

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 15, 7:00 p.m. 20 03

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Richard Scherpenisse, Northminster Presbyterian Church.
3. All present recited the Pledge of Allegiance.

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

ROLL CALL:

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

5. Consideration

Minutes of Two Public Hearings: 8/18/03
Minutes of Special Council Meeting: 8/18/03
Minutes of Public Hearing: 8/25/03
Minutes of Council Meeting: 8/25/03

Mr. McLaughlin moved and Mrs. Kiesling seconded to approve the minutes of two public hearings, special council meeting, public hearing and council meeting as presented. All members present voting:

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

No: 0

6. Committee Reports

Executive Session: Refer to the minutes on file in the Council Office of the Executive Session meeting held August 25, 2003.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 8, 2003.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held September 8, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held September 8, 2003.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held September 8, 2003.

Mr. McLaughlin moved and Mr. Foltz seconded to approve the executive session and 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: Is there anyone in the audience this evening wishing to speak to the Council? Yes mam, would you step forward, state your name and address for the record.

Bobbie Wilson: My name's Bobbie Wilson. I live at 1121 Bel Air Drive. Okay. I wrote my letter prematurely today because tonight we have rusty water again. But that's not why I'm here. I would like to read this, hand it to the gentlemen who were involved in it and I am going home. Okay. Dear Mr. Foltz: As per your suggestion, please find attached a petition signed by the majority of the Bel Air Drive residents. This petition is in regards to our waterline and sewer problems incurred in the past three years. As you stated in our meeting on September 4th of this year, our street will be recommended for repairs for the first of the year and hopefully to be started the end of March or beginning of April. You also stated you would personally let me know the meeting date that engineering expenses would be discussed and allocated.

Mr. Foltz: Correct.

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Mrs. Wilson: Okay. I hope this matter is handled as diligently as you promised. I would like to take this opportunity to thank you, as well as Mr. Held and Mr. Osborne for attending our meeting. I felt your presence showed our neighborhood a true concern of the city. I will continue to converse with you on this matter, as well as report any further problems with our water quality. I suppose the city will continue the unidirectional flushing as needed. It seems it has helped to clear the water up, but I hope we don't need it. Thank you.

Mr. Foltz: Thank you.

Mrs. Wilson: There's the original petition for you...

Mr. Foltz: Okay.

Mrs. Wilson: There is a copy for you, since you were in attendance.

Mr. Osborne: Thank you.

Mrs. Wilson: Inaudible...

Mr. Held: Okay.

Mrs. Wilson: and for you.

Mr. Held: That's fine. Thank you.

Mrs. Wilson: Have a great evening.

Mr. Foltz: Thank you.

Mrs. Wilson: And good by.

Mr. Foltz: Mrs. Wilson, since you're here Mrs. Wilson...

Mrs. Wilson: Yes sir.

Mr. Foltz: and the other neighbors here on Bel Air, I'd like to request that the administration does - in talking to Mayor Rice some two weeks ago about the situation, that we put together legislation format for engineering for Bel Air and Valleyview streets. If that could be on committee next week I'd appreciate that.

Mr. Benekos: Yea, I've been working on that and I'll have legislation for you next week on that.

Mr. Foltz: Okay, very good.

Mrs. Wilson: Thank you guys very much.

Mr. Foltz: Thank you.

Mr. Held: Thank you Bobbie.

Mrs. Wilson: Have a great evening. I'm going to go home and see my children.

Mr. Osborne: Does that mean we'll have - we'll be voting on it next week ...

Mrs. Kiesling: No...

Mr. Osborne: in a special session.

Mrs. Kiesling: it will be in committee next week.

Mr. Foltz: I think it goes through committee as far as just the engineering to fast track this for next year. I've talked to some of the council members here and that's what I explained at the meeting, Member Osborne. So...

Mrs. Magel: Jim,

Mr. Osborne: Inaudible... I'd very much...

Mrs. Magel: whose committee is that.

Mr. Osborne: I'd very much support a special meeting next week to go ahead and approve that if ...

Mr. Foltz: Well I think it can go through the regular channels at this point. You know we - it's going to be committee and then go back to council. If we want to pass it on an emergency basis, if there's council support, I'm more than willing to do that, but I don't see the need to move it up closer than two weeks.

Mr. Snyder: Was that out of the 2004 budget or is that coming out of the 03 budget?

Mrs. Herr: The engineering will come out of this year's budget.

Mr. Snyder: But the project is in the 04 budget?

Mrs. Herr: Oh yea.

Mr. Foltz: It will be out of 2004 Jon.

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Mr. Snyder: So it would serve no purpose to move it up.

Mr. Osborne: Well I could add that we have three, almost three hundred quarters of a millions dollars in budgeted expenses that are not going to be spent this year. We budgeted...

Mr. Snyder: Well I believe that's out of the water fund, so that's a separate situation. So it has to be coming out of that fund. You can't just move from one fund to the other, it has a significance...

Mr. Foltz: Well I think we start with the engineering and get that passed, so we get the road designed - two roads, curbed, gutter, water.

Mrs. Magel: Bel Air and...

Mr. Foltz: Bel Air and Valleyview Street.

Mr. Osborne: And then we budgeted 375,000 for the...

Mr. Lindower: Valley Drive?

Mr. Osborne: YMCA and that's not going to be spent.

Mr. Lindower: Valley Drive?

Mr. Foltz: Valleyview Street.

Mr. Osborne: 220,000 for Zimber and it doesn't look like that's going to be used, 50,000 for the community sign, that's not going to be spent.

Mrs. Herr: But if we do the engineering this year Chuck, it is my understanding it's going to take how many months for the engineering?

Mr. Benekos: It will probably take three to four months to get that ...inaudible...

Mr. Osborne: That long?

Mrs. Herr: So we're looking at next year anyway.

Mr. Benekos: Well, three months.

Mrs. Herr: So it doesn't matter how much left over money we have this, we will not be able to spend it until next year.

Mr. Foltz: Right. My intentions are, with council support, is to get it bid out early next year so they get the ball rolling in the Spring and they have the job completed by the summer of 2004 if possible.

Mrs. Magel: The last thing you want to do is rip up a road in the winter...

Mr. Foltz: Definitely.

Mrs. Magel: and can't finish the job.

Mr. Foltz: We've been over that. I think the residents understand...

Mrs. Magel: Okay.

Mr. Foltz: the time frame that we're working with here. Okay ...inaudible...

Mr. Osborne: I would of thought you could of done some engineering probably in - in under a month anyway.

Mr. Foltz: Alright, well thank you.

Mr. Snyder: Okay. Madam you wanted to speak. Please step forward and state your name and address for the record.

Carolyn Ross: I'm Carolyn Ross. 301 Mississippi, Apartment 1W. And I've been a resident for 13 years at that address. I have spoken to my council member and he has been out and looked at my problem. And I have an eye level view because 1W is ...inaudible... apartment and it's the lowest level. I am asking, I'm not complaining, and our sewers I guess are in, but we need the drains moved to come where the water's going. Nothing is going into there - into the basins. It's heading south of the one basin and yea, south of both them huh.

Mr. McLaughlin: Yes.

Mr. Osborne: South, or is that east and west?

Mr. McLaughlin: No south.

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Ms. Ross: Actually it's east and west.

Mr. McLaughlin: East and west, yea, it's east.

Ms. Ross: But it's the south side of the street is worse than the north side, but of them are parallel from each other and they should be down farther by the fire hydrant. And I asked him and he stated that he felt it was a valid point, why while we have it all torn up and we're going to get waterlines in there and they're going to make us those basins, why don't we put the curb in while you're at it, instead of digging it back up at another time. I'd like to see sidewalks too because we have small children around there and school children walking to school, because that was - is within the area of Clearmount walking children. And that again could be done. And if they can fast forward other things, while the hole is there. They asked to do the waterlines, why can't they do the other too while they're at it...

Mr. Snyder: Well that's a good question.

Ms. Ross: Your money would be more well spent with one batch of asphalt instead of three.

Mr. Snyder: Now when that project was put out, it was put out with the understanding that there would be no additional work put on it. That was the way and it was presented in that fact. If we addressed it in the year 2003, which is now, it was to be done in 2005, but ...

Mr. McLaughlin: 2006.

Mr. Snyder: 2006, 5 or 6. However, if it was done this year, it would be done with a minimal approach to the integrity of the street and it's - the infrastructure in the street. There is no money appropriated or in fund to do any additional work there.

Ms. Ross: What about the money that he was just stating that - floating around that hasn't been used?

Mr. Snyder: Well mam, that money again, by charter or by state statute, money is earmarked, passed in a budget beginning in December. You cannot move it from one job to the other until the next budgetary year.

Ms. Ross: He sounded like he was willing to do it.

Mr. Snyder: Well I mean it's very nice to be willing to do it, unfortunately the constraints of the law prohibit from doing it.

Mr. McLaughlin: Inaudible... you cannot do that.

Mr. Snyder: I mean it's very nice to think that we can do that, but we cannot just move money without giving cause.

Mr. McLaughlin: We can't do that cause it's a water fund - inaudible... water fund into ...inaudible...

Mr. Snyder: I mean that's - that's the way the - that's how - but the project was setup...

Ms. Ross: So then you spend three times at much.

Mr. Snyder: if I recall, Mr. Engineer wasn't that not setup just to do the minimal amount of infrastructure work on that street.

Mr. Benekos: That's correct or it wouldn't of been...

Mr. Snyder: It wouldn't of been begun.

Mr. McLaughlin: I think.

Mr. Snyder: However the integrity of the street was such that it probably would of not lasted another winter so the decision was made by the committee of the street and alley to go ahead do that with a minimum amount. Mr. McLaughlin.

Mr. McLaughlin: Yea, the - you're exactly right, that street would of never made it. And she's got a valid point, we were down there and the two catch basins that are on that street, they're not catching anything. I mean they need to be moved. Second of all is, once looking at that street and the way the basins are today, she had a valid point. And I brought to Mr. Benekos that those basins ought to be turned. We've got enough space to turn them into the yards or whatever. So that just like you have on Glenwood, you have that backs - you have that backward check or whatever, where the water comes down in there and catches the water and kind of takes it away. If you don't, once you pave that street the person on Willoway is going to be flooded. Because that water will run down there if you don't have something to catch that water coming off there. And that was my suggestion to you was take those - just do like we did with Glenwood, make a backward check on some of those and turn those things and then fix that so it takes some of that water away from...

Ms. Ross: And move them down so where the water ...inaudible...

Mr. McLaughlin: Because we've got enough right of way there to backward - to do that. Not put them in the street, but we have enough to do something ... while they've got the street torn up. And while I was there we were told by the street people that the gas people want to come in and they want to replace their lines. So they're talking about another couple weeks on construction for the gas, is what the one guy told me. So while the street's torn up I thought it'd be a good chance for us to go out there and look at that, since we have an extra couple weeks. But I was hoping this project, when we first talked about it was going to get done a lot sooner than this for the school buses and everything else like that.

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Mr. Osborne: I will concur with what has been said. The street was to be done with minimal improvements, but I agree with the resident here. It's all torn up, I don't know how much engineering it would take to set your elevations for curb and gutter. And I - Mr. President, with all due respect, I do have to disagree, we're always taking money that was planned for one project and transferring it to another account. There's \$740,000.00 and that's just in a quick run through of the budget. And if it's at all possible, it's all torn up, there are some other sewage problems she's pointing out...

Ms. Ross: If it'd be moved, what Rick ...

Mr. McLaughlin: I'm sorry.

Ms. Ross: 20 feet, 30 feet down...

Mr. McLaughlin: Oh yes. They were - they - yes...

Ms. Ross: Because that's where - that's where - you're not going to be able to change the blacktop at well my driveway or the driveway in the back of Dollar General, that would cost way too much. But here's the drain as it exists now and one over here. It runs down the east side of my driveway - runs heading south, but on the east side of my driveway. And it also runs down on the east side of that blacktop instead of down through the middle. And it would be right - very close to the fire hydrant, but it would catch all that stuff.

Mr. Osborne: Rick, did you say the gas...

Ms. Ross: And there's a hump in the street too.

Mr. McLaughlin: Yes. Yea, the gas...

Ms. Ross: That it comes from farther up above there and comes down. And they tried to tell me that it was flowing from - oh he told me two different things, the guy that I talked to one day. He tried to convince me I was nuts. But - he did.

Mr. McLaughlin: I know. I know which one you're talking about.

Ms. Ross: And he said, oh he says from the hump it flows that way and from the - but it all flows that way. And I said no it doesn't. I said from the top of the hump it flows down. I mean I'm not that stupid. Either that or North Canton schools needs to ...inaudible... their school system.

Mr. Osborne: Are we replacing - we're replacing sewer now, we're replacing water ...

Mr. McLaughlin: Yea.

Mr. Osborne: And now the gas wants to come in.

Mr. McLaughlin: Yea.

Mr. Osborne: I would be very much in support of just moving this ahead and finishing the street once and for all.

Mr. McLaughlin: The other thing is, like she says, the drains on the building themselves, the back drains, are heading towards the back on the down slope, where your drains for the building is up here and you've got the drains on the back of the building, on the back high heading down, they're not catching anything. That's why I say move the drains down where it's going to catch something.

Unidentified: Okay.

Mr. Osborne: And obviously if those drains aren't catching anything...

Ms. Ross: No, there's...

Mr. Osborne: it's impacting somebody else on down the street...

Ms. Ross: There was dry leaves in it until today when it rained. And the guys that we talked to, one guy was trodding up the street in these big boots and he said there hasn't been any water in them. And there hasn't been any water in them for a long time cause he could tell, they were down in there.

Mr. McLaughlin: Yea, so I thought while everything's torn up it would be nice to move those things down and look and checking at that.

Mr. Snyder: You know relative to - may I remind council, relative to installing curbs on Mississippi, if we're going to sit here - and mam I apologize, but I also represent a ward...

Mr. McLaughlin: Yea.

Mr. Snyder: that has seven and a half miles of streets in worse shape than yours. People with...

Ms. Ross: Is it torn up though?

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Mr. Snyder: No, but they - we have to satisfy the fact that I have people who are now complaining that we're only putting an inch of blacktop that have been waiting 35 years for curbs and gutters. And now all of a sudden we're going to switch into the middle of the stream when they were fully aware when...

Ms. Ross: Well how long has it - how long has it been since that one was addressed?

Mr. Snyder: Well madam because there is no money to address them, it's been 35 years since it's - I have people, and Mr. Benekos will tell you, that we can only put an inch of blacktop on it because we have no money to do curbs and gutters. I have people - he wants to move \$200,000.00 from the Zimber, who have raw sewage in their basement. And I'm not about to vote to move that money from the Zimber to satisfy a curb and gutter on a street.

Ms. Ross: I didn't ...inaudible...

Mr. Snyder: We have a lot of problems. We can't just begin to move money that has been set up by the administration to address fairly and adequately every street and every neighborhood in the city. We have to do it on an as needed basis as time and money is available. We're very sympathetic to your needs, but unfortunately to move an additional \$150,000.00 minimum to your street to do - And it was well aware that when we addressed that project that ...

Ms. Ross: When did you address it?

Mr. Snyder: you would not get curbs and gutters. We addressed it this year I believe...

Mr. McLaughlin: Yea.

Mr. Snyder: in the budget of 03 in...

Mr. Foltz: Right.

Ms. Ross: We got a letter two - a week or two before it started.

Mr. Snyder: Well that's setup about nine months in advance. And we were fully aware, the Street and Alley Committee and members of council...

Mr. Foltz: Right.

Mr. Snyder: that we would only do the minimal work on that street. Did we want to go ahead with it? And I believe the vote was at that time 6 or 7 to 0 to go ahead with it. Now to change it and to penalize other people in the city, I'm afraid we cannot do that. I will not support any such action of moving money that is already earmarked for people's streets and waterlines. And we can't just, on an emergency basis, begin to address every street in the city.

Mr. Foltz: Jon.

Mr. Snyder: We don't have two hundred extra million dollars.

Mr. Foltz: Jon...

Mr. Osborne: Mr. President, all we're asking now is just to ...inaudible... the curbs, everything is done. You got gas lines, you got waterlines, you got sewer lines. And yes, we all agreed at the time just to do minimal. I guess - are you telling me now we are going to spend that money on the Zimber this year?

Mr. Snyder: Well it is the intention, I believe that we will. The money has been earmarked for two, two and a half years. Next Wednesday night we're having a meeting. I think we will be the lead agent. I don't know.

Mr. Osborne: But we earmark that money every year and it never gets spent.

Mr. Snyder: Well it's...

Mr. Osborne: So we just earmark it the following year.

Mr. Snyder: Well I didn't say that, I said we will be the lead - I would hope, but that's for the administration to determine and bring back to us. But I believe it's their intention to address and become proactive on the Zimber. Mr. Foltz...

Mr. Osborne: Well there's still over a half a million dollars left that's been unspent that's been budgeted this year.

Mr. Snyder: Well again...

Mr. Osborne: For these various projects.

Mr. Snyder: Again, those are capital projects. The money was assigned, was voted on and that's really what we have. If there's capital money left over next year we can address the problem. Mr. Foltz.

Mr. Foltz: Jon, I had some constituents approach me on Emerson and north of 7th and I told them that the curb and gutter wasn't going to be for years and they just wanted the street paved. And I told them that I wasn't going to pave their street or start the process and have them come back and say they wanted curb and gutter. That just wasn't going to make it because we didn't have money allocated for that. It fit into the paving program so that's why it happened. I think Councilman McLaughlin you know did what he could with the committees and with council to get some type of repair improvements down there and it's happening. As far as the sidewalks, and Rick I don't know if there's sidewalks there now, but...

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Mr. McLaughlin: There's a few - there's a few...

Ms. Ross: Inaudible... only ones that were put in by the owners...

Mr. Foltz: But we went over this and Rick and I go way back on this issue and Jon has been brought into it being ...

Mr. McLaughlin: Yea.

Mr. Foltz: a later councilman, I think we're to the point that we're happy with the sidewalk policy that we have. We'll replace the existing ones that are there, but...

Mr. Osborne: I think not...

Mr. Foltz: But any new ones...

Mr. Osborne: We put in no sidewalks in this town and that's sad.

Mr. Foltz: If I may finish Member Osborne. But we hammered out...

Mr. Osborne: Well don't speak for me, we are not happy with our sidewalk policy - I am not.

Mr. Foltz: we've hammered this out that if a majority of residents on that street, I believe it was 70 percent...

Mr. McLaughlin: 70 percent...

Mr. Snyder: 66-2/3's

Mr. McLaughlin: 60 - yea.

Mr. Foltz: Is it 60 - 2/3 - 66-2/3's?

Mrs. Magel: Inaudible... 50 percent.

Mr. Foltz: Once we stake out the right of ways and show you where the sidewalk is going to go, still want it and are willing to pay for half, we'll pick up the other half.

Mr. McLaughlin: But we had one clincher in there, only would we do sidewalks, only after all curb and gutter programs are done. That was the other...

Mr. Foltz: Inaudible...

Mr. McLaughlin: That was the other ...inaudible...

Mr. Foltz: Inaudible...

Mr. Osborne: I would like to add under Mr. Boyajian here a few years ago, the sidewalks on my street - this was probably 12 years ago now, were totally replaced. And I must thank dear Mr. John Boyajian, because they were replaced...

Mr. Foltz: Were they existing sidewalks?

Mr. McLaughlin: Yea....

Mr. Foltz: That's why. We've gone from a city - now realize this, we bring in, and I've talked to Julie about ...inaudible..., so hopefully I'm fairly accurate on these figures, bring in about seven million dollars in income tax ...

Mrs. Herr: Six million.

Mr. Foltz: Six million, okay. We spent this year close to four million dollars on infrastructure improvements in this city. Four million dollars. Now Rick's absolutely right, I'm not going to run out and put sidewalks in unless there's a clear cut policy that we've discussed...

Mr. McLaughlin: We passed...

Mr. Foltz: when we have members of Ward 4, Ward 2, Ward 3, Ward 1, that still are waiting on curb and gutter or even just minimal street improvements.

Mr. Osborne: Well the condition of our sidewalks all around our schools, I don't care whether they're grade schools, middle schools, high schools, are in pathetic condition or nonexistent.

Mr. Foltz: Well...

Mr. Osborne: And I do not disagree - I totally disagree with that sidewalk policy.

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Mrs. Magel: Mr. Benekos, is there an opportunity that you could have the drains moved?

Mr. Benekos: We can look at that. It's possible that we can do it. I haven't been out there...

Mrs. Magel: Okay. I don't want to get into an argument over sidewalks...

Mr. McLaughlin: No, yea we're getting off the subject...

Mrs. Magel: Inaudible...

Mr. Osborne: Inaudible... the lady does bring up...

Mrs. Magel: She's having a problem with some drainage and it's just not draining ...inaudible...

Mr. Osborne: She is offering us some cost savings here. The street is totally tore up, to just go ahead and run that machine down the curbs and pour new curbs and get it done...

Mr. McLaughlin: I - can I make one last comment, please?

Mr. Snyder: One moment, I believe Mrs. Magel was speaking and she was interrupted.

Unidentified: You just don't do that for a year.

Mr. McLaughlin: I'm sorry.

Mr. Snyder: Mrs. Magel, will you finish your thought and then come to Mr. McLaughlin. Mrs. Magel.

Mr. Osborne: I apologize Mrs. Magel.

Mrs. Magel: This is public speaks and we need to hear from the public. Obviously we discussed that the policy won't be curbs and guttering. And Rick you're going to have to tell her that we - you fought - and I will tell you the first one he fought long and hard to get that waterline in there. He beat us over the head for that. But then he said that would that would be it.

Mr. McLaughlin: If I could get that, you're right ...inaudible...

Mrs. Magel: Okay. And forget the sidewalks, we're not going to argue that policy right now. But if we could at least help this lady with the drains, that seems to be a major problem here and while the road is dug up let's solve that because that would go...

Ms. Ross: It would be the same things practically except moved 20 or 30 feet.

Mr. McLaughlin: Yea.

Mrs. Magel: Yea, but at least get it to the point it will catch water.

Ms. Ross: It would be the same price. It's do I cut it here or do I cut it there.

Mrs. Magel: Right.

Mr. McLaughlin: And she's got a point. And the last comment I want to make is you're right, I wanted that street done. The storm sewers on there were terrible, the waterline were terrible. Yes, I said that hey, if I could get whatever I could get I'd get. We know that there's going to be a major development in there soon.

Mrs. Magel: Right.

Mr. McLaughlin: We don't know when, where, what and how with the DeHoff property there. And I've got ... grief ...inaudible... well I brought it up the last three years about Mississippi and let's get this thing going and fixing it. And I'd of sold my soul down there for any type of - any type of work to get that thing done this year because it was important. That storm sewer needed to be replaced, the waterlines needed to be replaced. And I'm happy and like I say I'm a little, you know, she's got a point if we're - once we got it torn up it could be curbed and guttered. But I'm happy for what I have, because I wouldn't of had that had I not fought for it and everything else like that.

Mrs. Magel: You worked very hard for that Rick.

Mr. McLaughlin: So I'm happy with where it's at. But the point I want to make is she's got a legitimate point about those drains. I think that drainage has to be looked at while that street's torn up and before you tear it down and that's part of the reason probably why some the storms sewers or whatever maybe collapse or didn't collect it or whatever. Maybe it's collapsed in there so much that those drains didn't collect it, don't know. But I think we got to look at that while the street's torn up and correct that part of it and let's move on then.

Mrs. Magel: I go for that. Inaudible...

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Mr. Osborne: Thank you for your astute observations there.

Mr. McLaughlin: Inaudible... She's been very excellent down there and waiting and being patient and she has brought up some excellent ideas down there. I'm glad she's called.

Ms. Ross: Thank you. I have another question or problem or whatever. And I don't know who said what. I know that my son, who's 35, in other words he's not a little boy, uses the bus system. And they said that after today that they couldn't stand and waive a bus down. And they said that, from what I understand, that was the policy until the 15th of September, that you could stay - stand anywhere and waive it anywhere I guess in the county. And they said that they won't do that now. I don't know whether he has made any agreement or not or whether he's going to have to chase a bus down. I don't know what he's talked with to the gentleman, but the bus driver said that they won't just stop anywhere anymore.

Mr. Snyder: There are designated positions along Main Street.

Ms. Ross: Where?

Mr. Snyder: There's one right at the corner of - well not right at the corner, it's about 20 feet from the corner at Rose Lane and Main. There's one across from Mr. Lemmon's building, about 1200 block, South Main. I'm not sure on the east side of the street. But there are designated - now it used to be the policy just raise your hand and they did stop. However, they changed that.

Ms. Ross: But that's on the other side of the street...

Mr. Snyder: Yea.

Ms. Ross: what about that side? There's ...

Mr. Snyder: Yea, see I'm not sure mam.

Ms. Ross: There's nothing?

Mr. Snyder: You might want to call the SARTA.

Ms. Ross: That's also - well I was given to understand, from him speaking to the bus driver, that it was the city's fault.

Mr. Snyder: Well probably what he's referring to, they had a couple unfortunate accidents with...

Ms. Ross: Yea, because people ran in front of the bus.

Mr. Snyder: I don't know what the cause is, but I'm sure the policy by via their attorneys and the insurance company, has changed dramatically that they must now abide by the designated position for the bus driver to stop. So that when he begins his - to move out, that's he's able to see on all four side...

Ms. Ross: Well I...

Mr. Snyder: I'm sure that would be the - that would be my first thought.

Ms. Ross: Okay, but if they're on the west side then why not put some on the east side?

Mr. Snyder: Well I would think the buses generally run both directions. I don't know, probably your best bet it would be to call SARTA. And I'm not - I think we no longer have a - we used to have an independent contract with SARTA, that went away when the county sales tax. So they're governed by their own board of directors. The city used to subsidize and we had an input in there, but I don't think we have that anymore.

Mr. Osborne: Are they allowed to just put their stops up anywhere they want?

Mr. Snyder: Mr. Osborne, I'm not sure how that works. I don't know who's the governing body...

Ms. Ross: Well they're decent looking. I mean isn't as if they're...

Mr. Snyder: Yea.

Mr. McLaughlin: Could we have Mr. Held make a phone call tomorrow?

Mr. Snyder: Absolutely.

Mr. McLaughlin: Mr. Held, would you mind calling SARTA and asking them if we can get a - over there by Ro's heading north bound if we can get a stop someplace around through there.

Ms. Ross: Either there or at Mississippi.

Mr. McLaughlin: On Miss... yea.

Ms. Ross: because that's where there's commerce - retail stores there.

Mr. Snyder: Inaudible...

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Ms. Ross: And there's a slew of kids there too.

Mr. McLaughlin: And that would be a great stop.

Ms. Ross: That's why I was concerned, because they have...

Mr. Held: At Mississippi and...

Mr. Snyder: And Main.

Mr. McLaughlin: Mississippi and Main.

Mr. Snyder: East side of the street.

Ms. Ross: Yea.

Mr. McLaughlin: Because I think her son heads north up there towards Applegrove when he catches the bus. And make sure please that there's one on the following side. If there is one in front of Mr. Lemmon's building, can we still make sure when we call them that that's there so he can have a ride coming back down?

Ms. Ross: They don't come that way, he has to come clear through Belden Village. It takes him an hour and a half to get home after a 12 hour day.

Mr. McLaughlin: That's right. Inaudible... you told me that.

Mr. Held: I can call Rick.

Mr. McLaughlin: Thank you.

Mr. Snyder: Thank you madam.

Mr. McLaughlin: Just let me know so I can get back.

Mr. Snyder: I appreciate it. Any other comments?

Ms. Ross: Thank you. No, thanks.

Mr. Snyder: No, you're welcome. Thank you for your opinion. Madam, please step forward, state your name and address for the record.

Ms. Ross: Inaudible...

Mr. Foltz: You can have it.

Joanne Rath: My name is Joanne Rath. I live at 421 Summit SE in North Canton. I've lived there since 1968. The reason for me being here tonight, about a month or so ago I called City Council, I think I called the Law Director's Office. My question was is North Canton working with any energy brokers just as the City of Canton did? I worked in the Law Department under Tom Bernabei and Scott Gwin and as of now Joe Martuccio and I retired in December. I remember they worked very diligently for the residents of Canton. And if I understand it correctly, Buckeye Energy is the broker who's handling the aggregate contract whatever it is. But they were able to get and I'm not sure if it was 5.25, I could be wrong on that I may have to do a little more reading. But the residents of Canton were able to sign up for that contract. I called the office manager in the Law Department today to make sure I had the - Buckeye Energy was the broker. And she said that she has had calls from North Canton residents asking if they could sign up and of course they can't because they don't live in Canton. It's unfortunate Roy that you're retiring. And then I read the paper where Tom Treadon is going to be retiring short - or resigning and you're resigning. Unfortunately I hate to see you go. I was wondering if there's any chance that someone is going to, now that you're resigning and of course Tom's quitting also, is the Law Department the one that has to get things going? I can't believe I'm the only person. When I called Rick, he's a busy man I can see with his constituents...

Mr. Batista: We had this on the agenda last week.

Mr. McLaughlin: I put it on the agenda for discussion.

Mrs. Rath: Great.

Mr. Batista: And I did have a conversation with Joe Martuccio last week.

Mrs. Rath: Good, okay.

Mr. Batista: And of course I think if - I can't remember the opt out the opt in, but the most desirable method is that it has to be on the ballot and there's just no way we can get it on the ballot for this winter, but I think we're...

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Mrs. Rath: So Canton had to put it on the ballot?

Mr. Batista: Oh yes, very definitely.

Mrs. Rath: Did they? To ask permission to enter into a contract, is that...

Mr. Batista: No, I think what it is there's a - there's two ways you do it. There's opt in and opt out and I'm trying to remember which is which.

Mrs. Herr: Opt out is the ballot.

Mr. Batista: Opt out is the ballot.

Mr. Osborne: Yes.

Mr. Batista: The beauty of the opt out is that everybody's in it unless they choose not to be in it. The other way around is you've got to get everybody to come in voluntarily.

Mrs. Rath: I thought that's...

Mr. Batista: And logistically the opt in is a bear, just for the simple reason you've got to send out...

Mrs. Rath: I thought they sent letters.

Mr. Batista: mailings to everybody.

Mrs. Rath: Yea, I thought that's what they did.

Mr. Batista: And so if we wanted to do an opt out we would have to have it on the ballot. And when you contacted Ricky it was too late, because I think the deadline was August.

Mrs. Rath: Why hasn't someone thought of - this would be for the residents of North Canton. I mean I know that you're all busy with other things. And unfortunately, as I read the paper, it does bother me to see that as a whole I don't really see where North Canton Council is working for the good of the community. I think you're spending a lot of time bickering. I'm sorry.

Mr. Osborne: Mam, may I interject something here?

Mrs. Rath: Yes.

Mr. Osborne: I invited Buckeye Brokers here to speak to council back in - it was about March or April of this year.

Mrs. Kiesling: It was March.

Mrs. Rath: Okay.

Mr. Osborne: It was on my committee in March or April, because I've been approached by people here in town about the gas aggregation program.

Mrs. Rath: Yea.

Mr. Osborne: This is back early this year, I spent probably an hour and a half with Joe Martuicco. He was very helpful. He explained the whole opt in, opt out program. The opt out, when it goes on the ballot, if it passes, basically everybody in the community is obligated to get their gas from that designated firm. That's why they have to physically pick up the phone and say I don't want to be a part of it. And that's why it has to go on the ballot because you're obligating the entire community to that particular broker - to that gas company. As I said, the Buckeye Brokers were here and made a presentation. And I could not get anybody here on council to get excited about it.

Mrs. Rath: Well can you get excited about it now so we can get it on the ballot perhaps?

Mr. Osborne: Mam, I've been excited about it.

Mrs. Rath: Okay.

Mr. Osborne: I would offer this - I would...

Mrs. Rath: Whoever - whoever is going to take the reigns.

Mr. Osborne: I would offer this to you now, FPG Gas...

Mrs. Rath: Now I signed up today...

Mr. Osborne: Is the best firm in the area.

Mrs. Rath: Yea.

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Mr. Osborne: I've helped several people get in touch with them. There's been a couple...

Mrs. Rath: It's in the paper and ...inaudible...

Mr. McLaughlin: Yea, I gave you - I left a copy of that paper over there.

Mrs. Rath: And I - a friend of mine also sent it from Canton. And then today's paper...

Mr. McLaughlin: Yea.

Mrs. Rath: if everybody goes home and reads it and it doesn't take you know too much to figure out - and even at this, this is not as good as Shell Energy.

Mr. Osborne: The Akron Beacon Journal had a pretty extensive report. Ahead of...

Mrs. Rath: Well that's where I got mine the first time.

Mr. Osborne: Yea.

Mrs. Rath: I went to First Energy.

Mr. Osborne: About two weeks ago. So a...

Mr. McLaughlin: Yea, I gave her that copy.

Mrs. Rath: Yea, I don't get the Beacon, I get the Repository. Okay, well I hop that someone - I mean I hope that someone will look into this and if it has to get on the ballot at least give the residents that opportunity to...

Mr. Osborne: We could of had something on the ballot this fall.

Mrs. Rath: Well it's not late, next...

Mr. Osborne: But it's - I'm just one person here on the council.

Mrs. Rath: When's the next time it goes on the ballot? In the - in May?

Mr. Osborne: I think it has to be a general election of next year. So you're going to be the winter season of what's that 2005 or...

Mrs. Rath: Well if someone gets something started then...

Mr. Osborne: Yea.

Mrs. Kiesling: Does it have to be a general?

Mrs. Magel: I don't know.

Mrs. Rath: You know I'm going to have to pay \$25.00 to get out of this contract I think, you have to be in it for a year and after that - But that's okay, I mean I don't - I'd rather pay that then what Dominion is offering, cause I think their's is 7.75 and it's only for one year and then at this time...

Mr. Osborne: But FPG Gas is much less than that.

Mrs. Rath: It's 6.99 I believe.

Mr. Osborne: I think it's like 6.76 and I got 23 month fixed contract.

Mrs. Rath: Well I just called them and it's 6.99 for 22 months.

Mr. Osborne: Okay.

Mrs. Rath: Yea. Okay, well then I will leave - Well I just want to congratulate - I hope you do, you know whatever you're going to do in the future Roy.

Mr. Batista: Thank you.

Mrs. Rath: I know you've been an asset to North Canton. I'm sorry to see you go. Also, I just want to say one more thing. This lady who got up and talked about her storm sewers, and I know that road is all torn up. You talked about money for blacktopping. I live right around the corner from Pershing SE, why was that blacktopped? I didn't think it needed that much work. Why was that earmarked to be blacktopped this year? If you needed to I know you can move funds out of one, whether it's capital and move it into another if it's necessary. But if I had a storm sewer that it was not catching water, as this lady is saying, and that would come in my yard and in my basement, I guess I wouldn't be a lady I would be screaming. My husband didn't want me to come to make a fool of myself tonight. I hope I didn't make a fool of myself.

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Mr. Foltz: No ...

Mr. Held: Not at all.

Mrs. Rath: I just felt for the resident of Canton I felt that this needed to be addressed as far as the gas company. And this poor lady, I mean I hope something can be done. Again, they're tearing up Pershing, it didn't look like it needed that much repair. There are other streets in this city that are in worse shape than Pershing was. So too bad you didn't think of that and moved into moving her sewers. That's all I have to say and thank you for your time. But I hope somebody does get this on the ballot at least to help all the residents, not just a few people. Thank you.

Mr. Foltz: Alright. Thank you.

Mr. Osborne: They torn up a few streets last summer and put on a skim coat of asphalt and I had the same input from residents on the street, they couldn't figure out why their street was...

Mrs. Rath: Is this going to be one inch on Pershing as well? I don't know. But I just wondered why it was torn up.

Mr. Snyder: Thank you.

Mrs. Rath: It didn't look that bad.

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

Dick Fano: 1382 Elmwood SW. First I'd like to thank the administration. I got one inch of blacktop and no curb and gutters and I'm very happy with what I got. Now that's out of the way, I'm going to come back at you with my street at 9th Street. I talked here a little over a month ago and when I was done talking I looked around and I might as well been talking to wax figures, because I didn't get any respond at all. Number one, I'd like to see Dave talk for the ward and get up like Doug does and like Rick does and say something positive about the ward. The only thing we got there is two murders this year and sewage in our basements.

Mr. Lindower: It wasn't my fault.

Mr. Fano: No, I know it wasn't your fault. But when you can help, you should get out there and help. So I just - what I would like tonight, really, and I talked, this is the third time I talked. And I think where I'm missing out is I have not had a commitment from the administration or the engineer on a time. I want a time tonight that you're going to start 9th Street and do something. I don't want to hear anything about you have to take - you have to get another engineer in. Just put a bigger sewer line in there and start doing it down the road. You can't keep putting more infrastructure - that's another word that I dislike very much, all up around and then let all the water run down here to where it can't be handled. I would to hear - have somebody say something to me tonight about 9th Street and when it's going - when something is going to be done.

Mr. Osborne: Well like I said, we have \$740,000.00 that's unspent that was earmarked for other projects that are not going to be done. Something could be started, engineering could be done, something. So...

Mrs. Kiesling: I agree. Where are we Jim? What's...

Mr. Osborne: Get the bureaucracy moving.

Mr. Snyder: You know...

Mrs. Kiesling: Mr. Fano has been here several times.

Mr. Fano: Excuse me Marcia.

Mrs. Kiesling: You go right ahead.

Mr. Fano: I feel like I'm being slighted all the way around. I mean I keep talking about this and there's other projects that get priority in this town ...

Mrs. Kiesling: Right.

Mr. Fano: and keeps going, more priority, more priority and it's like 9th Street gets pushed back. I don't live on 9th Street and my business is on Main Street. And like I said, I've been in business in this town for 20 years and I haven't gotten nothing from this town at all. I haven't asked anything except fix the sewers.

^{KIESLING}
Mrs. ~~Mogel~~: I agree. If we can get Bel Air in there this year, why can't we get 9th Street in. I mean elaborate I guess, where are we?

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Mr. Benekos: Like I said the previous council meeting, we can improve 9th Street. We can put new sewers on 9th Street, storm and sanitary, a new waterline, we could put curb and gutter, it's not going to solve the problem. We can put - start putting larger pipes in downstream. If we don't know you know where the best bang for the buck is going to be, you know they may help, they may not help. The storm sewers need to be improved all the way down to the Zimmer Ditch, they're deficient in size. From Dogwood catch wood - Dogwood detention basin all the way down to the Zimmer Ditch, that's what that study showed. We can't put any larger detention basins in cause there's no property available to do that.

Mr. Fano: Okay, let me ask you a question before you go any further.
Mr. Benekos: Okay.

Mr. Fano: The streets that you have done, put curbs and gutters in, do you mean to tell me that you wasted pipe because you didn't put big enough pipe in? The other side of 9th Street is what I'm talking about.
Mr. Benekos: No.

Mr. Fano: And any other street that connects to it that goes down to the Zimmer Ditch, did they put too small of a pipe in there now?

Mr. Benekos: They replaced the pipe that was in there with similar pipe, I believe. That was...

Mr. Fano: It's a bigger pipe.

Mr. Benekos: It's bigger pipe.

Mr. Fano: I was there I saw it. I have pictures of it if you want to see it.

Mr. Benekos: Okay. That was before I got here, but I can't speak for that...

Mr. Fano: Okay, I understand. I'm not trying to nail you or anything.

Mr. Benekos: Yea. They didn't have the study back then when they did that. They did - you know with the best information they had. This was a comprehensive study that, like I said, studied it from Dogwood basin, where the drainage area starts, all the way down to the Zimmer. Determined the pipes and the retention basins were large enough and what needs to be done with that. From that standpoint, yea, we can start increasing the pipes all the way down to Zimmer Ditch, but that's going to increase the flow down there and create a bigger problem down there also. It's not just a matter of putting in larger pipes, cause that's just going to move the problem from your place down to their place.

Mr. Fano: Well that's why I'm asking you. The streets that they have put the curb and gutter I know they had to put bigger pipes in. Do you mean to tell me they didn't put big enough pipes in now? They're going to have to tear this up when they get to 9th Street?

Mr. Benekos: There's alternate routes you could lay additional pipes down and those pipes would stay in. You know when they did their design I can't speak for them.

Mr. Fano: Okay, so bottom line is that I'm not going to get a date when that street is going to get worked on.

Mr. Benekos: As far as 9th Street...

Mr. Fano: Yes.

Mr. Benekos: being improved?

Mr. Fano: Yes.

Mr. Benekos: The budget comes up November. October we're putting projects together, we can throw that in there. It's up to council - Administration to present the budget and Council to pass it. We can put that on for next year, that's not a problem. It's just a matter of looking at all the other projects.

Mr. Fano: Okay now, one other question before I leave and I'm not going to leave happy, I'll let you know that right now. When are they going to run the cameras in the sewer down there?

Mr. Benekos: I'll find out tomorrow morning at staff meeting.

Mr. Fano: I want to know. I want to be there because I want to see it.

Mr. Benekos: Okay.

Mr. Held: Dick, we're going to make sure and do that. The thing is we've had - since we had that camera brought in the list of streets that we have to do is really large...

Mr. Fano: Okay.

Mr. Held: and we have one camera. And so you know we run it down as quickly as we can, but definitely that area is a priority. And so we are going to get that in there real quick, as soon as we can. We're working very hard to get it.

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Mr. Fano: So then later on this year I come back up here again to remind ...
Unidentified: Council.

Mr. Fano: council and the administration that we need money for the - for about March to start working on the street?

Mayor Rice: I don't think you'll have to remind anybody Dick.

Mr. Fano: Okay. Thank you all.

Mr. Snyder: Thanks Dick.

Mrs. Magel: Hey Jim, you're talking about a permanent solution. Is there any just short term solution that he's not flooded - anything we can do?

Mr. Benekos: With water or septic?

Mrs. Magel: I bet you if I had to ask him he'd probably say septic.

Mr. Benekos: There's backflow preventers

Mrs. Magel: Okay.

Mr. Benekos: that they could be installed.

Mrs. Magel: How about water?

Mr. Benekos: Water, I don't think there's a short term solution for that.

Mrs. Magel: Just nothing we can do.

Mr. McLaughlin: What about - I know we have that basin over there behind the EMS.

Mr. Benekos: The Dogwood basin?

Mr. McLaughlin: We have...

Mr. Osborne: The Dogwood basin.

Unidentified: Dogwood basin.

Mrs. Kiesling: It's the Dogwood basin.

Mr. McLaughlin: Yea. I'm just asking the question. I'm not an engineer. Would it help to dig that thing a littler deeper, hold a little bit more water, taking off Main Street. I'm just asking the question.

Mr. Benekos: That was part of the study. They looked at that and that detention basin of all of them is probably in the best shape size wise. I think that one can hold the ten year flood and the rest of them cannot.

Mr. Lindower: That elevation is higher there than it is down on 9th and North Main also. Isn't it?

Mr. Benekos: That's correct.

Mr. McLaughlin: What about the one off of Main on crossing the Rite Aid down...

Mr. Lindower: 7th...

Mr. Benekos: 7th Street.

Mr. McLaughlin: 7th Street, would that help to do anything with that?

Mr. Snyder: Well that's on the opposite side of the street.

Mr. McLaughlin: Well I'm just asking the question as...

Mr. Snyder: The water passed through his place by then.

Mr. Benekos: Last time indicates all the water that can get into 7th Street retention basin is not getting and we'll be correcting that in 2004.

Mr. McLaughlin: Okay. Inaudible...

Mr. Osborne: North Canton Shoe put in their backflow/backwater device today Dick and I was down there. So he's going to be pretty assured that he won't be cleaning sewage out of his business. And it looks like maybe this weekend I'd be down at your business with that Isabel coming in, it doesn't look very encouraging. I just think it's sad this city could of whipped out 4.2 million dollars to buy that Arrowhead and we've got residents here coming here with major problems and we just keep saying well we'll fit you in next year.

Mr. Snyder: Thank you Mr. Osborne. Is there anyone else wishing - Mr. Sarbach.

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Greg Sarbach: I will be brief. Good evening, I'm Greg Sarbach. I live at 611 Northbury Circle NE. As a 34 year resident of this city and an 8 year Ward 2 councilman, I cannot let this evening pass without offering my personal gratitude to Roy Batista for his dedicated service to our community. As a fledgling councilman in 1991, I find myself going to his well of knowledge on many occasions to find out how the Charter and Ohio Revised Code applied to various issues. He was always patient, courteous and direct in his answers. Roy, I thank you for your dedication, your professionalism and most of all for being a gentleman in a frequently ungente environment. Hopefully this council will find a replacement for your legal skills. I don't believe they'll have a problem finding a better looking law director. However, I am confident that there does not exist another attorney that possesses the legal history of this city that you have so willingly shared with councils and administrations that you've served. Roy, thank you for your service and thank you for being a friend.

Mr. Batista: Thank you for the remarks.

Mr. Snyder: Thank you Mr. Sarbach. Anyone else wishing to speak to the council.

Unidentified: Yea I do.

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

Kathryn Garcia: Inaudible... My name's Kathryn Garcia. 1036 Park NE. I'm to tell you a story and ask you a question. First part of June my daughter called the Police Department, her son wanted to buy one of those scooter things. They told her there were no restrictions against. Okay, so he mowed my grass for money, he saved his birthday money, first of August he bought himself a nice little scooter. And guess what I see in the paper? Not allowed to ride them on the street, you're not allowed to ride them on the sidewalk. Now, I want to know when did you pass that ordinance? When she called in June and they told her there were no restrictions and then he spent \$300.00 on that darn thing. So who didn't know what they were talking about at the Police Department? Or did you pass an ordinance one of the nights that I didn't come or what?

Mrs. Magel: No, we didn't pass an ordinance.

Mr. McLaughlin: No.

Mrs. Garcia: I mean here - you're spending ...inaudible... you spend thousands of dollars on these lamp posts and blah, blah, blah. And we're a nice quiet, little town. We're not a little town, we're a big city. All of sudden we want to keep our kids in a cage in the backyard. And you know what, this grandma's mad. Guess what ...

Mr. Snyder: Isn't that under the Ohio Revised Code?

Mr. Batista: I have no idea.

Mrs. Magel: No.

Mr. Batista: I'd have to see the article.

Mr. Snyder: Who is that Dave on that?

Mr. McLaughlin: David...

Mrs. Garcia: Did you read it?

Mr. Snyder: No, I read the article.

Mr. Lindower: Yea I...

Mr. Snyder: Isn't it - it's a state law, is it not?

Mr. Lindower: It's a state law. They...

Mr. Osborne: No it's...

Mr. Snyder: It's not a municipal law.

Mr. Lindower: They interpreted the state law as that being a motor driven vehicle.

Mr. Snyder: Yea, it's a state law.

Mrs. Garcia: Well then how come they told her it was okay? He's 12 years old for heavens sake.

Mr. Lindower: I would think...

Mrs. Garcia: Inaudible... 300 bucks is a lot of money to work for to get something and ride it for a month and then it has to sit in the garage.

Mr. McLaughlin: I kind of agree with you because I have a neighbor across the street. Jonathan bought one too and then that thing came out. I was not - like I say I - they never asked me, but Jonathan - all of a sudden we got the article brought out and he brought it over to me and I said didn't know it.

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<p>Mrs. Garcia: There's some guys that ride these things over to Walsh and they ride them over to the thing for ... college students.</p> <p>Mr. McLaughlin: Right. And they go...</p> <p>Mrs. Garcia: But I don't see where they're any more dangerous than bikes and boy those bikes are pretty dangerous too.</p> <p>Mr. McLaughlin: We'll have David - we ought to get David Held one to ride around the city with.</p> <p>Mr. Snyder: Thank you Mrs. Garcia.</p> <p>Mr. Held: Can you approve legislation?</p> <p>Mrs. Magel: That's a good point.</p> <p>Mr. McLaughlin: We ought to take a look at it.</p> <p>Mrs. Magel: I've got one.</p> <p>Mr. McLaughlin: You've got one?</p> <p>Mrs. Magel: Inaudible... no no, across the street. Same thing. It's really a...</p> <p>Mrs. Garcia: Sorry, I just had to ...inaudible...</p> <p>Mr. McLaughlin: Thank you.</p> <p>Mr. Foltz: Inaudible.</p> <p>Mrs. Garcia: Inaudible...</p> <p>Mr. Lindower: It's an interpretation of the Ohio State law.</p> <p>Mark Hipp: My name's Mark Hipp. I live on 148 Fairhart. I'm just here trying to find out a little more information about the Y's parking lot project. Paul's here. We've been working, the neighbors with Paul. Last week they filled in a big hole they dug. Now while they were doing that I've heard they're going to drill several more test bores in that intersection because of the existence of those mines in there. I've heard they're not, I've heard we filled it. I saw them dump concrete in it, I've heard that's enough. I've heard we're going to start. I've heard that the Y's going to put a temporary parking lot in. You know these rumors are just all flying about. I just want to know, has the state written off on that mine problem?</p> <p>Mr. Snyder: I have to defer to the administration. I don't know.</p> <p>Mr. Held: Right now we're waiting for a report from ODNR. We have a good idea as to what's going to be in the report, which we've already - we've communicated that actually through one of the reports in the paper. But what they found in the crevices that is at the corner of Bitzer and McKinley, that void that is there, above that they had anticipated that there would be a fracture in the two foot limestone layer, which they could not detect. Therefore, it's no longer considered an emerging or an emergency situation, it's considered a stable condition. And so at that point it goes into a different mode. So to answer your question, they filled that 11 foot pit with concrete and we're going to - the city is responsible for patching that, which I believe has already been completed and we're ready to move ahead with the approval of council. But I want to clarify that we are going to receive that report from ODNR . And Rick, I know that you called down there and that they're going to be sending that report to us.</p> <p>Mr. McLaughlin: Yea, I talked to Doug Bair this afternoon. I've left a message for Doug Bair. And I met with the constituents up here. And yea I know when David called me last week, he said that they were filling in with cement. I also asked him about the devil strip that feel down about two foot. And David said that the gentleman said it's nothing. Is that what you ...</p> <p>Mr. Held: No, I didn't say that.</p> <p>Mr. McLaughlin: Well how did you say - it was nothing to do with the mines. There was that devil strip that I told you that they...</p> <p>Mr. Held: Right, he said that there was a dip in that area...</p> <p>Mr. McLaughlin: Right, about two and a half foot.</p> <p>Mr. Held: and that's not an area that they had an assessment on.</p> <p>Mr. Hipp: That's my concern.</p>		

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Mr. McLaughlin: That's one ...

Mr. Hipp: Several years ago Bitzer caved in, I was working that morning. I mean it swallowed the back end of that garbage truck. We pulled the truck out, they filled it in, ODNr came in or not ODNr, a drilling company, R&R of Akron, they drilled several holes and they said this needs to be grouted. The City of North Canton choose to ignore that, they filled it with stones. A week or so later it fell in again and it took somebody's Mercedes. Apparently that person didn't know about the prior activity.

Mr. Held: That was a section that was on the street?

Mr. Hipp: Yes sir.

Mr. McLaughlin: On Bitzer.

Mr. Hipp: So what did the city do? We put bigger rocks in it and we filled it in again. Fortunately it hasn't gone in again. So now you've an area - I don't know what's that, 100 yards or so in that general vicinity, Bitzer to McKinley the edge, the east edge of McKinley, we put a hole this big this far from the curb and we're going to cut that curb off, we've to move a fire hydrant and a storm drain right through that area. We had problems many years ago where the storm sewer collapsed and they figured it was mine activity. Now what are the chances are if they put eight more holes in that area that they're going to get at least five of them that are still showing a mine? Probably pretty high. And I just want to make sure that that area does not collapse on us.

Mr. Held: Well how test borings did we do so for Jim? Didn't we do five or six?

Mr. Benekos: Three in the parking lot and one out in the street.

Mr. Held: Okay.

Mr. Hipp: One on the street.

Mr. Held: Okay. And so which borings showed that there was a void.

Mr. Benekos: The one in the street.

Mr. Held: So three of them showed no void.

Mr. Hipp: Those were back in the woods.

Mr. Held: Okay.

Mr. Hipp: Back by my house.

Mr. Held: But that was an area that - it was an area of concern, right, at the time?

Mr. Hipp: Yea, that area was an area of concern.

Mr. Held: But that came back negative?

Mr. Hipp: That area, from what I understand, Dave, I've not seen any reports...

Mr. Held: Right.

Mr. Hipp: I've not been able to read anything...

Mr. Held: Right.

Mr. Hipp: but through word that I've gotten through people that are associated with it is...

Mr. Held: That's what they have communicated to us...

Mr. Hipp: Right.

Mr. Held: Which I'm sure they're going to communicate the same thing in writing. And the only - out of the areas that were assessed or that we did do the borings, was at the corner of McKinley and Bitzer. But again, they had verbally assured us that it's considered a stable condition, because you have the two foot limestone layer...

Mr. Hipp: In that general area...

Mr. Held: They had anticipated going in there and finding a fracture in the limestone layer which provides stability to that area.

Mr. Hipp: Right and I understand that.

Mr. Held: And they could not find that and so at that point, this isn't our determination, it's ODNr's, and we anticipate they're going to put it in writing, that it's no longer considered an emergency situation. Is that correct Jim?

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Mr. Benekos: That's correct. We will continue to work with ODNR to do some other borings in the area. I think we've located that area that collapsed previously. Look at that area, look at this area, under their non-emergency program that they'll apply for a grant to remediate those areas and to look throughout that whole area.

Mr. Hipp: I mean that's the concern. I mean I just would hate to see the city spend their portion of the money and the Y spend their portion of their money to vacate streets and you know six months down the road we've got garbage trucks and in holes again. Now I mean it could be your kids driving to the Y it could be my kids.

Mr. Held: Right. And I think Mark the primary focus that we had as far as assessment certainly is where the new construction is taking place.
Mr. Benekos: Correct.

Mr. Held: And so - not that we're not concerned about other areas that could emerge as a problem, but certainly we want to make sure and address the areas where we're going to have new construction.

Mr. McLaughlin: Well what happened...
Mr. Hipp: Inaudible... area you're talking about.
Mr. Held: Right.

Mr. Hipp: You know I mean that area was all on Bitzer right there before it hit McKinley. But you're going to have construction all the way across McKinley.

Mr. Held: And that also - Rick, isn't that an area where we had the boring at McKinley and Bitzer is because we know that previously there was a problem.

Mr. McLaughlin: Right, but you've also told me they're going to sonic imagine or whatever that area? Where's the sonic? I mean we've never seen a report from that yet even where that...

Mr. Held: No, that's what we're waiting on. We're ...
Mr. McLaughlin: But they're
Mr. Held: they're going to give us a full report ...inaudible...

Mr. McLaughlin: but I also asked you at the time and I remember this distinctly, I said over in that devil strip there's those things that go down about two and a half foot. I'm still concerned about that because if you look at where that devil strip - it goes down about two and a half foot and you look at that first house, you look at their walkway, their walkway goes down and their steps go down and it's in line with those - that devil strip where the area goes down. I don't know what it is. I mean it could be nothing it could be something, don't know.

Mr. Lindower: The southwest corner of Bitzer and McKinley is where the cave in was several years ago. Right Mark when it...

Mr. Hipp: It was on Bitzer at that alley behind Bakers.
Mr. Lindower: Right.
Mr. Hipp: It was right at the alley.

Mr. Lindower: And where were the test borings done on the street? At the southwest area - or southwest corner?
Mr. Hipp: It went from...
Mr. Osborne: The northwest corner...

Mr. Hipp: It went from just east of where it collapsed up to Main. Now there is a section in the Y's property in that big grass area where all those trees are...
Mr. Lindower: Yea.
Mr. Hipp: that has an associated sink hole with it. Cause Mark Smith from ODNR, when he was up here and I was talking to him, he looked at that and he said there. And it's on R&R's report that that was an associated subsidence from the big sink hole that we had that swallowed the garbage truck.

Mr. Lindower: I recall that that was a big sink hole.
Mr. Hipp: It was big.

Mr. McLaughlin: If you could - it would be helpful if you David, if you can call and get those reports. I would like to see them myself. I think that I'm still a little you know I'd like to ...inaudible... after we found the one, I prefer to drill one or two more to play it safe. The residents have expressed their interest, they would like to have a couple more. Especially that first home there, I want to make sure you know it could be nothing those indentations, but I'm just telling you from ...inaudible... as you walk that devil strip all of a sudden you sink down and you look at the guy's sidewalk and it goes down and the steps go down and it's right in line with where you're at in that hole.

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Mr. Hipp: We're not trying to stop the Y's parking lot.

Mr. McLaughlin: No, it's - they're concerned.

Mr. Hipp: Inaudible... very closely with the Y. I mean Paul will tell you that...

Mr. McLaughlin: And if you look...

Mr. Hipp: it's just we want it done right from the beginning so that we're not going back spending you know trying to find money to fix it.

Mr. McLaughlin: If you would like, we could - I will go out there tomorrow. But if you look ... where you sink down, look at his, look behind there, that's where you drilled right there. So it's in line, it could be nothing, don't know. But I want to play it safe than sorry.

Mrs. Magel: Check it out.

Mr. McLaughlin: And I think council would like to do the same thing I'm sure.

Mr. Snyder: Okay, thank you.

Mr. Osborne: This whole thing has really nothing to do with their parking lot. They could proceed right away and I wish they would. They do need the parking. But you're spending tons of money here just trying to move this street over so people don't have to turn their wheel as they go down the street. You're finding lots of ways to create a lot of undue expense here.

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

Guy DeSantis...

Mr. Osborne: And this is money that could be spent on Mississippi.

Mr. DeSantis: Guy DeSantis. 414 McKinley. I was here last month. I just need - wanted to talk about the Y expansion, particularly the proposed vacation of the alley that runs along Bitzer. There was a - some of the neighbors were concerned that they might try to close that alley off or make it a two way and I'm just up here to indicate that we are - we would like it to remain a one way open to the proposed access ...inaudible... And I was just going to ask Jim if he's okay with that, I know the Y is okay with that, and what his thoughts are on it.

Mr. Benekos: Yea, I don't think there's a problem with that. There's just - when and if council passes the ordinance, that would be noted it would be a modification to the Planning Commission's recommendation.

Mr. DeSantis: I wasn't sure how you felt ...inaudible...

Mr. Benekos: Sure.

Mr. DeSantis: Inaudible...

Mr. Benekos: Yea, I don't have a problem with that ...inaudible...

Mrs. Magel: Jim, whenever you have legislation will you put in...

Mr. Benekos: Okay.

Mrs. Magel: make sure you put that in?

Mr. McLaughlin: I think the residents still would like just if they - you know we've still got plenty of time. And Paul - I've talked to Paul. He's in the audience. And Paul said as long as we get everything set for the springtime they're not going to be building this year anyway, but they would like to move this thing along after we find out what's going on. And I think that's the key here is they're not against it, they just want to make sure where those mines are and everything else. And once that's settled we can get this thing going and they can start construction in the springtime.

Mr. Snyder: Sir.

Craig Hess: I'm Craig Hess. I live at 318 McKinley. On the there in the corner house. Without getting into a whole lot of detail over this thing. I had a big speech planned, but I'm going to eradicate about 95 percent of it. The only thing that I'm really concerned about and when this whole thing first started, I was obviously kind of mad about it because it's my house that's going be right next to the road and everything and worried about my property value going down and the lack of privacy about all this. We've had several meetings. Paul has been very generous and genuine concern on working - trying to make sure we're happy. The only thing that I'm really concerned about is ...inaudible... I'm not sure what part he works with, but called me a couple weeks ago and he's the guy that's responsible I guess for contacting

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the different companies that are going to come in and do the excavating at that point. And said that they wanted to get the house and all the stuff tore down by the first couple weeks of October and by the way they've got a temporary okay to make - or an okay for a temporary parking lot there. This really upset me because if that happens what I'm afraid of is if this temporary lot gets put in there, because this whole project has been moved back to next spring or whenever it's going to start because we're past the window, I'm afraid if a temporary lot gets put in there and people get used to parking there over the winter, come next spring the thought may be well people are already parking there, he's not really going that care that much anymore, this project will get put in the hole. Somebody will get a pat on the back for saving the city and the Y a bunch of money and I would really be mad. And I realize I'm just one guy, I can't change this whole thing. I'm not opposed to change or any of this. We just want it to be done right. And obviously I'm worried about my privacy. I don't want to walk out my back door and see sunshine ... off of cars all day long. and hearing them slam. I mean who's ever going to want to buy my home next to that? And I think anybody here in my shoes would probably feel the same way if it was them. But we are working with Paul and he's really trying to work with us. And Rick knows all about it and Chuck. And so that's all I really wanted to say, was I was just worried about this temporary parking lot deal.

Mr. McLaughlin: Put it this way, I will make you a promise. If they do do that I will fight for a fence for you to hide that so you know - for temporary. I understand, I've been up there I wouldn't want that - I wouldn't want those cars facing my house and you go out in the back yard. But I'd want some type of fencing up for you or whatever. I'd fight for that for you.

Mr. Hess: And we'll figure something out.
Mr. McLaughlin: Yea.

Mr. Hess: And one other thing too I wanted to say. I know Rick had said when these guys are out there drilling he wanted to have - cause some - for some reason my sidewalks are caving in and stuff out there. And I thought it could be from the sink holes or all this stuff that's going on. I don't know, I'm not blaming anybody because it could just be my property, I'm not sure. But somebody was supposed to come over and drill or take a look at it. Well they told my next door neighbor and I was home all day I never seen anybody come over, they said oh, he's just got an old tree stump under there. And I'm thinking you know these guys must think you're idiots or something, because if it was an old tree stump, 75 years old, as far as I'm concerned tree stumps don't grow do they? And if it was growing it would push my sidewalk up, it's not going to cave in.

Mr. Snyder: It must of been a government entity.

Mr. McLaughlin: That's good.

Mr. Hess: Inaudible... Thank you.

Mr. Snyder: You're welcome. Anyone else wishing to speak to the council?

Mrs. Kiesling: Jon, can we answer his question first real quick?

Mr. Snyder: Well that's on - that's private.

Mrs. Kiesling: As far as temporary parking.

Mr. Snyder: That's up to the Y, that's not the city. We have no control over that parking lot, that's between the Y and him.

Mr. McLaughlin: I think we you know...

Mrs. Kiesling: I think we do as far as the site plan that was sent to Planning Commission has already been ...

Mr. Benekos: Temporary parking - I believe we met with the YMCA and they questioned us on that. I think we decided it would not be right to do that.

Paul Beinlich: I'm Paul Beinlich. I'm director of the North Canton YMCA. 200 South Main. I really appreciate everybody's interest certainly and I hope that everybody would let us speak for ourselves as much as possible. There's all kinds of rumors, there's all kinds of things. We've tried to and as you can tell, they've all talked about how we've worked with it. The most important thing right now is, sure we wanted to get the parking done this fall for the winter season, which is our busiest season. We can't do that now because of the stipulations that the city has. And we understand there's a proper way of doing things and we're fine with that. So we'll move on and be positive about it. The discussion about putting parking in at - right next to your house Craig as an example, which I think Marcia was asking about, sure there was discussion about it because we need parking, so there was discussion. It was stated by the

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Engineer and Gene Hemminger when we met with them that you know really you can't do that because we don't have the full plan together. We understand that, fine. So we have no intention of doing that. The only thing that could be done is if we really felt we needed to doing something we'd talk to the neighbors and work that all out completely to their satisfaction. But at this point we realized that it's not part of the way the ordinance works so we won't try to do anything. So just to alleviate everybody's fears, we're not going to do and we never have done anything in this community that is going to be bad for the community. What - all we've asked is time and time again just keep the process moving. If you understand what the vacation was all about, vacation - council can vote on vacation of course. Even - because you vote on vacation doesn't mean we can move ahead with our parking plans until the City Engineer, the Administration has decided that everything is proper and in place and all the things such as voids, such as alleys, everything has to be right before we can even do anything. But we want to do something and keep the process moving, otherwise it's going to be two years from now before anything happens. And you know I would appreciate it Mr. Osborne if you do not speak for the YMCA. Okay. That is for us to speak with. If you don't approve of something that's fine. If you disagree with something, I have no problem with that. I believe in your right to disagree. But please don't speak for us.

Mr. Osborne: What have I said about...

Mr. Beinlich: You have said many things at times trying to tell us what is best for us and trying to tell other people in this audience that. And I would really appreciate it if you do not do that.

Mr. Osborne: I don't think I was speaking for the YMCA.

Mr. Beinlich: You have at other meetings.

Mr. Osborne: I haven't had any involvement ...

Mr. Beinlich: Thank you.

Mr. Osborne: in this in the last six months. I would like to ask you one question. 99 percent of your construction has nothing to do with McKinley and Bitzer. I don't know why you can't go ahead and do all of your extensive construction work and get your parking lot under construction.

Mr. Beinlich: I know you don't. You have said that many times. Obviously ...inaudible... situation. Would you like me to speak to that? Inaudible... appropriate time.

Mr. Osborne: Well please, I mean there's...

Mr. McLaughlin: No.

Mr. Osborne: there's extensive...

Mr. Snyder: Paul, you don't have to answer anything you're not comfortable with.

Mr. McLaughlin: No.

Mr. Osborne: Well there's extensive drainage that I know you have to put in.

Mr. McLaughlin: Inaudible...

Mr. Osborne: There needs to be a lot of...

Mr. Benekos: Could I address that?

Mrs. Kiesling: Yes.

Mr. Benekos: It's the whole site plan that is approved. So for them to proceed with a portion of that and not have the vacation of the street to complete the whole site plan as approved by the Planning Commission, we would not permit that. Because if council does not approve the vacation, the site plan is not approved, they would have to come back and get a revised site plan. So that's why we would not permit them to proceed until they had access to all land - all the land was in their possession, so they could proceed with the site plan as approved.

Mr. Osborne: Well vacating McKinley is just a matter of taking out a curb and extending the parking lot another, what 20 feet over.

Mr. Benekos: Well they would have to come back to the Planning Commission with a revised plan for just that portion. How they are going to access into that revised plan...

Mrs. Kiesling: What'd you say?

Mr. Benekos: how the...

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Mrs. Kiesling: Oh god no.

Mr. Benekos: curb cuts would be and so forth. And then once McKinley was vacated, if it was vacated, then they would have to come back again and get it reapproved. But as it sits right now they could not proceed if they wanted to because they do not possess ownership of all the land.

Mrs. Kiesling: Inaudible...

Unidentified: Thank you.

Mr. Osborne: Well I haven't spoken for the YMCA. I've just spoken that I'm against spending these funds to realign Bitzer. That is my opinion. I haven't expressed that as in an opinion of the YMCA. And I'm against the vacation of McKinley. Again, I don't know how you construe that as speaking for the Y so.

Mrs. Magel: Inaudible...

Mr. Snyder: Thank you. Is there anyone else in the audience wishing to speak? If not...

OLD BUSINESS:

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

Ordinance No. 84-03 - Third Reading

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

Mr. Snyder: Mr. Osborne.

Mr. Osborne: Thank you Mr. President. This is our third reading. We've discussed this and presented it to the public on several occasions. I think we even had a lot of public input. We're amending the grass ordinance lowering the grass, maximum grass height to - from 12 inches to 8 inches. We're actually addressing grass in the ordinance, whereas the previous or the present ordinance only talks about noxious weeds. And we're also modifying the notice that would be sent out to residents who are in violation from 10 days to 7 days.

Mr. Snyder: Thank you. Any questions?

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

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

Resolution No. 101-03 - Second Reading

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

Mr. Snyder: Mr. McLaughlin.

Mr. McLaughlin: Just what it says it is and make some improvements.

Mr. Snyder: That is to the Gas Light region.

Mr. McLaughlin: Correct.

Mr. Snyder: And please let the record note that that's done by assessment. That's not a city project...

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Mr. McLaughlin: No.

Mr. Snyder: That will be paid by the property owners, not by the City of North Canton.

Mr. McLaughlin: And we'll have to have a public meeting after we - public hearing after we pass this.

Mr. Snyder: And I believe you need 66 percent of owners to move ahead.

Mr. McLaughlin: Right.

Mr. Snyder: Is there any discussion? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the second reading** of Resolution No. 101-03. All members present voting:

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

No: 0

NEW BUSINESS:

10. Ordinance No. 96-03 (Tabled 7/14/03 prior to first reading)

Mr. Snyder: Mr. Osborne, is it your wish to continue to table this Ordinance 96-03?

Mr. Osborne: Yes. I don't know how this got on there.

Mr. Snyder: It rotates automatically up each time. And so with your permission we'll just continue to leave it on the table?

Mr. Osborne: Well there's no reason to print it in the agenda though.

Mr. Snyder: It just happened. But I appreciate that and we ...inaudible...

11. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 107-03. All members present voting:

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

No: 0

Ordinance No. 107-03 - First 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 from P - Principal use permitted by right to C - Conditional Use in a General Business-A and General Business-B district.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: Thank you Mr. President. When the city passed this new zoning ordinance here, it became effective June 12th. It became aware, due to some other circumstances, that General Business-A the permitted uses, and General Business-B permitted uses had almost become synonymous. In the old zoning that we had there were clearly defined differences. The uses we're talking about here are - I don't really have all my notes but car washes, drive throughs and two other categories. I can't recall what they are off hand. But at any rate this has gone to the Planning Commission. I was hoping that they would be changed back to be not allowed in General Business-A zoning districts. The zoning or the Planning Commission decided to make them conditional uses, which means a property owner would have to come to the Planning Commission to request these types of uses - drive throughs, car washes. And that there will also be public hearings, there will be public input. So we're taking a step back to what we our old zoning allowed. And so that's what we're - we're taking a step back to what we had to provide some differentiation between what's allowed in General Business-A and what's allowed in General Business-B.

Mr. Snyder: May I suggest sir if - that we continue the process of reading this, as zoning does require three readings and a 30 day respite. But you may request through the Clerk send a letter to the Planning Commission that you are unhappy with that change and requesting to be changed the way you would like the reading and we'll gladly consider that. And you're more...

Mr. Osborne: No no, we'll just a...

Mr. Snyder: Oh, you're comfortable with what you have?

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Mr. Osborne: We'll just stay with a conditional use. We need to get in place before...

Mr. Snyder: Well I'm saying continue that process but request that they send - that way you would not be defeating their - you would continue this process, passing this process, but then reading it and state the old process the way you want it. But you...

Mr. Osborne: That was presented to them. They were - they preferred to make this a conditional use. They seemed to feel there needs to be some flexibility and maybe in some General Business-A areas you might want to allow drive throughs and car washes. So that's - that will work for the city. So a...

Mr. Snyder: As long as you're comfortable. Any questions on that? If not...

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

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

No: 0

12. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 108-03. All members present voting:

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

No: 0

Ordinance No. 108-03 - First Reading

Ordinance No. 108-03 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 Board of Stark County Commissioners for the relocation of the waterline on Dressler Road in conjunction with the County's Dressler Road Bridge Project and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: We're moving our waterlines over there and we've \$4,331.00 in a fund to do that.

Mr. Snyder: Any questions?

Mr. McLaughlin: No.

Mr. Snyder: If none...

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 108-03. 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. 108-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 108-03. All members present voting:

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

No: 0

13. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 109-03. All members present voting:

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

No: 0

Ordinance No. 109-03 - First Reading

Ordinance No. 109-03 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Supplemental Sewer Agreement, supplementing and amending the original agreement dated March 22, 1974, by and between the City of North Canton, Ohio and the City of Canton, Ohio for Digester Demolition and Improvements and declaring the same to be an emergency.

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 15, 20 03

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is a project that we're in with Canton. And what it is is our share of it is 7 percent of the six hundred and some thousand dollars, so it works out to be \$43,946.00 is North Canton's share.

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

Mr. McLaughlin moved and Mr. Lindower seconded to **adopt the first reading** of Ordinance No. 109-03. 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. 109-03. 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. 109-03. All members present voting:

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

No: 0

14. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 110-03. All members present voting:

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

No: 0

Ordinance No. 110-03 - First 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 of 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: We are - presently that contract will expire the end of January of 04. It runs us approximately \$25,000.00 - that's the cleaning of City Hall here. And they're moving this to a two year contract as you can see. And there being no questions - we'll do this on three readings ...inaudible... Any questions? If not...

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 110-03. All members present voting:

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

No: 0

REPORTS:

Mr. Snyder: Director of Law any report.

Mr. Batista: Yes. This is my last meeting after - and I just realized how long I long I've been around here because I did the 1974 agreement with the City of Canton and I had been here for a few years when I did it. I just wanted to thank certain parties in the city government, starting off with Tom Treadon. I've had a remarkable working arrangement with him. He's been - it's just been remarkable that two lawyers can get along as well as we do. Number two, I can't pass up Mary Louise Bittle. When I came back this job - the work load had gone up tremendously and quite frankly without the work she does and her alertness and perception, the work load would of just been insurmountable. Gail Kalpac, a very loyal and conscientious employee of your department. I hope that you as council realize what a good staff you have. Julie Herr, her predecessor was virtually a legend. And Julie had big shoes to fill and I might say Julie you obviously have big feet because you filled them very nicely. And I wanted to pick out two members of the administration. Jim Benekos - Jim Benekos has been breath of fresh air to me since he came onboard. With his predecessor if I wanted to get anything off my desk I'd send it over to Engineering and it would come back in three or four months. The little Greek fellow over there on bad day gets it back to me in 48 hours and on a good day gets it back to me 24 hours. So you know my black hole went away. And Gene Hemminger who I worked with quite a bit. I found him very conscientious and definitely having the city's well being at heart. I've only picked out two members of the administration, otherwise we'd be here all night. But I might indicate to you gentlemen that obviously the streets are getting plowed, the streets are repaired, when I turn my faucet on there's water in it, so somebody over there is doing something right.

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Mr. Held: Thank you.

Mr. Batista: And I just want to say I am going to enjoy being able not to worry about missing the kickoffs on Monday night football.

Mr. Snyder: Julie.

Mrs. Herr: I just want to thank Roy for the two years that I've been here, all of his help. And I had to use him quite a bit for history and experience and his wealth of that is just wonderful to have that to fall back on. To know that he knows if something has happened before in that situation and it's been a big help to me. And I just want to thank him for all that and for putting up with all the numerous memos that I sent his way. I'm sure he'll be missing that.

Mr. Batista: Inaudible... limit her to one a week.

Mrs. Herr: And I'll definitely miss his sense of humor and some of his jokes.

Mr. Snyder: Director Held.

Mr. Held: Yes, I'd also like to thank Roy. I've had the opportunity to work with him almost - it's almost been two years now and he's been very patient with me. Often times when I would call his secretary, I would say hello this is Dave Held, and she goes I know who it is. Because I would call there three or four times a day. And so Roy you've been great to work with, very easy going. When I went to Roy's house during his flood, he wasn't too concerned about the flood when he was standing in the middle of it. He was more concerned about getting new appliances for his wife and he wanted to take time to show pictures of his grandchildren to me. And I'm thinking Roy well I love your grandkids, they're nice pictures, but you've got a flooded basement. But he didn't seem too concerned about it. So again, it's been real nice to work with you. You are funny too. And we'll miss you.

Mr. Snyder: Mr. Mayor.

Mayor Rice: Ah yes. Along the same lines, obviously Roy - first started working with Roy about 20 years ago when I first came on City Council. And had the pleasure of knowing and working with Roy for - in many different aspects of - first of all I hope that's not an ice cream cake. But Roy I mean Board of Control - I really got a greater appreciation for Roy over these couple years during Board of Control meetings and his stories and his comments. I don't know how closely people read Board of Control minutes, but some of them can be fairly humorous with and it's always Roy. But - so it was great fun. You've been a great public servant for the City of North Canton. You're one of those things - you've been such a constant and a solid performer over the years people I think will forget how - we tend to miss out on how good they've got it until you're gone. But certainly wish you all - all the best to you in your future endeavors. It's been great working with you. You've been a great - provided great service to the City of North Canton and I appreciate everything you've done for us.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Just want to thank Roy. We'll miss you. The door is always open across the street.

Mr. Batista: Okay.

Mr. Benekos: You're always welcome there. Store up your jokes and come on over and tell us. Thanks Roy.

Mr. Snyder: Madam Clerk.

Mrs. Bittle: I had a whole bunch of nice things I was going to say, but then Michigan trounced Notre Dame.

REPORTS - COUNCIL:

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Yea Roy, appreciate your years of service. I think the thing I'll miss most is your sense of humor and also your sense of history of North Canton. We referred to it even lately. It's been invaluable to any member of council, any of our citizens, administrators and just want to thank you for that. You were here when we were the sleepy town and now we're somewhat of a bustling city of means and you helped show and pave the way through that. So I appreciate that and wish you well in your retirement and your other endeavors. Thank you.

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Held Monday, September 15, 20 03

Mr. Snyder: Mr. Lindower.

Mr. Lindower: It just occurred to me, that I think I've been associated with Roy longer than anybody in this room. Working with him as a police officer for several years. As a police chief for many years I depended on Roy's advice many times. He helped me get through some tough personnel problems that we had to deal with. And I just want to thank you again Roy.

Mr. Batista: Thank you.

Mr. Snyder: Mr. McLaughlin:

Mr. McLaughlin: Before I make my comments about Roy there's a couple things I want to do real quick. David, a couple questions to ask you. Paving program East Maple, Schneider, any idea what they're doing as of it's been about three and a half, four weeks on East Maple and still not done with this. You know do we have to light a fire under these people's butts to get these things going or what?

Mr. Lindower: Inaudible... 7th too.

Mrs. Magel: Inaudible...

Mr. Held: Yea. Well here's - yea...

Mr. McLaughlin: 7th Street. I mean this is dragging on and enough is enough. And I know they just tore Schneider up, but I think we need to get on them a little bit and say hey, we need to get this thing done.

Mr. Held: Well what I want - what I'd like to assure council is that from a mechanical prospective everything is running smooth. We have the road that's torn up and I know that ideally we'd like to have everything with the base coat and the top coat placed on top and that's what we're striving for. We've got the contractors working very hard to get all of this done in a timely manner. We do have several other projects that we have going. Right now I think this is probably a record number of projects that we've had in a given year. And so we're pushing everybody as hard as we can, we're working real hard and we're going to get to it real soon.

Mr. McLaughlin: I'm getting some people that are getting real ... saying hey let's get this thing going. Second of all is I have a resident on 270 Abbeyshire SE, Mr. Cholley, that you've been working with. Pipes froze up, we had to tear out an approach to his driveway. We were ... this was back last winter. The driveway hasn't been repaired yet and I'm getting phone calls from his neighbors and that allotment asking what's going on with the city, how come the city hasn't come back and repaved that or cemented that thing back.

Mr. Held: Okay, this is at 270 ...

Mr. McLaughlin: 270 Abbeyshire - 497-7316.

Mr. Held: 497...

Mr. McLaughlin: 7316. He says you've been out there twice and is waiting for your return.

Mr. Held: What is the gentleman's name?

Mr. McLaughlin: I guess it's - I spelled it right, I think.

Mr. Held: He was saying that I myself...

Mr. McLaughlin: Yea.

Mr. Held: have specifically been out to his house?

Mr. McLaughlin: You've been out there. The last name is Cholley - that's the way it's spelled in the phonebook - Cholley. I want to see what's going on if you can get back ...

Mr. Held: The concrete program then - we're in the process of doing that now...

Mr. McLaughlin: I wasn't even aware of it until he called and he said he's been talking to the City Administration and everything else.

Mr. Held: Right. It was...

Experienced problem with the tape not switching over. Therefore, a small portion of Mr. McLaughlin's report is not audible.

Mr. McLaughlin: Inaudible... You know that still is still the holiest - it probably the holiest alley - it's got to be blessed one of these days as many holes as it has in that thing. I'd like to see that thing...

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Mr. Held: The alley between Glenwood and Summit?

Mr. McLaughlin: Yea, it's right behind the Goodwill and everything else like that. That thing has never, I don't think in 30 years, that thing has ever been paved. My last comments were, don't forget the meeting on the Nimishillen and the Zimber. Mary Louise has sent it - has sent letters out to all my constituents and Jon's constituents. Along with one of my constituents gave me the thing for the county and I was - in the letters with them. The county has a reporter whatever that - so that letter went out. And the last of all is I got an email this afternoon from Robert Mullen, which is the director, district director for Ralph Regula. He said he spoke to Jean Siedel of the US Army Corps and all they're waiting on is our letter to Jean. Which has that letter gone out yet?

Mr. Benekos: I reviewed it today. It should be going out tomorrow.

Mr. McLaughlin: Can I get a copy of it?

Mr. Benekos: No.

Mr. McLaughlin: You don't get a piece of cake. Yea that - and they said all they're waiting on is our description of what we're going to do per our meeting and that's all they're waiting on. So I'll give you a copy of this. And that's - comes down to my comments to Roy, I guess. Roy, I was a young skinny kid when I started on the Civil Service Commission 20 years ago. And it used to be a joke that when Boyajian sat over there we always balanced it out. With your leaving now it's going to be a little lopsided again. So I am going to miss you. You've been a great friend for those years in the civil service, to the planning, to council. You've given us straight and honest answers to a lot of hard questions. You've helped us out over the year, I am going to miss that. I'm going to miss somebody that ... a little bit of guidance does mind me calling him at 3:30 in the afternoon and you're in the middle of a hot and heated debate with something else but you took my calls and answered my questions and I really do appreciate - appreciate that and all the fine advise you gave me. But most of all I'm going to miss a true friend on council. I think that you've been great to the City of North Canton and I'm sorely going to miss you.

Mr. Snyder: Mrs. Kiesling.

Mrs. Kiesling: Like to say the same things. I appreciate all your help to the new kid on the block these last two years. You've been a breath of fresh air. And interviewing these new attorneys it's amazing, it's going to be a different experience here on council without you Roy. So good luck.

Mr. Snyder: Mrs. Magel.

Mrs. Magel: Yes. When is that Zimber Ditch meeting could you...

Mr. Snyder: 24th.

Mr. McLaughlin: The 24th...

Mr. Snyder: At the Civic Center.

Mrs. Magel: Yes. And I wanted to thank the administration for the Cleveland POPS. I don't know how we do it, but we manage to pick the best evenings - it's always just a no rain, perfect temperature. Once again it was a great concert and it's a good, great thing for the community. And Roy I wish you luck. I agree with Marcia, it's a - interviewing for these new ones - lawyers, you can see the depth of the work that you had done and that's a real eye opener. And I am one of the ones that reads diligently those minutes to the board meetings and it would be very dry without your humor. So good luck.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: Roy, good luck with your next chapter in your life. That's all I have.

Mr. Snyder: Thank you. Roy, I would thank you. In my years here on the council you have been very kind to me and you've tolerated me. I've learned ... and you've always been very respectful of my position and I of yours. You - I think you're a brilliant man. Obviously you're a Michigan graduate so you can't be too void of that as a Michigan law graduate. But the city doesn't realize what a valuable asset you've been to us. You know the laws, most of them you've written. You've been cooperative with the administration and council. Over the last several months you've been extremely tolerant and I do respect that. I respect you as a professional, as man of very high integrity and a man above reproach in the field of law. And on behalf of my council as being the President, I will sorely miss you. I thank you very much for all your good advice, all your patience and all your understandings. And all the accusations found or unfounded that were caused against you any of them that have caused you stress, my humblest of apologies. But you're a fine man and you're a credit to both your profession and to the City of North Canton. Mr. Batista, I thank you for your fine years of service.

Mr. Batista: I had to put with you because you were a neighbor.

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Mr. Snyder: You did. Thank you.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Prior to the last call of business I would like to tell the people in audience you're more than welcome to stay, have a little cake and a little punch. Please mingle, we'll give you a chance to talk to Mr. Batista and thank him personally. Before I call for the last business, I would just like to tell you I had seven phone calls from constituents today, most of them relative to road work, but I did have two, as well as Mrs. Kintz, called me last week relative to the new Fairways of Arrowhead. I was told by both parties that they played the golf course, they were treated as if it was a country club, they couldn't say enough things about the condition and how happy they are as citizens of North Canton to be owners. And Mrs. Kintz - and she called me complaining first of all about the price and then she called me back, she went to see Mr. Larizza the operator, and...

Unidentified: It was Dan ...

Mr. Snyder: Oh Dan the pro.

Unidentified: Yes, he's a nice guy ...

Mr. Snyder: And that's what I'm hearing...

Unidentified: Inaudible... tee times next Thursday.

Mr. Snyder: right and the rates are actually - for seniors weren't unfortunately published. There are for seniors and are rates for young people that bring it well within line to any municipal course. And the condition of the course and I - trust me, with the neighbors that live in those homes along there I would hear otherwise, I hear nothing but compliments. So again, I think we hit a home run here. The general city, as it goes on, is just overwhelmed with the thought that the city does own Arrowhead and that we're going to keep it into perpetuity for the way it stands. And Roy now will become a citizen. I'm sure I'll hear from Roy about this any problems at Arrowhead. But I just wanted to pass that along. Is there any - does anybody in the audience wish to speak before the final call. Sam...

Sam Brenton: If I can make it that far. Inaudible... I'm Sam Brenton from down on Westfield SW. You guys getting to ...inaudible... I'd like to make a suggestion. I can stand 8 inches of grass. You go down the street and you see those big stones along the side of the road there. If somebody is coming one way and you got to get off, what are you going to do, bust an oil pan or bust a tire or something. And the second thing is ...inaudible... You go down my street if a car is parked, you're knocking the mirrors off your car because the mailboxes are right at the berm. And probably the Supreme Court all the way down to park bench lawyers ironed it out that those mailboxes don't belong to the government, they're private property. They - tell them to move the damn things back cause it is a pain when you go down there, especially in the winter time, the plows can't even come up there with cars parked. So when you guys down there, if I'm still living when you do that street down there ...inaudible... And that's all I got to say. I just did that so you remember my voice when you hear from me. I call up inaudible... is that you Sam. Thank you.

Mr. Snyder: Thanks Sam. May I have a motion to adjourn the meeting?

ADJOURN:

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

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

Mr. McLaughlin: if I say no will Roy stay?

Yes: McLaughlin, Osborne and Snyder.

No: 0

The meeting adjourned at 8:46 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL