

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, August 30, 7:00 p.m. 20 04

CALL TO ORDER:

1. The meeting was called to order at 7:00 p.m. by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Ken Moody-Arndt, Faith United Methodist Church.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. The following members of council responded to roll call: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder. Also present were: Mayor Rice, Director of Administration Miller, Director of Law Pusateri, Director of Finance Herr and Clerk of Council Bittle.

5. Consideration

Minutes of the Public Hearing: July 12, 2004
 Minutes of the Council Meeting: July 12, 2004
 Minutes of the Special Council Meeting: August 2, 2004

Mr. Lane moved and Mr. Sarbach seconded to approve the minutes of the public hearing, minutes of the council meeting and minutes of the special council meeting as presented. All members present voting:

Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
 No: 0

6. Committee Reports

Community & Economic Development Committee: Refer to the minutes on file in the Council Office of the Community & Economic Development Committee meeting held August 23, 2004.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meetings held August 2 and 23, 2004.

Ordinance, Rules & Claims Committee: Refer to the minutes on file in the Council Office of the Ordinance, Rules & Claims Committee meeting held August 23, 2004.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meetings held August 2 and 23, 2004.

Mr. Sarbach moved and Mr. Peters seconded to approve the committee report minutes as presented. All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
 No: 0

7. Recognition of Visitors

Mr. Snyder: Is there anyone in the audience wishing to speak to the council this evening? If so step forward, state your name and address for the record.

Ed Friedl: 1010 Edgewood Street SE. I'm here to speak on the project, the Gaslight, Edgewood sewer project; which the majority of the residents are for by the way. We were annexed into the city about at the end of 99. At the beginning of 2000 the city upgraded the waterlines. We have always been on city water, but they upgraded the waterlines. At that time they, excuse me, they damaged a lot of curb work, we've had some water problems since then. About two years ago a couple residents really pushed to have our sewer upgraded because we're some of the last in the city that still had septic systems. So it was started by a couple, opposed by a couple, but generally accepted by most in that the city would finally come back and fix our curbing, repair the street and repave it. And I just recently learned that they're not going to do that, that they're going to only replace the curb work that has been broken. So I just wanted to come and speak and say that I think that the city is doing a disservice and pulled the wool over our eyes a little bit because had I known that I probably wouldn't of been a proponent for the project. So I just wanted to come and speak ...inaudible... Thank you.

Mr. Snyder: Thank you Mr. Friedl. Is there anyone else in the audience wishing to speak?

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Unidentified (speaking from audience): Is that microphone on? We can't hear.

Mr. Snyder: Can't hear it. Is this microphone you're talking about?

Unidentified: Inaudible...

Mr. Snyder: Yes mam, it is on. Sir, you want to step forward and state your name.

Unidentified (speaking from audience): Inaudible... same subject. Inaudible...

Mr. Snyder: Please come forward.

Unidentified (speaking from audience): I don't want to confuse anybody ...inaudible...

Barry Lowry: I'm Barry Lowry. I live at 315 Gaslight Circle. And I just want to speak to really what Ed was talking about. And just some experience that I've had with the curb issue a few years ago when they did the water, I, like a lot of people, incurred some damage in that area. And I had - we have a curb right on the one side of my driveway that's completely gone. And at that time they told us - well can you fix this? And I had two that have sunk down about six inches and some driveway that needs some repair. And the point was made to me that well there's no sense in doing a lot of work on that now because in a few years we're going to be doing the sewers, we're going to replace all of these anyway. And it wasn't just a casual comment it was you know it was brought to my attention by the former council Rick McLaughlin and also David Held made a personal phone call and actually came out and looked at the situation and he told me the same thing. And I - still I wanted it done and I made repeated phone calls to the Maintenance Department and they ... you know insisted that hey we're going to do that whole thing and finally we're going repair - you know replace everything. It wasn't repair, it was replacing it. So I said okay that sounds like a you know that's a good idea. Now it's disappointing to me because if they do just repair what was there why do we have to sit with this for three years now? I mean if they were only going to repair it why didn't they come out and repair it then? So anyway that's my thoughts. Thank you.

Mr. Sarbach: Barry, I have just one question.

Mr. Lowry: Sure.

Mr. Sarbach: You alluded to ... you said that your councilman - your previous councilman and the previous administrator ...

Mr. Lowry: Yes.

Mr. Sarbach: are those the individuals?

Mr. Lowry: Right.

Mr. Sarbach: Alright. Thank you. I wasn't clear on who they were.

Mr. Lowry: Yea, David Held and Rick McLaughlin and then whoever - I don't remember the names in the maintenance, but it doesn't really matter. I'm not really trying to point fingers as much as I am just trying to say that I was reassured and it was always the same story from all three things - sources that we were going to get new curbs in a few years.

Mr. Sarbach: Thank you.

Mr. Lane: If I could interject just for a moment.

Mr. Snyder: Please

Mr. Lane: I checked with Jim Benekos last week. I didn't realize Jim wasn't going to be here tonight. Apparently some time in putting together this year's budget, that got shrunk. And I don't think anybody here really realized that. And it went from basically replacing everything to just repairing. That doesn't mean we can't put it back in for next year or possibly make some adjustments this year. But it just came to my light last Monday. So we - I'm still trying to find out a little bit more about it and the history of it and I talked a little bit to Mr. Miller tonight too. So just so you know I haven't forgotten. So ...

Mr. Snyder: Thank you Mr. Lane. Kenny.

Ken Stephen: Inaudible... My name is Ken Stephen. I live at 716 Weber NE. And I've got a water problem. And I've talked to - I think Dave and I have in the past and Greg - of course Greg, you knew about this problem. I've lived on Weber 19 years and I've always had to change my water filter monthly. But I - and I'm a patient man, but I think that there's a problem in the city street and I'm just making sure the water - that's four weeks in my whole house water filter. I go through these once a month. And the city Water Department has been very good about redness in the clothes. They've been giving me the red out that I call it, I don't know what the real name is. So the city Water Department has been very good about trying to rectify that, but the real solution of course is to

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to try to find out why the water is red. And at one time, I was told in the past, it may be my waterline or my inside line. So within the last four years I replaced the waterline from the city to my house and all the copper lines inside the house and I still have to change this once a month. So I'd just - I would like to see maybe the Water Department take a second look and revisit my waterlines on Weber. Thanks.

Mr. Snyder: Thank you sir. Sir...

Herschel Barefield: 436 Werstler Avenue. I'm here to speak on my waterline on my street, it is really bad, you can't use it, sometimes it's alright, but sometimes it's not and you can't even wash your clothes in it. And we get company, you set down eight glasses of water and it's rusty, how you feel about that? I have contacted my councilman and I never got no results back.

Mr. Snyder: I think sir, and not - if I'm not mistaken, Mr. Foltz has placed that - that's one of the streets coming up that we are going to upsize those lines and place all new lines in there. That is - and I couldn't tell you, but I do know he's had that - is that the ...

Mrs. Kiesling: What street is it?

Mr. Snyder: Werstler.

Mr. Sarbach: Werstler.

Mrs. Kiesling: Werstler.

Mr. Foltz: It's Werstler. Let me ...

Mr. Snyder: Please sir.

Mr. Foltz: provide some background here. That street was - Herschel and Frances are neighbors of mine across the street. That street I think was improved in 92' or 93'. It was curbed and guttered, sewer and we thought, I thought, at the time waterline and that never happened. Okay. So last year, last fall, another neighbor of mine has had rusty water for a couple of months over the summer and I did not know that. So the Water Department at that time flushed the hydrant there and in talking to administration at that time, David Held and Tom Rice, we planned on having that waterline replaced this year. And also to check to make sure the gas line was done because they tore that street up within a year after it was finished, which is unconscionable to me.

Mr. Barefield: Inaudible... it was completed, it was bandaid till next ...inaudible...

Mr. Foltz: Right. So the whole neighborhood has been upset about how that turned out. We thought - that was before I came onboard on council, but we thought at the time if the waterline was decent enough that they didn't replace it we wouldn't have problems with it in the immediate future - within ten years. Well obviously some of the neighbors have had problems with it. Now the situation is, and I apologize to Herschel and Frances, I did call Mike Miller late Friday morning, cause they addressed it with me very early Friday morning before he went to work, about the waterline situation. But maybe Mike can give us an update on that with the money. But I guess the engineering took too long. They was under the impression we were going to do this in house at some point or we were going to engineer it in house. Those things never happened on a I guess a procedural basis that ..inaudible... enough to get it done. That's disappointing to everybody in our neighborhood. Cause we anticipated that waterline to be replaced. So I don't know where it's at now other than I know it was bid out and it being late in the year the prices didn't come in under the budget that we forecasted for the waterline to be replaced. So where does that leave us? I don't know. I don't know if there's additional money we can use. I know obviously if we rebid it over the winter and get it the first job in the spring we'll probably come out better as far as the money is concerned. But the bottom line is it's not replaced; we're still having problems with it. I don't know Mike if you had somebody flush that hydrant Friday. I thought I talked to one of the neighbors they said they came out and flushed it. That has to be done on a regular basis there.

Mr. Barefield: Inaudible... I called Brian and he came out. And it is...

Mr. Foltz: But the bottom line is it needs replaced as soon as we can get it replaced.

Mr. Barefield: Inaudible... back rusty again. So...

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Mr. Snyder: Well you know - I know Mr. Foltz – and sir the big problem is, and Mr. Foltz alluded to, is obviously finances. We – water projects are financed through water revenue and at this present time the fund balance is not as lucrative as it has been. However, I know that Chairman Sarbach is next week is going to bring up the fact of a rate increase, which I think a majority of that rate increase is to cover those lines – those – to change in the city. So I would think, cause I know Councilwoman Kiesling her lines on her street are identical, and for us to replace those, which should become a priority to us. Because obviously drinking water supercedes the aesthetics of any street in the city. If someone is drinking rusty water or using rusty water ...

Mr. Barefield: You can't drink this rusty water.

Mr. Snyder: Well that's what I'm saying. We have to address that before we address aesthetics of other projects that were going forward. And I think that is the priority of the administration to address those waterlines. And if I'm not mistaken Chairman Sarbach, there is money in that rate increase to cover those lines and upsize those lines.

Mr. Sarbach: I believe that was part of the study, yes.

Mr. Snyder: Right.

Mr. Barefield: What I don't understand, why did they come out and stake everybody's house off and pay these guys money to put marks on the street and everything and never developed anything? That's what I don't understand.

Mr. Snyder: Well as I think he alluded to, they did come up with a price. The price exceeded the engineer's estimate. And when the budget is put together in December you know the money is based and predicated on the engineer's budget, but unfortunately they had more jobs than they didn't – that job didn't become a priority to the people bidding it so they bid a littler higher and we don't at that point have the – we have ... I believe it's engineered so it's ready to go. It wouldn't – it's not like we'd have to start from scratch again.

Mr. Barefield: Well my wife talked to Mike Miller Friday morning...

Mr. Miller: That's me.

Mr. Snyder: Mr. Miller, right here?

Mr. Miller: Yes mam – yes sir. I mean she did.

Mr. Barefield: Well he...

Mr. Miller: If can answer – if I can clarify this

Mr. Foltz: Yea Mike, why don't you give us a recap of ...

Mr. Miller: Let me hit the nail right on the head. Council approved this in February of this year and the engineering got started on this and a number of other projects at the same time. By the time this one got ready to go out to bid it was July. We have to go out to bid for two weeks, we have to wait a period of time to open them up, they were opened up August. The bids came in and the original budget amount was 90,000, the engineer's estimate was 132,000, the actual bid amount, the low bid was 167,000. We were well beyond 10 percent of the engineer's estimate, which by state law we cannot award a contract in excess of 10 percent of that amount. What we've done since I've talked to your wife on Friday and since I've talked to Doug on Friday, is we're turning around and putting them back out to bid with an alternate bid in there. We're going to bid it out just as we did to see if everybody has looked at the price and if that price will come down. We're also going to bid it out as a spring start date. And then once those bids are back in for both that one, plus we also had the same problem with Royer and Willaman, we'll take a look at that and see what our options are, come back to council and decide whether or not we will award it for a start date yet this year or whether we want to award it for a start date next spring. One of the things I addressed with both Doug and your wife is by the time we get through the bid process again and get everything mobilized, I don't want to put the people on Werstler in a position where theoretically they're going to have the road tore up, the waterline might not be fixed yet and the road is tore up all winter. Because you'll want to get this thing wrapped up before winter sets in and not leave that road tore up all winter.

Mr. Barefield: That's a good idea.

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Mr. Miller: That's what I thought. So we're going to take a look at it and when the bids come in see what the timeline is for people to get it constructed. And one the suggestions that we might come back to council with, because we've got those two projects, is maybe borrow from Peter to pay Paul so to speak, figure out whether Werstler or Royer, Willaman is the top priority and take money from one ... that project and put it towards the other one and try to get one started this year and then get the other one awarded for a spring start next year.

Mr. Barefield: Which one is the worst?

Mr. Miller: That's something I'm going to let council decide, because ultimately they're the ones that are going to have to transfer the money.

Mr. Barefield: Well I know one thing...

Mr. Miller: I've – based on the calls I've gotten...

Mr. Barefield: that line is over 50 some odd years old.

Mr. Miller: based on the calls I've gotten, I would have to – tend to say Werstler is, because I've gotten a few calls on Werstler at this point. And this year is probably the worst year. Just to put this in perspective for everybody, this is the worst year there probably is going to be for stirred up water and rust in the water due to a couple things. One is we're constructing East Maple and we've had a couple breaks out there where the contractors hit a main. We also are doing the work down at the plant and in doing the work at the plant we've had surges in the lines and the surges blow out whatever rust is accumulated on the side of that pipe and unfortunately put it into the filters and people's houses and then to people's drinking water. So that's something that we're trying to address and hopefully we'll get taken care of here in the very near future as far as the plant is concerned and the surges. And then we do have a long term plan that's in part of the rate increase, a rate study that we're looking at to do these projects on a regular basis to try to get those undersized lines that are having the problems replaced as quickly as possible.

Mr. Barefield: Well you see I've got some people back there.

Mr. Miller: I see there's some folks with you, yes sir.

Mr. Barefield: Okay, thank you.

Mr. Snyder: Thank you sir.

Mr. Sarbach: Mike, can I – can I interject something Mr. Chairman?

Mr. Snyder: Please.

Mr. Sarbach: Do we need to step up some of the flushing procedures now that we're stirring this up? Because I've had other complaints like on both sides with Mr. Stephens on one side and a lady over on Eastbury and maybe we didn't use water at our house the same days they did or at the same time and that's why we didn't notice it, but should we step up the hydrant flushing in those areas?

Mr. Miller: We're trying to flush, but unfortunately we can't flush three or four different sides of the city at the same time ...

Mr. Sarbach: Yea, I realize that.

Mr. Miller: and that's what has happened here lately. At least the last week or so is that we've had the surge at the plant the same time we've had a water breakout on East Maple and some other problems. So we've been running around from spot to spot trying to get them all fixed at once and that's been the shortcoming here in the last week or so.

Mr. Sarbach: Thank you.

Mr. Snyder: Thank you. Is there anyone else in the audience wishing to speak before council tonight? Alright, if not...

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OLD BUSINESS:

- 8. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, third reading** of Ordinance No. 109-04. All members present voting:
 Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
 No: 0

Ordinance No. 109-04 - Third Reading

An ordinance authorizing the Board of Control of the City of North Canton, through the Director of Administration, to advertise and receive bids according to specifications now on file in the office of the Director of Administration and the Mayor, through the Board of Control, to enter into an agreement for the Freedom Waterline at the Water Treatment Plant and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yea, this is the third reading for a project that we had started before. I wanted to give it three readings. It has an emergency clause just so we can get it passed upon the Mayor's signature and not have to wait the thirty days and get this moving yet this year.

Mr. Sarbach moved and Mr. Peters seconded to **adopt the third reading** of Ordinance No. 109-04. All members present voting:
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
 No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 109-04. All members present voting:
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
 No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 109-04. All members present voting:
 Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
 No: 0

- 9. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance No. 112-04. All members present voting:
 Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder.
 No: 0

Ordinance No. 112-04 - Second Reading

Ordinance No. 112-04 authorizing the Director of Finance of the City of North Canton to make payment of a moral claim in the amount of \$150.00 to Jean Naughtrip for reimbursement of a portion of her payment to Critter Control for nuisance animal trapping.

Mr. Snyder: Chairman Peters.

Mr. Peters: Yes, thank you. This is the second reading. What basically what Mrs. Naughtrip did is went out on her own, hired a company to come out and remove, I don't know what animal it was. But this \$150.00 was what we would of paid had she come to us. So that's about it. Any questions? Alright ...

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 112-04. All members present voting:
 Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz.
 No: 0

NEW BUSINESS:

- 10. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 119-04. All members present voting:
 Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
 No: 0

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Ordinance No. 119-04 - First Reading

Ordinance No. 119-04 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Memorandum of Understanding ("Agreement") by and between METRO REGIONAL TRANSIT AUTHORITY, a regional transit authority created and existing under Ohio Revised Code Section 306 and the CITY OF NORTH CANTON, OHIO, a municipal corporation existing under the laws of the State of Ohio, and declaring the same to be an emergency.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: Yes, this is the beginning of an agreement to – with METRO Regional Transit Authority, the railroad tracks down on Everhard Road, to in the future annex an area on each side of the tracks so we can build – rebuild the culverts over the Zimber Ditch and we're going to help out with some of that cost – the engineering cost. And this is what we need to do to get the Zimber Ditch going. Anybody, questions? Alright.

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 119-04. All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 119-04. All members present voting:

Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 119-04. All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.

No: 0

11. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 120-04. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.

No: 0

Ordinance No. 120-04 - First Reading

Ordinance No. 120-04 authorizing the Mayor of the City of North Canton to enter into a contract with Burgess & Niple, Inc. for the preparation of design and specifications for an additional back-up generator at the Water Treatment Plant and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yea, this will be a generator that will allow us to fully operate the plant during any extended power outages. We have an upgraded plant and it would be a shame to have people run out of water, brown as it might be, to have no water is worse than having brown water; I'm sure we'll all agree to that. And this will allow us to treat that water and deliver it to the residents if and when we have an extended power outage. And I move that – well if we wait to do this it's going to cost us more money. This was originally designed and in the original specifications, if we have to go out and do it again at a later date it will significantly increase the price and I believe now it's a \$17,400.00 price tag.

Mr. Snyder: Chairman Sarbach...

Mr. Sarbach: Yes.

Mr. Snyder: One thing a member of council has brought to my attention, which seems prudent, that the existing equipment that we already – we've since bought a new generator I understand. When we went to use the old one it was not – it wouldn't work or something was wrong with it, I don't know the technical. But you know maybe we can ensure and through the administration, Mr. Miller's Office, that that one we have in place, the new one, as well as this newly designed one, be tested on some type of regular basis...

Mr. Sarbach: Right, yea.

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Mr. Snyder: that when we do fire it and I believe the premise we're buying this second one is for fire protection, to keep water in the holding tanks that we have throughout the city, that when we do fire it that it does work.

Mr. Sarbach: I've spoken with Mr. Miller about this and he's going and he's been speaking with the maintenance people to get those both on a monthly testing and operational basis and I feel that will be taken care of.

Mr. Snyder: Good. Well like I say that was brought to my attention and I pass that on to you.

Mr. Sarbach: Yea, we have discussed that.

Mr. Snyder: Okay.

Mr. Sarbach: Is there any other comments on – yes, David.

Mr. Lindower: Greg, is this to replace the existing unit that's already there?

Mr. Sarbach: No, it's not – no, it's not.

Mr. Lindower: This is in addition.

Mr. Sarbach: The existing unit would not run the entire plant..

Mr. Lindower: Okay, I...

Mr. Sarbach: We would be on limited capabilities with the one unit.

Mr. Lindower: And do – we don't know what the power output would be on that, how many watts. We don't know what the wattage or anything is on that?

Mr. Sarbach: No, the designer could tell you. Inaudible...

Mr. Lindower: Inaudible... ask Mr. Snyder about the maintenance on the unit. I was here when the first one failed. The problem that I saw with that whole system out there, it was a good generator, it just hadn't been maintained. It's just like an automobile, if you don't change the cooling hoses on the cooling system and belts and so forth on that unit on regular interval basis, when you do finally need it it isn't going to work.

Mr. Sarbach: Exactly.

Mr. Lindower: I would like to make sure that I go on record as saying is that I would expect to have somebody have some sort of documentation with the name or initials, the date and the time that the unit was serviced and what kind of maintenance was performed on that equipment. Changing the oil and so forth obviously is the kind of thing that would need to be done. But I was told at the time, by one of the employees out there, that the belts and the hoses that gave them trouble during the failure of that system were the original pieces of equipment, which were there since the Water Treatment Plant was built. And for this kind of an expense and investment, I think for the city, they could buy a heck of a lot of belts and water hoses to keep that thing maintained to make sure it would work. So I – that's a concern that I have and as I said that's something that I'd like for the administration to address if they would.

Mr. Sarbach: That's a valid concern. And Mr. Miller is looking – is going to take care of that. Another thing is the batteries. When the commercial power goes you need to have batteries to start those and trip switches and so forth.

Mr. Lindower: While I'm mentioning that, if I could, I don't want to hold this whole thing up, but who would be responsible for maintaining that particular unit?

Mr. Miller: Normally it would be the personnel at the Water Treatment Plant themselves. It would probably be John Hockensmith in that case would be the one to oversee it.

Mr. Lindower: But there would be one person or one department designated for the responsibility of making sure that maintenance is done. Is that correct?

Mr. Miller: That's correct.

Mr. Lindower: Thank you.

Mr. Sarbach: Any other comments? With that I move we adopt the first reading of Ordinance No. 119-04 – excuse me 120-04.

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Held Monday, August 30, 20 04

Mr. Sarbach moved and Mr. Lane seconded to adopt the first reading of Ordinance No. 120-04. All members present voting: Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder. No: 0

Mr. Sarbach moved and Mr. Peters seconded to suspend the rules for Ordinance No. 120-04. All members present voting: Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz. No: 0

Mr. Sarbach moved and Mr. Peters seconded to adopt under suspension of the rules Ordinance No. 120-04. All members present voting: Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling. No: 0

- 12. Mr. Sarbach moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 121-04. All members present voting: Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane. No: 0

Ordinance No. 121-04 - First Reading

Ordinance No. 121-04 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Custom Service Agreement by and between SBC Global Services, Inc., and the City of North Canton, for a period of sixty (60) months, and declaring the same to be an emergency.

Mr. Snyder: Thank you. This we talked about. This is where we were going to join with the state school boards to look at our billing of our existing lines throughout the city. It's an estimated savings of I think \$350.00 per month. It is a 60 month contract. We're on a very short window, SBC is going to close this program out. If we don't pass this on an emergency basis we will not be able to sign on. And that's the minimum, they're going to be looking at other systems within our system and possible ways we can save money. Or if we change the existing system that we have, and I apologize I don't know if it's PBX or what it is, but that ... the same savings, not the amount, but the same type of savings would be passed to the new system should we elect to get a new system within the next 60 month period. But we'll probably be one of the last to go through with SBC on this program. But right now it is going to cost us approximately \$11,000.00 and the estimated minimum - was that - I think it's a guaranteed savings is not from them? It's a guaranteed savings of \$350.00 per month. So you can see that - we will actually go - we'll get our money back and we'll go ahead in no time flat on that. So is there any questions on that?

Mr. Lindower: Could I ask a question on that Mr. President? Mr. Snyder: Sir - please sir.

Mr. Lindower: Julie, in regards to the SBC services, are those interconnected with or separate from ACY's equipment ... Is ACY phone equipment that's in the building? Mrs. Herr: That's correct.

Mr. Lindower: It interfaces with that or is it ... Mrs. Herr: Yea, it really is not going to have any bearing on the actual phone system that we have now. That's something that in their assessment they're going to give us recommendations as far as even if we want to go with a new phone system, but with this agreement it will work with you know the current system that we have or if we do, down the road, elect to go with a new one it will still be the same.

Mr. Lindower: So actually this would - the SBC wouldn't be coming in here and replacing all the existing physical equipment? Mrs. Herr: No, no.

Mr. Lindower: Okay, thanks.

Mr. Snyder: This just determines at what tariff rate we're billed at. Correct? Mrs. Herr: That's correct.

Mr. Snyder: So we - they just - right now we're probably paying the market rate and they might channel us into a ...

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Mrs. Herr: Yea, this is a special – special discounted...
Mr. Snyder: like a school rate a government rate.
Mrs. Herr: rate.
Mr. Snyder: Right. Okay.

Mr. Peters: I have a question.
Mr. Snyder: Yes sir.

Mr. Peters: The initial costs, we're going to recoup that in the first two years of the contract. Is that right that they guarantee that?
Mrs. Herr: That' correct.

Mr. Peters: Okay. So everything after that is ...
Mr. Snyder: So we have three years of \$350.00 a month of coming back to us.
Mr. Peters: Okay.

Mr. Lane: And Julie, you said there was additional savings coming. Right?

Mrs. Herr: Yea, there should be. In fact, just going through the inventory of our phone lines and our circuits we've found that we can eliminate probably at least between six and ten of those lines or circuits which is going to you know add to monthly savings as well. So that's something else that will come out of this.

Mr. Lindower: Do you know to clarify some of that also, whether the other members of council or the audience is aware of it or not, some of the phone lines that the city has in use at this time are secure lines for the Ohio LEADS System as well as some of the police communications. So those are probably a little more expensive than the lines that run into your home. So just so the people know there other costs involved besides just a couple pairs of wires coming into the building.

Mr. Snyder: Good point. Are there any other questions? If not...

Mrs. Kiesling moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 121-04. All members present voting:
Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.
No: 0

Mrs. Kiesling moved and Mr. Peters seconded to suspend the rules for Ordinance No. 121-04. All members present voting:
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.
No: 0

Mr. Peters moved and Mr. Lane seconded to adopt under suspension of the rules Ordinance No. 121-04. All members present voting:
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.
No: 0

Mr. Snyder: Thank you.

- 13. Mr. Sarbach moved and Mr. Peters seconded to read by title only, first reading of Ordinance No. 122-04. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.
No: 0

Ordinance No. 122-04 - First Reading

Ordinance No. 122-04 authorizing the Mayor of the City of North Canton to prepare and submit applications to the Ohio Public Works Commission for funding for the Water Treatment Plant upgrade-expansion and for the East Maple/Walsh University Project, and authorizing the Mayor, through the Board of Control, to enter into the necessary contracts for said projects; and declaring the same to be an emergency.

Mr. Snyder: This is a – these are two different requests to the Ohio Public Works. The first one in relationship to the Water Treatment Plant upgrade and expansion. We'll be applying to have the interest for the first year, our interest on that project, paid by the state. And the second one they'll apply for is the East Maple/Walsh University project, which is planned to align the entrance ways on East Maple out of Walsh University with you know the property they've since acquired which is known as the Hoover Park, as well as signalization I think on

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East Maple, there will be some change there to flow the traffic properly from Marquardt eastwardly to Market. And as you know those – there's a light there now, there's a couple of them and these will be put a little differently and that is a companion project in cooperation with Walsh University and the City of North Canton. And that will be – we're applying for our share from the state. Is there any questions on that? If not...

Mrs. Kiesling moved and Mr. Peters seconded to adopt the first reading of Ordinance No. 122-04. All members present voting: Yes: Foltz, Kiesling, Lane, Lindower, Peters, Sarbach and Snyder. No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to suspend the rules for Ordinance No. 122-04. All members present voting: Yes: Kiesling, Lane, Lindower, Peters, Sarbach, Snyder and Foltz. No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to adopt under suspension of the rules Ordinance No. 122-04. All members present voting: Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling. No: 0

Mr. Snyder: Chairman Sarbach, would you like ...

Mr. Sarbach: Yea, I'd like to amend the agenda to add Item 14 under Water, Sewer & Rubbish.

Mr. Snyder: Okay, and that will be without committee minutes?
Mr. Sarbach: That's correct.

Mr. Snyder: Okay. We're going to amend the agenda to add an item under Water, Sewer & Rubbish without minutes of committee. Is that possible?

Mr. Pusateri: Well is it an ordinance or an ...inaudible...

Mr. Snyder: No, it will be an ordinance to ... our present water agreement that we have when we sell water outside requires that that party sign an annexation agreement; it's part and parcel to the actual ordinance. However, I think it's stipulated to an individual that has to sign that's no longer with the city. Am I correct on that Mr. Miller?

Mr. Miller: The – actually what the ordinance requires, it's a 1996 ordinance, is that the standard agreement has to be signed by anybody who gets water from the city. So any amendment to that agreement has to come back before this council. The amendment that we're seeking tonight is essentially Stark State University has a problem, because of their statutory creation, with the indemnification clause. That one I have shown to the Law Director. The Law Director has indicated that he saw no problem with changing that as far as the annexation that would be the standard one. All they've asked for is a clause in there that says that they have to sign that in order to be able to get the water. So there is no change really in that portion of it.

Mr. Snyder: Just as a little codicil to the original ...

Mr. Miller: Yea.

Mr. Snyder: to the original. In other words you understand that we're requiring Stark State – we're going to provide outside water to their facility known as the Mullinax property. And we are requiring them, for us to hook that water, that they do sign an agreement should the administration ask them. It empowers the administration to sign for them should we approach that for annexation, which is ...

Mrs. Kiesling: The new Mullinax property or the old?

Mr. Snyder: No, the old one.

Mr. Sarbach: No, no, no the old Mullinax.

Mrs. Kiesling: The old ...inaudible... the new one is staying. Okay.

Mr. Snyder: Yea, they bought Stark State, but being that they are a public entity, they have to have it spelled out. In other words they want us to put a clause in there that we are requiring them to do that. They're not doing that of their own fruition. If they don't sign it we don't give them the water, which is basically true. But...

Mr. Sarbach: And that's what I want to amend the agenda to talk about. What we just talked about. So is there a second to amend the agenda to talk about what we just talked about?

Mr. Lane: Sure.

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Mr. Sarbach: Item 14. Okay, we've got a second.

Mr. Snyder: Okay, now you can present it if you'd like to present it.

Mr. Lane: We have instant reply on all that now?

Mr. Snyder: Yea, we could just give it right back to you on the thumbnail if you need it.

Mr. Lane: So nothing really changes then.

Mr. Sarbach: Yea.

Mr. Snyder: Except the wording in the agreement.

Mr. Lane: Except the wording in the agreement.

Mr. Miller: Section 9 changes in that the indemnification is changed ...

Mrs. Kiesling: It's right in here – we've got it in the back tonight.

Mr. Miller: so that they're responsible for their errors and omissions and we're responsible for any of ours and that's basically ...

Mr. Pusateri: Yea, they had an indemnification agreement in the contract that they were agreeing to indemnify us for our own negligence, if I understand ...inaudible... right and they can't do that and if I were on their side I wouldn't do it either. So we're responsible for our own negligence not theirs and vice versa.

Mr. Snyder: That is negligence if we were in there to repair the line or line explodes or something to that effect.

Mr. Pusateri: Any negligence that would be caused by us, yea.

Mr. Snyder: So in other words any of our users are they – they indemnify us against that normally.

Mr. Pusateri: Yea.

Mr. Sarbach: Why couldn't we just amend the agenda to talk about this? None of this is legal.

Mr. Snyder: Okay.

Mr. Lane: And this permanently changes this, right?

Mr. Snyder: Pardon me. Just on that one agreement.

Mr. Miller: No, it will change it just for this applicant.

Mr. Lane: Just on that one only. Okay.

Mr. Snyder: Every agreement...

Mr. Lane: Okay.

Mr. Snyder: would have to be looked at separately

Mr. Lane: Okay.

Mr. Snyder: if it changed.

Mr. Sarbach: If I could ask the Law Director, we do need to amend the agenda to talk about this, right?

Mr. Pusateri: Well I guess we could of talked about it on final call for new business ...inaudible.. is about. Yea, I mean that's fine. I don't think there's ...inaudible... it could have been under reports...

Mr. Sarbach: Well don't we need to agree to it as a body?

Mr. Pusateri: No, I don't believe so. I mean there's no ordinance to pass.

Mr. Snyder: No, as long as your committee agrees to it, it can...

Mr. Miller: Well there's an ordinance that passed that says you have to sign it. So I think that you probably have to have an ordinance or something from council that says...

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Mr. Snyder: A resolution.

Mr. Miller: that they're making an exception for this one to change that language.

Mrs. Bittle: Or a voice a vote.

Mrs. Kiesling: So we're not forcing them to sign it?

Mr. Miller: We're - they're signing it with a change in No. 9. No. 9 is the indemnification.

Mrs. Kiesling: Correct.

Mr. Miller: No. 10, the annexation, is the exact same language as we have now with the addition that they're signing - they are required to sign it in order to get the water and showing them the model language would be for an annexation. So they're still required to do exactly what No. 10 or the annexation normally requires somebody to do.

Mrs. Kiesling: Gotcha.

Mr. Snyder: Are we okay now or do you need a little more update on that?

Mr. Lindower: What do you want to do Greg?

Mr. Sarbach: Well I understood we had to amend the agenda to talk about it, but we've already talked about it. That's why I asked the Law Director ...

Mr. Pusateri: Inaudible... have legislation available tonight to present to council at all? So...

Mrs. Bittle: No, there's no legislation.

Mr. Snyder: Well let me ask you then, if this is of - time is of the essence, which obviously it is, if we have five minute council meeting next week to pass that, was that sufficient enough time?

Mr. Miller: They're wanting to order materials tomorrow so that they can go ahead and install the line next Monday or Tuesday.

Mr. Snyder: Can we not under - we can amend the agenda and create a new ordinance, just that one ordinance specific to that.

Mr. Pusateri: We don't have - there's been no ordinance drafted that we can present to council today.

Mrs. Kiesling: Right, we have no ordinance in front of us.

Mr. Pusateri: If I had known earlier I could of had one.

Mrs. Kiesling: Right, normally when we amend we at least have the ordinance in front of us.

Mr. Pusateri: Yea, there's something here to present to council.

Mr. Snyder: Well is a...

Mr. Miller: Can I get a voice vote?

Mr. Snyder: I was going to say, you get the support and then next Monday night we will pass your ordinance.

Mr. Pusateri: That's fine, yea.

Mr. Snyder: That we are in support of your doing that. Will that help you?

Mr. Miller: That will help me a lot.

Mr. Snyder: Or are they going to indemnify you or you're going to own that waterline, you and Mrs. Miller. Here's what I got you for your wedding anniversary honey. Well Chairman, will you - would you - you want to just request they call a roll to support that?

Mr. Sarbach: Does anybody know what we're doing? We're dropping the Item 9, which is the indemnity clause.

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Mr. Foltz: Greg, I had a question?
Mr. Sarbach: Yes.

Mr. Foltz: Law Director Pusateri, you reviewed this?

Mr. Pusateri: I reviewed the section with the indemnification clause in it and agree that the indemnification clause that we were requiring them to sign was unrealistic and unreasonable. Yes, that part I did review. And there's no entity that we should allow or require them to sign an indemnification clause for our own negligence and that's what it was requiring.
Mr. Foltz: Okay.

Mr. Pusateri: So I said no problem, take that out. We shouldn't you know – we don't want to be responsible for their negligence.
Mr. Foltz: Okay.
Mr. Pusateri: Inaudible...

Mr. Foltz: No, as long as the language is going to stay the same for next Monday, I mean Tuesday ...
Mr. Snyder: Yea.

Mr. Sarbach: I think you ...

Mr. Foltz: That's when we're getting together, right Jon – President Snyder?

Mr. Sarbach: I think you have that in your packet ...
Mr. Foltz: right.
Mr. Sarbach: spelled out.

Mrs. Kiesling: Right, we just need it in ordinance form.

Mr. Peters: Yea, ordinance form.

Mr. Sarbach: But I'd like to call for a voice vote to see that we're all in agreement with this so we can do it legally and that Mike could move on and say that we're in agreement. And effectively it's going to add presently an outside water customer to the city. Is that the immediate effect of this?
Mr. Pusateri: Yes.

Mr. Lane: And does this open this up at all to anybody else who wants to come in and have us amend or ...

Mr. Pusateri: Their ...inaudible ... has already been signed.

Mr. Lane: take that out at some point in time?

Mr. Lindower: Each one would be handled separately.

Mr. Pusateri: No, it does not.

Mr. Sarbach: So with that I would solicit and ask for your voice support that we – the Law Director draw up legislation that will correct this or will modify this Item 9, the indemnity for Stark Technical College for that particular property. And with that I would vote in agreement to doing that.

Mrs. Bittle: And I will call roll?

Mr. Foltz: Yea.

Mr. Sarbach: Please do. Maybe we can end this sometime this month.
Mr. Lane: Quickly.

All members present voting:
Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.
No: 0

Mr. Snyder: Thank you.

Mr. Sarbach: Thank you ladies and gentlemen.

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REPORTS:

Mr. Snyder: Reports, Director of Law.

Mr. Pusateri: I do not have a report. Thank you very much sir.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Miller: I think I've done enough tonight.

Unidentified: Yes you have.

Mr. Sarbach: You don't want us to answer that.

Mr. Snyder: Mr. Mayor, any report?

Mayor Rice: No report.

Mr. Snyder: Thank you. Madam Clerk.

Mrs. Bittle: No report.

REPORTS – COUNCIL:

Mr. Snyder: Mr. Foltz.

Mr. Foltz: Yea, just to follow up and I've addressed this with Jim before and previous administration personnel, the situation on Werstler could of very easily happened to any of us. I think we are proactive in what we want to do in our city as far as infrastructure. We spend more of it than any locality per percentage wise of our general income and I think the residents appreciate that. It inflates our property values and just makes it a nice neighborhood that we all enjoy living in. But looking at this again, for you know, I think, a \$132,000.00 waterline, maybe we can do a quicker job or better job of engineering it and getting it out to bid so it's done in the same year that we're fiscally saving the money to do the job; if you're following me we're earmarking the money or appropriating the money, cause I think we're pretty proactive as a city in that sense. We have an appropriation ordinance we review in November. We come in here the organizational meeting or shortly thereafter, as President Snyder knows, and pass that knowing fairly well that we're going to go ahead and put in ordinance format a lot of these jobs that following January, I'd say 90 percent of them anyway. So that's what's a little disheartening. And I understand where my neighbors on Werstler are coming from cause we've all been waiting a long time to correct and rectify the situation. It's just hard for me now to see that this might not happen this year knowing that you know maybe we could of engineered it quicker or got it to a point where we got better prices for it. I understand when we have an \$800,000.00 job why we got to engineer it earlier, but the Bel Air job is going underway because we started engineering. But a waterline from Portage to 7th Street I would of never envisioned to take that long. So that's my two cents worth. That's it.

Mr. Snyder: Alright sir. Member Lindower.

Mr. Lindower: No report.

Mr. Snyder: Member Lane.

Mr. Lane: A question for Mr. Miller. Any – with the heavy rains we've had, have we got started yet on the creek study? Is that ...

Mr. Miller: Yes.

Mr. Lane: We have. Okay...

Mr. Miller: Yes.

Mr. Lane: Any idea of when that might be completed?

Mr. Miller: No, they haven't indicated of when they'll be able to finalize that yet.

Mr. Lane: So they're seeing the dry time and the very wet time, which is kind of nice ...

Mr. Miller: Yes.

Mr. Lane: Seeing both ends of it. And for Mr. Lowry and Mr. Friedl, I will follow up with Mike. He was unaware of that change just as I was.

Unidentified: Okay.

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Mr. Lane: And we will talk to Mr. Benekos upon his return and see if we can get something done there ...

Unidentified: Thank you.

Mr. Lane: Or at least a promise that we can keep. So ...

Mr. Snyder: Thank you.

Mr. Lane: Thank you.

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters.

Mr. Peters: No report, sir.

Mr. Snyder: Member Sarbach.

Mr. Sarbach: Yea, the next meeting will be what on Tuesday, our Council of the Whole meeting. Is that correct?

Mr. Snyder: That's correct.

Mr. Sarbach: And remember we got to talk about the water rates, so if you have any questions or concerns please get those to me. Maybe we can get something ironed out before we start hashing them out at the meetings. So appreciate that. And the other thing is I'd like to commend the administration on the Main Street days. I know we expended a lot time for employees, but it made the Main Street Festival safe and I think it was appreciated that we had our employees making it that way. So we thank you for that. That's all I have.

Mr. Snyder: Thank you. As Member Sarbach pointed out, we will move the meeting to next Tuesday. As you know, in our rules if the building is closed on a holiday we move it to the next day. However, two things, I'm going to ask for a vote so that we don't have to have the packet delivered. Secondly, we will ask for a special meeting at 6:55 to pass that. It has to be done at a council meeting, that can't be done at a council of the whole. So if everybody is in agreement on - relative to Mullinax. So we would meet five minutes ahead of time and have a special meeting to pass that and hopefully pass it on an emergency and you'll get - Is that fine, Director Miller, with you? So with that I'd like a motion to move the meeting to the 7th. Do we need two separate motions, Madam Clerk, for that to have a special council meeting?

Mrs. Bittle: You need two.

Mr. Snyder: Or can I put that into one motion?

Mr. Pusateri: Excuse me.

Mr. Snyder: Can I put in one motion to have a special meeting at 6:55 and also move the meeting date?

Mr. Sarbach: Keep waking him up.

Mr. Pusateri: You might as well have two motions.

Mr. Snyder: Okay. Well the first motion, I would like to entertain a motion to have a special council meeting September the 7th at 6:55 p.m. to consider approval of the change of Item No. 10 of the water rate agreement.

Mr. Sarbach: It was Item 9 ...

Mrs. Kiesling: Motion.

Mr. Snyder: Item 9, okay.

Mr. Sarbach: But yes, it's a water agreement.

Mr. Snyder: Okay Item 9 and 10. So you cover them both.

Mrs. Bittle: Is there a second?

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Mr. Peters: Second.

All members present voting:

Yes: Lane, Lindower, Peters, Sarbach, Snyder, Foltz and Kiesling.

No: 0

Mr. Snyder: And now I'd like to entertain a motion to move the meeting from September 6th, the national holiday, to Tuesday, September 7th the Council of the Whole.

Mr. Sarbach moved and Mr. Lane seconded to move the Council of the Whole meeting date from Monday, September 6, 2004 to Tuesday, September 7, 2004. All members present voting:

Yes: Lindower, Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.

No: 0

Mr. Snyder: I have a communication from the Director of Finance. As you know our income tax ordinance does require that we have an Income Tax Review Board, which is comprised of two members of the community or three members?

Mrs. Herr: Three members

Mr. Snyder: Three members of the community. And should someone get disavowed paying their income tax for a particular reason, they have that right to come before. Which also sits the Law Director, Director of Administration and Finance Director, does that how that board –

Mrs. Herr: No.

Mr. Snyder: How is that board comprised?

Mrs. Herr: It's just three members...

Mr. Snyder: Members of this...

Mrs. Herr: of the community. They have to be ...inaudible...

Mr. Snyder: and they're to call the Finance Director if somebody ... And I don't think anybody has ever called, have they?

Mrs. Herr: No.

Mr. Snyder: Well anyway we're missing two members. Member Batista, ex-Law Director Batista, his – has resigned from that board and his term will expire the 27th of August in the year 2005 and she's asking for the appointment of a Mrs. Pat Albacete and the other one is a Mr. Ted Scheffler, whose term expired on the 27th day August of this year, 2004 and asking for the appointment of Mr. Dennis Weaver of that. Is there any comment on that? If not, do we need a vote on that or just a ...

Mr. Pusateri: Yes.

Mr. Snyder: May I have a voice vote? Or may I have a motion to appoint those two people? That's ..

Mr. Sarbach: These are recommended by the Finance Director?

Mr. Snyder: Finance Director and appoint those two people to that board.

Mr. Sarbach moved and Mrs. Kiesling seconded to appoint Mrs. Pat Albacete and Mr. Dennis Weaver to the Income Tax Review Board. All members present voting:

Yes: Peters, Sarbach, Snyder, Foltz, Kiesling, Lane and Lindower.

No: 0

Mr. Snyder: And then while we were talking about that, I would ask council, if by next Monday, you could possibly give me some names, there's an opening ...

Mr. Sarbach: Next Tuesday.

Mr. Snyder: next Tuesday, I apologize, there's an opening on the Civil Service Board, which council is required to appoint and we want to do that. So if you have some citizen, neighbor or someone in the community you think would serve as a good member would you kindly get that to me and we can – and if they're agreeable put them up for that ...

Mr. Lane: Are there any qualifications?

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Held Monday, August 30,

2004

Mr. Snyder: They have to be a resident of the city.

Mr. Lane: So no legal background or anything like that?

Mr. Snyder: No.

Mr. Lane: Okay.

Mr. Snyder: I don't – in fact right now I think the two members on there are neither one of them law. And there's an opening through a death. We want to do that, because – especially with change of Clerk of Civil Service would be better with a full board that can run smoother for her. Then one other thing, Director Miller, did you - you had mentioned to me that you have the Nimishillen people coming.

Mr. Miller: Yes sir.

Mr. Snyder: And he's requesting that we waive the fee of the Civic Center, it is government business, that he sits on that committee ...

Mr. Miller: Hopefully.

Mr. Snyder: Hopefully.

Mr. Miller: Well I sit on it right now the ... committee put it together and it will depend on whether I get enough votes to whether I sit on it or not.

Mr. Snyder: Well it depends on the facility you use too.

Mr. Miller: That could be.

Mr. Snyder: Take them to the ElRincon you might not be on the board, I don't ...inaudible... But he's looking for a waiver of that and anybody -- any questions of council? We've customarily – that question was asked and the only time I think we've waived it was for the Elections Commission and things relative to government, because we've had other requests to waive the fee. But this is during the day, is it not? Is this at night or during the day?

Mr. Miller: This is at night.

Mr. Snyder: It's at night.

Mr. Miller: It's the 29th at 7:00 p.m.

Mr. Snyder: And the actual cost to the city – I think it costs us about a \$100.00 some dollars to clean that property, roughly.

Mr. Miller: About that to setup.

Mr. Snyder: So that roughly is what our expense – our exposure is on it.

Mr. Sarbach: Who is this for again?

Mr. Snyder: For the Nimishillen – the Northeast Nimishillen Flood District or something ...

Mr. Miller: Nimishillen Creek Watershed Partners. And basically the goal of the group is to do things in the Nimishillen Creek Watershed to try to help clean it up, to try to help with drainage, to try to help with water quantity and quality both. And they're trying to get citizens, government representatives, the business community and environmental groups together to try to coordinate that. So I think it's something that will benefit us in the long run.

Mr. Sarbach: Where do they – where have they met in the past, just other entities in the area?

Mr. Miller: Other entities, at schools, those type of places.

Mr. Sarbach: Okay. This is a one time request that you're asking for?

Mr. Miller: This is a one time request, more than likely, and this is the – this meeting is to elect their committee members so to speak or their board of trustees and also to elect their officers.

Mr. Sarbach: Inaudible...

Mr. Snyder: Okay. Is that a move – is that a motion?

Mr. Sarbach: Do we need a motion? If so I'll move that we ...

Mr. Snyder: To waive those fees we do.

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Mr. Sarbach: To waive the fees for that entity for that date.

Mr. Sarbach moved and Mrs. Kiesling seconded to waive the Civic Center rental fee on September 29, 2004 at 7:00 p.m., for the Nimishillen Creek Watershed Partners. All members present voting:

Mr. Snyder: Any discussion?

All members present voting:

Yes: Sarbach, Snyder, Foltz, Kiesling, Lane, Lindower and Peters.

No: 0

FINAL CALL FOR NEW BUSINESS:

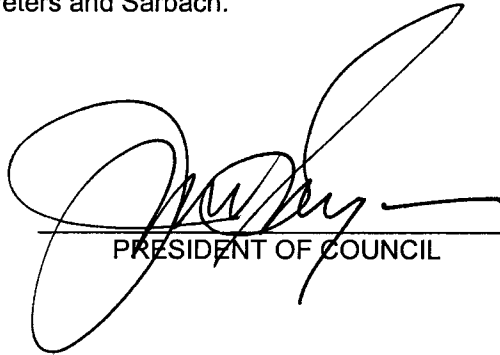
Mr. Snyder: Okay, final call for new business. Seeing none, may I have a motion to adjourn?

Mrs. Kiesling moved and Mr. Peters seconded to adjourn the council meeting. All members present voting:

Yes: Snyder, Foltz, Kiesling, Lane, Lindower, Peters and Sarbach.

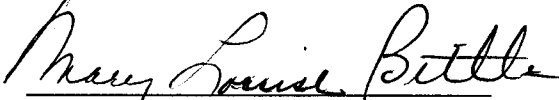
No: 0

The meeting adjourned at 7:56 p.m.



PRESIDENT OF COUNCIL

ATTEST:



CLERK OF COUNCIL