

0453 RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 29, 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 Judy Jones, Assistant Pastor of Heather Ridge Commons.
3. All present recited the Pledge of Allegiance.

Mr. Snyder: Madam Clerk, will 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, Assistant Director of Law Treadon, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.

5. Consideration

Minutes of Council Meeting: 9/15/03
Financial Statement: August, 2003
Mayor's Court Receipts: August, 2003

Mr. Snyder: I like to a motion to consider the minutes, as amended. If you'll notice on - you might not have a copy with you, but on page 0435 we changed the minutes to reflect that Mrs. Kiesling agreed to get Bel Air in this year, it was not Mrs. Magel and that has been corrected. So I would need a motion to correct the minutes as amended.

Mr. Osborne: What page was that?

Mr. Snyder: 0435.

Mr. Osborne: 0435.

Mr. Snyder: Bottom of the page.

Mrs. Bittle: Mr. President - Mr. President, nobody has a copy. We just did that late this afternoon.

Mr. Snyder: No, they have a copy of the original.

Mrs. Bittle: Not - yea, the original, but not the corrected.

Mr. Snyder: Right.

Mrs. Kiesling: Right.

Mr. Osborne: And this is where now?

Mr. Snyder: 0435.

Mrs. Kiesling: Very bottom.

Mr. Osborne: I've got the page. And the correction is what?

Mr. Snyder: Mrs. Kiesling ...

Mr. Osborne: Oh, that's Mrs. Kiesling, not Mrs. Magel.

Mr. Snyder: Yes sir.

Mr. Osborne: Okay.

Mr. Snyder: Also, you were presented a copy of the financial statements for August, 2003 and the mayor's court receipts for August, 2003. If there are no corrections or additions to said, I would entertain a motion to accept all three and the minutes as amended.

Mr. McLaughlin moved and Mrs. Kiesling seconded to approve the minutes, as amended, the financial statement and mayor's court receipts as presented. All members present voting:

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

No: 0

6. Committee Reports

Executive Session (Personnel & Safety): Refer to the minutes on file in the Council Office of the Executive Session (Personnel & Safety) Committee meetings held September 15 and 22, 2003.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held September 22, 2003.

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Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held September 22, 2003.

Personnel & Safety Committee: Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held September 22, 2003.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held September 22, 2003.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held September 22, 2003.

Mr. McLaughlin moved and Mrs. Kiesling 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: Are there any constituents in the audience wishing to speak to the council this evening? If so please step forward, state your name and address for the record.

Larry Taylor: My name is Larry Taylor. I live at 1115 Knoll Street. And I would like to tell you about our problem. I've got to give you just a couple minutes of history. We built the house we live in back in 1976. The sewer was not placed low enough for us to tap in so we have to - we have had a lift station since that time. The lift station needed to be filled with dirt, which we did. We put a railroad tie wall. About the third year in we got a deluge of rain. We happened to get the rain coming from the east down Knoll, coming from the west down Knoll and the south. So ...inaudible... right into our yard. The city was kind enough to come out and put catch basins in - three of them, which catches the water and diverts it from our wall and - but it goes down the side and onto our neighbors, back onto our backyard and over to our other neighbors' house. Over this last 20 years I've approached the City Engineer, the administration, councilmen on - at different times trying to get something done as far as approving the road to take the water away. I spent six and a half years - my final six and a half years in the service in the Pentagon trying to get money selling programs ... Congress. So I know that money is hard to get and I know it's difficult so I have not really pushed too hard until lately. We have had times when the administrator has said you're first next year - you're going to get it. This was ten years ago. Unfortunately that administrator left. So back in the same ball park again. Before elections I've had people say you're going to get it. Election comes, it disappears. Got to the place when you're going to get it one time and they said, oh, we've got to put a pipe in the street first. We need to dig it up before we do yours. So we said great. Two years later the pipe's in and nothing is done. Now all that we get - you know we have our problems, we've had our floods, but usually around July the water is dissipated. This year is different. This year has now brought it to a crisis level. Three reasons - one, you know the rain we've had. I mean tremendous rain, everyone knows that. That caused a problem. The neighbor in the back brought in fill dirt, filled his area so now the water can't drain normally out to the north like it used to do, so it's all backed up - second big problem. The third big problem, is west virus - West Nile virus, the mosquito problem. Now we've had several out there walking through our mosquito field and it's horrendous. The city was good enough this year to put larva killer in, to come down close and to try to eradicate the - as many mosquitos as they can, but they can't get them all. I even went out and bought a mosquito - one of these new gadgets, 200 bucks worth to try to collect the mosquitos in. Some of them call them mosquito magnets, whatever they are. All them work a little, but not a lot. But something needs to be done and needs to be done badly. Now I've got some - I have some pictures here that I'd like to just pass around to show you our problem. The first two pictures that I'm going to show you is of our backyard. It was taken on the 7th - the 27th of July. The water had gotten within 3 feet of our house in the back and the side. And that's from about 60 feet out. The next picture I'm going to show - the next two pictures are our neighbors' yard. This happens to be Katie Schuster's area and it's always swampy. It lasts almost all year. On our other side the neighbor, I'll show you pictures of how flooded he is. Then what's really bad is after about five days all that vegetation spoils. You wouldn't believe the smell that exists. And then I have two last pictures. These two pictures were taken on Sunday of this week. You'll notice the problem still exists. Inaudible... take three pictures. I took one of all three areas. We have another little problem and that is we've had a housing allotment built above us and we get water from them. Now we fought for three years with the Planning Commission and were successful with the help of the Planning Commission in preventing ten houses with no drainage to a compromise where we have five houses and some drainage. There was an agreement to run all that water off. But once the city approves and walks out, they can do anything they want and they have. They brought the rain water off the spouting down into our area which was - part of the initial agreement was they would go the other way. So that a third thing that - I mean another thing that has complicated the issue somewhat. I'd just like to say, in fact I'd like to beg, for you to do something in an emergency basis to get this program

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started. I'm scared to death and the reason is - well two reasons. One is this is an election year. You know same old thing. We need to get it started. But the other is if somebody in my family happens to get West Nile virus, it'd be a tragedy to us and to North Canton. The kids come over - our grandkids come over and play a lot because we got a big back yard - play football, basketball, and so I'm making that plea to the council. Thank you.

Mr. Snyder: Thank you sir. Anyone else in the audience wishing to speak to the council this evening? May I have a motion to a...

Mr. Held: Well we have...

Mrs. Kiesling: Yes ...inaudible...

Mr. Snyder: Oh I'm sorry I didn't see him. Oh, alright sir, step forward, state your name and address...

Frank Bressi: Thank you. I'm Frank Bressi. I live at 206 Summit Street SW. I have addressed and I have talked with a couple of the council at large, Kathy Magel and Chuck Osborne, about an issue we have in our neighborhood. I just want to bring it to the council's attention. I believe it's your Street and Alley Committee...

Mrs. Magel: Yes.

Mr. Bressi: inaudible... is well aware of the situation. And I would ask Kathy that you would share that letter with other council members. It pretty much states how we feel. This could become a volatile situation in the neighborhood, which we are trying to avoid. I would appreciate it if you would note our concerns, our opposition to the vacation of the section of the alley that is being requested. And if you'll notice by the number of signatures on the paper, there are approximately 11 property owners who are opposed to the one person who would like it vacated. Yes, that letter right there, if you could share it I sure would appreciate it. Thank you.

Mr. Snyder: Thank you sir. Anyone else wishing to speak to the council? Please step forward, state your name and address for the record.

Kim Schaufele: My name is Kim Schaufele. I live at 213 Glenwood Street SW. I'm the one that is petitioning for the vacation of the alley way. The neighbors to my, I think it's the west of me, have all had the alley vacated and they have been, I guess, deeded the property to their sides in both ways. The section of alley that I'm talking about is a 6 foot by 25 foot section of alley. I know there is a number of concerns that my neighbors have had. They haven't brought these forward to me until the other day when Kathy Magel was over. I did ask her over to my house. She did come over and that was really nice of her to take some of her Sunday out to come over and see the alley that I'm talking about. I understand that the neighbors have concerns and I have shared with Kathy and with them that I'm willing to work with them on this. I really have nothing further to say on this at this time other than I know that Kathy Magel has commented that maybe the alley has already been vacated and that this would just be a process of having it deeded into my property then. And she is going to be looking into that. Thank you for your time.

Mr. Snyder: Thank you.

Mrs. Magel: May I make a follow up?

Mr. Snyder: Please.

Mrs. Magel: For both neighbors we agreed that possibly, hopefully, preferably, soon we're going to have a new lawyer and I wanted new lawyer, since I am not a lawyer, to look this situation over. Both of them were in agreement. So I think the situation is I hope not volatile at this time and I'd like a cooler head that is in - knows the law to take a look at the documents that I have and can look at them through a eye of a lawyer. Thank you.

Jan Kotila: I'm Jan Kotila and I live at 208 Summit SW. And I'm next door to the Bressi's and actually share a driveway with them. And I wanted to say in response to Kim's mentioning that we had not told her our concerns before, the reason we have not is because she did not tell us that this was coming before council. She presented a paper for Frank and Harold Fockler's signatures to give her the alley and they explained to her then their concerns about handing over the alley and it involves a big beautiful tree that we're not certain she would not cut down. Since she has removed all the other trees from her property. So they may have, we all may have just sat down and talked about this had Kim not tried to deceive them over bringing it to council without signatures. And actually there was some deception going on on getting the signatures in the first place. And I think that's where the hard feeling began.

Mr. Snyder: Thank you madam. Anyone else wishing to speak? Madam, step forward, state your name and address for the record.

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Carolyn Ross: 301 Mississippi Street SE, Apartment 1W. Simple, short and sweet, where do I submit this letter? To Rick? To...

Mr. McLaughlin: She's got - let me explain, she had a problem. While we were digging up Mississippi somehow they broke the sanitary line that backed up into the apartments and caused major damage, some damage into her - So I'd like her to submit to Mary Louise so it gets on the proper committee.

Mr. Snyder: What are you asking for a moral claim is what you're...

Mr. McLaughlin: Yea, it's going to be a moral claim.

Mr. Snyder: That has to be directed to the City Administrator madam...

Mr. Foltz: Yea.

Mr. Snyder: and he'll at that point look at it and make a determination on the validity, which in turn will go to the Department of Law, which will make a determination ...

Mr. McLaughlin: I think David...

Mr. Snyder: come...

Mr. McLaughlin: Excuse me, I'm sorry.

Mr. Snyder: if it comes. That's the process though. So if you'd give it to the City Administrator he'll begin the process of processing it.

Ms. Ross: Okay I've got the copies and the estimates.

Mr. Snyder: Okay, yea...

Mr. McLaughlin: David's been out, I think we've had our crew out there. David is fully aware of this...

Ms. Ross: Yea, he's been in the house; haven't you?

Mr. Held: Yea, we had that - Tom Shufar was the gentleman that was last out there.

Ms. Ross: Yea, Tom Shufar was in the house, yea.

Mr. Held: Right.

Mr. McLaughlin: And along with...

Ms. Ross: I had about 5 or 6 of them in there. They all got to be one big blur you know...

Mr. McLaughlin: And along with the sanitary that we broke we also had two - the waterline has erupted twice on ... broken twice on there, on Mississippi too hasn't it?

Ms. Ross: Three times.

Mr. McLaughlin: Three times. Excuse - thank you.

Ms. Ross: Once before it was done and twice while it was done.

Mr. McLaughlin: She keeps an eye on every ... I like her. She keeps an eye on every - we ought to hire her.

Ms. Ross: And I also have - well I'm right in the middle of it. I can't get in or out if they want to - choose to park right in front of the house. The other thing is that I had asked for the drains to be moved. Well an interesting situation has developed. You told me they couldn't be moved and then you said maybe. Well they've already moved and we now have two ...

Mr. McLaughlin: Hydrants.

Ms. Ross: fire hydrants less than this room apart. One hasn't gone and the other has come. So why can't they move them down? It's a difference of replacing it here or replacing it there, the same amount of inches are required and then they will catch water instead of leaves - dry leaves I might add. Any comments?

Mr. Snyder: And we'll refer that question - sounds like a technical question, to the Engineering Department. I'm sure that fire hydrant was engineered by whoever engineered the project.

Ms. Ross: Well why would they replace one with the other was so close?

Mr. Snyder: Mam, I don't - there's a code, there's a uniform fire code ... by the state and I assume they followed that. And I can't answer that. I - those are...

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Ms. Ross: Because I haven't seen them remove it...

Mr. Snyder: It's positioned so many - so many hydrants for accessibility to...

Ms. Ross: And they've had water running on or through it for the whole weekend. There was water in the drain...

Mr. Osborne: I'm just wondering if one is slated to be removed. Do you know anything about that Mr. Benekos?

Mr. Benekos: Yea, one would be on the existing line that will be removed when the existing line is shut down. The other, the new one, is on the new line, which will replace the existing one.

Mr. Osborne: So there you go.

Ms. Ross: Where's the water coming from? Right at the crown of the hill two and a half buildings away basically, there's water running in that drain 24-7. I have a little dog that decides it wants to go out in the middle of the night and we kind of stroll down there and back and it's running - it was running Friday night, Saturday night and Sunday night and I'm sure it still is.

Mr. Osborne: So there's your answer, one of the fire hydrants is going to be removed. Right?

Mr. Benekos: That's correct.

Mr. McLaughlin: Is it true that that new line - you're bleeding that new line? Is that why that they're drain - is that why that water's coming out of there?

Mr. Benekos: This is the first I've heard of it.

Mr. McLaughlin: Okay.

Mr. Benekos: I'd have to check into that.

Mr. McLaughlin: Okay. That's right you just got back from vacation.

Mr. Benekos: Right.

Ms. Ross: Welcome back.

Mr. Benekos: Thank you.

Ms. Ross: Inaudible...

Mr. Held: Yea ...inaudible... we can - Mrs. Ross, you can hand that to me if...

Mr. Snyder: Thank you madam.

Mr. Osborne: Well you got one answer anyway.

Mr. Held: Thank you.

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

OLD BUSINESS:

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

Resolution No. 101-03 - Third 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: Chairman McLaughlin.

Mr. McLaughlin: This is the third and final reading for to get the Gas Light sanitary moving and after this will come a public hearing to see what our interest is still in that project so we can get it moving. And so this is the third and final reading for the council to get it going.

Mr. Snyder: I may point out also that this particular project is an assessed project.

Mr. McLaughlin: Right.

Mr. Snyder: This is not paid for by the city. It's paid for by the property owners. So this is money to put - that cost will be billed to the property tax or they'll be billed ... Any other comment on that? If not...

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

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

No: 0

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

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

No: 0

Ordinance No. 107-03 - Second 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: Chairman Osborne.

Mr. Osborne: Thank you Mr. President. Under our previous zoning code land uses permitted under General Business-B prohibited land uses such as drive throughs, car washes and gas stations. With the recent passage of the latest city's zoning code, this has somehow kind of slipped by council to where they were suddenly permitted uses, which were pretty much were identical to General Business-B. So this is just an attempt to return General Business-A districts to somewhat prior land use situation. The Planning Commission - I guess I should back up - I - I had recommended or urged the Planning Commission to return it a - the previous situation where they would not allow these kind of uses. The Planning Commission recommended making them a conditional use, which is a step in the right direction and provides some protection for the city residents. So that's what we have done. We've already voted the first reading on this and this will attempt to rectify what was I feel an oversight when the new zoning came into place. This will force a desired use of either like a drive through or a car wash, there will have to be a public hearing take place, public input and come before council before any of these uses in a General Business-A allowed. So it provides some additional protection and returns us somewhat back to the prior state of the older zoning code. If anybody has anything to add to that, otherwise that's all I have Mr. President.

Mrs. Magel: I'd just like to say it also would then involve notification of the public also prior to the meeting so they would know what was happening in their neighborhood.

Mr. Osborne: Well that's what I said, there would be public meetings and Planning Commission review. So it returns us to a safer level of protection than just outright approval for these kinds of uses that were previously outlawed in General Business-A. Thank you Mr. President.

Mr. Snyder: You're welcome.

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

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

No: 0

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

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

No: 0

Mr. Treadon: We on 110?

Ordinance No. 110-03 - Second 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 seeking these bids somewhat earlier than normal so that we can pass them through on a normal three readings. This is to renew the cleaning contract for the city's buildings. And if there'd be no questions on that ...

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

Mr. Snyder: At this time Chairman Lindower have you a motion?

Mr. Lindower: Yes, I'd like to amend the agenda to make the appointment of a new law director in place of Mr. Batista for the duration of his term. At this time I would like to recommend to the Council that we approve the appointment of Mr. Paul Pusateri.

Mr. Snyder: That is in the form of a nomination sir is that...

Mr. Treadon: I think you have to amend the agenda first and vote on that and then ...

Mr. Snyder: Inaudible... may I have a second to that amendment?

Mr. Foltz: Second.

Mr. Snyder: Will the Clerk call the roll?

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

Mr. Snyder: Alright and now the nomination is in order. Chairman Lindower, would you be kind enough to make that nomination?

Mrs. Bittle: Mr. President, do we still need a motion to suspend the rules for the committee report?

Mr. Snyder: Oh yes. Yes we have no - thank you Madam Clerk. We do need a motion to suspend the rules of council to allow movement without committee report.

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules of council** requiring a committee report. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. Snyder: Now it is in point of order to recommend a motion to - for the appointment?

Mr. Lindower: Yea, I would like to make the motion to recommend Mr. Paul Pusateri as the replacement for Mr. Batista for the duration of his term.

Mr. Treadon: I think you mean appoint.

Mr. Snyder: Yea.

Mr. Treadon: I think you said recommend. I think what you mean - want to do is appoint.

Mr. Lindower: Appoint, yes, correct. I'm sorry.

Mr. Treadon: Okay.

Mr. Snyder: Okay. Is there...

Mr. Lindower: To appoint Mr. Pusateri.

Mr. Snyder: Is there a second to that motion?

Mr. McLaughlin: So moved - second, sorry.
Mrs. Kiesling: Inaudible...

Mr. Snyder: Any further discussion?

Mr. Osborne: I'd like to make a few comments I guess. I think Mr. Pusateri will make a fine law director. As I mentioned in executive session in council here, I guess they were both equally qualified. I'd just like to say though that I still had a reservation. I thought Judge Lillie brought a lot of esteem to the city with his - the fact that he's got a PHD, that he instructs at Case Western as a professor, as a former judge. And there's no slight or anything against Mr. Pusateri. I intend to abstain. I don't have any objection and I don't intend to be negative or block - attempt to block that. I think he'll make a fine attorney for us.

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But that's the reason I lean toward - I thought the fact that someone of Mr. - Judge Lillie's background who would commute that distance brought a lot of prestige to the city. And I just wanted to explain that's why I will be abstaining on the vote.

Mr. Snyder: Mr. McLaughlin you have a comment?

Mr. McLaughlin: Yea, I have a comment on that. I kind of disagree with him. I - you know he does bring credentials, but there's very - there's quite a few fine lawyers in Stark County and I think we have one tonight that we're going to appoint. And I think that for two reasons, one it's easier going to be getting to somebody that's in Stark County, somebody that is reachful and also I think that he's got the background for it. He's done it with Waynesburg and a few others. And I think to be honest with you, in my opinion, I think he's a little bit more hungrier and I think he's going to be a go getter and I'm proud to have him aboard.

Unidentified: I'll agree.

Mr. Osborne: Well this is not meant to be anything negative.

Mr. McLaughlin: No, I know, I know...

Mr. Osborne: ... there didn't have to be a rebuttal. He's a fine attorney and we're blessed. I just had a preference for Judge Lillie with his PHD, his teaching credentials and his former judgeship. Nothing negative whatsoever.

Mr. McLaughlin: Okay.

Mr. Snyder: Inaudible... call the question please.

Mrs. Magel: I - I'd like to make a comment.

Mr. Snyder: Please.

Mrs. Magel: to Dave Lindower, who did a very good job.

Mr. McLaughlin: Yes.

Mrs. Magel: We took this very seriously, the committee as well as full council, and the head of the committee was Dave. And I think he did a wonderful job of getting the applicants - the quality applicants that we got and the interview process and you did a very admirable and professional job and I thank you.

Mr. Lindower: Thank you.

Mrs. Magel: This was important.

Mr. Snyder: And being no other discussion, may I call the question then please. Madam Clerk, please call the roll.

All members present voting:

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

Abstain: Osborne.

Mr. Snyder: Are we going to swear him in at this point or do we...

Mr. Treadon: You don't need to.

Mr. Snyder: We don't need to?

Mr. Treadon: No.

Mr. Snyder: It's an automatic appointment?

Mr. Treadon: Yes.

Mr. Snyder: Welcome Mr. Pusateri to the City of North Canton.

Mr. Pusateri: Thank you very much.

Mr. Snyder: There's about 37 opinions that need written there if you want ...inaudible...

Mrs. Magel: Hey, start on that one I just talked you about okay.

Mr. Snyder: Inaudible... get that knocked out if you would please. Thank you.

NEW BUSINESS:

11. Mr. McLaughlin moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 111-03. All members present voting:

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

No: 0

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Ordinance No. 111-03 - First Reading

Ordinance No. 111-03 authorizing the Director of Finance of the City of North Canton to make payment of a moral claim to Ronald Kintz in an amount not to exceed \$1,748.53 for reimbursement due to overpayment of utility bills and declaring the same to be an emergency.

Mr. Snyder: Chairman Osborne.

Mr. Osborne: Thank you Mr. President. This was discussed last week in committee and amongst the entire council. This comes with a recommendation from the Law Department. I believe they stated this was a fair and material fact in classifying this gentleman's single family residence as a multi family, on which he was billed in excess of the residential rate for many many years. And the gentleman no longer resides in the city so we will have to write a check. We will not be crediting any future utility expenses. And this comes with a recommendation of the Law Department and I presume the administration as well.

Mr. Held...

Mr. Held: I'm sorry...

Mr. Osborne: Recommendation for payment from the...

Mr. Held: Yea, that's what we sent over in the letter, yes.

Mr. Osborne: Thank you.

Mr. Treadon: Let me say that the Law Department did not recommend payment of this. What the Law Department does in the moral claim process is simply advise the administration whether we believe there's a legal obligation or not a legal obligation. If we believe there's not a legal obligation, then it goes to the council committee for determination as to whether a moral obligation exists. And that's what this is a moral obligation, not a legal obligation.

Mr. Osborne: Okay, I understand the clarification. I believe - I don't have the - all the letters that were written back and forth. I do recall reading that the Law Director, the former Law Director felt there was some legal basis here. And so that's all I was trying to pass on.

Mr. Snyder: Pursuant to request of the Council to the Director of Finance, she did check with the lead agent, which is the county on our sanitary, and I believe we've been paying a single rate from 2000 forward. Prior to that we were paying the duplex rate, which we will be reimbursed for that amount of money.

Mrs. Herr: Actually it's the other way around.

Mr. Snyder: Inaudible... whatever it was.

Mrs. Herr: In October they changed it and changed to the double rate. Prior to October of 2000 we were only paying the county for the single rate.

Mr. Snyder: Single rate.

Mrs. Herr: So we'll get...

Mr. Snyder: Three years of reimbursement.

Mrs. Herr: Yes.

Mr. Snyder: So the six that we are reimbursing him, three years will come back to us and the same with the trash hauler. So ...

Mr. Osborne: So the city was actually pocketing the difference here I guess.

Mr. Snyder: Well it goes into our...

Mr. Osborne: Is that what it boils down to?

Mrs. Herr: It goes into the sewer fund. I mean...

Mr. Snyder: Goes into the sewer fund.

Mr. Osborne: Yea, yea, okay.

Mrs. Herr: So...

Mr. Snyder: It stays there unless it's ordered out. That's ...inaudible...

Mr. Osborne: Well all the accounts get compensated and Mr. Kintz also comes out whole in this as well.

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

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Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 111-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 111-03. All members present voting:
Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 111-03. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz.
No: 0

12. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 112-03. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

Mr. Snyder: 112.

Ordinance No. 112-03 - First Reading

Ordinance No. 112-03 authorizing the Director of Finance of the City of North Canton to make payment of a moral claim to JoAnn Stokes in an amount not to exceed \$190.00 for reimbursement for lawn repair and declaring the same to be an emergency.

Mr. Snyder: Chairman Osborne.

Mr. Osborne: Thank you Mr. President. This here is another moral claim. And normally I don't think the council would be so generous in following through with this reimbursement, but this reimbursement has kind of a history where the home owner went through an extended period of time and suffered some damages from flooding as a result of the contractor who failed to hook up her downspouts and they had to diagnosis the cause themselves, which they ultimately found out after about a year. The contractor came back and hooked up the downspouts correctly this time. But there was a great delay in clearing up the - doing the lawn repair. And she went ahead and had the repairs made and she's requesting the city compensate her for the lawn repair for \$190.00.

Mr. Snyder: Okay. Mr. McLaughlin, have you any comments since that's your constituent? Inaudible... that's fine then...

Mr. McLaughlin: No, I think we - I'd like to get it on and get it paid as quick as we can.

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

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt the first reading** of Ordinance No. 112-03. 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. 112-03. All members present voting:
Yes: McLaughlin, Osborne, Snyder, Foltz, Kiesling, Lindower and Magel.
No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 112-03. All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

13. Mr. McLaughlin moved and Mrs. Kiesling seconded to **read by title only, first reading** of Resolution No. 113-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mrs. Kiesling: Inaudible... okay?

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Resolution No. 113-03 - First Reading

WHEREAS, the General Membership of the Stark Council of Governments (SCOG) has adopted an alternative method for apportioning the 2000-2009 funds (the "Alternative Method") in lieu of the method of apportioning the Stark County Undivided Local Government Fund and the Stark County Undivided Local Government Revenue Assistance Fund (collectively, the "Funds") as provided in Chapter 5747 of the Ohio Revised Code by an agreement entitled "Alternative Method for Apportioning the Stark County Undivided Local Government Fund and the Stark County Undivided Local Government Revenue Assistance Fund Pursuant to Sections 5747.58 and 5747.63 of the Ohio Revised Code", which Agreement was executed in 1999 (hereinafter "Agreement").

Mr. Treadon: The resolution goes on and that isn't really a title, but it is for the purposes of the record an emergency resolution, which will go into effect upon the signature of the Mayor.

Mr. Snyder: Okay. Thank you Mr. Treadon. As he pointed out we're going to - we are a participant in the Council of Governments. We do have a voting member that sits on that committee. It is funded by the county. I believe it's going to seven percent - seven and a half percent. Is that right?

Mrs. Herr Seven percent for 2004 and then...

Mr. Treadon: Inaudible...

Mrs. Herr: seven and a half for 2005.

Mr. Snyder: Inaudible... we talked about it last week. So if there are not other questions...

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the first reading** of Resolution No. 113-04. All members present voting:

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

No: 0

Mrs. Magel moved and Mr. McLaughlin seconded to **suspend the rules** for Resolution No. 113-04. All members present voting:

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

No: 0

Mrs. Magel moved and Mr. McLaughlin seconded to **adopt under suspension of the rules** Resolution No. 113-04. All members present voting:

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

No: 0

14. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 114-03. All members present voting:

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

No: 0

Ordinance No. 114-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for the design phase of the Bel Air and Valley View project and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, as council is aware there has been an outcry from the residents and during public speaks as to the quality of water. The Ward 1 councilman has responded. And what we're doing here is the professional services only at this point. We're going to engineer the project at Bel Air and Valley View so that we'll have a running start as we pass the new budget in the year 2004 to get the new waterlines. And perhaps you know whatever ...inaudible... we can move the project forward. So I'd ask this to be on an emergency basis please.

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

Mr. Osborne moved and Mr. McLaughlin seconded to **adopt the first reading** of Ordinance No. 114-03. All members present voting:

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

No: 0

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Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 114-03.
All members present voting:
Yes: Osborne, Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules**
Ordinance No. 114-03. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Mr. Snyder: May I have a motion to read by title only, the first reading of Ordinance No. 115-03?

15. Mr. McLaughlin: So moved.

Mr. Osborne: Mr. President, may I interject something here? Would it be appropriate to ask Mr. Pusateri now to come and take his seat since he's now the law...

Mr. Snyder: He's more than welcome to if he'd like to.

Mr. Pusateri: I'll decline.

Mr. Osborne: I mean...

Mr. Treadon: It's been a struggle Paul, but I'll finish the evening.

Mr. Osborne: I may not of voted for him but at least I'm pulling for you.

Mr. Pusateri: Thank you.

Mr. McLaughlin: Tom, you haven't seen the signals yet for a pitching change yet.

Mr. Snyder: Inaudible... read...

Mr. Treadon: Where are we 115?
Mr. Snyder: 115.

Mrs. Bittle: No, excuse me, we need a second yet...

Mrs. Kiesling: We got to vote.
Mr. Snyder: Oh, we did get a second?
Mrs. Bittle a second - we didn't get a second and we need to call the ...

Mr. Foltz: Second.

Mr. Snyder: And now we need a vote. Excuse me...

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

Mr. Snyder: Now Mr. Treadon...

Ordinance No. 115-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement for the evaluation of the culverts along the Zimmer Ditch and declaring the same to be an emergency.

Mr. Snyder: Mr. McLaughlin, may I have a comment prior to your report.
Mr. McLaughlin: Go ahead.

Mr. Snyder: Thank you very much. As most of you are aware, last Thursday evening we had a meeting with the residents of the area known as the Zimmer Ditch area.

Mr. Osborne: Wasn't that Wednesday?

Mr. Snyder: Wednesday, I'm sorry, you're right. Thank you. Wednesday - this past Wednesday and we had one in August. After very calmly discussing these issues with the residents, they feel very strongly, and I as their representative, their immediate representative to the council. They feel very strongly on the fact that the culvert that is at the Everhard Road railroad area needs to be studied by itself and sooner than later. As well as I think the culverts - the other five remaining

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culverts that follow up to 77. We discussed - Director Held was there representing the administration, the three county commissioners were there and truthfully I don't think gave us any real quick guidance. They seemed to say the problem lies with the city. And it was the hydrologist, Mr. Chris Barnes, from the county suggesting that the study needs to be done. However, it's my recollection, Chairman McLaughlin, that prior to spending this 75,000, which I think we should do in ... but I believe the fund has \$220,000.00 in it. I would like to possibly - if it's permitted, to amend this legislation, that study and engineering be done on the Everhard Road culvert. I cannot tell you how strongly the residents of that area, some 265 I believe, live immediately - that their property is in peril to a flood of that Zimber. They tell me, and again I'm only basing - I'm not an engineer, that dredging the ditch, which would take some bureaucracy to get done, is not the immediate answer to the problem. However, relieving the water that does collect at Everhard, can possibly give them some type of relief and I would like to - I would like to recommend that change at this particular time.

Mr. Osborne: Mr. President...

Mr. McLaughlin: Can...

Mr. Osborne: okay, we are studying all six culverts. Do you not mean start the design on ...

Mr. Snyder: Of the ones on - also - start ...inaudible...

Mr. Osborne: On Everhard and the...

Mr. Snyder: Yes sir, I...

Mr. Osborne: the railroad. Okay.

Mr. Snyder: That's exactly - yes sir, ...

Mr. Osborne: You meant the design. Okay.

Mr. Snyder: Yes sir. I'm sorry, I stand corrected there.

Mrs. Kiesling: Engineering design.

Mr. McLaughlin: Should we not go ahead and pass this legislation and put it on for next Monday night a separate piece of legislation for that?

Mr. Snyder: I don't think at this particular time Mr. McLaughlin that we really can enjoy the convenience of waiting any longer. And there are 4, 5 of the residents, they're sitting there in the audience and I really think that they expect nothing else but that. I'm not speaking - I cannot...

Mr. McLaughlin: Yea...

Mr. Snyder: I'm only telling you the message I was told.

Mr. McLaughlin: The only thing I'm afraid of is - I have no problem with that and I'd like to do it too, but I'd like us to you know - I think we need to know a little bit of cost of everything else. I know there's money in there, but I'd like to hear without the you know - in a committee meeting from the Engineer his comments or whatever. And I have no problem after next Monday night passing on emergency another piece of legislation that addresses that. But I'd like to have the Engineer, and I know he's just come back from vacation and I know he's not prepared. So I - that's why I'm only asking that if you'd be so kind to let me put it on for next Monday night.

Mr. Snyder: I have no problem with ...

Mr. Osborne: May I say something here, please? I'm quite familiar with that Zimber Ditch study. I talked about it in council here April of last year. I've looked it over very closely; not recently. But the culvert that's planned there at Everhard is a massive box culvert. It's designed to handle all of the flows that are finally accumulated to that point. This thing is not designed as glove fit. It's a massive structure that will accommodate a massive flow of water. And there's no reason to delay. I'd like to see the design study as Mr. Snyder has asked for, get in there. You're not talking big money. They already know basically the size of the culvert - what belongs in there. It's like a 100 x 80 foot box culvert. And I'd like to see that - the initial design gone ahead and they can fine tune what that crossing is going to cost as well as the one under the railroad tracks. Those are the two biggest bottlenecks in that whole drainage system...

Mr. McLaughlin: And I ...

Mr. Osborne: Mr. McLaughlin, I would like to see us, and I would join with Mr. Snyder...

Unidentified: That'll be the first ...inaudible...

Mr. Osborne: there's - we have 220,000...

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Mr. Snyder: That's two histories in one night, that's unusual.

Mr. McLaughlin: That'd be the first time.

Mr. Osborne: 220,000. You're actually going to be studying the Everhard crossing, as well as the railroad crossing, as well as the four remaining culverts. They're minor in this big picture. It's Everhard and it's the railroad crossing, because the Zimber makes an "s" turn there, they're multiple pass and they're obstructed. I've walked that a dozen times. And 220,000 will cover, I'm sure, and if not we can come back with some emergency funding to start the design on Everhard and the railroad crossing...

Mrs. Kiesling: I agree.

Mr. Osborne: along with a study of the rest of the drainage system. So I would join Mr. Snyder on that.

Mr. Snyder: Chairman McLaughlin ...inaudible... comments Mr. Foltz ...inaudible...

Mr. McLaughlin: Can I make a comment before he does real quickly?

Mr. Snyder: Please. Sure, go right ahead.

Mr. McLaughlin: I've got to turn it over to Mr. Benekos and I've to say, hey, you know I know you're coming in on the end part of it. And that's why, you know I have no problem with it, but I want to make sure you're comfortable with it coming back. You weren't at the meeting I know. I thought maybe by holding it over till next Monday night that you'd have a chance to look it over. I have no problem with it either, but you're the engineer bud.

Mr. Benekos: I appreciate that but you can ask Julie, if you give me the money I'll spend it.

Mr. McLaughlin: You must of been in Vegas.

Mr. Benekos: No, what I intended to do was do the preliminary design of each of those culverts to do the initial phase of those before coming back and asking for the funds to actually do the final design on them or any one of them. But we can proceed with that. I don't know you know exactly what the numbers will be, but I can get that and work with this. If we need more we'll come back to council. If it's too much, then we won't spend it.

Mr. McLaughlin: Do you want ...

Mr. Osborne: We have \$50,000.00 we're not spending ...

Mr. McLaughlin: Excuse me...

Mr. Osborne: on that community sign. We've got 10,000 for a sound system that's not going to be spent in here.

Mr. McLaughlin: Inaudible...

Mr. Osborne: We have 375,000 over at the YMCA we're not spending...

Mr. McLaughlin: Yea, I know. I know Chuck, but you're a little out of order, I'm not done talking to him first. Second of all is don't start earmarking the YMCA when I've got a gentleman out there that needs to start something on Knoll Street and everything else that's got major flooding in my area too.

Mr. Osborne: I'm saying there's ample funds...

Mr. McLaughlin: Inaudible... Mr. Benekos...

Mr. Osborne: there's ample funds.

Mr. McLaughlin: back to you.

Mr. Benekos: Yea.

Mr. McLaughlin: What would you want to do? Would you want to go amend that from 75 to what?

Mr. Benekos: For whatever - whatever's in the fund. I'm willing to...

Mrs. Kiesling: 220...

Mr. McLaughlin: Well...

Mr. Benekos: look at it and do as much as we can.

Mr. McLaughlin: Well, how about if we do it this way, amend it to show...

Mrs. Kiesling: The full fund.

Mr. McLaughlin: let's show a 175 thousand and then we can always come back and then let's add another hundred thousand on that and then we can always come back for more.

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Mrs. Kiesling: Just give ...inaudible... all.

Mr. Benekos: I mean if you put it in the fund you know and authorize it now...

Mrs. Kiesling: Inaudible...

Mr. Benekos: You know that's all the more we can do. But...

Mr. Osborne: Mr. McLaughlin, you've got the 50,000 for the community sign...

Mrs. Kiesling: I would like...

Mr. Osborne: That's more than ample for the Knoll drainage project.

Mr. Benekos: Well these funds were appropriated for the Zimber Ditch.

Mrs. Kiesling: Yes, yes.

Mr. McLaughlin: Yea, for the Zimber Ditch.

Mr. Benekos: So they are in fund...

Mrs. Kiesling: I say we just fund the whole...inaudible...

Mr. Snyder: Chairman McLaughlin, my thought process and I appreciate your leniency in allowing me to speak out of order. My thought process is this, I think if we have a design - as you know, that between the administration, which is very much in favor of moving ahead on the Zimber, along with the residents and ourselves, if we can apply pressure to the county commissioners, that if there is funding from the federal government, that he told you the people that are standing there ready to get on the bus are going to get a ride. If you're not ready to get on the bus you're not going to get - if we don't have the design and the study to hand to them, the federal government will not give us the money that we need to do that. Am I correct in that Mr. Held?

Mr. Held: That's the read that we have from the county. That's correct...

Mr. Snyder: And I think we've really unfortunately, and you know yourself we've moved that 200 it was at one time 300, we've moved it back and forth and I think it's surely time that I would ask you to please support my endeavors and step up and pay \$220,000.00. Let's give the administration the tools that they need and let's begin to address that situation. I mean it's - as you know and I - and you know that people...

Mr. McLaughlin: Oh I've been there, yea...

Mr. Snyder: I represent there, I have no choice but to do that. That's my obligation. And I kind of want to fight diligently for the 220,000.

Mr. McLaughlin: Okay.

Mr. Snyder: So I'd ask you to please consider appropriating the full 220,000.

Mr. McLaughlin: We will amend it and do that. I have no problem. But I just wanted to bring him up to date to see if he's comfortable with that. And you know I know it was sprung on me at the last minute just now...

Mr. Snyder: Well I know I just...

Mr. McLaughlin: and I know. And I didn't want to get him in a bind because he's coming back and I - he wasn't at the meeting. So I...

Mr. Snyder: I don't think I can take another one of them meetings there...

Mr. McLaughlin: Oh yea you could. You did pretty good.

Mr. Foltz: Rick, just...

Mr. McLaughlin: Mr. Foltz.

Mr. Osborne: Tomatoes were flying.

Mr. Foltz: Yea Rick, just...

Mr. Snyder: Inaudible... Foltz...

Mr. Foltz: Obviously Jim Benekos' involvement is critical to this. You know he's the engineer. No one here is qualified as an engineer..

Mr. McLaughlin: Right.

Mr. Foltz: on council, last time I checked. And the second thing, I'm glad you brought it up President Snyder, is that we need a commitment from the county. I don't want this to go we designed it now we're going to take care of it. I don't think that's fair to our residents because we have other projects going on.

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I don't mean to slight the people that the Zimmer Ditch affects. You know I went on and on last week, if you remember about the water situation with ..., 77, the parks, the Zimmer and the other ditch that we have on the - and the creek on the other side of town. So as long as the parameters that we're doing this through involves the county becoming a partner with us, a major partner, not a 10 percent 90 percent deal where we're funding the entire thing, that is not our responsibility. I believe the culverts are not our responsibility. So the county needs to step up and take care of this for us. To me it's no different than saying we're responsible for the drainage on 77. That's not our responsibility either. So they need to be fair in this process. And if that moves this along I'm all for it, but not for spending any more money than we have to, because they're legally required to do so.

Mr. Snyder: Mr. Foltz...

Mrs. Kiesling: We need to clarify something.

Mr. Snyder: Commissioner Regula's statement and those of you in attendance please correct me cause sometimes I have a tendency to exaggerate a little bit, but his statement was that his father said to him, moving along he would help him hand and glove with probably financing anything that is engineered as the city's share of the project. And relative to the 177, you were right on point, that was brought up by not only the people in the audience, but by the county engineers themselves, of the impact of 177, the widening and ODOT is now studying that for their share. The county does like to hide behind the fact they don't have money. But the administration has told me that you know they'll drive this thing as far as we want them to do it relative to the county's participation. But without an engineered project ready to go, to be very honest with you they just simply said we won't get priority funding from the federal government. And I think the estimate on that culvert, the one along Everhard is...

Mr. Held: One million dollars.

Mr. Snyder: 1.5 or something.

Mr. Osborne: 1.4, 1.8 I think.

Mr. Held: There's...

Mr. Benekos: The initial estimate, and that was maybe five years ago...

Mr. Snyder: Four to five ...

Mr. Benekos: Correct.

Mr. Snyder: So it's going to be probably a million and a half to two million dollar just the one culvert alone. So it's critical that we are in line with our engineering and we're ready to move forward with it that we can get the help of Representative Regula and the County Commissioners.

Mr. McLaughlin: One - oh I'm sorry.

Mrs. Magel: I'd just like to make a comment. We're turning this into - I agree with Rick, this is not the proper procedure. We have just stopped this meeting of a council meeting and made it a council of the whole meeting. We need to have disciplined ourselves and if we wanted 220,000, council should of been not told and sprung on like we were just right now. However, I was at that meeting and I do agree ... everything that was said. Councilman Regula said if it's - I think he held up an engineering and he said thee who is ready will get the money. And he told us to get our ducks up - ducks lined up and get those - further investigate those culverts and naturally we want that engineered. But as far as procedure wise, this should not of been sprung on us.

Mr. Osborne: Well I don't think we're springing it on anybody here. We have to be prepared. Just like Mr. Snyder says, we're going to have to get our numbers, crunch the numbers and be up front in line with specifics so the government feels comfortable knowing that the money has been accurately ...

Mrs. Magel: And we ...inaudible...this at a council of the whole meeting ...inaudible... on the agenda.

Mr. Osborne: I'm sorry, may I finish Mrs. Magel? So the government knows that this has been thoroughly studied, they have accurate figures and the budget process can start for us. Even if we start our engineering and make our requests, I'm sure you're looking at least two and a half, three, four years before any funding will come. And the feds or the state or the county, they're not going to pay 90 percent of this, it's a matching and that's what Commissioner Regula said, they will match. And we must show an interest in our own problems or they're not going to care about our problems. So I'd like you - of all the times you have always followed this President of this Council, please follow this gentleman now, because he is right.

Mrs. Kiesling: I agree ...inaudible... I'd just like to say I think you know in the times of need we need to be flexible. And the meeting with the residents was last Wednesday night after our council of the whole. So I have no problem amending the agenda and funding the whole project and if you have to come back for more that's not a problem either. And hopefully we'll get in the - even more money in the budget for next year to do all the culverts. But I also want to clarify Doug - the residents out here were going to say something to you. As far as the county they made it very clear that they are not responsible for the Zimmer Ditch. That back in '57 a law was passed that they had - the county had to maintain all ditches,

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but only ditches that they built from '57 on. All of these ditches were already dug. So they are not legally responsible to maintain the Zimber Ditch or any of their retention basins that we have in our area. They are willing to help us as a whole as far as with Green and Plain and Jackson and Canton hopefully. But they are not legally responsible to maintain these ditches and I believe that's what they were going to say to you. He made it very clear, he said that that has been a misconception for many years.

Mr. Foltz: Yea, that's news to me.

Mrs. Kiesling: It was news to all of us.

Mr. Foltz: I think we should research that with the new Law Director also. I mean I'm ...

Mrs. Kiesling: There you go Paul, there's another one.

Mr. McLaughlin: Alright.

Mr. Foltz: I mean I'm not just going to take some you know - we want to get to the nuts and bolts...

Mrs. Magel: Do we have the wording - the new wording for this?

Mr. Foltz: of this because this has been going on for years.

Mr. Snyder: Pardon me.

Mrs. Magel: Do you have the new wording for this?

Mr. Snyder: New wording?

Mrs. Magel: Yea.

Mr. McLaughlin: No.

Mr. Snyder: No, only on the - I think I will - I'll defer this.

Mrs. Kiesling: So yes...

Mr. McLaughlin: You can amend...

Mr. Treadon: Is there a motion to amend?

Mr. McLaughlin: No, I...

Mr. Osborne: Yes, I will make a motion.

Mr. McLaughlin: Before we do that I have one last comment and I'm going to say it. First like I say, being caught off surprise I have no problem doing this. But just remember, there's two ditches in town, you've got the Zimber and the Nimishillen. We're addressing the Zimber because it's a more precedent than the Nimishillen, but I don't want the Nimishillen to be forgotten about. There's still major flooding there, there's still problems with housing getting under water and everything else like that. So I'd like to see sometime next year that that being addressed on the Nimishillen.

Mrs. Kiesling: I think it should be a line item in the budget.

Mr. McLaughlin: Right.

Mr. Lindower: Inaudible...

Mr. McLaughlin: With that in mind I will amend Ordinance No. 115-03 and for - to read from 75 to 220,000.

Mr. Osborne: Thank you Mr. McLaughlin.

Mr. Treadon: Is that a motion?

Mr. McLaughlin: That's a motion.

Mr. Osborne: Second. The public is not interested in process, they want action.

Mrs. Bittle: I have just one question before we call the roll.

Mr. Foltz: That's unbelievable.

Mr. Snyder: We had a motion on it originally.

Mr. Treadon: We read that we...

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Mayor Rice: Jon...

Mrs. Bittle: What will the language be for this legislation?

Mr. Treadon: All we're doing is changing the amount.

Mrs. Bittle: Okay, we're not going to say anything specific about the ...

Mr. Osborne: About design...

Mrs. Kiesling: Evaluation and...

Mayor Rice: You've got to change the...

Mr. Benekos: Evaluation and design.

Mr. Osborne: Study and design specifically of Everhard and ...

Mr. Treadon: Do you have an ordinance?

Mrs. Magel: See this is something we never do..

Mr. McLaughlin: Yea I know. It's something that - that's why I said I didn't want to do it. And I you know agree with it, but I wanted to hold it off...

Mr. Foltz: I agree. I think we all can agree with it. I think there needs to be a procedure here. And I don't have problem voting for the original and coming back to committee and passing it in two weeks on emergency. That - it's just - you know I think we needed some - a little bit more information than ...inaudible... in Ordinance you know 115 and let's change it.

Mr. Osborne: Mr. McLaughlin this line item has been in the budget for years and years and years and the money just gets rolled over into the next year.

Mr. McLaughlin: And Mr. Osborne I remember you when the budget came out was screaming and hollering about every - I remember you screaming about this and everything else, but I'm not argue about it.

Mr. Treadon: Inaudible... and design of culverts.

Mr. Snyder: Well actually what we're simply doing is going - we're studying the culverts...

Mr. McLaughlin: Right.

Mr. Snyder: we're just design - engineering the Everhard Road culvert. That's the only additional portion to the ...

Mr. Benekos: Well you may want to look at Everhard, you have a bridge - a railroad bridge and a road bridge or culverts. Further north along the railroad you have another railroad culvert, then you have the ditch that connects those two. That whole area needs to be looked at in conjunction to determine you know do you need to design it all at once and build it all once, because you need to coordinate with the railroad also. You take the one railroad culvert out, you don't want to come back two years and take it out again. So you have to look at it all. We want to evaluate it all. It's still going to be a two step process. We're going to evaluate the culverts there and determine you know the methods of construction, the type of design and so forth, do the preliminary design and then once that's done, based on that, then we'll come back and actually do the design. So even if you authorize all the funds now, I'm still going to do it in this two step process. It...

Mr. Osborne: Oh you're take more funds. So let's give them all the funds they need and...

Mrs. Magel: Whatever it's for.

Mr. Osborne: The 220 has already been budgeted anyway. Just authorize the full budgeted amount.

Mr. McLaughlin: Well you're - boy I tell you what. When it's election year you change. All of sudden you want to tighten the belt - tighten the belt. Now it's give give give in the last three to four weeks.

Mr. Osborne: I wasn't going to waste it on this...

Mr. McLaughlin: Inaudible... election really brings the best out in you.

Mr. Osborne: I wasn't going to waste it on a community sign out front.

Mr. McLaughlin: Alright, Mr...

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Mr. Snyder: Okay gentlemen, now we have a motion and a second on the floor. Is there any other discussion?

Mr. McLaughlin: No.

Mr. Snyder: Call the question please.

Mr. Treadon: To respond - excuse me for interrupting, but to respond to the Clerk's question, the language should be changed if I could to, in the title, evaluate and design of the culverts. Section 1 should be changed to evaluation and design of the culverts and the emergency provision should say evaluation and design of the culverts. And the other change would be changing the Section 2 from 75,000 to 220,000. Is that your motion?

Mr. McLaughlin: That's my motion, sir.

Mr. Osborne: Second.

All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to suspend the rules for Ordinance No. 115-03?

Mr. Foltz: No, never again.

Mr. McLaughlin: So moved.

Mr. Osborne: Second.

Mrs. Bittle: Excuse me. We have to have to a motion to adopt as amended.

Mr. Snyder: Oh yes mam, I'm sorry. I was thrilled to get the motion ...inaudible... I was moving ahead there without ...inaudible... I apologize.

Mr. McLaughlin: You were worried because that's the second time he agreed with you, that's why. He shook you up.

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt, as amended, first reading of Ordinance No. 115-03.** All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **suspend the rules, as amended,** for Ordinance No. 115-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules, as amended,** Ordinance No. 115-03. All members present voting:

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

No: 0

Mr. Snyder: You know we should only meet once every two years just before the election. We could pass everything ...inaudible...

Mrs. Magel: No procedures, no wording...

Mr. Snyder: Just go right through it.

16. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 116-03. All members present voting:

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

No: 0

Ordinance No. 116-03 - First Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional service agreement to develop a sanitary sewer model and provide flow monitoring and analysis and declaring the same to be an emergency.

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Mr. McLaughlin: This is what we talked about last week. We have \$135.00 in for the maintenance of the facilities and also professional services to study the flow and analysis of it and see where we can make some corrections or deletions in it in our system.

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

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 116-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 116-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 116-03. All members present voting:

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

No: 0

17. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, first reading** of Ordinance No. 117-03. All members present voting:

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

No: 0

Ordinance No. 117-03 - First Reading

Ordinance No. 117-03 amending Section 3. of Ordinance No. 87-03 by an increase of \$15,000.00 in the amount appropriated for a professional service contract for legal consulting services during negotiations with collective bargaining units and declaring the same to be an emergency.

Mr. Snyder: As I pointed out to you last week the - our initial request from the administration was \$15,000.00. And then prior to the actual beginning of the negotiations, the majority of that money was spent just actually addressing the language of the different agreements so that they're all the same, they're uniform, that everything applies uniformly to each bargaining unit. There was a lot of ambiguity in the actual contracts, some had certain things, now they're all identical. They were all cleaned up, they all meet present your guidelines ... federal guidelines, state and local guidelines. The request is for - excuse me, 18 was the original, the request is for an additional \$15,000.00, which should be more than enough to finish the remaining bargaining units. It will collectively bring it to about \$33,000.00. But the agreements will be that that they can be interpreted and acted upon fairly uniformly by the Director of Administration. So if there's no questions on that or if there is I'd try to entertain or the administration will entertain. If not...

Mr. Osborne moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 117-03. 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. 117-03. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Osborne seconded to **adopt under suspension of the rules** Ordinance No. 117-03. All members present voting:

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

No: 0

REPORTS:

Mr. Snyder: Assistant Director of Law any report?

Mr. Treadon: Yea, three things actually. First of all, contrary to Mrs. Magel, with all due respect, it is not inappropriate for Council to amend legislation on the floor. Although it doesn't happen all that often it is an appropriate procedure. And you may not like it, but it is lawful and it is appropriate. Number two, the personnel committee had a request for legislation concerning combining the EMS and Fire Department. And Chuck, I think Mary Louise talked to you about

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that. I've asked that Chief Bacon provide me with his thoughts on consolidating those two sections, I think it's Chapter 135 and 153 of the Ohio or the administrative code of the city, to combine those and to make certain we have everything he needs in there before we draft the legislation. So there's really no major emergency, but I just wanted to have some time to converse with Chief Bacon about the issues and that change, so we only have to do it one time. Thirdly, I'd like to welcome Paul to his new position here as law director. I'm going to be here until the end of your terms, which would be the end of November. I don't know when you take office again. Or those of you who will be taking office. The end of November is when I will be leaving and you'll be getting a letter from me to that effect. But I'd like to welcome Paul. I don't know Paul that well, but I do know many of his colleagues and he comes highly recommended. I think you've made a good choice amongst a number of good candidates, one of whom was a partner of mine who I submitted his resume and I know he's good. So if Paul was chosen over him I know Paul is going to do a good job. And Mr. Osborne I must say you never cease to amaze me. I think it was in poor taste for you to make a comment. And recognizing that council is ... or six of your members have voted to retain and appoint Mr. Pusateri as law director, your comments concerning your dissent from that serve no purpose and frankly is an embarrassment to me and to this council I would think. I think once the voting is done Council should stand together with the decision of Council and not grandstand. I presume that's what you were doing, to what end I am not sure. So I must say I thought it was in poor taste, which is consistent with your performance I think over the last many months. Thank you Mr. President.

Mr. Snyder: You're welcome sir. Thank you. Director Herr.
Mrs. Herr: No report.

Mr. Snyder: Mr. Held.

Mr. Held: Yes, I'd like to first off welcome Paul Pusateri. Look forward to working with him. I think he's an excellent choice that the council has made. I know we had a number of applicants that were very well qualified for this position. I know that it wasn't an easy process to go through. Councilman Lindower did a very thorough job and was very diligent in looking at all the applicants, especially considering the time constraints that we were working under. But I'd like to welcome Paul. Look forward to working with you. And we have plenty of issues to catch up on. So let's start tonight ...inaudible...

Mr. Snyder: Mr. Mayor.

Mayor Rice: No report other than I would echo David's. Paul, welcome to the city. I know in a very short time you'll be sick and tired of hearing from David, but a - as Roy can attest to - but welcome. We look forward to working with you, we hear great things about you and know we've got a great law director to work with.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: Yea, I have the status report for the Water Treatment Plant for September ...inaudible... passing out - there's a copy for everyone. Also, a reminder to council, Planning Commission has requested anybody that is interested to discuss the open space requirements, their meeting is Wednesday night and they value your input on that. And then also, the street priorities list, project priorities list that I asked the ward councilmen if I could get that. We're putting together the budget for next year and we could use those. And that's all I...

Mr. Snyder: There was so many pages mine might take a couple of weeks.

Mr. Benekos: You had a lot - Ward 4.

Mr. Snyder: Thank you. The one question I have basically is to the Mayor. If it could work out prior to the weather changing and I don't know the condition of the surrounding area of the Water Treatment Plant, but if you would be good enough to host us possibly 45 minutes previous to a council meeting some time in the near future ...inaudible... Because I don't know if it's a safe situation or not that we could go down there and actually see what's actually going on down there. If that could be worked out. And if Mr. Pusateri would like to come along and see what he'll be defending in the near future. So if that could work out I'd would appreciate that ...inaudible... It doesn't make a difference, most council could probably get there by six and ... could probably get down there and look at it. If you could do that I'd appreciate it.

Mr. Held: Yea.

Mr. Snyder: Madam Clerk, you have comment?

Mrs. Bittle: I have no report except to welcome Paul - looking forward to it.

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Mr. Snyder: Member Foltz.

Mr. Foltz: Yea, just to echo everyone's statements here tonight. Paul, looking forward to sharing our Monday nights together up here as professionals. And hopefully we haven't scared you away at any point yet tonight with some of our pointed comments. But and just to follow up, I think everyone is for doing what we can for the Zimber Ditch and the residents. I just - and Rick and Jon take it for what it's worth, I just wanted more of a professional courtesy if we were going to change that, just to have a little bit more information ahead of time, that's all. I mean it's kind of - we don't obviously not want to support it, but it's just a matter of just sharing and communicating about we intend to do after that meeting, which I didn't attend last week. So just take that for what it's worth. Thank you.

Mr. Snyder: Member Lindower.

Mr. Lindower: I'd also like to share the rest of the council members' welcome for Paul. Obviously there are several issues and I think he's become aware of a few more of them that are at stake right now that he's going to have to go to work on. Also, Mr. Treadon, in your conversation with Chief Bacon, is there any conflict between 153 and 135, the possibility of collective bargaining conflicts at all in the way they stand now? I think both...

Mr. Treadon: They're separate bargaining units now.

Mr. Lindower: Yea. I think that's something that needs to be considered so we don't get in...

Mr. Held: We are going to have the labor attorney review that combination of the two - those two areas, which the Chief has already completed. And we're going to have the labor attorney look at that and make sure that it aligns with the contract for the fire and EMS.

Mr. Treadon: Yea that would be untenable situation if you had two bargaining units in one department.

Mr. Lindower: Right. I think under the current setup they're probably operating under two separate agreements and I didn't know if there'd be some sort of a conflict there at this time or not. So it's just to bring you up on that Tom.

Mr. Treadon: Well as long as that's going to be taken into consideration.

Mr. Held: That's correct. We're not going to proceed with that until we bring the fire and EMS together in one collective bargaining unit.

Mr. Lindower: Okay. Thanks. That's all I have.

Mr. Held: Thank you Dave.

Mr. Snyder: Thank you. Mr. McLaughlin.

Mr. McLaughlin: I'd like to welcome the new law director - be a great asset. I know you're going to have a lot of time to put in - see what ...inaudible... can do. I also agree with Doug, if you wanted that change I would of wished you would of picked up the phone tonight before the meeting and called me. Had you talked to administration, I am the water, sewer and rubbish chairperson, it would of been nice to had a phone call to say Rick, I do want to make a change, rather than doing it on the floor of council - it would of been nice. Second of all, is the paving program. David, where we at with that? We still got some streets that are still undone after - two weeks ago I talked to you about a couple of them, they're still not paved.

Mr. Held: East Maple?

Mr. McLaughlin: I haven't checked that - I haven't - did not check that today. Schneider Road...
Mr. Foltz: Schneider.

Mr. McLaughlin: still isn't. Is East Maple paved?

Mr. Held: Yes.

Mr. McLaughlin: Good boy, good boy.

Mrs. Magel: Yea ...inaudible... it was when I drove up.

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Mr. McLaughlin: I did not check it tonight. But Schneider and everything else is still unpaved and everything else like that. The alley behind the Goodwill store, we talked about that with the big holes and everything else like that. I'm hoping we're going to do something with that.

Mr. Benekos: It's a 4 inch waterline. We'll replace the waterline next year and repave the street next year - the alley. We've looked at it.

Mr. Foltz: There you go.

Mr. McLaughlin: Okay.

Mrs. Magel: They looked at it.

Mr. McLaughlin: No problem. I was just wondering what was going on.

Mr. Benekos: Yea.

Mr. McLaughlin: That's good. You got a memo from me today about Abbeyshire, about the gentleman being out of town and - Okay. And also did we get a letter back from the state on the mines yet on McKinley Avenue?

Mr. Benekos: No we have not.

Mr. McLaughlin: We have not.

Mr. Benekos: No, we...

Mr. McLaughlin: I called last week and he said he had something prepared and it was coming up. And the residents would like to see that letter.

Mr. Benekos: I would too.

Mr. McLaughlin: I figured you would. That's why I thought I'd ask. But I kind of - I want to take it easy on you, I know you're just coming back from vacation and everything else like that.

Mr. Benekos: Thanks. This is easy?

Mr. McLaughlin: And also my last comment - my last comments. Because I know I'm going to hit him about 60 times this week.

Mr. Foltz: He's ready for another vacation.

Mr. McLaughlin: My last comment are still on Knoll Avenue - Knoll Street. Have we come up with anything - is there anything else we can do to start that engineering on Knoll? Is there any money that we can come up with at all?

Mrs. Herr: Well I mean there is money that is available, but again it's a determination of looking at next year what our needs are for next year.

Mr. McLaughlin: But I'd like to see us come up with something now to start designing that. Jim and I were talking about that before he went on vacation. He sent it over. I'd like to see what we can do about getting I think it was like \$89,000.00, was it Jim? For the...

Mr. Benekos: I believe so.

Mr. McLaughlin: And I - I mean I've been down there with Larry. I mean and I'll tell you what, he's definitely right, we're going to have some problems with mosquitos. We have in the past. It's getting worse. It's not getting any better. The gentleman in front of him has blocked up a dam that area in front of him, it's making it worse. And now I see over the weekend that a gentleman on East Hill has got the property up for sale or part of it is up for sale. There's a sign up there ...inaudible... But I'd like to see that get started ASAP. I'd like to see us come up with something for sometime next week. And I really would like council to support me on this. At least let's get the engineering going on it. If we have to break it up into two or three different projects that's fine, but I'd like to see the engineering get started on it now. That's it.

Mr. Snyder: Thank you. Mrs. Kiesling.

Mrs. Kiesling: Just want to welcome Paul.

Mr. Snyder: Thank you. Mrs. Magel.

Mrs. Magel: Remember who said this. Run Paul, run. Jim, is that Wednesday planning like in two days from now?

Mrs. Kiesling: Yes.

Mr. Benekos: That is correct.

Mrs. Magel: Okay, I misunderstood the week then.

Mrs. Kiesling: Yea, it's because the 1st is Wednesday.

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Mrs. Magel: And Mary Louise, if I may give you a copy of this letter that was from those residents, could you copy it to all of council then?

Mrs. Bittle: I certainly will.

Mrs. Magel: Thank you. That's all.

Mr. Snyder: Mr. Osborne.

Mr. Osborne: Thank you Mr. President. From looking at the pictures I think I was at the residence next to Mr. Taylor here last week. The drainage culverts from Knoll actually pour out into those residential areas. I don't know it's probably going to be quite extensive, but all the drainage from that high - that roadway dumps right down into those ... residential homes. It's not a good situation. And perhaps we could take the 50,000 from the community sign and do some study over there or something.

Mrs. Magel: I thought we already did something with that.

Mr. Osborne: Also I guess I would be disappointed if I didn't dumped on here. Mr. Treadon, you didn't disappoint me tonight. I appreciate your legal opinion regarding Mrs. Magel's comments. This council does need to be responsive. We do have procedures, but we can accelerate those procedures, we can make them work for the public. And I appreciate your legal opinion on that. I don't appreciate your personal comments. I don't believe the Law Department should be espousing their personal opinions up here. It just continues to add to the fire and encourage everybody else to continue the same. And to the press I'm not the lightening rod for that tonight. I was trying to explain my position. As I said clearly both law - attorneys were quite competent. I don't know why I have to be berated because I saw in Judge Lillie some outstanding credentials, just as I saw in Mr. Pusateri. Why I have to be beat up every time I defer from somebody up here I don't know. This council does not have to vote unanimous on everything up here. I was simply trying to recognize that there was another qualified individual. And it's just too bad there's no room for debate, no room for differences up here on this council. Thank you.

Mr. Snyder: Thank you. A couple things. I don't - isn't next week the open house for the Fire?

Mayor Rice: The 6th and the 8th, yea.

Mr. Snyder: The 6th and the 8th of that next week if you get some time stop there either before or after council. A couple things I'd like to say. Number one, from the chair, I'd also like to thank Mr. Lindower and his committee for a job well done. That was an awesome thing getting through that but I think you did a great job. Again, I appreciate all three of you doing that. And my apologizes to my fellow members of the council, Mr. McLaughlin as the chairman. After that meeting I know you had some ...inaudible... with your constituents, I was with mine and I did not have any additional conversation with the administration as ... relative to that. But if I put you in an awkward position, my apologizes sir. But at the same time, thank each and every one of you for your support on that. It's very important to me and I do appreciate it. Mr. McLaughlin, relative to your - request did come from administration to engineer and to proceed with the project at Knoll and I believe it's Northfield. Is that correct? To my request it was removed as it is under and I'm not trying to be smart when I tell sir that if you could bear with the budget - the Mayor comes within the next couple of weeks. The problem being that the project in itself even broken up is about 2.4 million dollars. The engineering I think is about 105 thousand dollars. If you sir would be - at that point I'm sure it will come in and at that time can be duly discovered. It's a terrible situation and I know I'm speaking out of both sides of my mouth when I tell you this, but to begin to use future budgets for projects that we don't know yet what the budget is, is not really fiscally the best way to do things. And we also have committed to a project in Ward 1 already for approximately 150 thousand dollars. We normally to start we have about three and a half million dollars. And we're committed to another project and I know in the 4th Ward and couple other jobs that are very high priority. But I will promise you sir that your view will be given very very good consideration.

Mr. McLaughlin: Thank you.

Mr. Snyder: And when you return that list I'm sure that will be number one priority, but we will address that. And if you could be patient and wait a couple more weeks till that budget begins to materialize, at that time we will gladly look at it. I'm saying we as the administration then will look at it from our side. So I was the one that stopped it sir and I didn't - as I talked to you on the phone, I didn't want you to think there was anything intended by it. I talked to Mr. Taylor ... the same way. But we will address that.

Mr. McLaughlin: Okay.

Mr. Snyder: I do appreciate...

Mr. Osborne: Mr. McLaughlin or Mr. Snyder...

Mr. Snyder: Yes sir.

Mr. Osborne: can I say one other comment?

Mr. Snyder: Please.

Mr. Osborne: I think when this council gets to the day when they realize we're not supporting each other up here, we're supporting the residents. And when we can get that mentality out of our mind set up here I think things will fare better for the citizens. We're supporting the residents.

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Mr. Snyder: Well your comments are well taken. Thank you.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there any other - anybody in the audience wishing to speak? Final call for the - to the council. Anyone ...inaudible... have any comment? You're more than welcome to step up and say something. Sir, step forward, state your name and address for the record.

Ken Schilstra: 601 Linwood. And I want to thank all of you for the Zimber Ditch issue. It's not a new issue. The '97 study said that this issue had existed for another 5 to 10 years before that. So - but don't forget the people on the Nimishillen. You know that's important too, because those guys are in the same boat. But in the last two weeks we've had rain, two different occasions, none of which was very heavy, the creek crested at the top of the banks. If you call that flood stage, flood stage was a normal rain fall ...inaudible... Not a 25 year surge for flood, not a 100 year, a regular. That's why it's important. Thank you.

Mrs. Magel: Sir, I would like to thank you for your comment about the Nimishillen. Inaudible...

Mr. Schilstra: Yea we - don't forget those guys.

Mr. McLaughlin: Thanks. Appreciate that.

Mr. Schilstra: No that's you know...

Mr. McLaughlin: The one thing I think we ought to do as a council and pass it on to Mr. Benekos, when we have these developments we look at - if there are retention basins we look at those retention basins being a 25 year or whatever. We ought to change that. I mean we ought to look at that more of a 50 or whatever because some of those retention basins in those new allotments or developments just aren't adequate for some of this. I mean I know we don't get it all the time, but it needs to hold the water a little bit longer or whatever in through there. I think that was one of the things we discussed last week, with all this asphalt and cement that has come down the last couple years, that we need to look at those retention basins.

Mr. Schilstra: If you design for the 100 year flood now, that means in another 10 or 15 years it will get 25 year the fall rates because we're going to continue to put more hard surface up. So it's not going to go away, it will only get bigger. So and maybe the Law Director needs to take a look at what leverage we have of you know development outside of the city. Because they're dumping the water down in our neighborhoods. We aren't generating it. The City of North Canton is built. In the same way maybe there is someway we can squeeze money out of the county. If that's - we've got a job for you. Thank you.

Mr. McLaughlin: Boy tonight we've had about 10 new programs for the new Law Director to start and he hasn't started working yet.

Mary Schilstra: 601 Linwood. I had an eye opener this week. I've been driving. I spoke to John Meyers I believe, the Lake Township Trustee. He told me where Zimber Ditch started. I used to live up in Greentown. Of course he told me, oh you know you used to live on top of an old mine. I'm like thanks. You go from one problem to the next. My son has piano up in Uniontown and they were skating on Saturday, so Saturday and today I'm driving around. We had 2 inches on Friday so of course Saturday everything's flooded. It's amazing how much water is up there. And today I went north of our piano teacher and into Green, it's right on that border, and I know there's a Lake Township park, I know there's a pond there behind my piano teacher's house there's a couple ponds. You know where I'm all talking about, if you go into Green. I'm like all these housing developments, I don't see any retention ponds. I don't know where this water is going. Oh I know - I'm sorry I don't know the name of the street, but I can find it on a map, but I found one creek going south, I find the next creek going north, a quarter of a mile difference in them. Why is one going south? Why is one going north? The Tusc river is just a stone's throw. It somehow must be ...inaudible..., but I'm just looking at all these streams. Like you're saying we have little feeders and it's just - they all have to be taken care of. You can't take ...inaudible... care of another. And Mr. Snyder, I know you sent out a letter last time ...inaudible... for our neighbors so they don't keep throwing their garbage down ...inaudible... I was out the other day looking for something ...inaudible... and she said she walked over at Glenwood there's a culvert ...inaudible... on the north side ...inaudible... under the culvert. Inaudible... I will continue driving ...inaudible... But when I saw all those homes ...inaudible... and we got to do something. And we got to take care of everybody else. Now we went down at Monument Park ...inaudible... museum and I go that river is high what happened? And they go it was ...over the swing set ...inaudible... We went ... to Peninsula on Sunday to the national park and talked a ranger we have known for years. He's from this are ...inaudible... they lost their home. That's our water flowing down. So we've got to take care of everybody. But just so we aren't ...inaudible... tunnel vision ...inaudible... So it keeps me out of trouble. In fact today I met the guy who owns the tow truck ...inaudible... fire truck ...inaudible... Greentown and he was telling tell me a real ...inaudible... My god, how could that

RECORD OF PROCEEDINGS
COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, September 29, 2003

of been? I ...inaudible... by there the other day. You know don't even see the creek. Inaudible... just think how much water it is that the grill of a fire truck is covered in water. Yea, that gives you ... picture.

Mr. Foltz: Thank you.

Mr. Snyder: Thank you very much. Any other comments? Sam.

Sam Brenton: I'm coming. Inaudible... And this is no joke. A couple weeks ago, a couple months ago - Sam Brenton from down on Westfield - anyhow, I mentioned the fact down here when Sirpilla would bring his trailer around could he make it? Well when you guys brought your rescue boat around could you make it? So I want to tell you when this was going on, when Revoldt was here, I went to what to - what do you call it white sale or whatever or rummage sale, on Middlebranch at that fire station. He had two beautiful rescue boats down there and I said whew, I want to go back and tell Revoldt to ...inaudible... You'd better clean them up because he's going to come and get them. And that poor guy, almost 911 ...inaudible... because I think the guy lost his tongue, he couldn't say what he wanted to. But this is going to go on what - you'd better them rescue boats because these poor people in another 10 years are going to need them. That's all I've got to say. Thank you.

Mr. Snyder: Thank you Sam. Anyone else wishing to speak? If not any comment of council? If not I'll have a motion to adjourn.

ADJOURN:

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

The meeting adjourned at 8:40 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL