

DAYTON LEGAL BLANK, INC., FORM NO. 10148		
Held	Monday, October 13,	7:00 p.m. 20 03
<p>CALL TO ORDER:</p> <p>1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.</p> <p>2. The opening prayer was delivered by Rev. Larry Morrison, Faith United Methodist Church.</p> <p>3. All present recited the Pledge of Allegiance.</p> <p>Mr. Snyder: Madam Clerk, will you please call the roll?</p> <p>ROLL CALL:</p> <p>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.</p> <p>5. Committee Reports</p> <p>Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held October 6, 2003.</p> <p>Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held October 6, 2003.</p> <p>Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meetings held September 29 and October 6, 2003.</p> <p>Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held October 6, 2003.</p> <p>Mr. McLaughlin moved and Mrs. Kiesling seconded to approve the committee report minutes as presented. All members present voting: Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz. No: 0</p> <p>6. Consideration</p> <p>Minutes of Council Meeting: 9/29/03 Minutes of Special Council Meeting: 10/6/03</p> <p>Mr. McLaughlin moved and Mrs. Magel seconded to approve the minutes of the council meeting and minutes of the special council meeting as presented. All members present voting: Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling. No: 0</p> <p>7. Recognition of Visitors</p> <p>Mr. Snyder: Is there anyone in the audience wishing to speak to the council this evening? If so please step forward, state your name and address for the record.</p> <p>Kathryn Garcia: 1036 Park Avenue. And I would like to ask council one more time to be very careful when you vote on this annexation petition. Inaudible... that petition says we want to bring in so many acres and defines the outline of that acreage by the boundaries of it. I don't have a problem with that because that means that the owners are willing to develop it according to our vote of ...</p> <p>Mr. Foltz: Subdivision regulations...</p> <p>Mrs. Garcia: Inaudible... whatever. If they're telling you that they want to bring in the Sanctuary that they presented to you that one day here with all their charts and things, that doesn't exist. You can't vote on something that is nonexistent. And you can't bring it into the city the way they presented it because you've already changed some regulations. You dumped your PRD and so you can't have this dense business. You changed your definition of open space. You haven't had a chance to consider how much water is going to be dumped into the creek. After this summer's flooding I would think that would be a big problem. So I don't think - I think you'd better be careful what you're - what the writing is in there. Since you've got a new lawyer maybe you ought to have him look at it. That's all.</p>		

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Mr. Snyder: Mrs. Garcia, if you note that we're bound by what was submitted to the commissioners. The land is already spelled out. This is not - this is an annexation. This is not an approval of a plot plan. They're required under the subdivision to submit preliminary and final plot plans to the Planning Commission, which will come forward, which will have public input.

Mrs. Garcia: And who's going to tell the Planning Commission what to do with it?

Mr. Snyder: Well it will be done in the public and it...

Mrs. Garcia: Is it going to come back here?

Mr. Snyder: Yes mam, it does.

Mrs. Kiesling: Yes, the final plot ...inaudible...

Mr. Snyder: The final...

Mrs. Garcia: Well everybody, I'm going to hold you to that.

Mr. Snyder: Well that's the law. It has to follow the procedure. It a - we can't - but the land itself - the only thing being submitted is the hundred, I believe five point six...

Mrs. Kiesling: Inaudible...107...

Mr. Snyder: 107. And that's already - that's all that's been approved and that's all that will come into the city.

Mrs. Garcia: Okay.

Mr. Snyder: No - nothing...

Mrs. Garcia: I just really - I just really have a bad feeling about this whole thing. I was at Planning when they tabled your new description of open space. And I just don't know who's running the city. Whether it's the people that have to answer to the voters or whether it's the people that don't have to answer to them. So whatever...

Mr. Snyder: Well your comments are welcome - I appreciate it. Thank you. Anyone else wishing to speak to the council this evening? Okay, seeing none...

OLD BUSINESS:

8.
- Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, third reading** of Ordinance No. 107-03. All members present voting:

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

No: 0

Ordinance No. 107-03 - Third Reading

Ordinance No. 107-03 amending Land Use Category (d) (5) and (e) (3), (4) and (5) of Section 1137.03 SCHEDULE OF PERMITTED USES of CHAPTER 1137 Business District Regulations of Ordinance No. 50-03, Zoning Ordinance of the City of North Canton, by changing those categories for P - Principal use permitted by right to C - Conditional Use in a General Business-A and General Business-B district.

Mr. Snyder: Thank you. Chairman Osborne.

Mr. Osborne: Thank you Mr. President. This is our third and final reading on this. This is a tightening of our new zoning code. Under our old zoning code, under General Business-A, we did not allow car washes, drive throughs, uses of that nature. When we passed the new zoning code suddenly these were permitted uses. As I've said in the two previous readings of this, I had asked that we maybe revert back to the old zoning code regarding these uses. The Planning Commission recommended we make these uses conditional instead of just totally outlawing them. It's a step in the right direction that gives the public some more protection now. It will also allow for public input. There will be public meetings. And we are tightening up what was opened up under the new zoning and that will provide some more protection for General Business-A categories.

Mr. Snyder: Is there any other question? If not...

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the third reading** of Ordinance No. 107-03. All members present voting:

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

No: 0

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9.
- Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, third reading** of Ordinance No. 110-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Ordinance No. 110-03 - Third Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to seek quotes for cleaning services for the period February 1, 2004 through January 31, 2006 and authorizing the Mayor, through the Board of Control, to enter into a contract for said cleaning services.

Mr. Snyder: As we've talked about on the other two readings, we've accelerated this somewhat so that it can be in place when we - the other one does expire the 31st of next - of '04 and ...inaudible... from passing on an emergency. There being no other comments or questions...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the third reading** of Ordinance No. 110-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

10.
- Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 118-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Ordinance No. 118-03 - Second Reading

An ordinance accepting a record plat of Monticello No. 5 located within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Ah yes, we discussed this last week and we had a special meeting to have a first reading last week. And we discussed things like 5 percent set aside and homeowner's association taking care of - the Monticello Homeowner Association taking care of the open space, definition of park whether it fit. It's a little bit more than just accepting a record plat. All of us had our say, except for Mr. Foltz who had a emergency medical - was unable to attend the meeting. And since he is chairman of the parks, I would like council to entertain some comments from Mr. Foltz, please.

Mr. Foltz: Thank you Member Magel. Please excuse me if I ramble on a little bit, I'm just going to try to get some main points across. And it's really going to be no different than it was over the summer, I don't remember the dates, when we first looked at I believe a site plan, from the developers there at the Monticello. And let me preface this as I did at that time, that I think Monticello is a wonderful development for the city. I think it's first rate. We have friends that live in the allotment. They're very happy with the allotment for the most part. And I think it's a great asset to the City of North Canton. So I hope this doesn't get combative in any way or any hard feelings along the way. Because, as I think everyone knows here, my background is in parks and I'm very much in favor of any park/recreational use that any subdivision can attain for their residents. So that being said, just to go over some of the finer points and I might not have the complete description right. I think Brian is here, maybe you could help me out if I have a question concerning that. But it seems that most of the detention/retention basin and I think I got the understanding of the terminology right, retention holds the water, such as a pond in the park, and detention detains the water till it does filter out and becomes more or less grass area again. Is that correct? Okay. So this is a combination of both here. I think the first thing that I looked at when we look at our subdivision regulations, is that most of this detention/retention area is not in the City of North Canton, it's in the City of Canton. So basically it's not usable to any of our residents or constituents here in the City of North Canton. And second situation or a problem that I have with it is that it's really not usable park area. If we look at our subdivision regulations that we currently have, you know a minimum of 5 percent must be set aside dedicated for public parks, playgrounds or other public open space. I think in the spirit of the law here or the ordinance I should say, is that it be open space or park property that could be used or that you could recreate on. I always envisioned this property as something you could put a play structure on, you might put a half court basketball on, put some picnic tables on and something there for the immediate residents to enjoy with their families. But basically there's no access to this property at this time. I understand that Stark Parks has a walking path that they want to develop. And I'm very familiar with Bob Fonte, I support his walking path through the City of North Canton here three or four years ago and we dedicated that. And he's currently

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working on this county wide system you know to run through Canton and all the other subdivisions in the county. But that is the only access and that's coming from Canton. There is no access through the City of North Canton to this open space area. And once we agree to pass this, whatever the Planning Commission agreed to, which they approved the site plan basically, we lose control of this as a city entity, we cannot develop it in any way shape or form. And I'd like all of the council members to think about where we would be as a city if we didn't have Dogwood Park, if we didn't have Price Park, if we didn't have most recently Charlie Strausser Park in Sturbridge College Estates area. I think that met the subdivision regulations. There is a detention area in that park, but there was also usable land for development and the developer didn't pay for the improvements, we allowed that through City Council through city tax dollars. And they have a play structure, they have tennis, they have a bathroom, they have a swing set and those kids get to enjoy that facility. Same thing at Eastwoods. But once park property is gone, you can determine it open space and it might meet the requirement in some people's opinion, but it doesn't in mine, it's gone forever. I think it doesn't surprise anybody that I'm a park advocate and I'm going to fight for it. The only thing that - the other thing that worries me a little bit is the liability. I was not at the meeting. I believe Member Magel and maybe Member Marcia Kiesling was there. And this was told to me through secondhand information. But who's assuming the responsibility of this retention basin? Is it the neighborhood association group? Well do they all know that? Because if I lived there and that floods out and that floods out City of Canton people, they're on the hook for it. You know they're on the hook for the maintenance of that. That's not something I would vote for if I lived there, but you know they live there and if they vote for that and that's widely known through that neighborhood that's something to consider I believe. But it's just to me not viable land for park use. I think you know, I looked at it today, it's a nice piece of property as far as the pond. I mean I think we could of worked with this parcel even to look at the other phases of Monticello 7 and 8 I believe. If we would just have some frontage there, which I believe and I'm not looking at the map, maybe Lot 188, 189, something to get us a little further north that we could build on, I'd be more than happy to accept this for all four sub - plats. But I don't think that's the case here. And that's my bottom line. When you look at neighborhood and subdivision development, I just see it as all encompassing. If there's not park property that can be used by the residents, to me it's not meeting the definition of subdivision regulation. There might be some words that you can use that are ambagious and get to where they need to be. But I also want to remind council that we passed 7-0 an open space definition that I know is not in our subdivision regulation. And I know that it was put into our ...

Mrs. Magel: Zoning...

Mr. Foltz: our planning and zoning ordinances. But open space shall not include the following: Land within public right of ways, which this is, any land within 30 feet of the front, side or rear of any building, public utility easements and rights of way, detention and dry retention ponds and wetlands or any unusual space for development. Open space, No. 3, may include structures or facilities intended for common recreational use such as pools, clubhouses, picnic shelters, play equipment and so forth. Monticello has a wonderful clubhouse that the residents there pay for to use and that met the requirements of that time. And I know Mr. Pusateri probably hasn't had time to research this, but we as a council body allowed, in lieu of park property, a monetary contribution to the city for I believe some of the other phases. So that's my opinion. That's you know once it's gone it's gone forever and I preferred it be usable space. Rick, we've talked about it plenty of times. I mean I've seen it too many times in Canton or even just with Strausser, you end up with some property you can't do anything with and really what recreational use is it other than holding back water from flooding neighboring constituents and residents. So that's my two cents worth council. I would hope that some people would consider that through their vote. And this is - my vote is going to be no right off the top. This is no way, like I said earlier, to diminish the importance the Monticello development is to the City of North Canton. But let us also remember that our city services are a main reason that neighborhood development is so affluent here in North Canton. We have wonderful park - I mean parks, police department, fire department, administration people and I think overall a council that can be proactive when we want to be. So I'm asking for that right now. Thank you for allowing my comments. And I apologize for not making the meeting last week, but as Member Magel alluded to I called her and I hope she forwarded that to President Snyder, I had a family situation that I wasn't able to attend. So I'm glad that I - I get to at least get to speak on this situation tonight. So thank you.

Mrs. Magel: It's only fair. Any follow up?

Mrs. Kiesling: Inaudible... allow Mr. Caticchio to speak?

Mrs. Magel: Inaudible... speak...

Mr. Snyder: Pardon me.

Mrs. Magel: Inaudible...

Mr. Snyder: Pardon me - does - well that takes four votes of council to recognize outside the rules of council. If you have four votes ...inaudible... recognize him it's entirely up to you.

Mr. McLaughlin: I will - I'll vote to listen to Pat.

Mr. Osborne: Yea, I would.

Mrs. Kiesling: I'll allow him.

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

Pat Caticchio: Thank you. My name is Pat Caticchio. I'm the developer of the Monticello subdivision. My address is 5001 Mayfield Road - Lynhurst, Ohio 44124. I'd like to address some of Mr. Foltz's comments. I believe that the Law Director and I believe all of council knows that we have conformed to the zoning code precisely. We have not wavered from it, we have not asked for any variances. The zoning code, as it exists and as it existed up until the change of the open space criteria, simply stated that we have: (a) open space and (b) that it could be either dedicated to the city or for the use of the residents of the subdivision. In this case we chose to have the - our recreation area. Now we have two recreation areas, that it would be for the use of the Monticello subdivision. I hate to sound snobbish on this ...inaudible..., but we have almost an entirely closed subdivision. It's almost a gated community other than the guards at the gate. We have no entrances in or out except for the Easthill and 55th Street entrances. We have two, as I said, parcels of - for recreation area. One is a 3.6 acre parcel, which is, if any of you visited the subdivision you would see that's where we have the barn. I have just completed the remainder of the planning and that is we just finished building a playground, walking paths, a gazebo, sports court and bocci courts. Now these we just finished. That completes our subdivision recreation area. That area alone cost us one million dollars. Now I don't think anybody expects us to spend another million dollars or half a million or even two hundred thousand dollars on another recreation area. Our objective was at all times is that we would have two types of recreation areas. One would be an activity area, such as the barn. Secondly the other one would be simply a park area where people could go and have a picnic. And this is the second phase of our plan or our original plan. Now I understand that the city does not want the open area to be, for instance, to be the detention basins and retention basins. The area, the parcel that we are contemplating now for the retention basin and detention basin, in which part of it is going to be our picnic area, is a 3.682 parcel. Two acres of it is fully useable, it is not detention or retention, it is not part of the basin at all. It is open to the existing area. It's a fully useable up land parcel of land. And in addition to that we do have access to it from Monticello. We have an easement, a 20 foot easement, which is going to be made into a walking path from Monticello into - tying into the Monticello - into the walking path or the county walking path. So if you take the two combined and take them together, I think you have one of the most fantastic combinations that you can possibly have. In addition to this, the walking path of course is going to serve the county. This will be, and I talked to the parks director on this, this will be an area in which the people using the walking path can stop and have their picnics there - can - before they go on on their walks. Now the other things that we have always contemplated and we've already created this in our original - in the barn area or recreation area, as you will see on our - in the photographs that I have, there is a detention basin there. We have let that retention basin grow into a area for ducks. We specifically designed it in that fashion. There - we have a spring fed lake adjacent to it and we have ducks like you've never seen. I mean if anybody is a duck hunter you know where to go. At any rate this is the same thing that we're finding here. This detention - the edge of this detention basin, after we are through with construction, it will be dredged. Once it is dredged then the water will obviously clear up and the water plants will be allowed to grow. Again, this is a purpose behind all of this. I talked to - I saw Julie Berbari we took a walk through this area and she was absolutely ecstatic over the fact that we've created a water foul nesting area. And so this whole thing is not something that we're doing by the seat of our pants. This has all been designed way ahead of - a long time ago. As I said, we have not gone outside of the regulations. We followed the regulations to a "t". We have asked for no variances, we require no variances. I'd like to bring up another subject tonight and that is the problem - the serious difficulty that we're having and are going to have. I would respectfully ask this body tonight to pass 5 and 6 by emergency ordinance. We've had several severe problems - three of them as a matter of fact. The first problem was the winter. We started phases 5 and 6 last fall. As you know we had a very severe winter. Usually what we do is we're able to put the underground in during the winter months and pave immediately in the spring. This year it just didn't work out that way. We were unable to put the underground facilities in with storm sewers and - storm sewers, sanitary sewers and water because of the severe winter. Come spring, which we thought we'd really be able to get started, we had one of the wettest springs that we've ever - and early summers that we've ever had on record. And not only that the third catastrophe that occurred was the 100 year storm that caused us further delay. We have expected that we would be - start transferring title to the lots about the 1st of June. That has not happened and we are unable to transfer lots as yet. If you do not pass this by emergency ordinance that means that we have six weeks to two months - eight weeks before we could transfer title to the lots and that would mean that there are six - at least six people who expected to break ground before the snow flies and we were able to close in the houses before it really got cold, which we're not going to be able to do. I think this is definitely a hardship. One other point, going back to the park situation, we are going to have almost 1,000 residents when we're done with Monticello. That is, if you add the 1,000 into the 14,000 plus residents of the City of North Canton, that's almost 6 percent of the people that will - 6 percent of North Canton is going to be living in Monticello. So there's - they have - I think that the park facilities that we have provided for them is more than enough for any community and in fact is serving North Canton residents. Let's face it, these people are North Canton residents. Does that mean that we should bring in other - allow other North Canton residents in there? Well perhaps under other circumstances we might, but this was created for - as a totally separate community. So at any rate, again I ask that we pass by emergency ordinance tonight. This is a real hardship. Now aside from my own financial hardships in this situation, we have six people who - six people and two builders who are - who just need to break ground before the 1st of November. Because otherwise if they don't break ground by the 1st of November it isn't likely

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that they're going to be able to build this year. I have a petition here that was signed by all the six people that are trying to build in the subdivision. We the undersigned future residents and voters of North Canton, do hereby respectfully request this council that the plat for Phases 5 and 6 of the Monticello subdivision be voted upon as an emergency ordinance. All of us are purchasers of lots in Phases 5 and 6 ...

Mrs. Magel: We can read this.

Mr. Caticchio: Okay. But I would like to get it into the records. So therefore I'll give the Clerk a copy of it to go into the record. But I - I've been a lawyer for 40 years. Most of my work has been zoning work and I've dealt with - I'm quite familiar with the procedures of councils and planning commissions, etc. I think this is a perfect example of legislation that should be passed by emergency ordinance. Thank you.

Mr. Snyder: Chairman Magel...

Mr. Osborne: Mrs. Magel, may I ... I'm sorry, go ahead.

Mrs. Magel: Mr. President.

Mr. Snyder: Chairman Magel, my only question - Mr. Foltz brings a couple good points. Had the original application to the Council come from the Planning Commission prior to the passing of Ordinance 53-03?
Mrs. Kiesling: Yes.

Mr. Snyder: So that it would not be...
Mrs. Magel: It's 50-03.

Mr. Snyder: 50-03 ... so it's not subject to the new zoning ordinance. Because it was submitted prior to the new zoning ordinance. Is that correct?

Mrs. Magel: I don't know. I don't know when it was submitted to planning.

Mr. McLaughlin: I'm sure it was.

Mr. Snyder: Well it's - pardon me...

Mr. McLaughlin: I'm sure it was.

Mr. Snyder: Inaudible... and secondly I think it came as a positive recommendation from the Planning Commission, which requires under the old zoning that you need five 5 to overturn that. It - I mean you can't just arbitrarily vote it down with - you need 5 votes to overturn a positive recommendation of the Planning Commission. Under the new zoning you need 6, under the old you need 5.

Mrs. Magel: Well that needs changed.

Mr. Snyder: Our new - 6 - yea, you need 6 under the new zoning ...inaudible... been enacted. But under the old zoning...

Mrs. Magel: I mean that was Mr. ...
Mr. Snyder: Pardon me.

Mrs. Magel: Okay, so it's 5 under the old and 6 under the new.
Mr. Snyder: 5 under the old and 6 under the new.

Mrs. Kiesling: Wasn't it like 5-2/3's so we just went ahead and made it six?

Mr. Snyder: Well it required so we went - well we changed it to 6. But under the old zoning you need 5 negative votes to overturn a positive vote of the Planning Commission, as well as I don't think it's subject to the new zoning because it was submitted prior to the new zoning being enacted. I don't know that you can just capriciously apply to new zoning to it, can you?

Mr. Pusateri: No, that's right.

Mrs. Magel: I don't think anybody...

Mr. Snyder: No, I'm asking. When you - when you're - the reason I'm asking the question, being that it does not meet the green space of the present zoning or you know that's ...inaudible... But I'm saying we, you know as well as the subdivision unfortunately does not require the property be gifted - the property in the city. As long as it's contiguous to the existing property.

Mr. Pusateri: That's correct.

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Mrs. Magel: We discussed this.

Mr. Snyder: I ... understand what I'm saying...

Mrs. Magel: Okay.

Mr. Snyder: I'm just making a point. I mean I...

Mrs. Kiesling: Well on that note I'd like to see if we can pass it on an emergency. I don't see why we wouldn't.

Mr. McLaughlin: I think the other thing I'll address to Doug is, Doug, Pat did have a meeting with the people up there and they did - they do understand that they're going to accept it?

Mr. Caticchio: Well let me - Yes, I neglected to address that issue. Under our deed restrictions, all retention/detention basins, open areas, common areas, are all - will be deeded, actually deeded, title transferred to the home owners association. They've - that large parcel that - I mean the recreation parcel will be deeded to the association, this parcel will be deeded to the association. And under the deed restrictions they have the duty to maintain it. Now the association - we put the - the association was inaugurated about two years ago, about three years ago now and we are in fact taking it. The homeowners pay - currently pay about \$500.00 a year for the maintenance. It costs us about fifteen to sixteen thousand dollars a year just for the - just for the cutting of the grass and the landscaping of the existing recreation area. And when this is completed this will be maintained also by the homeowners association.

Mr. McLaughlin: And the other thing was, I want to mention too, that Pat has taken responsibility on the retention/detention basin it is - you weren't here, but this fits into the 100 year flood. It was originally 25...

Mr. Caticchio: Yea...

Mr. Foltz: Inaudible...50...

Mr. McLaughlin: and now we've got it to where it takes care of 100 year.

Mr. Foltz: I believe it's 50. I don't think it's a 100.

Mr. Caticchio: No, it's - what happened was - I think we went through this before, but I will quickly explain it. We - the original basin, which is a detention basin and hold a retention basin, which holds the water, which serves two purposes. And the first purpose is to hold water - I mean is to held water and the second is to filtrate water. And so that while we were under construction we - the water would be clarified before it will be dumped into the sanitary sewer. That was designed as a 25 year basin pursuant to the instructions - our instructions at that time. It was approved by the North Canton and it was approved by Canton. However, when we had that 100 year storm, that basin overflowed. That stopped everything. It stopped everything here in the City of North Canton and also in the City of Canton until we worked - not only that but the EPA and the Clean Water of Stark County - clean blah blah blah, stopped everything. We had to design or find a method of controlling that water. Now what we did is - what we did - what I did is I gave up another three and a half acres of land in the City of Canton in order to be able to build the detention basin that we are going to build. Which - and the way it's going to work is that we're going to have the ... if the detention - if the retention basin overflows it will go into the new detention basin. The criteria, and correct me if I'm wrong here, was for a 50 year storm. We are planning - the one that we submitted is for a 100 year storm. We're doing this voluntarily. Now everything that we have done in Monticello believe me we've bent over backwards to do everything right. And that's one of the reasons I really beg you tonight to give us a chance so that we can get these people building homes.

Mr. Osborne: I'd like to make some comments here now. Mr. Foltz, I can understand where you're coming from. If we were building a neighborhood such as Werstler Avenue on very small lots, yes I could understand the need for a park. We're not building Werstler Avenue type of development here. And to go back to what you said earlier, North Canton will use those retention and detention basins because North Canton rain water will find itself into the detention basins and retention basins on Canton City property. Now we've just added 107 acres to our park land here so I don't know why the concern here to demand additional recreational facilities up there. As Mr. Caticchio has just said, they have their own recreational facilities - a million dollar recreational facility, the residents up there support it. Just some financial impact that this development brings to the City of North Canton. There's a total of 253 households when this project is completed. The average price - the average price now is half a million dollars. Total market value up there is \$126,000,000.00 when this completed. The tax base, based on the percentages used by the Stark County Auditor, is over \$44,000,000.00. The real estate taxes, which 3/4's of it go to the school systems, is \$1,600,000.00 ... close to that. Figuring a third of the households up there bring in - have an average income of 152,000. That's a gross income of thirteen and a half million dollars. And when you figure in - factor in our one an a half percent tax rate, you're talking revenue to the City of North Canton close to \$202,000.00 a year. This is a big plus for the City of North Canton. It's really a feather in our hat. We have affluent people wanting to live in our community. They have their own lifestyles. They have large half acre lots up there. Now the association has agreed to maintain all of these structures. The City of Canton has signed off on all of this, the North Canton Engineer. Right Mr. Benekos, you have signed off on all the drainage issues?

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Mr. Benekos: There's a few minor comments.

Mr. Osborne: Okay. But there's no impact or flood impact down stream or down at lower grades. The people who live on Grassmere and those areas won't be impacted. Because they have made, as we just pointed out, they've decided to exceed the 50 year flood requirements and designed it for a 100 year flood. The North Canton Law Director has flagged this earlier this year and studied it and brought all these changes about. Roy Batista before - he did not leave this situation at loose ends. He finalized it and it's okay - I'm not speaking for the Law Department here, but as I understand it Mr. Batista did finalize everything. And I disagree with you, open space has not changed. So I would implore you to move this along tonight so these people - you're not only impacting the developer, the builders, you're impacting families who have made a commitment to want to build nearly million dollar homes here in North Canton. I too hope we can move this along so they can get started. Mr. Caticchio, this will be entered into the minutes.

Mr. Caticchio: Inaudible...

Mr. Osborne: And I don't mean to insight any animosity, but Mrs. Magel I wish you'd let the gentleman read his letter like he had liked. But it will be entered. Madam Clerk, won't you just actually attach this to minutes or how would you do that?

Mrs. Bittle: Well he's read part of it into it. I can type the whole thing in and make a note that that was his request.

Mrs. Magel: I'll tell you what, I'll enter it into the record right now.

Mr. Osborne: Can we agree on Council that the entire ...

Mrs. Magel: I'll enter it. I am the chairman and I will enter it right now. We the undersigned, future residents and voters of North Canton, do hereby respectfully request this council that the plat for Phases 5 and 6 of the Monticello subdivision be voted upon as an emergency ordinance. All of us are purchasers of lots in Phases 5 and 6, and because of the approaching winter, any further delays will cause us extreme hardships. We may not be able to start construction of our homes this year if we do start, complete the exterior of the homes before the severe weather is upon us. In either event we would be into the late summer or early fall of next year before we could move into our new homes. Last year's harsh winter and this year's unusually wet spring and summer caused extreme construction delays. We hope that council can help our situation by expediting approval of the plats by passing the necessary legislation by emergency. Thank you. Signatures. Inaudible... first. Looks like five couples and one single person.

Mr. Caticchio: One last comment. When we were negotiating with the City of Canton, because the - when our retention basin overflowed, it flooded the apartment project adjacent to us and actually washed out a brick wall. It just - I mean literally washed it out. And then in the second storm we had four or five houses in the City of Canton on 49th Street were flooded. That's when we started - we started immediately to determine what we had to do to correct that situation. And that's when Brian here, our engineer, started the design procedures. At any rate we at all times promised the City of Canton that we would start that basin - start work on that basin as soon as it was absolutely feasible, because everyone was afraid of another flooding. As a matter of fact Mr. Batista made the comment one night at the council meeting, he says you know he says you guys got to get that thing as fast - in there as fast as possible, we may - in order to avoid any possible repercussions or law suits from the City of Canton. So that's - we made that promise and we'd like to get that in. We'd like to start that construction. If we don't and the ground freezes we will not be able to do it in mid December. We've got to start immediately as a matter of fact.

Mr. Osborne: So you actually have an obligation now ...

Mr. Caticchio: Well we ...inaudible...

Mr. Osborne: a contractual obligation I guess you could say.

Mr. Caticchio: We promised the City of Canton that we would start excavating that as quickly as possible. But we cannot do anything until 5, 6 and all of this is recorded and is made of record.

Mrs. Magel: Okay then to conclude. First of all I'd like to say all the statistics that was read concerning the money that Mr. Osborne read, as I looked over it was - had the heading of AMC Land Company. So that must of been supplied by you to him.

Mr. Osborne: Yes, I will admit that Mr. Caticchio did supply that. I don't think...

Mrs. Magel: Okay.

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Mr. Osborne: I have no reason to doubt it.

Mrs. Magel: Just making a statement. Second of all, I think there's been a little bit of - at least from I can say the meeting that I had, I don't - and I did not attend this homeowners meeting...

Mrs. Kiesling: Inaudible... just Rick.

Mr. Foltz: Oh I'm sorry.
Mrs. Kiesling: That's okay.

Mr. Foltz: Inaudible... let me apologize for that on the record then.

Mrs. Magel: Yea, I didn't.
Mr. McLaughlin: No just...

Mr. Foltz: Mary Louise, I'm sorry.

Mrs. Magel: Concerning the two acres...

Mr. Foltz: It was the Planning Commission meeting I was talking about.

Mrs. Magel: Rick, last week you were saying they didn't even want picnic tables on it.

Mr. McLaughlin: No they did not. When - the meeting we had up there with Pat and the residents they didn't want - in fact a lot of the residents said if you put picnic tables up there those people would congregate, they didn't want them...

Mrs. Magel: I understand.

Mr. McLaughlin: moving over into their neighborhood or whatever. Inaudible...

Mrs. Magel: Right and yet what was said here that there would be picnicking...

Mr. Caticchio: Well that's what - yes, that was our intention. I said...inaudible...

Mr. McLaughlin: Yea and Pat told them at the meeting whatever they wanted he would follow their wishes. I mean it's - you know and I have to admit that is a first class recreation area up there. I mean there's no doubt the people are going to get a lot of things up there - the swimming pool and the bocci and the tennis - or the tennis courts and everything else like that. It is a first class - first class.

Mrs. Magel: Okay. Now, as far as the sub regulations are concerned. I'm willing to admit that our's are very poorly written. And as I had said on this one, I think this is a complete gotcha. Went into the weaknesses and identified them and got around what we had originally intended. However, there's nothing we can do about that. Our sub regulations are what they are. So I would like the council to get your thinking caps on quickly so that we can change our sub regulations to something - hone in more in our words of what our true intent was. So you know there's nothing - he said he followed the letter of the law and I believe he did. It's just very poor wording on our part. I'd like to also conclude that there wasn't anything council could do. We didn't have the spring or the summer or the rains or the snow and it wasn't council here that had anything to do with the 25 year flood. And I believe it was correct to stop and make sure that the - cause I can see some people here who are upset about the drainage problem from the Zimmer. And this is what we should do - stop, take a breath and make sure that the retentions are correct for all of the developments from here and now on in all sections of North Canton. So we were waiting on the engineering part and we just could not start. So I would say that I would be for the second reading due that we have a very poor reading - wording. However, the emergency - I don't feel comfortable to start this on a basis, because I think we'd be setting a precedent that we would be doing this for all our land plats - record plats. And I think we need to, as we had said before people's - we need them to come in and have a chance to talk to us. Second of all I expedited this, I thought on good faith. At the time I said I would not put it on emergency and I said I would do the best I could and I would save two weeks. And I gave them my word and I did, I moved it up and I thought it was understood that I - that's the best I could do. Second of all, what's not here, but a few of us do know, four of us on council at least thought we were offered money for that and unfortunately that was not - I guess it was not approved. It was just a offer that ... probably should not of been made. And council started off of our vacation thinking maybe that we would get the 5 percent money and apparently that feel through when we asked for it in writing. So I personally don't think this is something we can just go through. And you know what, if I could I would. If I could take this through an emergency I think I would do that for you. Because I do feel that the problem's here and I feel for these people and I know that you need to get your buildings going. And if I thought it was even feasible for me as a chairperson to do this I would. I just at this time I don't think zoning or land plots and - there's certain things we can do on emergencies and there's certain things we can't. And so that's all I have. Inaudible...

Mr. Osborne: Mrs. Magel, can I make a couple comments?

Mrs. Magel: I would like right to ...inaudible...

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Mr. Foltz: Yea, I'm just going to follow up ...
Mrs. Magel: Inaudible...

Mr. Foltz: then I'll let it take its course here. A couple things said tonight. I think as a council body - as a government entity our responsibility is to make sure that our neighborhood development is consistent across the city and is applicable to all our residents. It doesn't matter if they're on Werstler and they're on fixed income or they're making \$30,000.00 a year or they're making \$200,000.00 and living in Monticello, that's irregardless of the facts. I understand that this is a first rate community and I alluded to that in my presentation at the beginning of what my comments were. But we have a responsibility here to be consistent for everything we do. And if there's more land owed to us through a subdivision regulation, then that's the way I see it. That's the way I'm going to vote it. This retention/detention area is more or less a new concept towards this flood problem that we have. West Park ... you know in Ward 1 is not a retention/detention area. So what I don't want to happen in the future, as Member Magel alluded to, for us to set a precedence with the Sanctuary or any other future neighborhood development or annexations within the city that they take retention/detention area and seem to feel that it fits our criteria for subdivision open space park land. That's why I agree we need to get this on committee format and discuss this and tighten down the wording through our ordinance format.

Mr. Osborne: Okay, I'd like to...

Mr. Foltz: That's it.

Mr. Osborne: are you done yet? I'm sorry...
Mr. Foltz: Yes.

Mr. Osborne: I'd like to point out to you though, this has been delayed already four months. It has been scrutinized and scrutinized, not only by Canton, by North Canton, the Planning Commission. They've gone back to the drawing boards and redesigned to facilitate the worst flood we can imagine. So keep in mind, I mean this is already been delayed and it's going to pass, but you're going to impose a severe hardship and delay this needlessly. I'd also like to see the Mayor come out and stand up for this and lead on this. We've talked about community and economic development the first month on council here and this is where it begins, helping the developers, helping business locate into the community. And I'd like Mayor Rice to lead on this and encourage council to move with this.

Mrs. Magel: With all due respect I'd like to keep this in council please. Unless Mayor you'd like to make a statement.

Mayor Rice: I think everybody knows what that comment's all about. I think it's not healthy at this point in time of all things to bring politics into or the campaign into a very serious issue. So council ought to do its due diligence as I'm sure they will and vote their conscious.

Mrs. Magel: Thank you.

Mr. Osborne: Well this has nothing to do with politics. This is business coming to town. And we've heard nothing from the administration to move this along, facilitate this development.

Mrs. Magel: Mr. President, may we call to have the...
Mr. Snyder: Please, if you're ready to call the question, yes.

Mrs. Magel: Is that fine with everyone? I'd like to call it for a vote.
Mr. McLaughlin: I'm ready, let's go.

Mr. Snyder: Thank you Madam Chairman. Madam Chairman...

Unidentified: Too bad.

Mr. Snyder: may I ask then that we will not amend this said ordinance to include an emergency. Is that your wishes? I'm just asking a question.

Mrs. Magel: I think that would be prudent.

Mr. Snyder: Okay. Thank you. Madam Clerk, please call the roll.

Mrs. Kiesling: You're right.

Mrs. Bittle: We need a motion and a second.

Mr. Snyder: Oh - I'm - beg your pardon.

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Mr. Osborne moved and Mr. McLaughlin seconded to **adopt the second reading** of Ordinance No. 118-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: Foltz.

11. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 119-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Ordinance No. 119-03 - Second Reading

An ordinance accepting a record plat of Monticello No. 6 located within the corporate limits of the City of North Canton.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, for the audience I would like just to say ditto.

Mr. Snyder: There being no other comment I'd...

Mrs. Magel: What I'm saying is this is the same legislation. This is for Monticello No. 6, we just discussed Monticello No. 5, it's a twin. And rather than go through all the comments again, I think you know what I mean.

Mr. Snyder: Thank you. May I have a motion to adopt the second reading of Ordinance No. - I'm sorry I forgot the ...

Mr. McLaughlin: 119-03.

Mr. Snyder: 119-03. Thank you.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the second reading** of Ordinance No. 119-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Kiesling and Lindower.
No: Foltz.

NEW BUSINESS:

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

Ordinance No. 120-03 - First 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 annexation of the south course of what used to be known as Bob-O-Link, will become the Sanctuary - 107 acres. It just ended its 60 day waiting period so we can officially annex it into the city. Mrs. Garcia, you are assured that it is only annexation of the land. They still need to - we still need to zone the land, which will take 3 readings and 30 days. They still need to go to planning for their final plat. Then - and they need to approve, then it needs to come to us for our final approval. So it is still a long process before they begin to build.

Unidentified (speaking from the audience): I have one question. Is this open land definition going to go to planning and be part of planning before ...inaudible... is annexed or isn't it?

Mrs. Kiesling: I believe if we can get...

Unidentified: Inaudible...

Mrs. Kiesling: if we - right. If we can get the subdivision regs changed before they bring their plat to planning I believe that the new subdivision law would go into effect for the Sanctuary. But that will be up to the new council and you'll need to keep coming back up here and yelling at us.

Unidentified: By next spring I don't want to hear somebody up here say well we grandfathered that in, we can't do anything about it.

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Mrs. Kiesling: There is that possibility.
Unidentified: Inaudible... better not be.

Mrs. Kiesling: Right. Well that's what I said, you need to keep coming back up here. Anything else from the council?

Mrs. Magel: No, I just - Mrs. Garcia, you're welcome to see our legislation here, it's nothing but annexation and then there's just pages and pages worth of description of the 107 like you were talking about and that's all it is.

Unidentified: Does this include the apartments across the street?

Mrs. Kiesling: No.

Mr. Osborne: This is strictly annexing the land, that's all we're doing.
Mrs. Kiesling: And not the apartments.

Unidentified: Inaudible...

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

13. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 121-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Ordinance No. 121-03 - First Reading

Ordinance No. 121-03 amending Appendix "A" of Ordinance No. 124-02 by the addition of a computer for use by the Law Department and declaring the same to be an emergency.

Mr. Snyder: As was spoke last week regarding this a - Mr. Pusateri does the majority of his work by computer and we don't have one in there and we're transferring funds from both the travel as well as the miscellaneous account of the Law Department. So it is money that is presently in fund in the budget to the Law Department of approximately at the very most thirteen hundred dollars. I don't think it's going to run that, but we've removed that amount of money for that purpose. But it should be significantly less than that. And it will save in the long run as we will no longer probably be adding to the pages ... law directory since he does not use that. Are there any questions? If not...

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 121-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 121-03. 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. 121-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

14. Mr. McLaughlin moved and Mrs. Magel seconded to **read by tile only, first reading** of Ordinance No. 122-03. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0

Ordinance No. 122-03 - First Reading

Ordinance No. 122-03 authorizing the Mayor of the City of North Canton (Grantee), through the Board of Control, to enter into an agreement with the United States Environmental Protection Agency to apply for, accept and utilize a grant in the amount not to exceed \$867,300.00 for the purpose of funding the Water Treatment Plant expansion, and declaring the same to be an emergency.

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Mr. Snyder: Again, I think to the City of North Canton it's a phenomenal amount of money, almost \$900,000.00 that has been secured by the administration, through the office of Ralph Regula. The question bears the fact that the money is placed there simply because that is a ten million dollar appropriation. Breaking it up into smaller projects would require EPA approval of each project, which would in fact reduce the value of the bond or the grant. And I know I'm tickled to death to urge that it be accepted on emergency. Is there any question? If not...

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 122-03. 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. 122-03. 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. 122-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

15.
- Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 123-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Ordinance No. 123-03 - First Reading

Ordinance No. 123-03 establishing a rate of compensation for the North Canton Law Department and declaring the same to be an emergency.

Mr. Snyder: Chairman Lindower.

Mr. Lindower: Yes, this would be an ordinance to establish a rate of compensation for the Law Director at \$49,000.00 per year or \$1,884.62 biweekly. No other benefits included. And an Assistant Law Director not to exceed \$2,500.00 per annum at a payment of \$200.00 per meeting as needed.

Mr. Snyder: Inaudible... any comment of the council?

Mr. Osborne: I'd like to make a couple comments here. I did some comparison shopping today. I talked to Louisville, their law director receives 29,000 a year with no benefits. Alliance - 30,127 plus they get health, life and dental. Plain Township was closed I couldn't get anything from them. And I meant to call Perry Township and did not get in contact with them. I hope I don't get pilloried for this. As I said earlier in the executive session, we could be hiring Johnny Cochran or F. Lee Bailey, it has nothing to do with the character or the gentleman we've just hired, but it's a part time job. We had several comments praising our Clerk of Council and our old law - former law director says she does 80 percent of the job - streamlines the process. I'm quite concerned that you know with the possible downsizing at Hoover that seemingly we hear every week, every month. We're in the process of negotiating contracts with city employees. I don't know how you sit down and negotiate contracts with them when they realize that we've just doubled the salary of the Law Director. Again, it has nothing to do with the Law Director. I would just like to start out, council at least my ears heard that we were going to talk about 42,000 a year, because the health insurance was off the table for both candidates and now I - we've jumped from 42 to 49. And as someone in the audience mentioned to me last week, shouldn't this of been negotiated before you hired a law director. I don't want to belabor this issue and I don't want to be pilloried in the press again, I - these are just legitimate concerns. The state of the economy, the state of North Canton's economy if things start turning downhill here, we can always come back a year later and make some adjustments if the new law director is you know totally unhappy. So again, no animosity here and no - nothing to get excited about, just I think doubling the salary from 16,100 was the previous law director, plus he had health insurance, which brought it up to 24, almost 25,000. So I don't know, that's just my logic on it. I ...

Mr. Snyder: Chairman Lindower, a privileged question sir. Would you kindly read to the record what it costs us today for a law director and assistant law director with benefits.

Mr. Lindower: Currently?

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Mr. Snyder: Presently sir, yes. If you would be so kind so that the public has a comparison.

Mr. Lindower: I believe both combined together - the law director was 16,198, correct me if I'm wrong Julie, 13,390 for the assistant law director, it comes out to 29,588 plus the cost of health insurance which has been concluded to be \$8,800.00 per year to date.

Mr. Snyder: That's per man, sir?

Mr. Foltz: Per position.

Mr. Lindower: Per person, right. So we're actually talking a total of \$47,188.00. I would like to also say that in - Mr. Osborne wants to refer to the economy and the situation that we're dealing with as far as expenses to the city and so forth, I think it's critical at this time that we have someone as a law director who is capable and has the resources of directing the city on a day to day basis as far as legal issues that we need to deal with. In the past we've had to refer to many outside law firms for advice and so forth because the expertise just didn't happen to be all in one location like it would be with Mr. Pusateri. I feel that the investment that we're making at \$49,000.00, which is a little less than as far as I can see \$2,000.00, is going to be well worth the money spent in the long run when it comes down to saving the city money. Thank you.

Mr. Snyder: Mam...

Mrs. Magel: Paul, if we were going to hire Johnny Cochran, F. Lee Bailey or Paul Pusateri, I would of hired Paul Pusateri.

Mr. Pusateri: Thank you.

Unidentified: Amen.

Mr. Foltz: That's a good analogy there.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: You know we have to understand as a progressive city that time is money and you don't hire a young, aggressive attorney that's going to serve this city council as well as its constituents cheaply. And as we indicated with Mr. Lindower, as I brought up in the committee meeting also, the net increase between what we're paying the law - current law - well the former law director and the assistant law director with wages and benefits, you know we're not even going up 3 - 3.5 percent. I mean let's be progressive thinking here. He's going to be away from his law firm. He has a responsibility to that law firm that he represents also and you know there's a certain dollar figure associated with that. So I'm willing to pay that for good representation with an attorney. And I think that Mr. Pusateri, his credentials speak for themselves. He's done this job before. We're not hiring somebody right out of the law school, he has experience, I think he'll be very hands on and accommodating to council's needs as well as the administration's needs. So I'm very much in favor of this.

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

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 123-03. All members present voting:

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

No: Osborne.

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 123-03. All members present voting:

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

No: Osborne.

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 123-03. All members present voting:

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

No: Osborne.

Mr. Snyder: Well before I get to reports, Mr. Mayor I see that the Chief of Fire Service is in the audience. I would like to publicly express to you sir that last Thursday evening our Fire Department answered a call there on South Main and through their diligent efforts, their quick response and their professionalism probably saved that property in excess of a million dollars sir. And I would just like to say to the Chief I thought it was a great job and I think I'd like ...inaudible... Thank you.

Unidentified: Thanks.

Mr. Snyder: Chief, thank you very much on that.

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REPORTS:

Mr. Snyder: Reports, Director of Law.
Mr. Pusateri: No report.

Mr. Snyder: Julie.
Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Held: I'd like to thank the council for accepting the grant that was made available to us through Congressman Ralph Regula's Office - \$867,000.00 is approximately 23 percent of the construction towards the expansion of the Water Treatment Plant. Which certainly our water distribution system and Water Treatment Plant is in need to expand. I believe this is the largest grant that the city, to my knowledge, has ever accepted in this size. So this is - I think that this really is very significant. And special thanks to Congressman Regula's Office and also City Council and the Mayor and City Engineer Jim Benekos for working on this.

Mr. Snyder: Mr. Mayor.

Mayor Rice: Well Jon you took my issue that I was going to bring up...
Mr. Snyder: Inaudible... I apologize ...inaudible...

Mayor Rice: But that's fine. But I'd also like to echo your comments for - especially since our Chief is here tonight, that our fire services again did a fabulous job ...inaudible.. I think probably - I think from the time, if I understand it right, from the time the call came in until the call was or the fire was put under control was only about 25 minutes. Which is pretty phenomenal with the kind of fire they had how quickly they responded, got on site and controlled the situation. Like you said probably saved an awful lot of damage. So I would echo that Chief and please pass that onto the great men and women in our safety services that help you accomplish that. Did a fabulous job as normal. The other - I just want to update City Council, this is our second year for our leaf recycling program. The one minor change this year is we're using some of the grant monies that we've received from the Solid Waste District to provide - the city has purchased large quantities of leaf bags. Last year a lot of the concerns were people was having to go buy the bags and that type of stuff. Not that we can provide everybody all the bags they need. But we're providing, while supply lasts, and that's a key phrase right now after I tell you the rest of the story, up to 25 free bags to every household, not every person, but 25 per household, to at least assist them in providing some bags to get the program started and to encourage more people to participate than last year. That's the whole idea behind the grant money is to try to help through educational processes or assistance to the residents to help encourage even more participation and recycling. Today was the first day residents were permitted to stop down at the Civic Center, we've got them set up in the garage pallets of these bags, down in the garage at the Civic Center and Mary down there and Cooksey have overseen that people can come between was it 9 and 4 Monday through Friday and pick up their bags - their allotment of bags - for free to start their recycling. Well today, if anybody doubts the public's willingness to recycle and their enthusiasm for it, we had approximately 400 residents show up at the Civic Center this morning to pick up 25 bags apiece to do recycling, which means we gave away roughly 10,000 free leaf bags today in the very first day. So the people do like the program, they do support recycling. We've had probably the best participation - have some of the best recycling programs in the entire tri-county area. So I think that says a lot of how many people we had today. They've practically cleaned us today, now we're struggling to - we've got to get some more ordered because it went a lot better than even we expected. We still have bags left and we'll continue to provide them as long as we can get them. So that was a good response. That's all.

Mr. Snyder: Thank you Mr. Mayor. Mr. Engineer.
Mr. Benekos: No report.

Mr. Snyder: Madam Clerk.
Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: No. I alluded to it earlier, but I wanted to you know make sure we got the record straight. I apologize to Member Magel and Kiesling. That I believed they were at the Planning Commission meeting, not the Monticello neighborhood association meeting, that was Mr. McLaughlin.

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<p>Mr. Snyder: Thank you sir.</p> <p>Mr. Foltz: So that was comment.</p> <p>Mr. Snyder: Appreciate that. Member Lindower. Mr. Lindower: No report.</p> <p>Mr. Snyder: Member McLaughlin.</p> <p>Mr. McLaughlin: One thing. David, back about a year or so ago we on Circle Hill, we had a gentleman that's butting up against the water tank on the property on the other side. And we talked to him about you know putting in some trees or whatever because those lights from those towers were glaring into his house and everything else like that. And I know we can't shut off the lights because we've got to protect our water source, but is there anything we can do? Can we look into that to see what we can do to shield that a little bit on his property. Inaudible... a line of pine trees or something that would kind of shed that light a little bit so he doesn't have to look at - as he calls it an Ashland oil tank on his property. But it's 1375 Circle Hill. I'd appreciate if you could think about what we can do. I know we can't turn the lights off. And I know we talked about you know putting the guards ...inaudible... it down. But you couldn't do that either because you've got to make that area well secure.</p> <p>Mr. Held: And that's a good point. I did go out to the home of that gentleman and took a look there. He's - I'd probably say maybe 200, 300 yards away from the tank. The problem is Rick, if as far as shielding that area, that's actually the opposite direction that we'd like to go with our water treatment facilities. Because as you start to add shrubbery around in that area then of course there's security concerns. So we like to keep things open and well lit. So that's the challenge that we have now. The gentleman certainly would like to have trees placed in his yard so that that could shield the view, but then once again we get into entering personal property. And so - but what I can say is the idea of adding shrubbery around any of our water treatment plant facilities our water tanks is not the direction that certainly that we're taking. We're going actually just the opposite of taking down any vegetation that could act as a block or a - you know from a security standpoint.</p> <p>Mr. McLaughlin: I just want to say this. You know I know you went out and looked at it. I just wanted to see if there's anything we can do because it is very very glaring at night when you're standing in his livingroom and you look over there. You don't need lights to read the paper in his house I'll say that. But anything you can do will be appreciated. Mr. Held: Okay.</p> <p>Mr. McLaughlin: And also if we can too, I've got a few - I've got a resident out there that's still waiting on a problem. I'm hoping Mr. Pusateri will have a chance to look at it as a moral claim on Mississippi. If you got a chance to look at that week I'd really would appreciate it. It's where we were fixing the waterlines and somebody broke the sanitary sewer line leading into the apartments. Mr. Held: Yes, we're on that. We're going to be looking at that. Unidentified: Okay.</p> <p>Mr. Snyder: Thank you sir. Member Kiesling. Mrs. Kiesling: No report.</p> <p>Mr. Snyder: Member Magel.</p> <p>Mrs. Magel: No, I have no report. Just a comment that I would support whatever could be done for Rick's constituent with the light. That needs to be shielded and something has got to be done.</p> <p>Mr. Held: Well as I understand though, the one point that was brought up at least when I visited the gentleman, was the - was the shielding as far as the view. I didn't understand at the time. I understand it now, that lighting is an issue. But we'll look into that.</p> <p>Mrs. Magel: Thank you.</p> <p>Mr. McLaughlin: Soft lighting.</p> <p>Mr. Snyder: Member Osborne...</p> <p>Mrs. Magel: With music. Mr. McLaughlin: Yea, a little bit of music, candle light...</p> <p>Mr. Osborne: Well I guess my response about that water storage tank is a - when it was voted on by council to put that down in that hole, they must think that water runs up hill. It is an isolated area, probably a security concern. But water doesn't run up hill so why would of you ever put that water storage tank down there in that hole I'll never know. I did have one other issue here. I've had two calls from the contractors who recently completed our water storage tank up on Mt. Pleasant Road. And ...</p>					

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Mr. Snyder: Mr. Osborne, pardon me, I think that is on...

Mr. Osborne: I won't elaborate too much on this.

Mr. Snyder: that's on litigation sir. I request that you do not speak publicly about that. That is with the Law Department and the Administration sir. I'll have to stop you and not permit you to speak publicly about that. I will not permit that sir. That's under potential litigation. It's not in the best interest of the city for you to discuss that publicly and I would request that you refrain from doing so sir. In fact I'll order you - I will not permit you to speak publicly about it. Anything else you have?

Mr. Osborne: I guess that'll be it.

Mr. Snyder: I appreciate it.

Unidentified: Thank you.

Mr. Snyder: You're welcome sir. I have no comment.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anybody in the audience wishing to speak for final call to the Council?
Mr. Fano...

Dick Fano: Inaudible... Dick Fano. 1382 Elmwood SW. And everybody's going ah him again. Yep, it's me again. I was wondering if Mr. Benekos come up with any solution to my problem yet? Did you do anything to show the water running down - Nothing at all?

Mr. Held: Excuse me Dick, what was that? You're concerned about the water puddling by...

Mr. Fano: I'm concerned about getting sewage in my basement again at the Hobby Shop.

Mr. Held: Right.

Mr. Fano: My insurance has been canceled.

Mr. Held: Right, I understand.

Mr. Fano: Okay.

Mr. Held: And that's when we went out and ran the camera down 9th Street.

Mr. Fano: That's the - yea, I agree that's fine and dandy. But the water is still a problem. And if the water is going to congregate in that area and flood, it's going to get into the sanitary sewer, which is going to backup into the building. Now I'm going to be put in a bad risk pool in the insurance. Because I'm not having my situation taken care of.

Mr. Held: Right.

Mr. Fano: All I want is give me a date when is something going to be done. I hear everybody say ... The council at large the other - a meeting or two ago, said that they wanted to be informed more about what goes on in the other - in the wards. I'm here informing everybody. I don't hear anybody saying anything.

Mr. McLaughlin: Jim, one thing I want to bring up in his defense. He has been up here and he is businessman from the City of North Canton. I know he's not in my ward but I will fight for him. When somebody cancels your insurance and you're a businessman that's a very - that's a very very touchy situation. I think that we need to jump on this thing. I mean if we can do anything at all, a backflow valve or anything. I think we need to look at him and do something and make him one of the priorities for the upcoming year. Whether I'm around or not, it's one of those things that I don't want to see any business hurt in the City of North Canton. He's a tax payer. He pays a nice income to the City of North Canton. But I'd like to see something done to help him out.

Mr. Osborne: That is a busy place there. I've sat over there at Laura's and had ice cream and seen every parking spot full. And just as soon as someone leaves, someone pulls right in and fills that parking spot. They need immediate relief. If you put in a back water device for both Laura's and the Aero Tech and anyone else around there, you can at least give them a sense of well being that there is some added protection for them. And I've addressed a letter to the City Hall, you've had that for weeks. We've talked about this Mr. Held and all you can tell me is well the lawyers are telling me maybe we should hold up or maybe we shouldn't do anything.

Mr. Held: No, that's not what I said. If I - can I comment on that?

Mr. Snyder: Please.

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Mr. Held: What we'd like to do - first off Mr. Fano, we're working very hard to try to resolve that problem. When we had that flood on the 27th of July, we had a number of sanitary sewer backups throughout the entire city. So it's been a very frustrating problem for well over a 100 residents. So I'm not minimizing ... all the trouble that you went through because I was at your home that evening when it was flooded. And I know that it was a horrible situation. The challenge here is that we're - we have a complex problem with multiple variables that contribute to the sanitary sewer backup. I would love to be able to simplify it; the answer is like a backflow device and I spoke to Councilman Osborne about that. But we are not confident, based upon the information that I have that a backflow device is the route to go. Because as the - with the information that we have on this and we've spoke to a number of experts on this and I don't have anything written, but it's been verbal, the fact that there are challenges to backflow devices. That they can rupture, which can create more problems. So in reference to going out to a resident's home and saying here's a backflow device that the city is going install or have installed, at this point, based upon the information that we have, I am not confident in moving and proceeding with that. Now in reference to what is the city going to. Once again, this is something that can't be answered overnight. I wish that we could do that, but we can't. But what we can do is proceed to appropriate money towards the budget next year to address that. But the one thing that I would like to caution you on is that when you have the amount of flooding that we had on that day and that sanitary sewer - even if we replace it with a much larger sanitary sewer, that will not necessarily eliminate a sanitary backup in the basements in the city. We know that. If we go and put curb and gutter on every street in the city, if replace all the sanitary sewers in the city, all the storm sewers in the city, that will not eliminate sanitary backflows during extreme flooding. Certainly will help, but it won't eliminate that. So...

Mr. Fano: Okay, let me ask you a question. If a larger pipe in the ground, wouldn't that take away the water. It's the rain water that's flooding that isn't being taken away and it's running over and filling the sanitary.

Mr. Held: Once that sanitary sewer reaches its maximum capacity and the water that's going in is not flowing out at the same rate, the sanitary water backs up and it goes to the path of least resistance. So if we have let's say an 8 inch sanitary sewer and you place in a 12 inch and that 12 inch then fills to maximum capacity...

Mr. Fano: You misunder...

Mr. Held: and it's flowing down, it's going to at some point - it has to - it goes somewhere, which...

Mr. Fano: I understand what you're saying, but you misunderstood me. I would like to see a larger storm sewer - a 42 or 48 inch storm sewer put on that street and connect it from the northeast where Bob-O-Link and all those - those already have it. The street where I'm at doesn't have it. The other side of the street has it - up 9th Street has it.
Mr. Held: Right.

Mr. Fano: Why doesn't this have it? Why isn't that street been curbed and guttered and all the other streets have been? Is there a reason? Is there something under that ground that the people know that they don't want to do anything about it?

Mr. Held: Inaudible... No, I don't - to my knowledge I don't believe that that's the case.
Mr. Fano: Well there's...

Mr. Held: There's a number of streets that we have throughout the city that do not have curb and gutter. And I'd say about 70 percent of the streets in Ward 4 do not have curb and gutter...

Mr. Fano: Yea, but David, wait a minute now. Every street east and west lateral from Applegrove to the square is curbed and guttered but that half of 9th Street. I just found out recently that there's a spring that runs near or under my building. I always wondered why there was a sump pump in there that turns on periodically. And it when it rains it kicks on a lot.
Mr. Held: Right.

Mr. Fano: Well we're talking and ain't nothing getting done. Tell me something.

Mr. Held: Well like I said, the - what we proposed to do is we can appropriate money into a budget for next year. But to go out and to you know once again it has to be designed and the money has to be appropriated, then it would have to be designed and then it would have to be constructed. To go out tomorrow with the street crews and try to resolve flooding in that area...

Mr. Fano: No I don't expect you to do it tomorrow.

Mr. Held: it just can't be done...

Mr. Fano: But I would like to know a date that would you - that you're going to do it. Is it on, David?

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Mr. Lindower: It's number one.

Mr. Held: That's what we're in the process of doing now is asking the council members to give their input you know as far as the streets that are of the most importance to them. Because we want to make sure that the council members are well represented. And at the same time you have the City Engineer that's doing his assessment on all of the streets as far street, curb, gutter, sanitary waterlines. And we're trying to incorporate all that information. So we are in the process of working on it. I mean it's not like we're taking this lightly at all.

Mr. Fano: Well if somebody could explain to me, maybe Jim. I know that there's bigger lines northeast of where I am at.

Mr. Lindower: Inaudible...

Mr. Foltz: I know some people on council ...inaudible...

Mr. Fano: I know there's bigger lines over there, but there's small lines in the middle. Why can't the two be put together?

Mr. Benekos: It's not necessarily the storm lines. And I explained this one other time that you were up. The sanitary line, as Dave was saying, it's over full with water. Now where that water's coming from we don't know. The sanitary line on your street may be fine, but if there's water getting in up stream and/or down stream and the sanitary sewers are over capacity. Where the water's coming from is what we have to study and find out which sanitary sewers are inadequate or maybe damaged and need replacing. But there's water getting into the sanitary sewer line causing the problem. It's not just the storm lines that may be too small. It's not just as simple as replacing the storm lines.

Mr. Fano: Well this is two times in three years that I've had sewage in the basement. And my insurance company wouldn't put up for it - with it any more.

Mr. Benekos: I understand.

Mr. Fano: So now I'm insurance hunting.

Mr. Benekos: Council has appropriated and approved a contract to do the sanitary sewer study and we are starting that and hopefully in the spring we'll have some answers. But I can't give you a date.

Mr. Fano: Thank you.

Mr. Osborne: I'd like to respond to Mr. Held's comment. Back water devices will not explode. They're designed to contain and stop the backflow of sewage. They anticipate that flapper valve closing and they will contain their pressure. Otherwise why market them and why put them in? So you can give instant relief to people who are in dire circumstances by putting these in.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: One last comment. We've all heard Mr. Fano's situation and I think ... if we can get this solved I'd be more than happy to vote for something that's going to feasibly help that situation. I guess what and I know it's hard to be patient Dick, I know that. You seen your problem, you don't have insurance, I sympathize with you there. And when we get the answers you're going to have council's support to make any improvements that are going to help you. So I think we've got to get some answers.

Mr. Osborne: Well I think...

Mr. Foltz: We have to make some intelligent decisions here. We can't just make promises that we can't keep. We can't tell people what they want to hear, we got to tell them what they need to hear Chuck. That's the bottom line. And in order to do that you have to have Engineering involved to make sense of this whole sanitary sewer situation. If we tear up the street and increase his line from 16 inch line to a 24 and it does nothing to help with these backups, then why did do it?

Mr. Osborne: You're not going to go from a 16 to 24. When they rebuilt ...

Mr. Foltz: I'm just using that as...

Mr. Osborne: when they rebuilt my street here on Fairview back in '91, I think they put in a 60 inch manhole down - sewer manhole. You know it's severely undersized. You could be putting in a standard size, I don't know 48 or maybe even a 60 inch and it probably needs a 60 inch because you're transporting flood waters from Dogwood basin clear down to the 5th Street and 7th Street basin. I mean you don't need extensive studies to know you need a big manhole to transport all of that. Now yes, you're probably curious as to where all this infiltration is coming from and you'll learn that later on. But there's no doubt about it they need to be upgraded ... As Mr. Fano has explained, every east west city

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street has been upgraded to standard recommended size storm lines except that one. And to sit there and say we're going to study it for another year and a half, when we know it's probably going to take a 60 incher anyway.

Mrs. Magel: I think all of council would be - would say, whatever it takes...
Mr. Foltz: Yea.
Mrs. Magel: to solve the situation. However, we want to make sure it solves it.

Mr. Foltz: Definitely, that's what I said and ...

Mrs. Magel: But if a 42 inch, if that will do it, then you have my vote. I mean...

Mr. Foltz: And that's why we hired an engineer. And Jim Benekos is our engineer and he's going to you know we approved this study and we need to get back to that.

Mr. Osborne: In the meantime.

Mr. Foltz: And last time I checked Member Osborne, you're not an engineer or a lawyer or anything else, but sometimes you think you are. And you got all the answers to everyone's problems. And that's just not the correct way to problem solve in this city.

Mr. Osborne: In the meantime, what's he going to do for insurance? Nobody is going to give him insurance there. I'm sure all these insurance companies know the problem areas in North Canton and they're not going to touch anybody.

Mr. Snyder: Anyone else in the audience wishing to speak? Sir, we'll come to you in a moment. Mam, step forward, state your name and address for the record. I ... put this on.

Carolyn Ross: 301 Mississippi Street SE. Two questions. One is is there any type of a date on when that project will be completed? Woo, is it quiet in here.

Mr. McLaughlin: Mr. Benekos.

Mrs. Magel: What project?

Mr. Held: Inaudible... Mississippi ...inaudible...
Mr. McLaughlin: Mississippi.
Mr. Osborne: Mississippi.

Mr. McLaughlin: Inaudible... torn up and ...

Mr. Osborne: I haven't seen anybody working there for a week or ten days.

Unidentified: No, they were there the other day.

Mrs. Ross: Ah, that's my second question.

Mr. McLaughlin: Nobody's been there for well over...

Mrs. Ross: Now my second question is that they left us a little love note on Friday stating that they were going to turn the water off at 8:00 this morning. It didn't say what for, but I darn sure found out as soon as I opened my eyes it was to transfer our fire hydrants. I don't know and I can't do it myself, but I'll be darned if I can figure out how it takes six hours for three men to replace one. And I don't think - I think that the orange and white barrel that's over where the other one was, I didn't peak in it, but I would lay money that it's probably still underneath there. Because one was one color and the new is solid red. And it took six hours and a lunch - lunch included in that six hours, excuse me, at least because I left at 1:00. And when I did get home they were gone, but they started at 8. And I would like to suggest strongly that the next time you take bids, you get competent people as well as low bidders. They broke the sewer, they busted the lines three, no four times, they shut off the water at least three times willingly. They caused now the water meter in our building to start leaking. It didn't before, at least not in the last 13 years. And I would like to make people aware of the fact that just because you have a low bidder, you didn't just ...inaudible... because it's been hell on Mississippi. In addition to the fact that nobody understands what road closed means. I thought we were intelligent people in North Canton, but they don't know what road closed means and they go flying up and down through there. Thank you.

Mr. Snyder: Yes mam, thank you for your comments. Sir, you have a couple comments? Please step forward, state your name and address for the record.

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Leo Harris: My name is Leo Harris. And I live at 132 Wise SE. And regarding - I'm sure I'm not one of those 200 or whatever it is, we never report it, but we also have backed up water through our floor drain about 4 inches and I'm still working trying to clean up after all this time. I had a bout in the hospital for a couple weeks, so I was delayed a little bit. But I'd like to make a comment about that backup device I think Mr. Held mentioned that they blow up or something. I have a brother that lived up on East 9th Street, probably three or four houses from Mr. Fano's business, he lives on the north side at 139 East 9th. He commented to me here a couple weeks ago about the fact that he put in one of those ...inaudible... backflow devices, as you mentioned and Mr. Osborne recommended that possibly we could or the city could do for Mr. Fano. And he says when he did it a lot of his neighbors laughed at him. But he says every storm that we've had since then he's had a dry basement and his neighbors have had wet basements. So apparently they do work and they don't blow up. And I remember when I was a kid, I grew up on Harmon Street and my mother and father had one of those down at 243 Harmon Street. Born and raised there and ...inaudible... all we did was screw those into basement floor drain. At that time they didn't allow the water down. But I understand now they're built that the water can go down, but it can't come back up because there's a float or shutoff or something in those to prevent water from raising. Once there's pressure in the sanitary sewer line and enters into the trap it automatically shuts it off. But my brother has one those and he says no problem, his basement is dry all the time. Thank you.

Mr. Snyder: Thank you for your comments sir. Anyone else wishing to speak?

Mr. Osborne: Could I say one thing.

Mr. Snyder: Please.

Mr. Osborne: Could we have a third and final reading on Monticello here, if not late this week next Monday - special meeting? I mean we've had no opposition from the public. The issue is fully explored. I'd like to see if we can move ahead with this.

Mr. Snyder: Well that would be the choice of the chairman of the committee and ... does she - Madam Chairman, what is your position on that? Are you comfortable with that?

Mrs. Magel: I will speak with the new lawyer between ...inaudible...

Mr. Osborne: Well I thought we've already had several conversations with Mr. Pusateri. That's - you explained a week ago you wanted to speak to Mr. Pusateri. I presume you - that has taken place. Is that not true?

Mrs. Magel: I believe last week they said Mr. Pusateri wanted to speak to me. That's why I was so shocked.

Mr. Osborne: Has that conversation taken place?

Mrs. Magel: I'm not aware. This is something specific - different and I never spoke with Mr. Pusateri concerning this.

Mr. Osborne: Oh I thought you desperately wanted to speak to him last week and so you'd be prepared tonight. So you never spoke to him about Monticello?

Mrs. Magel: Certain aspects, but not this.

Mr. Osborne: Well I do hope we can move here, at least by next Monday. So I - I mean...

Mrs. Magel: If not, this ...inaudible... two weeks and I think this is a - the hardship thing is a little much here. Inaudible...

Mr. Osborne: Well we'll still have to pass it on emergency so the Mayor can sign it and it'll be effective upon signature.

Unidentified: Right.

Mr. Osborne: So we'll still have to have an emergency vote even on the third reading.

Mrs. Magel: We'll get back to you. Inaudible... I will get back to the President and he will get back to you.

Mr. Osborne: Well I wish you'd fully explored all your concerns about Monticello when you spoke to him the first time.

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Mrs. Magel: This wasn't a concern.
Mr. Osborne: Well I don't understand any of that. But that's all I have.
Mr. Snyder: Thank you. Anyone else? If not may I have a motion to adjourn the meeting?

ADJOURN:

Mr. Foltz moved and Mr. McLaughlin seconded to adjourn the council meeting. All members present voting:
Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower.
No: 0
The council meeting adjourned at 8:51 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL