

RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 29 7:00 p.m. 20 11

CALL TO ORDER:

1. The council meeting was called to order Monday, August 29, 2011, at 7:00 p.m. by President of Council Jon Snyder.

OPENING PRAYER:

2. The opening prayer was delivered by President of Council Jon Snyder.

PLEDGE OF ALLEGIANCE:

3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. Mr. Snyder: Madame 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, Director of Finance Alger, City Engineer Benekos, and Clerk of Council Kaipac.

CONSIDERATION:

5. Mr. Snyder: May I have a motion and a second to **approve, as presented**, the following, excuse me, the Special Council Meeting minutes of August 22, 2011, the Council Meeting minutes of July 11, 2011, the Public Hearing minutes of July 11, 2011, the Special Council Meeting minutes of July 6, 2011.

Mr. Foltz moved and Mr. DeOrio seconded to **approve, as presented**, the Special Council Meeting minutes of August 22, 2011, the Council Meeting minutes of July 11, 2011, the Public Hearing minutes of July 11, 2011, the Special Council Meeting minutes of July 6, 2011. All members present voting:

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

No: 0

6. COMMITTEE MINUTES:

Mr. Snyder: May I have a motion and a second to **approve, as presented**, the following Committee Report minutes: Community and Economic Development held on the 11th of July and August 22, 2011; Finance and Property; Ordinance, Rules & Claims; Personnel & Safety; Street & Alley; Water, Sewer & Rubbish, all held the 22nd of August 2011.

Mr. DeOrio: Before someone makes a motion, I have a point of information.

Mr. Snyder: Please, sir.

Mr. DeOrio: I was checking them off as I went and I didn't hear you say the Mayor's Courts Receipts and Financial Statements.

Mrs. Kiesling: No he didn't.

Mr. DeOrio: From the item 5 Consideration. I think you read...

Mr. Snyder: I did. I apologize. I will put, I will come back and we will do that.

Mr. DeOrio: OK, what.....

Mr. Snyder: Mr. DeOrio, I will do that in one second as soon as we get a motion and a second to do this one, we'll...

Mr. DeOrio moved and Mr. Foltz seconded to **approve, as presented**, the Committee minutes, as presented. All members present voting:

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

No:

Mr. Snyder: Also, may I have a motion and a second to **approve, as presented**, Mayor's Court Receipts May and June 2011, and Financial Statements June and July of 2011.

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Mrs. Kiesling moved and Mr. DeOrio seconded to **approve, as presented**, Mayor's Court Receipts May and June 2011, and Finance Statements June and July of 2011. All members present voting:
 Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio.
 No: 0

Community & Economic Development Committee Please refer to the minutes on file in the Council Office of the Community & Economic Development Committee meetings held July 11, 2011 and August 22, 2011.

Finance & Property Committee Please refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held August 22, 2011.

Ordinance, Rules & Claims Committee Please refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held August 22, 2011.

Personnel & Safety Committee Please refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held August 22, 2011.

Street & Alley Committee Please refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held August 22, 2011.

Water, Sewer & Rubbish Committee Please refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held August 22, 2011.

Mr. Snyder: For a point of order, I have it on this screen and I also have a hard copy so I misspoke on those. My apologies. Thank you.

RECOGNITION OF VISITORS:

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

Mr. Uhlman: Good evening. My name is Paul Uhlman of 1144 Rosewood Circle SE, North Canton. I'm here once again - I understand that this governing body is going to vote tonight appropriating funds to have the sewer and street design for Rosewood Circle SE, so I am here with my head in my hand again to ask your consideration to pass this, to get this done and pass it so we can get on with the construction in the near future. Thanks for the consideration.

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

Mr. Schilstra: Ken Schilstra, 601 Linwood. Jon, don't smile. (Laughter) I'm not here to talk about flooding or sewer backups. Surprise, surprise. Have you noticed, just a little preface, that there seems to be a greater and greater disregard and courtesy for the traffic laws in the city with people running stop signs? I mean, not just slowing down a little bit. You know, rolling and looking. But, you know, look long enough, slow down to 20 miles an hour and blow on through. Okay. And I want to ask a question just as a point cause if it's not true than I have no status to stand here. Is it true that in the State there is a law that says vehicles must stop for pedestrians in marked crosswalks?

Unidentified: Yes, there is.

Mr. Schilstra: Is that a yes?

Mr. Snyder: We'll have to refer to the Chief.

Mr. Grimes: Yes, in the crosswalk is the clue.

Mr. Schilstra: In the crosswalk? Okay, I wonder, you know, myself I tried crossing the street, Maple on Saturday in that marked crosswalk which is between Giant Eagle and Walsh, and it was virtually suicide between horns, people swerving and making physical gestures with their hands, and I'm sure you can guess what that was. You know, they just don't seem to care. If you've ever traveled outside the state of Ohio, you'll find that in places especially, you know, that you just step off the curb in these marked sidewalks and people do stop. Now the part that got me the most, as I was talking to my wife and she works at Walsh part-time, and she was coming back from lunch over at Jimmy Johns and she was crossing in the marked crosswalk and that was when she was on the phone, and then she says well, I wonder if this one will stop. No. This one? Nope, nope. Can't, can't. And finally she got across, but do you know what the most annoying thing was? There was a North Canton City police car with an

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officer in it sitting there observing this and doing nothing. Is there any surprise that people don't care about the laws, the traffic laws in North Canton?

Mr. Snyder: Thank you, sir.

Mr. Osborne: My name is Chuck Osborne, 307 Fairview Street SE, North Canton, Ohio. I have observed over some time now the business of city government and I am prompted to ask the question: Does the City of North Canton manage city property and personnel effectively? A few days before Christmas of 2010, a family on Pittsburgh Avenue suffered an estimated \$250,000 in damages as a result of a fire. What caught my attention was the fact that firefighters were unable to use two nearby city fire hydrants. According to a *Repository* story dated December 20, 2010, fire crews tried to connect to a hydrant on the corner of Portage and Pittsburgh. That hydrant failed and when crews hooked to a second hydrant further north on Pittsburgh, that hydrant worked but broke within a few minutes. Now, we are just seven months later and we have city residents dealing with sewer backups. In a *Beacon Journal* story dated August 25, 2011, Mayor Held states, "the city will work on possibly clogged sanitary sewer lines." Problems with infrastructure are happening all too frequently. Is North Canton being effectively managed? Factoring in the repeated storm water flooding in the city that we are all too well aware of and one would certainly wonder what is going on with management of the city's infrastructure. Not as critical as the infrastructure failures noted above, but important just the same, are what I perceive to be a misuse of city personnel. Anyone who has ever attended a State of the City speech has surely noticed the abundance city personnel who turn out. Many of these events have taken place during the workday. Clearly, city personnel cannot be doing their jobs if they are attending these political events. How many city employees were ushered over to the Suarez event less than two weeks ago, on August 18, 2011, while on the clock? We all know that this has gone on but this is, but is this an effective way to manage city personnel? My motivation for asking whether North Canton is effectively managed came to me on Tuesday, August 16, 2011. It was on that day, at approximately 1:15 p.m. that I saw four city employees in a city vehicle waiting at the traffic light at the intersection of Dressler Road and Belden Village Street, ostensibly coming back from lunch. When I noted to one of the passengers in the car several days later that I had observed him in Belden Village in a city car around lunchtime a few days earlier, he told me that the driver of the city car was looking at city water lines. Why would four city employees need to be riding around Belden Village looking at water lines at lunchtime? Do you think the three passengers enjoyed spending their lunch hour looking at city water lines? I have learned that only the city's Fire Chief has a vehicle available to him to use on a permanent basis. I have consulted the *North Canton Personnel Handbook* and it states, "City vehicles are to be used for City business." Is the city's vehicle-use policy enforced? Is there a policy regarding the misuse of city employees? Apparently there should be one. The instances above do not make me feel that North Canton is managing city property and personnel effectively. Given the city's ongoing precarious financial situation, one would think we could do better. Thank you.

Mr. Snyder: Thank you.

Mayor Held: I would like to respond to that, if that's okay.

Mr. Snyder: Mayor.

Mayor Held: First off, Chuck, you mention a number of items, one of which is the sanitary sewer back-ups and just to be real clear on that, the quote as far as if something is clogged, and you and I had spoken about this on two occasions prior to this meeting. That was back when we had the residents that were up here at the public hearing and one of the residents had asked whether or not we were going to TV their lines. We do not TV or put the televised cameras down into lateral lines of homeowners. We do that on our main lines so if there is a blockage in one of our lines then it is our responsibility to remove that, which is why we TV the lines. If their clear and there is no blockage then that tells us more than likely the back-up was due to infiltration and inflow of storm water or it could be a back-up in the lateral lines of the homeowners so I want to make that clear.

Mr. Osborne: Well, Mayor, I was here.

Mayor Held: Let me finish.

Mr. Osborne: And I talked to some council members and obviously the Press reported it said you said that there appeared to be clogs in the city's sewer lines.

Mayor Held: No. Well, if that's what I said that's not what my intention was. What I...

Mr. Osborne: And that's why I specifically quoted the *Beacon Journal* article.

Mayor Held: Yea. I said possibly clogs.

Mr. Osborne: Because I knew you were going to attack what I said. So I'm taking ...inaudible... somebody else also heard.

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Mayor Held: Okay.

Mr. Osborne: And...

Mayor Held: Let me clarify for you. Let me make this real clear.

Mr. Osborne: I clearly hope it wasn't the city sewer lines.

Mayor Held: What are you confused about? What is it that you're confused about? If there is a clog in the city's lines, we have a responsibility if it, if it breaks, if it's clogged, if there's a back-up. Usually one of the markers for a clogged line is when it backs up and there's not five inches of rain in three hours, but if we have sanitary sewer back-ups when there's five inches of rain in three hours then that tells that it's probably the I & I or the inflow and infiltration through the sanitary sewer line which is really the problem that we had on that particular day but if there's a homeowner that has a back-up, let's say today, then that tells us there is probably a back-up in their lateral line and there's a back-up in the main line along the street which is why we send the cameras out.

Mr. Osborne: Mayor, the point of my piece here is we've had an insurmountable number of infrastructure problems and they just seem to be building and continuing in addition to, I believe, misuse of city personnel and city vehicles, and I would like to, wonder is this city effectively managed.

Mayor Held: Yea, and let me ask you that question too, because you're tying in the sanitary sewer back-ups which we have miles of old sanitary sewer lines that need to be replaced, miles, Okay? And you can't do it all at once because we don't have the city funds to replace all of them so what we do is we prioritize them which is why we're establishing a model for sanitary sewer lines. And then we'll prioritize those and replace them.

Mr. Osborne: Mayor, you've been here six years and you were city administrator two additional years. Eight years and we still haven't got something like that in place?

Mayor Held: No, what we're doing is we're upgrading this, we're upgrading the model just like we did with the water distribution model but what we have to do is replace line by line. We can't replace them all at once so that leads me to my next point. But what really is frustrating to me is when I sit here and I listen to you imply that the city workers are just driving around joy riding in the city, which I take offense to that because I'll tell you what. Our city workers work very hard. I know that they work responsibly. If there is an infraction or something that they are causing, we are going to look into that, but my, but my issue is with the fact that you stand up here and you're criticizing a group of people that work extremely hard for the city under some very difficult circumstances. Right now the city is from 116 employees down to I think 91 or 92. So they're really overstretched as it is and I really, I do take offense to the fact that you're implying that they're out there just wasting time in city vehicles and, which is just not correct.

Mr. Osborne: That wasn't the implication. I saw four city employees sitting in a city vehicle in Belden Village at lunch hour.

Mayor Held: Did you talk to them and find out the reason why?

Mr. Osborne: Yes, it's in my speech.

Mayor Held: And what was the reason?

Mr. Osborne: They said the driver was looking at city water lines and I just explained; why would you take three additional city employees totally unrelated to infrastructure in Belden Village and drive around looking at water lines if that truly is the situation?

Mayor Held: Well, let me give you an example.

Mr. Osborne: I'm not going to barter back and forth here.

Mayor Held: No, but I want to make it clear here because I, I really think this is an important issue. I really do. Let me give you one example.

Mr. Osborne: I do too, and that's why I brought it up to you. Thank you.

Mayor Held: I want to just make one more point. For example, we have city workers that are replacing water lines. In the event that they ever have to use a trench box and they need proper equipment in order to meet all of the safety requirements, what we do is, I have instructed them as the Administrator has and their department head that you wait until you get that equipment. You do not go into any holes, you do not start operating or replacing the water lines if you need a trench box until you have it in place. Now we have had in the past where people say we have city workers standing around outside the box, or outside the hole, four of them. Well, because they are instructed

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to do that. Safety to the employees and safety to the residents comes first so often times what we see is not necessarily what's taking place. And, Mr. Osborne, I do respect your opinion but naturally I get very frustrated because we do have our city workers that work very hard under some really, what I would consider very stressful circumstances right now because we are undermanned and we are underfunded but we are working to the best that we can at this point but thank you.

Mr. Grimes: Mr. Council President?

Mr. Snyder: Please, sir, go ahead.

Mr. Grimes: May I answer one thing?

Mr. Snyder: Please.

Mr. Grimes: On the hydrants, we did start a hydrant program this year and we have done over 400 and some hydrants. We've checked them, we've got a hydrant program to make sure that that, you know, we hope doesn't happen again. They are mechanical and anything can go bad but we've been out there this year and we've got over 400 of them done so we do have a program.

Mr. Snyder: Thank you. Sir?

Mr. Mueller: How are you today?

Mr. Snyder: Good.

Mr. Mueller: Dan Mueller, 1334 Wilkshire Circle. Fifty percent of you know my wife Hillary. You have talked to her either recently as in 20 minutes ago, Jon.

Mr. Snyder: I was...

Mr. Mueller: Or a couple of hours with Pat. My wife also it was either today or this past week was told that this was not a speaking evening, therefore I am not prepared nor was she to come here and speak to all of you but as my wife (inaudible) to put her on speaker and she would be glad to say a few things to you all. (Laughter) But I'm not here to talk about the flooding. I wanted to come up here just to give you some words of encouragement and tell you some past experiences that I've had with the military. After-action reviews did pay dividends, alright? What happens, let's say we would do an action, you know, we responded to a flooding event. Did we follow up and did we find out could we have done it better? Could we have done a better job? Could we have done something differently? Could we provide the same situation and the same result next time if the situation arises again? And I bring this up because we've found recently that the same job has been done in our backyard on the Fairways three or four times. You know, we had consulting firms look into a dredging problem five years ago. We had it again unappropriated funds from you guys, which you all know about, that was authorized by the Mayor for Jim Benekos the Engineer to conduct another \$10,000 worth of consulting our dredging problem in the back of the Fairways golf course. We have done the same thing over and over again for three years (inaudible) now. We've had memos found on records that City Councilmen may not know that they've voted for but they did vote for it and it's all in the minutes, and they have done so and may have forgot about it. You know, it's been ten years and they might forget it. But what is that review? What is that process that we close the loop and say this is the action that was taken. This is how we should have did it better. This is how we can fix it next time so when it does happen again we can fix it. We can respond better. You know, we can wake people up at 4:30 in the morning and say, hey there's a flood. Get out of your house and don't get trapped inside a room. What are those things that we can do to improve the processes because I think going down here we have no review process. You all take action. You vote and say yah, nay. Anybody can do that. I can get a three-year-old or my five-year-old to get up here and say yah, nay. But what do those actions behind say, okay, we did this, did we do it right, did we do it wrong? How can we make things better? Because at 4:30 in the morning, if I wouldn't have gotten my troops out of bed when there was a bombing raid, I would be writing a lot of letters home; 170 soldiers. So I ask you to look at your processes. Alright, it's unfortunate what happened, but what are we going to do to fix it? That's all I have to say.

Mr. Snyder: Thank you, sir. Okay, anyone else wishing to speak?

Mr. Kellicker: Good evening. My name's Jon Kellicker, 218 Harmon Street SW in North Canton. I'm requesting that the Administration office and Law office have the Main Street Grille remove the speakers from the rear of their building that violate City Code by Ordinance 531.01 paragraph A. Also requesting that if requested, the Council does not request special variance to this ordinance to the Main Street Grille allowing them to have speakers. I know they are planning a patio. I live right behind them and there's probably two dozen children living in the two-block area and this problem has been going on for about two years, two-and-a-half years. Marcia's helped me out.

Mrs. Kiesling: Yea, we can.

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Mr. Kellicker: Had the Administration office call to turn off the music, but I know they're having a patio built soon and I'd like to nip this in the bud and it's pretty black and white that the speakers need to go.

Mr. Snyder: John, let me ask you a question. They presently are playing music?

Mr. Kellicker: Yes. I've had to call the police twice in the past two months, it depends, it's sporadic.

Mr. Snyder: Well, isn't there just a parking lot out there? Are people gathered out there, or is the parking lot?

Mr. Kellicker: There have been couples times where, I mean smokers are out there. They go out there to smoke but no, people don't really gather, but I can hear the music inside my house through double-paned windows. I love where I live. I can walk to the Y, walk to the, you know, the parade goes right in front of my house, but I think that's why this Ordinance was codified, to protect citizens that live this close to businesses.

Mr. Snyder: We will contact that owner of that business.

Mr. Kellicker: I mean, they have music playing in the front which is fine. It doesn't go into the residential areas out in the street but we'd like a little help. Thank you.

Mr. Snyder: Yes, sir. Thank you. Anyone else wishing to speak?

Ms. Roll: I'm Melanie Roll, 308 Portage. I have more of a question than a comment, and it has to do with the street coordination project that I think you're voting on tonight. I have spoken to Mr. Benekos twice and Mr. DeOrio once or twice and Mr. Grimes at least once. So my question is, if I'm on foot and I'm in front of the First Merit Bank and I want to go east to the Hoover complex, I have the traffic signal illuminated so I can start out. When this project is completed, will the traffic that's going on East and West Maple be able to turn into my path as they do now?

Mr. Snyder: You have a protected arrow on Maple allowing for a left-hand or a right-hand turn, and will that be eliminated?

Ms. Roll: That's my question.

Mr. Snyder: You know, there is a protective turn arrow on Main Street.

Ms. Roll: Even though I have the walk signal, if a car is going west on Maple they can turn into the path while I'm at the walk signal.

Mr. Benekos: Correct, they can do that. When the green arrow is on there is a "Don't Walk." When the green arrow is off, the cars can turn left because it's a green ball so they can turn left or right onto Main Street from Maple so what you're asking for is an "all red" condition.

Ms. Roll: Correct.

Mr. Benekos: Okay, currently that does not exist.

Ms. Roll: I know it doesn't now but will it when you have the traffic signal coordination project completed?

Mr. Benekos: It could but it's not, it hasn't been discussed.

Mr. Snyder: Is there not sufficient time for you to cross, say west to east, is that the problem? Or east to west? Plus Main Street?

Ms. Roll: It's all four. It's no matter where you are. If you have the walk signal you have, cars can turn into your path.

Mr. Snyder: Is that normal?

Mr. Benekos: Yea, that's normal.

Mrs. Kiesling: Well, just like Ken said, they're not supposed to. I mean, hopefully they're looking and they're not, they're supposed to yield to you but yes, if they're oblivious then...

Ms. Roll: They have the turn signal, they have green, they think they can go.

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Mr. Benekos: I should say that I spoke with Melanie on several occasions and I happen to do a survey of my own in Canton and Massillon on various main intersections and they all are, you know, set up the same way. It's really a question of, you know, trying to make the crossways safer for pedestrians and in my view that intersection and the one on Applegrove and Main are probably the two most dangerous intersections in the county. I won't even cross Applegrove and Main. Its way too dangerous, too much confusion where traffic is coming from with special turn lanes and the like. You know, having an all-red zone or somehow allowing for more time to cross would be a big help and if we're anticipating at some point, and I know we are, of further occupancies across the street and, you know, more people working there, more people wanting to, you know, walk to other city services, we wish to encourage that. You know, not all the development is on the east side of the street so I'm sure they would like to come over to the west side and to do so, you know, it's got to be a little bit more clear that it's safe to cross. I don't think it's particularly user friendly right now. I would agree with her.

Mr. Snyder: Can't that be timed? Those signals are by timing.

Mr. Benekos: They are by timing but what's being discussed is an all-red situation.

Mr. Snyder: But you can allow the all red to stay so people can cross and then turn the arrow on. A couple more, let the light stay red on both directions, all four directions to allow pedestrian traffic and then the green turn arrow comes on. The green turn arrow is coming on before they can cross the street.

Mr. Benekos: It's not the green turn arrow that's the issue. The pedestrian signal does not allow them to walk when the green arrow is on. When the green arrow goes off, pedestrians are permitted to cross Main Street but vehicles on Maple can also turn onto Main Street but they're supposed to yield for pedestrians, and the issue is they don't always yield.

Mr. Snyder: Obviously, because the first or the second speaker today told you he almost got run over twice. Obviously, that is a faulted system. Why would you allow traffic to turn into a pedestrian walkway at any time?

Ms. Roll: I have spoken to the school crossing guard probably about a year-and-a-half ago and he said even on occasion when he is out there with his sign, people have turned into him as he is trying to help the school person across. I am asking for some kind of safety.

Mr. Osborne: It's a false safety. All of them work that way.

Ms. Roll: Right.

Mayor Held: Right. I mean, just to clarify things; what we're talking about here, and I understand what you're saying because I have crossed out there myself and with my children and got caught about three-quarters of the way across.

Ms. Roll: And you had the walk sign?

Mayor Held: Yes, and so a little bit extra time, I think, would certainly be helpful. I thought maybe it was me not paying attention in the beginning when it first turned but I got caught there in the middle, but I think the point of clarification is that what we have in North Canton is no different than any other crosswalk in the state of Ohio where you have a green light the drivers can still turn right into the, make a right turn and they can make a left turn going across where the pedestrians walk, it's just that they have to, they are supposed to yield to the pedestrians and when you have the arrow, our walk sign is supposed to say "No Walk" to the pedestrian so when there's an arrow, it's, the system is, Jim, your saying is set up so that the pedestrians cannot walk while there is a left-turn arrow.

Ms. Roll: I'm not so sure that's true.

Mayor Held: Well, we gotta know.

Mr. Benekos: It is.

Ms. Roll: Okay.

Mayor Held: Jim, is that a standard system?

Mr. Benekos: Right. You know, you can set it up so you do get an all-red signal for pedestrians if somebody comes and presses it but what that's gonna do, and it's a matter of safety versus moving traffic through the city, you know, and we can look at that when we do the study. Is that what we want to do at this intersection and Applegrove, and at what intersections? But know that it'll impede vehicular traffic.

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Mr. DeOrio: Do you think maybe we can discuss looking at more "Yield to Pedestrian" signs maybe? Make people realize and notice that, hey, we're going to have people crossing here? Maybe we need to look at that.

Mr. Benekos: We can do that.

Mr. Snyder: You know, the functionality of it, I would rather see you try an all-red zone at those two intersections. We encourage more and more participation with merchants downtown by mobile foot traffic. And they're not going to cross the street if they can't cross the street without getting hit. You have an aging population. They're ability to cross from right to left has slowed down, they're not all 20 years old so I think I would put it all red for awhile and see how it works. If the traffic becomes so bottled up it doesn't move then we have to look at it and make it red and green again like we have it.

Mr. Benekos: It still comes down to responsibility of the driver. I mean, that is the rule and they need to yield.

Mr. Snyder: Of course, most of them are texting or talking on their phone and not paying attention.

Mr. DeOrio: Yea, that's half the problem. Jim, if we go all red, can we change it back if it's not going to work. I mean, is that a big cost and expense?

Mr. Benekos: Yea.

Mr. DeOrio: It is?

Mr. Snyder: It's on a control box; don't you just plug it in?

Mr. DeOrio: We still have the right-on-red vehicle problems when someone crosses, crossing from Spitzer say to the Hoover campus.

Mr. Benekos: Right.

Mr. DeOrio: Someone coming up Main Street and turn right, they have to watch pedestrians crossing the street. That's always the case.

Ms. Roll: I think at the square you have the possibility of more pedestrians than perhaps maybe at Applegrove but if you want to promote people that are working in the Hoover complex like someone has said to the Main Street Grille or hopefully another restaurant that would be where Hummel's used to be, they have to be able to get across the street. I've witnessed one in my car of people getting almost hit. We don't want anyone hurt. I know we don't want anyone hurt.

Mr. Benekos: Right.

Mr. Snyder: We just spent all that money or someone spent the money for the memorial and those are mostly senior citizens going over to that and I would hate to see...

Ms. Roll: Where do they park?

Mr. Snyder: That's what I'm saying. They have to walk across the street, there's no parking there at the memorial.

Ms. Roll: I'm asking you please to consider an all-red. Thank you.

Mr. Benekos: Okay Thank you.

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

Mr. Daniluk: George Daniluk, 502 Werstler. I agree with Melanie 100%. In fact, a couple years ago I brought up this problem to Council and I think one of the problems is we have a very short caution light there. If you go, when I was going from east to west, I was at the guardhouse at the speed limit and the caution light came on and by the time I got in the middle of the street it turned red. You can't make it. And another thing is, one thing I think it is, is the traffic light is on the far side of the street rather than the center of the street so you're cutting the time in half. But the reason I came up here is just a little comment on Ordinance No. 78-11 when it comes up for discussion, that's the, pertaining to the water plant. I'd like to know in some detail why it cost a half a million dollars to paint the exterior of the water tank #1. I can understand if it was the Golden Gate Bridge but it isn't. Would someone please explain when it comes up, the material costs and the man hours required to complete this project?

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DAYTON LEGAL BLANK INC. FORM NO. 10148

Held Monday, August 29 7:00 p.m. 20 11

Mr. Snyder: George, relative to that particular ordinance, if you will bear with us, I have asked the Chairman Davies to hold off on that ordinance for awhile until I, some information was given to me relative to that. Those were very good questions you asked and I will have Chairman Davies report to you the exact, along with the Engineer, but that will not be entertained this evening but we will, those points you bring up are very good points and we don't have the answers yet so we've asked to have that tabled because some other information has come forward on that, but I appreciate that, bringing that up. Thank you. Anyone else wishing to speak tonight? Seeing none, what happened to my thing up here, my paper, I lost the others and...

OLD BUSINESS:

8. Mr. Snyder: May I have a motion and a second to **read by title only, second reading** of Ordinance No. 70-11.

Mrs. Kiesling moved and Mr. DeOrio seconded to **read by title only, second reading** of Ordinance No. 70-11. All members present voting:

Yes: Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio, Foltz.
No: 0

Ordinance No. 70-11 – 2nd Reading – Community & Economic Development

An ordinance establishing the zoning classification of P&I, Park and Institutions, as specified by Ordinance No. 50-03, of the Codified Ordinances of the City of North Canton, for the premises known as the Luzio Annexation, containing 5.417 acres of land, more or less, annexed by Ordinance No. 105-10.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes. This is the property east of the ball fields on East Maple. It's being zoned as it was zoned in Plain Township so I motion we approve.

Mrs. Kiesling moved and Mr. Foltz seconded to **adopt the second reading** of Ordinance No 70-11. All members present voting:

Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling.
No: 0

NEW BUSINESS:

9. Mr. Snyder: May I have a motion and a second to **read by title only, first reading** of Ordinance No. 72-11.

Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance 72-11. All members present voting:

Yes: Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters.
No: 0

Ordinance No. 72-11 – 1st Reading – Community & Economic Development

An ordinance accepting the recommendations of the City of North Canton Tax Incentive Review Council ("TIRC"), concerning the agreements granting exemptions from property taxation, to continue six (6) of the existing Community Reinvestment Area ("CRA") agreements and to terminate one (1) of the existing CRA agreements.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, the one we are terminating is Viking Glass on East Maple and the rest we're keeping in place. They've kept up with their employment levels and we've had no issues. I motion we accept.

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 72-11. All members present voting:

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

10. Mr. Snyder: May I have a motion and a second to **read by title only, first reading** of Ordinance No. 73-11.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 73-11. All members present voting:

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

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Minutes of COUNCIL OF THE CITY OF NORTH CANTON REGULAR Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 1014B

Held Monday, August 29 7:00 p.m. 20 11

Ordinance No. 73-11 – 1st Reading – Ordinance, Rules & Claims

An ordinance to approve and adopt current replacement pages to the Codified Ordinances, and declaring an emergency.

Mr. Snyder: Chairman Cerreta.

Mr. Cerreta: These are all of the Ordinances that were approved last year. We need to put them in codified order so people can read those and we also want to do it on emergency because some of those have to do with the police department and they are needing them ASAP.

Mr. Snyder: May I have a motion and a second **adopt the first reading** of Ordinance No. 73-11.

Mr. DeOrio moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 73-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to **suspend the rules** for Ordinance No. 73-11.

Mr. DeOrio moved and Mr. Peters seconded to **suspend the rules of council** for Ordinance No. 73-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion and a second to **adopt under suspension** of the rules Ordinance No. 73-11.

Mr. Davies moved and Mr. Peters seconded to **adopt under suspension** of the rules Ordinance No. 73-11. All members present voting:

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

No: 0

- 11. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance 74-11.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 74-11. All members present voting:

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

No: 0

Ordinance No. 74-11 – 1st Reading – Personnel & Safety

An ordinance amending Chapter 155 Personnel Regulations of Part One-Administrative Code of the Codified Ordinances of the City of North Canton, for of the exempt personnel of the City of North Canton, specifically Section 7.4 SICK LEAVE REGULATIONS, and repealing any and all legislation inconsistent herewith.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes, this is a request from the Finance Director. This is just basically, Karen, what'd you want to do here? You wanted to put, change the dates so it was in line for pay period?

Mrs. Alger: Correct.

Mr. Peters: Okay. If there's no questions, I will motion to approve on the first reading.

Mr. Peters moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 74-11. All members present voting:

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

No: 0

- 12. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 75-11.

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 75-11. All members present voting:

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

No: 0

Held Monday, August 29 7:00 p.m. 20 11

Ordinance No. 75-11 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit applications to the Ohio Public Works Commission for a grant for the Main Street Corridor Traffic Signal Coordination Project; and, for the Mayor to be authorized, through the Board of Control, to enter into an agreement for said grant and declaring the same to be an emergency.

Mr. Snyder: Chairman DeOrio.

Mr. DeOrio: Mr. President, from our public speaks portion of the meeting, concerns about the crosswalk and Jim at this stage just applying for the grant, is there anything that needs to be submitted with that in regard to that issue?

Mr. Benekos: No, I'll be meeting with the consultant on that tomorrow and I will discuss that with them. It shouldn't be an issue. We should be able to incorporate that.

Mr. DeOrio: And then that would, will there be anything else coming back to Council on this matter:

Mr. Benekos: Yes, there will be. No, yes. But when we go to get the project out, at that point we'll need legislative authority to advertise, received bids and award.

Mr. DeOrio: And that would be as it relates to the coordinating of the signals?

Mr. Benekos: Correct.

Mr. DeOrio: Right, very good. Any further comment from Council?

Mr. Davies: Do we have an idea of how much this is gonna cost and is this grant gonna pay for the full amount or part of the amount or?

Mr. Benekos: Yes, currently we have an existing grant through SCATS from FHWA through ODOT for 80% off the project. This will be for the remaining 20% of the project.

Mr. Davies: So then we don't care what it costs cause we're not paying anything. (Laughter)

Mr. Benekos: Correct.

Mr. Snyder: Chairman DeOrio, if you would, we could, if you would like an addendum on that to recognize the fact that you requested that be changed to a red zone to further study, we could probably do, if you feel more comfortable with that.

Mr. DeOrio: Yes, I would. How would we do, go about doing that?

Mr. Snyder: I would think we can amend the piece of legislation, Law Director?

Mr. Nilges: There and Applegrove you want to look at?

Mr. DeOrio: I guess I'd be content with just the Main and Maple here cause I realize that they're not, you know it's kind of like what comes first, the chicken or the egg. Would you get more pedestrian traffic if it was easier, you know, to cross the street.

Mrs. Kiesling: Uh huh.

Mr. DeOrio: I mean, I wouldn't even cross there on a bicycle. Applegrove and Main, there's just way too much going on there but if they could include it that would be great but I guess I would be satisfied...

Mr. Snyder: To amend that the request be that the intersection...

Mr. Nilges: Jon, we're just authorizing the grant.

Mr. Davies: I don't mean to interrupt, but part of the master plan is talking about streets and what we want to do in the city, and do we want bike paths and walking paths and do we want more pedestrian traffic and so forth so I do think somehow this should all be taken into account, you know, with what comes out of that plan because that was a big part of the conversation the first meeting is, you know, what do you want, what do you want to do with streets and do you wanna have more on-street parking and cut down traffic, you know, which, but that was brought up so.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 29 7:00 p.m. 20 11

Mr. Snyder: It was my understanding, Mr. Davies, and correct me, Mr. Chairman, if I'm wrong, that this is allowing us to apply for the grant to coordinate the traffic signal.

Mr. Benekos: Correct.

Mr. Snyder: But along in that coordination we want to make specifically sure that the intersection of Maple and Main be a red zone. And we're requesting that that be included in the actual grant request. And with permission to change it, not to impede traffic to the point where traffic can't flow properly but we do want that into the actual...

Mr. Nilges: You want that in the ordinance?

Mr. Snyder: We want that...

Mr. Nilges: This just authorizes, the ordinance itself...

Mr. Snyder: I understand but what he is referring is well taken. Some people may not be here next time when it returns back around to insure the fact that that be done at that particular time.

Mr. DeOrio: It's like what the gentleman spoke earlier about follow-through, you know, making sure things get done.

Mr. Snyder: This way we make sure. I realize that may be somewhat...

Mr. Nilges: To amend it.

Mr. Snyder: To amend it. How else are we going to, how else are you going to include it?

Mr. Nilges: As long as it doesn't prevent the city from making...

Mr. Snyder: To require that. It doesn't prevent you from seeking the grant. It just says that when you seek that grant and he's meeting with the person who's going to seek the grant.

Mr. Nilges: We want that included to be considered and possibly implemented, but then let's say that depending on how it works, if it's...

Mr. Snyder: Well, you can change it at that point if it impedes the traffic to the point...

Mayor Held: Right. You, yea. You don't want to have to give the money back if ...

Mr. Snyder: Oh no, you know, we're not saying that. We're saying if the...

Mrs. Kiesling: Do we even need it in the grant application? Isn't there something later or?

Mr. Benekos: Probably not. I mean, it's an operational issue.

Mr. Snyder: Right. What's the problem with changing it, and just calling Hawkin-Smith to come and change it now and try it?

Mr. Benekos: You could do that.

Mr. Snyder: I would think that would be more appropriate. Just ask the Administrator, please, to put a punch list that Hawkin-Smith change it in the next three days and we can, we'll work through it as you're working through the other. We can study it. The people, the greatest response would be from the public. They'll tell you if they can drive through there or walk through there, they'll be back to tell us about it within a week or two, I'm sure. Is that more realistic?

Mayor Held: I think it would be better. Because then we can, what I'm concerned about is once you start applying for grants and you start placing certain restrictions then you don't want it to hamper our implementation of the grant.

Mr. Snyder: Mr. Chairman, would that suffice if we just ask for that at this present time? Would you be comfortable with that?

Mr. DeOrio: Yes.

Mr. Snyder: Mr. Administrator, is that a realistic request?

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DAYTON LEGAL BLANK, INC. FORM NO. 30148

Held Monday, August 29 7:00 p.m. 20 11

Mr. Grimes: I can't guarantee in three days because there may be warnings we have to post.

Mrs. Kiesling: Right, yea you need to let people know that.

Mr. Snyder: No, no, I'm saying within a couple weeks we can, but we can work on that to start that. Appreciate it. Mayor?

Mayor Held: Uh huh.

Mr. Peters: Jon, would that be for, I'm sorry, Mr. Chairman, would that be for Applegrove and Maple, or Main Street here?

Mr. DeOrio: I was just thinking Main and Maple and see how it goes. You know, part of that looked at the design and of course it's not finished or maybe it's in flux, I'm not sure but I think next year we're supposed to do Applegrove to Orion and there was, I remember in that plan there was talk off widening the sidewalks significantly and to the point that this Chairman was concerned about how wide they were gonna be because they might cause too much traffic with roller skates or skateboards or bicycles and whatnot but I think if that's coming down the road where you're gonna have those extra-wide sidewalks going from there all the way up, you're gonna increase foot traffic and maybe that's something that you guys could address down the road after that project's finished but I think for now, and this is the immediate area where we already know they've been talking to us about it's hard to cross Maple from the plant. Well, if it's hard to cross there, it's hard to cross the next block over to this side of the street and I'm sure there's some businesses on this side of the street that would love to see some more foot traffic. I'd encourage you to try it.

Mr. Benekos: Uh huh. Keep in mind on Monday there's gonna be Applegrove detoured and there will be more traffic coming down Maple.

Mrs. Kiesling: Oh, and Maple is gonna be a mess. Oh my gosh.

Mr. DeOrio: Same with Marquardt.

Mr. Benekos: It'll be changing traffic patterns at that time. Maybe that's a better time to do it or it might not be.

Mr. Snyder: Well, that way you would familiarize people with it as they come through the city. And then they'll start walking and save on gas as they catch. (Laughter)

Mr. Peters: I'd say with the increased traffic that'd give us a better model of what we're looking at if we, you know.

Mayor Held: We can do that.

Mr. Snyder: Well, we will try it. Okay.

Mr. DeOrio: How many times can you do something good for people and it doesn't cost you anything to try? I mean, let's give it a shot.

Mrs. Kiesling: Definitely.

Mayor Held: Okay, if I make it across the street with this thing.

Mr. Snyder: Okay. May we have a motion to **adopt the first reading** of Ordinance No. 75-11.

Mr. DeOrio motioned and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 75-11. All members present voting:

Yes: Davies, DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta.
No: 0

Mr. Snyder: Time is of the essence so we would like to **suspend the rules** for Ordinance No. 75-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 75-11. All members present voting:

Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta, Davies.
No: 0

Mr. Snyder: May we **adopt under the suspension of the rules** Ordinance No. 75-11?

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Mr. DeOrio moved and Mrs. Kiesling seconded to adopt under the suspension of the rules Ordinance No. 75-11. All members present voting: Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio. No: 0

13. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 76-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 76-11. All members present voting: Yes: Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio, Foltz. No: 0

Ordinance No. 76-11 - 1st Reading - Street & Alley

An ordinance amending Section 3. of Ordinance No. 60-11, Pittsburg Avenue Resurfacing Project (from Portage Street approximately 1750 feet north to the corporate line), by increasing the amount allocated for said project to reflect additional grant funds awarded, at a total cost not to exceed \$140,000, and declaring the same to be an emergency.

Mr. Snyder: Chairman DeOrio.

Mr. DeOrio: Yes, Mr. President. This Ordinance calls for an increase in the amount allocated for this project in order to conceive the possibility that the Board of Control may choose to award the grant to not just the lowest bidder but the lowest and the best bidder or just the best bidder. So we need to make that change there. And if I could ask the Engineer as it relates to this, now, so we're picking up some additional part of Pittsburgh and they're gonna put a traffic light in, right?

Mr. Benekos: We're sharing the traffic light.

Mr. DeOrio: Alright, at Marquardt and Maple.

Mr. Benekos: Correct.

Mr. DeOrio: When's that going in?

Mr. Benekos: Well...

Mr. DeOrio: I understand the signs say that the detour starts next Monday or Tuesday.

Mr. Benekos: Correct, yes.

Mr. DeOrio: And I don't see any light, and usually you have to post those signs that say "change in pattern" and watch for the new signal.

Mr. Benekos: Yea.

Mr. DeOrio: What's happening?

Mr. Benekos: The schedule is, which is behind schedule, Wednesday they'll be pouring the foundation for the signal for the pole. The concrete will need to set. Next Tuesday they'll be installing the pole, the signal and so forth, and then they'll be a period of time that the signals will have to be on flash. During that period of time that the detour has begun until the signals are operational, they will have local enforcement officers out there directing traffic during morning rush and afternoon rush. They have it set up four hours and four hours. If traffic is such that you need them longer during the day, they will have them out there longer but that's built into the contract between the County and their contractor for Applegate.

Mr. DeOrio: So they're gonna have, they're not gonna have officers there, they're just gonna have traffic directors? Is that it or? Stark County Sheriff's office?

Mr. Benekos: No, it'll be either the Sherriff or State Highway Patrol, Township officers, our officers but they'll be not, how does that work?

Mr. Peters: They'll be no financial burden to us.

Mr. Benekos: Correct.

Mr. Peters: Okay.

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Mr. DeOrio: And we'll, can we do something that periodically watch that street for speeding? Because I'm telling you, people are gonna be coming off of Applegrove going now Marquardt and they're not gonna go 25.

Mrs. Kiesling: Oh, they're not going to be able to speed cause I was, I went through the day, the three days that it was closed. The traffic was horrendous. It was backed up almost over the Hoover Company on Maple and almost to the park head trail on Marquardt. There will be no, I mean maybe later but not at rush hour but...

Mr. DeOrio: Not at the rush hour, I would imagine.

Mr. Peters: There is no light there. There are no, you couldn't get out.

Mrs. Kiesling: But there was an officer directing traffic.

Mr. Peters: Was it during the day?

Mrs. Kiesling: Yea, I was shocked. And everybody was cutting through Windsor and the neighborhood and it was ugly. Now nobody knew about it. I knew and forgot but you know, it was, I think people didn't realize that three days was coming but this one's been posted a little better.

Mr. Grimes: Yea, the Chief knows its happening and has mentioned that so.

Mr. Peters: Yea, I had a conversation with the Chief too, but that wasn't just that road. You brought up a great point. They will cut all the way up 7th Street and, you know, then you're getting into the area where, you know, the kids are coming out of school at that time and it could get hairy.

Mr. DeOrio: Yea, it's thousands and thousands of vehicles. It's gonna be a tremendous burden.

Mrs. Kiesling: Oh, it was, I was shocked. I thought there was an accident, yea.

Mr. DeOrio: I guess I digress. If there's no other questions regarding this, I would move to adopt Ordinance No. 76-11.

Mr. DeOrio moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 76-11. All members present voting:

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

No: 0

Mr. Snyder: Since time, I believe, is of the essence on this because of the construction season and the grant agreement, we ask that you **suspend the rules** for Ordinance No. 76-11.

Mrs. Kiesling moved and Mr. Davies seconded to **suspend the rules** for Ordinance No. 76-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion and a second to **adopt under suspension of the rules** Ordinance No. 76-11.

Mr. Davies moved and Mr. DeOrio seconded to **adopt under suspension of the rules** Ordinance No. 76-11. All members present voting:

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

No: 0

14. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 77-11.

Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 77-11. All members present voting:

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

No: 0

Ordinance No. 77-11 – 1st Reading – Street & Alley

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a LPA Federal Local-Let Project Agreement by and between the City of North Canton ("City") and the State of Ohio, Department of Transportation ("ODOT") for the

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Main Street Signals Project (Everhard Road to Orion Street), and declaring the same to be an emergency.

Mr. Snyder: Chairman DeOrio.

Mr. DeOrio: Alright, Jim, is this like a companion piece of legislation?

Mr. Benekos: Well, not truly connected with that. This is for the 80% FHWA funding through ODOT so this is to enter an agreement with ODOT that allows us to administer the project.

Mr. DeOrio: And who is administering it?

Mr. Benekos: I'll be the project manager.

Mr. DeOrio: Any other questions? I'll move for passage of Ordinance No. 77-11.

Mr. DeOrio moved and MR. Davies seconded to adopt the first reading of Ordinance No. 77-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion and a second to suspend the rules for Ordinance No. 77-11.

Mr. Davies moved and Mr. DeOrio seconded to suspend the rules for Ordinance No. 77-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to adopt under suspension of the rules Ordinance No. 77-11.

Mr. Davies moved and Mrs. Kiesling seconded to adopt under suspension of the rules Ordinance No. 77-11. All members present voting:

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

No: 0

Mr. Snyder: The reason these are being adopted on an emergency basis is time is of the essence. The grant agreements, the applications have to be ready, what is it, the 15th of September?

Mr. Benekos: Correct.

Mr. Snyder: And there would be not enough time so out apologies to the public. We would normally give this more than one reading but we were off on vacation the majority of the summer so we're paying for it now. Do I have to, if we're not going to consider this next Ordinance, we don't read it. Do we just let it go to the next time around?

Mr. Nilges: We should table it.

Mr. Snyder: Table it. Mr. Chairman, what is your request on this Ordinance No. 78-11?

Mr. Davies: Well, that's the Ordinance on the painting of the water tower and we're gonna table it for further information so.

15. Mr. Snyder: Okay. We'll entertain a motion to table Ordinance No. 78-11.

Mr. Foltz moved and Mr. Davies seconded to table Ordinance No. 78-11. All members present voting:

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

No: 0

16. Mr. Snyder: May I have a motion to read by title only, first reading of Ordinance No. 79-11.

Mr. DeOrio moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 79-11. All members present voting:

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

No: 0

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COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

Monday, August 29

7:00 p.m.

20 11

Ordinance No. 79-11 – 1st Reading – Water, Sewer & Rubbish.

An ordinance authorizing the Mayor of the City of North Canton to prepare and submit applications to the Ohio Public Works Commission for a loan for the Sanitary Sewer Lining Program - 2012; and, for the Mayor to be authorized, through the Board of Control, to enter into an agreement for said loan, and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies.

Mr. Davies: Yes, we've done this before. We know that there's water infiltrating the sanitary sewers and you can do either of two things; you can just rip everything out and replace it or you can reline, and we did this on, was it Willoway that we did? Yea, that we relined? It's much more cost effective and will allow us to get ahead of this so we would like to go for a loan, a zero-interest loan, right?

Mr. Benekos: Correct.

Mr. Davies: To get the money to go ahead and do this so that we can get this going so I would move that we approve.

Mr. DeOrio: How much are we applying for?

Mr. Benekos: We're going to go for \$500,000.

Mr. DeOrio: Should that, is that in the body of the Ordinance?

Mr. Benekos: That'll be not in the Ordinance. I don't think it is.

Mr. DeOrio: I don't see it in the Ordinance.

Mr. Benekos: Yea. That'll be...

Mr. Snyder: It's in the minutes, I believe.

Mr. DeOrio: Well, it needs to be in the legislation. Otherwise you could borrow ten million dollars.

Mrs. Kiesling: Well, it will come back to us to accept it.

Mr. Davies: Can we amend this to say "not to exceed \$500,000?"

Mr. DeOrio: Inaudible.

Mrs. Kiesling: Right.

(Inaudible): Yes, we can.

Mr. Snyder: Yea.

Mr. Davies: Well, let's. So you want to make a motion. I'll make a **motion that we amend** this Ordinance to say "not to exceed \$500,000." Or just to say apply for a loan for \$500,000.

Mr. Davies motioned and Mrs. Kiesling seconded **to amend** Ordinance No. 79-11 to say "not to exceed \$500,000" or just to say apply for a loan for \$500,000. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion and a second **to adopt the first reading, as amended**, of Ordinance No. 79-11.

Mr. Davies moved and Mr. Foltz seconded **to adopt the first reading, as amended**, of Ordinance No. 79-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion and a second **to suspend the rules** for Ordinance No. 79-11.

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Mr. DeOrio moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 79-11. All members present voting:
 Yes: DeOrio, Foltz, Kiesling, Peters, Snyder, Cerreta, Davies.
 No: 0

Mr. Snyder: May I have a motion and a second to **adopt under the suspension of the rules** Ordinance No. 79-11.

Mr. DeOrio moved and Mr. Davies seconded to **adopt under suspension of the rules** Ordinance No. 79-11 as amended. All members present voting:
 Yes: Foltz, Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio.
 No: 0

17. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 80-11

Mr. DeOrio moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 80-11. All members present voting:
 Yes: Kiesling, Peters, Snyder, Cerreta, Davies, DeOrio, Foltz.
 No: 0

Ordinance No. 80-11 – 1st Reading – Water, Sewer & Rubbish
 An ordinance increasing the amount allocated for the professional services agreement to update the Water Distribution System Model, at a cost not to exceed \$58,200.

Mr. Snyder: Chairman Davies?

Mr. Davies: Again, as it states, we want to update our water distribution system model. We've had a good model before but periodically it has to be updated and now is the time to do it. I would move that we approve.

Mr. DeOrio: Second.

Mrs. Kiesling: When was the last one done? I apologize.

Mr. Benekos: We started it, I believe 2001 and completed, I think, 2002.

Mrs. Kiesling: Okay. Thank you.

Mr. DeOrio moved and Mr. Davies seconded to **adopt the first reading** of Ordinance No. 80-11. All members voting:
 Yes: Peters, Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling.
 No: 0

18. Mr. Snyder: May I have a motion to **read by title only, first reading** of Ordinance No. 81-11.

Mrs. Kiesling moved and Mr. Davies seconded to **read by title only, first reading** of Ordinance No. 81-11. All members present voting:
 Yes: Snyder, Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters.
 No: 0

Ordinance No. 81-11 – 1st Reading – Water, Sewer & Rubbish
 An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement to update the Water Distribution System Model, at a cost not to exceed \$58,200.

Mr. Snyder: Chairman Davies.

Mr. Davies: Yes, this is an Ordinance authorizing the Mayor to enter into a professional services agreement to do the update of the distribution system model and I would move that we approve.

Mr. Davies moved and Mr. Peters seconded to **adopt the first reading** of Ordinance No. 81-11. All members present voting:
 Yes: Cerreta, Davies, DeOrio, Foltz, Kiesling, Peters, Snyder.
 No: 0

19. Mr. Snyder: May I have a motion and a second to **read by title only, first reading** of Ordinance No. 82-11?

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Mr. Davies moved and Mr. DeOrio seconded to **read by title only, first reading** of Ordinance No. 82-11. All members present voting:

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

No: 0

Ordinance No. 82-11 – 1st Reading – Water, Sewer & Rubbish

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a professional services agreement for the design of the Rosewood Circle Sanitary Sewer Project, at a cost not to exceed \$35,000 and declaring the same to be an emergency.

Mr. Snyder: Chairman Davies.

Mr. Davies: Yea, this is a project that we had already approved but because it was determined because of soil conditions that the project was going to cost more money, we had to scrap it for this year. We want to put it on for next year but we gotta get the design done. So we said, talked about it last week and said we'd go ahead and get the engineering done so that the project would get going next year and I would move that we approve.

Mr. Davies moved and Mr. DeOrio seconded to **adopt the first reading** of Ordinance No. 82-11. All members present voting:

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

No: 0

Mr. Snyder: May I have a motion to **suspend the rules** for Ordinance No. 82-11.

Mr. Davies moved and Mr. DeOrio seconded to **suspend the rules** for Ordinance No. 82-11. All members present voting:

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

No: 0

Mr. Snyder: As a potential emergency exists as well as time, please **adopt under the suspension of the rules** Ordinance No. 82-11.

Mr. DeOrio moved and Mr. Davies seconded to **adopt under suspension of the rules** Ordinance No. 82-11. All members present voting:

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

No: 0

REPORTS:

Mr. Snyder: Okay, reports, Director Nilges.

Mr. Nilges: Sure. Previously, I just want to give a little status update as to where some of the, two things that kind of have crossed paths; one, merging all the collection items into, under on house. We had decided to use Bill Emley at Buckingham Doolittle & Burroughs to basically be our collector for all accounts, and then also Mayor's Court. When I got here, you know, it had been a long time since either zoning had been enforced or anything had been done in terms of collecting on taxes, delinquent taxes and Gail Bruce keeps wonderful files and just had a stack about that much, she's in the tax department, of people who just didn't pay their taxes and got away with it so what we did is for the smaller amounts and the non-habitual offenders, what we did was send them on to Mr. Emley over at Buckingham. He now has over a hundred files that he will be pursuing aggressively and with the habitual offenders and people who owe us a lot money, they got a special visit from a North Canton police department employee with a summons to Mayor's Court. Over 33 were issued and currently we have 17 scheduled for appearance and hopefully those people bring their checkbook or else they will be transferred over to Canton Municipal Court where they risk jail time. We also have two, I believe, noncompliant zoning matters that are going to be coming up in Mayor's Court, and the way we kicked all this off was this gentlemen over on Castlewood was just absolutely obstinate in his refusal to listen to several prior superintendents in Permits & Inspections and after a year or so, we finally got an order from Judge Heath that said remove that noncompliant shed you have in your front yard or else you will spend ten days in jail and you will also be paying a portion of our attorney's fees. So, I guess we have been talking about this for about a year and I can be happy to report that this is now well under way, everything is, machinery is well in place and quite frankly, the Administration and the Clerk's office are now writing and serving these complaints on their own so it is going to be self-sustaining with just basically supervision by me and there shouldn't really be any additional legal costs associated with this. It's just going to be collecting money and enforcing the code. So that's what I have to report.

Mr. Snyder: Thank you. Director Alger.

Mrs. Alger: Nothing to report.

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Mr. Snyder: Administration Grimes.

Mr. Grimes: Just that, you know, we are working on some of the flood issues. We've got both Chiefs looking at different ways for an early warning system; what will work, what won't work, why they, you know, what we can do for that. Getting some of the lines TVd. The Law Director and I are going to meet with our insurance agent this week and go over some of the claims that we had and see where we legally stand on them. The civic center, we did have a retirement there. We haven't replaced that person. We're trying several different ways to run that as a cost saver so if you get any complaints from any citizens, let me know because we are trying various different things in attempt to save some money there too. So, and then the Finance Director and I are working to see what we can get electric for our city buildings cheaper than what we've been doing so we'll probably have something pretty soon on that.

Mr. Snyder: Appreciate that. Mr. Mayor.

Mayor Held: Yes, I would like to just summarize what took place at the last community meeting. We had a town hall meeting and some of you weren't in attendance at that meeting. We had probably over 115 residents that were affected by the flood area long the Zimber Ditch and then we also had a number of other residents that were off on higher ground along 5th Street and 6th Street that had sanitary sewer back-ups and that was due to the heavy rain that we had a few weeks back where we had the five inches of rain in about a three-hour period and I think that we really took a lot of information from that meeting. I think that it was very helpful. It was not an easy meeting because we had a lot of residents that were very unhappy with the flooding that's taken place at the Zimber Ditch, sanitary sewer back-ups that took place along a number of homes in the area and I would like to let those residents and all of you here know that we take those complaints very seriously and that there is not an easy fix for the problem. It's going to take time. It's going to take a financial commitment and it's a very challenging situation but what we are going to do, as I stated in that meeting, is that we are pursuing a FEMA buyout program for homes that are in the flood plain area, pursuing an application for that. That can be, as I have been told, a two- to three-year process or longer. The other thing that we're looking at is we've talked with the Council members and Councilman Snyder and I on behalf of City Council are going to send a letter to Congressman Renacci's office requesting that the Army Corps of Engineers come out and review the Zimber Ditch and also review the water detention basins that were built upstream so that we can provide further explanation or that the Army Corps can provide further explanation to the residents as far as what the City can do and to improve the situation. Again, we did, Council and myself did send a letter to the Army Corps of Engineers directly but we're also going to ask for Congressman Renacci to intervene on behalf of the City of North Canton to be sure that we get the full support and services of the Army Corps of Engineers. No in addition to that, as I had mentioned earlier, we are looking at replacing the sanitary sewer lines as we have been doing year after year. If we have a closed sanitary sewer system with all new lines, we're going to have less storm water flowing into that system and we're not going to have the same level of back-ups that we have right now. I don't think you will ever be able to prevent back-ups but certainly the more closed the system is and the newer the lines are the less likelihood you're going to have that. So, we do take this seriously. We're not ignoring our residents out there. We know it's been very frustrating and we are taking steps weekly to address the problem, and I thank you all for your patience. That's all.

Mr. Snyder: Thank you, Mayor. Mr. Engineer.

Mr. Benekos: No report.

Mr. Snyder: Madame Clerk.

Mrs. Kalpac: No report, thank you.

Mr. Snyder: Member Peters.

Mr. Peters: Yea, one question. Jim, the 7th Street paving project from ...

Mr. Benekos: Woodside to Briar.

Mr. Peters: When's that start?

Mr. Benekos: It should be starting here within a couple weeks. The contractor is Northstar and I think they have another project they're finishing up, and they should be in town here shortly. So they'll be starting throughout the city.

Mr. Peters: Okay, very good. And, I can't remember your name. Mr. Mueller, Dan, Okay. Great idea. The after-action review or post-action review. I mean, maybe that's something that we can incorporate into Ordinances that would require something like this or it would make sense where it

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automatically comes back, you know, comes back to Council, you know, a month, two months, three months after that. I like the idea, so thank you. That's it.

Mr. Snyder: Member Davies.

Mr. Davies: Yes, a week or two ago in my Ward there was a break-in which was reported in the Repository. It's a home invasion and as it turns out it apparently was a targeted event, however I had several constituents that were concerned and I contacted Mr. Grimes and also Chief Wilder and we're gonna have a meeting at the civic center. Did we reserve the 4th? It'll be October 4, at 7 o'clock at the civic center. We'll have our police department there. We'll have from the prosecutor's office a man from Crimewatch to talk about crime prevention in neighborhoods. Larry Parker who owns Aparco Burglar Alarms up on Applegrove will be there and we're gonna talk about home safety. We have a great police department that does a great job but they can only do so much and frankly, if you hire a hundred policemen, they can't be everywhere, you know, at all times and with the economy the way it is, there just seems to be more break-ins and more burglaries, and more thefts and so forth so as, you know, we need to protect each other and we need to protect our homes so keep that date in mind, October 4th, 7 o'clock at the civic center.

Mr. Snyder: Member Cerreta.

Mr. Cerreta: No report.

Mr. Snyder: Member DeOrio.

Mr. DeOrio: Oh yes, to the Law Director's report regarding the filing of the claims with the Canton Municipal Court, which to make that we're clear for the record that Phil Giavasis the Clerk of the Court made a request to the four judges of the Municipal Court, Judges Belden, Kubilus, Falvey and Poulos, to grant an equivalent status to the City of North Canton that the City of Canton enjoys as regard to filing of civil claims. That request was approved probably two years ago and I'm glad to finally see that some of those cases are going to make it to the court. There is no cost to the City of North Canton to file the complaint. There is no cost to the city of North Canton to commence a garnishment or a tax action. The City of North Canton would never have to pay any of the fees unless there is a collection that is successful so if we are able to find somebody, or Mr. Emley is able to find somebody that is employed and able to garnish their wages, the first dollars that come into the court would go to pay the court's fees and then once those are satisfied the balance would go the City of North Canton. Thank you.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: Yea, just a quick comment, Jim. Jon and I talked briefly about this today. I read in the paper this weekend about, and I was curious, but the airport extending their parking up, yea we got issues and you know, everybody is frustrated personally with everybody who sits up here but obviously we don't have control over what another municipality grants to be built on, you know, their incorporated areas which, you know, the airport is our friend, but I believe that's causing a lot of our problems, brand-new runway or extended runway and now they're extending all their parking and they have plans to do even more parking. When can we say, whoa, whoa, whoa, you're obviously not retaining your water because we've got major issues down here? What can we do now to stop, I mean obviously you can't stop their parking, although we could certainly try, but what can we do? I mean, this is just out of control. It obviously needs to be done. It's a great airport. I'm all for it, but they didn't keep their runoff obviously as it was and we put two huge retention basins up there as a whole County project; that didn't work. What are we going to, you know, what can we do as a city?

Mr. Benekos: Well, a couple things. First, when you say the two County retention basins didn't work; they did work.

Mrs. Kiesling: Did, right, five inches of rain, you're right.

Mr. Benekos: They're not going to solve the problem. If they weren't there, flooding would have been worse. When the MS report of the Zimber Ditch came out and the recommendations they made back in the mid 90s, the airport was the first one to put in retention basins so the airport is aware of the issues. Their retention basins, I believe, were designed for 25-year storms. So with that said, I did meet with the County today regarding trying to get a handle on where we want to proceed from here, and we threw around some ideas. One of the ideas, one of the action items is we are going to be talking with the City of Green because a lot of the headwaters originate up in Green and also with the airport. Like I mentioned, they have been sensitive and they did start that, but we are going to talk to them and see what else they can do. Can they expand these basins, can they put other basins in? And that additional parking lot was brought up so we don't know what they're doing up there. We're gonna go talk with the City and with the airport and see what their plans are. Is there more that they can do? We're also going to be revisiting the existing retention basins and see if they can be expanded and then if there are other locations for retention basins. The idea, the concept of utilizing Price Park as a retention basin, that's kind of late.

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Mrs. Kiesling: Right.

Mr. Benekos: You know, 75% of the water is coming before it hits the City border. To put in a retention basin is just like expanding the swimming pool we're already in. It's not going to do a whole lot. It might do some, and we'll explore that also. We're not counting that out, so we're going to look at different areas that we can put retention basins in and then expanding the existing ones.

Mrs. Kiesling: Right. Inaudible. Okay.

Mr. Benekos: Then comes the question cost. Where do we get the money for that? So, we'll be looking at all these issues.

Mrs. Kiesling: We aren't part of the problem though. You know, you say "we." It's Green allowing them to build.

Mr. Benekos: It's not only Green. It's Jackson, it's Plain.

Mrs. Kiesling: And that's my next question. What is going on at the Strip where they're putting huge, obviously storm sewers in, in that teeny little spot right there on the highway. What are they doing?

Mr. Benekos: Well, there was an existing retention basin there.

Mrs. Kiesling: Yea, that...

Mr. Benekos: Right. The huge pipes that are going in. You notice there's holes in those pipes.

Mrs. Kiesling: Yes, they're very...

Mr. Benekos: Right. So that, what that's called is in-ground or detention so the storm pipes, the drains will go into those pipes. There'll be open pipes in the ground. The outlet from the pipe will be small so it's like a large retention basin in ground.

Mrs. Kiesling: It's supposed to hold it? Okay.

Mr. Benekos: That area is very porous, a lot of sand and gravel so it absorbs the water very well into the ground.

Mrs. Kiesling: Are they building anything on top of that though?

Mr. Snyder: Yes.

Mrs. Kiesling: Cause something's going in.

Mr. Benekos: That's. I don't know if that's true.

Mr. Snyder: That's true. They are building, that project, that drainage project that you see existing is the developer's paid over \$2 million for that small area, to put that pipe in the ground to effectively in the calculations say that it will maintain all the existing storm runoff as well as the new. It will be covered and there will be two new restaurants placed on the top of that.

Mrs. Kiesling: That's more blacktop. So shall we write a letter now saying the moment we get, maybe say a normal rain, one inch, one-and-a-half inches, and it doesn't hold its water, they're going to be held liable and we're saying it from here on out. You know, when do we say enough is enough? Because it's not our fault, we can't stop it. They've zoned it; they're letting them do it. When can we say, wait a minute, stop. I can't believe Canton doesn't want to say. When do we say enough is enough?

Mr. Benekos: Yea.

Mrs. Kiesling: I don't want to sue.

Mr. Nilges: No, I know. I know you don't want to sue but to join the conversation, as Jim is talking about cooperatively finding a solution. I can just maybe enter the discussion and remind them that there is at least an 8th District Court case and there is a Supreme Court case that says if you push water onto your neighbor, you do have liability for that so they have every incentive in the world to assume the cost so...

Mrs. Kiesling: So it would take a suit from us to get paid.

Mr. Nilges: Right. And we haven't done that.

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Mrs. Kiesling: So even, that five inches of rain was not an act of God. I'm not, I'm not saying anybody is to blame but it certainly didn't help that there's a ton more blacktop up there.

Mr. Nilges: Right: No, but when there is, specifically when there is development.

Inaudible.

Mrs. Kiesling: Yes. Well, Okay.

Mr. Snyder: You know, if I may chime in. I think, and over the period of the last a little over the month since that has happened, the flooding, I spoke two different times to the engineer who was responsible and the architect for those two large retention basins at Aultman and at across the street there, but I asked him, and of course the problem is funding for them to come down, and we hope to push that along, but since then I spoke to another County engineer today, ex-County engineer, and they feel, you know you brought up about Price Park; they feel that, you know, the City is not in a position to buy 50 acres of land to develop a retention basin, that that provides more than minimal runoff if we can flood the park when, during heavy storm periods. Obviously we'd have to figure out some gated way to do it, but it would prevent a lot of that water from building up into those people's houses and as well as we have other areas in the City that we must address and some of the runoff because I don't think most of the residents I've spoke to, at least the ones I represent, are probably willing to give us much more time to come up with some type of alternative solution. We hope we all can come together and work that out.

Mrs. Kiesling: What are they doing with the Pathway building that is being bought by the federal government? Why don't we knock it down and make that a retention basin?

Mr. Snyder: I understand that's going to Stark. That's going to Stark Parks. I did have a conversation with the president of the board there and of course, he can't unilaterally promise anything. He is like the Council. It takes a majority vote. But he is willing to, at least he is to present to their board the thought of when they take that over to make that a retention area along with the park.

Mrs. Kiesling: Well, it's already a retention area unfortunately. Inaudible.

Mr. Snyder: Yea, but I mean to bowl it out so that it will be able to hold the water. Price Park right now takes the water but it runs right back into people's yards because the water reaches over the top soon. But if it's bowled out it'll hold, and for anybody that really wants to see one in action, they have one at 30th and Market. The City of Canton has...

Mr. Foltz: Weis Park, 25th.

Mr. Snyder: Yea, 25th. It's all bowled out. It's a park all the time except when it rains it does hold the water and it releases gradually out.

Mr. Foltz: It holds millions of gallons.

Mr. Snyder: Yea. And Price Park would hold millions, millions of gallons. That's 50 acres.

Mr. Foltz: And they do, Jon, they do play soccer and rugby on that when it's dry.

Mr. Snyder: Yea, when it's dry. Yea. So it's not...

Mr. Foltz: It's amazing. You see the picnic tables floating around and the goal posts.

Mrs. Kiesling: I know. The goals. Chain them down.

Mr. Foltz: The goal post buried but it does come back.

Mr. Snyder: It comes right back in a few days and I think that's what we could get the Corps maybe if they don't have money at least maybe design the engineering and we can cooperate with them and get the jurisdictions to put some money in as we did in the early 90s before, but we have to do something.

Mr. Foltz: Jon, I have a few thoughts.

Mr. Snyder: Please.

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REGULAR

Meeting

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Held

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7:00 p.m.

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Mr. Foltz: Jim, just to go back to the Strip development. The perforated pipe, the very large pipe that they're putting in. So that's in lieu of retention-detention somewhere else. Are you saying that meets engineering requirements?

Mr. Benekos: That is a retention system.

Mr. Foltz: So that is the retention-detention for that area for that improvement.

Mr. Benekos: Correct.

Mr. Foltz: So there'll be no other areas?

Mr. Benekos: That's my understanding. I haven't seen the plans for it.

Mr. DeOrio: Okay. So everyone's aware of that. So that's, they say they're helping the existing problem maybe a little bit but they're trying to for whatever that's going to be worth. To the Muskingum Watershed, can we tie into them at all for funding? Can we, can we, you know we're all paying into that thing and it's all downstream but let's get something upstream for our people.

Mayor Held: That's a very good point and what we plan on doing is contacting them to ask for our fair share of the funds because all of our residents pay into it and we need our fair share of the funds.

Mr. Foltz: Exactly. It all ends up down their way anyway, let's slow it down or have a better water-control system where we need it.

Mayor Held: That's correct. That's right. That's exactly right.

Mr. Foltz: Third, Councilman Cerreta and I were talking and I think he brought it up, and it's a very good point, that the other side of the Zimber Ditch, which might be Corps of Army Engineers controlled for all we know, you know, we had some speakers here at the last meeting. Is there a way we can use that park area on the, I guess it would be the west side of Zimber Ditch, as a detention area?

Mr. Snyder: Are you speaking of our own land?

Mr. Foltz: Yes.

Mr. Snyder: Yes, I spoke today about that. We have about almost nine acres there they're looking into right now.

Mr. Foltz: Maybe not just...

Mr. Snyder: Bowling that out and using that.

Mrs. Kiesling: Behind Mullinax you mean?

Mr. Snyder: Yea.

Mr. Foltz: It would be detention where it gets wet, fills in and then drains back out versus just holds water. You know.

Mayor Held: Yea. See, really what we're looking at is the reason we want to work with the Army Corps of Engineers is because that's service that we as a City do not have pay for so we're not contracting with a private company to do an assessment or review or a study. I mean, that's service that's available that we're entitled to and then secondly the Muskingum County Watershed District, that's another service that our residents pay into and we are entitled to our fair share of, of those funds to address the flooding and as you mentioned, it also impacts, the more drainage basins that we have up here north it's the less water that's flowing down to Canton and...

Mr. Foltz: Well, Canton is a major stakeholder in this too obviously so...

Mayor Held: Dover.

Mr. Foltz: There was serious flood damage there also so maybe we can all get together and pursue those meetings. A compliment to you, Mike, and the administration, Mayor, Jon, as far as the meeting. It wasn't an easy meeting. I mean, we don't have all the answers, as you said, but we have to put something together with a plan that's going to take effect.

Mayor Held: Right.

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Mr. Foltz: We might not be able to solve all the problems for all our residents when five inches, seven inches of rain come down in three hours. We know that, but there has to be something we can do to help impede or slow the process of water anyway. Hopefully we don't get another rain like that again in our lifetime, but you never know. That said, Mike, I'm gonna send you a memo. A few of the residents were here at the meeting; Ken McAdams, the Elsass family, the Geichy family and Mary Lou Johnson I talked to on the phone about some storm and sanitary issues. These were sanitary back-ups so you might already have some of them on file. And just so you are aware of that and that's a list unfortunately for you. You know, I thought you were getting through it so I just wanted to compliment you on the meeting. It wasn't an easy meeting, but we do care about our residents and I want to be up front and honest with them versus telling them something we can't make it happen. I mean, there's the reality to all this and we're not the bad guys. We just have to deal with the problem as best we can so I just wanted to make those points. Thank you.

Mayor Held: Thank you, Doug.

Mr. Snyder: Thank you, Mr. Foltz.

Mr. Osborne: Mr. Snyder, I met with the contractor over at the Strip today and I can add some words (inaudible).

Mr. Snyder: Alright, just one moment till we finish up here. I want to remind everybody next Tuesday will be the meeting, not next, Monday's a holiday. We did vote in early January to move that meeting at that point so it's not a required vote. That is a working meeting. There's no public speaks at that meeting. The following Monday, which I believe would be around the 14th, 12th? Will be a public speaks; every other meeting. So those wishing to speak are more than welcome to come and speak. I would hope that this projection and these things helped the audience somewhat. I don't know if it did or not. I hope the speakers are working all well. We're open to any suggestions you may have.

Mrs. Kiesling: I have one more thing, Jon.

Mr. Snyder: Yes, Ma'am.

Mrs. Kiesling: Aren't we doing a memorial service at the park on Saturday? Correct?

Mayor Held: Yes, that's correct.

Mrs. Kiesling: 12 to 12:30?

Mayor Held: Thank you for bringing that up. Yes.

Mrs. Kiesling: Okay.

Mr. Snyder: I thought it was the 10th.

Mrs. Kiesling: The 10th, which is Saturday.

Mayor Held: What time is the?

Mr. Snyder: 12 to 12:30.

Mr. DeOrio: Do you have more information to share on that, Mayor?

Mrs. Kiesling: I read it through the Chamber of Commerce so.

Mr. Snyder: The paper said 12 to 12:30.

Mrs. Kiesling: 12 to 12:30 at the War Memorial.

Mr. Grimes: At our Memorial, yea.

Mrs. Kiesling: On the 10th, Saturday the 10th.

Mr. DeOrio: We can go over that next Tuesday also.

Mr. Snyder: Is there any other Council business? Mr. Osborne, we will give you a couple minutes to tell us, please.

Mr. Osborne: Yes, I stopped by there today because I've been curious. I met with the contractor. They're putting in a Bonehead Fish restaurant and I think it's an Outback Steakhouse.

Mr. Snyder: That's correct.

RECORD OF PROCEEDINGS

0061

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, August 29

7:00 p.m.

20

11

Mr. Osborne: It is an in-ground retention basin. They will not be building the restaurants on the retention basin. The parking lots will cover over the retention basins. The pipe alone cost a half a million dollars that they're putting in. The total project was three million dollars. (Inaudible).

Mr. Snyder: Two. I was told it was two.

Mr. Osborne: It's a sizeable project and they're gonna incorporate that in with the existing and connect it with the rest of the Strip water runoff draining system. But that's what's going on. There's gonna be two in-ground retention basins.

Mr. Snyder: Appreciate your...

Mr. Osborne: I appreciate Mrs. Kiesling's remarks. I think that if you put everybody on notice that future development should be halted that they will quickly embrace and join us in asking for funds to take care of the Zimber. I don't know for a fact but I wonder if the parking lot that's in construction at the airport...

Mr. DeOrio: Aren't we off the point here? (Inaudible) something that's true.

Mr. Osborne: But the water runoff, I think, is going to the west and not (Inaudible) this direction.

Mr. Snyder: We'll look into it. Thank you. Any other thing to come before the Council? Mr. Mueller.

Mr. Mueller: Recently brought up, I'm sorry, Dan Mueller, 1334 Wilkshire. I think we brought up about the sale of Fairways for assisted living. Did anybody point on that, do you know? (Inaudible) a little over \$2.some million? Jon?

Mr. Snyder: I have nothing to say about that.

Mrs. Kiesling: We haven't sold the Fairways

Mr. Snyder: He asked if there was anything to selling the Fairways.

Mr. Mueller: Yes, it's been brought up today about the sale of the Fairways for two point some million dollars.

Mrs. Kiesling: It's all gonna be bid out and very public and no, that has not happened.

Mr. Snyder: Nothing's happened as of yet.

Mr. Peters. You'll know if it happens. It has to be public. It's not done in private.

Mrs. Kiesling: Yea, if it happens, it'll be very public.

Mr. Snyder: Yea, that's all been in public. Anything, public property, government-owned property has to be bid or auctioned. It can't be...

Mr. Mueller: I understand that. Thank you.

Mr. Snyder: You're welcome. Anybody else? If that's it, may I entertain a motion to adjourn.

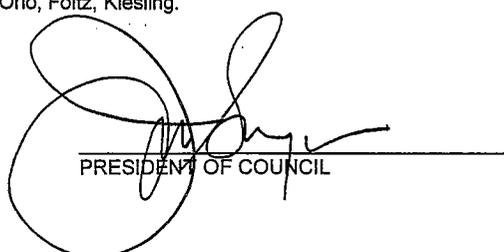
ADJOURN:

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

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

No: 0

The meeting adjourned at 8:41 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL