

RECORD OF PROCEEDINGS

Minutes of COUNCIL OF THE CITY OF NORTH CANTON

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

Monday, April 8,

7:00 p.m.

2002

(YEAR)

CALL TO ORDER

1. The council meeting was called to order by President of Council Jon Snyder.
2. The opening prayer was delivered by Rev. Richard Scherpenisse, Northminster Presbyterian Church.
3. All present recited the Pledge of Allegiance.

ROLL CALL:

4. The following members of council responded to roll call: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder. Also present were: Mayor Rice, Director of Administration Held, Assistant Director of Law Treadon, Director of Finance Herr, City Engineer Benekos and Clerk of Council Bittle.
5. Consideration

Consideration of Minutes of Council Meeting: 3/25/02
Consideration of Minutes of Public Hearing: 3/25/02

Mr. McLaughlin moved and Mrs. Kiesling seconded to approve the minutes of the council meeting and the minutes of the public hearing as presented. All members present voting:
Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, 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 April 1, 2002.

Finance & Property Committee: Refer to the minutes on file in the Council Office of the Finance & Property Committee meeting held April 1, 2002.

Street & Alley Committee: Refer to the minutes on file in the Council Office of the Street & Alley Committee meeting held April 1, 2002.

Water, Sewer & Rubbish Committee: Refer to the minutes on file in the Council Office of the Water, Sewer & Rubbish Committee meetings held March 25, 2002 and April 1, 2002.

Mr. McLaughlin moved and Mrs. Magel seconded to approve the committee report minutes as presented. All members present voting:
Yes: Lindower, Magel, McLaughlin, Osborne, Snyder, Foltz and Kiesling.
No: 0

7. Recognition of Visitors

Mr. Snyder: Is there anyone in the audience wishing to speak to the council this evening?
Alright, under old business...

OLD BUSINESS:

8. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, third reading of Ordinance No. 38-02**. All members present voting:
Yes: Magel, McLaughlin, Snyder, Foltz, Kiesling and Lindower.
Abstained: Osborne.
No: 0

Ordinance No. 38-02 - Third Reading

Ordinance No. 38-02 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a PIPELINE OCCUPANCY AGREEMENT by and between METRO REGIONAL TRANSIT AUTHORITY ("Licensor") and the CITY OF NORTH CANTON ("Licensee") for the purpose of constructing, using and maintaining a twenty-four (24) inch pipeline solely for the transmission of potable water (the "Pipeline").

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: This is hooking into the Canton so we get - to get our water - buy water from them through our - through the pipeline up to our water station. Also, I'd like to make a motion, if I could, to amend Ordinance No. 38-02 to include an emergency clause. Is it too late?

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Mr. Treadon: No.
Mr. Snyder: No.

Mr. McLaughlin: I'd like to do that so we get all three of the ordinances and we can pass them quick.

Mr. Treadon: Do you have a reason for the emergency?

Mr. McLaughlin: Yea, because we want - we'd like to start this project as soon as we can. Because we'd like to get it done before July the 1st. Hopefully it's not going to be a problem.

Mr. Snyder: Yea we got - as long as we got the money...inaudible...

Mr. McLaughlin: If we delay it another 30 days it's going to be toward the end of July and I'm afraid during the summer we could have a major problem on water.

Mr. Snyder: Mr. Law Director it does present an emergency to the health and welfare of the citizens of North Canton, in as much as the time allowed to put that in there. Otherwise, it would delay it to such that it would present a peril for delivery of water service.

Mr. Treadon: I just thought we had to get it on the record why you wanted an emergency.

Mr. Snyder: Okay.

Mr. McLaughlin: Okay, that's the reason why. But I'd like to amend Ordinance No. 38-02 to include that emergency clause.

Mr. McLaughlin moved and Mr. Foltz seconded to **amend Ordinance No. 38-02 to include an emergency clause.** All members present voting:

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

Abstained: Osborne.

No: 0

Mr. Osborne: Before we go further I'd like to make a comment if I could, Mr. President. I ran some quick calculations on the annual fees for this - or to be paid to the Metro Regional Transit Authority. Just some ballpark figures calculating the cost to the city over a certain number of years. I talked with Mr. Steinhebel just prior to the meeting and it was relayed to me and correct me if I miss quote you Rich, but that you - it would be conceivable possible to use this waterline for 100 years, given the maintenance.
Mr. Steinhebel (from audience): Yes.

Mr. Osborne: Okay. Well just a quick idea on cost. After 50 years we would of paid out to the Metro Regional Transit Authority almost \$180,000. And if you went another 70 years, another 20 years more, for 70 years, we're talking \$378,000 in - just in annual fees accumulated over that period of time. And if we conceivably use this right-of-way this - for this waterline for 100 years, we're talking accumulated payments of over a million dollars. Now given that Canton negotiated an agreement down the railroad line for under \$100,000 for a right-of-way indefinitely, permanent, I just don't think that's a very economic decision to be moving on. Also, I passed out a memo to council concerning other aspects of the contract, concern over the actual routing of the pipeline. I'm very much in favor for a connection. It's obvious North Canton is going to need a permanent connection to Canton. And I applaud the Mayor for his efforts in that regard. The placement of this pipeline in regard to the Zimber Ditch is critical. If it's put in the wrong place, when Zimber Ditch improvements come along and I hope they come along soon, rather than later, if the pipeline is put in the wrong place you're looking at additional expense having to work around where this pipeline has been located. I've been working with Gary Connor who's the manager of the Zimber Ditch with M & E Companies and I have a copy of the Zimber Ditch Study here. And it's obvious now the 12 inch line that runs across Everhard Road no one consulted with the manager of the Zimber Ditch and it has been placed right smack in the middle of where improvements are slated to take place. So you're - that 12 inch line is going to have to be relocated whenever the Zimber Ditch improvements are made. And we're talking some pretty expensive dollars - \$100,000 possibly, \$150,000. So I'm just quite concerned on the contract, the fees, the location of this pipeline... Also I have some concerns about the - we're hooking in a 24 inch waterline to a 12 inch waterline where our customers that are serviced on down the line from this, there could be some pressure problems.

Mr. Steinhebel (from audience): Now remember I told you, we've done the study on that...

Mr. Osborne: Yes you did.

Mr. Steinhebel: Inaudible...that pressure...inaudible.

Mr. Osborne: There has to be some procedures followed. Correct?

Mr. Steinhebel: Well there's plenty of pressure on their system to maintain this for us for 2 million to 3 million...inaudible...

Mr. Osborne: It's a factor to keep in mind though. Is that correct?

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Mr. Steinhebel: Not to residents. In the only case it would case a problem if they said they had a major fire and they were supplying us water and maybe even cut us off for a short period of time to work that fire and then put us back on.

Mr. Osborne: I understand. Anyway a useful life of this pipeline for 100 years paying out a million dollars when Canton simply paid out \$95,700, I think calls for some additional negotiations on the contract. That's all I have.

Mr. Snyder: Okay.

Mr. McLaughlin: You done?

Mr. Osborne: Thank you.

Mr. McLaughlin: Rich, do you have any comments real quick before say anything?

Mr. Steinhebel (from audience): Inaudible...

Mr. McLaughlin: Okay.

Mr. Steinhebel: Inaudible..the proper pressure to maintain it.

Mr. McLaughlin: Everything that's what I figured. And, you know, I'm not concerned about it. I saw his memo; I'm not really concerned. I think if Jim Benekos signed off on it, you're okay with it, the Mayor's okay with it, Administrator Held is okay with it, I'm okay with it. I mean I think we got to do this. I think there's no time in negotiations. I think we got to do this for the summer time. The other thing is, you know, he's worried about the Zimber Ditch; that's south of us. Where we're going is up by the railroad tracks. Am I right Tom? We're not really worried about the Zimber Ditch.

Mayor Rice: I think the 12 inch line that's there is not our line. I believe...

Mr. McLaughlin: Exactly.

Mayor Rice: what Mr. Osborne is referring to is Canton's line, which we have no control over.

Mr. McLaughlin: Right.

Mr. Osborne: Okay our, just the line will be crossing the Zimber Ditch.

Mayor Rice: I'm just talking about the 12 inch line that

Mr. McLaughlin: 12 inch line...

Mr. Osborne: I understand.

Mayor Rice: you referred to as not our - not our line.

Mr. Osborne: That's true - that is true.

Mayor Rice: As are the residential customers, where you're concerned about pressure, those aren't our customers.

Mr. McLaughlin: Exactly.

Mr. Osborne: Well I may correct...

Mayor Rice: And that's an issue that I think the City of Canton has been more than diligent in reviewing and making sure, because they certainly want to continue to provide excellent service to their customers.

Mr. McLaughlin: And I...

Mr. Osborne: And I may need to correct myself. We probably should of been concerned with the crossing at Everhard. Because North Canton and whoever else shares in the upgrade of the Zimber will have to share in any costs that are generated by poor planning on the part of - the placement of the waterline. And obviously we're going to have to bite the bullet on that as long as Jackson and Plain Township. But our 24 inch line, as it moves north, parallels the Zimber and eventually crosses the Zimber. So we do have to consider the Zimber. And when you're looking at - I don't see how you can ignore the \$100,000 that Canton paid out and we're going to be paying out a million dollars for the same....

Mr. Snyder: May I have one privileged question?

Mr. McLaughlin: Go ahead.

Mr. Snyder: Because I do want the record to show and I say this respectful Mr. Osborne, that we did - six members of council did due diligence in this. And Mayor correct me if I'm wrong in my statement, but two things here. Number one, when Canton negotiated that belonged to Lake Erie Wheeling Railroad...

Mayor Rice: Right.

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Mr. Snyder: It's now been sold to the Akron Metro Railroad. And unfortunately when someone would want a right-of-way on my property, I would get as much money as I possibly can and the same as they are. I don't know that, that number is negotiable. That's their land and we're asking for permission to cross their land and it's kind of - I, you know, we're into kind of a pickle. Pardon my expression. But when they have what we want, we have to pay for it. And...

Mr. Osborne: Well that isn't our only option though, excuse me Mr. President.

Mr. Snyder: Well the...

Mr. Osborne: We could parallel the railroad track, but stay just short of their right-of-way and go across private property. And I'm sure we - we could negotiate a much lower fee with the various landowners as we move north with the pipeline.

Mr. Snyder: Well I can't answer. I don't know. I...

Mr. McLaughlin: I think that - I think that the to where we are right now and what we need to be done, we need to do the fastest possible thing

Mr. Foltz: Right.

Mr. McLaughlin: and going up the railroad track...

Mr. Foltz: Right.

Mr. McLaughlin: the proposal we have now on the books I think is the thing we ought to do. Does anybody else have any concern about it?

Mr. Foltz: No Rick I agree with you. Time is of the essence. We need to get this line in place. \$1500 a year, dealing with the railroad, even if we look at some type of inflationary cost of - down the years still is a pittance compared us allowed to put this pipeline there and to serve customers in case we have a drought situation in the city. Zimber Ditch, the County has to step up. It's really their responsibility. I think we are here as council members, administrators to try to help our residents. But until they decide that they're going to put some money into this project, you know, it's at a standstill. So I can't worry about the Zimber Ditch.

Mr. Osborne: Well...

Mr. Foltz: I think Mayor - Mayor Rice addressed - Mayor Rice addressed it. It's - that culvert situation is not our line. We're further north at that point.

Mr. McLaughlin: Definitely.

Mr. Foltz: And I'm ready to move forward with it. And they've looked it over, approved it. Everybody that is going to deal with this has approved it, so I'm ready to go with it.

Mr. McLaughlin: And I think Jim Benekos has already agreed and everything. I think Jim feels comfortable with it so...

Mr. Foltz: Right.

Mr. McLaughlin: that's the way it is.

Mrs. Kiesling: Jim's right there. Can we...

Mayor Rice: Jim is very sick tonight and probably shouldn't even be here.

Mrs. Kiesling: Oh really.

Mayor Rice: So please excuse him. If you've got something specific we'll be - I'm sure he'd be glad to come in, but...

Mr. McLaughlin: What don't we - why don't you just send him on home.

Mayor Rice: Well, that's what we're going to do but this is very important. So he went home earlier and came back...

Mr. McLaughlin: Well he's...

Mayor Rice: in case anything was needed so...

Mr. McLaughlin: I - Jim's already - I know Jim's had his comments on it.

Mayor Rice: He can come in as long as he doesn't...

Mr. McLaughlin: He's comfortable with it. As long as he - he's the man. I mean I put my faith in him, I trust him. So if he signs - if he's okay with it, I'm okay with it. So I'm with Doug. Does anybody else have any comments on this before I...

Mr. Osborne: Well North Canton will share in any expense to improve the Zimber. That's a - that's going to be...

Mayor Rice: That's only if this - that's only if this city decides to do so. We have no legal obligation that I'm aware of.

Mr. Foltz: We're willing to do that. It's not our responsibility though. It's not our responsibility.

Mr. Osborne: Mayor I might like to advise you that you're in a flood plain right down there now where you live.

Mayor Rice: Sir, I lived there for 20 plus years, I certainly know where I live and the surroundings. But what I'm telling you is the Zimber Ditch is a county ditch.

Mr. Osborne: I wasn't pointing out where you live.

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Mayor Rice: It's not a city responsibility.

Mr. Osborne: I was pointing out you live in a flood plain now. I don't know if you realize that.

Mr. McLaughlin: But anyway...

Mayor Rice: That's what I said, I realize where I live.

Mr. McLaughlin: Let's move on.

Mayor Rice: It doesn't change the fact that, that - the Zimber Ditch is not owned by the City of North Canton

Mr. McLaughlin: Right.

Mayor Rice: it is a county owned ditch and it is their financial responsibility to handle that. So your statement that we are obligated to participate is, I believe a false statement.

Mr. Osborne: I'm...

Mayor Rice: Because it's only up to this council whether this council wants to participate

Mr. McLaughlin: Right.

Mayor Rice: and contribute to any project. And it certainly doesn't seem that, that project is even going to be coming forth any time soon. The county, even with their proposed sales tax, I don't believe there's any funding provided in the new sales tax plan to even address the Zimber Ditch or any ditches out there.

Mr. Osborne: Well that doesn't forestall the fact that one of these days North Canton is going to be impacted by a flood of the Zimber. If you talk to Mr. Gary Connor, the manager...

Mayor Rice: No doubt about that. I know Mr. Connor very well. I worked with Mr. Connor for four years.

Mr. McLaughlin: Let's - let's - I know Kathy's got a comment real quick and then I'll...inaudible...

Mrs. Magel: It's a very quick comment. The \$1,500 was already negotiated...

Mr. McLaughlin: Right.

Mr. Foltz: Right.

Mrs. Magel: for the project....

Mr. Foltz: Right.

Mr. McLaughlin: It's over.

Mrs. Magel: last year. So there's not actually one more penny for this particular ordinance.

Mr. Osborne: You're paying a million dollars and compared to - Canton paid 100,000. We're paying ten times...

Mrs. Magel: We're not paying one more penny for this ordinance.

Mr. Osborne: We're paying ten times what Canton paid, what they negotiated just a year and a half ago.

Mr. McLaughlin: Any...

Mr. Osborne: I just don't think it's a good financial move.

Mr. McLaughlin: Any other comments?

Mr. Osborne: Thank you for your time.

Mr. McLaughlin: Okay, let's - let's move on.

Mr. Snyder: Did...

Mayor Rice: Rick, Rick if I...

Mr. McLaughlin: Yea, I'm sorry.

Mayor Rice: just - you know you can make numbers sound ...

Mr. McLaughlin: Right.

Mayor Rice: as dramatic as you want to. You know, we - you can call it a million dollars. You can also look at for almost two miles of right-of-way. You're going to pay rental fee for two miles of property for \$125 a month to locate a 24 inch waterline. As I've said before, I think that's a pretty inexpensive insurance policy.

Mr. Osborne: And that's we have - we're a renter...

Mayor Rice: That's right.

Mr. Osborne: with renter's rights.

Mayor Rice: Absolutely.

Mr. Osborne: As opposed to Canton, they own their right-of-way forever. We're only going to rent this for as long as we make the payments.

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Mr. McLaughlin: For \$125 a month for an insurance policy, I think it's a good bargain. I'm not going to tell constituents of the City of North Canton, hey look I'm sorry we're out of water because we decided not to rent the piece we were trying to negotiate, to keep things going. So...

Mr. Snyder: We would have eminent domain rights against the railroad?

Mr. Osborne: You could move this pipeline just 5 feet.

Mr. Snyder: We can't...

Mr. McLaughlin: Chuck, I don't think...

Mr. Osborne: and not have to pay those fees.

Mr. Snyder: Well we could...inaudible...eminent domain if they would try to throw us off.

Mr. McLaughlin: I don't think anybody else but you, you know, you're talking to yourself because I think everybody else has pretty much made their mind. But I'm - I'm - I'd like to get this thing going and get it, you know...

Mr. Snyder: Yea.

Mr. McLaughlin: With the emergency clause for the third reading.

Mr. Snyder: Inaudible...because of the cost of them...

Mr. Foltz: Do we need a motion on this?

Mr. McLaughlin: I believe...

Mr. Snyder: Yes. Clerk - the Clerk...we clear a motion for the emergency yet?

Mrs. Bittle: We had the motion and the second and the vote for the emergency. We need a motion to adopt the third reading as amended.

Mr. Snyder: Alright. I apologize...

Mr. Foltz moved and Mr. McLaughlin seconded to **adopt the third reading, as amended of Ordinance No. 38-02.** All members present voting:

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

Abstained: Osborne.

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **suspend the rules** for Ordinance No. 38-02.

All members present voting:

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

Abstained: Osborne.

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to **adopt under suspension of the rules** Ordinance No. 38-02. All members present voting:

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

Abstained: Osborne.

No: 0

9. Mr. McLaughlin moved and Mr. Foltz seconded to **read by title only, third reading of Ordinance No. 39-02.** All members present voting:

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

Abstained: Osborne.

No: 0

Mr. McLaughlin: This is...

Mr. Snyder: Do you want to amend this before it's read?

Mr. McLaughlin: Yes, yes. I want to - like to amend it to reflect an emergency clause. It goes along with No. 38-02 and 41-02. That we'd like to get this in before the July - before - for safety reasons for the City of North Canton.

Mr. Foltz: Second.

All members present voting:

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

Abstained: Osborne.

No: 0

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Mr. Snyder: Okay.

Mr. Osborne: If I may also make a comment. I understand the figures for this project have come in over the \$803,000 that was left over from the East Maple Street pipeline.

Mrs. Kiesling: Were we waiting to talk about that until the...

Mr. Snyder: Yea, we'll come - when we come to that ordinance...

Mr. McLaughlin: Inaudible...it's not even - this isn't the ordinance yet.

Mr. Snyder: 41-02, we'll address that

Mrs. Kiesling: Just making sure.

Mr. Snyder: Will you read that as amended?

Mr. Treadon: With the emergency?

Mr. Snyder: Please.

Ordinance No. 39-02 - Third Reading

An ordinance authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into a CONTRACT by and between the City of North Canton, Ohio and the City of Canton, Ohio, for the purpose of connecting to the City of Canton Water System and declaring the same to be an emergency.

Mr. McLaughlin: This is the second part of it. This our contract between the City of Canton and North Canton. And again, we'd like to get this thing going as quick as we can.

Mr. Osborne: Has anyone on this council seen this contract?

Mr. McLaughlin: We all had a - we all had a copy of the contract.

Mr. Osborne: Of the contract Canton?

Mr. Snyder: Yes.

Mr. Osborne: Not...

Mr. McLaughlin: It was in your packet.

Mayor Rice: Yea.

Mr. Snyder: Which one are you...inaudible...

Mr. Osborne: Okay, I don't...inaudible...

Mayor Rice: When it was first introduced.

Mr. Snyder: Yea, we also had the railroad contract also.

Mr. Osborne: I have the railroad contract, but I don't know...

Mr. Snyder: Yea, we've had the Canton one also.

Mr. McLaughlin: Yea, we all - we've had them all. And Roy's agreed to them and told us he had no problems with them.

Mr. Osborne: Okay.

Mrs. Kiesling: It's not in this packet.

Mr. Snyder: Any other comments?

Mr. Osborne: No, that's okay.

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt the third reading, as amended of Ordinance No. 39-02.** All members present voting:

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

Abstained: Osborne.

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 39-02. All members present voting:

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

Abstained: Osborne

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules Ordinance No. 39-02.** All members present voting:

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

Abstained: Osborne.

No: 0

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Mr. Snyder: Chairman Magel, do you want to change this to an emergency also on this?

Mrs. Magel: Yes I do.

Mr. Snyder: Alright. May I have a motion to read by title only, the second reading of ordinance - well maybe we should ask for the amendment prior to the read. I apologize...

Mrs. Magel: Right.

Mrs. Kiesling: Might as well.

Mr. Snyder: I just asked you and like a dummy I read it anyway - I apologize. Would you like to make that motion?

Mrs. Magel moved and Mrs. Kiesling seconded to amend Ordinance No. 40-02 to include an emergency clause. All members present voting:

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

No: 0

10. Mr. McLaughlin moved and Mrs. Magel seconded to read by title only, second reading, as amended, of Ordinance No. 40-02. All members present voting:

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

No: 0

Ordinance No. 40-02 - Second Reading

Ordinance No. 40-02 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an Agreement by and between the City of North Canton (City), the Board of Stark County Commissioners (County) and the Board of Trustees of Plain Township (Township) for the Applegrove Street Widening - Phase 2 project, between North Main Street and Market Avenue and declaring the same to be an emergency.

Mr. Snyder: Chairman Magel.

Mrs. Magel: Yes, remember this was - this is just the contract between the three of us - the County, Plain Township and North Canton. On our first reading we included what we call an out clause in case - in case it got to be plain out too expensive council will then have the right to stop the contract if, if, if the right-of-ways are getting too expensive. And that's why now I felt comfortable putting it on an emergency basis. Any questions?

Mr. Snyder: Thank you...

Mr. McLaughlin moved and Mr. Lindower seconded to adopt the second reading, as amended, of Ordinance No. 40-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mr. Foltz seconded to suspend the rules for Ordinance No. 40-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to adopt under suspension of the rules Ordinance No. 40-02. All members present voting:

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

No: 0

Mr. Snyder: Chairman McLaughlin would you like to make a motion to...

Mr. McLaughlin: Yes, there's two things I'd like change in Ordinance No. 41-02. We come back and we found out that we've got truer cost on that line to reflect 1.2 million dollars. Am I right Jim?

Mr. Snyder: 1.517.

Mr. McLaughlin: 1.57?

Mr. Benekos: 1.157.

Mr. Snyder: 15, excuse me...

Mr. McLaughlin: 1.157, excuse me.

Mr. Snyder: I added an extra 400 there - contingency.

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Mr. McLaughlin: I had 1.2, I rounded it off. We have \$800,055. What we propose to do for the - the other money that we - to make this a 1.2, we plan on taking out of account no. 7551, which is the water tower fund, which has \$450,000 left over and we planned on adding it to that to give us the 1.157 to complete that project and then also have an emergency clause stuck in there. What this does then is when they went back and refigured out, it was more footage along the tracks to hook the waterline in than it originally was where we stopped from Bachtel to East Maple. So there's difference in price was the footage that we had. And so we decided to the Mayor and Rich and everybody else decided to take it out of water 7551. The water tower, we can do that later on.

Mr. Osborne: May I make a comment?

Mr. McLaughlin: Inaudible...Rich, any questions?

Mr. Steinhebel (from audience): No...inaudible...

Mr. McLaughlin: Mayor?

Mayor Rice: No, I think you covered it Rick.

Mr. McLaughlin: Okay.

Mr. Osborne: I was lead to believe that if this previous change order did not come in under the balance that was left, the \$803,000, that this whole project would have to be rebid. Is that not true Jim?

Mr. Benekos: I don't believe so. I think it's more of a legal question. You can - change orders are typically for additional costs. The primary reason we were doing this change order is we thought we could get it in for under the amount that was already there. So a change order for cost is not uncommon. That is the most common purpose for a change order.

Mr. Treadon: Yea, there was a mistake made in the footage. Right?

Mr. Benekos: Well, it wasn't really a mistake. We really didn't have the design for the contractor to give us the final cost. We were estimating some costs and we only had the final design last Friday. We sat down with the contractor and I only got these numbers today about 2:00.

Mr. Osborne: You don't expect any contractors that would come back and claim foul here that we didn't get a chance to bid on a - really an entirely new project now?

Mr. Treadon: It's the same thing.

Mr. Benekos: I'm sure anybody could do that even if you follow, you know...

Mr. Treadon: It's the same project.

Mr. Benekos: Yea.

Mr. Snyder: Yea.

Mr. Treadon: It's not a different project as I understand it.

Mr. Lindower: It's the same project.

Mr. Osborne: Well I don't know where I hear, somebody said if they could do it for the same amount of money that was allocated for the previous East Maple Street funds there was no problem. But if they couldn't come in underneath that figure, it had to be rebid.

Mr. Benekos: The unit costs are the same - they've held their unit cost. Everybody had a chance to bid on those unit costs. And Wenger Excavating was the low bidder on that, based on unit costs.

Mr. Osborne: On the first project?

Mr. Benekos: On the first project. They've held that same unit cost...

Mr. Foltz: Right.

Mr. Benekos: on this project. So everybody had an opportunity to bid that. Now the conditions are a little bit different, but everybody did have an opportunity to look at the project and bid it.

Mr. Osborne: So you're evaluating it on unit cost and not in total cost?

Mr. Benekos: Well the total cost is comprised of the unit cost. Everything is broken down into units - price per unit and that's what gives you the total cost here.

Mr. Osborne: Well, I don't know where I heard that. But that's all I have to say.

Mr. Snyder: What...

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Mr. Foltz: I think Jim makes a good point. The unit cost stayed the same.

Mrs. Kiesling: Which is awesome.

Mr. Foltz: Who knows who bid this out at this point, let alone the timing of this is so critical, it might come in more. So...

Mr. Osborne: But you've expanded the contract, the scope of the whole contract. That might necessarily affect somebody's profit margins and they might be able to bid it differently given that it's a slightly larger project.

Mr. Benekos: Right. Even if this and correct me if I'm wrong Tom, but if we didn't have a contract already with Wenger, I think Council has the authority under emergency and that's what we're claiming this, to go ahead and award a contract even of this magnitude...

Mrs. Herr: Without bidding.

Mr. Benekos: based on emergency reasons. And that's, I think that's the primary reason we're continuing with this and the contractor has held he price to do that even after a year.

Mr. McLaughlin: I think the one thing that, you know, like I say is Mayor and you yourself have been working very hard on this in getting this thing as quick as you can and the same way with David. I know you guys have done an excellent job of getting it through. And that's why I said I do want to definitely add the emergency clause to this ordinance to make sure that we can - and not exceed the 1.157.

Mr. Snyder: Mayor, am I right in - am I privileged to say that you told me you were going to go back to the railroad and see if you could negotiate?

Mayor Rice: There are still some things there I think we may be able to get in working with the railroad. To make - hopefully, not promising this...

Mr. Snyder: No...

Mayor Rice: But we're certainly going to attempt - there's some things in there that we see that we might be able to do to reduce some of the cost. But since we can't promise you - we got this. As you can see the fax at 2:48 this afternoon on the header there, you know, since we're trying to get this done so quickly, this is what we got as our estimates. We're going to continue to try to work this number down as much as possible.

Mr. Snyder: That's encouraging.

Mr. McLaughlin: And that's...

Mayor Rice: If we're lucky we might be able to save some money there.

Mr. McLaughlin: Yea and that's...

Mayor Rice: So we'll continue to work at getting the number down and keeping it as low as we can. But this is the number we have to work with right now.

Mr. McLaughlin: And that's why I say we have clause in there that said not to exceed the 1.157 and that should help you out. Kathy.

Mrs. Magel: I would just like to...

Mayor Rice: Well I think the one - I think you wanted to make the not to exceed like 1.2.

Mr. McLaughlin: Okay. Is that - did that...okay.

Mayor Rice: Yea, just to make sure in case there's any overruns or...

Mr. Snyder: Well there are some things that he's excluded.

Mayor Rice: Right.

Mr. Snyder: Flagmen and so forth.

Mayor Rice: Right.

Mr. Snyder: So it could run your price up a little bit.

Mr. McLaughlin: So we can - we can - okay. Kathy...

Mrs. Magel: I would like to thank and applaud the Administration and the Engineer, City Engineer, who I dot - did not know who was ill for giving us these - having these numbers for us for this reading to allow us to have the emergency. Thank you.

Mr. McLaughlin: But yea, the motion I'd like to make is not to exceed 1.2 million and the emergency clause in there for the City of North Canton. Tom is that proper?

Mr. Treadon: Yes.

Mr. McLaughlin: Okay.

Mr. Treadon: We need a second and a vote.

Mrs. Magel: Second.

Mr. McLaughlin: Got a lot of those.

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

11. Mr. McLaughlin moved and Mrs. Magel seconded to **read by title only, third reading, as amended**, Ordinance No. 41-02. All members present voting:
Yes: Lindower, Magel, McLaughlin, Snyder, Foltz and Kiesling.
Abstained: Osborne.
No: 0

Ordinance No. 41-02 - Third Reading

Ordinance No. 41-02 authorizing the Mayor of the City of North Canton, through the Board of Control, to enter into an amended agreement (change order) in order to revise the location of the waterline from the Price Park/East Maple route (authorized by Ordinance No. 43-01) to the Everhard/Water Plant route and declaring the same to be an emergency.

Mr. McLaughlin: This is what we talked about. I'd like to get this project on the way and - so we can have this hopefully done by the first week or two of July.

Mr. Snyder: Okay.

Mr. McLaughlin moved and Mr. Magel seconded to **adopt the third reading, as amended**, of Ordinance No. 41-02. All members present voting:
Yes: Magel, McLaughlin, Snyder, Foltz, Kiesling and Lindower.
Abstained: Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 41-02. All members present voting:
Yes: McLaughlin, Snyder, Foltz, Kiesling, Lindower and Magel.
Abstained: Osborne.
No: 0

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt under suspension of the rules**, as amended, Ordinance No. 41-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel and McLaughlin.
Abstained: Osborne.
No: 0

NEW BUSINESS:

Mr. Snyder: Alright...

12. Mr. McLaughlin moved and Mr. Osborne seconded to **read by title only, first reading** of Ordinance No. 46-02. All members present voting:
Yes: Snyder, Foltz, Kiesling, Lindower, Magel, McLaughlin and Osborne.
No: 0

Ordinance No. 46-02 - First Reading

An ordinance accepting the application for the annexation of certain territory, known as Oakshire Place No. 4 Annexation, containing 46.822 acres of land, more or less, in Plain Township to the City of North Canton.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: This is the area up off of Orion that we're annexing into the city. It started back in '99. Finally got them in. This is the first reading. And the Planning Commission is doing their public hearing for the zoning May 1st is their public hearing -so everybody knows that.

Mr. McLaughlin: One comment I'd like to make. In our audience tonight is the gentleman who got this started, Eric Mansfield. Eric, thank you very much for your...

Mrs. Kiesling: Diligence.

Mr. McLaughlin: Work that you done on this. Thank you very much.

Mrs. Kiesling: Anybody else?

Mr. Osborne: I have nothing.

Mr. Snyder: Alright...

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Mr. McLaughlin moved and Mrs. Kiesling seconded to adopt the first reading of Ordinance No. 46-02. All members present voting: Yes: Foltz, Kiesling, Lindower, Magel, McLaughlin, Osborne and Snyder. No: 0

- 13. Mr. McLaughlin moved and Mrs. Kiesling seconded to read by title only, first reading of Ordinance No. 47-02. All members present voting: Yes: Kiesling, Lindower, Magel, McLaughlin, Osborne, Snyder and Foltz. No: 0

Ordinance No. 47-02 - First Reading

An ordinance amending Ordinance No. 2940, zoning Ordinance of the City of North Canton, to change the zoning district of all the premises situated on the east side of North Main Street between Applegrove Street and Wilbur Drive in the City of North Canton and being part of Out Lot 198 and part of Out Lot 260 and approximately 654 feet deep and currently zoned General Business A from GB-A, General Business-A district to GB-B, General Business-B district.

Mr. Snyder: Chairman Kiesling.

Mrs. Kiesling: This began Albrecht Inc., owns Acme and the whole plaza up there wants to - asked us to rezone. They want to put a gas station in their parking lot as they've done in one other spot up north. When Planning Commission looked at it they decided that the whole - whole lot needed rezoned to General Business-B - it was behind the times. So this is what this legislation is, they're rezoning the whole spot from Wilbur to Applegrove and they're going to build their gas station. Anybody? Okay.

Mr. Snyder: May I have a motion to adopt the first reading of Ordinance 46 - 46-02?

Mrs. Kiesling: 47.

Mr. Foltz: 47-02.

Mr. Osborne: 47-02.

Mr. Snyder: 47-02, pardon me.

Mr. McLaughlin moved and Mrs. Kiesling seconded to adopt the first reading of Ordinance No. 47-02.

Mr. Snyder: I thought that was what it was - just checking...

All members present voting:

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

No: 0

Mr. Snyder: Alright...

- 14. Mr. McLaughlin moved and Mrs. Magel seconded to read by title only, first reading of Ordinance No. 48-02. All members present voting: Yes: Magel, McLaughlin, Osborne, Snyder, Foltz, Kiesling and Lindower. No: 0

Ordinance No. 48-02 - First 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 a contract for the Weber Avenue Waterline Replacement project and declaring the same to be an emergency.

Mr. Snyder: Chairman McLaughlin.

Mr. McLaughlin: We've talked about this before where we'll be spending a \$160,000 to replace the waterlines out of fund 75 - or account no. 7552 and 40,000 for the paving, curb and gutter out of account no. 5929.

Mr. Snyder: Okay. Any questions?

Mr. Lindower: Excuse me, Mr. President.

Mr. Snyder: Oh, excuse me - pardon me. Mr. Lindower.

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Mr. Lindower: I addressed this last week I believe in the large meeting. With that includes the intersection of Hower and Weber also, but it doesn't include Hower at this particular time. Is that correct?

Mrs. Kiesling: That's correct.

Mr. McLaughlin: Inaudible...correct.

Mr. Lindower: Okay.

Mrs. Magel: It goes through as...inaudible...through the intersection of Weber.

Mrs. Kiesling: Right, then it...inaudible...

Mr. Lindower: At the intersection, right. Okay...

Mrs. Magel: Right, at...inaudible...

Mr. Snyder: I think Hower's on for the next year.

Mr. Lindower: That's what I was asking. Right.

Mr. Snyder: It's around 45,000 about \$45,000 I think.

Mr. Lindower: Okay. Thanks.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 48-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 48-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 48-02. All members present voting:

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

No: 0

15. Mr. McLaughlin moved and Mr. Lindower seconded to **read by title only, first reading** of Ordinance No. 49-02. All members present voting:

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

No: 0

Ordinance No. 49-02 - First Reading

Ordinance No. 49-02 amending Appendix "A" of Ordinance No. 145-01, Appropriation Ordinance of the City of North Canton, to provide for the purchase of additional safety equipment for use by the City of North Canton and declaring the same to be an emergency.

Mr. Snyder: At the recommendation of Member Lindower we did not go through with that safety study. We feel that the - the administration feels that they can put that money, \$15,000, to better use for the purchase those flow meters for entering manholes and sewers for toxic gases and fumes, as well as an eye wash and shower system, should they be spilled or splashed with some type toxic or some type of volatile chemical. And I would entertain a motion to adopt this on emergency basis.

Mr. McLaughlin moved and Mrs. Kiesling seconded to **adopt the first reading** of Ordinance No. 49-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **suspend the rules** for Ordinance No. 49-02. All members present voting:

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

No: 0

Mr. McLaughlin moved and Mrs. Magel seconded to **adopt under suspension of the rules** Ordinance No. 49-02. All members present voting:

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

No: 0

REPORTS:

Mr. Snyder: Director of Law any report?

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Mr. Treadon: Just briefly, I assume most of you know that the city was named as a defendant in a law suit filed by some people named Schoeneman. If you're not aware they were. They sued us for property damage to their business. We apparently were using pressure to unclog a sanitary sewer and the claim is that we negligently did that and as a result they ended up with feces and other obscene material in their basement. And therefore there's been a law suit filed. Unfortunately it was during the period of time we were insured by Reliance Insurance Company as our general liability carrier. Reliance Insurance Company has gone belly up as they say. However, under Ohio law that - those obligations are undertaken by the Ohio Insurance Guarantee Association. I was asked to handle the case. I managed to get the OIGA to assume the defense of the city so the city will not be paying for the defense of the case nor the indemnity, in the event there is an indemnity. There suit is for about \$27,000 I think.

Mr. Lindower: Can you tell us where that is Tom? Or roughly what it...

Mr. Treadon: I can't.

Mr. Lindower: Okay.

Mr. Treadon: I don't know if...

Mr. Snyder: Is that Bob Schoeneman?

Mr. Treadon: I think it is.

Mr. McLaughlin: Southwest?

Mr. Snyder: He lived right down there...

Mr. Treadon: Well it's their business and I don't know exactly what their business is.

Mr. Lindower: That's why I was questioning it.

Mr. Treadon: I don't have the suit with me - the papers with me tonight.

Mr. Snyder: The only one I know there was one that was Fano though. I'm...

Mr. Treadon: The short of it is we aren't going to have to pay for defense and we're not going to have to pay any indemnity.

Mr. Snyder: 9th and 7th wasn't it?

Mr. Foltz: It's not that Custom Clothier on the corner of Apple, I mean Woodrow and Main?

Mr. Snyder: No, we settled that claim.

Mr. Foltz: We settled that one. That's the only one I...

Mr. Snyder: Yea.

Mayor Rice: I think it's up here on...

Mr. Treadon: Yea, I...

Mr. Snyder: 7th...

Mayor Rice: No, I - and I'm not sure, but I think it's up there off a - up there around like Wilbur. I think it was on Wilbur, wasn't it?

Mr. Held: Wilbur...inaudible...

Mayor Rice: It's one of those businesses there on, I think it was on Wilbur.

Mr. Snyder: Well that's the lady that does the interior decorating?

Mr. Foltz: Is that your ward?

Mr. Treadon: That's the one.

Mr. McLaughlin: Oh, that's - yea.

Mr. Snyder: Lisa Schoeneman.

Mr. Foltz: Wilbur - that's northeast isn't it?

Mayor Rice: That's right, but I think it was up that area...inaudible...

Mr. Treadon: Yea, I think that's right.

Mrs. Magel: Oh, okay.

Mayor Rice: Inaudible...home, but she runs a business out of her home.

Mr. Snyder: Yea.

Mr. McLaughlin: That's not the dry cleaners...inaudible...

Mrs. Magel: Oh, okay.

Mr. Snyder: Lisa Schoeneman. She does the interior decorating.

Mr. McLaughlin: Oh, that's...

Mayor Rice: Yes, I think you're correct Jon. I think that's right.

Mr. Foltz: Where at?

Mayor Rice: I think it's up in that area of Wilbur Avenue or something.

Mr. McLaughlin: It's Wilbur.

Mr. Treadon: Yea, I think that's right.

Mr. Snyder: She was married to that guy that got electrocuted.

Mr. Treadon: You got me. That's all. Thank you.

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Mr. Snyder: Appreciate it. Director of Finance.

Mrs. Herr: Just wanted to let you know that the notes, the 1.2 and half million notes were sold last week at 2.2 percent.

Mr. Snyder: That's good.

Mr. Treadon: Damn.

Mr. Snyder: That's less than we were paying before.

Mrs. Herr: Yes.

Mr. Snyder: What about 4 points?

Mrs. Herr: It was 3.4 before so...

Mr. Snyder: So a point.

Mrs. Herr: Over a point.

Mr. McLaughlin: Nice job

Mr. Treadon: That's the market.

Mr. Foltz: 2.2 percent.

Mr. Snyder: That's the market. Director of Administration.

Mr. Held: Yes, I wanted to make one comment. I wanted to thank our department heads specifically, Rich Steinhebel and also Jim Benekos, who worked in a cooperative effort this past week with the EPA and also with Malcolm Pirnie during all the test digs and excavation that was performed. And I also wanted to thank Mayor Rice because when we started the program he was committed to fully disclosing all the information and all the reports as they came out and he was very diligent in making sure that we followed through on that. And - but sometimes it's somewhat of a timely effort to communicate with all members of City Council and the media and department heads and also coordinating the EPA and Malcolm Pirnie. And so I wanted to thank Rich and Jim Benekos and everybody else that was involved. Because there were comments made by Malcolm Pirnie and also the EPA with the - concerning the efforts that everybody made and they much appreciated it. That's all.

Mr. Snyder: Thank you. Mr. Mayor.

Mayor Rice: Just a couple things. Number one I want to thank members of City Council for your support of this waterline hookup. And I think we believe strongly in the administration that, that's the right thing to do. It's the responsible thing to do for our residents of this city as well as our other water customers we have. So I appreciate your support of that and seeing to it that we get it done so we can get that thing on line this summer. Which I think it will be critical. Also want to express the Administration's appreciation to the City of Canton, Mayor Watkins, his Service Director, Mike Miller. We've worked on this for quite a long time, a number of months, and they've been very cooperative and very eager to help out their fellow neighbor. So I really appreciate their help in that. Update on Dressler, as of today. I think Dave's tried - end of last week tried to keep people updated as to what's going - what's going on. I think most everybody knows at this point in time, what's been happening. To summarize, I guess we started out there - the original work plan called for five pits to be dug. I believe they've dug a total of eleven pits out there based on - on their preliminary study and their work plan. But also based on some people's recollections - some first hand recollection from many years ago. That maybe were out there when some of this dumping occurred. They would point out some other spots and those spots were dug also. So we've tried to go above and beyond even the work plan to try to get as much information as possible out there. Ten of the eleven pits, while we found a lot of debris, metal in nature primarily, there were some - about a half a dozen drums dug out of the ground, some culvert pipe, some angle iron, some old telephone poles and concrete, a lot of concrete with metal rebar going through it, that type of stuff.

Mr. Lindower: Mayor Rice, excuse me, you want to specify those drums were crushed at the time we took them out?

Mayor Rice: Yes. That had no - nothing in them, they were completely crushed flat. All those areas - as the work plan called for, any pit that they found, any drums in particular, and keep in mind, you go back and review, which I've had to do over the last few days, the original work plan and you read the objective and the purpose of the work plan was to go out there and find these drums that were dumped out there. And that's been the primary objective of that test digging out there. But as they found those and in whatever pits those were found, it required them to do soil sample, test drum, test the materials that came out of those pits in particular. When that happened there was nothing found in the way of any type of harmful or hazardous chemicals, either on the drum or in the soil area around there. One of the additional pits that was - that was dug, that actually did not have drums in it, was the one infamous pit at this point in time, where there were detects of PCB's in that. Now that was discovered late last week. So that's the primary issue we're dealing with now, today, what Malcolm Pirnie and the EPA were dealing with this morning. Just so - for council's information, what they're doing with that, at EPA's direction, again they're calling most of the shots out there right now. They've taken that pit and basically enlarge it. They've taken more material out of it on both the side and the bottom and are - have put that into one of these roll off containers, being held and then they late this afternoon took additional soil tests from that same pit. The idea or thought is to take more material out of there, try to get all the area, the soil if you will, that has any detects in it out of the ground, retest the ground in all areas in that vicinity to see

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whether or not basically they got it all in that location. So those tests were done today. We won't have results on that until at least Wednesday, could be Thursday. But that will be the next major, you know, test that we're looking at to see what comes of that. Whether or not the PCB's that were located were confined to that one small area or were not. So that's what's being done. If you go out by the site you'll see a lot of - geez, I think we've probably got close to what, 30 of those roll off containers out there by now, Rich?

Mr. Steinhebel: Yes.

Mayor Rice: Probably close. You'll see many of them are being stored to the west of the dig site there. Those roll off containers are there. They've got the material in them that was excavated out of the ground - dirt, concrete all the type of things I mentioned earlier. All that material is tested. And the reason it's sitting there, it's sitting there until testing on those - on the items in that. They have to determine - everything that comes out of the ground they test it thoroughly and if the tests come back clean on those, then those items, those containers will be hauled off to a landfill and disposed of. If there's something comes out of those, then they have to be handled in a different fashion. So bottom line that's where we're at right now. It's actually went very well. They're a little bit ahead of schedule. If everything goes well we could be, you know, by the end of the week have a lot of progress done out there. But that's kind of where we're at right now. We're - they're dealing with that one - primarily focusing on that one issue of that one pit where some PCB's were located last week. So stay tuned, we'll let you know as soon as we get test results on that Wednesday or Thursday.

Mr. Snyder: Okay.

Mayor Rice: Okay. That's all I've got Mr. President.

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

Mr. Benekos: Sure. I have two items, hopefully brief. The first one's regarding the planning and zoning ordinance. I just want to update you where we're at on that. Gene Hemminger and myself will be meeting with D.B. Hartt tomorrow to answer all our questions and our concerns. And then hopefully within a couple weeks after that we'll have a final list of comments, concerns that we can turn over to the council and then you can proceed as you wish with that. The other item that's being passed around, I just wanted to make you aware of this requirement from the Ohio - no from actually the US EPA. It says, the result of the Clean Water Act way back when and now it's commonly called NPDS Phase 2 and deals with storm water runoff. The first NPDS program concerned itself with larger cities, I believe 100,000 population and greater. The second phase, which will take affect next year, will involve the City of North Canton and other communities in the Stark County. The reason I want to make you aware of it is Stark County Commissioners and other agencies in the county are looking at going together to pool our resources so we're not repeating each other's work, hopefully save us all some money. So in the near future there'll be meetings to discuss this with the county and other agencies and I don't want you to hear it from somebody else other than your own engineer. That's all I have for you tonight.

Mr. Treadon: You mean we're not going to get any federal funds for this?

Mr. Benekos: Of course not.

Mr. Snyder: Well thank you. Madam Clerk.

Mrs. Bittle: No report.

REPORTS - COUNCIL:

Mr. Snyder: Member Foltz.

Mr. Foltz: No report.

Mr. Snyder: Member Lindower.

Mr. Lindower: I'd like to - some time ago we discussed the possibility of upgrading our city web page. Mayor Rice or Julie, is there anything being done with that? Has there been consideration given to putting the council minute meetings or I'm sorry, council meeting minutes into that web page also?

Mr. Held: Yes.

Mr. Lindower: I've had some inquiries on that. I feel it would be a good idea in as much as there probably are a lot of people that would like to access that web page, to for whatever reason don't come to the meetings.

Mr. Held: There's been - actually Julie and I have been working together on this. And what we've done is we're in the process of getting an overall organizational assessment for the city as far as our IT needs. And Julie was actually heading up that project. And because we also have needs as far as interdepartmentally having like an Internet system so that the various department heads can communicate with each other. And then along with that, before we started making decisions as to how we were going to connect, whether it was via internet or via like telecommunications, we wanted to get an overall organizational assessment, which we're in the process of doing. And then we can start making those decisions which all tie into a larger plan. And we're moving along actually very quickly with that.

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Mrs. Herr: Yea, it's...

Mr. Lindower: I understand that the previous - the company and I'm sure who there were that was doing the web page work, was not performing up to what we wanted them to perform at. Has there been any recent...

Mrs. Herr: No. Actually what was that the web site that we have now was inherited from another company. The group that we're using now is Karcher Group and again, they're administering the web site. But again, it wasn't their creation, it wasn't their - they're just working with what we have. And they wanted to do some modifications. Do some things to kind of put their own touch to it. Give it a little bit more of a, you know, a look rather than just kind of the blah look it has now. And they also wanted to create an admin page so that we could go in - someone from the city could be able to in and make updates, you know, current events type news, information that affects the city and those kinds of things. And again I got a quote for that and it was somewhere between 7 and 8 thousand dollars. And that was brought before council just as informational. And at that point it was deemed that, that was too much money and they wanted me to investigate and look for other - other options. And I have gotten a couple other companies; I've got information from them. But at this point its kind of been on hold because we're dealing with this IT Committee trying to figure out - you know, all of our departments are not connected by e-mail, by - they don't have internet access. And that's the first priority is to get that taken care of. And then, you know, we want to venture out and, you know get some further proposals as far updating our web page according to your, you know. what your wishes were.

Mr. Lindower: I think that's the direction I was going, Julie. I remember the discussion on the cost of that. Have we researched or checked with the local people as far as doing that? Somebody that would be more readily accessible to us to deal with rather than these long distance...

Mrs. Herr: Well I don't think location really makes a difference if someone's within the city versus outside the city as far as service goes. I mean if they are doing our web page they have instant access to it, it doesn't matter where they're at. They could be in California, they could still...

Mr. Lindower: But as far as personal contact with these people...

Mr. Held: Right. Well...

Mr. Lindower: do you feel that there would be - something would benefit us to have...

Mrs. Herr: No. I mean we always want to - obviously work with, you know, businesses within the city if we can.

Mr. Lindower: Right.

Mrs. Herr: But we also have to look at what other options we have all together to make sure that we're getting the best product for our price...

Mr. Lindower: Sure.

Mrs. Herr: No matter where they're from. You know, obviously that is something we'd like to do, but not all the times can that happen.

Mr. Lindower: Thank you.

Mr. Held: So real - if I may interrupt here. One of the things that we found is that the city, as far as their information technology, all the decision making has been fragmented. The Police Department made sure that their needs were satisfied. Finance was making sure that their needs were satisfied. And there was really no cohesive approach or a - you know, as far as purchasing computers. Some departments bought them from one place, another from another. And so what we're hoping to accomplish by this assessment is have a consultant come through, give us an overall organizational assessment as far as what is the best way to connect all the departments. And then along with that we're hoping that some of these areas like the web page, purchasing of new equipment, purchasing file servers that are budgeted for police and finance, that we can tie it all in together and hopefully decrease the overall cost to the city. That's what the intent is.

Mr. Lindower: I agree with you.

Mr. Held: So it's not like we're - and we don't mean to put that off as far as the web site because it was a major priority for Julie. But then we all agreed and Jim is also working in on this because he has concerns as far as implementing a GIS system for the city, which opens up a whole other consideration and so myself and Julie and Jim and also Chief Grimes have been working together just to make sure that we're all moving in the same direction.

Mr. Lindower: Okay, great. That's good. Thank you.

Mr. Snyder: Member McLaughlin.

Mr. McLaughlin: Three things I have real quick. Tom, if you'd...inaudible...that letter to Gas Light Circle which we talked about? The letter we had a meeting about was offering them - or wanting to know what their feelings were about the sewer?

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REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held Monday, April 8, 7:00 p.m., 2002 (YEAR)

Mr. Held: It's...inaudible...

Mayor Rice: Yea. Jim has a - has completed a draft letter.

Mr. McLaughlin: Okay...

Mayor Rice: It's actually - it's on my desk as we speak.

Mr. McLaughlin: Thank you, I appreciate that. I knew we were close, but I didn't...

Mayor Rice: Yea.

Mr. McLaughlin: I knew if you've been busy with other things and I didn't.

Mayor Rice: But no, Jim actually has done up a draft. I asked him to do a draft letter, which he has put together. So we're working on finalizing the draft now.

Mr. McLaughlin: And Jim, have you gotten back to Gene about the property we have over in...inaudible...? Have you heard any more about that at all?

Mr. Benekos: Gene should be sending out a letter to Mr. O'Brien regarding that.

Mr. McLaughlin: Can I get a copy of that when it's done?

Mr. Benekos: Sure.

Mr. McLaughlin: I appreciate that. I want to make sure - and third of all there's some - over by the ballfields I see we have some small little mounds as the entrance. Are we going to build those mounds up or are those things just staying down?

Mr. Held: Well I'm - what are you referring to?

Mayor Rice: On East Maple.

Mr. Held: The landscape is in?

Mr. McLaughlin: Yea, the landscape. We talked about...inaudible...

Mayor Rice: There's more dirt to come in there.

Mr. McLaughlin: There - okay. I know you said as soon as the weather breaks and believe it or not it's supposed to be 75 Sunday.

Mayor Rice: It's supposed to be beautiful all this week actually.

Mr. McLaughlin: Yea. And I was just kind of, you know, I'm just putting out a schedule.

Mr. Foltz: That's coming from Dressler.

Mr. McLaughlin: That's coming from where?

Mr. Snyder: I would say we've got a little dirt down there. Move it up there.

Mrs. Kiesling: Inaudible...

Mr. McLaughlin: No I mean...inaudible...well it took so long in coming. I mean...inaudible...Tom's, but...inaudible...

Mr. Snyder: I knew that'd get a rise out of you.

Mr. McLaughlin: said they were going to do this and landscape and I keep hearing rhetoric every year after year. But you guys are moving in the right direction; I'm seeing the mounds.

Mr. Foltz: Oh yea.

Mrs. Kiesling: Oh dear.

Mr. Held: A mound.

Mayor Rice: A little dirt there right.

Mr. McLaughlin: A little.

Mr. Foltz: I'm sorry - I'm sorry Dave, I forgot that was your ward

Mayor Rice: Very small amounts right now.

Mr. Held: What the pitcher's mound or...

Mrs. Magel: Did you forget it was my street?

Mr. Snyder: Member Kiesling.

Mr. Foltz: Just wanted to see if you were paying attention.

Mrs. Kiesling: No report.

Mr. Snyder: Member Magel.

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Mrs. Magel: Well, to piggyback on what Rick's saying, I want assurances that's not from Dressler. But we do, you know, we would appreciate - there was - there's money set aside in the parks
Mr. Foltz: Right.

Mrs. Magel: to not only put the mounds, but the trees. And you know, let's do that - let's do it right, all the way.

Mr. Snyder: And the lights.

Mrs. Kiesling: And the lights, yea.

Mr. McLaughlin: No lights.

Mr. Foltz: Member Magel, I think that was going to be worked on later this fall so...

Mrs. Magel: We don't need the lights.

Mayor Rice: I can think of something, but I'm not going to say it.

Mrs. Magel: the dirt's going to glow.

Mr. McLaughlin: No lights.

Mrs. Magel: Alright. Seriously, I read minutes to the Board of Control, March 28, 2002. And I noticed there was a concern that came up concerning what exactly is the local share. And there was going to be - I believe Jim you're look further into the actual costs and come back to council with - to get a handle - handle on what number is and maybe report it to the Council of the Whole. I'd like that maybe to be - please, report it back to Council of the Whole. That is my committee and if we overlooked something or didn't nail a number down. As soon as AS - as soon as you can. If you could come back to Council of the Whole with that number.

Mr. Benekos: I'll have that next Monday. I think Roy just wasn't just aware of the program and what had gone into it and what it was - what they were - what we were getting out of that.

Mrs. Magel: Into...

Mr. Benekos: I can bring that.

Mrs. Magel: Okay. But that, that - I sure would appreciate an update on that. Second thing, Mr. President, could you put on the agenda next week that we could set a public hearing to rename - to discuss the renaming of East Maple, Easton. That's long overdue.

Mr. Snyder: We can...

Mrs. Magel: And we'll come up with a date for a public hearing on...

Mr. Snyder: Okay.

Mrs. Magel: Thank you.

Mr. Snyder: You're welcome. Thank you. Member Osborne.

Mr. Osborne: I just have a question. I guess Gene or Jim brought up the fact that D.B. Hartt is meeting with the city tomorrow to discuss recommended changes or items on the ordinance. I have a question for the Mayor. There's a letter that's been forwarded to me concerning dumping that the city had inadvertently done back many years ago on some adjoining property at the Dressler Well Field, written by the former Engineer Roush. Are you familiar with that letter or...

Mayor Rice: Well I'd have to see it for sure, to make sure which one you're talking about. I do recall if you're referring to the Fosnaught property.

Mr. Osborne: Yes.

Mayor Rice: I think - I think that was brought forth before council a couple years ago Jon? When this - when things...

Mr. Osborne: Do you have any concerns or comments that maybe dumping there might be a problem?

Mayor Rice: I have no idea. I don't have any first hand of what happened, when it happened or...

Mr. Treadon: If it happened.

Mayor Rice: what the city, yea...

Mr. Treadon: Or if it happened.

Mr. Osborne: Well, Phil Roush seems to confirm it in his letter that there was dumping over a number of years. And I'm just wondering why there wasn't at least cursory examination of that area.

Mayor Rice: Well as I stated earlier, what's happening out Dressler now - I think council all has copies or should have copies of a work plan that was devised by Malcolm Pirnie, at the direction of the city, to recover drums that were dumped at the Dressler Road Well Field. That plan was submitted to EPA, EPA approved of it and that's what they're executing currently is that work plan.

So we're just executing that work plan that was part of that consent agreement, which was agreed to. Started back, gees, I don't remember when Tom...

Mr. Treadon: A couple years ago.

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Mayor Rice: A couple years ago - maybe a year and a half, two years ago. So again, I know how those documents get a little - like I said I had to go back and reread it myself here in the last few days. But you need to keep - keep aware of what we're doing out there. And it's in line with that work plan.

Mr. Held: Inaudible...

Mayor Rice: If you - it looks something like this.

Mr. Lindower: Could I - could I...

Mayor Rice: And you know, everybody got copies of these. This is what - what we're executing out there is this work plan. So any other issues would be other issues. This is what we're working on.

Mr. Lindower: Could I make a comment on Mr. Osborne's question Mayor? Chuck I think what you're referring to was possibly some encroachment onto that property by possibly - through neglect - strictly asphalt road grindings.

Mr. Osborne: Roush said inadvertently dumping.

Mr. Lindower: Yea, but you had referred to it as dumping which could include an awful lot of material, which would - give cause to some great concern.

Mr. Osborne: Well the document does describe road grindings and asphalt. I'm just wondering what could possibly be underneath all those road grindings and...

Mr. Lindower: I don't remember when it was but...

Mr. Osborne: I don't know if Malcolm Pirnie was ever aware of that document.

Mr. Lindower: I don't know...

Mr. Osborne: I'll have to pursue it with...

Mr. Lindower: I know that there was no - not much concern for the issue at the time. And I believe Nancy Fosnaught made mention of that in one of the council meetings on her own.

Mr. Treadon: She did.

Mr. Lindower: I believe the issue was just dropped and forgotten about. And I don't know if there was any concern any more, as far as the Fosnaught family is concerned on that.

Mr. Osborne: Well her mention of it is backed up with a city document.

Mr. Lindower: Has there been recent mention of it?

Mr. Treadon: No.

Mr. Lindower: Or are you going back there and digging old letters and you know....

Mr. Treadon: This is a 1997 letter - April...

Mr. Osborne: March of '97, yes.

Mr. Lindower: That's what I'm talking...

Mr. Treadon: April 16, 1997.

Mr. Lindower: Okay.

Mr. Treadon: And it talks about possibility of road grindings being deposited. There's road grindings deposited all over that property.

Mr. Lindower: Right.

Mrs. Kiesling: And everything else.

Mr. Osborne: And we've found out here in the last week there's other items as well. So I'm just curious why that area wasn't reviewed.

Mr. Treadon: It's not our - it's not our property.

Mr. Osborne: Well even though it wasn't our property it's our deposits that have been inadvertently put there.

Mr. Treadon: Well I - I tell you I'm intimately familiar with this property and what went on down there. And frankly I never thought this was an issue. Still don't - I still don't think...

Mr. Lindower: If I - if I could...

Mr. Treadon: still don't think it's an issue.

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Mr. Lindower: Mr. Fosnaught is in the audience at this time. Dan, are you concerned at this time about any of that?

Mr. Snyder: Inaudible...down there.

Dan Fosnaught (from audience): Yea.

Mr. Lindower: Okay. Okay, has there been - has that issue been raised just recently to somebody?

Mr. Fosnaught: Yea.

Mr. Lindower: Okay. I wasn't aware of that.

Mr. Fosnaught (from audience): Inaudible...only because they're looking for 20 some barrels and they haven't found them.

Mr. Treadon: No.

Mr. Fosnaught: And the city filled that property.

Mr. Lindower: Okay. But as far as this road grinding situation though, I recall when Nancy brought that issue up in '97.

Mr. Fosnaught: Inaudible...the city filled that property about 12 feet deep, over a half acre.

Mr. Lindower: I wasn't aware that there was recent communication on that. Has there been recent communication with the city or...

Mr. Treadon: This turning into...inaudible...witch hunt.

Mr. Fosnaught: The city never said anything to us, other than deny it - like the barrels that's supposed to be there.

Mr. Treadon: Do you have any proof that we dumped anything there?

Mr. Fosnaught: Your employees; will that work?

Mr. Treadon: Who?

Mr. Fosnaught: Mike Swallie.

Mr. Treadon: No. He didn't tell us anything about it.

Mr. Fosnaught: You probably didn't ask him.

Mr. Treadon: Oh, we asked him a lot of things.

Mr. Fosnaught: If you call him up and ask him, he'll tell you he's the one who filled it.

Mr. Treadon: We dumped grindings down there.

Mr. Fosnaught: You dumped 12 foot fill on that property - over a half acre.

Mr. Treadon: And?

Mr. Fosnaught: And what?

Mr. Treadon: And what affect has it had?

Mr. Fosnaught: What about barrels...inaudible...and contamination down there?

Mr. Treadon: What affect has it had?

Mr. Fosnaught: How do I know you didn't put the barrels on our property?

Mr. Treadon: Well we have no evidence that any barrels were put on your property.

Mr. Fosnaught: You didn't find the barrels on your property.

Mr. Treadon: We found barrels.

Mr. Fosnaught: Fattened ones that couldn't of held anything.

Mr. Treadon: Well when you dump barrels and put dirt on top they get flattened.

Mr. Fosnaught: No.

Mr. Treadon: Yes.

Mr. Fosnaught: Not if they're full of liquid.

Mr. Treadon: Well if you have some proof that you got barrels down there why don't you bring it to us?

Mr. Fosnaught: I don't know if I do.

Mr. Treadon: Well neither do we.

Mr. Fosnaught: Inaudible...

Mr. Treadon: Well I'm not prepared to advise this council or this administration to go on another witch hunt over barrels being dumped down there.

Mr. Osborne: I just thought a metal scan would of at least give you an idea whether it was any kind of metal or anything other than road grindings deposited there. That's all I have anyway.

Mr. Snyder: I may want...

Mrs. Magel: Dave, I just want - it was - she came up after 1997, because I think I was on council.

Mr. Treadon: She came up here last year - last year. And actually it was about a year ago we entered into that consent agreement - maybe even less than a year. And she came up here and made accusations at council meeting.

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(YEAR)

Mr. Osborne: Well they've been backed up with a letter from Phil Roush.

Mr. Treadon: This is not evidence of anything.

Mr. Snyder: I might want to say to the council and my colleagues, the Charter is very specific on the duty of a councilman in relationship to investigative things. Our job is legislative. It's not investigative - it's not the law. And I would caution any member of council as it would be my job as the president, please do not find yourself outside the Charter. That is malfeasance and misfeasance of office. And you're not empowered to do investigative work. Or do work that is not coordinated through the administration. That is job of the administration. And not being trained to do such things puts the city in a grave liability and a great jeopardy. So I would ask, please do not do any investigative or internal work that you're not charged by charter to do. And I will only say that and I think I say that will all due authority right now Mr. Law Director. And with that point thank you. I have no comment.

Mr. Osborne: Well I would say the city created the liability when they did the dumping.

Mr. Snyder: I realize, but that's up to the administration to follow through with that.

Mr. Treadon: We don't know that was dumped there.

Mr. Snyder: If it was anything. But...

Mr. Osborne: Okay.

FINAL CALL FOR NEW BUSINESS:

Mr. Snyder: Is there anybody in the audience wishing to speak for final call before the council? Seeing none I'll entertain a motion to adjourn.

Mr. McLaughlin: Man I ask the Mayor one last question?

Mr. Snyder: Sure, please.

Mr. McLaughlin: Mayor, I have a letter from a woman on Lynbrook about the park behind her house. Can you put that on with...

Mayor Rice: You talking about the fence, paint and stuff?

Mr. McLaughlin: Yea.

Mayor Rice: That's already been handled.

Mr. McLaughlin: Thank you. I'm done.

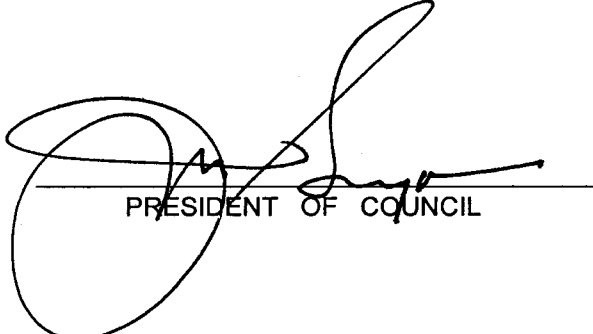
ADJOURN:

Mr. McLaughlin moved and Mrs. Magel seconded to adjourn the meeting. All members present voting:

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

No: 0

The meeting ended at 8:15 p.m.


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL