural residential I think, the way it's zoned presently. Is it not?

Mayor Rice: And I think you guys still have to establish...

Mr. Osborne: Inaudible...we have...

Mrs. Kiesling: We have to establish zoning because it was Plain Township. Correct?

Mr. Snyder: Inaudible... zone...

Mayor Rice: The North Canton zoning.

Mrs. Kiesling: Correct.

Mrs. Magel: Alright.

Mr. Snyder: R-50 and R-70...

Mayor Rice: Inaudible...

Mrs. Magel: Okay, so the first step is zoning. And will there be a public hearing?

Mr. Snyder: That's required by law.

Mrs. Kiesling: Yes.

Mr. Osborne: Yea, that's required.

Mr. Snyder: Inaudible...

Mrs. Kiesling: Planning...

Mrs. Magel: I'm getting this - I'm getting this on tape.

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Mr. Snyder: There is a public hearing required at the Planning Commission level.
Mrs. Magel: Okay.

Mrs. Kiesling: Planning and ...inaudible...

Mr. Snyder: There's a public hearing required at the Council level.

Mrs. Magel: Alright. So the site plan will not be presented during the zoning?

Mrs. Kiesling: It shouldn't be. It's totally separate.

Mr. Osborne: No, the zoning is handled separately.

Mrs. Kiesling: Correct.

Mr. Benekos: I'm sorry, I was sneezing. Thank you.

Mrs. Magel: Oh, okay. Bless you.

Mayor Rice: Inaudible...

Mrs. Kiesling: You almost went through the window.

Mayor Rice: That's what I thought, I thought he went out the window.

Mrs. Magel: Okay, so we will have the zoning, we will have public hearings, then the zoning, the recommendation come up to council for a public hearing, then the zoning, then it goes back to planning for a public hearing for the site plan.

Mrs. Kiesling: How could that public...

Mr. Benekos: Preliminary plat.

Mr. Osborne: You'll have two public hearings. One before the Planning Commission, then it comes to Council, another public hearing and then they will submit a site plan to the Planning Commission.

Mrs. Magel: Okay, without a public hearing.

Mr. Osborne: Without a public hearing.

Mr. Snyder: Yea, I don't think that's required at planning level...

Mr. Osborne: Cause they're complying with the existing zoning that will be rendered on the property.

Mrs. Magel: Perhaps. Okay. Alright, so then there will be sufficient time for the new council then to discuss some of the question marks, the holes that we have left here with the parks, with the water...

Mr. McLaughlin: Retention basins.

Mrs. Magel: Retention basins and a - so a

Mrs. Kiesling: And density.

Mrs. Magel: Density, the whole nine miles. So I just wanted to clarify that because there's some action that might be taken. And I would like council, this council, next council, any council to consider maybe the people having a voice in this.

Mr. Osborne: Well they will have at the public hearing at the Planning Commission.

Mrs. Magel: Or on a referendum or you know ... support the people.

Mr. Osborne: Well that's the purpose of the public hearings for public input and there will be two public hearings.

Mrs. Kiesling: You're asking us not to pass it on an emergency, which I don't think we - I know we can't pass zoning on an emergency. And I don't...

Mrs. Magel: No, I'm not asking ...inaudible... I'm just saying support the - any initiatives or referendums or - so that we can fill in these holes, these important holes that are going to be for Ward 2 and Ward 3. But as far as the annexation I have no problem.

Mr. Osborne: This is just the raw land.

Mrs. Magel: Right.

Mrs. Kiesling: Okay.

Mr. Snyder: Any other questions? If not...

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Mr. Osborne moved and Mr. McLaughlin seconded to **adopt the third reading** of Ordinance No. 120-03. All members present voting:
 Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
 No: 0

9. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 125-03. All members present voting:
 Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
 No: 0

Ordinance No. 125-03 - Second Reading

Ordinance No. 125-03 amending Chapter 135, Division of Fire, PART-ONE, ADMINISTRATIVE CODE of the Codified Ordinances of the City of North Canton for the purpose of combining the Fire Department and the Department of Emergency Medical Services.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yes, this a - again it's just a matter of bringing the Administrative Code up to date. Since we've incorporated fire or I'm sorry Fire Department and Emergency Medical Services into one unit, this will actually clarify that in Chapter 135 of the Administration Code.

Mr. Snyder: Any questions...

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the second reading** of Ordinance No. 125-03. All members present voting:
 Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
 No: 0

Mr. Snyder: I'd like a motion to amend the agenda to allow discussion under finance and property the health insurance proposals ...inaudible... wants to be considered at the Board of Control this evening.

Mr. McLaughlin moved and Mrs. Kiesling seconded to amend the agenda to allow for discussion of the health insurance proposals. All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
 No: 0

Mr. Snyder: I don't recall the ordinance number that we passed approximately 3 or 4, 5 weeks ago, but in that ordinance we stated and directed the Mayor to enter into a contract for health insurance. And now it's been brought to my attention and I believe you were all given a copy of it, there's some question as to providers. As most of you know, I believe it was last February, we switched from American Benefits. We went totally with AultCare as our major provider - our third party provider and under that it does have a closed thing. However, Ohio Health Choice did give us the opportunity to provide to our employees the flexibility of choosing that. However, as - and I am not an expert by any means on PPO's or closed insurance policies, by using the AultCare as our third party provider it has meant a reduction to the City of North Canton and it will be this year also some \$65,000.00. Our present insurance runs the city close to a million dollars in coverage. We are insured - we self insure the first \$50,000.00 of a claim, to which case the stop loss insurer picks up from 50,000 and above.

Mrs. Herr: Jon, I'm sorry, that's 40,000

Mr. Snyder: 40,000 - excuse me, \$40,000.00. However, the situation being that going forward to make these work economically for the third party providers and the reinsuring market, they do want to have more participants in the plan. And under the new presentation that you will receive effective sometime within the next 30 to 40 days, we will increase the out of -... the out of pocket number will stay the same. However, you will be required to pick up the first 10 percent of the insurance, as most people do today. Health insurance is very costly and unfortunately the city can no longer continue to provide that type of product at a full 100 percent to the employees. However, the problem being that AultCare - some people do not have AultCare as their primary provider and there is a provision I believe that will require the employee to pick up 20 percent, additionally to the 10 percent, should they not stay within that plan. And I believe the term they use in those is steering the patient into their plan. So we've been asked by the administration, I was, and I said I looked at it, I do not have the authority nor do I want to make that decision as to whether we should offer one plan or two plans to our employees. There are municipalities and there's private industry that do offer two separate plans to their employees. However, the minute that we do that we will no longer enjoy that \$65,000.00 savings. Again because I'm sure insurance - some way they put it over the whole plan and ...

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that's how they can save it. However, the Ohio Health Choice does not offer us the discount that they used to offer us when we had the participants in the plan. The approximate amount of discount that we lost, I believe under last year, was about \$41,000.00. Was it not? Or that they estimate ...inaudible...

Mrs. Herr: That they estimate that we could of saved...

Mr. Snyder: We could of saved...

Mrs. Herr: Could save...

Mr. Snyder: had we had the program. It still leaves us short some \$24,000.00. And as you can read by the cover letter on the expense, by Mr. Bob Fisher who is the consultant to the City on these, the problem that we have we cannot - we would lose the \$65,000.00 to the McKinley Life Insurance Company, which is the reinsuring market, and we would have to have as much or more claims to save the potential \$41,000.00, but it still leaves you short some 23,000 and some dollars. Now what makes these things work is the utilization of the program. But at the same time do we penalize the employee? But again, we don't want to come up here two or three years from now and say well we didn't save the city the money and now our health care costs are this. So I would like to open it to discussion. What we're trying to find out ...inaudible... here, in the ordinance it says Council will direct the Mayor which way to go. So at this point we have to decide and I'd like each one of you to put your input, whether we stay strictly with AultCare and realize that \$65,000.00 and force some of the employees to go - and if they want to use somebody outside of the network as it's called, it will cost them 20 percent of the claim out of their pocket. Do we go with both of them and have an immediate impact to the city of \$65,000.00, with the potential of saving more money depending on the claims? We will not at this point have any intention of disposing of the AultCare. We did make that initial jump as I told I think it was last February or sometime in early winter and we've gone through the expense of taking care of that. It is confusing - it's confusing to the employees. I mean we had that other company for probably 15 years or so and it became similar to a very comfortable slipper, it fit and there was no problems. However, it is our responsibility to look at the types of cost it is to the citizen. So if - with your indulgence I'd like to go around the table and we'll start with Member Foltz and we'll see if we can come up with a consensus.

Mr. Foltz: Jon, reading through the report - and maybe Julie can answer this question, the City of North Canton expense history per employee per month, I don't know what page it is, 4th page including the cover letter, just so I understand this chart, medical claims and that they go year 2000, \$298.89 and then 2001, \$325.66 - Is that 8 percent, is that the difference between 2000 to 2001? And then vicesa versa, it would go to 2002?

Mrs. Herr: Yes.

Mr. Foltz: Okay, then I want to concentrate on 2001 to 2002. It looks like we were down in costs in 2002 for most areas except prescription claims. Well in fact that was the only one, I guess if I'm reading just the percentages. And then that effected an overall 3 percent increase. So prescription claims to me is something that it doesn't matter what doctor you're going to. Well maybe I shouldn't say that. I'm - to me it's a cost involved with medicine that's not really a procedure. It's obviously discretionary towards the doctor to the patient. So I don't know if we can ever control that cost. But I just want to make everyone aware of that. From what I read through here and I didn't study it for hours, but basically we had a reduction overall from 2001 to 2002 when we actually changed the plan. We changed the plan based on the savings of \$60,000.00 and really the plan went down when we changed it from the previous year. Obviously it's gone up if you look for 2003 year to date through September 3rd. But looking at it overall and just some very vague discussions with Julie concerning employees' preference, and I didn't do a survey on it, I haven't talked to any of our employees here, I feel very comfortable offering both AultCare and Ohio Health Choice. I think if you read through the recommendation if there would of been a discount through Ohio Health Choice, which most people aren't going to change, they're going to have a doctor for most of their life and that's who they're going to go to. They're not going to change doctors. I wouldn't change doctors if I had a doctor that I trusted and respected and was comfortable with. So the difference there is \$23,000.00. I'm willing to spend \$30,000.00 more if that's what it works out to just to have some of the employees be comfortable with the health care they're provided. That's it.

Mrs. Herr: Can I say something real quick?

Mr. Snyder: Please.

Mrs. Herr: That \$23,000.00 figure that's you know that's based upon what we know we would lose in the savings of the fixed costs less what Ohio Health Choice has said...

Mr. Foltz: Right.

Mrs. Herr: we could of saved in discounts for the period through I believe it was September 2003. So - but it doesn't represent a full year, but again that's based upon claims that have happened ... experience. There's no guarantee of what's going to happen in the future to say what kind of savings we could have or not have. So you know that's just a ballpark but there's no way of even predicting what the additional costs or the additional savings might be at this point.

Mr. McLaughlin: Julie, one question I have that he brought it up was on the prescriptions. I know one plan where we had the Ohio Choice that you had to send away for it. You got penalized if you used somebody like a Walgreens or whatever - Walgreens, excuse me. If you went to local drug store you had

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to pay a little bit more and everything else like that. What was the differences? Is there still a difference in that? I remember with AultCare they didn't care who you went to. They would tell you know like whether it'd be Marcs or Giant Eagle or Walgreens or whatever, they were all still pretty much flat out a certain price.

Mrs. Herr: There's really - there's really no difference between prescription coverage through AultCare versus prescription coverage through Ohio Health Choice or whatever. Because they pretty much are you know accepted at all major pharmacies and drug stores and Walmarts and so forth. So ...

Mr. McLaughlin: But Ohio Choice...

Mrs. Herr: The only difference is is like the mail order company that you would use.

Mr. McLaughlin: Yea, Ohio Choice wanted you to send that away if you had a 90 day prescription or whatever, they wanted you to send down to Atlanta, Georgia.

Mrs. Herr: AultCare is the same way too.

Mrs. Kiesling: AultCare does too, right.

Mr. McLaughlin: Okay.

Mr. Snyder: Let me point out one thing Mr. McLaughlin, we are self-insured 100 percent on prescriptions.

Mr. McLaughlin: Right.

Mr. Snyder: So it doesn't make a difference what third party provider we use, the city will pay the prescription. And the only way to control that is to raise the deductibles to the employee. And the other thing is the more utilization by one - into one network over the other it will drive your costs down.

Mrs. Kiesling: Correct.

Mr. Snyder: If we force everybody into one plan our prices will soften, because that's the purpose of it is to spread the actual costs through many people. So there - that's the idea behind it. And they - and I believe that term is called steering ...

Mrs. Herr: Steerage...

Mr. Snyder: Steerage, they steer you into one plan and at that point you will receive ...inaudible... more discount. Mr. Lindower.

Mr. Lindower: Well let me back up a little bit here. I'm not going to deal too much with the figures on this - on these proposals. We were talking about a dual system or a single system, from what I understand. And I also understand that right now and I'll address this to Mr. Held or Mr. Pusateri, that we're in the process of collective bargaining negotiations. Should we get out of the area of the dual plan, is that going to cause a conflict with collective bargaining agreements right now?

Mr. Held: No, likely what we do have setup in the collective bargaining agreement or what we're looking to have setup, which we'll propose to council once that's finalized, is that if you do go outside of the network, that there will be a penalty.

Mr. Lindower: So there has been a decision already made then with collective bargaining people which way you're going to go?

Mr. Held: No. The question that hasn't been determined is what the network is. So whether we have a single provider in our network or we have a dual provider in the network, if we have dual provider then I would doubt that anyone would go outside of that because it pretty much covers...

Mrs. Herr: It covers pretty much any...

Mr. Held: northeastern Ohio.

Mrs. Herr: any possibilities.

Mr. Held: But it's been made clear that whatever that network is, and that's what council will decide. Certainly it will be in the contract and the collective bargaining agreement that there will be a penalty for going outside the network.

Mr. Lindower: But there hasn't been anything put into black and white yet in the contracts as far as the health insurance yet. Is that correct?

Mr. Held: No, that - it's really been established. But the big question is what is the network going to consist of? And that hasn't - obviously has not been determined yet, which we're going to determine tonight. And we certainly were not in a position to offer that in the negotiations. So we just established the framework that if you go in network this is what the setup will be. If you go outside the network they're certainly - you're going to have to pay more as an employee to go outside the network. The question is is if we go with a dual provider that gives more options to the employees; however, it could increase the overall cost if we steer it to one provider then there certainly is a fixed cost that is going to be reduced.

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Mr. Lindower: I guess what I'm trying to say Mr. Held is, as far as the additional cost on the dual provider, the people negotiating the contracts really don't care about the dollars and cents. They want the best thing for themselves as what they can get. And in your polling Julie have you found out from the people who are doing the collective bargaining negotiations which way they prefer to go, whether they want to go with a dual system or the single contract or...

Mrs. Herr: Based upon - first of all I am the plan administrator. So I'm the one that everyone comes to for complaints or questions or concerns or anything. So I mean I hear a lot. And I definitely believe a dual network would definitely be appreciated by the employees. It would make my job easier, I'll have to admit. But again, if they're going - if you're going to set up two networks, you're going to get the best of both worlds in the fact that you're going to get the employees going to the doctor that they prefer and they're going to have you know the discounted rates because we will have those networks available. So I mean that's the whole reason of having networks is because those networks have discounted rates with the PPO's. So you know whether they go into one or the other, which ever one they choose there - it will be a cost savings because again they'll be using those contracted rates.

Mr. Lindower: Okay. Thank you. I think that's what I needed to know. That's all I have Mr. Snyder.

Mr. Snyder: Thank you. Mr. McLaughlin.

Mr. McLaughlin: Well I tell you what in the real world out here I've never heard of an employer telling an employee hey you've got two choices here. When you come to work with us you get ... you get A or B in the health care situation. And even though it's going to cost us a little more we're going to make you happy. I'm for the one provider. I mean if it's going to save the city money that's what we're looking for. If you don't start cutting costs now you're not going to cut them in the future. If you're going with two providers and your costs are going up, I'll guarantee in the next 3 to 5 years it's going to go up a hell of a lot more with two providers. If you funnel them all into one I think there's some savings there that we can look at. You know and I understand, you know I've been with both. And I'm happy with - I was happy with either one of them - AultCare I have no problem with, I had no problem with the other one when we were with them either. But I think that if we're going to save money and look at the future and try to look at our bottom line here, I'd say the one provider is where I'd definitely have to go. I mean I'd like to - I'd like to - you know there's some things the employees - like to keep them happy, they're great employees, but I tell you what if you're looking at dollars and cents and you're going to have to someday, one provider is the way to go.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: And just to - back to you, the reason we're here is to look at dollars and cents, that's what the seven of us are here for. And to just clarify, the contract negotiations are going on right now and up and to this point our insurance we have AultCare; however, we were allowed to go anywhere that we wanted. Even though we had AultCare we did not have to stay in the network. The big issue right now is the ... the contracts are going to change. And if we continue to keep AultCare and keep one network the employees are going to have to change or there's going to be out of pocket expenses to them, which have not been in the last year. So that is the big issue right now. Do we want to cause more out of pocket expense to the employees or do we want to save the city some money? The other thing nobody has brought up is that we do not pay for our insurance. And that is absolutely unheard of across the board anywhere you go to work. So I feel it's - we're extremely lucky that we're providing them not only good insurance, but wonderful insurance at no cost to them or their families. I think we need to what is right for the city and that is let's get us all into one network. We all hate change. Believe me, I've been in an HMO with my husband and had to change pediatricians after eight years; that was a horrible feeling. But if you want to pay more you know if you want to pay more, then that's your option. For us it wasn't fiscally right for our budget, we had to switch doctors to keep our budget down. And that's what it's all about up here is dollars. And I think going into one network is really what we need to do right now. And I know it's going to be hard for the employees and I completely understand. And they still have the right to go to their own doctor, they will just have to pay more out of pocket. So I agree with the one provider and doing what's right up here and watching the budget.

Mr. Snyder: Mrs. Magel.

Mrs. Magel: Well this is a - this one's a tough one. I've been saved by the bell.

Mrs. Kiesling: You certainly have.

Mrs. Magel: Hello.

Unidentified: Can you hear me now?

Mr. Snyder: Must be your carpet cleaner.

Mrs. Magel: Okay, I've just been doing some quick calculations here, which is I guess what I do. Right now the employees are \$7,700.00. Right? That's what you put on for an employee? Okay, if we go to a second provider, as you said we can't put a number on it. We know the \$65,000.00 is on the one hand, but you have to subtract the other hand what we could save. Okay, so I just put in some middle ground - the best and the worst case, that that \$65,000.00 could be reduced to 20,000 that we - extra cost or

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30,000. So you know I was more than fair here. And that's going to add between 170 and approximately 250 dollars per employee. So at 770, if I'm off just by the littlest, which I was very conservative, it's going to run us up to now 8 - 8,000 per employee. However, it gets to the situation where after 16 years you have a procedure, you are getting very comfortable with your doctors and you don't particularly want to have to switch your pediatrician or your doctor or - and it is a hardship. And I think I of all people should know this. About a half an hour before I came to this meeting, I had heard where there's a situation where perhaps even with the both providers in the network you could get out - you could get outside the network. You were saying it wouldn't happen...

Mr. Held: It's unlikely.

Mrs. Kiesling: Right.

Mrs. Magel: It's unlikely?

Mr. Held: Yea, but there still is a possibility.

Mrs. Magel: Okay, there are some situations where they're taken up to Cleveland Clinic or and they're not necessarily - they're considering that out of the network now in some situations.

Mr. Held: Right.

Mrs. Magel: Right. So should we have a third network? That one I would go for, especially if it was Cleveland Clinic. But ...

Mrs. Herr: Actually Kathy, Cleveland Clinic is part of Ohio Health Choice.

Mrs. Magel: Ohio Health Choice, but what about AultCare?

Mrs. Herr: I don't believe so.

Mr. Held: I don't believe so.

Mrs. Magel: Okay, that's what I mean. You were saying it could not necessarily get out of the network, but if we stayed it can with the one...

Mrs. Herr: Oh yea.

Mrs. Magel: Right.

Mrs. Kiesling: Most definitely.

Mrs. Magel: Right.

Mrs. Herr: Definitely.

Mrs. Magel: So a - however, the whole choice of having - the purpose of having a network, the whole purpose is to get the most amount of people in and that's where you get your discount. So with this heading on to the year 2004, I will tell you the school systems, the other departments, the steel workers, I think they would beg for this kind of coverage.

Mrs. Kiesling: I agree.

Mrs. Magel: And getting up to nearly \$8,000.00 is a little - I think getting too high for the situation that we're getting into. So I think I would go for the one. Although the human side of this I can understand, probably more than any of you up here. But it is our - you have to be fiscally right up here and one provider.

Mr. Snyder: Thank you. Mr. Osborne.

Mr. Osborne: Julie, what's driving this? This is kind of unprecedented that I guess you would even consider expanding the health care choices, given like Mrs. Kiesling said, it's totally free. Is this just something you want to kind of air and ...

Mrs. Herr: Well I wouldn't say it's unprecedented because the City of Canton, Stark County, offer two networks...

Mr. Osborne: Do they?

Mrs. Herr: Yes they do.

Mr. Osborne: Okay.

Mrs. Herr: Where I came from previously we had two networks, so it's not totally foreign. It was just...

Mr. Osborne: I mean it's foreign to us though.

Mrs. Herr: Inaudible... yea, it's foreign here. It was just something that when we went through the proposals, getting them ready, we had talked about finding out if there was a possibility of offering two plans. And if there was a chance that we could do it and it wouldn't be you know have a great financial impact on the city, it might be able to get the best of both worlds. But you know as the proposals came in and you know AultCare's reinsurance premiums were so low compared to the others and the reason why they can do that is because McKinley Life is part of Aultman, it just worked out that it - the numbers didn't come out the way I had hoped it would. But you know I wanted to make you guys aware of it

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because I know there are a lot of people - a lot of employees who you know have not switched to AultCare - I mean have not switched to AultCare providers. And I thought if there was a way that we could offer both that it wouldn't you know be harmful to the city financially, I thought it would be a great way to you know try to accommodate the employees, especially as we're looking at you know possibly changing the structure of our health insurance. But my personal feeling is is I could go either way on this, because I see it from both sides. And I like the idea of a fixed savings with AultCare, but there's also the question as to what could we possibly save by offering both. There's a potential to save at least the 65,000 - maybe not, it just depends upon what kind of claims we have. So it was just something that I thought we would look at and consider, but you know I wish the numbers had come in better but that's you know that's the way they came in.

Mr. Osborne: Is the 65,000 that's the maximum savings we could realize?

Unidentified: No.

Mrs. Herr: That's the maximum fixed savings.

Mr. Osborne: Right.

Mrs. Herr: Fixed cost that...

Mr. Osborne: So there's other possible savings?

Mrs. Herr: There - yea, there could be...

Mr. Osborne: That you could realize.

Mrs. Herr: Definitely.

Mrs. Kiesling: We actually probably will have more savings because now everybody will be forced into the network.

Mrs. Herr: Well that's under the way the new plan would...

Mrs. Kiesling: Right.

Mrs. Herr: under the way the new contracts would be, but...

Mr. Osborne: Well I would think that the city employees and the unions should I guess feel quite happy that you've researched this to the degree you have and come up with some fairly strong insight as to you know what we could realize either way. I'm like Mr. McLaughlin and Mrs. Kiesling and Mrs. Magel, I would prefer at this point to try to go for some hard savings that we can realize now. There are many families out there and we may see it in this town soon, that may not even have any health insurance. And as we see now Hoover is asking for additional copays or no telling where that's going. So I would like to stay with you know the - I'm like you, I could go either way. It'd be nice to see what the savings would be realized, but given the state of the economy and what's in the future here in our local economy I would go for the hard savings we could realize now and go with just the single provider.

Mr. Snyder: Thank you. You know I believe that this - the county, I'm not sure about the City of Canton, but in the county by offering two, there is a penalty if you use the other one. I believe the AultCare is the cadillac and if you use the other provider there's certain things that are not paid, they're excluded. So it's just not an open situation where you get dual coverage by using either provider. The thing is - there is - you cannot and I cannot in my mind discount the \$65,000.00 savings. The utilization savings will be realized by forcing more people and steering more people into the one coverage. And I think it is now in excess of 8800, the actual cost per employee. It will also, as a self insurer, I would believe, it will hold our costs down because right now we're providing a maintenance policy. I mean just go to the doctor and it's not going to cost you anything. You go, you go for no ... and not that people go just - but sometimes it's not necessary. And when you have to reach in your pocket to go to the doctor you're going to think twice before you go to the doctor. So I consequently would feel that I think we should have one provider. It is in the best interest of I think the city and its residents. It's a significant savings. We did bite that bullet last winter. I know that some employees do not like it. We had a great marriage with the people at American Benefits. They're a local company. Obviously they're not quite as large as AultCare and people felt very comfortable with it. But I think and it's in our best interest that we go with one provider and try it out and see what happens. You know it's unfortunate, but it is the thing - as my colleagues have pointed out, it is the wave of the future. To have our employees get 100 percent health coverage from cradle to grave, I don't think that's going to happen. And that we're not going to see it in the future. And it's just the beginning of many things that we have to do. So that would be my suggestion.

Mr. Foltz: President...

Mr. Snyder: So if - Mr. Foltz...

Mr. Foltz: Just a follow up...

Mr. Snyder: Sure.

Mr. Foltz: When you're finished.

Mr. Snyder: Please.

Mr. Foltz: When we had American Benefits it didn't matter what doctor you went to?

Mrs. Herr: It was ...

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Mr. Foltz: The reason I'm asking that, cause this is my secondary, and that's all I can go from my personal experience, I rarely use this, you know the hospitalization and benefits we have here. Was there still AultCare, Ohio Health Choice, through American Benefits, as far as providers?

Mrs. Herr: No, it was just Ohio Health Choice.

Mr. Foltz: It was just Ohio Health Choice at that time.

Mrs. Herr: Yes.

Mr. Foltz: So everybody used Ohio Health Choice. Now if you wanted to use a doctor under AultCare what happened then?

Mrs. Herr: Well if you went to a...

Mr. Foltz: Was there a premium paid for those services?

Mrs. Herr: if you went to a doctor that was not in Ohio Health Choice then you - the coverage was the same except that you could be susceptible to above reasonable and customary.

Mr. Foltz: Okay, so actually we've just reversed the whole process by going with AultCare as a provider and the people that mainly used Ohio Health Choice are now...

Mrs. Herr: Exactly.

Mr. Foltz: outside looking in and paying additional costs. I just want to make sure everybody is aware of that. That's the flip side of this. And to me prescription costs are thing that's out of hand.

Mrs. Kiesling: That's being ... with the contract.

Mr. Foltz: With anybody you know. So that's all I had.

Mr. Snyder: Anybody else have anything? So it seems that it would be my consensus that if I understand this, because it has been passed.

Unidentified: Yea.

Mr. Snyder: Mr. Pusateri, I'll defer to you sir on that. It has been passed and so it would be - do we need to amend that ordinance to direct the administration...

Unidentified: No.

Mr. Snyder: Or just let it as it stands.

Mayor Rice: I think if you just - seems you've got a consensus of council to stick with one plan. Maybe if you just, in the minutes, do a roll - you know a simple roll call vote. Because it says upon instruction by council.

Mr. Snyder: Okay.

Mayor Rice: If we could do that very simply I think that would do. Right Paul?

Mr. Pusateri: Yea, that's fine.

Mr. Snyder: And that would be in the form of a motion?

Mr. Pusateri: Yea, a motion and to have it amended. Because the ordinance says with council instruction ...inaudible...

Mayor Rice: Inaudible...

Mr. Snyder: So then I would entertain a motion just to direct the administration to ...

Mayor Rice: Stay with AultCare ...inaudible...

Mr. Snyder: To obviously have one PPO - one third party provider.

Mr. McLaughlin: So moved.

Unidentified: Which would be...

Mrs. Herr: Which would be AultCare.

Mr. McLaughlin: AultCare.

Mr. Snyder: AultCare. Is that good?

Mr. McLaughlin: Which would be AultCare.

Mr. Snyder: Inaudible... somebody make that...

Mr. McLaughlin: So moved.

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Mr. Snyder: Is there a second?

Mr. Osborne: Second.

Mrs. Kiesling: I'd like to make a comment.

Mr. Snyder: Please.

Mrs. Kiesling: The difference ...inaudible... here tonight we're deciding on one network or two networks. I work for Aultman Hospital. I do not work for AultCare, but I am right now choosing between one network and two networks. Correct Paul? Or should I abstain?

Mr. Pusateri: Well I they're asking you to choose - the motion was made to pick AultCare.

Unidentified: Right.

Mr. Pusateri: Is that right?

Mrs. Kiesling: Then I'll abstain.

Mr. Lindower: Inaudible... to abstain.

Mr. Snyder: Any other comment? If not call the question.

All members present voting:

Yes: Magel, McLaughlin, Osborne and Snyder.

No: Foltz and Lindower.

Abstain: Kiesling.

Mrs. Bittle: So you have 4 yes, 2 no, and 1 abstain.

Mr. Snyder: Thank you. One last thing before I call - as you know about two and a half weeks ago we did send a certified letter to, if I may use the term, Gas Light people requiring them to - informing them that we are in the process of potentially assessing them for sewer work to the cost of \$7400.00. The legislation or the actual request was sent to them. They had the right, in a two week period, to write back and protest it. We've had two protests. Which by law, the *Ohio Revised Code*, we're required to form an Assessment Board. And the board has to be comprised of citizens of the City of North Canton or people who have substantial property rights within the boundaries of the City of North Canton. I think we need three or four.

Mrs. Bittle: Three.

Mr. Snyder: Three. And they are to be appointed by Council. So I would ask you - I don't know how - I would only say sometime this week coming if you have someone that you would think would do a respectable job in your ward or in your ... who is either a citizen of the City of North Canton - a resident, excuse me they are citizens, a resident of the City of North Canton or a significant property owner in the City of North Canton, if you'd give that information to the Clerk we can come up and we will appoint that next Monday. Because we're required by law to form that board and have a hearing relative to their objection to sewer. So I'm sure and I don't think we've had them all come back yet ...inaudible...

Mrs. Bittle: No.

Mr. Snyder: There's ...inaudible... of them. So they will be - they have two weeks from the time of the receipt. So if you would do that, that would be appreciated. If you have somebody that you think - and it would be a voluntary position.

Mr. Lindower: Can you say what sewer system that is?

Mr. Snyder: That's the sanitary sewer.

Mr. Lindower: Okay. Yea, I know what it is, but ...inaudible... name there it's Gas Light?

Mr. Snyder: Yea, it's Gas Light.

Mr. Lindower: Okay.

Mr. McLaughlin: Yea, and I think the estimate that James has come up with ...

Mr. Snyder: \$7400.00.

Mr. McLaughlin: Right. And that's not etched in stone because we've never bid the ... we've never bid the project out. So it could come in higher or lower depending on where we are at at the time.

Mr. Benekos: That's correct.

Mr. Snyder: I think that also does not include the line from the street to the home.

Mr. McLaughlin: No.

Mr. Benekos: Correct.

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Mr. Snyder: Yes, so that'd be an additional too. So it's maybe - who knows I'm not going to put a number, I have no idea.

Mr. McLaughlin: Yea, it's hard to put a number on that thing until you really sit down. And I think the thing that we discussed already was with them that we had that meeting was that the engineer, the person that is doing the project, would probably have to do the one or could be the one, if the price was right, leading from the street to their homes - if the price was right.

Mr. Benekos: Right. That'd be between the contractor and the homeowner.

Mr. McLaughlin: Right.

Mr. Benekos: We would not get involved with that.

Mr. McLaughlin: I think we would set - I mean we would put the two together, but it's between their - and you would, I'm sure, offer some advice or whatever for the homeowners and that's about the best you're going to do.

Mr. Osborne: Would the homeowner have to hook immediately or ...

Mr. Snyder: They have to hook if 60 percent of the residents ask for sewer, they have to go on, they have no choice.

Mr. McLaughlin: If the line goes out in front of your home you have to hook up to it. It becomes a health issue then.

Mr. Osborne: Okay.

Mr. Benekos: It's a state requirement.

Mr. Osborne: What's the time frame?

Mr. Benekos: I believe it's 60 or 90 days, but I'd have to check.

Mr. McLaughlin: And I think, from the last time we checked, the majority of those people over there wanted that.

Mr. Benekos: That's correct. Only two have protested.

Mr. Snyder: Two so far have.

Mr. McLaughlin: The rest of them I know are anxious to get this project going and started.

NEW BUSINESS: None

REPORTS:

Mr. Snyder: Alright. Thank you. Any comment, Director of Law?

Mr. Pusateri: No comment.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: Yes. The city was - the Fire Department had applied for a grant for home land security and we were awarded that grant which was \$46,000.00, approximately. And that's for new air packs. They're going to be lighter weight air packs so that when the fire fighters go into a situation that requires that apparatus it's certainly going to be much lighter than the ones that they have right now. And therefore, they'll be able to expend less energy and spend more time with the air pack on their back. And we will be presenting that to council for approval, it will be an ordinance. And there is a participation rate of 10 percent. So that's great news - great news for us. That's all.

Mr. Snyder: Thank you. Mr. Mayor.

Mayor Rice: No report.

Mr. Snyder: Thank you. Mr. Engineer.

Mr. Engineer: We opened the bids for the Water Treatment Plant last Friday. The bids came in well. They're about 400,000 under the estimate. The three contractors, that are the apparent low bidders, are the same three contractors we have on the existing project. So we're pleased with that. As I had indicated to council previously, we would like to have a special session of council next Monday after the Council of the Whole committee meeting to award those three contracts. And I'll have legislation requests sent to council for this week.

Mr. Snyder: Okay.

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Mr. McLaughlin: And we will pass this on emergency?

Mr. Benekos: Yes.

Mr. Snyder: And we can take a roll so that we don't have a ...inaudible... Madam Clerk, you have any report?

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: Jim, that's good news cause I remember way back when that was the plan if we could bid it out while we had somebody still working on site we might actually save some money without them relocating their equipment and so forth. So save almost a half a million dollars...

Mr. Benekos: Yes.

Mr. Foltz: or 400,000 plus that's a great thing here for the citizens. But no report other than that.

Mr. Snyder: Member Lindower.

Mr. Lindower: I don't have a report, but I'd like to respond if could to Ms. Palmer's statements at the beginning of the meeting, if I could.

Mr. Snyder: Sure.

Mr. Lindower: In defense of the City Administration and the City Council, I would like to say and I'm sure some of you are tired of hearing me say this, I had worked for the city for 35 years before becoming a city councilman. I've spent two years on City Council and I've sure learned a lot doing that. I think it's a little unfair for people to make some of the accusations that they do that the government here is as corrupt as what it's said to be. In the 35 years that I have had to deal with the council and 8 years as a department head, I have never had a problem with any of the City Council members or the Administration. To this day I can walk into any office I want here and have a discussion with the Mayor, the City Administrator, the City Engineer or whoever and I have no problem at all. I guess the reason that there's - that some individuals are having problems is because of the fact that occasionally some malcontent shows up, whether he happens to be an elected official or not, who wants to change the entire system and if it doesn't work in the direction that that person wants it to work all of sudden the whole system is trash. I would like to say that I respect very much the past council members that we've had serving on this City Council and again like I say, I've never had any problems directly with any of the administration or the mayors in the past. So just to set the record straight, I would like the public to know that myself, speaking for myself only, and I'm sure that maybe many of the other members might agree, as far as dealing with the administration, presenting our ideas, many times things don't go exactly the way that we would like for the them to go or me personally would like for them to go. I'm one of seven members of this council and I appreciate the fact that I can have my input. I respect the fact that if in view of the fact that's - if we have a 4-3 vote and it's against me then I accept that. I have no problem whatsoever with that. But I was a little offended to hear the statements made by Ms. Palmer indicating that there was so much corruption going on in the city and so forth. I don't agree with it and that's all I have to say.

Mr. Snyder: Thank you sir. Mr. McLaughlin.

Mr. McLaughlin: I'm waiting for my new station wagon since I'm leaving office here. I mean I'm - ... the corruption here I'm waiting for the new station wagon. A couple things I've got here real quick. Number one is, I want to see where we're at with Carolyn Mross. I know that you know it's an inconvenience, we've been at this thing for almost six to eight weeks. I want to get it back to normal. I'm hoping you - you're working with her to get this thing resolved and putting her back - her apartment and everything back to normal.

Mr. Held: I was out to Mrs. Mross' house on Friday evening and I spoke with her. And then we spoke again earlier today before the council meeting. And I appreciate your patience. Where it stands right now is that Bitzel Excavating is trying to arrange a meeting with the landlord.

Mr. McLaughlin: Okay.

Mr. Held: Because that's really where the communication has to take place. And I did talk with our Law Director and he agreed that we're going about this in the right way.

Mr. McLaughlin: I want to make sure that we step this because like I say we've inconvenienced her now I don't know how long...

Mr. Held: Right.

Mr. McLaughlin: And one of the things that we you know, I've talked to her too and we've come in and tried to clean her carpet and it's still not back to normal and ...

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Mr. Held: It was - actually it was Bitzel Excavating that is handling it...

Mr. McLaughlin: And I think that we...

Mr. Held: what we were doing on behalf of the city was trying to facilitate that arrangement between...

Mr. McLaughlin: I hope that you're stepping in on her behalf and...

Mr. Held: Yes.

Mr. McLaughlin: taking care of the young lady. That we're doing the right thing since they were the ones that made big mistake. I'm going to take care of her and everything else like that. See what we can do.

Mr. Held: Okay, thank you.

Mr. McLaughlin: The other thing I have on the agenda is Roger Viscounte. I heard we - that somebody said that we're going to take a board out of that dam down there - to try taking a board out.

Mr. Held: Yes, and we're in the process of working on that too. And Mr. Viscounte is here tonight. We just want to make sure whatever action the city takes that it's not going to have a negative consequence on somebody that might be downstream or upstream. And so before we rush ahead and make any move on behalf of the city, we want to make sure that we're following the process and make sure that there's not going to be a negative impact up the stream or down stream.

Mr. McLaughlin: Has the process looked at - since he's been flooded twice this year, has the process looked at building up his banks or doing something like that? I know we keep saying we want to have study of this and everything else and that's great and dandy, but the gentleman has been flooded twice. And I know from talking to somebody else who comes up here and having their insurance canceled, I wouldn't want that to happen to him. I mean after all his basement has been flooded and he's been inconvenienced quite a bit. I mean is anything that we could possibly do to building that bank up to keep that water flowing. I mean is this something to look at? I know that you're smiling at me so I - tell me. Speak to me.

Mr. Benekos: Well it's private property. The property owner has ...inaudible...

Mr. McLaughlin: I know, but I'm just saying is there any suggestions you can come up with?

Mr. Benekos: Yea, as far as the city going onto private and doing something, I don't know.

Mr. McLaughlin: Well I'm not saying that. I'm just saying any suggestions you can help him out with or whatever would be very helpful. I mean I'd like to see something happen that - if you don't do it it's going to happen again next year and it just keeps happening and happening and happening. I do want to stay on top of this and you know just see - help the guy as much as we can to see what we can come up with. I'd like to see the problem solved. And I know we've inconvenienced him quite a bit this year. I shouldn't say us, but I mean the weather has. And I'm - but he's the recipient of what's going on along the creek and everything else like that. So I'd like to see something done to see we can do. And the last thing I've got is we talked one time on Glenwood and Main Street. We talked about putting a no turning sign from 3 to 6 on there, no turning left during the main time on there. But we've talked about that and nothing ever came about. Are we still looking at that, are we studying that or where we at with project?

Mr. Held: Yea, we've had - we asked for input from the Police Chief about putting up the no left turn sign on Glen ... at the corner of Glenwood and Main Street. And because at times there's a backup of traffic when you have an individual that's trying to make a left hand turn, it's very difficult to do that. However, one of the concerns is that when we put the no left turn sign on that particular street it's more than likely just going to divert that traffic onto another street, which creates then the same problem one block down. So that's a concern that we have. That's been one of the drawbacks from not moving ahead and just putting that sign up.

Mr. McLaughlin: It's getting worse and worse.

Mr. Held: So we're going to ... so really in essence what we would do is take the problem and divert it to the next street up or down from there, which ...

Mr. McLaughlin: But you're getting it now where they're going one street over to the right down by the filling station and cutting through the lot there and coming out at the light on Main Street across from Walgreens and everything else like that. You're having people cut over there and avoiding that. But either that or you're going up to Buchtel and then to the traffic light and everything else like that. And my last comment I want to make is the - about the Sanctuary is I hope that when they do put a plot in here I hope everybody looks at this retention basin that they're putting in here, especially how it's going to affect Ward 3. I know that when I - from what I've heard and when I've talked to people they're looking at a 25 year basin. And I pray to God they put a 100 year basin in there to hold that thing, just like they did at - we did at Monticello. If you don't, you might as well buy Mr. Viscounte's house because it's going

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to be under water. If you don't look at that with all those homes and everything else going in there and everything else like that you're going to flood out a lot of people along that Nimishillen. But I do hope that you look at that and just not say hey 25 years is going to be sufficient for that. But I think we ought to look at 100 year to play it safe so that water is disbursed evenly over you know a certain amount of time. That all that water doesn't disburse into the Nimishillen and just flood the people down there like crazy. Especially with Eric down there on that bend there where he's been flooded twice and his house becomes an island. It's going to get worse. So I'm - like I say I'm still worried about that and I definitely will be back up to voice my opinion on that and I guarantee you - about that retention basin and a few other things.

Mr. Snyder: Thank you. Mrs. Kiesling.
Mrs. Kiesling: No report.

Mr. Snyder: Mrs. Magel.

Mrs. Magel: Yes, two things. One is follow up with Rick. Your problems on the - your end in Ward 3 is not only the flooding, it's the erosion.
Mr. McLaughlin: Right.

Mrs. Magel: And so I think that needs to have a special look at of not only the retention but how we allow that to go out. That's why I said we should seriously look at the plans here and support the people in their efforts to get all the correct answers that truthfully council has left unanswered. Second thing, Julie, I think the issue that you brought up was very important and you said you could of went either way, so could I think any of us. So anybody who said yes was correct, anybody who said no was correct. It - that's very sensitive and at least the work that you put into presenting it and offering both sides I think was a service to the city and the employees and to us and a decision had to be made. But I think - I appreciate what you did and like you say it could of went either way for all of us probably. Thank you.

Mr. Snyder: Member Osborne.
Mr. Osborne: No report.

Mr. Snyder: Thank you. I have nothing.

FINAL CALL FOR NEW BUSINESS:

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

Kathryn Garcia: 1036 Park NE. I do have one question. Sometime back Kathy did a description of open space and this council passed it. And I'd like to know if it's out in the ... somewhere or where is it? I was there when she presented it down to the Planning Commission and they had the nerve to laugh in her face and table it. And so it that going to go the way of Oster? Yea we are not or what? Where ...

Mrs. Kiesling: Mrs. Garcia, I can...

Mrs. Garcia: since you have a lawyer here I'd like to know what - where does this stand. Because ...inaudible... is it real or not?

Mrs. Kiesling: Mrs. Garcia, I believe I have the answer. At the last Planning Commission they did table it. And this next meeting in December they're to come with us - come to us with their suggestions for definition to change the subdivision regs definition of open space. And then with that suggestion it will come back to council on ordinance and rules...

Mrs. Garcia: But it was already passed.
Mrs. Kiesling: It was...
Mrs. Garcia: Where is the ordinance that was passed?

Mrs. Kiesling: It was not in - it is not in the book. It needs to be changed in the subdivision regulation.

Mrs. Garcia: Who says? I mean we vote for council. Council passed something, where the devil is it? Mr. Lawyer, you're supposed to have answered all these questions.

Mr. Pusateri: That particular issue about the open space and that issue that happened - I'm not sure when was the last July ... June...
Mr. Foltz: June of last - June of this year.

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Mr. Pusateri: I'm still unaware of what actually happened on that particular issue. But I think what Marcia's saying is that the proper place for the open space ordinance or definition should be in the subdivision regulations and then go through the process to look at and make those changes if I understand you right.

Mrs. Magel: Okay.

Mrs. Kiesling: Yea.

Mrs. Magel: And if I may make a statement. I have it on tape recording from that meeting from the planning that planning said it was up to council to define the open space and put it into the sub regulations. And since we already have this definition of the open space we should use that and put it into the subdivision regulations. No one asked - it was an error that we went down to planning, which they informed us that we were in the wrong spot, it belonged back in council. And I said I'm very sorry for using up your time...

Mr. Pusateri: Sure.

Mrs. Magel: I was misinformed as to - I was told to go down there and they said no, it belongs in council. So I think we spoke. It really belongs in council. And we - council did pass definition and it does belong sub regulations. And Doug maybe you should make sure it gets on committee to get into the sub regs.

Mr. Snyder: Is there anyone else in the audience? Sir, you want to step forward, state your name and address for the record.

Roger Viscounte: My name is Roger Viscounte. I live at 1122 Pleasantview. And I'm addressing you people mainly here. I was under the assumption that this log was going to be taken out of the dam until something permanent could be done. Now we're talking about it's under study to do that. I don't appreciate people telling me one thing and then doing something else. I don't like that. I don't do that to anybody else and I don't expect it to be done to me. I've been flooded. I had that much water in my basement. You people are worried about someone down the creek suing you if you do anything to that dam. Well if you don't alleviate that situation, what's going to stop me from suing you? This is all public right now. You've not done anything to help me. Yes sir...

Mr. Held: Mr. Viscounte, the one who is responsible for not taking that out would be myself. I've given clear directions to the City Engineer that we're not to proceed with that. We'd like to make sure that we have your problem resolved, but we have to make sure that before we do that what the consequences are going to be to other people.

Mr. Viscounte: Okay.

Mr. Held: And it's not saying that we're not going to do that and I know that you're very frustrated and I understand that. We're working very hard to try to resolve this. But the city cannot just go out there and take action on a waterway when we're not sure what the consequences are going to be up stream or down stream.

Mr. Viscounte: Okay now first of all that log was taken out during Dave Johnson's administration and the person living at the end of my street put the log back in. No consequences happened after the log was taken out. There were three dams on that creek to feed the Jewish Center lake, which no longer is in existence. Two of the dams were taken out. There's no reason that that dam should be there. All I'm asking you is to lower the creek. And since it's been done before, I don't see why it can't be done now. Not only that, you have people working on different projects in the city, you have all these pieces of cement, why can't we line the creek so it doesn't erode the creek thing. And perhaps if you have extra dirt, put that on the bank to keep - make it up higher so it doesn't overflow. Because you guys haven't done - this happened in June and you guys haven't done one thing and I'm really disappointed. Now you're going to build the Sanctuary with all that blacktop and cement and there's going to be more water going into the creek. I'm really disappointed because I always try to be honest and do the right thing and I would expect you guys to do the same thing and you haven't done it.

Mr. Held: And what I'd like to clarify is that we're working to do that right now. The problem is is that there's so many jurisdictions that we have to make sure that we go through so that there aren't a negative consequence.

Mr. Viscounte: For example.

Mr. Held: Army Corps of Engineers, which we had out there.

Mr. Viscounte: Army Corps of Engineers said take the dam down.

Mr. Held: And we have to make sure and clear it through FEMA, which is another one. Another is the EPA. And what - I explained to you what our plan was when we went out to the - went out to that site, we were going to take the letter from the Army Corps of Engineers after our visit, and we were going to pass that on and make sure that we have it approved through FEMA and then also the EPA. That's all we're asking. And I know it's frustrating because we're not taking immediate action...

Mr. Viscounte: This was in June and this is November.

Mr. Held: Right.

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Mr. Viscounte: Want me to carry the letter for you?

Mr. Held: Well I'm you know I'm sorry that it's not moving that quickly, but we are working real hard to try to resolve it.

Mr. Viscounte: It doesn't appear that way, it really doesn't. And to take a log out that's already been taken out before and one of the citizens, who had no jurisdiction of putting it back in, put it back in. Why can't you at least take that log out until you do the rest of your study? There's no reason you can't do that.

Mr. Held: Because we may be prohibited from doing it, that's why.

Mr. Viscounte: By who?

Mr. Held: Well that's what we're not quite sure of which - that's what we're looking into right now. I mean we just - you know one thing that we know is that over the past couple of years since I've been here is that there's always a strong desire to try to serve the residents, which we really work very hard to do. But the difficult part is is that any action that we take there is always another aspect or another consequence. So we're just trying to make sure that we cover all of our bases. Because with our strong desire to serve you, at the same time we want to make sure that we're not doing a disservice to somebody up stream or down stream.

Mr. Viscounte: And I don't want you to do a disservice. But the log was taken out before, it harmed no one. And it was put back in by a citizen.

Mr. Held: When was that taken - do you know when that was taken out?

Mr. Viscounte: When Dave Johnson was the mayor.

Mr. Held: How many years ago?

Mr. Lindower: 72.

Mr. Viscounte: About 20 years ago.

Mr. McLaughlin: 72, 74, in through there. It was taken out...

Mr. Held: So it's been in there for a significant - I mean for a number of years right now and that's what we want to make sure of. I mean a lot of things have changed over the past 20 years. There's been a lot more urbanization and so forth and so we just want to make sure. Right at the - right where that dam is at, just a few 100 feet down you know there a 90 degree turn. And so we want to make sure that we're not going to negatively impact the homes that are right at the 90 degree turn.

Mr. Viscounte: And this is why I said you can take all that cement you have no place to dump and put it on the bank of that creek.

Mr. Held: And that's another point that was brought up, we had a soil and conservation specialist out and they took a look at it and they did not recommend the city putting concrete along the banks. What they recommended was that the homeowners allow the vegetation to grow up and allow the trees to grow up and then that prevents a lot of the erosion and so forth. But at times we have - with good intentions you know we've repaired culverts and so forth and if it's not done properly the water just goes right around the concrete and then starts creating a greater erosion problem than when we started. So that's why we're a little bit reluctant to just arbitrarily go out there and start addressing one problem and then creating two, three or four more problems.

Mr. Viscounte: But there's already been a precedent set. It was taken out before and it didn't cause any problem.

Mr. Held: And that was 25 years ago.

Mr. Viscounte: Yea, it was.

Mr. Held: So a lot has changed since then.

Mr. Viscounte: What?

Mr. Held: So the thing - what I'm trying to say is we're working very hard to try to resolve this. And if I could go and satisfy you tomorrow we would do it. But we're going to make sure that we follow the process, we have to.

Mr. Viscounte: You know I'm told one thing and then I come up here and I hear something else. And to me that's bologna.

Mr. Held: Inaudible... I'm the one who is responsible for whatever...

Mr. Viscounte: Well then you're the one responsible.

Mr. Held: instruction you've been given it's myself.

Mr. Held: You know I'm sorry that it's not moving as quickly as you like, but we're going to work very hard to get it done as soon as we can.

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Mr. Viscounte: Well I hope that I don't get flooded again...

Mr. Held: Right.

Mr. Viscounte: because then I'd have to sue you.

Mr. Held: Right.

Mr. Viscounte: For not doing your job.

Mr. Held: And I understand.

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

April Smail (identified by Clerk): I just wanted to say a few things. Just because I didn't want to voice my opinion and then leave. So I have no ties to anything that's going on here, but I did listen to all your talk on the health care issue and I was just wondering why that you may - you might not have and I don't know if you did or not since I don't live in the area, you didn't offer this out to your employees. You know what do you think about this? We're going to take a survey. Inaudible... you probably have a North Canton - City of North Canton web page, right? Somebody goes on there and updates something. Put a bulletin ...

Mrs. Kiesling: No.

Ms. Smail: You don't have one? No NorthCantonCity.gov or anything like that?

Mrs. Kiesling: There is?

Mrs. Herr: Yes we do have a web site.

Mrs. Kiesling: We do. It has no information on it though.

Mrs. Herr: Yes.

Ms. Smail: No no, what I meant was somebody does attend that and you know maybe puts new things on there every now and then. Right?

Mrs. Kiesling: No.

Ms. Smail: Well this will be a good opportunity for you to even have someone interning at a college, maybe needs a little extra credit on their...

Mayor Rice: Julie took a survey didn't she? Inaudible...survey?

Ms. Smail: a report or something to put something in effect for you. Inaudible... employees are so valuable to you I want their opinions. What would you like? Would you rather pay a little bit out of pocket and go to anybody you choose or would you rather we just have one place for you to go and not pay anything and worry about anything? That's what they want. They want to be able to feed back to you guys. And you know what, that takes a lot of responsibility off of you guys too in making the decision because you can say a majority ruled for such and such, we found that this was you know in effect and would be pertinent to our situation. Just a thought you know.

Mr. McLaughlin: I thought...

Ms. Smail: you know...inaudible... long meeting, but I just thought it would be a nice idea.

Mr. McLaughlin: I thought that Julie did that already when she - two weeks ago she passed out to all of us - I'm sure it was all the employees. Julie already did a rough sketch of...

Ms. Smail: To all the employees? Okay, I didn't hear that. I thought it was passed - it passed out, I got this last week. So I didn't know if they had a chance to voice their opinion. You know do a little survey or something. So...

Mr. McLaughlin: I'm glad you came back up to ask.

Ms. Smail: Alright, well thanks.

Mr. Osborne: They could of saved some paper though if they'd of done what you just said.

Ms. Smail (speaking from audience): Yea, quick and simple ...inaudible... a couple seconds.

Mr. Snyder: Thank you. Mam, step forward, state your name and address for the record.

Peggy Hayes: Hello, my name is Peggy Hayes. My address is 516 Pierce Avenue NW. I'm here with my daughter for extra credit for social studies. And I'm wondering if it would be too rude to pass this around, if everyone could sign, so she can get to bed?

Mrs. Magel: Inaudible...

Mr. McLaughlin: Me too, let's leave so I can go to bed.

Mrs. Herr: Inaudible... can't get much more...

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Mrs. Hayes: Thank you.

Mayor Rice: That's your key Jon.

Mr. Snyder: I'd like to have a motion for a special council meeting after the council meeting of the whole. That way by the rules of council they will not have to deliver the packet. Inaudible... motion?

Mr. McLaughlin: So moved.

Mr. Snyder: Is there a second?

Mrs. Kiesling: Second.

All members present voting:

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

No: 0

Mr. Snyder: And the other thing, I've received the first few moral claims from the Director of Administration and I will forward them to the proper committee to be considered - begin to consider them next since there are several of them. We will take them two, three or four at a time and then go from there. So I ...

Mr. McLaughlin: I have a question. Why don't you just hold those moral claims over for the new council? That would be a good thing for them.

Mr. Snyder: Unfortunately I think those people probably want ...

Mr. McLaughlin: I think they can make some good decisions on those.

Mrs. Magel: They know so much.

Mr. Snyder: So we'll be sending that over. Is there anything else to come before the council? If not may I have a motion to adjourn?

ADJOURN:

Mr. McLaughlin moved and Mr. Foltz seconded to adjourn the council meeting. All members present voting: All members present voting:

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

No: 0

The meeting adjourned at 8:35 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL