

# RECORD OF PROCEEDINGS

Minutes of

COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 22, 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. Tom Douce, Interfaith Campus Ministry.
3. All present recited the Pledge of Allegiance.

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

## ROLL CALL:

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

5. Consideration

Consideration of Minutes of Council Meeting: 3/8/04

Mrs. Kiesling moved and Mr. Peters seconded to approve the minutes of the council meeting as presented. All members present voting:

Yes: Kiesling, Lane, 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 March 15, 2004.

**Finance & Property Committee:** Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held March 15, 2004.

**Personnel & Safety Committee:** Refer to the minutes on file in the Council Office of the Personnel & Safety Committee meeting held March 15, 2004.

**Street & Alley Committee:** Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held March 15, 2004.

**Water, Sewer & Rubbish Committee:** Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meeting held March 15, 2004.

**Executive Session (Finance & Property):** Refer to the minutes on file in the Council Office of the Executive Session (Finance & Property) meeting held March 15, 2004.

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

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

No: 0

Mrs. Bittle: Excuse me Mr. President, do you want to excuse Mr. Lindower?

Mr. Snyder: Yes, thank you Madam Clerk. May I have a motion to excuse Member Lindower?

Mr. Foltz moved and Mrs. Kiesling seconded to excuse the absence of Member Lindower. All members present voting:

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

No: 0

7. Recognition of Visitors

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

Dick Fano: 1382 Elmwood SW - North Canton. You all know me. I don't have to go through any of that. I brought a big book here, went through a lot of stuff already, I don't really plan on going through all this with you. I've got some stuff that you might want to see, hear and understand. I told you all in the last couple weeks that my insurance had been canceled on me. So it was canceled and I have a potential insurance company here. My rates have gone up three times. We're going from about a - oh about thirty some hundred dollars to ten thousand dollars a year

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for insurance at my business. Now you can look at it and you can pass it down. The pink slips up there will tell you what they're going to cover, that's not ... full coverage - it's not full coverage and the other slip on the other side will tell you what they're going to cover. My deductible went from 500 to 1,000. Now I'm approaching this council. I personally have played games long enough and I'm at a serious point now where I want something done now, I don't expect to wait. Michael, you're new at what I - my problems, but you'll hear a lot from me. And I have to know that that street is going to be done this year. And in doing a little research I found a letter that I had that tells me in so many words that a - where water goes into sewage, sewage also has to come out, which is going to make it an EPA issue. So that's just a little light bulb to light up. Now you asked me to get a quote on backflow. Well I got a quote on backflow and a - but I'm really not interested in putting it in and I'll tell you why. To do this and accommodate this city I have to take out a toilet and I don't want take out a toilet and have to rearrange a whole basement at my - at my - where my daughter's store is. This is that, if you want to look at it and pass it around. I got copies of it. Now, I was just talking to a gentleman back there and I'm - my path has crossed with Doug Foltz, with the business I have in his ward; Dave Lindower, with the business I have in his ward; Doug Lane, you've got a free ride; Marcia and Jeff and Greg, Council at Large, I would of thought you'd of come to bat for me a little bit, but you're not and Jon, I live in your ward. Now I told you before, I've been in business in this town for 20 years. I don't ask for nothing, I don't want nothing. I - you know in the first two months of this year or three months there was two people that came up here and said I love North Canton. I don't - I don't and the reason for it is because North Canton is costing me a lot of money right now. My insurance I have to keep without a claim for a minimum of three years. So you're talking about 30 to 50 thousand dollars for me to have insurance to have a business in this town. Now I've talked to Jim - Jim dances around a little bit, makes me feel like I'm going to have something done. Inaudible... mentioned to you I talked to Tom, talked to you, talked to you and nothing gets done. So I think what I'm looking for is a, and I know nobody wants to do it, but this is the 22<sup>nd</sup>, by the end of the month I'd like to have somebody call me and tell me that that street is scheduled to have curb and gutter and to make the storm sewer bigger and the sanitary sewer bigger. I took the liberty today, I drove around 7<sup>th</sup> Street, the retention over there. I don't see why you can't dig it any deeper, but it seems to be it's a major problem - I'm your major problem - I'm your major problem. I went - I drove to 5<sup>th</sup> Street and I looked over there. I didn't even know there was a retention pond over there in the backyards of those houses over there. So two weeks ago you had one dago mad at you and today you've got another one mad at you. And I don't have anything more to say. But I'd like to hear from somebody by the end of the month. Thank you.

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

Chuck Osborne: My name is Chuck Osborne. 307 Fairview Street SE - North Canton, Ohio. I'd like to just address a couple things. Last week you had - comments were made before this council ...inaudible... attorney representing Mayor Tom Rice, I think were a bold and blatant attempt to interfere and block an investigation. That presentation by the Mayor's attorney should not have been allowed. It was a desperate move to control the investigation process and taint evidence that this body needs to study to come to a fair and equitable answer as to whether the Mayor Tom Rice has violated North Canton's City Charter. Along these same lines the attorney stated, as well as the Repository on two occasions, it appears that these allegations should of been taken to the Ohio Ethics Commission. Let me tell you that was the first place I went before I even drafted my letter. They are not interested. So a lot of information is being spun and unless I was given erroneous information, they are not interested. The resulting charges are clearly spelled out. I was told these are theft in office charges and there are other bodies that would deal with this. So please put to rest, the Ethics Commission is not interested in this nor is the Elections Commission, they're not an investigative body. Also just briefly, since a couple of years ago I did some exhaustive research on the water rates and here it all is. I almost burst a gut out here to hear that you're going to go all this presentation and all this legislation for a nine cent increase. The water rates should of been increased last year. I was looking to see a quarter increase. This city is always playing catchup with everything and I think things are going to catchup with us here pretty soon. And from what I've seen here in the last six, eight months they are. You got water infrastructure problems, major sewer problems, flooding problems, next year we're going to be having to pay Hoover almost nearly three million dollars. This rainy day fund that we've got and our free ride with Hoover dwindling by the day, you're going to wake up and find out that we're going to find ourselves in the same boat as Canton, scratching for every penny. I was told by administration or some entity in the city, I was asked not to quote them, that this nine cent increase will only generate about 118,000 a year. If you have a major equipment failure at that water treatment plant, there goes your \$118,000.00 before you even collect it. Now this was a 3.4 or 3.5 percent increase, I think Mr. Miller had stated, well divide that over two years that's a 1.7 percent increase which is less than the rate of inflation. And we're back to what we did back in the 80's and 90's, sixteen years of no water rate increase. How and when do you expect to payback this 11 million dollars? Which we have not planned for, we have not set aside ... a few million dollars. We're having to borrow the entire 11 million dollars. No forethought, no planning, let's just keep putting it off and putting it off. You cannot continue to offset the low water rates in the city by overcharging or charging higher outside city sources. As I showed you with extensive line charts years ago, that I did - I went to great lengths to compare our water rates to four other entities around us - Canton, Alliance, Metropolitan Sewer District and Massillon Consumers. And you can't keep abusing the golden gal that's - cow that's been - you've been milking for years. You're about to exceed

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and in some cases have already exceeded the - our competitors around us. We offer a great product, there should not be a problem with charging a fair price for it. Now I understand you're going to come back after your study and amend the increase if it's needed. The \$2.75 you're charging now meets just your direct, as understand it with all the research, our direct costs. That doesn't consider our debt repayment. So a little forethought and planning is going to be required and somebody is going to have get some backbone and standup and say this is what we need and this is how we're justifying it. The way you're going about it you're handing it off to a committee and you're just going to come back and say well now the committee has recommended this and nobody has to directly standup and say well it wasn't my suggestion. You're passing the buck. Thank you.

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

Unidentified: Are you going to have time at the end?

Mr. Snyder: Yes sir, we'll have time. We have time now. Do you want to speak now? State your name and address for the record.

Ernie Davenport: I'll take my hat off so people can recognize me. I'm Ernie Davenport. 1441 Cornell Avenue SW - North Canton - down in the slum area, down by you Jon. Usually when I come up here I'm kind of like Chuck, I'm going to complain about something, not tonight. Now I've already passed a letter to Tom and to Mr. Miller and what I want to say is that these people and I'll name their names shortly, were putting a new water main on Cornell Avenue SW, because our 4 inch water main is really this big around when you get inside it. Everybody on the street that had, notice I said had, any of these cartridge type fixtures, the cartridge when you shut it off depends on water pressure to hold it off. You can be sitting in your living room and all of a sudden the bathroom, which is about 25 feet away, you'd hear the water running. Go in there, nobody is in there, it just turned itself on. So we're really happy to get a new 8 inch water main. We're not hooked up yet, but it's - we're going to be. And what I want to do is for Tom to pat these guys on the back because they did the work - Jack Magee, Ray Queen, Bud Phillipi, Jeff Myers, Chris Spieros and Chris Barnes. And Mr. Miller, if you will, I will give you - I have a copy of this letter and I'm going to give you this folder, would you please see that it gets to the head of the Water Department? And if he doesn't pat them on the back I'm asking you to pat those people on the back.

Mr. Miller: Yes sir.

Mr. Davenport: I had a lot more to say but due to the fact that the fellow proceeding me has a tendency and I'll say it in blunt terms, to get diarrhea of the mouth, I've used up more the amount of time I should. And I'll put my hat back on, that way you can see - everybody can see who is up here. Thank you all.

Mr. Foltz: Alright ...inaudible...

Mr. Snyder: Thank you Mr. Davenport for your kind words. Anyone else wishing to speak to the council this evening? Alright...

## OLD BUSINESS:

8. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, second reading** of Ordinance No. 34-04. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.  
No: 0

**Ordinance No. 34-04 - Second Reading**

An ordinance authorizing the vacation of a portion of Alley No. 4 running from Foster Avenue westerly approximately 132.20 feet to the southwest corner of Lot No. 2204, located within the corporate limits of the City of North Canton, Ohio.

Mr. Snyder: Chairman Lane.

Mr. Lane: We've been discussing this for some time. This is the second reading on this. This is a 7 foot section - 7 feet wide by 132 feet back from Foster Avenue. It's going to help the Kobelts build a driveway in there and do some work on their property to increase the value and the use of it. And again, this is the second reading and one more and it's theirs, almost.

Mr. Snyder: Inaudible...

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Mr. Foltz moved and Mr. Lane seconded to **adopt the second reading** of Ordinance No. 34-04.

All members present voting:

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

No: 0

9. Mr. Sarbach moved and Mr. Peters seconded to **read by title only, second reading** of Ordinance

No. 41-04. All members present voting:

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

No: 0

### Ordinance No. 41-04 - Second Reading

An ordinance authorizing the supplemental appropriation of funds of the City of North Canton, Ohio, to be appropriated from the unappropriated balance of the No. 212 General Trust Fund to the Inter-Fund Transfer account in the aggregate amount of \$13,599.50 for the current expenses during the fiscal year ending December 31, 2004.

Mr. Snyder: As we talked about on the first reading and prior to that, we did create as the next piece of legislation will bear out, the required deposits fund and that's what this transfer involves. This is a - not to touch on it lightly, but a housekeeping matter.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 41-04. All members present voting:

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

No: 0

10. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, second reading** of

Ordinance No. 42-04. All members present voting:

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

No: 0

### Ordinance No. 42-04 - Second Reading

An ordinance authorizing the transfer of funds of the City of North Canton, Ohio from the General Trust Fund to the Required Deposits Fund in the amount of \$13,599.50 for the current expenses during the fiscal year ending December 31, 2004.

Mr. Snyder: Again, this is where we'll transfer that money that we are now required to have as a separate fund. Inaudible... required deposits that we do take on certain services or waterlines or whatever the deposit ... go into that pre-required fund. Any question?

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the second reading** of Ordinance No. 42-04. All members present voting:

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

No: 0

### NEW BUSINESS:

11. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance

No. 43-04. All members present voting:

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

No: 0

### Ordinance No. 43-04 - First Reading

Ordinance No. 43-04 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an agreement with the Stark County Transportation Improvement District (SCTID) for the relocation of waterlines on Shuffle Drive, Frank Avenue and Pittsburg Avenue in conjunction with the County's Shuffle Drive Interchange project and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yea, this is a little preactive action to take care of the waterlines before construction starts out there. And I move we adopt the first ordinance - first reading of Ordinance No. 43-04.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 43-04. All members present voting:

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

No: 0

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Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 43-04. All members present voting:  
Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.  
No: 0

Mr. Sarbach moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 43-04. All members present voting:  
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.  
No: 0

12. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 44-04. All members present voting:  
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

**Ordinance No. 44-04 - First Reading**

Ordinance No. 44-04 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Settlement Agreement and Release with World International Testing, Inc. and authorizing the Director of Finance of the City of North Canton to make payment to World International Testing, Inc. in the amount of thirty (\$30,000.00) dollars, as payment in full, for quality assurance inspections of Water Tower #2 and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yes, this is under the recommendation of the Law Department to a solution. And you negotiated these terms and amounts so we can put this situation behind us and move on. And I move we adopt the first reading of Ordinance No. 44-04.

Mr. Sarbach moved and Mr. Lane seconded to **adopt the first reading** of Ordinance No. 44-04. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 44-04. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.  
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 44-04. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.  
No: 0

13. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 45-04. All members present voting:  
Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.  
No: 0

**Ordinance No. 45-04 - First Reading**

Ordinance No. 45-04 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a Release and Partial Settlement Agreement with Contract Master Inc., and Horizon Brothers Painting Company and declaring the same to be an emergency.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: This is the second part of the negotiations that the Law Director has been so diligent working on for the past several months and it helps correct a bad situation and get some people paid that need to be paid. And I move that we adopt the first reading of Ordinance No. 45-04.

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 45-04. All members present voting:  
Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.  
No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 45-04. All members present voting:  
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

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Mr. Sarbach moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 45-04. All members present voting:  
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
 No: 0

14. Mr. Sarbach moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 46-04. All members present voting:  
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.  
 No: 0

Mr. Snyder: Inaudible...

#### Ordinance No. 46-04 - First Reading

Ordinance No. 46-04 amending Section 1.A. of Ordinance No. 5-2000, as amended, to provide for an increase in water rates and to provide for the billing and collections of water rentals.

Mr. Snyder: Chairman Sarbach.

Mr. Sarbach: Yes, this is the first step in getting us squared away with the water rates. Administrator Miller came up with this. And we had originally talked about doing it on a continuing - every year we get a certain amount of increase and we put that off because we need to study future expenses and some of things Mr. Osborne alluded to. And this will keep us from being stagnant until we get some other information. So this will be a first step in the rate increase to getting our income back to the - to match the outgo. So I believe it's three and a quarter percent or nine cents a thousand. So just to comment on what Mr. Osborne said, you have to have an agreement to have a rate increase. Some people might not think it's enough, some people might think it's too much, but you've got to do something or you get further and further behind. So three and a half percent is not too much. And we all see what the study proves and what our future actions will be down there to what we're going to need. So with that said I'd like to move for the first - or adopt the first reading of Ordinance No. 46-04.

Mr. Sarbach moved and Mr. Foltz seconded to **adopt the first reading** of Ordinance No. 46-04. All members present voting:  
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.  
 No: 0

15. Mr. Lane moved and Mr. Sarbach seconded to **read by title only, first reading** of Ordinance No. 47-04. All members present voting:  
 Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.  
 No: 0

#### Ordinance No. 47-04 - First Reading

An ordinance amending ARTICLE XX SICK LEAVE of Ordinance No. 152-03, Collective Bargaining Agreement between the City of North Canton and The Ohio Patrolmen's Benevolent Association (OPBA) (Dispatcher Unit) by the addition of Section 20.11 and declaring the same to be an emergency.

Mr. Snyder: Vice Chairman Peters.

Mr. Peters: Yea, this is a - just an amendment to the Ordinance 152-03. And I'll read it here too - An employee who accumulates a minimum of 400 hours sick leave shall receive an additional three personal days per year and the usage of the personal days shall be charged to sick leave and the Police Chief must approve. And I move that we adopt this and this is an emergency basis.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 47-04. All members present voting:  
 Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.  
 No: 0

Mr. Sarbach moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 47-04. All members present voting:  
 Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.  
 No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 47-04. All members present voting:  
 Yes: Kiesling, Lane, Peters, Sarbach, Snyder and Foltz.  
 No: 0

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16. Mr. Peters moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 48-04. All members present voting:  
 Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.  
 No: 0

**Ordinance No. 48-04 - First Reading**

An ordinance amending ARTICLE XX SICK LEAVE of Ordinance No. 154-03, Collective Bargaining Agreement between the City of North Canton and The Ohio Patrolmen's Benevolent Association (OPBA) (Chief Dispatcher Unit) by the addition of Section 20.11 and declaring the same to be an emergency.

Mr. Snyder: Vice Chairman Peters.

Mr. Peters: Yes, same thing as Ordinance 47-04, it just pertains only to the Chief Dispatcher. And I move that we adopt this on an emergency basis.

Mr. Peters moved and Mr. Sarbach seconded to **adopt the first reading** of Ordinance No. 48-04. All members present voting:  
 Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.  
 No: 0

Mrs. Kiesling moved and Mr. Sarbach seconded to **suspend the rules** for Ordinance No. 48-04. All members present voting:  
 Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
 No: 0

Mr. Sarbach moved and Mr. Lane seconded to **adopt under suspension of the rules** Ordinance No. 48-04. All members present voting:  
 Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.  
 No: 0

17. Mr. Lane moved and Mrs. Kiesling seconded to **read by title only, first reading** of Ordinance No. 49-04. All members present voting:  
 Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.  
 No: 0

**Ordinance No. 49-04 - First Reading**

An ordinance amending Section 1. of ARTICLE 10 HOLIDAYS of Ordinance No. 155-03, Collective Bargaining Agreement between the City of North Canton and The North Canton Professional Paramedic Association, IAFF Local 3489, to amend the contract language pertaining to the Christmas Holiday and declaring the same to be an emergency.

Mr. Snyder: Vice Chairman Peters.

Mr. Peters: Yes, this is just to amend - Paul just said, amend the language pertaining to the Christmas Holiday. If I could defer to ...

Mrs. Kiesling: Sure.

Mr. Peters: To Marcia.

Mrs. Kiesling: It deals with 24 hour shifts. Our EMS work on 24 hour shifts and they needed to declare a holiday for the 24 hour people and they declared it Christmas Eve and the 8 hour people we declared it Christmas Day. And that's it.

Mr. Snyder: Any other questions?

Mrs. Kiesling: It wasn't put in the original.

Mr. Snyder: Inaudible... move for adoption?

Mr. Peters: Yes ...

Mrs. Kiesling: So moved...

Mr. Snyder: And is there a second?

Mr. Peters: Second.

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Mr. Snyder: Thank you.

All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 49-04.

All members present voting:

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

No: 0

Mrs. Kiesling moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 49-04. All members present voting:

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

No: 0

18. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 50-04. All members present voting:

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

No: 0

#### Ordinance No. 50-04 - First Reading

Ordinance No. 50-04 amending Ordinance No. 45-99, as amended, to provide an increase in the hourly rates of pay for the part-time, non-exempt classifications and the bi-weekly rates of pay for the part-time exempt classifications of the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: Vice Chairman Peters.

Mr. Peters: Yea, this just basically gives these guys a raise - a well deserved raise. It looks - the majority of it are for the Dogwood Pool staff. And yea I think it's well deserved. I move that we adopt this on emergency.

Mr. Peters moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 50-04.

Mr. Snyder: Chairman Peters, a privileged question. Now I am to understand that that will be paralleling the regular bargaining units contracts each year for the next two years they'll get an additional three and a half percent raises without coming back for that. Is that correct?

Mr. Peters: Yes.

Mr. Snyder: Good.

Mr. Peters: Effective through 5/1/06.

Mr. Snyder: Good. Okay.

All members present voting:

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

No: 0

Mr. Sarbach moved and Mrs. Kiesling seconded to **suspend the rules** for Ordinance No. 50-04.

All members present voting:

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

No: 0

Mr. Lane moved and Mr. Peters seconded to **adopt under suspension of the rules** Ordinance No. 50-04. All members present voting:

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

No: 0

19. Mr. Lane moved and Mr. Peters seconded to **read by title only, first reading** of Ordinance No. 51-04. All members present voting:

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

No: 0



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COUNCIL OF THE CITY OF NORTH CANTON

Minutes of

REGULAR Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, March 22, 20 04

**Ordinance No. 51-04 - First Reading**

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a 2004 Recycling Program Grant Agreement by and between the City of North Canton and the Stark-Tuscarawas-Wayne Joint Solid Waste Management District for the purpose of accepting and utilizing a Grant in an amount not exceeding \$60,000.00 to provide funding for portions of the recycling program and declaring the same to be an emergency.

Mr. Snyder: I think this will be the third year the Mayor has gotten this grant. Inaudible...recycling in the city, which we, I think, are one of the highest in the county as far as a municipality. We were in the high 20's someplace in participation, which is good. So if there are no questions...

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 51-04. All members present voting:  
Yes: Lane, Peters, Sarbach, Snyder, Foltz and Kiesling.  
No: 0

Mr. Lane moved and Mr. Peters seconded to **suspend the rules** for Ordinance No. 51-04. All members present voting:  
Yes: Peters, Sarbach, Snyder, Foltz, Kiesling and Lane.  
No: 0

Mr. Lane moved and Mrs. Kiesling seconded to **adopt under suspension of the rules** Ordinance No. 51-04. All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.  
No: 0

Mr. Snyder: Prior to me reading - having this next ordinance read, I would like to ask council to consider amending that and let's put an emergency in there so that we may clear this bill as I believe it is some 90 days old. And you know in good faith we owe this bill and I'd like to be able to, as soon as the Mayor signs it, have the Finance Director execute payment of same. Would council...

Mrs. Kiesling: I motion to amend it.

Mr. Snyder: Thank you. Is there...

Mr. Peters: I second it.

Mr. Snyder: Thank you.

Mr. Snyder: May I have a motion to read Ordinance No. 52-04? Oh, we have to vote. Excuse me, I'm sorry.

All members present voting:  
Yes: Sarbach, Snyder, Foltz, Kiesling, Lane and Peters.

Mr. Snyder: Thank you.

20. Mrs. Kiesling moved and Mr. Peters seconded to **read by title only, first reading, as amended**, of Ordinance No. 52-04. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Lane, Peters and Sarbach.  
No: 0

**Ordinance No. 52-04 - First Reading**

Ordinance No. 52-04 authorizing the Director of Finance of the City of North Canton to make payment to Johnson, Angelo & Colaluca, L.L.C. in the amount of \$13,007.75, which represents the balance due for representation during labor negotiations and declaring the same to be an emergency.

Mr. Snyder: As we discussed at length last week, even though this exceeds our general encumbered level, what we thought it should be, we felt morally and legally we owe this. And we will hopefully the next time around make adjustments that we will not be in this type of a situation. And being no questions...

Mrs. Kiesling moved and Mr. Peters seconded to **adopt the first reading, as amended**, of Ordinance No. 52-04. All members present voting:  
Yes: Snyder, Foltz, Kiesling, Peters and Sarbach.  
No: Lane.

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Mrs. Kiesling: You don't have six.

Mrs. Bittle: It was defeated.

Mr. Peters: You don't have six.

Mr. Snyder: No. Okay, thank you.

21. Mr. Lane moved and Mr. Foltz seconded to **read by title only, first reading** of Ordinance No. 53-04. All members present voting:  
 Yes: Foltz, Kiesling, Lane, Peters, Sarbach and Snyder.  
 No: 0

### Ordinance No. 53-04 - First Reading

Ordinance No. 53-04 authorizing a "Charge for Hospital Transports" by the City of North Canton Department of Fire & Emergency Medical Services and establishing a fee schedule for said transports.

Mr. Snyder: We talked last week, we have now received confirmation from the Inspector General's Office relative to the deductible portion of a resident's insurance. The resident will not be billed the deductible portion. Their insurance company we'll bill only for the transport charge less the deductible. We will not bill Medicare Part B, we will not bill private insurance carriers. However, if we transport...

Mrs. Herr: Excuse me Jon, we will be billing insurance.

Mr. Snyder: Insurance yes...

Mrs. Herr: Yes.

Mr. Snyder: but not the part "B" portion to the residents.

Mrs. Herr: Not to the residents. Not for their...

Mr. Snyder: To the residents ...inaudible... just the part "B", less the deductible.

Mrs. Herr: deductible or coinsurance.

Mr. Snyder: Less the deductible. Correct?

Mrs. Herr: It will be whatever the insurance pays...

Mr. Snyder: Whatever they pay us...inaudible...

Mrs. Herr: Then we take that and the rest will not be collected.

Mr. Snyder: Exactly. Except if you're outside of - resident outside of...

Mrs. Herr: If you're a nonresident, then yes you will...

Mr. Snyder: You pay the full ride.

Mrs. Herr: Exactly, we'll bill for the entire amount.

Mr. Snyder: Right. And we've talked about the necessity of this. We are now looking for first line equipment coming up in the next budget. The cost is prohibitive to the general fund to leave it alone with just the levy in place and we're looking to put some money back into the system immediately and this will do it. And as we talked about, we would like the first and if not the second reading done like that and then the third one adopt on an emergency basis. So any questions on that? Okay...

Mr. Lane moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 53-04.

All members present voting:

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

No: 0

Mr. Snyder: Thank you.

Mr. Sarbach: Mr. Chairman...

Mr. Snyder: Sir.

Mr. Sarbach: May I ask a question.

Mr. Snyder: Please.

Mr. Sarbach: Ordinance 52-04, which is the one that received five votes. Since there was an emergency clause with that and it did not get six votes that...

Mr. Snyder: It's defeated.

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Mr. Sarbach: That is done. There's no second reading. That is done.

Mr. Snyder: That's correct, that's right. It will be brought back to Council of the Whole two weeks from tonight and should it survive the committee it will go back on the agenda. I believe that would be around the 12<sup>th</sup> of April.

Mr. Sarbach: Thank you for...

Mr. Snyder: Once it does not receive six affirmative votes, the legislation is defeated.

Mr. Sarbach: If it has an emergency clause in it.

Mr. Snyder: If it has an emergency clause.

Mr. Sarbach: Thank you.

**REPORTS:**

Mr. Snyder: You're welcome. Director of Law.

Mr. Pusateri: No report, thank you.

Mr. Snyder: Director of Finance.

Mrs. Herr: No report.

Mr. Snyder: Director of Administration.

Mr. Miller: I am a property owner in the City of North Canton as of Friday and 42 days from today I will be a resident.

Mrs. Kiesling: Congratulations.

Mr. Sarbach: Great, great.

Mr. Snyder: Congratulations.

Mayor Rice: Are you sure?

Mr. Sarbach: What day are you moving? I want to make sure I'm not around the day you move.

Mr. Miller: May 4<sup>th</sup> I believe.

Mr. Sarbach: 4<sup>th</sup>, alright.

Mr. Snyder: I think we all going to a retreat that weekend. Have fun.

Mr. Sarbach: Yea, we're going to be out of town.

Mr. Snyder: Mr. Mayor.

Mayor Rice: No report.

Mr. Snyder: Mr. Engineer.

Mr. Benekos: No report.

Mr. Snyder: Thank you. Madam Clerk.

Mrs. Bittle: No report.

**REPORTS - COUNCIL:**

Mr. Snyder: Mr. Foltz.

Mr. Foltz: No report.

Mr. Snyder: Mr. Lane.

Mr. Lane: All I have is a reminder, get your street lists to Administrator Miller by next Monday. This is where we've got a little extra money we hope and may be able to repair a block or two here and there. And I know Jon you've got yours in, I've got mine in and just get them to Mike by next Monday.

Mr. Snyder: That's resurfacing only. Correct?

Mr. Lane: Resurfacing, yea. It's just - a very nice patchwork I guess is what you could call it. So..

Mr. Snyder: Member Kiesling.

Mrs. Kiesling: No report.

Mr. Snyder: Member Peters.

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Mr. Peters: Yea, I just have a quick comment. It kind of has something to do with what Doug just mentioned. You know after what Mr. Fano said at the beginning of the meeting, if we've got a little bit of money left over to resurface a few streets maybe that money would be better spent maybe taking care of his problem. Yea, I'm just looking at \$10,000.00 a year for his insurance is - it's inexcusable. I cannot believe it. And what he didn't mention that's still not full coverage. He did mention that, but that does not include theft or crime coverage. And this is all because of you know inactivity on our part. And I'm looking at the status report for the engineering projects and the 9<sup>th</sup> Street is in the design phase only, Dick that's it. And the design contract is to be awarded. So I don't know, if there's anything that we can do for him I think that it would be in our best interest.

Mr. Snyder: Inaudible... comment is well taken. However, there's two little problems ...inaudible... But since you brought this up ...inaudible... as you said it has to be designed first and that's being designed. However, unfortunately to Mr. Fano's dismay and yours and everyone else's, just putting curb and gutter on that street is not going to solve the problem or the exasperation of the water there. I think it's more a sanitary sewer problem on both sides of his street plus Main Street. And I think you're looking somewhere in the - what a million, million and a half dollar rang to correct that properly. Am I not correct on that Mr. Engineer?

Mr. Benekos: Oh we don't have a good handle on that yet. Hopefully we can do it much less than that. We are doing the sanitary sewer study and concentrating in that area to do the analysis. Then we'll have to do some flow analysis, putting the meters in the manholes to see where the flow is coming from in dry weather and then in wet weather and that should be able to help us better define where the problem is. As I explained to Mr. Fano before and I believe I sent a memo to Mr. Sarbach responding to his memo, it's not a quick fix. You know if it was just putting in curb and gutter we would of done that by now I'm sure. But we have to find out where the water is coming from, where it's getting into the sanitary sewer, why it's flooding and so forth. There's a problem upstream and downstream.

Mr. Snyder: Is a - what type of a window is on the design of his street for the infrastructure on his street only. Is that...

Mr. Benekos: Right. That...

Mr. Snyder: I mean that's out being designed and what is it 20 percent or 30 percent complete or?

Mr. Benekos: At this point we haven't hired the engineering firm because we haven't defined what the problem is with the sanitary. So we can't really move forward until that analysis is done. Once we know what the problem is there then we can incorporate that into the design. We hope to have that completed by the end of the summer and have the design ready for an early bid next year.

Mr. Snyder: So we will have both the storm and sanitary done as well as the design of the street completed.

Mr. Benekos: Correct.

Mr. Snyder: Mr Fano, will that - would that answer you question sir as to the time...

Mr. Fano (speaking from the audience): No at all. I'm not satisfied with that at all. Inaudible...

Mr. Sarbach: Are you done?

Mr. Peters: Yea, I'm done.

Mr. Sarbach: I'd just like to add, Dick has been putting up with this before I was involved and I got involved in 91' with his situation up there.

Mr. Fano: I like to know - I'm going to speak out of order here. But I'd like to know how many of you up there would like to see your insurance on your home go up three times and know that you have to have it for at least five years without full coverage or anything else? What the hell am I doing in business in this town? I mean if you get - if you move any slower I'll be dead and I won't ... inaudible... street fixed. I'm sorry I'm out of order, but I've got a reason to be.

Mr. Sarbach: Dick, I know your frustration, I've known it for a long time. I would support, it's a broad statement here, but I'd support anything we could do to expedite at least the sanitary part of that situation to you know if we can do anything sooner.

Mr. Fano: That street right now is a - is a war zone. Go drive on it and see what it is.

Mr. Sarbach: I know, I know, I've been there.

Mr. Fano: It's sinking all over. It's sinking, it's just nasty.

Mr. Peters: I used to live on that street Dick and I still have a house on that street and it is, it's ridiculous.

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Mr. Fano: I know.

Mr. Peters: And the first time you flooded was - what did you say, '91?

Mr. Sarbach: Well that's - I was a ward councilman in '91 and we talked about it then and that wasn't the first time it came up. So...

Mr. Peters: Twelve years ago.

Mr. Sarbach: But the previous engineer did studies on it and it was going to be part of the Main Street improvement project and then that got slowed down when other things started to happen so we never got past 7<sup>th</sup> Street with the improvement project. So we left him hanging then. So...

Mr. Fano: You know I'm not an engineer, I don't have a degree, I only went to school 12 years, but I don't - it doesn't take a rocket scientist to let you know get rid of the surface water first and I'm sure that the sanitary drain will not back up. Get rid of the water. The water don't have no place to go.

Mr. Sarbach: I have two other things. One is a - if the administration could look on 7<sup>th</sup> Street between the driveway to the high school and Dogwood, right where the fence is at the ballfield, there's a curb cut going across 7<sup>th</sup> Street that the students use to go back and forth at the athletic field from the high school. There's a curb cut there, it's being used by youthful pedestrian traffic and there's no crosswalk there, there's no lines marked so drivers aren't expecting them there, they're expecting them back where the crosswalks are at each end of that area. So if you could look at that situation and either put up a no crossing sign for pedestrians and get rid of the curb cut or paint some lines on the street so the drivers know that they're going to be crossing there to be watching for them.

Mr. Snyder: Isn't that a handicapped curb cut?

Mr. Sarbach: Yes it is.

Mr. Snyder: That provides for handicapped access from one side of the street to other...

Mr. Sarbach: And there's and there's...

Mr. Snyder: That's not a crosswalk, that's a handicap access.

Mr. Sarbach: No crosswalk there.

Mr. Snyder: You need to put a sign there ...inaudible...

Mr. Sarbach: So if you could look into that and you know that's something you know we can do internally and as soon as the weather breaks throw some paint at it or whatever you think needs done up there. I'd appreciate you looking at that. And I'd like to know where we're at on the traffic light study. We had some money appropriated for that. Do we have any results back from the traffic light study for the city?

Mr. Benekos: We haven't hired a consultant for that item yet.

Mr. Sarbach: Oh it hasn't been started yet?

Mr. Benekos: No.

Mr. Sarbach: I thought it was underway.

Mr. Benekos: No.

Mr. Sarbach: Oh...

Mr. Benekos: We're - they came back with an initial price exceeding what the budget was so we're working with them on that.

Mr. Sarbach: Okay.

Mr. Snyder: Okay...

Mr. Peters: I'm sorry, could I say one more thing.

Mr. Snyder: Surely.

Mr. Peters: I just have a question for Jim. Did you say we had to do the sewer system analysis over there?

Mr. Benekos: Correct.

Mrs. Kiesling: Sanitary.

Mr. Peters: Sanitary, okay, alright. That's it.

Mr. Snyder: That is in the process of being done I believe, is it not?

Mr. Peters: That was supposed to be done before the design.

Mr. Snyder: Yea.

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Mr. Peters: Yea, design to begin after the sewer system analysis.

Unidentified: Right.

Mr. Peters: Alright, I was just curious.

Mr. Snyder: Okay. I have nothing.

## FINAL CALL FOR NEW BUSINESS:

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

Suzanne Burnett: I'm Suzanne Burnett and I live on Pierce Avenue at 710. And I'm just here once again to say thank you for the recycling program. I've said it before, I'll say it again, it's one of the gifts of this city to the citizens. And I appreciate it and I hope all of us do. Thank you.

Mr. Foltz: Inaudible...

Mr. Snyder: Thank you mam, I appreciate that. Anybody else wishing to speak? Mr. Osborne.

Chuck Osborne: You have my name and you know my address. Just one final comment on your Ordinance 52-04. I'd just like to get into the record that year after year for or I don't know the last 12 years, you've had an attorney out of Cleveland - Canton handle the labor negotiations for the city. For the latest records I can dig up, which would be I guess the year 2000 negotiations, it cost us around \$13,000.00 for those labor negotiations. Well this recent round of labor negotiations has cost in excess of \$55,000.00. This city has taken it in the ear. That \$40,000.00 plus would of probably paid for the study and hotel and what else on a lot of these major issues around the city. That should be in the record we have taken four times over and as you see tonight we go over and over trying to correct these deficiencies in the latest contracts. So not only was the product inferior, the price was out of this world. Thank you.

Mr. Snyder: Thank you. Anybody else wish - Mr. Oakes...

Patrick Oakes: Thanks Mr. President. Patrick Oakes. 930 Knoll Street SE. Hello Mr. Lane. Earlier this evening council adopted under suspension 43-04. And I was just curious if I could have a little clarification as to the agreement that the city is entering into with regards to those waterline relo...

Mr. Sarbach: It's the Shuffel Road on ramp project in conjunction with the state.

Mr. Oakes: I'm aware of that sir. What type of agreement...

Mr. Sarbach: And I guess I'd have to defer to the Engineer for any more specifics on that.

Mr. Miller: Relocate our waterlines. Outside the city corporate limits we have - we're treated like any other utility. So we have to relocate our waterlines in conjunction with that project.

Mr. Oakes: Okay, so the city is bearing the cost of relocating waterlines for the Shuffel Road off ramp. Is that what I understand - am I understanding that correctly?

Mr. Miller: Correct.

Mr. Oakes: I just want to make sure I'm clear.

Mr. Miller: Yes.

Mr. Oakes: Okay, thank you. Second point, I'm a friend of Dick Fano's. Dick is really frustrated. And there's - I think there's a little misunderstanding going on up here. Has the analysis started of the sanitary?

Mr. Benekos: Yes it has.

Mr. Oakes: Okay, great. I was looking at a letter, sitting back here, that Dick had that indicates to me Mr. Benekos that it's a storm sewer issue more than a sanitary issue in that ...

Mr. Benekos: Its' both.

Mr. Oakes: in that the storm sewer is not sized large enough to handle the runoff, it's backing up in the catch basins, dropping into the sanitary sewer system, causing backup to those lower line residents and businesses.

Mr. Benekos: The letter...

Mr. Oakes: Is that accurate?

Mr. Benekos: The letter is from who?

Mr. Oakes: From you to Mr. Sarbach.

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Mr. Benekos: Okay. No, I don't believe that's what it says.  
Mr. Oakes: Okay.

Mr. Benekos: I don't think it says the storm sewer is backing up and getting into the sanitary.

Mr. Oakes: Sanitary sewer backups occur due to rain events.  
Mr. Benekos: Correct.

Mr. Sarbach: What happens is the ground gets saturated.

Mr. Oakes: Mr. Sarbach, I don't mean to interrupt you.  
Mr. Sarbach: Fine, go ahead.

Mr. Oakes: I'm very familiar with storm and sanitary systems in the business that we're involved in.  
Mr. Sarbach: Alright.

Mr. Oakes: The problem that really concerns me, not only Dick is a friend and seeing what he's had to go through at his business and the cost that it's costing a small North Canton business, that I would think this council would want to keep in North Canton. The thing that scares me about reading this letter is if we're getting ground water infiltrating our sanitary system, then we have sanitary infiltrating or groundwater surface water, storm water, infiltrating our sanitary, the opposite is true as well. And if that's the case, we're looking at the potential during these heavy rains of sewer, raw sewage, being sent to the Zimber Ditch. Is that a pos - I mean limited quantities, no question about it. But if that's happening in that location how many other possible locations is it happening in, "a" and "b" does that create perhaps a public health issue?

Mr. Miller: I think it depends on the source of infiltration and inflow. If your serving those cross connections between the sanitary and the storm, then yes that would happen. But a lot of the infiltration inflow we're getting is not from that type of ... interconnection between the two. What's happening is you've got roof drain, sump pumps, those type of things plus you've got the old joints that are loose on some of the older sanitary sewers in North Canton that are allowing that water to get in. You also will, to a limited extent, if you have water on the surface as Mr. Fano talked about, each one of those sanitary manholes has eight holes in it to make sure the gases escape.  
Mr. Oakes: I understand that.

Mr. Miller: Water goes in those as well wen they get saturated. So...  
Mr. Oakes: That's correct and it's mixing with sewage.

Mr. Miller: So it goes into it...  
Mr. Oakes: That's my concern.

Mr. Miller: It doesn't necessarily come back out. At the Waste Water Treatment Plant in Canton on July 27<sup>th</sup> there was 107 million gallons per day the rate going through that plant. Normally they treat 27 million gallons. So it's not just isolated to North Canton.  
Mr. Oakes: No question.

Mr. Miller: Inaudible... there's a lot of ways that it gets into that system...

Mr. Oakes: I understand that Mr. Miller. The thing that perhaps you're unaware of that I've witnessed personally is sanitary manholes completely covered with water on Dick's street.

Mr. Miller: Not aware of that because I wasn't up here at that time.

Mr. Oakes: Okay, "b", if you know as you mentioned and Mr. Benekos mentions in this letter, we do have some illegal hookups to the sanitary that should probably be addressed as well as in roof drains and sump pumps. Okay, if that's overloading the system then that obviously has to be addressed. God knows us as builders we hook into a sanitary with anything like that you know we're ostracized, you know we're in big trouble. The other concern I have is something you mentioned and Mr. Benekos mentions in this letter, is the separations of joints and/or cracks in the system, which that in itself is - in an old and vitrified pipe we all know that happens. And obviously the more of that that we can replace, the quicker we can replace it the better. Because what's happening there, raw sewage is working out of the pipe you know obviously getting into the ground. Where does that go? Now granted most of the time around vit pipe when it does become saturated, the porosity of the soils are such that you know you're not losing that down that could leak possibly down to an aquifer. But it is - it's unfortunate, but it is a reality of old infrastructure.

Mr. Miller: I sat in on the study discussions and the problem is we need to know how to fix it or what to fix. Just going in and replacing the pipe in the street or putting curb and gutter...

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Mr. Oakes: Couldn't agree with you more Mr. Miller. I think ...

Mr. Miller: may not solve it.

Mr. Oakes: I think what we need to do though is we need to look at ways of keeping business in this town.

Mr. Miller: Agreed.

Mr. Oakes: Okay. And if that means taking care of some infrastructure issues along the way, then by God we should be doing it.

Mr. Miller: Agreed.

Mr. Oakes: There was some comment made earlier about Hoover. Okay. How long are they going to be here? We don't know - we don't know. And I sure hope that this council isn't banking on that money coming in every year because one of these days that well will dry up and the only thing that North Canton will have is the residents and business - small business. And I think we should be doing everything we can to preserve that. Thank you.

Mr. Snyder: Thank you sir for your comments. Anyone else wishing to speak? It brings to a point I don't at what point we can address Mr. Fano's problem other than until we get this sewer study completed there's not much we can do. Am I correct ...inaudible...?

Mr. Benekos: That would be my understanding. We can replace the street. And the sanitary sewer on 9<sup>th</sup> Street is in good condition, that's been TV'd. That sewer we wouldn't replace. The joints are in good condition, there's no cracks, it's upstream and downstream we believe the problems are.

Mr. Snyder: Well the problem being is if we replace the street, it would not still be physically possible to do it in this fiscal year anyway. I mean first of all the study has not begun. By the time we get done and ready to go it's going to be September, late August, early September before we're ready to go, correct? Mr. Benekos: Correct.

Mr. Snyder: I mean there must - Mr. Fano, I wonder if you give us leave to more than a week sir to come up with some ... to come up. And I realize that over the past couple of years a lot of lip service has been given to you. But I would ask you sir to give us leave of a couple weeks to - I don't know what we can do sir. But I'm sure and I will pledge you from the council standpoint and I'm sure the Mayor will tell you from the administration, if there's something to be done sir we will do it. I don't know what we can do, if anything, immediately. But and I understand it - where you're at. But I would ask you to bear for at least somewhere in the neighborhood of two to three weeks to look at some ideas and where we might go sir. Would you consider that?

Mr. Fano (speaking from the audience): Alright.

Mr. Snyder: Alright. I mean and I appreciate it and I know I'm going out on a limb telling you, but somewhere along from the administration we'll - it must come from there, they have the experts there. And the council will support what we can do sir to somehow take care of your problem.

Mr. Fano: This just didn't come up, you know that.

Mr. Snyder: No sir and there's no question. I mean...

Mr. Fano: You know I've got pictures of those back walls 14 years...

Mr. Snyder: Well I know three or four years ago we on a claim you had. It's not something that happened yesterday. But we need - do need more than seven days or twenty days to get this thing - somehow to look at what we can do logically. Because sir, just to go tear up your street and pave it and turn around and tear it up again next year isn't real prudent on our part.

Mr. Fano: I understand.

Mr. Snyder: But we'll - if there's anything we can do or work towards...

Mr. Fano: What about bothers me the most right now Jon is fact, number one, that I have to pay what ...inaudible... for my premium. That I can handle. The other part it is the mental anguish that I have to go through all summer long. The minute the sky gets black do I run up and take stuff off the floor ...inaudible... the building is going to flood? What the hell is going to happen? That's what I go through every time it rains around here.

Mr. Snyder: One question sir I'd like to ask you is that you mentioned the backflow device, it's not practical an application in your building?



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Mr. Fano: If you want to take out a toilet yea. But I - why should I accommodate the city any more than I have by taking out a toilet?

Mr. Snyder: I mean you can't put it anyplace else?

Mr. Fano: No.

Mr. Snyder: Cause it comes up through the toilet, that's the problem.

Mr. Fano: That's the only toilet that we have.

Mr. Snyder: Well maybe you should reset the toilet somewhere else.

Mr. Fano: Yea, I'll put it in a little house on the back ...inaudible...

Mr. Snyder: Inaudible... No, I'm sorry...

Mr. Fano: That's ...inaudible...

Mr. Snyder: and I did not take ...inaudible...

Mr. Fano: I can get along with a good joke too.

Mr. Snyder: I know that.

Mr. Fano: I just you know you just have to realize it, I mean let somebody come in and knock your socks off with looking at 50 grand over five years for insurance and it's not even full coverage insurance.

Mr. Snyder: We'll - we're going to talk about it and see what we can come up with. But I just - as I said, I appreciate you giving us a little time to do it. And thank you for your comments. Anyone else on the council, anything else? If not, may I have motion to adjourn the meeting?

ADJOURN:

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

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

No: 0

The meeting adjourned at 8:10 p.m.

PRESIDENT OF COUNCIL

ATTEST:

CLERK OF COUNCIL