

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 24 7:00 p.m. 20 11

CALL TO ORDER:

1. The council meeting was called to order Monday, October 24, 2011 at 7:00 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

2. The opening prayer was delivered by Rev. Mark Sherwin of Zion Lutheran Church.

PLEDGE OF ALLEGIANCE:

3. All present recited the Pledge of Allegiance.

ROLL CALL:

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

The following members of Council responded to roll call: Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.

Also present were: Mayor Held, Director of Administration Grimes, Director of Law Nilges and Clerk of Council Kalpac. Director of Finance Alger and City Engineer Benekos were not present.

5. CONSIDERATION:

Special Council Meeting Minutes – October 3, 2011
Council Meeting Minutes – October 10, 2011
Financial Statement – September, 2011
Mayor's Court Receipts – August, 2011

Mr. Snyder: I need a motion and a second to **approve, as presented**, the Special Council Meeting minutes the 3rd day of October 2011; Council Meeting minutes the 10th day of October 2011; Financial Statements, as presented, September 2011; Mayor's Court Receipts, as presented, August 2011.

Mr. DeOrio moved and Mr. Davies seconded to **approve, as presented**, the Special Council Meeting minutes of October 3, 2011, Council Meeting minutes of October 10, 2011, Financial Statements of September 2011, and Mayor's Court Receipts of August 2011. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.

No: 0

6. COMMITTEE MINUTES:

Mr. Snyder: I need a motion and a second to **approve, as presented**, Executive Session for Personnel & Safety October 10, 2011; Committee Report Minutes for Finance & Property and Water, Sewer & Rubbish both held October 17, 2011.

Mr. DeOrio moved and Mr. Davies seconded to **approve, as submitted**, the executive session and committee report minutes. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta, Davies.

No: 0

Executive Session for Personnel & Safety Committee Please refer to the minutes on file in the Council Office of the Executive Session for Personnel & Safety meeting held October 10, 2011.

Finance & Property Committee Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held October 17, 2011.

Water; Sewer & Rubbish Committee Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held October 17, 2011.

Mr. Snyder: Before I move to recognition of visitors, would you allow me to read into the record a couple. Over the weekend I guess there was some question. Two weeks ago, I believe it was, tonight, the Mayor presented his plan for the Fairways for the drainage problem. Somewhere along the line it's been miscommunicated as to where the City actually is and what it intends to do. Ordinance No. 94-11, presented for \$100,000, is for the Salway side. However that number, I had met with the Engineer this morning. I've spoken to some of the residents which are impacted by it, Council members that have received phone calls from residents as to what we are actually doing. The figure of \$100,000 will cover both sides of the golf course. The figure is large enough so by passing that legislation the money will be transferred to do both. However there was some

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question along Fairway number 4, as it is called today, which is the one which is the Wilkshire Heatherwood fairway. That work is moving ahead. It requires no Council action. It is under the \$25,000 aggregate limit of the Mayor's responsibility to assign said work. He has ordered the Engineer to do that work under his authority. There are purchase orders which I have in hand which cover that work. Both the engineering and the surveying, and hopefully the soil boring which will be done tomorrow, all things being equal. Again, that's what they told us today so hopefully once we receive those soil borings and the final engineering comes back, they will move forward with the rehabilitation as they deem necessary for that project so our apologies to the residents in that area if we have miscommunicated. Obviously it wasn't, we didn't have all the facts. The Mayor did follow through with the Engineer. It is moving ahead. It requires no Council action. And again, the money will be in fund. We'll have the first reading on the Salway project. I know Councilman Cerreta had a couple members there. We want to give it the first reading tonight. The Engineer wants to re-look at it. Unfortunately that area is too wet right now to begin construction. It will have to concur with the two operators of the golf course and we will move forward and continue to move as fast as we can. The area behind Wilkshire and Heatherwood will move accordingly in that way and I will gladly share this with anybody that would like a copy. I'm sure the Clerk will give it to you. Any questions of Council on that? But thank you for your patience.

RECOGNITION OF VISITORS:

7. Mr. Snyder: At this time we will recognize any visitors wishing to speak to the Council. Please step forward and state your name and address for the record.

Mrs. Meadows: My name is Susan Meadows, 232 6th Street NE, North Canton. I am filing a petition on behalf of the people that, the residents of Park Avenue, 6th NE and 5th NE, asking North Canton to close the entrance to the ball field on Park Avenue and to reopen the entrance on 7th Street NE. We have suffered for years with parking in or in front of our driveways and parking on our lawns; parking on the corners of 7th, 6th and 5th Streets, which is illegal. Parking on the illegal side of 6th and 5th Streets resulting in parking tickets. Residents have been abused by people for asking them to move their cars. After the games the City had to send a cleaning crew to remove trash along the fence. This is on a regular basis. They leave their pop bottles, their chip bags, I mean there is a trash container there, but it's a little hard to reach your arm out and dump it in. We would like to suggest that there needs to be more parking space available on the east side of the ball field. At the very least the closing of Park Avenue gate will force people to take advantage of that lot. There is the big stadium parking lot there, but it's easier to park in front of our houses and block our driveways and park on the corners. On football nights the City posts "No Parking" signs and barriers on the south side of the stadium and we only ask that we have some consideration on our side. And we feel with the installation of the wonderful new softball stadium, which I'm all in favor of and we're all excited about, we are just going to be aggravated further with this parking situation. Three seasons out of the year from Monday through Sunday night we have parking and if you ask them to move, they either walk away or they get smart. A couple of people have had to call the police to get their cars moved from in front of their driveway so that they could get back in their own driveway. So we feel that even if it's not a permanent closing that if it's closed during the games that that would help alleviate. I mean, we're not dumb enough to think that they're not still going to park over there and walk around, but at least they'd get a little exercise. So that's my petition.

Mr. Snyder: Councilman Peters?

Mr. Peters: Yea, I'd like to add to this, and I've had conversations with Sue on this one. My name is not on that petition, but I concur with every name that is on that petition. There is also a safety component here I think that needs to be addressed, and I've seen it. Cars parked on both sides of the road and at these ballgames there is a lot of young children from 5-10, but a lot of them under the age of 5. They come in-between those cars and there's literally enough room for one-and-a-half cars to get through there and it's an accident waiting to happen.

Mr. Davies: You'd never get a fire truck through.

Mr. Peters: Yes.

Mrs. Meadows: No, you can't get emergency through. Well the police came up there one day. I called them because they were on the corners on 7th and Park and on 6th and Park, and parked on both sides of the street and parked on both sides of our street, which you are only allowed to park on one side. And the policeman came up and he had to move his car because nobody could get through. And it's just. I just feel like we're looking for an accident and I'm surprised there hasn't been once because the little ones get away from their parents and dart. You know, they figure its safe there and they run right out and I'm thoroughly looking forward to it. And it will make it harder for me because I'll have to walk around to go to the softball game, but I just think it would be a lot safer and that's it.

Mr. Peters: Susan, I agree with you about that side there. It's been that way for years.

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Mrs. Meadows: Yes.

Mr. Peters: I don't know that opening up a space on 7th is going to make it any safer though. There used to be that opening on 7th for years and to watch little kids run out there into that main traffic could really be an issue there.

Mrs. Meadows: Right. I'd be just as happy if both of them are closed.

Mr. Peters: So we need to come up with a better plan than that. I agree with you, but somehow to get these people over to where they're gonna be and that's gonna be a nice field over there as you know.

Mrs. Meadows: Yea, and I don't know if it's possible to extend the football parking lot south somewhat. I don't know how much property the school.

Mr. Peters: Over in that Hoover area they're talking about.

Mrs. Meadows: Yea, I don't know if they have any more room to go south, but for these games there's plenty of room for those people to park over there.

Mrs. Kiesling: We have to encourage them to park behind the high school. We almost need to start flagging them and making them park behind the high school and beside the high school. That's where they should be.

Mr. Davies: Exactly.

Mrs. Meadows: Exactly. I mean, on football night, if you come over there on football night its gridlock over there. They're coming out of the high school; they're coming out of the parking lots. One way you've got red taillights and then you've got headlights going, and on like Hall of Fame, which is a blast, it's just like, not Hall of Fame, but the 4th of July fireworks it looks like the Hall of Fame out there. We've got vendors and we've got...I mean it's nice, but that's one night. But whenever we have these little games and then on Sundays you have the churches and everything and you know, it's getting to be a real hazard and like I said, we've put up with it for years and it's just getting worse so that's my petition.

Mr. Davies: If I may, some of this to me seems could be a law enforcement. If we need to pass ordinances about parking and so forth we could do that and then its law enforcement. They have the same problem over in College Estates with the ball fields over there and parking right in front of residents' houses and in front of driveways and the fact that people leave litter and so forth.

Mrs. Meadows: Right.

Mr. Davies: Now we have the Luzio property over there that's open that they should park in, but to me, I think we need to give these people some relief because...

Mrs. Meadows: And when the police do come, they come running with their cameras like "well I didn't know." Well the sign says, and that's part of your driving test when it says "No Parking."

Mr. Davies: I don't know if there is signage we could put up. You know, "Parking for Residents Only."

Mr. Peters: There already is.

Mrs. Kiesling: We did on the other side of the field.

Mr. Davies: Then the police should come and tow the cars.

Mr. DeOrio: It's enforcement.

Mr. Snyder: The situation, you have to keep in mind, the only authority to control parking in the City is the Director of Administration. That authority rests solely within his power and I'm sure he'll look at it.

Mr. Davies: So you need to be out there on ball days. (Laughter)

Mr. Snyder: And he can erect the signs so we'll charge Director Grimes with that and I'm sure he'll follow up and coordinate with Councilman Peters and Mrs. Meadows. We'd appreciate it if you'd give a copy of that to the Clerk, Mrs. Meadows.

Mrs. Meadows: Yes, there's 40 signatures on it.

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Mrs. Snyder: Good. Thank you very much for coming up and bringing that to our attention.

Mrs. Meadows: Thank you. Thank you for listening.

Mr. Snyder: Anyone else wishing to speak to the Council, please step forward and state your name and address. Sir?

Mr. Benson: Yes, Fred Benson, 1391 Northfield Avenue SE. Awhile back Council visited the animal ordinance in town and decided that it was permissible to have chickens in town, six in fact, at any given time. Since that time, I'd like to show you what happened to that property. The lady has now moved that caused all of this. It's devaluated the neighborhood. It's just not a good thing and I would like to ask you to revisit this ordinance if I may.

Mr. Snyder: Thank you, sir. Thank you.

Mr. Benson: The property in question there has definitely affected everybody around them. The current listing for sale is down to \$32,000. \$32,900, to be exact because of the condition it's been in being a farmland. And because of this it's affected the whole neighborhood and I would request that you revisit that ordinance.

Mrs. Kiesling: Well wasn't she grandfathered in? Wasn't the ordinance...

Mr. Davies: No.

Mr. Snyder: No, it was six chickens.

Mrs. Kiesling: But it was a certain amount of...

Mr. Davies: No. We wanted to have three chickens. First of all we wanted to ban it, but because of all the animal rightists that came up here and persecuted Council, we went back and we looked at ordinances all over the United States and how cities all over the United States are handling this and most of them said you have to have pens a certain size per number of chickens, it has to be so many feet away from the house and so forth. This lady was free ranging her chickens meaning that they could run anywhere they wanted to. The neighbors next door that complained were forced to put a fence up to keep them out of their yard because they couldn't let their dogs out. Consequently we compromised to at least help this woman so she could keep her chickens. She said you can only buy six at a time is why we said six. Personally I think that's bogus, but we went ahead and did it to try to be fair to all concerned. They are supposed to be penned up. The pens are supposed to be clean. There are supposed to be containers for all the food so you don't get rats and so forth. And we were told everything is clean, everything is in containers, there are no rats. I questioned it then and I question it now. I personally don't care if you want to have an elephant in your bedroom if it doesn't bother neighbors and nobody complains it's fine with me, but when it starts causing problems, which this did, she also had cats that caused problems.

Mr. Benson: Twelve of them.

Mr. Davies: Right, that she let run wild when there are leash laws and so forth. It's a tenable situation. It simply is. The only way cities can do anything if there is no ordinance against it, if there is no ordinance against having an elephant, you can have elephant or a wild animal.

Mr. Benson: What I'm requesting is you review that and let's get this straightened out. It is a city. This is not farmland. This is a city.

Mr. Davies: I agree.

Mr. Benson: We don't need chickens. Pets are fine. What's to stop me from having a boa constrictor and letting it loose? The ordinance doesn't address that.

Mr. Davies: Well, and that just adds to the (inaudible).

Mr. Benson: Originally it said no hooved animals. So you can't have your elephant.

Mr. Cerreta: I think we have two issues here. I don't know if that party rented or owned that home.

Mr. Benson: They no longer live there as of (inaudible).

Mr. Cerreta: Did they own it or rent it?

Mrs. Kiesling: They did own it.

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Mr. Benson: It's been foreclosed.

Mr. Cerreta: It's an exterior property code violation. The chickens, I can see if they were in a pen, but there's trash debris, the house needs painted, there's wood falling off of it. It's more than just somebody having animals on their property. It's just a nuisance. It's a property code violation that needs addressed. That's the main thing. And that happens unfortunately in a lot of our neighborhoods and you need to have some kind of enforcement for that. I want to work with our Permits & Inspections department. I've talked about putting a committee together and I'm willing to do that and really strengthen our exterior housing codes. That's what I'm looking at. I know the chickens are another issue. Been there and lived it with everybody here. We voted on an ordinance, but if you look at it now it's just unkempt. It's not up to really a reasonable property code and it affects the neighborhood. It really does and there needs to be some strength in something.

Mr. Benson: And they have no concern for the rest of the neighborhood in doing this.

Mr. Cerreta: And we can't legislate good neighbors and that happens unfortunately on streets throughout our city and when I look at that, that's what I see, more than just chickens are there, if you follow what I'm saying.

Mr. Snyder: The present Director of Permits Superintendent Eric Bowles is very, very aggressive and we will pass that address on to him. In fact, I have talked to him twice today and he was at two residences and he's very good. He has two assistants and daily they visit 1-2 homes and actually put them through Mayor's Court through the Law Department so we are becoming more and more aggressive and we will send Mr. Bowles out there tomorrow and I'll have him look at that property and see where we can begin to get it.

Mr. Benson: Well the property is currently for sale.

Mrs. Kiesling: Right.

Mr. Snyder: Well there is a mortgage.

Mr. Benson: I feel it will be taken care of shortly.

Mr. Snyder: Somebody has a mortgage and we'll contact the mortgagee and the mortgager.

Mr. Cerreta: President Snyder, if I might say something. Mike, I think talking to Judy earlier we had some problems with cats running around the neighborhood doing their businesses on different people's properties. We have leash laws. We have noxious odor rules and ordinances, but the only way you are going to enforce is to have the police department come out during the complaint. Is that right or is there another mechanism?

Mr. Grimes: Some of it can be done by complaints, but the leash laws have to be done by the police department.

Mr. Cerreta: So you have to call. The neighbors have to be vigilant in calling. I know it's not a high priority when you're looking at other police matters, but it is a high priority to those neighbors that live on those streets so they have to get together and call, and if there's a dog running around not where they are supposed to be, defecating on people's properties, they need to take care of that and they need cited. They need to be sent a letter or addressed by a police officer and then cited and brought into Mayor's Court and handled. And neighbors all have to collectively do that unfortunately. The police officer has to witness this. You can't go on somebody's word. Am I correct on that, Mike?

Mr. Grimes: Yes, just continually call the police department.

Mr. Cerreta: OK, so as long as everyone is aware of that also. Help take ownership in your neighborhood.

Mr. Benson: OK. Thank you.

Mr. Snyder: Thank, sir, we appreciate it. Anyone else wishing to speak? Mr. Osborne.

Mr. Osborne: Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. This last Wednesday evening, I guess at the height of that rainy, drizzly days we had there, I went over to Arrowhead golf course at 6 p.m. and saw firsthand where all this flooding is coming from. It was not a heavy rain as you know, just drizzly like England weather, I guess. The water is coming off of City streets and off of Orchard Hill School. And that appears to be very widely known. Sunday I went up there to the golf course with Mr. Peters here and for two hours we looked over the whole property and while we were up there we talked to one of the employees up there and he just freely just spouted

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out it's well known for years that that water is coming off of Lehigh and Watkins and Orchard Hill School up there. All that pavement and roof area. I walked all through there and saw where the water was just migrating down and diverting here and going there and eventually winds up behind the homes on Wilkshire and Heatherwood. I invited Mr. Snyder the next morning, Thursday morning, and we were out there. I thought it got daylight around 6. It turned out to be we were in the dark, but we also walked it together. I think it's undisputed the City has been letting water run off of City property onto that course for years. Now Mr. Snyder you asked me, and I was kind of startled to hear you state that, but you said "Wonder why the Jewish club did not complain about this." You have a closer relationship with that property than I ever have. When the City bought Arrowhead Country Club years ago, one of the arguments was we have to buy it or we're basically going to wind up having to spend millions of dollars in infrastructure improvements. There is no infrastructure in that whole southwest corner of town so owning a golf course or not owning a golf course, Salway still needs storm drainage, storm basins. Heatherwood, Wilkshire, they all still need that so I hope that argument is laid to rest. I think your only hope for comprehensive drainage, dealing with the drainage issues over there is in the future development of a portion of that golf course. And the City could then at that point connect the western boundaries of its drainage system through whatever is developed there and on over to Salway and Wilkshire so future development of those areas is needed to enhance, I guess, whatever development eventually is going to go in there. I would hate to see the entire 105 acres consumed with development, but I honestly think the City should advertise for the best offer and the best development plans and try and choose one and you will partner the completion of your drainage system, the City's drainage system through whatever is built by the developer and then we would have to extend it on to Salway or Everhard. The water needs to get over to Everhard Road and down to the southwest corner of the Zimber and not be dumped up there in that northwest corner where there is already flooding. But I am stunned that this has been going on for years and that the City denies any responsibility. It's freely known City water has been dumping, and maybe buying Arrowhead was a way to cover that up cause basically we ended up dumping it on ourselves, but then the water continued on down onto residences. But I hope we can put that to rest. Mr. Peters has seen it. Mr. Snyder, you've seen it. We walked out there and slugged through all that water. The water has been coming off of City streets and school-board property for years. And that was just in a steady drizzle for two or three days. I shudder to think in those heavy downpours what those neighbors have been going through down there.

Mr. Snyder: Mr. Osborne, to your question and to your statement. Again, as I told you earlier, I met and spoke to the Engineer today. The problem that exists, what the Mayor has proposed will trap some of that water from going in. It will not discharge it. It will trap it and hold it and release is slowly, which will hold that. I asked him about the area that you and I viewed with minimal lighting, if a ditch could be dug and some type of area put along that school parking lot, as we met on Thursday with the two operators of the Fairways golf course and they are very familiar with it because of their ground superintendent and they believe that most of the water could be trapped near that woods area up by the school. They feel that, the Engineer has that thought. He did not say "yes" that was what he wanted to do.

Mr. Osborne: I think the same thing too, so to put in that ditch that the Mayor is going to push ahead with.

Mr. Snyder: Right.

Mr. Osborne: So to put in that ditch that the Mayor is going to push ahead with...

Mr. Snyder: Well he's going to also, working with this consultant. The problem then results in where do you discharge that volume of water?

Mr. Osborne: And that's the problem. The City has never put in any infrastructure in that whole part of town. You have no place to send it.

Mr. Snyder: Well, let me explain this here. Granted, but also you know to put storm sewers through that whole area it's going...

Mayor Held: Uh huh. It sends it quicker down to the, it sends it quicker down to the Zimber Ditch too, so you know, when you look at this problem, Chuck, it's something that we're really committed to trying to fix. It's not an easy situation to fix when it comes to the storm drainage because eventually whether it comes off of the school property or off of Wilkshire or Salway, all of those streets, it eventually ends up in the Zimber Ditch and so there's home owners, and I've talked to most all of them, that are seriously impacted. I mean, it's a real hazard for the people that, Ted, your home and Hillary, your house. Your basements were flooded. The folks along the Zimber Ditch, I mean, it's terrible. It's been devastating to those home owners down there. And so I'd like reiterate what Councilman Snyder has stated and also our Council members; we're very committed to fixing this problem, but I can tell you when we put the ditch, whether we put the 400-foot ditch along the Fairways the 4th hole or in another location it's going to improve the problem, but it's not as though there will not be any flooding ever again. It's catching the water. Right now what we

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believe is the best and most cost-efficient approach is to put a serious of detention basins along the Fairways and then in other areas. Maybe where the Pathways property is at or even further upstream with the City of Green. But I can assure you, Chuck, and also the residents, that we take this drainage problem, this flooding problem very seriously, but again, there's not an easy fix because if there was it would be done. And so we're just trying to, we're trying to take steps so that we can catch the water and keep it out of the Zimber Ditch. When we look at adding additional storm sewers one of the concerns is where does that water go?

Mr. Osborne: Correct.

Mayor Held: And we don't want to just make it a quicker path down to the Zimber. So that's where we're really focusing on the water-detention basins.

Mr. Osborn: Well Mayor, these are just band-aids. Salway still needs storm drainage. Heatherwood, Wilkshire, they all need it. And I will propose, and I've pitched this for months now when we were talking about trying to bring Diebold there. I would buy two of those homes on Rogwin Circle and have a private entrance coming up Rogwin Circle into that property that would enhance whatever development is going to come there. That would be your shortest connection to a trunk line on Everhard Road. You could bring a trunk line, a storm line right up Rogwin Circle right up into the property and then you could quickly connect all this drainage infrastructure that has been needed and owning the property didn't absolve the City, absolve that need away. It's always been needed.

Mayor Held: And Chuck, to your point.

Mr. Osborne: This impact on the Fairways over there, what's that going to do to golf? I mean, is golf going to even survive there much longer? I know the City has been trying to unload this for several years. I think we ought to advertise it for the best development project and not sell it until we know what's going to be put in there, whether it's going to work for the City and partner the continuation of our storm lines into the property, connect to what's there, and get it on out to Everhard Road or down to the, down there on the southwest corner on Everhard Road, get all that water south of North Canton. These are just band-aids and...

Mr. Peters: Even if you dropped it south of North Canton, you are still dropping it into the Zimber.

Mr. Davies: Yea.

Mr. Peters: It's going to back up into those homes.

Mr. DeOrio: It's going to slow it all up.

Mr. Osborne: And that's why we should be creating a coalition with Green, Jackson, Plain, Stark County, Canton. Somebody with muscle needs to be beating down the door of the State and Federal officials. We need funding, and we need yearly funding, to start taking care of these issues progressively up the Zimber.

Mr. Snyder: The coalition has been created through our Engineer with the Summit County Engineer, Green.

Mr. Osborne: I don't think that's enough. A political effort needs to be put forth.

Mr. Snyder: Well we've contacted every State rep, every Federal rep.

Mayor Held: Chuck, yea, I mean I can assure you. I can absolutely assure you that we are working with the adjacent political subdivisions. There's absolutely no incentive that we have not to work with the people that are going up...

Mr. Osborne: You need to get the political infrastructure involved. The Green council, Jackson trustees, Plain trustees, we all need to be voicing our concerns together and it needs to be a public request. None of this behind the scenes, well our Engineer is working with their engineers. We've heard that crap before.

Mr. Peters: What you need to understand, Chuck, though is Green City Council, what's their motivation?

Mayor Held: Yes.

Mr. Peters: They're not being flooded up there. It's all coming to us.

Mr. Osborne: They are getting flooded. They've already spent \$150,000...

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Mr. Peters: Not as bad as those folks down the Zimber Ditch, and you know...

Mr. Osborne: And the mayor of Green wants to make Green the model for storm-water control. It's been in the paper.

Mr. Peters: Chuck, you need to get the Muskingum Watershed involved in this, which we are in the process of doing right now, and you need to get Schuring and Oelslager and Renacci, which we are doing.

Mayor Held: Uh huh, which we've done.

Mr. Peters: That's the muscle you need to drop down on these councils. They have no motivation. They are going to handle their own flooding problems. They don't care. I shouldn't say they don't care, but they're not as motivated to handle the Zimber Ditch because it's outside their city, outside their jurisdiction.

Mr. Osborne: Go up there and speak before their council. Go over and speak publicly before the trustees in Jackson, Plain. We need one loud voice and money needs to be flowing in.

Mr. Peters: I agree with that.

Mr. Osborne: Cause that whole Zimber handles all the flood waters for this whole area. Any further development is just adding to that. Anyway, I just wanted to make it clear the flood waters, I don't think, Mr. Snyder, you're going to disagree, they're coming from City streets, from school-board property and it's been going on for years.

Mr. Snyder: I appreciate your comments.

Mr. Osborne: And development of that area needs to be done in partnership with whatever future purchaser of that property. Arrowhead has been like a barrier. Our storm-water drainage has just ended right there. And it needs to be continued to the west and southwest. Thank you.

Mr. Davies: If I can add one thing, and I don't disagree with everything Chuck said. I don't agree with it all, but I don't disagree. But that was originally my understanding that Plain Township and when the subdivisions were put in there were no regulations for storm sewers and so that's why they're not there. It's not that North Canton didn't do it or required. It was originally Plain Township and they didn't require storm sewers. And again, for North Canton to put storm sewers in that whole area, you're talking millions and millions and millions of dollars. It's not like we don't want to do it. I would vote for it. If we had the money today I would vote for it, but it will be millions and millions of dollars. And then again, as the Mayor said, if you put it all in the thing and divert it to the Zimber Ditch it causes more problems than the Zimber Ditch. We've got to get it away from Zimber. So it's not an easy answer, it just isn't.

Mayor Held: It's a pretty simple problem. The water runs downhill and it goes to the lowest spot and it affects, it impacts all the people that are between the top of the hill and the Zimber Ditch. It's a complex problem to solve in that there's a massive amount of water that flows due to just the general landscape, but then also due to increased rooftops over the years and parking lots, and so there's a number of things that have to be addressed, which is increased requirements for storm drainage up in Summit County as well as in Stark County. Just as we're looking at the detention basin on Salway where we were originally proposing a 25-year detention basin that would hold a 25-year rain. Now we're looking at a 100-year rain. Now if we can get all of the political subdivisions to increase their standards from a 25-year or 50-year up to 100-year, that clearly is going to have a more positive impact, and then at the same time more immediately, which is what this Council is looking to approve, is to place detention basins because your right, Chuck, the water does flow off of the school property and off of those streets and then eventually into the Zimber. But what we want to do, the goal is to catch that water so that it dissipates over time through the sandy soil rather than just building a giant sewer tube to just have it rush even quicker down to the Zimber because it would bring relief up to the people along Wilkshire and Salway in those areas, but then it's an unintended consequence of a greater volume of water going quicker down there so we feel that right...

Mr. Osborne: Well maybe you ought to force the officials to do something along the Zimber.

Mr. Mayor: Right. So again, our goal is to establish these detention basins or ditches to catch the water and to prevent it from going into the ditch, the Zimber Ditch at all.

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Mr. Snyder: Thank you, Mayor. Anyone else wishing to speak to us? Gentlemen? Step forward and state your name and address.

Mr. Tripp: Larry Tripp, 1127 East Maple, North Canton. The first one I would want to address is Mr. Peters. I would like an update on the, what you were going to do to the skateboard park to improve the appearance? Go ahead.

Mr. Peters: I talked to Mike, Administrator Grimes before the meeting. He's in the process of getting some estimates for not only the fencing in the skate park, but Dogwood shelter and there's some other, Witwer Park plus within Dogwood there are some dead trees that we missed. We're in the process of getting all that information. The Lions Club won't release the money unless we have something in paper in writing, and we're working on that.

Mr. Tripp: OK, well not for, you know, early this summer you told me to expect a phone call to come and help you with the park.

Mr. Peters: I was really hoping it was going to be sooner than later.

Mr. Tripp: I've heard nothing. And I've been talking to you about it and you keep saying something is going to be done. I know money has been put aside for it.

Mr. Peters: Yes.

Mr. Tripp: OK. So when do you anticipate the start or the finish?

Mr. Peters: Well, Mike?

Mr. Grimes: In the spring. In the spring is when we're anticipating putting the new fence up.

Mr. Tripp: So it took a year just to get a fence painted (inaudible). That's what you're saying.

Mr. Peters: No, it's not just a fence. We started at the fence and then it became the dead trees, the dead and dying trees that are a safety hazard and then it went to the Dogwood shelter and then Witwer Park, and there's some issues down at Price, I believe, with the tennis courts if I'm not mistaken. There's other issues.

Mr. Tripp: Well then why didn't you say this, you know, when we've been talking, all these other issues.

Mr. Peters: I was hoping that we were going to handle this first, but it seems to me it's going to be a lot better to put everything down in writing a plan for everything and then move forward with it on that.

Mr. Tripp: I'll buy that for now.

Mr. Grimes: We have only so much bond money and we want to take care of the, you know, put it down and take care of the correct items first, sir.

Mr. Tripp: I understand.

Mr. Peters: Plus the lion's share of that money is coming from a private entity too, and we need to make sure that their money is properly (inaudible).

Mr. Tripp: Well you know, I think you need to communicate then a little bit better.

Mr. Peters: Well I apologize.

Mr. Tripp: OK. Mr. DeOrio, as you end your term here, I just want to thank you as a citizen for your service to North Canton and wish you well in your new endeavors, the same endeavors, but more free time. Thank you.

Mr. DeOrio: Thank you very much.

Mr. Tripp: And now, Mayor Held. Three, two or three weeks ago Chuck Osborne asked you about saving money for the City about the insurance for Council members and I believe his basic part was that only the Council member should have the insurance and not any family protection. I think that was the gist of his comments. As I recall, three years ago, two to three years ago when we were having the town meetings at the time we were doing the survey of the City, the audit of the City, I brought up then why a part-time fireman wasn't allowed to have insurance, and I got the runaround. Nothing. And I felt your response to Mr.

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Osborne two weeks ago was more of a praise to the City Council than really addressing his problem as to saving money to the City.

Mayor Held: Would you like me to answer that?

Mr. Tripp: Please.

Mayor Held: Again, I mean I'd like to restate that. We could really debate whether Council should or should not have healthcare benefits and I'll restate basically what I said last week. First off, when Chuck brought it up I really don't think that his motives were sincere. Obviously he is running for office and I think that he was using it as a political tool in order to advance his own position, which he has a right to do that, and I think what upset me the most is that it was presented in such a way that it was questioning the sincerity of their desire to serve as though they're only in this for the monetary gain and I think that that's what's most frustrating especially when you look at the amount of time that goes into handling the position responsibly and the financial return that they get. And in my opinion, I think that they would be better suited if they were in it for the financial return to do something else because it's clearly not worth the time and the return that you get financially whether you have the healthcare benefits or not whether one family has family care or one has single care. I think that what was frustrating to me is Chuck was clearly, because he doesn't have a need for family-care benefits he was saying here Council, I think you should do this.

Mr. Osborne: Mayor, I have a wife that she could have secondary coverage.

Mr. Snyder: Mr. Osborne, please (gavel).

Mayor Held: It's my turn. So in my opinion if somebody is that genuine and that sincere about saving money for their own expense then I think that they should offer to waive their right to be paid as a Council member or waive their right if they'd like to accept healthcare, which he's perfectly entitled to do, but to come up here and use it as a political stump, I just disagree with that.

Mr. Tripp: See, I didn't read it that way. I looked at it as a way to save the City money. Now then a week later I read Walmart, our nation's largest retailer, cutting their health plan to their part-time employees and so I at least think the City should take a look at it.

Mayor Held: Right. And, Mr. Tripp, I appreciate that you're bringing this up because I know that you sincerely desire to look at ways for the City to save money and my frustration is not directed at you at all because I appreciate the fact that you bring these issues up.

Mr. Tripp: But I just didn't think, I thought we got kind of a lame response. I didn't think you addressed the problem. That's the point I'm making.

Mayor Held: Well, and you have to understand. Right. Yea.

Mr. Tripp: I didn't think you addressed it.

Mayor Held: And again, my frustration lies in the fact that I've been debating this issue with Chuck for eleven years. I mean, this dates back to when I was a City Administrator so you can tell that my excitement over this issue is something that we've debated over and over and over privately and publically and what's most frustrating, again, is the timing of it. I think that it's used to advance himself or to push himself up, which he has a right to do that, but I don't think it should be at the expense of these other Council people. That's just my personal opinion.

Mr. Tripp: I don't think it was, myself personally.

Mr. Davies: Sir, if I may. In all due respect, Mr. Osborne brought what's his name, Martin Olsen with him, who brings a camera, stood there and did it with that and then right after the meeting Martin Olsen has a camera in Marcia's face and in Mr. Cerreta's face asking them what they think. If you think it wasn't political, sir, I disagree. It was totally political and he did it for that reason.

Mr. Tripp: It might be. Maybe you should have used the same approach in yours. You know. But anyway.

Mayor Held: But, Mr. Tripp, I appreciate you bringing this up and anytime that you have any questions or concerns, I'm happy to answer. I hope that I answered your question completely, but again...

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Mr. Tripp: But again, are you going to address this problem? Are you going to address family versus Council members only? I'm for each Council member having insurance, but why family? Part-time? You know. Thank you.

Mr. Snyder: Thank you, sir.

Mr. Osborne: Mr. Snyder, could I answer some of these questions?

Mayor Held: No.

Mr. Snyder: No, sir. I can't allow that, Mr. Osborne. We have other people who want to speak, but I appreciate it. Sir?

Mr. Osborne: Well that's convenient. (Inaudible)

Suzanne Burnett (identified by Clerk of Council): You only get one turn.

Mr. Friday: Alright, thank you. My name is Jim Friday, and I live at 1134 Lindy Lane Avenue SW, and all the water you're talking about, the runoff on the northwest corner, yea, comes right through my property. It runs down that hill and right down my driveway. I know that's bad when it rains, but from my understanding what you want to do is catch a big catch system right above my house. Well, I deal with groundwater off that golf course 365 days a year. I mean, six years ago I had to put a, do some remodeling and I had B-Dry system do one-half of the back side of my house at a tune of \$10,000. And I have to do probably the rest of the house too, because I have that much water running against the foundation of my house and, Mayor, you are absolutely right; water is going to go follow gravity on top of the ground or below the ground.

Mayor Held: Yes.

Mr. Friday: And so you trying to catch all that water out there and store it above my house, I don't know what it's going to do to me and that's why I want to go on record. I want to know if I can have access or find out what you guys are doing engineering wise because a few years ago, I live in a cul-de-sac, and a house was bought and the people wanted gas so the gas company came in and there was no gas back there. They dug all around the cul-de-sac that strip between, you know, right there at the edge of the road and my front yard. They disturbed that ground in front of my house and I wasn't able to use that piece of property, that strip of ground where they dug the gas line, for over two years. It just created a bog. There is that much water right now coming off the golf course. I mean it drains onto my, it could be zero out in January and I'm still pumping out water onto my driveway, which has created another problem. So I just want to, you know, the runoff is bad, but I deal with it every day of the year.

Mr. Snyder: Jim, Councilman Cerreta mentioned to me last Thursday that he had had a conversation relative to that, which I did speak to the Engineer and he will contact you previous to any movement because he was telling me, and I've been there when it's rained and seen that water come off that golf course. It's like Niagara Falls.

Mr. Friday: Oh it looks like...

Mr. Snyder: It's almost unmanageable.

Mr. Cerreta: Explain how much gets caught in that hole (inaudible).

Mr. Friday: It looks like Three Rivers cause it comes right down past Mark's house and then it comes down the hill and forms right there. It looks like Pittsburg.

Mr. Snyder: And it fills the street.

Mr. Friday: And then it comes down and then there's a catch basin back there and it's pretty deep and it handles most of the runoff, which runs right to the Zimber Ditch, but there's another problem; if you're going to try to catch that even on a light rain and not let that go to Zimber Ditch, that's just putting it against my foundation. And that's my big fear. It's already so wet down there.

Mr. Snyder: Well he's not going to move forward. He'll be in touch with you.

Mr. Cerreta: He's out of town, Jim, this week. That's why I couldn't get back to you.

Mr. Friday: OK. That's fine. I just wanted to go on record because it scares me when I hear they're putting, and no matter where they put it I'm still going to be below it because I'm looking right up the hill.

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Mayor Held: Mr. Freday, as the Engineer explained it to me the goal is that you catch the water and then it dissipates into the sandy soil rather than running off so it's water that would normally run on down to your property, but now it's going to be caught and then it will travel down into the soil over a longer period of time. That's what the goal is.

Mr. Freday: Yea, but that's where I'm getting all my problems is the soil, the water in the soil right now. I'm getting water hammered against my foundation before you even decide to catch any water out there.

Mr. Cerreta: He says it's coming from the ground up.

Mr. Freday: It's coming from the ground. I mean, you go out in the corner of that basin in my back yard and there's a spring in the southeast corner that runs continuously. In the ten years I've been here it's only dried up three times. It runs continuously. A trickle or flow of water comes off that hillside underground.

Mayor Held: I see what you're saying. OK.

Mr. Freday: I'm getting hammered. The water that goes by me goes by so fast. I used to carry flood insurance for the simple reason I'm on the side of a hill and I'm not even in the flood zone. I carried it because I was afraid the water was going to go by so fast it was going to take out the corner of my house.

Mayor Held: Right.

Mr. Freday: Well it's gotten so expensive now I don't do that anymore. But it just goes right by me and that water is not my problem. I mean, that doesn't really cause an issue with me. The everyday water of the groundwater is my problem.

Mayor Held: Right, that's the problem. And you want to be sure that whatever we're putting in, whatever catch detention basin that we put in is not negatively impacting your property.

Mr. Freday: Because that's the only, it's still going to the Zimber Ditch. Three houses up from me on Lindy Lane a couple just, they wrapped their whole house. They had heavy construction equipment on their property for three days and that's got to be expensive and they wrapped their whole house in a drainage system. I mean, that's how much water is coming off that hill and that's all I wanted to say.

Mr. Davies: Let me. If I understand you correct. If the detention pond is put there with the idea of the water dissipating into the ground it still causes you problems?

Mr. Freday: Well, the idea is, you think the detention of that water is going to go straight down. It's still going to go like this.

Mr. Davies: Right.

Mr. Freday: And I'm below that. No matter where you dig that, I'm below it. And it's going to, like I said, I'm impacted without you guys even trying to store water.

Mr. Davies: So, you know I'm just trying to understand. You said that the runoff is not your main problem; it's the water underground.

Mr. Freday: It's an issue when it goes by, but it's not, I mean I'll get it, it bounces off my one neighbor's hill and comes back against my garage door and the last one that flooded, you know the bad flood, that was high up on my garage door, but it seals it and I don't have a problem. My driveway is a sluice. It just goes zipping down there, but that water's been going that direction for a millennium. If you look at it, I'm at the bottom of a ravine. And those people below me are even lower than I am. That's just the ravine that comes down there. So, thank you.

Mr. Snyder: Thanks, Jim.

Mr. Cerreta: Jim, glad you came and explained that.

Mrs. Kiesling: Thank you.

Mayor Held: Thank you, Mr. Freday.

Mr. Snyder: Mrs. Baughman?

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Mrs. Baughman: Miriam Baughman, 320 Weber Avenue. OK, I have happy news. When we did the North Canton survey the number one thing that everybody liked about North Canton was sense of community, and we saw that this past Saturday when we had our community fall fest. It was really a Halloween party but you can't say Halloween; that's not politically correct. We had for two hours a steady stream of parents and children dressed in their costumes come into, we had it at the North Canton Hoover High School commons. There were 20 vendors there that had decorated tables that gave out treats to the kids. We had a time to dance that the students came and they danced for the two hours. They had the Irish dancers and they had their, I can't think of the word to say, but their disabled kids, they have a troop and they danced. The Humane Society was there with kitties and puppies. We had the reading dogs, they're Newfoundland dogs and when they sit they are that high. They are specially trained so that the kids can read. Well the kids were just laying all over them. They had a great time. We had nine National Honor Society students that came to help us. Mr. Dansizen printed free for us over 2,000 flyers that the schools distributed. We were a little bit disappointed. We expected a thousand kids, but we didn't get quite that many, but we had enough so next year we hope it's even bigger and better. It was a good thing for the community.

Mayor Held: Very good. Very nice job too, Miriam.

Mr. Snyder: Thank you, Mrs. Baughman. Anyone else wishing to speak? Sir?

Mr. Silverthorn: Tom Silverthorn, 1283 Lipton Avenue SW, North Canton. Pictures tell a lot of words and all that stuff so if you don't mind I'll pass some of these out. I only come here when things stick in my craw. As I guess that's what it's for. And one of them is Hallum, which everyone should know Hallum. It's a rather narrow street. One side has "No Parking" signs and at the bottom of the hill you also see this; "No Trucks." But as I told Jon before, and in the past even Earl Wise Jr., I can live with it for awhile. As you see, as you get the picture, there is a semi. It is not a single-axle truck at Waggoner's Candy. Here is the same truck going up Hallum, a residential neighborhood - narrow streets. Here is a, this is my favorite. I mean, I sat there for months. This guy even waved at me. Nice guy. But I wasn't there to make pleasantries. This is a 50-some foot trailer going up my neighborhood, a rather narrow street. And as if it isn't bad enough, the last page is the result of having semis go up and down your street. I should have brought more but my grandkids used all my ink up. But this is why when there should be no semis going up Hallum, none. Single-axle, when it was London's very seldom would I see a semi. Now Waggoner's has decided to use semis. And this is what we put up with. One of them tried to turn on Lipton at the top of the hill and he damn near ran into my yard. He had to back up and start over again and go up the hill. Why do they have to come this way?

Mayor Held: Number one, I'm shocked that they actually go up Hallum because how do they make that turn?

Mr. Silverthorn: Well, Lipton is a tighter turn. They added a bigger sweeping bin. But I'm sure it encompasses most of that corner going around there. It's just, I didn't mind it occasionally, but now Waggoner's is taking it to a new level, which as you can tell buy that last picture this is ridiculous. We knock on people for parking cars in their yard, for driving through the yard, yet this company is allowed to drive through there. This is made for a single axle. If you look at the picture of the parking there, that's a single-axle deal. That's not a trailer. It's not made for that and it just, my wife said I get too hyper and obviously she's right, but that's beside the point.

Mr. Snyder: We can contact Mr. Waggoner. Because those trucks come in off Main and they have to go back out on Main.

Mr. Silverthorn: No, no, no. I'm saying the reason I wouldn't put anymore. This is a school-bus route too. That's fine. I understand that. Unless you're evil, I mean hey. And also we have FedEx and stuff like that. And the trash people, but those are single-axle vehicles. The only other ones that I can notice that come down from the other way is GFS. It's a small one, but it's still a transaxle. It's still a fifth-wheel deal. I asked the guy one time and I think he mumbled something and kept on driving. Why don't you go the other way? GFS is down on Whipple. Why do you have to come up here and go down the hill? But 90% of these are from Waggoner Candy. And as you see that mess really ticks me off. I got pictures from last March. I've been just waiting to get the right vehicle, and that was it - a 55 footer. I didn't measure it, but I got a neighbor that's a truck driver and he said that's a 50 plus, probably 53 or 55.

Mr. Snyder: Well, that loading dock is right there off Hallum.

Mr. Silverthorn: Yea, and it's not made for semis. You could put a piece of shim stock between that truck. That guy must drive good, but that's not the issue.

Mayor Held: Mr. Silverthorn, first off. You did an excellent job here with these photos. I mean, this is...

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Mr. Silverthorn: Yea, but I ran out of ink. My grandkids ought to get (inaudible) for that.

Mayor Held: You've provided us all the evidence that our police department needs to go and talk with Waggoner's Chocolates and address this.

Mr. Silverthorn: Even the GFS one. I think if it's got a transaxle or fifth wheel it shouldn't be on that street.

Mayor Held: Right. No, you're right. I completely agree with you, and I appreciate you taking the time to take the pictures.

Mr. Silverthorn. Thank you, thank you.

Mayor Held: Thank you.

Mr. Snyder: Thank you, Mr. Silverthorn. Anyone else? OK, seeing none we'll move.

OLD BUSINESS:

8. Mr. Snyder: Ordinance No. 84-11 will remain tabled. We did receive a new memorandum of understanding, however it was too ambiguous for us to present to you so we apologize. It is still not ready quite to move ahead.

Mr. Nilges: I have email, the latest from her at 6:45 so.

Mr. Snyder: It's still not what we wanted.

Mr. Nilges: We had some very serious issues that we need to go through, but we will get through them.

Mr. Snyder: And when we get it properly, we will at that point present it to you.

Mr. Osborne: I can't hear you out here.

Mr. Snyder: Oh, excuse me. Onto new business.

NEW BUSINESS

9. Mr. Snyder: Ordinance No. 91-11. May I have a motion and a second to **read by title only, the first reading** of Ordinance No. 91-11.

Mr. Davies moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 91-11. All members present voting:

Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio.

No: 0

Ordinance No. 91-11 – 1st Reading – Finance & Property

An ordinance authorizing the Mayor of the City of North Canton upon concurrence by Council, through the Board of Control, to enter into a contract for administering a self-insured health insurance program for the period December 1, 2011, through November 30, 2012, for the employees of the City of North canton and declaring the same to be an emergency.

Mr. Snyder: Our present insurance will expire on the first of December. We are looking to renew it with the Aultman Aultcare. There is, Mr. Fisher is here if you have any questions. Other than that, you know the percentage. You have the book . We'd like to get at least two readings, maybe three on this before we pass it on emergency. If anybody has any questions, they can do it. Seeing none, I'll entertain a motion to **adopt the first reading** of Ordinance No. 91-11.

Mr. Peters moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 91-11. All members present voting:

Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Foltz.

Abstain: Kiesling.

No: 0

10. Mr. Snyder: May I have a motion to **read by title only, the first reading** of Resolution No. 92-11.

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Mr. Davies moved and Mrs. Kiesling seconded to read by title only, first reading of Resolution No. 92-11. All members present voting: Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling. No: 0

Resolution No. 92-11 - 1st Reading - Finance & Property A resolution adopting an amended Section 125 Premium Only Cafeteria Plan ("the Plan") for the City of North Canton for the period January 1, 2012 through December 31, 2012 and declaring the same to be an emergency.

Mr. Snyder: This will give the vehicle for the Director of Finance to deduct from the employee's check their portion of healthcare coverage. We're asking to suspend the rules and adopt under emergency so that can be in place and ready to go prior to year's end. Any questions? I entertain a motion to adopt same.

Mr. Davies moved and Mr. Cerreta seconded to adopt the first reading of Resolution No. 92-11. All members present voting: Yes: Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters. No: 0

Mr. Snyder: May I have a motion to suspend the rules of Council pertaining to the Resolution?

Mr. Davies moved and Mrs. Kiesling seconded to suspend the rules for Resolution No. 92-11. All members present voting: Yes: Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters, Snyder. No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules Resolution No. 92-11.

Mr. Davies moved and Mr. Peters seconded to adopt under suspension of the rules Resolution No. 92-11. All members present voting: Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta. No: 0

11. Mr. Snyder: May I have a motion to read by title only, the first reading of Resolution No. 93-11.

Mrs. Kiesling moved and Mr. Peters seconded to read by title only, first reading of Resolution No. 93-11. All members present voting: Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta, Davies. No: 0

Resolution No. 93-11 - 1st Reading - Finance & Property Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and declaring the same to be an emergency.

Mr. Snyder: We are within inside the limits of the inside millage, which is 10. These are the different levies that are assessed to the residents of North Canton. We are well within that. Those are due down there so we're going to ask you to adopt this on an emergency basis so may I have a motion to adopt the first reading of Resolution No. 93-11.

Mrs. Kiesling moved and Mr. Peters seconded to adopt the first reading of Resolution No. 93-11. All members present voting: Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio. No: 0

Mr. Snyder: As time is of the essence, may we have a motion to suspend the rules of Council pertaining to Resolution No. 93-11.

Mr. Davies moved and Mr. Peters seconded to suspend the rules for Resolution No. 93-11. All members present voting: Yes: Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio, Foltz. No: 0

Mr. Snyder: May we adopt under suspension of the rules of Council Resolution No. 93-11.

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Mr. Davies moved and Mr. Peters seconded to **adopt under suspension of the rules** Resolution No. 93-11. All members present voting:

Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling.

No: 0

12. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 94-11.

Mr. Davies moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 94-11. All members present voting:

Yes: Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters.

No:

Ordinance No. 94-11 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Director of Administration of the City of North Canton to advertise and receive bids; and authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a contract for the Fairways Golf Improvements Project (Salway Avenue SW area) at a cost not to exceed \$100,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies.

Mr. Davies: Yes. This is what we discussed previously, the Salway detention basin project. Are there any questions from Committee?

Mr. Snyder: Chairman Davies, for the record, that \$100,000 does include an amount sufficient to do the project at Wilkshire. It will do both of them so that's clear that money will be funded to do that – both those projects. And then we are passing the first reading this evening pursuant to talking to Mr. Freeday and hearing a couple others. Unfortunately the Engineer is not here. He will be meeting with the consultants this week on those two things and we'll come back and pass it. As the ground conditions do not permit construction at this present time anyway.

Mr. Davies: So you're just going to do the first reading and pass that? I do have one question to bring up, and that is my understanding that we're going to put this detention basin in, we're going to put a mound up along it would be Fairway 12, is that right?

Mr. Peters: 13?

Mr. Davies: Well, 13 is where the detention basin is going, but along 12, along Salway there. In the \$50,000, or in the amount of money, is there money put aside to repair fairways? Cause you're going to rip that fairway up if you're running trucks and front-end loaders and so forth to mount that. Is that part of the \$100,000?

Mayor Held: Any damage that is done in the construction process, obviously that's going to be taken care of. We're not going to leave.

Mr. Davies: And the other thing I noticed – if we do the hundred-year, we're talking about the hundred-year retention pond. That comes right through the Fairway 13, which is not a problem because it's a valley and you hit over it anyway, but it comes over into or at least close to, and I don't know where it finally sits, the tee box of 14. And if that has to be replaced, is that money included in this \$100,000?

Mayor Held: You know, when we look at this right now we're moving much quicker than we normally do to approve a project and the reason being is because, as you can hear from the folks that have been so negatively impacted by the water, we're trying to move this along as quickly as we can. And as Marcia had mentioned to me earlier today, just because the funding is approved today does not mean that this project is going to be done tomorrow because we don't have a final design at all. And normally, just so the residents understand, normally the City would do a design and then based on the design a final design, get a cost estimate and then based on the cost estimate we would bid the work out and then we would present that to Council for final approval and funding. At this point we do not have the final design for the 4th Fairway because we're not sure whether or not the proposed draft design is a viable project because we have to look at the soil characteristics there so that proposed design could move and then of course we've had additional information from Council members having concerns based on information that Chuck was discussing as far as the flow of water. Is it the best location or should it be moved over further off of the Fairways on the 4th Fairway? But the goal, Councilman Davies, when you were talking about establishing the berm, the whole idea of establishing the berm is that it saves cost on the construction so we take money as we dig the hole rather than hauling it away at a greater expense.

RECORD OF PROCEEDINGS

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Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

Monday, October 24

7:00 p.m.

20 11

Mr. Davies: No, I'm fine with that, but if you're running trucks up there it's going to damage the fairway.

Mayor Held: Absolutely we'll be replacing that.

Mr. Davies: And I just wondered if money was figured in this to do repairs and if that tee box has to be moved that has to be paid for, we'd have to pay for it. We have to make sure the money is there That's all.

Mayor Held: Absolutely. No, those expenses are included, but again, because we're moving ahead at a much faster rate than we normally do we're not saying that the amount that we're appropriating right now is necessarily the final amount. We could not get, this is basically a rough estimate the City Engineer has given us.

Mr. Foltz: It's a good concern, a very good concern for them.

Mayor Held: But you bring up very good points.

Mr. DeOrio: Mr. President?

Mr. Snyder: Sir?

Mr. DeOrio: You point out here in this ordinance that it's to include coverage for the Wilkshire side.

Mr. Snyder: Right.

Mr. DeOrio: Of the golf course. I just wonder if it would not be better just technically that the title of the ordinance is changed to eliminate the parenthesis in there that says "Salway Avenue SW area" because it would seem to me in reading that that you are really just limiting the \$100,000 for that side only even though it's our intent to cover both, That's all.

Mayor Held: Absolutely. No, those expenses are included, but again, because we're moving ahead at a much faster rate than we normally do we're not saying that the amount that we're appropriating right now is necessarily the final amount. We could not get, this is basically a rough estimate the City Engineer has given us.

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Mr. DeOrio: You point out here in this ordinance that it's to include coverage for the Wilkshire side.

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Mr. Snyder: That's a point well taken, sir. I had that conversation. Early this morning I had a conversation with one of the impacted residents and I did call the law department requesting that we amend this piece of legislation and he told me that wasn't necessary, but I concur. We can remove the "Salway Avenue SW" portion and have "Fairways." That way it will be large enough to accommodate that, and I would entertain a motion to adopt that if you would so like to provide it.

Mr. DeOrio: With Chairman of the committee's permission I would propose **amending** this ordinance to remove the items in parentheses.

Mr. Davies moved and Mr. Peters seconded to **amend** Ordinance No. 94-11 as proposed. All members present voting:

Yes: Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.

No: 0

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DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held Monday, October 24 7:00 p.m. 20 11

Mr. Snyder: Now may we have a motion to **adopt as amended, the first reading** of Ordinance No. 94-11.

Mr. Davies moved and Mr. Peters seconded to **adopt as amended, the first reading** of Ordinance No. 94-11. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.

No: 0

Mr. Snyder: May I have a motion to **amend the agenda** to include Ordinances No. 95-11 and 96-11, and waving the rules of Council requiring a committee report be proffered prior to.

Mr. Peters moved and Mrs. Kiesling seconded to **amend the agenda** to include Ordinances No. 95-11 and 96-11, and waiving the rules of Council requiring a committee report be proffered prior to. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta, Davies.

No: 0

13. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 95-11.

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 95-11. All members present voting:

Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio.

No: 0

Ordinance No. 95-11 – 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and The Ohio Patrolmen's Benevolent Association (OPBA) (Patrolmen), and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes. This is what we talked about in our special meeting. I have nothing further to add. I will motion to, we're doing this under emergency, right? Motion to approve the reading.

Mr. Peters moved and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 95-11. All members present voting:

Yes: Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio, Foltz.

No: 0

Mr. Snyder: May I have a motion to **suspend the rules of Council** for Ordinance No. 95-11.

Mr. Davies moved and Mr. Peters seconded to **suspend the rules of Council** for Ordinance No. 95-11. All members present voting:

Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling.

No:

Mr. Snyder: Since we are bound by contractual obligation we will **adopt under the suspension** of the rules Ordinance No. 95-11.

Mr. Davies moved and Mrs. Kiesling seconded to **adopt under suspension** of the rules of Council Ordinance No. 95-11. All members present voting:

Yes: Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters.

No: 0

14. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 96-11.

Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 96-11. All members present voting:

Yes: Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.

No: 0

RECORD OF PROCEEDINGS

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, October 24 7:00 p.m. 20 11

Ordinance No. 96-11 – 1st Reading – Personnel & Safety

An ordinance authorizing the Mayor, Director of Administration and Personnel & Safety Committee of North Canton City Council to enter into a Collective Bargaining Agreement between the City of North Canton and The Fraternal Order of Police, Ohio Labor Council, Inc. ("FOP-OLC"), and declaring the same to be an emergency.

Mr. Snyder: Chairman Peters.

Mr. Peters: Motion to approve Ordinance No. 96-11.

Mr. Peters moved and Mr. Davies seconded to **adopt** Ordinance No. 96-11. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.

No: 0

Mr. Snyder: May I have a motion to **suspend the rules** of Council for Ordinance No. 96-11.

Mr. DeOrio moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 96-11. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta, Davies.

No: 0

Mr. Snyder: Since we are bound by contractual obligations, may we **adopt under suspension of the rules** Ordinance No. 96-11.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** of Council Ordinance No. 96-11. All members present voting:

Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio.

No: 0

Mr. Snyder: Thank you.

REPORTS:

Mr. Snyder: Director of Law.

Mr. Nilges: I know everybody loves to hear my Mayor's Court updates. They've been trickling in, but we have an impressive number now and maybe we'll get some attention. We have \$16,036.16 have been collected in taxes, back taxes. An additional \$2,275 has been collected in court costs so that's pretty impressive. I think that exceeds expectations. We had hoped that when we started this project that we would at least cover the cost of Lou Guarineri who is our Assistant Law Director. I think he's billed us just over \$800 for all of his work for basically a year doing this. And so I think we paid that and recovered some so thanks again and again to Gail Bruce and everybody, Theresa Dolan and everybody in the Administration office.

Mr. DeOrio: Good news.

Mr. Snyder: Thank you, Mr. Nilges. Director Grimes.

Mr. Grimes: A couple things, Council President. First, just to remind you to check your mailbox after tomorrow. We're going to put out a survey to the residents because we're trying to more closely follow the infiltration of water into our system so we want to put a survey out. We know you folks are keenly aware of it with all the contacts. We'd like you to look over our draft survey and see if there's anything that we missed or any questions like that. We'll be getting that out at some point to help us pinpoint locations we think that may have been getting into our sewer system. Also just to remind folks that on Saturday we have a third drug take-back here at the North Canton police lobby downstairs so if you have prescriptions, unwanted prescriptions that you don't need or you want to make sure they are out of the house so they don't get in the wrong hands, bring them in and drop them off. It's painless and it's pretty simple – no questions asked, and then we work through the DEA and they take care of them for us. And then also on Sunday is trick or treat on October 30, between 3 and 5 p.m., and just to remind everybody to watch out for the little goblins out there that will be going door to door. Thank you.

Mr. Snyder: Thank you, Director.

Mr. DeOrio: Are you referring to members of Council? I take umbrage with that. (Laughter)

Mrs. Kiesling: That's exactly what I thought as soon as he said it.

Mr. DeOrio: On behalf of the fellow citizens and Council members who are doing that.

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Mr. Grimes: I would never do that, sir!

Mr. Snyder: Mr. Mayor.

Mayor Held: Yes. We did have Rich Rhodes's brother Dan Rhodes, who was a firefighter in Plain Township and he also served the City of North Canton quite frequently on mutual-aid calls, he did pass away last week. He had suffered from cancer for a number of months and what was really nice was that in his funeral procession you had all of the area firefighters from Green and Plain and throughout Stark County that attended the service and they carried his casket on the fire truck from Reed's funeral home down to the place where he was buried and it was a very touching and very moving funeral and funeral procession, and I'd like to thank our police department and our firefighters for their participation and support. Rich's brother Dan is the same as Rich Rhodes. You know Rich – he is probably one of our most dedicated public servants that we have in the City, as he serves as the Superintendent for the street department and sanitary department, and he also serves as a Captain in our fire department. And a great family, good people, and so it was a very, very touching and moving event, and in addition to that they were going to have a fund raiser for his family and for Dan on November 19, and this Council had approved waiving the fee for that and unfortunately now it will be, there are still going to continue to host the fundraiser on November 19, here at the Civic Center, but it will be a memorial fund raiser and I would invite and encourage all of you Council members and our residents to attend that. And I believe also as I understand that one of the local news stations is planning on doing a special on Dan Rhodes and his service to the community so it is a very nice event. And then one other point, we do have as typical whenever we have candidates that are out doing door-to-door, there's a lot of issues that residents have that hopefully we try to do the best that we can to resolve all of them. Some of them are a little bit easier to fix and some are a little bit more complex, but I want to give a special thanks to our staff who are being so responsive and I think just with the issues that I'm coming across myself is probably putting them into overload so you times that by seven and I'm sure there's a lot of stuff that needs to be addressed, but Mr. Grimes and the rest of his staff have done a very nice job keeping it up. Thank you.

Mr. Snyder: Thank you, Mayor. Madame Clerk.

Mrs. Kalpac: No report, thank you.

Mr. Snyder: Mr. Peters.

Mr. Peters: I have no report, just one quick question. Mayor, Dan Rhodes's memorial at the Civic Center – what time is that on Saturday the 19th?

Mrs. Kiesling: It's downstairs on the door, I think. As we go out it's on the door.

Mr. Cerreta: It's posted there.

Mayor Held: Let me check because I don't recall. The 19th, yes.

Mr. Peters: I'll check on the way out. I didn't know it was down there.

Mr. Snyder: Mr. Davies.

Mr. Davies: No report.

Mr. Snyder: Mr. Cerreta.

Mr. Cerreta: I want to update on the North Canton Community Disaster Relief Fund. We have sent a letter off to the Auditor's office for approval on that. I want to thank Gail for help and Hans and Karen, who is not here, for that so we're just waiting back to hear how they approve that. No other report.

Mr. Snyder: Thank you. Mr. DeOrio.

Mr. DeOrio: Just one item as an update in regard to income tax collections that the Law Director has been working on for a long time and also the current President of Council in moving this along, and as we all remember we have a different outfit that is working on the collections and I'm pleased (switching hats) to report that at the Clerk's office Friday there were in excess of 40 complaints filed on behalf of the North Canton income tax department and all of those costs of course were waived up front and that means that the City of North Canton didn't have to come up with \$4300, to file those so I think it's going to make a big difference in your collection efforts as you go forward and even though I won't be here, I'll be in a place where we'll make sure that those things get moved along and watched out for.

RECORD OF PROCEEDINGS

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Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, October 24

7:00 p.m.

20 11

Mr. Snyder: Again, our sincere thanks to you and to Clerk Giavasis for that privilege of doing that. We have you to thank for that and we appreciate that. Mrs. Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Mr. Foltz.

Mr. Foltz: No report.

Mr. Snyder: I have no report. Any last business to come before this body? Mr. Osborne? Please, quickly.

Mr. Osborne: I'm sorry everybody is misinterpreting my topic of limiting healthcare coverage. The timing is unfortunate, but the purpose of the timing was it has to be done before the end of this present term of this Council because if it's delayed until the next term, even though you pass it in December or January or February of next year, it won't become effective until December of 2013, and you will lose out on \$140,000, and yes, I am giving up something. I have a wife who would have secondary coverage if I elected to choose full family healthcare coverage. I'm simply suggesting individual coverage should be adequate compensation.

Mayor Held: Right. Can I respond to that?

Mr. Osborne: And Mr. Mayor, I don't even think I even knew you eleven years ago.

Mayor Held: Well ten years ago when I started as Administrator.

Mr. Osborne: We've never discussed this issue.

Mr. Snyder: Gentlemen, please, now that's, now we're going to end in a debate. Thank you, Mr. Osborne, for those comments. Mayor, I'll give you one last moment to speak.

Mayor Held: If I can. Once again, Chuck, I appreciate your position on this, but I guess the point that I want to bring up, as you just stated, is that your proposal suits your situation.

Mr. Osborne: It does not.

Mr. Snyder: Gentlemen, no debate.

Mayor Held: And if you like you can certainly waive, you can waive your salary if you become a Council member and your right to all healthcare if you like.

Mr. Osborne: We can all do that together.

Mayor Held: Right. Exactly.

Mr. Osborne: Thank you.

Mr. Davies: I make a motion to adjourn.

Mr. DeOrio: Second.

Mr. Snyder: Second? Alright. Thank you.

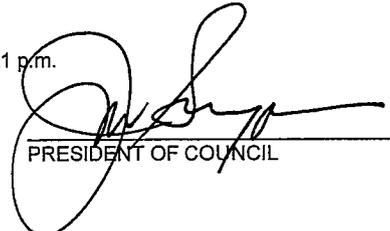
ADJOURN:

Mr. Davies moved and Mr. DeOrio seconded to adjourn the Council meeting. All members present voting:

Yes: Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio Foltz.

No: 0

The Council meeting adjourned at 8:21 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

10/28/11-dkw