

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24,

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. John States, Congregational United Church of Christ.
3. All present recited the Pledge of Allegiance.

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

ROLL CALL:

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

Minutes of the Council Meeting: 11/10/03

Minutes of the Special Council Meeting: 11/17/03

Financial Statement: October, 2003

Mayor's Court Receipts: October, 2003

Mr. McLaughlin moved and Mr. Foltz seconded to approve the 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: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.

No: 0

6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held November 17, 2003.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held November 17, 2003.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held November 17, 2003.

Park & Recreation Committee: Refer to the minutes on file in the Council Office of the Park & Recreation Committee meeting held November 17, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held November 17, 2003.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held November 17, 2003.

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

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

No: 0

7. Recognition of Visitors

Mr. Snyder: On behalf of the Council I'd like to thank the young students from the Orchard Hill School that's come here to be with us tonight. It's nice to see you want to participate in your city government. Please come back again. At this time is there anyone in the audience wishing to speak to the council? If so step forward, state your name and address for the record.

Jeff Bair: My name is Jeff Bair. My address is 1616 Greenway Road in North Canton. I'm going to make this brief. I was going to go a little longer, but a - I submitted a moral claim last week and it went to committee and in some way shape or form it seemed to have gotten put together with five other ones and never really individually looked at. And I was a little discouraged about that because Mr. Pusateri, which he's not here, but a - has given a pretty good explanation of what a moral claim was and that it should be considered just as that, as a moral claim. And I believe that each one of those five that came to committee last week, each one of them may

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03

have something similar in that it was either flood water or sewage backup. And there wasn't any distinguishing either between you know rain water or sewage backup. So I think at least they should be considered in that fact and then each ones I'm sure has some different details involved with it. So because there's a new council coming in and I'd like to ask them to look at that, I'm going to resubmit my claim and ask that the council look at that and individually you know consider that on the basis of a moral claim. I want to thank - thank all of you for looking at it. And well I just wanted to make that brief. I just wanted to put that on the record and I've got much more to say in defense of that ... in support of that and I'll be looking forward to talking to you again. Thank you.

Mr. Osborne: Mr. Bair...

Mr. Bair: Yea.

Mr. Osborne: If I could add, you might want to request that this council, and they may not want to bind the next council that comes up, but the committee that will be discussing your claim, unless there's approval given, you will again not be able to speak in defense of your claim. So I don't know whether this council ...inaudible... at least you can get a commitment on a majority here. All you need is four people to authorize you to speak at the Council of the Whole meeting where that claim will be discussed. You have...

Mr. Bair: Inaudible... Well - again, I'm just a resident here. I'm - I really don't understand all the workings of government. That's what you all are here for, we've elected you for that. I was under the understanding that before a final judgement was passed on that, that I would have another public opportunity to speak and that's why I came last week because I was under the impression that council talked about it and then it was actually opened to the public to speak tonight and then it was voted on. I didn't - I missed that because that was kind of you know when - I'd like to have a chance to explain you know what I'm asking for and why I'm asking the city to reimburse me for the losses that we incurred. So ...

Mr. Osborne: It's only put on the agenda for the following week if there's an agreement to either pay it - So again, if you come back in one week and your claim is discussed, unless council by a vote of four, a minimum of four votes, you will find yourself in the same position, you will not be allowed to speak.

Mr. Bair: Okay. Who would I talk to here right now to make sure that I have an opportunity to give an explanation of my moral claim before a vote is taken?

Mr. Snyder: Mr. Bair, ...inaudible... say this sir, unfortunately Mr. Osborne is a little lax in the rules of council as well as the rules of Robert's. There is no motion on the floor at this present time. So consequently a vote of the council would not be in effect. In order for the council to vote to open public speaks ...inaudible... by the chairman of the meeting that is presiding or four members of council. However, there is no motion, there is nothing to consider, so consequently a vote would not be in order at this present time. And that's - unfortunately that's - again, that's the way it works. You - if it does get out of committee to pay or not to pay sir, you will be given the opportunity to speak the following week that after it's considered. Last week it did not come out of committee and unfortunately did not reach the agenda to be spoke on. But to waive the rules of council and to commit for you to speak at a Council of the Whole meeting, there would in fact have to be a motion on the floor and there is none. So it would be out of order. So I would suggest that you're doing it the right way, just continue to do it the way that you're doing it and go from there.

Mr. Bair: Alright. Thank you.

Mr. Osborne: Mr. Snyder, I wasn't implying there was a motion. I was just advising Mr. Bair that if he comes back next week when it's considered before the committee meeting, he will again not be allowed to speak. And as you stated, at first ... was kept in committee last week and then you decided to allow the rest of council to speak even if does go through the entire council, as a general rule, you have not allowed people to speak and that's all I was saying, he's just going to be in the same boat as he was this last week.

Mr. Snyder: Anyone else wishing to speak to the council this evening? Madam, step forward, state your name and address for the record.

Pam Sprowls: Good evening, my name is Pam Sprowls. I am the Development Director for Ohio Billing, currently your professional billing service. I'm here on behalf of Ohio Billing along with Terri Davis, our President, this evening, she's here in the back of the room. I'm just asking the council, before you make any decisions or any changes in your ordinance on number 14 tonight, to please give us the opportunity. Inaudible... we've done a wonderful remarkable job for the City of North Canton and like to continue to do so. We have been a part of your service since 1998 and there has been substantial growth and positive increase. I recently come onboard in June of this past year and there has been a lot of changes implemented. So before you consider the changes, I just ask you give us the opportunity of what you would like to see happen with this service. Thank you.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03

Mr. Snyder: Thank you madam. Is there anyone else wishing to speak?

Marty Harper: My name is Marty Harper. I own the property at 811 - 811-813 North Main. I have a moral claim on a sewer backup at the building that cost me \$9,000.00 in actual money out of my pocket and they turned us down. What I'm saying is you charge people to get rid of that sewer, okay, and it backed up in 1400 square feet of my building, which I - took me ten days to clean out at the price of - I mean that's not even my wages or my loss time business or any of that, that's actual just money. Okay. Now in - you say it's - you didn't know anything about this, but in 1989 when I was building the addition onto my building, you - not you but North Canton said I have to put a sewer, a 20 inch line going into the catch basin. So you knew there was a problem on 9th Street with water. Okay. And we put that in and water - God's water cannot get to me. Sewer water can get to me. And it comes down - Dick Fano every - we've all complained about 9th Street. You've developed up north, you put in 2003 buildings up there and you're coming into a 1931, 1937 sewer system for water. It's an 8 inch line, it can't handle it. So I think it's negligent on North Canton's part for development up there and not taking care of us down here. You should of developed down here and then added on up there. So that's where my moral claim comes in, is you didn't do enough between 9th Street and 7th Street to take care of this water that goes over - now my sewer system, which is overflow water, comes down from the church in back of me, comes down 9th Street, overflows. And anybody that's in the area knows my parking lot has been half way full of water getting into that catch basin, which is great I ain't got any problem with that. Okay. Now in I'm saying it was probably 1998, 99 you resurfaced the road. Okay. You added an inch and a half to two inches, which raised the road up. All this water comes down my driveway, washes out my flowers, right up against my building. I can replace them, I ain't got no problem. When the sewer domes into my building, now I got a problem. So I paid North Canton, that's a one way street. That sewer is supposed to go out, never come back in. Now at my expense I put a backflow in. You know as soon as I found out, da da da this, I put this backflow in to stop this. It shouldn't happen again. It's 98 percent it won't happen to me again. But as far as saying that I have no moral claim or you're not going to - you know it's just - it's just ... you know it's just not right for me to get rid of. What you charge somebody else up there sewer to get rid of, you dump two and a half inches of raw sewage and I'm not going into the details of what I seen in there, and I had to clean it up at my expense, I don't think so. That's your expense to take care of that. You charge somebody to get rid of it but yet it got dumped on my property inside my building. I had to take everything out in the parking lot, degrease it, hose it all off, you know plus walking around in somebody else's - you know it's not right. I feel that you owe me that money. It's not - there's not gain to me. All I'm doing is asking for what I lost. Thank you.

Mr. Snyder: Thank you sir. Anyone else? Paul...

Paul Beinlich: I'm Paul Beinlich, Executive Director of the North Canton YMCA. Just wanted to come forward tonight to thank the Council, Administration and the Street and Alley Committee for putting the vacation and widening of Bitzer on the agenda. Appreciate the work that you all have done. A lot of people have done a lot of work on this - the Hoover Company, the YMCA and we've worked with the neighbors and just want to make you aware that we appreciate the process that it is taking and going through. So that's really all I have. The final thing, I would like to thank our councilmen who are retiring tonight - Rick, Kathy and Chuck for their work and all they've done over the past two years and longer in some cases. And we appreciate it.

Mr. Snyder: Thank you.
Mrs. Magel: Thank you.

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

Linda Bevan: 1359 Willoway. When we were at the Civic Center and the County Commissioners were there, they said that they would pay for the clean up of the sewer damage and that. That's why I only submitted the 559, which was from Advance. I didn't submit the carpet or anything else. And ... they should be paying ... Thank you.

Mr. Snyder: Thank you mam. Anyone else wishing to speak? Sir, please step forward, state your...

Don Kobelt: My name is Don Kobelt. This is an old issue about vacating the alley that runs the south - the east end of the alley runs past my home on Foster. I think a you members are familiar the ... discussions we had. I attended a meeting here in the last spring and it was brought up for discussion by the panel. And after a few comments back and forth Magel - I don't know your terminology, but either you took it out of committee or put it in committee or did something that immediately killed the discussion on the issue and it's been a dead issue ever since. I mean it was disappointing to me at that time how it happened. But it's not a dead issue with me now. Chuck has done a lot of work getting information, spent some gas money and I want to thank you Chuck for what you've done. Now Chuck and I and my wife have met with Hammontree, your City Engineer and your Law Director the last few weeks. And I want to thank you gentlemen for taking your time to meet with us. I also have an attorney engaged and he's going to get involved in this issue in the next couple weeks. So it's something you fellows will be

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03

hearing from him. Until then I know that this is an issue that will be probably be taken care of, if it's taken care on the next council. Now I know Doug Lane, he's familiar with my problem. He lives close to me. He's going to work with me. The other two at large I'm not familiar with them, but I hope to be. So that's all I have to say at this point.

Mr. Snyder: Thank you sir.

Mr. Osborne: Thank you Mr. Kobelt.

Mr. Snyder: Anyone else wishing to speak before the council? If not...

OLD BUSINESS:

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

Ordinance No. 125-03 - Third 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 is the third reading to amend Chapter 135 of the Administrative Code for the purpose of combining the fire and EMS departments. This will bring the administrative code up to date again and put everything in line for future legislation.

Mr. Snyder: Any other comment on that? If not...

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

NEW BUSINESS:

9. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 127-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: Osborne.

Ordinance No. 127-03 - First Reading

An ordinance authorizing the vacation of a portion of McKinley Avenue S.E., (0.238 acres) and 45 feet in width, a portion of Hartman Street S.E. (0.581 acres) located east of McKinley Avenue S.E. (to be vacated) and a portion of Alley No. 41 (0.015 acres) and 14 feet in width, located within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, this is what Mr. Beinlich was discussing when he just came up here. This is really the YMCA, what we're going to boil it down to. And Paul had mentioned that he appreciates the procedures that we went through and I felt - I feel we went through every procedure. Looked at this for a long time. Mr. Rick McLaughlin you did a wonderful job with all the meetings with all the neighbors. Everybody was in tune with every item and they got to speak on the least iota thing that maybe they wanted to bring up. But you ironed everything out. I worked with Jim Benekos. We needed to stop, which we did. We stopped the process cause we needed some answers concerning some of the things on Bitzer Street and that worked its way out. And also I spoke with Mr. Pusateri who gave me the law - the Ohio Revised Code concerning closing a street that's already opened. And so this was a long, involved process. And we will have three readings, plus the 30 days. This will not be an emergency. And this is the first reading then for the vacation of McKinley Avenue to be the YMCA parking lot. Any questions council?

Mr. Osborne: I have some comments.

Mrs. Magel: Okay.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03

Mr. Osborne: I have been very involved in this process as well. I've done a lot of research on this. I've met with the Ohio Department of Natural Resource staffers who have come up to the city at my request. This is being closed because it's being characterized as a very unsafe situation. I live just around the corner, I know the neighborhood. It's almost a ghost town. There's an early morning rush, again not out of reason, and I guess maybe an evening when the Y is heavily used. And my first comment is I don't know why when they added their million plus addition, I don't know where our Planning Commission was. Cause I know if any business wanted to do any kind of development here in town parking is a requirement that must be addressed. Why wasn't it addressed several years ago? There is no history of any unsafe situations up there. I have suggested a number of options. Inaudible... a number of options available to increase safety if they think there's a safe pedestrian issue up there. There's more of a pedestrian issue on the front side - the west side, up and down Main Street when traffic is going in excess of 35, 45 miles an hour. Nobody characterizes that as an unsafe situation, but over on the back side when you're almost clear up to East Maple, traffic is doing less than - obviously less than 25 because that's the speed limit. I had suggested they could put a small wall, just like they do out on the Main Street landscape process, to prevent a child from racing out that back door and right out into the street. You could put a wall down south on McKinley to a designated point and have a crossing right there. And you could even make it very attractive by making it a covered walkway. That way vehicular traffic as well as pedestrians would be very alert as this is a crossing. You're going to change the entire traffic routes in this city. People are going to wise up and say well I don't want to get involved in all that. They're going to start migrating through the neighborhoods, which we continually do in the last number of years. We're forcing more and more of our traffic into our neighborhoods. I asked the administration here last week how they're going to divert traffic when they shut down Main Street ...inaudible... events. They haven't - they couldn't even give me an answer last week. I think you ought to notify the streets involved that their street is going to be used to divert all of the traffic on Main Street, north and south every time they shut down Main Street. I don't - they don't even know what streets it's going to be. I expect Pershing, Wise - I don't know, they don't know. The YMCA could of gone ahead with a parking expansion years ago. As I mentioned earlier, they could of expanded their parking lot over into the property that was given to the Y and in the process of putting in all their sewer lines and all the excavation they could gain some experience with the mines that are - just fill the whole area. There's actually a mine right there underneath where they want to close McKinley and Bitzer. They could of had their YMCA parking lot years ago. There's no reason to vacate a city street to give them parking. And I guess I'll go ahead and expand on the next one because it's the same one. They want to widen Bitzer Avenue. You're going to lose nice hardwood shade trees there. You're going to lose some of the little remaining green space that's there. And right there where they want to expand it they have located a mine. Was it \$65,000.00 as I understand it is what they need to relocate the fire hydrant, tear out the curbing, cut down all the trees and excavate. Cities all around us are laying off safety forces and scrounging. We're very healthy right now, but we're not going to be healthy if we start pissing away a hundred grand here, eighty grand there. Try it; put in your parking lot first. Try some enhancement of the - if think there's a safety issue there, enhance the area. You don't need a sledgehammer to kill a nat here. We have flooding issues all over the city and we keep coming up with ways of spending - throwing away some money here and throwing away some money there. And I just think we ought to have - re-rank our priorities here a little bit. Thank you.

Mr. McLaughlin: Can I make a comment please?
Mrs. Magel: Yes sir.

Mr. McLaughlin: I've got to rebut this. I mean this - for hogwash purposes. I mean this is an opportunity that the YMCA is probably the best asset this city has. From the amount of people that we have that it generates to the usage and to the good it does to the school kids after school, before school and on weekends. And I think the Y has been very active in trying to solve some of the problems. We also have one of our finest on the North Canton Police Department who said there's a problem with the kids crossing the street. It's been a problem for a long time. And I think the addition was great. I think they're looking to expand again some time four or five years down the way. And I have to applaud the YMCA for stepping in because as soon as they heard the word mine they're the ones who said hey let's investigate it. They've done everything they can under the sun to comply with what the City of North Canton wanted to do. You know and every time we turn around it's always Chuck's idea this, Chuck's idea that. Well you know and he always gives somebody the bad rap. But I tell you what, this is probably one of the projects I'll stick my reputation on or whatever. I believe in it, I think it's a great project for the City of North Canton, I think it's a great project to help the Y and all around. I said you know I think this thing has got to go through. And I'm kind of glad we're getting to it and I get a chance to vote on it before I leave.

Mrs. Magel: Rick, I understand what you're saying. We're finally getting around to it. But there was a procedure and we did have to follow it ...inaudible...
Mr. McLaughlin: Exactly.

Mrs. Magel: And I'm proud to say we did slow this down until everything was checked out. But I also am very happy that you deserve to get a vote on this since you worked so hard on it.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 2003

Mr. McLaughlin: I'm doggone proud of it.

Mrs. Magel: Yes sir.

Mr. Lindower: Kathy, I'd like to address the problem, just for the public, on the traffic. Chuck wants to keep reiterating the fact that when we shut the street down for the Main Street Festival that it's going to cause a problem. The streets can be shut down anytime for any reason. It could be accidents, it could be construction, could be any reason. For the two or three days that we shut the streets down for the Main Street Festival, and I believe that's what he has referenced to, Bachtel, Fairview and Edgewood will handle that traffic on that side of the city. Chuck failed to mention he lives on Fairview Street and apparently he doesn't want any more traffic going by his house. I don't see where the problem is as far as a temporary type situation. It's not as though we're closing those streets down and creating that much more traffic through the intersection of Bachtel and East Maple because it isn't that heavy normally during the week on a day to day basis. So I don't think that that's going to be an issue and I would just like for the public to know that.

Mr. Osborne: Talk about traffic, we had a sewer or a waterline break on McKinley here back in the summer and I know it's all this traffic coming up and down Fairview. So I sat out on my swing and counted traffic, there was 400 cars an hour coming by my street on Fairview. Now Fairview runs east and west. You're diverting traffic north and south. So yea, I expect there might be an increase in traffic on Fairview, but you're mostly going to see it on Bachtel and Wise or Pershing. And Mr. McLaughlin didn't even get involved in this project till I notified some of the neighbors in the area what was coming down the pike. And I might add I talked to the lady whose house was purchased right there on the corner. And I was kind of sadden to hear that she was told that her property could be taken, or a portion of it, whether she allowed it or not. And I never got a chance to advise her that council would have to agree to take that portion of her property by eminent domain, because she immediately just gave in and sold her house. Again, they need the parking, I understand that. They could of had the parking years ago along with the construction of the expansion, which is a nice addition to the Y, but there's no reason to close a street. There has been no authenticated traffic studies by a traffic engineer. Why can't you take it in steps? Build the parking lot, see if there's an issue here. Take steps, progressive steps to enhance the safety if it's a problem. But to just go in there and close the street and I haven't seen anybody go out of their way here to rush this along. It's the gentleman I brought from ODNR back in January when there was snow on the ground, who talked to several of the residents and got them involved and I advised them to speak to Mr. McLaughlin. So there's been no proactive rush here.

Mrs. Magel: Inaudible...

Mr. McLaughlin: Point of order, could we - can we vote on this? I think enough has been said. And I think we're just running over - we're babbling now. I mean next thing I know he'd be coming out of booth with a super "S" on his chest and everything else. But I just - enough babbling, I'm ready to vote on this thing and get it going.

Mrs. Magel: Alright, any other comments from any other other councilperson? Yes sir.

Mr. Foltz: Inaudible... just to reemphasize here. I think the Y has been very patient. And we've gone through all the procedures. As you mentioned Council Member Magel, this is a first class, first rate facility. It deserves the improvements that are necessary - needed, as been presented to us. And to the best of my recollection, we might of had some of your constituents Rick come up here and discuss a few things, but I think they've all been in favor of this once it's been settled as far as some fine tuning on the Y's end with the parking area. So we've had so negative feedback from the public at all. So I'm very much in favor of this and I say we move forward. And leave it at that. The public has spoken as well as us.

Mr. McLaughlin: So I call point of order.

Mrs. Magel: Mr. President, call a vote please.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 127-03. All members present voting:

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

No: Osborne.

Mr. Snyder: Thank you.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 2003

10. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 128-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin and Snyder.
No: Osborne.

Ordinance No. 128-03 - First Reading

An ordinance approving, confirming and accepting the Bitzer Widening dedication plat, a 0.040 acre tract and known as being part of Lots 113 and 112 in the City of North Canton, Stark County, Ohio, for public use purposes.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, as mentioned and discussed, this is a companion piece of legislation. So I don't think - there's already been comments made, I don't think we need to have any more comments. All this is is the widening of Bitzer. And I assume it's - Mr. Benekos, is it going to be lined up with the - into the parking lot?
Mr. Benekos: Into the driveway of the parking lot.

Mrs. Magel: Okay. And it needed widened and kind of re-angled?
Mr. Benekos: That's correct.

Mrs. Magel: That's right. This is just - this is kind of a "cs" kind of thing - common sense. And if there's no other questions from the council.

Mrs. Kiesling: I just have one question.
Mrs. Magel: Yes mam.

Mrs. Kiesling: I just want to verify, since I've not seen the budget yet, that the line item is 65,000. Julie, Mayor, we haven't gone above that number that we talked about last week.

Mrs. Herr: No.
Mayor Rice: I think that's what's still in there.
Mrs. Kiesling: Okay, alright, that's all I have.
Mayor Rice: Unless Julie changed it.
Mrs. Magel: Alright.

Mr. Osborne: I would just like to say also, that 65,000 could be better spent. It could do some engineering studies on some of these areas that have flooding issues, that need new waterlines. And also I failed to mention earlier, it's quickly being forgotten, there was discussion of putting a light signal on Main Street right there at Bitzer. I don't know what that's going to cost. I don't know if that's been put in the budget. Again, this is just going to mushroom. And if there are problems with mine collapses - Again, I just hate to see the loss of the trees, the green space. You're just looking for ways to throw away money when there's no reason to put it in there.

Mrs. Magel: Mr. President, I have a question.
Mr. Snyder: Mam.

Mrs. Magel: When I'm on committee, Robert's Rules, no one is supposed to talk unless I ...
Mr. Snyder: That's correct, unless you address them.

Mrs. Magel: Thank you very much sir. I'd like - since we're on item no. 10, however many items are left please let's go by Robert's Rules. Thank you.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 128-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Snyder and Foltz.
No: Osborne.

11. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 129-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 129-03 - First Reading

Ordinance No. 129-03 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton and the Stark County Board of Commissioners for reimbursement to the City for costs to extend the sanitary sewer outside the corporate limits of the City of North Canton.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: Mr. Benekos, I wasn't here last week, but ...

Mr. Snyder: Let me comment on that Chairman Osborne or McLaughlin, if I may...

Mr. McLaughlin: Go ahead.

Mr. Snyder: as you were sick, my apologies. At your request, the council is considering the appropriation of a sewer - sanitary sewer line into the Gaslight area.

Mr. McLaughlin: Right.

Mr. Snyder: However, some of that sanitary sewer must extend outside the corporate limits and the county at present has a formula, they'll reimburse us for a portion of our cost and I would defer to the Engineer for the percentage, but we will begin that. As you know we have begun...

Mr. McLaughlin: Right.

Mr. Snyder: and have completed the first phase of the apportionment. We will be establishing a board next week and we'll go for that. So...

Mr. McLaughlin: Did the - the question I have and I know now I'm familiar with, I remember, have you contacted the other parties and see if there's anybody else along that line that is interested in that that would defray some of that cost?

Mr. Benekos: The residents outside of the city...

Mr. McLaughlin: Right.

Mr. Benekos: This is what this is for. Once the line goes past their property, state law would dictate that they have to tie in. They would become county customers and they would - the county would charge them an associated hookup fee. Of that fee that the county would charge them, regardless of whether we had an agreement with the county or not, the county, if we have this agreement in place, will reimburse the city from that hookup fee.

Mr. McLaughlin: And that's going off the original plan that we talked about the cut through through ...

Mr. Benekos: The Dells.

Mr. McLaughlin: The Dells, right.

Mr. Benekos: That's correct.

Mr. McLaughlin: Okay, that's fine.

Mr. Snyder: There be no other comments...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 129-03. All members present voting:

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

No: 0

12. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 130-03. All members present voting:

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

No: 0

Ordinance No. 130-03 - 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 and the Mayor, through the Board of Control, to enter into a contract for the Clearmount Sanitary Sewer Replacement project and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is a follow up to the other one if I remember right. Am I right? No - is no okay? Explain it to me then.

Mr. Benekos: This is a separate project. We were looking to do this project in conjunction with the storm sewer project. And it basically goes through the backyards of ... properties like Clearmount...

Mr. McLaughlin: Oh, that's right, put the inner lining in the - Okay, yes...

Mr. Benekos: Right.

Mr. McLaughlin: the plastic tube lining. I'm getting old, I forget - forgetful. I remember that project, yes I do. It was supposed to start a long time I ago, I'm just surprised that it's this late.

Mr. Benekos: So are we.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03

Mr. McLaughlin: That's good. Any other questions?

Mrs. Magel: Mr. Chairman, you weren't here last year or last week. I think it went from 75 to 85.

Mr. Benekos: That's correct.

Mrs. Magel: I just wanted to let you know.

Mr. McLaughlin: Appreciate that. Yea, I remember this was a year old project and it's just coming about now.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 130-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 130-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 130-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. Snyder: Thank you. As we start through these next several ordinances, I would like to advise council, which as a courtesy, the reason that most of them contain an emergency clause is they do become effective either the first part of December or in such a time frame that if we would ignore them it would actually impair the health, safety and welfare of the community. So consequently as we talked in the committee last week, most of them do contain an emergency clause and that is the actual reason for that clause in there. May I have a motion to read by title only the first reading of Ordinance No. 130-03?

13. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only first reading** of Ordinance No. 131-03.

Mr. Foltz: 131 isn't it?

Mr. Snyder: 131, excuse me, 03.

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

Ordinance No. 131-03 - First Reading

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

Mr. Snyder: We do have the same rate, it's at \$200.00 per case and there will be a \$1,000.00 in the 04 budget to cover that, ...inaudible... been in the past. Fortunately we've not had to use that. But that would be our share to pay should we have indigent seeking or needing ...inaudible... counsel in the Canton Municipal Court. Any questions on that? If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 131-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 131-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 131-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

14. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 132-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03

Ordinance No. 132-03 - 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 with Millcreek Professional Billing for the purpose of charging for EMS services rendered to non-residents of the City of North Canton and repealing Ordinance No. 97-98, as amended, and declaring the same to be an emergency.

Mr. Snyder: As we spoke last week and we've had the pleasure of someone speaking to us tonight relative to that, the Director of Finance has requested that we repeal this, enter this new ordinance. The feeling that the percentage of collection could be between 85 and 87 percent. Consequent to our conversations last week, I spoke to her at length this past week regarding that. She feels very comfortable in - with the new agreement with Millcreek. She has requested that we do that and it would be my recommendation as the Chairman of the Finance & Property Committee that we do same. Is there any questions?

Mr. Lindower: What's the length of time on that contract again?

Mrs. Herr: It's open ended. There's - it has a termination clause just like the current one does.

Mr. Lindower: Oh, okay.

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

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 132-03. All members present voting:

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

Mr. Osborne: Did you call me? I didn't hear.

Mrs. Bittle: Yes.

Mr. Osborne: Yes.

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 132-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 132-03. All members present voting:

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

No: 0

15. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 133-03. All members present voting:

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

No: 0

Ordinance No. 133-03 - 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. 204 Fire Operating Fund to the Equipment account in the aggregate amount of \$46,019. for the current expenses during the fiscal year ending December 31, 2003 and declaring the same to be an emergency.

Mr. Snyder: As you'll notice it will become clear to you, they applied and received a grant under the Home Land Security Act for \$46,019.00. A little over \$5,000.00 will be our share of that, which was already in the Fire Fighting Funds and it will be used to purchase this equipment. Any question? If not....

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 133-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 133-03. All members present voting:

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

No: 0

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03

Mr. Snyder: May I have a motion to adopt, under the suspension of the rules, Ordinance No. 133-03?

Mr. Osborne: 134.

Mr. McLaughlin: 134-03. So moved.

Mr. Osborne: We just did that one.
Mrs. Kiesling: No, it's still 133.

Mr. Snyder: We didn't - we have to adopt...
Mrs. Magel: We ...inaudible... adopt...
Mr. Snyder: We didn't adopt under suspension of the rules.

Mr. McLaughlin: I'm sorry.
Mr. Osborne: Oh, I'm sorry.

Mr. Snyder: That's alright. No problem.

Mr. McLaughlin: We ... okay...

Mrs. Bittle: We're still on 133.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 133-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

16. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 134-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Ordinance No. 134-03 - First Reading

Ordinance No. 134-03 amending Appendix "A" of Ordinance No. 124-02, Appropriation Ordinance of the City of North Canton, by an increase of \$51,132.00 to provide for the purchase of additional equipment for use by the Fire Department and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement for the purchase of (18) Scott Aviation Air Pak 50 2.2 Self Contained Breathing Apparatus and (20) Scott Aviation 2216 Carbon Breathing Air Cylinders with Valves, within the purview of the Ohio Cooperative Purchase Act, or, in the alternative, authorizing the Board of Control, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into a contract for the purchase of said equipment and declaring the same to be an emergency.

Mr. Snyder: Again, this is the companion piece of legislation to go ahead and purchase those. If there's no questions on that ...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 134-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. McLaughlin moved and Mr. Lindower seconded to **suspend the rules** for Ordinance No. 134-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 134-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

17. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Resolution No. 135-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03**Resolution No. 135-03 - First Reading**

Resolution No. 135-03 a resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.

Mr. Snyder: As we pointed out in the committee last week, we're required by the Ohio Revised Code to certify through the auditor the fact that money we are collecting through tax levies is being used for the intent that the levy was passed for and the actual amount we were able to certify and was give to you. So that's basically it.

Mrs. Kiesling moved and Mr. McLaughlin seconded to **adopt the first reading** of Resolution No. 135-03.

Mr. Snyder: Madam Clerk, I believe that...

Mrs. Bittle: McLaughlin...

Mr. Snyder: Excuse me, that only needs one reading. Correct?

Mr. Treadon: Yes.

Mr. Snyder: Yea. Pardon me, I'm sorry go ahead.

All members present voting:

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

No: 0

18. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 136-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Ordinance No. 136-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, Ohio, through the Board of Control, to enter into a contract with a financial institution that has been designated as the central depository for active funds for the City of North Canton pursuant to Ordinance No. 81-97 for the period commencing January 1, 2004 and terminating December 31, 2006; and, declaring the same to be an emergency.

Mr. Snyder: Again, we're required to declare where we're going to - where we'll have the Finance Director place ... money that we run on a day to day basis that's in our general checking account. And for two year periods she will declare said, when we give her the authorization to do so. Any questions on that? If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 136-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 136-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 136-03. All members present voting:

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

No: 0

19. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 137-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24,

20 03

Ordinance No. 137-03 - First Reading

Ordinance No. 137-03 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Lease Agreement by and between the City of North Canton (Lessor) and the State of Ohio, Department of Natural Resources (Lessee) for the purpose of drilling and maintaining an observation water well and placing monitoring equipment for an during a term of fifteen (15) years beginning November 1, 2003 and ending October 31, 2018 and declaring the same to be an emergency.

Mr. Snyder: Again, we talked about the state. The Mayor is authorized then, through the Board of Control, to enter into that lease. The cost of all the drilling and things will be bore by the Ohio Department of Natural Resources when they're widening that street coming into our well field. Any questions on that? If not...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Ordinance No. 137-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 137-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 137-03. All members present voting:

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

No: 0

20. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading of** Ordinance No. 138-03. All members present voting:

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

No: 0

Ordinance No. 138-03 - First Reading

Ordinance No. 138-03 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Mutual Aid Agreement by and between the City of North Canton, Ohio and the Stark County Park District, Ohio, to provide for mutual assistance in the use of police personnel and equipment for coverage of the area known as The Hoover Connector Trail and declaring the same to be an emergency.

Mr. Snyder: As you know Chief Grimes has signed off, the administration is in concurrence ... allow the park police, should they need it, to call for mutual aid of the police here in the city and also give the park police authority within the city limits to do what they have to do. Are there any questions on that? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 138-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 138-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 138-03. All members present voting:

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

No: 0

Mr. Snyder: Thank you all for helping me get through that that was ...inaudible... I appreciate that. Before we go around for final comments of business, I would just like to say tonight is Mr. Tom Treadon's last evening with us. He's been our Assistant Law Director for 26, almost 27 years. It's somewhat of a sad time to see him go, but yet at the same time a somewhat happy time for Tom. I'm sure at this point in his life he's busy with his private practice. But I can only speak for myself saying for the last the six years of my council, my ten years as a member of the Planning Commission, it was indeed a privilege and an honor to serve with you sir.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL FO THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 2003

Mr. Treadon: Thank you.

Mr. Snyder: You're not only a very high intellectual individual, you're a credit to your profession, you're a credit to your community and you're a credit to your family. And has been indeed my pleasure to serve sir, as the President of this Council, and to have you serve with me. And for that I thank you very very much. And on behalf of some council and some administration and other people I'd like to leave you with that card.

Mr. Treadon: Thank you.

Mr. Snyder: Mr. Treadon, I wish the best of luck.

Mr. Treadon: Thank you sir.

Mr. Snyder: And I do appreciate it. Thank you.

REPORTS:

Mr. Snyder: Now final call for business. Assistant Director of Law Treadon.

Mr. Treadon: Well I just - I'm vocally challenged this evening because I got a cold over the weekend. But I'd like to just say it very briefly that it's been a real privilege and honor to represent the City of North Canton. Over the years I've come to know a number of people both in the administration and the council, people with integrity and talent and vision and dedicated public servants and I want to acknowledge them. I want to acknowledge also Mary Louise who's been and you all know, has been a true asset to the city and has been here not quite as long as I have, but getting there. Thanks to the administration and all the folks on that side of the aisle and all the folks on council and all the people that I have served with in the past, thank you very much. It's been an honor and a privilege and I'll miss you all and I wish you all well. Thank you.

Mr. Snyder: Thank you. Director Herr.

Mrs. Herr: No report, except to say Tom it's been nice and...

Mr. Treadon: Thank you.

Mr. Snyder: Director Held.

Mr. Held: Yes, Mr. Treadon, I've enjoyed working with you. And I know you'll enjoy your retirement from the City of North Canton. You won't have to be bothered with anymore phone calls from me in the middle of the day.

Mr. Treadon: It's been a pleasure.

Mr. Held: Yes. Also, I'd like to - one more comment for the three outgoing councilmen. Rick, I've enjoyed working with you. I'm sure you'll probably still pick me up at 3:00 in the afternoon and take me around to some trouble spots.

Mr. McLaughlin: Oh, I'll - I'm still going to be knocking on your door...

Mr. Held: Right.

Mr. McLaughlin: you know that. I'm not done.

Mr. Held: I don't mind. And Kathy, I've enjoyed your phone calls. Probably talked - probably got more phone calls from you than just about anybody, but it just shows that you're working very hard. And you can still call me any time.

Mrs. Magel: Inaudible...

Mr. Held: And Chuck, I wish you well. And I'm sure that we'll be talking in the future. And enjoy the next - next few years. That's all.

Mr. Snyder: Mr. Mayor.

Mayor Rice: I would echo David's sentiments. Our three outgoing members of council, it's been a pleasure and a joy. And on behalf of everyone in the city, thank you for your dedicated service to the City of North Canton, it's very much appreciated. And you all put your all effort into your job as an elected official. Tom, also a personal thank you to you. Inaudible... had the pleasure of knowing and working with you periodically over the last 20 years. Always a man of great character and integrity, great skill at what you do. And the best thing I can say about my relationship with you is people would ask me you know about Tom Treadon as a law director and stuff and I truly mean this, from day one I always was totally confident in any counsel you provided to me.

Mr. Treadon: Thank you.

Mayor Rice: And I think that's of utmost important to me when I'm dealing with the legal counsel. So thank you for your great service and thank you for your friendship over the years.

Mr. Treadon: Thank you.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03

Mayor Rice: Just a couple of other notes. Of course you all should of got - we've got an organizational meeting next Monday night at 6:00 to swear in the new council members and reorganize and I guess also have a council meeting then after that point in time. Also, want to make comment that our new Old Fashioned Holiday Fest is this coming Saturday. And of course, as many of you know, this is taking the place of our what we've had over the years, that Community Christmas Sing, which was always on Sunday. So the thing we've got to make sure everybody realizes this year, it is on Saturday, November the 29th. There's many activities, starting ... at 3:00 in the afternoon, but I would draw particular attention to the - really what should be a really fabulous event in the city for everyone to enjoy is this equestrian parade that's scheduled to start around 4:00. It's actually going to start down here at Charlotte, it's going to go up all the way to Bachtel, loop around and come back down through again. And last count I heard I think there's in excess of 40 equestrian units, in excess of, last I heard, of at least 130 horses. So it's going to be a pretty significant and I think a neat event, rain or shine. So would encourage everyone to do everything you can to attend that. The traditional tree lighting and arrival of Santa and that will take place, I think, starting around 5:30. So a number hours ... a great enjoyable events. And most importantly, if you haven't heard already this afternoon, we have some great news in the City of North Canton. In that a tentative agreement today was announced that it has been reached between the Hoover Company and the leadership of the IBEW Local 1985 today that will keep the Hoover Company open and in the City of North Canton for the foreseeable future. I know there's been a lot of concern over the last - quite some period of time of the future of the Hoover Company. And I think this will put a lot of that to rest in that they are in fact - have reached a new agreement that's going to assure that they stay here for some time. I would just personally, publicly at this point in time certainly want to thank two people in particular for that achievement that we heard of today, and that is the Union President Jim Repace, who has done a fabulous job of leading the union, has shown leadership and great commitment to the City of North Canton. Because he knew how important it was to get an agreement to make sure those jobs and the Hoover Company stays here in North Canton. And of course the Hoover Company President, Tom Briatico, who came in earlier this year as a new fresh face that really brought a lot of positive change. And I think those two gentleman are probably most responsible for the fact that we're going to keep those jobs and the Hoover Company right here in North Canton where it belongs. It's been here for 95 years and we're hoping for many many more years. So I think that's great news for the city and I wanted to report that tonight. I got calls from - spoke to both groups today. And I think that's something that can put a lot a minds at ease for quite some time now. That's it.

Mr. Snyder: Thank you. Mr. Engineer.

Mr. Benekos: Just have the status report for the Water Treatment Plant projects - it's ongoing.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: Just want to say Tom, it's been a pleasure working with you. And it's only - not quite 18 years for me, so I have a while to go. But it has been a pleasure. You're a class act. I've enjoyed it.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: Not to be redundant, Tom, it's been a pleasure also. I guess the best compliment I can give you is if I ever need an attorney I'd give you a call. And I say that with the highest respect, cause I know you're a person I'd want on my side in any situation. So best of luck to you in the future.

Mr. Treadon: Thank you.

Mr. Foltz: As far as the rest of council, it's a tough thing you know you ran election and you're not going to be here next term. I admire that you came to council meetings, you kept the high chin and I think in most part represented the citizens well. Chuck, we didn't see eye to eye in a lot of issues, but I respect your research, your compassion towards your beliefs, even though I didn't always see eye to eye with them. So I wish you the best of luck in the future. Rick, I've been with you the longest here. I think I've been here 8 years and you've been here 12. So - I mean next council I'm the old guy up here, which is hard to believe. So we've been through different issues, but Rick, the thing with us is that I think we've come to the middle ground on a lot of issues and the longer we were here I think the more we saw eye to eye on issues and worked together. So I appreciate that from you.

Mr. McLaughlin: Thank you.

Mr. Foltz: Okay. Kathy, obviously it's going to be hard not to see you up here next term. I think you lend a lot of integrity to this council...

Mrs. Magel: Thank you.

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 20 03

Mr. Foltz: you're very unselfish and you worked diligently on tough issues such as the zoning, the planning and whatever is on your committee. So I thank you for your years of service. Wish you the best of luck. And who knows, maybe we'll see you down the road. Thank you.

Mrs. Magel: Thank you.

Mr. Foltz: All council members.

Mr. Snyder: Mr. Lindower.

Mr. Lindower: Yea, I was going to reiterate the same thing Doug does. I'm glad to see that he's going to take this position of the oldest guy up here, I thought it was going to be me for awhile. I guess he wasn't talking about age. My first two years on council have been a real learning experience for me. I've been able to learn an awful lot from not only the administration, but also fellow council members. Kathy has given me a lot of guidance on procedure and the way things are done and I've discussed issues with Doug and Rick and Marcia and also Chuck. Best of luck to the three people who are out going. I guess I have to say as far as Mr. Treadon is concerned, my 8 years as the chief of police I depended on him many times to deal with some kind of hairy civil service issues and things that we had to deal with in the Police Department. I've always found him to be an extremely professional person. I've depended on his decisions and opinions ... since I've been on council for two years. Tom, good luck and I'm happy to say that I've worked with you all those years.

Mr. Treadon: Thank you sir.

Mr. Lindower: Thank you.

Mr. Snyder: Mr. McLaughlin.

Mr. McLaughlin: I'm going to take the next 45 minutes and say a few issues. No, I just want to say thanks for everything. I will be back. I'm kind of looking forward to the 2 years after 12 years solid on this. And people don't realize that this originally was a part time job and now the last 4 years somebody kicked it up a notch and I'll tell you what it's cutting into the full time work and it kind of hurts in the pocketbook. But I'm kind of looking forward to the 2 years of R&R. And David thanks, it was fun working with you. And I'm ... definitely going to hear from me for different issues. Same way with you Tom, your phone will still be ringing. I still got Mr. Viscounte on my mind about the flooding and the flooding issues in the Nimishillen and a few other things. And I plan on staying active, but I don't know much, but I plan on staying active. As for Jeff Bair, you know as for some of the flooding issues and then sewer backups, I just wish that we would get on some type of maintenance program. I hope you read the paper on Sunday, there was a big story in there about the Cuyahoga Falls and their sewer backups they had and it's approaching a million dollars of all the claims that the people are putting in and everything else like that. But I think that the key to the whole program is is a maintenance program. And I know we started a maintenance program when Mr. Boyajian was here. I know we had a list of streets we were supposed to be doing. Let's look at you know some of the people that are illegally tied in. We had that on Woodside where we had that flushing we blew smoke down the lines and we found out who tied in illegally and we went back to those people. And I'm sure there's a lot of people tied into the sanitary, their downspouts and things like that. I'd like to see that solved. I'm sure there's some sanitary problems out there with some lines collapsing and everything else. And I hope we have a chance to work up a program. We can camera those things. I know you've been out on Greenway for the last week, week and a half, looking at that and seeing what there is. So I you know I definitely want to see that program started and see what we can come up with. Also, something along the Nimishillen, I'd like to see the same thing with the Zimmer. It will be started with the Zimmer that the Nimishillen is looked at and everything else like that. But most of all I want to say thanks to Tom, I've been 12 years on council and about 8 on the Planning Commission and then the Civil Service, a couple years there. But it has been a pleasure working with you in those years. Although you never bought my lunch in Cleveland that one day we met. I'll never let you forget that. But I do appreciate your kindness on council and all your...

Mr. Treadon: Thank you.

Mr. McLaughlin: law advice that you gave everybody - appreciate that.

Mr. Snyder: Are you referring to yourself when you say we blew smoke. I mean you...

Mr. McLaughlin: Well I think council blew a lot of smoke the last four years. I'll tell you when you're up here and you got back to back...

Mr. Snyder: I didn't know I was in your back pocket when you said we.

Mr. McLaughlin: back to back challenges it makes kind of tough. But no, it was a program we started before they used to blow smoke up the sanitary sewers.

Mr. Snyder: I think they still do.

Mr. McLaughlin: They'd watch - they'd watch the lines. You could see who's illegally hooked into those things. And I mean we caught quite a few. We caught quite a few people on Woodside. But you smoked - you smoked a lot of those people out of there and I mean that could be a major part of our problem.

Mr. Snyder: Inaudible... headlines in the morning...

Mr. McLaughlin: Yea.

RECORD OF PROCEEDINGS

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 2003

Mr. Snyder: councilman blew smoke for 12 years.
Mrs. Kiesling: That's a good one.
Mr. Snyder: And you say you were coming back. I'm just teasing you. Mrs. Kiesling.
Mr. McLaughlin: You always do that.

Mrs. Kiesling: I just want to say good luck to the three that are going out. And especially to Chuck, I want to thank him for all his time and energy and effort he's put in the last two years and all his research and compassion definitely towards the issues here in the city. I think he's brought a lot of good things out for all of us to see. The three of you are definitely going to be missed. But definitely I want to say good luck to Tom. It's been nice knowing you these last two years. Thanks for all your help and advice, I appreciate it.
Mr. Treadon: Thank you ...

Mr. Snyder: Mrs. Magel.

Mrs. Magel: After what happened to Rick I think I'll just...
Mr. McLaughlin: Pass.
Mrs. Magel: do everyone a favor and say no report.

Mr. Snyder: Member Osborne.

Mr. Osborne: Well I have a number of things I guess. Number one, I do hope the Hoover announcement provides some relief to the employees who have been very concerned about their future and at least gives the City of North Canton some breathing room. Although I'm quite concerned there was really not a lot of negotiation involved. I went to the union meeting here a few weeks ago and there were basically parameters that had to be met or ... Hoover was leaving. So I guess we'll see whether the rank and file approve basically what - the parameters that have to be met or ... I'd like to say my experience as a councilman has been a real eye opener. It brings me back to my years as a youth when we'd all get together and choose up sides to play softball or football or base - basketball or whatever. You always had your leaders. You always had your people who filled the other positions. But there was always you know the one or two or three left behind. No, we don't want this guy you can have him or no you can have him. And often times you'd have one side that say alright I'd take him just to - so you didn't hurt his feelings. But then again other times you're just left on the side, nobody wants you. I have an open letter I'd like to read. To the citizens of North Canton, I would like to thank you for the opportunity to serve you over the last two years as one of the three at large councilpersons. Despite what is displayed on Council Member Kathy Magel's web site for the last year, there are three at large council members that make up part of this council.

Mrs. Kiesling: Yes there are.
Mr. Osborne: Over the last two years it is unfortunate that I have been singled out and treated differently than any other council member. One pays a very high price in North Canton when you ask a question regarding an issue before council that no one wants to answer. A council member should never think of presenting documented information that is contrary to the agenda at hand unless they are prepared for the consequences. It has been my observation that this city does not have seven independent thinking people sitting on this council and this is a very said situation for the citizens of North Canton. As a result, issues are not fully discussed and personal agendas of a select few prevail. The democratic process of government in North Canton is not allowed to take place and only the illusion that it is taking place is portrayed to the public. Council members blindly follow the agenda of a few. Council meetings are conducted only to take a poll of votes that are preordained to conform to the agenda at hand. As for the lack of civility on council, my question is when did this all begin? Who has displayed a lack of civility in council? Could it be Mayor Tom Rice on January 14, 2002, when he berated me in council and called me a bad apple because I did not agree with him on a piece of legislation before this council? When Council Members Doug Foltz and Kathy Magel voted against the water rate increase last year, why were they not berated for their vote against the water rate increase? Which by the way was sorely needed. Who was showing a lack of civility when it was decreed early last year that all information must come from the Mayor's Office? By the way I have a recorded voice mail from an engineer from Burgess and Niple stating that he had been advised not to provide the information to me that I would have to go through the Mayor's Office for any information. Who was showing a lack of civility when my wife and I were threatened with financial ruin if I did not back off on the Oster issue last fall? I might add that my wife and I were also told that former mayor Daryl Revoldt, a city resident that I will not name and Council Member Marcia Kiesling would suffer a similar fate. Within a few short weeks of the threats made against my wife and me and in retaliation for telling others of these threats, retribution was sought through unfounded charges that lead to an investigation by the local prosecutor. The threats to my wife and me came from the President of this Council, on Friday, September 13, 2002, at a private dinner. The investigation last fall by the Prosecutor was initiated by the President of this City Council in retaliation relaying these threats to various individuals. And that was announced to the public on October 22, 2002. The lack of civility on this council has been directed against me simply for asking questions and uncovering facts which do not support the agenda at hand. Simply put there is no room for a full discussion of the issues in North Canton City Council. No one wants to or is inclined to look at all the facts. Apart from all the unprofessional conduct that has been directed to me, the real reason for the lack of civility on North Canton City Council is to punish City Council members who do not play by the rules dictated by the good old boys. I might add that there's a city resident who played a tape recording

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24,

20 03

of a voice mail left by Mr. Snyder and in the voice mail he states if Chuck Osborne has anything to do with it that's the kiss of death. I have to apologize to I guess the claims for the moral claims for the five people last week. I really hoped we could discuss all the issue. I offered to turn it over to the vice chairman of this committee, cause I wanted to take up her suggestion that we talk about these individually. After making the suggestion, she refused. Same thing with Mr. Kobelt over here. I hope the next council can move ahead and vacate at least a portion of that alley. Cause at the time and preparation for the request to vacate that Mrs. Kiesling had known these people for - since she was a girl, she was on board. Mr. Lane, who voted unanimously with the rest of the Planning Commission to vacate that alley. I had driven by with Mr. Held, he looked at it - didn't even get out of his car, he just looked at it and said that's a slam dunk. I took Mr. Jon Snyder up there, we stood there on the property. And then when it came to this council they would rather embarrass and stick it to me no matter who they had to walk over. And I think it's sad that this council has operated like that for two years. That's all I have.

Mr. Snyder: To Rick, I'll miss your Sunday calls. I get to talk to you about the agenda every Sunday, but I will keep in touch with you.

Mr. McLaughlin: I'll still call you on Sunday.

Mr. Snyder: I hope so. No smoke though please.

Mr. McLaughlin: Okay.

Mr. Snyder: But I wish you the very best. Kathy, I wish you the very best.

Mrs. Magel: Thank you.

Mr. Snyder: It's been pleasure - I've served with you and I think for four years. And we've never agreed on everything, but we've tried to be civil to one another and to try to be - work together. And I wish you only the very best to you and your family. To our new council members coming on, we look forward to working with you. I think we've got some work ahead of us as we begin our new year next week. And that's about all I have to say.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there any final call for business? Anybody in the audience ... Sam - wishing to speak? Step forward, state your name and address for the record.

Sam Brenton: One of these days ...inaudible... Sam Brenton from down on Westfield SW. I just wanted to say Rick, Foltz, Kathy, everyone of you is just as close as the phone. You're the kind of councilmen I like and I appreciate everything you did for me. And I'm going to give my councilman, give him 10 years to get me an answer why that section of the sidewalk on West - on Everhard - you reported it, you reported it, you reported it, more than once, why it took three years to fill that hole in. That's for - he did it, he filled it in. And I don't know he even knows it's filled in yet. Now there's a bag of leaves, I imagine somebody got a mattress, a mattress comes with plastic cover, they filled it with leaves, they put it right on the sidewalk, put branches on top of it. The garbage man has been through there twice and they're still there. Why they don't pick them up? Why somebody don't tell them get it off the sidewalk because people walk on that. But they're there. If you go down there right now they're right in the middle of the sidewalk. They're - I say they're barricading the sidewalk. So anyhow when I come up here you guys know I tell the truth. There's a guy - I don't know who put the signs up that says "Neighborhood Watch", that's me. I don't give a dam what's going on or who's doing it, I'll come up here. You're not my councilman, I don't care. You know like I said - but, I thank you guys, you guys. And before you guys came here I got to clear up that what you call the rescue boat. I got - next time I come up I'm going to clarify that, because I mentioned it more than once. But anyhow, you guys are leaving, come back some day. I'll vote for you anytime. So anyhow ...inaudible... there's a difference between looking funny and acting funny. That guy up there can do them both. You know I'd never get him for my lawyer, really. But anyhow, I want to thank all you guys. If I never come back again, thank you all.

Mayor Rice: Thank you Sam.

Mr. Snyder: Thank you.

Mr. Foltz: Sam, where was that bag of leaves at?

Mr. Brenton: Where's what?

Mr. Foltz: Where was that bag of leaves you were talking about?

Mr. Brenton: It's almost right at the end of where when you turn into Surrey Hill there, right on West - it will be on the north side.

Mr. Foltz: Dave, are you writing that down for...

Mr. Held: Surrey Hill.

Mr. Foltz: Okay.

Mr. Brenton: No, not Surrey Hill, on a...

Mr. Snyder: That's Westfield.

Mr. Foltz: Westfield?

Mr. Snyder: Where Ambler meets Westfield.

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, November 24, 2003

Mr. Brenton: Inaudible... it will be on the north side.
Mr. Snyder: Towards town.

Mr. Held: Now we typically have the...

Mr. Brenton: A big pack of leaves is right on that sidewalk with branches on it. Inaudible... the garbage man has been there twice.

Mr. McLaughlin: Sam, just remember one thing, three years from now - it took three years to fill the hole in the sidewalk, that bag will still be there three years from today.

Mr. Brenton: Inaudible... you guys all seen that fire plug that guy put that thing around.

Mayor Rice: We're still waiting on the pizza too.

Mr. Brenton: I would like to see that come down, really. And those two blind curves, one down there where Coleman ...inaudible... and one by that little ...inaudible... They come down ...inaudible... but that ain't getting the view up. But anyhow, if you guys come back...

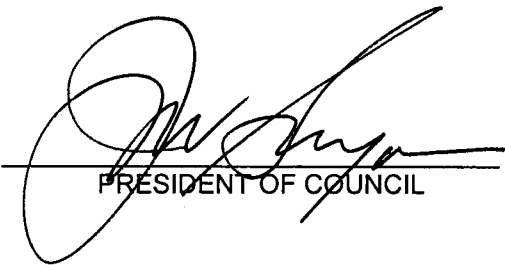
Unidentified: Thank you.
Mr. Brenton: I'll vote for you.
Unidentified: Thank you Sam.


Mr. Snyder: Thank you Sam. Anybody else wishing to speak to the council? Seeing none, may I have a motion to adjourn?

ADJOURN:

Mr. McLaughlin moved and Mr. Foltz seconded to adjourn the council meeting. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

The meeting adjourned at 8:30 p.m.


PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL